

The Zoning Hearing Board of the Borough of Columbia met on Wednesday, February 27, 2019, in the Paul W. Myers Council Chambers. Chairman Don Haines called this meeting to order at 7:00 p.m.

Roll call was taken with the following members being present: Don Haines, Joe Nikolaus, Steve White, David Brumbaugh, and Terry Anne Doutrich. Jonathan Lutz was present for a portion of this meeting, leaving at 8:00 p.m. Also present were Josele Cleary, Solicitor; Jeff Helm, Zoning Officer; Angela Kilby, Court Stenographer; and Deb LaClair, Administrative Assistant.

There was the pledge to the flag.

Steve White motioned to retain the current officers for the Zoning Hearing Board with Don Haines as Chairman and Joe Nikolaus as Vice-Chairman for 2019 and David Brumbaugh seconded. All favored this motion.

David Brumbaugh motioned to approve the minutes from the October 31, 2018, meeting and Joe Nikolaus seconded. All favored this motion.

Jeff Helm, Zoning Officer, announced tonight's hearings were advertised and the properties were posted.

Josele Cleary explained the procedure for the hearings. There were no questions regarding the procedures. There were no parties to the hearing for 175 Pleasant Avenue.

175 Pleasant Avenue –Timothy Draper - Mike Grab, Attorney, informed the Board that Timothy Draper entered into a sales agreement to purchase the property at 175 Pleasant Avenue to convert the vacant warehouse into 2 dwelling units, which was permitted by special exception. Mike added the applicant would also be requesting dimensional variances later during the testimony because the property, in its current state, did not comply with zoning requirements.

Timothy Draper was sworn in and testified that he was a carpentry instructor at Stevens Trade. Mike entered into evidence Applicant's Exhibit #1, which were photographs of the projects Timothy completed as part of programs sponsored by Stevens Trade.

Mike entered into evidence Applicant's Exhibit #2, an agreement of sale for 175 Pleasant Avenue and 176 South Fifth Street.

Steve White asked if Mr. Draper had a contractor's license with the state of Pennsylvania. Timothy stated he did, but the license was not up to date at this time.

Steve White pointed out the sales agreement stated that no major alterations were to be done on the property. Mike Grab asked if approval was granted from the current property owner to proceed with the Zoning request. Timothy stated yes.

Mike entered into evidence Applicant's Exhibit #3, which were maps of the property located at 175 Pleasant Avenue and 176 South Fifth Street. These maps depicted the property lines, existing structures and the proposed front unit and rear unit on 175 Pleasant Avenue.

Mike entered into evidence Applicant's Exhibit #4, a schematic of the renovations to the existing warehouse into 2 dwelling units, which would be a front unit and rear unit consisting of a ground floor and second floor. There would be no increase in the foot print of the building and there would be renovation of the exterior of the building. Mike asked if the construction would be in compliance with fire and safety codes. Timothy stated yes. Mike asked if the exterior of the building would have a residential appearance. Timothy stated yes. Steve White asked for clarification of the current use of the building. Mike stated the building was used for storage and was currently vacant.

Josele Cleary added the property addressed as 175 Pleasant Avenue was sub-divided in 1986, through a Zoning decision, from the property at 176 South Fifth Street.

Steve White motioned to take administrative notice of the 1986 Zoning decision for 175 Pleasant Avenue and David Brumbaugh seconded. All favored this motion.

Steve White questioned if the building was ever occupied as a residence. Mike stated the property was used only for storage. Timothy added the property was never occupied as a dwelling.

Timothy testified that there would not be a dumpster for trash but that trash receptacles would be behind a screened area. He also testified the proposed residential units meet the Zoning criteria for a dwelling unit.

Mike explained the parking for this project would be 2 spaces per dwelling unit, which was proposed to the rear of 176 South Fifth Street. The property at 176 South Fifth Street also has a 2-unit established rental. Mike stated the applicant would need 8 total parking spaces and presented Applicant's Exhibit #5 showing the parking space layout. This layout showed 6 parking spaces along the north side of the property and 3 spaces along the boundary line. The parking spaces were proposed at 10' by 20'. Josele reminded the applicant that a 22' parking space was required for parallel parking. Steve White clarified that if the parking for 175 Pleasant Avenue was on the property at 176 South Fifth Street then what would happen with a possible future sale of the Fifth Street property. Mike explained there would be an easement agreement to provide for the parking. David Brumbaugh expressed his concerns about parking space #5 and ability to pull out if there was a vehicle parked in space #6. Mike clarified that a unit at the Fifth Street property didn't have rear yard access and those tenants would have to continue to park on the street, which would allow more parking to the rear of the property. Don Haines asked if the parking spaces to the rear of the Fifth Street property would be assigned to the residents at the Pleasant Avenue property. Timothy stated yes. Don asked if there were any existing parking spaces. Mike stated no but the applicant has provided parking spaces to the rear of the South Fifth Street property. Don asked if the South Fifth Street property was also under agreement of sale with Mr. Draper. Mike stated yes. Mike also added the applicant would be asking for a variance from the Zoning ordinance, which requires off street parking to be paved. Timothy stated the current material was gravel/milled material that would not cause any additional water run-off.

