

Union Township Board of Supervisors  
Jaki Re-Zoning Request Hearing  
March 19, 2014

The Board of Supervisors Meeting was called to order by Chairperson Andrew Tullai at 7:00 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Stephen Parish, Larry Spahr, Andrew Tullai, Brenda Cushey, and Charles Trax. Also in attendance, Dennis Makel—Solicitor, Debra Nigon—Secretary, Peter Grieb—Code Enforcement Officer and Harold Ivery—Building Code Official,

All who were to give testimony were sworn in. Jason Jaki, 54 Hohlman Road, Finleyville, PA acknowledged that the proceedings were on his request for re-zoning and explained that, co-applicant, Gina Latona, could not attend. Mr. Makel indicated that both parties need not be in attendance. Among those sworn in were Eunice Daugherty, 36 Finley Avenue, and her son Harold Daugherty who attended the hearing as affected property owners.

The solicitor listed the exhibits as:

Exhibit A ..... Proof of Publication of the Advertisement for the Hearing in the Observer-Reporter, dated March 5, 2014 and

Exhibit B .... Photograph of sign dated March 3, 2014 on a post on the property.

Exhibit C ..... Request for Zoning Change made by Jason Jaki and Gina LaTonna, the application dated January 9, 2014 by Mr. Ivery. The contents of the application request were described as, a deed dated November 8, 2014, a portion of a tax map, a list of adjacent property owners, a copy of a receipt in the sum of \$1500 dated Jan 6, 2014, a copy of the Planning Commission Minutes,

Exhibit D ..... Correspondence from the Washington County Planning Commission dated March 3, 2014, to the Union Township Supervisors concerning parcel No. 640-010-00-00-0020-01,

Exhibit E ..... Correspondence dated February 24, 2014 from Carl DeiCas of Chester Engineers to the Union Township Supervisors regarding his opinion and recommendations as Township engineer of the zoning change request, and

Exhibit F ..... A Preliminary Design Drawing prepared by the applicant as a draft,

Exhibit G ..... Proof of certified mailing of the notice to impacted residents dated March 7, 2014.

Exhibit H ..... Penn Dot Minimal Use Highway Occupancy Permit (HOP) No. 12038167

The solicitor read the list of affected property owners who were sent certified mail notices.

**Motion** to enter into the evidence the Exhibits listed A-F as described by the solicitor.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

**Motion** to enter into evidence Exhibit G as described by the solicitor.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Jaki said that he is proposing to build a three-unit professional building to house small businesses. He said that he believes this to be a good spot for several small professional businesses and that it would be a good fit because of the Giant Eagle and surrounding businesses which already exist.

The solicitor asked whether the property was ever surveyed as suggested in the Planning Commission Minutes. Mr. Jaki indicated that a survey was not completed subsequent to the Planning Commission Meeting. The solicitor said a survey may protect all parties.

The Board and solicitor reviewed the tax map on the overhead projector. The Jaki Parcel was identified as 20.01 (4.8 acres) on the tax map. There was some discussion as to who owned the parcel labeled as 20.03. The Zoning Officer indicated that it was PA American Water Company. Mr. Parish said that the Township owns old Route 88, the old brick road. Mr. Parish said that he believes that PA American owns only a small piece of that strip of land where they are currently working.

Mr. Spahr asked Mr. Jaki questions about access from the South Bound Lane when making a left across traffic and wanted to know if Penn Dot had been contacted about traffic control. Mr. Jaki said that he had contacted Penn Dot for a permit. Mr. Jaki said that if it was determined to not be a safe entry, then Penn Dot said it would not provide a permit. Mr. Jaki said that a Minimal Use Permit was granted to him by Penn Dot. He said that, at a level of over 50 vehicles per day, he would be required to have a higher level permit. Mr. Jaki said that if there was a high volume of traffic, per Penn Dot, an island and signage could be installed restricting left-turns. Mr. Spahr said that, with the driveway being North of the driveway and light existing for Giant Eagle he is concerned that there would be insufficient sight distance. The Board viewed the area on the projector from an eye level perspective in regard to sight distance.

