

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

SEPTEMBER 12, 2022

APPROVED MEETING MINUTES

On Monday, September 12, 2022 at 5:58 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

Chair Sullivan moved to approve the August 8, 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.

4. PUBLIC HEARING: CONTINUED CONSIDERATION OF AN APPLICATION FROM EAT’N PARK HOSPITALITY GROUP REQUESTING A VARIANCE FROM SECTIONS 245-191B(1) AND 245-191B(2) TO ALLOW THE CONSTRUCTION OF TWO ELECTRONIC CHANGEABLE COPY SIGNS, 37.125 SQUARE FEET IN SIZE, WITHIN 500 FEET OF A SIGNALIZED INTERSECTION FOR THE PROPERTY LOCATED AT 320 OAK SPRING ROAD IN THE C-2 ZONING DISTRICT AND ANY OTHER ZONING RELIEF REQUIRED

Chair Sullivan provided an overview of the previous consideration of this item. The ZHB had expressed concerns the current signage was not constructed in a manner consistent with how it was approved. A full understanding of how the existing signage came into noncompliance and the full scope of the error was requested before taking action. The ZHB had also expressed concerns regarding the size of the electronic changeable copy sign and its proximity to the Township’s fire station located at 172 Oak Spring Road. The ZHB requested the Applicant look

at all signage for the Property to see if any improvements can be made so the signage is less intrusive.

Nick Seibel, representative for the Applicant, distributed photographs of the existing site and requested they be entered into the Public Record. Mr. Seibel stated he had heard three concerns from the ZHB: i) the site's proximity to the Fire Department; ii) the amount of signage existing; and iii) the overall package proposed. He stated they feel the proposed package is an appropriate amount given the Property's position in relation to Route 19 and Oak Spring Road and that the package would reduce the overall signage by 40 square feet. Mr. Seibel specifically called out a photograph showing the view from the intersection in question to the pole sign.

Mr. Seibel stated they had reached out to Fire Chief Jordan Cramer regarding their proximity to the Fire Department, but did not hear back prior to the meeting. Chair Sullivan stated they had received a communication from Chief Cramer regarding the matter and he expressed no concerns.

Mr. Seibel stated they did find a lot of overgrown foliage at the Property and will be partnering with the landowner to landscape that area to improve the aesthetics. He stated they would also be removing the takeout sign and freshen up the other signage. Mr. Seibel clarified the "Buses Welcome" sign would be removed from the pole if they are granted the variance. Ms. Tysiak asked for clarification on the height of the new electronic changeable copy sign. Mr. Seibel stated it is proposed to be at the height of the current "Buses Welcome" sign, but they are open to other suggestions regarding the placement.

There were no comments from the Public.

Solicitor Michael Cruny read the following exhibits into the Public Record:

Exhibit F – Pictures of existing conditions;

Exhibit G – Email communication from Fire Chief Jordan Cramer;

Exhibit H – Proof of Publication in the September 1 and September 4, 2022 editions of the Observer-Reporter;

Exhibit I – Letter sent to neighboring property owners dated September 1, 2022; and

Exhibit J – Staff Memorandum dated September 7, 2022.

Mr. Seibel clarified the "Buses Welcome" sign would be removed and the size of the new signage would result in a 40 square foot reduction in the total area upon a question from Mr. Stewart.

Chair Sullivan moved to approve the request for variances from Sections 245-191B(1) and 245-191B(2) to allow the construction of one double-sided electronic changeable copy sign 37.125 square feet in size, within 500 feet of a signalized intersection for the property located at 320 Oak Spring Road in the C-2 Zoning District. Ms. Tysiak seconded the motion.

Township Manager Brandon Stanick stated the height of the existing pole sign is 9 feet taller than the height the Applicant was initially approved to construct. Mr. Cruny agreed it would be a

good idea to include this height in the motion for administrative consistency upon a question from Mr. Stanick.

