



TOWNSHIP OF NORTH FAYETTE ZONING HEARING BOARD MEETING

7:00 PM - Thursday, April 28, 2022

Municipal Building

Board Meeting Room

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

- Brant Miller, Chairman
- Dan Patterson, Vice Chairman
- John Scott, Member
- Chip McCarthy, Alternate Member
- Anthony Cosgrove, Esq., Solicitor
- Debbie Midgley, Recording Secretary

4. **PUBLIC COMMENT (on agenda action items only, excluding public hearing(s))**

4.I. **REORGANIZATION**

1. Call or a motion to appoint _____ as Chairman for the Zoning Hearing Board for the ensuing year.
2. Call for a motion to appoint _____ as Vice-Chairman for the Zoning Hearing Board for the ensuing year.
3. Call for a motion to appoint **Debbie Midgley** as Recording Secretary for the Zoning Hearing Board for the ensuing year.
4. Call of a motion to reappoint **Matthew Marshall** and the law firm of **Dillon McCandless King Coulter & Graham, LLP** as Solicitor for the Zoning Hearing Board in accordance with the rates and terms referenced in the letter dated December 9, 2021.
5. Call for a motion to appoint each Zoning Hearing Board member as a hearing officer.

5. ADMINISTRATIVE

5.1. ADMINISTRATIVE

1. Call for a motion to approve the minutes from the October 28, 2021 meeting.
2. Prior to this meeting, the Board held an executive session to receive advice of the Solicitor.
3. Notice of tonight's hearing was advertised, and the subject properties posted pursuant to the requirements of the Pennsylvania Municipalities Planning Code.
4. Court reporter to swear in witnesses and any members of the public wishing to comment during tonight's public hearings

6. OLD BUSINESS

7. NEW BUSINESS

7.1. Application ZHBA-2022-1 - Nappie's Food Service Variance Application

7.1.i. Open Public Hearing

7.1.ii. Summary:

1. An application filed by A&E Land Development, LP c/o Nappie's Food Service, requesting: 1) a variance from the street tree and landscaping requirement under Article III, Sec. 313(4) of the Zoning Ordinance; 2) a variance from the street tree and landscaping requirement under Article III, Sec. 313(6) of the Zoning Ordinance; and 3) a variance from the continuous internal sidewalk requirement under Article III, Sec. 317(3) of the Zoning Ordinance, in order to permit the expansion of the existing building and parking area on property located at 8051 Steubenville Pike in the B-2 General Business Zoning District currently designated as Allegheny County Parcel ID Nos. 799-B-4 & 799-E-2.

Documents:

[VARIANCE APPLICATION.PDF](#)

7.1.ii.1. Board Exhibits

7.1.ii.1.1. Board Exhibits

Exhibits 1 through 11 referenced on the Exhibit List prepared by the Board Solicitor are entered into the Record of this hearing. The court reporter will insert those exhibits into the transcript as if the Exhibit List were read into the Record.

7.1.ii.2. Applicant's Case

7.I.ii.3. Township's Case

7.I.ii.4. PUBLIC COMMENT

7.I.ii.5. Executive Session (if necessary)

7.I.ii.6. Call for a motion to [Close or Continue] the Public Hearing

7.I.ii.7. Call for a motion to [Table or Act] on the Application

8. **PUBLIC COMMENT**

9. **ADJOURNMENT [Chair can adjourn meeting at end of the agenda without motion]**

Application for Zoning Hearing Board

Name of Applicant: _____

Address: A & E Land Development, LP c/o Nappie's Food Service _____

Email Address: EdNapoleone@yahoo.com _____ Phone: 724-695-3500 _____

Applicant's interest in the premises affected (*if not Owner*): Owner
(Agent, lessee, legal representative, etc.)

Name of Property Owner: _____

Address: 8051 Steubenville Pike Oakdale, PA 15071 _____

Email Address: EdNapoleone@yahoo.com _____ Phone: 724-695-3500 _____

Name of Engineer/Architect/Surveyor: _____

Address: The Gateway Engineers, Inc. 100 McMorris Rd Pgh, PA 15205 Attn: Patrick Cooper _____

Email Address: pcooper@gatewayengineers.com _____ Phone: 412-409-2338 _____

Name of Legal Representative: _____

Address: N/A _____

Email Address: _____ Phone: _____

Description of Property Involved:

Address of Property: 8051 Steubenville Pike Oakdale, PA 15071 _____

Name of Land Development: Nappie's Food Service Phase 5 _____

Zoning District(s)/Overlay Zoning District(s): B-2 General Business _____

Allegheny County Tax ID No(s): 799-B-4, 799-E-2 _____

Present Use: Food Distribution Warehouse _____

Present Improvements on Property: Warehouse / office building with associated loading docks and parking _____

Proposed Use or Alterations: Building and parking expansion _____



Applicant Petitions the Zoning Hearing Board for:

- A Variance
- A Validity Change
- Change/Expansion of Nonconforming Use
- A Special Exception
- An Appeal from Zoning Officer Determination
- Other: _____

Specific Provisions of Zoning Ordinance at Issue:

Article No.	Section No.	Subsection(s)/Table No.
See attached Narrative		

Reason for Appeal/Request (attach additional sheet if necessary):

See attached

Has a previous appeal been filed in connection with this property?

