

DECEMBER 2, 2015

The Zoning Hearing Board of Butler Township met on Wednesday, December 2, 2015 at 6:30 p.m. at the Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001.

The following Members were present: Chair Greg Haughey, Vice-Chair Heather Starcher and Member Tom Holman.

Also present were Secretary Theresa Giesler, Zoning Officer Jesse Hines, Solicitor Gwil Price, and Court Reporter Kelly Ferrari.

Chair Haughey called the meeting to order at 6:30 p.m.

Chair Haughey opened the first hearing at 6:32 p.m.

Secretary Giesler read **Appeal #15-05** received October 21, 2015. The applicant is Sheetz, Inc. and the property owner is Ann Myers. They are asking for a special exception for a canopy, interpretation of Butler Township's Codified Ordinance Chapter 300-27.A, and a variance from Butler Township's Codified Ordinance Chapter 300-27.A. The property is located at 356 New Castle Road, Map and Parcel 11-1.

Chair Haughey swore in all who wished to testify.

Mr. James McCormick with Cain, Ackerman & McCormick, P.C. and Mr. David Mastrostefano with Sheetz were in attendance to represent the appeal. Mr. McCormick gave an overview of the project and the requests made on this appeal.

Applicant's Attorney McCormick submitted a copy of the Zoning Hearing Board Application, which was entered into the record as Applicant Exhibit 1.

Applicant's Attorney McCormick submitted a copy of the Butler Township Zoning Hearing Board Disposition Notice to Sheetz 245/249 Pittsburgh Road, which was entered into the record as Applicant Exhibit 2.

Applicant's Attorney McCormick submitted a copy of the Butler Township Zoning Hearing Board Findings of Fact, Conclusions of Law and Order for Sheetz at the corner of Morton and Center Avenues, which was entered into the record as Applicant Exhibit 3.

Applicant's Attorney McCormick submitted a color site plan for the Sheetz Store #250 remodel, which was entered into the record as Applicant Exhibit 4.

Applicant's Attorney McCormick submitted an exterior elevations for the existing Sheetz Store #250 store renovations and addition, which was entered into the record as Applicant Exhibit 5.

The Zoning Hearing Board went off record at 7:00 p.m.

The Zoning Hearing Board was back on record at 7:05.

Motion by Holman to grant the special exception for the gas pump canopy, seconded by Vice-Chair Starcher and carried unanimously.

Motion by Holman to instruct the Zoning Officer to permit the requested signage as set forth in the application, seconded by Vice-Chair Starcher and carried unanimously.

Construction must begin on or before December 31, 2016.

Chairman Haughey informed all present that anyone aggrieved by the decision of the Zoning Hearing Board may appeal to the Court of Common Pleas within thirty days of the written decision.

Chairman Haughey adjourned the first hearing at 7:08 p.m.

Chairman Haughey opened the second hearing at 7:10 p.m.

Secretary Giesler read **Appeal #15-06** received October 29, 2015. The applicant is property owner Greenwood Butler LP. They are asking for a special exception for a professional or business office, interpretation of Butler Township's Codified Ordinance Chapter 300-15.B.(3)(g), and a variance from the minimum lot size and setbacks. The property is located at 110 Old Eberhart Road

Chairman Haughey swore in all who wished to testify.

Mr. Tyler Heller with Mechling & Heller LLP and Mr. Ron Neff with Heat Treat Inc. were in attendance to represent the appeal.

Applicant's Attorney Heller submitted a Property Owner Authorization, which was entered into the record as Applicant Exhibit 1.

Applicant's Attorney Heller submitted a drawing showing Example 1 – Gas Train Unit and Example 2 Induction Heating Box Unit, which was entered into the record as Applicant Exhibit 2.

Applicant's Attorney Heller submitted a copy of the recorded Nerone Plan of Lots Subdivision, which was entered into the record as Applicant Exhibit 3.

Ms. Ann Marie Bogdan of 114 Old Eberhart Road was in attendance concerning noise and parking along her property line.

The Zoning Hearing Board went off record at 8:05 p.m.

The Zoning Hearing Board went back on record at 8:08.

Motion by Holman to grant the special exception for a professional or business office conditional upon the following:

1. The applicant shall preserve all existing vegetation on the perimeter of the property to serve as a buffer between the property and adjacent property.
2. Any storage or parking of large equipment, vehicles, drop off boxes, or other outside evidence of the interior uses shall occur only on the portion of the property lying to the south of the southern face of the former social hall portion of the buildings.
3. The remaining portion of the existing parking area may be used for other parking needs; however, the area between the northern side of the building and the adjacent residential property shall not be used for any parking.
4. The regular business hours of the use shall be between the hours of 5:00 a.m. and 9:00 p.m.
5. Any repair or testing activities producing noise or light audible or visible outside of the building shall occur between the hours of 9:00 a.m. and 5:00 p.m.
6. The applicant shall apply for an occupancy permit on or before January 31, 2016

seconded by Vice-Chair Starcher and carried unanimously.

Solicitor Gwil Price explained that the approval is specifically for the use described in the application and future changes of use must establish the definition of professional offices through the prescribed special exception proceedings.

Chairman Haughey informed all present that anyone aggrieved by the decision of the Zoning Hearing Board may appeal to the Court of Common Pleas within thirty days of the written decision.

Chairman Haughey adjourned the second hearing at 8:12 p.m.



Theresa Gesler