

The North Strabane Township Board of Supervisors held a Special Meeting – Public Hearing Tuesday, October 18, 2010, at 7:00 P.M., at the Township Municipal Building, Route 519 South, Canonsburg, Pennsylvania 15317.

ATTENDING THE MEETING

Stephen Motzer, Chairman
William Brooks, Vice-Chairman
Robert Balogh, Supervisor
Jeff Stanley, Supervisor

ALSO ATTENDING THE MEETING

Frank R. Siffrinn, Manager-Secretary
Jim Jeffries, Solicitor
Joe Sites, Engineer
Deanna Kelly, Stenographer

**Public Hearing to
Rezone 7.398
Acres on Chesnic
Drive**

As advertised, we will have a public hearing on an application of Jack and Renee Chesnic, 25 Florence Avenue, Burgettstown, PA 15021 to rezone 7.398 acres located on Chesnic Drive from R-3 (high density residential) to C-1 (highway commercial) for the purpose of developing multi-family dwellings.

Mr. Jeffries

At this time, I would like to enter the following exhibits into the record. Exhibit A is the application by Jack and Renee Chesnic and all the attachments. Exhibit B is proof of advertising with regards to tonight's hearing. Exhibit C is the minutes from the North Strabane Township Planning Commission dated September 27, 2011. The recommendation was made to grant the rezone because of the letter received from the attorney for the Chesnics regarding the restrictive covenant to be placed on the property. The letter is dated June 20, 2011, and was received by the Township Solicitor on September 26, 2011. Another reason to recommend approval of this rezone request, as per the letter, is that their proposal for said property actually fits into what is already in the surrounding area. Exhibit D is the correspondence from Jeffrey W. Leithauser from the Washington County Planning Commission. The correspondence reads as follows:

We have received and reviewed the proposed zoning map amendment for 7.398 acres (Parcel I.D. #520-014-01-04-0015-00) from R-3 High Density Residential to C-1 Highway Commercial District.

We have no comments regarding the proposed ordinance amendment.

Since there are many variables involved in a zoning map amendment, an opinion should be rendered by your municipal solicitor.

We would like to remind you that within 30 days of enactment, a copy of the adopted amendment is to be forwarded to our office.

I would like to call forward Mr. and Mrs. Chesnic and anybody that is going to testify. Raise your right hand. Mr. Jeffries swore them in.

Mr. Popojas

Dennis P. Popojas, 30 South Main Street, Suite102 Washington, PA 15301.

Dennis P. Popojas is the attorney representing Jack and Renee Chesnic. The property is located between dual dead ends on Chesnic Drive. The property is currently zoned R-3 High Density Residential; however, the property does not have many economical uses. The property also abuts Interstate 79. We are requesting a change from R-3 to a C-1 mainly because the use of the property sought is multi-family housing. The size of the lot is insufficient in any other zoning district other than C-1. C-1 is the only district that has a permitted use for multi-family housing. As we discussed in the Planning Commission meeting, there was an issue raised as to whether or not the property will be used for anything other than multi-family homes. We intend to subdivide the property and place a restrictive covenant on the parcel so the property may only be used for multi-family housing.

If you look at the surrounding area, the multi-family homes fit in with the

characteristics of the property. It will be a continuance of the use that already exists and will have little impact on the surrounding area.
What we are asking is nothing outside the realm of how the neighborhood looks now. We would like to connect Chesnic Drive giving residents easy access to Route 79. We respectfully request the Board allow us to rezone the property and develop it for multi-family housing.

Mr. Nichols DJ Nichols, Bootay Bevington & Nichols, LLC, Attorneys at Law.

I was recently retained to represent the Chesnic Manor Homeowner's Association. I am at a bit of a disadvantage just being retained yesterday. I have not, nor have my clients, seen any of the exhibits that have been introduced into the hearing or prior to the hearing. One of my arguments would be to afford these homeowners the opportunity to present a better plan in defense of the position of the Chesnics. If you rezone the property, these homeowners face several different problems, ranging from inconvenience, traffic issues, and depreciation of their properties. At this point, they have not been identified to the fullest extent due to lack of information for these homeowners. Our first request is to allow us to come back at a later hearing and reserve any decision until the homeowners have an opportunity to see all the exhibits. Second, a petition was signed indicating their opposition to the rezoning. I have a copy of that and would like to introduce it as an additional exhibit. Their property rights are an issue in this case. As I stand here today having seen some of your ordinances related to the two zoning classifications, I see some legal issues. These issues range from spot zoning to an inconsistent use of the zoning at this point. I would like to read into the record Part 8, R-3 High-Density Residential District, Section 800, Purpose. The purpose of this district is to provide for medium-density single-family development, and to provide multi-family housing opportunities in planned residential developments in areas served by public sewers and other public services, and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception. Compare that with what the rezoning is looking to do by the C-1 standpoint.

