

BEFORE THE CITY OF GREENSBURG ZONING HEARING BOARD

In the matter of:  
Square One Property Solutions, LLC

Appeal:  
Decision of the Zoning Officer

Property Location:  
334 Harrison Ave

Hearing Date:  
September 21, 2016

PROCEDURAL BACKGROUND

The application dated June 27, 2016 by Square One Property Solutions, LLC of 334 Harrison Avenue is requesting an Appeal of a Decision of the Zoning Officer in regards to the *Notice of Code Violation and Order to Abate* issued on the subject property dated May 26, 2016 in regarding the denial of the nonconforming use as it relates to this property due to abandonment. Property owner wishes for the Zoning Certificate dated March 4, 2015 to be valid and is requesting that the Zoning Hearing Board allow the nonconforming use of four (4) units in the front dwelling and three (3) units in the rear dwelling be permitted to continue. Subject property is zoned *R-2 General Residence District*.

Members of the board present: Charlotte Kuhns Chairwoman  
Barry Gaetano  
Patsy Iapalucci  
Justin Calisti

Absent: Jon Hillwig

Also Present: Lou DeRose, Solicitor  
Barbara J. Ciampini, Planning Director

Charlotte Kuhns introduced the Board Members present and advised all persons present who planned to participate in the scheduled hearing to stand and be sworn in.

There were no objections to advertising or procedure at the onset of the hearing. Barry Gaetano motioned to uphold the decision of the Zoning Officer. Patsy Iapalucci seconded the motion. All were in favor.

## DISCUSSION

This hearing is a continuation from the July 20<sup>th</sup>, 2016 and the August 17<sup>th</sup>, 2016 hearings. The property is located at 334 Harrison Avenue, Greensburg, PA 15601. The property owner Square One Property, are requesting an appeal of a decision of the Zoning officer in regards to the *Notice of Code Violation and Order to Abate* issued on the subject property dated May 26, 2016 signed by Barbara J. Ciampini, Planning Director, in regarding the denial of the nonconforming use as it relates to this property due to abandonment. Property owner wishes for the Zoning Certificate dated March 4, 2015 to be valid and is requesting that the Zoning Hearing Board allow the nonconforming use of four (4) units in the front dwelling and three (3) units in the rear dwelling be permitted to continue. Their lot is 50 x 100 or 5,000 square footage. Subject property is zoned *R-2 General Residence District*.

Charlotte Kuhns: Who would like to speak first? Would you like to speak, Wrenna?

Lou DeRose: Wrenna, are you going to handle the order of things today on your end?

Wrenna Watson: Yes. Two (2) of my parties that are also witnesses and principles to Square One—Anita is, I don't know how to politically correctly phrase it, but she has some disabilities. She has some difficulty walking and she's on a cane, and stuff like that. They're like here but they're not right here at the moment, and Alfredo was going to be the person to testify and he told me I'm here, I'm here, I'm here.

Lou DeRose: Do you have anyone else until they arrive that could fill in? Anything else you want to talk about? You know, this is the third go around, so I assume you have gotten in most everything you want.

Wrenna Watson: Well I think at the initial hearing, actually, we did not really get to put on what I would consider our full presentation, and not meaning in any way disrespectfully, but Mr. DeRose you kind of took over at that time when I started my presentation and said, "What are the issues? What do you perceive to be the issues?" and you then you told me what you perceived the issue was, and then you started calling witnesses.

Lou DeRose: They were different.

Wrenna Watson: Yes, they were different, they were totally different. You began to call witnesses, and we never really put our case on at that time if you want the truth. We would like to do that.

Lou DeRose: What do you envision today? Who do you want to call?

Wrenna Watson: Well Alfredo Iglesias is who I was going to call, but he's not here. I have two (2) other principles here. I mean everybody knows what went on.

Lou DeRose: Sure, obviously if you can speed it that is great, but we don't want to truncate it.

Wrenna Watson: Okay.

Lou DeRose: Just call who you want, and let's get at it.

Wrenna Watson: Okay, so I will call Hal Frohlich. He is a principle partner in Square One.

Lou DeRose: And is he one (1) of those persons who didn't get sworn in?

Wrenna Watson: Oh yes, Jaimee if you stand and be sworn in also.

Lou DeRose: Okay.

\*Charlotte Kuhns swore in additional witnesses and members of the audience.\*

Wrenna Watson: And also, members of the board, I do have a witness by the name of Tony Ferry. He's a real estate agent. He's the agent that handled the sale of this property on behalf of the sellers of the property, and he's unable to be present right now at this moment. He said, "Well if there's other hearings I could be there by 6:30." I said every time I've been here we've been the only one (1) listed, so I didn't know if we would be able to wait. He did suggest if you all, I don't know what your rules are or the ability, if you have the ability to take his testimony by phone or by video conferencing or whatever like that, he certainly is willing to and sitting by a phone waiting to do that.

Lou DeRose: Well, we have someone.

Wrenna Watson: Mr. Frohlich, would you state your name and address?

Hal Frohlich: The business address is 140 Main Street, Irwin, PA Box 612; 15642 is the zip. My name is Hal Frohlich, and I'm a principle in the company.

Lou DeRose: And Hal, the microphone is obviously for the record and for everybody in the room. It's hard to hear in here, and you know it, just keep your voice up.

Hal Frohlich: Alright, no problem.

Wrenna Watson: When you say business address, Mr. Frohlich, is that the business address for Square One?

Hal Frohlich: Yes.

Wrenna Watson: Okay. What is the name of your company? I already asked you—

Hal Frohlich: Square One Property Solutions. It's a limited liability corporation.

Wrenna Watson: Are you a principle?

Hal Frohlich: Yes.

Wrenna Watson: And are you authorized to speak on behalf of Square One?

Hal Frohlich: Absolutely.

Wrenna Watson: Are there other principles present, and some that you intend to be present?

Hal Frohlich: Yes.

Wrenna Watson: Okay, now did Square One cause me to prepare *Findings of Fact* and *Conclusions of Law* based on the request of the solicitor at the August hearing to submit those?

Hal Frohlich: Yes.

Wrenna Watson: Have you read them and signed them? Well you didn't sign them, because Mr. Iglesias signed them, but you've read them?

Hal Frohlich: Yes.

Wrenna Watson: Are the facts contained therein true and correct to the best of your knowledge, information and belief?

Hal Frohlich: Yes.

Wrenna Watson: And we would offer the *Findings of Fact* and *Conclusions of Law*, and all of the attachments, as evidence and ask that they may be admitted and made part of the record.

Charlotte Kuhns: Okay, they will be admitted.

Wrenna Watson: Thank you. Mr. Frohlich, did Square One purchase 334 Harrison in Greensburg?

Hal Frohlich: Yes.

Wrenna Watson: And you also secured financing, insurance, contractors?

Hal Frohlich: Yes.

Wrenna Watson: Did you begin work?

Hal Frohlich: Yes.

Wrenna Watson: Could you tell the board how Square One became interested in the property?

Hal Frohlich: My wife was, she's actually one (1) of the people in the company that look at properties like that. It was a property that was on the multi-list, and it was presented to us as a seven (7) unit apartment by Seton Hill. Very attractive property; wasn't in good shape. For our purposes, it was perfect to purchase it, renovate it, make it a tax AA revenue producing property for the County.

Wrenna Watson: You mentioned the multi-list, that document is a part of the documents that were turned in?

