



Zoning Hearing Board

Wednesday, August 15, 2018 4:00PM

City Council Chambers



BEFORE THE CITY OF GREENSBURG ZONING HEARING BOARD

In the matter of:
Tay Waltenbaugh
and
Derrick Johnson

Appeal:
Special Exception

Property Location:
119 Westmoreland Avenue

Hearing Date:
August 15, 2018

PROCEDURAL BACKGROUND

Tay Waltenbaugh, of Westmoreland Human Services, Inc., and Derrick Johnson, of New Creation Family Worship Center, are requesting a **SPECIAL EXCEPTION** as per §265-129 of the City Code to change from one nonconforming use, i.e, a school/offices granted to the property on September 22, 1995 to another nonconforming use, i.e, a church (the original use of the structure) for the property located at 119 Westmoreland Avenue, Greensburg, PA. Prior Special Exception granted for use as a church on October 19, 2016. Subject property is zoned **R-1 Single Family District**.

Members of the board present: Charlotte Kuhns-Chair
Patsy Iapalucci-Vice Chair
Barry Gaetano
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.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

DISCUSSION

Charlotte Kuhns: The first hearing today involves Tay Waltenbaugh, of the Westmoreland Human Services, Inc., and Derrick Johnson, of New Creation Family Worship Center. The individuals are requesting a Special Exception. I'll read the notice to you. Tay Waltenbaugh, of Westmoreland Human Services, Inc., and Derrick Johnson, of New Creation Family Worship Center, are requesting a *SPECIAL EXCEPTION* as per §265-129 of the City Code to change from one nonconforming use, i.e, a school/offices granted to the property on September 22, 1995 to another nonconforming use, i.e, a church (the original use of the structure) for the property located at 119 Westmoreland Avenue, Greensburg, PA. Prior Special Exception granted for use as a church on October 19, 2016. Subject property is zoned R-1 Single Family District. If you're going to speak and come to the podium, state your name and your address.

Richard Schimizzi: Thank you, Chairman Kuhns. My name is Richard Schimizzi and I'm an attorney. I'm here today representing the applicant, New Creation, and Derrick Johnson who is the Bishop of New Creation. I've provided the board with a packet of information and I'll very briefly review it. As you know, this is the property that is located at 119 Westmoreland Avenue here in Greensburg that consists of lots 121, 122 and 123 in the east end plan of Underwood; that plan is a very old plan recorded in plan book volume four (4), pages 76 and 77. The first part of the packet is simply just the tax information with two (2) sheets that comes from the County's website, the third page comes from the County's aerial photography kind of showing black and white the location of the building that is located there, and the next page is the tax map itself again showing the parcel number and the location of it. The very next page is the actual plan, the very old plan, the Underwood plan and it's specifically designated as the east plan from the plan book volume four (4); that's a two (2) page document. Following that are the deeds. The first deed is from 1949 and it goes from the Westmoreland Realty Company to the Gospel Tabernacle of the Christian and Missionary Alliance of Greensburg. The next deed after that is the deed from March 1, 1960 and that went from the Gospel Tabernacle of the Christian and Missionary Alliance of Greensburg to the Western Pennsylvania District of the Christian and Missionary Alliance. The next deed after that is also from March 1960 and that's the deed that goes back from the Christian and Missionary Alliance to the Gospel Tabernacle, and the purpose of that was that they put certain reversionary clauses in the deed, because the Western Pennsylvania District was kind of the lead church and they wanted the Gospel Tabernacle to agree to certain reversionary purposes if they quit using it as a church or did not follow the church. The final deed is from 1995 and that was both the Western Pennsylvania District and the Gospel Tabernacle to Westmoreland Human Services, and that's the current owner of the property. We're here today requesting a Special Exception. After the deeds are there you'll see we included your Zoning chapter 265-12, which are permitted uses in an R-1 district. This property is located in an R-1 district and I believe it is paragraph "F" that refers to Special Exceptions permitted by the board, so that's what we believe is the applicable section that's

