

MIDDLETOWN TOWNSHIP
ZONING HEARING BOARD

Christian A. Davis

Thomas Danzi

Gerry Gebhart

Jacquelyn S. Goffney

Joseph Klodarska

Minutes of the Zoning Hearing Board

The regular meeting of the Middletown Township Zoning Hearing Board was held on **March 23, 2022**, beginning at 7:00 PM at the Middletown Township Building, 27 N. Pennell Road, Lima, PA.

Members Present: Tom Danzi, Christian Davis, Gerry Gebhart, Jackie Goffney, Joseph Klodarska

Staff Present: Max O'Keefe, Solicitor, Meredith F. Merino, Zoning Officer

Approval of Minutes: Mr. Danzi made a motion to approve the minutes of the February 23, 2022 meeting, which was seconded by Mr. Klodarska. The minutes were approved as submitted by a vote of 5 – 0.

New Business: Case No. 2022-02: An application of BT Granite Run, LP for property located at 1067 W. Baltimore Pike (aka 1133 W. Baltimore Pike/Apt. 2), zoned MCO. An amended final land development plan is presently before Township Council for an apartment building on the parcel. An 8' privacy fence is proposed to screen the view of the improvements from Oriole Avenue, and a variance from Section 275-200 of the Zoning Code is requested in order to exceed a fence height of 6'. Peter D'Angeli, BET Investments Project Manager was present and was represented by the project's attorney, Debra Shulski, Esq. Ms. Shulski explained that the request is for a de minimus variance to permit an increase in fence height at the request of the Township and adjacent neighbors. An existing 6' fence is being replaced with an 8' fence to include landscaping that will face Oriole Avenue and the proposed apartment building. After no further discussion, Ms. Goffney made a motion to approve the requested variance, which was seconded by Mr. Danzi. The board voted 5-0 to approve the variance request.

Case No. 2022-04: An application of ACTS Retirement-Life Communities, Inc., Granite Farms Estates, located at 1343 W. Baltimore Pike, zoned PRC. Applicant requires variances from Section 275-47.B.(6) for relief from the 100' building setback and Section 275-206.B.(1) for expansion of nonconforming structures beyond 10% in order to construct a 28' x 28' sunroom addition to the Nursing Care Facility building which will project to within 50.5' of the perimeter property line. Engineer for the project Ed Gleason, P.E. was present and entered testimony into the record along with attorney Bernadette Kearney, Esq. Ms. Kearney explained that an existing porte cochere on the Skilled Nursing Facility is being removed prior to construction of the proposed 1-story sunroom, which necessitated the variance. The existing building is nonconforming and projects into the 100' perimeter property setback. The record was closed, and Ms. Goffney made a motion to approve the requested variances. Mr. Klodarska seconded the motion, and the board voted 5-0 for approval.

Case No. 2022-05: Fay Development Co. is seeking a variance from Section 275-204.C. for relief from the lot area to dwelling units ratio in order to convert an existing 8-unit office building into 8 residential apartment units, located at 209 Hunter St/36 S. Pennell Rd (zoned R-2). The building footprint will not be expanded. Section 275-204 allows for conversion of buildings into multiple-family dwellings in a residential zoning district as a Conditional Use with

certain requirements. The 1.1 acre lot would only provide for 2 apartments based on the formula. The R-2 zoning district is minimum .5 acre lots.

At the start of the hearing, Zoning Hearing Board Solicitor Max O'Keefe stated for the record that he is a partner of Lamb McErlane, along with Township Councilmember Kathleen O'Connell Bell. Township Council voted to send the Township Solicitor to monitor this application, and Mr. O'Keefe wanted to make everyone aware of his affiliation with Ms. O'Connell-Bell. He stated that it has no impact on his ability to be impartial in this case. Attorney for the applicant, Timothy Sullivan, Esq. stated that he has no objection to Mr. O'Keefe representing the Zoning Hearing Board given the circumstances.

In addition to Mr. Sullivan, Steve Fay of Fay Development, owner representative of the property was present and entered testimony and evidence into the record. Mr. Sullivan explained that the December 2020 variance application sought relief for 14 apartment units; the present application is for 8 units. Mr. Fay explained that the building is 8,000 s.f. with four office units per floor which would be converted to 800 s.f. 2-bedroom, 2-bathroom apartments. The parking lot is proposed to be reduced from 44 spaces to 24 spaces (16 spaces required per the Zoning Code), and the additional paving would be converted to lawn area, resulting in a 50-60% reduction in impervious surface on the property. The applicant stated that he would be willing to construct a sidewalk along the frontage of the property to connect Hunter Street residents to the sidewalk along nearby Printers Way.

Charles Miller, Esq. was present on behalf of the Township. He stated that there was no position being taken by the Township on the application; he was present in follow-up to the previous application.

Adam Knox, a commercial real estate broker with Geist Realty Group was present as an expert witness in the commercial real estate market. He explained that due to the constructed condition of the office building, there is no flexibility in space leasing which is a drawback for potential tenants. Additionally, there is no ADA compliance for the 2nd floor, which eliminates the potential for any medical office to be located on the 2nd floor.

Glen Sides, resident of 219 Hunter St. stated that he believes the market to be more stable for residential uses, has no issue with the traffic to be created by the residential use, and feels that the driveway is a reasonable distance from Pennell Road so as not to create traffic issues on Hunter Street.

At the close of the hearing, Ms. Goffney made a motion to approve the requested variance, conditioned upon the applicant constructing a fence between the property and 32 S. Pennell Road as well as at the rear property line; and a portion of the parking area is to be removed with appropriate landscaping to be provided. Mr. Danzi seconded the motion, and the board voted 4-1 (Gebhart opposed) to grant the requested variances.

Adjournment: There being no further business, the meeting was adjourned at 8:45 PM.

The next meeting of the Zoning Hearing Board will be held on Wednesday, April 27, 2022 beginning at 6:00 PM.

Respectfully Submitted,
Meredith Merino, Zoning Officer