

There was a Moment of Silence before the meeting started in memory of Mr. Millburn's beloved wife.

The City of Lower Burrell **Zoning Hearing Board** held a public hearing on Monday, May 20, 2019 at 7:00 p.m. in the Municipal Building at 2800 Bethel Street, Lower Burrell, PA 15068. Present were George Guido, Charles Stapinski, John Kamarados, Charles Markle, John Millburn, Ordinance Officer Michael Nedley, Solicitor Elaine Generelli, and Court Reporter Julie Gerano.

APPROVAL OF MINUTES: Motion by Mr. Markle, second by Mr. Millburn to approve the minutes of the April 15, 2019 meeting. All in favor. Motion approved.

CORRESPONDENCE:

Letter from Ray Rieser, Chairman, Lower Burrell Planning Commission

OLD BUSINESS:

None

NEW BUSINESS:

Shawn DesLauriers of 120 Glauser Drive seeking an interpretation to Article 300-24 (6) Nursery Stocking with Sales and Limited Advertising on Premises and Article 300-103 Sign Permit Required on 8.87 acres of property located between Route 56 and Youngwood Drive, identified as map # 17-04-00-0-103, zoned S-1.

Mr. DesLauriers was present and represented by his counsel, Mr. David Regoli. Mr. Nedley gave the following background: In April, Mr. Nedley drove by Mr. DesLauriers' site which is located across from the Hillcrest Volkswagen garage and saw that there was a cut made onto the bypass and bins installed all over the site. A cease and desist was issued on April 1, 2019. Mr. Nedley has since met with both Mr. DesLauriers and his engineer. Mr. DesLauriers has appeared before the Lower Burrell Planning Commission. Ms. Generelli questioned Mr. Nedley about the procedure and the cease and desist letter was entered as Exhibit 1. The legal notice of the advertising was entered as Exhibit 2. Attorney Regoli's responsive letter and the appeal filed by Mr. DesLauriers was entered as Exhibit 3.

Mr. Regoli had background questions for Mr. Nedley. He then explained what they hoped to accomplish at this hearing. The site plan was marked as Applicants Exhibit # 1.

Mr. Tony Males from Alpha Engineering was called to testify. He prepared the site plan drawings for Mr. DesLauriers and explained the drawings. He also explained a proposed driveway which will be requested with a Penn Dot Highway Permit Application.

The applicant, Mr. Shawn DesLauriers then testified. He answered questions raised about Penn Dot's response to his permit application. Applicants Exhibit # 2 was identified as the supply yard where the bins had been removed and the product was on the ground not separated. Three overhead photographs of the property were entered into evidence.

After his testimony, members of the general public were permitted to view documents and enter testimony. Nancy Schowalter spoke of traffic increasing; her concern is for the safety of neighbors and children and the safety concern at the intersection of the Bypass and Claremont Avenue.

Veronica Dulnikowski, echoed Nancy Schowalter's comments of concerns for safety. She testified that only people employed are going in and out of the business. He has put a lot of time and a lot of money making his place look nice.

Greg Spiering, 392 Spiering Drive, spoke also about the intersection. There are shrubs blocking the view of the bypass. He was advised to address that concern with Council.

Geoff Spiering, 400 Spiering Drive, testified that since Mr. DesLauriers' business has been in, it has done nothing but improve the area. It looks better than it did before and looks nice. He had nothing negative to comment on and considers it a plus for the City of Lower Burrell.

Dave McGill, 3210 Leechburg Road. Mr. McGill is a Lower Burrell business owner and familiar with the property. He is concerned of the amount of money a small businessman will have to pay for a traffic study that will have a minimal impact. If the permit from Penn Dot is granted, trucks will come off the highway and will not be accessing the road in question.

Dakota DesLauriers, 90 Crabapple Lane, Apollo, he is the son of Shawn DesLauriers. His father has employed a lot of people over the years and allowing a supply yard will enable more people to work there.

William Reynolds, 334 Second Street, Leechburg testified that he works with Mr. DesLauriers and has been in the landscape business. He spoke of the safety aspect of the landscaping business.

Steve Quarles, 151 Glauser Drive has lived in the area 15 years, and he acknowledges all the work done to spruce the area. He was at the meeting to support Mr. DesLauriers.

Motion by Mr. Millburn, second by Mr. Markle to close testimony. All in favor. Motion by Mr. Stapinski, second by Mr. Kamarados to enter Executive Session. All in favor. Motion approved.

The Zoning Hearing Board recessed into Executive Session.

The Zoning Hearing Board reconvened; Motion by Mr. Millburn, second by Mr. Stapinski to conclude Executive Session. The Solicitor confirmed that the Zoning Hearing Board was not in any violation of the Pennsylvania State Sunshine Act.

Recommendations and the time limits to comply with the recommendations were stated by Solicitor Elaine Generelli. Among the recommendations were that the applicant must remove all materials from the Penn Dot right-of-way and apply for a Highway Occupancy Permit from the Pennsylvania Department of Transportation. Signage must be removed within the Penn Dot right-of-way. He must apply for and obtain approval from the Westmoreland County Conservation District for all actions regarding use of the subject property. He must comply with all requirements of the Lower Burrell Planning Commission and resubmit the new site plan to them for approval. Gravel and mud on the highway must be avoided. A letter will be sent to Council and to the applicant outlining the conditions. A considerable amount of time was spent discussing the recommendations.

Motion by Mr. Millburn, second by Mr. Stapinski to grant the variance with the conditions set forth by the solicitor. Roll call vote indicated: Mr. Guido: AYE; Mr. Kamarados: AYE; Mr. Markle: AYE; Mr. Millburn: AYE; Mr. Stapinski: AYE. 5 "AYES." All in favor.

ADJOURNMENT:

With no further business, a motion was made by Mr. Stapinski, second by Mr. Markle to adjourn the meeting. All in favor.

George Guido, Chairman
John Millburn, Secretary