

**ATTENDANCE:** Thomas E. Mincer, Chairman; Dennis L. Brink, Vice Chairman; Kerry W. Welsh, Supervisor; Karen Kleist, Secretary/Treasurer; John H. Klemeyer, Solicitor; Chris Wood, Sewage/Zoning Enforcement Officer; Applicant Representatives Marshall Anders Esq., Rose P., Administrative Assistant with Falling Creek Investments, John R. Varaly AICP, and George Albert PE; Protestants John Schnieder (Samall) & Valerie Pannacucci representatives Stacy Beecher Esq., and Thomas Shepstone; and members of the public. Applicant Colleen Parisi, Falling Creek Investments President and Protestant Billy Shi were not present.

**ITEM NO. 1: CALL TO ORDER** Chairman Mincer called the Hearing to order at 7:30 pm opening with the Pledge of Allegiance.

**ITEM NO. 2: HEARING CONTINUANCE**  
**Falling Creek Investments** Chairman Mincer opened the Hearing to consider the Conditional Use Zoning application of Falling Creek Investments that is being continued from April 26, 2016.

Solicitor John Klemeyer reiterated that this continuance is to consider the standing of Samall Inc. and to determine if the proposed building tenant meets the use of a Professional Office Building as defined in the Zoning Ordinance. John had received Memorandums from both attorneys, and noted that Attorney Beecher is also representing Protestant Valerie Pannacucci. As such, it was agreed to defer testimony and a decision of Samall's standing to a later date, should it still be necessary.

The Hearing then proceeded on to the issue of the tenant falling within the definition of Professional Offices use. Rose Perdue, Administrative Assistant at Falling Creek Investments verified the deed to the subject property (exhibit A-3), the cover page of the lease between Falling Creek and the Pa Department of Human Services (DHS) (exhibit A-9), and stating that the tenant will be providing counseling, social work and guidance services. She did not have sufficient personal knowledge to answer many of the questions posed by Attorney Beecher. It was established that DHS was formerly known as the Department of Public Welfare (DPW). During cross-examination, Attorney Beecher submitted the following Exhibits: P-1, the Bid Document for DHS lease; P-2, Proposal from Colleen Parisi to the Pa Dept. of General Services(DGS) to purchase/construct/lease a facility for use by DHS dated January 23, 2015; and P-3, a copy of the entire lease between Falling Creek and DGS.

Planning Consultant John R. Varaly testified on behalf of the applicant that his opinion is that the activities of the DHS office meet the definition of Professional Office because they primarily provide guidance and counseling services, and it does not meet the definition of Business Office as they do not conduct the administration of government activities. Of the 18 staff, 13 have college degrees. Solicitor Klemeyer asked if there is a part of DHS that does provide governmental functions. Mr. Varaly stated probably - in Harrisburg; this office delivers social services. In response to whether the lease states that, Mr. Varaly did not know. Chairman Mincer asked if the people with degrees also take in applications? Mr. Varaly was not sure. Chairman Mincer would like to know where it says that the office will provide mostly counseling services. Attorney Anders submitted the following exhibits: A-5, Qualifications of John Varaly; and A-6, Summary Report prepared by John Varaly.

George Albert, PE was called to testify for the Applicant. Attorney Anders submitted the following exhibits: A-7, Qualifications of George Albert; and A-8, copy of the zoning permit application completed by Mr. Albert. At this time it was determined that zoning ordinance interpretations are beyond the scope a Civil Engineer can offer professional opinions on.

Attorney Beecher called Thomas Shepstone to testify. Chairman Mincer noted that Mr. Shepstone is not testifying on behalf of Dingman Township today, even though he is the Township's Planning Consultant. Attorney Beecher stated that the scope of Mr. Shepstone's testimony is essentially the same as the applicant's Planner - professional opinion of the zoning definitions, how they differ, the intent of the district, etc. Solicitor Klemeyer asked Mr. Shepstone if he assisted the Township in the

preparation any of the sections in question. Mr. Shepstone replied "No" that his records indicate that he did not. The Board requested a 15 minute break to discuss the appropriateness of allowing Mr. Shepstone to testify. Following the break, Solicitor Klemeyer entered into evidence a printout of bills and payments to Mr. Shepstone for professional planning services from 2000 to present (as far back as current computer records go). The last bill was in 2014. The Board of Supervisors feels it is inappropriate to have the Township Planner interpret the zoning ordinance for a party other than the Township, and is concerned about the appearance of impartiality. Mr. Shepstone was excused.

Attorney Beecher called Mr. Bill Malson, maintenance supervisor (last 12 years) for Milford Professional Park where the DPW (DHS) is currently located. He stated that he has not observed any counseling sessions, but many clerk-type activities. The only thing he has seen taking place was people applying for public assistance. In answer to Attorney Anders questions, Mr. Malson stated that he would be in the building approximately four times per week, for 15 minutes to hours at a time; and that he would not be likely to see private counseling when they were occurring.

Attorney Beecher called on Valerie Pannacucci who resides at 102 Miller Road, and is a direct neighbor to the property in question. She presented a Petition of area residents/property owners who feel that a Government Office falls under the definition of a "Business Office", which is not permitted in the ND-2 District; and objecting to a permit being issued.

Attorney Beecher would like time to get another Planner, which she estimates will take 4-6 weeks. Solicitor Klemeyer noted it is the Township's intent to conclude all testimony at the next continuance. Chairman Mincer informed both parties that a more definitive scope of services to be provided at the site would be extremely helpful. MOTION was made by Kerry Welsh, seconded by Dennis Brink, and unanimously carried to continue the hearing to June 28, 2016 at 6:30 pm.

A COURT STENOGRAPHER WAS PRESENT AND THE TRANSCRIPT WILL BE MAINTAINED AS PART OF THE APPLICATION.

Respectfully submitted,

Karen Kleist, Secretary/Treasurer