

**LOWER HEIDELBERG TOWNSHIP
ZONING HEARING BOARD (ZHB)
Minutes of a Meeting and Two Hearings**

Date: March 6, 2024

Location: Lower Heidelberg Township Municipal Building

Members of the Zoning Hearing Board in attendance:

Chairman David Kurtz
Vice Chairman Robert Melson
Alternate Member Michael Roberts

Others in attendance:

ZHB Solicitor Thomas Rothermel
Zoning Officer Glenn Kraft
Township Manager Brian Cole
Members of the public

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

Chairman Kurtz called the meeting to order at 6:00 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 business meeting held on January 24, 2024. Mr. Roberts abstained from the vote.

**Hearing RE: Special Exception Application by
Kevin and Denise Heebner
2106 Bressler Drive
Wyomissing, PA 19616
Re: Property at 420 Evans Hill Road
Sinking Spring, PA 19608**

Chairman Kurtz called the hearing to order at 6:02 PM, 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 Alternate Member Michael Roberts
ZHB Solicitor Thomas Rothermel
Zoning Officer Glenn Kraft
Township Manager Brian Cole
Applicants Kevin and Denise Heebner
Charles F. Frantz, III (PE for the applicants)
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 6:03 PM, Solicitor Rothermel read into the record the list of exhibits, and identified each by number.

At 6:05 PM, Solicitor Rothermel asked the applicant to present the case for the relief sought.

After being duly sworn, Mr. Heebner offered testimony in support of the application for special exception, including details about the property, the existing barn, and the need

to locate the proposed house at the rear of the property. The applicants intend to make the proposed house their primary residence.

After being duly sworn, Mr. Frantz offered testimony in support of the application for special exception in his capacity as a professional engineer for the applicants.

Zoning Officer Glenn Kraft was given an opportunity to provide further commentary to information which was presented in a letter from Glenn Bertolet, representing Kraft Municipal Group, to the ZHB, dated February 6, 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. The following individual spoke:

Dean Hartman – posed a question about the existing septic system.

At 6:08 PM, Chairman Kurtz recessed the proceedings in order for the ZHB members to deliberate.

At 6:21 PM, the ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing.

On motion by Mr. Melson, seconded by Mr. Roberts, the ZHB members voted unanimously to grant the application for special exception.

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 6:23 PM, the hearing was then concluded.

**Hearing RE: Special Variance Application by
Alpha Property Investments, LLC
c/o 4226 Hill Terrace Drive
Sinking Spring, PA 19608
Re: Property on West side of Gaul Road
Between Stella Road and SR 422**

Chairman Kurtz called the hearing to order at 6:25 PM, and explained the purpose of the hearing. Many interested persons were present. The following individuals were also present for the hearing:

ZHB Chairman David Kurtz
ZHB Vice Chairman Robert Melson
ZHB Alternate Member Michael Roberts
ZHB Solicitor Thomas Rothermel
Zoning Officer Glenn Kraft
Lower Heidelberg Township Supervisors (L. Bilger, C. Johnson, P. Prutzman)
Township Manager Brian Cole
Applicants from Alpha Property Investments, LLC
Attorney Sal Folino (Brennan and Folino Law Firm – attorney for the applicants)
Charles F. Frantz, III (PE for the applicants)
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.

At 6:29 PM, the following individual requested and was approved for party status:

Vincent DeAngelo (adjoiner) – 70 Gaul Road

At 6:30 PM, Solicitor Rothermel read into the record the list of exhibits, and identified each by number.

At 6:31 PM, Solicitor Rothermel asked the applicant to present the case for the relief sought.

Attorney Folino called upon Mr. Frantz to offer testimony.

After being duly sworn, Mr. Frantz provided testimony in the form of answers to questions posed by Mr. Folino. He focused on justifications for deviations from the previously approved application, and provided a status report for the project. Testimony included detailed information about:

1. Change in size and location of a maintenance building.
2. Addition of a building to be used as a manager's quarters.
3. Change in the location of a pavilion, with detailed plans to include a bathroom, kitchenette and grill.
4. Construction of one non-illuminated monument sign to identify the entrance to the community, which will require a dimensional variance due to the size of the framework for the sign.

Mr. Frantz provided answers to questions posed by members of the ZHB, as well as questions posed by Mr. DeAngelo.

Details about the testimony are available from the transcribed record.

At 7:21 PM, Zoning Officer Glenn Kraft was given an opportunity to provide further commentary. No comment was provided.

At 7:24 PM, the exhibits were admitted to the record.

At 7:25 PM, an opportunity was provided for comments and questions from others in attendance. The following individuals spoke:

Dean Hartman
Brian Cole

At 7:28 PM, Chairman Kurtz recessed the proceedings in order for the ZHB members to deliberate.

At 8:20 PM, the ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing for additional testimony to clarify the intended use of the basement in the proposed manager's quarters.

At 8:22 PM, the ZHB members recessed for continued deliberations.

At 8:24 PM, the ZHB members returned from deliberations, and Chairman Kurtz resumed the public hearing.

At 8:26 PM, the ZHB members separately addressed each of the four variance requests set forth in the application.

On motion by Mr. Kurtz, seconded by Mr. Melson, the ZHB members voted unanimously to grant the variance request regarding the maintenance building.

On motion by Mr. Kurtz, seconded by Mr. Roberts, the ZHB members voted unanimously to grant the variance request regarding the proposed manager's quarters.

On motion by Mr. Kurtz, seconded by Mr. Melson, the ZHB members voted unanimously to grant the variance request regarding the pavilion with a bathroom and kitchenette.

On motion by Mr. Kurtz, seconded by Mr. Roberts, the ZHB members voted unanimously to grant the dimensional variance request regarding the monument sign.

With respect to the maintenance building and the pavilion, the relief granted is subject to reasonable conditions in the form of screening from public view.

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

At 8:27 PM the hearing was concluded.

Submitted for review and ZHB approval by: Robert Melson