Chair Sullivan modified the motion to include a variance from Section 245-191C(3)(c) to allow a pole sign 89 feet in height for the property located at Oak Spring Road in the C-2 Zoning District in addition to the previously stated variances. Mr. Stewart seconded the modified motion. The motion passed on a unanimous voice vote.

5. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FROM MENARD, INC FOR THE PROPERTY LOCATED ALONG OLD MILL BOULEVARD, MORE SPECIFICALLY KNOWN AS PARCEL NOS. 600-003-00-00-0020-09, 600-003-00-00-0020-11 AND 600-003-00-00-0020-00, IN THE C-2 ZONING DISTRICT REQUESTING THE FOLLOWING:

- **A VARIANCE FROM SECTION 245-64J TO ALLOW AN ACCESSORY STRUCTURE 31 FEET IN HEIGHT;**
- **A VARIANCE FROM SECTION 245-172C(3) TO ALLOW A FENCE 14 FEET IN HEIGHT;**
- **A VARIANCE FROM SECTION 245-182K TO REQUIRE ONLY 8 SHOPPING CART RETURN AREAS;**
- **A VARIANCE FROM SECTION 245-191C(1) TO ALLOW 651 SQUARE FEET OF WALL SIGNAGE; AND**
- **ANY OTHER ZONING RELIEF REQUIRED.**

Nick Brenner, Real Estate Representative for Menard, Inc. (“Applicant”), presented an overview of their request, a site plan and proposed operations. The Applicant wishes to construct a Menards home improvement store. The overall development would consist of a big box retail facility, a garden/shipping center and a detached drive-thru lumber yard. A parking area with 435 stalls will be constructed with associated lighting and additional stormwater facilities. Old Mill Boulevard will be realigned as part of this project.

In preparation for the eventual Land Development application, the Applicant had four identified sections of the Zoning Code they will require variances from in order to adequately develop the Property. Mr. Brenner stated the Applicant uses one prototype store to allow for guest consistency and operational convenience. He stated the Property has many topographical and stormwater challenges.

Ms. Tysiak asked for clarification on the Property’s location in relation to Route 19. Assistant to the Manager Jim Sutter displayed the Property on the Washington County Parcel Viewer. A discussion ensued on the Property’s location in relation to Berry Road. Mr. Brenner provided more information on the accessory structure, which is a drive-through lumber yard, in response to a question from Ms. Tysiak. Mr. Brenner clarified that Old Mill Boulevard will be realigned under the proposal upon a question from Ms. Tysiak.

Mr. Brenner stated the first request involves the height of the accessory structure and it is due to the design of the racks used. He stated bringing the height down to the 20-foot requirement would require doubling the footprint of the structure and lead to a larger stormwater impact.

Chair Sullivan inquired on the proposed location for the stormwater ponds. Mr. Brenner showed the locations on the Northeast side of the Property. A discussion on stormwater discharge ensued with Chair Sullivan expressing concern regarding pollution discharge at the site. Mr. Brenner stated they are still going through due diligence, but no issues have arisen to date and they are working closely with the state and county regarding all necessary requirements. Upon a question from Chair Sullivan, Mr. Stanick confirmed the Township will receive copies of all Department of Environmental Protection (“DEP”) approvals through their Post-Construction Stormwater Management Report as a part of Land Development submittal. Mr. Brenner stated all of these necessary permits have been submitted for and are in the process of receiving approval.

Laynee Zipko, resident on Berry Road, stated there is a small mound of hazardous waste on the site near the boundary with their property and asked if they would be disturbing this area. Mr. Brenner stated all environmental reports they have received state there is no hazardous waste on the Property and they are working off of this information. Ms. Zipko (Laynee) stated this is contrary to what they had previously been told and they were assured the mound would never be disturbed. A discussion ensued on the specific location of the mound in question with it being determined the Applicant will not be purchasing the portion of the Property on which it is located and therefore will not disturb it.

