

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

June 9, 2020

APPROVED MEETING MINUTES

1. ROLL CALL AND CALL TO ORDER

On Tuesday, June 9, 2020 at 6:00 p.m., after due advertisement according to law, a public meeting of the Zoning Hearing Board (ZHB) was held in the Municipal Building, 550 Washington Road, Washington, PA 15301 and the following were present:

Art Sullivan, Chairperson
James Stewart, Vice-Chair
Andy Rembert, Member

Ms. Laural Ziemba, representing Range Resources
Mr. Jeremy Matinko, representing Range Resources
Mr. Karl Matz, representing Range Resources
Mr. Jeffrey Friedl, representing Atlas Signs and Lighting
Mr. Eric Perrell, representing Park Place Realty Group, LLC
Ms. Mary Murray, representing Presbyterian SeniorCare Network
Ms. Carrie Silvers, representing Spark Signs
Pat Smider, ZHB Solicitor
Brandon Stanick, Township Manager/Zoning Officer
Patrick Conners, Assistant to the Township Manager

2. REORGANIZATION

Chair Sullivan stated that the Zoning Hearing Board will reorganize prior to the regular meeting.

Mr. Rembert moved to nominate Mr. Art Sullivan as Chairperson for 2020. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Mr. Rembert moved to nominate Mr. James Stewart as Vice-Chair for 2020. Mr. Sullivan seconded the motion. The motion passed on a unanimous voice vote.

3. PUBLIC COMMENTS

No public comments.

Chair Sullivan administered the oath to those in attendance.

4. ZHB MEETING MINUTES

Mr. Sullivan moved to approve the minutes of the August 6, 2019 Zoning Hearing Board meeting. Mr. Rembert seconded the motion. The motion passed on a unanimous voice vote.

5. PUBLIC HEARING: Consideration of an Application from Eric J. Perrell, requesting a Variance from Section 245-64 of the South Strabane Township Zoning Code concerning the minimum lot size of 591 Elmwood Avenue (600-003-01-03-0013-00) in the C-2 General Commercial Zoning District

Mr. Eric Perrell of Park Place Realty Group came before the Board representing Mr. Edward and Ms. Stacy Phillips of 591 Elmwood Drive. He outlined a proposed subdivision and transfer of .191 acres negotiated between the property owners of 596 Locust Avenue and 591 Elmwood Drive. He highlighted that his application was initially considered by the Township's Planning Commission in December of 2019, but the matter was tabled because the proposed lots would not be in conformity with the Township's Zoning Code. He stated the proposed transfer and associated variance would alleviate undesirable lot features for both property owners. First, the land acquisition for 591 Elmwood Drive would allow for easier access to perform routine maintenance of the property and dwelling which presently sits less than two-feet from the existing property line. Secondly, the property owners of 596 Locust Avenue would be more able to maintain their property by transferring the portion which resides on difficult topography. He highlighted the land included within the proposed subdivision is already informally maintained by the Phillips' of 591 Elmwood Avenue.

Mr. Stewart sought clarity on the property owners involved. Assistant to the Township Manager Conners reported that 596 Locust Avenue is owned by Zheng Zheng Can & Chen Yun Hui while 591 Elmwood Drive is owned by Stacey & Edward Phillips. Solicitor Smider proceeded to enter exhibits into the public record. Mr. Rembert inquired regarding the Applicant's hardship. Mr. Perrell noted the hardship is not explicit, but the transfer of property benefits both homeowners and makes each property more intrinsically valuable. Mr. Rembert noted the importance of the Township's Zoning Code and highlighted that both property owners purchased the respective properties with the knowledge of the Code and its regulations pertaining to lot size. Solicitor Smider noted the unique physical features of each lot highlighting their unusual shapes. Mr. Sullivan stated that he would be in favor of granting the variance should no further development occur on the transferred portion of land. Mr. Perrell noted that as part of the sales agreement pertaining to the land transfer a right-of-way was established to prohibit future development of the area in question. He highlighted the goal of the right-of-way was to prevent future property/boundary disputes. A discussion regarding the right-of-way ensued. Mr. Rembert stated he would like to have formal restrictions prohibiting future variances and development within conditions for any variance approval. The Board entered a brief Executive Session.

