

BEFORE THE CITY OF GREENSBURG ZONING HEARING BOARD

In the matter of:
Square One Property

Appeal:
Decision of the Zoning Officer

Property Location:
334 Harrison Ave

Hearing Date:
July 20, 2016

PROCEDURAL BACKGROUND

The application dated June 27, 2016 by Square One Property 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
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. Jon Hillwig motioned to table the appeal until the August 17th meeting. Barry Gaetano seconded the motion. All were in favor.

DISCUSSION

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: If you would like to speak—We can call up the first person who would like to speak. Give your name and address please.

Wrenna Watson: I'm not sure how you proceed here, so—because I'm new out here in Greensburg, but good afternoon, good evening, my name is Wrenna Watson and I am the attorney for Square One. Is it our turn to make a presentation?

Lou DeRose: Yes.

Wrenna Watson: Okay, alright. May I do this in the form of calling people to testify?

Barbara Ciampini: Yes. In fact, Alycia, if you want to hand her that additional microphone over there, that would work.

Lou DeRose: Wrenna, if I might, what is the thrust of what you are about to present?

Wrenna Watson: Well, we were going to present that a few different matters kind of coming from a couple of different—hoping to present several different—a couple different issues. One that being that we feel that we can comply with the code with regard to parking. We have a building that we have that's been there for—

Lou DeRose: Okay, that's item one. You said that there are a couple of different things.

Wrenna Watson: Yes.

Lou DeRose: My interest, because the zoning officer issued this violation because the property had been abandoned for a number of years, and the threshold issue is the issue, do you agree? Has the property been vacant for a number of years?

Wrenna Watson: I don't know that. My clients bought the property from the owner who was not well, and did what they thought was their due diligence to acquire financing. They were required to get a zoning certificate indicating that the building could be used in the way that it was being marketed, because it was being marketed as a seven (7) unit building as it had been previously. They got their zoning certificate, and with that in hand, they went and were able to secure financing, and not only secured financing but also expended a considerable amount of funding towards rehabilitating the property. They were given—a code enforcement officer has been out prior to the issuance of the zoning certificate and gave them a whole list of violations that needed to be abated, and then went out subsequently after the certificate was issued and completed that code enforcement notice of abatement, and with that they hired a contractor and put money into it. They have expended a considerable amount of funding.

Lou DeRose: Those are issues that come before, or after, the threshold issue, because the violation, unless there's some kind of disagreement from the zoning officer. My understanding is that the violation was issued because the zoning officer had learned that the property had been abandoned for a large number of years. I don't want to quote how many, I don't know. I'd like to hear how many years it has been vacant.

Wrenna Watson: And I think a large part of our position—are the solicitor? Counsel?--

Lou DeRose: Yes.

Wrenna Watson: --Mr. DeRose is that we feel that the certificate was issued in, I believe in March of 2015; March or April, I have it on paper. The code enforcement officer had been out in February of 2015 and then back out in June of 2015, and the violation, or the notice to revoke the certificate was issued in June, so a whole—more than one year after the certificate had been issued.

Lou DeRose: Is your argument though the fact that there was a code letter issued and a year or so went by, does that change the fact that the zoning officer learned, at the time of the violation notice, that the property had been unused in its entirety for a number of years. Are you arguing something like that?

Wrenna Watson: Well sir, I believe that with an enforcement officer having gone out to inspect the property two times, once before the certificate and once after the certificate, I feel that the City had notice on its own that nobody was in there. I definitely don't know how long someone wasn't in there.

Lou DeRose: Right. Are you able to stipulate that the property was or was not abandoned for at least the past three plus years?

Wrenna Watson: Can I speak with my clients?

Lou DeRose: Yes, sure.

****Ms. Watson took a minute to converse with her clients.****

Wrenna Watson: And, they don't know that.

Lou DeRose: The current owners don't know—

Wrenna Watson: Correct.

Lou DeRose: And the property, as their tenure as owners, has been vacant?

Wrenna Watson: Correct.

Lou DeRose: And you bought it when again? I'm sorry.

Wrenna Watson: Uh, I think April of last year? April of 2015.

Lou DeRose: April of 2015.

Wrenna Watson: Correct. And a part of our argument in regards to the abandonment would be, that no abandonment occurred, even if it was vacant, that the building structure never changed, the number of units never changed, nothing about the building ever changed. In fact, it probably was listed as an eight (8) unit building, but they're only going to do seven (7) and that's all they're interested in. Let me just finish for a second--

Lou DeRose: Go ahead.

