

RESOLUTION NO. 2010-28

A RESOLUTION OF HOPEWELL TOWNSHIP, A FIRST
CLASS TOWNSHIP OF THE COUNTY OF BEAVER,
COMMONWEALTH OF PENNSYLVANIA, PROVIDING
THE FINDINGS OF FACT, CONCLUSIONS AND
DECISION OF THE BOARD OF COMMISSIONERS FOR
THE TOWNSHIP OF HOPEWELL ON THE
CONDITIONAL USE APPLICATION OF DEBRA A.
MCGRATH AS PREPARED AND SUBMITTED BY DEBRA
A. MCGRATH AND PRESENTED AT THE PUBLIC
HEARING HELD ON JULY 8, 2010

CONDITIONAL USE APPROVAL WITH CONDITIONS

WHEREAS, Debra A. McGrath, with an address listed as 2250 Brodhead Road, Aliquippa, PA 15001 (hereinafter referred to as "Applicant") has proposed a Neighborhood Commercial Establishment in the R-3 (Medium Density Residential) Zoning District for property located at 2250 Brodhead Road, Tax Parcel No. 65-016-0502-000-01-1, (hereinafter referred to as the "Property") *former site of Cottage Place Ceramics*, to be utilized as a Nationwide Insurance Agency. This application is made pursuant to the Hopewell Township Zoning Ordinance, Article VIII, Section 802B, Article XXIII, Section 2303 "Procedure For Review For Conditional Uses" and 2304-G "Specific Criteria For Conditional Uses – Neighborhood Commercial Establishments;" and

WHEREAS, in June 2010, Applicant made a conditional use application (attached hereto and marked collectively as Exhibit "A") pursuant to the aforementioned Ordinance sections, proposing to convert the existing use to a Neighborhood Commercial Establishment, classified as a small scale commercial office service and utilizing an existing structure; and

WHEREAS, the proposal was submitted, accepted and heard as a conditional use application due to the fact that the requested use is only permitted in the R-3 District as a conditional use pursuant to Article VIII, Section 802B; and

WHEREAS, pursuant to public notice and advertisement in the Beaver County Times June 10, 2010, June 16, 2010 and July 7, 2010, the Board of Commissioners for Hopewell Township held a public hearing at the Hopewell Municipal Building on July 8, 2010 to consider and hear comments on the Applicant's conditional use application and plans; and

WHEREAS, this Resolution shall constitute the written decision of the Board of Commissioners for Hopewell Township on the above-referenced conditional use application pursuant to the aforementioned Ordinance provisions and the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, it is hereby resolved and decided by the Board of Commissioners of the Township of Hopewell as follows:

FINDINGS OF FACT AND CONCLUSIONS

A. Application.

The Applicant submitted a Conditional Use Application, drawings, reports and documentation to Hopewell Township in June 2010. *See Application collectively marked Exhibit "A" attached hereto.*

B. Planning Commission.

The Hopewell Township Planning Commission reviewed the Application on June 24, 2010 and recommended approval of the conditional use application by letter dated June 29, 2010. *See correspondence marked Exhibit "B" attached hereto.*

C. Public Hearing.

A Public Hearing was held on July 8, 2010 and was properly advertised pursuant to public notice requirements of the Pennsylvania Municipalities Planning Code. *See advertisement collectively marked Exhibit "C" attached hereto.* The property was also properly posted and owners within Three Hundred (300) feet of the property were notified.

D. Proposed Use.

- 1) Debra A. McGrath is a Nationwide Insurance Agent who desires to use the Property as a Nationwide Insurance Agency.
- 2) The proposal is a practical expansion that is consistent with Township ordinances, and makes provision for adequate light, air, traffic circulation, water and sewage. It will not generate volumes of vehicular traffic detrimental to the welfare of the neighborhood.
- 3) The proposed expansion shall be serviced by existing public water with no need for further expansion of water or sewage facilities.
- 4) The proposed expansion complies with all standards and conditions of the Township Zoning Ordinance and specifically Article XXIII of the Code of the Township of Hopewell and the Pennsylvania Municipalities Planning Code, except as may be specifically noted herein, and preserves the community

development objectives which are set forth in both the Code of the Township of Hopewell and the Hopewell Township Comprehensive Plan.

- 5) The proposal has a beneficial relationship to the neighborhood in which it is proposed to be established and it is consistent with the character of the neighborhood and adjacent properties.
- 6) Based on the evidence of record, the proposed use, with the conditions herein imposed, meets the public interest of Hopewell Township as defined by Pennsylvania Act 247, as amended, the Pennsylvania Municipalities Planning Code.

