

**Borough of Canonsburg**

**Planning Commission**

**April 6, 2023**

**1. Call to Order: 7:00 PM**

The meeting was called to order by Mr. Defillipo at 7:00 PM

**2. Pledge of Allegiance**

**3. Roll Call:**

Mr. John Defillipo, Chairman - Present

Mr. Eric Chandler, Vice Chairman - Present

Mr. Tim Bilsky - Absent

Mrs. Pat Briner - Absent

Mr. Steve Moskal – Present

Others Present: Solicitor, Joseph Dalfonso, Code and Zoning Enforcement Officer, Melissa Graff

Absent: Engineer, Jeff Marcink

**4. Public Comments**

Angelo Albanese, 533 Duquesne Ave – I have lived here a little over 8 years. February 2017, the parking on the northwest side of Duquesne was removed so on my next trip to Sam’s Pizza I went down there and was greeted by Dave Rhome, who said “how are you doing young man”? I said, “I would be better if you would put parking back”. He said, “well you must not be concerned about safety” which I thought was a bit ironic considering I dedicated almost 20 years to safety in both the military and private sector, but I digress. We had a cordial conversation and come to find out there was a building fire and a fire truck

could not access it, so I left there pizza in hand thinking “well maybe I am the selfish one”. So, fast forward to today, and given the already congested intersection of Como and Euclid, given the through-put on Dogwood Alley, the diminished parking on Duquesne and surrounding areas, and the obvious occasional need for overflow parking, I ask the commission this question; how does adding a micro-brewery with at least one apartment, how does that add to the public safety, unless safety is only a priority until it meets callers? Thank you.

Chasity Slaughter, 624 Franklin Ave – I have I lived here all my life. I am a drunk driver survivor. I was in a car crash that was caused by someone who was drinking alcohol. I survived it but the 2<sup>nd</sup> grader, he died. I do not call it an accident I call it a choice. They chose to drink and get behind the wheel. They took my choices away, they took a child away who didn't get married, he never had his own kids. I wanted to see what he looks like now. The car accident that was in front of First St. School, I was in that car accident. I don't appreciate the fact that this alcohol place is coming into our neighborhood. It is block away from where kids get off of the bus. I don't appreciate the fact that you are thinking about money over lives. I know that 11 million criminal accidents and crimes happen in this nation/country every year. 2.7 of them are caused by offenders who drunk first. 32 people dying each day from drunk driving, that's 1 person every 45 minutes. It's documented I can pull the papers I have them with me. I am one of those victims now. I don't think that people living around here want the noise congestion here, they don't want to have to worry about their kids that are coming home from jobs, we have to worry about that. I have to worry about children getting killed because of people with lower inhibitions because they have more aggressive and violent intake and actions when they are drunk. I'm getting upset because I am very angry about this. I don't want to have to see another child in a coffin where I don't recognize his face. I lost a family member a couple of years ago to a drunk driver who tried to lie about it and sent money for the funeral. They didn't want to own up to drunk driving. I think we have enough alcohol between uptown, by Shop -n- Save, in

grocery stores that we do not need another alcoholic facility in our area. I am adamant about this. I am sad that yinz guys can't think about getting education, better technical jobs in this area. We need help with roads in our town. We gave away our rights to Southpointe years ago with the old board that was here. We could have had some of that money from Southpoint if we had better people on the council board. I don't want you guys to make this same mistake again. This used to be called Guntown because of the history here. You guys promoting people and letting people come with alcohol in our town, I don't our town to go back to a town where Canonsburg is listed as a Guntown because we have so much violence. We already have a problem with drugs and alcohol around here. I thank you very much.

Melissa McNutt, 614 Euclid Ave – I stay to myself and I walk my dogs, but I know the area going on 21 years, and I know in our end we had drug issues with the young children and young kids. It hasn't been but maybe 10 years ago we had drugs selling out of what is called Renovation Nation, but it wasn't Renovation Nation at that point, but there was drugs being sold out of that. Not only do I have an issue with the suspicious activity that I see personally in broad daylight when I walk my dogs, but we already have parking issues with Renovation Nation, although I am not here to disrespect them, and I feel that Renovation Nation has been a little bit more considerate with their parking. I'm concerned with more congestion and alcohol influencing our young children, and it's not really a good environment for a family area. Renovation Nation so be it it's a business, and she has been respectful so far with her parking, it's a business. If these gentleman would have decided to sell sports equipment in that building, I don't think we would be here having this discussion or meeting, but it's alcohol, and it's something our young adults don't need, our teenagers don't need, it's not what a family needs, and the most important thing is there is already suspicious activity in that area already that you guys are completely aware of. This man no matter how superior he feels he is; he's not going to be the superman that saves the day. It's inviting issues for future use, and if he gets this permit it's going to be hard to take away.