Wrenna Watson: --And that it was marketed, it was always marketed, there was no change in the structure of the building, and it was always marketed as a seven (7) if not eight (8) unit building. And by marketing and no change in structure, that it did not lose the non-conforming status.

Lou DeRose: So you are not in a position to stipulate one way or the other in regard to whether it was occupied for three (3) plus years?

Wrenna Watson: Correct. That is correct.

Lou DeRose: Do you have any evidence one way or the other that you can call at this hearing?

Wrenna Watson: I do not.

Lou DeRose: Okay.

Wrenna Watson: And, I'm not certain that it would be our burden to prove that it was not occupied. I believe that the City maintains the burden itself in issuing a certificate, and that they should determine if a building is not occupied and whether that non-conforming status had been abandoned.

Lou DeRose: Alright, your testimony today goes to what you want to do with the property more than whether or not you have a legal right to do that to the property. We've got to dispose of that.

Wrenna Watson: Uh, we were going to do both, because we'd love for it to continue as a non-conforming status.

Lou DeRose: I understand.

Wrenna Watson: I don't want wave that right on appeal to that being one of our arguments, but we also wanted to come forth and say grant us a non-conforming status, so that we are looking at it from the two different perspectives.

Lou DeRose: Let me ask the zoning officer if she can put on the record what indications she had that the property was vacant, and for what period of time.

Wrenna Watson: Certainly.

Barbara Ciampini: Sure. We received a complaint on March; excuse me, May 26th from a property owner in regards to the extent of construction that was going on, and at that time—

Wrenna Watson: Excuse me, I don't want to interrupt, but you didn't say the property owner, you said a property owner in the neighborhood.

Barbara Ciampini: A neighbor called to complain in regards to the construction without a permit, and they informed me of the fact that the—they informed the City that the property has been vacant for approximately 15 years.

Lou DeRose: Did the City, in anyway, try to make an independent determination about that assertion, that it had been vacant for 15 years?

Barbara Ciampini: Other than—I asked Ms. Watson if she could provide utility information, and any other information that she could possibly secure such as leases—

Lou DeRose: To refute that?

Barbara Ciampini: Yes, but I have not received anything.

Lou DeRose: And if I can go back to you again, Ms. Watson, do you have anything today that would refute that by way of the leases—

Wrenna Watson: Uh sir I do not, because the current owners do not have any of that type of evidence in their possession.

Lou DeRose: Well, it does seem to me though that it is your burden to show that the zoning officer was incorrect in what she cited you for, and if the issue is the zoning officer saying that it had been vacant for 15 years and you have nothing to refute that, isn't that the end of our inquiry in regard to whether the violation needs to stand. Isn't the ball game over at that point? It is your burden—

Wrenna Watson: Well counselor, you don't want me or expect me to agree with that do you? I would love to decide the case, and I wouldn't decide that way. But you're asking me at this point to make a decision against myself and my clients, and I can't do that.

Lou DeRose: What law can you give me that would indicate that that premise, the premise that the City found through a neighbor, that it had been vacant for 15 years or so and issued a violation indicating that you had lost your non-conforming status under the law, because you don't need 15 years as you know.

Wrenna Watson: By your code it's three (3) years.

Lou DeRose: Right, three (3) years.

Wrenna Watson: Pittsburgh code is less.

Lou DeRose: Do you have any law that would indicate that that premise needs more evidence, or that your argument that you had had a code letter issued so the City had notice of it?

Wrenna Watson: Um the argument that I would make, the legal argument that I would make sir, would be a vested property rights argument. Under 'In Re: Broad Mountain Development Company LLC, 17 A.3d 434 PA Commonwealth Court 2011', which gave a five (5) factor test in determining if vested rights—if you have a vested rights circumstance. Those five (5) factors being due diligence—well let me go back a little bit—the five (5) factors must be weighed in determining whether one has acquired a vested right as a result of a permit improperly issued by a government entity. Those being one (1) due diligence and attempting to comply with the law that my clients have—they did their due diligence, they went and got a zoning certificate. I don't know what more they could do on their own, or know to do. Two (2) that they acted in good faith

throughout the proceedings, three (3) that they have expended substantial, unrecoverable funds, and four (4) that the expiration without appeal of the period during which an appeal could have been taken from the issuance of a permit, and five (5) the insufficiency of evidence to prove that individual property rights or public health safety or welfare would be adversely affected by the use of the permit. And, we would offer information or evidence regarding each of those five (5) factors.

