

## 1 CITY OF GREENSBURG ZONING HEARING BOARD

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## 3 TRANSCRIPT OF PROCEEDINGS

4 City of Greensburg Zoning Hearing Board Meeting,  
5 held on March 15, 2023 before the Zoning Hearing  
6 Board Members of the City of Greensburg,  
416 South Main Street, Greensburg, PA 15601,  
recorded by Lisa M. Wolfe, commencing at 4:18 p.m.

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8 BEFORE:

9 CITY OF GREENSBURG ZONING HEARING BOARD

10 P. Louis DeRose, Solicitor  
11 Jeff Raykes, Planning Director  
12 Jessica S. Mosko, Administrative Assistant  
13 Victoria Baur  
14 Ben Thompson  
15 Kyli Stoner

16 ALSO PRESENT:

17 For Sheetz, Inc.  
18 Goldberg, Kamin & Garvin, LLP  
19 1806 Frick Building  
20 437 Grant Street  
21 Pittsburgh, PA 15219  
22 Ryan M. Wotus, Esquire

23 LISA M. WOLFE, COURT REPORTER  
24 441 PEREGRINE DRIVE  
25 NORTH HUNTINGDON, PA 15642  
412-608-8004

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## I N D E X

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APPLICANT/WITNESS:PAGE

VARIANCE NO. 3-2023

JONATHAN GARCZEWSKI

15

EXHIBITS:

NO. 1 - APPLICATION

37

NO. 2 - OVERHEAD AERIAL

37

NO. 3 - SLIDE PRESENTATION

37

P R O C E E D I N G S

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MS. BAUR: I'm calling the meeting to order. This is my first meeting. I am the vice-chair of the Zoning Hearing Board. So I have not had the pleasure yet of running the meeting. So thank you for being here.

Jessica, will you do roll call?

MS. MOSKO: Yes. Barry Gaetano?  
Victoria Baur?

MS. BAUR: Here.

MS. MOSKO: Ben Thompson?

MR. THOMPSON: Here.

MS. MOSKO: Kyli Stoner?

MS. STONER: Here.

MS. BAUR: For those that are here that are going to speak, please make sure that you're signed in. I understand that you're aware that we have a three number quorum here tonight. So it's not the full board. You do have the option to sit in front of a full five-member board if you choose to do so.

MR. WOTUS: We're ready to proceed with the three members that are here.  
Thank you.

1 MS. BAUR: I'll ask for the  
2 Solicitor to swear you in.

3 (The oath was administered.)

4 MR. DEROSE: Let the record note  
5 that all the witnesses were sworn.

6 MS. BAUR: We have on the agenda  
7 tonight Variance No. 3-2023, Variance No. 4-2023,  
8 and Variance No. 5-2023.

9 We'll start with the Applicant,  
10 Jonathan Garczewski, on behalf of Sheetz, which  
11 is located at 311 Harvey Avenue in Greensburg.  
12 I'm going to ask for Jeff to present a staff  
13 report before we proceed with the Applicant.

14 MR. RAYKES: Thank you, Madam  
15 Chair. As your planning director, I will work  
16 you through a little bit of the context and  
17 some of the moving parts. And in terms of  
18 their proposal, I'll let them speak to that,  
19 because they know it best. And in the past  
20 I've tried to sort of go and talk a little bit  
21 about what they have proposed. I think it's  
22 going to be better for them to talk about that.  
23 And we will talk about this sort of  
24 misalignment with the zoning ordinance, which  
25 is really why we're here.

1                   As you know, typically in our  
2                   process we ask them to submit some sense of  
3                   what it is that they're doing. And often, you  
4                   know, a preliminary site plan. We will do some  
5                   alignment work just to make sure we're in good  
6                   shape. And where we're in misalignment we will  
7                   just simply say it needs change or you can  
8                   pursue a variance here in the Zoning Hearing  
9                   Board. That's what they're there for.

10                  In this case we're talking about the  
11                  property at -- we've broken this up. Maybe this  
12                  is the best way to start. So we have really three  
13                  variances. And they're packaged. One is two  
14                  items of relief from one particular section of the  
15                  ordinance. And we'll reference that when we are  
16                  talking about it. But there's really two items  
17                  there that we need to talk about that has to do  
18                  with the width of the landscape buffer. So all of  
19                  this, big picture, is about how the property is  
20                  buffered from the surrounding uses. As you know,  
21                  this is zoned --

22                  And I should say, just the mechanics  
23                  here, Sheetz, Incorporated is the Applicant.  
24                  However, we have been working with Gateway  
25                  Engineers. They are designated, and can speak

1 on behalf of the Applicant, Sheetz.

2 As you know this is on Harvey  
3 Avenue. We have the parcel number up here  
4 (indicating). But really you know it because  
5 you pass it pretty much every day. It's on  
6 Harvey Avenue, which is 819 at 119 as you come  
7 into town, and is right on the point.

8 So in terms of location, again,  
9 right on the point. That parcel is difficult  
10 to see. But this is the parcel map at the  
11 County level. It's really a pretty big parcel.  
12 It's not been subdivided that I see. This is  
13 one parcel as I saw it.