So, I hope that you will reconsider this, if the gentleman wants to build a business making trophies, sports stuff so be it but it's alcohol and nothing good comes from alcohol. He wants to persist on building this business and alcohol, he can go somewhere else where it doesn't interfere with people raising their children and so forth and you know the other issues. So, I hope that you take that to heart and don't give this any more consideration because it will be hard to take away. Maybe we should encourage him to open up a trophy business, we would support that.

Tish Gilbert, 532 Duquesne Ave – I have been at 532 Duquesne for the last 12 ½ years. My issue is the fact that I have two autistic kids, um their bus stop is literally; one is right in front of where it's supposed to be, and the other is right across the street. My son goes to the barber shop on his own, he's 16 we are teaching him independence and he walks across the street to get his hair cut. My kids as I said at the council meeting, love to play outdoors. They walk together and a few kids from the neighborhood, my six-year-old nephew up to Giffin to the playground, which would be walking right past the bar. It's funny because Canonsburg there's like she had said there are a ton of bars in Canonsburg, I live across the street from the French Club, but there's nothing at all for these kids. We keep bringing alcohol in, but there's nothing for these kids to really do outside of they walk up to the playground or whatever and so my issue is the fact my kids will walk across the street, other kids will walk across the street to the playground and there's a bar. He says it is a micro-brewery; micro-brewery/bar it's the same thing. They both sell alcohol and they both have the same thing. My kid is 16 he will be 17 and my daughter will be 13 in a couple of days. It's like I don't understand besides the fact there is absolutely no parking in east end, his comment was "we created parking spaces". If it's as big as he thinks it's going to be there aren't going to be enough parking spaces, which means it's going to spill onto Como, which means it's going to spill onto Duquesne. My daughter almost got hit the other day getting out of the car by somebody coming from the French Club going the wrong way. Those are the things that might not be thought about especially when you have people that

do not have young kids or young minded kids. Those are the types of things that people don't think about. Once his parking lot gets filled up which would be pretty quickly because I see everything that's going it's right there, um it's going to spill onto Euclid, it's going to spill onto Como, it's going to spill onto Duquesne, and we already don't have any parking. So, my issues are the parking and the kids, and this is the family area, and we are already fighting the French Club and the Polish Club. Thank you.

Patti Brown, 537 Duquesne Ave (corner of Duquesne and Como) - I really appreciate what everybody has said because they hit really close to my heart. We have lived there for 32 years. It was a neighborhood of long time home owning residents and now many of the people are gone and more rentals are around us. We have faithfully paid taxes to Canonsburg. I would like to know how a business, such as a micro-brewery can move into our neighborhood before we knew what was happening. I hear that it is a business property and a business can operate. We have watched the transition of businesses pass by at that location, none of them were selling beer or alcohol and now we have one moving in. There's a playground one block away where children play and this establishment will bring in much more traffic into the neighborhood, and I question the safety of that especially with children around, which has been very well talked about here. There are homes surrounding this property. I heard the parking lot will enter from Euclid and exit onto Dogwood Alley which is actually in our side yard. I mean we are 15 feet from what this new parking lot will be. We have already in our time there had a drunk person crash into the corner of our home of our garage and damage it and the person was not caught. Can I expect that probability again? We already have noise pollution from very loud motorcycles revving up Como, now what will we have to endure with the parking lot 10 to 15 feet from our yard with the noise and exhaust pollution. My husband picks up trash on the sidewalks and in our yard now just about every day. I expect that to increase with an establishment selling food and beverages that may be taken out then the paper and cups get thrown into the yard or someone else's. Will the patrons be outside smoking? My husband also picks up cigarette butts now, that will

increase too. Will we be smelling fried food that is exhausted into our air space? Will we also have to listen to whatever music is blasting? Parking situations on the street will most likely get compromised because there is not enough room in their lot. My husband waits all winter to get out into the flower garden in the spring and summer to sit on our side porch, I figure that will be intolerable. It just doesn't seem fair to have an establishment like this in our neighborhood. Do any of you have one in your neighborhood? Would you like one?