Upon returning from Executive Session Mr. Sullivan moved to approve the variance request made of Mr. Eric Perrell concerning the minimum lot size of 591 Elmwood Avenue with the conditions that no future variances be granted to either 591 Elmwood Avenue or 596 Locust Avenue and the prohibition of future development of the transferred portion of land. Mr. Stewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (3) Rembert, Stewart, and Chair Sullivan
Nays: (0)

6. PUBLIC HEARING: Consideration of an Application from Range Resources Appalachia LLC, requesting a Variance from Section 245-172 of the South Strabane Township Zoning Code concerning the maximum height of fencing for the property

located at 50 Meadows View Road (600-002-00-00-0015-00) in the A-1 Agricultural Zoning District

Mr. Jeremy Matinko of Range Resources explained Range Resources' forestry management project to the Board, noting that due to seasonal planting constraints, an alternate location was selected for 2020. He highlighted that if approved, the South Strabane site would be located on the same parcel as the William Munce Well Pad (50 Meadows View Road). An illustration was presented for the Board. Mr. Matinko noted an 8-foot-tall deer fence is being proposed around the perimeter of the forestry site which would encompass approximately 26.5 acres. Assistant to the Township Manager Connors noted that per the Township's Zoning Code, the maximum height for fencing in the A-1 Agricultural Zoning District is 6 feet. Mr. Karl Matz outlined the variance application submitted by Range Resources, noting the request emanated from a desire to protect the sapplings and young trees from local deer populations. After some discussion Solicitor Smider entered the Applicant's documentation, public advertisements, public notifications, and presentation into the Public Record.

Mr. Rembert inquired if the fencing could be temporary in nature. Mr. Matinko stated that new trees are susceptible to deer until approximately 10-15 years of age. Mr. Sullivan expressed his desire to see the fence eventually removed to allow for the natural deer migration patterns to resume. After some discussion Mr. Matinko reported that the fence could be removed after the trees reach a certain maturity. Mr. Sullivan noted for the record that he had viewed the property of the proposed forestry site to gain a perspective of the project's footprint. Solicitor Smider reported that was acceptable. Mr. Sullivan inquired regarding how existing wildlife would be removed from the area. Mr. Matinko explained the fence construction would be conducted in phases which would allow for a manual walkthrough of the property prior to the final enclosure. He also highlighted the style of fence would allow for small wildlife (i.e. birds, bugs, etc.) to enter the site, noting the only prohibition would be for local deer. Mr. Matinko concluded by outlining the emergency exits placed throughout the fencing, noting that they would be left unlocked in the event of an emergency and routinely monitored by representatives of Range Resources.

After some discussion Mr. Rembert moved to approve the variance request made of Range Resources Appalachia for the construction of an 8-foot-tall deer fence at the property located at 50 Meadows View Road with the condition that the fence be removed from the property within 15 years of the variance approval or June 9, 2035. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

7. PUBLIC HEARING: Public Hearing: Consideration of an Application from Coen Markets Inc., requesting a Variance from Section 245-191 of the South Strabane Township Zoning Code concerning the maximum aggregate surface area of wall signage for the property located at 100 Murtland Avenue (600-005-00-00-0011-03) in the C-2 General Commercial Zoning District

Prior to consideration of the application, Solicitor Smider entered the Applicant's documentation, public advertisements, and public notifications into the Public Record. Mr. Jeffrey Friedl of Atlas Signs came before the Board on behalf of the Applicant, Coen Markets (100 Murtland Avenue) seeking a variance for additional signage on the

aforementioned property. Mr. Friedl reported that Ruff Creek Markets has been rebranded as Coen Markets and the property owner would prefer to maintain a similar visual presence for an existing car wash along a heavily trafficked area of the Township. He noted that temporary signage has been placed on the car wash after securing a permit through the Township. Mr. Rembert stated the stretch of Road on Route 19 is full of visual noise. He noted signage tends to blend in due to its abundance. A discussion concerning the sign design and placement ensued. Assistant to the Township Manager Connors noted that somewhere in time the property owner(s) had erected signage in excess of the Zoning Code's regulations without a variance. He highlighted a similar variance cleaning up a property record was granted in August of 2019 to Get Go (333 Washington Road). Mr. Friedl acknowledged the past discretions of the property's signage and highlighted there would be a net decrease of 32 sq. ft. of signage under the proposed request.

