

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**B.O.C.A. APPEAL HEARING - BLOOMING GLEN RESTORATIONS**  
**Tuesday, July 11, 1995**  
**7:30PM**

The public hearing for the B.O.C.A. Appeal of Blooming Glen Restorations was called to order at 7:30PM by Chairman William H. Bennett, Jr. and opened with the Pledge of Allegiance. Also in attendance was Vice-Chairman Kenneth B. Bennington, Supervisor Jack C. Fox, Township Manager Bruce G. Horrocks, Code Enforcement Officer Michael Gardner, Township Solicitor Larry Cherba, and the applicants, Mr. Brooke Rush and Mr. Daryl Derstine. Mr. Horrocks asked that all participants of this hearing speak clearly into the microphone for accurate minute transcription.

Solicitor Cherba explained the hearing this evening is being held in accordance with Ordinance #91-2. This Public Hearing was advertised in a local newspaper, as required. Blooming Glen Restorations is seeking direction on their appeal concerning discussions with the Building Inspector of Hilltown Township, Mr. Michael Gardner.

Mr. Gardner explained that in February of 1995, Mr. Rush made application for zoning and building permits for renovation of the old Bishop Store, located at the corner of Rt. 113 and Blooming Glen Road. It was the applicant's intention at that time to acquire building permits to alter the second floor for construction of two apartments. Mr. Gardner reviewed the plans with Mr. Rush, noting some minor changes, including drywall for the corridors and separation of the dwelling units. The building permits were issued as all Code requirements were met at the time. Upon discussion with Mr. Rush, it was Mr. Gardner's understanding that eventually, after obtaining approval from the Planning Commission and Zoning Officer, the applicant would obtain building permits to install offices on the first floor. In May of 1995, Mr. Rush made application for zoning and building permits in order to install an additional apartment unit on the third floor of the building. With this application, Mr. Gardner explained, the use group classification changed. It was no longer an R-3 Use. The two apartment units proposed on the second floor were considered one or two family units, and is considered less restrictive in the building code, requiring only one exit and smoke detectors only. With the proposal to install a third apartment on the third floor, Mr. Gardner advised the use classification changed to a R-2 Use. Mr. Gardner noted the section referring to the R-2 Use, which mandates additional requirements. For example, an R-2 use requires an automatic fire suppression system throughout the building. The second requirement is a second means of egress from that building. With the installation of the third apartment unit, the building will require an additional exit. Upon further review of the plan, Mr. Gardner looked at the height and area of the building to insure that it met minimum Code requirements. After inspecting the building several times, Mr. Gardner came to the conclusion that the

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building was a type 4C- Heavy Timber Frame construction with exterior masonry walls. In order to perform a more intensive plan review of the building, Mr. Gardner asked Mr. Rush to submit detailed plans of the entire structure because there are certain fire protection requirements for the wood beams and structural members, exits, enclosures, and things of that nature. Mr. Gardner also requested a copy of the approval from the Bureau of Occupational and Industrial Safety Building Sections, which is L & I for fire and panic, and is a requirement under the Zoning Ordinance. Mr. Rush is present this evening seeking relief from the fire suppression system, a second means of egress, the required architectural engineered plans showing the make-up of the building, and approval from License and Inspections in Harrisburg for fire and panic. Mr. Gardner was recently in the building to conduct a final inspection of the two apartments on the second floor and noted that Mr. Rush and Mr. Derstine are doing a fabulous job of renovating the building.

Mr. Daryl Derstine, partner in Blooming Glen Restorations, was in attendance to present the appeal. Mr. Derstine and Mr. Rush were both born and raised in Blooming Glen, and both have a sentimental attachment to the town. Mr. Derstine lives on the edge of Blooming Glen and Mr. Rush lives one mile outside of town. Approximately one year ago, Mr. Rush and Mr. Derstine decided to combine their resources to purchase the building. The history of the building dates from the mid 1800's, at which time it was a general store, a post office, and a residence. The building has always been a mixed use, of which Mr. Derstine and Mr. Rush hope to continue. Many of the townspeople have told the applicants that they are happy to see the restoration in progress, once again making that location the heart and soul of Blooming Glen.