Hal Frohlich: Absolutely, that's the reason we purchased it.

Wrenna Watson: After you go interest, then what happened? You got a Zoning Certificate from the City of Greensburg.

Hal Frohlich: Well the first thing that we actually did, yes we did, but we actually had contractors look at it to assess what was necessary to have the property in a condition to rent. To make it a worthwhile project, it needed a considerable amount of money and resources in order to do that. But yes, there was a building inspector that came out, we received a Zoning Certificate. In fact, the building inspector came out twice.

Wrenna Watson: And the inspector also gave you a list of a lot of things that needed to be done?

Hal Frohlich: A laundry list, yes.

Wrenna Watson: That would be called, I guess, a *Notice of Violations and Order to Abate*.

Hal Frohlich: Correct.

Wrenna Watson: And it was your intentions to complete those as a part of the renovations?

Hal Frohlich: Absolutely.

Wrenna Watson: And that was also a part of what you used to decide whether or not you should move forward?

Hal Frohlich: That is correct.

Wrenna Watson: Whether it was feasible or not.

Hal Frohlich: Yes.

Wrenna Watson: With that information—was there anything else that you did in the procedures of before you purchased in the decision making?

Hal Frohlich: With any property, you want to have contractors access it. We have several out there to give us several options to make it feasible for us.

Wrenna Watson: So you brought several contractors out to look at it?

Hal Frohlich: Mmhmm.

Wrenna Watson: Then you purchased?

Hal Frohlich: That is correct.

Wrenna Watson: Once you made the purchase, what else did you do? How much did you purchase the property for?

Hal Frohlich: The actual property was purchased for \$30,000.

Wrenna Watson: In addition to that you purchased insurance policies?

Hal Frohlich: Everything that was required to move ahead from the bank that we used, all the certificates they required, we went based off of—we had to do a scope of work based off the building inspector's report, and what our contractors had given us in terms of securing financing that was feasible. Again, the property required a significant amount of work.

Wrenna Watson: Do you know how much money has been invested so far?

Hal Frohlich: Right now, probably in upwards of \$70,000, and we are stopped.

Wrenna Watson: You stopped doing work at this time?

Hal Frohlich: That is correct, that is what we were directed to do.

Wrenna Watson: In the attachments that were attached to the *Findings of Fact* and *Conclusions of Law* is this cost and expenses, which indicates \$74,129.67.

Hal Frohlich: Upwards of \$70,000, yes.

Wrenna Watson: Which probably doesn't include some other incidental fees?

Hal Frohlich: That is correct.

Wrenna Watson: Would you go through and list those?

Hal Frohlich: Sure. So you have the purchase price, closing costs, taxes paid--

Wrenna Watson: And the amount.

Hal Frohlich: I'm sorry. Purchase price of \$30,000, closing cost of \$1,023.50, taxes paid at closing approximately \$679 and some change, Duncan Property Insurance \$957, Affolder Insurance Property Insurance \$1,024, Affolder, another policy, for \$1,077, Keystone Collections for the School tax \$1,935, Rehab Loan closing costs \$6,500, Appraisal of \$800, the fee for Appeal of the Zoning Board \$350, to the contractor \$28,200, an architectural fee of \$250, attorney fees so far \$1,000, pest control \$267, and we had an engineer go out today to access it. I don't know the actual cost for that, but we have that as well.

Wrenna Watson: So you did decide on a contractor? You looked at several, but you decided on one (1).

Hal Frohlich: Correct.

Wrenna Watson: And the \$28,200 that you had listed as paid, that's only a partial payment towards his total fee?

Hal Frohlich: Oh yes, that's correct. That's the first and the beginning of the second stage. We staged it out to make sense to us.

Wrenna Watson: What is your intention with this property, Mr. Frohlich?

Hal Frohlich: Well this intention is to hopefully keep it as a seven (7) unit, because that's the reason why we purchased it. There are guidelines that we have to follow, is my understanding, in that area that we will rent to—when we rent it out. We cannot rent to students, we have to rent to graduate students or other—as far as college students we can't do that. It has to be graduate students. We want to turn it into a seven (7) unit again, that's the reason why we purchased it. We also have some parking issues that we are working out. There's three (3) back bungalows, we are going to add three (3) units to that for parking. Underneath there's garages to be built, and there are some other parking issues that we need to attend to as well. We have actually—there's a lot close by that we are actually going to include for the additional parking that the rentees are going to use, so we have to secure that as well.

Wrenna Watson: So your intention is to make it a nice property on the street?

Hal Frohlich: Absolutely, absolutely.

Wrenna Watson: And a nice livable property on the street.

Hal Frohlich: Absolutely.

Wrenna Watson: Let's go back and talk about prior to purchase. Did you work with a real estate agent?

Hal Frohlich: Yes, Tony Ferry was the agent.

Wrenna Watson: And what company?

Hal Frohlich: I don't know, was it Remax?

Wrenna Watson: Keller Williams.

Hal Frohlich: Keller Williams, okay.

Wrenna Watson: I think you said earlier the property was MLS listed?

Hal Frohlich: Yes, it was listed as a seven (7) unit with a good rental history, and that's the reason we purchased it. When we looked at it, we looked at it in the dead of winter; we looked at it several times with several contractors.

Wrenna Watson: And the MLS listing is here attached as a document?

Hal Frohlich: Mmhmm, yes.

Wrenna Watson: As exhibit "M". That would be the listing you looked at?

Hal Frohlich: Yes.

Wrenna Watson: And it does indicate on there it's seven (7) units?

Hal Frohlich: Yes.

Wrenna Watson: Now—so, from your prospective how was the property marketed?

Hal Frohlich: As a seven (7) unit.

Wrenna Watson: And would you have had interest if it was not a seven (7) unit?

Hal Frohlich: No, because we ran the numbers. That's what partner Alfredo Iglesias does, he runs the numbers. We looked at it every which way that we possibly could, and that was the most feasible and that's the reason we purchased it and made renovations.

Wrenna Watson: So you wouldn't have had an interest. Would you have purchased the property without?

Hal Frohlich: No.

Wrenna Watson: If you would not have been able to get a Zoning Certificate, would you have purchased the property?

Hal Frohlich: No.

Wrenna Watson: What is the anticipated value of the property once renovations will be completed?

Hal Frohlich: I believe it is—we have an appraisal around \$225,000.

Wrenna Watson: And that appraisal is also a part of the document?

Hal Frohlich: That is correct.

Wrenna Watson: So looking at the property, you walked on the property when you got there right?

Hal Frohlich: Mmhmm.

Wrenna Watson: Did it have seven (7) units, or what did it look like?

Hal Frohlich: There was seven (7) units and there was an eighth one (1) that we could not access due to the weather and the timing of the year, but my understanding is at one (1) time there was eight (8) units with however they did it. There's room for meters, there's spots for meters for eight (8) units. So at one (1) time it was an eight (8) unit, we purchased it as a seven (7).

Wrenna Watson: And in fact it was seven (7) on your Zoning Certificate.

Hal Frohlich: That is correct.

Wrenna Watson: Have you seen the older Zoning Certificate that was issued in I think 1990?

Hal Frohlich: Probably, I don't—

Wrenna Watson: Which is a part of this record. I believe at that time it was listed as an eight (8).

Hal Frohlich: It was an eight (8), yes.