After some discussion Mr. Rembert moved to grant the variance request made of Coen Markets for the erection of an additional 58 sq. ft. (122 sq. ft. Total aggregate signage) of business identification signage on the property located at 100 Murtland Avenue. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

8. PUBLIC HEARING: Consideration of an Application from Woodside Place of Washington, requesting a Variance from Sections 245-189 G (1) & 245-190 B of the Township Zoning Code concerning the maximum square footage of on-premise directional and business identification signage permissible for the property located at 954 Redstone Road in the R-3 Residential Zoning District

Ms. Mary Murray representing the Presbyterian Senior Care Network (operator of Woodside Place of Washington) and Ms. Carrie Silvers representing Spark Signs came before the Board seeking a variance for the erection of additional signage for Woodside Place of Washington (located at 954 Redstone Road). Ms. Murray outlined the operations conducted at Woodside Place of Washington, noting that it is an assisted living community specializing in dementia care. She highlighted the facility opened on March 8, 2020. She reported that 36 residents currently reside on the property and cited that numerous other clients are dropped off for care/supervision during normal business hours. Ms. Murray illustrated the hardships faced by the facility through a presentation which included various perspectives of the property while driving along S. Main Street. She noted visual impairments that visitors and delivery drivers face while navigating to the property. She concluded by highlighting the onerous signage restrictions imposed on the property. Assistant to the Township Manager Connors outlined the signage regulations for the R-3 Residential Zoning District.

Ms. Silvers discussed the proposed signage, noting the placement and purpose for each sign. She highlighted that indirect lighting would be strategically placed to allow for clear sight lines during evening hours. A discussion regarding the indirect/direct lighting of signage ensued. Assistant to the Township Manager Connors reported the proposed lighting would be permissible within a residential zoning district. Ms. Murray expressed her desire to see a safer vehicular route for the clients and visitors of Woodside Place and the entire Presbyterian Senior Care network. She noted a recent traffic study conducted by

PennDOT which was initiated with the assistance of the Township. She highlighted the requested signage should help in creating a safer and more easily traversed neighborhood.

After some discussion, Solicitor Smider entered the Applicant's documentation, public advertisements, public notifications, and presentation into the Public Record.

Mr. Stewart moved to approve the variance requested of Woodside Place of Washington for the erection of 21 sq. ft. of additional on-premise directional and business identification signage (33 sq. ft. of total aggregate business identification signage) at the property located at 954 Redstone Road. Mr. Sullivan seconded the motion. The motion passed on a unanimous voice vote.

9. Discussion Concerning Expiration of Variances

Township Manager Stanick came before the Board to discuss a variance that was granted for the construction of a horse stable in 2011. He noted a building permit application was not submitted until just recently. He reported the proposed stable does not meet the Township's Zoning Code nor the original variance dimensions approved nearly a decade ago. He cited that per the Pennsylvania Agricultural Communities and Rural Environment (ACRE) Law, the Township's specific setback regulations for stables do not apply to properties/structures within Agricultural Zoning Districts. He inquired regarding the Zoning Hearing Board's desire to see a time limit established for zoning variances (i.e. the project must commence within a certain period of time once the variance is issued). He noted a text amendment would be necessary to implement such a change. He noted that lengthy periods of time between the granting of a variance and the actual construction of the structure may have the potential to create inconsistencies in character should the neighborhood change. After a brief discussion, members of the Zoning Hearing Board agreed that a "time clock" should be established for variances. Township Manager Stanick stated that he would draft correspondence for the Zoning Hearing Board's consideration asking the Township's Board of Supervisors to consider amending the Code.

10. ADJOURNMENT

As there was no further business to come before the Zoning Hearing Board, Mr. Stewart moved to adjourn. Mr. Rembert seconded the motion and the meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Patrick M. Conners
Assistant to the Township Manager