

**BEFORE THE FAIRVIEW TOWNSHIP  
ZONING HEARING BOARD**

**DECISION**

**IN RE:**                   **APPLICATION NO. 2025-06  
PHP NEW CUMBERLAND LP**

APPLICANT(S):            PHP New Cumberland LP  
HEARING DATE:           September 18, 2025  
DECISION DATE:         September 18, 2025  
APPEARANCES:           Atty. Veronica L. Morrison, McNeas Wallace & Nurick LLC  
                                 (counsel)  
                                 Eddie Baranowski – Owner/Principal  
                                 Christopher Knarr – Land Use Consultant with McNeas Wallace &  
                                 Nurick LLC (Qualified as Land Use expert)  
                                 Joan Erney – New Cumberland Borough Mayor  
                                 Stephen Waller, Township Zoning Officer  
EXHIBITS:                 Exhibit A – Applicant Exhibit Binder  
                                 Binder Contents:  
                                  Tab 1 – Application (with supporting documents)  
                                  Tab 2 – Aerial View of Subject Property  
                                  Tab 3 – Photographs (before/after) of Subject Structure  
                                  Tab 4 – Applicant’s Management Plan  
LETTER SUBMISSIONS:   Letter from Jessica Jones, Pastor of the Faith Assembly of God,  
                                 dated September 18, 2025  
SUBJECT PROPERTY:      148 Sheraton Drive, New Cumberland, Pennsylvania, 17070

**BACKGROUND**

This decision of the Fairview Township Zoning Hearing Board (the “**Board**”) is from an application (the “**Application**”) filed with Fairview Township (the “**Township**”) seeking zoning relief under the Township’s Zoning Ordinance (the “**Ordinance**”) in order to obtain a special exception for a use not provided for an adaptive reuse of a hotel, and alternatively three (3) variances as provided in the Application. The specific zoning relief requested includes:

(i) a special exception under §300.4.B, Use not provided for, in order to permit an adaptive reuse and conversion of the existing hotel building on the property, so the same can be used for multifamily dwellings;

Alternatively:

(ii) a variance from Section §300.20, Table 5-2: Permitted Uses, to permit multifamily dwellings on the ground floor (as a dimensional variance);

(ii) a variance from Section §300.21.F, Table 5-8: Area and Design Requirements, to permit an increase in the permitted density on the subject property from 16 dwelling units per acre to 23.29 dwelling units per acre; and

(iii) a variance from Section §300.56.A, Table 8-2: Parking Schedule, to permit a reduction in the required number of parking spaces from 2.5 parking spaces per dwelling unit to 2.08 parking

spaces per dwelling unit (amended during the hearing to 1.50 parking spaces per dwelling unit if the restaurant would remain).

The subject property is located at 148 Sheraton Drive, New Cumberland, Pennsylvania, 17070, located in the Township's Commercial Business (CB) Zoning District.

A hearing was held on the Application on Thursday, September 18, 2025, with the meeting starting at 6:00 p.m. The Zoning Hearing Board was represented by Timothy Mader (Chairman), Mark Perry (Vice Chairman), and Keith Bashore. All published and posted notices were duly given, with no objection thereto being made in writing or orally at the time of the hearing. No opposition to the Application was offered. A letter of support dated September 18, 2025 was submitted by Jessica Jones, Pastor of the Faith Assembly of God, which was entered into the record. After hearing the testimony and viewing the evidence in this matter, the Board makes the following findings of fact and conclusions of law:

### **FINDINGS OF FACT**

1. PHP New Cumberland LP ("***Applicant***") is the owner of the property located at 148 Sheraton Drive, New Cumberland, Pennsylvania, 17070 (the "***Property***"), being within the Township's Commercial Business (CB) Zoning District (the "***CB District***").

2. The Property consists of roughly 8.37 acres and is located off of the Exit 242 Harrisburg West Interchange of the Pennsylvania Turnpike/Interstate 76 with Interstate 83 as well as off the Exit 40A Interchange of Interstate 83 with Limekiln Road.

3. The surrounding area of the Property, and within the CB District, is mainly developed with a mix of highway-oriented businesses, including those dispensing fuel, as well as restaurants, hotels/motels, offices, and other retail sales and services.

4. The Property is improved with a 133,950 S.F., two (2) story structure originally constructed and operated as a hotel (the "***Structure***"), which includes a parking lot containing 406 parking spaces.

5. The Structure was originally constructed in 1971 as a full-service hotel and conference center operated under Sheraton brand, having 195 guest rooms, with 95 on the ground floor and 100 on the second floor, and also having spaces for additional supporting services such as a restaurant (with roughly 10,000 S.F. of restaurant space), conference center (with roughly 7,000 S.F. of conference space), meeting rooms and recreation facilities.

6. In recent years has been experiencing a "death spiral" in the hotel industry (where a hotel, rather than investing in capital improvements to maintain a brand/chain affiliation, does minimal improvements and periodically "drops" to lower quality hotel chain/brands), with the Structure dropping from Sheraton to Holiday Inn to Clarion.

7. Said death spiral for the Structure was exacerbated by the COVID-19 pandemic, which had negative impacts across the entire hospitality industry.

8. Applicant is familiar with such death spiral hotels, and has cultivated a business model during its four (4) years of existence to identify and acquire such stressed hotels to renovate into multi-family uses by turning the guest rooms into studio apartments.

9. Applicant acquired the Property in 2022, initially seeking to renovate the 100 guest rooms on the second floor to studio apartments and operating the ground floor as short term bookings/lodging, as well as utilizing the ground floor amenities for event hosting and a restaurant.

10. At the time of acquisition, Applicant was familiar with the Ordinance and use limitations related to the Property and Structure.

11. Applicant has renovated the 100 guest rooms on the second floor to studio apartments, has remodeled the ground floor amenity spaces to modernize the area, and has renovated the 95 guest rooms on the ground floor to studio apartments, but maintains such rooms as short term bookings/lodging and not long term leases.

12. All guest room renovations into studio apartments involved maintaining original size and area of the guest rooms, meaning no walls were moved or changed, except internal walls within the rooms themselves.

13. Applicant maintains a healthy waiting list for open apartments, with 99 or the 100 second floor apartment units being leased, of which only 88 tenant vehicles are registered with Applicant to park on the Property.

14. Applicant Despite Applicant's desire to operate the ground floor as short term bookings/lodging and utilize the ground floor amenities for event hosting and a restaurant, Applicant determined the market did not support such use, and is currently still searching for a restaurant operator to occupy and operate the restaurant space.

15. The Structure is one (1) of nine (9) hotel buildings in the CB District, being both the oldest and the largest based both on area and number of guest rooms.

16. Many of the surrounding hotels in the CB District still operating house guests on a renewal long-term basis due to such guests' inability to obtain long-term/permanent housing in the area.

17. Christopher Knarr is qualified as an expert witness in the area of land use and land planning.

18. Stephen Waller, as the Township Zoning Officer, testified that all public notices of the application and hearing were legally conducted, with the hearing being advertised in the newspaper on September 4<sup>th</sup> and 11<sup>th</sup>, the Property being posted on September 10<sup>th</sup>, and the adjoining property owners having letters mailed to them on August 28<sup>th</sup>.

## CONCLUSIONS OF LAW

1. The Applicant has not established the elements required to grant a special exception under Section 300.4.B, Use not provided for, in order to establish and operate an adaptive reuse and conversion of an existing hotel use. The proposed use (adaptive reuse and conversion of an existing hotel) is not a use, rather a renovation (being the means to a new use) which results in a new use of multi-family dwelling use. Multi-family dwelling use is permitted by right in five (5) zoning districts within the Township (RMU, VR, VMU, VB (upper floor) and CB (upper floor). Because the practical effect of Applicant's request is to create a multi-family dwelling use, Applicant fails to establish the threshold element under Section 300-4.B, and review of the additional requirements is unnecessary.

2. For Applicant's alternative relief, the Applicant has failed to establish the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from Section §300.20, Table 5-2: Permitted Uses, to permit multifamily dwellings on the ground floor (as a dimensional variance). Applicant has failed to establish (i) that there are unique physical characteristics, circumstances, or conditions of the Property which create an unnecessary hardship; (ii) that the Property, with or without any unnecessary hardships, could not be developed or used in strict conformity with the provisions of the Ordinance; and (iii) that, to the extent an unnecessary hardship existed, such unnecessary hardship was not self-created by Applicant.

3. For Applicant's alternative relief, the Applicant has failed to establish the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from Section §300.21.F, Table 5-8: Area and Design Requirements, to permit an increase in the permitted density on the subject property from 16 dwelling units per acre to 23.29 dwelling units per acre. Applicant has failed to establish (i) that there are unique physical characteristics, circumstances, or conditions of the Property which create an unnecessary hardship; (ii) that the Property, with or without any unnecessary hardships, could not be developed or used in strict conformity with the provisions of the Ordinance; and (iii) that, to the extent an unnecessary hardship existed, such unnecessary hardship was not self-created by Applicant.

4. For Applicant's alternative relief, the Applicant has failed to establish the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from Section §300.56.A, Table 8-2: Parking Schedule, to permit a reduction in the required number of parking spaces from 2.5 parking spaces per dwelling unit to 2.08 parking spaces per dwelling unit (amended during the hearing to 1.50 parking spaces per dwelling unit if the restaurant would remain). Applicant has failed to establish (i) that there are unique physical characteristics, circumstances, or conditions of the Property which create an unnecessary hardship; (ii) that the Property, with or without any unnecessary hardships, could not be developed or used in strict conformity with the provisions of the Ordinance; and (iii) that, to the extent an unnecessary hardship existed, such unnecessary hardship was not self-created by Applicant.

