

SOUTH STRABANE TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES

February 2, 2023

APPROVED MEETING MINUTES

The Planning Commission of South Strabane Township held its Regular Meeting on Thursday, February 2, 2023 at 7:01 p.m. in the Meeting Room of the Municipal Building, 550 Washington Road, Washington, PA 15301.

Present: Thomas Steele, Chair; Jay Gordon, Vice Chair; Brad Boni; Joe Kopko (via Zoom); Paula Phillis; Fred Pozzuto; Dan Reitz; and Donald Snoke (Alternate)

Not Present: None

Also Present: Jim Sutter, Assistant to the Township Manager; Scott Groom, Township Engineer; and Gabrielle Conti, Solicitor

Chair Steele welcomed new member Brad Boni and new alternate member Donald Snoke.

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.

Judy Panasik, resident on Green Crescent Drive, inquired on the permissibility of the Public to participate virtually via Zoom and expressed her opinion residents be permitted to do so. Upon a question from Chair Steele, Assistant to the Township Manager Jim Sutter stated each Township board or commission makes their own determination on whether they allow the Public to participate via Zoom.

Mike Gomber, resident on Meyers Road, expressed his concern regarding fire safety and inquired if all properties are being inspected. Mr. Gomber suggested exploring intergovernmental agreements if the Township is looking to reduce costs. He expressed his concern with the proposal to construct Business or Professional Offices at 65 Fischer Road and inquired of greater details regarding the long-term plan and how the lost taxes will be replaced. Mr. Gomber stated Township Manager Brandon Stanick does a good job, but recommended he get together with his colleagues at other municipalities to discuss how to reduce costs.

Janie Deemer, resident on Zediker Station Road, stated there is a free webinar regarding stormwater fees affecting rural properties and expressed her opinion the members of the Planning Commission may be interested in viewing it. She stated she had sent an email of the flyer to Mr. Sutter. Mr. Sutter stated he would forward the email to the members of the Planning Commission.

3. CONSIDERATION OF THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR JANUARY 5, 2023

Mr. Gordon moved to approve the January 5, 2023 meeting minutes as presented. Mr. Pozzuto seconded the motion. The motion passed on a unanimous voice vote.

Mr. Pozzuto expressed his opinion members of the Public be permitted to participate via Zoom. A discussion ensued. Chair Steele stated they should make a decision for tonight's meeting only and any long-term policy should be subject to additional discussion.

Mr. Pozzuto moved to permit members of the Public to virtually participate in tonight's meeting via Zoom. Ms. Phillis seconded the motion. The motion passed on a unanimous voice vote.

4. PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE APPLICATION FROM CHAMPION CHRISTIAN CENTER, INC. TO OPERATE BUSINESS OR PROFESSIONAL OFFICES LOCATED AT 65 FISCHER ROAD IN THE C-3 ZONING DISTRICT

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

Andrew Sweat of Sweat Law Offices, legal counsel for the Champion Christian Center, Inc. ("Applicant"), was sworn in at this time.

The following exhibits were read into the Public Record:

- Exhibit 1 – Application and related materials; and
- Exhibit A – Project Scope handout.

Mr. Sweat stated the application being presented tonight is solely for Business or Professional Offices located at 65 Fischer Road ("Property"). He stated the Property is 29 acres in area, but the site for the proposed development is 10 acres. He stated the development will consist of 281 parking spaces. Mr. Sweat stated the goal of the development is to raise tax revenue and the Property will be owned by a holding company and no tax exemptions will be claimed. He stated the Covid-19 pandemic led to more work-from-home and hybrid working practices and the Applicant feels there is a need in the region for these business uses. Mr. Sweat stated the development will consist of a series of office, multi-purpose functions and common space.

Mr. Sweat stated Champion Christian Center is the Applicant, but a for-profit entity will own the Property. He expressed his opinion there is a real need for this use near the junction of Interstate 70 and Interstate 79. He described the use as modern day, use-as-you-need offices.

Mr. Sweat reviewed the requirements of the C-3 Zoning District and outlined how the proposed use conforms with them. He stated the proposal meets all parking requirements and there are no noise issues with the development. He stated approximately 19 acres of the Property will remain open space. Mr. Sweat acknowledged there are concerns with the access off of Fisher Road, but the developer can speak more to these issues. He stated no variances are requested at this time. Mr. Sweat noted most involved in this project are graduates of Trinity Area School District and are proud of the area.

Chair Steele asked if the Property has “Clean and Green” status. Mr. Sweat stated he believes it does. Chair Steele asked if the church itself will be using the Property. Mr. Sweat stated they will be one tenant, as they have outgrown their current administrative building. Chair Steele inquired on the amount of square footage proposed to be used by the Applicant. Mr. Sweat stated this figure has not been finalized, but will likely comprise the majority of the second floor. Chair Steele asked if other tenants will fit-out their own spaces. Mr. Sweat stated the spaces will typically be rented out on a day-to-day or week-to-week basis.