Lou DeRose: And of course no one is trying to take away your ownership or the property, or your vested right in the property. It's just a question of whether it's a non-conforming use, or whether now having been abandoned for three (3) plus, up to 15 years, that you can use it for something else.

Wrenna Watson: Well they certainly would not have purchased it had it not been—had the non-conforming—if they had known that it was an abandoned use or that it was not a non-conforming use or that it was not seven (7) units they would not have purchased it, and their entire financing package is rest on this being seven (7) units. I mean if you would say convert it to two (2) units, which I believe it is an R-2—

Lou DeRose: It's an R-2.

Wrenna Watson: --an R-2 zoning district. They will lose tons of money. I mean they won't be able to pay the mortgage. They have intentions of putting over \$185,000 close to \$200,000 into the property, and make it one of the nicest if not the nicest building on the block and on the street. They had felt—they are putting in three (3)—on the building on the site, they will be putting three (3) garages, which was not there before, and we made some decisions, at my twisting of the arm because they don't really want to incur any more expenses, but I said find some off-site parking, some alternative parking. My people said, 'Hey there's a lot down the street', and our meeting yesterday with Ms. Ciampini we found out that the City does own that lot, and she made a call at my request and found out that there were no spaces in the lot but they also control the spaces around the perimeter, and that there were nine spaces around the perimeter. I said, 'Would you hold seven (7) of those spaces?' Well, a non-conforming use, if it were considered non-conforming in a grandfathered sense, it may not have to comply with a parking requirement, but I did ask her what is the parking requirement in the district. We sat down and calculated based on what type of units are in the building and what the zoning district is that it would require 1.5 parking spaces per unit, which came out to be 10 and a half spaces. I believe that she and I agreed that if we supplied ten (10) spaces that that would be satisfactory. And so I asked her to reserve seven (7) of the nine (9) spaces that were available at the lot down the street, the City lot, so that we could be a good neighbor and try to come into compliance. It's not an easy decision for my clients. It's easy for me to say this is the best way to do it. But when you talk about—they're already losing money. Their work is shut down, and you all know that when you stop work you lose

money, and they've invested a considerable amount. They're not trying to do anything harmful; they're trying to make it a better place. Not only will the places be very nice, they are taking out everything on the inside and completely putting in everything new. You know, tore out the carpets, put in new appliances; it'll be new everything. They don't have a desire to rent to students. I know I had heard there was a complaint and a concern that there would be students in there. They have no desire. They'd be willing to put that as a condition that they wouldn't rent to students.

Lou DeRose: Again let me—my opinion, my legal opinion is that if you stand by your statement that you have no evidence to offer in regard to whether or not the property has been used in the past three (3) plus years, then I'd like to uphold the rest of your discussion until we see if there's any evidence on behalf of someone who might be sympathetic or not about the occupancy. That's my idea, and if the board is okay with that, then I would ask for you to take a moment and step back, and if there's anyone here who can testify on that issue to come forward.

Wrenna Watson: Okay.

Lou DeRose: Whether or not it's been occupied for three (3) plus to 15 years.

Wrenna Watson: Okay, and I certainly appreciate—I'm a former chairman of the Pittsburgh Zoning Board and chairman of the City Planning Commission for eight (8) years, and I appreciate the desire to get agreements and stipulations because it keeps you from listening to what I know may be unnecessary testimony, and I apologize that we—I don't feel as counsel to my clients that I can make that sort of stipulation, and they really don't know.

Lou DeRose: Thank you.

Wrenna Watson: Thank you.

Lou DeRose: So, madam chair, if it's appropriate, is there anyone here that can give evidence on that subject? I see a hand raised.

Charlotte Kuhns: Step forward and state your name please.

Jeffrey Heater: Good afternoon ladies and gentlemen. My name is Jeff Heater. I live at 330 Harrison Avenue.

Lou DeRose: Jeff, where is that in relation to this property?

Jeffrey Heater: If you're looking at the picture it's to the right. You can actually see my back bathroom over there.

Lou DeRose: It's to the left.

Jeffrey Heater: To the left. That's right to the left. Sorry.

Lou DeRose: That's alright.

Jeffrey Heater: Okay, I moved in there it would have been 2002, 2001. The reason I know that is because my son was born in 2003 and we just moved into that house, and that house has been abandoned ever since. There has not been a soul in there. The previous owner, all he would do is come in and do whatever the City would send him letters to do; if the roof was leaking he would patch it, if the hedges needed trimmed he would trim them, if the grass needed cut he would cut it. That's all he did to that building.

