

IN THE COURT OF COMMON PLEAS OF LEBANON COUNTY, PENNSYLVANIA

<p>LEBANON SOLAR I, LLC,</p> <p style="text-align: right;">Appellant,</p> <p style="text-align: center;">v.</p> <p>NORTH ANNVILLE TOWNSHIP BOARD OF SUPERVISORS,</p> <p style="text-align: right;">Appellee,</p> <p style="text-align: center;">and</p> <p>GRADY SUMMERS,</p> <p style="text-align: right;">Intervenor.</p>	<p>CIVIL DIVISION</p> <p>No. 2022-00553</p> <p>CONCISE STATEMENT OF ERRORS</p> <p>Filed on behalf of Appellee, North Annville Township Board of Supervisors</p> <p>Judge Bradford H. Charles</p>
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 LEBANON, PA  
 2024 APR -2 A 10:31

North Annville Township, Cross-Appellant, by the undersigned attorney, hereby submits this Concise Statement of Errors pursuant to Rule 1925(b) of the Pennsylvania Rules of Appellate Procedure in response to Judge Bradford H. Charles’ Order of Court requiring the Cross-Appellant, North Annville Township, to file a Statement of Errors Complained of and serve upon all parties and provide a copy to the Judge’s Chambers.

In the Order of January 26, 2024, the Court erred in rejecting and denying grounds of North Annville Township in its Land Use Decision denying the Application for Conditional Use by the Appellant, Lebanon Solar I, LLC for the following reasons:

1. The Court erred in its rulings of February 13, 2023, and January 26, 2024, finding that Lebanon Solar’s appeal to the trial court was timely filed. Therefore, the Court was without jurisdiction to hear the appeal.
2. The Court erred in ruling that the definition of the term “lot” as set forth in the Ordinance

allowed the 12 separately owned lots(parcel) to be considered jointly as one lot.

3. The Court erred in its holding that each of the 12 lots were not required individually to meet the specifications of conditional use.
4. The Court erred in its holding that Lebanon Solar's proposal complied with the requirements of buffering that were required by the Ordinance when the proposal provided for buffering of the exterior of the project and not each of the 12 lots.
5. The Court erred in its holding that North Annville Township was estopped or otherwise prevented from considering all 12 of the lots included within the Appellant's application to the Supervisors for conditional use as being separate lots and not treated as one lot.

Respectfully submitted,

BARLEY SNYDER LLP

By: 

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Counsel for Appellee

Date: April 1, 2024

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



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Paul C. Bametzreider, Esquire

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing Concise Statement of Errors is being served either by First Class Mail at Lebanon, Pennsylvania, addressed as follows or by interoffice delivery:

Via First Class Mail:       **Counsel for Lebanon Solar I, LLC**  
Anna S. Jewart, Esquire  
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**Counsel for Intervenor**  
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Via Hand Delivery:       Honorable Bradford H. Charles  
Lebanon County Courthouse  
400 South 8<sup>th</sup> Street  
Lebanon, PA 17042

BARLEY SNYDER LLP

By:   
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Paul C. Bametzreider

Date: April 1, 2024