

RESOLUTION 2016 – 03

**A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY,
PENNSYLVANIA APPROVING THE CONDITIONAL USE APPLICATION OF
ANNE MARIE DEMARY, DOMINIC F. LEONE AND CATHERINE V. LEONE TO
OPERATE A FITNESS STUDIO AT 2439 MILL STREET, ALIQUIPPA
(HOPEWELL TOWNSHIP) AS A CONDITIONAL USE/NEIGHBORHOOD
COMMERCIAL ESTABLISHMENT**

WHEREAS, on October 20, 2015, an Application was submitted to Hopewell Township by Anne Marie DeMary, Dominic F. Leone and Catherine V. Leone (hereinafter “Applicants”) to consider a Conditional Use request under the Hopewell Township Zoning Ordinance, 2004-01, Article VIII “R3 Medium Density Residential District,” Section 802 “Conditional Uses;” Section 2303 “Procedure for Review For Conditional Uses;” and Section 2304(G) “Neighborhood Commercial Establishments” at 2439 Mill Street, Aliquippa PA, 15001, tax parcel No. 65-007-0209, to operate a fitness studio as a Conditional Use/Neighborhood Commercial Establishment in the R-3 District [See Exhibit “A” attached hereto and incorporated herein]; and

WHEREAS, the Hopewell Township Planning Commission heard the application and recommended approval of the request on November 19, 2015 [See Exhibit “B” attached hereto and incorporated herein] and in a letter dated November 25, 2015 finding that the subject property had adequate parking for the proposed use and that a fitness studio would not be inconsistent with the character and current use of adjacent parcels [See Exhibit “C” attached hereto and incorporated herein]; and

WHEREAS, pursuant to public notice under the Hopewell Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code, a public hearing was held on February 22, 2016 to hear the request of the Applicants and to receive comments relative thereto; and

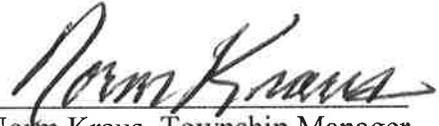
WHEREAS, the Applicants have acknowledged in their Application and at the public hearing that all proposed improvements will fully comply with the provisions of the Hopewell Township Zoning Ordinance, Section 802 and Section 2303 pertaining to conditional uses, and Section 2304(G) pertaining to Neighborhood Commercial Establishments and will fully comply with the representations set forth in their Application attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Hopewell Township Board of Commissioners determine that the proposed fitness studio falls within the definition of a Neighborhood Commercial Establishment and hereby approves the Application of Anne Marie DeMary, Dominic F. Leone and Catherine V. Leone to operate a fitness studio as a Conditional Use/ Neighborhood Commercial Establishment under the Hopewell Township Zoning Ordinance, 2004-01, Article VIII "R3 Medium Density Residential District," Section 802 "Conditional Uses;" Section 2303 pertaining to conditional uses; and Section 2304(G) pertaining to Neighborhood Commercial Establishments at 2439 Mill Street, Aliquippa PA, 15001, tax parcel No. 65-007-0209.

RESOLVED AND ENACTED this 27th day of February, 2016

Attest:

Hopewell Township
Board of Commissioners

By: 
Norm Kraus, Township Manager

By: 
Richard Bufalini, President

TOWNSHIP OF HOPEWELL

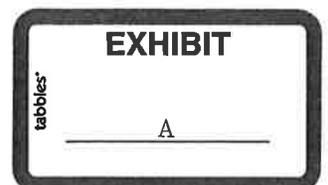
APPLICATION FOR CONDITIONAL USE

A. Name of Appellant Anne Marie DeMary, Dominic F. Leone & Catherine V. ETAL
Address 2004 White Oak Court Moon Twp, PA 15108
Phone Number 724/513-4854
Location of Property 2439 Mill Street Aliquippa, PA 15001
Interest in Property Fitness Studio
Tax Parcel Number 65-007-0209.000
Zoning District R-3 Residential - Medium

B. Site the specific section of the Hopewell Township Zoning Ordinance which applies to this conditional use.

Article VIII, Section 802, Subsection "B"

C. Please provide below or, on a separate sheet, a written description of the type of conditional use sought and the grounds for this request.