Lou DeRose: And that's been at least since 2002, 2003?

Jeffrey Heater: I'll say 2003, I know that for a fact, because that's when my son was born.

Lou DeRose: And that would be a period of—

Jeffrey Heater: 14 years.

Lou DeRose: Alright. No one living there? No cars?

Jeffrey Heater: No, no body has lived there in years. The place is in bad shape.

Lou DeRose: No lights on at night?

Jeffrey Heater: No, there are no electric meters on the building at all.

Lou DeRose: Alright Jeff, is there anything else that you would like to add?

Jeffrey Heater: I understand what they are trying to do. They want to fix it up; they want to make money. Okay, and they are saying about the parking issue and that's one of my biggest concerns. I even talked to, I don't know his name, but they were one day and I went over and talked to them, and there was another gentleman there too who is part owner, and I asked them about the parking issue. And I asked them about what kind of residents they were going to have in there, and they said disabled veterans and try to help people who needed knees and stuff. Well okay, that's fine. I said to the other gentleman, well you know you're within 500 feet of another student house so you can't have college students in here. Right away he turned to me and said, 'I can have grad students in here.' Well that's fine if you put grad students in here. Every place that's around me-- there's a grad student behind me, there's four guys living there. There's one down the street from me, there's four guys living there. So that's four cars, that's four cars, and when their girlfriends come over that's four more cars. One of the

biggest things is—I know they're saying that they'll rent spaces here and they'll rent spaces there. You can rent all the spaces you want, but you guys all know as well as I do they won't want to walk when they live right down the street.

Lou DeRose: Alright, before you leave, Ms. Watson do you have any questions for this witness.

Wrenna Watson: I do not.

Lou DeRose: No questions? Okay, thank you. Anyone else want to give evidence on the use or lack thereof of this property?

Marco Tibita: My name is Marco Tibita and I live at 320 Harrison.

Barbara Ciampini: Can you spell your last name please?

Marco Tibita: T-I-B-I-T-A.

Lou DeRose: And you're at 320?

Marco Tibita: Correct.

Lou DeRose: That'd be that way? Left?

Marco Tibita: Like three (3) houses to the left on the same side. The problem is parking in the area, because there's never any parking.

Lou DeRose: How long have you lived at 320?

Marco Tibita: About eight (8) years.

Lou DeRose: And during the eight (8) years, did you become familiar with 334 Harrison as to whether anybody lived there?

Marco Tibita: No. No one ever lived there.

Lou DeRose: No one lived there? How do you know that?

Marco Tibita: We walk our dog by there all the time.

Lou DeRose: No lights?

Marco Tibita: Nothing. There aren't any electric meters like the gentleman said.

Lou DeRose: No meters on the home?

Marco Tibita: Yeah. And that's pretty much what I want to say, is about the parking. There's never any parking. Parking is like the biggest thing in the area. You know how it is in Greensburg.

Lou DeRose: And before you leave Marco, Ms. Watson any questions?

Wrenna Watson: No.

Marco Tibita: Okay, thank you.

Lou DeRose: Anyone else? If you have information we'd love to hear from you.

Carrie Hamley: I've prepared a statement, but it's not directed at how long the property has been vacant.

Lou DeRose: Hold that please, because that's the issue that isn't figured out yet. Anyone else? Okay. So what we have here again is no testimony on the part of the appellate, and testimony from the public and from the zoning officer that the property has been abandoned for three (3) plus, 13, 15 years, 8 years. That makes it an abandonment of a non-conforming use, and it would seem to me that the board must uphold the ruling of the zoning officer in issuing the violation to the property owner, Square One Property. Now as always the board can do what it wants, but it would seem to me that legally it's pretty clear. It also might be appropriate before the board does anything and before Ms. Watson continues with anything that she wants to say to take a very short recess for legal reason, and counsel could confer with what options are available. Of course you would have to be willing to do that. Do you have any thoughts on how to proceed?

Charlotte Kuhns: I would like to take a break, that way we could talk about it.

Lou DeRose: Okay, let's just declare—well you have to do it, I can't.

Charlotte Kuhns: We are going to take a light recess.

Lou DeRose: For legal reasons.

Charlotte Kuhns: For legal reasons.

