

RESOLUTION NO. 2018-03

**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 MEEHAN LAWN CARE LLC AS PREPARED AND  
SUBMITTED BY BLAKE MEEHAN AND PRESENTED AT THE PUBLIC  
HEARING HELD ON NOVEMBER 13, 2017**

**CONDITIONAL USE APPROVAL WITH CONDITIONS**

**WHEREAS**, Blake Meehan, of Meehan Lawn Care LLC , with an address listed as 1120 Kings Lane, Moon Twp. 15108 (hereinafter referred to as “Applicant”) has proposed to operate Meehan Lawn Care LLC on Tax Parcel No. 65-027-0126.000, being lots 11 & 12 Valleyview Drive, situate at 220 Service Creek Road (hereinafter the “Property”), as a Neighborhood Commercial Establishment under Section 2304(G) of the Hopewell Township Zoning Ordinance, No. 2004-01, permitted as a Conditional Use under Article IX “R4 Residential District,” Section 902 “Conditional Uses” in accordance with the general criteria for conditional uses of the Township of Hopewell; and

**WHEREAS**, on September 28, 2017 the Applicant submitted a conditional use application relative to the above-requested use of the Property; and

**WHEREAS**, pursuant to public notice and advertisement in the Beaver County Times, the Board of Commissioners for Hopewell Township held a public hearing at the Hopewell Municipal Building on November 13, 2017 at 7 P.M. to consider and hear comments on the Applicant’s conditional use application and plans; and

**WHEREAS**, the Applicant, per his written request dated September 28, 2017 (attached hereto and marked as Exhibit “A”) requested at said hearing that his conditional use request be considered by the Board of Commissioners for Hopewell Township based upon the evidence and plans presented during the hearing on November 13, 2017 at which time Applicant submitted all of the details of his proposed conditional use at the Property; and

**WHEREAS**, this Resolution shall constitute the written decision of the Board of Commissioners for Hopewell Township relative to the above-referenced conditional use application pursuant to the aforementioned Hopewell Township Zoning 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 and documentation to Hopewell Township on September 28, 2107. *See Application collectively marked Exhibit "A" attached hereto.*

### B. **Public Hearing.**

A Public Hearing, properly advertised pursuant to the public notice requirements of the Pennsylvania Municipalities Planning Code, was held on November 13, 2017. *See advertisement marked Exhibit "B" attached hereto.* All adjoining property owners were notified of said hearing by U.S. Mail. Several residents of Valley View Drive appeared at the Hearing in opposition to the Application and requested use. *See Petition marked Exhibit "C" attached hereto.* The gist of the opposition from adjoining property owners was rooted in a collective desire to keep the property vacant for the purpose of tranquility and preserving wildlife noting the presence of white tail deer, wood turtles and blue crab mounds on the Property.

### C. **Planning Commission.**

The Hopewell Township Planning Commission reviewed the Application on December 14, 2017 and recommended approval with conditions by letter dated December 18, 2017. *See correspondence marked Exhibit "D" attached hereto.*

### D. **Proposed Development.**

- 1) Meehan Lawn Care LLC will use the Property to operate a Neighborhood Commercial Establishment known as Meehan Lawn Care. The Property is presently a vacant, 0.5 acre lot. The Property abuts both Valley View Drive, a Township road, and Service Creek Road, a State road and is the location of a Hopewell Area School District bus stop. At all times, a clear site triangle at this intersection shall be observed and maintained. The Applicant will clear vegetation from the Property and keep it property maintained to eliminate vegetation overgrowth, rubbish, litter and other nuisances. The Property will be used to erect thereupon a 40x32 metal pole building for the purpose of housing small commercial trucks (not to exceed one ton) and landscape utility trailers. No equipment shall be stored or kept outside of said building for a period exceeding twenty-four (24) hours. The Property shall also be used for the erection of concrete block holding stalls for the placement and storage of bulk mulch and top soil. The building and holding stalls shall be aesthetically harmonious with the neighborhood. No materials shall be stored in these stalls which omit offensive or noxious odors or produce dust beyond the parcel boundary of the Property. The use shall only be operated Monday through Saturday between the hours of 8AM to 5PM. The use shall not generate excessive noise or light before

or after these hours of operation and shall not disturb the peace and quiet of the neighborhood. All structures shall adhere to a thirty (30) foot setback. All operations will be enclosed and secured by a six (6) foot fence with natural buffering to protect adjacent properties from airborne pollutants.

