

MUNICIPALITY OF MONROEVILLE

PLANNING COMMISSION

JUNE 15, 2022

MINUTES

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

PLEDGE 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: Kim Krivda, Bruce Walker, Heidi Lawrence, Ronald Massung, Leonard Bertoni and Paul Whealdon. Mr. Pokusa and Ms. Montgomery were absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the meeting of May 18, 2022, a motion was duly made by Mr. Bertoni to approve them, as submitted and Mr. Massung seconded it. Upon a roll call vote, the motion carried unanimously.

NEW BUSINESS

REZONING 22-1-Z

LAW FUNERAL HOME

The applicant is requesting to rezone the portion of Tax Parcel 587-M-195 that is currently zoned R-1, Single-Family Residential to C-2, Business/Commercial. The total area of the property is 4.411 acres. The property is located at 2555 Haymaker Road.

Mr. Thomas Lonich, attorney, came forward representing the applicant. He explained the request to rezone the property. He distributed documentation and exhibits and submitted a map. He explained the map provided to him by the zoning officer which is the zoning map for Monroeville. He pointed out the property they are requesting to rezone. He reviewed the original survey that mirrors what was originally shown on the zoning map and it is Lot Nos. 1, 2 and 3. He submitted maps marked as Exhibits 1 and 1A and the deed that establishes the ownership of the property by Home of Law, LLC for Lots 1, 2 and 3 which was marked as Exhibit No. 2.

Mr. Lonich presented a number of photographs that better describe the property. He stated it is the property that was formerly the Trinity Lutheran Church. He reported the building remains and the purpose of the rezoning will be to allow Mr. and Mrs. Law to operate in that building as a funeral home and any accessory uses. He suggested there may be some modifications inside the building to make it into a funeral home but there is no intention to raze the building for construction and will not have any construction equipment. He showed a photograph from Haymaker Road of the building with a guardrail. He showed another photograph looking at the building and explained the parking lot is to the

left and Haymaker Road is to the right with the guardrail. He showed several more photographs and explained them. He pointed out an interior access road coming off of Haymaker Road into the parking road and circles it. He felt it served the church well and would be an asset to the funeral home because it would remove any backup onto the road.

Mrs. Krivda inquired whether there were any adjacent residential properties and Mr. Lonich answered affirmatively. Mrs. Krivda questioned whether they are zoned R-2 or R-1 and Mr. Lonich answered R1. Mrs. Krivda inquired whether there were any other commercial properties within the proximity of this property and Mr. Lonich affirmatively. He reported it adjoins and abuts. He explained from the zoning map everything in red in the upper corner is commercial. Mrs. Krivda questioned whether that is located across the street. Mr. Whealdon requested he point out Haymaker Road and Mosside Boulevard. Mr. Lonich pointed out Haymaker Road, the subject property and Mosside Boulevard. He explained what separates the subject property to the commercial property is a hillside with a natural buffer zone. He pointed out the residential homes that the property abuts. He explained the natural buffer is 50 to 60 feet and he mentioned the hillside and gully.

Mr. Bertoni pointed out it is currently zoned R-1 and there is a concern with changing it to C-2 because it could never be changed back to R-1. He mentioned it is a concern because it is uncertain what would happen on the property over time. Mrs. Krivda stated it cannot be rezoned with conditions or restrictions so it is open to changing uses. Mr. Lonich asserted the rezoning runs with the land so once it is changed to C-2 anything permitted, conditional or special exception would be allowed. He stated his clients are willing to enter into a developer's agreement with the municipality that the property will only be used as a funeral home and an accessory use. He added if the use is ever changed or for some reason they go out of business the property would revert back to the R-1 status. He asserted since the owner/developer of the property is offering that as an accepted condition that removes it from the general rule that it runs with the land. He reported the condition would be in place and there would be an agreement. He referred to the use table for a C-2 zoning district which allows a variety of things including a shopping center to a bank. He explained that is why the funeral home use for the property is the least intrusive use in a C-2 zoning district and the traffic would be regulated. He suggested it is an extension of a residential zoning district.

Mrs. Krivda inquired whether the planning commission can consider that type of an agreement given the ordinance restrictions. Mr. Whealdon explained the property owner could do that with a deed restriction but he was uncertain how it would stand up in court if the property was sold. He stated a future owner may be able to get that revoked through a court decision because restrictions and conditions cannot be put on a rezoning but it may hold more weight if it is part of the deed.

Mr. Lonich explained it is a separate agreement and is like a developer's agreement that can be enforced. He stated if that covenant is placed in a deed or added to it then it is enforceable. Further discussion ensued. Mr. Lonich reported the property owner is willing to enter into that agreement if it is not used as a funeral home and the accessory use that goes with the funeral home, it goes back to the residential zoning.