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

involved here for the board to consider. The next couple of documents are simply the articles of incorporation for New Creation; technically that's their name, New Creation. I believe there will be a change in the name of the entity if everything goes through and that will be taken care of either before or after the conveyance takes place. So, there's the original articles and then there was articles of amendment that was filed where they just attached to that is the amendment that just sort of sets forth basically the non-profit requirements that we see in most non-profits now. Finally, there is just a summary of about two (2) pages describing what New Creation is about and what they do, so as indicated this is a request for a change of a non-conforming use within a non-conforming structure and as indicated before there was a prior approval of this for Calvary Chapel that was about two (2) years ago. Frankly, I don't reinvent the wheel so what you hear today will be very similar to what you heard a couple of years ago, so—I'm sorry, Mr. DeRose, go ahead.

Lou DeRose: Question for you. Apparently nothing happens on the land until 1949?

Richard Schimizzi: Yes, we're not sure when the building was actually built, okay. The developer was, as far as I can tell, Westmoreland Realty Company. That's who filed the plan, and then these three (3) lots were originally conveyed out to the Gospel Tabernacle of the Christian-

Lou DeRose: So, the first use that we know of was a church and it stayed a church until some point in point.

Richard Schimizzi: Yes, it stayed a church until 19—when—1995 when Westmoreland Human Opportunities purchased the property. It was constructed as a church and used that way until that time.

Lou DeRose: And since that time, it's an office building?

Richard Schimizzi: It's an office building. They run certain programs, Head Start programs, out of the facility. The tabernacle area remains basically as it was constructed although I believe some of the seating may have been removed, but it's essentially the same as it was constructed.

Lou DeRose: And then a couple of years ago when we granted the change under the Special Exception back to a church that never happened.

Richard Schimizzi: Apparently that transaction didn't go through. That's all that happened there. For whatever reason that sale did not go through, I'm not sure the reasons why, although Mr. Waltenbaugh is here tonight. He may be able to shed some light on that.

Lou DeRose: And your group wants it to be a church again. You're not in any way affiliated with either of the past two (2) churches that we knew about are you?

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: No, I'm not associated with that at all, no. We're not associated with that church or any of the churches with the past history here.

Lou DeRose: It's a new group?

Richard Schimizzi: Yes, it's a new group.

Lou DeRose: Okay, so what do you want here?

Richard Schimizzi: What do I want to happen? We want the board to approve that we can use this facility as a church under the Special Exception provisions of the Zoning Code. There are certain uses that will continue as they are right now. Their testimony will show that the basement of the building – certain parts of it are leased out, certain programs run out of there. I think there's one (1) or two (2) companies that lease some space there. That's not going to change in the foreseeable—we're not looking to change that. Our use will be fairly limited use. The testimony will show that basically they have services on Wednesday evening and Sunday morning. They do not – they will not occupy it initially for office space for the church; they don't need it for that purpose. They are simply relocating from their current location in I think Southwest Greensburg with this opportunity to move into a little bit of a bigger building and make use of it as a church, and that's what they are looking to do.

Lou DeRose: As I understand it, there is no parking on the premise.

Richard Schimizzi: There's a limited amount of parking. I believe 11-13 spaces, and there's also the off street parking. We understand the issues with parking. If you live in the City of Sunday mornings you know what it's like when everybody goes to church. There's not a whole lot we can do about it, but they're not occupying it as a church and having services five (5), six (6), seven (7) days a week. If you look at what could be developed at this building commercially if you wanted to have office space when you have five (5) days a week usage, yes you would really have some serious parking issues, but we'll try to address those.

Lou DeRose: What's a crowd for your church on Wednesday and Sunday?

Richard Schimizzi: I think you'll find that it's fairly limited on Wednesday with roughly 20-25 people will be at those services. On Sunday I think we'll be at 100-120 people. Some of the information that we gave you at the end indicates that there is around 130 members and maybe about 100 that are actively involved. It's not a church that's having three (3) or four (4) services on a Sunday. If you go to the Cathedral on Sundays they have several masses throughout the day and throughout the evening, but that's not what you'll see here at this particular church.

Lou DeRose: Anything else?

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: That's all I have. I just have some witnesses I'd like to call. I first call Tay Waltenbaugh to testify.

