CITY OF GREENSBURG ZONING HEARING BOARD

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TRANSCRIPT OF PROCEEDINGS

City of Greensburg Zoning Hearing Board Meeting, held on March 15, 2023 before the Zoning Hearing 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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BEFORE:

CITY OF GREENSBURG ZONING HEARING BOARD

P. Louis DeRose, Solicitor
Jeff Raykes, Planning Director
Jessica S. Mosko, Administrative Assistant
Victoria Baur
Ben Thompson
Kyli Stoner

ALSO PRESENT:

For Sheetz, Inc.
Goldberg, Kamin & Garvin, LLP
1806 Frick Building
437 Grant Street
Pittsburgh, PA 15219
Ryan M. Wotus, Esquire

LISA M. WOLFE, COURT REPORTER
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PROCEEDINGS

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

(The oath was administered.)

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

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

We'll start with the Applicant, Jonathan Garczewski, on behalf of Sheetz, which is located at 311 Harvey Avenue in Greensburg.

I'm going to ask for Jeff to present a staff report before we proceed with the Applicant.

MR. RAYKES: Thank you, Madam Chair. As your planning director, I will work you through a little bit of the context and some of the moving parts. And in terms of their proposal, I'll let them speak to that, because they know it best. And in the past I've tried to sort of go and talk a little bit about what they have proposed. I think it's going to be better for them to talk about that. And we will talk about this sort of misalignment with the zoning ordinance, which is really why we're here.
As you know, typically in our process we ask them to submit some sense of what it is that they're doing. And often, you know, a preliminary site plan. We will do some alignment work just to make sure we're in good shape. And where we're in misalignment we will just simply say it needs change or you can pursue a variance here in the Zoning Hearing Board. That's what they're there for.

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

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

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

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

This (indicating) is on location. And we're going to have specific questions about what it looks like now and what these changes would look like. We've got a site plan, and we've got some resources. So what I would say to you as a Board, when you get to something that you don't understand, can't wrap your head around, because either we're not showing it to you or not explaining it well enough, hit the pause button and ask us to back up and show you. Because that's what we're supposed to do.
I won't click on this (indicating), because it will give them more time to talk about what they're proposing. But essentially, I've given you some views here giving us a hyperlink if we need to look at the street views. And all of this (indicating), it is important for you to understand what's there.

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

So let's talk about 265-83.B (1), which is the perimeter parking lot landscaping. I'm not going to read this. But this has to do with the landscaped area. So what's required is what's shown there. This is taken from our zoning ordinance. If you read their correspondence, they're very aware -- in fact, they pulled it too, and put it in their
correspondence, in their letter, to the Board. And you've had a chance to review that. But the regulation states that continuous landscape area 10 feet in width. And that's really the essential issue here, is that what they're suggesting and proposing is less than that 10 feet. There is some relief, depending on what else is immediately adjacent. Some different things like that with existing landscape. If it's less than 10 feet, then it gives you some options there.

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

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

Should we tackle both of those, Mr. Solicitor?

MR. DEROSE: Yes. Let's do those. You can present your testimony on those. It's your option. You can do the background on all three. I would rather defer, because I think now everybody is in a mindset
that they know what we're talking about with these two. And then you can come back and explain the third variance.

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

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

MR. RAYKES: Does that work?

MR. WOTUS: That works.

MR. RAYKES: So the second variance is --

MR. SOLICITOR: It's the rear.

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

So essentially this is Variance 2. And if I'm looking at Page 2 of the Sheetz correspondence, again requesting to reduce required 10-foot wide landscaping adjacent to an existing parking lot. The first one was between -- the buffer between Harvey Avenue and the parking area for Sheetz, or the lot area for Sheetz. You can see that on the site plan.
that they provided. They've got some exhibits that I'm sure they will enter here, that you're welcome to review. But essentially, I'm on this (indicating) drawing. And it's along Harvey Avenue.

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

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

In terms of review, the only thing that I would add would be the spirit of the ordinance revolves around the idea that there should be some type of a buffer between parking lots and adjacent uses. If you've been around
parking lots, you understand why that requirement is there. However, in this particular instance, it is something that we, as the Zoning Hearing Board, have run into in the past, which is the character of this area is somewhat suburban in nature. So is that requirement as valid? That's really, I think, the question for this Board.

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

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

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

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

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

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

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

And the other aspect of it, which we will see as we go through the plan, is there are significant hardships with this site. And I think that's also shown by the existing legal non-conformities that are there, is that
the facility, when it originally constructed, couldn't comply with the ordinance as it stood then. And for the same reasons you had those hardships at that time, they still exist today, which include, but are not limited to, basically the point. We're talking about the point of Harvey and Alexandria. Those existing right-of-ways. The property tapers to a point and really creates an issue with the ability to develop in that area. In addition, because of that point, it has to push the development further to the north because you really can't construct in that area because there isn't really usable space.

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

So with that little bit of an introduction, I would like to go through existing conditions. We will talk about what's proposed. And then we will talk through the specifics, and highlight the first two variances that are for consideration.
So with that, I'll turn the presentation over briefly to John Garczewski.

