

March 14, 2013
6:00 PM

The meeting of the Monroe Township Board of Supervisors was called to order by Chairman Castle. The pledge of allegiance was said. The purpose of the meeting was to hold a hearing on the conditional use request of JHCK Enterprises for the property located at 1269 Hillside Drive.

ATTENDANCE

A.W. Castle, Chairman
Phil Kehoe, Vice Chairman
Samuel Simmons, Supervisor

Michael Pykosh, Solicitor
Mark Bruening, Engineer
Marjorie Metzger, Admin. Asst.
Greg Rogalski, Zoning Officer

PROCEDURE

Mr. Pykosh mentioned the administrative issues would be handled first, followed by the applicant's presentation. Anyone from the audience can ask questions or make comment, and the Zoning Officer will testify, as well as the township engineer.

Mr. Pykosh administered the oath to all who may testify or make comment.

BOARD'S EXHIBITS:

Board's Exhibit #1 Application dated January 30, 2013 from JHCK enterprises, received the same day. It included the Application with attachment of exhibit of adjacent property owners, and a two page written explanation.

Board's Exhibit #2 Plan submitted with application for JHCK Enterprises, prepared by Glace Associates, dated January 29, 2013 at 4:29 PM, sheet 1 of 1.

Board's Exhibit #3 Certificate of service of public notice and written notice of time and place and the type of preceding that was advertised in the Sentinel on February 20 & 27, 2013. Written notice of time and nature of hearing was forwarded February 20, 2013 to the following individuals: Marjorie Metzger, three Supervisors, five Planning Commission members, application JHCK, and Glace Associates. Notices were also sent to the abutting and adjacent property owners. The notices were given to the Director of the

Cumberland County Planning Commission, Kirk Stoner, on February 18, 2013. On February 28, 2013, the time and place and nature of the hearing were posted on the property and at the township building.

Board's Exhibit #4 Comments from the township engineer dated February 27, 2013.

Board's Exhibit #5 Two page memo from Greg Rogalski, Zoning Officer, to the Board of Supervisors dated March 1, 2013.

Board's Exhibit #6 Sign in sheet for anyone who wants to be advised of the written decision at the back of the room. Anyone who signs in will be included.

There was no objection to the Board's Exhibits being admitted into the evidence. This application was forwarded to the Monroe Township Planning Commission on February 8, 2013 and reviewed by them at their meeting on March 6, 2013. Their draft minutes are available.

APPLICANT'S TESTIMONY

Richard Stewart called Howard Detraglia as the first witness. Mr. Detraglia provided the following information and testimony:

Howard Detraglia lives at 281 Texaco Road, Mechanicsburg. He is the principal owner of JHCK Enterprises. JHCK is made up of his wife, Janice, himself, his son, Craig, and his daughter, Kristine. He has an agreement to purchase 1269 Hillside Drive, contingent on being allowed to have his excavation business. The property is 15.8 acres, and has 553' of road frontage on W. Trindle Road. There is currently a 1,500 square foot ranch home that was built in 1996, and a 40' x 60' pole structure with concrete floor that was built around the same time. In talking to the neighbors and realtor, he understands the pole building was used to store and repair PA Percs traffic signals. The proposed 60' x 120' full block structure with metal roof and 3-4 bay doors will be used to bring equipment inside to be serviced and maintained. He plans to have cattle and hogs and a pasture.

Applicant's Exhibit #1 Plan prepared by Glace Associates, showing colored areas of the existing and proposed buildings and uses.

Mr. Detraglia said the 60' x 160' area to store his equipment will be out of public view. There will be a buffer zone of trees between the properties. The orange area on the plan will be used to store top soil and 2A modified, if needed in the middle of the night for an emergency repair. This area is 60' x 185'. He is a utility contractor, not a typical excavating contractor. Trucks and equipment are always on the job, they don't come back to the shop on a daily basis. The equipment is moved from job to job. It comes back in the winter for repair and

maintenance. He does snow removal and that equipment stays in the field all winter. In the spring it comes back for maintenance. It is his intention to have an office in the existing pole barn, or maybe in the new building. On a daily basis, he and the road mechanic are at the building. The mechanic is on the road most of the time, but comes back for parts or materials. There will not be dump trucks coming daily. The entrance to the property is Trindle Road. There is an existing driveway. It is his intention to dove tail the driveway and make it wider and come straight in to the shop. The remainder of the property will be maintained in its present use which is open meadow and farm fields. His proposed use is about one acre.

