

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

JANUARY 4, 2017

MINUTES

The meeting was called to order at 7:30 p.m. by Chairman Robert Stevenson.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Robert Stevenson, Richard Tieren, James Rosipal, Bruce Dice and Jason Straley. Mr. Grysiak, alternate, was present. Mr. Caliri was absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the Regular Meeting of December 7, 2016, a motion was duly made by Mr. Tieren to approve them, as submitted and Mr. Rosipal seconded it. Upon a voice, vote, the motion carried unanimously.

NEW BUSINESS

17-01-A

VASA ENTERPRISES, LLC

The applicant is requesting a parking variance from Table 308, Off-Street Parking Requirements, of the Monroeville Zoning Ordinance No. 2443, as amended, to permit the reduction of the required off-street parking spaces for retail stores and rental hall from 90 to 65 spaces. The property is located at 4678 Old William Penn Highway in the C-2, Business/Commercial Zoning District.

Mr. Paul Whealdon, Landscape Architect from Fahringer, McCarty, Grey, came forward representing the applicant. He explained they are proposing to build a two-story building with four retail spaces on the lower floor and a small rental hall on the second floor. He reported the property has encumbrances that make it difficult to fit everything on the site. He pointed out a 50-foot buffer yard on the side causes the loss of a lot of property and there is a 33-foot unopened right-of-way which is a paper street that is unusable. He also mentioned a small tail section of the property that only has enough room for the setback area.

Mr. Whealdon explained they developed a design and they intend the proposed uses in the four retail spaces at the bottom to be medical office supply. He suggested the businesses would be open from 9 a. m. to 6 p.m. but the rental hall on the upper level would be open in the evenings after 7 p.m.

when the retail spaces would be closed. He contended they would not have any parking problems because even though they are short on parking their hours of operation are opposite.

Mr. Whealdon explained they calculated the maximum number of parking spaces needed because the architect came up with 168 seats in the rental hall. He felt 168 seats would be a rare occasion and they would probably only have 100 people at the hall. He reported they have worked on the project for over a year and they worked with the administration and the municipality's engineer. He suggested the project would work without causing any problems for the municipality.

Mr. Jonathan Kamin, attorney with Goldberg, Kamin and Garvin, came forward representing Monroeville Plaza which is the abutting property owner. He referred to it as Lot and Block No. 977-F-198. Mr. Kamin inquired whether the request was for the maximum number of parking spaces not the minimum and Mr. Whealdon answered affirmatively. Mr. Kamin suggested the reasons for the parking request are economic so that the applicant does not have to clear any more of the site. Mr. Whealdon answered there is not anything left on the site for them to work with and he briefly explained. Mr. Kamin questioned whether they could build a smaller building and comply with the ordinance; Mr. Whealdon answered affirmatively. Mr. Kamin inquired whether the variance relates only to parking and Mr. Whealdon answered affirmatively.

Mr. Kamin questioned whether they developed storm water management and Mr. Whealdon answered affirmatively. He explained the plans they submitted to the municipality have been reviewed for storm water and land development compliance. Mr. Kamin inquired what size building could be placed on the site to be in compliance with the ordinance and Mr. Whealdon was uncertain. He explained since they have two different uses and two floors it could be reconfigured in different ways. He indicated they could remove one floor or make both floors smaller or make one floor smaller. Mr. Kamin inquired whether the request was for economic reasons to allow for two areas or uses. Mr. Whealdon explained the municipality does not have parking requirements for a rental hall so they came up with a design for the size of building that the client wanted and the number of parking spaces that could fit on the property. He reported after the municipality reviewed the plan it was suggested that a parking analysis was needed and then the municipal engineer got involved and the applicant also got a traffic engineer. He reported there was discussion and letters and comments back and forth and it was settled on this plan. He suggested they did not anticipate needing a variance initially and they felt what they originally submitted to the municipality would be acceptable. He reported they were notified later in the application process that they needed a variance which is why they have a lot of the land development completed. Mr. Kamin inquired whether they determined the number of parking spaces for the rental hall use based on the traffic analysis and HRGs. Mr. Whealdon answered affirmatively.

