

SOUTH STRABANE TOWNSHIP
PLANNING COMMISSION REGULAR MEETING MINUTES

September 1, 2022

APPROVED MEETING MINUTES

The Planning Commission of South Strabane Township held its Regular Meeting on Thursday, September 1, 2022 at 7:03 p.m. in the Meeting Room of the Municipal Building, 550 Washington Road, Washington, PA 15301.

Present: Thomas Steele, Chair; Joe Kopko (via Zoom); Paula Phillis; Fred Pozzuto; and Dan Reitz

Not Present: Jay Gordon, Vice Chair

Also Present: Brandon Stanick, Township Manager; Eddie Trzeciak, Engineer; and Gabrielle Conti, Solicitor; Sheila Rozanc, Stenographer

1. PLEDGE OF ALLEGIANCE

Chair Steele led the group in the Pledge of Allegiance.

2. PUBLIC COMMENT

The Planning Commission allocates a period of time during this item for those individuals who would like the opportunity to address the Planning Commission on any matter. Each person addressing the Planning Commission is asked to limit their comments to a maximum of three (3) minutes.

There were no comments from the Public.

3. APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING MINUTES AUGUST 4, 2022

Mr. Reitz moved to approve the August 4, 2022 meeting minutes. Mr. Pozzuto seconded the motion. The motion passed on a unanimous voice vote.

4. CONTINUATION OF A PUBLIC HEARING FOR A CONDITIONAL USE APPLICATION FROM PANKRATOS, INC. TO OPERATE A JUVENILE PERSONAL CARE HOME LOCATED AT 1961 N. MAIN STREET IN THE I-1 ZONING DISTRICT

Township Manager Brandon Stanick provided a brief update on the status of this matter, stating Staff has attempted to engage with the Applicant on their plans to undertake necessary structural and electrical improvements to the Property. Communication from the Applicant has been infrequent and to date there have been no indications that action is imminent. Additionally, Building Official Scott Heckman has expressed concern regarding worsening conditions of the Property. Given the pending Conditional Use application, no action has been pursued to date. Mr. Stanick recommended the Planning Commission vote to recommend denial of the Applicant's request. This will close the application file, preventing a deemed approval and allowing the Township to be more proactive in correcting the Property's deficiencies.

Township Solicitor Gabrielle Conti read the following exhibit into the Public Record:
Exhibit M – Staff Memorandum to Planning Commission dated August 26, 2022.

Mr. Reitz moved to enter Exhibit M into the Public Record. Ms. Phillis seconded the motion. The motion passed on a unanimous voice vote.

No representative from the Applicant was present.

There were no comments from the Public.

Mr. Pozzuto moved to close the Public Hearing. Mr. Reitz seconded the motion. The motion passed on a unanimous voice vote.

Mr. Reitz moved to recommend the Board of Supervisors deny the Conditional Use application from Pankratos, Inc. to operate a Juvenile Personal Care Home located at 1961 N. Main Street in the I-1 Zoning District. Mr. Kopko seconded the motion.

Mr. Pozzuto reiterated no trade professional felt this structure could be brought into compliance due its current condition.

The motion passed on a unanimous voice vote.

5. PUBLIC HEARING FOR THE CONSIDERATION OF A TEXT AMENDMENT TO THE ZONING CODE ESTABLISHING “MEDICAL MARIJUANA DISPENSARY” AS A CONDITIONAL USE IN THE C-2 ZONING DISTRICT AND “MEDICAL MARIJUANA GROWER/PROCESSOR” AS A CONDITIONAL USE IN THE I-1 AND A-1 ZONING DISTRICTS AND A CONDITIONAL USE APPLICATION FROM LAUREL HARVEST LABS, LLC (d/b/a/ Sunnyside) TO OPERATE A “MEDICAL MARIJUANA DISPENSARY” AT 360 WASHINGTON ROAD IN THE C-2 ZONING DISTRICT

Mr. Stanick stated On March 2, 2022, the Township received an inquiry from Kaplin Stewart, counsel for Laurel Harvest Labs, LLC. (subsidiary for Cresco Labs) (“Applicant”) regarding their interest in opening a medical marijuana dispensary at 360 Washington Road. While these businesses are heavily regulated by the State in many ways, the 2016 Medical Marijuana Act (“Act”) provides little guidance concerning land use and zoning.