**DECISION**

Mr. Perry moved to deny the Applicant’s request for a special exception under §300.4.B, Use not provided for, in order to permit an adaptive reuse and conversion of the existing hotel building on the property, so the same can be used for multifamily dwellings, and further moved to deny the alternative relief requests in the form of the following three (3) variance: (i) a variance from Section §300.20, Table 5-2: Permitted Uses, to permit multifamily dwellings on the ground floor (as a dimensional variance); (ii) a variance from Section §300.21.F, Table 5-8: Area and Design Requirements, to permit an increase in the permitted density on the subject property from 16 dwelling units per acre to 23.29 dwelling units per acre; and (iii) a variance from Section §300.56.A, Table 8-2: Parking Schedule, to permit a reduction in the required number of parking spaces from 2.5 parking spaces per dwelling unit to 2.08 parking spaces per dwelling unit (amended during the hearing to 1.50 parking spaces per dwelling unit if the restaurant would remain). Mr. Bashore seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion.

**APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.**

**APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.**



\_\_\_\_\_  
Timothy Mader, Chairmen

Date: September 24, 2025

**ANY PERSON AGGRIEVED BY THIS DECISION OF THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA. THE APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE MAILING OF THESE FINDINGS OF FACT, CONCLUSIONS OF LAW AND THE ABOVE DECISION.**

**MAIL DATE: SEPTEMBER 24, 2025**

## PUBLIC NOTICE

The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **September 18, 2025**, at 6:00pm, at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070, to discuss the following:

**Docket No. 2025-06:** The applicant, PHP New Cumberland LP, is requesting a Special Exception from Section §300.4.B: Interpretation and Uses otherwise not provided, to permit an adaptive reuse and conversion of the existing hotel building on the property, so the same can be used for multifamily dwellings. Alternatively, applicant seeks the following zoning relief: (i) a variance from Section §300.20, Table 5-2: Permitted Uses, to permit multifamily dwellings on the ground floor, (ii) a variance from Section §300.21.F, Table 5-8: Area and Design Requirements, to permit an increase in the permitted density on the property, and (iii) a variance from Section §300.56.A, Table 8-2: Parking Schedule, to permit a reduction in the required number of parking spaces. The subject property is located at 148 Sheraton Drive, New Cumberland, Pa 17070, having UPI No. 27-000-SF-0002.C0-00000, which is located within the (CB) Commercial Business Zoning District.



McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

**Veronica L. Morrison**  
Direct Dial: 717.237.5359  
Fax No.: 717.237.5300  
[vmorrison@mcneeslaw.com](mailto:vmorrison@mcneeslaw.com)

August 13, 2025

**VIA EMAIL AND HAND DELIVERY**

Zoning Hearing Board  
Fairview Township  
599 Lewisberry Road  
New Cumberland, PA 17070

**RE: PHP New Cumberland LP  
148 Sheraton Drive  
Zoning Hearing Application  
Our File No. 88999-0001**

Dear Board Members:

We represent PHP New Cumberland LP (“Applicant”), owner of land with an address of 148 Sheraton Drive, New Cumberland, Pennsylvania, identified as Parcel Identification No. 27-000-SF-0002.C0-00000 (“Property”). The Property is located in Fairview Township (“Township”), in the Township’s Commercial Business Zoning District (“CB District”). The Property includes an approximately 133,950-square-foot building (“Building”) originally constructed in 1971 as a full-service hotel and conference center. Due to the lingering impacts of COVID-19 and other factors, the demand for hotel and convention center space has fallen, but the demand for affordable housing has continued to increase. Therefore, Applicant purchased the Property in 2022 and began major renovations to the Building, including converting the upper-floor sleeping rooms/units into studio apartment units. Similarly, Applicant envisions converting the remaining ground-floor sleeping rooms/units into studio apartment units.

The purpose of this Application is to request the Township’s Zoning Hearing Board approval of a special exception pursuant to Section 300-4.B of the Township’s Zoning Ordinance (“Zoning Ordinance”), so as to permit adaptive reuse and conversion of the existing hotel Building for multifamily dwellings, as a use not provided for on the Property in the CB District. In the alternative, and to the extent necessary, Applicant requests three (3) dimensional variances from: (i) Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance, so as to permit multifamily dwellings on the ground floor in the Building on the Property in the CB District; (ii) Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District of the Zoning Ordinance, so as to permit an increase in the permitted density on the Property in the CB District; and (iii) Section 300-56.A, Table 8-2 Parking Schedule – Residential of the Zoning Ordinance, so as to permit a reduction in the required number of parking spaces on the Property in the CB District.

Enclosed in support of the Application are six (6) paper copies of the following:

1. Fairview Township Zoning Hearing Board Application form;

2. Abutting property owner information;
3. Site plan;
4. First floor plan;
5. Exterior photographic images; and
6. Narrative providing justification for the requested relief.

We request that a hearing be scheduled on the Application by the Zoning Hearing Board at its earliest convenience. Please advise the undersigned of the date and time of the hearing once it has been scheduled. Also, please confirm whether the Township Planning Commission will be reviewing this Application. It is our understanding that the Township will provide appropriate public notice and post the Property as required under the Pennsylvania Municipalities Planning Code. We would also request that the Township arrange to have a stenographer present at the hearing.

Lastly, please send all correspondence related to the Application to the undersigned rather than to Applicant.

Sincerely,



Veronica L. Morrison  
MCNEES WALLACE & NURICK LLC

VLM/cjk  
Enclosures

c: Eddie Baranowski (via e-mail w/ encls.)  
Michael Hess (via e-mail w/ encls.)



**ZONING HEARING BOARD  
APPLICATION  
YORK COUNTY, PENNSYLVANIA**

*Please see instructions for further information on completing the application.*



**PART 1 – APPLICANT/OWNER AND PROPERTY INFORMATION**

**APPLICANT(S):**

Name: PHP New Cumberland LP (formerly PHP PA Limited Partnership)  
Address: 51 Pennwood Place, Suite 200 City Warrendale State PA Zip: 15086-6506  
Email: ebaranowski@phprealestate.com Phone: (412) 860-3754

**PROPERTY OWNER(S) (if other than applicant):**

Name: Applicant is owner along with its affiliate PHP PA GP LLC  
Address: See above City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: See above Phone: \_\_\_\_\_

**PROPERTY INFORMATION:**

Address: 148 Sheraton Drive City New Cumberland State PA Zip: 17070  
Lot Size: 8.37 acres Date Purchased: 9-12-22 Tax Parcel ID: 27-000-SF-0002.C0-00000  
Current Use of Property: Hotel/Convention Center/  
Multifamily Dwellings Zoning Map District Designation: Commercial Business

**PART 2 - ZONING REQUEST TYPE:**

Please identify one or more of the following applicable type(s) of relief being requested.

**SPECIAL EXCEPTION** As required in Section(s) 300-4.B of the Zoning Ordinance.

The proposed use for the location is claimed by the applicant: Permit use not provided for

a. To be considered with such other standards as required by the Zoning Ordinance in Section(s):  
See attached narrative.

b. Will not detract from the use and enjoyment of adjacent or nearby properties for the following reasons: See attached narrative.

c. Will not substantially change the character of the neighborhood for the following reasons:  
See attached narrative.

d. To comply with various elements and objectives of the Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview: \_\_\_\_\_  
See attached narrative.

(in the alternative & extent necessary)

**VARIANCE** of Section: 300-20, Subsection: Table 5-2  
Section: 300-21 Subsection: F, Table 5-8  
Section: N/A Subsection: \_\_\_\_\_  
Section: N/A Subsection: \_\_\_\_\_

of the Fairview Township Zoning Ordinance.

Nature of Variance(s) requested: In the alternative, and to the extent necessary, a dimensional variance to permit multifamily dwellings on the ground floor. (S. 300-20, Table 5-2) A dimensional variance to permit an increase in the permitted density. (S. 300-21.F, Table 5-8) A dimensional variance to permit a reduction in the required number of parking spaces. (Section 300-56.A, Table 8-2 Parking Schedule – Residential of the Zoning Ordinance)

The applicant believes the Variance should be granted due to:

- Applicant is unable to make reasonable use of his property for the following reasons:  
See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_
- The unnecessary hardship on this property is: See attached narrative.  
 The result of the application of the Zoning Ordinance;  
 Due to unique physical circumstances of the property in question not shared by other properties in the vicinity;  
 Not financial in nature;  
 Not self-created;
- The proposed Variance will not alter the essential character of the neighborhood nor impair the use of the adjacent property for the following reasons: See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_
- The Variance requested represents the minimum that will afford relief for the following reasons:  
See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_

APPEAL OF THE ZONING OFFICERS DECISION N/A

The decision of the Zoning Officer dated: N/A, 20 \_\_\_\_\_ based upon an interpretation of Section(s) N/A of the Zoning Ordinance. The nature of the appeal by applicant is as follows: N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART 3 – PREVIOUS ZONING HEARING BOARD ACTIONS**

To the best of your knowledge, has there been any previous Zoning Appeals, Variances or Special Exceptions associated with this property? YES  NO .  
If yes, please provide dates or Case #'s Docket No. 615, written decision dated 12/16/04  
\_\_\_\_\_



**PART 5 – APPLICANT/OWNER AUTHORIZATION AND AFFIDAVIT**

Commonwealth of Pennsylvania :  
:  
County of Butler :

The undersigned, being duly sworn according to law, deposes and says that he/she is the above-mentioned applicant/owner/representative, that they are the owner OR authorized to take this Affidavit on behalf of the owner and that the forgoing information and facts contained in the application are true and correct to the best of their knowledge.

