

**MCRPC ZONING AND SUBDIVISION REVIEW COMMITTEE**  
**TUESDAY, May 20, 2025 – 7:30 p.m.**  
**In-Person or Online**

**AGENDA**

**1. Roll Call**

Larry McAdams- Chair  
Bill Anthony  
Steve Tingley  
Paul Hamill  
Jay Russell

Elliot Lengel  
Rich McCullough  
Nick Hanahan\*  
Matt Stefanak\*  
Elizabeth Peluchette-MCRPC

**2. Approval of Minutes**

April 15, 2025-

**3. New Business**

1. Timberview Lawn Furniture- Worth Township- Minor LDP- 1795 Harrisville Road, Stoneboro. Construction of a 1400 sq. ft. woodshop building for manufacturing outdoor lawn furniture.
2. Hadley Field- City of Sharon- Final LDP- The proposed development is a new athletic track and field. A lot consolidation is being completed but not submitted at this time. The project has already received an NPDES permit, and they are completing a minor amendment.
3. Home 2 Suites-Final LDP-Shenango and City of Hermitage- The proposed development of a hotel. Lot Consolidation (January) and Preliminary LDP (February) plans were presented.
4. Sunrise Solar Babcock Rd-Coolspring Twp-Preliminary and Final Plan- The project will consist of 660 solar panels and will directly connect to the Penn Power electrical distribution grid to supply power to the nearby homes and businesses. The parcel is 59.3- and a 2.3-acre parcel, both owned by the King's. Zoning approval has been received. Stormwater was not received.
5. West Middlesex-Amended Zoning Ordinance-Skilled Games- add Conditional and Accessory Uses in Downtown Business and Highway Commercial Zoning Districts.

#### **4. Old Business**

##### **a. Subdivision and Land Development Ordinance**

i. "A motion that the MCRPC recommend to the Board of Commissioners that they authorize the advertisement of the proposed Countywide Subdivision and Land Development Ordinance (SALDO), along with the accompanying Fee Schedule, for public review and comment, and for consideration of adoption in accordance with the requirements of the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended."

##### **ii. Fee Schedule as a standalone (Not required)**

"A motion that the MCRPC recommend to the Board of Commissioners that they authorize the advertisement of the proposed Fee Schedule associated with the Countywide Subdivision and Land Development Ordinance (SALDO), for public review and comment, and for consideration of adoption by resolution in accordance with the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended."

b. Clark Boro- Clark Borough- Solar Ordinance Amendment- No Update at this time.

#### **5. Discussion**

a. Ongoing Project Updates

#### **6. Adjourn**

If necessary, you may join the meeting from your computer, tablet or smartphone.

The direct link is available in the email or on the MCRPC homepage.

**<https://meet.goto.com/674536501>**

**You can also dial in using your phone.**

**United States: +1 (872) 240-3412**

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**MINUTES  
ZONING & SUBDIVISION REVIEW COMMITTEE  
ONLINE AND IN-PERSON MEETING  
Tuesday, April 15, 2025 – 7:30 p.m.**

| <u><b>MEMBERS PRESENT</b></u> |                  | <u><b>MCRPC STAFF</b></u> | <u><b>OTHERS PRESENT</b></u> |
|-------------------------------|------------------|---------------------------|------------------------------|
| Larry McAdams, Chair.         | Bill Anthony     | Doniele Russell           | Patty McAdams                |
| Rich McCullough               | Steve Tingley    | Elizabeth Peluchette      | Dale Perry                   |
| Elliot Lengel                 | Jay Russell      |                           |                              |
| Paul Hamill                   | Matthew Stafanak |                           |                              |
| Steve Tingley                 | Nicholas Hanahan |                           |                              |