Mr. Brenner stated their second request is to allow the construction of a fence 14 feet in height. He stated this height allows them to condense the yard, further lessening the footprint and impact on the site in terms of impervious surface area. Mr. Brenner stated the fence would also serve as a screen, containing noise and light to the Property, and increase security, lessening the potential impact on the Township’s Police Department. Chair Sullivan asked for clarification on where the fencing will be 14 feet in height. Mr. Brenner showed on the site plan how the fencing will be erected primarily at the rear and left side of the structure. Chair Sullivan asked if the fence will be erected on the northeast side of the Property facing Manifold Road. Mr. Brenner stated they will not be fencing this side of the Property due to the extreme topography adjacent. Ms. Tysiak asked for clarification on if the landscaping on the plan is outside the fence. Mr. Brenner stated it is and it will be what is primarily seen from the roadway. Ms. Tysiak asked how much of the fence will be visible through the plantings. Mr. Brenner stated much will be visible initially, but it will decrease as the plantings grow. Upon a question from Nancy Zipko, resident on Berry Road, a discussion ensued on where the front of the store will be located and the site overall.

Judy Panasik, resident on Green Crescent Drive, expressed her concerns regarding the appearance of the store to the residents living on Manifold and Berry Roads and questioned why there would be no fencing with landscaping on the Manifold Road side. Mr. Brenner stated the fence would not be visible to those houses due to the topography. Mr. Brenner stated those on Manifold Road may be able to see a part of the building where little activity occurs upon a question from Ms. Panasik. Mr. Brenner confirmed there would be no lights along that side of the Property. Mr. Brenner stated they are not opposed to including additional trees along this side of the Property and can address it as part of their Land Development submittal.

Ms. Zipko (Nancy) asked for clarification on how far the site is compared with the Old Mill Commercial Development entrance sign. Mr. Brenner stated he did not know the exact figure offhand. Chair Sullivan asked if it would be possible for the Applicant to present a drawing

showing how far their site is in relation to different landmarks. Mr. Brenner stated such a plan can be developed. Chair Sullivan also stated the viewscape is an important issue and asked if it would be possible for a display drawing to show how the property will appear from different locations. Mr. Brenner indicated this can be done.

Ms. Zipko (Laynee) expressed her concerns regarding potential noise coming from the Property and stated she would prefer a taller fence if it would screen the noise. Mr. Brenner stated the hours of operation are typically 6:00 a.m. through 9:00 p.m. and deliveries should not occur outside of those hours. Mr. Brenner stated the trucks will utilize the entrance from Route 19, not Berry Road, upon a question from Ms. Zipko (Nancy).

Mr. Brenner stated their next request is to decrease the required number of cart returns. He stated they are requesting 8 cart returns, 17 fewer than the 25 required by the Code. He stated this is due to the different design of their returns, which allows for three rows of carts and the type of merchandise they sell leads to less need for carts than another big box store like Target or Walmart. In particular, the presence of the drive-through lumber yard lessens the utilization of carts by customers. Mr. Brenner stated an increase in the number of cart returns would require them to increase the number of parking spaces, as through experience they have determined 435 spaces is the ideal number to have on site. This would also lead to an increase in impervious surface.

Chair Sullivan stated, through his examination of the site plan, the distance between a cart return and a parking space can be up to 200 feet and expressed skepticism customers will take their carts that distance. He expressed concerns this will result in carts being strewn through the parking lot. Mr. Brenner stated the proposal mirrors their operations everywhere and they have not experienced any issues of this nature. Chair Sullivan expressed concern over the interference renegade carts may cause to first responders who are required to operate at the Old Mill Commercial Development frequently. Mr. Brenner stated the current plan is their preference, but they can add additional cart returns. A discussion ensued on parking habits of customers.

Ms. Panasik stated she had visited an existing Menards recently and noticed a propane tank. She asked if there is a propane tank proposed for this site. Mr. Brenner stated there would be and showed on the site plan where it is proposed to be located. Ms. Panasik agreed with the ZHB that customers will not return their carts if the nearest cart return is too far. Ms. Panasik described her recent experience at an existing Menards store.