Mr. Pozzuto inquired of any future expansion plans. Mr. Sweat stated they are pursuing beginning steps at this time and the Applicant cannot be sure what the future holds.

Mr. Gordon inquired on the amount of space being dedicated to the Applicant’s church operations. Mr. Sweat noted they are still in the early stages of planning and have not finalized the exact amount. Mr. Gordon stated hard figures are necessary. Mr. Sweat noted the Applicant’s financing is in order and they understand the character of the Mixed Use District.

Mr. Pozzuto inquired of any potential tenants. Mr. Sweat stated they have received a series of emailed inquiries. Ms. Phillis inquired if they have already begun advertising the space to potential tenants. Mr. Sweat stated they have not and all inquiries are a result of word-of-mouth. Mr. Sweat reiterated the Applicant will have the Property in a holding company and they will not claim a tax exemption. Mr. Pozzuto noted the Applicant is permitted to operate a Business or Professional Office pursuant to the Zoning Code, but conditions can be placed upon the use, as it is a Conditional Use. He stated the apparent haphazard nature of the proposal is making it difficult to ascertain which if any conditions they should recommend be placed upon the use. Mr. Sweat stated the Applicant has demonstrated compliance with all standards and criteria outlined in the Zoning Code.

Mr. Reitz asked if the Applicant proposes to retrofit the existing structures or demolish them and construct a new building. Mr. Sweat stated the Applicant plans to build from a core comprised of the existing structures. Mr. Kopko noted there have been issues with modernizing existing structures, referring to the property located at 1961 N. Main Street, which previously applied for Conditional Use, but were denied due to that applicant’s inability to properly rectify an unsafe structure. He inquired of any studies done on the current condition of the structure.

Johnny Miller, developer for the Applicant, was sworn in at this time.

Mr. Miller stated the current proposal completely conforms to the Zoning Code and no variances are proposed. He stated a Traffic Impact Study (“TIS”) has been performed by Trans Associates. Mr. Miller stated a preliminary structural engineering study has been done and the structures will be brought into compliance with all necessary building and fire codes. Mr. Gordon asked for clarification on the existing structures. Mr. Miller stated they are a former stable and riding arena. He stated an entry area will be constructed which connects the structures. Mr. Gordon inquired of the feasibility in retrofitting the existing stable. Mr. Miller expressed confidence it could be done and stated he was impressed with its condition from the structural engineering report. Mr. Miller noted, pursuant to the Zoning Code, they can construct up to 120 feet in height at the Property. A discussion ensued on the history of the Property.

Mr. Pozzuto noted there are no sanitary sewers accessible from the Property and inquired on the Applicant's plans regarding obtaining access. Mr. Miller stated they have a civil engineer working on extending sewer, gas and water lines to the Property. He acknowledged sewage capacity has been a barrier at times in the Township.

Ms. Phillis requested clarification on how the additional trips figure in the TIS was determined. Mr. Miller stated Bob Goetz of Trans Associates performed the calculations and stated he could reach out to verify. Ms. Phillis inquired if the number of employees figured into the calculations. Mr. Miller stated they used the square footage of the proposed structure. Ms. Phillis asked how the Applicant decided upon 281 parking spaces. Mr. Miller stated the Township requires 150 parking spaces, but they are proposing this amount in the interest of long-term planning. Ms. Phillis expressed her opinion the additional trips generated calculation is lower than she would expect. Mr. Sweat stated they can provide more information on the number of Applicant employees that will be based on the Property.

Ms. Phillis asked if the Applicant was aware the Property was part of a Tax Increment Financing ("TIF") District. A discussion on the TIF District ensued and it was determined its impact on this Property is not clear and research needs to be done. Mr. Kopko noted the Redevelopment Authority of the County of Washington ("RACW") should be contacted.

Ms. Phillis inquired of the Applicant's timeline. Mr. Miller stated they are still doing due diligence, but the current plan assumes they are in compliance with the zoning ordinance and they were hoping to begin construction during the second quarter of 2023. Mr. Miller indicated the Township should be responsible for contacting the RACW regarding the impact of the TIF District on the Property.

Ms. Phillis asked if the Applicant had considered obtaining an easement to use Tanger Boulevard as an access point. Mr. Miller indicated the Applicant would be in favor of this. Mr. Gordon noted access on Fischer Road is problematic.

Mr. Pozzuto inquired of the amount of parking spaces the Applicant is providing. Mr. Miller stated it is more cost effective to construct this amount of parking at one time should other portions of the Property be developed. Mr. Pozzuto stated the Township has a desire to encourage development to not pursue traditional large parking lots.

