

PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

April 26, 2018 Meeting Minutes

CALL TO ORDER – Chairwoman Donna Reilly called the April 26, 2018 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Donna Reilly, Michael Guigley, and 1st Alternate Margaret Davenport. Also present were Zoning Hearing Board Secretary Cynthia Hummel, Zoning Hearing Board Solicitor Attorney Joseph Baranko (Slusser Law Firm), Zoning Officer Ralph Hummel (Lehigh Engineering, LLC.), stenographer Marjorie Lally, Attorney Harry Rubright (Natale’s Council), Anthony R. Natale, Sharon Manning, Amanda Brooks, Robert Klauser, Edward Harder, Norman Miller, Jerry Kintzel, Robert Kroh, and others, list on file.

DECLARATION OF QUORUM – A quorum was declared.

MEETING MINUTES – Guigley moved to approve the Zoning Hearing Board minutes for March 22, 2018 Davenport seconded the motion, all were in favor and motion carried 3 to 0.

HEARING OF CASE – Anthony Natal – Reilly said we are here to hear a request from property owner Anthony Natale for an appeal of the Ordinance Violation Notices for travel trailers within the Mobile Home Park. Reilly and Davenport read the following items:

- Definition of a Mobile Home Park (Zoning Ordinance on page 24)
- Variance Requirement §910.2.a from MPC
- §632 Manufactured and Industrial Housing Foundation Requirements from NOV dated February 20, 2018
- Beginning portion of the March 7, 2018 Notice of Violation (NOV) and the Zoning Permits Requirements 1 through 3 of §802.1.A

Zoning Hearing Attorney

Attorney Joseph Baranko asked for clarifications on some of the issues, saying when the appeal was filed it was for the NOV dated February 20, 2018; are you going to amend to include the second NOV as well? Attorney Joseph Rubright said he would like to include the second appeal dated March 7, 2018, because the appeal was submitted prior to receiving the second NOV. Attorney Baranko confirmed this is an appeal for NOV’s dated February 20, 2018 and March 7, 2018.

Attorney Joseph Baranko entered the Notice of Publication as Zoning Board Exhibit #1.

Pine Grove Township Exhibit

- Zoning Board Exhibit #1 Publication of Public Notice

Attorney Harry Rubright from Schuylkill Haven said their position is the terms of the Township Ordinances. The Ordinance does not negate the ability to place a recreational or transportable vehicle in a mobile home park. The Ordinance has specific regulations for manufactured housing and what that is, the requirements, the foundations but the Ordinance as to what it relates to a mobile home park does not use that definition of manufactured or industrial housing under dwelling (page 17). This definition is a transportable, single family dwelling unit. These units are being used as single-family dwellings, occupied full time, one (1) year leases, and have separate metered sewer, water and electric hook ups to be placed in a mobile home park and meet the definition in the Ordinance as a dwelling. Attorney Rubright said their position is that Natale is not in violation of the Ordinance and they are not asking for a variance; the units are on wheels but that does not make them transient, they are not there on a temporary basis.

Testimony

- **Ralph Hummel**, was sworn in and said he is Ralph Hummel, he works for Lehigh Engineering, LLC and they are 3rd party Zoning Officer for Pine Grove Township. Hummel received a complaint from the Township which he investigated. He entered the following exhibits and explained:

Pine Grove Township Zoning Officer Exhibit labeled as follows:

- Exhibit #1 Zoning Affidavit of Posting
- Exhibit #2 Photographs of travel trailers
- Exhibit #3 Zoning Ordinance §632
- Exhibit #4 Definition of Manufactured Home in 2009 International Residential Code
- Exhibit #5 Manufactured Home Installation Guide for PA Certified Code Officials
- Exhibit #6 February 20, 2018 Notice of Violation
- Exhibit #7 Zoning Ordinance §802 Permits
- Exhibit #8 National Flood hazard layer FIRMette FEMA
- Exhibit #9 2009 International Residential Code §R322 Flood-Resistant Construction
- Exhibit #10 March 7, 2018 Notice of Violation
- Exhibit #11 Zoning Ordinance §636 Dwelling Unit Determination