14 This (indicating) is on location.  
15 And we're going to have specific questions  
16 about what it looks like now and what these  
17 changes would look like. We've got a site  
18 plan, and we've got some resources. So what I  
19 would say to you as a Board, when you get to  
20 something that you don't understand, can't wrap  
21 your head around, because either we're not  
22 showing it to you or not explaining it well  
23 enough, hit the pause button and ask us to back  
24 up and show you. Because that's what we're  
25 supposed to do.

1 I won't click on this (indicating),  
2 because it will give them more time to talk  
3 about what they're proposing. But essentially,  
4 I've given you some views here giving us a  
5 hyperlink if we need to look at the street  
6 views. And all of this (indicating), it is  
7 important for you to understand what's there.

8 This property is zoned C-2. It's  
9 unique. If you look at the surrounding land, you  
10 see a lot of residential uses in the R-2 District,  
11 the R-1 District, and even an Industrial or  
12 Manufacturing District across the street. It's  
13 kind of an island in terms of the zoning there.  
14 We've had multiple properties that needed some  
15 relief from the C-2 regulations. If you think of  
16 the character of that property, for the most part,  
17 it is commercial in nature.

18 So let's talk about 265-83.B (1),  
19 which is the perimeter parking lot landscaping.  
20 I'm not going to read this. But this has to do  
21 with the landscaped area. So what's required  
22 is what's shown there. This is taken from our  
23 zoning ordinance. If you read their  
24 correspondence, they're very aware -- in fact,  
25 they pulled it too, and put it in their

1       correspondence, in their letter, to the Board.  
2       And you've had a chance to review that. But  
3       the regulation states that continuous landscape  
4       area 10 feet in width. And that's really the  
5       essential issue here, is that what they're  
6       suggesting and proposing is less than that  
7       10 feet. There is some relief, depending on  
8       what else is immediately adjacent. Some  
9       different things like that with existing  
10      landscape. If it's less than 10 feet, then it  
11      gives you some options there.

12               In this case, what they would like  
13      to do is reduce that to a little less than,  
14      say, 3 feet. And they will tell you about the  
15      reasons why that they think that that relief is  
16      necessary. So that's the first one.

17               Why don't we just tackle these  
18      (indicating.)

19               Should we tackle both of those,  
20      Mr. Solicitor?

21               MR. DEROSE: Yes. Let's do  
22      those. You can present your testimony on  
23      those. It's your option. You can do the  
24      background on all three. I would rather defer,  
25      because I think now everybody is in a mindset



1       that they know what we're talking about with  
2       these two. And then you can come back and  
3       explain the third variance.

4                   MR. RAYKES: Okay. So then  
5       I'll go to the next one. We will really tackle  
6       the two.

7                   MR. DEROSE: We will tackle the  
8       two that are very similar.

9                   MR. RAYKES: Does that work?

10                  MR. WOTUS: That works.

11                  MR. RAYKES: So the second variance  
12       is --

13                  MR. SOLICITOR: It's the rear.

14                  MR. RAYKES: It's the rear. I  
15       don't see it. I think I have it in a slide.  
16       So I don't have a slide because it's the same  
17       variance that references the same regulation.

18                  So essentially this is Variance 2.  
19       And if I'm looking at Page 2 of the Sheetz  
20       correspondence, again requesting to reduce  
21       required 10-foot wide landscaping adjacent to  
22       an existing parking lot. The first one was  
23       between -- the buffer between Harvey Avenue and  
24       the parking area for Sheetz, or the lot area  
25       for Sheetz. You can see that on the site plan

1       that they provided. They've got some exhibits  
2       that I'm sure they will enter here, that you're  
3       welcome to review. But essentially, I'm on  
4       this (indicating) drawing. And it's along  
5       Harvey Avenue.

6               This next request is for relief from  
7       essentially the same -- it's the same  
8       regulation. It's on the northern side of the  
9       property, which would be the property rear. So  
10      the property essentially is facing Harvey. One  
11      could argue, I guess, it's facing New  
12      Alexandria Road. But at any rate, it's not  
13      facing the parking lot immediately behind it.  
14      So this would be the landscape strip in the  
15      rear of this property.

16             You can see on the site plan that  
17      what they're suggesting, again, is less than  
18      3 feet there to buffer that. It's not aligned  
19      with the ordinance because we require 10 feet.  
20      So that's really what's there.

21             In terms of review, the only thing  
22      that I would add would be the spirit of the  
23      ordinance revolves around the idea that there  
24      should be some type of a buffer between parking  
25      lots and adjacent uses. If you've been around

1       parking lots, you understand why that  
2       requirement is there. However, in this  
3       particular instance, it is something that we,  
4       as the Zoning Hearing Board, have run into in  
5       the past, which is the character of this area  
6       is somewhat suburban in nature. So is that  
7       requirement as valid? That's really, I think,  
8       the question for this Board.

