

EDGEWORTH BOROUGH PLANNING COMMISSION
REGULAR MONTHLY MEETING
June 14, 2023

MEETING was called to order at 7:00 p.m. with Chairperson Keane presiding and the following members of the Commission and officials of the Borough present: Mr. Patrick Keane, Mr. David Martin, Mr. David Aloe, and Mr. John Schwend, Borough Manager. Chairperson Keane led the reciting of the Pledge of Allegiance.

MINUTES of the Regular Meeting held on April 12, 2023 presented to the Commission. After some discussion, a motion was made by Mr. Aloe with a second from Mr. Martin to approve the April 12, 2023 Regular Meeting Minutes as presented. All present voted in favor of the motion.

The following visitors were present:

Mr. Charles Harris and Ms. Darlene Nowak – 526 Irwin Drive
Mr. Jory and Mrs. Melanie Richman – 208 Chestnut Road
Mr. Andrew Gulish – 205 Chestnut Road
Mr. Dennis Zeitler – 516 Irwin Drive
Mr. Noah Rahm – 417 Chestnut Road
Dr. Michael Orsini – 309 Maple Lane
Mr. Sean O’Neill – Edgeworth Municipal Authority
Mr. Leland Floyd – Woodland Swimming Club
Mr. Shawn Wingrove – Lennon Smith Souleret Engineering
Mr. Bob Goetz – Trans Associates Engineering
Mr. Josh Haydo – Wooster and Associates
Mr. Joshua Huffine – Langan Engineering
Ms. Kathleen Olivastro – Ascend Wellness Holdings
Mr. James Andrus – Ascend Wellness Holdings
Mr. Matt McKenna – Ascend Wellness Holdings
Mr. Lucas Hoefflicker – Ascend Wellness Holdings
Ms. Vanessa Getz – SALVO Strategies
Ms. Jessica Vogliano – SALVO Strategies
Mr. Clifford Levine – Dentons
Ms. Cezanne Harrer – Dentons

NEW BUSINESS:

REQUEST FOR A LOT LINE CHANGE – WOODLAND SWIM CLUB, 526 WOODLAND ROAD:

Mr. Leland Floyd presented a lot line change request for the Woodland Swim Club, located at 526 Woodland Road. He stated that the property line between the Club and the neighboring property owner is changing, and no new parcel is being created. After discussion, a motion was made by Mr. Martin with a second from Mr. Aloe to recommend approval of the lot line change request of the Woodland Swimming Club located at 526 Woodland Road to Borough Council. All present voted in favor of the motion.

PRELIMINARY LAND DEVELOPMENT APPLICATION AND CONTINUATION OF
CONDITIONAL USE APPLICATION REVIEW – ASCEND WELLNESS HOLDINGS – PROPOSED
MEDICAL MARIJUANA DISPENSARY, 301 OHIO RIVER BOULEVARD: Mr. James Andrus from

Ascend Wellness Holdings provided an overview of changes made to the previously submitted plans, including a decrease in the number of on-site parking spaces, a decrease in estimated transactions per hour, and moving the location of the proposed building. He noted that the changes in transactions per hour are due to further analysis of comparable site locations, and changes made to the proposed site plan are due to the topography on the site. Mr. Andrus explained that the proposed foot print of the building has not changed, and is greater than 1,000 feet from both Sewickley Academy and Edgeworth Elementary School, in accordance with state law. Mr. Joshua Huffine from Langan Engineering then highlighted findings of the preliminary geotechnical and stormwater management reports completed for the site, and noted that the applicant will be under an acre of earth disturbance, and will ensure post-construction conditions are equal to or better than current drainage conditions if approved.

