

**LOWER HEIDELBERG TOWNSHIP
ZONING HEARING BOARD (ZHB)
Minutes of a Meeting and One Hearing**

Date: April 11, 2024

Location: Lower Heidelberg Township Municipal Building

Members of the Zoning Hearing Board in attendance:

Chairman David Kurtz

Vice Chairman Robert Melson

Others in attendance:

ZHB Solicitor Thomas Rothermel

Zoning Officer (Kraft Municipal Group) Glenn Bertolet, Matthew Reinoehl

Members of the public

It should be noted that a general business meeting and one hearing were conducted. Additional attendees for the hearings will be noted hereafter.

Chairman Kurtz called the meeting to order at 7:01 PM, led the pledge of allegiance, and announced that a quorum was present to conduct business.

On motion by Mr. Melson, seconded by Mr. Kurtz, the ZHB members approved the minutes of the meeting held on March 6, 2024.

**Hearing RE: Permit Denial Appeal (or variance) by
Samantha Hatt
85 Stella Drive
Sinking Spring, PA 19608**

At 7:02 PM, Chairman Kurtz called the hearing to order and explained the purpose of the hearing. Several interested persons were present. The following individuals were also present for the hearing:

ZHB Chairman David Kurtz
ZHB Vice Chairman Robert Melson
ZHB Solicitor Thomas Rothermel
Zoning Officer (Kraft Municipal Group) Glenn Bertolet, Matthew Reinoehl
Applicant Samantha Hatt
Attorney Sal Folino (Brennan and Folino Law Firm – attorney for the applicants)
Several members of the public (identified on the sign-in sheet)
M. Ellen Valent, RMR - Computerized Reporting Services, Inc.

All individuals present for the hearing were asked to sign in on a form provided. That form is incorporated by reference as part of the record.

Solicitor Rothermel announced the procedural rules for the conduct of the hearing, including the designation of "party status". He emphasized that each person who desired to be heard must self-identify by name prior to testifying, commenting, or asking a question, in order that the reporter may accurately attribute each comment to a specific individual.

Detailed information about the exhibits, testimony and commentary incorporated into the hearing may be found in the official transcript.

No one requested party status.

At 7:04 PM, Solicitor Rothermel read into the record the list of exhibits, and identified each by number.

At 7:05 PM, Solicitor Rothermel asked Attorney Folino to present the case for the relief sought.

After being duly sworn, Applicant Samantha Hatt offered testimony, in the form of answers to questions posed by Mr. Folino, in support of the application.

Ms. Hatt testified that she resides at her home with her young son, and is employed full time as an elementary school teacher. She has a passion for baking, and decided to begin a home-based cookie business to supplement her income while at the same time being able to care for her young son at home. The name of her business is "SLH Cookies", and has become very popular.

Ms. Hatt further testified that she procures all of the ingredients and supplies for her business herself. Sales are the result of word-of-mouth recommendations and social media advertising. There is little if any traffic at her residence as the result of the business, and she delivers most of the orders herself. In order to continue and grow her business, the Applicant's kitchen must meet certain regulatory standards for licensure by the Pennsylvania Department of Agriculture, including periodic inspections. That process also includes zoning approval in accordance with local regulations.

The residence in question is located in an R-3 Residential District. In accordance with Section 408.2.d of the Southwestern Berks County Zoning Ordinance, a no-impact home-based business is a use permitted by right, and is defined in Section 201.4 of the same ordinance. Upon further questioning by Mr. Folino, Ms. Hatt affirmed that her cookie business is currently compliant with and will continue to be compliant with the elements of the ordinance definition of a no-impact home-based business.

At the conclusion of her testimony, Ms. Hatt answered several questions for clarification posed by ZHB members.

Zoning Officer Glenn Bertolet was given an opportunity to provide further commentary to information which was presented in a permit denial letter from Matthew Reinoehl, representing Kraft Municipal Group, dated January 31, 2024. No further comment was provided.

The exhibits were admitted to the record.

An opportunity was provided for comments and questions from others in attendance.

A neighborhood resident, Patricia Church, offered comments in support of the Applicant.

Although no one else spoke, seven other residents were asked by Mr. Melson to indicate by a show of hands if they supported the application by Ms. Hatt. All seven indicated an affirmative response.

At 7:21 PM, Chairman Kurtz recessed the proceedings in order for the ZHB members to deliberate.

At 7:30 PM, the ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing.

On motion by Mr. Melson, seconded by Mr. Kurtz, the ZHB members voted unanimously to grant a variance to permit the production and sale of cookies as described by the Applicant.

Solicitor Rothermel explained that a written decision would be forthcoming within the prescribed period of time, setting forth the details and conditions of the action taken by the Zoning Hearing Board.

At 7:34 PM, on motion by Mr. Melson, seconded by Mr. Kurtz, the hearing was concluded and the meeting was adjourned.

Submitted for review and ZHB approval by: Robert Melson