Barbara Ciampini: Rich, just as a housekeeping issue, the information that you gave to the board will be marked as Exhibit A.

Richard Schimizzi: Thank you very much. Would you state your name please?

Tay Waltenbaugh: Tay Waltenbaugh.

Richard Schimizzi: Can you tell us your business address?

Tay Waltenbaugh: 226 South Maple Avenue, Greensburg.

Richard Schimizzi: Okay, and are you employed by any capacity with Westmoreland Human Services?

Tay Waltenbaugh: I'm not employed, they don't pay me anything. I'm the manager of WHS.

Richard Schimizzi: How long have you held that position?

Tay Waltenbaugh: 20 some years.

Richard Schimizzi: Are you familiar with the property that we're here considering today at 119 Westmoreland Avenue?

Tay Waltenbaugh: Yes.

Richard Schimizzi: Can you tell us, have you entered into at least a verbal agreement to sell this to New Creation.

Tay Waltenbaugh: Our board has approved verbally to sell this property.

Richard Schimizzi: Okay. A formal written sales agreement hasn't been produced yet?

Tay Waltenbaugh: Not yet. That is correct.

Richard Schimizzi: Okay, but the board has definitely approved the sale?

Tay Waltenbaugh: Yes.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Is there a condition of the sale that the church—the buyer receive approval to change the non-conforming use from what it presently is to a non-conforming use as a church.

Tay Waltenbaugh: Yes.

Richard Schimizzi: Can you tell us presently what use is being made of the building?

Tay Waltenbaugh: It's been an office building since we purchased the facility off of Greensburg Alliance Church. Currently, we have LV Tech in the basement and a couple of our Head Start programs in the basement.

Richard Schimizzi: As far as parking spaces that are available on site. Is there parking available on site?

Tay Waltenbaugh: There's about 10 or 11 in the back and a handful in the front.

Richard Schimizzi: Is there off street parking available in the front of the building, or near the building?

Tay Waltenbaugh: There might be. We don't use that.

Richard Schimizzi: As far as the current use, how many days a week is this building is use?

Tay Waltenbaugh: For the offices, Monday through Friday.

Richard Schimizzi: Approximately how many people would be working there at the offices Monday through Friday?

Tay Waltenbaugh: The profit business that's in there is probably seven (7) to eight (8), and our Head Start centers may be around eight (8) not including the children.

Richard Schimizzi: When you say about the children, how often are children at the building?

Tay Waltenbaugh: Monday through Friday. We work on a school year, so it's nine (9) months out of the year.

Richard Schimizzi: Is there an arrival time and a departure time for the kids?

Tay Waltenbaugh: In the morning and they leave normally by 2:30-3:00 o'clock in the afternoon.

Richard Schimizzi: Do you know what time they arrive in the morning?

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Tay Waltenbaugh: I'm not there, so I'd say probably around 8:30 or so.

Richard Schimizzi: Okay, and any idea on how many children are arriving on a daily basis?

Tay Waltenbaugh: We normally have 20% and there's two (2) centers in the basement.

Richard Schimizzi: And how do the children get there?

Tay Waltenbaugh: Their families bring them.

Richard Schimizzi: I take it there would be some parent bringing the child in the morning—

Tay Waltenbaugh: Yes, and picking them up.

Richard Schimizzi: I would take it that there would be a certain amount of traffic associated with that?

Tay Waltenbaugh: There is.

Richard Schimizzi: Okay, and you said that there is a commercial tenant in the basement of the building.

Tay Waltenbaugh: There is.

Richard Schimizzi: Do you know what type of business it is?

Tay Waltenbaugh: LV Tech, they're an IT firm. They're our agency's IT firm. They sub out into the community like anyone else.

Richard Schimizzi: Okay, and then you're saying that part of the basement is used for the Head Start program?

Tay Waltenbaugh: Yes, two (2) classrooms.

Richard Schimizzi: Are there separate offices used for the office personnel at this location?

Tay Waltenbaugh: There might be one (1) used for the Head Start classroom. That's also downstairs.

Richard Schimizzi: Now, there's a sanctuary still in the building?

