

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

MAY 9, 2022

APPROVED MEETING MINUTES

On Monday, May 9, 2022 at 6:00 p.m., after due advertisement according to law, a Public Meeting of the South Strabane Township Zoning Hearing Board (“ZHB”) was held at the Municipal Building (550 Washington Road, Washington, PA 15301) and the following were present:

Art Sullivan, Chairperson
James Stewart, Vice-Chairperson
Michele Tysiak

Also Present

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

1. PLEDGE OF ALLEGIANCE

Chair Sullivan lead the Pledge of Allegiance

2. APPROVAL OF THE ZONING HEARING BOARD MEETING MINUTES – MARCH 14, 2022

Chair Sullivan moved to approve the March 14, 2022 Meeting Minutes as presented. Ms. Tysiak 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: CONSIDERATION OF AN APPLICATION BY FOX JR. DEVELOPMENT, INC. FOR A USE BY SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1075-1077 E. BEAU STREET IN THE R-1 ZONING DISTRICT TO CHANGE THE USE FROM DELICATESSEN TO CARRY-OUT RESTAURANT PER SECTION 245-194C OF THE ZONING CODE REGARDING THE CHANGE OF NONCONFORMING USES

Chair Sullivan introduced the item. On April 19, 2022 the Township received an Application for a Use by Special Exception from Fox Jr. Development (“Applicant”), for the property located at 1075 E. Beau Street (“Property”), further identified as Parcel No. 600-005-00-00-0043-01, in the R-1 Zoning District. Specifically, the Applicant requests a variance from Section 245-194C(1) regarding a change of use for an existing legal nonconforming use. The Applicant is currently under contract to purchase the Property, which also includes on a separate parcel the single family dwelling east of the Property owned by CCL LLC (“Owner”).

The Property is located on the north side of E. Beau Street approximately 400 feet west of the intersection with Floral Hill Drive and is approximately 0.74 acres in size. The Property is located in the R-1 Zoning District, but is situated on the northerly and westerly sides by a vacant R-2 property owned by the Homeowners' Association for the nearby Cameron Estates Planned Residential Development. All other surrounding properties are in the R-1 Zoning District.

The Property is currently improved with a two-story structure, once known as the "Beau Mart", a neighborhood delicatessen and food store. There appears to be parking for 10 vehicles, including 1 ADA accessible stall. The Applicant proposes to operate a carry-out pizza restaurant and anticipates the majority of the business will be takeout/delivery. The Applicant proposes no expansion of the business footprint with only interior renovations.

Mr. Paul Rock, a franchise owner of several Fox's Pizza restaurants and the ultimate end user of the Property, stated they had come across the former Beau Mart and felt it was a great location. Mr. Rock discussed his lengthy history operating these businesses. Mr. Bill Scrip, a franchise owner of several Fox's Pizza restaurants and the ultimate end user of the Property, stated they have a desire to grow a business in the community. He stated they intend to hire quality employees from within the community. Mr. Rock stated the restaurant will be busy and create jobs. Ms. Tysiak inquired of the number of employees. Mr. Rock stated there would be a few more employees than Beau Mart. A discussion ensued regarding the hours of operation in response to a question from Chair Sullivan. Mr. Rock stated the store would not be open any later than his franchise in Bentleyville, which is open until 10:00 p.m. on weekdays and 11:00 p.m. on weekends. The earliest the store would open would be 11:00 a.m.

Chair Sullivan inquired of the Applicant's timeline. Mr. Rock stated it would be roughly 30 to 60 days from receiving approvals. Solicitor Michael Cruny asked for clarification of Mr. Rock and Mr. Scrip's relationship with the Applicant. Mr. Rock stated they are representing the Applicant and will be the end user of the Property. Mr. Cruny inquired on the Applicant's plan for the structure located at 1077 East Beau Street. Mr. Scrip stated they will continue its current use as a single-family residential rental property.

Mr. Stanick asked for clarification the restaurant will be used for delivery/carry-out only. Mr. Scrip indicated there is not enough room in the structure to accommodate dine-in operations. He confirmed it will be takeout and delivery only. A discussion ensued on picnic tables. Upon a question from Chair Sullivan, Mr. Rock and Mr. Scrip both confirmed there will be no seating for people to eat on premises.

Chair Sullivan expressed concern regarding the sharp curve in East Beau Street at the Property. Police Chief Drew Hilk had looked into the accident history of the location at the request of the ZHB and found no major accidents in recent years. Chair Sullivan asked the Applicant to advise their customers to be careful, as it is still a potential hazard. Mr. Stewart concurred, stating his belief there have been close calls at that location despite the lack of any major incidents. Mr. Stewart asked how many delivery vehicles they intend to operate. Mr. Scrip stated there would be two or three. Mr. Cruny asked if they planned to alter the traffic pattern in the parking lot. Mr. Rock stated they did not plan to do so. A discussion ensued on traffic flow in the parking lot.

