

The North Strabane Township Zoning Hearing Board met in regular session on Wednesday, May 5, 2010 at 7:00 P.M. at the Municipal Building, located at 1929 Route 519, Canonsburg, PA.

Attending this session

W. Patric Boyer, Chairperson
Richard Murphy, Vice Chairperson
Robert Shader, Secretary
Elizabeth Fitzanko, Alternate Member

Absent from this session

Peter Elish, Member
Steve Bilko, Member

Also attending this session

Candie Yerkey, Court Reporter
Margaret Householder, Stenographer

APPROVAL OF
MINUTES OF
MARCH 3, 2010
AND APRIL 7,
2010

Motion by Shader, seconded by Boyer to approve the minutes of the meetings of March 3, 2010 and April 7, 2010 Motion carried, all members present voting yes, with the exception of Fitzanko, who abstained.

ADMINISTER
OATH

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

BOYER

What is our first matter for consideration?

HOUSEHOLDER

This is an application of Arthur and Renee Grudowski, 12 Long Drive, Eighty Four, PA 15330, requesting an interpretation to permit continuation of non-conforming use. Location is 12 Long Drive, Eighty Four, PA. Lot size is 2 acres. Present use is dwelling. Zone district is A-2. Present improvements upon land include a home, pool, and detached garage. Proposed use is to continue to park equipment for pool business on the property.

We believe that the Board should approve this request because of the past history of property since bought: purchased home and property in October 2007. Remodeled home and moved in May 2008. Prior owner ran a business out of stand alone garage on property. No previous application or appeal has been filed. Applicant is the owner. Approximate cost of work involved - -0-.

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

Rick and Deborah Bruckner	1105 Thomas-Eighty Four Road
Domenic Montani	36 Long Drive
Dorothy and Markas Novogradic	19 Long Drive
Gary Shuttleworth	1119 Thomas Road
ICI Americas, Inc.	Wilmington, DE 19850
John and Martha Quarture	100 Greenwood Drive, Bridgeville

The fee was paid and the hearing was advertised on April 21 and 28, 2010.

Mr. and Mrs. Grudowski, along with their son, offered testimony regarding their request.

Boyer What do you want to do with your property?

A. Grudowski I want to be able to continue to park my equipment at my house, including two dump trucks, a small one and a medium sized one, a trailer, and two skid-steers and a small excavator.

Boyer What type of business do you have?

A. Grudowski I own a swimming pool business, which is located in Bethel Park.

Boyer Why do you want to park the equipment at your home?

A. Grudowski I've been parking my equipment where I live. When I looked at this property, I came up here and asked if I would be able to park the equipment here, and I was told yes. I've parked the equipment there since October of 2007.

Boyer How was the property used prior to you moving in?

A. Grudowski Machine shop.

Boyer Tool and die work?

A. Grudowski I assume. I'm not a machinist.

Boyer Was he operating the machine shop when you purchased the property?

A. Grudowski The machine shop was still there.

Boyer Was he operating the machine shop?

- A. Grudowski That I couldn't tell.
- Boyer Did he have customers?
- A. Grudowski That I couldn't tell. The machine shop was still there when I purchased the property.
- Boyer Did he have any equipment parked in and around the property?
- A. Grudowski No.
- Boyer It was just a customer in-customer out kind of business?
- A. Grudowski I imagine. I was not involved.
- R. Grudowski We dealt with the son.
- Boyer But as far as you are aware, there was not equipment parked in and around the site when you moved in?
- A. Grudowski No.
- Boyer How long was the machine shop there?
- A. Grudowski From 1956.
- R. Grudowski Prior to moving here, we lived in Baldwin-Whitehall, and rented a place to store the equipment, because at our store there's no room to keep the equipment. That was quite expensive. When you drive around North Strabane, you're going to see commercial vehicles parked at residential places, and he did come down, because this is one of the things that we were looking to do, and they said, not a problem. We didn't pursue it, because of what we've seen. Washington County doesn't seem to be as strict.
- Boyer What do you mean?
- A. Grudowski There's other things on that section of road.
- Boyer Did you check the zoning?
- A. Grudowski No. The son-in-law told me someone approached him about splitting this up and buying the machine shop and North Strabane told him, no, he could not split it up.