Mike next talked about the dimensional variances. To allow for the current conditions at the property located at 175 Pleasant Avenue, the following dimensional variances would be required: lot size, minimum lot width, front yard set-back, rear yard set-back, side yard set-back and maximum lot coverage. Mike added that the side yard set-back for the property would at least have an open area side yard buffer from the property located at 176 South Fifth Street. Jonathan Lutz expressed his concerns about the large number of variances being requested for this project, which lead him to believe this building was not meant to be converted to residential and should remain storage. Mike stated the applicant was not asking for a change of use by special exception.

Terry Doutrich asked if the structure at 176 South Fifth Street was connected to another structure. Mike referred to the pictures presented as A#3. Terry asked if the property located at 178 South Fifth Street would interfere with the parking. Mike stated no.

Jonathan Lutz left the meeting at 8:00 p.m. and was not present for the remainder of the testimony or for the vote.

Steve White asked if converting this building to a single-family dwelling was ever considered. Timothy stated this type of conversion was not economical. Mike added the need for dimensional variances would still be necessary with a single-family conversion.

Don Haines asked for a clarification on the entrances to the proposed units. Timothy pointed out the entry doors. Don asked if the ground floor was a single unit. Mike stated no, the units are front and back with both being 2 floors.

Mike Grab stated he had no further testimony.

Don Haines asked if the units were to be rented. Timothy stated yes.

Mary Wickenheiser, Chairwoman of the Columbia Borough Planning Commission, stated she had no questions and at the January meeting the Commission offered no recommendation on this project.

Frank Doutrich asked for the identity of the current owner. Timothy stated the current owner was Sam Bigler.

Steve White motioned to close the testimony for the hearing regarding 175 Pleasant Avenue and David Brumbaugh seconded. All favored this motion.

Steve White motioned to adjourn to an executive session at 8:10 p.m. with the hearing to be reconvened and David Brumbaugh seconded. All favored this motion.

Don Haines reconvened the hearing at 8:35 p.m.

Steve White motioned to deny the Zoning request for the property located at 175 Pleasant Avenue with regards to the variance from the requested 2170 square feet to the required 5000 square feet for a structure with 2 dwelling units and deny the variance of section 220-43.E(2) concerning the surfacing of an off-street parking facility and having denied such variance, deny the request for special exceptions under sections 220-25 and 220-30.A(14) for a special exception to convert an existing structure into 2 dwelling units and having denied such requests find the requested variances from the required lot width, lot coverage and

setbacks moot and Joe Nikolaus seconded. A roll call vote was taken with the following board members voting yes: Haines, Nikolaus, White, Brumbaugh and Doutrich. Motion carried.

There were no parties to the hearing for 53 North Front Street.

53 North Front Street – Living Stone Masonry LLC – Mike Grab, Attorney, informed the Board the parcel to be leased by the applicant was 1.32 acres containing a large 16,200 square foot structure. Robert Schoonover, Living Stone Masonry LLC, was sworn in and testified he was the owner of the business that has been in operation for 9 years. He presented an overview of the operation. Mike Grab presented Applicant's Exhibit #1, which was the lease agreement with Rob Emel, the property owner. Mike informed the Board the property owner was present. Mike briefly reviewed the specifics of the property.

Josele asked the Board members to recognize the previous decisions regarding this property.

Steve White motioned to take administrative notice on decision 12-098 regarding the property located at 53 North Front Street and David Brumbaugh seconded. All favored this motion.

Mike presented Applicant's Exhibit #2, which were maps and photographs of the area and building. Robert pointed out the large outdoor area for storage and parking, the dimensions of the property and the interior of the property. He added the property was suited for this proposed use due to the proximity to Route 30, there was an existing large building and a large outdoor space for parking. Robert explained the process of veneer stone production. Mike asked about the equipment to be used in production. Robert stated there were mixers, rollers, a forklift, molds and an area to box the stone veneer for shipment. Mike asked about the number of employees. Robert stated there were 15 employees working Monday through Friday and sometimes on Saturday. Robert also talked about the deliveries and picking up of the product. He stated the busiest time of the work day was in the morning when contractors arrive for product to install at their job site. There would also be various trucks making deliveries at least once a week. Mike asked if there was sufficient area for deliveries and pick-ups. Robert stated yes, with the ability for trucks coming in to pick up product to maneuver in a circle. He added the time trucks would be at the site would be between 10 and 15 minutes. Mike asked if the remainder of the day would then be for production. Robert stated yes. Mike asked if there was adequate water and sewer services to supply production. Robert stated yes.

Mike presented Applicant's Exhibit #3, which were pictures of the current operation in the current location. Mike asked the applicant if this operation would not include retail sales. Robert stated that was correct. Robert also testified that the outside area would be kept clean and organized and all dust and noise would be contained inside the building. Mike concluded by stating the applicant was requesting a use variance and no other variances. Mike concluded the testimony.

