

**SOUTH STRABANE TOWNSHIP
ZONING HEARING BOARD REGULAR MEETING MINUTES**

NOVEMBER 8, 2021

APPROVED MEETING MINUTES

1. ROLL CALL AND CALL TO ORDER

On Monday, November 8, 2021 at 6:00 p.m., after due advertisement according to law, a public meeting of the Zoning Hearing Board (“ZHB”) was held at the South Strabane Township Municipal Building (550 Washington Road, Washington, PA 15301) and the following were present:

Art Sullivan, Chairperson
James Stewart, Vice-Chair

Not Present

Andy Rembert, Member

Also Present

Brandon Stanick, Township Manager
Jim Sutter, Assistant to the Township Manager
Michael Cruny, ZHB Solicitor, via Zoom
Sheila Rozanc, Stenographer

Chair Sullivan lead the Pledge of Allegiance

2. Approval of the Zoning Hearing Board Meeting Minutes – September 13, 2021

Chair Sullivan moved to approve the September 13, 2021 Meeting Minutes as presented. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

3. Administration of Oath

Ms. Rozanc administered the oath to those in attendance.

4. Public Hearing: Continued consideration of an application by Aladdin Signs, Inc. submitted on behalf of Staenberg Group, Inc. for the new Burlington department store located along Old Mill Blvd. in the C-2 Commercial Zoning District seeking a variance from Section 145-191C(1)(d) of the Zoning Code regarding the maximum allowable surface area for all wall signs

Mr. Dan Holladay, representative of Aladdin Signs, Inc. (“Applicant”), stated they have revised their plans from what they had originally presented to the ZHB. The Applicant had originally

asked for 527.9 square feet of wall signage. The revised application requests 259.3 square feet of wall signage. Mr. Holladay stated that while this is a smaller area than originally proposed, it is still greater than what is permitted by the Code. Chair Sullivan stated there are five standards applicants need to address when applying for a variance. He expressed a belief it is not clear the members of the ZHB are getting adequate responses to those standards.

Mr. Doug Franklin of Identiti Resources, Ltd., representing Burlington, appeared via Zoom. Chair Sullivan asked Mr. Franklin what about the Property is unique to necessitate the variance request. Mr. Franklin stated the lengthy distance from the entrance of the Old Mill Shopping Center to the Property requires larger signage. He stated given this distance 48 inches high is the optimal letter height. The current request has brought it down to 35 inches and the Code requirements only allow for 23 inches.

Mr. Holladay read aloud the Variance Application Statement originally presented with the submitted application. The statement enumerates how the Applicant addresses each of the five standards.

Ms. Judy Panasik, resident on Green Crescent Drive, expressed her opinion signage is not nearly as important as it used to be in the age of the internet and that it is especially not vital in this case as everyone is aware of who and what is Burlington. She added her belief there is already a large amount of light pollution in the Township and expressed a desire to not see it made worse. Ms. Panasik stated she is not an advocate of larger businesses getting bigger signage as everyone is aware of who and what they are. She added a concern regarding apartments previously proposed as being constructed in this area. Mr. Stanick clarified there are no plans for apartments to be constructed in this area at this time.

Mr. Stewart stated the amount of lighting in this area has long been a concern and noted the Applicant originally asked for larger signage, but has decreased the area by about half. Mr. Stanick noted the current plans propose the pylon panels to have opaque backgrounds, which will help cut down on the amount of lighting.

Chair Sullivan moved to reincorporate Exhibits A-G into the record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Mr. Cruny read the following exhibits into the record:

Exhibit H – Revised Application dated October 14, 2021;

Exhibit I – Proof of advertisement in the October 27 and November 1, 2021 editions of the Observer-Reporter;

Exhibit J – Letter dated October 28, 2021 sent to neighboring property owners; and

Exhibit K – Memo from Township Staff to ZHB dated November 3, 2021.

Chair Sullivan moved to enter Exhibits H-K into the record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to approve the request for a variance from Section 145-191C(1)(d) of the Zoning Code regarding the maximum allowable surface area for all wall signs to allow the

Applicant to have 259.3 square feet of wall signage on the Property. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

5. Public Hearing: Consideration of an application by Humbert Main Land, LLC. for a Use by Special Exception for the property located at 1 Humbert Lane in the R-2 Residential Zoning District to change the use from delicatessen to restaurant per Section 245-194C of the Zoning Code regarding the change of nonconforming uses

On October 19, 2021 the Township received an Application for a Use by Special Exception from Humbert Main Lan, LLC. (“Applicant”) for the property located at 1 Humbert Lane (“Property”) in the R-2 Residential Zoning District seeking to change the use from delicatessen to restaurant per Section 245-194C of the Zoning Code regarding the change of nonconforming uses. As a part of this change, the Applicant is proposing a number of improvements to the building.

