

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

APRIL 5, 2023

MINUTES

The meeting was called to order at 7:30 p.m. by Vice Chairman Gary Grysiak.

PLEGDE OF ALLEGIANCE AND MOMENT OF SILENCE

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

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Gary Grysiak, Larry D'Agostino, Michael Gaydos, Heather Wilkins, Robert Hutchison, Bruce Dice and Paul Whealdon.

Mr. Grysiak welcomed the new member Robert Hutchison.

APPROVAL OF MINUTES

The Zoning Hearing Board considered approval of the minutes of the December 7, 2022 meeting and the January 4, 2023 meeting.

There being no corrections, additions or deletions to the minutes of December 7, 2022, a motion was duly made by Mr. D'Agostino to approve them, as submitted, and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously. Further, Mr. D'Agostino duly made a motion to approve the minutes of January 4, 2023, as submitted, and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

REORGANIZATION

Mr. Dice explained because the zoning hearing board now has a new member this is the opportunity to reorganize its leadership. He reported three positions will be voted on, chairman, vice chairman and secretary. He advised a motion is in order to make those appoints.

Whereupon, Mr. D'Agostino duly made a motion to appoint Mr. Grysiak Chairman and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously. Further, Mr. Gaydos duly made a motion to appoint Mr. D'Agostino Vice Chairman and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously. Furthermore, Mr. D'Agostino duly made a motion to appointed Mrs. Wilkins Secretary and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

NEW BUSINESS

23-2-A

MUNICIPALITY OF MONROEVILLE

VALLEY PARK

The applicant is requesting a variance from Section 804.B.(1)(b)(3); 308.B(4)(a); 805.B.(4)(a)(7) of Ordinance 2618 which amends the Monroeville Zoning Ordinance, No. 1443, as amended, regarding development regulations within a floodplain to permit the construction of a pedestrian bridge, restroom facilities and a pavilion. The property is located at 1268 Abers Creek Road, Tax Parcel 1108-P-047 and known as Valley Park, in the S, Conservancy Zoning District.

Mr. Paul Estock from the Monroeville Parks and Recreation Department came forward along with Mrs. Martha Frech, President of Stream Line Engineering, as the applicant representative on the job.

Mr. Estock gave a brief overview of the project. He reported in 2019 the municipality opened the Westmoreland Heritage Trail and 1.2 miles of it that comes through Monroeville. He explained how it starts in Trafford and is short of Delmont which is 8.9 miles. He felt it is a fabulous trail. He reported prior to the opening in 2019 they had a parking lot put in and it fills up very fast. His goal was to find another location for additional parking and this is a result of a lot of work. He added they received a grant to pay for the project in the amount of \$243,000 with a match from the municipality for a total of approximately \$490,000. He reported it is a large project and a lot of work.

Mrs. Frech reported they are located along Turtle Creek right next to the Valley Park on Abers Creek Road. She stated this project is to put in a pedestrian bridge that goes across Turtle Creek which will span approximately 100 feet then there is a ramp up from Valley Park which is approximately 62 feet and the Heritage Trail is located on the other side. She explained the proposed design it to elevate the bridge above the 100-year food elevation but the ramp will not be able to do that because it is down to the level of Valley Park. She reported they did a hydraulic analysis and it was determined that it would not affect the 100-year flood plain because the skate park with the fence which was an obstruction was removed and was replaced with a ramp that will not be as much of an obstacle for any kind of flow through the area. She reported they are proposing to make the bridge handicapped accessible to allow people enjoying Valley Park to go across the bridge to the Heritage Trail.

Mrs. Frech reported the other part of the project is putting in a bathroom facility which will be located near the parking area off of Abers Creek Road. She stated they wanted the bathroom facility to be as far away from the stream as possible. She reported the bathroom facility and pavilion is outside the 100-flood way which has the major flow through Turtle Creek but still is the 100-year flood plain. She explained there may still be some flooding in the area which is why they need a variance to allow them to build the structures in the 100-year flood plain.

Mrs. Frech pointed out the location of the bathroom which will be handicapped accessible and it will come up from the parking lot with a ramp. She indicated they are proposing fill to elevate the first-floor elevation above the 100-year flood plain but there is a requirement to have any facility a foot and a half above the 100-year flood plain. She reported the first floor is below that foot and a half but the toilet, itself is above the 1.5 feet. She stated they are concerned with flooding and pollution when

things are flooding and they do not want to increase pollution during a 100-year event. She reported the bathroom will be connected to the existing sanitary line so it will not be self-contained and they are going through the appropriate sewer modules. She stated their other request is to put in a sanitary facility in a 100-year flood plain.

