

PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

April 28, 2016 Meeting Minutes

CALL TO ORDER – Donna Reilly Vice-Chairwoman called the April 28, 2016 meeting to order at 6:33 PM with the Pledge of Allegiance. Attending were Board Members Donna Reilly, Terry Stump, Dale Reichert (1st Alternate), and Steve Morgan (2nd Alternate). Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor George R. Hludzik, Zoning Officer Dan Bode, stenographer Marjorie Lally, Marlin Hummel, Kenneth Myers, Mike Balthaser, Megan Davis, Joan Schwer, Mark Strubhar, Patricia Brand, Andrew Logsdon, Phyllis Monger, Karen Hoy, and others, list on file.

DECLARATION OF QUORUM – A quorum was declared.

Reilly said the order of the hearings will be changed and the Hummel case will be heard first. Attorney George Hludzik noted both cases were legally advertised for 6:30 PM so the order is at the preference of the Zoning Hearing Board.

First Alternate Dale Reichert recused himself and member Terry Stump was seated to hear the Marlin and Donna Hummel case.

HEARING OF CASE – Hummel, Marlin and Donna - Reilly said we have a request from Marlin and Donna Hummel from 35 Moonshine Road for a variance of §406 Area, Yard and Height Regulations and §407 Exception to Area, Yard and Height Regulations.

Exhibits

- 1 – Neighborhood Property Sizes
- 2 – Aerial View of Property

Testimony

Marlin Hummel – was sworn in and testified he presently lives in Jonestown in a mobile home park, he purchased the property on Moonshine road to separate it into three (3) lots; one lot for he and his wife, another lot for his daughter and severely handicapped granddaughter and the third lot for his son. Hummel explained he and his daughter share the duties of caring for his handicapped granddaughter and would like to construct a home for his daughter and granddaughter so they could be near to him and he could assist in his granddaughter’s daily care.

Hummel testified he is asking for a variance to divide the 4.8 acres property into three lots and Moonshine Road is a natural dividing line for the property. Hummel presented Exhibits 1 and 2. Hummel explained when he purchased the property the realtor gave him Exhibit 1 – “Neighborhood Property Sizes” which shows eight (8) properties which are less than 5 acres and range from .7 to 3.8 acres. Hummel testified he would like to divide the 4.8 acres into three (3) properties, two (2) parcels of equal size on the North side of Moonshine Road and one (1) at 1.8 acres on the South side of Moonshine Road with Moonshine Road as a natural division. Hummel testified there is adequate road frontage to service each of the three (3) lots and it is not inconsistent with properties in the neighborhood.

Daniel Bode, Pine Grove Township Zoning Officer was sworn in and testified about his review of the area and confirmed he found the same information which was presented in Exhibit 1, that there are a number of properties located in the zoning district which are substantially under the five (5) acres requirements. Bode testified the subdivision would not impair the characteristics of the area on Moonshine Road.

Kenneth Myers was sworn in and testified he owns the property on the East side of Hummel. Myers said he discussed with Hummel and he does not have any objections to the subdivision of the property.

Deliberation – The Zoning Hearing Board recessed at 7:50 PM to deliberate. The Zoning Hearing Board left the room to confer with Attorney Hludzik.

Decision for Hummel, Marlin and Donna. – The hearing resumed at 8:06 PM. Stump moved to grant the variance to the Hummel’s to allow the 4.8 acres to be subdivided into three (3) parcels as follows: one (1) parcel on the

South side of Moonshine Road to consist of an area of 1.8 acres in size and the remaining three (3) acres on the North side of Moonshine Road may be subdivided into two (2) equal parcels of approximately 1.5 acres in dimension. Moyer seconded the motion, all were in favor and motion carried 3 to 0. Attorney Hludzik mentioned the board will have 45 days from today's date to issue a written decision or opinion on this matter and anyone who registered as an interested party to this hearing would have 30 days from the date of the written decision to appeal the decision.

HEARING OF CASE – Pine Grove Ten Pin Club - Terry Stump recused himself and Dale Reichert 1st Alternate was seated to hear the Pine Grove Ten Pin Club case.

Reilly said the Pine Grove Ten Pin Club is requesting a special exception to build a larger building, more up to date building, to replace the current building upon occupancy of the new building the old building will be demolished.

Exhibits

- **A** – Pine Grove Ten Pin Club Boundary Survey

Testimony

Mike Balthaser for the Ten Pin was sworn in and testified the building needs to be updated for many reasons such as it is out of date, increase in membership, handicap accessible, more exits, etc. Balthaser presented the Pine Grove Ten Pin Club Boundary Survey with notes indicating the current building is 24' x 40' and the location of the new 45' x 120' building.

