

The North Strabane Township Zoning Hearing Board met in regular session on Wednesday, July 7, 2010 at 7:00 P.M. at the Municipal Building, located at 1929 Route 519, Canonsburg, PA.

Attending this session

W. Patric Boyer, Chairperson
Robert Shader, Secretary
Steve Bilko, Member
Peter Elish, Member
Beth Fitzanko, Alternate Member

Absent from this session

Richard Murphy, Vice Chairperson

Also attending this session

Candice Yerkey, Court Reporter
Margaret Householder, Stenographer

APPROVAL OF
MINUTES OF 6-2-
2010

Motion by Shader, seconded by Boyer to approve the minutes of the meeting of June 2, 2010.

Motion carried, all members present voting yes, with the exception of Fitzanko, who abstained, as she was not present at the June 2nd meeting.

ADMINISTER
OATH

At this time the oath is administered to all those who wish to give testimony this evening.

PERRYMAN
COMPANY
REQUEST FOR
VARIANCE

This is an application of Perryman Company, 213 Vandale Drive, Houston, PA 15342, requesting a variance to Article XI, Section 1102, subsection D, relating to minimum distance between buildings (requirement is 40 feet).

Location is 213 Vandale Drive, Houston. Lot size is 10.133 acres. Present use is manufacturing. Zone district is I-1. Present improvements upon land – manufacturing facility. Proposed use – no change in use.

We believe that the Board should approve this request because: The purpose of this project is to add a finished product warehouse facility shown as Building #3 to service the existing titanium rolling mill facility shown as Building #2. By ordinance in an I-1 district, a distance of 40' is required between any two buildings on a lot.

Due to the current rolling mill entrance location, existing concrete roadway, heated lay down aprons and operational process, it must be located as close as possible to the rolling facility in Building #2.

To attempt to comply with the ordinance requirement of 40', the builder would begin to encroach into the 100 year flood plain, as well as cause potential damage to wetlands and other environmentally sensitive areas.

In summary, we are requesting a variance be granted to Article XI, Section 1102, Subsection D from the 40' building separation for both the operational and environmental hardship aspects of this project.

It may also be noted that this requested 20' separation distance has been reviewed by the North Strabane Building Inspection Department and was found to be in UCC Code Compliance.

We thank the Board for their consideration of this matter.

A previous application has been filed.

Applicant is the owner.

Following are the names and addresses of owners of property within 300 feet:

DBT America, Inc.	2045 West Pike Street, Houston
Robert Matusic, for PA Sewing Machine Company	215 Vandale Drive, Houston
Hershey Creamery Company	217 Vandale Drive, Houston
Cameron Coca-Cola Bottling Co.	300 Vandale Drive, Houston

The fee was paid and the hearing was advertised on June 23 and June 30, 2010.

Harvey Treschow and Kelly Tuffs, HMT and Associates, are present, along with Mr. Jim Perryman, Jr.

What follows is a summary of the discussion rather than a verbatim transcript.

Treschow gave the following information regarding the request:

He presented a site plan of the Perryman Company and the proposed improvements. Perryman is in need of expansion, for storage, consisting of a separate building and an addition to the existing facility. The new

building has to be as close as possible to the rolling mill, because product, equipment and material is always going back and forth between the two.

There is an issue with the 100 year flood plan, which we would encroach, were we to hold the new building at the required 40 foot.

The addition to the existing building will also be used for storage.

Treschow met with the building inspection department and found this building will be in compliance with the UCC Code.

The site will meet all parking, setback and open space requirements of the Ordinance. The facility is always well kept and maintained.

There were no questions from the audience.

**MOTION FOR
PERRYMAN
COMPANY**

Motion by Boyer, seconded by Shader to approve the variance request for the minimum distance between buildings, to 20 feet, from 40 feet, based on the topography of the layout. This variance is necessary to cure a hardship.

Motion carried, all members present voting yes.

