

NEW STANTON

PLANNING COMMISSION MEETING

March 11, 2009

I. Call to order

Jim Evans called to order the regular meeting of the Planning Commission at 7:01 pm on March 11, 2009 in New Stanton.

II. Roll call

Recording Secretary Anita Hoffman conducted a roll call. The following persons were present: Jim Evans, Frank Balistreri, Graydon Long, Henry (Bud) Moore, Mary Quinn and Willy Bitar. Michael Arthurs was absent. Also present was Zoning Officer Melvin Steele and the Borough's Engineer Emil Bove representing Bove Engineering.

III. Approval of minutes from last meeting

Willy Bitar made a motion seconded by Mary Quinn to approve the minutes from the last meeting.

The minutes were unanimously approved.

IV. Audience comments on General or Agenda items

None

V. Old Business

Chairman Evans said just to catch everyone up, there was a meeting held about two weeks ago regarding the Ultimate Sports Complex and the meeting lasted a couple of hours. He said they went through plans, etc. and that there was some major points needing done before they resubmitted to Planning Commission. Emil said he spoke to their Engineer Jim Henderson yesterday and they have not met with Penn DOT yet. Emil spoke to their GEO Technical Engineer today, they have not talked with him yet, they do have a meeting tomorrow with them just to do over some technical comments. He also spoke to the Company doing the E&S, Stormwater Management, Grading, Drainage and Landscaping Plan. He said the developer is planning on having plans submitted for April 8th planning meeting. Chairman Evans asked if they were getting close to the time running out, Anita said she thought they had until the end of the month and suggested giving them another 6 month extension.

Willy Bitar made a motion seconded by Frank Balistreri to recommend that Council encourage Penn DOT to have a third lane from the Turnpike to the New Stanton exit, westbound and that a red light be installed with possibly a sensor to keep traffic from going onto Interstate 70.

The motion was unanimously

Graydon Long made a motion seconded by Frank Balistreri to recommend that Council grant the Ultimate Sports Complex a six month extension.

The motion was unanimously

VI. New business

a) *Proscap* - Pole Building (Rob Cammarata)

Emil went through his comments from his review of Proscap's site plan and proposal to construct a 40'x60' pole building on their property located at 106 Sewickley St. to be used as a storage facility. Emil stated the Borough has pre-development and a post development, pre-development is what exists on the site; you determine what water is being generated today prior to any construction. You calculate your post-development with the paving and all other work you're going to do and determine how much run off you're going to have then. Regarding the setbacks for the site, the plan shows an existing building that sets two to three feet from the property line. There is also an apartment building at the upper corner which one corner of that building is even closer than that. The brick dwelling is a little further but none of the existing structures met the setback requirements. Emil said Mel can elaborate on this but your Zoning Ordinance allows increasing or decreasing building setback lines based on at least 50% of properties on the block in which the development occurs. He said this is a provision that is generally put into Zoning Ordinances in areas where you have older style homes, older communities where you tend to keep them in line with everything else. The building line on the plans is three (3) feet for the proposed pole building and this would fall under that part of the Ordinance. *Zoning Officer*, Melvin Steele said "I would like to call Planning's attention to LaTavola and Szechwan Wok who was given relief under the same section, so it has been done before in the Borough." He said it is on page forty-two (42) of the Ordinance. *Mayor* Kazan asked Mr. Steele what it said and Mel read the following "where an existing building setback line is established on at least 50% of the properties in a block in which the proposed development is located, or within 200 feet immediately adjacent to the proposed development, the above minimum setbacks may be increased or decreased in order to conform with such established line. *Resident* Stella Morgan said, I did talk to Mel and ask if Proscap was allowed to do that and he said only if it's hooked onto the existing building. Now I didn't see the plans, is that hooked onto the building? Mel said, no that's not what I said, Stella said yes it is Mel; he said no it's not. *Member* Willy Bitar said let's move on, Mel the two buildings you brought up, they added to an existing building, they didn't add a separate building, right? Mel said they were given relief on their buildings lines and given relief on the zoning ordinance. Willy said if we're going to compare apples to apples what those two businesses did is not the same and I actually have issue with this. Proscap started making ground movement without any type of permits whatsoever. When I put a patio and pool up I came to the Borough for permits before moving any ground. I just don't understand how he was able to dig on his property and make all these adjustments without a permit. Mel said he was digging on his property, other people in this Borough have dug on