Steve White asked about the type of stone to be delivered to the site. Robert stated they use #7 clean shale. Steve asked if that would be stored inside or outside. Robert stated outside. Steve asked if the shale was dusty material. Robert stated the shale was not particularly dusty. Steve asked about the cleaning schedule for the production equipment. Robert stated they cleaned the molds on Friday and the mixers were cleaned every day. Steve asked if there were any chemicals used for cleaning or in the production of the stone. Robert stated there were no chemicals used. Steve asked if the ventilation was in compliant with OSHA. Robert stated he was not sure.

David Brumbaugh asked if the parking area was fenced. Robert stated the parking area contained a fence.

Joe Nikolaus asked the applicant to point out the entrance and exit for the property. Robert pointed out both the entrance and exit onto Front Street. He added there would be no backing out onto Front Street.

David Brumbaugh asked if there would be any noise during production. Robert stated the only noise would be from the mixers and that would not be able to be heard by the neighbors.

Steve White asked if the doors would be opened during the summer months, which might allow dust to escape during production. Robert stated they may open the doors during the summer but the operation produced minimal dust. The production would be at least 30 batches of stone a day. Joe Nikolaus asked if the doors would be open all day. Robert stated not necessarily.

Steve White asked about the zoning designation. Mike Grab stated the property was located in the Riverfront Commercial district. He added the use was not an overly intensive production use.

Josele Cleary questioned the lease agreements, which listed R & R Associates as the property owner.

Mike asked Rob Emel, who was in attendance, to speak to this issue. Rob was sworn in and testified that he, along with his wife Michelle, owned the property.

Josele Cleary asked if the entire building and lot were covered under the lease. Mike stated yes. Josele asked if the applicant would agree to a condition that the Living Stones Masonry would be the only use

located on the property. Mike stated yes. Josele asked the applicant to clarify what would be stored outside. Robert stated there would be an area for the shale, dumpsters, trailer and skids of product. She asked for the area size of the skids. Robert stated the skid area would be at least 20 feet by 30 feet. Josele asked if the applicant would agree to a condition that all production operations would be indoors. Robert stated yes. Josele asked if the applicant would agree to a condition the hours of operation would be Monday through Friday, 7:00 a.m. to 5:00 p.m., extended Monday through Friday hours from September 1st to December 31st from 7:00 a.m. to 7:00 p.m., Saturday hours from 7:00 a.m. to 2:00 p.m. and no Sunday hours. Robert stated yes. Josele asked if the applicant would agree to a condition that the outdoor storage would consist of 2 dumpsters, a shale storage area, trailers and a 20 foot by 30 foot area for finished stone which would all be within the confines of the fence. Robert stated yes. Josele asked if the applicant would agree to a condition that all employees would park on the property and not on the street, there would be no retail sales, the doors would remain closed if there would be a large amount of dust and Living Stones Masonry would be the only occupant of the property. Robert stated yes. Rob Emel added that the office addressed at 39 North Front Street was for his business use and there were some existing trailers on the property that would remain for personal storage. Mike Grab stated they would revise the testimony to include this information and marked Applicant's Exhibit #2 to reflect this additional information. Josele clarified that there would be two uses on the property. Rob Emel stated yes, the trailers would be for his personal storage. He added he owns the trailers and the seed containers. Josele asked if there was anything else he owned on the property. Rob stated no. Josele asked if the applicant would agree to a condition that Living Stones Masonry would be the only occupant of the property besides the storage trailers owned by the Emel's as identified on Applicant's Exhibit #2. Robert stated yes.

Mary Wickenheiser, Columbia Borough Planning Commission, stated she did not have any questions for the applicant but that the CBPC did review the zoning application at its February meeting and recommended approval of the variance request.

Nora Stark, 166 Locust Street, stated she thought this was a great industry but not for the riverfront area. She asked that the applicant find a better suited location. She stated her fear was dust and noise from trucks. She asked that the Riverfront Commercial zoned district be used for riverfront commercial businesses. Rob Emel responded by saying he tried to locate businesses for this large building but there were none that didn't need zoning approval for this zoned district. Mayor Lutz added there were industry type businesses close to this property and spoke to reinforce the recommended approval from the CBPC. Nora expressed her concerns about the residents that also live in the area.

Don Haines asked if there was any further testimony. There being none, Steve White motioned to close the record to testimony and David Brumbaugh seconded. All favored this motion.

Joe Nikolaus motioned to approve the use variance request for Living Stones Masonry LLC to operate their production facility out of the property located at 53 North Front Street in the Riverfront Commercial zoned district with the conditions read by the Solicitor and the standard conditions and Terry Doutrich seconded. Steve White motioned to amend the motion to include a condition that the tenant or property owner would install the proper ventilation system or remediation of the building, if needed. Motion failed due to a lack of a second. A roll call vote was taken with the following Zoning Hearing Board members voting yes: Haines, Nikolaus, Brumbaugh and Doutrich. Steve White voted no. Motion carried.

Don Haines motioned to adjourn the meeting and Steve White seconded. All favored this motion.

There being no further business, this meeting of the Columbia Borough Zoning Hearing Board was adjourned at 10:00 p.m.

Respectfully submitted,



Jeffrey M. Helm
Zoning Officer