Lou DeRose: The main reason is to talk about legal issues so that the Sunshine Law has nothing to do with what we're doing, right?

Barbara Ciampini: Right.

Lou DeRose: We're going to go outside.

Wrenna Watson: You're going outside.

Lou DeRose: No, you are too.

****Board members took a brief recess to discuss legal issues on the matter****

Charlotte Kuhns: I'd like to reconvene the meeting.

Wrenna Watson: Thank you. Wrenna Watson again, on behalf of Square One LLC, and we've had some preliminary discussions meaning that we were not able to come to a firm decision, but we would like the opportunity to investigate and work with the opportunities and options that we discussed in our meeting. We would like to take advantage of that, but we would like the time to get that worked out both in terms of our plans, and also if you—Let me say this, because if I don't say it now I'll forget it. One thing I would like to do is address the neighbors, but also in terms of trying to work this out and make it amendable to everybody and workable for my clients, we are under the gun with financing right now. Our financing is in place, but they are wondering why the work isn't being done; why are you not drawing down on the financing that you have gotten? And there are things that need to be done to the building and the lot that no matter what it's going to be these are things that are going to need done, such as there's a dumpster sitting outside. There's a lot of debris that still needs to be cleaned out. They would like the opportunity to continue to do that while we're doing our continuance and waiting to come back and trying to come to an agreement. Windows, siding, those are things that will never, no matter what it is the siding will need replaced, windows need to be replaced, those sorts of things. So they would like the opportunity to, and in doing that type of work, would allow the financiers to go, oh okay we see you're doing your job you're moving forward.

Barbara Ciampini: You're drawing down.

Wrenna Watson: Yes. Those are the two things. The other thing that I would like to do would be to do just a little brief discussion with neighbors preliminarily. Maybe we could even meet at some point, if that's something that chairwoman that you would permit.

Charlotte Kuhns: Yes.

Barbara Ciampini: And in answer to Wrenna's question regards to permits, if the windows are all the same size as the windows that are there then don't need a permit to replace windows. If they are changing the size of the windows then there is a permit required.

Wrenna Watson: Okay.

Barbara Ciampini: If it's interior demolition, which I'd imagine that's what you're talking about, the removal of whatever is left in the house, we can issue an interior demolition permit. And siding, you don't need a permit to side a house.

Wrenna Watson: Okay. And those are things that were mentioned to me and I'm not a contractor so I don't know what needs to be done there, but if there were other things they could just come to you and figure out what—

Barbara Ciampini: Yes, like working on decks or any additions or any structural issues.

Wrenna Watson: Okay.

Lou DeRose: Wrenna, one of the board members raised an issue about some little pests that are running around the house.

Wrenna Watson: That's one of the issues that Mr. Iglesias had mentioned. He said that we need to get in there and do whatever.

Lou DeRose: Yes, I don't think they're pets.

****Laughter among the board members and Ms. Watson****

Barry Gaetano: So I guess my question would be, and I was over in the neighborhood talking to some people, and one of things that I had heard was once this construction started to happen to deconstruct the building and take the interior out, that caused some problems with some rats and things getting into some people's homes that never happened before. So I guess my question if they're going to be allowed to do deconstruction, we would request that extermination would happen before that would occur so that way it wouldn't continue to bother the neighbors at this point in time.

Wrenna Watson: This is Mario Iglesias. He is one of the partners with Square One.

Barbara Ciampini: Could you spell your last name?

Mario Iglesias: Yes, I-G-L-E-S-I-A-S.

Barbara Ciampini: Thank you.

Mario Iglesias: First and foremost, when we purchased this property it was offered to our realtor, Keller Williams is the company that we use to buy properties, and they were told about somebody who would like to sell this property in Greensburg. He was very sick and they convinced us that we should take this property, and we envisioned putting in this property normal families not to do something like either a student house or our neighbor mentioned veterans because we provide to the different veteran administration places one or two units—no? Not disabled veterans in the sense of mobility, but people who are always on the case management, and we have a motto for our renters that is to

have a clean, safe and secure house. Very simple. We don't change the structures, we don't change nothing. Our properties are maintained under a property management company, who provides regular exterminations. We want to—we have a contractor who has experience in this type of construction. Whatever has to be done we have a bank, in this case Community Bank that has financed other properties; they do inspections. They are not going to grant us the money if we don't do something that we allow to repay the loan. To make sure we are going to do the extent of our work—capabilities, everything that is necessary, and we expect to have more properties in the area. So this is the leading case for us, so we would do our best.