MR. GARCZEWSKI: Good afternoon.

My name is John Garczewski, G-a-r-c-z-e-w-s-k-i. I am with Gateway Engineers. I'm here representing Sheetz as Ryan had mentioned.

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

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

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

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

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

MR. GARCZEWSKI: So here's a copy of the existing conditions of the property from a field survey. So along the top of the page is Harvey Avenue. And just off to the left would be the point with New Alexandria Street. And then the bottom right corner, this location right here, would be the existing
store. Two access points off of Harvey Avenue. One is located right here. And the second is located over here. The third point of access to this property is off of New Alexandria. Almost directly adjacent from the Harvey Avenue secondary access. As mentioned, this is the existing building located right here. The fuel island canopy is located right here. And the underground storage tanks for the facility is located just to the south of the canopy.

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

And then, again, along the property line with
Harvey Avenue you have the existing curb line located right there. That's essentially the existing conditions.

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

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

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

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

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

So, as mentioned, we are looking for relief in two separate locations along Harvey Avenue. And they're both located right here. As was mentioned, the requirement is for a 10-foot setback between parking limits and street right-of-way lines. In this location right here, we're looking at about 6.6 feet,
approximately, to the existing property line. And for reference, the existing conditions is 5 1/2 feet. So we're actually improving that by about a foot in this location.

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

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

MR. GARCZEWSKI: Sure. So for fueling operations, the proposed underground storage tanks will be located approximately in this
location right here. So if you pick your traffic trailer, or even your personal vehicle, fueling operations happen on the passenger sides of the vehicle. So in that scenario, two options for fueling at this facility is coming in off of Harvey Avenue in this location right here, circling around the canopy and staging right here, and fueling the underground storage tanks in this location.

(Indicating throughout.)

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

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

MR. GARCZEWSKI: That is correct.

Yes.

MR. THOMPSON: So currently that
MR. GARCZEWSKI: That is correct.
Yes, it does.

MR. THOMPSON: I go by there quite often.

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

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

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

MR. GARCZEWSKI: That's correct.

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

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

MR. GARCZEWSKI: That's correct.

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

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

MR. GARCZEWSKI: Correct, there are no sidewalks proposed neither in the existing conditions nor the proposed conditions. And one
of the main reasons for that, and you will see
here in this photo along Harvey Avenue, is this
drastic change in grade between Harvey Avenue and
the existing and proposed conditions of the site.
The topography change between Harvey Avenue and
New Alexandria is so significant that in order to
accommodate traffic and safe turning movements
throughout the parking area, this area needs to
remain at a lower elevation than Harvey. So
therefore in order to build something through this
location, one, you would be impacting the
existing overhead utility poles. And two, you
would be requiring the installation of a retaining
wall within the State right-of-way as well. So
the installation of a sidewalk is severely limited
due to the existing conditions through there.

MS. BAUR: Thank you.

MR. RAYKES: Pedestrian

movements in this area -- the first question is
why are we talking about pedestrian movements
because we're really talking about the
reduction of the buffer? I think it's because,
at least for me, the danger of pedestrian --

The question would be, how can we
use that space so that we are creating a safe
environment for both vehicles and pedestrians? And what's interesting about all of those movements is that the majority of pedestrian movements are on the New Alexandria side. And there is no sidewalks. Here (indicating) there is a sidewalk, I think, on the other side of Harvey. So you could say, if you were a pedestrian, go on that side of the street. The difficulty is that most of the movements that I see are young people going to Lynch Field, or the athletic complex down there. And it's just a nightmare. It's come up before. And I think that's the reason the Board is thinking about how do we improve safety, and is this an opportunity to improve safety, even though it's ancillary to the fundamental question about buffer space.

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

I think the other piece is that pedestrian traffic here would be going sort of
towards what we're calling the point. Where I think it's probably less safe to try to traverse that way than to keep them on one side where they have a single point of access across the signalized intersection. And I don't know if there's pedestrian lighting at that signalized intersection or not. But there wouldn't be at the point just because it doesn't exist today.

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

MR. WOTUS: That's correct.

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

MR. WOTUS: I don't know if we have a view from there. But there's a retaining wall there. There's existing utilities. So that's actually what necessitates the third variance. There's street signage that's in that location. So we have a couple different aspects that are really
prohibiting even putting landscaping, let alone sidewalks. So there's a lot of issues.

MR. DEROSE: I just wanted that on record.

MR. WOTUS: It's a good question. And I think the other thing that we wanted to note though is that the maximum in this area to, as we're talking along Harvey, will actually be a maximum of 12.97 feet. So there are points with which we can meet that criteria and actually exceed it. So there still will be landscape. We still will be providing that buffering, and retaining it. But really it's only impacted in terms of just that one corner on the southern side of that lower point of access. And, again, as Mr. Garczewski had identified, where the parking is located, right where you can see his cursor, that is actually being moved back about a foot from where it currently exists today. So we are creating additional buffer in that area. So overall there actually is really not much of a change from what you see today.