Applicant/Owner/Representative

Michael Hass Authorized Agent  
Name/Title of PMP GP LLC its  
General Partner

Signature [Handwritten Signature]

Sworn to and subscribed before me  
this 11 day of AUGUST, 2025.

Jennifer L. Donnelly  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Jennifer L. Donnelly, Notary Public  
Butler County  
My commission expires June 9, 2027  
Commission number 1041480  
Member, Pennsylvania Association of Notaries

***For office use only:***  
**ZONING HEARING BOARD CHECKLIST**

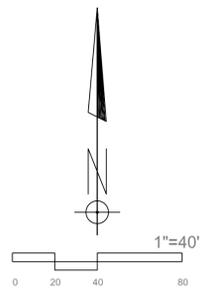
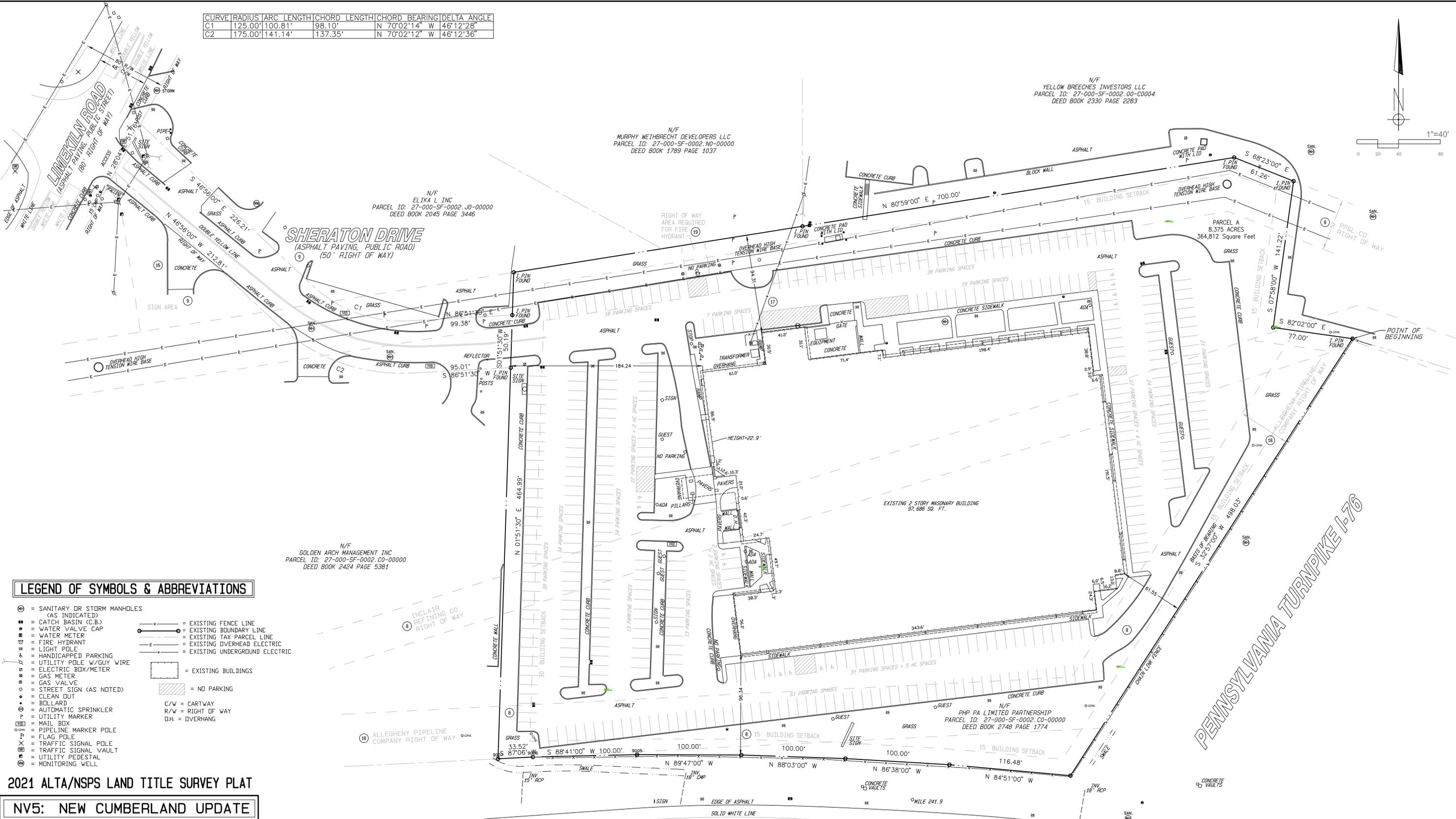
- Application received: \_\_\_\_\_
- Property Zoning District: \_\_\_\_\_
- Request Type: Special Exception, Variance or Appeal: \_\_\_\_\_
- Case No.: \_\_\_\_\_ Fee paid: \$ \_\_\_\_\_ Payment type: \_\_\_\_\_
- Hearing date: \_\_\_\_\_
- Draft Public Notice sent to Attorney for review: \_\_\_\_\_
- Notice sent to newspaper: \_\_\_\_\_
- Notice published in newspaper: \_\_\_\_\_
- Notice mailed to property owners (225 ft. buffer): \_\_\_\_\_
- Public Notice posted on property: \_\_\_\_\_
- ZHB packets mailed and emailed: \_\_\_\_\_
- Action taken: \_\_\_\_\_

**ZONING HEARING APPLICATION**  
**ABUTTING PROPERTY OWNER INFORMATION<sup>1</sup>**  
**PHP NEW CUMBERLAND LP**  
**148 SHERATON DRIVE**  
**PIN: 27-000-SF-0002.C0-00000**

Parcel ID	Address	Owner Name	Owner Address	General Use Type
27-000-SF-0002.00-C0004	215 LIMEKILN RD, UNIT 4	NEW CUMBERLAND PA I FGF LLC	1650 MARKET ST STE 4850 PHILADELPHIA PA 19103	Commercial/Office
27-000-SF-0002.00-C0003	195 LIMEKILN RD, UNIT 3	YELLOW BREECHES INVESTORS LLC	4732 GETTYSBURG RD STE 302 MECHANICSBURG PA 17055	Commercial/Office
27-000-SF-0002.00-C0002	175 LIMEKILN RD, UNIT 2	YELLOW BREECHES INVESTORS LLC	4732 GETTYSBURG RD STE 302 MECHANICSBURG PA 17055	Commercial/Office
27-000-SF-0002.00-C0001	145 LIMEKILN RD, UNIT 1	YELLOW BREECHES INVESTORS LLC	4732 GETTYSBURG RD STE 302 MECHANICSBURG PA 17055	Commercial/Office
27-000-SF-0002.E0-00000	165 LAMONT ST	WEAVER WAREHOUSES INC	165 LAMONT ST NEW CUMBERLAND PA 17070	Industrial/Warehouse
27-000-SF-0005.C0-00000	LEWISBERRY RD	SIMPLY STORAGE LLC	4349 CARLISLE PIKE STE 105 CAMP HILL PA 17011 4252	Vacant
27-000-SF-0003.00-00000	353 LEWISBERRY RD	YASH HOSPITALITY PROPERTIES LLC	353 LEWISBERRY RD NEW CUMBERLAND PA 17070	Commercial Hotel
27-000-SF-0003.A0-00000	LEWISBERRY RD	FAIRVIEW CROSSROADS LLC	217 HIGHLAND TERRACE WAY BOILING SPRINGS PA 17007	Vacant
27-000-SF-0002.L0-00000	145 SHERATON DR	SPIRIT MASTER FUNDING III LLC	255 WASHINGTON ST STE 270 NEWTON MA 02458	Commercial/Fast Food
27-000-SF-0002.F0-00000	135 SHERATON DR	FUSKARI LLC	319 PLEASANTVIEW RD NEW CUMBERLAND PA 17070 2737	Commercial/Restaurant
27-000-SF-0002.J0-00000	146 SHERATON DR	ELIKA L INC	146 SHERATON DR NEW CUMBERLAND PA 17070	Commercial/Restaurant
27-000-SF-0002.N0-00000	115 LIMEKILN RD	MURPHY WEIHBRECHT DEVELOPERS LLC	PO BOX G NEW CUMBERLAND PA 17070	Commercial/Office

<sup>1</sup> Includes properties: (i) within 200 feet; and (ii) directly across a public right-of-way.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	100.81'	98.10'	N 70°02'14" W	46°12'28"
C2	175.00'	141.14'	137.35'	N 70°02'12" W	46°12'36"