9                Could, and I'm getting a little bit  
10       ahead of them as they address the criteria for  
11       a variance. What I would say is ask yourself  
12       can they -- is the hardship being created by  
13       the Applicant. What I would say, in reviewing  
14       it, is that if it weren't a Sheetz that we all  
15       know and love, and that I go there every day,  
16       they could downsize their parking area. They  
17       could downsize the traffic. They could  
18       downsize. They, I think, will argue in a  
19       different direction. But if they downsized,  
20       then they could meet the requirement. But,  
21       again, I think they would argue that meeting  
22       the requirement is an undue burden. And  
23       they're making some physical limitations there.  
24       And I think they will speak to that. And if  
25       you looked at their application and their

1 correspondence, they have outlined those  
2 limitations.

3 I think that's everything from a  
4 staff standpoint. And I'll turn it over to  
5 whoever is going to speak.

6 MS. BAUR: Please be sure to  
7 state your name and address.

8 MR. WOTUS: Absolutely. Good  
9 afternoon. My name is Ryan Wotus. That's  
10 W-o-t-u-s. I'm an attorney with the law firm  
11 of Goldberg, Kamin & Garvin. I am land use  
12 counsel to Sheetz with respect to this proposed  
13 redevelopment and the Application that's  
14 pending before you for your consideration.

15 By way of just a little bit of  
16 background, Jeff gave you a good synopsis and  
17 understanding of the site. But just to explain  
18 sort of why we're also here in addition to what's  
19 basically necessitating the request for the  
20 variance is that the existing facility that's  
21 located at 211 Harvey will actually be -- it's  
22 proposed to be demolished. We will then be going  
23 ahead and reconstructing this site with a new  
24 store, a new fuel canopy, and then some  
25 additional realignment of parking and other items

1       that are associated with the facility.

2               So in review of that proposal, again,  
3       working with staff, they identified three  
4       separate items that are dimensional variances  
5       that are, again, for your consideration. I do  
6       want to, in addition to showing that, go through  
7       the plans as well. We can talk about the  
8       existing conditions of the site. And then  
9       identify and highlight specifics with respect to  
10      where we're asking for those requests for relief.

11              Preliminarily what I would say is  
12      although there are three items that are  
13      identified, two of them are basically remaining  
14      as they currently stand. They're existing  
15      legal non-conformities. And that's with  
16      respect to the second item, the landscaping  
17      between the parking lot, the parcel to the  
18      north, and our parcel. And then the last item,  
19      which we will go into, dealing with trees along  
20      Alexandria.

21              And the other aspect of it, which we  
22      will see as we go through the plan, is there  
23      are significant hardships with this site. And  
24      I think that's also shown by the existing  
25      legal non-conformities that are there, is that

1 the facility, when it originally constructed,  
2 couldn't comply with the ordinance as it stood  
3 then. And for the same reasons you had those  
4 hardships at that time, they still exist today,  
5 which include, but are not limited to,  
6 basically the point. We're talking about the  
7 point of Harvey and Alexandria. Those existing  
8 right-of-ways. The property tapers to a point  
9 and really creates an issue with the ability to  
10 develop in that area. In addition, because of  
11 that point, it has to push the development  
12 further to the north because you really can't  
13 construct in that area because there isn't  
14 really usable space.

15 And another item that we will talk  
16 about as we go through these is existing utilities  
17 adjacent to the site, on the site, and some street  
18 signage, which also creates other aspects of  
19 hardship for the redevelopment.

20 So with that little bit of an  
21 introduction, I would like to go through existing  
22 conditions. We will talk about what's proposed.  
23 And then we will talk through the specifics, and  
24 highlight the first two variances that are for  
25 consideration.

1                   So with that, I'll turn the  
2                   presentation over briefly to John Garczewski.

3                   MR. GARCZEWSKI:   Good afternoon.  
4                   My name is John Garczewski, G-a-r-c-z-e-w-s-k-i.  
5                   I am with Gateway Engineers.   I'm here  
6                   representing Sheetz as Ryan had mentioned.

7                   MR. GARCZEWSKI:   Let's pull this up  
8                   here.

9                   MR. RAYKES:   You may have to zoom  
10                  it in.   It's hard to see.

11                  MR. DEROSE:   It's part of the  
12                  application.

13                  MR. GARCZEWSKI:   I don't know  
14                  if the existing conditions are with it or not.

15                  MR. WOTUS:   I think you may  
16                  only have the new site plan.   But we can pass  
17                  around the existing conditions.   You can have a  
18                  paper copy as well.

19                  MR. GARCZEWSKI:   So here's a  
20                  copy of the existing conditions of the property  
21                  from a field survey.   So along the top of the  
22                  page is Harvey Avenue.   And just off to the  
23                  left would be the point with New Alexandria  
24                  Street.   And then the bottom right corner, this  
25                  location right here, would be the existing

1 store. Two access points off of Harvey Avenue.  
2 One is located right here. And the second is  
3 located over here. The third point of access  
4 to this property is off of New Alexandria.  
5 Almost directly adjacent from the Harvey Avenue  
6 secondary access. As mentioned, this is the  
7 existing building located right here. The fuel  
8 island canopy is located right here. And the  
9 underground storage tanks for the facility is  
10 located just to the south of the canopy.