Part 9, C-1 Highway Commercial District, Section 900, Purpose. The purpose of this district is to provide retail shopping and service facilities that serve the needs of the general community and are located on arterial and collector streets in appropriate locations to allow convenient access and to minimize traffic impacts on neighborhoods and local streets. The potential concern of the homeowners is the property will not be used as a multi-family development. It could be anything within the C-1 zoning classification. That would have an impact on Chesnic Drive as well as the residential developments. At this point, we request that this Board keep this record open for another hearing. Please allow myself as representative of this homeowners association to see if there are any further arguments needed to be made, or is this consistent with the neighborhood and does not have an impact on the homeowners. I rest my case.

Mr. Siffrinn Mr. Nichols, a little clarification. You said you represent Chesnic Manor. I am assuming those are the townhouse owners on Chesnic Drive, but do not include the owners of the single family dwellings on the opposite side of the street?

Mr. Nichols I do not represent, at this point, any of the individual homeowners.

Mr. Siffrinn Ms. Moyar, for clarification, was the property posted and the affected property owners notified?

Ms. Moyar Yes. All property owners within 300 feet of the property. All townhouse owners were notified.

Mr. Siffrinn Mr. Nichols, you have asked for consideration by the Board to delay this hearing? The purpose of this hearing is to allow the residents to speak. You are saying you are unprepared to make a presentation?

- Mr. Nichols Absolutely, I have never seen the application. I was retained yesterday. I am not calling into question the Board's conduct or any requirement. I will say several of the homeowners indicated that they did not receive any letters regarding the rezoning. These are unsophisticated individuals from the perspective of land use and zoning. They need to be afforded the opportunity to have someone represent them, address the issues before them, and the potential impact.
- Mr. Siffrinn So, you would assert that if we did take public testimony this evening, something could change between now and next month if the hearing were to be continued.
- Mr. Nichols Very much so. As an attorney who handles land use cases, one of the most important parts is planning for this and understanding. I heard some comments about restrictive covenants being in place that may or may not resolve the issue.
- Mr. Stanley Were any of the homeowners at the Planning Commission meeting?
- Mr. Nichols I do not know the answer.
- Mr. Siffrinn I think to expedite the hearing the Board has two choices: it can proceed and take testimony, or continue the hearing until next month. If you decide to continue the hearing, it would seem to me that there is no need to entertain any public testimony this evening.
- Mr. Motzer Are we ok time wise if we would delay the hearing a month?
- Mr. Siffrinn Yes.
- Mr. Motzer There will be no decision tonight. It is just a hearing.
- Mr. Nichols We did not get an opportunity to present our case if the decision is made. It subjects the Township to a validity challenge and future problems down the road. Give the homeowners the chance to present their case.
- Mr. Siffrinn Even if we take public testimony this evening, close the record, and adjourn the meeting, the action the Board would take next Tuesday would not be a formal vote on the requested zoning change. The Board would have to authorize the preparation and advertisement of the ordinance for the change to do so, which would be acted upon by this Board at its November legislative meeting. That would be the process.
- Mr. Motzer If we delay the hearing or postpone it for another month, we are talking about making the decision in December.
- Mr. Siffrinn Yes, at the earliest.
- Mr. Balogh You have legal counsel representing the homeowners of Chesnic Manor, which is one side of this street. Do we have legal counsel representing the homeowners on the other side?
- Mr. G. Chesnic Gerald Chesnic, 564 Elm Street Canonsburg, PA 15317.
- No, I live on the other side of Chesnic Drive. My property abuts the property in question. I was never notified. I am within the 300 feet. Your man came down on October 8th and stapled the notice to the utility pole. I owned half of that property at one time.
- Mr. Nichols Before you move forward, would you mind entertaining my motion request to continue the hearing?
- Mr. Motzer I would entertain a motion to continue the hearing to a later date.
- A motion was made by Mr. Balogh, seconded by Mr. Brooks, to continue the

hearing to a later date.

ROLL CALL OF VOTES: 4 YES 0 NO

**Remarks From
Supervisors**

None.

Adjournment

All business being concluded, the special meeting adjourned at 7:37 PM.

Stephen C. Motzer, Chairman

Frank R. Siffrinn, Manager-Secretary

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