Mr. Josh Haydo from Wooster and Associates, the applicant's traffic engineer, stated that a traffic study was completed for the proposed dispensary. Traffic counts showed considerable delay for vehicles turning left onto north-bound Ohio River Boulevard from Chestnut Road, however very few vehicles currently utilize a left-hand turn at the intersection. He explained that a table of traffic rates was utilized to calculate potential traffic generated with the proposed dispensary, and stated that approximately 740 additional trips, or 370 vehicles, per day could be generated. Mr. Haydo stated that this would have minimal impact on the intersection, however the intersection would experience increased demand for the difficult maneuver of a left-hand turn onto north-bound Ohio River Boulevard. He noted that the Pennsylvania Department of Transportation (PennDot) would likely not approve of the installation of a traffic signal at the intersection, as the closest traffic signal is only 500-600 feet away. Mr. Haydo concluded that the proposed development will not negatively impact traffic in the area, but made two recommendations in the report; eliminating the option for a north-bound, left-hand turn at the intersection, and the applicant securing an access easement through the Edgeworth Medical Commons property to assist in diverting traffic from the proposed dispensary to the traffic signal at Quaker Road. Mr. Martin asked Mr. Haydo to describe how it was determined that increased traffic will not negatively impact the intersection. Mr. Haydo explained that while the proposed development will increase demand, it will not make existing traffic maneuvers any more difficult. The recommendations in the report are aimed to reduce traffic delay from vehicles attempting to make a left-hand turn. Mr. Keane asked whether access to and from the site would be unsafe. Mr. Haydo stated that the intersection is not necessarily unsafe, however it is always safer for traffic to utilize an intersection with a traffic signal. Mr. Aloe stated that multiple accidents occur in the area, and expressed concern with increasing traffic and demand for unsafe maneuvers.

Mr. Bob Goetz, the Borough's traffic engineer, stated that he reviewed the applicant's traffic study prepared by Wooster and Associates. He noted a significant increase in delay for vehicles attempting to exit the site, from the existing one-minute delay to up to a three-minute delay with the proposed development. He also expressed concern with vehicles making a right-hand turn onto south-bound Ohio River Boulevard and then attempting to make a U-turn at the Quaker Road intersection to travel north if the option for a north-bound, left-hand turn is eliminated. Mr. Goetz agreed with the recommendation for the applicant to secure an access easement through the Medical Commons property and route traffic to the traffic signal at Quaker Road. He agreed with Mr. Haydo's opinion that PennDot would most likely not approve of the installation of a traffic signal at Chestnut Road and Ohio River Boulevard due to the proximity of the Quaker Road signal.

Attorney Cliff Levine, representing the applicant, stated that the Borough's zoning map allows for commercial development at the site, and noted that development of any type will increase traffic in the vicinity. He highlighted that there is no issue with accessing the proposed dispensary with the current left-turn lane on Ohio River Boulevard to Chestnut Road. Mr. Keane asked whether an agreement is in place for patrons of the proposed dispensary to access Quaker Road through the Edgeworth Medical Commons property. Mr. Levine stated that no written agreement has been secured. Mr. Aloe expressed concern with the proposed number of parking spaces, and asked whether patrons visiting the proposed dispensary

during peak hours would then utilize spaces at the Medical Commons. Mr. Levine stated that the proposed site meets the minimum number of required parking spaces. Mr. Schwend stated that the applicant previously estimated seventy transactions per hour, and is now estimating twenty transactions per hour, however the traffic study notes approximately 37 cars accessing the building each hour. He asked how the estimated transactions decreased, and about the discrepancy between estimated transactions and trips per hour. Mr. Levine explained that the applicant previously utilized transaction data from two operating locations in Scranton and Wayne County Pennsylvania, however after further analysis determined that the Wayne County location was more comparable to the proposed site. Mr. Haydo also stated that the traffic study is calculated based on national rate tables for any medical marijuana dispensary, and is not specific to the proposed development. Mrs. Kathleen Olivastro from Ascend Wellness Holdings stated that an appointment-only system could be implemented to ensure that traffic does not become too congested. Mr. Aloe expressed hesitation with the practicality of an appointment-only system, and stated that patrons could still travel to the site without an appointment.