11 A few items just to mention. Again,  
12 the shape of the property is very triangular in  
13 nature. There is an existing retaining wall  
14 located along the eastern property line, and  
15 circulates up to the north. And then along  
16 this existing northern edge of the property, we  
17 have a unique situation where the curb of our  
18 parking lot is actually making the curb of the  
19 adjacent property parking lot to the property  
20 to the north. And then along the western edge  
21 of the property, along Harvey, you also see a  
22 situation where the existing parking stalls are  
23 actually less than that required 10-foot  
24 setback as Mr. Raykes had mentioned previously.  
25 And then, again, along the property line with



1 Harvey Avenue you have the existing curb line  
2 located right there. That's essentially the  
3 existing conditions.

4 A couple items to mention along here.  
5 You also have the existing sanitary system  
6 located right here that crosses Harvey Avenue.  
7 You have existing utility overhead wires that  
8 come across our site located right here. And  
9 then, again, along the eastern edge, along  
10 Alexandria Street, you also have some overhead  
11 power lines located right here, as well as just  
12 along the retaining wall on the eastern side of  
13 the property.

14 Does anybody have any questions on  
15 the existing conditions of the property?

16 So with that, I just want to shift  
17 over to the proposed site plan. And as Mr. Wotus  
18 had mentioned, the property is being completely  
19 razed and demolished in preparation of the new  
20 development site. A couple of points of interest  
21 is the existing access points, both of them on  
22 Harvey, located right here, and right there,  
23 again, are in the exact same locations as they  
24 are today, as well as the existing access points  
25 along New Alexandria. Those three extensions

1 will all stay at the same locations.

2 In addition, the existing retaining  
3 wall along the eastern edge of the property  
4 will remain in place and intact throughout the  
5 entire time of construction.

6 The store itself is located essentially  
7 in the same location. It's actually a little bit  
8 narrower in depth. So it's actually further away  
9 from Harvey Avenue, right here, to allow for more  
10 better tractor trailer turning movements in this  
11 location right here. And then it does extend  
12 further to the south in this location right here.  
13 And then the new four fuel island multi-pump  
14 dispenser canopy island will be located right  
15 here. And the trash enclosure will be located  
16 right here. In both scenarios the existing pole  
17 sign is still located about here at the point of  
18 the property.

19 So, as mentioned, we are looking for  
20 relief in two separate locations along Harvey  
21 Avenue. And they're both located right here.  
22 As was mentioned, the requirement is for a  
23 10-foot setback between parking limits and  
24 street right-of-way lines. In this location  
25 right here, we're looking at about 6.6 feet,

1 approximately, to the existing property line.  
2 And for reference, the existing conditions is  
3 5 1/2 feet. So we're actually improving that  
4 by about a foot in this location.

5 And then the other scenario, the  
6 other location, is located on the southern  
7 access point on Harvey. And just to  
8 accommodate truck traffic and turning movements  
9 along this area right here, this curb line  
10 needs to be more parallel with the canopy, and  
11 parallel to the -- perpendicular to the store.  
12 And in that scenario, this curb line gets  
13 closer to Harvey Avenue right here with a  
14 smaller radius. And it's approximately just  
15 under 3 feet in proximity to the property line.  
16 Right there. (Indicating throughout.)

17 MR. WOTUS: And, Jonathan, can  
18 you explain, just to give them a little bit of  
19 context, in terms of how truck traffic will  
20 traverse the site? And explain why the portion  
21 adjacent to Harvey is required to be the  
22 2.76 feet?

23 MR. GARCZEWSKI: Sure. So for  
24 fueling operations, the proposed underground  
25 storage tanks will be located approximately in this

1 location right here. So if you pick your traffic  
2 trailer, or even your personal vehicle, fueling  
3 operations happen on the passenger sides of the  
4 vehicle. So in that scenario, two options for  
5 fueling at this facility is coming in off of Harvey  
6 Avenue in this location right here, circling around  
7 the canopy and staging right here, and fueling the  
8 underground storage tanks in this location.  
9 (Indicating throughout.)

10 The second option would be coming in  
11 from the north to the south direction, along  
12 Harvey, into the site, making this turn right  
13 here, back up along the canopy right here, and  
14 staging right here. Again, keeping those truck  
15 turning movements in a parallel and  
16 perpendicular fashion to the store and the  
17 proposed canopy.

18 MR. WOTUS: And the reduction  
19 to the proposed 2.76 feet is required in order  
20 to facilitate the truck accessing or, you know,  
21 leaving the site, exiting onto Harvey; is that  
22 right?

23 MR. GARCZEWSKI: That is correct.  
24 Yes.

25 MR. THOMPSON: So currently that

1 truck sits in the middle of the lot now?

2 MR. GARCZEWSKI: That is correct.  
3 Yes, it does.

4 MR. THOMPSON: I go by there  
5 quite often.

6 MR. GARCZEWSKI: That's exactly  
7 correct. So as part of it, the underground  
8 storage tanks would basically be moved in a --  
9 that would be a westerly direction. So rather  
10 than basically being right in the middle of the  
11 lot, they would be moved a little closer toward  
12 Harvey Avenue.

