

# PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

January 25, 2018 Meeting Minutes

**RE-ORGANIZATION for 2018** – Dale Reichert nominated Donna Reilly as Temporary Chairwoman, Michael Guigley seconded the motion, all were in favor and motion carried 3-0.

**CALL TO ORDER** – Temporary Chairwoman Donna Reilly called the January 25, 2018 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Donna Reilly, Michael Guigley, and Dale Reichert. Also present were Zoning Hearing Board & Planning Commission Secretary Cynthia Hummel, Zoning Hearing Board Solicitor George Hludzik, Zoning Officer William Anders (Lehigh Engineering, LLC.), stenographer Marjorie Lally, David Kavitski (BCM Engineering), Ronald Aungst, Barbara Sites, Howard Lengel (Pine Grove Township Supervisor), and others, list on file.

**APPOINT CHAIRPERSON** – Dale Reichert nominated Donna Reilly as 2018 Chairwoman and Michael Guigley seconded the motion; all were in favor and motion carried 3 to 0.

**APPOINT VICE-CHAIRPERSON** – Donna Reilly nominated Michael Guigley as 2018 Vice-Chairman and Dale Reichert seconded the motion; all were in favor and motion carried 3 to 0.

**2018 MONTHLY MEETINGS** – Reilly 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** – Reichert moved to approve the Zoning Hearing Board minutes for December 28, 2017. Reilly seconded the motion, all were in favor and motion carried 3 to 0. Guigley made a motion to accept the Zoning Hearing Board 2017 Annual Report to the Board of Supervisors, Reichert seconded the motion, all were in favor.

**HEARING OF CASE – Pine Grove Borough** – Reilly said we are here for a special exception and variance to the Zoning Ordinance, she read the definitions and requirements. Reilly said Pine Grove Borough is asking for a special exception and variances for Lot #71 Woodhaven Vista Drive, Pine Grove, Parcel #21-05-0049.001 Zoned R1 (Low Density Residential) for:

§628	Special Exception to permit non-residential water storage tank.		
§428	Variances to Area, Yard and Height	<u>Required</u>	<u>Proposed</u>
	Maximum Building Height	35 feet	62 feet
	Minimum Lot Area	1.5 acres	.25 acres
	Lot width at Street Line	150 feet	100 feet
	Front & Rear Yard Setback	50 feet	20 feet
	Side Yard Setback	50 feet	15 feet

## Testimony

- **David J. Kavitski BCM Engineers** was sworn in and testified Pine Grove Borough would like to construct a 1.5-million-gallon tank on Lot #71 Woodhaven Vista Drive. Presently the Borough has a 1-million-gallon concrete tank in Echo Valley, in Pine Grove Township, that services Pine Grove Borough and Township residents. Kavitski said the present tank has water seepage and cannot be sealed until it is taken off line. Kavitski explained presently if Guildford Mills calls for water the volume decreases to other residents and business on the water line. Kavitski testified the second tank would increase the system to 2.5-million-gallon that would increase the water volume, provide better fire protection and would allow them to maintenance the leaking tank. Kavitski explained the location was chosen because it is the same elevation as their present tank, therefore it could be operated with gravity. There will be no pumps or motors to create noise and a fence would be installed.
- **William Anders, Lehigh Engineering, LLC., Pine Grove Township Zoning Officer** was sworn in and mentioned the normal procedure for a Zoning Hearing Board is to receive a denied zoning permit

and there was no permit submitted or denied. Anders asked Kavitski about the parcel number on the plan and how it is shown on the Schuylkill County Parcel Locator.

- **Ronald R. Aungst**, was sworn in and testified the plan is recorded in the Court House. Aungst testified Daubert & Zimmerman Inc. are the owner and are doing business as Pine Vista Estates.

