



**TOWNSHIP OF NORTH FAYETTE  
RESOLUTION NO.25-24**

**A RESOLUTION OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, GRANTING CONDITIONAL USE APPROVAL TO AMITKUMAR VAGHASIYA TO ALLOW AN ACCESSORY AMUESEMENT ARCADE ON ALLEGHENY COUNTY TAX PARCEL NO. 799-D-2.**

**WHEREAS**, Act 247 of 1986, The Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the Municipality; and

**WHEREAS**, the Township of North Fayette (the "Township") is desirous of orderly and appropriate land use and development to protect the health, safety, and welfare of Township residents; and

**WHEREAS**, 4M Inc. is the owner of record of the property located at 7948 Steubenville Pike, Imperial, PA 15126 in the MU Mixed Use Zoning District and referred to as Allegheny County Tax Parcel No. 799-D-2 (the "Property"); and

**WHEREAS**, Amitkumar Vaghasiya (hereafter referred to as "Applicant") is the authorized agent for the Property; and

**WHEREAS**, the Applicant has applied for a Conditional Use permit ("Plan") to allow an Accessory Amusement Arcade associated with the business located on the Property; and

**WHEREAS**, the Township of North Fayette Zoning Ordinance ("Ordinance") permits various uses by conditional use; and

**WHEREAS**, the Township Department of Community Development also reviewed the Plan and provided a review letter dated March 4, 2024 ("Township Review Memorandum"), attached as Exhibit 'A' that also provided comments with regard to the Plan; and

**WHEREAS**, the Applicant presented the Plan to the Township of North Fayette Planning Commission at its March 7, 2024 public meeting where the Planning Commission recommended to the Board of Supervisors that the Conditional Use application be approved; and

**WHEREAS**, the Applicant now desires the Board of Supervisors consider its Conditional Use approval.



**NOW, THEREFORE, BE IT RESOLVED** by the Township of North Fayette Board of Supervisors that the Conditional Use approval at 7948 Steubenville Pike, Imperial, PA 15126 as submitted Amitkumar Vaghasiya is hereby **APPROVED** subject to Applicant's compliance with the following conditions:

1. Noise levels from amusement devices within an amusement arcade shall not exceed 50 dBa, measured along the property boundary of the amusement arcade.
2. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
3. Only 2 amusement devices shall be permitted on the premises.
4. Applicant shall pay all applicable licensing fees for each amusement device.

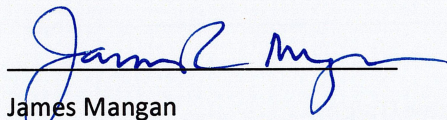
**Further, the Resolution with approvals and conditions as contained herein does not and shall not authorize the construction of improvements or buildings. Furthermore, this Resolution with approvals and conditions as contained herein shall be rescinded automatically upon Applicant's or Applicant's agent's failure to accept, in writing, all conditions herein imposed within thirty (30) days of the approval of the Resolution, such acceptance to be evidenced by Applicant's or Applicant's agent's signature below.**

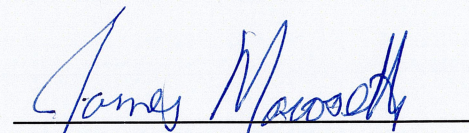


**AND NOW**, this 26<sup>th</sup> day of March 2024, upon motion duly made and seconded, the foregoing **RESOLUTION** is hereby adopted.

**ATTEST:**

**TOWNSHIP OF NORTH FAYETTE  
BOARD OF SUPERVISORS**

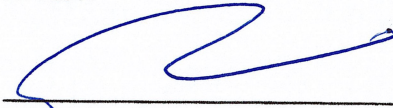
  
James Mangan  
Township Manager

  
James Morosetti, Chairman



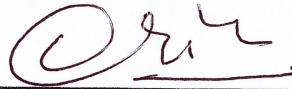
Amitkumar Vaghasiya, the Applicant seeking Conditional Use approval pursuant to Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, as amended, for an Accessory Amusement Arcade associated with the business located at 7948 Steubenville Pike, Imperial, PA 15126 (a/k/a Tax Parcel ID No. 799-D-2) located in the Township of North Fayette, County of Allegheny, Commonwealth of Pennsylvania, acknowledges receipt of the foregoing Findings of Fact, Conclusions, and Decision of the Board of Supervisors of North Fayette Township document, dated March 26, 2024, pertaining to same and accepts all the conditions contained therein.