13 And it's the only way to unload fuel  
14 trucks too. Because you have to unload from  
15 the passenger side, which then requires the  
16 trucks to be able to pull up adjacent to that  
17 underground storage tank and unload from the  
18 left side. And that's what is requiring them  
19 to now exit that front entrance onto Harvey.

20 MR. THOMPSON: So how many  
21 feet, right now, is the difference between  
22 Harvey Avenue and that side there? I mean, are  
23 you trying to reduce it?

24 MR. GARCZEWSKI: That's correct.

25 MR. THOMPSON: How many feet?

1 MR. GARCZEWSKI: So it's being  
2 reduced by approximately 5 feet in this location  
3 right here, at this pinch point. You can tell by  
4 this radius right here. It's a lot of the larger  
5 radius in current conditions. And in proposed  
6 conditions it's a lot of a tighter radius right  
7 here. (Indicating throughout.)

8 MR. THOMPSON: From a  
9 customer's standpoint, sometimes they stage,  
10 like -- the delivery trucks that are parked  
11 there, that's really tight between the pumps if  
12 there's a truck there. So that would be  
13 advantageous to make that wider.

14 MR. GARCZEWSKI: That's correct.

15 MR. WOTUS: That's exactly what  
16 is driving the request here.

17 MS. BAUR: So there aren't  
18 sidewalks currently as part of the site plan?  
19 And were they considered at all to be  
20 incorporated? Because this is an area that's  
21 trafficked by pedestrians, and quite close to  
22 Lynch Field Park.

23 MR. GARCZEWSKI: Correct, there  
24 are no sidewalks proposed neither in the existing  
25 conditions nor the proposed conditions. And one

1 of the main reasons for that, and you will see  
2 here in this photo along Harvey Avenue, is this  
3 drastic change in grade between Harvey Avenue and  
4 the existing and proposed conditions of the site.  
5 The topography change between Harvey Avenue and  
6 New Alexandria is so significant that in order to  
7 accommodate traffic and safe turning movements  
8 throughout the parking area, this area needs to  
9 remain at a lower elevation than Harvey. So  
10 therefore in order to build something through this  
11 location, one, you would be impacting the  
12 existing overhead utility poles. And two, you  
13 would be requiring the installation of a retaining  
14 wall within the State right-of-way as well. So  
15 the installation of a sidewalk is severely limited  
16 due to the existing conditions through there.

17 MS. BAUR: Thank you.

18 MR. RAYKES: Pedestrian  
19 movements in this area -- the first question is  
20 why are we talking about pedestrian movements  
21 because we're really talking about the  
22 reduction of the buffer? I think it's because,  
23 at least for me, the danger of pedestrian --

24 The question would be, how can we  
25 use that space so that we are creating a safe

1 environment for both vehicles and pedestrians?  
2 And what's interesting about all of those  
3 movements is that the majority of pedestrian  
4 movements are on the New Alexandria side. And  
5 there is no sidewalks. Here (indicating) there  
6 is a sidewalk, I think, on the other side of  
7 Harvey. So you could say, if you were a  
8 pedestrian, go on that side of the street. The  
9 difficulty is that most of the movements that I  
10 see are young people going to Lynch Field, or  
11 the athletic complex down there. And it's just  
12 a nightmare. It's come up before. And I think  
13 that's the reason the Board is thinking about  
14 how do we improve safety, and is this an  
15 opportunity to improve safety, even though it's  
16 ancillary to the fundamental question about  
17 buffer space.

18 MR. WOTUS: Well, I appreciate  
19 the additional background. So the sidewalk,  
20 obviously, there's substantial issues as I  
21 state with the topography, and the fact that  
22 it would be in a State right-of-way, which  
23 probably would not be approved.

24 I think the other piece is that  
25 pedestrian traffic here would be going sort of



1       towards what we're calling the point. Where I  
2       think it's probably less safe to try to  
3       traverse that way than to keep them on one side  
4       where they have a single point of access across  
5       the signalized intersection. And I don't know  
6       if there's pedestrian lighting at that  
7       signalized intersection or not. But there  
8       wouldn't be at the point just because it  
9       doesn't exist today.

10               MR. DEROSE: I just have a  
11       question. This is the one that's regarding  
12       Harvey Avenue?

13               MR. WOTUS: That's correct.

14               MR. DEROSE: The one dealing  
15       with New Alexandria, is there a similar issue  
16       there caused by the topography, or could  
17       sidewalks be available on that side of the  
18       building?

19               MR. WOTUS: I don't know if we  
20       have a view from there. But there's a  
21       retaining wall there. There's existing  
22       utilities. So that's actually what  
23       necessitates the third variance. There's  
24       street signage that's in that location. So we  
25       have a couple different aspects that are really

1 prohibiting even putting landscaping, let alone  
2 sidewalks. So there's a lot of issues.