**LEGEND OF SYMBOLS & ABBREVIATIONS**

- ⊕ = SANITARY OR STORM MANHOLES (AS INDICATED)
- ⊕ = CATCH BASIN (C.B.)
- ⊕ = WATER VALVE CAP
- ⊕ = WATER METER
- ⊕ = FIRE HYDRANT
- ⊕ = LIGHT POLE
- ⊕ = HANDICAPPED PARKING
- ⊕ = UTILITY POLE W/GUY WIRE
- ⊕ = ELECTRIC BOX/METER
- ⊕ = GAS METER
- ⊕ = GAS VALVE
- ⊕ = STREET SIGN (AS NOTED)
- ⊕ = CLEAN OUT
- ⊕ = BOLLARD
- ⊕ = AUTOMATIC SPRINKLER
- ⊕ = UTILITY MARKER
- ⊕ = MAIL BOX
- ⊕ = PIPELINE MARKER POLE
- ⊕ = FLAG POLE
- ⊕ = TRAFFIC SIGNAL VAULT
- ⊕ = UTILITY PEDESTAL
- ⊕ = MONITORING WELL
- = EXISTING FENCE LINE
- = EXISTING BOUNDARY LINE
- = EXISTING TAX PARCEL LINE
- = EXISTING OVERHEAD ELECTRIC
- = EXISTING UNDERGROUND ELECTRIC
- ▭ = EXISTING BUILDINGS
- ▭ = NO PARKING
- C/W = CARTWAY
- R/W = RIGHT OF WAY
- DH = OVERHANG

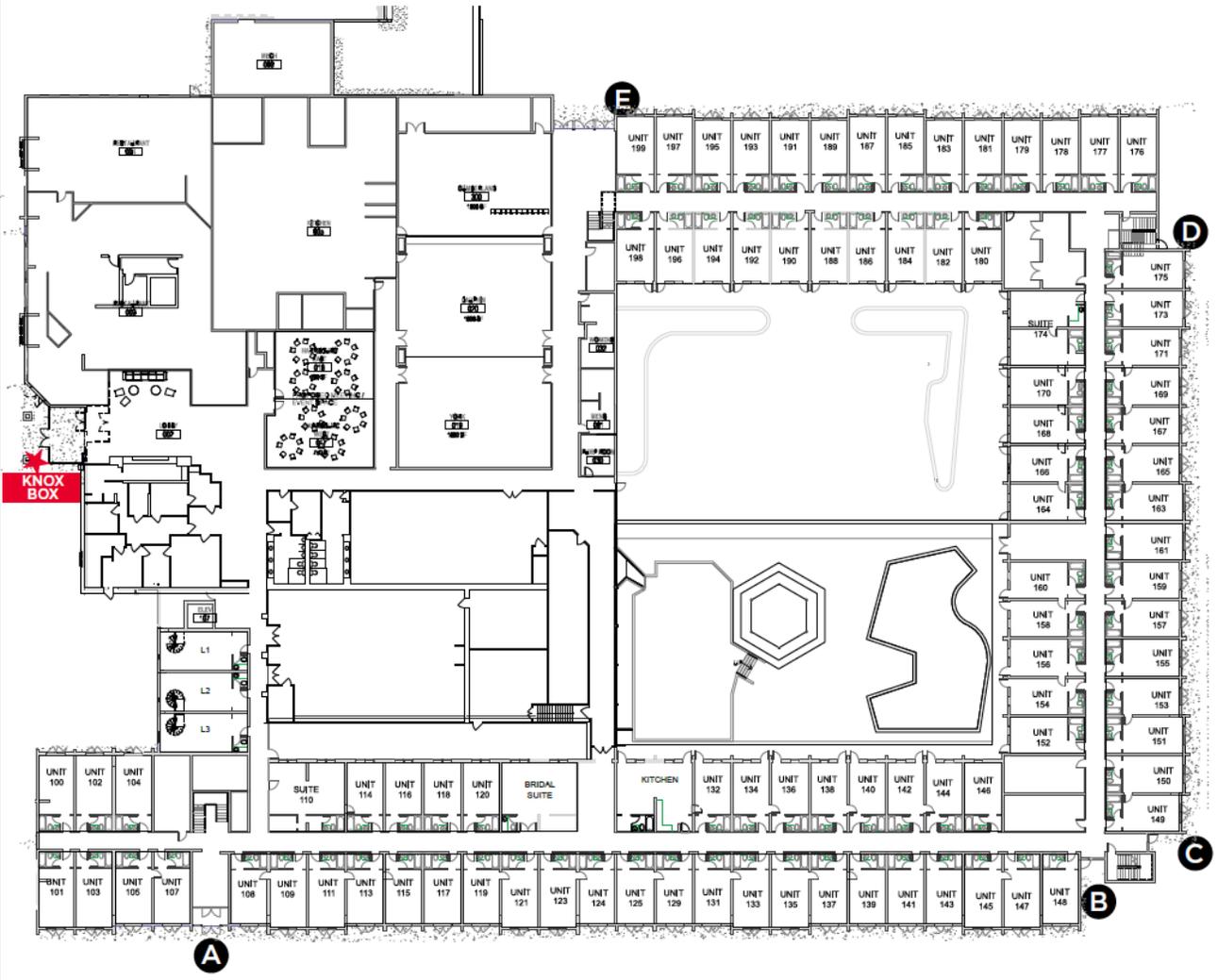
**2021 ALTA/NSPS LAND TITLE SURVEY PLAT**

**NV5: NEW CUMBERLAND UPDATE**

<p>Owners: PHP PA LIMITED PARTNERSHIP DEED BOOK 2748 PAGE 1774 PARCEL 27-000-SF-0002.CO-00000</p> <p>Site Address: 140 SHERATON DRIVE NEW CUMBERLAND, PA 17070 YORK COUNTY</p>	<p><b>LUDGATE</b> ENGINEERING   PLANNING   LAND SURVEYING</p> <p>LINCOLN CORPORATE CENTER 10 VANGUARD DRIVE, SUITE 100 READING, PA 19606 PHONE 610/404-7330 FAX 610/404-7371</p>	<p>PROFESSIONAL THOMAS BRYAN LUDGATE LAND SURVEYOR 50-053115 PENNSYLVANIA</p>															
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PENNSYLVANIA TURNPIKE I-76

NV5	ALTA/NSPS LAND TITLE SURVEY
	PREPARED FOR
	New Cumberland Update
	DATE OF FIELD SURVEY: 3-28-2022
	NETWORK PROJECT NUMBER: 202300677-001
1-(800)-SURVEYS (787-8397)	
TRANSACTION SERVICES	
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Subject property facing east



Subject property facing south



Subject property facing west



Subject property facing north

## **ZONING HEARING APPLICATION NARRATIVE PHP NEW CUMBERLAND LP**

### **I. INTRODUCTION**

PHP New Cumberland LP (“Applicant”)<sup>1</sup> is the owner of land with an address of 148 Sheraton Drive, New Cumberland, Pennsylvania, identified as Parcel Identification No. 27-000-SF-0002.C0-00000 (“Property”). The Property is located in Fairview Township (“Township”), York County (“County”), in the Township’s Commercial Business Zoning District (“CB District”). The Property includes an approximately 133,950-square-foot building (“Building”) originally constructed in 1971 as a full-service hotel and conference center (i.e., convention center). Due to the lingering impacts of COVID-19 and other factors, the demand for hotel and convention center space has fallen, but the demand for affordable housing has continued to increase. Therefore, Applicant purchased the Property in 2022 and began major renovations to the Building, including converting the upper-floor sleeping rooms/units into studio apartment units. Similarly, Applicant envisions converting the remaining ground-floor sleeping rooms/units into studio apartment units.<sup>2</sup> In support of its vision, Applicant requests the following:

A. Special exception approval pursuant to Section 300-4.B of the Township’s Zoning Ordinance (“Zoning Ordinance”), so as to permit adaptive reuse and conversion of the existing hotel Building for multifamily dwellings, as a use not provided for on the Property in the CB District;

B. In the alternative, and to the extent necessary, a dimensional variance from Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance, so as to permit multifamily dwellings on the ground floor in the Building on the Property in the CB District;

C. A dimensional variance from Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District of the Zoning Ordinance, so as to permit an increase in the permitted density on the Property in the CB District; and

D. A dimensional variance from Section 300-56.A, Table 8-2 Parking Schedule — Residential of the Zoning Ordinance, so as to permit a reduction in the required number of parking spaces on the Property in the CB District.

The previously developed Property has unique physical circumstances or conditions impacting (re)use. If the requested relief is granted, it would permit reasonable and compatible adaptive reuse and conversion of the existing underutilized Building on the Property by providing a desirable and appropriate location for addressing Township- and County-identified housing needs. The Property is located in a mixed-use growth area of the

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<sup>1</sup> Applicant’s former name was PHP PA Limited Partnership and is an affiliate of PHP PA GP LLC.

<sup>2</sup> A studio apartment unit is generally a single-room dwelling that combines the bedroom, kitchen, and living area into one (1) large room, and includes a private bathroom.

Township, which is planned and zoned for, and developed with a mix of businesses and residential uses served by a full range of utilities, infrastructure, and services, including public water and public sewer. Finally, the Application is generally consistent with, and implements elements of, the Township's community planning and housing initiatives.

## **II. BACKGROUND**

### **A. The Surrounding Area**

The Property is located in the north-central portion of the Township, near the shared municipal border with Lower Allen Township in Cumberland County. The Property is located in a primary designated growth area, an area of the Township that has been planned and zoned for, and developed with a mix of residential and nonresidential uses served or intended to be served by a full range of utilities and infrastructure, including public water and public sewer.<sup>3</sup>

The Property is located off of the Exit 242 Harrisburg West Interchange of the Pennsylvania Turnpike/Interstate 76 (SR 0076, "PA Turnpike") with Interstate 83 (SR 0083, "I-83"). The Property is also located off the Exit 40A Interchange of I-83 with Limekiln Road (T-955).