- Boyer It's different running a machine shop than storing heavy equipment.
- A. Grudowski I don't have heavy equipment. I have light, small equipment.
- Also, we had talked about re-doing this garage eventually, and having all the equipment parked in the garage. With this economy and my business,
- Boyer Is there anything in the file noting that the Township told Mr. Grudowski?
- Householder No.
- R. Grudowski I don't understand why we've been here since '07, and all of a sudden, this is a big deal now.
- Boyer Anybody on the Board have any questions?
- (no response)
- Anybody in the audience have any questions?
- Gentleman?
- Ken Grudowski Everything we have there is inspected. We use it every day.
- Boyer The problem is that the zoning does not permit the parking of vehicles.
- K. Grudowski But we paid all this money. It doesn't seem fair.
- Erica Seibel I have a few comments. I want to know if the person from the Zoning Hearing Board who said these people put a pool in for him is present tonight.
- Boyer He is not here tonight.
- E. Seibel This is why we have started what we started. We have a petition signed by residents who are opposed to construction equipment parked on properties on Thomas Eighty Four Road.
- Boyer Your complaint about other properties is not relevant.
- E. Seibel We filed papers against the Grudowskis. I noticed a second driveway was put in. Was there a permit issued for that?
- A. Grudowski Yes. That's State, so I had to apply to the State for a permit.
- E. Seibel We want to keep this street residential. There are industrial properties

where this type of equipment can be parked. This is not personal. Our property values concern us. I have noticed more and more equipment parked on that property.

Boyer Anyone else? Yes, sir?

Schweitzer 1137 Thomas Eighty Four Road. About 3 houses away. You hear the machines at all hours. I don't feel it's right, because other municipalities don't allow this. North Strabane Township doesn't seem to be doing anything about it at all. I resent the noise. I think it's an eyesore.

R. Grudowski To comment, we haven't added any equipment since we moved in. We still have all the same equipment. As far as noise from us, I find it hard to believe he can hear us, but, regardless, living as close to Thomas Eighty as I do, there are tons of trucks. I hear vehicles going up and down all the time. It's not like it's a real quiet neighborhood, other than us. If it's that bad, maybe he shouldn't live there.

Schweitzer I would like to say Thomas Eighty Road has a 10 ton weight limit, which is seldom enforced. It's a shortcut and bigger vehicles use it. If the State would fine these trucks, that would eliminate a lot of these problems.

Boyer Have you called the State Police?

Schweitzer I have not done that. They probably have more important things to do.

E. Seibel I've become more educated, and the Ordinance does not permit construction equipment on your property. I don't understand how someone can file for a variance. I'm confused. I wish we were part of Peters Township. That area is so nice. You don't see all this.

K. Grudowski All of our trucks are under 10 ton, so we're legal on that road.

Boyer Any questions of anyone?

Shader My question is, are they looking for a variance or a continuation of a non-conforming use?

Boyer Continuation of non-conforming use. The non-conformity was a machine shop.

Shader We don't have any information as to when the machine shop quit operating.

Boyer Well, there's a question in my mind of whether that's the same type of business.

MOTION I'll make a motion that we deny the request for a continuation of a non-conforming use in that, though a non-conforming use was established in the machine shop activity, since there was no equipment parked outside the machine shop and the machine shop was merely commercial in nature, that the present use is not a continuation of that non-conforming use, and therefore, as I said, the request is denied. Is there a second?

Murphy I'll second it.

Motion carried, all members present voting yes.

A. Grudowski I'd just like this on record that you asked me if I knew if anything was parked there. Obviously, I didn't live there before, so I don't know. And I'm sure the gentleman parked stuff there at times. That's all.

Boyer What's the second matter for consideration?

Householder This is an application of Benjamin Katsevich, 301 Lakeview Court, Washington, PA 15301. The following appeal was denied by the Building Inspector on April 16th, because it is a matter that should properly come before the Board.

A variance is requested to Section 802, subsection E, relating to the yard.

Location is 301 Lakeview Court. Lot size is 9096 square feet. Present use is dwelling. Zone district is R-3. Present improvements upon land – home. Proposed use – add deck.

We believe that the Board should approve this request because: The back of our house is facing a very steep and long hill. There is a retaining wall between the hill and the house. The wall was built by Ryan Homes (the original builder). The distance between the wall and the house is 14' and the deck will fill the space. Building a smaller deck will leave a space between the wall and the deck that will not be used and can become a hazard for small children (we have a 2.5 year old and 1 year old). Thank You!

No previous application has been filed. Applicant is the owner. Approximate cost of work involved - \$1,500-\$2,000.

