

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, MAY 26, 2022
7:00 P.M.**

The meeting was called to order by Chairman, Brant Miller.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Chip McCarthy, Alternate Member

OTHERS PRESENT:

Andrew Hartwell, AICP, Assistant Township Manager
Mike Wozniak, Township Community Planner
Mike Saville, Township Building Code Official
Shawn Wingrove, P.E., Township Engineer
Leah M. Attanucci, LaGamba Reporting Services
Patrick Cooper, P.E., Gateway Engineers
Ed Napoleone, Nappies Food Service
Jeff Friedl, Atlas Sign & Lighting
Adam Lazenga, Coen Markets

PUBLIC COMMENT: (on agenda action items only, excluding public hearings):

There were no public comments.

ADMINISTRATIVE:

Mr. Miller asked for a motion to approve the minutes from the April 28, 2022 meeting.

A MOTION WAS MADE BY Mr. DAN PATTERSON , SECONDED BY Mr. JOHN SCOTT TO APPROVE THE MINUTES FROM THE APRIL 28, 2022 MEETING. MOTION CARRIED UNANIMOUSLY.

Mr. Miller said prior to this meeting, the Board held an executive session to receive advice of the Solicitor.

Mr. Miller said that notice of tonight's hearing was advertised, and the subject properties posted pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

Mr. Miller asked the Court Reporter to swear in witnesses and any members of the public wishing to comment during any of the hearings.

The Court Reporter swore in the witnesses.

OLD BUSINESS:

1. Nappie's Food Service Variance Application

- a. Mr. Miller opened the public hearing to continue the hearing on the Variance Application filed by A & E Land Development, LP and summarized the application as follows:

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, Section 313(4) of the Zoning Ordinance; 2) a variance from the street tree and landscaping requirement under Article III, Section 313(6) of the Zoning Ordinance; and 3) a variance from the continuous internal sidewalk requirement under Article III, Section 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 and 799-E-2.

- b. Mr. Miller stated that Exhibits 14 through 20 referenced on the Exhibit List prepared by the Board Solicitor are entered into the Record of this hearing. Mr. Miller requested that the court reporter insert those exhibits into the transcript as if the Exhibit List was read into the Record.
- c. Applicant's Case. Mr. Patrick Cooper, Gateway Engineering, on behalf of Applicant, A&E Land Development, LP, presented the Applicant's case and responded to the Board. Mr. Ed Napoleone owner of Nappie's Food Service was also present to respond to the Board.
- d. Township's Case. Mr. Andrew Hartwell, Assistant Township Manager, and Mr. Shawn Wingrove, of Lennon, Smith and Souler Engineers, presented the Township's case and responded to Board questions.
- e. Executive Session: The Board recessed at 7:40pm to go into executive session and resumed at 7:51pm. Mr. Miller stated the Board held an executive session to receive advice of the Solicitor.
- f. Public Comment. There were no public comments.

Mr. Miller called for a motion to close the Public Hearing for Nappie's variance requests # 1 and #3.

A MOTION WAS MADE BY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO CLOSE THE PUBLIC HEARING FOR, 1) A VARIANCE FROM THE STREET TREE AND LANDSCAPING REQUIREMENT UNDER ARTICLE III, SECTION 313(4) AND 3) A VARIANCE FROM THE CONTINUOUS INTERNAL SIDEWALK REQUIREMENT UNDER ARTICLE III, SECTION 317(3). MOTION CARRIED UNANIMOUSLY.

Mr. Miller called for a motion to approve the following variance(s) requested by A&E Land Development, LP c/o Nappie's Food Service:

A MOTION WAS MADE MY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO APPROVE THE FOLLOWING VARIANCE(S).

1. A VARIANCE FROM THE STREET TREE AND LANDSCAPING REQUIREMENT UNDER ARTICLE III, SECTION 313(4) OF THE ZONING ORDINANCE; AND

3. A VARIANCE FROM THE CONTINUOUS INTERNAL SIDEWALK REQUIREMENT UNDER ARTICLE III, SECTION 317(3) OF THE ZONING ORDINANCE.