Missy Monahan, 536 Euclid Ave – I am asking for myself and the residents of Euclid Ave along with Duquesne, Franklin, and Perry Como Ave. that you not approve this application for a micro-brewery at 546 Euclid Ave. This is a residential area that back in the 1970's and 1980's had apartments. It was a Dukis Meat Market Store. Also, they had the addition that was added for room for their appliance store that they owned as well. When Paul and Carol Dukis had this store the customers had a hard time being able to park in front of the store on Euclid. The tenants that rented the apartments upstairs had a difficult time with parking as well. The customers would park in front of the store on Euclid or park on Perry Como, which then would affect the customers going into Mr. Conte's Barber Shop on Perry Como. We have had parking issues on Euclid Ave for many years as well as in Dogwood Alley. The customers would park anywhere and everywhere. Also, there is an active church at 613 Euclid Ave, and it is still in use today. The lady that is in charge now is Essie Brown and is now the pastor of the church. There is a school bus stop on Perry Como and Euclid Ave. There is a playground on Franklin Ave. Between Duquesne, Euclid, and Franklin, we have families that have autistic children, and we have deaf families. We have the French Club on Duquesne. We have the PNU on Franklin Ave. as well as the White Eagles out here by Advanced Auto. After Paul and Carol Dukis passed, the building tried but failed with other businesses all because of no parking. The person that rented the upstairs apartment also rented the store front. He had a t-shirt business that started but failed because he couldn't do anything with his customers to park, so he then went to recycle electronics. He used the basement of the building for all the scrap. When he moved

out the building was vacant, so Mark had someone else try to come in and put a business in, but that didn't pan out either. The garage caught fire it was reported but nothing was done. Some of the residents reached out and complained to the members of council, yet nothing was ever done to it. The building sat like that for at least the last four years. The front of the building on Euclid collapsed, and the guy at that time that was in there had tried to fill it in and he used quick crete to fill it in, and it has always been vacant. Had the Borough of Canonsburg listened to the residents or the members of council that come to speak on our behalf that represent us, if they would have done the right thing and the building been declared a public nuisance and had it bulldozed over, we wouldn't be in the mess we are in today, so we are all asking that you not approve this application because we are all fighting for parking spaces and our residents now.

Paul Binotto, 529 Euclid Ave – My concern as I see and feel is a lack of concern right now as the one lady said a lot of us had no idea what was even going in there, and the people working after hours and on the weekends when you are only supposed to be working Monday thru Friday. I happened to overhear the gentleman say, "I have a proven record of a nice bar". Yeah, I've been there, I think it's very nice the windows are open. If this does go through, which a lot of us hope it doesn't are the windows going to be open after hours where the noise is going to spill out into our neighborhood. I just hope the right decision is made here and not to have this approved.

Evan Zatezalo, 604 Euclid Ave – I really don't have anything else to add as what everyone else said has been covered very very well. Parking is going to be an issue, the bar hours living right across the street, when I have the windows open in the summer, that won't be a good thing. I've lived there for twelve years with my wife and two daughters, and I don't want my daughters living next to a bar. Again, I don't have a lot to add, everything has been said very well here tonight and I hope that I don't have to deal with this anytime soon.

Mr. Defilipo – Anyone else wish to speak?

Chasity Slaughter – I have a question. Are we allowed to ask at least one question? All the signatures that you got obviously there's more than what you see here right now, are you taking that into consideration? I also have one complaint. The complaint is based on who is trying to open up the business.

Mr. Moskal – What signatures?

Chasity Slaughter – There was signatures about people who did not want the bar going in. I signed my name on it.

Mr. Moskal – Where did that go?