E. Stormwater.

In that no excavation or soil movement is anticipated, existing stormwater provisions satisfy Township requirements for stormwater management.

F. Streets.

No streets are proposed by this use.

G. Public Safety

During it's use of the facility, Applicant will not cause any conditions that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, or moral or general welfare of the community or to any other person or property in the Township of Hopewell.

H. Landscaping.

The Applicant shall provide and maintain landscaping as set forth in its application.

DECISION

The Board of Commissioners of the Township of Hopewell hereby grants Conditional Use Approval with the following Conditions for Debra A. McGrath in accordance with the Findings and Conclusions above as well as the plans, reports and studies prepared, submitted and presented at the Public Hearing held on July 8, 2010 all of which are incorporated herein with the same force and effect as though fully set forth at length:

A. Conditions of Approval.

The Applicant shall comply with all representations set forth in its Application, the Performance Standards set forth in Section 2217 of the Hopewell Township Zoning Ordinance, the lot and area requirements contained in the Hopewell Township Zoning Ordinance, Article VIII, Section 802B, Article XXIII, Section 2303 “Procedure For Review For Conditional Uses” and 2304-G “Specific Criteria For Conditional Uses – Neighborhood Commercial. The Applicant will purchase the subject Property for the intended use of an insurance agency.

1. Only three (3) employees are anticipated for the operation of the Agency. They shall park in the rear of the structure in a private gravel lot to be constructed by the Applicant. A grading and filling permit must be obtained to construct this parking area.
2. The Agency shall use two (2) signs with the name and phone number of the establishment. These signs will replace two that currently exist and will be similar in size and placed on the existing posts. They shall not be illuminated. Pursuant to Section 2303-J, the proposed signs are hereby approved, but a sign permit must still be obtained from the Township.
3. A dark blue awning will be constructed on the front of the building with “Nationwide Insurance” written thereupon in white block letters.
4. The proposed use will only be operated during daylight hours and will not significantly increase traffic in the neighborhood.
5. No structural or lot modifications are being proposed by the Applicant as part of this use request.
6. Traffic volume will be minimal with a majority of the business conducted over the telephone.
7. The business shall remain landscaped and well maintained and produce an aesthetically compatible and architecturally harmonious relationship with buildings adjacent to the site.
8. The use and structure shall have no substantial adverse impact on neighboring uses nor cause a reduction of the property values.
9. The use and structure shall satisfy every reasonable consideration made for the safety and convenience of the traveling public, safe ingress and egress, and avoid hazard and congestion to travel and transportation.
10. The use and structure shall not result in any detrimental impact upon neighboring uses as may affect the health and safety of persons and the value and use of adjacent properties.
11. The use and structure shall not involve any element or cause any conditions that may be dangerous, injurious or noxious to any other property or person and shall comply with applicable performance standards.

12. The use and structure shall encourage and facilitate orderly community development and growth and protect the character and maintain the stability of the residential and commercial areas of the Township.
13. The market analysis submitted by the Applicant pursuant to Section 2304-G “Specific Criteria For Conditional Uses – Neighborhood Commercial” is acceptable.
14. The proposed use is related to its potential service area and is in keeping with the principles of the adopted master plan.
15. The proposed use is not for shopping so that the provisions of 2304-G(2) are inapplicable.

B. Developer’s Agreement.

No Developer’s Agreement shall be required for this proposed Neighborhood Commercial Establishment due to the limited nature of the project

C. Township Code.

All conditions of the Pennsylvania Municipalities Planning Code, this Conditional Use Approval with Conditions, all ordinances of the Township and laws of the Commonwealth of Pennsylvania shall consistently be complied with during the construction of the improvement and the operation of the agency, except as is specifically noted herein. Specifically, Applicant shall comply with the requirements set forth in the Hopewell Township Zoning Ordinance, Article VIII, Section 802B, Article XXIII, Section 2303 “Procedure For Review For Conditional Uses” and 2304-G “Specific Criteria For Conditional Uses – Neighborhood Commercial Establishments.

D. Density.

All lot and area requirements set forth in Article VIII, Section 804 shall be consistently complied with during the operation of the agency.

E. Phasing.

The improvement will be constructed in one (1) phase.

F. Utilities.

The proposed expansion shall be serviced by existing public water with no need for further expansion of water or sewage facilities.

G. Stormwater Management.

In that no significant excavation or soil movement is anticipated, existing stormwater provisions satisfy Township requirements for stormwater management. The proposed parking area in the rear of the structure shall be constructed of gravel and shall not be impervious to storm water nor cause stormwater runoff. A grading permit must be obtained for this parking area.