Wrenna Watson: And so in terms of renovating that you have contracted for, are the units going to be changed in any way?

Hal Frohlich: No. All we are going to do is update them. The interior of the units is going to be the same with updated windows; we are going to make it energy efficient. I mean, it's a renovation. The back bungalows, the only thing we were planning on doing was actually the porches needed to be taken down, and new wolmanized decking and porches were going to be built. The only change that I really see in the back bungalows is we're putting parking. There's a big open space under the bungalow. There's three (3) bays that are going to be in there, plus there's one (1) that's already there.

Wrenna Watson: And of course you would only do that if you were permitted to do that.

Hal Frohlich: Certainly.

Wrenna Watson: And at this point all seven (7) units are exactly as they were?

Hal Frohlich: Haven't made a change. We've cleaned them out, that's all we've done.

Wrenna Watson: With regard to parking, you believe that that would be beneficial even though it isn't required? The Zoning Certificate doesn't require any parking, is that correct?

Hal Frohlich: That is correct. There was nothing mentioned there, but I think as good members of the community I think parking would be beneficial not only to relieve some of the density on the street but also for the people that live there on a day to day basis.

Wrenna Watson: So your renovations do not involve changing the structure or doing anything structural.

Hal Frohlich: No, not at all.

Wrenna Watson: And it is your desire to add parking?

Hal Frohlich: Absolutely.

Wrenna Watson: And you've talked about being a good neighbor and trying to improve the lot. You would also be willing to secure parking elsewhere?

Hal Frohlich: We've already done it. We've already made inquiry and we've already secured it as necessary, so yes.

Wrenna Watson: So you received a notice, two (2) notices from the building inspection, *Notices of Violation and Order to Abate*, one (1) dated February 19, 2015 and one (1) dated June 15, 2015. Will those violations all be abated and remedied?

Hal Frohlich: Absolutely.

Wrenna Watson: And you had begun the work on those?

Hal Frohlich: Yes.

Wrenna Watson: And then you received a *Notice of Violation* dated the 26<sup>th</sup> of May, 2016, and you what happened after that?

Hal Frohlich: We stopped work.

Wrenna Watson: So you've been shut down since then?

Hal Frohlich: Yes.

Wrenna Watson: Hoping to get restarted?

Hal Frohlich: Time and money, yes.

Wrenna Watson: Now you received another violation notice on August the 10<sup>th</sup>, well it's dated August the 10<sup>th</sup>. I believe another member, partner, principal, and your wife, Jaimee Frohlich, received that in her appearance at the August 17<sup>th</sup> hearing, is that correct?

Hal Frohlich: Yes.

Wrenna Watson: Have you done work on those? Have you done some things?

Hal Frohlich: Everything is done. The only thing that we have not started was there was a request that the rear three (3) bungalows may need to be torn down, which I was shocked because there was nothing in the building inspector's report that indicated that. There was an architect out there today, and the report was submitted. I haven't seen it yet. So there was nothing in the building inspector's report that indicated that those structures weren't viable in any way shape or form. Everything else we have received we have done.

Wrenna Watson: You haven't seen this, but this is the architect's report.

Hal Frohlich: Okay, no I have not.

Wrenna Watson: I just got this at 2:45 today, because he was out there this morning doing the work. If I may I'd like to offer it.

Barbara Ciampini: Is it an architect's report or a structural engineer?

Hal Frohlich: This is a—both.

Wrenna Watson: Both. Even prior to an architectural engineer going out there today, you had contractors out there, architects out there. Had anyone ever mentioned that there was any problem with the stability of the property?

Hal Frohlich: No, we had 10 different companies come out walk through the property, okay. I have not yet seen one (1) that indicated that they were structurally damaged enough to warrant the tearing down of the back three (3) bungalows.

Wrenna Watson: In that same violation notice dated August 10<sup>th</sup>, 2017, you did have a pest control inspection done?

Hal Frohlich: Absolutely, I was there myself with the pest control.

Wrenna Watson: And you had some weeds cleaning—you did some of the weed cleaning yourself.

Hal Frohlich: Yes we did. We aim to please.

Wrenna Watson: You removed the—there was a mattress there, you removed that?

Hal Frohlich: Yes we did.

Wrenna Watson: And since though has the three (3) bungalow structure, the rear structure, been boarded up at this point?

Hal Frohlich: Everything—they actually had to get in with crowbars today because everything was boarded up as recommended. Ladies and gentlemen, we have followed every dictate that you have given us.

Wrenna Watson: Is it your desire to be a good neighbor in this community?

Hal Frohlich: Absolutely.

Wrenna Watson: Is there anything else that you would like to add, Mr. Frohlich?

Hal Frohlich: No, as a developer the idea behind what we do is to leave behind a structure better than the way we found it and that is clearly our intent. To be honest, I'm kind of curious as to what all this hubbub our little renovation of ours has caused. So everything that you have given us and have been given in the past we have already done, and everything is done. So we are willing to comply. We have invested time and money, a great deal of money into this property. We have run the numbers every which way to accommodate different thought processes, and the way it is the way we purchased it clearly is the best for us and the best for the County in terms of tax revenue. That's about all I would add.

Wrenna Watson: And you said everything has been done, but in those 16 violations that were in the first two (2) notices you can't complete those because you're shut down.

Hal Frohlich: No, we're stopped. We are stopped.

Wrenna Watson: But you will.

Hal Frohlich: Absolutely.

Wrenna Watson: Thank you. Does the board have any questions for Mr. Frohlich?

Lou DeRose: We might.

Barry Gaetano: You mentioned that you came out and looked at the property—

Hal Frohlich: Yes.

Barry Gaetano: Last month when your wife was here, I believe, is that your wife?

Hal Frohlich: Mmhmm.

Barry Gaetano: That question was posed to her and said that she or the organization bought it sight unseen. She did not realize that this property was in such bad—

Hal Frohlich: No, my wife did not see it. She did not see it, I saw it. I was the one (1) to walk through it.

Wrenna Watson: She's here.

Jaimee Frohlich: I did not go out in January to look at properties. My husband said that—

Lou DeRose: You are not on the mic, you cannot say that.

Hal Frohlich: That's fine, so my wife did not see the property. It was her job within our company to find projects like this.

Barry Gaetano: Okay.

Hal Frohlich: My job is to run the numbers and see if the job is feasible so, no, she did not see it and there was no reason for her to see it.

Barry Gaetano: One (1) of the questions I have is I believe the issue that we are dealing with is not the issue of the building of the structure at this point. The question is—is the Zoning Certificate valid and has it been unoccupied to allow seven (7) units on that property, and the question we had at the first hearing was, can you show proof to the board that it was occupied within the last three (3) years and if it was occupied the question is, is the Zoning Certificate not valid at that point in time or invalid to have it rezoned again as a seven (7) unit structure.

Wrenna Watson: And Mr. Gaetano, I would ask Mr. Frohlich not to answer that because those I believe are legal questions and while—I think at the first hearing Alfredo Iglesias, who is here, did answer that they only had knowledge, and you may remember this because he answered this, that their only knowledge was the year maybe year and a half within which they looked at the property. They don't have any knowledge prior to that at all, and he did I believe at that time make a statement that no one has lived in the property since they've had the property. That was certain.

Barry Gaetano: Okay.