Testimony

- **Ralph Hummel** explained Exhibit 1 is the public notice posted at both entrances. On February 20th he commenced an investigation and Exhibit 2 are pictures of the five (5) travel trailers he observed in the park. He presented Exhibit #3 §632 “Manufactured and Industrial Housing Foundation Requirements”. He presented Exhibit #4 and read the definition of a Manufactured Home from the code. Hummel mentioned that a manufactured home and a mobile home are basically the same. Attorney Rubright objected and said that is for the Zoning Hearing Board to determine, that is a conclusion of the law which the Ordinance defines them differently. Hummel presented Exhibit #5 for Manufactured Homes Installation Guide and mentioned about the tie-down, the structure, ingress and egress windows, doors, safety glazing, smoke alarms, the definitions which under Pine Grove Township Ordinance are for manufactured home. Hummel presented Exhibit #6 which was the NOV dated February 20. Hummel said after further investigation Mr. Natale did not apply for a zoning permits for structures to be placed in the park and presented Exhibit #7 which is §802 “Permits” in the Zoning Ordinance. Hummel presented Exhibit #8 the FEMA map and said the mobile home park is in a flood zone. Hummel presented Exhibit #9 and referenced §R322.1 from the UCC code explaining flood-resistance construction and said the structures do not comply. Hummel presented Exhibit #10 which was the 2nd NOV dated March 7, 2018 for the zoning permit requirement. Hummel presented Exhibit #11 §636 “Dwelling Unit Determination” and read a portion of this Ordinance.

Attorney Rubright questioned Hummel

- Which lots, with units on them, are in violation and the floodplain? Hummel referred to Exhibit #2 of the five (5) travel trailers, lot numbers were not identified but the park is in the floodplain.
- When was the floodplain established? Hummel said FEMA established it November 19, 2014.
- Would you agree most of the dwellings in the mobile home park were there prior to 2014? Hummel said not the ones in violation. Rubright said one of the travel trailers in question has been there an excess of 10 years.
- When was the Zoning Ordinances adopted and did it predate the Floodplain. Hummel could not answer.
- Did he enter the units and about the ingress/egress windows, smoke/carbon monoxide detectors? Hummel said he can tell egress from outside and they only have one doorway; for smoke/carbon monoxide detectors he did not know.
- Where in the Zoning Ordinance does it say that what goes in a campground cannot go into a mobile home park. Rubright referenced the definition on page 17 for a dwelling and argued that travel trailer are dwellings units.
- What permits were not obtained? Hummel explained the zoning permit also requires a floodplain determination which would have required a floodplain study by engineers to raise a manufactured home out of the floodplain and install proper anchoring.

Testimony

- **Anthony J. Natale** was sworn in and testified he owns the mobile home for over 50 years. Eighteen (18) units are occupied, fourteen (14) units for over five (5) years. Every unit is connected to the sewer, electrical, and water connections. Each unit has a one (1) year lease and are not transient, there is no camping. There were five (5) units referenced but there are only four (4) still remaining, he evicted one (1) unit from the park. Out of the four (4) remaining units two (2) arrived in the last three months. All mobile homes are at least thirty (30) feet long and that he did not apply for any permits.
- **Sharon Manning** was sworn in and testified she lives on Lot #17 and her mobile home is forty-two (42) feet and is equipped with smoke, gas and carbon monoxide detectors. It is a three (3) bedroom with one and one-half baths (1 1/2) and she has lived in it for two (2) years. She is connected to the sewer and water. She works at Berger's Food market and she is not transient.
- **Amanda Brooks** was sworn in and said she lives in Lot #12 with her husband. She arrived here January 1, 2018 and has a one (1) year lease, is connected to sewer, water and electric. It is a thirty-nine (39) foot trailer with one bedroom. She is connected to the sewer and water and does not consider to be transient.
- **Robert Klausner** was sworn in and raised concerns that the tenants paid for sewer and water hook-ups and also debated the floodplain.
- **Edward Harder** was sworn in and testified he lives on Lot #11 he has lived there for at least two (2) or three (3) years. He is a longtime resident of this community and he obtained a zoning permit approximately two (2) to three (3) years ago to set up a carport over his trailer. He is hooked up to water, sewer, electric and considers to permanent.
- **Norman Miller** was sworn in and testified his property was accused of being in the floodplain, which he fought and he was successful, his lot was not in the floodplain. He expressed his concerns with the floodplain.
- **Jerry Kintzel** was sworn in and testified the mobile home park is not a campground. He expressed his opinion the units are hooked up to utilities and are not transient.
- **Robert Kroh** was sworn in and questioned the floodplain maps and the reason for the investigation. Hummel explained the floodplain is determined by FEMA and that he was sent by the Township to investigate a complaint.