3 MR. DEROSE: I just wanted that  
4 on record.

5 MR. WOTUS: It's a good question.

6 And I think the other thing that we  
7 wanted to note though is that the maximum in  
8 this area to, as we're talking along Harvey,  
9 will actually be a maximum of 12.97 feet. So  
10 there are points with which we can meet that  
11 criteria and actually exceed it. So there  
12 still will be landscape. We still will be  
13 providing that buffering, and retaining it.  
14 But really it's only impacted in terms of just  
15 that one corner on the southern side of that  
16 lower point of access. And, again, as  
17 Mr. Garczewski had identified, where the  
18 parking is located, right where you can see his  
19 cursor, that is actually being moved back about  
20 a foot from where it currently exists today.  
21 So we are creating additional buffer in that  
22 area. So overall there actually is really not  
23 much of a change from what you see today.

24 Again, the other aspect is the area  
25 that we're looking for that relief is in the

1 point where basically the property is most  
2 narrow, or where it starts to taper. If this  
3 property were rectangular, and came down in a  
4 southerly direction, we wouldn't have the issue  
5 that we have here.

6 So really what's driving it is the  
7 shape of the lot, the existing rights-of-way,  
8 and the topography, which really what  
9 necessitates the relief that we're requesting  
10 before you for the first variance at least.

11 So if there's not any other  
12 questions on that one, we can then move to the  
13 second aspect of this, which is the same  
14 section, which is Section 265-83.B (1). The  
15 second part of that ordinance provides that if  
16 a parking lot is built adjacent to an existing  
17 parking lot, which has a landscaping area --  
18 sorry, I jumped a little ahead. It's going to  
19 have to be a continuous landscape strip with an  
20 average of 10 feet. So it's the same aspect of  
21 it. It requires 10 feet.

22 But a little bit of background to  
23 it. Maybe I can hand this out. So I do have a  
24 handout. I'll pass these out. And then we can  
25 talk about it a little bit.

1 MR. DEROSE: Do you want to mark  
2 one of those as an exhibit?

3 MR. WOTUS: Yes. We can have  
4 the application maybe Exhibit 1.

5 MR. DEROSE: You can do it as a  
6 whole packet.

7 MR. WOTUS: We will do that. That  
8 will be easier.

9 So what I just handed out is -- this  
10 is taken from Google maps. But this is the  
11 existing conditions of the site. This is,  
12 again, to the north, at the top of the page.  
13 To the south is the lower portion of page.  
14 You can see the Sheetz that we're discussing.  
15 That's the existing facility.

16 The area that we're talking about here  
17 is just to the north, just above the existing  
18 Sheetz building there. And the property to the  
19 north of the site maintains a zero setback in  
20 terms of their parking facility. And there's no  
21 landscaping that's provided on that side. The  
22 existing conditions that we currently maintain on  
23 our site will be maintained in terms of where that  
24 curbing is located and the ability to place some  
25 landscaping.

1                   So as Jonathan had indicated, basically  
2                   our curb is the curb for the property to the north  
3                   because they don't have any landscaping on that  
4                   site.

5                   Although as it's listed as a variance  
6                   here, we're asking to maintain the existing legal  
7                   non-conforming, that conformity that's there  
8                   dimensionally. But again, it would provide for  
9                   some landscaping in that area.

10                  So Jonathan, do you want to go ahead  
11                  and explain the image that you just brought up  
12                  on your screen?

13                         MR. GARCZEWSKI: Absolutely.  
14                   So this is the northern property line. You can  
15                   see the Sheetz curb right here. And then the  
16                   property immediately to the north went ahead  
17                   and paved this location right here, right up  
18                   against the curb. So that situation will  
19                   remain as it is today in future development  
20                   conditions.

21                         MR. WOTUS: And the other  
22                   aspect I think that's important from a variance  
23                   standard to the extent that you would determine  
24                   we need a variance from this criteria is the  
25                   aerial that I've provided gives it context too

1 of the neighborhood so you have an  
2 understanding. Because it has to basically not  
3 alter the essential characteristic of the  
4 neighborhood.

5 If you look to the north of us, and  
6 as you continue all the way up to the largest  
7 building, you can see that those parking lots,  
8 in most respect, don't have any landscaping, do  
9 not provide any buffering. So basically the  
10 essential characteristic of this commercial  
11 district did not provide that. However, again,  
12 we are going to go ahead and provide some. It  
13 will not meet the full 10 feet. But it  
14 basically will be more in line with what your  
15 ordinance is calling for than the neighborhood  
16 currently is constructed as.

17 MR. THOMPSON: So you want to  
18 keep this as is? Is that what you're asking?

19 MR. WOTUS: That is correct. Yes.

20 MR. RAYKES: So the standard  
21 would require 10 feet. And it's difficult to  
22 see scale in this. But if you think about  
23 10 feet as being -- it would be a buffer that  
24 would be roughly as big as that little bulb out  
25 for the curb.