Mr. Dice inquired whether the applicant had an agreement with the municipality concerning how the traffic analysis was determined and the number of spaces needed. Mr. Whealdon answered they had verbal agreements and they had meetings where they discussed shared parking. He stated they submitted the land development because his office felt they had it all worked out. He explained the municipality notified them after it was reviewed that they could not have shared parking and they

were deficient on the parking even though the ordinance did not have specific requirements for rental hall parking. He indicated it was unexpected.

Mr. Stevenson inquired whether they agreed with the municipality that it would be three seats per parking space and Mr. Whealdon answered affirmatively. He added that was with their last meeting with HRG. Mr. Dice asserted everyone agreed on that and Mr. Whealdon concurred.

Ms. Doreen Variolo, a resident, came forward representing Glenwood Condominium Association which is located across the street from this proposed development. She explained they have a community room which accommodates approximately 50 people. She stated the street and parking lot are overwhelmed with parking and the streets become clogged. She pointed out the proposed facility is 7,500 square feet for the rental hall and their room is 750 feet. She expressed her concern that there will be parking on Old William Penn Highway which is dark and has little area to park and they will park in Giant Eagle and Glenwood in the guest parking lot. She also voiced her concern that several years ago Glenwood went through a storm water project where they were flooded for three years. She was told that the asphalt at the industrial park was part of the problem with the water going into the tributaries running through Glenwood. She indicated they are very concerned about the storm water with this proposed facility. She felt this proposal is for a major structure not a little building.

Ms. Janice Rawson, a resident, came forward to express her concerns. She explained her property is located directly next to this site. She stated she is on the side of the right-of-ways for the utilities and the gas company has access to check the meters. She reported they did have a flooding problem where the water ran off of Shackleford Drive and washed the mulch off her property. She reported it flows through that area into a storm sewer on Old William Penn Highway. She voiced her concern for the increased traffic, parking and parking on the road. She also pointed out that it is on the bus route. She felt this would create a hazard to the neighborhood and suggested it was not appropriate for this residential area. She stated the shopping center located below generates enough traffic.

Ms. Patricia Wehn, a resident, came forward to agree with the comments made by Ms. Rawson. She explained she lived directly behind Ms. Rawson and indicated this whole project will back up to the side of her house. She indicated she would have no privacy. She also mentioned it is on the bus route and reported that from 3 p.m. to 7 p.m. the traffic on Old William Penn Highway is backed up to Get Go accessing Route 22. She was concerned with the noise from the banquet hall and she felt it would be eye-level with her deck. She also was concerned with the type of retail proposed for the site and Mr. Stevenson was uncertain. She was concerned with the smells that would come from the cooking at the hall. Mr. Stevenson explained the zoning hearing board has to rule on what is presented which is parking only. Ms. Wehn indicated that she is opposed to the request and she pointed out her house on the plan.

Mr. Donald Allen, a resident of Glenwood, came forward to express his concerns. He questioned the size of the rental hall and Mr. Whealdon answered 7,500 square feet. Mr. Allen inquired about the number of parking spaces to be used for the rental hall and Mr. Stevenson answered

approximately 30 spaces. He explained it is three seats per parking space so it would be 168 divided by three. Mr. Allen explained it is 56 parking spaces just for the rental hall and the rest of the 90 would be used for the retail space. He was concerned because the zoning hearing board has been strict about other applicant's finding one additional parking space if needed and this applicant is proposing to cut the number of parking spaces by one third. He was concerned this would cause parking off the property and again pointed out they are requesting taking away one-third of the parking spaces. Mr. Stevenson explained the zoning hearing board deals with each case on its own merit.

Mr. Stevenson questioned what hardship they are claiming for the property. Mr. Whealdon answered the buffer yard setback and the unopened right-of-way. He explained they are losing land they cannot control.

Whereupon, Mr. Tieren duly made a motion to deny and Mr. Rosipal seconded it.

Mr. Straley read a letter into the record submitted by residents in opposition to the proposal dated December 26, 2016 (see attached Exhibit A).

Again, Mr. Tieren duly made a motion to deny Application No. 17-01-A and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

#### ADJOURNMENT

There being no further business to come before the zoning hearing board, at this time, a motion was duly made by Mr. Rosipal to adjourn the meeting at 7:53 p.m. and Mr. Tieren seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Robert Stevenson  
Chairman

RS/sam