Tay Waltenbaugh: There is.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Has it been changed since the property was purchased by your agency?

Tay Waltenbaugh: It went from use as a church to space for early Head Start and Head Start.

Richard Schimizzi: That would be the sanctuary area?

Tay Waltenbaugh: That is correct.

Richard Schimizzi: Other than that use, have there been any structural changes made in the area of the sanctuary.

Tay Waltenbaugh: No.

Richard Schimizzi: Okay. That's all the questions I have for Mr. Waltenbaugh at this time. Please answer any questions that the board may have.

Barbara Ciampini: I heard you testify or maybe Mr. Schimizzi mentioned that some of the businesses on the basement level would stay.

Tay Waltenbaugh: They're all staying.

Barbara Ciampini: They're all staying. The Head Start program is staying and the IT program is staying?

Tay Waltenbaugh: Yes ma'am.

Barbara Ciampini: Okay.

Lou DeRose: If I missed it, I'm sorry, but what are the hours of the businesses?

Tay Waltenbaugh: They're normally eight (8) to four (4).

Lou DeRose: Five (5) days a week?

Tay Waltenbaugh: Yes, and I think some of the IT people may be there a little later or on the weekend, but it's not a large number.

Richard Schimizzi: If there are no other questions, I would call next to testify Derrick Johnson. Would you state your name please?

Derrick Johnson: Derrick Johnson.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Where do you currently reside?

Derrick Johnson: My residency is in Blairsville, Pennsylvania.

Richard Schimizzi: Are you associated with New Creation?

Derrick Johnson: Yes, I am.

Richard Schimizzi: What is your position with New Creation?

Derrick Johnson: I'm a senior Pastor there at New Creation.

Richard Schimizzi: Were you one (1) of the founders of New Creation?

Derrick Johnson: Yes, I was.

Richard Schimizzi: Do you recall approximately when it was founded?

Derrick Johnson: Approximately nine (9) years ago.

Richard Schimizzi: What purpose does New Creation serve?

Derrick Johnson: To aid and to help in the community, and to also have a place to worship for those that desire to worship.

Richard Schimizzi: Do you presently have a worship location in the Greensburg area?

Derrick Johnson: Yes, we do.

Richard Schimizzi: Where is that located at?

Derrick Johnson: 323 Oakland Avenue.

Richard Schimizzi: How long have you been at that location?

Derrick Johnson: Approximately seven (7) years—eight (8) years—seven (7) years.

Richard Schimizzi: Okay. Now, you've indicated or Mr. Waltenbaugh indicated that his Westmoreland Human Services has entered into at least a verbal agreement to sell the building to New Creation, is that correct?

Derrick Johnson: That's correct.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Now, if the purchase goes through what use does New Creation intend to make out of the building.

Derrick Johnson: Actually a place of worship. That's what the primary use of it would be.

Richard Schimizzi: When you say a place of worship, how many days a week would there be worship services?

Derrick Johnson: Wednesday night services are normally from 7:00 to 8:15pm. Sunday morning worship services are from 9:00 to approximately 11:30am.

Richard Schimizzi: For the Wednesday evening services, approximately how many members of the congregation attend those services on a regular basis?

Derrick Johnson: I'd say on a Wednesday night approximately 20-25.

Richard Schimizzi: Can you give us some ideas to the age of the members who would attend on Wednesday evenings?

Derrick Johnson: The median age for our church is going to be about 38 year olds along with their children. That number also includes with their children as well.

Richard Schimizzi: Okay, so right now you have Wednesday evening services at the current location as well?

Derrick Johnson: Correct.

Richard Schimizzi: For Sunday, what time are services and how many different services would there be on Sundays?

Derrick Johnson: Sundays we start services at 9:00am. There's only the one service. As I stated, we're there until approximately 11:30am and then we're done.

Richard Schimizzi: Approximately how many members attend services on Sunday?

Derrick Johnson: I would say in between 75-100 people on Sunday morning.

Richard Schimizzi: One (1) of the things that we provided as Exhibit A to the board which gave a little bit of a summary of what type of services your church performs. You're familiar with that, correct?