Mrs. Frech reported the three requests are for putting the facilities in the 100-year flood plain, putting fill into elevate the bathroom which is located away from the stream and for the sanitary facilities.

Mr. Grysiak inquired whether the bathroom facility is pre-fabbed and Mrs. Frech answered affirmatively. Mr. Grysiak questioned whether it would be anchored securely to the ground and Mrs. Frech answered affirmatively. She explained they propose a concrete slab and it will be anchored into it. Mr. Grysiak inquired when they anticipate the completion and Mrs. Frech answered they have to submit permit applications to DEP and the municipality is their first step. She added they have to get the sewer modules submitted, the DEP approvals and the approvals from the conservation districts. She reported they have already contacted Murrysville because they are connecting to their property and they were informed they do not have to go through any planning. She added they spoke to the recreation director from Westmoreland County who supports the project 100 percent. She asserted getting the application through DEP might take some time.

Mr. David Donofrio, resident of Tyrolia Road, came forward to express his concerns. He reviewed for some of the things that have happened over the years. He disagreed with them building on a flood plain. He felt the bridge could be okay but he disagreed with the public bathroom facilities in a low traffic area because it has the tendency to attract undesirables. He gave an example of Boyce Park where all the public restrooms are closed and locked tight. He felt they would have the same problem at this location. He mentioned the children are playing in the area. He suggested doing away with the bathroom and pavilion because it will be covered with graffiti then it will be vandalized. He stated it is not a matter of if it will flood but when it will flood. He reported he has seen it flood many times and reported the last time it flooded it was high on the fence at the skate board park. He also reported a dead body was found between the creek and Abers Creek Road. He felt a dark place with a bathroom facility with children in the area is a recipe to cause problems. He requested each and every member on the board consider this application.

Mr. Grysiak pointed out there are current restrooms in the park system and he inquired how they are secured. Mr. Estock reported there is currently a Port-A-John at Valley Park. He agreed vandalism is everywhere and cannot be avoided but they do everything in their power to make sure they are secured. He stated their goal is once this is built the area will be shut down on a regular basis and they are anticipating to have timers on the restrooms to lock them down at dusk. He reported the pavilion would be very small with two or three tables and would be an area to get off the beaten path to take a rest in the shade. Mr. Grysiak inquired whether any lighting would be anticipated. Mr. Whealdon answered there would be lighting on the restroom facility. Mr. Estock added there would be LED lighting on the outside of the restroom facility that would project.

Mr. D'Agostino questioned whether there would be any cameras for security. Mr. Estock answered they will install them if they are required and added they will take the appropriate actions to make sure it is done properly. He reported there is currently a restroom/bathroom over at the parking lot at the end of Saunders Station and there is a huge light in the area and there are no graffiti issues.

He stated there is also a sign and bulletin board. He reported the Port-A-John has been pushed over by kids four times but things happen.

Mr. D'Agostino inquired how many bathrooms there are between the park where the soccer field is located and the skate board park and the parking area for biking and fishing. Mr. Estock reported there is currently a bathroom in Trafford and Murrysville with nothing in between. Mr. D'Agostino inquired whether there is a portable one in the area and Mr. Estock answered negatively. He added a Port-A-John will be placed in the area for the season then it is taken away. He again stated currently there is no restrooms between the two areas. He stated this would put a Port-A-John at Saunders Station and one at Valley Park.

Mr. D'Agostino inquire what would happen with the restroom or pollution when the area floods again in the future. Mr. Estock answered currently the toilet is above the flood plain and the water will not bump into it. He asserted they are required to stay above the flood plain but it could happen.

Mr. Grysiak inquired whether it would go into the sanitary sewer and Mrs. Frech answered affirmatively. She pointed out the toilet is one and a half feet above the 100-year flood plain which is the factor of safety. Mr. Grysiak inquired whether the fixtures within the facilities are industrial and not easily broken. Mr. Estock indicated they will provide whatever is required. Mrs. Frech added they can look into with the manufacturer of the bathroom. Mr. Estock reported the skate park is covered with graffiti but it would be taken away and the flood plain will be reduced. He stated the skate park, fencing and guardrail would be removed.

