

The Zoning Hearing Board of the Borough of Columbia met on Wednesday, November 29, 2017, 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, Jonathan Lutz, Steve White, and David Brumbaugh. Also present were Josele Cleary, Solicitor; Jeff Helm, Zoning Officer; Ray Danyo, Court Stenographer; and Deb LaClair, Clerk.

There was the pledge to the flag.

David Brumbaugh motioned to approve the minutes from the September 27, 2017, meeting and Joe Nikolaus seconded. All favored this motion.

Jeff Helm, Zoning Officer, announced tonight's hearing was advertised and the property was posted.

Josele Cleary explained the procedures for the hearing. There were no questions regarding the procedures. Michael Resch, 118 South Tenth Street and James Ciccopioppi, 260 South Tenth Street, were parties to the hearing. Mike Grab, Attorney for the applicant, had no objection to these parties.

Joe Nikolaus motioned to approve Michael Resch and James Ciccopioppi as parties to the hearing for 265 South Tenth Street and Jonathan Lutz seconded. All favored this motion.

265 South Tenth Street – Mike Grab, Attorney for Kleen Rite Corp., asked to have the submitted Zoning Application amended to read “a partnership Harold and Judy McKonly Family Foundation”.

Jonathan Lutz motioned to approve an amendment to the Zoning Application submitted by Attorney Mike Grab and David Brumbaugh seconded. All favored this motion.

Mike Grab stated the property was located in the Light Industrial Zoned District, known as the former Vigilant Fire Company. The applicant has submitted a Zoning request to convert the building into and pet center and pet adoption facility. This request does not meet the dimensional set back requirements of Zoning.

Eric Vosburgh, Architect, presented a design for the project. He explained the facility would be a shelter for cats mostly and for 6-10 dogs. There would also be an area to spay/neuter and vaccinate animals before adoption as well as an area for education programs. Applicant's Exhibit A1 was a copy of the drawings for the project. Eric pointed out the existing footprint of the building showing the façade changes, addition of fencing, indoor and outdoor cat space and the addition of a parking area. The animal runs would have 4 feet of space between them, which complies with the Zoning Ordinance, and the fencing would be sound barrier fencing, 6 feet in height. The animals would be able to be outdoors between the hours of 8:00 a.m. and 8:00 p.m., which complies with the Zoning Ordinance. Eric explained the nearest residential lot line was 117 feet from the facility and 83 feet was the Zoning requirement. The project met all other Zoning requirements. Eric talked about the interior design of the building. Mike asked if the sound proof materials would be installed. Eric stated yes. Mike asked if the building was currently being used. Eric stated the building was not being used for the most part. Mike asked about the hours of operation. Eric testified the hours would be Monday through Friday 9:00 a.m. until 6:00 p.m., Saturday 12:00 noon until 6:00 p.m. and Sunday 2:00 p.m. until 6:00 p.m. He added there would be 1 full-time executive director but the remainder of the staff has not been determined. There would be volunteers and a veterinarian available. Eric concluded by stating most of the pet activity would be indoors with minimal impact to the neighborhood.

Joe Nikolaus asked about the exit doors. Eric explained the main door and the exit door to the outside pet area. Steve White asked about sound proofing the interior. Eric stated the glass, ceiling and interior room materials would all contribute to sound proofing. Steve asked about the length of stay for the pets. Eric stated the facility would have a “no kill” policy so the pet would remain until adopted. The facility would hold 6-10 dogs and 100 cats. Don Haines asked for a confirmation of the hours. Mike Grab repeated those hours of operation. Steve White asked if any part of the building would have a sub-let agreement. Eric stated no. Don Haines asked about the grooming area. Eric explained the grooming would be by appointment in the beginning by volunteers. David Brumbaugh asked if the spay/neuter operation would be done on site. Eric stated yes. Josele Cleary asked if the applicant would agree to a condition that the windows in the building could not be opened. Mike Grab stated yes. Josele Cleary asked if the applicant would agree to a condition that all emergency contact information be submitted to the Borough of Columbia. Mike Grab stated yes. Josele Cleary asked if the applicant would agree to a condition that the facility would accept, at no charge, animals from the Columbia Borough Police Department. Mike Grab stated yes. Joe

Nikolaus asked about the other use on the property with storage of trailers. Mike Grab did not address that issue. Joe asked about another building of the property. Mike assured the Zoning Hearing Board that if another building would be constructed that would be reviewed by the Borough for approval. James Ciccio Coppo asked about the potential for noise after 8:00 p.m. Eric stated the doors to the animal runs are controlled by the volunteers and not a door that the animals run free between the inside and outside. Michael Resch talked about the other activity on the property. Josele stated this time of the hearing was for questions to the applicant. Frank Doutrich asked if this was a for profit facility. Mike Grab stated this was a non-profit foundation. Frank asked if the facility was for stray animals only. Mike stated yes. Frank asked if the property was tax exempt. Mike Grab stated the property was currently tax exempt but that he would have to review that status. Mary Wickenheiser, Columbia Borough Planning Commission, stated they recommended approval of the project.

Michael Resch talked to the Zoning Hearing Board about the deed restrictions on this property. Josele Cleary explained that deed restrictions can not be enforced by the Zoning Hearing Board. Mr. Resch asked the Board to look at the deed restriction before moving forward with a vote on this Zoning request. Josele repeated a deed was private and could not be determined by the Zoning Hearing Board. Mr. Resch asked that the decision be continued for 45 days.

Mike McKonly explained the purpose of the foundation and stated this project would be a first-class operation that Columbia could be proud of when completed. Frank Doutrich also stated this would be good facility and asked that the property be placed back on the tax rolls.

Mike Grab presented the closing statement and assured the Zoning Hearing Board the deed restrictions were reviewed carefully.

David Brumbaugh motioned to close the record for testimony for the property located at 265 South Tenth Street for a pet facility and Steve White seconded. All favored this motion.

Don Haines adjourned to an executive session at 8:05 p.m. with the meeting to be reconvened.

Don Haines reconvened the meeting at 8:30 p.m.

Frank Doutrich asked for a reason for the executive session. Josele Cleary explained the executive session was for quasi-judicial deliberations.

Don Haines motioned to approve the Zoning request to convert the existing building located at 265 South Tenth Street into a pet facility and David Brumbaugh seconded. The following Zoning Hearing Board members voted yes: Nikolaus, Haines, Lutz and Brumbaugh. Steve White voted no. Motion carried.

Zoning Hearing Board members interviewed Terry Doutrich for the vacant alternate position. Terry made a statement and asked questions.

Joe Nikolaus motioned to recommend to Borough Council the name of Terry Doutrich to fill the vacant position of the Zoning Hearing Board Alternate Member and Jonathan Lutz seconded. All favored this motion.

Steve White motioned to adjourn and Jonathan Lutz seconded. All favored this motion.

There being no further business, this meeting of the Columbia Borough Zoning Hearing Board was adjourned at 8:45 p.m.

Respectfully submitted,



Jeffrey M. Helm
Zoning Officer