SUBJECT TO THE TERMS AND CONDITIONS, NUMBERS: 1, 2, 3, 5, 6, 7, AND 8 AS SET FORTH IN THE BOARD SOLICITOR'S MEMORANDUM DATED MAY 26, 2022 AND DIRECTING THE COURT REPORTER TO INSERT SUCH TERMS AND CONDITIONS INTO THE TRANSCRIPT AS IF THE TERMS AND CONDITIONS WERE READ INTO THE RECORD. MOTION CARRIED UNANIMOUSLY.

Mr. Miller called for a motion to table consideration for Nappie's variance request #2 and to continue the public hearing with respect to that variance request.

A MOTION WAS MADE BY Mr. BRANT MILLER , SECONDED BY Mr. DAN PATTERSON TO TABLE CONSIDERATION OF A VARIANCE REQUEST FILED BY A & E LAND DEVELOPMENT, LP C/O NAPPIE'S FOOD SERVICE AS IT RELATES TO THE STREET TREE AND LANDSCAPING REQUIREMENT UNDER ARTICLE III, SECTION 313(6) OF THE ZONING ORDINANCE. MOTION CARRIED UNANIMOUSLY.

Applicant agreed to the continuation of the public hearing until next month.

A MOTION WAS MADE BY Mr. BRANT MILLER , SECONDED BY Mr. JOHN SCOTT TO CONTINUE THE PUBLIC HEARING UNTIL MONDAY, JUNE 27, 2022 AT 7:00 P.M. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

1. Application ZHBA-2022-2 - Coen Appeal & Variance Request

- a. Mr. Cosgrove opened the public hearing on the Coen Appeal & Variance Application and summarized the application as follows:

An application filed by Jeffrey Friedl of Atlas Sign & Lighting on behalf of Coen Markets, Inc. for the following relief: 1) appealing the decision of the Township Zoning Officer under Section 27-1516(F) of the Zoning Ordinance to permit a sign on the west side of the proposed convenience store building; and 2) a variance from the one (1) wall business identification sign per business in building requirement established under Section 1008(1), Table 15 of the Zoning Ordinance to permit multiple signs on the proposed convenience store building on property located at 500 Market Place Drive in the MU – Mixed Use District/Streetscape Enhancement Overlay Zoning District, currently designated as Allegheny County Parcel ID No. 799-G-3.

- b. Mr. Cosgrove stated that Exhibits 1 through 8 referenced on the Exhibit List prepared by the Board Solicitor are entered into the Record of this hearing. Mr. Cosgrove requested that the court reporter insert those exhibits into the transcript as if the Exhibit List was read into the Record.
- c. Applicant’s Case. Mr. Jeffrey Friedl, Atlas Sign & Lighting, on behalf of Coen Markets, presented his case and responded to the Board. Mr. Adam Lazenga of Coen Markets was also present to respond to the Board. The Applicant submitted additional exhibits, numbered 9, 10, and 11, to the Board which were entered into the Record of the hearing.
- d. Township’s Case. Mr. Andrew Hartwell, Assistant Township Manager and Mr. Michael Saville, Township Building Inspector, presented the Township’s case and responded to Board questions.
- e. Executive Session: The Board recessed at 8:45pm to go into executive session and resumed at 8:55pm. Mr. Cosgrove stated the Board held an executive session to receive advice of the Solicitor.
- f. Public Comment. There were no public comments.
- g. Applicant formally withdrew their appeal of the Township Zoning Officer’s determination and agreed to continue the public hearing on their request for variance until next month’s meeting

Mr. Cosgrove asked for a motion to close or continue the Public Hearing.

A MOTION WAS MADE BY MR. DAN PATTERSON, AND SECONDED BY MR. JOHN SCOTT TO CONTINUE THE PUBLIC HEARING ON THE APPLICATION FILED BY JEFFREY FRIEDL OF ATLAS SIGN & LIGHTING ON BEHALF OF COEN MARKET, INC., UNTIL MONDAY, JUNE 27, 2022 AT 7:00 PM AT THE NORTH FAYETTE TOWNSHIP MUNICIPAL BUILDING. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

There were no public comments.

ADJOURNMENT:

The meeting was adjourned at 9:10 PM.

Respectfully submitted,

Debbie Midgley
Zoning Hearing Board Recording Secretary