

The Richland Township Zoning Hearing Board met June 23, 2026, at 6:00 p.m. to hear the Appeal or Application of the Applicant, Robert M. McGowan, Jr., for the subject property located at 1614 Scalp Avenue, Richland Township, Cambria County, Pennsylvania, which is zoned R-1 One Family Residential District and C-2 General Commercial District under the Richland Township Zoning Ordinance. The Applicant proposed to subdivide the existing lot into two lots, Lot No. 1 in the R-1 One Family Residential District and the Residue Lot in the C-2 General Commercial District. The proposed boundary line follows the R-1 and C-2 Zoning Map of the Township of Richland line. The Applicant requested:

1. A 36-foot rear yard setback variance from Richland Township Zoning Ordinance Section 240-63.C(1)(c) for an existing garage on the Residue Lot.
2. In the alternative, a 16-foot rear yard setback variance from Richland Township Zoning Ordinance Section 240-63.C(2) for an existing garage on the Residue Lot.

Present:

Rodney Kniss
Dave Strushensky
Eber Verhovsek
Mark Kishlock
Eric D Hochfeld, Solicitor
Tiffany Shomo, Secretary

Absent:

Bill Patrick, chair
PJ McGowan, vice-chair

Mr. Strushensky began the hearing at 6:05 pm with the Pledge of Allegiance.

Mr. Hochfeld began the hearing by listing exhibits. Board Exhibit #1 was the appeal application with attachments. Board Exhibit #2 was the Richland Township Zoning Ordinance, by reference, and Board Exhibit #3 was the posting of the municipal building and the subject property, advertising in the Tribune-Democrat and notification of this hearing to adjoining property owners via certified mail. Mr. Hochfeld noted that there was an initial letter sent to the property owners indicating that the subject property was located at 1641 Scalp Ave. This error was noted and a second letter was sent to property owners identifying the correct property address of 1614 Scalp Ave. The address of 1641 Scalp Ave. does not exist.

Court stenographer Louie Hernandez swore in the following:

1. Jason Mash, Mash Engineering

Jason Mash, the surveyor of record, testified that the property is the former Fritz's Farmers Market and that the tract extends from Scalp Avenue to Work Drive. The zoning boundary runs through the property, with the Scalp Avenue frontage zoned C-2 Commercial and the Work Drive side zoned R-1 Residential. Mr. Mash explained that the applicant proposes to subdivide the property along the zoning boundary because there is little benefit to maintaining a single parcel that is split between commercial and residential zoning districts. The proposed property pins have been set to follow the zoning line. Under the proposal, the residential dwelling would be constructed on the newly created residential lot, while the residue parcel fronting Scalp Avenue would remain commercial.

Mr. Mash testified that placing the subdivision line precisely on the zoning boundary would create a setback issue because an existing garage, or accessory structure, would be located within the required setback. Under the zoning regulations, commercial property adjacent to residential zoning requires a 25-foot setback together with a 15-foot landscape buffer. For purposes of the subdivision plan, these requirements are shown collectively as a 40-foot setback.

Mr. Mash further described the site as containing a significant sloped bank with an estimated 20-foot change in elevation. Although he did not know the precise elevation difference during his testimony, he indicated that the survey contains the necessary shot data to determine the exact measurement. He explained that the terrain makes it most practical to locate the subdivision line at the top of the hill. The steep bank is included within the required rear setback for proposed Lot 1, and the proposed subdivision line is located where the drop-off begins and where debris appears to be present.

The client has already cleared the property and intends to remove old dumped materials, including concrete, before developing the residential lot with a single-family dwelling. Proposed Lot 1 is currently vacant and contains no existing structures. Mr. Mash testified that the lot has sufficient area to accommodate a single-family residence in compliance with all applicable setbacks and that there is ample room to construct the dwelling without encroaching upon the steep bank. When determining the location of the subdivision line, he confirmed that both the residue parcel and proposed Lot 1 comply with the applicable minimum lot size requirements.

With respect to the existing garage on the commercial residue parcel, Mr. Mash acknowledged that the closest corner of the structure is approximately four feet from the proposed property line. He testified that the former farmers market is no longer operating and that the commercial building is currently being offered for lease. The garage has historically been used for general storage, although Mr. Mash indicated that he had not personally inspected the interior of the building.

Mr. Mash also testified that the subdivision plan has been approved by the Cambria County Planning Commission but has not yet been submitted to the Richland Township Planning Commission for review. He further explained that the residue commercial parcel is intended to be leased, that the client also owns the adjacent property, and that there are no plans to construct any additional structures on the residue parcel.

Robert Maslak – Resident of 145 Work Drive

Mr. Maslak discussed the corrugated metal building located behind the existing garage on the property. Mr. Mash stated that his client intends to re-side the structure with new metal panels and has already contacted an excavating contractor to remove the concrete debris currently located on the site. Mr. Maslak also raised concerns regarding an existing stormwater issue, explaining that drainage problems worsened following the construction of the nearby Rutter's development. He testified that Richland Township constructed a swale along the top of the roadway but asserted that water continues to accumulate below Dairy Queen, creating icy conditions during the winter. According to Mr. Maslak, neither the Township nor Mr. Sharp has taken action to address the drainage concerns.

In response, Mr. Mash testified that any future development of the proposed residential lot will be required to comply with all applicable stormwater management requirements as part of the building permit process. He explained that the proposed residence will utilize an on-lot stormwater infiltration facility designed to retain runoff generated by the development. Mr. Mash stated that all stormwater associated with the new residence will be managed on-site and that the proposed development will not increase the existing drainage issues. He further testified that the intent is to construct a single-family residence on the lot, which is currently anticipated to be occupied by his client's son.

Josh Ferguson – Resident of 143 Work Drive

Mr. Ferguson wanted to confirm where the residential lot will be located. Mr. Mash showed the McGowan Subdivision to the audience present.

Mr. Maslak had questions regarding Berwind filling in the property beside this. He was advised that was not a Zoning Hearing Board matter,

The board took a recess from 6:27 pm – 6:33 pm.

There were no further questions from the board.

Mr. Verhovsek made a motion to approve a 36-foot rear yard setback variance from Richland Township Zoning Ordinance Section 240-63.C(1)(c) for an existing garage on the Residue Lot. Seconded by Mr. Kishlock. All in favor. Motion carried.

Mr. Verhovsek made a motion to adjourn the hearing at 6:34 pm. Seconded by Mr. Kniss. All in favor.

Respectfully submitted,

T. Shomo

Tiffany Shomo
Secretary