

# Neighbors continue to battle construction of fire station

By KYLIE SHAFFERKOETTER  
Post Staff

**DALLAS TWP.** - As her house vibrates in unison with a large roller working across the street, Domicella (Dee) Balice of 191 E. Center Hill Rd. explains why she doesn't want construction of the new Dallas fire hall to continue. She has many concerns ranging from safety to cracks in her walls.

After two years battling the fire hall's new location at the corner of E. Center Hill Rd. and Church St., the Balices and their neighbors are fighting to the finish, planning one last legal step in hopes of stopping construction.

But township officials and fire department volunteers say they've done everything by the book, and the delays so far have cost the department time and money.

Vito and Domicella Balice have retained an attorney and plan to take Dallas Fire and Ambulance, Inc. to court once again, claiming the building doesn't meet codes for parking and a required buffer area between the building and the street.

The township planning commission determined in October 1996 that since only about 2,000 sq. ft. of the building will be used for meeting rooms and office area, it falls within the definition of a community building. According to the township's zoning codes, a community building requires one parking space for every 100 square feet of area.

Bill Higgs, Balice's attorney, said there is a slim chance of winning, since it is past the appeal period for zoning ordinance, zoning permit and land development plan approval. "We plan to sue in equity to enforce the zoning ordinance," said Higgs.

Asked why they didn't respond within the 30-day appeal period, Dee Balice said they were not advised by previous council about it. "I never saw it in the paper, never knew about it," she said.

According to the minutes of the Oct. 8, 1996 planning commission meeting, Bruce Phillips, the neighbors' old attorney, told the commission he would write a letter saying his clients would not appeal.

David Ryan of 211 E. Center Hill Rd. said he is "still working to stop them from building." He and his wife, Eva bought their home nine years ago and were told by their real estate agent the property across the street would be used for a playground.

Brett Slocum, the current fire chief, said when the department purchased the land 20 years ago it was already zoned for commercial use. The neighbors' protests have delayed construction by 2 1/2 years, he said, and have been costly. "I can't begin to calculate what it has cost us and the community," he said.

The Ryans feel the fire hall was a safety hazard from day one. "It's not safe relative to the daycare and the Little League," David Ryan said. "The lot is just too small." The Ryans have three children and are concerned about increased traffic due to training and meetings.

According to Tom Doughton, who represented the fire company at a 1995 zoning hearing, most fire department members drive directly to fires and up to 40 people attend the once-a-week meetings. Slocum agreed. "No one goes to the station first," he said.

The Ryans and their neighbors, including Tom Carey, also of Center Hill Rd., won a judgement against the township zoning hearing board and the fire and ambulance company in the Commonwealth Court of Pennsylvania in 1996. The court ruled that the township committed an error of law when it granted a side yard variance to the fire company in April 1995.

Ryan said this is where, in his opinion, the fire company and township became deceptive. "During the nine or 10 month deliberation period, they submitted new plans and the planning commission passed it," said Ryan. "They didn't advertise that they were going to make this decision." The fire company did not need a sideyard variance with the new plans.

According to Len Kozick, township zoning officer, a schedule of planning commission meetings is advertised at the beginning of the year and the township is not required to announce each one during the year.

Higgs said the parking is in violation of ordinances because there is only 15 ft. between the side of the garage and the edge of property. With 10 ft. wide parking spaces, that leaves only five feet to pull around another car. According to the township's zoning ordinance, there should be 20 ft. between the edges of an access road. Kozick said there is 20 ft. while Higgs and his retainers disagree. A drawing of the plot shows a 15 ft. space.

Carey, who was hit by a fire truck when he was young, said he can see why the fire company wants to move from Main St., but feels there has to be a better place. "I'm concerned about child safety in such a congested area," said the father of an 11 year old.

Carey and his neighbors believe permits were not pulled properly and that there was a conflict of interest with Bob Besecker, an active fire company member on the planning commission and Tom

Doughton, an active member serving as township engineer. Kozick said all the correct permits have been issued and are in order.

The minutes of meetings at which the fire hall was discussed show that Besecker abstained from voting. Slocum said the department had used Bessler Engineering for the building to avoid any potential conflict of interest, since Doughton works for Pasonick Engineers, the township's firm.

"The township has bent over backward to assure there are no conflicts or political manipulation," Slocum said.

All three neighbors say their houses have been shaken by a roller working on the site.

R.N. Fitch and Sons, Inc., is the excavation company on the fire company's property. After a call from Balice, Drew Fitch sent out a specialist to gauge vibrations coming from his equipment. Fitch said the results are not in yet.



POST PHOTO/KYLIE SHAFFERKOETTER

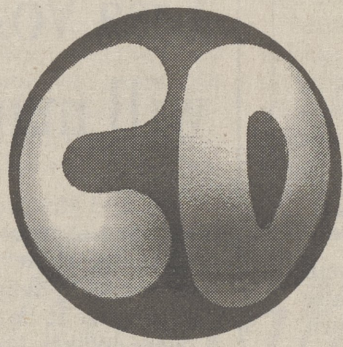
**With the new Dallas fire station behind them, from left, Tom Carey, David Ryan, Dee Balice and Jeff Ryan. The E. Center St. residents say the station shouldn't be built across the street from their homes.**



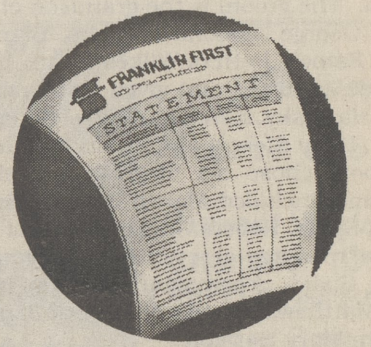
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