At its Non-Legislative meeting on May 10, 2022, following a discussion of the matter, it was the consensus of the Board to have Staff work with the Planning Commission to draft an ordinance that regulates dispensaries and grower/processing facilities. Recall, at the June 2, 2022 meeting, the Planning Commission heard from the Applicant who provided an overview of their company and served as subject matter experts regarding the Act. Following a review and discussion, it was the direction of the Planning Commission to have a draft ordinance for a text amendment prepared which establishes “Medical Marijuana Dispensaries” and “Medical Marijuana Grower/Processor Facilities” as Conditional Uses. Following discussion with Staff, the Applicant applied for their Conditional Use approval concurrently with the Text Amendment.

On July 29, 2022, the Township received an application for Conditional Use Approval from the Applicant (d/b/a/ Sunnyside) to operate a “Medical Marijuana Dispensary” at 360 Washington Road (“Property”) in the C-2 Zoning District.

Township Staff and Legal Counsel have developed a draft ordinance (“Medical Marijuana Ordinance”) in order to establish a process and standards for the establishment, construction and operations of medical marijuana dispensaries and medical marijuana grower/processors pursuant to the Act and to allow for the integration of this industry while providing for the protection of the Public’s health, safety and general welfare. The Medical Marijuana Ordinance incorporates previously received comments from the Applicant and Planning Commission and accomplishes the following:

- Establishment of definitions for: Medical Marijuana, Medical Marijuana Dispensary and Medical Marijuana Grower/Processor;
- Establishes “Medical Marijuana Dispensary” as a Conditional Use in the C-2 Zoning District;
- Establishes “Medical Marijuana Grower/Processor as a Conditional Use in the A-1 and I-1 Zoning Districts;
- Establishes standards and criteria for “Medical Marijuana Dispensary” and “Medical Marijuana Grower/Processor”; and
- Establishes off-street parking and loading requirements for “Medical Marijuana Dispensary” and “Medical Marijuana Grower/Processor”.

Regarding the Conditional Use approval, the Property is located along the northbound lane of Washington Road situated at the bottom of the hill on which the Trinity Point Commercial Development is located. The Property is 3.5 acres in size and is currently improved with two multi-tenant commercial buildings, one at the north side of the Property, adjacent to Washington Road, and one at the south side of the Property, adjacent to the Trinity Point Commercial Development. The Applicant wishes to occupy two vacant spaces located in the southern building (same building as Ultimate Pizza), which comprise a total of approximately 4,114 square feet.

The Applicant wishes to build out and occupy the vacant spaces in order to operate a “Medical Marijuana Dispensary” pursuant to the regulations of the Act. The Applicant has submitted documentation demonstrating how it will comply with the standards and criteria outlined in the Medical Marijuana Ordinance.

Ms. Conti read the following items into the Public Record:

- Exhibit A – Draft Ordinance;
- Exhibit B – Conditional Use Application and related materials;
- Exhibit C – Outline of Applicant testimony;
- Exhibit D – Staff Memorandum to Planning Commission dated May 27, 2022;
- Exhibit E – Planning Commission Meeting Minutes from June 2, 2022 (Pages 1-3);
- Exhibit F – Letter dated August 25, 2022 sent to neighboring property owners; and
- Exhibit G – Proof of Publication in August 18 and August 25, 2022 editions of the Observer-Reporter.

Mr. Pozzuto moved to enter Exhibits A-G into the Public Record. Ms. Phillis seconded the motion. The motion passed on a unanimous voice vote.

Upon a question from Mr. Pozzuto, Christian Ficara, representing the Applicant, stated the size of the facility is approximately 4,300 square feet. Mr. Pozzuto inquired of the process for determining the parking requirement. Marc Kaplin, legal counsel for the Applicant, stated this operation typically requires retail-based parking requirements. He stated the parking lot is existing and they were responsive to the Township's requirements. Mr. Ficara indicated their traffic engineer is available to speak to this matter.

Mr. Steele requested they consider the Text Amendment prior to the Conditional Use. Mr. Kaplin stated their application is designed to reflect the draft ordinance. A discussion followed with Mr. Steele stating the Text Amendment and Conditional Use will be considered separately.

Stenographer Sheila Rozanc swore in Gregory Cordasco, Christian Ficara and Joshua Haydo at this time.

