

Minutes of the Zoning Board of Appeals Meeting of June 19, 2012 - 7:00 P.M.

MEMBERS PRESENT: Regis Barrett, Chairman  
Jeanne Hartman  
Earl Bloam  
Wally Parker  
Dean Bredenbeck

ABSENT:

ALSO PRESENT: Barbara Stanton, Secretary  
Tom Ockington, Building Commissioner

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present, Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.

A motion was made by Dean Bredenbeck, second by Jeanne Hartman to approve the minutes from April 19, 2012. **Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

Chairman Barrett: Item #1 – A request from Ronald M. Niec for a eight foot – six inch (8'-6") variance to required 10 foot side yard setback to construct an above ground swimming pool located at 8951 Pepper Ridge Drive. Mr. Niec: The pool is in place and it's close to the neighbor. My backyard slopes down. I put in about \$1,000.00 of material to level the pool. This is a seasonal pool and it will come down by the middle of September. I will make arrangements to place the pool in accordance with the zoning codes in the spring and I will also apply for a permit. Chairman Barrett: I understand you would like a temporary variance for this summer. Mr. Niec: Yes, a temporary variance since I already have the pool installed. After further discussion a motion was made by Regis Barrett, second by Wally Parker to approve a temporary variance with the stipulation that the pool be removed by September 15, 2012. **Vote Resulted: - Yes Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

Chairman Barrett: Item #2 – A request from Kelly & Jason Supek for a five foot (5') variance to required 10 foot side and rear yard setback to construct an above ground swimming pool located at 7420 Wefel Avenue. Kelly Supek: We purchased a pool and put it up in the backyard. We have a partial fence and we were going to install the remaining fence. There are about 12 kids using the pool and they are not allowed in the pool without adult supervision. Chairman Barrett: Your five feet from your neighbor's garage; five feet from the back fence and your eight feet from your garage; there is no fence around the yard and no locked gate. There is nothing to keep kids out. My standpoint is that you will need to empty the pool. The pool is dangerous to the neighborhood. Kelly Supek: Can we request a temporary variance? Chairman Barrett: No, there are too many unsafe conditions. After further discussion regarding aerial wires and various other concerns a motion was made by Regis Barrett, second by Jeanne Hartman to deny the five foot variance and drain the existing swimming pool located at 7420 Wefel Avenue. **Vote Resulted: - Yes Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

Chairman Barrett: Item #3 – A request from Bruce G. Rinker on behalf of Sheetz, Inc. for appeal of denial of a Conditional Use and Preliminary Site Plan approval to locate a 6,500 square foot convenience store with foot service/drive thru; automated car wash; and fueling station to be located at 10315 Cascade Crossing; denied at the April 12, 2012 Planning Commission meeting. I am Anthony J. Coyne representative for Sheetz. Bruce Rinker's father in law passed away and he is unable to attend. I am not related to any of the Coyne families in Brooklyn. Members of the Sheetz team were introduced to the Board. We are going to present the same presentation that was given to the Planning Commission. We respectfully ask that you reverse the denial from the Planning Commission for Sheetz request for conditional use approval. You received the nine tab informational packet that we presented to this board. This is a 3 to 3-1/2 million dollar project. This is a very high quality project.

Mr. Ryan Gillespie, Traffic Engineer from GPD Group presented the traffic study and the recommendations of the traffic signal and traffic signalization for the Tiedeman Road corridor as presented to the Planning Commission on March 1<sup>st</sup> and April 12<sup>th</sup>, 2012. Mr. Gillespie: There was initial concern from the Police Chief regarding the traffic on Tiedeman Road. We presented the traffic study to him and he conceded that having a signal at this location would alleviate the concern he

did have. We are thinking long term to benefit the area and we are hoping that will be a benefit to the community. There was extensive discussion regarding the number of vehicles in the area, traffic flow, vehicle capacity, Cascade Crossing accidents, types of vehicles and fuel, signage on I-480, intersection points and their rating along with the signal system, signalization and working with Signal Service.

David Mastrostefano, In-House Engineer representing Sheetz, Inc.: There was discussion and presentation of the site development of the Sheetz proposed location as presented at the April, 2012 Planning Commission meeting. The type of materials that would be used for the building and architectural drawings were also presented. There was discussion regarding the setback to Big Creek, discharge of the car wash and water reclaim system.

David Hartt from D. B. Hartt Company: There was discussion of the land use and it being consistent with the code, and land use pattern. The presentation was comparable to the Planning Commission meeting of April 12, 2012. There was a lengthy discussion regarding the districts, descriptions of the districts and areas in which the district codes fall within the zoning code and size of the proposed property.

Mr. Latimer, Senior Vice President of Key Bank: If the light is installed and the timing would be changed, Key Bank would have no objection to this project. There was discussion regarding the property that is vacant and the lack of interest in the property at this time. There was further discussion regarding the Key Bank property.

Jeanne Hartman: What is the projected start date if this request is approved? Mr. Mastrostefano: Realistically, the start of this project would be in the spring or summer of 2013 with a projected opening in the fall or winter of next year.

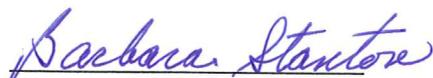
There was a lengthy discussion of what type of products that would be sold in the convenience store/food service and security of the premises.

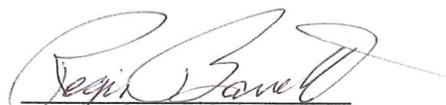
Bob Gardener, Project Manager of Big Creek: There was discussion regarding storm water management and the opportunity of a swale and green space.

A motion to table this request was made by Dean Bredenbeck. There was no second to the motion.

A motion was made by Regis Barrett, second by Jeanne Hartman to grant the appeal of the request from Bruce G. Rinker on behalf of Sheetz, Inc. for Conditional Use and Preliminary Site Plan approval to locate a 6,500 square foot convenience store with foot service/drive thru; automated car wash; and fueling station to be located at 10315 Cascade Crossing; denied at the April 12, 2012 Planning Commission meeting. **Vote Resulted: - Yes: Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker. No: Dean Bredenbeck.**

A motion was made by Regis Barrett, second by Earl Bloam to adjourn the meeting. **Vote Resulted: - Yes Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

  
Barbara Stanton, Secretary

  
Regis Barrett, Chairman