The Property is located near the center of the CB District in this portion of the Township. In this portion of the Township, land in the CB District is mainly developed with a mix of highway-oriented businesses, including those dispensing fuel, as well as restaurants, hotels/motels, offices, and other retail sales and services. But this portion of the CB District has a few residential uses, including the Property (described in Sections II.B, II.C and II.D of this Narrative).

All of the land adjoining the Property is located in the CB District and has already been developed. Land to the north includes buildings used as restaurants and offices. Land to the east and south consists of the right-of-way of the PA Turnpike and is developed with roadway infrastructure. Finally, land to the east includes a building used as a restaurant and the right-of-way of Sheraton Drive, which is developed with roadway infrastructure.

### **B. The Property**

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<sup>3</sup> Pursuant to Section 300-19 of the Zoning Ordinance:

The Growth Area Zoning Districts are intended to be developed with a full range of land uses and accommodate the majority of the Township's growth and development with a full range of land uses such as residential [emphasis added], commercial, industrial, institutional/civic, and related needs. The majority of this area is currently served and/or planned to be served with public water supply and public sanitary sewage disposal. The extension of public water supply and public sanitary sewage disposal to developments within the growth area is encouraged and supported.

The approximately 8.37-acre Property possesses unique and irregular physical constraints. First, the Property adjoins two (2) public roadways along three (3) sides, including: (i) the PA Turnpike, a high-speed, high-volume, divided, multilane limited access highway with grade-separated interchanges, owned by PennDOT to the east and south;<sup>4</sup> and (ii) Sheraton Drive (T-736), a two-lane local roadway owned by the Township to the west. The Property is an irregularly-shaped corner lot.<sup>5</sup> While most corner lots are located at the junction of and abutting on two (2) intersecting roadways, the Property is located at the point of abrupt change along the PA Turnpike, a single roadway, where the interior angle is less than 135 degrees.

Next, approximately 43% of the Property's perimeter adjoins these two (2) public roadways, with the majority of its perimeter adjoining the PA Turnpike. Although the Property adjoins Sheraton Drive, its 50-foot-wide right-of-way intersects the Property at a right angle, terminating along a portion of the western Property line. Although the Property adjoins and has frontage along these two (2) roadways, access to the Property is limited to off of Sheraton Drive only, as the PA Turnpike is a limited-access toll road and access from such roadway is not permitted to/from the Property.

Further, the Property is impacted by several rights-of-way and utility transmission lines traversing it. First, a 50-foot-wide right-of-way with overhead high-voltage electric transmission lines and towers tracks the northern Property line. Next, a 35-foot-wide right-of-way bisects the center of the Property in a southwesterly-northeasterly direction. Finally, a 50-foot-wide right-of-way with underground fuel transmission line tracks the southern and eastern Property lines.

The Property is developed with the Building (described in Section II.C of this Narrative) and 406 parking spaces. An access driveway connects the Property to Sheraton Drive. Other appurtenant site improvements include outdoor lighting and signs. The Property is one (1) of the largest lots developed and operated as a hotel/motel in the CB District.

### **C. The Building**

The Building possesses unique and irregular physical constraints. The Building was initially constructed in 1971 as a full-service hotel and conference center. The two (2)-story, approximately 133,950-square-foot Building was designed and operated as a facility providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units, each having separate access to a common interior corridor. At its peak, the Building had 195 sleeping rooms/units, with 95 on the ground floor

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<sup>4</sup> Exit 242 Harrisburg West Interchange ramps (i.e., grade separated) is to the east, and the mainline of the PA Turnpike is to the south.

<sup>5</sup> LOT, CORNER - A lot at the junction of and abutting on two intersecting streets (excluding alleys) or at the point of abrupt change of a single street, where the interior angle is less than 135° or the radius of the street line is less than 10 feet. A corner lot shall have two front lot lines and two side lot lines. Otherwise, the rear lot line for a corner lot shall coincide with the lot line abutting any alley. See Figure 2.7, Typical Lots. (Section 300-11)

and 100 on the upper floor. The Building also included spaces for additional supporting services such as restaurants, meeting rooms and recreation facilities. It also had space for hosting events such as consumer trade shows, association conferences and meetings, sports shows, banquets, receptions, and other similar functions.<sup>6</sup> Over the years, the Building has been operated under various hotel “flags” (i.e., brands), including Sheraton, Holiday Inn, and, most recently, Clarion.

The Building is one (1) of the oldest buildings initially designed and operated as a hotel/motel in the CB District. It is also the largest of all of the buildings initially designed and operated as a hotel/motel in the CB District. Finally, the Building has the greatest number of rooms/units initially designed as sleeping rooms/units of all the buildings initially designed and operated as a hotel/motel in the CB District.

#### **D. REVI – Studio Apartments**

Prior to March 2020, the Property was struggling due to several years of deferred maintenance and lack of significant upgrades, causing a decrease in the demand for guest stays and event space, and leading to an increase in vacancies. The once-thriving full-service hotel and conference center, dependent on leisure and business travel, corporate conventions, and large-scale events, was no longer viable. In addition, the COVID-19 pandemic further caused a permanent collapse in the hotel and conference’s core demand drivers due to the widespread adoption of remote work, and virtual meetings and events. Beyond the demand side, the operational realities of maintaining a large, full-service hotel and conference center in today’s environment have become economically unsustainable due to the intensive labor requirements, persistent labor shortages and high fixed overhead costs. In 2022, Clarion ceased operations and closed.

Due to market conditions, combined with its original size, design, layout, and age, it was not feasible to continue the hotel and conference center on the Property. Additionally, due to its original size, design and layout, as well as its age, options for repurposing and reusing the existing hotel Building for another use permitted in the CB District were limited. Rather than allowing the Building to sit vacant and continue to deteriorate, Applicant envisioned adaptively reusing and converting the existing hotel Building for multifamily dwellings, specifically studio apartment units.

In 2022, Applicant purchased the Property. Applicant completed a comprehensive renovation of the Building, including façade enhancements, installing kitchens in every sleeping room/unit, replacing all flooring and repainting, as well as modernizing the lobby, atrium, event space and gym. Additionally, Applicant converted some of the former meeting space into a co-working office and storage lockers. Currently, the 100 upper-floor sleeping rooms/units have been repurposed into studio apartment units ranging from approximately 276 square feet to 296 square feet, which generally are sized and geared toward one (1) to

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<sup>6</sup> There is approximately 9,625 square feet of restaurant space spread across two (2) separate dining spaces and a shared kitchen. Additionally, there is approximately 7,650 square feet of event space spread across two (2) rooms and available to rent by the general public.

two (2) residents.<sup>7</sup> The 95 ground-floor sleeping rooms/units remain available as temporary, overnight lodging accommodations for transient guests for compensation (i.e., hotel). Similar to its renovations on the upper floor, Applicant seeks to repurpose the 95 ground-floor sleeping rooms/units into studio apartment units. Finally, the lobby, atrium, gym, swimming pool, co-working office and storage lockers are available for use by the Building's residents.

### **E. Adaptively Reusing and Converting Existing Hotel Buildings for Apartment Units**

Repurposing existing, underutilized or underperforming hotel buildings that have outlived their original purpose as apartment units is a growing trend driven by both economic shifts and social needs. Due to market conditions, combined with their original size, design, layout, and age, continuing to operate certain larger, older hotel buildings as hotels has become impractical and infeasible. Additionally, due to their original size, design, layout, and age, options for repurposing and reusing certain larger, older hotel buildings for another use permitted in the applicable zoning district are limited.

First, repurposing existing, underutilized, or underperforming hotel buildings that have outlived their original purpose as apartment units helps address unmet housing needs. It is generally faster, more cost-effective, and more sustainable than new, ground-up construction, and can lead to more affordable rent/lease costs for attracting a wider range of residents, including younger workers and low- and moderate-income persons. Next, repurposing and reusing existing hotel buildings as apartment units helps to leverage existing amenities and spaces, including lobbies, atriums, lounges, gyms, swimming pools and restaurants, which can be enhanced and/or converted for common use by residents. Finally, repurposing and reusing existing hotel buildings as apartment units helps to enhance and transform the neighborhoods surrounding such buildings/properties into vibrant and stable mixed-use areas.

### **III. REQUESTED RELIEF – SPECIAL EXCEPTION APPROVAL**

Pursuant to Section 300.4.B of the Zoning Ordinance, any use that clearly is not permitted or defined by the Zoning Ordinance is permitted by special exception approval, subject to specific standards. The Board of Supervisors contemplated the elements and impacts of uses not provided for when it adopted the Zoning Ordinance that expressly permits uses not provided for (i.e., not defined or otherwise permitted). Since the Zoning Ordinance does not define or permit adaptive reuse and conversion of existing hotel buildings for multifamily dwellings in the CB District, in any zoning district or anywhere in the Township, pursuant to Section 300.4.B of the Zoning Ordinance, Applicant requests special

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<sup>7</sup> Pursuant to Section 300-20, Table 5-2, Permitted Uses – Growth Areas Zoning Districts of the Zoning Ordinance, multifamily dwellings (i.e., apartment units) are permitted by right, but only on the upper floors of buildings when located in the CB District.

exception approval to permit adaptive reuse and conversion of an existing hotel Building for multifamily dwellings on the Property in the CB District.

The standards and requirements of the Zoning Ordinance that are applicable to the Application are reproduced (or summarized) in bold below. A brief discussion follows each requirement.

