

Amity Township Board of Supervisors
Conditional Use Hearing

April 19, 2023

Call to Order

The April 19, 2023, Conditional Use Hearing for Danielle Gerhart, 32 Leaf Creek Court, held at the Township Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 6:00PM, by Chairperson Kim McGrath. The following were in attendance:

SUPERVISORS

Kim McGrath, Chairperson
Dave Hackett, Vice Chair
Paul Weller
Terry Jones
Kevin Keifrider

STAFF

Troy Bingaman, Manager
Brian F. Boland, Kozloff/Stoudt Attorneys
John Weber, LTL Consultants
Steve Loomis, Director of Codes and Life Safety
Pamela Kisch, Township Secretary

A stenographer was present for the Conditional Use Hearing. The stenographer's transcript shall be the official record of this hearing.

Mrs. McGrath turned the hearing over to Mr. Boland at 6:00PM.

Mr. Boland stated the Conditional Use Hearing was properly advertised and being held to consider approval for a home occupation to operate a cosmetology business at 32 Leaf Creek Court, in accordance with Article 32, Section 403(c)(2) of the Amity Township Zoning Ordinance.

Mr. Boland introduced Township Exhibits 1 through 8 into the record. Mr. Boland stated proper notice was sent to adjoining property owners and stated Ms. Gerhart would testify first, to explain how the use meets the objectives of the Zoning Ordinance and should be permitted.

Ms. Gerhart stated she preferred to give her testimony after members of the public testified so she could provide a rebuttal to their concerns. Mr. Boland explained the hearing process; that Ms. Gerhart would testify first and submit applicant exhibits into the record. After testimony has concluded, parties of interest would be permitted to testify and if she chose to do so, Ms. Gerhart could then rebut their testimony.

Ms. Gerhart was sworn in and entered a typed document in as Applicant's Exhibit 1. Ms. Gerhart began reading from that document and was stopped by Mr. Boland who explained the sole purpose of the hearing was for the Board to consider the application for Conditional Use and asked Ms. Gerhart to focus on her testimony on that purpose. Ms. Gerhart stated she has been a PA State Licensed Cosmetologist for 17 years and worked in various large and small salons in the past. Due to anxiety, Ms. Gerhart stated she began providing services to friends and family in her dining room at no charge, as she contended was permitted in the State of Pennsylvania, provided she does not charge for the services. Ms. Gerhart stated she would like to provide haircut, color and texture services to

clients legally as a salon, with set hours and be able to charge for services provided. Ms. Gerhart stated she would be willing to get a business license, insurance and would be inspected by the PA State Board of Cosmetology if the Board approves her application. Mr. Boland asked how this use meets the Ordinance and objectives of the Amity Township Zoning Ordinance. Ms. Gerhart stated she would provide services to a maximum of one client at a time, would not have fixed signage, provide services at a discounted rate for cancer patients and donate 50% of her profits to charity. Mr. Boland posed questions regarding hours of operation, parking spaces and ability to provide landscape buffering or limiting visibility of parking, a separate entrance and bathroom for the salon, signage and how the business would affect the amount of traffic, safety and characteristic of the neighborhood. Ms. Gerhart stated clients would use the front door Ms. Gerhart testified she would be willing to mow her grass more often and clean up the outside of her home to make it more aesthetically pleasing to her clients and neighbors if the Board granted approval of the proposed use. Ms. Gerhart testified her hours would be 9am to 4pm Monday through Wednesday, and every other week when she didn't have her daughter at home, Ms. Gerhart would be open 9am until 8pm on Wednesday and 9am until 2pm on Saturday. Mr. Boland asked how large the home was. Ms. Gerhart stated the home is over 4,000SF. Mr. Boland stated the business would be limited to occupying 25% of the square footage. Ms. Gerhart stated she could add (3) parking spaces on the macadam and park personal vehicles in the garage. Mr. Boland advised Ms. Gerhart that she would need to submit a plan for review and provide buffering for the parking spaces designated for clients. Ms. Gerhart testified that she would be flexible with the hours of operation and maximum number of clients seen daily, as directed by the Conditions should the Board agree to approve the Conditional Use. Mr. Boland asked if there was anything else Ms. Gerhart wanted to add. She declined. Mr. Boland stated that concluded the Applicant's testimony.