Mr. Brook Rush, partner in Blooming Glen Restorations, wished to address the issue of the second means of egress from the proposed third floor apartment. Mr. Rush explained all new electric has been installed, including an electrical heating system; all combustion appliances have been removed, including two oil fired burners; hardwired, interconnected smoke alarms have been installed; and allowances for exit signs and emergency lighting has been installed in the common hallway, even through the applicant was not required to. Further, Mr. Rush and Mr. Derstine have banned all smoking in the building, in order to be sensitive to the issue of fire safety. The applicants have constructed a one hour fire separation on a common hallway that leads directly to the outside, which has been extended in hopes of having the third floor apartment unit. One of the things the applicant has attempted from the very beginning, is to make the restoration of this building as minimal a use as possible, yet still have it "carry" itself when the project is complete. The third unit, due to the size of it, is basically the least that can be done with the building. The

structure itself is comprised of 6,200 sq. ft.. The two apartment units on the second floor actually comprises that entire floor.

In terms of a second means of egress, Mr. Rush believes Mr. Gardner is actually referring to a fire escape. As required in various codes, a fire escape must be placed on the rear of the building. One of the problems Mr. Derstine and Mr. Rush would experience is that there is no rear to the building, since the building is actually located on a corner lot, and therefore, there is no "hidden" area. In terms of construction of a fire escape, there is a two story addition which sticks out of the rear of the building making it virtually impossible to find a place for the fire escape. The addition of a fire escape would also drastically alter the aesthetic appearance of the building. Mr. Rush and Mr. Derstine are very concerned about keeping the building looking as historically correct as possible.

With regard to the issue of sprinkler systems, Mr. Rush advised the construction of the building is considered heavy timber construction. Mr. Rush commented this building is a bit different in its construction because it was intended as a store and therefore it is basically "over-built." It contains two forty foot beams which run through every floor, basically dividing each floor into thirds. Mr. Rush believes the fact that these beams are present will preclude installation of piping through the beams which is necessary for a sprinkler system. The pipes would have to be on the surface to allow a sprinkler system to operate. Mr. Rush and Mr. Derstine have installed a two hour fire separation wall. Both units on the second floor have been separated with a two hour fire wall, and also the ceiling has been fire separated between the second and third floor with a two hour fire separation, in anticipation of a third floor apartment. The site, as with all properties in Blooming Glen, has a private artisan well that should, in Mr. Rush's opinion, be sufficient to handle this building. However, Mr. Rush is not sure whether the existing well would be able to service a sprinkler system.

Mr. Rush asked Mr. Gardner if he is requiring engineered sealed drawings of the building, or sketch drawings that he himself could provide, showing that the building meets Type 4 Construction requirements. Mr. Rush believes that meeting the Type 4 Construction requirements is rather simple because it speaks of a four story building, not to exceed 50 ft. in height, and less than 14,400 sq. ft. on any one floor. Mr. Rush noted the largest floor in their building consists of 2,400 sq. ft. and the building is only three stories high. In terms of the volume in those calculations, Mr. Rush feels it is simple to prove that the building falls well below that, and in fact, he could even get down to a Type 5 Protected, which is even more restrictive.

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The last issue is that of Licence and Inspection Approval for construction of the third apartment unit. Mr. Rush referred to a point he made earlier of "minimal use" of the building. Although Blooming Glen Restorations has altered the building's use from its original use, Mr. Rush feels he and his partner have minimized the use, making it less than it ever was before. Mr. Rush stated there would be a maximum of two people in the third floor unit to be addressed by the L & I issue. From the beginning of this project, Blooming Glen Restorations had every intention of securing L & I drawings for public safety purposes in terms of the first floor commercial space of the building, however Mr. Rush was surprised that this issue would also encompass the single apartment unit on the third floor. The applicant intends to have L & I drawings before any commercial operation would open on the first floor of the building. Upon working with L & I previously, Mr. Rush knows the requirements they deal with include emergency lighting, panic exit signs, hallway widths, etc.. Basically, since he and Mr. Derstine are proposing three apartment units, they are dealing with B.O.C.A., who addresses all these requirements in their Code. Mr. Rush feels Hilltown Township has a Building Inspector who is more than qualified to deal with and interpret these issues. Mr. Derstine and Mr. Rush would be happy to work with Mr. Gardner to handle any of these issues, while staying on the local level, and without involving License and Inspections, which is a State agency.

Mr. Rush feels the project has revitalized Blooming Glen and is an asset to the entire Township. Mr. Rush recently read an article in a local newspaper concerning the carousel in Perkasio Borough and the issues they are dealing with. Basically, Perkasio Borough saw fit to change and alter some zoning and building requirements in order to accommodate historic buildings. Obviously, Mr. Rush stated, buildings constructed 150 years ago do not meet present standards and they never will. Mr. Rush noted Blooming Glen Restorations is on a limited budget and there is just so much money available to put into this project.