**A. Special Exception Approval – Use Not Provided For (Section 300.4.B)**

**Section 300-4.B**

**Uses not otherwise provided for. Any use which clearly is not permitted by right, by special exception use, nor by conditional use by this chapter within any zoning district, or a use which is not defined by this chapter, then such use shall be prohibited, except that the Zoning Hearing Board of the Township of Fairview may permit such use by special exception if the applicant proves to the satisfaction of the Zoning Hearing Board of the Township of Fairview that all of the terms and conditions set forth below are satisfactorily addressed:**

Applicant seeks to adaptively reuse and convert the existing Building, which was originally designed and used as a full-service hotel and conference center, so that it is used for multifamily dwellings, an entirely different use from that for which it was originally designed and used, in a sympathetic, compatible, and context-sensitive manner.

While the Zoning Ordinance already includes express language defining and permitting conversions of certain other existing buildings to new uses (including apartment units/multifamily dwellings) other than those for which they were originally designed and used,<sup>8</sup> the Zoning Ordinance does not include express language specifically defining or permitting adaptive reuse and conversion of entire existing hotel buildings for multifamily

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<sup>8</sup> Section 300-11 of the Zoning Ordinance defines the use term “adaptive reuse of existing agricultural structure” as “[a] use involving the process of converting an existing traditional farm building or structure, including but not limited to barns and silos, to a new use other than that for which it was originally designed and used, in a sympathetic, compatible, and context-sensitive manner.” Pursuant to Section 300-15.B5, Table 4-2 Permitted Uses, Rural Areas Zoning Districts, adaptive reuse of an existing agricultural structure is permitted only in the Township’s Rural Living Zoning District.

Further, Section 300-11 of the Zoning Ordinance defines the use term “apartment conversion” as “[t]he creation of multifamily dwelling units or apartments by converting an existing single-family detached dwelling without substantially altering the exterior of the building. Pursuant to Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts, an apartment conversion is permitted only in the Township’s: (i) Residential Mixed-Use Zoning District; (ii) Village Residential Zoning District; (iii) Village Mixed-Use Zoning District; and (iv) Village Business Zoning District.

dwellings in the CB District, in any zoning district or anywhere in the Township. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(1)**

**The proposed use is in general conformity with the most recent version of the Fairview Township Comprehensive Plan, and/or other applicable plans adopted by Fairview Township, and in harmony with the zoning district, neighborhood, and area in which it is proposed.**

The Township's Comprehensive Plan 2024 ("Township Plan") contemplates adaptively reusing and converting the existing hotel Building for multifamily dwellings in the neighborhood or CB District in which the Property is located.<sup>9</sup> First, the Township Plan states that:

The PA Turnpike and I-83 interchange area has historically been developed for hotel development. As these properties have aged and lost value, the need to reevaluate and plan for new land uses in this area has become clear. [emphasis added] (p. 2)

The Township Plan suggests focusing on redevelopment efforts in specific areas of the Township, such as the PA Turnpike/I-83 Interchange area, characterized by depressed property values and disinvestment.<sup>10</sup>

The Township Plan then states that the Township should:

Work with the York County Economic Alliance to focus redevelopment efforts in the area of the PA Turnpike/I-83 Interchange. There are several motels in this area that are characterized by disinvestment and increased criminal activity. Targeted reinvestment actions should focus on reimagining the economic potential for this area[.] Zoning ordinance amendments may also be required to incentivize new development in the area. (p. 42)

Next, the Township Plan goes on to acknowledge Applicant's recent rehabilitation initiatives for the Building on the Property, as it states that "[i]ncluded among the recent development activity is the REVI development which converted 100 hotel rooms in the former Sheraton

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<sup>9</sup> Adopted by the Board of Supervisors on January 27, 2025 via Resolution 2025-2.

<sup>10</sup> Although the Township Plan does not define the term "redevelopment", Section 300-11 of the Zoning Ordinance defines the term "redevelopment" as "[p]ublic and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures [emphasis added]to accommodate new development within the context of existing streets."

Hotel near the interchange of Interstate 83 and the Pennsylvania Turnpike, into 100 affordable apartments.” (p. 4)

The Township Plan further recognizes that “[m]ulti-family development makes up only 0.6% of the Township.” The Township Plan also acknowledges the challenge faced by younger workers and low- and moderate-income persons in finding affordable housing options within the Township. In recognition of these current and emerging conditions, the Township Plan suggests responsibly increasing affordable housing in anticipation of population growth by enabling infill, redevelopment, renovation and reuse of existing buildings in designated growth areas, including the CB District. (pp. 3 and 5) The Township Plan also suggests: (i) continuing to provide for and maintain higher-density residential development and zoning near arterial and other important roadways, such as the PA Turnpike, I-83 and Limekiln Road; (ii) (p. 41)

The Township Plan then goes on to state that as one (1) of its major objectives, that the Township should: “[c]reate zoning and permitting incentives to facilitate affordable housing units for infill development, rehabilitation, and adaptive reuse of non-residential properties [emphasis added] . . . ” (pp. 5 and 46) Adaptive reuse and conversion of the existing hotel Building for multifamily dwellings serves as an important incentive to provide additional opportunities to provide for needed housing on the underutilized Property, a desirable and appropriate site within an area of the Township which is planned and zoned for, already developed with and able to accommodate multifamily dwellings. Certainly, permitting adaptive reuse and conversion of the existing hotel Building for multifamily dwellings in the CB District is called for in the Township Plan.

Finally, the Township Plan states that the Police Chief noted an increase in call volumes within the Township, which will require more officers to be available. He specifically noted an increase in drug offenses and criminal activity around the hotels near the PA Turnpike/I-83 interchange area. (p. 19) Generally, dwellings with more permanent or longer-term residents tend to provide for a more stable environment built upon recognition, familiarity and investment crucial for informal social control, and potentially deterring crime through active presence and neighborhood oversight, as compared to the more transient nature (constant state of flux with high turnover) and anonymity of customers and visitors of hotels/motels.

One (1) of the purposes of adopting the Zoning Ordinance is to implement elements of the Township Plan. (Section 300-3.G, see also Section 303(d) of the Pennsylvania Municipalities Planning Code (“MPC”, 53 P.S. Section 10303(d)). Section 603(j) of the MPC (53 P.S. Section 10603(j)) requires the Zoning Ordinance to be generally consistent with the Township Plan. Therefore, the Township Plan is the foundation of the CB District, including its purpose statement and permitted uses.

Section 300-19.B, Table 5-1 Growth Area Zoning Districts sets forth the purpose statement of the CB District as the “zoning district [which] predominately includes a mixture of larger, more intense commercial businesses and related uses [emphasis added].” As described in the response to Section 300-4.B(2) of the Zoning Ordinance, while adaptively reusing and

converting the existing hotel Building for multifamily dwellings is not defined or permitted in the CB District or anywhere in the Township, dwellings, including multifamily dwellings on upper floors, certainly are related uses expressly permitted in the CB District. Therefore, adaptively reusing and converting the existing hotel Building for multifamily dwellings is generally consistent with and implements elements of the purpose of the CB District.

Therefore, adaptively reusing and converting the existing hotel Building for multifamily dwellings is in: (i) general conformity with the most recent version of the Township Plan and its other applicable planning initiatives; and (ii) harmony with the neighborhood in which the Property is located and the CB District. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(2)**

**The proposed use is:**

**Section 300-4.B(2)(a)**

**Similar to and compatible with the permitted uses in the zoning district in which the subject property is located;**

Pursuant to Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance, multifamily dwellings are already permitted by right in the CB District, but only when located on upper floors. Therefore, adaptively reusing and converting the existing hotel Building for multifamily dwellings is similar to and compatible with such residential use that is already expressly permitted in the CB District.

Further, adaptively reusing and converting the existing hotel Building for multifamily dwellings is consistent and compatible with, if not similar to certain permitted nonresidential uses that include dwellings in the CB District, including: (i) continuing care retirement communities which are permitted to include a range of dwellings including multifamily; (ii) dormitories and other dwellings associated with universities/colleges; (iii) long term care nursing or personal care facilities; (iv) boarding homes; and (v) bed and breakfasts.