Wrenna Watson: It is my belief that there are—the case law says that the property has not been abandoned. That abandonment can be considered—you can have property that is not inhabited, but that does not mean that that property is abandoned.

Barry Gaetano: And you are going to submit that tonight?

Wrenna Watson: I did, you have that.

Barry Gaetano: Oh, it is in there, okay.

Wrenna Watson: Yes, and I also brought you a couple pieces of the case law that I used.

Barry Gaetano: In reference to the other part of this is at our first hearing, now this is our third hearing on this, at our first hearing I believe both counsels and I believe someone else—

Wrenna Watson: Mr. DeRose and I?

Barry Gaetano: Yes, and somebody else, went out and discussed—

Wrenna Watson: Ms. Ciampini.

Barry Gaetano: With just with you.

Wrenna Watson: It was myself, Barb Ciampini and Lou DeRose.

Barry Gaetano: Okay, and the agreement that we had heard when they came back was that you were going to sit down and come back with consideration of building a different amount of units on the property and that is what we would come back with, but we have not heard anything about that. So I guess my question to you now is, has that been reviewed and do you have any additional options available for building on that property, or are we only coming back with seven (7) units and that is the only choice there is?

Wrenna Watson: Well, at this point and I believe that at least my understanding that was going to happen was that Ms. Ciampini, Mr. DeRose and my myself, and perhaps the members of Square One would have a meeting prior to a hearing to sit down and try to see what might work and they felt might be feasible. So it's not like we come and say this is what we want and you say no that's not okay, so that we could have a negotiating on what might work. I did not get back in touch with Ms. Ciampini in a time frame that she felt was comfortable to have a meeting, so we haven't had that meeting. My clients would like to proceed with the seven (7) and see if they can get the seven (7) based on the law. They believe the law is on their side.

Barry Gaetano: So you do or do not have other options available?

Wrenna Watson: Not today. They might consider other options, but we haven't had the type of meeting where we can sit down and have a negotiation of that sense.

Barry Gaetano: Okay.

Wrenna Watson: Any other questions for Mr. Frohlich?

Barbara Ciampini: I have a question.

Wrenna Watson: Yes.

Barbara Ciampini: From the time that you purchased the property on April 21<sup>st</sup> of 2015 until the time we stopped the work on the property in May of 2016, what had you done there? Had you cut the grass? Had you maintained the property?

Hal Frohlich: To be quite honest with you, no. We were doing at that particular point the—to be—when you're looking at the complexity of that project, trying to have a reasonable—I had numbers from different contractors all over the board, but believe it or not between contractors to find one (1) that we felt was qualified to do the job for the numbers that we needed to do and secure the bank financing it took a considerable amount of time. So to be quite honest with you, no we did not. Our neighbors were very nice, they did some things for us, alright, but no we did not.

Barbara Ciampini: And then the other question I have is, you mentioned in your testimony that you took the information that Mr. Ferry provided in the MLS to crunch some numbers.

Hal Frohlich: Yes, that's correct.

Barbara Ciampini: In the MLS form that I have here as part of your exhibit doesn't have any information; there's no vacancy rate, there's no gross annual income, there's no gross operating income, there's no insurance, there's no utility information. I'm curious to what numbers you used, because there aren't any provided in this.

Hal Frohlich: That's very simple. We have software that we use that when you put the—what's it called? It's RentalValuator, and what you do is you put down all the information that you gave us and what it does is it spits out all the information you need. It spits out what works and what doesn't work. It's a proven software program.

Barbara Ciampini: I understand that, but you stated in your testimony just now that you took the information that was on the MLS and there's no information here.

Hal Frohlich: All is says—you know what—when—can I see that please?

Barbara Ciampini: It's blank.

Hal Frohlich: I understand. I want to see what it says. I haven't looked at it in a little while. One (1) of the things that you have to keep in mind, is when you look at properties like this you have to have some vision. So when you look at the—okay, so when you look at what this has you're absolutely right. We knew it was seven (7) units. What it says here is, "Good rental history, near Seton Hill, walk to town. Huge potential for the right investor/contractor." So when we look at these things and you look down here and there's zeros, that didn't really stop me from doing the work or considering it. What I look at, very simply, was it was a seven (7) unit; it was near Seton Hill College. I didn't look at the rent rolls, if that's what you're asking me. No, I did not, alright? The other factor that weighed into it was we were purchasing it from someone, a husband and wife, the husband was dying and the wife is eventually the one (1) who did everything, so she is not available to support any of the rental history; she will not comply, so we're on our own there.

Barbara Ciampini: Okay, no I was just asking based on your testimony.

Hal Frohlich: Well I appreciate that, but what happens is you look at averages; you can run numbers and look at averages, and that's what we based it off.

Barbara Ciampini: I'm glad you clarified that.

Wrenna Watson: Any other questions for Mr. Frohlich?

Lou DeRose: No, thank you. Do you have any other witnesses, Wrenna?

Wrenna Watson: I'm checking to see if anybody else wanted to say anything else. Um, so that would be our witnesses. I think I already asked that the *Findings of Fact* and documents be admitted.

Barbara Ciampini: Yes, that's exhibit "A", and the report that you just handed me is exhibit "B".

Wrenna Watson: Yes. Okay, so is it okay for me to make my argument at this point?

Lou DeRose: Of course it is.

Wrenna Watson: I didn't know if you had something else you wanted to do.

Barbara Ciampini: You make the decision.

Wrenna Watson: So we believe that Square One has been diligent in their purchase, in their purchase of 334 Harrison. If you follow through the arguments that we listed which are pretty definitively outlined in the *Findings of Fact* and *Conclusions of Law* that you have, that we believe that they have met the test as indicated to have a vested right. Do you want to read them, or I can go through them.

Lou DeRose: You can read them.

Barbara Ciampini: This is from your—You are reading from the documentation you gave us?

Wrenna Watson: Correct.

Barbara Ciampini: Everybody got that yesterday when you sent it in, brought it in.

Lou DeRose: Just to save some effort, if you want to highlight anything in particular that's fine. I'm sure we all read them.

Wrenna Watson: Okay, well the five (5) factors are that once a permit, in this case a Zoning Certificate, was issued that the applicant has been diligent, has done their due diligence, and we believe that acquiring a Zoning Certificate for the property that said that it was a seven (7) unit building that that was their due diligence along with whatever else I may have put in there. I'm going to do this distinctly, so I would like you to read the entire thing and incorporate the whole thing as the argument. That they acted in good faith throughout the proceedings, that they have had a desire to improve this lot; they've gone through the process appropriately of getting a Zoning Certificate and having inspections and getting things done. These were the things that caused them to decide to purchase and go out and get a contractor, etc., and that the violations, the 16 violations that required abatement would be completed as a part of the complete renovation. While they haven't been completed yet, they haven't had the time to do that yet, but once they got those they went out and got their financing. The third criteria is that there has been an expenditure of substantial unrecoverable funds, and the applicant has expended at least \$75,000 at this point. They have a loan on the property for renovations of about \$168,000. That there was an expiration of the period of appeal, that would be the fourth criteria; no one else has appealed, no one has appealed this. There has not been any appeal. I don't believe that by statute or case law that this being an enforcement proceeding that neighbors have standings, however I know you all might think they have standing and they all think that they have standing and they have had the ability to testify, but even though they've testified and even though I know they have made some complaints