Mrs. Wilkins inquired whether someone would check on the facility and Mr. Estock answered affirmatively.

Mr. Gaydos pointed out there is no on-site resident and Mr. Estock concurred. He reported there was someone there when the pool was located there but there is no one there now and it stays open. He stated it is shut down in the winter months. Mr. Gaydos inquired how the one-and-a-half-foot distance was determined. Mrs. Frech answered it is a requirement in the code. Mr. Whealdon added that is a standard from FEMA.

Mr. Donofrio again came forward to inquire who would maintain the facilities with the toilet paper and emptying the trash cans. Mr. Grysiak answered it would be part of the park system. Mr. Estock added there will be a dog station located there and the parks and recreation and public works departments will go to all the bathrooms to clean and sterilize them once a week depending on the activities. He stated that is a requirement that they make sure it gets done on a regular basis.

There being no further discussion, Mrs. Wilkins duly made a motion to approve Application No. 23-2-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

23-3-A
TERRY SMITH
CHILD CARE FACILITY

The applicant is requesting a Dimensional Variance from Section 401.9 of the Monroeville Zoning Ordinance No. 1443, as amended, to operate a child care facility within 2,000 feet of an existing

child care facility. The property is located at 2510 Mosside Boulevard, Tax Parcel 857-R-024, in the C-2, Business/Commercial Zoning District.

Ms. Terry Smith, the applicant, came forward to explain the request. She explained she is proposing to be located within 2,000 square feet of a child care facility. She explained she currently has a center that she wants to move to this space in the upstairs and downstairs. She reported it is located across from the family dollar and she explained the location.

Mr. Grysiak inquired whether the new proposed zoning ordinance update would eliminate this requirement and Mr. Whealdon answered affirmatively. He explained the current ordinance has a separation of 2,000 feet and it has been removed in the revised ordinance. Mr. Grysiak stated the municipality is currently bound by this technicality.

Mr. D'Agostino questioned the number of children that would be located at this facility. Ms. Smith explained it is licensed by the state and it is based on the square footage of the classroom. She estimated about 60 children in this space. Mr. D'Agostino questioned whether there was any feedback from any of the current residents in the building and Mr. Whealdon answered negatively. He added there was no correspondence from anyone.

Mr. Gaydos inquired about the other tenants in the building and Ms. Smith answered there is no one else in the building. She stated she would be the only one occupying the building at 2510 Mosside Boulevard. Mr. Gaydos questioned whether there are two floors and Ms. Smith answered affirmatively. She briefly explained the logistics.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 23-3-A and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

23-4-A
MARLA JORDAN

The applicant is requesting a variance from Section 310, Fences, of the Monroeville Zoning Ordinance, No. 1443, as amended, to construct a six-foot tall, solid fence in the front yard of the property that faces Second Avenue. The property address is 391 James Avenue, Tax Parcel 642-J-032, in the R-2, Single-Family Residential Zoning District and is a corner lot.

Mr. Whealdon explained the reason a variance is needed is because a six-foot solid fence is being proposed in the front yard. He reported because the property has two front yards and it is a corner lot it is considered a hardship. He stated since the property has two front yards and two side yards and no rear yard according to the municipal planning code, the property owner has a hardship which gives him standing in front of the zoning hearing board for a variance.

Ms. Marla Jordan, the applicant, came forward.

Ms. Mary Lou Urban also came forward.

Ms. Joran explained she is proposing a privacy fence along Second Avenue because she has a pool and lots of children around her house.

Ms. Urban, a resident across the street, reported she has been calling the municipality for approximately nine months complaining about the multiple vehicles in the yard. She has been told the