Mr. Bertoni inquired about the operation of the crematorium. He questioned the process from start to finish once the body is put in that state. M. Lonich explained the crematorium would be an

accessory use to the funeral home with a separate entrance. He stated the body is prepared and the incinerator or furnace is enclosed completely in the building. He pointed out there is no crematorium currently at the building and it would be added in the future depending on the business plan and finances. He added it would be used as a funeral home now but the building is set up with a bottom area for access for the body. He explained the body preparation is approximately one hour and there are regulations and it would be enclosed. He pointed out the smoke stack can be limited in height and the cremation process does not emit a significant amount of smoke.

Mrs. Krivda questioned whether in the future they would have to apply to the municipality again for the crematorium and Mr. Whealdon answered not necessarily. He reported the current zoning ordinance does not address crematoriums. He stated the municipality is in the process of revising the zoning ordinance with completion by the end of the year and crematoriums will be addressed with restrictions and conditions. He explained if it is approved now it would be without restrictions and they would only follow federal and state regulations.

Mr. Lonich pointed out they wanted to have full disclosure on this issue. Again, he stated it is an accessory use to a funeral home but they are primarily seeking the rezoning for the use as a funeral home. He asserted the crematorium may not take place for a couple of years then they would have to meet those new restrictions and conditions including hours of operation and the smoke stack enclosed in the building.

Mrs. Chandra Law, the property owner, came forward to explain the developer's agreement. She reported they have one like it in Penn Hills that stipulates that it has to remain a funeral home and that is their intent. She explained they do not want to do anything else but the funeral home at the site at this time. She asserted they want to help and serve the community. She pointed out they have helped a lot of people from Monroeville at their Penn Hills site. Ms. Lawrence expressed her appreciation for them considering Monroeville for their business. Mrs. Law reported they have had people ask them to come to Monroeville and even helped them find a building.

Mr. Bertoni inquired whether they have other funeral homes in the region and Mrs. Law answered affirmatively in Penn Hills. She explained it is a family business and they moved from Wilksburg to Penn Hills and combined two.

Mr. Whealdon questioned whether the other business has a crematorium and Mrs. Law answered negatively. She again stated that is not their first and immediate interest and they want to have a larger space for a funeral home. Mr. Whealdon mentioned the smoke stack and assumed there were scrubbers and filters on it for ash. He inquired about the odor. Mrs. Law explained she is a recent graduate of mortuary school but her husband has been in the business a long time. She stated they do not emit a lot of odor because the heat used to incinerate is so strong and high that it is gone within an hour. She pointed out the machine draws in any odor and it is filtered before it comes out.

Mr. Lonich added there is very little noise associated with that process and it is all contained inside. He stated like any other business it has to meet all the noise and odor requirements in the ordinance.

Mr. Dwight Law, the applicant, came forward to explain the request. He reported they established their first funeral home in 1929 in Washington, Pennsylvania and they have had them in Donora, Brownsville, Wilksburg, Erie and Penn Hills. He explained their current funeral home has an agreement that was originally established that it cannot be operated for anything but a funeral home. He addressed the crematorium and explained with today's technology there is not as much smoke with bordering on zero emissions. He reported his family has been in business for almost 100 years and all of their places have been successful. He asserted their goal is to become part of the community and they have a track record. He mentioned the black migration and suggested churches and funeral homes are the only things that are still segregated. He reported they have a number of their clients that are moving east to Turtle Creek and Pitcairn and they have had a number of people that have requested they move out east.

Mrs. Krivda asserted their history speaks volumes and suggested it is good to see the long history of family business.

Mr. Bertoni referred to the smoke stack and pointed out the residential area is located directly behind it. He suggested there is a concern for those residents located directly behind and he questioned whether it would be noticeable for them if they have a family gathering or are sitting on their porch. Mr. Law stated with the current technology they would not even have a clue that the process was taking place. He pointed out the smoke stacks have to be lower than the building and it would be unobtrusive.

Mr. Lonich asserted there are commonwealth and federal regulations in the operation of a crematorium from the DEP that regulates the emission particles. He pointed out on the plan, the location of the building and the residents in the back and the smoke stack on the rear of the building. He stated it would be unlikely that any smoke would infiltrate anywhere it any of the residential areas. Mr. Walker inquired whether that would include the homes across the street on Haymaker Road and Mr. Law answered affirmatively. Mr. Lonich suggested the residences are further away than what is depicted on the map given the proximity of feet. He reported the driveways and front of the residences are all on Colgate Drive.

Mr. Whealdon showed an aerial view of the property. He stated Colgate Drive is at the bottom of the picture and the big white building is located on Mossy Boulevard and the red pin point is the location of the current church. He pointed out there is a substantial vegetative buffer between the existing building and those homes.

