

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

JULY 11, 2022

APPROVED MEETING MINUTES

On Monday, July 11, 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
Paris Szalla, Administrative Intern
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 – JUNE 13, 2022

Chair Sullivan moved to approve the June 13, 2022 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.

Ms. Tysiak arrived at 6:01 p.m.

4. PUBLIC HEARING: CONTINUED 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, which was originally considered at the May 9 and June 13, 2022 meetings of the ZHB.

Chair Sullivan asked the Applicants if they had anything to add from what had already been discussed. Chair Sullivan stated the scale given on the updated drawings they have been provided is not consistent with the stated square footage of the common area. Rob DeZorzi, architect for the Applicant, stated the discrepancy is likely due to an error made by the computer program in creating the plans. He added the figure provided is based on the true scale. Chair Sullivan stated the specific number is important as it determines how many parking spaces are required. He stated based on his measurement, the common area is 156 square feet in size compared with the 78 square feet written on the plans. Chair Sullivan asked if the Applicant would be able to provide parking based upon the larger figure and that it would only be one additional space. Mr. DeZorzi stated this is not a problem and the plans show they are capable of providing 14 parking spaces.

A discussion ensued on whether or not the plans as provided conform to the requirements of the Zoning Code. Solicitor Michael Cruny stated the Applicant is testifying there will be 78 square feet of public space and any approval would compel the Applicant to adhere to this figure. Chair Sullivan reiterated his concern the submitted drawing does not show 78 square feet of common space based on the scale and expressed his desire to see a drawing accurately depicting the space to which they are testifying.

Mr. Stewart inquired on the proposed drive-thru lane depicted on the plans. Matthew Walton, representative from Fox Jr. Development, Inc., stated there will be a pick-up window on the Property. Mr. DeZorzi noted the occupancy load will decrease with this use from the previous. Chair Sullivan stated the ZHB will not approve a plan with a drive-thru given the challenging logistics of the Property. Upon a question from Mr. Stanick, Mr. Walton advised the vehicles will be driving up to the window. Mr. Stanick stated this is a drive-thru and that the ZHB has been told by the Applicant on numerous occasions at the previous two meetings no drive-thru is proposed. A discussion on the proposed drive-thru facility ensued. Mr. Walton stated they will eliminate the proposed drive-thru facility from the plans.

Mr. Stewart expressed concerns regarding the traffic on East Beau Street and ingress/egress of the Property. Chair Sullivan stated legal counsel has previously provided a State Supreme Court decision which makes it clear regulating traffic flow is out of the jurisdiction of the ZHB. Chair Sullivan asked the Applicant if they had given any consideration to how they may improve ingress/egress to and from the site. Mr. Walton stated the installation of enter/exit signs would assist with those coming onto the site. He stated the removal of plans for the drive-through provides them with more flexibility in their designs and ability to control traffic flow concerns.

Mr. Stewart raised the subject of signage at the Property. Chair Sullivan stated no signage has been requested at this time. Upon a question from Chair Sullivan, Mr. Stanick confirmed limited signage and directional signs are allowed by the Zoning Code despite the Property being in a residential zoning district. Mr. Cruny stated it is the testimony of the Applicant they will comply with all regulations related to signage and they are not requesting any variances as a part of this application. A discussion on potential signage ensued.

Judy Panasik, resident on Green Crescent Drive, expressed concern with how compliance with directional signage will be monitored and enforced. She expressed concern regarding the

proposed hours of operation, and ingress/egress from the Property. Upon a question from Chair Sullivan, Mr. Walton confirmed they will do what they can to ensure compliance and noted they cannot control other individuals. Upon concerns expressed by Ms. Panasik regarding the delivery drivers adhering to the directional signage, Mr. Walton stated they can have requirements in their policy for them to do so. Responding to Ms. Panasik's concerns regarding the hours of operation, Mr. Walton stated the store will be open until 10:00 p.m. and noted it is not a noisy environment.

Mr. Stewart inquired if there will be a minimum age for the delivery drivers. Mr. Walton stated the minimum age is 18 years old. In reference to concerns over noise, Chair Sullivan stated everything the Applicant has submitted indicates they will comply with the Code. He added if they do not comply with the Code, Township Code Enforcement will issue citations accordingly. Mr. Walton indicated his understanding of this regulation and stated they will not be having live music or any other significant noise-making activity.

Ms. Panasik expressed concern regarding the Property's location in a residential area. Mr. Walton stated they have multiple stores in residential areas. Ms. Panasik stated those stores are not in South Strabane. Ms. Panasik reiterated her concerns regarding the hours of operation. Upon a question from Mr. Stewart, Mr. Walton restated the store will be open until 10:00 p.m. Bill Scrip, franchise owner of the proposed location, stated they would close earlier if they are not busy on a given day.

