

Union Township Board of Supervisors  
Public Hearing on Conditional Use Request  
By NHS Human Services  
January 22, 2009

The public hearing was called to order by Chairman Steve Parish at 7:00 pm. The hearing was held at the Union Township Municipal Building, 3904 Finley-Elrama Road, Finleyville, PA. The pledge of allegiance was recited. Board Members in Attendance by roll call were Steve Parish, George Cheplic, Scott Tkach, Larry Spahr and Linda Evans. Also in attendance: Harold Ivery-Zoning/Code Enforcement Officer, Dennis Makel-Solicitor, Judith Taylor-Secretary-Treasurer.

A court reporter from Seiler Court Reporting was present and a full transcript will be provided.

Mr. Albert Torrence, attorney for NHS Human Services, gave a presentation on the request for a conditional use for enlarging the personal care home located at 6181 Brownsville Road, currently owned by John Marflak. NHS wants to remodel the home to accommodate 12 residents, each with a private bedroom and bathroom. The residents would be mentally and/or emotionally handicapped. There would be no juvenile offenders or currently drug or alcohol dependent individuals requiring treatment housed at the facility. He also stated that the home would never become a drug treatment facility or halfway house. There would be 12 staff members, hired from the local area, three per shift with one being a RN or LPN. The facility will be kept secured for the protection of the residents. He also stated that the property would be fenced if that were a requirement of the Township.

Mr. Torrence stated that the Union Township Planning Commission held a hearing on December 4, 2008 and recommended that the request be granted. In response to a question by Mr. Makel, Mr. Torrence said the sale of the property is contingent on granting of the conditional use.

Mr. Marflak stated that he has owned and operated the home from September, 1998 to November, 2007 when it was closed, with no problems for the residents or community. When Mr. Marflak was granted the original conditional use, several restrictions were placed on the property as to size of the building, number of persons to be housed no more than ten, reversion to R-1 zoning district if the conditional use should be terminated, among others.

Several residents commented about safety and security concerns, and questioned whether individuals who might constitute a danger to the community could be housed at the facility in the future.

Mr. Makel stated that the exhibits to be appended to the transcript consist of:

- A. Deed to Property
- B. Application for Conditional Use by NHS Human Services
- C. Marflak Subdivision dated October 28, 1996
- D. Newspaper Advertisement for Hearing

**Motion** to accept the list of exhibits as stated by Dennis Makel

Motion by Larry Spahr, second by George Cheplic

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to go into executive session at 8:14 p.m. as the hearing qualifies as a quasi-judicial session

Motion by Larry Spahr, Second by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Returned from executive session at 9:10 p.m. Mr. Makel stated that the Board discussed the quasi-judicial situation concerning the conditional use application.

**Motion** to request NHS Human Services, Inc to clarify and provide a corrected re-submittal of the Conditional Use application detailing all proposed uses of the Marflak property, and continuing the hearing to February 23, 2009 at 7:00 p.m.; and to authorize the solicitor to research all aspects of law and government regulations concerning the said application

Motion by Scott Tkach, second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to continue the public hearing to February 23, 2009 at 7:00 p.m.

Motion by Scott Tkach, second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

---

Judith L. Taylor, Secretary