fencing is being putting up to appease her from calling the municipality. She reported the multiple vehicles in the yard are unregistered and someone informed the property owner if they covered all those vehicles the zoning hear board cannot ask them to uncover them. She reported the municipality has an ordinance prohibiting unregistered vehicles in a yard. She asserted she does not condone anybody from making extra money but the property owner brings things from the municipality to scrap them but the left overs get left behind the proposed privacy fence. She reported she has taken several pictures and she was uncertain what the privacy fence would do because it is not covering the pool or the front. She added currently there are several vehicles in the yard that are all covered with tarps that blow everywhere. She was unaware that a resident in Monroeville is allowed to have a junk yard in their yard. She reported she pays \$6,000 in taxes for her house and \$2,500 for her rental across the street. She asserted Mellon Plan was a beautiful neighborhood but now she lives across the street from a working junk yard. She reported she has never had a problem with her neighborhood but she was concerned with how the fence would look in three years. She explained driving down the street she would see a six-foot high fence but from the front of the house you could still see the unregistered vehicles, the lawn mowers, the washers and dryers and the quads. She again stated she was informed the applicant is only putting up the fence to appease her. She did not want the applicant to spend more money after they spent money on the covers. She suggested it is not pretty. She questioned whether there is an ordinance in the municipality that prohibits property owners from having unregistered vehicles in their yard and Mr. Whealdon answered affirmatively. She wanted to know if he got special permission because he works for the municipality and Mr. Whealdon answered negatively.

Mr. Whealdon reported the municipality issued a letter of violation after he spoke with her and the applicant has several weeks to address the items listed in the letter and it is moving forward.

Ms. Urban was curious as to what the six-foot fence would do and inquired how long it is. She reported she spoke with her neighbors and they told her they would rather see shrubs in front than a six-foot fence. She asserted they are covering up more junk.

Mr. Spencer Jordan came forward to explain there are two trucks and a frame. He reported the quad is uncovered and registered, the old Nova is registered but the two trucks are not registered. He explained one truck he is tearing apart and indicated he would try to get one truck together. He reported the other truck he is keeping and it will be covered. He assured the board that the mess would be cleaned up. He wanted the fence for his privacy.

Mr. Grysiak asserted the fence and the condition of the yard are two separate matters; one is an enforcement issue for the municipality and the zoning hearing board is dealing with the fence. He stated if there are issues with the lot and violations those issues would be addressed by the zoning officer and his staff.

Ms. Urban felt the six-foot high fence going the length of the street will be a huge eye sore. Mr. Jordan asserted he has not had enough time to clean up his yard but he cleaned up the corner. He wanted the fence and he wants the stuff off of this property but he has not had enough time to do it.

Mrs. Wilkins inquired whether the fence was proposed because the applicant has a pool and Mr. Jordan indicated he wants the fence for privacy. He reported everything would be taken off the property other than the truck and his Nova. He stated everything else is registered. Further discussion ensued.

Mr. Leo Engleka, a resident, came forward to express his concerns. He disagreed that the fence would cover the pool and he felt the fence is being installed to cover all the junk in the yard. He explained the junk did not just appear in the last year and has been there for approximately ten years. He stated it has been an on-going problem for a long time.

Ms. Urban questioned whether everyone was looking at the same picture. She inquired whether she was looking at the picture where the X's are for the fence. Mr. Jordan answered the X's are where he wants the fence to be located. Further discussion ensued. Ms. Urban questioned whether the fence would put the pool out of site and Mr. Jordan concurred. Ms. Urban explained the notices on the telephone poles were not clear. Mr. Whealdon explained he needs a variance for the section of fence along Second Street because that is a front yard but he does not need a variance for the side yard on the west side of his property. Ms. Urban questioned why it is so close to the road and Mr. Jordan answered that is his property. Further discussion ensued.

Mr. Gaydos inquired how high the fence will be and Mr. Jordan answered six feet tall. Mr. Gaydos inquired whether the fence would be a solid wood colored fence. Mr. Jordan reported it would be pine and he would stain it. Mr. Whealdon added the municipality does not have any restrictions on color. Mr. Gaydos asserted it would be a wooden as opposed to plastic and Mr. Jordan answered he did not want plastic.

Mr. D'Agostino pointed out that the applicant does scrap and he inquired about the period of time he picks up scrap and delivers it. Mr. Jordan answered he used to go every week but now he goes every two weeks.

Mr. Grysiak questioned whether the applicant would adhere to the letter and clean up the lot and Mr. Jordan answered affirmatively.

Mr. Gaydos inquired whether there is a time period on the letter and Mr. Jordan answered it is April 17. Mr. D'Agostino questioned when the fence would be done. Mr. Jordan answered if it is approved, he could probably start next week.

Whereupon, Mrs. Wilkins duly made a motion to approve Application No. 23-4-A and Mr. Gaydos 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. D'Agostino to adjourn the meeting at 8:13 p.m. and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak
Chairman

GG/sam