

Minutes of Meeting
Perkasie Borough Zoning Hearing Board
May 23, 2022

620 W. Chestnut Street
Perkasie, Pa 18944

Attendance:

Zoning Hearing Board Members:

Dave Barndt
Dennis Hurchalla
John Yannacone
John Wilcox
Tim Rimmer
ZHB Solicitor: Colby Grim

The Zoning Hearing Board public hearing was convened @ 7:34pm.

Meeting Minutes:

Upon motion by John Wilcox, seconded by Tim Rimmer, the Zoning Hearing Board unanimously agreed to approve meeting minutes from April 25, 2022.

New Business

File No. 2022-6

Applicant-Perkasie Regional Authority is the Owner of Legal Title of Tax Parcel No. 33-003-011 located along the south side of Ridge Avenue at the intersection with N Ridge Rd in Perkasie Borough, PA.

Party Status –There was no one from the public requesting party status.

Present were all exhibits, the application and notices concerning the file.

Applicant, Perkasie Regional Authority is the owner of the subject property located along the south side of Ridge Avenue at the intersection with N. Ridge Road in Perkasie Borough. The Property is currently located in the Two Family Residential (R-2) Zoning District and used by the Perkasie Regional Authority for a water reservoir. The water reservoir is a "Public Utility" (F2) which is permitted by right in the R-2 Zoning District. Applicant proposes to replace the existing inground water reservoir with a new pre-stressed concrete finished water reservoir. As a result of the topography of the Property the proposed tank shall extend 10 to 12 feet out of the ground at the point closest to Ridge Ave. and shall extend 20 feet out of the ground at the point farthest point from Ridge Ave. The proposed water reservoir shall be circular and shall be located on the Property as set forth in Exhibit s"A-2" and "A-3". The proposed replacement tank shall be in

compliance with all dimensional requirements, except that a small portion of the stone ring around the tank shall extend into the front buffer yard. Applicant has requested a three variances: 1) a variance from Section 186-18.F.(2)(a) which requires a 50- foot buffer along all property lines; 2) a variance from Section 186-54D.(2) which requires a Class D Buffer; and 3) a variance from Section 186-54E.(2) which allows certain vegetation , topography or man-made structures to meet the objectives of the buffer requirements.

The Zoning Hearing Board determines upon review of the Findings of Fact set forth above, and the documentary evidence offered and accepted at the hearing that the Applicant has shown the existence of a hardship, not self-created, and unique and peculiar to the Pad Site and Property, which requires the granting of a portion of a variance from Section 186-54(0)(2). The Board finds merit in the vulnerability assessment and that the decrease in certain vegetation within the buffer yard will allow visibility from Ridge Avenue to protect against any vandalism, contamination and/or other potential threat. The Board also finds that the granting of this variance shall allow the Applicant to replace a necessary utility to benefit the community. Furthermore, the Applicant has demonstrated that the replacement of existing tank will not alter the essential character of the neighborhood, will have no detrimental impact on the health, safety or general welfare of neighboring property owners and shall provide additional buffer to adjoining properties.

The Zoning Hearing Board does not find that Applicant provided substantial, serious and compelling reasons to eliminate the 50 foot buffer yards and/or eliminate the Class D plantings within the buffer yard and/or decrease or change the objectives of the buffer requirements except as provided above. Applicant failed to show that an unnecessary hardship existed, that there were certain physical circumstances and/or conditions at the Property regarding the requirement of Class D plantings within the buffer yard and Applicant failed to show that their request was the minimum variance that will afford relief. Therefore, the Board will not grant variances to eliminate the 50 foot buffer yards from Section 186-54(D)(2), eliminate or modify the Class D planting requirement from Section 186-54D.(2) or modify the objectives of the buffer requirements in Section 186-54E.(2). However, the Board does find that the stone ring surrounding the tank may extend into the buffer yard. More specifically, the Board finds that the extension into the buffer yard was minimal and will not interfere and/or impact any plantings within the Class D buffer.

1. Applicant also requested an interpretation of law for Section 186-86. Applicant wanted to determine if the existing vegetation could be decreased by 25%. Section 186-86 applies to the alteration of non-conforming uses and not the decrease of existing vegetation. Section 186-86 provides that "non-conforming uses shall not be altered , reconstructed , extended or enlarged except in accordance with the following provisions." The Board finds that this provision does not apply to the present case, because the present use is not non-conforming. The Public Utility (F2) use is permitted within the R-2 Zoning District. In addition, Applicant argued that Section 186-84 applied to the Property. Section 186-84 provides that nonconforming structures may not be altered, reconstructed or enlarged.

For the foregoing, the Perkasio Borough Zoning Hearing Board entered its decision and order as more fully set forth below:

1) Grants Applicant's request for a variance from Section 186-54(D)(2) to decrease the amount of certain vegetation within the buffer yard as follows:


- (a) Class D plantings or buffer shall be required along the Southeasterly side of the Property (Parallel to Vine Street) and as shown on Exhibit "A-";
- (b) Existing Class D plantings or buffer shall remain on the Northeasterly side of property;
- (c) All existing trees located in the buffer yards shall remain and/or shall be replaced in kind. A note shall be placed on the Recorded Plan for the existing trees and the replacement of the existing trees.
- (d) Buffer plantings shall be required for the first 50 feet from Southeasterly point (near Tunnel Road) along Ridge Ave.
- (e) Buffer plantings shall be required from 185 feet from the Southeasterly point (near Tunnel Road) to the end of the frontage of the intersection of Ridge Ave.
- (f) No Buffer plantings shall be required from 50 feet to 185 feet along frontage of Ridge Ave (total of 135 feet).
- (g) Applicant shall otherwise comply with all applicable Borough, County, State Codes, laws, regulations and ordinances with respect to the replacement of the tank, all buffer requirements and use of the Property.

2) Denies Applicant's request for a variance from Section 186-18.F(2)(a) except that the Zoning Hearing Board grants the right for Applicant to extend a portion of the stone rig around the proposed water reservoir to be located in the buffer area as shown on Exhibit "A-3".

3) Denies Applicant's request for a variance from Section 186-54.E.(2).

4) Denies Applicant's interpretation of 186-86 that existing vegetation can be decreased by 25%.

There being no further business before the Zoning Hearing Board, the meeting was adjourned at 9:20PM.



Dennis Hurchalla, Secretary