their property and nothing happened. Mel went on to say "Willy we don't issue permits for digging unless it's a major business digging." "How can he start this land without getting permits Mel?" Mel said he applied for his permits; he's still waiting for his permits. Willy said that doesn't give him the right to dig. Mel said you want to hard nose it we can go ahead and issue him a violation letter, then he can appeal it for thirty days, then he can appeal it again. Willy said, if that's what's needed then do it, but let me ask you another question. What about the Sports Complex he's following the proper procedure, he didn't start digging then say "Oh I'll dig this up then apply for my permits." He is waiting until he gets the permits before he starts. Stella Morgan then asked what a pole building was and if it would depreciate her building? She said I pay big taxes for B-1 and I'm not going to pay them if someone comes and changes the zoning for that District, that's what it looks like. She went on to say I'm one of the big tax payers in the Borough and I will go and ask to have my taxes lowered if it depreciates my land. *Chairman* Evans asked Mr. Cammarata what a pole building was. He explained it was a steel structure building with three different colors of roofing, there are five (5) garage doors, and there is a side garage door you come in. When I bought the property down there it was completely overgrown, I took the trees down and I had mud everywhere. So in an attempt to keep the mud down I laid stone down, that area in the back has water laying in it. Mr. Cammarata said "I came to the Planning Committee even before I purchased the property, I ran this through the Planning Committee and asked them what their thoughts were on bringing this business to New Stanton. I employ 47 employees, I've hired 22 people in the last two weeks, I'm trying to bring business into this town." "I own a home here on Pagano Drive, and own this property I'm a tax payer too." Ms. Morgan said "He owns a landscaping business and some of that business is in Youngwood and there was a car dealership across the road from him and he had to move because the dirt was always blowing on his cars" I just don't want my property to devalue because of that kind of business" "I don't have anything personally against this man, I wouldn't care who would be putting it in I would still be questioning it." Member Mary Quinn read some of the minutes from May 7th, 2008 when Mr. Cammarata first came to planning and she said if something doesn't fit in here then we need to find out what to do to make it fit in. She asked him what his business was classified as an office he said yes. Then she said I don't see a pole building under accessory uses, we have garages, storage buildings, do we need to add that? Mel said it's a garage. Mary asked if he would be doing automotive and truck repair, he said no, that's not what the building is designed for. He said his trucks will be taken somewhere else to be serviced. Another resident said I called the Borough office to ask what needed to be done to build a retaining wall and I was told before I could start anything I needed to submit a plan on what was going to be done. That was before I could even get a permit or start any work, how can somebody else come in and do whatever they want? Rob said I haven't done anything with this building what so ever. Another resident said, who from the Borough building here said you didn't need a permit? Mel said you don't need a permit to put stone in your driveway. If you want