Yes No

If yes, Variance 4-27-12 See attached Decision
 (Type) (Date) (Disposition)

I/We believe the Board should approve this request because (include grounds for appeal or reasons both with respect to law and fact for granting the appeal, variance, or special exception and, if hardship is claimed, state the specifics (attach additional sheet if necessary):

See attached Narrative

NOTE: The Applicant must prove the criteria referenced in §910.2 of the Pennsylvania Municipalities Planning Code (MPC), which are summarized below. The Applicant should review the MPC for the specific terminology of the required criteria.

- (1) Unnecessary hardship results from unique physical conditions of the property that is the subject of the Application.*
- (2) Due to these unique physical conditions of the property, the subject property cannot be developed in conformity with the Zoning Ordinance and the variance is necessary for the reasonable use of the property.*
- (3) The unnecessary hardship was not created by the applicant.*
- (4) The requested variance will not alter the essential character of the district/neighborhood, nor substantially impair the development or use of adjacent property, nor be detrimental to the public welfare.*
- (5) The requested variance is the minimum necessary to afford relief.*

INSTRUCTIONS TO APPLICANT

This application must be submitted to the Zoning Officer no less than 28 working days prior to the regular monthly meeting of the Zoning Hearing Board. The following supplemental materials must accompany the application to be deemed complete:

1. Ten (10) copies of the completed Application Form and any accompanying application materials. **In addition to the print materials, all application materials must be submitted electronically.** The electronic submittal can be saved to a flash drive or can be provided to the Township for download via a filetransfer site (such as Dropbox). Electronic materials must be submitted in PDF form.
2. A survey or scaled drawing of the property affected. This survey or scaled drawing must show the location and size of the subject lot, the size of improvements now erected or the proposed to be erected, proposed use or other changes desired, together with any other information required by the Board.
3. A copy of the deed, lease, sales agreement, or other contract proving applicant's interest in the subject property.
4. A map showing information required by the Zoning Ordinance or the Pennsylvania Municipalities Planning Code.
5. A map showing and identifying all properties adjacent to and directly across a street from the property or properties affected by this request, as well as a list of the names and addresses of the owners thereof as shown on the latest property assessment records of Allegheny County.
6. A check for the application filing fee, along with a separate check for the application deposit.
7. An application for special exception approval must also include the following documents:
 - a. A land development plan, as defined by the Township Zoning Ordinance.
 - b. A written statement showing compliance with the applicable express standards and criteria of the Township Zoning Ordinance for the special exception.
 - c. A traffic access and impact study, if required by the Township Zoning Ordinance or Township Subdivision and Land Development Ordinance.

An incomplete Application will be returned to Applicant. An application will only be considered complete when all required information is provided in the items above and the appropriate application fee/deposit is paid in full. All documents or drawings submitted as evidence or for review must be to reasonably accurate dimensions.

All hearings before the Zoning Hearing Board are conducted in a formal manner as in any court of law. All persons intending to offer testimony must be sworn in and all testimony given must be factual and pertinent to the particular case.

You may seek legal assistance and/or may hire an attorney to represent you and present your case to the Zoning Hearing Board.

STATEMENT OF TRUTH

Deponent, being duly sworn, states that they are the:

- Owner of record of the property for which this application is made, and that all the statements and data furnished with this application are true and correct.
- Authorized agent for the owner of record of the property for which this applicant is made and as such has express authority to bind owner to all terms and conditions set forth by the Township pursuant to this application, and that all statements and data furnished with this application are true and correct.

All information provided on and with this application is true and correct to the best of my knowledge or belief.

- Individual Applicant

_____	_____	_____
Signature of Individual	Print Name	Date

- Partnership Applicant

<u>Angelo Napoleone</u>	Angelo Napoleone	3-26-22
Signature of Individual	<u>Angelo Napoleone</u>	Date
	Print Name	

- Corporate Applicant

_____	_____	_____
Print Name of Corporation	Signature of Applicant	Date

	Print Name of Individual	

The Affidavit of Verification form found on the following page must be completed and notarized for all applications.

TOWNSHIP USE ONLY

Date Filed: _____

Township File No.: _____

Application Fee Paid: _____

Date Fee Paid: _____

Date Advertised: _____

Date Property Posted: _____

Date Township Building Posted: _____

Date Notices Sent to Interested Parties: _____

Date of Hearing: _____

Board Decision: _____