

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES
Jonas Fisher Case 2022-01
May 4, 2022 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Tammy Rineer, Member, and Adrienne Bonser, Alternate. Josele Cleary, Zoning Hearing Board Solicitor was present as well as Allen Blank Court Reporter whose contact information is 717-687-8942. A listing of others in attendance will be kept on file.

Bob Stanley called the meeting to order at 7:00 P.M. and announced that the meeting was being recorded.

At this time the Board and Josele Cleary introduced themselves. Ms. Cleary gave an explanation for the procedure that the board will need to follow. Ms. Cleary asked if the audience had any questions regarding the procedures.

Public Comment: Owen Ryan had questions concerning at what point in the hearing he could be recognized as a party and Ms. Cleary clarified.

Ms. Cleary stated that the meeting was properly advertised, and posted according to law and the Township has these proofs on file.

At this time Ms. Cleary asked if anyone wished to be recognized as a party. Owen Ryan wished to have party status but Mr. Thomas, the attorney for the applicant requested a denial since Mr. Ryan lives five miles away from the address in question which he felt was too far away to be considered. Mr. Ryan admitted that the application will not impact him personally therefore Ms. Cleary recommended that the Board deny Mr. Ryan party status.

A motion was made by Adrienne Bonser and seconded by Tammy Rineer to deny party status to Mr. Ryan. The vote was unanimous.

A motion was made by Tammy Rineer and seconded by Adrienne Bonser to approve the February 10, 2022 Minutes. The vote was unanimous.

Mr. Jim Thomas, Solicitor for the applicant stated his case by explaining the Special Exception and Variance Request, reading from the pertaining Zoning Ordinance Sections and calling a witness, namely Brian Masterson who is the Land Planner for the applicant.

Brian Masterson and the applicant Jonas Fisher were sworn in. Brian explained the application by presenting plans and pictures to the Board and Ms. Cleary. Mr. Thomas questioned Mr. Masterson on details of the plan as well as location, zoning district, history of existing buildings on the property some of which will be demolished, and DEP approvals which are in place, if Mr. Masterson felt the applicant met the General Standards for the Special Exception among other details of the application and plan. Mr. Masterson also explained the reasoning for requesting the 34.9 feet.

Mr. Thomas moved to have Exhibits #1 through #5 entered into the record.

Ms. Cleary let the Board know they could question the witness first or allow the audience. Adrienne Bonser asked how Mr. Masterson came up with 34.9 feet and if pushed back another foot what would the

impact be and also is the concern more the topography and drop-off, or the creek. Mr. Masterson explained that the 34.9 was due to the slope in the backyard, pushing back more would affect the walk-in basement entry and the concern was the topography and drop-off.

Bob Stanley asked if the land has been disrupted in recent years where the new home is being proposed. Mr. Masterson explained that the existing structures have been there many years.

Bob Stanley asked the audience if they had any questions.

Scott Kulicke wished to make a point about the Zoning Ordinance but at this time only questions to the witnesses sworn in were being taken.

Owen Ryan questioned the applicant on his desire to place the proposed residence across the road in lieu of the same side as the existing residence. Mr. Masterson explained that the occupant of the proposed residence will be working out of the existing barn which is across the road from the existing residence.

Lynn Swisher asked if any of the existing outbuildings proposed for demolition contained any chemicals. Mr. Fisher stated there are none.

Ms. Cleary questioned the witness concerning soil classifications, whether or not the residence will be for a family member, are there any plans to subdivide, size of the proposed house, will there be a carriage house, will the house be wired for electricity. In response Mr. Masterson stated the soils are Class 5. Mr. Fisher stated yes to family member, no plans to subdivide, proposed residence will be two-story 40' x 40', no carriage house planned-will use dairy barn for horse, and no electric installation.

Mr. Thomas wished to follow up by asking Mr. Masterson if the soils classifications are noted on the plan which is Exhibit A1 sheet 2, and Mr. Masterson pointed them out on the plan.

Mr. Thomas also asked Mr. Masterson to explain the contours on same plan which he did.

Ms. Cleary opened up testimony to the audience. She also explained the limits of the Boards jurisdiction is in reference to the Zoning Ordinance.

Owen Ryan was sworn in. Mr. Ryan expressed his concern with Street Road and how busy it is and also his concern that future road work will widen the road putting the proposed residence even closer to the road.

Mr. Thomas had no questions for Mr. Ryan. Scott Kulicke wished to question Mr. Ryan.

Mr. Kulicke explained to Mr. Ryan that widening the road will not affect the 34.9' setback for the proposed residence.

At this time, Ms. Cleary recommended that the Board close testimony.

A motion was made by Adrienne Bonser and seconded by Tammy Rineer to close testimony. The vote was unanimous.

At this time Ms. Clearing explained the options available to the Board for the purposes of rendering a decision.

At 7:56 P.M. Bob Stanley announced the Board would adjourn for an executive session which they returned from at 8:06 P.M. and Bob Stanley called the meeting back to order.

A motion was made by Adrienne Bonser and seconded by Tammy Rineer to close testimony. The vote was unanimous.

A motion was made by Bob Stanley to grant the application with conditions which were read by the Ms. Cleary. Adrienne Bonser seconded the motion. The vote was unanimous.

The conditions are as follows:

Applicant shall install the dwelling in accordance with the testimony that is as an Amish farm dwelling.

The occupants of the dwelling shall be relatives of the owner of the farm.

Applicants shall obtain all necessary permits and approvals for the dwelling which would include a sewage permit, and a UCC Permit.

Applicant shall comply with the testimony presented to the Board.

Any violation of these conditions shall be considered a violation of the Zoning Ordinance and will be subject to all penalties, remedies of the PA Municipalities Code.

These conditions are binding on the applicant, on the wife of the applicant who is a co-owner of the property, and successor owners of the property.

A motion was made by Tammy Rineer and seconded by Adrienne Bonser to adjourn at 8:07 P.M. The vote was unanimous.

Respectfully Submitted,

Carmen B. Wiker, Asst. Zoning Hearing Board Secretary