

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

December 7, 2020

APPROVED MEETING MINUTES

1. ROLL CALL AND CALL TO ORDER

On Tuesday, December 7, 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 – via Zoom
James Stewart, Vice-Chair – via Zoom
Andy Rembert, Member – via Zoom
Patrick Smider, Zoning Hearing Board Solicitor – via Zoom

Brandon Stanick, Township Manager/Zoning Officer
Patrick Conners, Assistant to the Township Manager
Dale Singhass, Applicant (Walmart)
Tom Goodrich, Applicant (Sportsman's Warehouse)

2. ZHB MEETING MINUTES

Mr. Sullivan moved to approve the September 2, 2020 & October 20, 2020 Meeting Minutes as presented. Mr. Stewart seconded the motion. The Motion passed on a unanimous voice vote.

3. PUBLIC HEARING: Consideration of an Application from Walmart, Inc., requesting a variance from Section 245-178 of the South Strabane Township Zoning Code concerning the maximum number of temporary storage units permitted for their property located at 30 Trinity Point Drive (600-005-13-00-0005-00) in the C-2 General Commercial Zoning District

Zoning Solicitor Smider swore in Mr. Dale Singhass, Store Manager of Walmart (30 Trinity Point Drive). Mr. Singhass highlighted that Walmart requires extensive use of temporary storage trailers during the holiday shopping season. He noted the trailers are brought on to the property during the month of October and are removed shortly after Christmas. He stated that he is ultimately at the mercy of the trailer companies regarding the timeline of removals. He cited the trailers are used primarily for Black Friday sales. He reported that this year's trailer footprint was much smaller than usual citing the discontinuation of layaway and a smaller Black Friday event due to the pandemic. He noted that the total number of trailers exceeded 30 during the 2019 holiday season. Zoning Solicitor Smider inquired regarding the maximum number of trailers the Applicant would need moving forward. Mr. Singhass stated a total of 30 trailers would be sufficient.

Zoning Solicitor Smider inquired regarding the location of the trailers. Mr. Singhass provided an illustration of the property noting the trailers are located within the rear of the lot. He cited the trailers are located in excess of 20 feet from the rear and side property lines. After a question from Zoning Solicitor Smider, he highlighted the public does not have access to the trailers. Mr. Stewart inquired if any previous variance or authorization had been given to Walmart for the storage trailers in the past. Assistant to the Township

Manager Conners reported that no prior authorization is on record. In response to an inquiry, Mr. Singhass affirmed that no sales occur out of the storage trailers. Mr. Rembert inquired if the trailers were stationary. Mr. Singhass affirmed that was the case. Assistant to the Township Manager Conners highlighted the property owner was cited for the excess storage trailers. He noted the citation would be retracted by the Township should a variance be granted to the Applicant.

Zoning Solicitor Smider noted that no party spoke in opposition against the application.

After some discussion, Mr. Stewart moved to approve a zoning variance for Walmart, located at 30 Trinity Pont for the placement of an additional 19 temporary storage unit trailers from the permitted 11 for a total of 30 temporary storage units per the following conditions:

- All temporary storage units shall be removed by the Applicant by January 10 of each year;
- Applicant agrees that all storage units will be located at the rear of Applicant's principal building and all storage units will not be placed any closer than 20 feet from any side or rear property line; and
- The public will not have access to the storage units and no retail sales will be conducted from the temporary storage units.

Mr. Sullivan seconded the motion. The motion passed on a unanimous voice vote.

4. PUBLIC HEARING: Consideration of an Application from Sportsman's Warehouse, requesting a variance from Section 245-178 of the South Strabane Township Zoning Code concerning the maximum number of days that temporary storage units are permitted for their property located at 60 Old Mill Boulevard (600-003-00-00-0020-00) in the C-2 General Commercial Zoning District

Zoning Solicitor Smider swore in Mr. Tom Goodrich, Store Manager of Sportsman's Warehouse (60 Old Mill Boulevard). Mr. Goodrich stated he is before the Board seeking a variance for four storage trailers located in the rear of this store's property. After a question concerning the dimensions of the building and the location of the storage trailers from Zoning Solicitor Smider, Mr. Goodrich provided an illustration to assist the Board. He highlighted the trailers have been a fixture on the property since he began working at the location over 4 years prior. He noted the change in ownership from Field and Stream to Sportsman's Warehouse (2019) did not change the use of the storage trailers. He cited the location has fluctuated between 3-4 storage trailers during his tenure.