H. Construction.

- 1) The Applicant shall comply with any restrictions regarding vehicular access to the premises by construction vehicles from certain public roads or portions thereof that the Township shall require or mandate.
- 2) The Applicant shall comply with and shall ensure compliance by all its contractors, subcontractors, and grantees with any and all restrictions of construction vehicles from Township roads or portions thereof. The Applicant shall be responsible to repair or reimburse the Township for any and all damages to Township roads or other property caused, directly or indirectly, by any construction activities related to the proposed use. All such repairs to Township roads shall be done to Township specifications in effect at the time such repairs are done. The Township reserves the right to require, as it deems necessary in its sole discretion, the Applicant to post appropriate bonds to protect Township roads from potential damage during construction of the expansion.
- 3) The Applicant shall undertake no blasting operations in connection with the construction of the expansion without prior, written notice to the Township of Hopewell and the prior, written approval and receipt of all applicable permits from the Pennsylvania Department of Environmental Protection.

I. Landscaping and Parking

The Applicant shall provide and maintain landscaping as set forth in its Application and in accordance with the Zoning Ordinance of Hopewell Township. There will be accessible customer parking along the entire front of the structure in an area that is currently paved. A small private gravel lot will be constructed in the back of the business for employees of the Agency.

J. Permits.

Applicant and its assignees acknowledge that the Township of Hopewell may revoke any and all of its permits, refuse to issue additional permits of any kind relating to the proposed use, and additionally take any and all other legal or equitable remedies open to it should the Applicant violate in any way the terms

and conditions of this Conditional Use Approval with Conditions or any other applicable local, state or federal law or regulation. Applicant must obtain a zoning/building permit for the requested use as well as a sign permit.

K. Conditional Use Approval.

This Conditional Use Approval with Conditions is granted to the Applicant as presented at the Public Hearing and is non-transferrable and non-assignable to any other party or successor without the express written consent of the Township of Hopewell.

L. Terms.

The terms of this Conditional Use Approval with Conditions shall constitute Conditional Use Approval to Debra A. McGrath, as per the provisions of the Code of the Township of Hopewell, the Pennsylvania Municipalities Planning Code and laws of the Commonwealth of Pennsylvania.

~~Resolved~~ Approved by the Board of Commissioners of the Township of Hopewell at their public meeting on July 26, 2010.

ATTEST:

TOWNSHIP OF HOPEWELL


Township Manager

By: 
President
Board of Commissioners

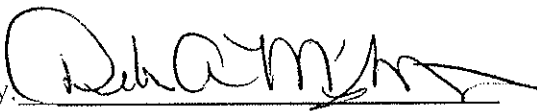
I, Andy Brunette, as Manager for the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, certify that this document constitutes an official communication by the Hopewell Township Commissioners and accurately reflects their decision on the above-captioned matter which was voted on at a public meeting held on September 27, 2010.


Andy Brunette, Manager
Hopewell Township

ACCEPTANCE BY APPLICANT OF THIS CONDITIONAL USE APPROVAL WITH
CONDITIONS BY THE TOWNSHIP OF HOPEWELL FOR
NATIONWIDE INSURANCE AGENCY

I, Debra A. McGrath, Nationwide Insurance Agent, acknowledge receipt of the foregoing
Conditional Use Approval With Conditions and accepts all conditions contained herein on this
15 day of Sept, 2010.

ATTEST:

By: 
(Sign here)

Debra A McGrath Agency
(Print name here)

Debra A McGrath
(Applicant name)

Title: Principal Agent/owner

McCaughy

**HOPEWELL TOWNSHIP
BOARD OF COMMISSIONERS MEETING**

The regular monthly meeting of the Hopewell Township Board of Commissioners was held on Monday, September 27, 2010 at 7:00 p.m. at the Hopewell Township Municipal Building, Clark Boulevard, Aliquippa, PA 15001.

President Rich Bufalini presided and asked everyone to rise for the flag salute and announced that the meeting is being tape recorded.

The Opening Prayer was given by Andy Brunette, Township Manager/Controller.

