

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on June 15, 2022

A Public Hearing of the Board of Supervisors of East Donegal Township was held on Wednesday, June 15, 2022, at 6:30 PM in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Chairman Jones.

Supervisor Jones led with a Prayer and Pledge to the Flag.

Roll call of Supervisors: Present were Chairman Tom Jones, Vice-Chairman Allen D. Esbenshade, Supervisor Scott Kingsboro, and Jeffrey Butler, Township Manager. Matthew Creme, Township Solicitor, and Brenda Pardun, Court Reporter were also present.

This meeting was stenographically recorded. Copies of the stenographic record may be purchased from Brenda Pardun, Court Reporter.

Supervisor Jones stated that the Board's public hearing is to consider the conditional use application filed by Randall S. Wolgemuth, for operation of a Bed and Breakfast Establishment at 450 Pinkerton Road. Mr. Jones turned the hearing over to Matthew Creme, Township Solicitor.

Mr. Creme provided a brief overview of the hearing process and order to be followed. First was the consideration of requests for attendees to be recognized as parties to the hearing. There were four neighboring property owners seeking party status. They were Jon and Donna Sheetz, represented by Stacy Brubaker, Bob and Lauri Kolanko, Patrick Will and Mary Ginder.

Dwight Yoder, attorney for the applicant questioned the inclusion of Mr. and Mrs. Kolanko as a party to the hearing. The Kolankos stated that the applicant's property can be seen from their property and that they can hear the sounds generated from the applicant's property.

On a motion by Mr. Jones, seconded by Mr. Esbenshade, the Board granted party status to Mr. and Mrs. Kolanko. Motion passed 3-0.

Mr. Creme introduced Craig Underwood, Township Zoning Officer/Building Code Official. Mr. Underwood verified that the hearing was properly advertised and that the subject property was posted with the hearing notice.

Mr. Yoder called the applicant, Randall Wolgemuth, to testify regarding the request for a Bed and Breakfast establishment. Mr. Wolgemuth provided a description of the subject property and the buildings proposed to be used as part of the Bed and Breakfast establishment. The renovated farmhouse contains seven (7) bedrooms and three and one-half (3 ½) bathrooms.

Mr. Wolgemuth stated that it's his personal residence and that he does open it to use by family and friends. He does not propose to host special events with the Bed and Breakfast establishment. He stated the income from the Bed and Breakfast establishment is needed to assist in the high maintenance cost of the historic property.

Mr. Wolgemuth presented a plan indicating parking spaces for nine (9) cars and stated more area for parking is available. He stated the parking area does not adversely impact neighboring properties.

Mr. Wolgemuth stated he would be the primary occupant of the property and will operate the Bed and Breakfast. A property caretaker, along with family members, will assist him with the Bed and Breakfast.

Mr. Yoder reviewed the Zoning Ordinance regulations for Bed and Breakfast establishments with Mr. Wolgemuth. Mr. Wolgemuth stated that the proposed Bed and Breakfast would comply with each of the ordinance requirements. Mr. Yoder presented a list of potential conditions that the applicant would be agreeable to with the granting of the requested conditional use approval. In addition, Mr. Wolgemuth discussed the installation of a fence adjacent to the Sheetz property to aid in blocking the view of the patio area on the property.

Mr. Yoder presented Mr. Wolgemuth with information regarding other Bed and Breakfast establishments in the area. Mr. Wolgemuth stated the proposed Bed and Breakfast would be comparable to such establishments.

Mr. Wolgemuth briefly address the general conditional use requirements of the Township Zoning Ordinance. He indicated that the proposed use of the property as a Bed and Breakfast would not impact public utility systems, have no adverse impact or pose a danger to the community and would be compatible with the Township's Comprehensive Plan.

Ms. Brubaker questioned Mr. Wolgemuth regarding the use of the property as his primary residence and the potential need for additional employees.

Ms. Brubaker inquired about the size and guest capacity of each of the bedrooms in the residence.

Ms. Brubaker presented a series of calendars documenting information collected by Mr. Sheetz regarding activity on the Wolgemuth property and traffic utilizing the shared driveway. She questioned Mr. Wolgemuth about the placement of a tent on the property, a luxury van bringing visitors to the site and a food truck on the property. Mr. Wolgemuth indicated that all activity on the property was related to use by family and friends.

In response to questions, Mr. Wolgemuth stated that guests of the Bed and Breakfast would not have access to the pool house but would have access to the pool and the pond on the

property.

Mr. and Mrs. Kolanko questioned Mr. Wolgemuth regarding the use of the pool house and third floor of the residence. They also questioned if other Bed and Breakfast establishments used a common driveway as access.