ATTEST:

  
\_\_\_\_\_

Amitkumar Vaghasiya

By:

  
\_\_\_\_\_

Print (Name/Title):

Vaghasiya Amitkumar

Date:

4-1-24

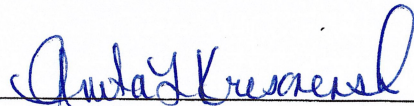
COMMONWEALTH OF PENNSYLVANIA )

COUNTY OF ALLEGHENY )

SS:

On this, the 1<sup>st</sup> day of April, 2024, before me, the undersigned officer, personally appeared Vaghasiya Amitkumar (Name), owner (Title), known (or satisfactorily proven) to me to be the person whose name is subscribed to the within instrument, who stated he/she has full authority to execute same on behalf of Amitkumar Vaghasiya and that he/she executed the same for the purposes therein contained.

Witness my hand and notarial seal this 1<sup>st</sup> day of April, 2024. My commission expires the 7<sup>th</sup> day of January 2026.



Notary Public

SEAL

Commonwealth of Pennsylvania - Notary Seal  
Anita L. Krisovenski, Notary Public  
Allegheny County  
My commission expires January 7, 2026  
Commission number 1412030  
Member, Pennsylvania Association of Notaries



**EXHIBIT 'A'**





## Memorandum

**To:** Planning Commission Members

**Cc:** Amitkumar Vaghasiya, Applicant (via email)

Board of Supervisors (via email)  
Tom McDermott, Esq., Township Solicitor (via email)  
Andrew Hartwell, AICP, Assistant Township Manager (via email)  
Debbie Midgley, Planning Technician (via email)

**From:** Michael Wozniak  
Assistant Director, Community Development

**Date:** March 4, 2024

**Re:** Application 2024-4-CU – Imperial Smoke Shop Amusement Arcade Conditional Use  
Township Review Comments No. 1

---

I have reviewed the above referenced application and my comments are as follows:

1. Application Summary:

An application for Conditional Use approval of an Accessory Amusement Arcade at 7948 Steubenville Pike, Imperial, PA 15126 located in the MU Mixed Use Zoning District (Allegheny County Parcel ID No. 799-D-2).

2. Waivers/Modifications:

A. As part of this application, no modifications or waivers are being requested.

3. Variances:

A. No variances have been granted or are currently under consideration for the site by the Zoning Hearing Board.

**Application 2024-4-CU -- Imperial Smoke Shop Amusement Arcade Conditional Use  
Township Review Comments No. 1  
March 4, 2024**

**4. Township Engineer Review:**

- A. LSSE does not review Conditional Use Application.

**5. Community Development Review:**

- A. If this application is approved, the applicant shall be required to pay for a mechanical device permit for each device. The permit fee is set by the Township Fee Schedule.

**6. Township Solicitor Review:**

- A. Please refer to any comments from the Township Solicitor.

**7. County Planning Agency Review:**

- A. The Planning Division of the Allegheny County Department of Economic Development (ACED) does not review Conditional Use Applications.

At this time, the application is complete. It is my recommendation that the Planning Commission recommend approval of the Conditional Use Application to the Board of Supervisors.

Please let me know if you have any questions or concerns.

MW



**EXHIBIT 'B'**





## EXHIBIT 'B'

March 26, 2024

**IN RE:** *APPLICATION FOR CONDITIONAL USE APPROVAL FOR AN ACCESSORY AMUSEMENT ARCADE AT 7948 STEUBENVILLE PIKE. (Application No. 2024-4-CU)*

**FINDINGS OF FACT, CONCLUSIONS, AND DECISION  
OF THE BOARD OF SUPERVISORS OF NORTH FAYETTE TOWNSHIP**

**Applicant/Property Owner:**

**APPLICANT**

Amitkumar Vaghasiya  
1046 Ryeland Ct  
Bridgeville, PA 15017

**PROPERTY OWNER**

4 M Inc.  
7960 Steubenville Pike  
Imperial, PA 15126

**Procedural History**

The Applicant filed the above application for Conditional Use on February 9, 2024. The planning commission recommended approval with conditions on March 7, 2024. On March 26, 2024, the Board of Supervisors of the Township of North Fayette held a public hearing regarding the Application of Amitkumar Vaghasiya, for Conditional Use Approval of an Accessory Amusement Arcade associated with the business located at 7948 Steubenville Pike.