ROLL CALL - COMMISSIONERS

Mr. Kusnir - Present
Mr. Rohm – Present
Mr. Kraus – Present
Mr. Piroli – Present
Mr. Bufalini - Present

OTHERS PRESENT

Andy Brunette – Township Manager/Controller
Marie Stratakis Hartman – Widmer Engineers
Chas Srafin – Public Works Superintendent - Absent
Patricia L. Owens - Recording Secretary
Diane Palsa - Treasurer/Tax Collector
John Bates – Zoning Officer
Michael Jones - Solicitor
Chief Gene Ungarean - Hopewell Police Department

Public Comments Regarding the Business Agenda Proposed Action

None

BUSINESS AGENDA

BUSINESS MEETING MINUTES

Mr. Kusnir: Motion to approve the business meeting minutes of August 23, 2010.

Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Yes

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Mr. Kraus – Yes
Mr. Piroli – Yes
Mr. Bufalini - Yes

TREASURER'S REPORT

Diane Palsa, township treasurer gave the treasurer's report for the month of August 2010.

Mr. Piroli: Motion to approve the treasurer's report for August, 2010.

Mr. Rohm: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
Mr. Rohm – Yes
Mr. Kraus – Yes
Mr. Piroli – Yes
Mr. Bufalini - Yes

TAX COLLECTOR'S REPORT

The tax collector's report is on file for the month of August, 2010.

Mr. Kraus: Motion to approve the tax collector's report for August, 2010.

Mr. Rohm: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
Mr. Rohm – Yes
Mr. Kraus – Yes
Mr. Piroli – Yes
Mr. Bufalini - Yes

LIST OF BILLS

Mr. Piroli: Motion to approve the List of Bills for September 27, 2010.

Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
Mr. Rohm – Yes
Mr. Kraus – Yes
Mr. Piroli – Yes
Mr. Bufalini - Yes

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Mr. Piroli: Motion to approve Resolution R-2010-24 recognizing and paying tribute to the 2010 Hopewell High School W.P.I.A.L. AAA Champs.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

Mr. Kraus: Motion to approve Resolution R-2010-25 recognizing and paying tribute to the 2010 Beaver County Legion Boys' Baseball Team District 6 Champions.

Mr. Kusnir: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

Head Coach Joseph Colella and Assistant Coach Joe Rubino were present to accept the copies of the Resolutions for themselves and on behalf of the team players.

Mr. Rohm: Motion to approve Resolution R-2010-26 recognizing and paying tribute to Sergeant First Class Jason Kirk.

Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

Sergeant Kirk's sister Stephanie was present to accept his copy of the Resolution on his behalf.

Mr. Piroli: Motion to approve Resolution R-2010-27 authorizing an amendment to the agreement dated January 1, 1987 between the Township of Hopewell and the Pennsylvania Municipal Retirement Board to reduce for the year 2011 only, the required member contribution to the Municipal Pension Plan from 5.5% to 4%.

Mr. Kusnir: Second the motion.

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Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

Mr. Kraus: Motion to approve application one (1) for Skerlec Contracting, Inc. in the amount of \$24,235.00 for the replacement of the Nature Center roof and chimney repair per budget line item 1-454-373.

Mr. Piroli: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

COMMISSIONERS' REPORTS

Commissioner Bufalini stated that he attended the ground breaking ceremony at Westfield Towers. This 40 unit elderly housing facility will be completed the summer of 2011 and is for persons 62 and over. This is a very attractive and practical housing facility that will add to an already pleasantly developed residential area.

MANAGER'S REPORT

Andy Brunette, Township Manager/Controller gave his report for the month of August, 2010.

ADMINISTRATION AND SEWER REPORTS

Mr. Brunette also gave the administrative and sewer reports for the month of August 2010.

ENGINEERING REPORT

In addition to her written report, Mrs. Hartman briefly covered these items:

- (1) The Raccoon solid receiving pad construction began and will be completed in one to two weeks.
- (2) The nature center roof at the community park has been completed by Skerlec and it looks very nice.

- (3) Geotech will be providing the township with several options to choose from on the Laird Road project.

WATER POLLUTION CONTROL REPORT

Chas Srafin, the public works superintendent, was absent from this meeting. This report is on file at the township office.

ROAD DEPARTMENT

Chas Srafin, the public works superintendent, was absent from this meeting. This report is on file at the township office.

POLICE REPORT

Chief Gene Ungarean gave the police department report for the month of August, 2010.

PLANNING/ZONING REPORT

Mr. Bates, the planning and zoning officer submitted his report for the month of August, 2010.

The following reports are on file: Water Pollution Control, Road Report, Police Department, Hopewell Township Planning & Zoning Commission, Beaver County Planning Commission, Sewer Authority, Volunteer Fire Department, and Veteran's Service Center for the month of August 2010.

OLD BUSINESS

Commissioner Bufalini asked for a motion to approve Resolution R-2010-28 granting a conditional use to Deborah A. McGraf as submitted at a public hearing held on July 8, 2010.