Chair Steele noted no preliminary land development plan was provided. A discussion on the amount of parking ensued. Mr. Miller stated it is the Applicant's intention to go through the full process for land development approval. Ms. Phillis stated the Applicant may meet the standards and criteria for Business or Professional Offices, but their submission raises some "red flags". In particular, she noted issues pertaining to the TIF District, necessary infrastructure improvements, concerns regarding the proposed access via Fischer Road, the proposed excessive parking and the need for clarification on the applying entity. Mr. Sweat stated the issues related to the TIF District are outside the confines of this Public Hearing, but acknowledged it is a valid concern. There was discussion regarding when the TIF District expires, with Dr. Snoke able to confirm it expires in 2025.

Mr. Miller stated they are happy to take the Planning Commission's feedback into consideration. He stated it is the Applicant's intent to comply with all planning and zoning requirements. Chair Steele stated he believes a preliminary land development plan is required for this Conditional Use approval. Mr. Reitz inquired on the developer's experience. Mr. Miller stated they have done multiple projects. A discussion on the cost of the development ensued.

Ms. Phillis inquired on the possibility of including a condition the Property does not become tax-exempt. Chair Steele stated he does not believe this is possible. He added a property's exempt status has to do with the percentage of the tax-exempt "Purely Public Charity" uses the property in question. Mr. Miller stated the entity to own the Property does not qualify for tax-exempt status.

Ms. Panasik expressed her appreciation for the Applicant committing to paying taxes. She stated she has concerns regarding the Applicant given their previously submitted application seeking a text amendment to allow churches in the C-3 Zoning District and questioned what changed. Ms. Panasik questioned why the church is acting as the Applicant. She expressed concerns regarding the road connection and lighting from the Property. Ms. Panasik expressed concerns about the long-term tax-exempt status of the Property. She stated there needs to be legal clarity regarding the TIF District before the Applicant's proposal moves forward and suggested reaching out to Bass Pro Shop to verify they have no intentions of developing the Property.

Jeff Bull, property owner on S. Main Street, expressed his opinion the millions of dollars the church is spending on this development could be better spent. Mr. Bull expressed his disappointment over the TIF District and noted the Township has lost tax revenue for 20 years. He stated it is not fair to the taxpayers of the Township for a nonprofit to operate at the Property and noted there is no guarantee the Property will not eventually be sold back to the Applicant. Mr. Bull stated obtaining tax-exempt status is not difficult and requested the Planning Commission recommend a condition be placed that the Applicant pays its taxes if possible. Mr. Bull expressed his concern regarding stormwater runoff from the Meadows Landing property. Mr. Bull stated the Property is prime real estate and noted it would be a shame if it became tax-exempt.

Kevin Brett of Lennon Smith Souleret Engineering and representing the adjacent property owned by Chapman Properties, stated they have struggled with sanitary sewer access in their attempts to develop their own property. He noted this Property will have the same high hurdle as their property when it comes to the Pennsylvania Historical Commission. Mr. Brett noted permits will be difficult to obtain and reiterated the problems with access from Fischer Road. He questioned the Applicant's ability to develop the Property should they receive Conditional Use approval.

Tony Rosenberger, Chief Executive Officer for Chapman Properties, stated they are currently undertaking a historical dig that has been ongoing for 3 and a half years at their property. He stated it will take them at least one year to receive their National Pollution Discharge Elimination System ("NPDES") permits. Given these facts, Mr. Rosenberger expressed skepticism with the Applicant's stated timeline. Mr. Rosenberger expressed skepticism a Business or Professional Office will actually be operated out of the Property and stated the Applicant should simply state they will operate a church. He expressed a preference for a for profit entity to operate from the Property. He noted the Property will require significant grading and excavation. Mr. Rosenberger stated the Pennsylvania Natural Diversity Inventory ("PNDI") results in six hits for the Property. Mr. Pozzuto stated the Planning Commission has to take what the Applicant states at face value

and expressed a desire for no one in attendance to mention Bass Pro Shop again. Mr. Rosenberger noted the Property is undermined. He requested the Planning Commission consider the balance between the landowners and the desire for high density commercial development in the C-3 Zoning District.

Ms. Deemer inquired of the need for the amount of parking the Applicant is proposing and expressed concern with the construction practices that will be employed. She stated the amount of parking proposed does not make very much sense.

Mr. Sweat stated the Applicant has a non-profit segment. He stated, in regards to the previous text amendment application, the Applicant decided to move in another direction. He stated the concerns with the TIF District are out of the Applicant's control. He stated the Applicant plans to pay taxes on the Property. Mr. Sweat acknowledged the stormwater management concerns require additional due diligence. He noted every project has unique circumstances.

Mr. Gordon asked if the Applicant has any problem with a non-tax-exempt condition being attached. Mr. Sweat stated the Applicant complies with all standards and criteria for Business or Professional Offices. He stated the tax-exempt question is outside the scope of the conditions in the Code and is a separate issue. Mr. Kopko stated the Township needs a legal opinion regarding what kind of conditions can be placed on the Property and expressed skepticism they are able to attach a non-tax-exempt condition.