1. **Call to order:** Larry McAdams, Chairman, called the meeting to order at 7:30 p.m. The meeting was recorded and a quorum was present.
2. **Approval of Minutes (March 18, 2025)-** Larry McAdams noted that the Minutes of March 18, 2025, were distributed before this meeting.  
**A motion was made by Nick Hanahan and seconded by Bill Anthony to approve the Minutes of the March 18, 2025 meeting. The Chairman called for any discussion; hearing none, a vote was called for, and the motion carried.**
3. **NEW BUSINESS-** No New Business
4. **Old Business**
  - a. No revision has been submitted from Clark Borough to date.
  - b. Subdivision and Land Development Ordinance
    - i. Fee Schedule- Steve Tingley suggested changing the new fee schedule to MAJOR Subdivision & Residential Land Development, and COMMERCIAL, INDUSTRIAL Land Development or EGF\*. **A motion was made by Paul Hamill and seconded by Rich McCollough to approve the fee schedule with revision. The Chairman called for any discussion. After a lengthy discussion, Paul Hamill withdrew his original motion and made a new motion to table the Fee Schedule until next month when a market survey can be conducted. The motion to table the fee schedule until next month was seconded by Steve Tingley. The Chairman called for any discussion; hearing none, a vote was called for, and the motion carried.**
5. **Discussion**
  - A. Ongoing Project Updates- The committee discussed the SALDO and any changes that might need to be made.  
A work session was scheduled for Monday, April 28<sup>th</sup> at 5 pm.

**Adjourn-** A motion was made by Steve Tingley and seconded by Paul Hamill to adjourn the meeting at 8:56 pm.

Respectfully submitted,  
MCRPC

**BOROUGH OF WEST MIDDLESEX, MERCER COUNTY, PENNSYLVANIA**  
**ORDINANCE No.      of 2025**

**AN ORDINANCE OF THE BOROUGH OF WEST MIDDLESEX AMENDING; ARTICLE IV OF THE BOROUGH ZONING ORDINANCE TO INCLUDE AMUSEMENT ESTABLISHMENTS IN THE DOWNTOWN BUSINESS AND HIGHWAY COMMERCIAL ZONING DISTRICTS; AMENDING ARTICLE XVII DEFINITIONS TO INCLUDE SKILL-BASED GAMING DEVICES IN THE DEFINITION OF AMUSEMENT ESTABLISHMENTS; ESTABLISHING INSPECTIONS AND LICENSING FEE REQUIREMENTS; SETTING LIMITS ON THE NUMBER OF DEVICES, HOURS OF OPERATION AND ILLUMINATION OF SIGNS; PENALTIES FOR NON-COMPLIANCE; REPEALING ALL INCONSISTENT ORDINANCES; SEVERING OF THE PROVISIONS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, the Borough of West Middlesex seeks to regulate skill-based gaming devices in amusement establishments within the Borough to ensure the health, safety and general welfare and well-being of Borough residents; and

**WHEREAS**, Pennsylvania courts have ruled that certain skill-based gaming devices are not gambling devices *per se* due to the predominate role of skill over chance in their operation; and

**WHEREAS**, under such rulings these skill-based gaming devices are therefore not prohibited nor regulated under 18 Pa. C.S. § 5513 (2024) of the Pennsylvania Crimes Code or the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §3102; and

**WHEREAS**, the Borough of West Middlesex is authorized to enact regulations for any businesses not otherwise preemptively regulated under the law pursuant to 8 Pa.C.S. § 1202(20)(ii) in order to preserve and maintain the public health, safety and welfare; and

**WHEREAS**, the Borough of West Middlesex has determined that the unregulated proliferation of such skill-based gaming devices may lead to illegal gambling devices being disguised as legal skill-based gaming devices which may incite criminal behavior or otherwise undermine the health, safety and welfare of the residents of the Borough of West Middlesex;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of West Middlesex, Mercer County, Pennsylvania, as follows:

**Section I.** The West Middlesex Zoning Ordinance shall be amended as follows:

**Article IV entitled Permitted, Conditional and Accessory Uses shall be amended to include Amusement Establishments in “Downtown Business” and “Highway Commercial” Zoning Districts.**