Mr. Kraus: Motion to approve Resolution R-2010-28 granting conditional use to Deborah A. McGraf as submitted at a public hearing held on July 8, 2010.

Mr. Piroli: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Yes
 Mr. Kraus – Yes
 Mr. Piroli – Yes
 Mr. Bufalini - Yes

NEW BUSINESS

None

Commissioner Kusnir had to leave the meeting at 7:50 p.m. due to another commitment.

CITIZEN'S COMMENTS

John Lopata
Woodlawn Park

Mr. Lopata repeated his complaints about a fireworks display which was put on at a picnic on July 4, 2010 by Mr. Piroli. He still maintained that the proper rules were not followed as required for putting off fireworks.

Solicitor Jones said all township rules were followed and nothing was done illegally and he still stands by his original decision on this matter.

Mr. Lopata also questioned the 2011 Parkfest fireworks display and understands that A-1, a local business will be doing this display. He wanted to know if they will have all the required permits. Commissioner Bufalini told him that is to be understood and that the township would never do otherwise.

Bob Years
200 Grace Lane

Mr. Years and his wife were present to give their explanation as to why they have made several changes to the road since they moved in to that area. Their feeling is that it is private property and they are entitled to make any changes or improvements they feel necessary. They stated that PennDot has abandoned the road in question and they are only maintaining it in a manner suitable to them as property owners.

Carl Hughes
3054 Kane Road

Mr. Hughes spoke on behalf of some of the other residents who access the road to get to their residences. He also said that this is the main access to Veasy Cemetery. He stated that there was a right-of-way all these years and there is no reason to have the road blocked for their use. The road was always properly maintained by the township when needed in the past. He feels this is adverse possession and something needs to be done. He requested that the road be open for the residents to use as in the past and maintained by the township as an established legal precedent.

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Barbara Mowad

Mrs. Mowad stated that she has resided there since 1944 and there has never been a problem before now. The township maintained the road when necessary and they were free to use the road when needed. She would request that the road remain open and accessible to the residents.

**Cheryl McFarland
3037 Kane Road**

Mrs. McFarland said her 15 year old son rides his bike on the road and he tried to move a few things around to bicycle, but there are trucks and other objects blocking his way.

**Craig Barlow
3042 Kane Road**

Mr. Barlow said that someone visiting the cemetery tore out the whole catalytic converter in their car because of the speed bumps and other things that were done on the road.

ANNOUNCEMENTS

Hopewell Township's Fallfest will take place October 9, 2010 between the hours of 11:00 a.m. to 5:00 p.m. at Hopewell Township's Community Park.

Hopewell Township will observe Halloween Trick-or-Treat on Thursday, October 28, 2010 between the hours of 6:00 and 8:00 p.m.

ADJOURNMENT

Mr. Piroli: Motion to adjourn the meeting.

Mr. Kraus: Second the motion.

All in favor by voice vote. The meeting was adjourned at 8:12 p.m.

**Submitted By:
Patricia L. Owens
Recording Secretary**

Hopewell Township

1700 Clark Boulevard
Aliquippa, PA 15001

Zoning Occupancy Permit Application (Businesses)

**ZONING OCCUPANCY PERMIT APPROVAL IS REQUIRED FOR ALL NEW
BUSINESSES THAT LOCATE IN OR EXISTING BUSINESSES THAT
RELOCATE WITHIN HOPEWELL TOWNSHIP**

THE FOLLOWING INFORMATION IS REQUIRED

1. Name of Business: Debra A McGrath Agency - Nationwide
Address/Location or Business: 2250 Brodhead Road
ALBUQUERQUE, PA 15001
2. Proposed business type pursuant to the Hopewell Township Zoning Ord.:
Insurance Agency
3. Business owner name: Debra A McGrath
Owner address: 812 Rt 30 Clinton PA 15026
Owner phone #: 724-288-8419
4. Property owner name: Debra A McGrath

* Submit two (2) copies of a drawing or sketch plan layout of the floor plan for the business identifying rooms, building areas and exits doors.

APPLICANT SIGNATURE: _____

PRINT NAME: _____

DATE: _____

THIS BOX - TOWNSHIP USE ONLY

Date Received: 9-28-10

Permitted Use: RESIDENTIAL 3
NEIGHBORHOOD COMMERCIAL
ESTABLISHMENT

Twp Zoning Approval: CONDITIONAL USE

Zoning Approval #: RES 2000-28

Approval Date: 9-27-10

* Verify that business owner has contacted
the Township Tax Office