Ms. Phillis asked how the Applicant determined the minimum distance of 1,000 feet minimum distance from a school or other dispensary requirement. Ms. Kaplin stated this is the same as the requirements of the State.

Mr. Pozzuto moved to recommend the Board of Supervisors approve the text amendment establishing "Medical Marijuana Dispensary" as a Conditional Use in the C-2 Zoning District and "Medical Marijuana Grower/Processor" as a Conditional Use in the I-1 and A-1 Zoning Districts.

Mr. Ficara gave a presentation in which he outlined their project's scope and an overview of their operations. He stated the facility would be branded as "Sunnyside" and showed photographs of existing dispensaries under this brand. He described the process those who hold medical marijuana cards will use to obtain the product from the facility. Mr. Ficara described the floor area and reviewed facility operations. He stated loading and deliveries would occur two to three times per week and reviewed the security and safety protocols. Joshua Haydo, traffic engineer for the Applicant, stated the proposed use will generate fewer than 100 additional trips and reviewed the details of the traffic study.

Mr. Steele asked if the Applicant had proof of registration with the State. Mr. Kaplin stated the State registration is received following approval by the municipality. Mr. Ficara stated the Police Chief has not yet reviewed the security plan upon a question from Mr. Reitz. Mr. Pozzuto asked how far the Property is from Trinity East Elementary School. Mr. Ficara stated he did not know the exact distance, but can confirm they are in compliance with the 1,000-foot minimum requirement. A discussion of the sally port followed and concluded with Mr. Kopko asking this area be identified as a sally port.

Ms. Phillis moved to enter the power point presentation into the Public Record as Exhibit H. Mr. Pozzuto seconded the motion. The motion passed on a unanimous voice vote.

There were no comments from the Public.

Mr. Kopko moved to close the Public Hearing. Mr. Pozzuto seconded the motion. The motion passed on a unanimous voice vote.

Ms. Phillis moved to recommend the Board of Supervisors approve the Conditional Use application from Laurel Harvest Labs, LLC (d/b/a/ Sunnyside) to operate a “Medical Marijuana Dispensary” at 360 Washington Road in the C-2 Zoning District provided proof of pending registration is provided, the security plan is reviewed by the Police Chief and the sally port is noted on the site plan prior to the Board’s consideration. Mr. Reitz seconded the motion. The motion passed on a unanimous voice vote.

6. CONSIDERATION OF AN APPLICATION FOR PRELIMINARY AND FINAL MINOR SUBDIVISION APPROVAL FROM BRUCE R. KURTZ FOR CONSOLIDATION PLAN, EASTPOINTE LOTS 25 AND 35 LOCATED AT 217 TARA DRIVE (PARCEL NOS. 600-005-09-00-0025-00 & 600-005-09-00-0035-00) IN THE R-1 ZONING DISTRICT

On August 2, 2022 the Township received an application for Preliminary and Final Minor Subdivision approval from Bruce R. Kurtz (“Applicant”) for the Consolidation Plan, Eastpointe Lots 25 & 35 (“Subdivision”) located at 217 Tara Drive, further identified as Parcel Nos. 600-005-09-00-0025-00 and 600-005-09-00-0035-00 (“Property”) in the R-1 Zoning District.

The Property consists of two lots (“Lot 25” & “Lot 35”) in the Eastpointe Residential Development. Lot 25 is approximately 0.34 acres in size and has access to Tara Drive. It is currently improved by a two-story single family dwelling (“Structure”), concrete driveway, patio and swimming pool. The Structure encroaches into the front yard, but a variance was previously granted as part of the overall subdivision plan. Lot 35 is approximately 0.39 acres in size and is adjacent, but does not have access to, East Beau Street. Lot 35 is vacant. Both lots are owned by the Applicant. The Applicant wishes to consolidate Lot 25 and Lot 35 into one parcel (“Lot 2535”) approximately 0.73 acres in size. Lot 2535 will have frontage on both Tara Drive and East Beau Street, but will only have access to the former.

Mr. Kurtz confirmed access to E. Beau Street was never constructed upon a question from Mr. Pozzuto.

Township Engineer Eddie Trzeciak reviewed the following comment letter from Scott Groom:

Dear Mr. Stanick:

**Township of South Strabane
Application for Subdivision Approval
Preliminary and Final Approval Review**

Minor Subdivision Application – Consolidation Plan-Eastpointe Lots 25 and 35

An application for Subdivision Approval has been received from Bruce and Sheri Kurtz for the Consolidation Plan-Eastpointe Lots 25 and 35.

