

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

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The December meeting of the Upper Allen Township Zoning Hearing Board was called to order by Chairperson, Gary Scicchitano at 6:17 p.m. on Thursday, December 12, 2022. The following board members were present, Christopher Gleeson Vice-Chairman, Gerald Schultz, and Paul Rigney. Also present was the Zoning Hearing Board Solicitor Chris Fisher

**MINUTES**

A motion was made by Mr. Gleeson and seconded by Mr. Rigney to approve the Minutes from the October 13, 2022 meeting. A roll call vote was taken and passed unanimously (4-0).

**OLD BUSINESS**

**SPECIAL EXCEPTION NO. 22-05 Mihail Malinov, 2509 Mill Road**  
**Special Exception under Section 245-9.6**

This case was originally begun at the August 11, 2022 Zoning Hearing Board meeting, but was continued to allow the applicant time to secure required documentation.

Applicant is requesting a Special Exception under Section 245-9.6, allow for townhomes to be constructed on slopes which exceed 15%.

Michael C. Welt, Zoning / Codes Officer, announced that public notice was previously given, as required by law by publication in The Sentinel on July 28, 2022 and August 4, 2022, before the first hearing for this request and the property was also posted, and neighboring properties were notified by certified mail. Interested parties from the previous hearing were also recently notified by email.

Mihail Malinov is the owner of 2509 Mill Road. Charles M. Suhr was sworn in to testify. Mr. Suhr states the applicant is requesting a Special Exception of Section 245-9.6 to allow for development of properties on slopes that exceed 15%. Mr. Matt Fisher with R.J Fisher & Associates was sworn in to testify and described the physical characteristics of the property, the planned development, and the stormwater system that is proposed. Mr. Fisher states that only 4 of the townhomes are proposed to be constructed on slopes that exceed 15%.

Sheryl Wolgemuth of 2510 Mill Road was sworn in to testify against the variance. Ms. Wolgemuth is concerned about traffic increases.

Jeremy Ellis of 513 West Lisburn Road was sworn in to testify. Mr. Ellis is concerned about disturbance of trees between his property and the subject property, as well as runoff from the

proposed impervious surface. The applicant replied that the trees to the north are not going to be disturbed, and additional plantings will be added. Runoff will be directed to the storm basins.

The Board went into, and then returned from Executive Session. The purpose of the Executive Session was for deliberation.

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

RESOLVED, that the Applicant's request filed to case no. 22-05 for a Special Exception under Section 245-9.6, to allow for townhomes to be constructed on slopes which exceed 15% is hereby approved.

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

(Motion carried unanimously)

### **OTHER BUSINESS**

There being no other business, the meeting was adjourned at 7:50 pm.