Derrick Johnson: Yes.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Okay. I think it indicated that there are approximately 130 current members.

Derrick Johnson: That's correct.

Richard Schimizzi: And maybe somewhere around 100 active members.

Derrick Johnson: That's correct.

Richard Schimizzi: In addition to the worship services, do you anticipate any other functions taking place at this location?

Derrick Johnson: Not really. One (1) of the things that we have tried to adhere to is being active in the community and helping certain groups and things of that nature. We have teamed up with Giant Eagle as far as a food program to donate or to give to those that are a lot less fortunate than we are, but other than that that's the only other thing that we are reaching out into the community to aid with. We look to be very active in the community.

Richard Schimizzi: Let's talk about as far as presently there is a, as Mr. Waltenbaugh indicated, a commercial business occupying part of the basement. Do you anticipate that that will continue?

Derrick Johnson: It will, upon agreeance with a verbal that that would continue, yes.

Richard Schimizzi: He also indicated that the Head Start program that's occupying some space in the basement of this building would continue to occupy that space, is that correct?

Derrick Johnson: Yes, sir. That's correct.

Richard Schimizzi: Do you anticipate any change in the occupancy of the lower section of this building or the basement?

Derrick Johnson: No, sir.

Richard Schimizzi: What part of the building would you be occupying for purposes of the services on Wednesday evening and Sunday.

Derrick Johnson: Primarily the usage that we would have would the sanctuary of course, and just a few of the office spaces for that same floor.

Richard Schimizzi: Would you also be occupying the building throughout the week for office space for New Creation?

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Derrick Johnson: No.

Richard Schimizzi: Where is the current office space located at?

Derrick Johnson: Currently I have an office, but primarily all of my work being that I work a second job as well is done in my home. I'm primarily doing whatever we need done in my home.

Richard Schimizzi: So, the change in use that you're anticipating is for the structure is only affecting Wednesday evenings and Sunday mornings, is that correct?

Derrick Johnson: That is correct.

Richard Schimizzi: Do you anticipate making any structural changes to the building?

Derrick Johnson: No.

Richard Schimizzi: Do you anticipate making any changes to the lighting that surrounds the building?

Derrick Johnson: No, the only thing that we would probably do as far as lighting is a sign, but as far as adding any lighting or anything of that nature it's sufficient.

Richard Schimizzi: Let's talk a little bit about parking. Parking is always an issue. I take it where the church is located now that there is a parking lot there for your current location?

Derrick Johnson: No.

Richard Schimizzi: Where does the parking take place?

Derrick Johnson: We park on the side of the street.

Richard Schimizzi: Okay. You have indicated and I believe Mr. Waltenbaugh has indicated that there is some parking spaces around the building.

Derrick Johnson: Correct.

Richard Schimizzi: Are those spaces occupied though during the week by the tenants of the building? That you know?

Derrick Johnson: I don't know.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Richard Schimizzi: Okay. Would those spaces be available for occupants or for use by the members of the church on Sunday mornings?

Derrick Johnson: Yes.

Richard Schimizzi: Okay. But that is a limited number.

Derrick Johnson: Yes, that is a limited number.

Richard Schimizzi: Okay. Have you talked to some of the surrounding businesses about possibly using some of their parking area to use?

Derrick Johnson: Yes, we have.

Richard Schimizzi: Okay. At this point though, nobody has made an effort or commitment to give you spaces?

Derrick Johnson: That is correct. We have had verbal... as long as they were not having business on that day they had no problem with it.

Richard Schimizzi: Okay. You had indicated that you may operate out some type of a program to disperse food to the needy.

Derrick Johnson: Mhmm.

Richard Schimizzi: Is there any drug and alcohol counseling or anything like that involved at this time?

Derrick Johnson: Not at this time. I personally team up with a group that is very active in the community with the pill epidemic that is going on right now. And so I have reached out to that to help facilitate and to help but it is not personally something we have brought into the church.

Richard Schimizzi: Okay. That is all the further questions that I have for this witness at this time. Is there any questions the board may have?

Lou DeRose: Are there any other witnesses?