Mr. Cruny read the following items into the record:

- Exhibit O – Proof of publication in June 28 and July 3, 2022 editions of the Observer-Reporter;
- Exhibit P – Neighbor notification letter dated June 29, 2022;
- Exhibit Q – Staff Memorandum dated July 6, 2022;
- Exhibit R – Email correspondence between Mr. DeZorzi and Assistant to the Township Manager Jim Sutter; and
- Exhibit S – Updated Site Plan.

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

Chair Sullivan moved to close the Public Hearing. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

A discussion on procedure ensued.

Chair Sullivan moved to hold a Special Meeting of the Zoning Hearing Board on July 25, 2022 at 6:00 p.m. for the purpose of final consideration of the 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. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

5. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FROM JOHANNA AND JON HOYT SEEKING A VARIANCE FROM THE MAXIMUM ALLOWABLE HEIGHT OF FENCES IN THE R-1 ZONING DISTRICT (SECTION 245-172C(3)(e)), AND ANY OTHER ZONING RELIEF REQUIRED, TO ALLOW FOR THE CONSTRUCTION OF A FENCE, 13 FEET IN HEIGHT, FOR THE PROPERTY LOCATED AT 218 WOODSIDE DRIVE IN THE R-1 ZONING DISTRICT

The Applicants, appearing over Zoom, were sworn in at this time.

Johanna Hoyt stated a previously existing tree destroyed a portion of the 8-foot-high fence on the eastern side of the Property in a storm in August 2021. To replace it they wish to construct a 13-foot-high fence to ensure privacy with their easterly neighbors. The taller fence is proposed as a new tree would cause concern for the water and sewage lines and the neighbors' driveway.

Upon a question from Chair Sullivan, Ms. Hoyt confirmed the new fence will replace the old fence and close the gap where the tree was located. Upon questions from Mr. Cruny, Ms. Hoyt confirmed Picture A shows the previous conditions and provides evidence it provided privacy and Picture D shows the existing conditions with the fence partially constructed and no tree providing privacy. Ms. Hoyt stated they had begun construction without knowledge of the regulations of the Zoning Code and halted upon receiving a stop work order. Upon a question from Mr. Cruny, Ms. Hoyt confirmed construction of the new fence at its previous height, in compliance with the regulations of the Zoning Code, would not provide the privacy between them and their neighbors the tree had previously provided.

Mr. Stewart inquired on the size of the posts already in the ground for the proposed fence. Ms. Hoyt stated they are four by six inches in depth and width.

John Means, resident of Woodside Drive, and easterly neighbor of the Applicant, stated the lack of privacy has been an inconvenience to themselves and the Hoyt's. Upon a question from Mr. Stewart, Mr. Means confirmed they find the height of the fence acceptable. Gretchen Means, resident of Woodside Drive, and easterly neighbor of the Applicant, reiterated Mr. Means' statement. A discussion ensued on the loss of privacy between themselves and the Hoyt's since the destruction of the fence.

Ms. Tysiak inquired of the location of the fence. Mr. Means stated it is located on the Hoyt's property approximately six to eight feet from the property line. Upon a question from Ms. Tysiak, Mr. Means confirmed no other properties are affected by the proposed fence. Ms. Tysiak asked if the fence is visible from Woodside Drive. Mr. Means stated it can be seen from the end of the road. Upon a question from Mr. Cruny, Mr. Means testified the proposed fence is more consistent with the previous nature of the property than a compliant fence.

Michael Lazaroff, resident on Woodside Drive, stated he has seen the fence and the portion already installed appears to be well-constructed and well-designed. Mr. Lazaroff stated it does not change the character of the neighborhood and supports the request for variance.

Upon a question from Mr. Cruny, Mr. Means confirmed there are no concerns regarding sight lines for vehicles driving on the adjacent road.

Mr. Cruny stated the Township received an email from Bob Anderson, resident on Woodside Drive, indicating he has no issue with the proposed fence and supports the request for a variance.

Mr. Cruny read the following items into the record:

Exhibit A – Application and related materials;

Exhibit B – Proof of Publication in the June 28 and July 3, 2022 editions of the Observer-Reporter;

Exhibit C – Neighbor notification letter dated June 29, 2022;

Exhibit D – Staff memorandum dated July 6, 2022; and

Exhibit E – Email from Bob Anderson sent July 11, 2022.

Ms. Hoyt expressed concern regarding the individual who submitted the complaint to the Township. Chair Sullivan stated it is the obligation of a property owner to ensure they are in compliance with local regulations and noted Township Staff is always available to provide assistance. Mr. Stanick stated they could discuss this at another time. Mr. Cruny noted there is no one in attendance or that has provided correspondence in objection to the application.

Chair Sullivan moved to enter Exhibits A-E into the Public 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 245-172C(3)(e) of the Zoning Code, regarding the maximum allowable height of fences in the R-1 Zoning District, to allow for the construction of a fence 13 feet in height, for the property located at 218 Woodside Drive in the R-1 Zoning District. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

6. 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.

7. 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 6:56 p.m.

Respectfully Submitted,

Brandon J. Stanick
Township Manager / Zoning Officer