**APPLICATION OF
COUNTRY INN
AND SUITES,
VARIANCE ON
POLE SIGN**

This is an application of Brian Bernard, Caveman Signs, for Country Inn and Suites. A variance is requested to Section 1605, subsection C., paragraph (3) relating to the number of signs.

Location is 245 Meadowlands Boulevard. Present use is hotel. Zone district is I-1. Proposed use is to erect a pole sign.

We believe that the Board should approve this request because: others in the area have all signs and/or a pylon sign.

No previous application has been filed. Applicant is filing on behalf of the owner, Country Inn and Suites. Approximate cost of work involved is \$8,000.00.

Following are the names and addresses of owners of property within 300 feet:

- | | |
|-------------------|-----------------------------------|
| Verizon | 240 Meadowlands Blvd., Washington |
| Comfort Inn | 237 Meadowlands Blvd., Washington |
| Candlewood Suites | 255 Meadowlands Blvd., Washington |

The fee was paid and the hearing was advertised on June 23 and 30,

2010.

Mr. Bernard from Caveman Signs gave the following information:

We are trying to get exposure on I-79. We have customers complaining that they can't find us. We're tucked in behind Comfort Inn, and we're actually giving directions for people to come in to Comfort Inn to find us. There are a couple buildings on that street that actually hide these two signs.

Boyer stated Comfort has a pole sign. Bernard stated Candlewood does, as well.

Boyer stated the problem is that Candlewood came to us and said they wanted to put a pole sign up. We allowed them to put a pole sign in, in exchange for not doing a wall sign. You already have a wall sign, on both sides. Does that give sufficient visibility?

Bernard answered apparently not, because they're not finding us at all.

Boyer stated Holiday Inn has a pole sign, and a ground sign. I don't believe they're supposed to have the ground sign. Shader commented he was under the impression they were supposed to remove the ground sign. Stenographer agreed that that is her recollection as well.

Boyer stated McDonald's has a pole sign, and Wendy's has a pole sign and a ground sign. How'd they do that? Stenographer answered she did not attend that hearing. It was Wendy's/Texaco. Two businesses, that probably had something to do with it.

Bernard stated visibility is scarce. There are really tall trees down there.

Shader asked if the wall signs are not working for Country Inn. Bernard answered they are catching a wall sign coming south, but northbound, you cannot see it.

Boyer stated we'll have to allow Candlewood to do it, if we allow you to. We have to be consistent.

Shader asked if Country Inn would consider replacing the wall signs with a pole sign, to keep everything uniform.

Bernard stated there are already holes in the exterior of the building. They wouldn't want to remove the signs.

Boyer stated he is also concerned about Holiday Inn. They have wall

signs, a pole sign and a ground sign. His understanding is that they were supposed to remove the ground sign.

Boyer asked if anyone in the audience had any questions.

Rich Robinson, Candlewood Suites, was present and stated he does not oppose the sign, but they do not want it to block visibility of their sign, coming from the ramp.

Boyer asked if Robinson had seen the location for the proposed sign. Robinson stated not exactly, and Boyer invited him to come up and take a look.

Boyer asked what we are going to do about Holiday Inn. Stenographer stated she will research the testimony and see what they promised, and go from there.

After reviewing the proposed location of the pole sign, Robinson stated they will be in the same line of visibility. If you come off that ramp, with the trees there, you're going to have a hard time seeing our sign, and our sign is 20 feet higher than their sign.

Shader commented that is because Candlewood's sign sits up at a higher elevation.

Bilko commented with the trees being there, he doesn't see how this sign's going to help Country Inn and Suites.

Bernard stated the tree line follows I-79, they follow that creek bank there. You have one site of visibility line there on the inside of that trees. We're going to be below his sign, because he's on top of the hill.

Shader stated if you're in a line, there's a possibility of blocking it.

Boyer commented if we grant this, he doesn't want you to put up a sign that blocks his. You two will need to work out the details.

Robinson answered he definitely will work out the details.

