

ZONING HEARING BOARD
SEPTEMBER 29, 2015

On Tuesday, September 29, 2015 at 7:00 P.M., after due advertisement according to law, a public meeting of the Zoning Hearing Board was held in the Municipal Building, 550 Washington Road. Board Members Andrew Rembert, John Burgess and new Alternate Member James Stewart were present. Also present was Lynne Finnerty, Esquire and Ellen Wallo, Recording Secretary. Chairman Don Lambert was absent.

Mr. Rembert swore in members of the audience who are presenting testimony.

PUBLIC COMMENTS

None.

PUBLIC HEARING

Tower Access Group, LLC and Pittsburgh SMSA Limited Partnership dba Verizon Wireless

The first agenda item is consideration of the application Tower Access Group, LLC and Pittsburgh SMSA Limited Partnership dba Verizon Wireless for a variance requesting relief from subdivision and land development approvals to erect a tower at Tanger Outlets property, zone C-3.

Present in support of this application were Joseph Perotti of Sittig, Cortese & Wratcher and Tim Stark of Verizon/TAG Tower.

Mr. Perotti pointed out that this application has passed the sixty day window from receipt of the application to this hearing and should be automatically approved.

The Board went into Executive Session regarding this matter.

After the Board returned from Executive Session, Mr. Perotti stated that the South Strabane Township Board of Supervisors granted TAG and Verizon Wireless' conditional use approval for a communications tower on June 23, 2015, subject to TAG and Verizon Wireless obtaining relief from the South Strabane Township Zoning Hearing Board in regards to land development and subdivision approval.

Mr. Perotti also stated that the construction of a communications tower and an equipment building does not constitute land development or a subdivision within the meaning of the Municipalities Planning Code ("MPC"). He stated that the proposal to construct a communications tower and associated equipment building is a minor use of the property and that TAG and Verizon Wireless are not proposing the development of land with residential or commercial buildings.

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Mr. Perotti further explained that the construction of a communications tower and equipment building does not involve municipal services such as sewage disposal, water supply or a new street layout. Consequently, Mr. Perotti stated, the communications tower and equipment building cannot be considered as land development.

Mr. Rembert asked if a 150 foot tower was necessary. Mr. Stark of Verizon/TAG Tower explained that there is a dead spot in communications on Racetrack Road and it has been determined that a tower of lesser height will not improve the problem.

Troy Ridgeley, Manager of the Waffle House at 430 Racetrack Road, stated that he has been the manager at this location for ten (10) years and he is well aware of the dead spot on Racetrack Road. He is in favor of this tower being erected.

After further discussion, Mr. Burgess made a motion to grant a variance from subdivision and land development approvals to erect a tower at the Tanger Outlets property, zone C-3. The motion was seconded by Mr. Stewart and carried.

PUBLIC HEARING

WH Capital, LLC (Waffle House)

The next item on the agenda was consideration of the application of WH Capital, LLC (Waffle House), 255 Murtland Avenue, for a variance requesting installation of a pole sign at the rear of the Washington Mall along I-79, zone C-2.

Dennis Popojas, Esquire, and Manager of the Waffle House, Troy Ridgeley, were present in support of this application. Mr. Popojas explained that the Waffle House, which abuts Murtland Avenue/Route 19, is a tenant of the Washington Mall. This variance request seeks permission for the construction of a business identifying pole sign. While the Waffle House's physical store location abuts Route 19, the proposed sign location is at the rear of the Washington Mall along Route 70. A sign near the proposed location will be removed allowing for the erection of this new sign.

Widmer Engineering has pointed out that the ordinance calls out for signs to be located on the parcel they are intended to serve, therefore, a variance would be required.

Mr. Ridgeley stated that there are signs for Home Depot and Staples on the Waffle House property at this time, which limits the space for a Waffle House sign. Washington Mall has allowed the Waffle House to remove a sign at the I-70 space and replace it with a new sign designating that a Waffle House is in the near vicinity.

There were no questions from the audience.

After some discussion among the Board members, Mr. Rembert made a motion to approve this variance for the installation of a sign at the rear of the Washington Mall along I-70 for WH Capital, LLC/Waffle House, 255 Murtland Avenue, zone C-2, pending receipt of a letter stating that this will be a monument sign and not a pole sign. The motion was seconded by Mr. Stewart and carried, with Mr. Burgess voting no.