to Ms. Ciampini no one sought to file an appeal. So the period of time for appeal has expired. Additionally, I believe that once Ms. Ciampini issued—in fact I think your statute indicates that when you're issuing a Zoning Certificate that it should be verified prior to the issuance, and the inspector had gone out and he came back and verified that it was in fact seven (7) units. So, I don't think it's fair to put it on my clients to have to follow through to find out to say, oh well it's seven (7), but they would never say it's abandoned because we don't feel it was abandoned. I think that it's the duty of the City to determine that it was abandoned prior to issuing that certificate, and if not even prior to the issuance of the certificate they at least had a second inspection which was in June and they could have determined it at that point. But instead a year later, over a year later, they rescind the Zoning Certificate, and I think that that falls outside of the time frame within which the appeal should have been taken or the certificate should have been rescinded. And then lastly, the fifth criteria is that there is insufficient evidence to prove that the individual property rights or public health, safety, or welfare would be adversely affected by the use of the permit. The permit was used as it was for many, many years, in fact probably from 1940 depending on which Certificate of Zoning you used, but at least from 1940 forward it was always used as a seven (7) unit. It has never been considered to be a problem; it was at those times on the tax rolls, had neighbors. It was being inhabited which is positive in and of itself. It is their intention—right now, it is, Ms. Ciampini told me blighted—that is her term, and I will use that term because she used that term. I know sometimes that has some other ramifications that we are not looking at, so we are going to use it as a layman's blighted term. It is in bad condition and needs renovation. So now you have a situation that it is going to be renovated. It is going to be inhabited. They are willing to put parking in to where the zoning certificate says zero parking. They are willing to add parking and to try to meet the parking requirements. So not only do you have a property that is on the tax rolls, but you will have inhabitants who can be taxpayers as well. At all times, it is their intention that it is a positive for the public's health, safety and welfare. With regards to the issue of abandonment, there is case law that being the Speedway case. Latrobe Speedway vs. Zoning Hearing Board of Unity Township where it indicates that if a property intended to be—if the use was never intended to be abandoned, meaning that even though it sat vacant and not in use, it was always continued to have that use. It was marketed in that use. The owners—all of the owners of that property never intended for that use to go away. They did nothing to change the structure because that would also show an intention to abandon the use. Here you have owners who sold it as a seven unit building, and there was no structural change to the property ever. It has always been seven units if not eight units. There was no evidence that anyone intended to change this use from the non-conforming use that it is. We believe that we have met the test that the legal non-conforming use was never abandoned. And with that, do you have any other questions?

Barry Gaetano: I have a couple. I guess the issue that we have to make a decision on tonight is—is the property a non-conforming use at this point in time. You talk about the property being uninhabited and abandoned. I could see a property that is uninhabited.

Wrenna Watson: And I have never used the word abandoned. Anywhere.

Barry Gaetano: Well, we are using the word abandoned.

Wrenna Watson: Ok. Alright.

Barry Gaetano: The questions is: you could have a property that is uninhabited, but they cut the grass and the structure is not falling down. You could not worry about some things getting into the house possibly or the property is abandoned and there are open windows or structural issues or animals getting into the property. I guess that is something that I have to think about. I have a home in the Underwood section. I have a property next to me. It is uninhabited, and it is abandoned. There is a porch coming off. There are animals coming out of it. So when I look at it, nobody can go into that property and use it at that point and time. In my mind I have to think, is it abandonment at that point in time. The issue I guess that we are deciding on here is—is it going to be approved to have a zoning certificate for seven units or not? I guess my question is in reference to have you had architectural drawings as to what you want to put on the property? I mean do you have a structure that you are thinking about putting on the property? Whether—because that is not something that we are approving today, but do you actually have a drawing to know what it is that you want to put on the property at this point in time.

Wrenna Watson: Structurally it is going to be exactly as it is. There are two structures. One in the front that has four units in it and one in the rear. Those are not going to be demolished and rebuilt. They will remain intact as they are. And interiorly, they will be completely renovated. When those properties, when Square One came to those properties, those units—each of them was still intact. There is refrigerators there. The kitchens are intact. The fixtures. The appliances are all intact. The bathrooms are completely intact. They are going to renovate all of that and make it all brand new, but so—no, they do not have architectural things because you do not need an architect to take out—they are not rebuilding it, sir. I am not sure how to answer that question differently. They are not rebuilding it. They are going to take out the old carpet. Some of that stuff has been taken out because that is some of what they got a dumpster and started doing so---

Barry Gaetano: So, just for my own purposes, when I go onto the back alley way, I drive up the back alley way, I see a three unit structure back there that the wall has separated from the foundation. So we would not get any kind of evaluation drawings to rehab that? Or is that what you did—

Wrenna Watson: Well, we have an architectural report that was done today that was actually done in compliance with the August tenth notice of violation and order to abate which indicated that it needed to be demolished, so he did a pretty complete evaluation of that building at this point.

Barry Gaetano: Okay.

Wrenna Watson: And, if they were permitted to do garages, if they were permitted to continue with the seven units, then yes, that would be—they would move forward and have whatever plans are necessary for that. Is that accurate?

**\*\*Incomprehensible answer from Alfredo Iglesias\*\***

Lou DeRose: We didn't get that.

Barry Gaetano: I didn't.

Wrenna Watson: Did you say you didn't get that?

Barry Gaetano: I didn't get that.

Hal Frohlich: So what Alfredo said, was that in the back three (3) bungalows underneath the structure, as I've indicated, it's a very large open area. That is where we are going to put three (3) bays for the garage to alleviate some of the on street parking. So what you have to consider is, we are renovating the property as it is making changes as necessary, but we are not changing the actual structure of it from the way it is right now.

Barry Gaetano: And—

Wrenna Watson: Anything that's not sured up, anything as you said is buckling or pulling away—

Barry Gaetano: Right.

Wrenna Watson: All of those things will be completely remediated.

Barry Gaetano: Okay, so—and we're not making this decision in reference to—I mean the question I'm asking now is not something that we decide on. I'm just using this for my own edification here.

Lou DeRose: Right.

Barry Gaetano: You're talking about putting in \$200,000 to rehab that property.

Hal Frohlich: That is correct.

Barry Gaetano: For seven (7) units.

Wrenna Watson: But that rehab includes—

Hal Frohlich: Everything.

Wrenna Watson: Anything that requires to make it a sound structure.

Barry Gaetano: Okay. For my own purposes, I purchased a home here in Greensburg and it's a single family dwelling. I had no electrical issues I had to deal with, I had no structural issues that I had to deal with, and I put a \$100,000 into this home. So my question is when I think about this for my own purposes, how are you going to completely redo that structure for \$200,000. That's my first question.

Hal Frohlich: Go ahead.

Barry Gaetano: The second thing is I'm looking at this list of expenses, and some of them are expenses that you would have had if you purchase a property; you have insurance and you have taxes, or whatever. I'm not sure what the contractor fee of \$28,000, because I'm not sure—

Hal Frohlich: That's before the start.

Barry Gaetano: Right, and I am not sure what has been done. You have other properties. How many other properties do you have?

Hal Frohlich: We have.

Barry Gaetano: The reason why I think this came to our attention was that there was work being done without permits. I guess my question is—is that typical of your properties that you would go out and work on structures but not receive permits to have the work done. And I believe that's why this came to our attention was—

Wrenna Watson: They weren't doing the type of work that required permits at that point, and any permits that were required they would do.