to take x amount of dirt out of your lot and put stone in your lot we've never had anyone come in and get permits. Al Morgan said "that's not true because I was going to put a storage shed on my property on Cortland Drive, and I started digging to put it in and the ordinance officer stopped and ask me what I was digging." "He told me I had to stop digging until I came to the Borough office and got a permit." Mel said that has changed that was the old ordinance. You know right now I don't see this as nothing more than let's gang up on Mel Steele. Everyone said no that's not true we just want him to follow the rules. Mel said this man has done nothing to where he's done anything wrong. Willy said nobody's saying he did; this is a new era in New Stanton where everybody needs to follow the rules and laws of the Borough. One thing we're trying to do as citizens is make everything unified and structured. Mel said since I've been here nobody has come in to get a permit to cut their property, put geo-techs down and put stone on it. If he comes in and tells me he's going to excavate his land and put stone down I have to trust him on that. *Resident Tom This* said I have two points, I understand he wants to put his building in line with the old building; I can understand and appreciate that. But on the other hand, that building has been there one hundred years, the thing of it is if you put a new building in-line with the old building you're not trying to bring the new ordinance in effect. So let's say in five years you decide to tear down the old building and you want it in-line with the newer building you're never complying with the ordinance. *Chairman Evans* said you're leading into my question, what would be the problem with putting the building within the ten foot setback? *Mr. Cammarata* said, "There is no problem, I'll move it ten feet." Jim said you're willing to put the building within the ten foot requirements? Rob said, you've got to understand, I'm here to do whatever you guys need me to do. The existing building that's down there, by the end of next week that building will be completely resided, all new gutters and downspouts, and a new roof put in it. I've already put a new garage door on and we've repaired all the windows and boarding up the lower ones. It will look like brand new; I have no intentions of tearing it down. I just thought if it's sitting ten foot from that or three foot from that particular spot it just would make sense to run that building line down. My property is littered with beer bottles and garbage from the next door neighbor. I just thought should I give them three feet to throw the garbage or ten feet, it doesn't matter. All I'm saying is if it needs to be ten (10) foot I'll slide the line an additional 7 feet and I met the setbacks. I just want to put a building there that will serve the purpose that I need. I bought that property for \$214,000 I had it appraised a month ago and it was appraised at \$475,000. We just want to finish up our project, get the landscaping done, build the building and go about our business. *Mr. Morgan* asked if there was a place for the water runoff to go, if it met the Borough's zoning. *Emil Bove* said yes, there were quite a few storm outlets so the water will never leave the parking lot. *Mr. Morgan* then asked what kind of equipment would be parked there. *Mr. Cammarata* said right now he has 5 pick up trucks that will be kept inside the building, I have 3 vans that will end up being outside. He said the garage will be heated so the vehicles don't freeze. The most deliveries they will

get is a drum of oil once in awhile and fabric that can't be shipped directly to the job site. Jim Mack said we're going on and on, if it's not a hardship on him to meet the ten (10) foot setback requirement, then nobody is upset, nobody is hiring any lawyers, everybody goes home. There is no space penalty for him to move it seven (7) more feet so just adhere to the ten (10) foot setback and the meeting can come to an end. *Chairman* Evans said he meets the Ordinance three (3) feet and ten (10) feet. Jim said he agreed to a ten (10) foot setback. *Member Bud Moore* asked "if he agreed to a ten (10) foot setback would it have to go back to the County for Stormwater and E&S Plan?" Emil said no that it wouldn't have any impact at all.

Emil said another thing I suggested that they extended the planting buffer the whole way to near the sidewalk on the Sewickley Street side. They just need to put on the plans what kind of plantings they are using. The Stormwater management meets all the requirements, when they install the infiltration devise the majority of all the gravel they placed on that site will be removed.

Chairman Evans said to Mr. Cammarata what are you going to ask us for tonight, three (3) feet or ten (10) feet? He said I would ask for the three (3). *Zoning Officer*, Melvin Steele said Let me point this out again the zoning says if you meet the criteria for the relief, that does not have to come before Planning or Council. All that has to do is come before the *Zoning Officer*; I need to know from you guys and Council if this is going to be changed. If not and people meet the criteria, I'm going to give them the relief as its part of my job description. Resident and business owner Stella Morgan asked if there is going to be enough room if someone's brakes let loose with there only being three (3) feet setback. *Chairman* Evans said I don't know if three (3) feet or ten (10) feet will make a difference. Stella said I'm not here to stop progress, I have nothing against Mr. Cammarata, I don't even know the man. I'm here to make sure it doesn't devalue my property and he said it won't so I'm ok with that. But my concern is now the setback and why the Ordinance isn't being followed. Jim Mack said basically what that was written for was to not create a hardship on people who already have an issue who want to build onto an existing building so it won't look inappropriate, not a new separate building. If this project was all new we wouldn't allow that, you would have to meet all the zoning requirements. *Mayor* Kazan asked *Zoning Officer* Mel Steele to read that section in the Ordinance again. After he read it *Member* Bud Moore said what that ordinance was originally intended to do was to provide relief to people back when the Borough was formed. Now if this building was going to be attached I would have no problem with that, however since it's not attached I would like to see a ten foot side line. And on that issue I'm going to make a motion.