The following definitions shall be added to the West Middlesex Zoning Ordinance:

**§1700 General Interpretation Definition of Terms Amended to include the following:**

- **Amusement Game:** Any mechanical, electric, or electronic device used or designed to be operated for entertainment or as a game by the insertion of money, coin, token, or other article, which rewards players with free games, non-monetary prizes, or points. Such devices do not include any machine or device classified as a Skill-Based Gaming Device.
- **Skill-Based Gaming Devices:** Any device which offers cash payouts or monetary rewards, or compensation directly or indirectly, and where such rewards are predominantly determined by skill rather than chance. Skill-Based Gaming Devices shall be defined herein in accordance with current Pennsylvania case law.
- **All definitions set forth in Section 1700 not otherwise amended or added, shall remain unchanged.**

The following new provisions are added to the West Middlesex Borough Code of Ordinances:

**Section II. Licensing of Skill-Based Gaming Devices**

1. **Proscription Against Skill-Based Gaming Devices:** It shall be unlawful for any person, association, firm, partnership, corporation or any other entity to possess, use or employ a Skill-Based Gaming Device anywhere within the territorial boundaries of the Borough of West Middlesex, Mercer County, Pennsylvania except in accordance with this ordinance.
2. **License Requirement - New Business:** Any person, association, firm, partnership, corporation or other entity that intends to operate or allow the operation of a Skill-Based Gaming Device shall first obtain a Skill-Based Gaming Device License from the Borough of West Middlesex. License applications shall be submitted to the Borough Secretary on a form prescribed by the Borough of West Middlesex, accompanied by the applicable fee. The initial license shall be issued for a one-year term.
3. **License Requirement-Existing Business:** Any person, association, firm, partnership, corporation or other entity that currently operates or allows the operation of a Skill-Based Gaming Device must obtain a Skill-Based Gaming Device License from the Borough of West Middlesex within ninety (90) days of the date of the enactment of this ordinance. License applications must be submitted to the Borough Secretary on a form prescribed by the Borough of West Middlesex, accompanied by the applicable fee. The initial license shall be issued for a one-year term.
4. **License Application:** The application form to be prepared by the Borough of West Middlesex shall require, at a minimum, that the following information:
  - i. The name, business address and phone number of the applicant;

- ii. If not the applicant, the name, residential address and phone number of the person filling out the form on behalf of the applicant;
- iii. The physical location where the Skill-Based Gaming Device(s) is to be installed, described by both the location's postal address and the Mercer County parcel identification number for such location;
- iv. A site map providing the location of the Skill-Based Gaming Device relative to the overall lot or structure housing the Skill-Based Gaming Device ;
- v. The manufacturer, model and make of the individual Skill-Based Gaming Devices to be permitted under the license;
- vi. A description of how the Skill-Based Gaming Device shall be monitored to comply with the provisions of this ordinance. Such description as required by this subpart shall include an averment made under penalty of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities) that the device to be licensed shall not be used, played with or manipulated by any person under eighteen (18) years or any person who is visibly intoxicated;
- vii. A description of each device to be licensed explaining how skill predominates over chance when determining the success of the person playing or otherwise using the device. Such description shall include an averment made under penalty of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities) that the device to be licensed (a) does not award cash prizes through a wholly random system irrespective of skill, (b) does not award cash prizes through a system with pre-planned or pre-programmed ratios of wins and losses, and (c) provides an essential skill component as part of its design that is more determinative of wins than random chance alone.