In response to questions from the Board and Mr. Creme, Mr. Wolgemuth stated that the on-lot sewage disposal system meets the capacity requirement for the proposed use. He stated that the common driveway is located on his property and that there is a recorded easement for the use of the driveway by the adjacent property owner (Sheetz). He confirmed that six (6) bedrooms would be used for the Bed and Breakfast and breakfast will be offered to the guests. He stated that he has researched sound metering equipment and would install such equipment to monitor noise by guests.

Mr. Creme questioned Mr. Wolgemuth regarding specific dates on the calendars presented by Mr. Sheetz. Mr. Wolgemuth stated he did not approve the use of the tent placed on the property. It was used for an anniversary celebration by a friend to host 40 guests.

Mr. Wolgemuth stated he has been complying with the Consent Agreement in place with the Township. Mr. Creme indicated that may not be the case based on the calendars documenting activity on the property.

Ms. Brubaker called Mr. Sheetz to provide his testimony regarding the conditional use application.

Ms. Brubaker presented and reviewed the subdivision plan depicting the common driveway along with the recorded easement agreement regarding the use and maintenance of the common driveway.

Mr. Sheetz presented and discussed photographs taken of vehicles coming and going from the Wolgemuth property along with photographs of views from the Sheetz property. He stated that he determined vehicle counts through the use of trail cameras capturing movement past the property. He stated he also observes the traffic from his home office.

Mr. Sheetz provided a statement regarding the current and proposed use of the Wolgemuth property. He asked that trust and past performance be considered when evaluating the conditional use request. He stated that he and the Township have been misled regarding the use of the property and Mr. Wolgemuth past actions indicate there will be impacts on surrounding property owners. He stated that there have been guests to the property every weekend since April. All the traffic generated by this activity must use the shared nine-foot (9') wide driveway. He indicated that the stress of the situation has made them feel like their home life is under siege.

Mr. Yoder questioned Mr. Sheetz regarding the nature of the traffic counted. Mr. Wolgemuth stated that commercial traffic, such as contractors working on the Wolgemuth property, were not part of the count presented.

Mr. Yoder questioned how distances from the Sheetz property to various parts of the Wolgemuth property were determined. Mr. Sheetz stated he used a rangefinder to estimate distances. In response to Mr. Yoder, Mr. Sheetz stated he didn't believe there would be a benefit to having a fence placed on the Wolgemuth property because it would not form a sound barrier.

In response to a question from Ms. Ginder, Mr. Sheetz stated that if an alternative to the shared driveway was used as access to the Bed and Breakfast, that would be acceptable to him.

In response to questions from the Board and Mr. Creme, Mr. Sheetz stated that noise has been an issue, however, there has not been amplified music since November 2021. Now noise has been limited to that associated with the use of the pool and patio area on the property. Mr. Sheetz also provided a description of the common driveway. He stated that it is paved and approximately 300' in length. Maintenance of the driveway has been minimal in the past. The driveway is also used by agricultural activity on the property.

Mr. and Mrs. Kolanko provided testimony regarding the noise generated from users of the Wolgemuth property. One past event included fireworks. They expressed a concern that the Bed and Breakfast users will generate additional noise. In response to Mr. Yoder, the Kolankos stated they can hear noise from events held at the Donegal High School.

Mr. Wall presented testimony that he might be the closest neighbor to the property, except for Mr. and Mrs. Sheetz. He stated he is not bothered by the noise that might come from the use of the property. He stated that farming activities also generated noise in the area.

Mrs. Ginder provided testimony regarding the noise heard on her property.

Mr. Yoder called Sarah Wolgemuth to testify regarding the current family use of the property. She stated that she, along with other family members, make multiple trips to and from the property daily.

Mr. Creme opened the hearing for public comment from others in attendance that were not granted party status.

Mr. Keith Vogt stated that the unique conditions of the property, specifically the common driveway, should impose a larger burden on the applicant to prove no impact on neighboring properties.

Mr. Jeff Reich stated he did not believe that the applicant has met all the conditional use

requirements of the Zoning Ordinance and that the proposed use will have an adverse effect on adjacent property.

Ms. Jessica Sheetz Nguyen questioned if Mr. Wolgemuth has an understanding of the hospitality industry and the ability to adequately run such a business.

Mr. Tom Kern stated he is familiar with Mr. Wolgemuth's background in the hospitality industry and believes that Mr. Wolgemuth would be able to properly manage the Bed and Breakfast establishment.

Mr. Creme provided a brief summary of the next steps in considering the application. He stated that the Board can impose conditions on an approval, if granted, that would be intended to mitigate impacts of the use. He invited parties to the hearing to submit proposed conditions to the Board for consideration.

Mr. Creme stated that the Board will render a decision on the application at its August 4, 2022 regular meeting.

On a motion by Mr. Kingsboro, seconded by Mr. Esbenshade, the Board closed the record of testimony for the hearing. Motion passed 3-0.

A motion was made by Mr. Kingsboro and seconded by Mr. Esbenshade to adjourn at 9:30 PM. Motion passed 3-0.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary