

**LOWER HEIDELBERG TOWNSHIP
ZONING HEARING BOARD (ZHB)
Minutes of the Meeting and One Hearing**

Date: August 25, 2020

Location: Virtual meeting via the Zoom format, due to restrictions and safety concerns related to the continuing COVID 19 pandemic.

Members of the Zoning Hearing Board in attendance:

Chairman Michael Roberts
Vice Chairman David Kurtz
Secretary Robert Melson

Others in attendance:

ZHB Solicitor Thomas Rothermel
Zoning Officer Andrew Kraft
Court Reporter Roxanne Weaver

It should be noted that a general business meeting, and one hearing were conducted. Additional attendees for the respective hearings will be noted hereafter.

Chairman Roberts called the meeting to order at 6:04 PM, and announced that a quorum was present to conduct business.

The ZHB members approved the minutes of the business meeting held on August 11, 2020.

**Hearing RE: Variance Application by
Legacy at Papermill Associates
79 Legacy Boulevard**

Chairman Roberts called the hearing to order at 6:05 PM, and explained the purpose of the hearing. Applicant representatives Trupert Ortlieb and Kevin Hughes joined the virtual meeting. Counsel for the applicant, Kelsey Frankowski, also joined the meeting. Solicitor Rothermel identified and documented the presence of many individuals who joined the meeting as notified adjainers and/or other interested person.

Solicitor Rothermel announced the ground rules and procedures for the conduct of the hearing. He emphasized that each person who desired to be heard must identify by name prior to testifying, commenting or asking a question, in order that the court reporter may accurately attribute each comment to a specific individual. He read into the record the list of exhibits, and identified each by number.

Detailed information about the exhibits, testimony and commentary incorporated into the hearing may be found in the official transcript.

At 6:20 PM, Solicitor Rothermel asked Attorney Frankowski to present the applicant's case for a dimensional relief variance.

Mr. Ortlieb offered his testimony regarding the need for a dimensional variance to proceed with the construction of Phase 2 of the Legacy at Papermill. He said that Phase one is completed, and that all cottages and apartments are now occupied at full capacity. Phase 2 consists of four apartment buildings and one community center. The original approved master plan included the four apartment buildings with 32 units in each, for a total of 128 units. This represents a ratio of 4 units per acre. The variance request is asking for a dimensional change to a ratio of 4.5 units per acre, which would result in 44 units per building, for a total of 176 units. This is an increase of 12 units per building, or 48 units for the four buildings in Phase 2. Mr. Ortlieb further testified that the additional units would be constructed by adding a fourth floor to each of the four apartment buildings in Phase 2.

The second portion of the request for a dimensional variance asks for a reduction in the parking space ratio from 2 spaces per unit ($128 \times 2 = 256$) to 1.5 spaces per unit ($176 \times 1.5 = 192$). This would result in a reduction of 64 spaces. Mr. Ortlieb testified that most apartment residents use the garages under the apartment buildings for parking, and the surface lots always have a sufficient amount of available spaces for parking.

At the conclusion of Mr. Ortlieb's testimony, an opportunity was provided for participants in attendance at the hearing to ask questions and/or offer comments.

At 6:56 PM, an opportunity was provided for Zoning Officer Andrew Kraft to offer any comments in addition to those which were included in his letter to the ZHB, dated August 10, 2020.

At 7:00 PM, an opportunity was provided for public comment. Several comments were received and included in the record. The comment period ended at 7:11 PM.

Solicitor Rothermel then identified two letters received by the ZHB regarding the request for a variance. The first letter was from notified adjointer Donald Wurmser, who opposed the request. The second letter was from Lower Heidelberg resident Neal Nevitt, who also opposed the request. Attorney Frankowski objected to the inclusion of the two letters as exhibits. Her objection was noted, but overruled by Solicitor Rothermel. Both letters were entered into the record.

At 7:15 PM, ZHB Chairman Roberts recessed the proceedings in order for the members of the ZHB to deliberate. A Zoom break out session followed, which was closed to the public.

At 8:25 PM, ZHB Chairman Roberts resumed the public hearing in order for ZHB members to ask questions of Mr. Ortlieb for clarification.

At 8:31 PM, ZHB Chairman Roberts recessed the proceedings in order for the members of the ZHB to continue deliberations.

At 8:39 PM, ZHB Chairman Roberts resumed the public hearing. ZHB member David Kurtz made a motion to approve the request for the dimensional variance regarding units and parking spaces, with the provision that any and all planning, building code and procedural requirements be followed by the applicant. ZHB Chairman Roberts seconded the motion. A roll call vote yielded the following results:

Mr. Roberts – YES Mr. Kurtz – YES Mr. Melson – NO

The motion was approved by majority vote.

Solicitor Rothermel will provide written notification of approval and conditions to the applicant within 45 days.

On motion by Mr. Roberts, seconded by Mr. Melson, the ZHB members voted unanimously to adjourn the meeting/hearing at 8:41 PM.

Submitted for review and ZHB approval: Robert Melson - secretary