5. **Qualifications for License:** A license shall be issued to an applicant for a Skill-Based Gaming Device only if:

- i. The Skill-Based Gaming Device does not award cash prizes through a wholly random system irrespective of skill;
- ii. The Skill-Based Gaming Device does not award cash prizes through a system with pre-planned or pre-programmed ratios of wins and losses;
- iii. The Skill-Based Gaming Device requires an essential component of skill as part of its design that is more determinative of wins than a random chance alone
- iv. The Skill-Based Gaming Device is not to be used at any time by persons under eighteen (18) years of age;

- v. The Skill-Based Gaming Device is not to be used at any time by persons who are visibly intoxicated;
  - vi. The Skill-Based Gaming Device shall be monitored at all times by security cameras or directly by personnel working for the applicant during all hours in which such Skill-Based Gaming Devices are in use,
  - vii. The Skill-Based Gaming Device may not be altered or tampered with by any person after the date of its installation. This provision shall exclude software updates from the device's manufacturer only.
  - ix. Any person, or the majority owner of any association, firm, partnership, corporation or other entity applying for a license for a Skill-Based Gaming Device must have attained twenty-one (21) years of age.
6. **License Fee:** The initial license fee and any annual renewal fee thereafter for each Skill-Based Gaming Device shall be \$100.00 per device, payable at the time of application or renewal.
  7. **Limit on Hours of Operation and Sign Illumination:** Skill-Based Gaming Devices may only be operated between the hours of 7:00 a.m. and 11:00 p.m., and any signs advertising Skill-Based Gaming Devices may not be illuminated before or after hours of operation.
  8. **Limit on Number of Devices :** No establishment shall operate more than eight (8) Skill-Based Gaming Devices at any one location unless granted a special exception by the Borough Council, which may require additional conditions and costs.
  9. **Non-Transferability of License:** Borough issued licenses for Skill-Based Gaming Devices are non-transferable and any new owner or any new operator of an establishment where such skill-based gaming devices are available must pursue a re-application. Licenses are granted only for the particular devices licensed according to the make, model and manufacture of such devices provided in the application and may not be transferred to substitute or alternative devices.

### **Section III. License Suspension or Revocation.**

1. **Unlicensed Devices:** Any person, association, firm, partnership, corporation or other entity who operates an unlicensed Skill-Based Gaming Device shall, in addition to the penalties for under Section IV of this ordinance, be subject to the following penalties:
  - a. Any person, association, firm, partnership, corporation or other entity who is cited for three (3) violations within a twelve (12) month period shall have any such license he, she or it may possess automatically revoked for any Skill-Based Gaming Device.
  - b. Any person, association, firm, partnership, corporation or other entity cited for three (3) or more violations of this Ordinance within a twelve (12) month period

shall be precluded from obtaining a Skill-Based Gaming Device license for a period of twenty-four (24) months from the date of the last citation.

**Section IV: Penalty.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a summary offense, and upon conviction or plea of guilty thereto before a court of competent jurisdiction, shall be punished by a fine or not to exceed \$300.00, and in default of payment of such fine, be imprisoned in the Mercer County Jail not to exceed ninety (90) days, in the discretion of the Court, plus all costs of prosecution.

**Section IV: Severability.** The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of this Ordinance.

**Section V: Repealer, Continuous, Gender.**

A. Any other ordinance provision(s) or regulation of the Borough of West Middlesex inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

B. The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations now in full force and effect prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations. The provisions of this Ordinance shall not affect any act done or liability incurred nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense or offenses under the authority of any of those repealed and/or amended ordinances, regulations or parts thereof.

C. As used in this Ordinance, whatever the context so indicated, the masculine, feminine or neuter gender, the singular or plural number, shall each be deemed to include the other.

**Section VI. Effective Date.** The provisions of this Ordinance shall take effect immediately upon passage by Council and approval by the Mayor.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_, 2025, by the Borough Council of West Middlesex, Pennsylvania at a regular meeting thereof, duly convened.

**ATTEST:**

**BY:** \_\_\_\_\_  
President, Borough Council

\_\_\_\_\_  
Borough Secretary

APPROVED by me this \_\_\_\_ day of \_\_\_\_, 2025.