REQUEST FOR HOPEWELL TOWNSHIP APPROVAL FOR A CONDITIONAL USE OF THE PROPERTY AT 2439 MILL STREET FOR A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT AS PER TWP ZONING 2004-01.

My name is Anne Marie DeMary and I am a prospective Tenant of the property located at 2439 Mill Street, Aliquippa PA, Hopewell Township. The property is owned by Dominic F. & Catherine V. Leone and others. The Single Family Home is located at 2439 Mill and has a history of Neighborhood Commercial Use as it was approved in the past for the location of the combination of a Beauty Salon, Henderson Printing Office (1st floor) and Two (2) Apartments (2nd floor). The Beauty shop use and Henderson Printing Office have been discontinued. Please accept for consideration this request for a Conditional Use of the Property as a Neighborhood Commercial Establishment for the purpose of conducting Fitness Training Classes/Programs. My Classes/Programs have been conducted in the DiNardo Fitness Center located in the Hopewell Shopping Center. The business is closing and I must find a new space to continue with my training class clientele.

With that in mind, please see the compliance here within reported pertaining to the regulations and requirements of Township Zoning 2004-01 as put forth for the Conditional Use Approval. Thank you for your consideration in this matter.

Hopewell Township Zoning 2004-01, Article VIII, Section 2304 G Neighborhood Commercial Establishments:

1. A submitted market analysis of the service area on population, income and buying habits. As my clientele already exist and are engaged in a membership of a fitness club, there is no question of the market need for this service, therefore this requirement is self-explanatory.
2. The use shall be an integral part of the planned neighborhood shopping center development. This property is a part of a recorded plan and no planned neighborhood shopping center development is proposed or currently exists.
3. The Board of Commissioners shall determine that the proposed use is related to the service area and consistent with the Comprehensive Plan. This proposed use is consistent with other commercial use that exist within the neighborhood.

Standards and Criteria Governing Allowance of Conditional Uses.

Please note the following compliance to the established standards and criteria governing the allowance of conditional uses as set forth by Township Zoning 2004-01, Article XXIII (23), Section 2300, Subsections A thru I.

1. The use and structure will not contravene or violate the spirit or intent of the purposes and Community Development Objectives of Ordinance 04-01.
2. The use and structure do not involve any element or cause any conditions that are dangerous, injurious or noxious and comply with the performance standards set forth in the regulations.
3. The use and structure is sited, oriented and landscaped to be to be aesthetically compatible and architecturally harmonious with the properties buildings and grounds and with the buildings and grounds of adjacent properties.
4. The use and structure will produce a total visual impression and environment which is consistent with the environment of the neighborhood and the R-3 District.
5. The use and structure will have no substantial adverse impact on neighboring uses or cause any reduction of any neighborhood property values.
6. The use and structure is conforming to the surrounding uses of the property, the neighborhood and the R-3 District.
7. The use and structure will have no effect on the safety and convenience of the traveling public.
8. The use and structure will satisfy every reasonable consideration made for the health and safety of the general public, including safe water supply and sanitary sewage facilities.
9. The use and structure will avoid and / or satisfy any resulting impact upon neighboring uses that may affect health and safety of any persons and the value and use of any properties of the same.

In addition please note these further characteristics of my plan.

The parking lot can accommodate 25 cars. My classes will have 15 participants at a time.

My hours of operation will be Monday thru Thursday 9am-11am and 4:30pm-7:30pm. Saturday 8am-11am.

I will not have any employees.

Thank you for your attention.

D. Please attach a plan sketch of the property involved showing at least the following:

1. Total Land Area 77 See Plan
2. Existing and Proposed Uses Residential / Residential
3. Yard sizes, Setbacks, and Building Sizes See Plan
4. Zoning District R-3 Medium Density

The appellant should also provide a general location sketch showing surrounding land uses and a contour map of the property in question.

E. Miscellaneous

1. The appellant is advised to secure legal counsel to assist in the preparation and presentation of this appeal before the Zoning Hearing Board.
2. The appellant or counsel is aware of the provisions of the Hopewell Township Zoning Ordinance concerning appeal proceedings, criterion for review of appeals, and the specific articles and sections applicable to appellants request.
3. The information required on the application is complete.
4. A fee in the amount of \$ 500.⁰⁰ is included with this application.

