

**ROSS TOWNSHIP ZONING HEARING BOARD
IN-PERSON/VIRTUAL MEETING
February 8, 2023**

The Regular Meeting of the Ross Township Zoning Hearing Board was held on February 8, 2023, at 7:00 p.m. Mr. Little called the meeting to order.

PRESENT: Philip Little, James R. Atzert, Beth Schellhaas, Tara Howey and Brandon Keller

SOLICITOR: Catherine A. Conley, Esq.

DIRECTOR OF COMMUNITY DEVELOPMENT AND BOARD LIAISON: Dominic J. Rickert (Absent)

RECORDING SECRETARY: Noreen A. Re

Pledge of Allegiance

REORGANIZATION OF THE ZONING HEARING BOARD

Motion to keep all positions the same made by Ms. Schellhaas and seconded by Ms. Howey.

Motion carries unanimously

Motion to retain Catherine A. Conley, Esq., as Board solicitor made by Mr. Atzert and seconded by Ms. Schellhaas.

Motion carries unanimously

APPROVAL OF MINUTES:

January 11, 2023

Motion to approve the minutes of January 11, 2023, made by Ms. Howey and seconded by Ms. Schellhaas.

**Motion carries – 4 to 0 with 1 abstention
Mr. Atzert abstaining**

OLD BUSINESS:

ZHB-1-23 - Accel Sign Group, Inc., for 7201 McKnight Owner LLC requests a variance from Section 27-1608.1.B.4 to permit 16 square feet more than the allowed maximum square footage of signage for a new car wash on property located at 7201 McKnight Road with Parcel ID No. 431-K-259 in a C-1 Zoning District of the 8th Ward.

Motion to take ZHB-1-23 off the table made by Ms. Schellhaas and seconded by Mr. Keller.

Motion carries unanimously

Mr. William Whitehead, Accel Sign Group, 5600 Harrison Street, Pittsburgh, PA 15201, was present via Zoom on behalf of the applicant and was duly sworn. Since no one was present at the last meeting and it was tabled, Ms. Conley asked the applicant to waive the requirements under the MPC for the time the Board has to make a decision. Mr. Whitehead agreed.

Mr. Whitehead described the request in detail. The sign will be 41 square feet instead of 25 square feet. The actual sign you will visually be able to see is 20 feet tall by 9 ½ feet wide. Upon inquiry by Ms. Schellhaas, Mr. Whitehead stated he was aware of the permitted illumination.

No public comments for or against

Motion to grant ZHB-1-23 made by Ms. Schellhaas and seconded by Mr. Atzert.

Motion carries unanimously

NEW BUSINESS:

ZHB-2-23 - Richard P. Quigley, Jr. requests three variances from Section 27-309.4.A, Section 27-309.4.B and Section 27-309.4.D to permit two 20-foot portable storage units and one 40-foot portable storage unit for permanent or semi-permanent storage on property located at 383 Bascom Avenue with Parcel ID No. 161-R-25 in a C-2 Zoning District of the 6th Ward.

Mr. Richard Quigley, Jr., 25 Flora Street, Pittsburgh, PA 15212, was present and duly sworn. He described his request in detail. He stated his hardship is the building on the property is unfinished and too small to house his equipment.

Upon inquiry by Ms. Howey, Mr. Quigley stated he would like permission for the storage containers for two to five years. He does not own the property, but he has a lease. He had nothing in writing from the owner stating they will allow the containers to be placed on the property. The containers are approximately 20 feet from the road. Mr. Atzert commented that there are two front yards on the property.

Upon inquiry by Ms. Conley why Mr. Quigley cannot use the building on the property for storage, he responded the building is unfinished. Ms. Schellhaas suggested a site visit, and Ms. Conley requested the containers be open for the site visit. Ms. Conley commented as follows:

MS. CONLEY: "Members of the Board, as you know, when looking at an application for a variance, you can put conditions on it. Maybe a fence around it, around the parcel. Maybe if you were willing to do that, that might be a recommendation."

Permission of the landlord would be needed to install a fence. Upon inquiry by Ms. Conley, Mr. Quigley stated that is the only C-2 in the area. Upon request of Ms. Howey, Ms. Conley explained standing as follows:

MS. CONLEY: "It's within the Board's discretion to decide whether or not a person that wants to speak tonight has standing. Standing is, were you affected by this application? So, obviously,

somebody in close proximity to the property would have standing. So the further you go away from the property, the less – you're not going to have standing.