Mr. Sullivan inquired regarding the neighboring properties. Mr. Goodrich stated that Sportsman's Warehouse shares a shopping plaza with Painting with a Twist (76 Old Mill Boulevard) and Five Below (72 Old Mill Boulevard). He noted that neither tenant has had an issue with the storage trailers. Mr. Sullivan inquired if the landlord is aware of the storage trailers. Mr. Goodrich stated that the property owner does not have any objection to the storage trailers. He noted the storage trailers are arranged to provide safe ingress and egress in the rear of the building. Mr. Rembert expressed his concern with granting a

variance for the trailers noting the permanent nature of a variance which would follow the property and not the business. Zoning Solicitor Smider affirmed that a variance would run with the land.

He also noted the applicant is more or less expanding the footprint of the existing structure with the use of semi-permanent storage trailers. He continued by linking the existing circumstance to a building addition. Mr. Sullivan noted the potential impact for future businesses in the shopping plaza.

Mr. Goodrich noted Sportsman's Warehouse has experienced a marked increase in sales topping 3.5 million dollars in revenue in 2020. He highlighted the trailers are an important component of the seasonal inventory which is critical to their business model. A discussion ensued regarding Sportsman's Warehouse.

After a discussion regarding the intent of the Zoning Code regarding temporary storage trailers, Assistant to the Township Manager Connors read aloud Section 245-178B to clarify the permissible timelines of storage trailers in a Commercial Zoning District. He highlighted the number of permissible storage trailers is based off of the gross square footage of a given business. He cited the Applicant had applied for a permit for the existing storage trailers for 2020. He also highlighted the existing storage trailers (4) are in conformity with the regulations of the Code. However, he reported the permissible timeline for storage trailers within the Code, even with the designated extension, shall not exceed 120 consecutive days. He emphasized the permanence is triggering the Applicant's request for a variance.

Mr. Stewart inquired why this matter was not of concern prior to this year highlighting the Applicant's admission that the trailers have been on site for many years. Township Manager Stanick noted that storage trailers have been designated as a priority for Code Enforcement for 2020 as a result of the activity in 2019. He highlighted that if they so choose, the Zoning Hearing Board could formulate conditions within the variance to bind the storage trailers to Sportsman's Warehouse, rather than the property. Mr. Sullivan stated an annual approval could be granted to the Applicant, based off of need. Township Manager Stanick recommended any such approval be administered by the Zoning Officer.

Zoning Solicitor Smider noted that no party spoke in opposition against the application.

After some discussion Mr. Sullivan moved to approve a variance for Sportsman's Warehouse for the continued use of a maximum of four storage trailers for their property located at 60 Old Mill Boulevard per the following conditions:

- The Applicant is granted a Variance for the placement of not more than four (4) storage unit trailers at the rear of its retail establishment at the portion of the structure occupied by the Applicant;
- Applicant agrees that all storage units will be located at the rear of Applicant's principal building and all storage units will not be placed any closer than 20 feet from any side or rear property line;

- The public will not have access to the storage units and no retail sales will be conducted from the storage units; and
- The placement and the use of the storage units shall be for a period of twelve (12) months except that the Township Zoning Officer, in the interest of the Township, shall be permitted to extend the length of time for the placement and use of the storage units not to exceed twelve (12) months for each such successive extension period.

Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

5. PUBLIC COMMENTS

No were no public comments.

6. ADJOURNMENT

As there was no further business to come before the Zoning Hearing Board, Mr. Sullivan moved to adjourn. Mr. Stewart seconded the motion and the meeting adjourned at 6:44 p.m.

Respectfully Submitted,

Patrick M. Conners
Assistant to the Township Manager