

**South Harrison Township  
Planning/Zoning Board of Adjustment  
April 13, 2015**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on April 13, 2015 at 7: 50 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Joseph Marino, Board Chair and led those present in the Pledge of Allegiance to the Flag.

Requirements of the "Open Public Meetings Act" were met.

**Roll Call:** James McCall – present, Mary Howard – present, Thomas Sorbello – present, Melvin Robertson – present, Joseph Marino – present, Heather Brown – present, Joseph Wille – present, Stephen Galati – present, Ronald Ambruster – present, David Wade – present, John Maybrook - absent, Gary Thompson, Board Solicitor – present, Steven Bach – Board Engineer – present, Candace Kanaplue – Township Planner – present, Celeste Keen, Secretary – present.

**Minutes:**

Motion to approve the regular meeting minutes of March 9, 2015 was made by Melvin Robertson, second by James McCall. **Motion carried.**

**Old Business:**

**James McCall and Mary Howard stepped down due to conflict.**

**Gollihur, Mark  
006-329-14  
Use/Bulk Variance**

Mr. Gollihur appeared before the Board and was sworn to give testimony.

Mr. Bach and Ms. Kanaplue were sworn to give testimony.

Mr. Gollihur stated that he runs an online music business focusing on stand up basses parts. He is requesting to build a metal pole barn in his front yard which would be mostly obscured by the existing natural cover of evergreen trees. UPS pickups and deliveries would be more convenient as the truck would not have to travel several hundred feet. There is no walk in business and he employs only one (1) non family member employee who works from 9:30 – 5:30 Mondays through Fridays. The building is to be painted to coordinate with the existing home. The business shall be owned/operated by the owner of the property. Tractor trailer deliveries are approximately one (1) per month. USPS delivers daily while UPS delivers once daily and picks up in a separate truck once daily. Mr. Gollihur is planning to have stone between driveway and proposed building. No signage requested beyond "Gollihur" on/near the mailbox. Depending on the feasibility, a half bath may be installed for convenience.

The Board offered different scenarios/positions where the building may be located in the rear yard. Mr. Gollihur was not opposed but maintained that he would prefer to keep the building as proposed.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this matter only was made by Thomas Sorbello, second by Ronald Ambruster. **Motion carried.**

Frank Nuss of 499 Franklinville Road appeared and was sworn to give testimony. Mr. Nuss advised that he has been a resident of South Harrison for 20 +/- years and one of Mr. Gollihur's neighbors. He came to testify on behalf of Mr. Gollihur and to offer his support of the application. That section of roadway is low in nature and would help in obstructing the view of the proposed building.

James McCall of 46 Cedar Grove Road appeared and was sworn to give testimony. Mr. McCall asked how this differs to the pole barn that was constructed on Ferrell Road. It was noted that that building is an accessory use.

**Close Meeting to the Public:**

Motion to close the meeting to the public on this matter only was made by Thomas Sorbello, second by Melvin Robertson. **Motion carried.**

Motion to approve the use variance and a second primary use was made by Stephen Galati, second by Thomas Sorbello.

**Roll Call:** James McCall – abstain, Mary Howard – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent

**R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.**

Motion to approve the setback variances was made by Joseph Wille, second by Thomas Sorbello.

**Roll Call:** James McCall – abstain, Mary Howard – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – no, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent

**R.C.V.: 6 – yes', 1 – no's, 0 – abstentions. Motion carried.**

Motion to approve the waiver of site plan and to require a residential lot grading review was made by Thomas Sorbello, second by Ronald Ambruster.

**Roll Call:** James McCall – abstain, Mary Howard – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent

**R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.**

Mr. Gollihur was advised regarding the resolution approval process including the estoppel period.

