

**MINUTES OF THE MEETING OF THE
UPPER ALLEN TOWNSHIP ZONING HEARING BOARD
September 8, 2022**

The September meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Gary Scicchitano at 6:08 p.m. on Thursday, September 8, 2022. The following board members were present, Christopher Gleeson Vice-Chairman, Gerald Schultz, Ross Buchan, and Paul Rigney. Also present was the Zoning Hearing Board Solicitor

MINUTES

A motion was made by Mr. Buchan and seconded by Mr. Schultz to approve the Minutes from the August 11, 2022 meeting. A roll call vote was taken and passed unanimously.

NEW BUSINESS

VARIANCE NO. 22-06 Tesla, Inc, 1415 S Market Street.
Variance under Section 245-18.3 and 245-18.12(E)

Applicant is requesting a Variance under Section 245-18.3 and 245-18.12(E), to allow for signage in excess of the number permitted by code, to brand electric charging stations and include directional signage with commercial advertising.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on August 25, 2022 and September 1, 2022, and the property was also posted, and neighboring properties were notified by certified mail.

Patricia A. Sheetz co/o Sheetz, Inc is the owner of 1415 S Market Street. Tesla, Inc is a prospective tenant of the property and their agent, Dewberry Engineers Inc. has been designated a proxy for this Variance hearing.

Mike Testa, Design Manager with Tesla was sworn in to testify by Mr. Fisher. Mr. Testa distributed copies of updated exhibits that include corrections to the previously included narrative. Mr. Testa described the exhibits including site plans and design of the Tesla chargers.

Mr. Rigney asked if these are Tesla dedicated chargers. Yes, for now. Buchan asked to confirm that there is no other branding on the property for Tesla, just at the chargers. Testa: Yes. Mr. Scicchitano asked about the size of the logo. 18” wide by 3” tall. Mr. Welt was asked about gas station pumps, and the allowance for them. Mr. Welt responded that it is due to the unique lease situation that we felt it needed to be reviewed and approved by the ZHB.

Mr. Fisher asked about tests of a Variance. 1. Unique physical. Mr. Testa said that Tesla looks to co-locate with gas stations. Geographically close to major throughways. Hardship is that

residents and customers need charging stations. Sheetz already has it's maximum allowable signage. Patrons who need to utilize it needs to know that it is for them.

Gleeson: Would this alter the character of Sheetz in any way? Testa: No there is branding on other aspects of Sheetz (i.e. ADA) already. Do any of the charging station spaces have to be ADA? Testa: Yes, one stall has to be ADA compliant in this situation. Units are prefabricated. Would this represent the minimum variance for relief? Testa: The directional could be removed. But the lettering on the post has to remain, it is how it is manufactured.

Mr. Rigney asked if Tesla has leased other space nearby. Testa: Carlisle, Weis in Harrisburg,

The Board went into Executive Session at 6:38pm. The board returned from Executive Session at 6:52pm. The purpose of the Executive Session was for deliberation.

After discussion on motion duly made by Mr. Gleeson and seconded by Mr. Rigney, it is:

RESOLVED, that the Applicant's request filed to case no. 22-06 for a Variance under Section 245-18.3 and 245-18.12(E), is hereby approved.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances, and law.

(Motion carried unanimously)

VARIANCE NO. 22-07 Ted & Robin Hoffman, 127 Nittany Drive.
Variance under Section 245-17.1(D)

Applicant is requesting a Variance under Section 245-17.1(D), to allow for a driveway that exceeds the 24-foot maximum driveway width at the street right-of-way that is permitted by code.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was given, as required by law by publication in The Sentinel on August 25, 2022 and September 1, 2022, and the property was also posted, and neighboring properties were notified by certified mail.

Ted & Robin Hoffman are the owners of 127 Nittany Drive.

Mr. and Mrs. Hoffman were sworn in to testify. Mr. Hoffman stated his case to maintain his existing driveway. A PowerPoint presentation was used. The presentation showed the original situation. The original plan for the garage had to be altered, pulled back 5'. Stone went in the location that asphalt is in now. Water problems were damaging the driveway. Ice is a danger. The applicant showed exhibits and photos explaining the property development and the water situation. A video of a recent rain storm from Monday September 5, 2022 was shown.

Mr. Hoffman requested that his presentation be submitted as an exhibit. (Exhibit A).

The Homeowners were issued a permit, and the night before construction, the Township stopped work and required them to push the structure back 5-feet. Did not get the garage they wanted, and resulted in a 5' concrete extension in front of the garage that had a raised lip.

Mr. Welt explained the situation that resulted in the stop work order that required the garage be pushed back likely was the result of staff realizing there was a front yard encroachment issue after the permit had been approved.

Mr. Rigney asked if the property owners ever contacted the Township regarding stormwater issues. Hoffman: We didn't know to ask, we just fixed it ourselves.

Mr. Gleeson asks if drainage issues would be solved, would you be open to narrowing driveway? Hoffman: If they could eliminate the issues, yes I would work with them.

Mr. Buchan asked about the garage permit. Did it include driveway modifications? Hoffman: No. we assumed incorrectly that you could put a driveway up to a garage.

Mr. Buchan asked about changing alignment of driveway through time. 2011 imagery changes in particular where driveway was expanded to include drain. Hoffman: That was done to alleviate the drainage issues affecting the driveway.

The Board went into Executive Session at 7:38pm. The board returned from Executive Session at 7:56pm. The purpose of the Executive Session was for deliberation.

After discussion on motion duly made by Mr. Rigney and seconded by Mr. Schultz, it is:

RESOLVED, that the Applicant's request filed to case no. 22-07 for a Variance under Section 245-17.1(D), is hereby continued to seek advice from the Township Stormwater Treatment Staff for the October 13, 2022 meeting.

The Applicant shall further comply with all applicable township, state and federal rules, regulations, ordinances, and law.

OTHER BUSINESS

There being no other business, the meeting was adjourned at 7:59 pm.