Mr. Steve Taczak, counsel for the Applicant, presented an overview of their request and the proposed restaurant to occupy the Property. He reviewed the standards for the ZHB to grant a Use by Special Exception and stated how the Applicant meets each of them. He stated the conversion from a delicatessen to restaurant will not endanger the public health, safety or welfare and there will be no environmental concerns. He stated it will have adequate fire protection and comply with the performance standards. He stated the parking and sign requirement will be met. He stated the existing parking lot is in compliance with the Township Code. He stated the proposed use will comply with the lighting code. He stated the plans for compliance with the American’s with Disabilities Act is presented as part of the interior alteration design submitted with the application.

Denise Aloia, resident on Kingswood Court, stated she was in attendance representing her mother who lives at 60 Humbert Lane. She inquired about which restaurant will be moving into the Property. Mr. Tim Paris, principal for the Property owner, stated it is a small Italian restaurant currently with a location in the Highland Park neighborhood of Pittsburgh that is looking to expand. He stated the name of the restaurant is AYC Romaine. Ms. Aloia asked what the amount of seating would be and whether there would be outdoor dining. Mr. Paris stated he did not know the answer to these questions at this time. Ms. Aloia asked if they would be serving alcohol. Mr. Paris stated they will not be to his knowledge.

Chair Sullivan inquired on how the Applicant can be sure parking will be in compliance if they do not know how much seating there will be. He added the Applicant simply stating they will be in compliance is not adequate and they will need details. Mr. Taczak stated there are currently 15 spaces, which will enable the restaurant to have 10 booths. Mr. Paris confirmed there are no final plans for seating at this time. Chair Sullivan stated the application for a Use by Special Exception needs to meet a very high standard. He added the ZHB needs to understand fully what the nature of the business will be, because what has been presented to this point is not enough.

Ms. Aloia stated she has concerns regarding the hours of operation for the proposed business, parking and lighting. She added traffic is another concern as that intersection has seen many accidents over the years. Ms. Panasik expressed concern over her inability to locate the

restaurant on Google after searching the name. She questioned the logic of placing a restaurant at this location. She stated a restaurant is different in nature from a delicatessen. She expressed her hope the application is delayed in order for more information to be obtained.

Mr. Steve Mason, resident on N. Main Street, expressed his concern the new tenants would expand into the adjacent paper alley. He stated, despite having a N. Main Street address, this alley is their main access. He added he did not think it was good for the place to sit empty either, but there should be limitations. He stated he does not want to see greater disruption at this corner.

Chair Sullivan stated much additional detail needs to be provided if this Property is to become a restaurant. He added he does not believe there is enough information at this time to make a decision.

Mr. Chuck Riggle, resident on N. Main Street, stated he also utilizes the paper alley as access to his property. He clarified he is unable to access his property at all from N. Main Street, despite having an address for the street. He expressed concerns regarding the amount of potential traffic, stating it is already heavy on N. Main Street.

Chair Sullivan stated he would vote against this if they were to take a vote today given the need for answers to the questions posed during the public hearing. He stated the Applicant needs to provide details specific to their request. Mr. Taczak stated they will come back before the ZHB with the requested information. A discussion ensued on what constitutes a zoning issue. Mr. Paris asked for clarification on whether they are currently permitted to open a delicatessen at the property. Chair Sullivan confirmed they are allowed to do so. Mr. Stanick emphasized the individuals who wish to open a restaurant at this location should be in attendance.

Ms. Panasik expressed concern new owners would not be required to follow restrictions set by the ZHB. Chair Sullivan stated the use stays with the Property, so the new owners would be required to follow the restrictions placed by them. Ms. Panasik asked if the new owners could apply for additional variances. Chair Sullivan stated they would be able to do so. Mr. Stanick stated typically any zoning relief is obtained before a sale so the buyers have full knowledge of how they are permitted to operate.

A discussion ensued on the differences between delicatessen and restaurant and what constitutes a zoning issue.

