

PLANNING COMMISSION  
May 5, 2016

The Planning Commission of South Strabane Township held their Regular Meeting on Thursday, May 5, 2016 at 7:00 P.M. in the Municipal Building, 550 Washington Road, Washington, PA 15301.

Present for the meeting were: Fred Pozzuto, Chairman, Vice-Chairman Paula Phillis, Joseph Kopko, Laynee Zipko, Jay Gordon and Tom Steele, Members. Also present were: John Stickle, Township Manager; Michael Sherrieb, KLH Engineers; John Cambest, Solicitor and Ellen Wallo, Recording Secretary.

Mr. Pozzuto led the group in the Pledge of Allegiance.

PUBLIC COMMENTS

Tom Lonich, 420 Davis School Road, asked the status of the Zoning Ordinance Amendment that is before the Board of Supervisors. He stated that the Zoning Ordinance Amendment allows shallow drilling as a Special Exception in the A-1 Zoning District and so is asking why the Planning Commission is entertaining this application if deep well drilling is not allowed in the A-1 District under the pending ordinance.

Cynthia Rossi of 99 Zediker Station Road asked Mr. Pozzuto if he spoke for the Planning Commission at the Supervisor's Public Hearing or if he was giving his opinion. Mr. Pozzuto stated he was giving his opinion.

John DeBord of Clare Drive asked if the audience will be permitted to speak again at this meeting. Mr. Pozzuto stated that there will be comments after each item is heard.

PRELIMINARY AND FINAL SUBDIVISION APPROVAL  
**Strabane Manor Lot 310 Revised/Sperdute Land Surveying**

This agenda item is for Preliminary and Final Subdivision Approval for two (2) units on Flint Drive in Strabane Manor, zone R-4.

Jim Sperdute was present in support of this application.

Engineer's Comments (KLH):

206-13.A.3 A copy of the applicant's cover letter transmitting the application to the Washington County Planning Commission must be provided.

**The applicant provided a copy of the Application to Washington County Planning Commission.**

206-13.A.(11) (b) The final plat requires signature and seal of PLS and the names of the corporate president and secretary shall be submitted on the application.

**The applicant has revised the application to include the names of the Corporate Vice President and the Corporate Secretary. A revised application is attached.**

Chapter 245 – Zoning Compliance Review R-4 Zoning District

This property is zoned R-4.

The Subdivision Plat contains the required Table of Zoning Requirements.

This application is in compliance with the requirements of Chapter 245, Article VIII for R-4 Medium Density Residential District.

Michael Sherrieb, KLH Engineers, Inc., stated that all engineer's comments have been addressed and he recommends Preliminary and Final Subdivision Approval.

Mr. Pozzuto asked for questions from the Board and the audience and there were none.

Mr. Steele made a motion to approve Preliminary and Final Subdivision Approval for two (2) units on Flint Drive in Strabane Manor Lot 310 Revised, zone R-4. The motion was seconded by Mr. Gordon and carried.

PUBLIC HEARING

**Conditional Use Approval/HCB Foundry, LLC**

This application is for Conditional Use for HCB Foundry, LLC for proposed mid-rise apartments on vacant land at The Old Mill Shopping Center on Route 19, zone C-2.

Jonathan Kamin, Esquire; Andy Boyd, TSG Properties; and Patrick Cooper of Gateway Engineers were present in support of this application.

Engineer's Comments (KLH):

245-139.A The minimum lot area required for mid-rise structures shall be 3 acres.

**The application is in compliance with this section.**

245-139.B The use of the structure shall be limited to any use authorized as a permitted use, conditional use or use by special exception in the zoning district in which the structure is proposed.

**The application is in compliance with this section.**

245-139.C Mid-rise apartments in the C-2 District shall be authorized in combination with office or retail use that occupies the entire first floor of a mid-rise structure and which may occupy one of more floors above the first floor, provided residential use is only on floors above the office or retail use.

**The application does not comply with this section, a waiver or variance to the requirements of this section would be required.**

245-139.D Each of the minimum required front, side and rear yard setbacks shall be increased by one foot for each foot of height of the structure in excess of 35 feet.

**The application is in compliance with this section.**

245-139.E The maximum height of a mid-rise structure shall be six stories, but to more than 60 feet.  
**The application is in compliance with this section.**

A previous application for a Text Amendment to allow construction of mid-rise apartment buildings in the C-2 Zoning District, without having to construct retail or offices on the first floor of such mid-rise apartment building, was heard at a Public Hearing of the Planning Commission on March 3, 2016. At such meeting, it was suggested that HCB Foundry, LLC, submit a Conditional Use Application to the Planning Commission for a recommendation of a waiver to the Board of Supervisors of the requirement that there be offices/retail shops on the first floor of the proposed apartment buildings.

Mr. Kamin stated that HCB petitioned the Zoning Hearing Board for relief with this issue, but the Zoning Hearing Board denied their petition and recommended this issue come before the Planning Commission.

Mr. Kamin explained that he has been working on this site since 2008 after The Foundry failed. They have established The Old Mill and have had great success with their retail offerings.

He further explained that there is an area at the rear of this property that is approximately 120 feet and 20% higher than the retail in the area along Route 19. The site was left after materials from The Foundry were moved to this area. Such site is not suitable for retail and HCB Foundry is proposing mid-rise apartments here. The issue is that the Zoning Ordinance requires retail or office space on the first floor of such mid-rise apartments and HCB Foundry has found that retailers don't feel this is a good spot for customers to come to as it can't be seen from Route 19.

Mr. Pozzuto asked for questions from the Board.