Additionally, adaptively reusing and converting the existing hotel Building for multifamily dwellings is compatible with and supportive of certain nonresidential uses, including retail sales and service business establishments (i.e., stores, restaurants, personal services), offices, community centers, schools, parks and places of worship. Therefore, adaptively reusing and converting the existing hotel Building for multifamily dwellings is consistent with, similar to and compatible with the permitted uses in the CB District. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(2)(b)**

**Not permitted in any other zoning district under the terms of this chapter; and**

As described in response to Section 300-4.B of the Zoning Ordinance, the Zoning Ordinance does not define or permit adaptive reuse and conversion of existing hotel buildings for multifamily dwellings in the CB District, in any zoning district or anywhere in the Township. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(2)(c)**

**In no way conflicting with the general purposes and intent of this chapter or the zoning district in which the subject property is located.**

Adaptively reusing and converting the existing hotel Building for multifamily dwellings is generally consistent with and helps to implement certain elements of various purpose statements of the Zoning Ordinance, including: (i) implementation of portions (i.e., elements) of the Township Plan; (ii) promoting innovative design to preserve and enhance the established and important sense of community neighborhoods; (iii) promoting, protecting and facilitating public health, safety, morals and general welfare; and (iv) preventing blight and loss of health, life and property from certain dangers. (Sections 300-3.B, 300-3.B, 300-3.F and 300-3.G)

Additionally, adaptively reusing and converting the existing hotel Building for multifamily dwellings is generally consistent with and helps to affect certain purposes set forth in Sections 105 and 604 of the MPC (53 P.S. Sections 10105(d) and 10604), including: (i) providing for residential housing of various dwelling types encompassing all basic forms of housing, including a reasonable range of multifamily dwellings in various arrangements; (ii) encouraging the revitalization of established (sub)urban centers; (iii) minimizing such problems as may presently exist or which may be foreseen; (iv) promoting the conservation of energy through the use of planning practices; (v) guiding and protecting amenity, convenience, future governmental, economic, practical, and social facilities, development and growth; and (vi) accomplishing coordinated development. (Section 300-3.H)

As described in response to Section 300-4.B(1) of the Zoning Ordinance, adaptively reusing and converting the existing hotel Building for multifamily dwellings is generally consistent with and implements elements of the purpose of the CB District set forth in Section 300-19.B, Table 5-1 Growth Area Zoning Districts. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(3)**

**The external impacts associated with the proposed use would be equal to or less intensive than the external impacts associated with other uses that are permitted in the zoning district in which the subject property is located.**

To the extent there is any external impact generated by adaptively reusing and converting the existing hotel Building for multifamily dwellings, as compared to the most recent use of the Property, the full-service hotel and conference center, including 195 sleeping rooms/units, two (2) restaurants and several thousand square feet of event space and meeting rooms, any such impact will be less.

Further, as compared to other uses permitted in the CB District, including: (i) travel plazas; (ii) motor vehicle sales/service/repair/fueling; (iii) large shopping centers; (iv) animal hospital

with outdoor activities; and (v) other businesses and nonresidential uses with 24-hour operations and activities, any such impact will be less. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(4)**

**The location of the proposed use would not endanger the public health and safety, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.**

The Property is located in the CB District, which permits a mix of nonresidential and residential uses. See response to Section 300-4.B(3) of the Zoning Ordinance describing potential external impacts. As compared to the most recent use of the Property as well as other uses permitted in the CB District, adaptively reusing and converting the existing hotel Building for multifamily dwellings on the Property will not: (i) endanger the public health and safety; (ii) deteriorate the environment; or (iii) generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(5)**

**The proposed use shall comply with Township building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Township, or shall be a condition of approval.**

At the hearing, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to comply with all applicable governmental codes, regulations and requirements. Additionally, Applicant will present testimony confirming that if the Application is approved, Applicant agrees to obtain and submit copies of all such licenses, certificates, and permits to the Township. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(6)**

**The proposed use would meet the standards that apply under Article XII of this chapter relating to special exceptions.**

At the hearing, Applicant will present testimony and documentation, including this Narrative, confirming that the Application complies with all applicable standards for uses permitted by special exception approval as set forth in Article XII of the Zoning Ordinance. See responses to Section 300.99.E(3)(b) of the Zoning Ordinance describing compliance with the applicable general standards for all special exceptions. Given the foregoing, the Application complies with this requirement.

**Section 300-4.B(7)**

**The applicant shall provide:**

**Section 300-4.B(7)(a)**

**The information required in Article VII of this chapter relating to hours of operation and management plan. This information is required for both residential and nonresidential uses.**

An operations and management plan, including the applicable information set forth in Section 300-39 of the Zoning Ordinance, is enclosed as part of the Application.

**Section 300-4.B(7)(b)**

**A detailed description of how the proposed use and development complies with Subsection B(1) through (6) of this subsection.**

See responses to Sections 300-4.B(1) through 300-4.B(6) of the Zoning Ordinance.

**Section 300-4.B(7)(c)**

**Plot/site plans required in Article XII of this chapter relating to applications for zoning permits.**

A plot/site plan depicting the Building, parking spaces, and other onsite improvements on the Property is enclosed as part of the Application.

**Section 300-4.B(7)(d)**

**A schematic architectural drawing of the principal building(s) front facade(s).**

Photographic images of the Building's façades are enclosed as part of the Application.

**B. General Standards for All Special Exceptions (Section 300.99.E(3)(b))**

**Section 300.99.E(3)(b)**

**General criteria. Each applicant shall demonstrate compliance with the following:**

**Section 300.99.E(3)(b)[1]**

**The proposed use shall be consistent with the purpose and intent of this chapter;**

As described in this Narrative, including response to Section 300-4.B(2)(b) of the Zoning Ordinance, adaptively reusing and converting the existing hotel Building for multifamily dwellings on the Property is generally consistent with the purpose and intent of the Zoning Ordinance. Given the foregoing, the Application complies with this criterion.

**Section 300.99.E(3)(b)[2]**

**The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;**

As described in this Narrative, adaptively reusing and converting the existing hotel Building for multifamily dwellings on the Property will not detract from the use and enjoyment of adjacent or nearby properties. Given the foregoing, the Application complies with this criterion.

**Section 300.99.E(3(b)[3]**

**The proposed use will not substantially change the character of the subject property's neighborhood;**

As described in this Narrative, including response to Section 300-4.B(1) of the Zoning Ordinance, adaptively reusing and converting the existing hotel Building for multifamily dwellings on the Property will not substantially change the character of the neighborhood of the Property in the CB District. Given the foregoing, the Application complies with this criterion.

**Section 300.99.E(3(b)[4]**

**Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);**

At the hearing, Applicant will present testimony confirming that adequate public facilities, including schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, exist and are available to serve the adaptive reuse and conversion of the existing hotel Building for multifamily dwellings on the Property. Given the foregoing, the Application complies with this criterion.

**Section 300.99.E(3(b)[5]**

**The proposed use complies with Article VI of this chapter relating to Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains;**

The Property is not located in the Floodplain Overlay Zoning District or subject to the Township's floodplain regulations. Therefore, this requirement is not applicable.

**Section 300.99.E(3(b)[6]**

**The proposed use shall comply with those criteria specifically listed in Article X of this chapter, relating to specific and supplemental regulations for specific uses. In addition, the proposed use shall comply with all other applicable regulations contained in this chapter; and**

There are no specific criteria for adaptively reusing and converting an existing hotel building for multifamily dwellings set forth in Article X of the Zoning Ordinance. Except for the

requested relief, the Application complies with the other applicable regulations of the Zoning Ordinance. Given the foregoing, the Application complies with the applicable criterion.

**Section 300.99.E(3(b))[7]**

**The proposed use will not substantially impair the integrity of the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.**

As described in this Narrative, including response to Section 300-4.B(1) of the Zoning Ordinance, adaptively reusing and converting the existing hotel Building for multifamily dwellings on the Property will not substantially impair the integrity of the most recent version of the Township Plan or other applicable plans adopted by the Township. Given the foregoing, the Application complies with this criterion.

**C. Conclusion**

Finally, the fact that a use is permitted as a special exception evidences a legislative decision that the particular use (in this case a use not provided for (not defined or otherwise permitted)) is consistent with the zoning plan and presumptively consistent with the health, safety and welfare of the community. *Id.*; *Northampton Area Sch. Dist. v. East Allen Twp. Bd. of Supervisors*, 824 A.2d 372, 376 (Pa. Commw. 2003); *Abbey v. Zoning Hearing Bd. of East Stroudsburg*, 559 A.2d 107, 109 (Pa. Commw. 1989); *Warren Cty. Probation Ass'n v. Warren Cty. Zoning Hearing Bd.*, 414 A.2d 398, 399 (Pa. Commw. 1980); *Foster Grading Co. v. Venango Twp. Zoning Hearing Bd.*, 412 A.2d 647, 629 (Pa. Commw. 1980).

Therefore, a special exception application that satisfies objective standards of the Zoning Ordinance must be granted unless the opponents present sufficient evidence that the use will generate adverse impacts not normally generated by this type of use and that these impacts will pose a substantial threat to the health and safety of the community. *Greaton Props., Inc. v. Lower Merion Twp.*, 796 A.2d 1038, 1045 (Pa. Commw. 2002); *In re Cutler Group, Inc.*, 880 A.2d 39, 43 (Pa. Commw. 2003). Such evidence cannot consist of mere speculation, bald assertions, or personal opinions and perceptions of the effect of the use on the community. *Id.* Rather, opponents must demonstrate that there is a *high degree of probability* that the use will cause a substantial harm that is not normally associated with the proposed use. *Id.*; *Ruddy v. Lower Southampton Twp. Zoning Hearing Bd.*, 669 A.2d 1051, 1057 (Pa. Commw. 1995).

For the foregoing reasons, Applicant respectfully requests that the Zoning Hearing Board grant the requested special exception approval.

**IV. REQUESTED RELIEF – DIMENSIONAL VARIANCES**

**A. In the Alternative, and to the Extent Necessary, Dimensional Variance to Permit Multifamily Dwelling Units on the Ground Floor of the Existing**

## **Building on the Property in the CB District (Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts)**

In the alternative, Applicant requests a dimensional variance from Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance, so as to permit multifamily dwellings on the ground floor of the existing Building on the Property in the CB District.<sup>11</sup>

While Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance permits multifamily dwellings in the CB District, the locations where such dwellings are permitted within buildings are limited to upper floors only. Accordingly, as permitted, Applicant has repurposed the 100 upper-floor sleeping rooms/units into studio apartment units, but the 95 ground-floor sleeping rooms/units remain available as temporary, overnight lodging accommodations for transient guests (i.e., hotel). Similar to its renovations on the upper floor, Applicant seeks to repurpose the 95 ground-floor sleeping rooms/units into studio apartment units. Therefore, Applicant requests a dimensional variance from Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance, so as to permit multifamily dwellings on the ground floor of the existing Building on the Property in the CB District.