The purpose of the plan is to consolidate Lots 25 and 35 in the Eastpointe Plan No. 2 as recorded in Plan Book 22, Page 72 (Washington County Tax Parcels 600-005-09-00-0025-00 and 600-005-09-00-0035-00 respectively) into one parcel.

KLH Engineers, Inc. has completed a review of the following drawings and documents received by this office for compliance with Township Ordinances:

- Consolidation Plan-Eastpointe Lots 25 and 35 prepared by Richard D. Feryok, PE, PLS dated July 28, 2022.

CHAPTER 206 SUBDIVISION AND LAND DEVELOPMENT

ARTICLE IV – MINOR SUBDIVISIONS

206-13 APPLICATION PROCEDURE-Completeness Review

The final plat shall contain the following information:

- §206-13.A.(11)(a) The date of preparation on Sheet 2 of 2 is shown as August 13, 1996.
- §206-13.A.(11)(b) Lot 35 is incorrectly referenced as Parcel 600-005-09-00-0034-00.
The signature of the surveyor preparing the subdivision needs to be added to the plan.
- §206-13.A.(11)(m) Owner's Acceptance of Responsibility for Providing Stormwater Drainage Facilities and Control of Stormwater Drainage needs to be added to the plan.

ARTICLE IX – DESIGN STANDARDS

206-67 LOTS

- §206-67.C Double frontage. Double frontage lots shall be avoided; however, where a double frontage lot is the only practical alternative, vehicular access shall be limited to only one street, and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation limiting vehicular access to one street frontage.

CHAPTER 245 ZONING

ARTICLE IV – R-1 NEIGHBORHOOD RESIDENTIAL DISTRICT 245-24 AREA AND BULK REGULATIONS

The plan incorrectly indicates that it is located in the R-2 Zoning District. The table needs to be revised.

GENERAL COMMENTS

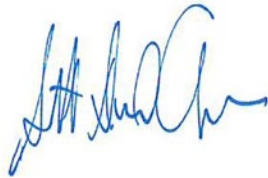
The lot line between Lots 25 and 35 to be extinguished should be shown and labeled on the plan

The Township may have additional comments.

The Application for Subdivision Approval contains deficiencies that need to be addressed by the applicant. The application was reviewed solely for conformance to Township Ordinance standards. Revised plans and a review response letter stating how these comments were addressed, need to be submitted to address the above comments. We are recommending both preliminary and final approval of the application for subdivision for the Consolidation Plan-Eastpointe Lots 25 and 35 contingent upon the deficiencies being addressed.

Very truly yours,

KLH ENGINEERS, INC.



Scott D. Groom, PLS

Mr. Trzeciak provided a copy of the letter to Mr. Kurtz.

Mr. Pozzuto moved to recommend the Board of Supervisors approve the application for Preliminary and Final Minor Subdivision from Bruce R. Kurtz for Consolidation Plan, Eastpointe Lots 25 and 35 located at 217 Tara Drive (Parcel Nos. 600-005-09-00-0025-00 & 600-005-09-0035-00) in the R-1 Zoning District contingent upon the outstanding engineering comments being addressed. Ms. Phillis seconded the motion. The motion passed on a unanimous voice vote.

7. STAFF UPDATE

Township Manager Brandon Stanick updated the Planning Commission on the following:

- Minor Subdivision Application from Thomas & Yvette Kisling remains tabled with consideration scheduled in October;
- Consideration of a Code Action Item Text Amendment Package will begin in October;
- Staff has received an application from Menard, Inc. for several variances and will move forward with Land Development should they receive the required zoning relief;
- Staff anticipates applications for Conditional Use, Land Development and Minor Subdivision Approval for the U-Haul Self-storage facility later this year;

- There are no updates regarding the proposed Snuffy Planned Residential Development; and
- The Board of Supervisors unanimously approved the Land Development plan for the Washington Penn Plastic Office Expansion.

8. **ADJOURNMENT**

There being no further business to come before the Commission, Ms. Phillis moved to adjourn the meeting at 8:25 p.m. Mr. Reitz seconded the motion. The motion passed on a unanimous voice vote.

Respectfully,

Brandon J. Stanick
Township Manager