

**South Harrison Township
Planning/Zoning Board of Adjustment
December 14, 2015**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on December 14, 2015 at 7:00 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.

Oath of Office administered to Daniel Webster.

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

Daniel Webster has listened to the November 9, 2015 meeting and is able to vote on the Rite Hook Towing application.

James McCall and Mary Howard stepped down due to conflict.

Old Business:

**Rite Hook Towing, LLC
Use & Bulk Variances
007-286-15**

Joan Adams, attorney for the applicant, addressed the Board. Ms. Adams recapped the information from the previous hearing on November 9, 2015. The property in question is located in the Light Industrial (LI) zone which permits auto repair and storage associated with that use. The reason for the Use Variance application is that the towing and storage is the primary use. Automotive storage should not exceed five (5) days and will be titled and registered to an owner. Dimensional variance is also being requested due to preexisting nonconformities, the lot size is 2.95 acres where 3.0 acres are required and the lot width is 150.8 feet where 200 feet are required. Adjacent property owners have been contacted and none are willing to assist in rectifying the nonconformities. The agricultural buffer issue has been addressed and will be discussed during this evening's hearing. All of the auto repairs will be performed within an enclosed building; lot will be fenced and secure; lighting will be motion sensed and shielded. Security will be provided by cameras on site and ample parking will be provided. Buffer has been improved to include all of the existing vegetation and supplementing them as well. According to South Harrison Township's ordinance, agricultural buffers are in place to protect the farmer. As such, an elaborate deed notice has been prepared that outlines all of the activities that coincide with an active farm.

Gary Civalier applicant's engineer and planner, appeared before the Board and remains under oath.

Anthony DiRosa, Board's engineer, was sworn to give testimony.

Mr. Civalier detailed the revised buffer. The existing vegetation is to be left as dense as possible and supplemented with additional plantings. Slats are to be inserted within the fencing so that the business is not visible. A lighting design has been implemented.

Ms. Adams read into the record the deed notice.

Candace Kanaplue, Board's Planner, reviewed her letter dated December 7, 2015. A residential buffer on the other side should obtain a variance and a double row of evergreens is recommended. The applicant agreed. Deed restrictions to take effect with Rite Hook Towing, LLC ownership, applicant agreed.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Melvin Robertson, second by John Maybrook. **Motion carried.**

Andrew Yurick, attorney for Connie and Matthew Sailey of 406 Monroeville Road. Mr. Yurick advised that deed restrictions are rarely read and adhered to. Use variance is required for this property. Use variances are supposed to be unusual and rare. Primary use will be towing and that is not a permitted use in South Harrison Township's ordinance. This is an ambitious project on an undersized lot. A lot of the property is environmentally sensitive. His client's believe that they will be impacted.

Mr. Thompson questioned Mr. Yurick regarding agricultural buffer. As this is in the LI zone, no new residential use is permitted. If the Board is to apply the buffers to a property with a width of 150 feet, with a 100 foot agricultural buffer and 75 foot residential buffer the property has been zoned into inutility without a variance. How does the Board deal with that recognizing that an action of inverse condemnation could be coming before the Board?

Mr. Yurick suggested a use that would not be as intense in nature.

Ms. Adams noted that the property has been vacant for ten years since the residence burned down and residences are not a permitted use.

Connie Sailey of 406 Monroeville Road appeared before the Board and was sworn to give testimony. Ms. Sailey stated that they moved into South Harrison Township in 1994 and there was no building on the applicants' property. Ms. Sailey advised that they are interested in placing their farmland into Farmland Preservation in the future.

Close Meeting to the Public:

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

Melvin Robertson stated that the issue seems to be the buffer and believes the deed notice should be sufficient protection.

Daniel Webster advised that his concern is that there is already a business of this type in the area. If a deed infraction does occur the Board will be available to rectify.

Stephen Galati noted that the buffer is to protect the farm. He cannot think of a less impactful use.

Motion to approve the Use Variance was made by Melvin Robertson, second by Heather Brown.

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

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

Motion to approve C1 Bulk Variances was made by Daniel Webster, second by Melvin Robertson.

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

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

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

Open Meeting to the Public:

Motion to open the meeting to the public was made by David Wade, second by Mary Howard.
Motion carried.

Thomas Sorbello wished the Board, the Board's professionals and the Board Secretary a happy holiday and a happy and safe new year.

Mr. Sorbello was thanked for his many years of service on the Planning/Zoning Board as well as on Township Committee.

Close Meeting to the Public:

Motion to close the meeting to the public was made by David Wade, second by Heather Brown.
Motion carried.

Payment of the Bills:

Motion to approve payment of the bills was made by Mary Howard, second by Melvin Robertson.

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

R.C.V.: 9 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

Release of Escrow:

Motion to approve release of escrow accounts was made by James McCall, second by Mary Howard.

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

R.C.V.: 9 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

Adjournment:

Motion to adjourn was made by John Maybrook, second by Heather Brown. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary

ONLY

INTERMEDIATE