The purpose of the requirement limiting multifamily dwellings to upper floors only was to allow some residential, albeit a limited amount, in a highway commercial area of the Township, which, prior to 2010, did not permit residential. Rather than allowing for the construction of new apartment buildings used entirely for residential or allowing for the conversion of entire buildings originally designed and used for nonresidential activities (e.g., offices, retail) so that they are used entirely for residential, the requirement was intended to provide for mixed-use buildings with nonresidential uses and activities on the ground floor and apartments on the upper floors. While this is appropriate for newly constructed buildings and even repurposing other buildings originally designed and used for nonresidential activities (e.g., offices, retail), this requirement is not appropriate for repurposing existing hotel/motel buildings with sleeping rooms/units located on the ground floor, like the existing hotel Building on the Property.

Further, the Zoning Ordinance already permits dwellings, including multifamily dwellings and other residential living areas on ground floors of buildings for other uses permitted in the CB District. Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance permits dwellings, including multifamily dwellings and other residential living on ground floors of buildings used for: (i) continuing care retirement communities; (ii) dormitories and other dwellings associated with

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<sup>11</sup> Similar to the yard setback requirements of the Zoning Ordinance regulating the physical location on a lot where a building or structure is allowed to be constructed and erected, as well as the physical location on a lot which must remain as unoccupied and obstructed open areas, which certainly are dimensional requirements, the requirement of Section 300-20, Table 5-2 Permitted Uses — Growth Area Zoning Districts of the Zoning Ordinance limiting multifamily dwellings to upper floors only too is a dimensional requirement.

universities/colleges; (iii) long term care nursing or personal care facilities; and (iv) bed and breakfasts, in the CB District.

The requested dimensional variance, if granted, will not alter the essential character of the neighborhood or the CB District in which the Property is located, or substantially or permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

**B. Dimensional Variance to Increase Density (Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District)**

Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District of the Zoning Ordinance limits density to 16 dwelling units per acre. The proposed adaptive reuse and conversion concept envisions a total of 195 dwelling units on the 8.37-acre Property, for an overall density of 23.29. Therefore, Applicant requests a dimensional variance from Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District of the Zoning Ordinance to permit an increase in density to 23.29 on the Property in the CB District.<sup>12</sup>

The existing Building had 195 sleeping rooms/units as part of the hotel and conference center, with 95 on the ground floor and 100 on the upper floor. While the 100 sleeping rooms/units on the upper floor have already been converted to multifamily dwellings, the Application proposes to convert the remaining 95 ground-floor sleeping rooms/units to multifamily dwellings, for an overall total of 195 dwelling units. No more multifamily units are proposed to be repurposed and converted beyond the total number of sleeping rooms/units that existed as part of the hotel and conference center.

The requested dimensional variance, if granted, will not alter the essential character of the neighborhood or the CB District in which the Property is located, or substantially or permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

**C. Dimensional Variance to Reduce Required Parking Spaces (Section 300-56.A, Table 8-2 Parking Schedule – Residential)**

Section 300-56.A, Table 8-2 Parking Schedule – Residential of the Zoning Ordinance requires a minimum parking rate of 2.5 parking spaces per multifamily dwelling unit.<sup>13</sup> The

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<sup>12</sup> Similar to the impervious lot coverage requirements of the Zoning Ordinance regulating the amount of a lot allowed to be covered with impervious materials, as well as the amount of a lot which must remain as unoccupied and obstructed open areas, which certainly is are dimensional requirements, the requirement of Section 300-21.F, Table 5-8 Area and Design Requirements CB Commercial Business Zoning District of the Zoning Ordinance limiting the density on a lot too is a dimensional requirement.

<sup>13</sup> Section 300-56.A, Table 8-2 Parking Schedule – Residential of the Zoning Ordinance states that for multifamily dwellings, the minimum required number of parking spaces is “2 per dwelling unit, plus additional 1/2 space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots

proposed adaptive reuse and conversion concept envisions a total of 195 multifamily dwelling units and 406 existing parking spaces, for a parking rate of 2.08 spaces per dwelling unit on the Property. Therefore, Applicant requests a dimensional variance from Section 300-56.A, Table 8-2 Parking Schedule – Residential of the Zoning Ordinance to permit a reduction in the required parking rate to 2.08 spaces per dwelling unit on the Property in the CB District.

The current parking rate of 2.5 spaces per dwelling unit applies to all multifamily dwellings at any location in the Township, regardless of the size of the apartment unit or the number of bedrooms in each unit. Therefore, one (1) bedroom or studio apartments with less than 300 square feet must provide the same number of parking spaces as compared to an approximately 1,336 square-foot unit with three (3) bedrooms.<sup>14</sup> Smaller apartment units with fewer bedrooms generally have fewer residents and fewer vehicles as compared to larger units with more bedrooms.

The requested dimensional variance is supported by the most recent edition of the Institute of Transportation Engineers (“ITE”) parking generation rates. Pursuant to ITE’s parking rates, the average actual parking required ratio based on actual constructed and occupied developments for one (1) bedroom (includes studio apartments) low-rise (2-3 story) multifamily housing (ITE Land Use Code # 217) is 1.35 spaces per dwelling unit. When ITE’s parking space per dwelling unit rate is applied, only 264 parking spaces would be necessary (195 apartment units x 1.35 spaces). The existing 406 parking spaces are 142 spaces more than the 264 spaces based on ITE’s per-unit parking rate. The 406 existing parking spaces are sufficient to accommodate the parking demand of the residents and their invited guests.

As further support for the requested dimensional variance, as of August 13, 2025, 99 of the 100 upper-floor apartment units were occupied. While 130 residents were registered to live in those 99 upper-floor apartment units, only 88 vehicles were registered with management for those occupied apartment units. This equates to a rate of less than one (1) registered vehicle per apartment unit (i.e., 0.89 vehicles). When this rate is applied to all 195 apartment units, there would be only 174 registered vehicles (195 apartment units x 0.89 vehicles). Accordingly, the 406 existing parking spaces are sufficient to accommodate these 174 registered vehicles, as even if all registered vehicles were parked onsite at one (1) time, there would still be 232 parking spaces available for residents and their invited guests. Going even further, if there were two (2) registered vehicles for each of the 195 apartment units, only 390 parking spaces would be necessary to accommodate all of those registered vehicles parked onsite at one (1) time.

The requested dimensional variance, if granted, will not alter the essential character of the neighborhood or the CB District in which the Property is located, or substantially or

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shall be sized, arranged, and located so that the spaces are within 300 feet walking distance to any unit served.”

<sup>14</sup> <https://www.rentcafe.com/blog/rental-market/market-snapshots/national-average-apartment-size/>

permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

**D. General Variance Standards (Section 300-99.E(4)(a) through (f))**

The requested dimensional variances comply with the general standards applicable to all variance requests, as set forth in Section 910.2(a) of the MPC, 53 P.S. § 10910.2(a), and Section 300-99.E(4) of the Zoning Ordinance. Notably, both the MPC and the Zoning Ordinance provide that the Zoning Hearing Board may grant a variance to an applicant, provided that certain findings are made where relevant in a given case. In other words, an applicant need not establish each and every criterion for a variance.

The Property possesses several unique and irregular physical constraints described in Section II of this Narrative. Therefore, the unnecessary hardship is due to the unique and irregular physical circumstances and other conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or CB District in which the Property is located. This hardship is not financial in nature and has not been created by Applicant, as the requested variances, which are necessary for the Property to be adaptively reused and converted as envisioned, will not alter the essential character of the neighborhood in which the Property is located or the CB District. The variances, if granted, will not substantially or permanently impair the appropriate use or development of the Property or adjacent properties in conformance with the CB District requirements, and will not be detrimental to the public welfare. The requested variances represent the minimum variance that will afford relief and represent the least possible modification of the regulation at issue. The Property is not located in the Floodplain Overlay Zoning District or subject to the Township's floodplain regulations.

The requested dimensional variances, if granted, will help to: (i) address housing and hotel/motel market realities; (ii) maximize and avoid wasting of prior and continuing public and private investment; and (iii) help to preserve agricultural and rural land in appropriate areas. If granted, the requested variances would permit the existing hotel Building to be adaptively reused and converted to studio apartments, which is expected to generate lower traffic and parking demands compared to a full-service hotel with a conference center.

Finally, it is important to note that the Township Plan acknowledges Applicant's recent adaptive reuse and conversion of the existing hotel Building for affordable multifamily dwellings on the Property. It also is important to note that the Township Plan contemplates the requested relief, as it specifically suggests the creation of zoning incentives to facilitate affordable housing units via rehabilitation and adaptive reuse of non-residential properties, including the area around the PA Turnpike/I-83 interchange area (pp. 2, 3, 4, 5, 41, 42 and 46)

## **E. Conclusion**

Finally, as the Pennsylvania Supreme Court stated in *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998), “[w]hen seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations.” The Court declared in that case that a lesser quantum of proof is required for dimensional variances. Given the character of this request and the lesser quantum of proof in an instance such as this, it is appropriate to grant the requested dimensional variances.

For the foregoing reasons, Applicant respectfully requests that the Zoning Hearing Board grant the requested dimensional variances.

## **V. CONCLUSION**

For the foregoing reasons, Applicant respectfully requests that the Zoning Hearing Board grant the requested relief.