1 MR. THOMPSON: You couldn't  
2 even put 10 feet in there. Is there 10 feet  
3 available there?

4 MS. BAUR: It would eventually  
5 eliminate the parking --

6 MR. WOTUS: It would impact on  
7 our side. Correct.

8 So what's currently existing and  
9 what's proposed is 2.65 feet on our side of the  
10 property line there.

11 MR. RAYKES: From a staff  
12 standpoint, and this is the point that I was  
13 attempting to make. And I'm not sure if I was  
14 clear. Often there are applicants for a  
15 hearing that cannot conform. A good example is  
16 someone that wants to build a shed in the  
17 backyard, and maybe there is a cliff back there  
18 that makes that impossible. So they would want  
19 to move it up into the side yard.

20 In this case the property is available  
21 to do it. But the Applicant is saying we can use  
22 this property best in this configuration.

23 MR. WOTUS: Right. And to add to  
24 that, I think the other aspect, which is just as  
25 important from a legal discussion, is it's existing

1       today. We're not altering it. We're not reducing  
2       that existing non-conformity. We're just asking to  
3       maintain that.

4               So there's really two points to  
5       this. From a best design practice standpoint,  
6       this is the best way to design this facility  
7       and make it operate as efficiently as possible.  
8       Because one of the key points if you've been to  
9       the Sheetz facility, where does everyone park?

10              MR. THOMPSON: Over there  
11       (indicating).

12              MR. WOTUS: They want to park  
13       adjacent to the building.

14              MR. THOMPSON: They park, also,  
15       on the property.

16              MR. WOTUS: Oh. So we may want  
17       to reduce.

18              MR. THOMPSON: I see quite  
19       often people parking on the other property and  
20       then walk over to the Sheetz.

21              MR. WOTUS: So the loss of one  
22       parking stall though could be significant then,  
23       as well, from an operational standpoint. We  
24       would like to keep that on our site.

25              So if there isn't any other questions,



1       then we could go ahead -- Jeff, if you want to  
2       introduce the third one.

3               MR. DEROSE:   Why don't you  
4       introduce the third one.   Then we will vote on  
5       all three to make it easier.

6               MR. RAYKES:   So this is the last  
7       variance.   And this has all to do with the number  
8       of trees in the landscaped areas.   There's really  
9       two standards in the zoning ordinance.   They did  
10      a great job in identifying these and using these  
11      as the reference point in terms of what they  
12      needed relief from.   But it's unique in that  
13      there's two instances where the zoning ordinance  
14      is specific about the trees.   One every 40 feet.

15              So their proposal is to not meet  
16      this requirement.   And they've done a nice job.  
17      And we have the five criteria.   And you see  
18      that in their proposal.

19              So with that, in terms of review, it's  
20      going to be the same thing.   It is possible to do  
21      this.   But it's not there now.   I think he makes a  
22      great point.   And it is within the character of  
23      the surrounding properties.   In terms of  
24      character, it is important to note that the  
25      properties on the other side of Harvey are a mix

1 of both commercial and residential. You know  
2 those properties. When you pull out, you're  
3 looking at them. There is some multi-unit  
4 structures in there, and single-family detached  
5 residents to the right. But they are a different  
6 use. So the idea of this ordinance, and, again,  
7 getting to the spirit, is if you are having the  
8 requirement for trees to maintain the character on  
9 one side, we know it's different as a residential  
10 area than the character on the other side, which  
11 is commercial in nature.

12 So with that, I'll turn it over to  
13 the team here.

14 MR. WOTUS: As he had indicated,  
15 there are two provisions that are applicable in  
16 your ordinance. They both provide for the same  
17 standard. The first being 265-81.B, and then also  
18 265-83.B, Subsection 2, which requires a minimum  
19 of one tree for every 40 feet of frontage within  
20 the landscaping strip.

21 In looking at the new proposal, we will  
22 meet that standard basically in all areas that  
23 I'm indicating here. So along Harvey Avenue.  
24 And to Jeff's point as well, we do have the  
25 residential uses here (indicating). We will be

1 in compliance with that street tree requirement.  
2 And we will have a tree for every 40 feet along  
3 Harvey. It will be located on, again, what we're  
4 actually calling the point here (indicating)  
5 between Harvey and New Alexandria.

6 The issue that arises is in the area  
7 that is adjacent to New Alexandria. Sort of  
8 north of the entry, and at this point there  
9 (indicating), which is outlined in the  
10 application in the site plan that we provided.  
11 As I talked about a little bit, and Jonathan  
12 had indicated as well, there is an existing  
13 retaining wall that is located in that area.  
14 That will be maintained as a result of the  
15 topographical change in the drop off to New  
16 Alexandria. In addition to that, as shown on  
17 the plan, there is overhead utilities in that  
18 area. And there also is a directional side  
19 indicating basically which way to turn, which  
20 direction as you're moving southerly on New  
21 Alexandria.

22 So the issue that comes up is if  
23 we're required to plant a tree there, there's  
24 three things that would impact that. One is  
25 the overhead utilities. Two is it would impact

1 the visibility of street signage, which would  
2 then cause the City to be out there every day  
3 probably trimming those things back. And the  
4 third is that once those trees become mature,  
5 you know, the roots system will grow. It could  
6 cause issues with, you know, undermining the  
7 integrity of that retaining wall.