Mr. Shawn Wingrove, representing the Borough Engineer, stated that the plan submitted to the Planning Commission was reviewed prior to the meeting, however additional changes mentioned to the Commission through the course of this meeting will need further review. He explained that all comments included in the review letter pertain to the preliminary application only, and many components of the plan pertaining to the Borough's zoning and land development ordinances will need addressed, including buffer zones between parking lots, driveways, and neighboring properties. Mr. Wingrove stated that all details and specifications must be noted on the plans so that a full review may be completed.

Mr. Keane then opened the floor for public comment. Mr. Charles Harris stated that he researched several of the applicant's operations and other medical marijuana dispensaries located in the area. He questioned the legitimacy of the Wayne County location mentioned as an acceptable comparable site due to its large number of parking spaces and the presence of a competing business very close by. He also expressed concern with parking at a location in New Jersey, where recreational marijuana is legalized, and questioned whether the proposed location in the Borough will experience similar issues if Pennsylvania also legalizes recreational marijuana in the future. Mr. Harris noted that statements made in the applicant's filings as a publicly traded company have indicated that the applicant is seeking suitable locations where there is potential for legalized recreational marijuana in the future. Mr. Jory Richman expressed concern with the location of the proposed dispensary due to increased traffic at the intersection. He doubted whether patrons would obey a no-left-turn sign, and stated that traffic may drive straight across Ohio River Boulevard and onto Chestnut Road, increasing traffic to residential neighborhoods. Mr. Richman also asked about lighting and photometric plans. Mr. Schwend stated that lighting plans have not yet been submitted, and would be required prior to approval. Dr. Michael Orsini stated that he is a practitioner in the Medical Commons building next to the proposed development, and expressed concern with increased traffic through the existing parking lot to access Quaker Road. Dr. Orsini stated that the medical facility houses a surgery center and various medical offices with elderly, disabled or otherwise compromised patients whose safety must be of the utmost priority.

Mr. Sean O'Neill, representing the Edgeworth Municipal Authority, spoke against the proposed development due to traffic concerns, and questioned the impact that the location would have on the security of the Authority's adjacent property, considering the fact that it is regulated under the federal Department of Homeland Security. Mr. Levine stated that the sale of medical marijuana is very well regulated, and security measures are verified by the state on a routine basis. Mr. Dennis Zeitler asked how the application is worth consideration due to the fact that marijuana in any capacity is illegal under federal law. Mr. Schwend explained that medical marijuana dispensaries are legal and allowed to operate under state law, and the Borough Solicitor has advised to accept the application as a retail use under the Borough's zoning ordinance. Ms. Darlene Nowak expressed doubt with the interpretation of the proposed dispensary as a retail use, noting that it is not open to the public and no other products are sold. She urged

the Commission to consider the overall health, safety, and welfare of the community and questioned what benefit the proposed dispensary would bring to the Borough.

Mr. Keane asked whether the applicant is able to provide estimated transaction and trip counts based on recreational marijuana use, in case it is legalized in the future. Mr. Lucas Hoefflicker of Ascend Wellness Holdings explained that estimates are not available as Pennsylvania currently does not allow for recreational use sales, however if it is legalized the applicant will reapply for a conditional use based on the operational change. Mr. Keane asked whether the proposed location, with notable traffic and parking hurdles, fits the applicant's criteria for a suitable business location in general. Mr. Hoefflicker explained that while the parking area is not ideal, the location is ideally situated to access patrons who may otherwise have to travel a long distance to receive the product. Additionally, the applicant is seeking an agreement with the Medical Commons building to utilize additional parking spaces located on their property. Mr. Aloe asked what benefit the proposed dispensary will bring to the Borough and surrounding communities. Mr. Levine argued that people from all demographics use medical marijuana for a range of health concerns.

After no additional public comment, Mr. Schwend provided an update on the timeline of both the conditional use and preliminary land development applications. A motion was made by Mr. Aloe with a second from Mr. Martin to table to consideration of the preliminary land development application and the conditional use application from Ascend Wellness Holdings for a proposed medical marijuana dispensary located at 301 Ohio River Boulevard. All present voted in favor of the motion.

There being no further business, the meeting on motion duly made was adjourned at 8:59 p.m.

-John F. Schwend, Secretary