Mr. Kopko stated that he doesn't feel that the Planning Commission and Board of Supervisors have authority to waive this requirement for offices/retail space in mid-rise apartments on the first floor under Section 245-139 of the Zoning Ordinance and that this may be setting a precedent for other applicants to follow.

Jonathan Kamin answered that the Municipal Planning Code provides the authority for the Planning Commission and Board of Supervisors to waive this condition with the Conditional Use process.

Mr. Pozzuto stated that the Planning Commission can turn down any other applicant or apply conditions during the Conditional Use process thereby not allowing a precedent to be set.

Mr. Cambest stated that he will review the MPC before the Board of Supervisors hears this application for a waiver and report his findings to the Supervisors before they consider such application.

After further discussion, Mr. Steele made a motion to approve the Conditional Use for HCB Foundry, LLC for proposed mid-rise apartments on vacant land at The Old Mill Shopping Center on Route 19, zone C-2, subject to the Engineer's comments and subject to the applicant providing satisfactory authority for the waiver. The motion was seconded by Mr. Gordon and carried with Mr. Kopko voting no.

#### PUBLIC HEARING

#### **Conditional Use Approval/Range Resources-Appalachia, LLC**

This item is for Conditional Use for Range Resources-Appalachia, LLC for a proposed natural gas development/well site at Meadows View Road, Davis School Road and Munce Ridge Road, zone A-1.

Engineer's Comments (KLH):

The conditional use application dated March 28, 2016 was found to be complete.

The application was reviewed for compliance with the Township zoning requirements Article IV, A-1 Agricultural District as defined in the Township Zoning Ordinance Amendment dated March 14, 2016. The conditional use application is for "Oil and Gas Drilling Deep Well" as defined by the Township Zoning Ordinance Amendment. The Amendment does not permit "Oil and Gas Drilling Deep Well" activities as a conditional use or special exception use in the A-1 District; therefore, the application does not comply with the Township Zoning Ordinance Amendment as submitted.

Max Junker, Esquire of Babst Calland was present in support of this application. Mr. Junker stated that the pending Zoning Ordinance Amendment should have been acted upon as a resolution by the Township. He also stated that the Conditional Use Application which was granted for one (1) gas well on Munce Ridge Road in 2010 has expired. However, Pennsylvania has put a freeze on such action. Any permit with a due date that has expired has been stayed until July, 2017.

However, Mr. Junker stated that plans have changed for the Munce William 10060 Well Pad as such pad has been moved to the center of the property which will benefit the residents of the area. The proposed pad will be 1,370 ft. to the closest property. Range Resources will abide by the 40 plus conditions that the Township has applied to the other well sites it has in the Township.

Jennifer Cloonan, Director of Local Government Affairs for Range Resources, advised that Range submitted this application on March 28, 2016 for five (5) wells at 50 Meadows View Road; the well pad to be approximately 480 ft. by 315 ft.

The truck access route to such well pad is planned to be exiting Route 79 North at Racetrack Road, Route 19 South to Davis School Road, Meadows View Road to the access road to the well site.

Mr. Pozzuto stated that the Planning Commission has been advised by Solicitor John Cambest to use the pending Zoning Ordinance Amendment to make a recommendation on this item to the Board of Supervisors, rather than the standing Zoning Ordinance.

Mr. Junker stated that he understands the Board's predicament, but that this application was filed before the notices for the Zoning Ordinance Amendment were advertised.

John DeBord of Clare Drive had questions about fire hazards and where the water for fracking will come from; where the toxic water will be taken; is the structure that is 1,370 ft. away from the pad an occupied structure. He also passed out a Tribune-Review article regarding a well fire.

Don Lambert of 1211 Woodland Lane asked what is actually proposed. He feels his home may be the structure that is 1,370 ft. from the pad.

John Zitko of 123 Meadows View Road asked if there will be an impoundment pond at the site. Karl Matz of Range Resources stated there will be no impoundment pond.

Tom Lonich of 420 Davis School Road stated that by holding this hearing tonight, Range Resources can say that they attended a Conditional Use Hearing. His concern is that if this is not allowed because of the pending Zoning Ordinance Amendment, a hearing should not have been held.

Ms. Phillis asked if this should have been on the agenda.

Rich Luketich of 153 Booth Road asked if the pending Zoning Ordinance Amendment is exclusionary.

Emily Minor of 98 Meadows View Road asked how long will the Zoning Ordinance be pending. Mr. Cambest stated that this will be discussed in an Executive Session to be held later this evening.

After further discussion, Mr. Pozzuto closed the hearing at 8:50 P.M.

Mr. Pozzuto then recommended denial of the Conditional Use Application of Range Resources-Appalachia, LLC for a proposed natural gas development/well site at Meadows View Road, Davis School Road and Munce Ridge Road, zone A-1 based on the pending Zoning Ordinance Amendment as advised by the Solicitor. The motion was seconded by Mr. Gordon. There was a Roll Call Vote as follows:

Mr. Gordon	-	Vote to Deny
Ms. Zipko	-	Vote to Deny
Mr. Kopko	-	Vote to Deny
Mr. Pozzuto	-	Vote to Deny
Mr. Steele	-	Vote to Deny
Ms. Phillis	-	Vote to Deny

#### MINUTES

A motion was made by Mr. Gordon and seconded by Mr. Steele, to approve the minutes of the meeting of April 7, 2016. The motion carried.

The Board then went into Executive Session at 8:55 P.M.

The Executive Session ended at 9:58 P.M.

There being no further business to come before the Board, Mr. Pozzuto made a motion to adjourn the meeting at 10.00 P.M. The motion was seconded by Ms. Phillis and carried.

Submitted by,

Ellen G. Wallo  
Recording Secretary

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