8 That condition currently exists there,  
9 meaning there are not street trees there for those  
10 same reasons. But, again, as part of the review  
11 this was flagged. I wanted to bring it to the  
12 Board for consideration. But, again, really what  
13 you see there today is what will be maintained and  
14 really is required to be maintained as a result of  
15 really those three issues on the site.

16 So Jonathan if you have anything  
17 else you would like to add?

18 MR. GARCZEWSKI: Just pointing out  
19 that it's the picture in the lower left-hand  
20 corner. We have the existing retaining wall, the  
21 overhead utilities, and the existing shrubbery and  
22 landscaping in that location right there  
23 (indicating).

24 MR. WOTUS: So, yes, we  
25 provided landscaping that will stay lower. Not

1       impact utilities, not impact visibility, and  
2       obviously not impact the retaining wall. So  
3       that will be maintained as part of the  
4       redevelopment.

5                   MS. BAUR: Does anyone have any  
6       questions?

7                   MR. DEROSE: Do you have any  
8       further testimony?

9                   MR. WOTUS: We do not.

10                  MR. DEROSE: Did you want to enter  
11       into the record your exhibits at this time?

12                  MR. WOTUS: Yes.

13                  MR. DEROSE: Which would be the  
14       application and the overhead aerial photo.

15                  MR. WOTUS: And I would ask  
16       that the presentation that Jeff put together,  
17       those slides, as well, would be beneficial to  
18       be placed into the record.

19                  MR. DEROSE: I think they will be  
20       entered into the record. There is no objection.

21                  MR. WOTUS: Thank you.

22                               (Exhibit Nos. 1, 2, and 3 were  
23       marked for identification.)

24                  MR. DEROSE: At the pleasure of  
25       the Board, do you want to go into an executive

1 session or are you ready to vote at the present  
2 time?

3 MS. BAUR: I'm ready.

4 MR. DEROSE: And if I might make a  
5 suggested motion for the Board?

6 MS. BAUR: Yes.

7 MR. DEROSE: The motion would  
8 be to approve the request of Sheetz, Inc. for a  
9 property located and designated as Westmoreland  
10 County Tax Map No. 10-02-12-0-138 for a  
11 variance from Section 265.83.B regarding a  
12 10-foot landscaping on the Harvey Avenue side  
13 of the property and the northern border of the  
14 property from the required 10 feet to a maximum  
15 of approximately 2.76 feet on Harvey Avenue and  
16 2.65 feet on the northern boundary of the  
17 property. That would be those two variances.

18 And a third variance from Section  
19 265-81.B, and also 265-83.B regarding minimum  
20 tree replacement on the property on the New  
21 Alexandria side of the property.

22 There's three motions. Does the  
23 Board want to make a motion?

24 MS. BAUR: Yes.

25 MR. DEROSE: Would anybody make

1           that motion?

2                           MS. STONER:   I'll make that motion.

3                           MR. DEROSE:   Motion to approve?

4                           MS. STONER:   Yes.

5                           MR. DEROSE:   Is there a second?

6                           MR. THOMPSON:   I second the motion.

7                           MS. BAUR:   Jessica, can we have

8           roll call?

9                           MS. MOSKO:   Victoria Baur?

10                          MS. BAUR:   Yes.

11                          MS. MOSKO:   Ben Thompson?

12                          MR. THOMPSON:   Yes.

13                          MS. MOSKO:   Kyli Stoner?

14                          MS. STONER:   Yes.

15                          MR. DEROSE:   Let the record  
16           note that the motion was approved unanimously.

17           As I'm sure Counsel knows, there's a 30-day  
18           appeal period.  So nothing further can proceed  
19           until that 30-day appeal period has been  
20           completed.  Also because there were no  
21           objections, I do not believe there will be a  
22           necessity for findings of fact and conclusions  
23           of law.  But the Planning Director will provide  
24           the Applicant a copy tomorrow of the decision  
25           of the Board.

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Is that satisfactory to Counsel?

MR. WOTUS: Yes. Absolutely.

MR. DEROSE: Thank you.

MS. BAUR: I need a motion to  
adjourn the meeting?

MS. STONER: Motion to adjourn.

MR. THOMPSON: I second.

MS. BAUR: The meeting is over.

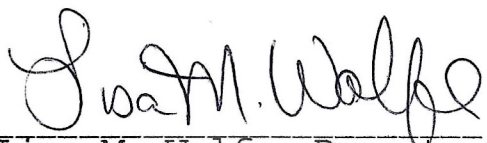
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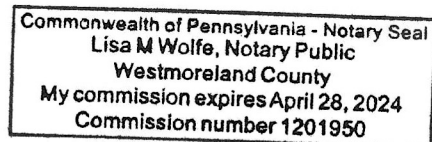
(Whereupon the hearing was  
concluded at 5:04 p.m.)



**REPORTER'S CERTIFICATE**

I, Lisa M. Wolfe, certify that  
the foregoing pages are a true and correct  
transcript of my stenographic notes taken at  
the proceedings on March 15th, 2023.

  
Lisa M. Wolfe, Reporter



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