Zoning Hearing Board Members Questioned

Reilly asked Balthaser the following questions:

- How old is the building? Balthaser testified the club was established 1933 and the property was purchased in 1944. Reilly asked the residents if anyone's homes was older than 1944?
- Asked the location of the new building, and noted the Zoning Ordinance only allows one driveway. Balthaser said the new building would be approximately eighty-one (81') feet east of the old clubhouse and is located on a property of approximately thirty (30) acres. Balthaser said there are two driveways; they would like to abandon the top driveway and use the lower driveway.
- About the septic and water. Balthaser testified the current building has public sewer and they have a well.
- Are there outdoor events? Balthaser currently in August or September there is a Pig Roast.
- Do you have shooting events? Balthaser said they hold two (2) block shoots per year.

Megan Davis was sworn in and testified they have block shoots, usually at Easter and Thanksgiving.

- What is wrong with original building? Balthaser said the current building is old, outdated and in need of repairs.

Zoning Hearing Board Attorney Questioned

Attorney Hludzik asked the following questions:

- What is located to the East of the property? Balthaser said that is the Ten Pins Property.
- Would anything prevent them from moving the building to the East to prevent noise? Balthaser said cost, because of the grade and the sewer connection they would need to consider pumping.
- Does the club have a public liquor license? Balthaser said they have a club license.
- How many members? Balthaser said currently 800 members.
- What time does the club close? Balthaser said weeknights it varies he is not familiar he is the secretary he does not manage the bar but he thinks last call is 1:30 and bar closes at 2.

Testimony

- **Daniel Bode, Pine Grove Township Zoning Officer** was sworn and explained a non-conforming use. Bode testified that the Zoning Ordinance allows for a fifty (50%) percent expansion. He testified the current building is not handicap accessible and that the current entrance is dangerous. Bode testified he does not have any formal complaints in his records for the Ten Pin Club.
- **Joan Schwer** was sworn in and explained she lives on Long Stretch Road on the turn and explained Saturday there was an accident on her property. Schwer said she has lived there for the past thirty (30) years and her

fence has been damaged at least twenty (20) times and she objects to the excessive drinking. Attorney Hludzik explained this is a matter for the Pennsylvania Liquor Control Board (PLCB) and the police.

- **Mark Strubhar** was sworn in and questioned the noise outside. Reilly explained we cannot address these issues these they are police issues.
- **Patricia Brand** was sworn in and explained the mailboxes at the bottom of the hill from the Ten Pin, about accidents and the noise. Reilly said to talk to the police.
- **Andrew Logsdon** was sworn and asked if the 25' x 40' building is falling down what is the reason to go 45' x 120', why 4 times the size? Balthaser said for more space, for another pool table, band, dances but they have no intention to have any activities that you would not find at other clubs. Logsdon said his biggest concern is with the size of the building, would it become a banquet hall and occurring every weekend? Balthaser said they have not talked about this and believe this would be beyond their licensing, right now there are no intentions of this. Logsdon said as a nearby homeowner he is concerned about traffic, if it occurs every weekend it would decrease his property value.
- **Phyllis Monger** was sworn testified they live on the turn below the Ten Pin and she said about an accident that hit their car.
- **Karen Hoy** was sworn in and said she moved here in 1988 and she objects to the noise of squealing tires and is concerned with the increase of water usage for the wells.

Deliberation – The Zoning Hearing Board recessed at 7:50 PM to deliberate. The Zoning Hearing Board left the room to confer with Attorney George Hludzik.

Decision for the Pine Grove Ten Pin Club. – The hearing resumed at 8:09 PM. Morgan moved to grant the request for the Ten Pin Club to construct a new building with the following conditions. Attorney Hludzik read the conditions as discussed by the Zoning Hearing Board:

- The Ten Pin Club must comply with all Pennsylvania Liquor Control Board Rules and Regulations
- The Ten Pin Club shall have no more than two (2) Block Shoots each per year
- There shall be no rental of the club premises to the general public other than members of the club
- Ten Pin Club must discontinue the use of the Southernmost driveway
- There shall be only one (1) outdoor alcohol licensed event per year and
- The Ten Pin Club must comply with all other Township Zoning Ordinances or Building Codes with respect with lighting, stormwater runoff, noise, and etc.

Reichert seconded the motion, all were in favor and motion carried 3 to 0. Attorney Hludzik said the Township will have 45 days to issue its written decision and any of those individuals who spoke up or registered as an objector this evening will have 30 days from the date of the written decision to file an appeal.

ADJOURNMENT – A meeting was adjourned 8:10 PM.

Respectfully Submitted,

Cynthia Hummel
Zoning Hearing Board Secretary

Approved on September 22, 2016 at Zoning Hearing Board Meeting

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