

Union Township Board of Supervisors
Hearing for Union Gardens Rezoning Request
June 4, 2012

Hearing to Re-Zone Parcels 640-002-00-00-0002-00 and 640-003-00-00-0004-00
from R.D. and R.1 Residential to C.2. Commercial
at the Request of Union Gardens, LLC

The Board of Supervisors Meeting was called to order by Chairperson Linda Evans-Boren at 7:26 pm. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. Board Members in Attendance by roll call were Stephen Parish, Larry Spahr, Linda Evans-Boren, Andrew Tullai and Brenda Cushey. Also in attendance, Carl Dei-Cas-Township Engineer, Dennis Makel-Solicitor, Harold Ivery-Building Code Official, Peter Greib-Code Enforcement Officer, Debra Nigon-Secretary.

The Township Solicitor requested that all rise who would be providing testimony during the hearing and all those providing testimony were sworn in and recorded by the Court Reporter. Those providing testimony were the parties, their engineers, their counsel, and residents who attended as a result of the affected property mailing which had been sent by the Building Code Official.

The owners of the property, Carmen Paliotta and Antoinette Paliotta, appeared to give testimony as well as Leslie Peters, counsel for Union Gardens, and Kim Gales, engineer for Union Gardens.

Ms. Peters presented the request to the Board, explaining that parcel 640-002-00-00-0002-00, referred to as parcel 02, is currently zoned RD and parcel 640-003-00-00-0004-00, referred to as parcel 04, is currently zoned R1 and that Mr. and Mrs. Paliotta are requesting that both be re-zoned to C2 for the purpose of relocating a construction storage / maintenance building and office building from their current location in Allegheny County to Washington County. There is a sanitary sewer along Brownsville Road Ext. where the office will be located and an access road towards the back where the maintenance building would be located, about 150 feet back from Brownsville Road. An HOP Permit from PennDot has been approved. The Paliotta's own the property and do have a grading permit. Approval was received from Washington County Conservation District for the work they have done. The owners are not requesting construction permits at this time. Should zoning be approved, a land development plan would still need to be submitted and approved.

Motion to place the re-zoning application into evidence as Exhibit 1.

Motion by Linda Evans-Boren, Second by Brenda Cushey

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

Motion to place the advertisement for the hearing which appeared on May 15, 2012 in the Observer-Reporter into evidence as Exhibit 2.

Motion by Linda Evans-Boren, Second by Larry Spahr

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

Motion to place the Notices which were posted on the property pursuant to the MPC into evidence as Exhibit 3.

Motion by Brenda Cushey, Second by Larry Spahr

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

Motion to have the Planning Commission Minutes placed into evidence as Exhibit 4.

Motion by Brenda Cushey, Second by Larry Spahr

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

Motion to place into evidence as Exhibit 5 the letter written by Dana and Cheryl Robinson which was read by Brian Spiegel at this hearing.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Harold Ivery stated that, as Zoning Officer, the request does not violate MPC or the Township's Zoning Ordinance.

Mr. Carl DeiCas stated that he had no opinion. On February 27, 2012 when he reviewed the original zoning application, there were three parcels, 02 which abuts the BDH holdings and a C2 zone, 04 which is surrounded by residential properties, and 06 which was in a residential area and was a small parcel. He, at that time, believed 06 would be spot zoning, since that time that parcel has been removed from the application. Parcel 02 and 04 together would be a combined 60 acres which is a large enough parcel to not be considered spot zoning if re-zoned, and the contiguous properties would touch properties zoned MUD and also C2 in the back. In addition, in regard to the Multi-Municipal plan and its land-use plan, parcel 02 was labeled industrial use, and 04 was labeled agricultural; so he believes that the re-zoning change is compatible with the land-use map and comprehensive plan, and that the approval of the re-zoning request is at the Supervisors discretion.

There was some confusion among the residents as to what type of business was going to be placed on the property. The Zoning Officer noted that the Paliotta's originally contacted the Township for re-zoning to build a landscape business. The Paliotta's testified that their plans have changed and that they are no longer considering a landscape company but a storage warehouse/maintenance building and office. The warehouse would be towards the back of the property and will be used to store miscellaneous construction equipment that either needs repaired or cannot be left on-site, as they usually prefer, and the office building would be along the frontage and would house several office workers.

Comment from the public was predominantly in opposition due to complaints about noise, concern about property values, concern that traffic would increase on Brownsville Road, and that the area would become increasingly commercial instead of residential. It was also noted that once re-zoning was approved, if the property was ever sold, any other C2 business could purchase the property. Mr. Tullai suggested that perhaps the applicants could consider a C1 classification.

Motion to place into evidence as Exhibit 6 a letter from Ms. Gales to the Township dated March 5, 2012, copying Mr. Makel and Ms. Peters, in response to the issues which were addressed at the February Planning Commission meeting.

Motion by Andrew Tullai, Second by Steve Parish

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

Motion to enter into evidence as Exhibit 7 an email communication from Mr. Makel which forwarded an email authored by Ms. Peters requesting a re-zoning hearing in front of the Board of Supervisors and submission of an Amended Rezoning Request which eliminated the parcel 640-003-00-00-0006 from the application.

Motion by Brenda Cushey, Second by Andrew Tullai

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

Motion to close testimony to these proceedings.

Motion by Linda Evans-Boren, Second by Larry Spahr

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

Motion to go to Executive Session to deliberate on this issue at 9:00 p.m.

Motion by Linda Evans-Boren, Second by Brenda Cushey

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

The Board returned from Executive Session at 9:12 p.m. and informed those present that it will provide a decision on the re-zoning request to the attorney for the applicant at their Regular Board Meeting which will be held June 25, 2012, and suggested that any residents who want to be present when the decision is provided attend the meeting as well.

Motion to adjourn the meeting at 9:17 p.m.

Motion by Larry Spahr, Second by Brenda Cushey

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

Debra A. Nigon, Secretary