Mr. Detraglia said the type of repairs to be made in the shop will be to service the equipment, change the oil and tires, and routine maintenance. There are no major overhauls. Major repairs are done by Cleveland Brothers. There are approximately 608 trucks kept on the property. Some employees take the pickups home with them at night. He listed his equipment to include one low boy, two skid steers, 2 backhoes, two track hoes, seven pickups, two wheel loaders, two farm tractors, and one roller. The neighbors would have to walk a ways to see his equipment or materials. The Rebert Acres development would have to strive hard to see everything. It is his intention to use building blocks round the stored material, which would be located at the rear of the property. There is a vegetative buffer surrounding that area. He won't do anything to the wooded area. The size of his vehicles are similar in size to what is used in farming and landscaping practices.

Mr. Detraglia said the proposed use is consistent with the intent of the agriculture zone. A large portion of his business is considered the same as landscaping. The size of buildings is similar to buildings found in farming or landscaping. The materials to be stored are similar to that stored by a landscaping business. The proposed use would not detract from the nearby properties. The buildings are located to the rear of the property. There would be no traffic coming from Hillside Drive, unless he would use his personal F150 pickup.

THE MEETING WAS RECESSED AT 6:30 PM, AND RECONVENED AT 6:35 PM.

Mr. Detraglia said the proposed use would not change the rural character. There is adequate septic facilities and water service. There is adequate use from Trindle Road. There is no impact on the school, police, and emergency services. There is no issue with the comprehensive plan or flood plain. The normal hours of operation are 7 AM – 5 PM. Either he or an employee would reside at the existing residence.

AUDIENCE PARTICIPATION

Tanya Burd asked about the storage of materials for emergencies, and how often this happens. She asked about the backup beeping alarms on the trucks. Mr. Detraglia said he does not believe they received any emergency calls last year, but they have to be prepared. The equipment is parked in a manner that they can leave without having to back up and have the backup alarms sounding.

Melissa Baker questioned the driveway, the tree buffer, and amount of traffic. Mr. Detraglia said the driveway will be dovetailed. There will be no change to the driveway being used by Ms. Baker to access her property. The tree buffer will not be touched. There will not be much traffic in and out. There will be 200 yard between the shop and the buffer. The wooded buffer will not be disturbed. There will be concrete round the material area. The use will not diminish the value of the properties.

Ms. Baker mentioned there was a lift in the exiting pole building for repairing cars. Mr. Detraglia said that building will be used for his office or to store his 40' Raptor toy hauler in the winter. There will be no repairs in there.

Tyler Zeigler was concerned with his children being woken up at night, the property values, and the distance from the cul-de-sac to the pasture where the cattle and hogs will be. Mr. Detraglia said he will have four hogs for the family. The farm equipment will be stored in the equipment building. There will be no heavy equipment using Hillside Drive, if they do they will be fired.

Virginia Isabella said she understands the zoning ordinance would require the equipment to be kept inside a building for the uses allowed on this property. She also asked about the proposed use for the existing home. Mr. Detraglia said he is asking for equipment storage behind the building, which is outside. It is a huge liability for him to leave the shop area with equipment every day, in the event of a fire he could lose everything he has. Someone will be living in the existing home, either himself or an employee.

Amy Hempt asked how much acreage is being used for the hogs and cattle. She was concerned with the value of her property being impacted. She is all about people having their businesses, but this is a residential and agriculture area and the proposed use is commercial. What happens if the property is sold. The property and its uses can be seen from Trindle Road. Mr. Detraglia said about one acre will be used for pasture and their coverage will be at the end of the shed. If the property is sold, another business can't just move in without coming back to the township for approval. He is asking for a certain right of use. He is not changing the zoning, just asking for a specific use with specific conditions. The lift in the existing building is gone. That building is not big enough or tall enough for his equipment.

Tanya Burd asked about light pollution. Mr. Detraglia said the only lighting will be his surveillance system and motion detectors. He is adding no additional lights. He will not be producing any additional lighting on the residents.

ZONING OFFICER'S TESTIMONY

Mr. Rogalski said it is Mr. Detraglia's impression the property was used for commercial use previously, and Mr. Detraglia responded yes. Mr. Rogalski asked if there is any indication that was a conforming business in Monroe Township, and Mr. Detraglia did not know. Mr.

Rogalski asked about the proposed improvements. Mr. Detraglia said the improvements include an equipment storage of 60' x 160' with gravel. There will be no fence or screen.

Mr. Rogalski referred to the plan that is colored. Is it correct that there is one acre in the yellow, blue, pink, and orange areas shown for the proposed use, and Mr. Detraglia said yes? Is there any other portion for business use other than what is identified on the plan? Mr. Detraglia said no.

