

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
Warwick Township Municipal Office
May 13, 2020

Due to the COVID-19 restrictions this meeting was held virtually.

Acting Chairman Tom Matteson convened the May 13, 2020 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Tom Matteson, Jeremy Strathmeyer, Mark Will, and Brent Schrock. Absent were Board Members Dane St. Clair and Dana Clark. Also present were Neil Albert, Board Solicitor; Tom Zorbaugh, Zoning Officer; Diana Netherton, Court Reporter; Peter Frey; Rick Frey; Claudia Shank with McNees, Wallace and Nurick; Bernard Allaire; Jamie Garland; and Ashlee Ludwig.

MEETING PROCEDURE: For the benefit of those present, the Solicitor explained the procedure to be followed for the evening's hearings.

MINUTES APPROVAL: On a motion by T. Matteson, seconded by J. Strathmeyer, the February 12, 2020 minutes were approved as submitted.

POSTINGS, PROOFS OF PUBLICATION AND NOTICES: Tom Zorbaugh, Zoning and Coding Officer, confirmed that the new cases were properly posted.

CASE #894 - PETER FREY -VARIANCE: P. Frey was sworn in. T. Zorbaugh gave some background information on the case. He stated P. Frey owns an older house in Rothsville that has a carriage house in the rear. He would like to tear down the carriage house and build a detached garage. P. Frey stated he is requesting the garage be built closer to the property line due to the narrowness of the lot. He would like to be able to turn 90 degrees to pull into the garage. He will not be any closer than the existing garage.

With no other questions from the Board and no public questions, on a motion by T. Matteson, seconded by B. Schrock, the Board unanimously approved Case #894 by a vote of 4-0.

CASE #895 – BERNARD ALLAIRE – SPECIAL EXCEPTION/VARIANCE – Bernard Allaire, Jamie Garland, and Ashlee Ludwig were sworn in. Claudia Shank from McNees, Wallace and Nurick was present to discuss the property at 304 E. Newport Road. The property is located in the R-1 Residential Zoning District. Mr. Allaire is the equitable owner of the property and J. Garland and A. Ludwig are potential tenants. The house is approximately 4,380 square feet. The current use of the property is as a Bed & Breakfast. The proposed use for the property is for a medical spa and a dwelling unit. C. Shank stated a medical spa is not defined in the Township's zoning ordinance but is most comparable to a personal service shop use. A maximum of 70% of the building would be used for the medical spa and the remainder of the building would be used as a dwelling unit with J. Ludwig planning to occupy this portion of the building.

There are two different types of relief that are being requested. The first is Section 340-113 substitution of a non-conforming use. If the Board does not see fit to proceed with the substitution of a non-conforming use, a use variance is requested under Section 340-78.B.

J. Garland testified she has been in the cosmetology industry for over 25 years and has focused mainly on aesthetics since 2009. She is licensed through the state of Pennsylvania. A Medical Spa provider is able to treat skin concerns such as rosacea utilizing medical grade skin care lines as well as lasers. J. Garland stated a Med Spa falls under the Cosmetology laws and Medical Board. C. Shank inquired if a licensed physician would be involved in any capacity and J. Garland stated her and A. Ludwig are in contract with Dr. Nazafrine Keyvani, a physician in the area. C. Shank inquired if there were differences in the types of procedures that a physician or aesthetician could perform at a Med Spa. J. Garland stated an anesthesiologist is able to perform laser work and various other procedures they have been trained on however they consult the Doctor with any questions. C. Shank inquired if the doctor would be onsite every day. J. Garland stated the doctor would only see patients by appointment only. C. Shank inquired how many employees were anticipated as part of the business. J. Garland stated there would be eight employees which would include the doctor, someone to would manage their social media, a receptionist, another anesthesiologist, and two massage therapists. All eight employees would not be onsite at the same time. The hours of operation would be Monday through Friday 9:00 a.m. to 8:00 p.m. and Saturdays and Sundays from 9:00 a.m. to 6:00 p.m. Typically an appointment lasts one hour in duration. C. Shank inquired what renovations to the house would be necessary. J. Garland stated very little would need to be done in the interior and there would be no exterior renovations.

J. Strathmeyer inquired what type of medical equipment would be on the premises. J. Garland stated there would be lasers for hair removal and skin treatments and micro needling. In terms of size they are similar in size to a microwave. J. Strathmeyer also inquired what products would be sold. J. Garland stated there would be different lines of skincare products. He also wanted to know approximately how many customers would there be in a day. J. Garland stated if a day were fully booked approximately 15 clients would be seen in one day. M. Will asked C. Shank which option she feels best fits this request. C. Shank stated she felt the substitution of the nonconforming use as that is how the current use of the property was approved.

With no other questions from the Board, they went into an executive session.

Upon return from the executive session, M. Will stated he would like the application to be more like a home occupation rather than a substitution of a nonconforming use. He recommended the Applicant show how the property will be used, the layout, the parking etc. T. Matteson inquired of the Applicants if this was something they would be interested in pursuing. The Applicants and their Attorney went into an executive session to discuss this option. Upon return, C. Shank stated the Applicant has asked the Board to table the case until next month and they will return with more information to present to the Board as requested. On a motion by T. Matteson, seconded by J. Strathmeyer, the Board unanimously voted to table Case #895 until next month by a vote of 4-0.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 8:30 p.m..

Respectfully submitted,



Thomas Zorbaugh
Code and Zoning Officer