

# PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

March 22, 2018 Meeting Minutes

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**CALL TO ORDER** – Vice-Chairman Michael Guigley called the March 22, 2018 meeting to order at 6:34 PM with the Pledge of Allegiance. Attending were Board Members Michael Guigley, Dale Reichert, and 1<sup>st</sup> Alternate Margaret Davenport. Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor George Hludzik, Zoning Officer Ralph Hummel (Lehigh Engineering, LLC.), stenographer Denise Donlin, Dustin Cashman, Alexander Alvarez, Martin Beck, and others, list on file.

**Acknowledge Appointment of Margaret Davenport** – Guigley acknowledged Margaret Davenport appointment by the Board of Supervisors as the 1<sup>st</sup> Alternate to the Zoning Hearing Board.

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

**MEETING MINUTES** – Reichert moved to approve the Zoning Hearing Board minutes for January 25, 2018. Davenport seconded the motion, all were in favor and motion carried 3 to 0.

**HEARING OF CASE – Dustin Cashman** – Guigley asked Dustin Cashman to explain his request.

## Testimony

- **Dustin Cashman** was sworn in and testified he is here to request the reinstatement of the expired variances for setbacks approved in his 2015 Zoning Hearing.
- **Ralph Hummel, Lehigh Engineering, LLC., Pine Grove Township Zoning Officer** was sworn in and explained Cashman submitted a zoning permit for a manufactured home on 245 Suedberg Road, parcel #21-09-0083.000. The reason the zoning permit was denied on January 23, 2018 was the September 2, 2015 Order granting variances stated construction was to commence within 2 years and the time had expired. Cashman is requesting re-instatement of the variances previously granted for the side yard and rear yard for the home and the garage, along with living quarters in the garage. The property is located in Light Industrial (L-1) so they need a variance for a residence.

The following exhibits were entered by Attorney George Hludzik and Hummel:

## Pine Grove Township Exhibit

- Exhibit #1 Dustin Cashman September 2, 2015 Memorandum, Findings, Opinion, and Order
- Exhibit #2 Group of twelve (12) papers including:
  - 2018 Denied Zoning Permit
  - 2015 Zoning Hearing Board application
  - 2015 Memorandum, Findings, Opinion, and Order (1<sup>st</sup> Hearing)
  - Highway Occupancy Permit (HOP)
  - Sewage Permit
  - Tax Map not showing In Laws-Quarters
- Exhibit #3 Zoning Posting Affidavit and pictures of posted property
- Exhibit #4 New Map with In Law-Quarters

## Zoning Hearing Attorney

- **Attorney George Hludzik** asked Cashman about the two different map layouts, the well, the septic system, the in-law quarters, and what has been completed.

## Testimony

- **Dustin Cashman** testified the different layouts were because the original layout was not approved by PennDOT they were required to install “No Left Turn” signs to obtain PennDOT HOP approval. The well was under the original house and the sand mound is already installed. The in-law quarters were requested at the first hearing.
- **Alexander Alvarez** was sworn in and testified he is Dustin’s father. He explained they had to purchase and install signs to PennDOT’s specifications to obtain the PennDOT Highway Occupancy Permit.

## Zoning Hearing Members

- **Dale Reichert** asked Alvarez the number of bedrooms in the house and in the garage. He also asked him if the dam located behind the property would be impacted by the sewage, and the reason for not completing within the two (2) years.

## Testimony

- **Alvarez** testified 3 bedrooms in the house and 1 bedroom in the garage. When they obtained the sewage permit the SEO was told the number of bedrooms in the home and in the in-law's quarter in the garage so the sand mound was sized appropriately to accommodate sewage for both. The system should have no effect on the dam. The original plan was for a Branch home and it took over a year so they decided to go with a modular home and it took 4 months to get the PennDOT driveway permit.
- **Martin Beck** was sworn in and testified he lives next door to the Alvarez's . He expressed concern of the location of the signs which indicates that you can only turn one direction when entering or exiting the property. The location of the signs appears to be for his home. He said how does anyone know which property the sign is for. Who do you suggest he contacts about the signs and will there be a record of his concerns?

Hludzik suggested he contacts PennDOT about the signs and his concerns will be noted in the Opinion of the Zoning Hearing Board.

**Deliberation** – The Zoning Hearing Board recessed at 7:06 PM to deliberate with Attorney George Hludzik. The hearing resumed at 7:22PM. Attorney George Hludzik said the Board has one more question, how long before do you intend to commence construction?

## Testimony

- **Alvarez** testified now, our builders had to stop, if it would not have been for PennDOT we would have our Occupancy Permit.

**Decision for the Dustin Cashman** – Attorney Hludzik stated the Board discussed and a motion can be made to approve the applicants request for:

§521 A variance of Uses Permitted by Right to permit residential use in L-1 (Light Industrial Zone District).

§524.1 A variance of Area, Yard and Height Regulations the applicant may encroach to not less than five feet (5') on side property line

The applicant shall commence construction of the home within one (1) year or seek further relief from the Zoning Hearing Board. The applicant shall comply with all other applicable requirements in Township Ordinance or codes, and failure of the applicant to comply with any of the conditions set forth shall be deemed a violation of the Zoning Ordinance and Township should have all revenues available of the Ordinance to enforce the conditions.

Reichert made a motion to grant the variances stated by Attorney Hludzik. Davenport seconded the motion, all were in favor and motion carried 3 to 0. Attorney George Hludzik asked the Board if they would like to amend the motion to include the variance for §521.Q for residential living quarter in L-1. Guigley made the motion to approve the amendment to include a variance of §521Q for accessory use, residential use for garage with living quarter in Light Industrial. Reichert seconded the motion, all were in favor and motion carried 3 to 0.

**CORRESPONDENCE** Guigley mentioned he received correspondence for Zoning Officials for training on April 22, 2018. If members are interested in attending contact Cynthia Hummel.

**ADJOURNMENT** – Reichert made a motion to adjourn the meeting at 7:27 PM. Guigley seconded, all were in favor and motion carried 3 to 0.

Respectfully Submitted,

Cynthia Hummel

Zoning Hearing Board Secretary

Approved on April 26, 2018 at Zoning Hearing Board Meeting

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