Mr. Lonich pointed out when the trees are in bloom with the natural buffer, those residences toward the bottom would not even see the building. He presented photographs of the area in March when the vegetation was not in full bloom and he pointed out the corner of the paved parking lot. He explained the Law property goes all the way down into the gully to the left with the trees. He stated the back of the houses can be seen but it is a considerable distance. He again stated the Law Property cannot be seen when the trees are in bloom. He reported they would comply if there is a requirement or suggestion concerning the trees because it would be a commercial activity with a specific buffer zone.

Mr. Lonich asserted they wanted to address the issue of the property reverting back to residential. He indicated he could provide a draft of the agreement but he felt the testimony from the

applicants is that they are willing to commit to it. He mentioned how they want to be a helpful and a useful presence in the community to serve the residents and to do so in a responsible way. Mr. Whealdon suggested a draft agreement would be beneficial for the municipal solicitor to review.

Mrs. Krivda expressed her appreciation for their presentation and information. Mr. Whealdon explained the planning commission can approve, deny or table the application. Whereupon, Mrs. Krivda duly made a motion to table Rezoning Application No. 22-1-Z, Law Funeral Home to allow for submission of additional support documents and Mr. Bertoni seconded it. Upon a roll call vote, the motion carried with four affirmative votes and one negative vote. The voting was as follows: Mrs. Krivda, Messrs. Walker, Massung and Bertoni voted affirmatively. Ms. Lawrence voted negatively.

Mr. Massung inquired what is involved in modifying the deed or adding this addendum to it that it would never revert back to residential. Mr. Lonich explained a covenant could be placed in the deed and a corrective deed filed or further informative deed so that the property would only be used for the use of a funeral home and any accessory uses. Mr. Massung questioned if it was only one deed and Mr. Lonich answered affirmatively. Mr. Whealdon explained the deed would be recorded at the county and that would be revealed if anyone did a title search on that property that the restriction is on that property. Mrs. Krivda asserted that would be an indenture that would be attached to that deed. Mr. Lonich agreed and added that covenant runs with the land so addresses the concerns of the board.

Mr. Whealdon suggested this is seen more frequently with park land when someone wants to donate property and stipulates that it can only ever be used for a park and can never be developed. He stated it is not uncommon to have that added to a deed.

Mr. Lonich inquired whether there is any other information the planning commission needs. Further discussion ensued.

Mr. Massung inquired whether there are any restrictions or modifications needed on the property for a crematorium. Mr. Whealdon requested the applicant that in addition to the draft developer's agreement they provide something from the state or county for guidelines for crematoriums. Mr. Lonich agreed to do so.

Mrs. Law again came forward to explain if they had a crematorium it would probably be after the zoning ordinance is completed and there would be guidelines. She stated they have no intention of doing that right away and it is not something financially they are looking to do when they open. She mentioned how they plan on having this business in the family for generations and it is not something they want to establish and sell off. She further reviewed their details. She pointed out the crematorium would be located in the back of the building if they ever have one and the residents would not be aware it was there.

Mr. Law asserted their main concern and priority is the funeral home and by the time they establish a crematorium the municipality will have guidelines.

Mrs. Krivda appreciated their commitment and felt the tabling would allow time to provide additional supportive documents. Further brief discussion ensued. Mr. Lonich reported he submitted information to the recording secretary.

22-2-SUB
CONSTANTINO CONSOLIDATION PLAN

The applicant is requesting preliminary and final subdivision approval to subdivide and consolidate Tax Parcels 977-N-347, 978-A-389, First Tract and 978-A-389, Second Tract into one lot totaling 2.121 acres. The property is located at 4334 Northern Pike in the C-2, Business/Commercial Zoning District.

Mr. Whealdon made a presentation on behalf of the applicant. He explained the plan and pointed out the corner of Circle W Drive that used to go back to the Westinghouse and Northern Pike. He stated it is across from Coral Funeral Home and it is an existing property that had vacant buildings that were demolished. He asserted the applicant is requesting approval to consolidate three parcels into one parcel presumably to make it more sellable. He reported the municipality has no problems with the proposed consolidation and he recommended approval.

Mr. Walker inquired whether it was three properties and Mr. Whealdon answered affirmatively. He explained they have the same tax parcel identification number but it shows property lines in between so something may have happened in the past. Mr. Massung inquired whether they are looking to develop or sell. Mr. Whealdon answered the applicant did not provide that information for the subdivision.

Whereupon, Ms. Lawrence duly made a motion to approve Subdivision Application No. 22-2-SUB and Mr. Walker seconded it. Upon a roll call vote, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the planning commission, at this time, a motion was duly made by Mr. Walker to adjourn the meeting at 8:12 p.m. and Mr. Massung second it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Anthony Pokusa
Chairman

AP/sam