



**EAST PETERSBURG BOROUGH PLANNING COMMISSION  
MEETING MINUTES  
January 16, 2020**

**Meeting began at 7:00 P.M.**

**Roll Call:** John Schick Chairman, David Keener Vice-Chairman (Absent), Rory Buckwatter (Absent), John Kerchner, William Pfautz, Marvin Stauffer (Absent), John Wolf, and Zoning Officer/Borough Engineer Michael Bingham

**Reorganization of the Board**

1. *It was moved and seconded (J. Wolf / W. Pfautz) to nominate John Schick for Chairman of the Planning Commission, unanimous approval by the board*
2. *It was moved and seconded (W. Pfautz / J. Wolf) to nominate David Keener for Vice Chairman of the Planning Commission, unanimous approval by the board*

**Approval of Minutes:**

*It was moved and seconded (J. Wolf / W. Pfautz) to approve the minutes of the August 15, 2019 meeting, unanimous approval by the board*

**Visitors:** See attached sheet for full list

**Public Comments:** None

**Old Business:** None

**New Business:**

1. Review Application submitted for 6155-6165 Main Street by Thousand Island LP, the applicant seeks a Zoning Variance to allow for "Warehouse as a primary use" within the Neighborhood Commercial District (NC). This Variance is for Use as provided in Table 306.B.2 of the East Petersburg Zoning Ordinance. The applicant is also appealing the decision of the Zoning Officer that the use is not a pre-existing legal non-conforming use.

Claudia Shank with McNees, Wallace, and Nurick was present along with Alan Giagnocavo, the owner of 6155-6165 Main St, on behalf of Thousand Islands LP. Ms. Shank said they are not proposing any site plan changes they are just asking to continue a use on the property that has been there for a long time. Ms. Shank gave an overview of the building; she stated it is in the NC district, 1.5 acres, 19,000 sq. ft. warehouse, along with an elevator, 10 % of the property is office space and the remaining 90 % is warehouse, 10 parking spots are on the property. They have searched through prior deeds and titles and found that this building originally served as a tobacco warehouse, and then in the 1970's/1980's Lepco Lawn Equipment Co. used the building, in 1990's Commonwealth Mailing & Distribution Center was in the building, and in 2008 Thousand Islands purchased the property and used it for Fox Chapel Publishing primarily for warehousing and some office use. In 2019 Thousand Islands, LP leased the building to Lancaster Leaf Tobacco and has been used for storage of tobacco products since then. Recently, Thousand Islands, LP has entered into an agreement to sell the property, which prompted them to talk to Michael Bingham about the current use and find out if warehousing will remain permitted. In the district the building is located, warehousing is not permitted as a principle use, but it is permitted as an accessory use. Mr. Bingham made a determination that the current use of the building for warehousing tobacco products, was not permitted. Ms. Shank stated that their opinion is that it was a pre-existing, non-conforming, warehousing use. Ms. Shank stated that Mr. Bingham's opinion was that, because Fox Publishing used the offices in the building, he feels that this was the principle use and the warehousing was the accessory use. Therefore, it was not a pre-

existing, non-conforming use, and a use variance was needed. Therefore, they have submitted an application for a zoning hearing requesting 2 types of relief. (1) Appealing Mr. Bingham's determination (2) Requesting a use variance to continue to warehouse on this site. They have also submitted the tax records to show that it lists the use of the property as a warehouse manufacturer. They feel that this building could not be used for anything else without a substantial amount of renovation.

J. Kerchner stated that Lancaster Leaf who currently leases this building is one of his clients. He also asked if this building is permitted for a warehouse and is it equipped with sprinklers. Mr. Bingham said that after every sale of a property they are required to get a use and occupancy permit which is handled by Associated Building Inspections, and they will inspect the building and make that determination.

Mr. Bingham said that the building cannot easily be used for anything other than warehousing because the lot it sits on has limited parking. Therefore, he feels they have good reasoning for a variance.

Ms. Shank stated that her only concern with going the variance route is that there are some protections that you get as a pre-existing, nonconforming use, in terms of expansion, etc. that the variance doesn't carry with it.

Mr. Bingham said that it actually was expanded beyond the 25% when a bay was added in the early 2000's.

J. Wolf asked if there is a lease in place with E.P. Fire Dept. that allows use of the parking lot area near the loading dock that extends into the Fire Dept.'s lot. Ms. Shank said yes.

W. Pfautz said as long as he can remember it has been a warehouse and if only 10% of this building has been used for offices, in his opinion the main use is a warehouse.

Ms. Shank explained that Lancaster Leaf would like to continue with their lease after the building is sold. The potential buyer is planning on keeping the lease with Lancaster Leaf, but at some point, the buyers are looking at other possibilities for the site. The buyer will be purchasing both buildings. Ms. Shank said that both parcels are on one deed but have different legal descriptions. Ms. Shank said that they are possibly planning on doing a lot consolidation. Mr. Schick asked how it will be guaranteed that the parking stays with the building. Mr. Bingham said that he will reach out to Janice Longer, ZHB Solicitor, to see if there is anything that can be done.

***It was moved and seconded (J. Kerchner / J. Wolf) to approve to uphold the zoning officer's decision on the letter stating it is not a nonconforming use. Motion was passed with a 3-1 vote by the Board (J. Schick -yes, J. Kerchner-yes, J. Wolf-yes, W. Pfautz-no)***

***It was moved and seconded (J. Kerchner / J. Wolf) and passed with a unanimous approval by the Board, to recommend approval for a use variance of section 306.C.2 of the zoning ordinance, to permit warehousing in the neighborhood commercial district***

The Boardmembers of the Planning Commission would also like to recommend to the ZHB that the lots be combined or joined into one lot.

## **2. Review draft of Ordinance for Obstruction in the Street, Sports in the Street**

There was an issue 2 years ago someone affixed a basketball pole in the street in the cul-de-sac on Wolf Circle which is in a drainage easement and it also protrudes out to the roadway and is in the way of the street sweeper. The owners of this property are paying taxes on the bulb of the cul-de-sac, but they also signed a right of way on the street. Council spoke with them a couple times to work towards a solution to get this out of the street and out of the easement. Council made an offer to locate the pole onto their property so that it does not hang over the asphalt, but this has not been resolved. The solicitor has created an ordinance to address this.

***It was moved and seconded (J. Wolf / J. Kerchner ) with unanimous approval by the Board to send the draft ordinance, for prohibiting obstruction within the public right of way and prohibiting playing sports in public roadways, to council***

**Adjournment:** 7:33 p.m.

**Announcement:** Next meeting will be held February 20 at 7:00 p.m., if needed

Respectfully Submitted,  
Kim Strayer, Recording Secretary