Mr. Cruny asked for clarification from the Applicant that their testimony is they are requesting relief from the three already stated requirements in order to limit expansion of impervious surface area to the site. Mr. Brenner stated this is the case and also stated the topographical challenges to the site require the relief as well.

Mr. Brenner stated their next request is in regards to signage on the structure, which they are requesting due to their distance from Route 19. He stated they are requesting 651 square feet of signage, 280 square feet of which is the main Menards logo. He stated the size of the façade is significant, at 552 linear feet and a sign in compliance with the Code would be aesthetically odd. He stated the additional department signs are sized to be primarily visible on and near the site

and are proposed to “break up” the façade. Mr. Brenner stated they are not proposing a pole sign or any signage on the east side of the Property upon a question from Ms. Tysiak. A discussion on the lumber yard signage ensued and Mr. Brenner confirmed none of this is large signage upon a question from Mr. Cruny. Chair Sullivan asked if any signage would be visible from Route 19. Mr. Brenner stated only the main sign would be visible and readable from this location.

Mr. Brenner stated their final variance request is to allow the parking lot to be 13 feet from the roadway, a 7-foot reduction from the 20-foot requirement. Mr. Brenner stated to be compliant with the Code would require them to lose 20 parking spaces. To add those spaces to another part of the site would increase the impervious surface due to the associated increases in driving lanes. Upon a question from Ms. Tysiak, Mr. Brenner stated the landscaping on the other side of the road is what they proposed to the current landowner and any future changes they make would presumably require Township approval.

Ms. Zipko (Laynee) reiterated her concerns regarding the noise and hazardous waste. Upon a question from Chair Sullivan, Mr. Brenner stated normal business hours are 6:00 a.m. through 10:00 p.m. during the summer and 7:00 a.m. through 9:00 p.m. during the winter. A discussion ensued on the proximity of the site from the Zipko’s property on Berry Road. Mr. Brenner confirmed they would produce a drawing showing the distances from their site to the various surrounding landmarks upon a request from Chair Sullivan.

Ms. Panasik inquired about the Applicant’s timeframe for construction. Mr. Brenner stated the site is complicated and it will likely take a year to get the pad ready and another nine months for construction. Ms. Panasik expressed her concerns regarding lighting for the site, the impact on the traffic on Berry Road, the impact on the Zipko’s and the number of cart returns. Chair Sullivan asked Mr. Stanick if Police Chief Drew Hilk has reviewed the proposal in regards to traffic impact. Mr. Stanick stated he has not as the Township has not received full Land Development plans yet. Mr. Brenner confirmed deliveries would only occur during business hours upon a question from Chair Sullivan. Mr. Brenner confirmed they would provide drawings showing the proposed lighting in more detail upon a request from Chair Sullivan. Ms. Tysiak asked if it was appropriate to evaluate compliance with the drive-through standards at this time. Mr. Cruny stated they are not asking for a variance regarding these standards at this time and it is likely premature to examine at this time.

Mr. Brenner confirmed he was willing to provide what the ZHB requested and return for continued consideration at the next regular meeting on October 10th. Mr. Cruny read the following items into the Public Record:

- Exhibit A – Application for Variances;
- Exhibit B – Proof of Publication in the September 1 and September 4, 2022 editions of the Observer-Reporter;
- Exhibit C – Letter sent to neighboring property owners dated September 1, 2022;
- Exhibit D – Staff memorandum dated September 7, 2022; and
- Exhibit E – Washington County Tax Assessment.

Chair Sullivan moved to enter Exhibits A-E into the Public Record. Ms. Tysiak seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to continue the Public Hearing until October 10, 2022. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

6. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FROM BERRY PROFESSIONAL ASSOCIATES REQUESTING A VARIANCE FROM SECTIONS 245-130A AND 245-130B OF THE ZONING CODE TO ALLOW A MEDICAL CLINIC ON A LOT LESS THAN 2 ACRES IN SIZE AND DOES NOT HAVE FRONTAGE ON AND DIRECT VEHICULAR ACCESS TO AN ARTERIAL OR COLLECTOR STREET FOR THE PROPERTY LOCATED AT 50 BERRY ROAD, WHICH IS DEFINED AS A LOCAL STREET, IN THE I-1 ZONING DISTRICT AND ANY OTHER ZONING RELIEF REQUIRED.