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PUBLIC HEARING

Coremark Washington, LLC and Heartland Restaurant Group, LLC

This application is for Coremark Washington, LLC and Heartland Restaurant Group (HRG), LLC for variances for parking spaces, drive-aisle within the buffer area, setback of a pylon sign and wall sign to erect a Dunkin' Donuts on Murtland Avenue and Raymond Boulevard, zone C-2.

Daniel Orie, Esquire, Paul Ceriani and David Nixon, Esquire were present in support of this application.

The application states that Heartland Restaurant Group, LLC appeared before the Zoning Hearing Board and previously requested variances based on its original site plan submitted to the Township of South Strabane Planning Commission. Following the presentation of its evidence before the Zoning Hearing Board, HRG withdrew its requests for variances in order to address points and questions raised by members of the Zoning Hearing Board.

This application requests variances based on a revised site plan and landscaping plan. The building will be approximately 1, 849 square feet and 60% of the business at this location should be drive-thru.

The first variance requested is for a variance of eighteen (18) parking spaces. Twenty-eight (28) spaces are provided for in this plan. This is comparable to parking for HRG's other Dunkin' Donuts locations with a drive-thru and is sufficient for the operation of a Dunkin' Donuts.

This site plan was redesigned to maximize parking at the rear, which includes the addition of a retaining wall. The existing curb cut on Route 19 next to AAA is also being closed to gain additional parking spaces. The number of parking spaces proposed will not impact the use of the existing adjacent properties.

The second variance requested is for a variance of 10 feet for area of the drive-aisle within the buffer area on the western side of the property. Pursuant to the Zoning Ordinance, a 15 foot landscaping buffer area is required along the property line adjacent to the AAA property. As depicted on the site plan and landscaping plan, HRG has widened and extended the landscaped area for the remaining buffer area, except that portion of the buffer area along the western side that extends the length of Dunkin' Donuts building that is being used as part of the drive aisle (the drive aisle extends 119 feet along the property line and extends 10 feet into the buffer area). This necessitates a variance of 10 feet (for a distance of 119 feet) along the AAA property line. There will remain a buffer area along the entire property line so the paved area no longer abuts a paved area on the adjacent property.

The third variance requests a variance of 10 feet for the set back of the pylon sign. The Zoning Ordinance requires that all freestanding pole signs shall be set back at least 15 feet from the right-of-way or a distance equal to the height of the pylon sign, whichever is greater.

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The proposed pylon sign submitted to the Township is 25 feet in height in accordance with the Zoning Ordinance requirements and this height requires a 25 foot setback from the right-of-way. The location of the pylon is 15 feet off of the right-of-way. This necessitates a variance of 10 feet.

The fourth variance requested is for the placement of an 11 square foot wall sign on the western side of the Dunkin' Donuts building. Pursuant to South Strabane's ordinance, a wall sign is not permitted on any side of a building not facing street frontage. In this case, a 4.5 foot by 2.5 foot wall sign is proposed on the western side of the Dunkin' Donuts building above the drive-thru window. This necessitates a variance of 10 feet for a distance of 119 feet along the 425 foot long western side of the property. This sign will be placed above the drive-thru window.

Mr. Burgess remarked that he felt the pylon sign of 25 feet is enough signage and that the wall sign should be denied.

Mr. Rembert asked for comments from the audience.

Jim and Diane Edwards of 61 Meyers Road and owners of the Donut Connection on Murtland Avenue, asked what the hardships are that require these variances. Mr. Orie replied that site constraints and the topography are the hardships.

Robert Baxter representing the Northwest Savings Bank, stated that the proposed pole sign may block the Northwest Savings Bank sign.

After further discussion among the Board, Mr. Rembert made a motion, seconded by Mr. Burgess to approve the first variance of eighteen parking spaces for the proposed Dunkin' Donuts on Murtland Avenue and Raymond Boulevard. The motion carried with Mr. Stewart voting no.