Chair Sullivan asked the Applicant how they would like to proceed. Mr. Cruny noted the Applicant has the right to request a vote now if they feel the record is sufficient. Mr. Taczak stated they would like to continue the hearing to the next month in order to allow the potential buyers to attend to supplement the record.

Mr. Cruny read the following exhibits into the record:

Exhibit A – Application dated October 19, 2021;

Exhibit B – Proof of legal notice publication in the October 27 and November 1, 2021 editions of the Observer-Reporter;

Exhibit C – Letter to neighboring property owners within 300 feet sent October 28, 2021;
Exhibit D – Staff Memo dated November 3, 2021;
Exhibit E – Confirmation from Washington County Tax Assessment website showing Humbert Main Land, LLC. as the Property owners; and
Exhibit F – Section 245-194C of the South Strabane Township Code governing the change of nonconforming uses.

Chair Sullivan moved to enter Exhibits A-F into the record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to continue the hearing until the next meeting of the Zoning Hearing Board to allow the Applicant to obtain additional information. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

6. Public Hearing: Consideration of an application by Caldwell Brands LLC for the Giant Eagle store located at 331 Washington Road in the C-2 Zoning District seeking a variance from Section 245-191C(1)(d) of the Zoning Code regarding the maximum allowable surface area for all wall signs

On October 20, 2021 the Township received an Application for Zoning Variance from Caldwell Brands LLC (“Applicant”), seeking a variance from the Township Code regarding the maximum allowable surface area for all wall signs for the Giant Eagle store located at 331 Washington Road (“Property”) in the C-2 Zoning District. The Property had previously applied for and received a variance to allow for 543.02 square feet of aggregate wall signage at the September 26, 2007 meeting of the Zoning Hearing Board (“ZHB”).

Mr. Matthew Caldwell, representative for the Applicant, provided an overview of their request. The Applicant is seeking to replace the current signage on the front and rear of the store with smaller signs displaying a new store logo. The Applicant will also remove the “Food & Drug” signage from the front of the store. After the improvements there will be 724.14 square feet in total wall signs. Mr. Caldwell stated the new signage is approximately 25% smaller than what exists.

Mr. Caldwell noted that despite the total area being decreased, the amount of signage still exceeds what is permitted by the previously granted variance. Mr. Caldwell stated the signs as proposed are the smallest letter height desired based on the size of the property and decreasing them any more in size would make them appear no larger than the accessory signage. A discussion ensued on nationally recognized standards for letter size.

Chair Sullivan expressed a desire to better understand the full scope of signage currently on the property and which signs would count towards the aggregate sign area total. A discussion ensued on whether the signage from the GetGo Gas Station would count towards this total. He asked Mr. Cruny on the acceptability of examining the site. Mr. Cruny stated this would be acceptable as long as they report their findings on the record after the fact. Chair Sullivan inquired on Giant Eagle’s timeline for installing the signage. Mr. Caldwell stated this location is on the schedule

for this year, but if needed the schedule could be rearranged for this store to be a part of the last phase in 2024. A discussion ensued on the owners of the Property.

Mr. Crunty read the following exhibits into the record:

Exhibit A – Application dated October 20, 2021;

Exhibit B – Proof of legal notice publication in the October 27 and November 1, 2021 editions of the Observer-Reporter;

Exhibit C – Letter to neighboring property owners within 300 feet sent October 28, 2021;

Exhibit D – Section 245-191C of the Township Code governing the standards for business identification wall signs in commercial and industrial districts; and

Exhibit E – Staff memo dated November 3, 2021.

Chair Sullivan moved to enter Exhibits A-E into the record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to continue the hearing until the next meeting of the Zoning Hearing Board to allow the Applicant to provide additional information. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

7. PUBLIC COMMENTS

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

Ms. Panasik, referencing a discussion from the Public Hearing for the application from Caldwell Brands LLC, stated Giant Eagle and GetGo are the same given they use the same pool of employees at both locations.

Mr. Riggle inquired on the possibility of the Township repairing the paper alley he referenced during the Public Hearing for the application from Humbert Main Land, LLC which provides access to his and his neighbors' properties.

8. ADJOURNMENT

As there was no further business to come before the ZHB, Chair Sullivan moved to adjourn. Mr. Stewart seconded the motion and the meeting adjourned at 7:18 p.m.

Respectfully Submitted,

Brandon J. Stanick
Township Manager / Zoning Officer