Hal Frohlich: All we were doing at that time was—

Barry Gaetano: Barb, can you answer that?

Barbara Ciampini: Yes, you're absolutely correct. We found out—the City found out about the activity at the property from the neighborhood when they called in because a contractor appeared there and started working, and told them they were putting in student housing. That's originally how we found out about the property on May 12<sup>th</sup> of 2016.

Wrenna Watson: And if I just could say, the contractor doesn't speak for Square One and what their intentions are.

Barbara Ciampini: I'm just telling you what was reported to me.

Wrenna Watson: Okay, I just want on the record.

Barbara Ciampini: And at that time, for the record, that's when it was determined from hearing testimony from the neighborhood that the building had been abandoned past the three (3) year time frame, and in fact has been in upwards of 15 years.

Barry Gaetano: So, was there anything built on that structure? Was there a porch put on the back?

Barbara Ciampini: They started work on a deck.

Hal Frohlich: There was a porch that was taken. There were three (3) porches taken off the back bungalows.

Barry Gaetano: So there wasn't a new structure put on the main big structure?

Hal Frohlich: What they have done—not on the big main structure, no.

Barry Gaetano: So there isn't a porch on the back there that was supposed to—maybe I'm wrong, but I read on the—one (1) of the recent reports to you that needed to be done that there was a structure that needed to be taken off because it was added without permits. Is that correct, Barb?

Barbara Ciampini: Yes, on May 27<sup>th</sup> of this year a neighbor had called to report that work had not stopped and a deck was being built on the rear of the property.

Hal Frohlich: Ah, okay.

Barbara Ciampini: As well as asbestos removal.

Hal Frohlich: Okay, so the first thing, there were three (3) porches on the back three (3) bungalows that were removed, okay? They were removed.

Barbara Ciampini: Can you use the mic please?

Hal Frohlich: Sure. Okay, so there were three (3) porches that were attached in the back three (3) bungalows. They were removed, so—do you have something to say?

Jaimee Frohlich: The porches were removed because they were unsafe.

Lou DeRose: Wait, wait, wait, wait. If you're going to pass the wand, let's do it orderly.

Hal Frohlich: That's fine, I'll continue. The porches were removed because they were unsafe. We took the porches off, so that's part of the cleanup. Okay, that's why we took them off. Now—

Jaimee Frohlich: Temporary ramps were built.

Wrenna Watson: Well sure, I mean, their contractor was—did come out several times asking about getting permits for certain types of work before he did it, and he was told you don't need a permit for that. So to our knowledge there was no work, which is what I stated. There was no work that required a permit; that he was in fact trying to begin the cleanup which is the first you have to do to clean up and clear everything out. There's a lot of stuff that has been there for years that has to be cleared out.

Barbara Ciampini: And then on June 6<sup>th</sup> the contractor, Mario Noce, came into our office and picked up applications for both an interior Demolition Permit and a Uniform Construction Code Permit. To this day, we have not received either one (1) of those.

Hal Frohlich: Because you stopped work.

Wrenna Watson: Because that was after the stop work order.

Hal Frohlich: Yes.

Barbara Ciampini: Because he kept working, that's correct. He kept working.

Wrenna Watson: No.

Hal Frohlich: No we did not. When we received the abatement from you ma'am we stopped working, okay? We've been stopped for three (3) months.

Lou DeRose: Well we understand that's your position. We'll resolve that in our determination of the real facts.

Wrenna Watson: And in reality, Mr. DeRose, I mean if someone does some work it's to their own—if you decide not to give them their certificate then they lose whatever they put into it anyway. It would be to their own detriment to do that.

Lou DeRose: Anything else? We were asking you questions, I understand that, but—

Wrenna Watson: Yes.

Lou DeRose: Do you have anything else that you need on the record?

Wrenna Watson: Yes, I did want to respond to Mr. Gaetano that Mr. Tony Ferry indicated that the prior owns who had owned the property for about 15 years, but shortly after the purchase the husband of the owner became—ended up with cancer. They became totally focused on his health and that is why nothing has been done, but it was always their intention to keep the property a seven (7) unit. They wanted to do it themselves and keep the seven (7) units, but he was someone that did the work himself so they weren't hiring contractor people. The wife really had nothing to do with it, and he wanted to get rid of the property before he actually passed away so that she wouldn't be saddled with trying to take care of things that she doesn't take care of. All of that having been said, we pray that this board agree with our position and find that the non-conforming use continues to be legal and in existence, and allow Square One, who has spent a considerable amount of money to date and are losing money every day, to re-begin the work started to complete the renovations. It will be improvements to the entire community, it will be inhabited, it will look good, and it will increase the tax base. We also ask that the testimony and documents from the other two (2) prior hearing, July and August, those be part of the record as if taken today.

Lou DeRose: They are, well they are. You need not worry about that.

Wrenna Watson: Thank you. Well, my lawyering says you better ask for it. Thank you, and that would complete our—does anybody have anything else? That would conclude our case today, and we thank you very much for your time.

Lou DeRose: Thank you and we appreciate your efforts. It's nice to have someone who knows what they're doing to come before us and present something logically.

Wrenna Watson: Thank you.

Lou DeRose: Well almost, almost knows what they're doing if that's easier for you.

Wrenna Watson: Thank you very much.

Lou DeRose: Now on the other side I know, Barbara, you have some things you want to put on the record, and if there are any witnesses against them. As we did before, we'll listen to them.

Wrenna Watson: And could I just say, I'd like to make it upfront and for the record as a continuing objection that we would object to any neighbors.

Lou DeRose: Your objection, so noted.

Wrenna Watson: Okay.

Barbara Ciampini: I just want to put in to the record that when we received the initial report on May 12<sup>th</sup>, our inspector, Chris Doberneck, did go to the site and communicated with whoever the contractor was at the site at that time to cease and desist and come down and get a permit. That's why I indicated that when the neighbor called on then 5/27 to say that the work was continuing, a notice was issued on 5/12—or 5/26 a violation notice, and then the neighbor called on 5/27 to say, even though we told the neighborhood that we had informed the contractor, that they were still there working.

Lou DeRose: So the next day.

Barbara Ciampini: That was the next day. That's what I wanted on the record.

Lou DeRose: Are there any persons who have not testified in the prior two (2) hearings that have any new, not repeat, but new information to give us?

Wrenna Watson: I think Mr. Frohlich would like to respond to Ms. Ciampini's allegations.

Hal Frohlich: The only thing to my knowledge is they were cleaning up. There was tools and there were things that they had to get out of there.

Lou DeRose: You made that clear.

Hal Frohlich: Yes.

Lou DeRose: We understand your point of view.

Barbara Ciampini: According to my records, the contractor was removing old ceiling tiles, and didn't know what type of renovations were being planned.

Hal Frohlich: Well you have to understand—

Barbara Ciampini: He was informed to contact our office for a demolition permit.

Hal Frohlich: Okay, was it the contractor or the workers?

Barbara Ciampini: I have no idea.

Hal Frohlich: Well, you know you have to understand—

Barbara Ciampini: Well you're managing it.

Hal Frohlich: I understand that very well, but the workers do one (1) thing and contractor does another.

Barbara Ciampini: Mario Noce was the one (1) who communicated with us up until the hearing.

Wrenna Watson: Additionally, they had been paying for a dumpster that had been placed out there to get all of the stuff out, so they had to still go back and get that dumpster out of there.

