

PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

September 22, 2016 Minutes

CALL TO ORDER – Chairman Michael Guigley called the September 22, 2016 meeting to order at 6:31 PM with the Pledge of Allegiance. Attending were Board Members Michael Guigley, Terry Stump, and 1st Alternate Dale Reichert. Also present were Zoning Hearing Board Solicitor Attorney George Hludzik, Zoning Hearing Board Secretary Cynthia Hummel, Township Manager Kathy Ferguson, Attorney Gretchen Coles Sterns, Meloni Lehman, list on file.

DECLARATION OF QUORUM – A quorum was declared.

PUBLIC COMMENT ON AGENDA ITEMS – No public comment.

MINUTES – Stump moved to approve the April 28, 2016 minutes. Reichert seconded the motion, all were in favor and motion carried 3 to 0. Reichert moved to approve the May 12, 2016 minutes. Stump seconded the motion, all were in favor and motion carried 3 to 0. Guigley said the June 23, July 28, and August 25, 2016 meetings were cancelled.

Since the plaintiff was not present, Chairman Guigley said we will suspend the order and discuss the old business.

OLD BUSINESS – Guigley mentioned at the special meeting the Board had questions for the attorney which were:

- **Unsigned Bylaws** – Attorney George Hludzik mentioned procedures are not required. Kathy Ferguson, Township Manager mentioned the general consensus of the Zoning Hearing Board was the MPC procedures were sufficient and there was no record the Bylaws were ever adopted. Attorney Hludzik said since no records were found than the Bylaws do not exist. Ferguson mentioned the Board should state for the record they would use the MPC Zoning Hearing Board procedures.
- **Time Restrictions** – After a brief discussion a time restriction will not be imposed.
- **Official Signature** – Attorney George Hludzik said it is possible to have the person who chairs the hearing, at a properly noticed meeting, with a quorum, could be authorized to sign documents. A motion was made by Stump, for the official signature to be the Chairperson, then Vice-Chairperson, or another appointed board member present at the meeting. The motion was seconded by Reichert, all were in favor, motion carried 3 to 0.
- **Public Comment** – Attorney Hludzik said public comment is made by the objectors prior to deliberation so a public comment section is not required.

Guigley said he would like to recommend the Township address some upcoming issues in zoning. Guigley mentioned the biggest ones are medical marijuana, Airbnb, natural gas compressor stations, and a limit of multiple families living in one dwelling. After a brief discussion, a motion was made by Reichert and seconded by Stump to authorize the Zoning Hearing Board secretary to compose a letter to the Board of Supervisors recommending amending the zoning ordinances with upcoming issues, all were in favor, motion carried 3 to 0.

PERSONS TO BE HEARD - Matthew M. & Meloni J. Lehman - Attorney Gretchen Coles Sterns representing the Lehman's submitted Applicant Exhibit 1 and 2.

Applicant Exhibits

- 1 – Application
- 2 – Subdivision Plan

Attorney Coles Sterns gave an overview. She explained the property is approximately a 9 acre' tract on Mountain Road and the Lehman's are separating. Mrs. Lehman would retain the house with 1.461 acres and Mr. Lehman would retain the remaining 7.676 acres to be subdivided. Attorney Sterns said there is no new construction planned and there is already an existing home, the residual tract would be for hunting. The Lehman's are requesting variance to §406- Rural Preservation which requires a 5 acre minimum and §407 which requires 10.001 acres to subdivide. Attorney Coles Sterns said it would be difficult to divide their assets without the subdivision. The subdivision is not for profit it is to separate the asset and retain the land that was in the family.

Zoning Hearing Board Attorney – Attorney Hludzik presented the following exhibits:

Board Exhibits

- 1 – E-mail from the Pine Grove Township Zoning Officer
- 2 – Proof of publication

Zoning Hearing Board Attorney Hludzik said the e-mail indicates the Zoning Officer visited and posted the property. Attorney Hludzik mentioned the square footage of the home and the impervious surface are less than the required 10%.

Testimony

Meloni Lehman arrived at 6:55PM and was sworn in. Lehman testified she lives and owns the home at 221 Mountain Road with Matthew Lehman. She testified both properties would have frontage and the paved area is approximately 6.19%. Lehman stated she and Matthew are separating and it would cause a hardship if they could not subdivide the property. Lehman said Matthew’s purpose for the residue tract is for recreation purposes and he does not intend to build.

Deliberation – The Zoning Hearing Board recessed at 6:56 PM to deliberate with Attorney Hludzik.

Decision for the Matthew M. and Meloni J. Lehman – The hearing resumed at 7:04 PM. Stump moved to grant the requested variance for §406 and §407, Reichert seconded the motion, all were in favor and motion carried 3 to 0. Attorney Hludzik said based on the review of the law, your application should be granted under the theory that it is a de minimis variance. You have just a little bit more land that you would almost be entitled to this by right and therefore they’re granting this under de minimis theory.

CORRESPONDENCE – No correspondence was received.

ADJOURNMENT – Stump made a motion and Reichert second the motion to adjourn the meeting at 7:05 PM, all were in favor and motion carried 3 to 0.

Respectfully Submitted,

Cynthia Hummel
Zoning Hearing Board Secretary

Approved on November 17, 2016 at Zoning Hearing Board

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