Mr. Gardner agreed that Blooming Glen Restorations is doing a fabulous job with the renovation of this building, however as a Code Enforcement Officer, he must address the issues in the B.O.C.A. Code.

Mr. Brooke Moyer, a resident of Blooming Glen, was present in support of Blooming Glen Restorations and the project being discussed. Mr. Moyer is a native of Blooming Glen, and is a grandson of Garwood Bishop, who was the proprietor of the former Bishop Store. Mr. Moyer's father, Ralph Moyer, took over the store when Garwood Bishop passed away in 1960, operating that store until 1963 when it closed. Mr. Moyer recalls that the original Bishop Store was once a beautiful building. Mr. Moyer lived in the village and worked in the store as a clerk and delivery person

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during his youth. The store closed in 1963 since it was no longer profitable, and unfortunately, the store then fell into disarray. Mr. Moyer applauds Mr. Rush and Mr. Derstine for their tremendous efforts in bringing this historic site back to the serviceable, picturesque building it once was.

Mr. Barry Desko, an eight year resident of Hilltown Township, presently lives six houses down from the property being discussed this evening. Mr. Desko's friendship with Mr. Rush and Mr. Derstine was established professionally since they constructed his home two years ago, and he can personally attest to their professionalism and reliability. The former Bishop Store is a property Mr. Desko passes every day, and from what he has seen of the restoration project so far, it has impressed him greatly. Realizing that many rules and regulations have been established to protect all the residents of the Township, and knowing the Supervisor's decisions will not be easy, Mr. Desko knows that when those rules are established, future possibilities may not have been in mind. Mr. Desko encouraged the Board of Supervisors to consider allowing this project to move forward and to cooperate with Blooming Glen Restorations in any way they can, while still keeping the best interests of this Township in mind. Mr. Desko feels that making this project come to fruition would certainly be in the best interest of not only the residents of Blooming Glen, but for Hilltown Township as a whole.

Mr. Woody Rush of Blooming Glen moved into the community in 1954. At that time, Mr. Rush's father-in-law owned the pants factory in Blooming Glen, and there was also a feed mill, two stores, and an implement dealer. There were approximately 200 jobs in Blooming Glen at that time, with his father-in-law employing 175 people. Today, there is one part-time employee in the post office and one part-time employee at Moyer's Auto Care in Blooming Glen. Mr. Rush is saddened by what has happened to small villages and towns in this area. Over the years, after the Bishop Store was closed, Mr. Rush stated it was sad to see that great building which was once the heart of the town, go down to nothing.

Solicitor Cherba wished to make it clear that there are certain requirements under the 1990 B.O.C.A. Code which is followed in Hilltown Township. The purpose of Mr. Derstine and Mr. Rush being present this evening is to seek a variance of some of the 1990 B.O.C.A. Code requirements. Mr. Rush noted they are seeking relief of any one, if not all, of these issues.

Chairman Bennett advised the B.O.C.A. Code calls for an enclosed stairway to the third floor and asked what exists at present. Mr. Rush replied an interior stairway exists from the second to the third floor. Mr. Gardner commented the Code is specific in stating that two means of egress are required, and the exterior exit must

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be enclosed. Chairman Bennett asked the applicants if the second means of egress is mainly an issue of additional cost or whether it deals with preserving the former architecture of the building. Mr. Rush obtained estimates to construct an enclosed stairwell, and noted it would certainly cost a great deal more because it must be enclosed and anchored to a superstructure. However, in Mr. Rush's mind, it is also a design element because it would be difficult to cover the stairwell with brick, which is what the building is constructed of, in order to make it look original.