Mr. Ivery and Mr. Grieb said that the traffic issues and Penn Dot approval would be addressed by the Township during Site Plan Approval which would be the next stage, and did not have to be determined at the re-zoning hearing.

Mr. Tullai said that it appears from the Preliminary Design that sufficient parking has been planned for a three-unit professional building.

Mr. Spahr asked whether, when Penn Dot reviewed the area, if they measured from the actual spot where the driveway would be located. Mr. Jaki said that he was asked to have the proposed driveway location marked and identified, which he had done. Mr. Makel said that if the Board grants the re-zoning request, that there is no guarantee that Penn Dot will grant the permit.

Mr. Parish said that the engineer's letter contains a zoning identification of C-1 in one place in the letter. The other reference to the zoning says C-2. The BCO said that the first instance was a typographical error and has been corrected. The Secretary also said that the engineer verbally provided the correction of C-2. Mr. Makel asked Mr. Jaki why he applied for C-2 as

opposed to C-1 which appears to be more applicable for a professional building. Mr. Jaki said that he applied for C-2 because Giant Eagle is C-2 and also because it would open it up for use by more types of businesses. Mr. Tullai said that C-1 may be spot zoning because there is an adjacent C-2 parcel. Mr. Grieb said that the applicant applied for C-2 and only C-2 can be approved unless the Board wants to deny the application. Mr. Jaki would then need to reapply for C-1 and go through the process again. Mr. Makel said that only a portion of the property can be developed since the topography and lot size have their limitations.

The solicitor asked members of the audience, Ms. Daugherty and Mr. Daugherty if they were opposed to the zoning change. Mr. Daugherty said that since it is not adjoining her lot, she does not have an issue with the zoning change. Mr. Daugherty had questions about that strip of property which was identified as an old Route 88 remnant.

Mr. Ivery recommended that there be a direction given that granting the zoning change be conditional on a survey of the property north of 20.03 be done to determine meets and bounds.

Ms. Daugherty said that she would be more comfortable with a C-1 zoning identification.

Mr. Spahr said that on the news the other day, was an issue involving an intersection in Hampton Township where Penn Dot had issued a permit, but the residents had been complaining that it was dangerous, and, at this intersection, a school bus recently was involved in an accident whereby the bus rolled on top of another vehicle. Mr. Spahr expressed caution in that area where traffic may cut across lanes in the South bound lane if there is not adequate traffic control regardless of whether Penn Dot approves a permit. He said that there have been other instances where improper traffic control has cost lives and where Penn Dot was requested to make changes to an intersection.

Mr. Makel asked to see the Highway Occupancy Permit, HOP No. 12038167. He noted that the permit says Finleyville Borough instead of Union Township and suggested another Exhibit be entered into evidence.

**Motion** to admit into evidence as Exhibit H, Penn Dot Highway Occupancy Permit No. 12038167.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Makel asked Mr. Jaki if he understood that if the Township grants his request for re-zoning, that there is no guarantee that he could develop that property, receive a driveway permit or have any commercial activity whatsoever. He indicated that he did.

He asked if he understood that the Planning Commission recommended that a survey be done. Mr. Jaki said that after the Planning Commission meeting he put his packet together and was told to move forward through the process.

Mr. Makel said that our map will need to be changed which is another reason we need the meets and bounds because they are also needed to record the map.

*Board Approved: March 24, 2014*

**Motion** to go to Executive Session at 7:59 p.m.

Motion by Brenda Cushey, Second by Andrew Tullai

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

The Board returned at 8:05 p.m.

The solicitor said that a survey was needed showing the meets and bounds before the Board can make a decision and that it would be necessary to waive the time period under the zoning ordinance in order to allow time for the survey prior to the Board making its decision. He said that the Board has 45 days to make a decision after this hearing. He said that once the survey is done the hearing can be resumed. Mr. Makel asked Mr. Jaki if he was willing to waive the time period. He was informed to have whatever portion of his parcel that he wants considered for re-zoning to be surveyed showing the meets and bounds. Mr. Grieb informed Mr. Jaki that the zoning change does not have to apply to the entire parcel.

**Motion** to continue the hearing for 6:00 p.m. on May 12, 2014.

Motion by Andrew Tullai, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

  
Debra A. Nigon, Secretary