Lou DeRose: Are there citizens who want to say something?

Esther Dreveniak: This is going to be short, but when they say that that building is secure—

Lou DeRose: You have to say your name. You'll have to give your name and address.

Esther Dreveniak: My name is Esther Dreveniak, and I live at 346 Harrison Avenue Apartment 2. When they say that the building has been secured, every morning it is not. There are doors open, kids go in there and play. It's definitely not safe. In the back where that building is condemned, there are weeds as high as I am. There's still bricks back there that they haven't cleared. They've left garbage back there for months; there was an old mattress back there for I don't know how long, but finally it's gone. But, the doors are not locked. There's cabinets down, and when they say that the bathrooms are all intact, they've taken tubs out of there; I've seen them in the dumpster. I leave every morning at seven (7), I work at the Train Station. I cannot avoid going past it, and it's just dangerous.

Barbara Ciampini: Could you spell your last name, Esther?

Esther Dreveniak: Dreveniak, D-R-E-V-E-N-I-A-K.

Lou DeRose: Thank you.

Barbara Ciampini: Thank you.

Esther Dreveniak: And as far as the yard and bushes and all that stuff, if it weren't for the neighbors there would be even more animals in there. That's all.

Lou DeRose: Anyone else? Nope, nope, nope, you're on this side of the room.

Wrenna Watson: She just wants to respond.

Jaimee Frohlich: Would you like us to clean it up?

Hal Frohlich: We did.

Jaimee Frohlich: We'd be happy to.

Lou DeRose: Yes, we thought you did.

Jeffrey Heater: Okay, my name's Jeff Heater. I live at 330 Harrison Avenue. The last meeting the lady here said that they had been paying for an electric bill at the residence. I don't know where they were getting the electric bill at, because one (1) there were no meters on the house, and two (2) their construction guy was jumping my fence and plugging into my residence so they could run their equipment to cut their wood and build their back porch, which is supposedly isn't there.

Lou DeRose: Is that with your permission?

Jeffrey Heater: No.

Hal Frohlich: Yes.

Jeffrey Heater: Not at first.

Jaimee Frohlich: We paid him.

Jeffrey Heater: Not at first, let me finish, okay? Let me finish. What happened was my daughter, which is 17 which is not allowed to make a decision, met their contractor when he came up on the porch when my daughter got home from school. He goes, "I'm sorry, I feel bad. We have been plugging into your house, here's \$20." And my daughter, who's 17 years old and doesn't know any better, when I came home from work goes, "Hey dad, this guy the contractor gave me \$20 and said they had been plugging into the house." I said, "What do you mean he's been plugging into the house?" So, I told her you are not permitted to do that. Next time you see him, you tell him to see me. Well for some odd reason, I get done with work at 2:30 and 2:40 I'm home, they're gone; they're packed up and they're gone. So I told my daughter, "Next time you come home, you tell them I want to speak to them." So when I got home I said to the gentleman, "You are not allowed—she is not allowed to make a decision like that, she does not pay for the

house, I do. You should have come to me, okay, and then we made an arrangement. I told the guy their dumpster was there, I said “Here’s what I’ll do for you since you guys are waiting for your electric. I’ll let you borrow my electric, but you let me borrow your dumpster.” So we did have a little bit of an agreement there, but at the beginning it was my daughter. She should not have been making that arrangement with them, okay, because he told me that within two (2) weeks the meters should have been in, and that thing wasn’t in for at least a month. That’s all I have to say. Do you want to question me now?

Jaimee Frohlich: Response, yes.

Lou DeRose: No, no, no, no.

**\*\*Incomprehensible arguing from Jaimee Frohlich\*\***

Barbara Ciampini: No, you don’t get to question. No, you don’t get to question. She doesn’t get to question.

Wrenna Watson: I just want to say, all of this was—all this gentleman has said and the prior lady, and what everybody else is going to say, they all went over this at the first hearing. I’m sure you’re used to hearing it, and I’m not hearing it a second time. Frankly, I’m used to hearing it as well. I don’t think my clients are, but it has all been testified to in a previous hearing. That’s not—

Jeffrey Heater: No. The electric has not.

Lou DeRose: Okay.

Wrenna Watson: Yes we have.

Jeffrey Heater: No we didn’t.

Lou DeRose: Anyone else? Anyone else want to say anything? Yes ma’am? What side of the room are you on?

Sarah Ankney: I’m on their side, I just wanted the aisle.

Lou DeRose: Okay, I just wanted to make sure.

Sarah Ankney: My name is Sarah Ankney. I live at 342 Harrison Avenue. I have lived there for 15 years. There has never been occupants. There was only one (1) time that I saw any work being done on there, and that was like seven (7) years ago because they got in trouble for not—the paint was peeling off the building, and that still wasn't remedied. I realize that's not their fault, but the building has been left abandoned. There has been—I've seen drug users come in and out of there. There's also—when they had the dumpster there, they did not close it so there were children playing in the dumpster. That's not—it wasn't my children.

Lou DeRose: Okay.

Sarah Ankney: It wasn't my children.

Lou DeRose: Gotcha.

Sarah Ankney: But, the fact that it remained open and it—that's unsafe for that, and you have to think ahead when you're in a residential area for the safety. There wasn't even tape around it saying *Do Not Cross*, *Do Not Enter*. None of that stuff. In fact, my kids have shoveled the sidewalk for the past couple of years so that nobody trips and falls.

Lou DeRose: Thank you.

Jaimee Frohlich: We're trying to fix it up. We're trying to resolve all of these situations.

Lou DeRose: Anyone else?

Jaimee Frohlich: Unless you prefer we leave it like that.

Kelly Elder: My name is Kelly Elder, and within the past month or so purchased 347 Harrison Avenue. We're planning on raising a family there, and from the very start this property in question appeared to be abandoned, I thought that it was abandoned, and the fact that it supposedly isn't worries me, because I feel if they can't be bothered to even remotely maintain the exterior of the building now then I fear to think of how it will look when they do have renters coming in and out. I feel that my own nephew who lives with me, I've been warning him not to go over there. It seems unsafe, and it makes me uncomfortable. I just don't like the whole situation.

Lou DeRose: Thank you. Anyone else? Yes sir?

Michael Hamley: My name is Michael Hamley. I live at 338 Harrison Avenue, next door. As far as closing the house and locking it, the back building you can close all the doors and there's still gaping holes in the wall that are much bigger than any child, and we've determined they can fit in there. I'm not sure what can be remedied for that other than knocking it down. That'd be about the only thing I can think of; that would be the best thing I can think of as far as I'm concerned.

Lou DeRose: Thank you.

Jaimee Frohlich: Do they have any proof? Are there any pictures?

Lou DeRose: I've asked you several times to not say anything. If it weren't for the fact that I think we're at the end, I'd ask you to leave. Now we're going to have some order here, so Wrenna do you want to respond? That would be appropriate.

Wrenna Watson: Well, I'm not aware of the factual circumstances, but Mrs. Frohlich is. I've been told that the three (3) bungalows in the rear of the rear that has been boarded up. That had not been boarded up previously, but it has been boarded up and completely secured. Mr. Frohlich has indicated in my ear as they were testifying that the doors have—that the front has been secured and it's locked up. It's boarded up and locked up. I've driven by there myself.

Lou DeRose: And you're suggesting these are new developments.