Anders asked Kavitski about the parking, there is no parking shown on the plan submitted to the Zoning Hearing Board. Kavitski said he submitted these items. Cynthia Hummel, Zoning Hearing Board & Planning Commission Secretary, stated they were submitted to the Pine Grove Township Planning Commission to be reviewed at the February 7, 2018; they were not submitted with the Zoning Hearing Board application. Attorney George Hludzik submitted:

#### **Pine Grove Township Exhibit**

- Exhibit #1 Google Earth Map

After a brief discussion the following exhibits were presented by Kavitski:

#### **Applicant's Exhibits**

- Exhibit #1 Lot #71 Deed Description of the Property
- Exhibit #2 Property & Proposed Structure
- Exhibit #3 Agreement for Sale of Real Estate between current owner and Pine Grove Borough for the subject property.

Anders asked Kavitski about §628.1 for the parking and §628.2 screen for view in a R1 Zoning District.

#### **Testimony**

- **Kavitski** indicated on Exhibit #2 the location of the driveway and they are requesting to install a 12' driveway to a designated area in the front of the lot. Kavitski said occasionally one water company employee will check the tank and property.

#### **Zoning Hearing Members**

- Reilly expressed concerns with the location of the homes, Township/Borough boundary lines location, and flooding problems if tank would leak. Aungst indicated on Township Exhibit #1 the location of the tank, location of the existing homes, the location of lots to be sold and the Township/Borough boundary lines.

#### **Testimony**

- **Kavitski** testified the tank will be a glass lined and fused steel tank that the possibility of a leak is extremely limited. He has never heard of a tank rupturing and causing damage.
- **Barbara Sites** was sworn and testified she lives at 9 Pine Vista Drive Lot #74. Reilly marked Township Exhibit #1 with the location of Sites home. Sites asked Kavitski asked about the water volume and the appearance. Kavitski responded this will improve the flow and the volume, he also said it is 56' in diameter water tank, fenced and screening can be planted. Sites stated she likes that it will be a quiet neighbor.
- **Sites** asked about the activity with the construction. Kavitski said they will pour a concrete foundation first, then a bolt together tank will be built, bolt holes will be sealed and fence installation. Depending on the foundation timing it would take approximately 2 weeks to construct.
- **Howard Lengel** mentioned there are many tanks around like this and have very few failures. The tanks he is referring to are used in agriculture and are at different heights and diameters. Lengel said he has no hesitation to the water tank and the granting of the application.

**Deliberation** – The Zoning Hearing Board recessed at 7:17 PM to deliberate with Attorney George Hludzik.

The hearing resumed at 7:32PM. Chairwoman Reilly explained the application and the information submitted with the Zoning Hearing Board application were not satisfactory. The information submitted during the hearing as Exhibits were more informative. If you gentleman deal with Pine Grove Township Zoning Hearing Board again we need more information submitted with the application.

**Decision for the Pine Grove Borough** – Attorney Hludzik stated after the evidence and the Zoning Ordinance were reviewed the board is going to entertain a motion to:

Grant the Special Exception with the following conditions:

1. The water tank will have a minimum six (6') fence and will be screened with trees, arborvitaes, shrubs, or other similar natural screening,
  2. The zoning permit must be obtained and paid for,
  3. The tank will be a color that is aesthetically environmentally pleasing.
- and

Grant the Variance of §428 to the:

- Maximum Building Height – allowed up to 62 feet,
- Minimum Lot Area - .25 acres allowed,
- Lot Width at Street Line - 100 feet allowed,
- Front and Rear Yard Setback – a variance of 30 feet to allow a minimum setback of 20 feet,
- Side Yard Setback – a variance of 35 feet to allow a minimum setback of 15 feet.

Reichert made the motion to grant the special exception with the conditions and the variances as stated by Attorney Hludzik. Guigley seconded the motion, all were in favor and motion carried 3 to 0.

**ADJOURNMENT** – Reilly adjourned the meeting at 7:40 PM.

**Respectfully Submitted,**

**Cynthia Hummel  
Zoning Hearing Board Secretary**

**Approved on March 22, 2018 at Zoning Hearing Board Meeting**

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