Ms. Rozanc administered the oath to Nancy Jacobs and George Thomas at this time.

Ms. Jacobs, resident on Tara Drive, stated she lives across the street from the Property and had received a letter informing her of the Public Hearing. She expressed concern regarding diesel trucks idling at the Property late at night, which had occurred under the previous owner. She indicated the topography of the area makes the noise even worse. Mr. Scrip stated their deliveries would only occur on Monday mornings. Additionally, deliveries arrive only from two vendors who deliver with box trucks once per week. He stated they would contact her after they move into the Property to ensure they are not causing a disturbance. A discussion ensued regarding Zoning Code prescribed performance standards. Chair Sullivan noted his appreciation for neighbors talking to each other and the Applicant's willingness to work with Ms. Jacobs.

Ms. Judy Panasik, resident on Green Crescent Drive, expressed concern regarding the traffic on the sharp curve of E. Beau Street. She noted a carry-out pizza restaurant is busy and expressed her opinion regarding the quality of Fox's Pizza and noting there are no residents in the area that want a Fox's Pizza at this location. Ms. Panasik expressed concerns regarding the size of the company, the amount of signage to be installed and the ability to meet parking requirements. Ms. Panasik shared with the ZHB several news articles she had found detailing business difficulties for Fox's Pizza. She expressed concern regarding the store being open to a later hour than the Beau Mart and individuals loitering at the Property past the 11:00 p.m. weekend closing time.

Ms. Panasik expressed concern over any future businesses operating out of the location, should Fox's Pizza not succeed, as approval would establish a precedent for future uses. Mr. Stanick clarified any future business of a different use operating out of this location would also need to apply for a Use by Special Exception and receive approval from the ZHB. Ms. Panasik reiterated her concern over parking at the Property. A discussion ensued on the parking requirements for the Property. Mr. Rock stated he has never had an issue with parking at any of his franchises and they have the ability to control the flow of people coming to the Property by the nature of the business. Ms. Panasik expressed concern over this proposed use altering the residential character of the neighborhood.

Chair Sullivan reiterated Chief Hilk had reviewed the traffic concerns. He also noted signage is a separate issue and any signage beyond what the Code prescribes would require another application to the ZHB for a variance. Mr. Scrip indicated the signage will be within the standards of the Zoning Code. A discussion on signage ensued. Ms. Panasik reiterated her concern over the area potentially becoming commercialized, although it's a residential zoning district. A discussion followed.

Upon an inquiry from Chair Sullivan regarding any other potential concerns, Mr. Stanick recommended the ZHB have the Applicant commit to restricting delivery hours, committing to hours of operation and seek to understand any challenges with parking. Mr. Scrip stated they will look to accommodate the Township's requests.

Ms. Panasik inquired on the specific parking requirements for a carry-out restaurant. A discussion ensued. Assistant to the Township Manager Jim Sutter, upon consulting the Zoning Code, stated they would be required to have one space for each 75 square feet of net floor area

devoted to customer seating and/or service, plus one space for each employee. Mr. Cruny indicated the Applicant has testified they can meet this requirement. A discussion ensued regarding the current amount of parking and the number of spaces required for the new use of the Property. Mr. Rock indicated their architect could more accurately review the parking compliance. Mr. Cruny recommended the Applicant reach out to the architect about specifics and change the plan accordingly. Chair Sullivan indicated it would be helpful to have the customer service areas delineated in the plans as well.

Mr. Cruny read the following items into the record:

Exhibit A – Application for Use by Special Exception from Fox Jr. Development, Inc.;
Exhibit B – Proof of advertisement in Observer-Reporter;
Exhibit C – Neighbor Notification Letter dated April 25, 2022;
Exhibit D – Staff memorandum dated May 4, 2022;
Exhibit E – Correspondence from Police Chief Drew Hilk dated May 9, 2022;
Exhibit F – Tentative Floor Plans; and
Exhibit G – Fox’s Pizza packet.

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

Chair Sullivan moved to continue the Public Hearing until June 13, 2022 to allow the Applicant the opportunity to provide additional testimony related to the site plan and parking. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

5. PUBLIC COMMENT TIME

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.

There were no comments from the Public.

6. ADJOURNMENT

As there was no further business to come before the ZHB, Mr. Stweart moved to adjourn. Ms. Tysiak seconded the motion and the meeting adjourned at 7:05 p.m.

Respectfully Submitted,

Brandon J. Stanick
Township Manager / Zoning Officer