

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**MONDAY, JUNE 27, 2022
7:00 P.M.**

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

MEMBERS PRESENT:

Brant Miller, Chairman (Via Zoom)
Dan Patterson, Vice Chairman
John Scott, Member
Anthony Cosgrove, Esq., Solicitor

MEMBERS ABSENT:

Chip McCarthy, Alternate Member
Debbie Midgley, Recording Secretary

OTHERS PRESENT:

Andrew Hartwell, AICP, Assistant Township Manager
Mike Wozniak, Township Community Planner
Shawn Wingrove, P.E., Township Engineer
Mike DeLorenzo, Esquire, Solicitor GTN
Marlyn Jordan, Township Secretary
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
Anthony Sokac, 8066 Steubenville Pike
Ricky DuCarme, 518 California Hollow Road
William Davies, 339 Logan Road
Linda Davies, 339 Logan Road

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 May 26, 2022 meeting.

A MOTION WAS MADE BY Mr. DAN PATTERSON , SECONDED BY Mr. JOHN SCOTT TO APPROVE THE MINUTES FROM THE MAY 26, 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(6) 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 21 through 22 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: None.

f. Public Comment. There were no public comments.

Mr. Miller called for a motion to close the Public Hearing for Nappie's variance request.

A MOTION WAS MADE BY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

Mr. Miller called for a motion to approve the following variance 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 VARIANCE FROM THE STREET TREE AND LANDSCAPING REQUIREMENT UNDER ARTICLE III, SECTION 313(6) OF THE ZONING ORDINANCE SUBJECT TO CONDITIONS SET FORTH IN THE MEMORANDUM FROM THE BOARD SOLICITOR. MOTION CARRIED UNANIMOUSLY.

2. 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 12 through 14 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 an additional exhibit, numbered exhibit 15 to the Board which was entered into the Record of the hearing.

- d. Township's Case. Mr. Andrew Hartwell, Assistant Township Manager and Mr. Michael Wozniak Township Community Planner, presented the Township's case and responded to Board questions.
- e. Executive Session: none.
- f. Public Comment. There were no public comments.

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

A MOTION WAS MADE BY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

Mr. Cosgrove called for a motion to approve the Coen Appeal & Variance Request:

A MOTION WAS MADE MY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO APPROVE THE VARIANCE FROM THE SIGNAGE REQUIREMENT UNDER SECTION 1008(1), TABLE 15, OF THE ZONING ORDINANCE SUBJECT TO CONDITIONS SET FORTH IN THE MEMORANDUM FROM THE BOARD SOLICITOR. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

1. Application ZHBA-2022-3- Napoleone Variance Request

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

An application filed by Joseph Napoleone requesting a variance from Section 27-305(6)(A)(2) of the Zoning Ordinance to permit a fence on property located at 271 W. Allegheny Road in the R-2 – Suburban Residential Zoning District, currently designated as Allegheny County Parcel ID No. 800-D-23.

- b. Mr. Cosgrove stated that Exhibits 1 through 10 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. Ed Napoleone, on behalf of Applicant, Joseph Napoleone, presented the Applicant's case and responded to the Board.
- d. Township's Case. Mr. Andrew Hartwell, Assistant Township Manager and Mr. Michael Wozniak Township Community Planner, presented the Township's case and responded to Board questions.

- e. Executive Session: The Board recessed at 7:39pm to go into executive session and resumed at 7:45pm. Mr. Cosgrove stated the Board held an executive session to receive advice of the Solicitor.
- f. Public Comment: Mr. William Davies, Logan Road had no opposition to the variance request.

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

A MOTION WAS MADE BY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

Mr. Cosgrove called for a motion to approve the following variance requested by Joseph Napoleon:

A MOTION WAS MADE MY Mr. DAN PATTERSON, SECONDED BY Mr. JOHN SCOTT TO APPROVE THE VARIANCE REQUEST FROM SECTION 27-305(6)(A)(2) OF THE ZONING ORDINANCE, ADDITIONALLY THE APPLICANT PERMITS THE TOWNSHIP TO CONDUCT POST CONSTRUCTION INSPECTION IN THE FIELD OF THE CONDITIONS OF THE AS BUILT FENCE TO ENSURE COMPLIANCE AND TO REQUIRE PROFESSIONAL ENGINEER OR SURVEYOR TO SUBMIT COMPLETED PENNDOT WORKSHEET TO VERIFY SIGHT DISTANCE. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

There were no public comments.

ADJOURNMENT:

The meeting was adjourned at 7:47 PM.

Respectfully submitted,

Debbie Midgley
Zoning Hearing Board Recording Secretary