

Union Township Board of Supervisors
Public Hearing on Conditional Use Request
of John E. Gerba, 101 Hohlman Road, Finleyville, PA 15332
September 10, 2012

The public hearing was called to order by Chairperson Linda Evans-Boren at 6:10 pm. The hearing was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited. Board Members in Attendance by roll call were Larry Spahr, Linda Evans-Boren, Andrew Tullai, and Brenda Cushey. Mr. Parish did not attend due to illness. Also in attendance: Dennis Makel—Solicitor, and Debra Nigon—Secretary.

A court reporter from Seiler Court Reporting was also present and a full transcript will be provided.

All those providing testimony were sworn in.

The solicitor stated that the hearing was being held to make a determination on the Conditional Use Application of John E. Gerba, in reference to Section 401 B2A of the Zoning Ordinance on the property located at 101 Holman Road, Finleyville, PA, 15332, with a lot size of 4.9 acres presently being used as a residence and currently zoned RD. The proposed conditional use is for a home business, a gunsmith shop, which would include work such as scope mounting, scope finishing, glass bedding, repairs, part replacements and all other aspects of gun maintenance. The application was submitted on July 14, 2012 and the application fee of \$1500 was paid.

Motion to admit into evidence as Exhibit A the application for conditional use by John E. Gerba.

Motion by Andrew Tullai, Second by Brenda Cushey

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to admit into evidence as Exhibit B the Notice which was sent by the Township to all impacted parties notifying them of this public hearing to consider the application for conditional use.

Motion by Linda Evans-Boren, Second by Brenda Cushey

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to admit into evidence as Exhibit C the Proof of Publication from the Observer-Reporter of the Notice of a public hearing being held on the Conditional Use application of Mr. Gerba.

Motion by Andrew Tullai, Second by Larry Spahr

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

The solicitor noted that the Zoning Officer / Building Code Official could not be present as they were attending a work-related seminar.

Mr. and Mrs. Gerba were sworn in by court reporter and gave their testimony in regard to the application. Mr. Gerba said that in order to obtain a firearms license to run a firearms business, one of the first steps is getting the approval of the Township. Mr. Gerba indicated that his 14 year old son wants to become a gunsmith and that the certification process takes many years. Mr. Makel informed Mr. Gerba that the requirements of a home business include the requirement that only residents of that home can participate in the home business and no employees can be hired to work for them. In addition, no accessory structure can be built to house the business, nor can his son build another structure on the property and run the business from that structure, nor can the property or residence be enlarged. The home business conditional use does not move with the owners or residents of that property and only applies to the specific property, residents and dwelling for which it is granted. In addition, no displays or signs can be built outside the property and parking must be available for patrons of the business. The Gerba's stated that they did have a gravel driveway for parking and were aware about the limitations on signs. The solicitor asked the Gerba's a series of questions to determine whether the home business met the requirements. Mr. and Mrs. Gerba confirmed that they did not foresee any increase in dust, traffic or noise. They also confirmed that they would not be involved in the wholesale or retail sale of firearms or any other product.

The Supervisors were given opportunity for comment. Mr. Tullai inquired as to the hours of operation of the business. Mr. Gerba said that the hours would be from 10:00 a.m. until 6:00 p.m., closed on weekends. There was no further comments from the Board.

The public was given opportunity to comment, and there were no comments from the public. The solicitor reiterated that the Notice had been published and that adjacent property owners had been informed of the hearing to take place, and he noted that no parties had appeared to object. The solicitor also stated that there was no recommendation from the Planning Commission. The Gerba's said that they were not notified of the first Planning Commission Meeting and the second Planning Commission Meeting had insufficient attendance for a quorum; thus they were scheduled before the Board of Supervisors so that they could meet the time requirements of the application.

Motion to go to Executive Session at 6:32 p.m.

Motion by Larry Spahr, Second by Brenda Cushey

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

The Supervisors returned from Executive Session at 6:50 p.m.

The solicitor stated that they discussed the Conditional Use Application of Mr. Gerba and an issue involving litigation concerning Morgan Excavating.

Board Approved: 9/24/12

Motion to close public testimony.

Motion by Larry Spahr, Second by Brenda Cushey

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to grant the conditional use request of Mr. John E. Gerba to run a gunsmith shop at the property situated on 101 Hohlman Road, Finleyville, PA pursuant to the specific matters requested therein and subject to section 1503.39 of the Zoning Ordinance.

Motion by Andrew Tullai, Second by Larry Spahr

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to adjourn at 6:55 p.m.

Motion by Brenda Cushey, Second by Larry Spahr

Roll Call Vote: Parish-absent, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Debra A. Nigon, Secretary