\_\_\_\_\_  
Mayor



Plans Reviewed by Land Use Team

|    | Plan Name                          | Municipality          | Major or Minor  | Fee Paid    | Status                             |
|----|------------------------------------|-----------------------|-----------------|-------------|------------------------------------|
| 1  | Butch                              | Findley               | Minor           | \$300.00    | Completed                          |
| 2  | McAnallen                          | Coolspring            | Minor           | \$360.00    | Completed                          |
| 3  | Kasbee                             | Delaware              | Minor           | \$300.00    | Completed                          |
| 4  | Hercules Car Wash                  | Mercer                | LDP             | \$300.00    | Withdrawn                          |
| 5  | Troyer                             | Fairview              | Minor           | \$300.00    | Completed                          |
| 6  | Home 2 Suites                      | Hermitage<br>Shenango | Minor           | \$375.00    | Completed                          |
| 7  | Home 2 Suites                      | Hermitage<br>Shenango | Preliminary LDP | \$500.00    | Pending zoning hearing at Shenango |
| 8  | Stonebraker                        | Lackawannock          | Minor           | \$320.00    | Reviewed                           |
| 9  | Hoskin                             | Liberty               | Minor           | \$300.00    | Completed                          |
| 10 | Clark                              | Mill Creek            | Minor           | \$325.00    | Reviewed                           |
| 11 | Fairview Cheese                    | Fairview              | Preliminary LDP | \$500.00    | Board Approved                     |
| 12 | Wagler                             | Sandy Lake & Lake     | Minor           | \$300.00    | Reviewed                           |
| 13 | Riddle                             | Pine                  | Minor           | \$300.00    | Reviewed                           |
| 14 | Mercer Farm [WPC]                  | Findley               | Minor           | \$325.00    | Completed                          |
| 15 | Samol                              | South Py              | Minor           | waiting     | In progress                        |
| 16 | Shetler                            | Salem                 | Minor           | \$325.00    | Reviewed                           |
| 17 | Top Tier                           | Hermitage             | LDP             | Fees waived | Completed                          |
| 18 | Gibson Lots 1 & 2                  | Hermitage             | Minor           | Fees waived | Completed                          |
| 19 | Confer II Lot 1                    | Hermitage             | Minor           | Fees waived | Completed                          |
| 20 | 83 Main Street LLC<br>Lots 1 & 2   | Hermitage             | Minor           | Fees waived | Completed                          |
| 21 | USA Equipment<br>Leasing LLC Lot 1 | Hermitage             | LDP             | Fees waived | Completed                          |
| 22 | Yanak Lots 1 & 2                   | Hermitage             | Minor           | Fees waived | Completed                          |
| 23 | Yanak Lot 3                        | Hermitage             | Minor           | Fees waived | Completed                          |
| 24 | Hickory Fields                     | Hermitage             | LDP             | Fees waived | Completed                          |
| 25 | Boura                              | Hempfield             | Minor           | \$325.00    | Completed                          |
| 26 | Korniak                            | Jackson               | Minor           | \$350.00    | Completed                          |
| 27 | Emph                               | West Salem            | Minor           | \$300.00    | Completed                          |
| 28 | Jackson Township<br>Bldg           | Jackson               | LDP             | Fee waived  | Completed                          |
| 29 | Benson Williams                    | Pymatuning            | Minor           | \$500.00    | Completed                          |
| 30 | Balmaghie                          | Springfield           | LDP             | Fee waived  | Completed                          |
| 31 | T Collins                          | West Salem            | Minor           | \$325.00    | Reviewed                           |
| 32 | Beblo                              | West Salem            | Minor           | \$325.00    | Completed                          |
| 33 | Harrison                           | West Salem            | Minor           | \$325.00    | Completed                          |
| 34 | R. Collins                         | West Salem            | Minor           | \$325.00    | Reviewed                           |
| 35 | Chutz                              | Pine                  | Minor           | \$380.00    | In progress                        |
| 36 | Minner/Montgomery                  | Findley               | Minor           | \$325.00    | Completed                          |
| 37 | Industrial Land<br>Development BCS | Hermitage             | LDP             | Fee waived  | Completed                          |
| 38 | Glen Lakes                         | Pine                  | Minor           | \$325.00    | Reviewed                           |
| 39 | Morse/Perkins                      | Wilmington            | Minor           | \$325.00    | Reviewed                           |
| 40 | Westlake                           | Sandy Lake            | Minor           | \$325.00    | Completed                          |
| 41 | Perry Run Acres, LLC               | Deer Creek            | Minor           | \$300.00    | Completed                          |
| 42 | Minner                             | Findley               | Minor           | \$350.00    | Reviewed                           |