Melissa McNutt – John has it

Chasity Slaughter – Yes, and this is where my complaint comes in. He was elected by us to represent us. When there's meeting going on or businesses going to be opening up, and he is telling us because we want to know what's going on in our neighborhood, I don't want bullying from businesses threatening him legal repercussions because he is letting us know of something that was going on behind his back over the weekend. I know for a fact that this business threatened legal action because he let us know.

Mr. Moskal – This is all hearsay right now

Chasity Slaughter – This is not hearsay. It came directly from the person

Mr. Moskal – Ok but

Chasity Slaughter – Ok. Well to you yeah. Gotcha. I hear what you are saying

Mr. Moskal – We are an advisory board



Chasity Slaughter – I just know there's a lot more than what you see here. There's a lot of people, not just what you see here. There's about 500 of us who do not want this business in our neighborhood. I want you to take that into consideration before you make a decision that affects a neighborhood that you are not living in anymore.

**5. New Business:**

**A. The Application by Anne and Ryan Carl who is requesting a minor subdivision for combining parcel number 100-007-00-00-0024-00 (146 W. College St.) and parcel number 100-007-00-00-0025-00 (148 W. College St.), Canonsburg, PA 15317 for the purpose of building a garage.**

Mr. Defilipo – We have the application by Anne and Ryan Carl who is requesting a minor subdivision for combining parcel number 100-007-00-00-0024-00 (146 W. College St.) and parcel number 100-007-00-00-0025-00 (148 W. College St.), Canonsburg, PA 15317 for the purpose of building a garage. Joe, do you want to read the engineer's report?

Joe Dalfonso, Solicitor – Your engineer submitted a letter dated April 5, 2023, for reviewing the lot consolidation. This has been in front of the planning commission previously; they were just working on getting their plans completed. As you can see in the letter, your engineer has recommended final approval of this application. You just need a motion to accept the plan for new business, Item A.

Mr. Defilipo – I'd like to have a motion to approve Ryan Carl's garage

Mr. Chandler – Ok. Steve made the motion

Mr. Moskal made a motion to approve preliminary approval. the application by Anne and Ryan Carl who is requesting a minor subdivision for combining parcel number 100-007-00-00-0024-00 (146 W. College St.) and parcel number 100-007-00-00-0025-00 (148 W.

College St.), Canonsburg, PA 15317 for the purpose of building a garage. Seconded by Mr. Chandler. All in favor. Motion Carries

**B. The application by Harold Close, who is requesting conditional use approval to allow a microbrewery located at 409 Perry Como Ave/546 Euclid Ave (parcel #090-015-00-04-0018-00), Canonsburg, PA 15317 in Canonsburg Borough.**

Mr. Defilipo – Under new business, we have the application by application by Harold Close, who is requesting conditional use approval to allow a microbrewery located at 409 Perry Como Ave/546 Euclid Ave (parcel #090-015-00-04-0018-00), Canonsburg, PA 15317 in Canonsburg Borough. Is there a Harold Close?

Harold Close – I am here, sir

Mr. Defilipo – Wish to explain to us what you propose to do?

Harold Close – Sure. So, as everyone in this room is well aware, my intent is to put a micro-brewery in the corner of Euclid and Como. As the commission is aware it is a mixed-use zoning district under your ordinance it is approved conditional use. In conversations with the engineer, obviously there was quite a few things we needed to address such as parking. We are using more restrictive parking requirements. Anything that is not listed that's not a bar, restaurant, or tavern, anything in your zoning that comes under there that is not classified, it would be one space per three occupants or one space for 500 gross floor area. We are going with a more constrictive requirement there. The parking lot is as you I imagine you have all seen the parking layout, we are looking to have twelve spots there. There is one apartment in the upstairs of the building which under your zoning requires two parking spaces, so that brings me down to ten spots for the micro-brewery. Again, under your zoning, that requires a maximum occupancy of 30.

So, what we are looking for under our conditional use application is approval of a maximum occupancy of 30 people. As far as any other questions, I don't know if any of you have them. I know it is not a very popular idea right now, and I understand the concerns. There will also be food there it's not focused on alcohol, obviously drunk driving is a very real thing and I understand that. We require anyone and everyone who is working in the brewery to be RAMP certified, and that's all done through the liquor control board. As far as anything that is being done downstairs, nothing has started yet, again, until its conditional use approved, we are not allowed to start anything. Any questions you guys may have?