**James McCall and Mary Howard resumed their seats on the Board.**

**Shoemaker, Patrick  
002-061-15  
Informal Review**

Randy C. Greene, attorney for the applicant, noted that while the application requests a merger of three (3) lots into one (1) that is no longer an issue. At issue is the definition of the structure on the applicant's property. Four to five years ago the Mr. Shoemaker's father came into possession of a crane boom. Mr. Shoemaker obtained the crane and tinkered with it and made it into a windmill. It has been reviewed by an engineer and deemed to be safe. Its electric production is negligible. It could possibly be considered a piece of art. The structure is 45' high, 15' underground and 69' from the road. The blades of the windmill are the only items purchased; the

rest of the structure is made by Mr. Shoemaker. It was noted that the metal near the ground should be maintained to avoid corrosion.

**Malignaggi, Carmen**  
**003-061-15**  
**Minor Subdivision**

Carmen Malignaggi and Steven Datz appeared before the Board; Mr. Datz was sworn to give testimony. It was noted that the Board's professionals had been sworn in earlier in the evening.

Mr. Bach, referencing the review letter dated March 31, 2015, noted that the maximum building coverages have been reduce to less than 10% so as to conform to the maximum requirement. In regard to the completeness issues outlined within the review letter, Board secretary has advised verification of the property taxes being current has been received from the Tax Collector. As there are no variances being requested a property owners within 200 is not required. Items 3 and 4 may be conditions of approval, for items 5 through 8 waivers are recommended. Mr. Bach recommends deeming this application complete.

Motion to deem this application complete was made by Joseph Wille, second by Ronald Ambruster. **Motion carried.**

Mr. Thompson noted that this application is not requesting any variances although there is a pre-existing nonconforming structure without variances there may be consequences; such as if there is substantial destruction of the home, it would not be able to be rebuilt at its current location. Mr. Malignaggi decided to proceed without requesting any variances. Mr. Thompson noted that the Board is able to proceed with the hearing.

Mr. Bach noted that item 7 referenced "Checklist Item 13" where it should reference "Checklist Item 14". Mr. Thompson required the Board deem the application complete again with that correction.

Motion to approve amended completeness was made by Ronald Ambruster, second by James McCall. **Motion carried.**

Mr. Malignaggi testified that the three lots to be created will all conform but for the one existing non-conforming front yard setback of the existing single family home. The lots are to be sold for single family home development.

Mr. Malignaggi agreed to all items on pages 4 and 5 of the Bach review letter dated March 31, 2015.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this matter only was made by Ronald Ambruster, second by Mary Howard. **Motion carried.**

No public spoke

**Close Meeting to the Public:**

Motion to close the meeting to the public on this matter only was made by Ronald Ambruster, second by Thomas Sorbello. **Motion carried.**

Motion to approve the minor subdivision was made by Ronald Ambruster, second by James McCall.

**Roll Call:** James McCall – yes, Mary Howard – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent  
**R.C.V.:** 9 – yes', 0 – no's, 0 – abstentions. **Motion carried.**

**Open Meeting to the Public:**

Motion to open the meeting to the public was made by Joseph Wille, second by Mary Howard. **Motion carried.**

No public present.

**Close Meeting to the Public:**

Motion to close the meeting to the public was made by Ronald Ambruster, second by Mary Howard. **Motion carried.**

**Payment of the Bills:**

Motion to approve payment of the bills was made by Mary Howard, second by Ronald Ambruster.

**Roll Call:** James McCall – yes, Mary Howard – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent  
**R.C.V.:** 9 – yes', 0 – no's, 0 – abstentions. **Motion carried.**

**Release of Escrow:**

Motion to approve release of escrows as listed was made by Mary Howard, second by Melvin Robertson.

**Roll Call:** James McCall – yes, Mary Howard – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – yes, Ronald Ambruster – yes, David Wade – present, John Maybrook – absent  
**R.C.V.:** 9 – yes', 0 – no's, 0 – abstentions. **Motion carried.**

Stephen Galati asked if any farmland had been put into preservation since the one (1) acre minimum ordinance went into effect. Mr. Marino advised that a recent conflict with the SADC (State Agriculture Development Committee) has been settled. Applications will be accepted beginning in May with funds becoming available in June. Mr. Ambruster advised that he is aware of a couple of farmers that are interested.

**Adjournment:**

Motion to adjourn was made by James McCall, second by Mary Howard. **Motion carried.**

Respectfully submitted,

Celeste Keen  
Board Secretary