

ZONING HEARING BOARD
JANUARY 25, 2016

On Monday, January 25, 2016 at 7:00 P.M., after due advertisement according to law, a public meeting of the Zoning Hearing Board was held in the Municipal Building, 550 Washington Road. Vice-Chairman Andrew Rembert and James Stewart were present. Also present were Dennis Makel, Esquire and Ellen Wallo, Recording Secretary. Chairman Don Lambert and Member John Burgess were absent.

Mr. Rembert swore in members of the audience who are presenting testimony.

PUBLIC COMMENTS

None.

REORGANIZATION

Mr. Rembert announced that Reorganization would be held at a later meeting when Mr. Lambert is in attendance.

PUBLIC HEARING

HCB Foundry, LLC c/o Jonathan M. Kamin, Esquire

The first agenda item is consideration of the application of HCB Foundry, LLC c/o Jonathan M. Kamin, Esquire for a variance and an interpretation to the Zoning Ordinance for the purpose of erecting mid-rise apartments at The Old Mill on Washington Road, zone C-2.

Present in support of this application were Jonathan M. Kamin, Patrick Cooper of Gateway Engineers. Andy Boyd of TSG Properties and Steven Victor of Victor Wetzel Associates.

Mr. Kamin stated that the Ordinance permits mid-rise apartments (4 to 6 stories) in the C-2 Zoning District as a Conditional Use with office or retail space on the first floor of such buildings.

Mr. Kamin stated that TSG Properties was left with a large amount of dirt that was moved to the rear of the property at The Old Mill after the Premier Properties' project was left unfinished. This property is where they wish to construct the mid-rise apartments. This land is 28 feet higher than the retail part of The Old Mill and is not suitable for retail on the first floor.

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Mr. Kamin also stated that they wish to construct 225 apartment units in two buildings at this nine (9) acre site.

Mr. Cooper stated that a Comprehensive Traffic Study is being done at this time. He pointed out that apartments at this site will generate 375 less trips a day than a retail development would.

Solicitor Makel reported that a new exhibit (Exhibit A) which is a variance application, was presented to the Board at this meeting.

Steven Victor of Victor-Wetzel Associates was in attendance to present testimony. Mr. Victor specializes in land planning and is appearing as an expert witness.

Mr. Kamin asked Mr. Victor to explain why this site is a good one for apartments without offices below. Mr. Victor stated that from Route 19 to the site, there is a 28 foot grade change which prohibits retail from doing well. Mr. Victor also stated that Berry Road is the closest access and apartment living would produce much less traffic than a retail site. Also, this site is irregular and narrow and much better suited to two (2) apartment buildings than to a retail development and the parking ratio is much greater for retail than for apartment living.

Mr. Rembert asked why this issue is being brought before the Zoning Hearing Board for a variance before it is presented to the Planning Commission as a Conditional Use.

Mr. Victor stated that this is a hardship for HCB Foundry, LLC and their recourse is to ask for relief of that hardship from the Zoning Hearing Board before applying to the Planning Commission for Conditional Use to build such apartments.

Mr. Makel asked how long HCB Foundry, LLC owned this property. Mr. Kamin stated that it has been owned by HCB Foundry, LLC since 2013.

Mr. Makel also asked Mr. Kamin if he has spoken to Zoning Officer John Stickle regarding this matter and Mr. Kamin stated that he has.

Mr. Victor then stated five (5) conditions that cause HCB Foundry, LLC to not be able to use the property in question without a variance. They are:

1. Apartment buildings cannot be built in strict conformity to the Zoning Ordinance.
2. The hardship of the soil having been moved to this site from the previous Premier Properties site was an edict of the PA Department of Environmental Protection.
3. The hardship of the soil having been moved to this site was not caused by HCB Foundry, LLC.

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4. Apartment buildings at this site will not alter the essential character of the neighborhood.
5. This request is for a minimum variance.

Mr. Rembert asked if it was feasible to have a few offices on the first floor of such apartment buildings.

Mr. Victor stated that such offices would not be easy to fill with retail so close and the offices not being visible from The Old Mill.

Mr. Makel asked for a motion to mark three (3) items into evidence.

Mr. Rembert then made a motion, seconded by Mr. Stewart, to enter into evidence:

- A. Variance application dated 1-25-16.
- B. Traffic letter received from Gateway Engineers.
- C. Miniature drawings (3 pages) of The Old Mill Master Plan, proposed apartment buildings and site of the proposed apartment buildings.

The motion carried.

Mr. Rembert then asked for comments from the audience.

Layne Zipko, 729 Berry Road, stated that she is a member of the Board of Supervisors and the Planning Commission and that the Township is preparing a Comprehensive Plan.

She also stated that traffic from this proposed complex would impact Berry Road, which already has traffic issues due to it being a country road.

Ms. Zipko also stated that her family raises cattle and runoff from the gob pile in question has affected their cattle and they would not like to see it disturbed any further and that her family is opposed to this venture.

Mr. Rembert made a motion to close this hearing. The motion was seconded by Mr. Stewart and carried.

The Board then went into Executive Session.

At the conclusion of the Executive Session, Mr. Rembert made a motion in the affirmative for the application of HCB Foundry, LLC c/o Jonathan M. Kamin, Esquire for a variance and interpretation to the Zoning Ordinance for the purpose of erecting mid-rise apartments at The Old Mill on Washington Road, zone C-2. Mr. Rembert then voted to deny granting this variance. Mr. Stewart also voted to deny this variance and it carried.

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PUBLIC HEARING
Amanda and Shaun Cooper

The next item on the agenda was consideration of the application of Amanda and Shaun Cooper of 1585 Hillcrest Street for a variance to Article 245, Section 172.C.1.A to build an inground pool, zone R-3.

Amanda and Shaun Cooper were present in support of this application.

Mr. Cooper explained that they are requesting an 8 ft. variance in their rear yard facing Hillcrest Street (rear of this property). Hillcrest Street is the only thing abutting the Coopers yard in the rear. All other sides meet the 20 ft. restriction for a swimming pool.

The Coopers yard is completely fenced-in with a 6 ft. shadowbox fence and has two (2) locking gates.

Mr. Rembert asked if there were any comments from the audience and there were none.

Mr. Rembert then made a motion to approve the application of Amanda and Shaun Cooper of 1585 Hillcrest Street for an 8 ft. variance to the rear of their property to build an inground pool, zone R-3. Mr. Stewart seconded the motion and it carried.

ADJOURNMENT

A motion was made by Mr. Rembert, seconded by Mr. Stewart, to adjourn the meeting at 8:30 P.M. The motion carried.

Submitted by,

Ellen G. Wallo
Recording Secretary

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