Mr. Moskal – First of all, I live at 617 Giffin Ave. for 34 years and I feel that our small east end community is not acceptable to something like this. I look at this thing when it came through and just to let you know what is going on here so that you understand, when somebody builds something and they bought a piece of property, they can remodel however they want. The lady said that we are already promoting this idea. The thing about it is, don't put it on us and say we are already accepting this. They had everything in line to remodel however they wanted to remodel. Now they have to come to us to go ahead and see if they are allowed to put the conditional use in. So far what I have here says there are two apartments going in upstairs?

Harold Close – There is only one

Mr. Moskal – Ok so two personal parking spaces for them. Two for them, right

Harold Close – The double stacked

Mr. Moskal – Two parking spaces for them

Harold Close – Yes

Mr. Moskal – Well, you said how many you have here. I only see 11 spots on here, so unless there is new documentation, show me how you get to 12 here.

Engineer of Harold Close – Showed Mr. Moskal how they reached 12 parking spaces

Mr. Moskal – You're saying that this ramp is a spot?

Engineer of Harold Close – That's not a ramp

Mr. Moskal – So, that's not your ramp coming in?

Engineer of Harold Close – No

Mr. Moskal – So, how many employees do you expect to have there?

Harold Close – Probably 2

Mr. Moskal – So 2 employees so that's 4 spots

Harold Close – Your zoning doesn't say

Mr. Moskal – I don't care what the zoning says. You're asking for conditional use on this property right here, and I understand that you decided that you wanted to go there, but I don't want that in my community. Period. Exclamation point. Granted we are an advisory board up here and we can only do so much. The thing about it is all of your thing that you said I agree wholeheartedly with what you said. I feel so bad about what you're going through but I'm going to petition council about this also because I live at 617 Giffin Ave. and the 500 records I didn't see anything, and it doesn't mean anything. Yes, we support you. Anyhow I am looking at everything that is going on here, the openness of it, the parking of it and it's our fault that east end parking issues is our residents fault because back when we were older we had one car, now we have 2 cars, now each kid has a car,

and if you have 5 kids you have a total of 7 cars that you have 5 parking spots for. The problem is we have parking issues, and it puts a burden on east end, but that's beside the point. We have to recognize this gentleman come through with this paperwork like anyone else. Sir, I can't support it. The concerns of my area of having a brewery over there for the parking and activity that is going to go on in that area, and my vote on the planning board will be no when it comes up for my vote because I don't want that in my community. You're asking for conditional use; that's what it is conditional use. We are just an advisory board; you have to go in front of council, do you understand what I am saying. This meeting right here we can only deny, accept or whatever and they can only take our recommendations. So, I just want you to be aware. When we call a vote I'm going to vote no.

Harold Close – May I respond to that?

Mr. Moskal – Yes

Harold Close – I understand it's not a popular vote. I understand you are saying you are a no vote. But I guess my question back to you is I've met all of the requirements in your ordinance; therefore, you have to say yes.

Mr. Moskal – No

Mr. Chandler – So, wait. Hold up

Harold Close – Please defer to your attorney

Mr. Moskal – We'd be happy to take this to court

Joe Dalfonso, Solicitor – I think we will get into that discussion briefly here

Mr. Chandler – Ok. Because that was my next question. Based on what you supplied here, you changed the interior of that building, so I don't know what you're putting in here.

Harold Close – Which interior?

Mr. Chandler – The existing structure right now

Harold Close – Of were. Where the micro-brewery is going?

Mr. Chandler – Yeah. Where the proposed micro-brewery is going. I don't have anything that shows the layout

Harold Close – It was submitted through your engineer(s)

Mr. Chandler – Well that layout still doesn't

Mr. Moskal – That layout doesn't give us anything

Harold Close – I understand that and again reading your ordinance being very well versed in it I'm not allowed to start work in the micro-brewery until the conditional use approval has been made. Your engineer wanted something very broad just showing what it's going to be. I'm not allowed to bring in any kind of engineers/architects/mechanicals until the planning process has been approved.

Mr. Chandler – So, I guess that's where I am going. So, if the engineer is saying the application is incomplete

Harold Close – That was before the submission he received

Mr. Chandler – He is still saying it is incomplete

Harold Close – That's not my understanding of it. I have correspondence from him that there is no outstanding items.