Plans Reviewed by Land Use Team

|    |                     |              |       |            |             |
|----|---------------------|--------------|-------|------------|-------------|
| 43 | Pavcik              | South Py     | Minor | \$400.00   | Completed   |
| 44 | Reiber              | Wilmington   | Minor | \$325.00   | Completed   |
| 45 | Reemtsen            | Delaware     | Minor | \$350.00   | Reviewed    |
| 46 | R&M Holdings        | Worth        | Minor | \$350.00   | In progress |
| 47 | Cardas              | Jackson      | Minor | \$300.00   | In progress |
| 48 | Ray                 | Sugar Grove  | Minor | \$300.00   | Completed   |
| 49 | Depofi              | West Salem   | Minor | \$325.00   | In progress |
| 50 | D. Tarr's Midway    | Sharon       | Minor | \$325.00   | In progress |
| 51 | Cake                | East Lack    | LDP   | \$507.00   | In progress |
| 52 | Mild                | Shenango     | Minor | \$400.00   | In progress |
| 53 | Joy Cone            | Hermitage    | LDP   | Fee Waived | In progress |
| 54 | KJJ Properties      | Hermitage    | Minor | Fee Waived | In progress |
| 55 | Home 2 Suites       | Hermitage    | LDP   | Fee Waived | In progress |
| 56 | Yanak               | Lackawannock | Minor | \$325.00   | In progress |
| 57 | McMullen            | Jackson      | Minor | \$400.00   | Completed   |
| 58 | Hazy                | Pine         | Minor | 325.00     | Reviewed    |
| 59 | Gardner             | Wilmington   | Minor | Waiting    | In progress |
| 60 | Engstrom            | Mill Creek   | Minor | \$325.00   | In progress |
| 61 | Wasser              | Fredonia     | Minor | Waiting    | In progress |
| 62 | Yoder               | East Lack    | Minor | \$325.00   | In progress |
| 63 | Brown Brothers      | Pine         | Minor | Waiting    | In progress |
| 64 | Ulam                | Pymatuning   | Minor | \$325.00   | In progress |
| 65 | Schiemer            | Perry        | Minor | \$325.00   | In progress |
| 66 | Surano              | Greenville B | Minor | \$350.00   | In progress |
| 67 | Bishop              | Sandy Creek  | Minor | \$300.00   | In progress |
| 68 | Milani              | Hempfield    | Minor | \$350.00   | In progress |
| 69 | Ustik               | Delaware     | Minor | \$325.00   | In progress |
| 70 | Hadley Field        | Sharon       | LDP   | Fee Waived | In progress |
| 71 | Sunrise- Babcock Rd | Coolspring   | LDP   | \$760.00   | In progress |
| 72 | H&H- Hoobler        | Lake         | Minor | \$350.00   | In Progress |
| 73 | Byler/Hostetler     | Springfield  | Minor | Fee Waived | In progress |
| 74 | Corwin              | Coolspring   | Minor | \$325.00   | In progress |
| 75 | Shepherd            | Findley      | Minor | \$300.00   | Completed   |
| 76 | Henderson           | Sharon       | Minor | \$325.00   | In progress |