Bilko asked if people are coming to you as a destination, because they've already booked a room.

Bernard stated, correct, but they're calling stating they can't find us. Bilko asked if they are not right in front of Racetrack Road. It was explained that that is Comfort Inn, which has a pole sign. Comfort Inn is first in line, and then Candlewood Suites, and then Country Inn and

Suites.

Robinson stated their pole sign is on Country Inn's side, facing the interstate.

Bilko asked if Comfort Inn blocks the Country Inn building. Bernard stated, not the whole building, but it does block a portion.

Shader stated he would agree that the issue is not to block the visibility of either sign, Candlewood or Country.

Boyer stated if we grant this, it will be with the understanding that the two of you get together and sign off on the positioning of the sign, with the Township, so we don't have somebody complaining down the road.

Stenographer recalled that Comfort Inn did balloon testing when they were placing their pole sign, because they were concerned about the visibility as well, with the trees.

Bilko asked if they thought 50 feet was high enough. Stenographer answered, they wanted to go much higher, but they didn't get all the relief they requested. They are higher than 50 feet, though.

Boyer asked if there are any questions.

Elish asked how long each motel has been there. Robinson stated Candlewood has been there since May 5th of last year.

Country Inn just opened in December.

Elish asked why Country Inn even needs a sign variance, because eventually everyone uses GPS's. Doesn't that take you right there, anyhow?

Bernard commented that will put him out of business.

Bilko questioned how we are going to go back to someone who wants a wall sign.

Boyer answered that is the problem. If you want a wall sign, then chances are we'll have to give you one. Holiday Inn has a wall sign, a pole sign, and a ground sign, it appears now. They shouldn't have. Hampton doesn't have a pole sign. They have wall signs and a ground sign. If they want a pole sign, we'll have to grant that. But they haven't asked for one.

Stenographer answered they seem to be satisfied. They have pretty good visibility.

Boyer asked what is the new hotel? It doesn't have any parking.

Bilko answered it's Cambria Suites. Boyer asked if they have parking underneath. Stenographer said she assumes they do.

Shader recalled we did something with the wall signs at the Audi dealership.

Bilko commented we need to be consistent. To him, it's either or. That way we can be consistent with everyone here.

Boyer agreed that consistency is the issue.

Bilko stated we don't want to be sign alley. We didn't want it to look like Vegas.

Stenographer pointed out it is a regional commercial district. It's zoned C-2.

Boyer stated Tanger and The Meadows have the same size signs.

MOTION

Motion by Boyer, seconded by Fitzanko, that we approve the application for a pole sign, with an understanding that the two parties here this evening get together as to the location of the pole sign and agree as to the location, and sign off on that agreement with the Township.

Stenographer pointed out they need a variance on the square footage. They're way over. They need a variance on the height, and for the sign itself.

Boyer stated we'll do the variance for the sign itself first.

Fitzanko seconded the motion.

Motion carried, all members present voting yes, with the exception of Bilko, who voted no.

Boyer asked if Country Inn can do the same size sign as Candlewood Suites currently has. Bernard said, yes, he can.

Boyer then asked what is permitted for total height. Stenographer answered 25 feet above the level of the adjacent street. She continued to

state that Candlewood Suites' sign is 12'9" x 7'6", and they received a 58 square foot variance.

Boyer asked what is the proposal for Country Inn. Shader stated it is 19' x 13'. Stenographer stated she rounded up to 14 x 19, for a total of 266 square feet. It's actually a little bit less than that. Boyer asked if Country Inn can do the same size. Bernard stated he can.

Boyer stated Candlewood Suites has a pole sign on the interstate sign, and a ground sign on the Meadowlands Boulevard sign, so that the traveling public can see where to turn in. That's important. That's what Country Inn and Suites is requesting, as well.

He continued consistency is the key. If you can make the pole sign the same size as Candlewood's, I don't see any problem with that variance.

The height variance will be a 25 foot variance, for a total height of 50 feet.