Mr. Chandler – That's my understanding that what you supplied here with the generic drawing still doesn't give him the dimensions of what the inside is so he can determine what the square footage is and from the square footage is where you get your parking.

Harold Close – No, it's not

Mr. Chandler – Oh it's not

Harold Close – It's not. The occupancy requires the parking, and it's one space for each three maximum occupancies. Again, in your zoning, a micro-brewery is a listed separate item and in your zoning it says it's 1 space for 3 occupants of maximum occupancy, which is why my request was for a maximum occupancy of 30 which then is your ten spaces

Mr. Chandler – So, I guess going back square footage if we don't know what's inside of it, how am I still going to approve a plan for you to move forward

Harold Close – Because I've met all your requirements

Mr. Chandler – That's not pertaining to what the engineer said

Joe Dalfonso, Solicitor – The engineer did submit a letter March 24 of this year, I'm not going to read the letter as it is 37 pages long with comments

Mr. Defilipo – Read the 2 paragraphs on top

Joe Dalfonso, Solicitor – I'll paraphrase them. It says the application was reviewed by KLH, it's the borough's engineers so everyone knows. Mr. Marcink, representative from

KLH says the application that was submitted is deemed incomplete, and the 36 pages that follow explain why.

Harold Close – So, the 37 pages was actually just your ordinance. There aren't items that were specifically pulled out from there. There were two emails that apparently you guys didn't get those going back and forth with the engineer. His concerns were if it was going to be a paved parking lot then I would have to go through MS4 and some other things which it's not going to be. Some buffer zone, next to Mr. Dukis's property he said that a barrier meets the requirement, and it needs to have 2 trees which will be put in between the six row and the two row.

Joe Dalfonso, Solicitor – All of that was a suggestion from the engineer that may comply with the zoning ordinance. His purpose of this letter was that your application does not contain enough information to be a complete application.

Harold Close – At that point, you are correct

Joe Dalfonso, Solicitor – And still today at this point

Harold Close – That is not accurate

Joe Dalfonso, Solicitor – Nonetheless, that's the engineer's recommendation

Harold Close – Missy, do you want to speak to that?

Melissa Graff, Code and Zoning Enforcement Officer – The only email I received was the email that has the 37-page listing of the zoning ordinance, and I believe at very the top of that KLH, or Mr. Marcink from KLH did say that it was still incomplete

Harold Close – From the 37-page one?



Melissa Graff, Code and Zoning Enforcement Officer – Yes

Harold Close – That is correct. And there is emails going back and forth and I thought it was submitted to all of you guys. Again, I submitted it to you and the engineer and where it goes from there I don't know. Our engineer is here as well, and everything has been back

Joe Dalfonso, Solicitor – You're saying you have an email from the borough engineer saying your application is complete

Engineer of Harold Close – I have all your documentation. I didn't print anything from KLH

Joe Dalfonso, Solicitor – These are the letters that you submitted back to him, correct?

Harold Close – Correct

Joe Dalfonso, Solicitor – Not an email from KLH saying this was the complete application?

Harold Close – No if you go to the second page

Joe Dalfonso, Solicitor – You answered my question Mr. Close. The question was did you receive an email from KLH saying this application was complete? The answer is no

Harold Close – Ok

Joe Dalfonso, Solicitor – Thank you. The commission has recommendations from their engineer to reject this application as incomplete.

John Defilipo – I would like to make a motion to approve

Mr. Chandler – No, it's a motion to

Mr. Moskal – I would like to make a motion to not approve it.

Joe Dalfonso, Solicitor – The appropriate motion would be to reject the applicant's application due to it being incomplete

Mr. Moskal – There you go. Sounds good to me as spoken by the attorney.

John Defilipo – Can I have a motion?

Mr. Moskal made a motion to reject the applicant's application due to it being incomplete. Seconded by Mr. Chandler. All in favor. Motion Carries

## **6. Old Business**

None.

## **7. Adjournment:**

Mr. Moskal made a motion to adjourn the meeting at 7:00 PM. Seconded by Mr. Chandler. Meeting adjourned at 8:14 PM.

Submitted by: Melissa Graff