**FINDINGS OF FACT**

1. 4 M Inc. is the owner of record of Allegheny County Tax Parcel No. 799-D-2.
2. The property, which is the subject of this application, is located at 7948 Steubenville Pike, Imperial, PA 15126, in the Township of North Fayette.
3. The subject property is located in the Mu Mixed Use Zoning District.



4. The Application is subject to the general standards and criteria for a Conditional Use as outlined in the Township's Zoning Ordinance, specifically §27-601. and §27-611.

### CONCLUSIONS

1. Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Board of Supervisors shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements for a specific type of use or development.
  - A. The proposed use complies with all applicable provisions and requirements for that type of use contained in the Zoning Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Township, County and Commonwealth and Federal ordinances, laws, and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Township, Allegheny County, Commonwealth of Pennsylvania, and Federal agencies before final approval of the conditional use application shall be granted. *The Instant Application meets this criterion.*
  - B. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties. *The Instant Application meets this criterion.*
  - C. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use. *The Instant Application meets this criterion.*
  - D. The proposed use provides screening or buffer areas as required by the Zoning Ordinance. *The Instant Application meets this criterion.*
  - E. The proposed use conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located. *The Instant Application meets these criteria.*
2. The Board of Supervisors has taken into consideration the comments and recommendations of the Township's Administrative staff, including the Director of Community Development, as well as the comments, recommendations, and reports of its professional consultants. It has also considered and weighed the comments, plans, and other submissions of the applicant in reaching its conclusions.
3. The Planning Commission on March 7, 2024, recommended to the Board of Supervisors that the Conditional Use for an Accessory Amusement Arcade be approved, with adherence to the plans as submitted.



4. Considering all the information and comments of the applicant and by the Township administrative staff and professional consultants, the Board of Supervisors concludes that the Approval of the Application for Conditional Use is warranted so long as such approval contains the conditions expressed in these Findings, Conclusions, and Decision.

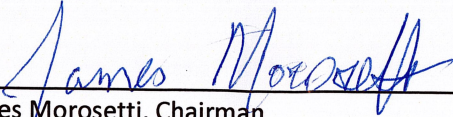
### **EXPRESS CONDITIONS**

1. Noise levels from amusement devices within an amusement arcade shall not exceed 50 dBa, measured along the property boundary of the amusement arcade. *The Instant Application meets this criterion.*
2. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties. *The Instant Application meets this criterion.*

### **DECISION**

- I. Decision regarding Application for Conditional Use Approval of a Shopping Center: Based on the Application, Plans, and other submissions, and upon the evidence, testimony, documents, and comments presented at the Public Hearing, upon the Planning Commission's recommendations and upon the recommendations of the Township Community Development Director and upon the foregoing Findings of Fact and Conclusions, the Board of Supervisors of North Fayette Township does hereby grant approval of this Application for Conditional Use, pursuant to the Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, as amended, for an Accessory Amusement Arcade at 7948 Steubenville Pike, Imperial, PA 15126 in the MU Mixed Use Zoning District (Allegheny County Tax Parcel No. 799-D-2), expressly contingent upon and subject to the following conditions:
  - A. Within thirty (30) days of receiving this written Decision of the Township, Applicant may notify the Township of its refusal to accept any or all of the conditions of this Approval, in which case the Township shall be deemed to have denied Approval of the Application. In the event the Applicant does not, within said period, notify the Township of his refusal to accept any condition, Approval of the Application, with all conditions as set forth above, shall stand and be part of this conditional Approval as granted.
  - B. The Applicant shall pay all applicable licensing fees for each amusement device located on the premises.


TOWNSHIP OF NORTH FAYETTE BOARD OF SUPERVISORS, By:

  
\_\_\_\_\_  
James Morosetti, Chairman  
North Fayette Township, Board of Supervisors

3/26/2024  
Date

  
\_\_\_\_\_  
Robert Doddato, Vice Chairman  
North Fayette Township, Board of Supervisors

3/26/2024  
Date

  
\_\_\_\_\_  
Mark O'Donnell, Treasurer  
North Fayette Township, Board of Supervisors

3/26/2024  
Date