Mr. Bryan Donohue, representative of the Applicant, presented an overview of the request. He stated they are requesting a variance from the requirement for a Medical Clinic to be on a parcel of land at least 2 acres in size and for the Property to have access to an arterial or collector street. Mr. Donohue stated they ran a robust cardiology practice at the Property for 24 years with a higher impact than what is proposed under the new operations. He also noted another practice is opening nearby on a smaller parcel. Chair Sullivan stated it is apparent many things have been done contrary to the requirements of the Code in the past and it is the ZHB's responsibility to make a determination regardless of past practice.

Chair Sullivan stated, as part of a previous consideration of this proposal, the Applicant take a look at the impact and asked if they had given any consideration to downsizing the staff. Mr. Donohue stated he cannot do this as he is the building owner and stated the proposed operations will be smaller in scope than under their previous practice. A discussion ensued on the past administration of the Code and the differing definitions of Medical Clinic and Medical Office.

Maria Donohue, also representing the Applicant, expressed her opinion the Code needs to be updated. Mr. Cruny stated the ZHB does not have the authority to change the Code. Mr. Stanick stated the Public Hearing tonight is specifically for the lot size requirement and it would be recommended any approval be conditioned upon receiving a text amendment to reclassify Berry Road. Mr. Cruny stated the rationale for the lot size requirement is to verify a Property can handle the proposed use. Mr. Donohue provided testimony the lot was able to adequately handle their similar use for 24 years upon questioning from Mr. Cruny.

At 7:44 p.m. Chair Sullivan moved to adjourn into Executive Session to discuss potential litigation. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote. The ZHB returned from Executive Session at 8:10 p.m.

Brooke Sanderson, appearing over Zoom, prospective buyer of the building, described the proposed operations. Ms. Sanderson stated she is a licensed psychologist and owner of Sanderson Psychological. She stated she has a number of counselors at her current practice and would like to have the same operation at this location. She stated about half of her clients are virtual, which lessens the need for parking. She stated they have seven counselors and one office manager. They would have one client per hour and would require a maximum of 14 parking spaces at any given time. Ms. Sanderson stated she is not a medical doctor upon a question from

Chair Sullivan. Ms. Sanderson stated they operate at least five days per week upon a question from Chair Sullivan. Ms. Sanderson confirmed appointments are typically one hour in length upon a question from Chair Sullivan. Ms. Sanderson stated only about 5% of their clients are family, with the majority being individuals, upon a question from Ms. Tysiak.

Chair Sullivan stated their concern is regarding activity and based upon the explanation of the operations there is potential it is not excessive. He expressed the opinion a traffic study is needed to confirm this and recommends they can move forward conditioned upon obtaining one and receiving all additional necessary approvals. A discussion ensued on the process of obtaining the requested study and subsequent approvals. Ms. Sanderson stated these conditions are acceptable upon a question from Mr. Donohue.

Mr. Cruny read the following items into the Public Record:

Exhibit A – Application for variance;

Exhibit B – Proof of Publication in the September 1 and September 4, 2022 editions of the Observer-Reporter;

Exhibit C - Letter sent to neighboring property owners dated September 1, 2022; and

Exhibit D – Staff memorandum dated September 7, 2022.

Chair Sullivan moved to enter Exhibits A-D into the Public Record. Ms. Tysiak seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to approve the request for a variance from Section 245-130A of the Zoning Code to allow a Medical Clinic on a lot less than 2 acres in size, with the condition the Applicant receives necessary Conditional Use and Text Amendment approvals and submits a traffic study. Ms. Tysiak seconded the motion. The motion passed on a unanimous voice vote.

7. 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.

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 8:27 p.m.

Respectfully Submitted,

Brandon J. Stanick
Township Manager / Zoning Officer