Mr. Pozzuto moved to enter Exhibits 1 and A into the Public Record. Mr. Gordon seconded the motion. The motion passed on a unanimous voice vote.

Mr. Gordon moved to continue the Public Hearing. The motion died due to a lack of a second.

Mr. Pozzuto moved to close the Public Hearing. Chair Steele seconded the motion.

Chair Steele inquired why Mr. Gordon wants to continue the Public Hearing. Mr. Gordon stated more information is required regarding the TIF District and the non-tax-exempt condition. He expressed a belief a preliminary land development plan is needed as well. Mr. Sutter confirmed a preliminary land development plan is required for this application. Ms. Phillis expressed her desire to continue the Public Hearing. Chair Steele asked the Applicant if they would be willing to waive all time requirements associated with the application if the Planning Commission continues the Public Hearing. Mr. Sweat stated they were willing to waive all time requirements associated with the application.

The motion failed on a unanimous voice vote.

Mr. Gordon moved to continue the Public Hearing to allow time for the Applicant to submit a preliminary land development plan and to reach out to the Redevelopment Authority of Washington County to obtain information regarding the TIF and to allow the Township Solicitor time to research the legality of a tax-exempt restriction condition. Mr. Kopko seconded the motion. The motion passed on a unanimous voice vote.

5. REVIEW AND DISCUSSION CONCERNING PROPOSED AMENDMENTS TO THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT CODES, SPECIFICALLY i.) AN AMENDMENT TO SECTION 206-13 OF THE SUBDIVISION AND LAND DEVELOPMENT CODE TO REQUIRE NAMES OF ADJACENT PROPERTY OWNERS ON PLATS FOR MINOR SUBDIVISIONS; AND ii.) AN AMENDMENT TO SECTION 245, ARTICLE XVIII OF THE ZONING CODE TO ESTABLISH REGULATIONS FOR MENU BOARD SIGNAGE IN DRIVE-THROUGH FACILITIES

Mr. Sutter reported over the past several months, the Planning Commission has discussed sections of the Code that may be in conflict, deficient, confusing or issues that are simply not regulated and are ripe for discussion. At this time, Staff is seeking direction regarding an update to requirements for Minor Subdivisions and regulations for drive-through signage.

Mr. Sutter stated the Planning Commission previously provided direction that an amendment to the Subdivision and Land Development Ordinance be made to require the names of adjacent property owners on the plats of Minor Subdivisions. This amendment will simply codify an existing preference of the Planning Commission. Mr. Sutter reported language will be provided in a forthcoming draft ordinance. There was no discussion on the matter.

Following review and discussion at its August 4, 2022 meeting, the Planning Commission directed Staff to draft proposed regulations for menu board signage for their review. Mr. Sutter reported Staff proposes amending Article XVIII (Signs) of the Zoning Code by inserting the following clause:

Menu boards. Lots with an authorized accessory drive-through facility are permitted one additional freestanding ground sign as a menu board sign for each drive-through lane provided each sign is no more than 36 square feet in size, no more than six feet in height, and complies with the visibility requirements of §245-172D. These sign or signs are not counted toward total sign allotment and no permit shall be required, though plans documenting the proposed menu board sign shall be submitted to the Zoning Officer, who shall determine compliance with this section.

A definition for menu board sign would also be drafted to provide additional clarity.

Mr. Sutter requested direction from the Planning Commission on if the forthcoming ordinance should include the proposal as written, include the proposal with changes or not include Menu Board signage regulation, but clarify their status in the Code so they are not treated as ground signs.

Mr. Pozzuto stated including additional regulations for menu boards can result in confusion and expressed a preference the Township is not involved in their regulation. Mr. Kopko noted that clarification menu boards are not to be considered ground signs needs to be included in the Code because they are currently treated as such. It was the consensus of the Planning Commission to not regulate Menu Boards, but to clarify their status so they are not treated as ground signs.

6. STAFF UPDATE

Mr. Sutter noted the members of the Planning Commission have received the Staff Update. He drew attention to the Act 537 Plan Update section, stating KLH Engineers have been working with Staff on an update to the Township's Act 537 Sewage Facilities Plan. The next step in this

process is a joint workshop meeting with the Planning Commission and Board of Supervisors. In order to facilitate the coordination of this meeting, Mr. Sutter requested the members of the Planning Commission provide their availability for potential dates.

7. **ADJOURNMENT**

There being no further business to come before the Commission, Mr. Reitz moved to adjourn the meeting at 8:38 p.m. Ms. Phillis seconded the motion. The motion passed on a unanimous voice vote.

Respectfully,

Jim Sutter
Assistant to the Township Manager