MOTION

Motion by Shader, seconded by Boyer to grant the height variance, for a total height of 25 feet, and for the size variance, to make the sign the same square footage as the pole sign for Candlewood Suites.

Addition by Boyer that Candlewood comes in to sign off on the location of the sign, so that we don't have any problems later.

Motion carried, all members present voting yes.

**APPLICATION OF
DELMER
SIMMONS AND
DENISE
JOHNSTON**

This is an application of Delmer W. Simmons and Denise A. Johnston, 743 Waterdam Road, McMurray, PA 15317. A variance is requested to Section 1403, subsection C.8 b., relating to total square footage for a detached garage.

Location is 743 Waterdam Road. Lot size is 4.0818 acres. Present use is residential. Zone district is R-2. Present improvements upon land – removal of trees and extensive landscaping. Proposed use – storage and security of personal property.

We believe that the Board should approve this request because: The proposed building will be situated in an area surrounded by woods and not visible to surrounding homes. The building is greatly needed for proper housing and security of RV, RV truck, boat, tractors and various equipment to maintain property. The truck/5th wheel camper combination is approximately 60' long.

No previous application has been filed. Applicant is the owner.

Approximate cost of work involved is \$43,000.00.

Following are the names and addresses of owners of property within 300 feet:

Diane Page	751 Waterdam Road, McMurray
Stuart and Fawn White	729 Waterdam Road, McMurray
Anthony Orbal	784 Waterdam Road, McMurray
J.C. Peck	198 Canterbury Road, McMurray
Kenneth and Doris Griffith	125 Sunset Drive, McMurray
Thomas and Rose Marie O'Shea	738 Waterdam Road, Canonsburg
Kenneth and Cindy Podlaszewski	732 Waterdam Road, Canonsburg

The fee was paid and the hearing was advertised on June 23 and 30, 2010.

Delmer Simmons is present on his own behalf. He explained he wants to build a storage building to keep his camper, his trucks in, equipment and whatever.

Boyer asked if Simmons has a business. Simmons answered he's retired, and has a lot of stuff I want to put in the building. Boyer asked if he wanted to use this to store heavy equipment. Simmons answered he'll have a farm tractor. He does no work for the public, nor does he run a business of any kind. He's only putting a 200 amp service in, just a regular household service. Just basically so he can get all his stuff inside.

Boyer asked what is the maximum square footage permitted. Stenographer answered it's 1,500 square feet, and Mr. Simmons wants to build a 3,200 square foot building. Boyer commented that's an awful big building. Simmons responded his camper is 39 feet long, and he's pulling it with a freightliner M-2 business class, so altogether it's a little over 57 feet long. I want to be able to pull it into the building and store it, along with my boat.

Boyer asked if it would be a pole building. Simmons answered originally it was, but he has upgraded to a much nicer building, sided, with a cupola. Simmons stated the cupola doesn't need to be that big; his wife wants it to be there, but he wants to cut down the size. The building is barely visible; in the wintertime it will be more visible. Instead of having a metal building that will begin to rust in 10 years, this will be much more presentable.

Bilko asked if there will be floodlights. Simmons said if he does, they will be motion-detected, so they'll come on when he's pulling up to the building, but nothing that's burning all the time.

Boyer asked what is the setback. Simmons answered it is 25 foot on both sides. Boyer stated there is a 50 foot setback on the side, isn't there? Stenographer answered there is a 50 foot right of way running down between it and the next property.

Simmons stated he had no idea he was restricted on size when he purchased the property. He can't put a 60 foot camper in a 50 foot building.