Wrenna Watson: And Mr. Iglesias if I may, the question posed by Mr. Gaetano is that prior to—because you asked if you could start doing some of the work, and Barb's indicating that there are certain things that you could do and those are things that you asked if you do. And Mr. Gaetano has been informed that there is a rodent problem; I think you mentioned that to me out in the hallway. So you're willing to make sure that you get an exterminator in there so that that's not going to make—

Mario Iglesias: Correct. And as part of the contractor issue, maybe our general contractor could be called to the witness stand.

Wrenna Watson: Yes.

Mario Iglesias: Yes, the answer is yes.

Wrenna Watson: Thank you.

Mario Iglesias: Thank you.

Barry Gaetano: The other question I had, Barb, is there anything that happens with us—we know those are very old houses—if there's asbestos issues.

Barbara Ciampini: That would be part of the contractor's responsibility with the demolition and remediation.

Barry Gaetano: Okay.

Barbara Ciampini: Yeah, the City doesn't get directly involved in that.

Barry Gaetano: Okay, so I'm not sure who the contractor is—

Barbara Ciampini: It's Mario right here.

Barry Gaetano: So that person would be trained to know to make sure if there is or isn't asbestos in there--

Barbara Ciampini: He'd have to remove it properly.

Barry Gaetano: Have to remove it properly, okay.

Lou DeRose: The way that it is left then, Ms. Watson, is that we would not rule today on the matter before us, but rather continue this hearing until next month's hearing—

Wrenna Watson: Okay.

Lou DeRose: --whatever the date scheduled is. And at that time perhaps you could submit to us, before that hearing, you could submit to us a modified proposal that we might be able to work something out on.

Wrenna Watson: Correct.

Lou DeRose: I think that's a fine way to do it if the chairman is okay with continuing the matter—

Wrenna Watson: And could I address the residents very briefly?

Lou DeRose: Yes, absolutely.

Wrenna Watson: And uh--hi, how are you all?

Members of the audience: Good.

Wrenna Watson: Good good good. You know we want to come in and be good neighbors. And you have a property here that's been really blighted. I mean it's worse than dilapidated, it's bad. I know I would not want to live with that next to me or in my neighborhood. You have people that want to come in and put almost \$200,000 in and make it a nice place.

Lisa Tabita: I understand that's a lot of money, like it's a lot of money, \$200,000—

Wrenna Watson: Well you know what?

Lisa Tabita: --But not to put into one place. My house was—because it was a like first time homebuyer thing—

Wrenna Watson: Yes, of course.

Lisa Tabita: I got help through the government.

Wrenna Watson: I did the first time homebuyer myself.

Lisa Tabita: So they did \$45,000 to put into my house, it's a two (2) bedroom house. Like that's nothing.

Wrenna Watson: Oh you're saying that amount of money is nothing to rehab that place?

Lisa Tabita: Like my house is four doors down from that and \$200,000 to fix that, that's nothing. That place is like a hole.

Wrenna Watson: Well we're trying to make it so it won't be a hole.

Lisa Tabita: Like it should probably be torn down, honestly. \$200,000 I can't even imagine what that would do, or how the work would be that they're doing. And that's my two (2) cents. I'm Lisa Tabita—Lisa Tabita, 320 Harrison Avenue.

Wrenna Watson: Well—

Lou DeRose: Ms. Watson, you wanted to get a sense from them about parking, and the fact that you might come back with a revised thought on having some property and leasing some spaces and also whether or not the neighbors felt that an investment in the property was good for the whole neighborhood.

Wrenna Watson: Yeah, and you just said exactly what I was trying to get across. I wasn't trying to create an argumentative situation. We want to come in and try and be good neighbors, and we'd like to work with you. If you don't mind, what I'd like to do—If you don't mind giving me your names and phone numbers, we are going to develop a plan, we'd like to share that with you and let you see what it is before we come back next time, and see if there is some way that you know we can make you feel comfortable, and still make them be able to do some sort of plan. We'd like to try that if you are willing. I call it the good neighbor process, that's what I've always called it.

Lou DeRose: And once we adjourn, you can talk with them or get their names and phone numbers, because what we need to do now is to vote on a motion to continue this matter until next month's, August's, meeting, unless there's something that we've forgotten.

Wrenna Watson: Okay. No, no, we're good.

Lou DeRose: Okay, good. Madam chairperson?

Charlotte Kuhns: Would someone like to make a motion to continue?