Following are the names and addresses of owners of property within a distance of 300 feet from the exterior limits of the property:

James and Christopher McCormick 300 Lakeview Court
Amanda and Richard Pistner 302 Lakeview Court

Jianzheng Zuo	303 Lakeview Court
Willolake Homeowners Assn.	220 Lakeview Court
Sara Harley	1045 Mapleview Court
Scott Elliott	304 Lakeview Court
Brian Bill	202 Coachside Drive
Alissa Kline	1207 Chestnut Lane

The fee was paid and the hearing was advertised on April 21 and 28, 2010.

Boyer Mr. Katsevich, please come forward and state what you want and why you need it.

Katsevich I have some pictures here to show the existing retaining wall, which is 14' away from the house. Now we want to build a deck and if we build it and hold the rear yard setback, we will be creating a dead space and safety is an issue. We have young children. We want to go up to the retaining wall to eliminate that. It will be an 18" high deck. We need a variance on rear yard, which is 30 feet.

Householder We calculated he would need approximately 4 feet on one side and 10 feet on the other side.

Boyer If he stayed at 30 feet, the deck could only be a couple feet.
Does anyone here have any comments or questions?
(No response)
Do we have a motion?

Shader I would make a motion that we grant the request to build the deck out to the point of the wall. I think that's 4 foot at one side and 10 feet on the other, in order to accommodate building the deck out to the wall itself.

Boyer I'll second that motion.

Roll Call.

Motion carried, all members present voting yes.

We'll mark the description on the application as an exhibit, and reference the photographs if necessary.

What's the next matter for consideration?

Householder This is an application of Palazzo 1837 Ristorante, 1445 Washington Road, Washington, PA. A variance is requested to Section 1605, subsection C3, G, and E relating to an off-premise sign. Location is intersection of Quail Acre Lane and Racetrack Road. Zone district is C-2. Present

improvements upon land – none. Proposed use – erect off-premise business ID sign.

We believe that the board should approve this request because:

Provided for your review are the photos of existing signage on Quail Acre Lane. Mcduff Enterprises, LLC D.B.A. Palazzo 1837 Ristorante is proposing to install new signage in the same location as the existing signs that have been in this vicinity for 25-30 years. There is an existing power line available here and it is also a very visible location, which makes it an opportune spot.

The two older signs that are in poor condition and unattractive will be removed. The property owner, Roy D. Davis, has already mailed a registered letter to Tomsic asking for the old signage to be removed from his property within a few weeks. We propose to replace the old signage with substantial and new advertisement that will enhance the area, while providing our businesses with the necessary advertisement.

Our concern is that the location desired is not 15' out of the Racetrack Road or Quail Acre Lane rights-of-way. The existing sign is close to being on the right-of-way lines.

We would prefer to start over with everything meeting Township regulations; however, you will notice in the photos that there is a deep ditch directly behind the sign location. If we are to move our new sign back away from Quail Acre Lane's right-of-way, it would be in the deep ditch. Also, if we are to move our new sign further away from the Racetrack Road right of way, it would be behind an electric pole. So, we have a topography obstacle and an electric pole that would obstruct visibility.

We have also considered installing a sign on the opposite side of Quail Acre Lane where there are far less obstacles. However, there is not electric in the vicinity of that location and the property owner, Davis, favors installing the new sign in the same location where the old signs currently area.

We would appreciate any consideration that can be made in this matter, as we are only trying to be successful and have business longevity in North Strabane Township.

A previous application has been filed – (See 12-2-2009).

Applicant is the lessee. Approximate cost of work involved is \$3,000 to \$4,000.

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

Rich Davis	33 Quail Acre Lane
Frank Valencic/Tomsic Motor	150 Racetrack Road
Jerry and Nancy Polen	1445 Washington Road
Strabane Storage Associates	1425 Washington Road

The fee was paid and the hearing was advertised on April 21 and 28, 2010.

Matt Sager is present tonight for Palazzo 1837 Ristorante.

Boyer You made application for a sign. Why do you need our assistance?

Sager I propose to put a sign at the intersection of Quail Acre Lane and Racetrack Road, in the same location where the Tomsic sign currently is. The owner of the property, Roy Davis, does not wish the Tomsic sign to be there any longer. There was no lease with the Tomsic people. They are offering me a lease to put the sign up. It will look nicer and more substantial, and I am requesting 96 square feet, so I can get signage for all the shops who wish to lease space from me. We have no exposure on Racetrack Road currently. It would be a tremendous boost to us to get that and I feel it would be an asset to all the businesses. I also offered space to Tomsic, if he should choose to take advantage of it. He has not responded, so I assume he is not interested.

Davis has told Tomsic they must remove the sign and gave them a deadline to do so. They have not yet removed it, but they don't have a choice, since they do not have a lease.