CERTIFICATION

The undersigned hereby certifies that the information contained herein is true and correct to the best of my knowledge.

Aimee Marie DeHany
Signature of Applicant

Sworn to and subscribed before me this 20th day of October, 2015



Mary J. Applegarth
Notary

TOWNSHIP USE ONLY

Appeal Number _____
Fee _____

Receipt Number _____
Date of Receipt of Application _____

TOWNSHIP OF HOPEWELL
 APPLICATION FOR CONDITIONAL USE
 SUPPLEMENT

The applicant must provide names and addresses of all property owners within ³⁰⁰~~200~~ feet of the property involved in this conditional use.

The application will not be complete unless this information is provided.

<u>NAME OF OWNER</u>	<u>ADDRESS (Number & Street)</u>
Cemeskie, Michele G.	2417 Mill St.
Jakara, Inc.	2423 Mill St.
Zivkovich, Daniel	2429 Mill St.
Zivkovich, Daniel	2429 Mill St.
Colella, Kelly Rae	2435 Mill St.
Leone, Dominic F.	2439 Mill St.
Leone, Dominic F.	0000 Mill St.
Leone, Mario N. JR.	2447 Mill St.
Fleet, Garet T.	2449 Mill St.
Hineman, Dennis C.	2453 Mill St.
Walls, Faith Mary	2459 Mill St.
Aikens, Mark J. & Richard A.	2461 Mill St.
Vedro, George T. & Mebody J.	2463 Mill St.
Carlson, Joshua J.	2458 Linden Ave.
Parrish, Michael S.	2456 Linden Ave.
Radulovich, Bronko & Martha	2454 Linden Ave.
Vukmanovich, Joseph & Carla	2452 Linden Ave.
Dowling, Sharon W. & Joyce A.	2450 Linden Ave.



Property Search
Print

New Search

Parcel	65-007-0209.000
Owner	LEONE, DOMINIC F & CATHERINE V ETAL
Owner Address	2439 MILL STREET ALQUIPPA PA 15001
Property Location	02439 MILL ST
Description	PTLOT 10 OH PL HS GR
Year Built	1930
NeighborHood	HOPEWELL TWP
School District	HOPEWELL
Total Acres	0.10
Landuse	SINGLE FAMILY DWELLING-DETACHED
Assessment For Year:	2018
Ratio	.5000
Assessed - Land	\$3,700.00
Assessed - Building	\$14,550.00
Assessed - Total	\$18,250.00
Market - Land	\$7,400.00
Market - Build	\$29,100.00
Market - Total	\$36,500.00
Lender	DOLLAR BANK SERVICING CNTR PO BOX 8469 CANTON, OH 44711
Display Owner History	Owner History View in GIS



Beaver County Resources

Financial Reports
"Open Records" Act Request
Meeting Schedules
Vendor Information
GIS Portal
Assessment / Tax Claim

Court System

Court of Common Pleas
Juvenile Services
Domestic Relations
Magisterial District Courts
Adult Probation
Juror's Guide
Law Library

Emergency Services

Fire Services
Police Services
EMS Services

Elected Officials

Election Results
Board of Commissioners
Clerk of Courts
Controller
Coroner
District Attorney
Jury Commissioners
Prothonotary
Recorder of Deeds
Register of Wills
Sheriff
Treasurer

Parks & Recreation

Mission
General Information
Bradys Run Park
Brush Creek County Park
Old Economy County Park
Ice Arena
Tennis Facility
Fitness Classes
Contact Us

VisitBeaverCounty.com

Calendar of Events
Museums
Annual Festivals
Libraries
Become A Member

Human Services

Children & Youth Services
Friendship Ridge
Behavioral Health and Developmental Services
Office on Aging
Veteran's Affairs

Public Services

Community Development
Public Works
Library System
Planning Commission
Waste Management

Department List A-Z

About Us

Location & Demographics
Municipalities
Transportation
Schools & Colleges
Our History
Filmed In Beaver County
Contact us



OF ALIQUIPPA

MILL STREET

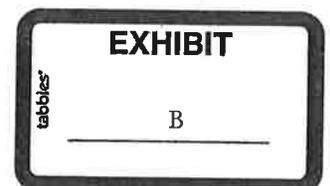
HEMLOCK DR.