Bud Moore made a motion seconded by Frank Balistreri to recommend that Council approve Proscape's plan with the following conditions:

1. That the plantings on the Sewickley Street side be extended up to the walkway for the building. 2. Listing the plantings on the plan

that's going to be on the site. **3. Moving the new building 10 feet from the West property line to hold our current setback on that side.** The motion was unanimously

Chairman Evans said, now the second item with is the zoning change, this change that we're proposing under B-1 would be to add commercial recreation as a permitted use from a special exception.

Mary Quinn made a motion seconded by Bud Moore to recommend that Council approve the zoning change in the B-1, B-2, L-1 & L-2 Districts changing commercial recreation from a Special Exception to a Permitted use. The motion was unanimously

Chairman Evans said another thing we want to work on is a definition for Forestry. Forestry is a permitted use but we don't define what forestry is. We need to get some definitions and discuss in a month or two.

Zoning Officer Melvin Steele said I received a letter from Foreman Architects is on the renovations state of Stanwood Elementary School. They need a letter from Planning Commission that the proposed plans meet the Borough's comprehensive plan and zoning ordinance to submit to the State so they can get funding. Mel said Mike Stack has the plans so I don't have one for you to look at. *Chairman* Evans asked what they were doing and Mel said all they are doing is adding sidewalks to an already impervious area. They're adding more grassy area; they're adding a turnaround for the kids in the back in an already existing lot. They are also putting a fence around the school so the animals from Farlow's farm won't attack the teacher's any longer. They are doing renovations on the inside of the building and Mike Stack is handling that. *Member* Willy Bitar asked what he needed from Planning. Mel said you need to direct Anita to write the letter to them approving the plan so that they can move forward in funding from the State. *Chairman* Evans said, you want our approval of their plans of which we haven't seen. Mel said, Well I just told you what it was, and Jim said I know you did I'm just saying we haven't seen the plans. Jim asked when they are going to do this. Mel said as school lets out they will start working on it. Jim said we could wait until April till we actually see the plans, Mel said yes you can. Mel said there's nothing, it's nothing, the only new thing they are doing is putting up is a fence and a canopy. And renovating the interior, they are not changing the exterior of the site. *Chairman* Evans said we could approve it pending review by Mel and Mike Stack.

Graydon made a motion seconded by Mary Quinn to direct Anita write a letter to Foreman Architects approving their plans for Stanwood Elementary School. The motion was unanimously

Chairman Evans said, is there anything else? *Mel* said yes I understand what *Bud's* thoughts were with *Proscap* but that's still is not what the zoning says and it's not what my job says. If you're going to take that completely out of my hands then you need to change this. Because either I'm going to do my job or I'm not going to do my job and you guys I don't think can say not I'm not going to do what *Mel* said. *Bud* said we can't change that, *Mel* said then how can you tell him he can't put his building up with a three (3) foot setback? *Bud* said that was meant for front yards. *Chairman Evans* said well let's make the recommendation to Council right now to change it. *Melvin* said I think you need to look at it, think about it, and bring it back. Don't just do it right now and do something you may regret later, let's think on it. *Chairman Evans* said he has had a problem with this part of the zoning for awhile now. Because it perpetuates the conditions always exists and never gets it corrected. I would be very favorable to just eliminate it. *Mayor Kazan* wanted to bring to Planning and Zoning Officer *Mel Steel's* attention that there is a 55 gallon drum inside *Proscap's* building labeled "used oil" *Mel* said he would go check on it. The *Mayor* said I suspect he is draining the oil out of his equipment and putting into that 55 gallon drum.

Chairman Evans asked if anyone would like to take a stab at rewriting that section pertaining to the setback requirements. No one spoke up so it will be discussed at the next meeting.

VII. Adjournment

Graydon Long made a motion to adjourn the meeting at 9:15 pm

Upcoming Meeting Dates:

(Calendars available on the podium)

Council: April 2, 2009 @ 7:00 pm

Planning: May 13, 2009 @ 7:00 pm - cut off April 22, 2009

Check out our web site at www.newstanton.org