

Lebanon Co. farmer fights for equal rights

BY SHEILA MILLER

MT. ZION — "We're far from done fighting, even though it's costing us thousands of dollars," said Kenneth G. Grumbine after hearing the decision of Bethel Township Zoning Hearing Board members on Wednesday.

The Wednesday evening meeting at the municipal building in Fredericksburg found close to thirty people listening to the arguments of three lawyers involved in Grumbine's appeal that the subdivision plan of Paul and Mary McCorkle be disapproved.

The three board members, after hearing a lengthy disorientation by the Grumbine's attorney, unanimously voted against the Lebanon County farmer in favor of the subdivision plans.

The township hearing came about as a result of a ruling by Lebanon County judge G. Thomas Gates on April 17.

After having been told by the zoning board that it did not have jurisdiction to hear the appeal of the Grumbines on the approval of the subdivision plan, the Grumbines decided to take the local township zoning board to court.

All witnesses were served subpoenas and were present that Thursday morning, but they were never called on to testify. After a recess, Judge Gates ruled that "Mr. and Mrs. Grumbine alleged that they are aggrieved by the action of the governing body of Bethel Township in approving the development plan of the McCorkles. Therefore, their appeal to the Zoning Hearing Board was proper under the Municipal Corporation Code above referred to, and the Board erred in refusing to hold a hearing."

The Grumbines and their attorney packed up their piles of paperwork and waited for May 14 for the hearing they requested months and one court case earlier.

The formal rulings by the township do not seem to discourage the Lebanon

County farm family, however.

Kenneth and Pauline have been fighting this neighboring development for over a year and a half. They've attended township meetings and planning meetings each month, hitting sometimes two meetings a month in order to stay on top of the situation.

The Grumbines told Lancaster Farming the trouble started in July, 1978, when the neighboring farm, owned since 1955 by Lydia Muth, was sold to McCorkle.

According to Grumbine, McCorkle, called a gentleman farmer by some, bought the 14 acre property for \$78,500, and would have probably run it up into the \$100,000's.

Grumbine said a number of his friends told him he should buy the little farm when it went on the block, but he said he didn't feel it was worth the price.

Grumbine, in his 50's, and his father before him, farmed the small farm and was familiar with what it could produce.

"I was hoping someone who wanted a farmette would buy it, and keep it as a farm," he said. "Mrs. Muth wanted to keep the land in farming—she wouldn't even sell her children lots."

But McCorkle, who is a home builder on the side, bought the property and started planning an eight lot housing development. The plans for septic systems, erosion control and storm water management were submitted to the township and the Lebanon County Planning Commission for review.

The plans did not just breeze through, said Grumbine, because he and his wife fought the development, sometimes single handedly.

They watched and witnessed a civil engineer doing the percolation tests for the lots, said Grumbine. "We talked to John Diviney while he was there, and he told us the holes all failed for conventional and sand-mound sewerage disposal."

Not satisfied with the report of that engineer, McCorkle hired a new firm. Surprisingly, the report did an about-face and now the test holes passed.

The new engineering crew did not condone the "inquisitiveness" of Grumbine, however, and ordered him off the property while they did the testing. "They put up no trespassing signs, but I watched them through my field glasses."

According to Grumbine, he watched the new crew for four hours, and after they initially filled the test holes with water, no more was added in the three and a half hours they were testing.

From the start, Grumbine said, he tried to work with the Soil Conservation Service's Karl Hellerick "so that McCorkle would keep his water on his side, but Hellerick wouldn't cooperate. He said he'd cooperate with the developer, but not both of us."

Grumbine had cooperated with the former owner, Lydia Muth in 1976 when they installed a diversion to control water from his fields and her garden.

Grumbine had worked with SCS in 1960 when he got their help in installing tile drainage in his meadow. "Now, what good has draining that meadow done. All the water from the development comes across the road and makes my meadow a swampy mess," said Grumbine.

"My wife does 99 percent of the milking by herself. That's the reason why we did the tiling in the first place, to get rid of the mud so the cows wouldn't be dragging their bags through it. She has to wash each teat and wipe each one with a



Kenneth and Pauline Grumbine, R2 Myerstown, survey the stone ditch that brings water from the McCorkle retention basin (behind the red barn) along the property line and finally dumps it into a culvert under Long Lane. The water keeps the Grumbine's pasture and area in front of the barn a "muddy mess" for their cows to walk through.



"We don't have much to smile right now," said Kenneth and Pauline as they looked over their herd of dairy cows, housed downstream from the dam.

separate towel. But with all their water, what was the use?"

Grumbine is not only upset that the water is making his meadow back into a swamp,


he said he is also afraid it will get into his barn.

The retention basin that was installed on the McCorkle property outlets directly toward the

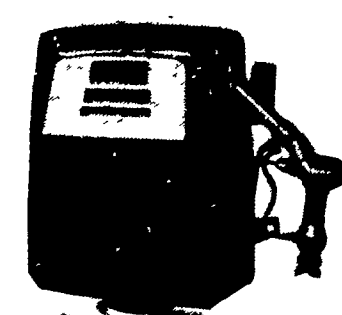
Grumbine barn, with both emergency spillway and pipe outlet aiming toward his building like a gun.

Since the retention basin (Turn to Page A15)

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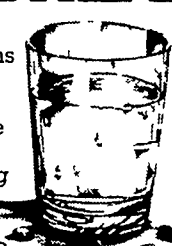
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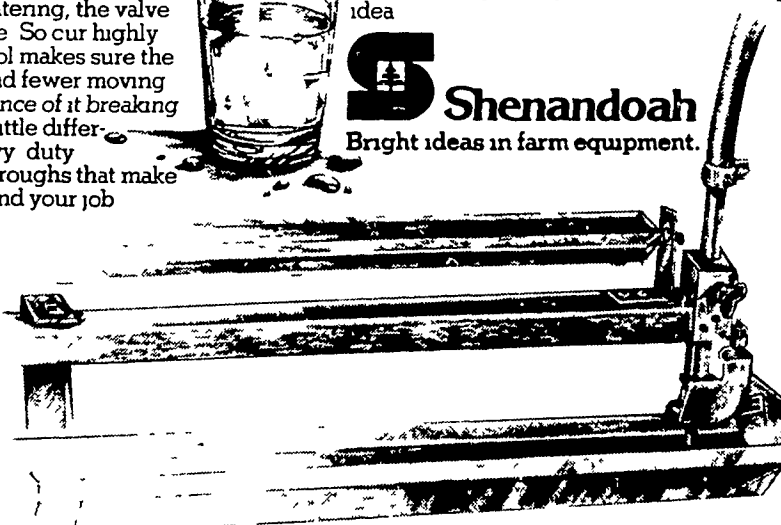


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