"When you approach and want to speak, I would suggest that you make your statement as to whether or not you think you have standing. So, you know, it's within the discretion of the Zoning Hearing Board to not permit somebody to speak because they don't have standing."

Ms. Kathleen Vello, 327 Preston Avenue, Pittsburgh, PA 15214, was duly sworn and spoke in opposition to the request. She stated she lives less than a quarter mile from the site. She went through her objections in detail. Upon inquiry by Mr. Keller asking how Ms. Vello has personally suffered, Ms. Vello responded she has to pass the site every day, since the only way to ingress and egress her property is on Bascom Avenue. She also stated she has been subject to traffic backing up and visibility issues with equipment backing out onto the street. Also in response to Mr. Keller, Ms. Vello commented that she believed there were people, other than the applicant, also coming and going from the site.

Mr. Matt Vello, 327 Preston Avenue, Pittsburgh, PA 15214, was duly sworn and spoke in opposition to the request. Mr. Vello presented a handout of the site to the Board and requested it be made part of the record. He went through the handout in detail. Mr. Vello mentioned Permit No. 2023494 for one C container issued on September 7, 2002, was to the Ketterers, who are both deceased. He described activities at the site in detail. He also went through the criteria for a variance and how the applicant does not meet those criteria.

Ms. Brook Diederich, 413 Bascom Avenue, Pittsburgh, PA 15214, was duly sworn and spoke in opposition to the request.

Mr. Thomas Roskwitalski, 357 Bascom Avenue, Pittsburgh, PA 15214, was duly sworn and spoke in opposition to the request.

Mr. Clifford Bryson, 419 Bascom Avenue, Pittsburgh, PA 15214, was duly sworn and spoke in opposition to the request.

Upon inquiry from Mr. Keller, Mr. Quigley stated he has one wood chipper, a Bobcat skid loader and a Dingo, which is a small ride-on machine. Mr. Quigley stated his work season is from April to November. Mr. Quigley stated he only has his equipment on the property and not equipment belonging to other people.

Ms. Conley inquired as follows:

MS. CONLEY: "Let me ask you this, since you didn't state it initially: What is the nature of your business on this property?"

MR. QUIGLEY: "It's a tree service."

MS. CONLEY: "So what are you doing?"

MR. QUIGLEY: "On this -- we don't provide no service on this property. It's out of the property. We transport."

MS. CONLEY: "So do you cut wood? Do you stack wood up?"

MR. QUIGLEY: "No. I ceased that from Transvaal, because that was one of the issues with the splitting the wood."

MS. CONLEY: "Do you have any landscaping supplies on this property?"

MR. QUIGLEY: "As far as like --"

MR. ATZERT: "Like a big pile of mulch?"

MR. QUIGLEY: "No."

Mr. Quigley stated he did not sell mulch, stone, gravel, pea gravel or anything like that. He also stated he does not recycle wood chips and sell them. Ms. Howey inquired if there was any burning at the property. Mr. Quigley responded there was previously a wood burner in the blue container on Transvaal, which has ceased.

Upon inquiry as to the hours of operation, Mr. Quigley responded it varied, but he stated they were not there at 6:30 in the morning. Employees park their personal vehicles on the property for the day. Ms. Howey stated the Board would need a copy of the lease agreement. Ms. Conley inquired as follows:

MS. CONLEY: "Mr. Quigley, when you filled in the application, at the bottom of the application you stated that the authorized owner is aware that you're seeking this variance?"

MR. QUIGLEY: "Correct."

MS. CONLEY: "And approves of it?"

MR. QUIGLEY: "Yes.

MS. CONLEY: "So just as a follow-up, you should provide a document, but you did sign that under penalty of perjury. And it was notarized; correct?

MR. QUIGLEY: "Yes."

Ms. Conley inquired further as follows:

MS. CONLEY: "Mr. Quigley, on the Transvaal property, you testified under oath that you did not mill wood or sell wood on the property. Is that the same situation on this?

MR. QUIGLEY: "That's the same situation here. I am not – I ceased all that operation.

MS. CONLEY: "The nature of your business is that you get calls from off-site customers and go off site and cut their trees down?

MR. QUIGLEY: "Correct. There has been no noise – there's been very minimum noise, if it's a truck starting and pulling out in this property in the last three months, like I said, because we're in our slow season.