Wrenna Watson: Oh.

Lou DeRose: The boarding up.

Hal Frohlich: We followed whatever your guidelines were.

Lou DeRose: I understand.

Wrenna Watson: Yes, the three (3) bungalows were not boarded up previously. You could see three (3) garage—three (3) garage holes, at least that's what it looked like to me, that is all completely boarded up since the *Notice of Violation*.

Lou DeRose: Thank you very much.

Wrenna Watson: Thank you.

Lou DeRose: We are a public body; we are public servants, even though that's misused a lot today. We want to hear from the people in the neighborhood, and we appreciate them coming and acquainting us. We can sift out what might be relevant and what isn't; all of us have done all of it. We've done this for a long time, and we can make a decision I think on matters before us. To that end, the board can present notions now to decide the matter. In theory, you could take a little while too.

Barry Gaetano: Lou, so I understand, the really the only thing that we are deciding at this point in time is, are we allowing that structure or that property to be considered under the old zoning variance or allowance. Is that correct? That's what we're deciding. We're not deciding what they're going to build on the property; the question is, are we going to allow it to be allowed for seven (7) units. Is that the issue that we are making a decision on?

Barbara Ciampini: Mmhmm.

Lou DeRose: Yes, I wouldn't use the word variance, but this property apparently was a seven (7) unit apartment sometime many years ago. The overwhelming testimony, I feel certain the record would reveal that no one has lived there for 15 or more years. The question is, is anything that Ms. Watson has argued, or is anything that the neighbors have argued, impressed you enough that you can say that it should continue, it's not abandoned; it might be vacant but it's not abandoned, or on the other hand it's clearly both vacant and abandoned, and how do we handle that. The citation was that the Zoning Certificate of March the 4<sup>th</sup> of 2015 is valid according to Wrenna Watson and her clients, and the neighbors would say that no it was a mistake, and the City really didn't realize it had been vacant for a long, long time. So, within those parameters you have to decide is there a motion in order that would grant them the right to proceed, namely that the March 4, 2015 Zoning Certificate is valid, or that it is not and that the Zoning Officer was right in citing that.

Wrenna Watson: Am I permitted to say something?

Lou DeRose: Not is you're going to correct something I said.

Wrenna Watson: I'm not correcting you; I would never do that, Mr. DeRose. I know—I imagine, and you all know I've said this before, I chaired zoning for eight (8) years in the Pittsburgh, and here what we're asking you to consider are some legal considerations. I've provided case law, I've put together *Findings of Fact* and *Conclusions of Law*, and I would like it if you actually didn't do it today and actually went through and read that and gave careful consideration to it, and read through some of the cases and saw so that you can at least say, I know what decision I'm making even in spite of the case law this is still the decision—this is the decision I want to make. But, you may be persuaded by the case law, and so I would like you to take the time to give that careful consideration.

Lou DeRose: I was going to say I can't recall, because we haven't had this much fun in a long time, I can't recall how long before we must make a decision.

Wrenna Watson: 30 days.

Lou DeRose: Is it 30 from today?

Wrenna Watson: It is probably 30 from today. I believe that the applicant would have the ability—30 days. If you don't make a decision in 30 days, honestly I believe that it's approved.

Lou DeRose: Yes.

Wrenna Watson: My application would be approved.

Lou DeRose: Yes.

Wrenna Watson: On the other hand, I have the ability as the applicant to request that you—to give you a letter requesting that basically an extension and more time.

Lou DeRose: An extension.

Barbara Ciampini: Right.

Lou DeRose: Would you do that until our next meeting?

Wrenna Watson: How long—

Lou DeRose: Our next meeting would be in 30 or so days.

Wrenna Watson: How long to you need for consideration?

Lou DeRose: I can't answer that, because I don't know what everyone is thinking?

Wrenna Watson: Well, how about this? This is what we did in Pittsburgh, and not that Pittsburgh is the—

Lou DeRose: It's dangerous, dangerous ground, Wrenna.

Wrenna Watson: But, you have 30 days to make that decision. If in that week prior to that 30 day timeframe coming you said, Wrenna we haven't made our decision and so give us a letter, and we could do that. I would of course have to consult with my clients to make sure that they would be willing to do that, and if they said no, then you would just have to make your decision however you want to make it. Would that satisfy the board?

Lou DeRose: It would satisfy me, but of course we don't have a meeting scheduled. Our meeting would be October 31<sup>st</sup>.

Barbara Ciampini: No.

Lou DeRose: No?

Barbara Ciampini: No, the twenty—no, 16<sup>th</sup>. No, where am I? October 19<sup>th</sup>.

Lou DeRose: 19<sup>th</sup>; the third Wednesday of the month. I was looking at the wrong month too.

Wrenna Watson: Can I have a little discussion with them?

Lou DeRose: Oh, sure.

Wrenna Watson: So, I guess what I wasn't quite understanding and I'm getting used to being out here, but you all don't meet or have discussions or do anything in between one (1) meeting to another.

Lou DeRose: That's correct.

Wrenna Watson: So I've explained—listening to you and listening to Barb, I've explained that to my clients. They're willing to wait for the decision to the following meeting.

Lou DeRose: The October 19<sup>th</sup>?

Wrenna Watson: Yes.

Lou DeRose: You're welcome to come and visit us again.

Wrenna Watson: Thank you.

Lou DeRose: Now the board has the ultimate decision on that.

Wrenna Watson: Yes.

Lou DeRose: If they want to put forth the motion today or simply say we'll come back and decide this on October 19<sup>th</sup>, either way is permissible under the municipality's Planning Code so whatever you want to do, but a motion should happen here one (1) way or another.

Patsy Iapalucci: I make a motion that we decide today.

Lou DeRose: We need a motion as to what to do today.

Barry Gaetano: I'll make a motion to uphold Barb's findings based upon the Zoning Certificate being invalid due to being abandoned and uninhabited.

Lou DeRose: So there's a motion on the floor that needs a second.

Patsy Iapalucci: I'll second.

Lou DeRose: Motion and a second.

Charlotte Kuhns: Can we have a roll call?

**\*\*Roll call led to all present members to agree and say YES to the motion.\*\***

Charlotte Kuhns: Motion passes.

Lou DeRose: In the import of the motion that was passed, we don't have to see you again in October, but I'm sure we'll see you. Thank you.

Wrenna Watson: Thank you all.

Charlotte Kuhns: I just need to read something into the minutes.

Lou DeRose: Wait just a minute.

Wrenna Watson: Are we done?

Lou DeRose: No.

Charlotte Kuhns: I just need to read something. Within 30 days of the decision of this board, this decision may be appealed to the Court of Common Pleas of Westmoreland County. It is important that you understand that the persons requesting action may take the appeal of this decision to the board against him, but those opposed to his or her requests may also take an appeal within the 30 day period. If the action of the board resulted in an approval of the request, which it did not, no individual or work can proceed within that 30 day period. Any person requesting a copy of this decision, you can leave your name and address with the secretary. Thank you.

**\*\*Incomprehensible arguing between owners of Square One and witnesses.\*\***

Charlotte Kuhns: I'd like to make a motion to adjourn the meeting, can we do that?

Barry Gaetano: Yes, I make the motion to adjourn.

Charlotte Kuhns: Okay.

Patsy Iapalucci: Second.

**\*Meeting adjourned at 5:15pm.**