Supervisor Fox stated there is an old structure across the street from his home which has an apartment on the third floor with a fire escape as a second means of egress. There was a fire in that building several years ago, and if the tenants had not had that fire escape, Supervisor Fox believes those people on the third floor would not have gotten out of the building. Supervisor Fox is very concerned about the risk involved with not having a second means of egress. Supervisor Fox asked if there are wrought iron ties running through the building to hold the brick in place. Mr. Rush replied that there are. Supervisor Fox would feel more comfortable if the applicants constructed an open, wrought iron fire escape on side of the building as a second means of egress. Mr. Rush advised he and Mr. Derstine have addressed some of the issues by making the wooden interior stairwell as safe as possible. It is not a fire rated enclosed stairwell, however it has been fire rated from the other units and fire rated doors have been installed. All the mechanicals have also been moved into a fire rated room. Mr. Rush believes they have addressed safety issues as best they can. Mr. Rush noted the requirement to enclose the outside stairwell is what creates difficulties. Mr. Gardner commented the intent of the Code to enclose an exterior stairwell is specifically for climates where ice and snow can create difficult conditions on an open stairwell. Supervisor Bennington suggested portable stairs that can be let down in the event of an emergency. Mr. Gardner replied those are obsolete and are no longer permitted. Mr. Rush noted this building is a structure that has windows on every side, and hopes that some compromise could be made. Supervisor Bennington feels it is very important to find some way to provide a second means of egress. Mr. Rush advised he did come up with one way, which is what he based the estimate on. There are three sets of freight doors that are four feet wide located up the side of the building heading towards the two story structure, where the fire escape could be constructed. The problem with this is that the fire escape would actually cross above a one story structure currently in place. Mr. Rush is aware there are some B.O.C.A. Code issues with regard to crossing over another structure. Mr. Gardner explained the Code states that a fire escape can not even pass a window because they want that fire escape to be considered an area of refuge where there is a certain amount of protection from the fire in the building. Supervisor

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Bennington is willing to consider a compromise by not requiring a fully enclosed fire escape, however he feels strongly that some sort of a second means of egress must be required and suggested the applicants prepare a plan showing their proposal for a fire escape. The applicants were willing to prepare a plan. Upon review of the file concerning this site, Mr. Gardner advised there are really no formal plans on record, and suggested that a complete set of engineered architectural designed drawings be provided for the file. Mr. Rush asked if Mr. Gardner is referring to the other issue in terms of drawings of the entire building, or if he is referring to just the fire escape issue. Mr. Gardner would like engineered architectural drawings of the entire site, however Mr. Horrocks believes Supervisor Bennington was only referring to the issue of the fire escape. Mr. Rush works with engineers on a regular basis, and he has someone who would review the plan to determine whether it is accurate. If the plans are produced and stamped by a structural engineer, the engineer must actually draw those plans themselves which will involve a great deal of money. Mr. Rush noted the building is existing, and what is proposed will minimize the use. Mr. Rush wondered how an engineer will draw and guarantee what is in that building, in terms of the three brick wall system, for instance. It may cost tens of thousands of dollars to establish what the building is made of. As Mr. Gardner knows, for a new building, Mr. Rush would provide cross sectional details, elevations of all the sides, etc.. However Mr. Rush purposely did not provide that information in this instance since this is an existing building and is not proposed to be altered. Supervisor Bennington asked why there is a need for additional engineered drawings. Mr. Gardner replied B.O.C.A. requires this type of a review for a Type 4 building. Mr. Rush stated he will provide the necessary information, however he would like Mr. Gardner to keep in mind that there is a great deal of difference between existing and new construction. Mr. Rush did not construct the original building, he is merely attempting to renovate it in the 1990's in order to comply with as much of the Code as he can.

Chairman Bennett advised the Board will go off the record for a few minutes in order to discuss this matter.

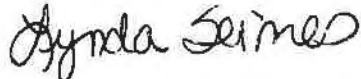
Following a brief discussion with the Board of Supervisors, Solicitor Cherba does not believe the Board is comfortable with making a decision this evening. The Supervisors asked the applicants to attend another B.O.C.A. Hearing on August 7, 1995 at 6:30PM. At that time, Solicitor Cherba advised all the drawings Mr. Gardner requires to address these issues should be presented, in particular a drawing showing the second egress from the third floor. A third plan for the basement area is also required. The one issue that hasn't been addressed this evening, an alternative proposed by the applicant to the fire suppression system required by the B.O.C.A. Code, will also be discussed at the August 7, 1995

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meeting. The chief of the fire department serving the site will be invited to comment on the issue. In reference to the plans the Board has requested for the August 7, 1995 continuation hearing, the Supervisors have decided they will accept non-engineered or architect stamped drawings, as long as those drawings are acceptable to Mr. Gardner. Solicitor Cherba asked if the applicants would agree to the extension of time to continue this hearing on Monday, August 7, 1995. Mr. Derstine and Mr. Rush agreed to the public hearing extension. Mr. Derstine asked if the Board would be interested in actually visiting the site. The Supervisors agreed they would like to tour the building and stated they would contact the applicants to determine a date and time which is convenient for them.

The advertised B.O.C.A. Hearing for Blooming Glen Restorations was adjourned at 8:45PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

(\*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce Horrocks, Township Manager).