MS. CONLEY: "You also testified under oath at that other case at Transvaal your employees meet at the subject property and return to the property to return equipment at the end of the day?

MR. QUIGLEY: "Correct.

MS. CONLEY: "That equipment is what you store in the three containers?

MR. QUIGLEY: "Yes. So the equipment like chainsaws, stuff that we use to do the job, yes.

MS. HOWEY: "Do you have a backhoe or things like that put in the containers or that type of equipment?

MR. QUIGLEY: "The 40-foot container occasionally is used to store --

MR. LITTLE: "What's the largest – sorry. Go ahead.

MR. QUIGLEY: "The 40-foot container is occasionally used to store the Bobcat and the Dingo, yes.

MR. LITTLE: "What's the largest piece of equipment that you have on that property that would be in the container? Obviously, the bucket truck is large. But outside of that?

MR. QUIGLEY: "Are we talking length?

MR. LITTLE: "Yeah. Sure.

MR. QUIGLEY: "It would be a dump truck. Ford 350, which is not a 450, which was mentioned earlier.

MS. CONLEY: "Would it be fair to say that the reason you have the containers is so that no one steals your equipment?"

MR. QUIGLEY: "Correct.

MS. HOWEY: "Or vandalizes.

MR. QUIGLEY: "Correct.

MS. CONLEY: "That's why you don't keep the equipment just out?"

MR. QUIGLEY: "Out in the open. It's locked in the storage container."

Upon inquiry from Ms. Howey, Mr. Quigley stated his end time would generally be between 3:00 p.m. and 5:00 p.m. He indicated during his peak season he would have four employees and himself working.

Upon inquiry by Mr. Vello, Mr. Quigley stated his wood chipper has been started on the site, but it has never been used on the site. He also stated other equipment has been started at the site.

Motion to table pending a site visit made by Ms. Schellhaas and seconded by Mr. Atzert.

Motion carries unanimously

Ms. Conley commented the record will remain open. The process of a site visit was explained in detail.

ZHB-3-23 - Dick's Sporting Goods requests a variance from Section 27-1608.1.B.(1) to permit more than one sign per occupancy and three variances from Section 27-1608.1.B.(4) to permit a 273-square-foot sign and two 128-square-foot signs on property located at 1008 Ross Park Mall Drive with Parcel ID No. 518-G-004 in a C-1 Zoning District of the 4th Ward.

Ms. Lauren Breslin, 1 Allegheny Center, Suite 402, Pittsburgh, PA 15212, was present on behalf of the applicant. She explained the request in detail. She gave a brief overview of Dick's House of Sports and how it operates. Dick's Sporting Goods is proposing

signage on each facade of the building. Mr. Little inquired if the signage would disturb the neighborhood adjacent to the site. Ms. Breslin responded she did not believe it would affect the residential neighbors because of the current buffer. She didn't believe there would be a direct view.

Ms. Karla Maruca, 525 Woodland Road, Pittsburgh, PA 15237, stated there was an agreement with the residents that the lights at the mall are supposed to be off when the mall is closed. She also stated the homes adjacent will be affected by any signs that are put up. Security lights remain on, but the major mall lights are turned off after hours.

Upon inquiry by Mr. Little if there would be two Dick's in close proximity, Ms. Breslin responded that they might be closing the McCandless one and moving it.

Motion for approval made by Ms. Schellhaas and seconded by Mr. Keller.

Motion carries unanimously

Motion to limit participation in Zoning Hearing Board hearings via Zoom to broadcast only and no public comment or questions through Zoom's chat feature.

Mr. Little stated this would pertain to public comment, but he didn't want to limit an applicant that possibly had mobility issues or maybe an extenuating circumstance from participating by Zoom. Discussion ensued. It was discussed adding after the comma after "chat feature," "except for applicants and predetermined individuals with standing on the matter, in accordance with instruction on the Ross Township website."

Ms. Darlene DiDonato stated she basically agreed with the language presented.

Following discussion, it was decided that Ms. Conley would have something drafted for the next meeting.

**Motion to adjourn made by Ms. Schellhaas and seconded
by Mr. Atzert.**

Motion carries unanimously

MEETING ADJOURNED AT 9:10 P.M.



**Philip Little
Chairperson**

Minutes prepared by Noreen A. Re, Certified Realtime