

## PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

March 24, 2016 Meeting Minutes

**CALL TO ORDER** – Michael Guigley called the March 24, 2016 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Michael Guigley, Terry Stump, and Steve Morgan 2<sup>nd</sup> Alternate. Also present were Pine Grove Township Manager Kathy Ferguson, Zoning Hearing Board Solicitor Ashley Securda, Zoning Officer Dan Bode, stenographer Marjorie Lally, Nick Fanelli and others, list on file.

**REORGANIZATION for 2016** - Steve Morgan nominated Michael Guigley as 2016 Temporary Chairperson and Terry Stump seconded the motion; all were in favor and motion carried 3 to 0.

**CALL TO ORDER** – Guigley acknowledged the appointment and reappointment of Terry Stump as a member and the reappointment of Steve Morgan as 2<sup>nd</sup> Alternate; terms ending January 2019.

**APPOINT CHAIRPERSON** – Terry Stump nominated Michael Guigley as 2016 Chairperson and Steve Morgan seconded the motion; all were in favor and motion carried 3 to 0.

**APPOINT VICE-CHAIRPERSON** – Terry Stump nominated Donna Reilly as 2016 Vice-Chairwoman and Steve Morgan seconded the motion; all were in favor and motion carried 3 to 0.

**2016 MONTHLY MEETINGS** – Guigley announced the Zoning Hearing Board will meet at 6:30 PM on the fourth Thursday of each month except in November it will be on the third Thursday.

**DECLARATION OF QUORUM** – A quorum was declared.

**MEETING MINUTES** – Morgan moved to approve Zoning Hearing Board minutes for November 19, 2015. Stump seconded the motion, all were in favor and motion carried 3 to 0. Guigley noted the December 17, 2015, January 28, 2016 and February 25, 2016 meetings had been cancelled as no hearing applications were received.

**HEARING OF CASE – Fanelli Group Inc.** Attorney Securda read the public notice: *“To hear a request from the applicant, Fanelli Group, Inc. for 2 Pleasant Valley Road (SR443), Pine Grove, PA 17963, Parcel #21-05-0161.000, zoned I-1 (Light Industrial) for a Special Exception of §522.1(F), Uses Permitted by Special Exception. The following use is permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with §903(8), Indoor Recreation.”*

Nick Fanelli represented the Fanelli Group, owner of the property. Fanelli explained in September 8, 2011 the facility experienced a catastrophic flood and with no practical means of obtaining insurance against a flood, the property has been unused for approximately five years, used mainly to park mobile homes. Fanelli said Russ Frantz, a physical education teacher at Pine Grove schools, approached Fanelli about leasing a small portion of the most recently expanded portion of the build for use as an indoor fitness training facility. Fanelli said in November they executed a lease agreement and Frantz took occupancy of the premises. Fanelli said in February 2016 they were notified they were in violation of the Pine Grove Township Zoning Ordinance because they did not receive a special exception.

Fanelli referenced the following Special Exceptions requirements sections in Pine Grove Township’s Zoning Ordinance:

§903.8 A – Fanelli said the Light Industrial zoning permits recreational use under §522.F.

§903.8.B – *“Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.”* Fanelli said the only additional criteria would be for injury or damage to the property. Fanelli presented Frantz’s insurance policy as an Exhibit.

§903.8.C – *“Such use shall not adversely affect the character of the general neighborhood...”* Fanelli said the use is entirely indoors and he does not see any adverse effect.

§903.8.D – Fanelli said the facility used to receive 200 vehicles per day and now it is probably 10 per day, the proposed use is less impactful than what preceded by right.

§ 903.8.E – *Services and utilities...* Fanelli said heat, water and sewer are available and presented the most recent water and sewer bills. Fanelli said the rest rooms are across the way in the former drywall finishing center which is unlocked.

**Exhibits**

- A – Insurance Policy

**Zoning Hearing Board Attorney** – Attorney Securda asked the following questions:

- What are the hours of operation? Fanelli responded he was not sure, approximately the hours are Monday thru Friday 3 PM to 7 PM and Saturday 11 AM to 4 PM.
- Is Russ Frantz the only employee that would be there? Fanelli believes Frantz’s wife is a member of the LLC but he does not think she is an employee.
- What is the term of the lease? Fanelli said the initial one-year term will expire November 30, 2016.

**Testimony**

- **Daniel Bode Zoning Officer** was sworn in. Bode said “the Township is not in any way opposed to this use in fact we probably would encourage the repurposing of a vacant building, all we are interested in is that the letter of the regulation is followed here. And by us being here tonight, Mr. Fanelli being here tonight, that letter of the regulation is being followed”. Bode said one concern he had when he looked at the property was a portable potty inside and if it was being utilized for a source of waste disposal that does not meet the criteria of the Commonwealth of Pennsylvania, but Mr. Fanelli has testified there is sewer and water available in an adjacent facility. Bode said he did not see that at the time but he has no reason to doubt what he is telling us. Bode said, “So the use is we feel, the Township feels, it’s a use beneficial to our youth. So we sort of kill two birds with one stone. We get a building that has been, I don’t want to say derelict, I will say unused and largely unusable and now we also get a training facility for young people in our community, so the Township is not opposed to this.”

**Public Comment** – No comments or questions were received.

**Deliberation** – The Zoning Hearing Board recessed at 6:46 PM to deliberate with Attorney Ashley Securda.

**Decision for the Fanelli Group, Inc.** – The hearing resumed at 6:50 PM. Stump moved to grant the requested use permitted by special exception pursuant to §5221.1(F). Morgan seconded the motion, all were in favor and motion carried 3 to 0.

**ADJOURNMENT** – A motion to adjourn was made at 6:55 PM by Stump and seconded by Morgan, all were in favor and motion carried 3 to 0.

**Respectfully Submitted,**

**Kathy Ferguson  
Pine Grove Township Manager**

**Approved by the Zoning Hearing Board on May 12, 2016.**

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