Boyer asked if there are trees in the 25 foot rear setback. Simmons answered he has taken the trees out and everything down, close to the property line, being respectful of the property line. But there are trees from the property line down, I don't know how far on your property, Mr. Peck. Boyer asked about access. Simmons stated it will be down through his property. He already has the access road built, plus the site is completely prepped. He would also like to thank this gentleman for pointing out to him about the setback. (meaning Brian Peck)

Brian Peck, Canterbury Drive stated he has not had a chance to talk with Mr. Simmons yet, but he's cleared the land. There was a question about what his ideas actually were. If the building were large enough that it would affect the setbacks, I didn't know how that would work. I'd like to ask some questions now, before the building gets built. We were the people who purchased the property when the subdivision was done in 1985. It was a 10 acre plot. It had frontage on Waterdam Road and Canterbury, at the base of the hill. It was split into 3 parcels in 1985 or so and there are two long, deep lots that come off Waterdam Road, and then there's a 4.3 acre lot that dead ends at the bottom of Canterbury Road. Canterbury is a dead end. That is our access. Mr. Simmons' property meets ours in the back. The subdivision was granted, subject to a 50 foot right of way going up the left land side of our property, turns, and goes between Mr. Simmons' property and our property. It's 25 feet on his side and 25 feet on my side. I had to hold a 30 foot setback when I built my pole barn. I wanted to make sure the setbacks were being met. The right of way was so that it could be further subdivided, if it had to be. You need 25 feet from the edge of the right of way. Can you bring your building to meet the setback in the rear? You will need to bring it up 22 feet to meet the setback. Stenographer pointed out the setback is 15 feet, so this will need to be moved 12 feet, not 22 feet. Simmons commented it doesn't say anything in the deed about the right of way. Boyer stated it is shown on the survey. Stenographer commented she spoke with Stu White, the property owner next door, and he recalls that right of way, as well. Simmons stated he didn't realize he had to stay another 15 feet away from the edge of the right of way. Stenographer stated side and rear is 15 feet. So Simmons needs to come off the rear another 12 feet. Simmons stated he hates to do it, but he can do it.

Boyer asked Peck if he had any problems with Simmons' request. Beck stated he has no problem with a man using his property, and continued he just wants to be sure Simmons is aware of the right of way situation.

Boyer asked if Peck has any problem with the size of the building. Peck stated no, not really. He won't even see the building until the leaves are off the trees. Peck asked his wife if she had any problems. She answered as long as it's going to be repairing heavy equipment, with not a lot of noise from it. If you're just going to use it as a storage building. Boyer asked if Simmons will be doing any repairing of heavy equipment. Simmons answered he's not in business of any kind, except for hobby farming, down home.

Bilko asked if there will be any plumbing. Simmons stated he's going to have an outside faucet on the front and an outside faucet on the back, to wash vehicles or something, but I'm not going to stand here and tell you that if something happens to my truck, I'm not going to pull it in there and work on it. Boyer responded that is no problem, as long as he's not going to do it for somebody else. He continued the reason we ask is that we've had a situation like this before. Simmons stated he is retired.

Ken Griffith, Sunset Drive, who lives diagonally from his property, and commented that it seems like there is a lot of equipment at Simmons' property, for somebody who's retired. You can see it from the road when you go by. Looks like a couple pieces of equipment, and I don't know where he's going to do the farming he's talking about.

Simmons stated he is not going to be farming at this location, and that he has a dozer and excavator. This is his own personal equipment that he has for his farm.

Boyer asked where the farm is. Simmons answered it is just outside of Elkins, WV. It's a little hobby farm. He brought the equipment up when he contracted Wet Pets to put a stream, pond and rather extensive landscaping in the front, and brought the equipment up to do that. He's a retired equipment operator and his wife has her own business.

Bilko asked if Simmons is planning to park that equipment in this shed, when it's done. Simmons stated, not unless it is, to bring it up to service it or something that way, but as far as working anything out of there, no. the building is for his boats, RV, and two 4-wheel drive tractors that'll be parked in there. The other stuff will go back as soon as he is finished with the building.

Shader stated in other words the equipment is just there for the construction and then it's going to be gone. Simmons agreed.

Griffith commented they have been living there for 40 years, and it is a residential neighborhood. Boyer answered that's why he asked Simmons about a business. Griffith stated it seems like he's operating a business, from the amount of equipment that's there and the size of the building that he wants to build.