I asked Mr. Davis if I could put the sign on the other side of Quail Acre Lane (opposite the Tomsic sign) but he wants to reserve that for potential future development opportunities. Furthermore, there is already power where the Tomsic sign current sits.

I have provided photos of the existing signs, as well as the proposed sign.

Shader Do you propose it to be 12 foot high?

Sager I would definitely be below the maximum allowed of 25 feet, as long as I can get 96 square feet.

Shader And what about the distance off the ground? The Tomsic sign is probably, what, about 5 feet?

Sager It will be higher off the ground than that.

- Murphy How many shops are there?
- Sager Nine? Ten?
- Jerry Polen There are 11 shops.
- Shader But you can't accommodate 11 signs.
- Sager No. I'm figuring maybe half of them will want to do this. I have a confirmed response from 3 of them, plus myself, and I'm also pushing for a sign at the top for The Shoppes at Quail Acres to tie it all together.
- Boy He fits within the dimensional requirements?
- Sager No. I'm requesting a variance on square footage. I can go ahead and apply for a permit, put in a sign for myself for 40 square feet and I would meet the requirements, but I'm trying to get more people on the sign while I have authorization to have this lease, because it's never been available before.
- Boyer What's the design of the sign?
- Sager I propose to erect a sign like I did on 19. Internally illuminated box light, supported by metal posts.
- Boyer A nice sign?
- Sager Correct.
- Boyer How much of a variance do you need?
- Sager I want to ask for 56 square feet over the permitted 40 square feet. I want to put about a 2 x 8 for The Shoppes at Quail Acres. I'll have space for possibly 3 other businesses beneath mine. I am asking for that variance in case somebody wants to rent space from me. Maybe I'll get 1 person. Maybe I'll get 3. I don't know.
- Boyer We have granted variances to the casino and to Tanger, and probably some of the other businesses along there, as well.
- Householder Yes.
- Murphy My only concern is you said there's 11 shops and there's only space for 3. I would hate to see more signs going up. I would like to see space for everybody. I don't want to see somebody coming back and saying, "they have a sign. I want a sign".

- Sager I was considering, if needed, I can divide it in half. Instead of three 2 x 8's, they'll have 2 x 4's.
- Boyer That's my suggestion. Cut the bottom three into six.
- There was general discussion on the issue of size of each bottom panel. It was agreed upon that the bottom panels will each be 2 x 4.
- Murphy I would rather see the sign be higher off the ground now, in case you need to add more space at the bottom in the future, for expansion.
- Sager The last variance I am requesting is for an off-site sign.
- Boyer I don't see any problem with that. We did grant such a variance in the past. I think this sign would be a good addition.
- Shader The only other concern I have is the sight lines. It needs to comply with, when you're pulling out, you can't be blocking the sight lines for people pulling out or pulling in, for people to see properly down the highway. It needs to be built with that in mind.
- Rich Davis We sent Tomsic a letter, giving them 14 days to remove the existing sign. May 1st was his 15th day. I was hoping someone from Tomsic would be here. I could just take a chainsaw and cut the posts off.
- Boyer You won't be building this sign until the Tomsic sign is removed, correct?
- Sager Yes.
- Boyer So if that were to be a condition of this approval, that wouldn't be a problem, would it?
- Sager We'll take it down.
- Boyer
MOTION I make a motion that that we approve a variance for an off-site sign for this particular property, Quail Shoppes, positioned as indicated on the submissions and testimony. Motion seconded by Fitzanko. Motion carried, all members present voting yes.
- I make a motion that we grant a variance of 32 square feet with regards to the square footage of the sign, consistent with what we granted to both the casino and Tanger. This will permit total square footage of 96 square feet for the proposed pole sign. Motion seconded by Shader. Motion carried, all members present voting yes.
- I make a motion to allow construction of the sign within the Township

right of way, keeping in mind line of sight with regard to traffic pulling out from Quail, and the sight requirements of both the Township and the State. Motion seconded by Fitzanko. Motion carried, all members present voting yes.

ADJOURNMENT There being no further business, a motion was made by Murphy, seconded by Boyer to adjourn the meeting. Motion carried, all members present voting yes, and the meeting was adjourned at 7:50 P.M.

W. Patric Boyer, Chairperson

Robert Shader, Secretary

FOR INFORMATION PURPOSES

Dr. Gaur, 300 Spindle Court, regarding a variance on setback for a proposed deck.

Mr. Pones, 140 Latimer Avenue, regarding a variance on maximum square footage for proposed three-car garage.

Kevin Pierris, regarding a proposal to share space on existing Palazzo 1837 Ristorante sign.