Again, the other aspect is the area that we're looking for that relief is in the
point where basically the property is most narrow, or where it starts to taper. If this property were rectangular, and came down in a southerly direction, we wouldn't have the issue that we have here.

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

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

But a little bit of background to it. Maybe I can hand this out. So I do have a handout. I'll pass these out. And then we can talk about it a little bit.
MR. DEROSE: Do you want to mark one of those as an exhibit?

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

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

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

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

The area that we're talking about here is just to the north, just above the existing Sheetz building there. And the property to the north of the site maintains a zero setback in terms of their parking facility. And there's no landscaping that's provided on that side. The existing conditions that we currently maintain on our site will be maintained in terms of where that curbing is located and the ability to place some landscaping.
So as Jonathan had indicated, basically our curb is the curb for the property to the north because they don't have any landscaping on that site.

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

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

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

MR. WOTUS: And the other aspect I think that's important from a variance standard to the extent that you would determine we need a variance from this criteria is the aerial that I've provided gives it context too.
of the neighborhood so you have an understanding. Because it has to basically not alter the essential characteristic of the neighborhood.

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

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

MR. WOTUS: That is correct. Yes.

MR. RAYKES: So the standard would require 10 feet. And it's difficult to see scale in this. But if you think about 10 feet as being -- it would be a buffer that would be roughly as big as that little bulb out for the curb.
MR. THOMPSON: You couldn't even put 10 feet in there. Is there 10 feet available there?

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

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

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

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

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

MR. WOTUS: Right. And to add to that, I think the other aspect, which is just as important from a legal discussion, is it's existing
today. We're not altering it. We're not reducing that existing non-conformity. We're just asking to maintain that.

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

MR. THOMPSON: Over there (indicating).

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

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

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

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

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

So if there isn't any other questions,
then we could go ahead -- Jeff, if you want to introduce the third one.

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

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

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

So with that, in terms of review, it's going to be the same thing. It is possible to do this. But it's not there now. I think he makes a great point. And it is within the character of the surrounding properties. In terms of character, it is important to note that the properties on the other side of Harvey are a mix
of both commercial and residential. You know those properties. When you pull out, you're looking at them. There is some multi-unit structures in there, and single-family detached residents to the right. But they are a different use. So the idea of this ordinance, and, again, getting to the spirit, is if you are having the requirement for trees to maintain the character on one side, we know it's different as a residential area than the character on the other side, which is commercial in nature.

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

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

In looking at the new proposal, we will meet that standard basically in all areas that I'm indicating here. So along Harvey Avenue. And to Jeff's point as well, we do have the residential uses here (indicating). We will be
in compliance with that street tree requirement. And we will have a tree for every 40 feet along Harvey. It will be located on, again, what we're actually calling the point here (indicating) between Harvey and New Alexandria.

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

So the issue that comes up is if we're required to plant a tree there, there's three things that would impact that. One is the overhead utilities. Two is it would impact
the visibility of street signage, which would
then cause the City to be out there every day
probably trimming those things back. And the
third is that once those trees become mature,
you know, the roots system will grow. It could
cause issues with, you know, undermining the
integrity of that retaining wall.

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

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

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

MR. WOTUS: So, yes, we
provided landscaping that will stay lower. Not
impact utilities, not impact visibility, and obviously not impact the retaining wall. So that will be maintained as part of the redevelopment.

MS. BAUR: Does anyone have any questions?

MR. DEROSE: Do you have any further testimony?

MR. WOTUS: We do not.

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

MR. WOTUS: Yes.

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

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

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

MR. WOTUS: Thank you.

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

MR. DEROSE: At the pleasure of the Board, do you want to go into an executive
session or are you ready to vote at the present
time?

    MS. BAUR: I'm ready.

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

    MS. BAUR: Yes.

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

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

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

    MS. BAUR: Yes.

    MR. DEROSE: Would anybody make
that motion?

MS. STONER: I'll make that motion.

MR. DEROSE: Motion to approve?

MS. STONER: Yes.

MR. DEROSE: Is there a second?

MR. THOMPSON: I second the motion.

MS. BAUR: Jessica, can we have roll call?

MS. MOSKO: Victoria Baur?

MS. BAUR: Yes.

MS. MOSKO: Ben Thompson?

MR. THOMPSON: Yes.

MS. MOSKO: Kyli Stoner?

MS. STONER: Yes.

MR. DEROSE: Let the record note that the motion was approved unanimously. As I'm sure Counsel knows, there's a 30-day appeal period. So nothing further can proceed until that 30-day appeal period has been completed. Also because there were no objections, I do not believe there will be a necessity for findings of fact and conclusions of law. But the Planning Director will provide the Applicant a copy tomorrow of the decision of the Board.
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

Commonwealth of Pennsylvania - Notary Seal
Lisa M Wolfe, Notary Public
Westmoreland County
My commission expires April 28, 2024
Commission number 1201950