Simmons stated if he were operating a business, this equipment would be going in and out. Griffith answered he doesn't know. Boyer asked if Griffith has any information that he is operating a business. Griffith stated, no, other than it's been pretty noisy over there this summer.

Simmons listed all the items he plans to store in the building and reiterated the dozer and excavator will not be stored there. Boyer asked if that satisfied Mr. Griffith. Griffith answered he will have to take Simmons at his word. Boyer advised Griffith if it does not turn out that way, to please notify the Township.

Elish stated he is struggling with the idea that we are creating a precedent for other applicants. We always try to go by the hardship. What is your hardship. Simmons didn't understand the question. Elish and Boyer explained the hardship. Elish commented he hasn't heard any testimony that there is a hardship. Simmons stated that are buildings across the street that dwarf this building. He had no knowledge of this restriction when he purchased the property.

Simmons said he realizes that, but if anyone were going to object, it should be the property owners nearest to him who would object.

Simmons stated he has no commercial equipment.

Boyer stated the problem with this request is the size of the proposed building. Bilko asked about the height, and whether it needs to be as high as proposed. Simmons explained he needs a 14' roll up door to accommodate the items. Stenographer stated 15' is the maximum height and then checked the ordinance to see if the cupola is an exception to the maximum permitted height. It was determined that the cupola is not subject to the maximum permitted height regulation.

Bilko asked if Simmons can reduce the size to 60 feet or 65 feet, from 80 feet. Simmons stated if he would, there wouldn't be room to get around the camper and truck. If you keep all materials on multiples of 4, that works out well, and also, this is a kit, based on 40 x 80, not 40 x 60 or 40 x 65.

Boyer asked if anyone wants to make a motion.

MOTION

Motion by Elish, seconded by Boyer to deny the request for lack of a hardship.

Motion failed, with the following roll call – Elish – yes, Fitzanko – no, Boyer – yes, Bilko – no, Shader – no.

Boyer asked if there were another motion.

Shader commented what Simmons is trying to do is reasonable and Bilko commented he doesn't feel it needs to be that big. Boyer suggested we ask Simmons to scale down the building.

Bilko suggested Simmons come back with a scaled-down drawing. After further discussion, including comments by Fitzanko that we've had previous incidents where a large building was built, and then when the property was sold, the new owner began to run a business from the building.

Elish commented Simmons does not have a hardship, and that he feels the Township must draw the line somewhere. Simmons asked for an explanation of a hardship. Boyer explained what constitutes a hardship and cited the two previous cases heard tonight, and the hardships each previous applicant had.

Simmons stated he needs the building, and he is willing to cut down the building, if need be. Simmons asked if he must have the architect re-draw the whole drawing, at considerable cost. Boyer asked if the architect explained there is a 1,500 square feet maximum and Simmons explained he learned of it when his wife applied for a building permit. Fitzanko stated as long as the building is sited properly on the drawing with dimensions, that is sufficient for the Township to review the application for building permit, should the variance be granted.

MOTION

Shader made a motion, seconded by Fitzanko, to grant a variance up to 2,600 square feet, which would be a 40 x 65 foot building. If you build one larger than that, it won't be within the variance granted. Boyer added it must comply with the setbacks. Shader added to the motion a grant of a height variance of 5 feet.

Roll call of votes – Elish – no, Fitzanko – yes, Boyer – no, Bilko – yes, Shader – yes. Motion carried.

Simons asked what the next process is and how soon he will be able to start. Stenographer explained he needs to get the building placed on the survey and apply for a building permit. He will not need to come back to the Zoning Hearing Board. Simmons thanked the Board.

ADJOURNMENT Motion by Bilko, seconded to Boyer to adjourn the meeting, all business being concluded. Motion carried, all members present voting yes, and the meeting was adjourned at 8:30 P.M.

W. Patric Boyer, Chairperson

Robert Shader, Secretary