Jon Hillwig: I'll make the motion to continue.

Charlotte Kuhns: Can I have a second?

Barry Gaetano: I'll second it.

Charlotte Kuhns: All in favor?

Everyone: Aye.

Charlotte Kuhns: Motion passes.

Barry Gaetano: One thing Barb when we spoke, I would like to request between now and next month's meeting that the homeowner shows proof to you that they're hired an extermination company to resolve any or all problems that they may be having with the property.

Barbara Ciampini: I'll take care of that.

Barry Gaetano: Thank you.

Mark Tabita: How about asbestos?

Barbara Ciampini: Well we talked about that. That's the responsibility—that's his responsibility.

Mark Tabita: He's the contractor to remove it.

Barbara Ciampini: Exactly. You're supposed to be able to remediate it according to law.

Lou DeRose: Is that a question?

Carrie Hamley: Well I prepared a statement, and I would like to share my statement because I live in the house right next door. And so this a particularly personal journey for me and my family. I'd like to share my perspective, and if we have to continue until next month that's great, but I don't know if I will be home and I would really like to share my experiences if that would be okay?

Barbara Ciampini: Yeah, we haven't adjourned, we haven't adjourned.

Charlotte Kuhns: State your name and address please.

Carrie Hamley: My name is Carrie Hamley, and I live at 338 Harrison Avenue. That's my roof right there nearly touching this property.

Barbara Ciampini: Can you spell your last name, Carrie?

Carrie Hamley: H-A-M-L-E-Y.

Barbara Ciampini: Thank you.

Carrie Hamley: Can everyone hear me okay? Great. When we purchased our home in November of 2012, we had noticed that the property next to us had fallen into grave disrepair. Every time a storm would blow through, we would find shingles, asbestos tile, boards with rusty nails sticking out, and even gutters littering our yard. We were told by our neighbors that the owner was on his deathbed, so we accepted the fact that we were going to have to deal with the damage to our property, which also included vermin, the vines growing up the side of the house and the carpenter bees that not only devoured the dilapidated house, but began to take up residency in our own back porch. For years we mowed the front lawn, and shoveled and salted the walkway, because many in our neighborhood do not own cars and they needed a safe and clear sidewalk as they made their way to church, the foodbank or wherever they were going. Imagine our surprise when we learned that the property had been sold a few years back and the new owner never bothered to do anything about the crumbling home, nor did he make any effort to mow the lawn or maintain the sidewalks in front of his property. When we finally met his son one day last summer, he shared his dad's plan to renovate the property and reach out to college students. We advised him that he should first talk to the City, because there are zoning laws and ordinances in place, and he would do well to do his homework before investing in such extensive repairs and renovations. Contractor after contractor came through last summer laughing at the meager ten—hundred thousand dollar budget they said that owner had set to renovate all seven (7) apartments. At one point, the owner had called offering to sell to us claiming that it had been listed for \$60,000, and that if he were to sell he would need a greater return on his investment. When we secured a copy of the deed from the courthouse, he had only paid \$29,000. We weren't about to pay him twice as much as he has paid just to demolish the two structures that sit on the abandoned property, which we feel would be in the best interest of everyone involved. That's why when a huge dumpster arrived and work began, we were surprised. I feared that the contractor he was using might not be licensed or bonded. Personally having friends who's two (2) homes were burnt to the ground by careless contractors, this concerned me. I went over and asked a few basic questions of the workers such as, 'Who is the contractor doing these renovations?', 'Is he bonded and licensed?', 'What is the scope of these renovations?', and no one could or at least would answer any of these questions. They couldn't even tell me the name of the man who signed their paychecks. That sent up a red flag, and I reached out to the City Planner's office for the first time. I spoke with Alycia. She checked and double checked the records for the permits, and unsurprisingly there were none. It's my understanding that the City sent someone and asked them to stop working until the appropriate paperwork has been filed, which they did not. During that time, approximately three (3) weeks if memory serves, they filled four (4) large dumpsters, jackhammered cement stairs, built a porch, and tore a large hole into the side of the rear building. Then they

