

FERGUSON TOWNSHIP ZONING HEARING BOARD

Regular Meeting
Tuesday, March 22, 2016
7:00 pm

I. ATTENDANCE

The Zoning Hearing Board held its regular meeting on Tuesday, March 22, 2016 at the Ferguson Township Municipal Building. In attendance were:

Board:

Matthew Patch, Chairman
George Pytel, Vice Chair
Scott Petryshak
Swamy Anatheswaran- absent

Karen English
Charles Farrell
Michael MacNeely -absent
Mike Twomley

Staff:

Jeffrey Ressler, Zoning Administrator
Jeffrey Stover, Esquire, ZHB Solicitor
Mark Kunkle, Township Manager
Ray Stolinas, AICP, Planning & Zoning Director

Other in attendance included: Tonya Jackson, Recording Secretary; Marc Dagata, owner of Walker Machining and Robert Byers of 351 Airport Road.

II. CALL TO ORDER

Mr. Patch called the Tuesday, March 22, 2016 regular Zoning Hearing Board meeting to order at 7:00 pm.

III. SWEARING IN OF THOSE WHO WISH TO TESTIFY

Three individuals stood and were sworn in.

Jeff Stover explained what criteria needed for a variance application request. A variance request will only be granted: a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot b) Because of the unnecessary hardship so caused, the lot cannot be developed in strict conformity with the Zoning Ordinance. c) The unnecessary hardship was not created by the applicant. d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

IV. WALKER MACHINING – VARIANCE REQUEST

Mr. Ressler stated that the property that is the subject of this hearing is located at 341 Airport Road, State College PA., Tax Parcel 24-01B-022B and zoned C-General Commercial. The owners of the property are James and Kathy Walker. Marc Dagata and Dan Lutz own the

business named Walker Machining which operates in the building. The property owners have given Marc Dagata and Dan Lutz permission to apply for zoning approvals for the property. The use as a machine shop is a non-conforming use for the property in the C-General Commercial Zoning District. The applicants would like to build a 30 foot by 41'9" addition in the front yard towards Airport Road. The addition would encroach approximately 30 feet into the required 50' front yard setback and a map has been provided to show the existing building which is situated close to the 50' front setback line. Almost the entire property is mapped as a Zone A FEMA Mapped Floodplain and therefore the applicants are requesting a variance to Chapter 27-801.C.1. to construct the addition in the floodplain. Chapter 27-801.C.1 reads as follows: All new construction or development (including substantial improvements) are prohibited. The applicants are requesting a variance to Chapter 22-502, table 502 setback for permission to construct the addition in the front yard setback. If the first two variance requests are granted the applicant is also requesting a variance to the parking requirements of the Zoning Ordinance Chapter 27-809.B.3 to not be required to construct additional parking for the addition. There have been two other variance applications for this property. A variance was granted on September 12, 1991 to permit construction of a machine shop on a non-conforming lot which did not meet the minimum lot width. On March 20, 2007 a variance was granted to permit a shed to be placed in the floodplain. The applicant is requesting variances to the following Chapter 27-801.C.1; Chapter 27-502, table 502 setback Front yard setback; and Chapter 27-809.B.3.

Jeff Stover questioned number 12 of the fact sheet stating the Table number is incorrect.

Mr. Ressler agreed and stated he would revise it.

Mark Dagata approached the Commission and he questioned the setback location. He is asking for 30 feet into the setback for an addition.

Chairman Patch asked the applicant to provide the Board with a hardship to grant the variance.

Mr. Dagata stated that he felt it was a hardship because it was in a flood zone. He explained that his company is buying equipment from another business in New Jersey that would expand his business and create more jobs into the State College area. He wants to construct an addition on the front of the building because there is an established drainage system off the back of the building. Mr. Dagata stated he also requesting a variance from constructing one additional parking spot.

Chairman Patch asked why he could not put the addition in the back of the building.

Mr. Dagata answered that it was determined that coming off the front would have a better appearance. Mr. Dagata also added that the stormwater management facilities to the rear of the property would need to be modified and add expense to the project if the required at the back of the building.

Chairman asked when was this determined to be in the floodplain.

Robert Byers approached the Board stating he lives at 351 Airport Rd for 60 years and there has never been a problem with flooding.

There was a brief discussion regarding clarification of the drawing. The Board questioned if the addition could go in the back of the building and what the hardship is for the applicant.

Mr. Dagata stated since they had the business it has grown and he stated that if there was an expansion he needs more capacity in order to grow his business.

Mr. Twomley asked if he would be coming back to the Board in the future needing another variance.

Mr. Dagata feels this building will not need another addition because State College has a low number of machinists so if business expanded more they would need to move to another location.

Mr. Mark Kunkle asked if the addition for the building could go on the side or an expansion of the building on each side.

Mr. Dagata answered that the side setback is too close to the property line.

Mr. Ressler noted that the applicant could request a study from FEMA regarding the floodplain and he could ask for a letter of map amendment in order the area to be deemed not in the floodplain since it has been so many years without flooding.

Mr. Dagata noted he was not aware he could make this request.

Mark Kunkle, Township Manager pointed out the total expansion of the building footprint can only be 50% of the non-conforming area and that the property has already had one expansion of approximately 928 square feet leaving approximately 600 square feet of expansion of the non-conforming building area. Mr. Ressler agreed. Any additional expansion beyond the 50% permitted would also need a variance.

Mr. Stover asked about the number of parking spaces on exhibit #1. It was determined that the total number of parking spaces for this request is 16 parking spaces.

Mr. Mark Kunkle approached the Board representing the Ferguson Township Board of Supervisors March 7, 2016 does not support this variance request. The BOS felt there should not be additional building that is subject to the impacts of the potential flooding in the area.

Chairman Patch asked the applicant if he wanted the Board to vote on this request as submitted. Mr. Dagata stated he felt he should apply for the letter of map amendment.

Mr. Pytel made a motion to table variance in order for the applicant to apply for a letter of map amendment and possibly reconfigure the addition.


V. APPROVAL OF THE MINUTES

Mr. Stolinas explained we did not receive completed minutes for the last meeting.

VI. ADJOURNMENT

With no further business to come before the Ferguson Township Zoning Hearing Board, Mr. Pytel adjourned the regular meeting at 8:01pm.

RESPECTFULLY SUBMITTED,



Karen English, Secretary
For the Zoning Hearing Board

Date approved by the Board: _____