

WILKINS TOWNSHIP BOARD OF COMMISSIONERS

PUBLIC HEARING, MONDAY, APRIL 30, 2012

The Public Hearing of Monday, April 30, 2012 was brought to order at 6:32PM by President Sylvia J. Martinelli. A quorum was present as follows:

Mrs. Martinelli		Ms. Criner
Mr. Boyd	Mr. Costa	Mr. Wilson

Mrs. Bradley stated that the purpose of the public hearing was to hear the recommendations of the Planning Commission and public comments on an application for Conditional Use presented by PCELL, LP for property located at 600 Penn Center Boulevard (Building #6)-Lot/Block #542-J-201. The application is for the lease of 2 ½ floors of Building #6 to STREAM Academy, a cyber charter school, for the purpose of operating a private school.

Mrs. Bradley further stated that the Wilkins Township Planning Commission met on Wednesday, April 18, 2012 to hear the request from STREAM. The Planning Commission unanimously voted to recommend that the Board of Commissioners accept the conditional use application of STREAM to operate a private school at Building #6 at Penn Center, contingent upon the administrators of the school providing the Township Manager with a written parking plan for students, faculty and visitors prior to the beginning of the school year.

Mr. Kevin McKeegan, Esquire, of Meyer, Unkovic and Scott addressed the Board of Commissioners on behalf of the applicant and STREAM Academy. Also present was Barry Layton, General Manager of Penn Center, representing the property owner and Dave Martin, the principal of STREAM. Mr. McKeegan stated that, as Mrs. Bradley indicated, STREAM Academy wishes to occupy 2 ½ floors of Building #6. Mr. McKeegan advised that this property is currently zoned R-4, but that Ordinance 1026, advertised for adoption at the regularly scheduled meeting of the Board this evening, will change that zoning district from R-4 to C-1. STREAM Academy is a charter cyber school. The Township's zoning ordinance permits private schools by conditional use in commercially zoned areas. The Township's ordinance does not include any specific requirements for private schools, but does include general requirements for conditional use. The applicant believes that these requirements are either not applicable or that they meet them, as follows:

(Section 173-49)

- A. "The proposed use conforms to the district and conditional use provision and all general regulations of this Chapter." As discussed above, the property is/will be Zoned C-1. A private school is permitted by Conditional Use approval in a C-1 zoning district.
- B. "The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this article." There are no special standards listed for a private school.
- C. "The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards of §173-50." There are no elements of the proposed use which would cause any condition, or involve any element that is dangerous injurious or noxious.
- D. "The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties." Mr.

McKeegan provided the Board with photographs of the surrounding area. The closest property to Building #6 is Penn Towers, an apartment complex. This complex sits over the hill from Building #6 and therefore, the facility is oriented in such a way as to be harmonious with surrounding uses.

- E. "The proposed use shall produce a visual impression and environment which is consistent with the environment of the neighborhood." The use of the facility as a private school is consistent with the environment of the neighborhood. The private school will be physically separated from the remainder of the buildings and the remainder of the tenants.
- F. "The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood." Mr. McKeegan stated that on average, students will visit the school 2 days a month. Access to the facility will be by private vehicle, or public transportation. There will be no large assembly halls, or meeting and/or gathering rooms. The largest classroom will support approximately 50 students. The expectation for necessary parking spaces is less than 150 and the site can readily support that expectation. Children will be transported by vehicle to the west side entrance of the facility. Traffic will flow out of the parking area from that point.
- G. "The proposed use shall preserve the objectives of this chapter and shall be consistent with the Comprehensive Plan." The proposed use of the facility preserves the objectives of the Zoning Ordinance and is consistent with the Comprehensive Plan.

(Section 173-50)

- A. "Fire protection. Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on." No testimony indicated that flammable or explosive materials will be stored or handled in the operation of STREAM Academy.
- B. "Electrical disturbances. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity." No testimony indicated that any of the activities at the school will result in an electrical disturbance.
- C. "Noise. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement." No testimony was given which would indicate that the school plans to create objectionable noise.
- D. "Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited." There was no testimony given that the school will create vibrations that are detectable from neighboring properties.
- E. "Odors. No malodorous gas or mater shall be permitted which is discernible on any adjoining lot or property." There was no testimony presented indicating that gases or other mater with an odor will be used in a manner where their odor is detectable on adjoining properties or lots.
- F. "Air pollution. No pollution or air by flyash, dust, smoke, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or property." No testimony was provided indicating that the school would pollute the air by any substance.

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- G. "Glare. Lighting devises which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted." There was no testimony as to the need and/or intent to place additional lighting on the site which would produce an objectionable glare.
- H. "Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties." This is not applicable to the application.
- I. "Water pollution. Water pollution shall be subject to the standards established by the Department of Environmental Resources." This in not applicable to the application.

PUBLIC COMMENTS:

None.

COMMISSIONERS' COMMENTS:

Mr. Rushford clarified that the existing zoning of this property is R-4 and that by proposed ordinance 1026, advertised for adoption this evening, this zoning will be changed to C-1.

Mrs. Criner questioned the hours of operation. Mr. McKeegan stated that the private school will operate Monday through Friday and will not be open on Saturday or Sunday.

There being no further testimony, the meeting was adjourned by unanimous roll call vote at 6:45 PM.

Respectfully submitted,

Rebecca Bradley
Secretary