Mr. Rogalski referred to testimony of there being 6-8 pieces of equipment to be stored on the property, which could change on a day to day basis. He asked for clarification. Mr. Detraglia said on average on any given day there is 6-7 pieces of equipment there.

Mr. Rogalski asked the height of the building blocks in the orange area to create the pens for materials, and how high will the materials be. Mr. Detraglia said the walls could be 7' high and the stock piles could go as high as 9' but wouldn't go over the wall.

Mr. Rogalski asked if any trees or woods would be removed, and Mr. Detraglia said he would just clear the brush.

Mr. Rogalski questioned the access from Trindle Road. Mr. Detraglia said the knoll is about 500' from the driveway. There was a PennDOT permit issued. The previous owner gave Baker access for the driveway to their property. Mr. Rogalski asked if it is a minimum use driveway permit, and Mr. Detraglia didn't know.

TOWNSHIP ENGINEER COMMENTS

Mr. Bruening highlighted his comments dated February 27, 2013. Many issues will come up with the land development process, especially with the storm water management.

Mr. Rogalski mentioned the driveway must be paved for the land development. Mr. Detraglia said if that is what is needed, it will be paved.

BOARD'S COMMENTS

Mr. Castle asked where the construction materials will be placed from the job. Mr. Detraglia said he has a dumpster at the shop. There are no shingles involved in his business. He uses Hemp Brothers to recycle any asphalt materials.

Mr. Simmons mentioned the pile of material at his present business on Locust Point Road. Mr. Detraglia said there was an agreement with the landowner to allow that material to be stored, but the pile is being moved now.

Mr. Simmons asked what would be in the storage bins. Mr. Detraglia said there would be

top soil, 2A Modified, 1B and 2B stone.

Mr. Simmons asked where the feed would be stored for the animals. Mr. Detraglia said it would be stored in the building where the pens would be located at the end of the building.

Mr. Simmons asked about the asphalt and gravel that is pile at his present location. Mr. Detraglia said that is not his, it is Folmer's. His pile is on the other side of the building where the race car shop and Souder's office are located.

Mr. Kehoe said it is interesting to note that through the entire conversation with the Planning Commission Mr. Detraglia was proud of his Texaco Road business, but not once talked about the yard. It is a boneyard of material storage. It is surprising the plan that was submitted with the application doesn't have all the details showing the outside material storage and storage of equipment that is to be acted on. The Burd's and Zeigler's at the cul-de-sac on Hillside can look to the west and see the existing structure. When on Trindle Road, east of the driveway, you can see everything very well. One of the criteria is to maintain the character of the neighborhood and uses of the adjacent properties, which he is concerned about. He questioned if the equipment is considered heavy equipment, and Mr. Detraglia said no, the equipment is the same as larger farm equipment. Mr. Kehoe asked if there will be repairs and service to the equipment done in the garage, and Mr. Detraglia said yes.

Mr. Castle asked if Mr. Detraglia does landscaping work, and he responded yes. Mr. Castle asked about tanbark. Mr. Detraglia said the only time he does tanbark is if it is required on the job and he gets it from Reiff and takes it directly to the job. He has no intent to store tanbark.

Mr. Kehoe found it interesting that Mr. Detraglia wants outside storage for off hour emergency calls, but then tells us it doesn't happen. Mr. Detraglia said he is being as honest as he can. He cannot say he will be called out, but he is on the emergency list for Silver Spring, Mount Holly and Carlisle Borough. He has to be ready to go. Mr. Kehoe said the outside storage will be seen by the surrounding properties, but it is needed to run the business.

Mr. Kehoe questioned the condition suggested by the Planning Commission to allow only one truck load of material outside. Mr. Detraglia said he felt he was being put on the spot at the Planning Commission meeting. He asked his engineer to design the outside storage area for materials after that meeting.

Mr. Kehoe asked if the existing house would be rented out. Mr. Detraglia said either himself or an employee would live there.

Mr. Pykosh noted the Zoning Officer still needs to testify and the Board must still deliberate and decide on the matter. The hearing will have to be continued.

On the motion of Mr. Simmons, and seconded by Mr. Kehoe, and by unanimous vote of the Supervisors it was duly RESOLVED to continue the JHCK Enterprises conditional use hearing until April 11, 2013 at 6:00 PM.

ADJOURN

The JHCK Enterprises conditional use hearing was recessed at 7:10 PM and will be continued on April 11 at 6:00 PM.

Respectfully submitted,

Marjorie E. Metzger
Admin. Asst./ Secretary-Treasurer