Zoning Hearing Attorney asked the Zoning Officer what permits would be issued for a zoning permit. Hummel said sewer and driveway.

Deliberation – The Zoning Hearing Board recessed at 7:49 PM to deliberate with Attorney Joseph Baranko. The hearing resumed at 7:59 PM.

Decision for the Anthony Natale – Attorney Baranko said the Board will present the motions as discussed. Davenport made a motion to approve the appeal of Mr. Natale on the §632 violation from the February 20, 2018 notice, Guigley seconded the motion, all were in favor, motion carried 3 to 0. Guigley made a motion to approve the appeal of Mr. Natale on the §802.1A as set forth in the March 7, 2018 notice, Reilly seconded the motion, all were in favor, motion carried 3 to 0. Attorney Baranko said for purposes of clarifications before we close, the appeals are sustained.

When public was leaving, Mr. Natale spoke to Ralph Hummel about the Pine Grove Township Floodplain Ordinance.

A brief discussion was held with the Zoning Hearing Board members and Attorney Baranko. Baranko explained future mobile homes being installed in this mobile home park will require zoning permits. Tonight's appeal was for the issues cited for this hearing.

There was on the following topics discussed:

- Definitions in the Zoning Ordinance:
 - Needs a definition of manufactured homes or industrialized homes, also mobile home, travel trailers, etc.
 - Definition of Development –references manufactured and mobile home as the same.
 - Recommend more definitions
- Ordinance references
 - §632 reference manufactured or industrialized housing which there is no definition for manufactured or industrial housing.
 - §650 *Floodplain Control. Developments within floodplains is subject to the requirement of as Chapter 8...* Baranko said Natale’s is not a development it is a pre-existing mobile home park and it is not for development purposes, he recommend to change the definition of development to include the placement of a manufactured home/manufactured housing; a mobile home; and continue with the different types to be included, also to include the new Floodplain Ordinance 83.
 - §802.1.A Zoning Permits does not list Floodplain Requirement as a requirement to the zoning permits.

CORRESPONDENCE Davenport said she attended the PA Associations of Zoning Officials Conference Seminar on Sunday April 22, 2018 she learned many things and received information. The timing of the training was good because of the discussion tonight. Guigley, who also attended the training, mentioned some of the items being identified were the AirBNB, medical marijuana and drones. Attorney Baranko suggested addressing all issues, and he referenced §609 in the MPC on the procedures to give recommendations, such as a work session, to the governing body that we have detected certain deficiencies and issues of concern within the substance of the Zoning Ordinances that the board would like to convene periodically to discuss these issues, and to make recommendations for potential amendments. Reilly made a motion to send a letter to the Board of Supervisors requesting meetings to further discuss amendments and revisions to the Zoning Ordinance, Guigley seconded the motion, all were in favor motion carried 3 to 0.

ADJOURNMENT – Meeting was adjourned at 8:28 PM.

Respectfully Submitted,

Cynthia Hummel
Zoning Hearing Board Secretary

Approved on May 24, 2018 at Zoning Hearing Board Meeting

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