- 2) A “Neighborhood Commercial Establishment” is defined in the Hopewell Township Zoning Ordinance as “Small scale retail and commercial services that do not adversely affect residential neighborhood communities, and properties; serving and intending to serve the family or personal needs of the immediate neighborhood. Whereas such businesses are not noxious or offensive by reason of the emission of odor, dust, smoke, gas or other pollutants, vibration, noise or other similar causes and are not of such intensity as to generate volumes of vehicular traffic substantially detrimental to the welfare of the neighborhood.”
- 3) The Property is presently owned by Tonino and Rosemarie Ciampitti of Monaca, PA who intend, if the Application is approved, to convey the property to the Applicant. This approval is conditioned upon ownership of the Property by Applicant.

### **CONDITIONAL USE APPROVAL WITH CONDITIONS**

The Board of Commissioners of the Township of Hopewell hereby grants Conditional Use Approval with the following Conditions for Meehan Lawn Care LLC in accordance with the Findings and Conclusions above as well as the plans, reports and studies prepared, submitted with the Application and presented at the Public Hearing held on November 13, 2017 all of which are incorporated herein with the same force and effect as though fully set forth at length:

#### **Conditions of Approval.**

- 1) 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 and the Applicant shall submit land development plans for the proposed building construction to the Township of Hopewell prior to construction.
- 2) The proposed use of the Property, with the conditions set forth herein, is consistent with Township ordinances including the Standards and Criteria Governing the Allowance of Conditional Uses as set forth in the Township

Zoning Ordinance, 2004-01, Article XXIII (23), Section 2300, Subsections A through I (as applicable) to which the Applicant shall continuously adhere.

- 3) The proposed use of the Property shall not require public water or sewer with no need for expansion of water or sewage facilities. Consequently, the Zoning Permit shall indicate that any proposed structures shall have zero (0) occupancy.
- 4) The proposal, with the conditions set forth herein, complies with all standards and conditions of the Hopewell Township Zoning Ordinance 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 Zoning Ordinance 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 proposal, 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.
- 7) The Applicant must comply with existing stormwater provisions and satisfy Township requirements for stormwater management including executing a Stormwater Best Management Practices Agreement.
- 8) No streets are proposed for this use.
- 9) At all times during the aforementioned use of the Property, 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.
- 10) The Applicant shall provide and maintain landscaping sufficient to meet the requirements of the Hopewell Township Zoning Ordinance, Article XXIII, Section 2304, Section BB.
- 11) All conditions of the Pennsylvania Municipalities Planning Code, this Conditional Use Approval with Conditions, all ordinances of the Township of Hopewell and laws of the Commonwealth of Pennsylvania shall consistently be complied with during the construction and operation of the use, except as is specifically noted herein.

- 12) 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.
- 13) 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.
- 14) 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.
- 15) This Conditional Use Approval with Conditions is granted to the Applicant as presented at the Public Hearing on November 13, 2017 and is non-transferrable and non-assignable to any other party or successor without the express written consent of the Township of Hopewell.
- 16) The terms of this Conditional Use Approval with Conditions shall constitute Conditional Use Approval to Meehan Lawn Care LLC, as per the provisions of the Zoning Ordinance of the Township of Hopewell, the Pennsylvania Municipalities Planning Code and laws of the Commonwealth of Pennsylvania.

Resolution approved by the Board of Commissioners of the Township of Hopewell at a public meeting on February 12, 2018.

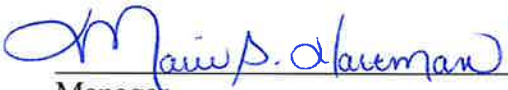
ATTEST:

TOWNSHIP OF HOPEWELL

  
Township Manager/Secretary  
*Eng. neer / Assistant Manager*

By:   
Chairman  
Board of Commissioners

I, Maria S. Hartman <sup>Engineer/Assistant</sup>, 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 February 12, 2018.

  
\_\_\_\_\_  
Manager  
Hopewell Township  
*Engineer/Assistant Manager*

ACCEPTANCE BY APPLICANT OF THIS CONDITIONAL USE APPROVAL WITH  
CONDITIONS BY THE TOWNSHIP OF HOPEWELL FOR MEEHAN LAWN CARE LLC

I, Blake Meehan, of Meehan Lawn Care LLC, in the Township of Hopewell acknowledge receipt of the foregoing Conditional Use Approval With Conditions and accepts all conditions contained herein on this 2 day of MARCH, 2018.

ATTEST:

  
\_\_\_\_\_  
Corporate Secretary/witness

By:   
\_\_\_\_\_  
(Sign here)

BLAKE MEEHAN  
\_\_\_\_\_  
(Print name here)

BLAKE MEEHAN  
\_\_\_\_\_  
(Applicant name)

Title: AGENT FOR TONINO &  
ROSEMARIE CIAMPITI