proceeded to dump the asbestos tile right into the dumpster, which I know is not legal. Concerned I called again, and again I spoke to Alycia, who seemed rather surprised to learn that work continued after they had been asked to stop. Still no permits had been applied for. The proceeding Monday work did cease, but a large front window had been busted out and the doors to both the front and rear buildings had been left unlocked and wide open. Three (3) weeks later this was still the case. We grew increasingly concerned that an arsonist would seize the opportunity and open invitation, and our home would go up in flames. Again, our roofs nearly touch. I called the office again, and that evening someone, I'm not sure if it was the City, the contractor or the owner, came and locked the front door and boarded up the window. The rear property is still unsecured. The lot we're discussing today is not much bigger than the one that our single family home sits upon. Our properties are so close in proximity, that the broken gutter on the left side of the front building sends water cascading all over our own porch roof. There is less than five (5) feet between the sides of our houses and the front property, and their front building sits directly on our property line leaving them no choice than to trespass onto our property to set up ladders and scaffolding, and all of the debris and asbestos tile will land in our yard and not theirs. Adding seven (7) units with a potential of housing an individual, couple or family to each, will create insurmountable problems with noise and parking, driving down our property value and making our home unsafe and an unfit place to raise our three (3) young children. The porch they have mostly constructed in the back is built so high that anyone standing on it can see right over our fence and stare into our back yard, which makes us very uncomfortable because it has the potential to opening the doors to peeping toms, pedophiles in the like, giving them direct view of our three (3) young children playing in the yard. And since the porch was added without due process or permits, we request that it be removed. Parking will become and even bigger issue as there are hardly enough spaces to go around as it is, so adding another seven (7) to 14 cars to the mix is simply not feasible. And telling them that they have to walk a block and a half, we know that's not going to happen either. Even if the owner manages to renovate the building into something aesthetically pleasing, there are no guarantees that it will be safe for future inhabitants. Judging by the owner's lack of concern for the law or doing things the right way, I have absolutely no confidence that in his pursuit to make a quick buck he will see that safety is given a priority as renovations continue. When we purchased our home nearly four (4) years ago, we did so with the intention of staying put and raising our family. In fact, one of the reasons that we decided to shop specifically on Harrison Avenue, is that we had friends who also lived on the street, and they expressed their dismay at the lack of homeowners. They said what the street needed was homeowners that would take pride in their homes, and look for ways to improve the neighborhood that had been overtaken by slumlords. After careful consideration, that's exactly what we did. Now our home and our children's safety is being threatened by a man who has absolutely no stake in what happened to our community. As long as the rent checks keep coming in he will be happy, but we will be miserable. All of this aside, it's my firm belief that rewarding a man who so blatantly violated City laws and ordinances would be a

huge slap in the face to those of us working so hard to play by the rules and improve the state of our neighborhood. His request should be denied, if nothing more than on the grounds, that he knowingly tried to usurp the system and outsmart the City. He is proving to be a slumlord who cares nothing for those of us who have invested so much into our community to make it a fun and safe place for our children to live and play. Granting his request would be a huge mistake forcing the few decent land owners still left on our block out of their homes, opening the flood gates to more low income renters, slumlords, drugs, domestic violence, and all that that brings. Please deny his request, and if feasible, recommend that the City of Greensburg purchase the lot, clear it, and sell it for a single dwelling home to be built on, turn it into a community playground, a community garden, or anything else that would add value to our neighborhood. Let's restore Harrison Avenue to the glory it once enjoyed, and let's take back our community from those who would try to make a quick buck at the expense of the good people on our street. Thank you.

Barbara Ciampini: Thank you.

Carrie Hamley: And I just wanted to speak—they were saying of this financial investment, they have invested so much money, yes, and they did so without doing their homework first, I can't feel sorry for them doing close to a month's renovations with proper permits or without even researching if the home was even able to be renovated to those seven (7) apartments. They only paid \$29,000 for this property, and for them to walk away really isn't that big of a deal. They are making it sound like, oh they have this huge investment, but if that's the case it's because they didn't do things properly, and that's the just reward. Thank you.

Barbara Ciampini: Thank you.

Lou DeRose: Thank you. I think a motion to adjourn is in order.

Charlotte Kuhns: Alright, I'll take a motion to adjourn.

Jon Hillwig: I'll make the motion.

Patsy Iapalucci: I'll second.

Charlotte Kuhns: Alright. All in favor?

Everyone: Aye

Charlotte Kuhns: I have a little notice to read to you all and then the meeting can be adjourned.

Barbara Ciampini: We didn't a decision.

Charlotte Kuhns: Oh no, that's right. Sorry.

Lou DeRose: When is the next scheduled meeting?

Barbara Ciampini: August 17th at 4 o'clock. You will all get a notice.

Meeting adjourned at 5:21 PM