Mr. Boland asked if the Board had any questions. Mrs. McGrath asked Ms. Gerhart to review the hours of operation. Mr. Keifrider asked how EDU's would be handled with the business. Mr. Loomis stated a water count would be done. One EDU equals 225 gallons per day. Mrs. McGrath asked about signage. Mr. Weber stated signage would be limited to 2 square feet. Ms. Gerhart stated signage would not be fixed. She would hang an "Open" sign on the door during salon hours and take it down after hours. Mrs. McGrath asked what Ms. Gerhart meant when she testified that she would mow more often. Ms. Gerhart stated she doesn't go outside much and has been letting grass grow longer than it should, because she feels people are watching her; however, if the use is approved Ms. Gerhart stated she would mow more often. Mrs. McGrath asked how many parking spaces are required. Mr. Weber stated a minimum of 3 parking spaces is required by Ordinance.

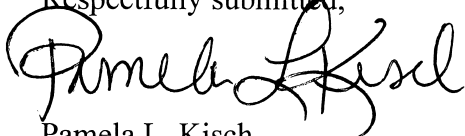
Mr. Boland opened the hearing to Parties of Interest. Ryan Lerch, 36 Leaf Creek Court, cited concerns about rear yard setbacks for parking, because part of Ms. Gerhart's driveway is on his property. Gina Stango, 35 Leaf Creek Court, stated she lives across the street and feels the use is inappropriate for the neighborhood. Mrs. Stango cited concerns about safety for children riding bikes, additional road repairs that could be necessary, trash that blows from the property and loitering of clients on the street. Mrs. Stango stated the property is currently not mowed or landscaped and worries that allowing the business will further depreciate neighborhood property values. Mrs. Stango stated a social media page was created for the salon showing it was open 60 hours a week. With already low water pressure on their street, Mrs. Stango stated she has concerns about strain on the current water supply. Tim McDaniel, 29 Leaf Creek Court, cited concerns about traffic on the cul-de-sac and possible decrease in property values because of the business. Edward McMahan, 17 Leaf Creek Court, cited concerns about noise in the neighborhood. Mr. Stango stated there are many kids from their neighborhood and Pine Lane that ride their bikes and play in the cul-de-sac and stated the

additional traffic will present safety issues. Ms. Gerhart stated she had concerns about parents who let their kids play in the street without watching them. Ms. Gerhart admitted she created the social media site, but stated she did so before the site was actually licensed or functional and added the disclaimer that the salon was not actually open for appointments. Ms. Gerhart testified no appointments were ever booked and no services were provided to clients. Ms. Gerhart stated she received a Notice of Violation for operating the business. She stated an investigation was later conducted, finding the allegations to be untrue. Ms. Gerhart testified her salon would be open during school hours and further stated she would be willing to compromise on hours of operation during summer break. Ms. Gerhart stated she has anxiety and doesn't want a lot of people in her home, she just wants to be able to have viable employment and be able to charge legally for services. Mr. Lerch stated Ms. Gerhart's driveway is currently close to his kitchen and living area and asked the Board to consider requiring vegetative buffering instead of more macadam. Mr. McMahon stated the business would change the character of the neighborhood and worries allowing one business will encourage more businesses to open in their neighborhood. With no further comments, Mr. Boland stated Exhibits 1 through 8 for the Township were introduced into the record. Applicant's Exhibit 1 would be the one page of the letter written by Ms. Gerhart with her supporting documentation for the Conditional Use application.

Mrs. McGrath asked whether there would be a bathroom for business use only. Ms. Gerhart stated there is a bathroom off the foyer which would be used by business solely during business hours. Mrs. McGrath asked if there was a recorded easement for the portion of Ms. Gerhart's driveway that is located partially on Mr. Lerch's property. Ms. Gerhart stated the easement was with the developer, prior to anyone living next door.

With no further questions, Mr. Boland closed the hearing at 7:17PM.

Respectfully submitted,



Pamela L. Kisch
Township Secretary