Mr. Rembert then made a motion, seconded by Mr. Burgess, to approve the second variance of ten feet for area of the drive-aisle within the buffer area on the on the western side of the property for a Dunkin' Donuts. The motion carried with Mr. Stewart voting no.

Mr. Rembert then made a motion, seconded by Mr. Burgess, to approve the third variance requesting a variance of ten feet for the set back of the pylon sign for the Dunkin' Donuts. The motion carried with Mr. Stewart voting no.

Mr. Burgess made a motion to deny the fourth variance for Dunkin' Donuts for the placement of an 11 square foot wall sign on the western side of the building at Murtland Avenue and Raymond Boulevard. The motion was seconded by Mr. Stewart and carried.

PUBLIC HEARING

James M. Brock

The next application on the agenda was a variance request from James M. Brock of 1991 North Main Street to install a 30 foot round above ground swimming pool in his yard. Mr. Brock presented signed letters from his four (4) impacted neighbors stating that they have no objection to this pool.

Mr. Rembert asked Mr. Brock what his hardship with this property is. He replied that the size of his yard is the hardship since the requirement for pools is that they must be a minimum of 20 ft. from all property lines.

Mr. Stewart then made a motion, seconded by Mr. Rembert to approve his request for a variance for James M. Brock of 1991 North Main Street to install a 30 foot round above ground swimming pool in his yard in accordance with the drawings provided by Mr. Brock. The motion carried.

PUBLIC HEARING

Charter Foods North/Taco Bell

This application is for variances to the Zoning Ordinance regarding front yard setback, buffer yard requirement and parking requirement to build a Taco Bell at Northgate Plaza, Washington Road, zone C-2.

David Neill of the EADS Group was present in support of this application.

The first variance requested is relief from the minimum 50' front yard setback. The current setbacks at this site reduce the building space to 0.23 acres from 0.59. Various alignments were examined, however, to maximize the parking, aisle widths, drive thru access, and to maintain a sensible traffic flow pattern, the building is proposed to be located on the eastern property line with an encroachment into the 50' setback. The building is approximately 37.6' at its closest point to the "front" of the property. Widmer Engineering denoted the front to be the entrance point.

Charter Foods North does not believe this encroachment to be an issue to the surrounding properties, because the site is completely surrounded by the Northgate Plaza Shopping Center.

The second variance request is for relief from the 15' buffer yard requirement on all sides of the development. Due to the small size of the lot, and an effort to meet the parking and drive aisle requirements, the buffer yard could not be maintained. The property is currently bordered to the north by a yard and SR 19, to the east by a small yard and the entrance to Northgate Plaza, to the south by Northgate Plaza parking and access road and to the east by a steep wooded bank.

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Landscaping will be provided along the east and south side of the development as well as minor interior landscaping in the parking lot.

The third variance is requesting relief from the requirement of one (1) space per 50 square feet of gross floor area plus one (1) space per employee at peak shift. The ordinance requires 58 parking spaces. Twenty-six (26) are provided. The site is not large enough to supply the parking. In Charter Foods North's experience, 20 to 30 spaces have been sufficient for Taco Bells of this size. 50% of the business at this site should be drive-thru. The proposed Taco Bell has 12 tables and 50 seats.

There were no comments from the audience regarding this item.

After further Board discussion, Mr. Burgess made a motion, seconded by Mr. Stewart, to approve Variance Request #1 for relief of a minimum front yard setback of 50 feet to build a Taco Bell at Northgate Plaza. The motion carried.

Mr. Burgess then made a motion, seconded by Mr. Stewart, to approve Variance Request #2 for relief of a 15 foot buffer yard requirement on all property lines for a Taco Bell, pending receipt of an easement from Northgate Associates. The motion carried.

Mr. Burgess then made a motion to approve Variance Request #3 for relief from the parking requirement of (one) 1 space per 50 square feet of gross floor area plus one (1) space per employee at peak shift, pending receipt of a letter from Northgate Associates that overflow parking would be allowed to use Northgate property. The motion was seconded by Mr. Stewart and carried.

ADJOURNMENT

A motion was made by Mr. Rembert, seconded by Mr. Stewart, to adjourn the meeting at 9:50 P.M. The motion carried.

Submitted by,

Ellen G. Wallo
Recording Secretary

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