CHESTNUT AVENUE

Notes from PC Meeting of 11/19/15

1. Recommend approval of HT VFD request for an amendment to the Official Zoning Map of Hopewell Township. (Commercial Highway District to Industrial Park District)
2. Recommend approval of a Text Amendment to Zoning Ordinance 2004-01 to add Municipal Facilities as a Permitted Use to the IP Industrial Park District.
3. Recommend approval of the Petrella Plan of Revision No. 2. Subject to the compliance and implementation of the Township Engineering Letter dated 11/18/15 and the Beaver County Planning Commission Letter of 11/18/15.
4. Recommend the Conditional Use Request of Anne Marie DeMary for a Neighborhood Commercial Establishment at 2439 Mill Street, being the operation of a Fitness Studio subject to conditions established by the BOC.

John Bates
Hopewell Township Zoning Officer
11/20/15



PERSONAL LAW™

McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road www.PersonalLaw.com
Aliquippa, PA 15001 phone: 724 375 6683
fax: 724 375 5099

November 25, 2015

Hopewell Township Board of Commissioners
Hopewell Township Municipal Building
1700 Clark Boulevard
Aliquippa, PA 15001

**RE: Anne Marie Demary Conditional Use - Neighborhood Commerical
Establishment**

Dear Commissioners:

At its regularly monthly meeting held Thursday, November 19, 2015, the Hopewell Township Planning Commission recommended approval of a conditional use application submitted by Anne Marie Demary for operation of a fitness studio on property located at 2439 Mill Street. The property has adequate parking for the proposed use and the use would not be inconsistent with the character and current use of adjacent parcels.

Very truly yours,

McMILLEN, URICK, TOCCI, FOUSE & JONES



Kelly M. Tocci

KMT:nad

cc: Hopewell Township Planning Commission
Norm Kraus
John Bates
Marie Stratakis Hartman, P.E., Hopewell Township Engineer
Michael B. Jones, Esquire

EXHIBIT

C

Motion Carried

Mr. Ciccone MOTION TO APPROVE RESOLUTION NO. 2016-03, A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA APPROVING THE CONDITIONAL USE APPLICATION OF ANNE MARIE DEMARY, DOMINIC F. LEONE AND CATHERINE V. LEONE TO OPERATE A FITNESS STUDIO AT 2439 MILL STREET, ALIQUIPPA (HOPEWELL TOWNSHIP) AS A CONDITIONAL USE/NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.

Mr. Tranelli Second the Motion

Roll Call Vote

Mr. Tranelli Yes
Mr. Ciccone Yes
Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Bufalini Yes

Motion Carried

7:25 pm COMMISSIONERS REPORTS NONE

7:25 pm THE VARIOUS DEPARTMENT REPORTS WERE GIVEN AND ARE ON FILE

7:32pm OLD BUSINESS NONE

7:32pm NEW BUSINESS NONE

7:32pm PUBLIC FORUM

Mary Beth Gerard 3204 Cleveland Avenue

Mrs. Gerard is representing a group of citizens from the 3200 block of Cleveland Avenue. The problem is occurring in the 3100 block of Cleveland Avenue. A resident with a large, oversized van is parking on one side of the street while another person is parking their vehicle directly across from the van, making the road nearly impossible to drive through when this happens. The road is narrow at the point where both vehicles are parking, to begin with, as Mrs. Gerard said. She witnessed a school bus having to back up one day because it could not get through the space between the two vehicles. Mrs. Gerard's husband, Rich, spoke to the resident with the van and was told by that resident that he could do as he pleases since there were no signs posted so he could park where he wants. President Bufalini asked that Police Chief Brian Uhrmacher and Zoning Officer John Bates look into this situation and get back to the Board of Commissioners with what was found out.

Linda Helms and Cindy Murphy B.F. Jones Library, Aliquippa, PA.

Executive Director Linda Helms of the B. F. Jones Library addressed the Board with the Calendar of Events for March 2016 and other adult programs taking place at the library. Cindy Murphy addressed the Children's portion of the library and the special programs and Events the library will be holding for the next month or so.

7:39pm

ANNOUNCEMENTS :

Please check our website at www.hopewelltp.com, our Facebook page, and Twitter, for updates on Hopewell Township news and events.

Our Parks and Recreation Department Spring Fest and Easter Egg Hunt will take place