Richard Schimizzi: Actually, I do not have any other witnesses. There might be people here that are in support of and I'm sure there are some people not in support of but those are the only two witnesses that I was calling for today.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Charlotte Kuhns: Are there any additional people who wish to speak in support of? Please state your name and your address.

Carlotta Paige: My name is Carlotta Paige. I am co-chair of the Westmoreland Diversity Coalition and I live personally in Latrobe. No one asked me to come here today. I came on my own accord. I and board members of the coalition (the two people over there), are here because it is our understanding based on community conversation that there is some racial overtones to the objections to the property being sold to a black church. Our message is short but we believe important. Diversity, acceptance and inclusion must become a fundamental part of the values and culture of our community and our neighborhoods. Bringing together various life experiences and perspectives adds significant value to our communities and reinforces the concept of inclusion. We encourage residents of this neighborhood who feared different to respect, value and celebrate the unique attributes, characteristics and perspectives of people unlike themselves and ask members of the church to be patient and understanding of that fear. If this variance is approved, we encourage you all to get to know your new neighbors and embrace your differences. Make your differences your strengths. Thank you.

Charlotte Kuhns: Anyone else in favor of? Okay. State your name and address please.

James Berger: Deacon James Berger. I'm with New Creation Family Worship Center. I am speaking of this this evening, because we have put a lot of time into trying to build this church in this community. We have through the past years—we do have the outreach program where we go out and we help the people in the community trying to help them different foods and different things like that. As the Pastor said Giant Eagle helps us and we do this weekly, and we also have at Christmas times and Thanksgiving supplying food for the families that are a little bit less fortunate than we are. The thing about it is that when I was patrolling this area and trying to find out about parking and where we could do—what we could use, we had a lot of people that were saying that they were going to allow us to park there, but they belong to organizations and they couldn't sign anything. I'm talking about different places like the Auto Zone and different places like that. Our intention is not to come into a community to shut anything down in this community or try to overtake anything in this community. Our intention is to come in there and be of help to the community if we can, if they allow us. If there's something that we feel that's not in their perspective of the way that they're looking at it—if they would speak to us about it, I'm quite sure that we would work with them and try to change whatever it is. I have hope that we have hope that in probably two (2) months that a lot of this is going to be resolved because we are trying to purchase vans to shuttle these people that we need to come back and forth to the church. We have permission for parking in different facilities and if we decide to do that we can do that. So, it's not that we're trying to come in to bring anything down. We are trying to lift it up.

Charlotte Kuhns: Thank you. Are there any persons who are opposed who would like to speak? State your name and address please.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Britton Crum: Good evening everyone. I'm not familiar with audiences like this, so bear with me while I try to communicate adequately. My name is Britton Crum and my residence is 117 Underwood Avenue. It's the address that abuts the Quatrini and Rafferty Law Offices and its directly one street adjacent to Westmoreland Avenue; the area that which this building sits. I'll also preface my introduction by saying that I'm a co-founder of a loose knit but very strong civic association in the Underwood area known as the Underwood Civic Association. We basically blanketed the neighborhood and just saw what sort of interest there was across families, across generations to get everybody in the Underwood section, Underwood roof to understand what the concerns of the community were and that's honestly what brings me here today. So, I will say that our charter in the Underwood Civic Association is designed implicitly to tackle many important issues for the community, among them safety, community development, diversity, and inclusion in the defense of blight in our community. I think that a lot of the issues that we're talking about today focus a lot on this property on Westmoreland. I do, however, take the accusations of any racial motivations behind this particular partition very seriously and I can assure you, at least speaking for myself, that is absolutely not one of my motivations and I'd like the record to show that. I can tell you as a representative of the Underwood Civic Association I'm not here to tell you that I have blanket opinions. I don't want to represent the organization as a whole, but rather many of the constituents among which we have 42 signatures here believe that this issue begins and ends with parking. And so, we have—personally speaking as a man of God, I have a great deal of respect for the folks in this room. I have a great deal of respect for the folks that are trying to fight blight in the Greensburg community, and I have a tremendous amount of respect for them trying to find a home in the community. I think from my perspective, if we were talking about all of these lots, or if Ollie's was placed right where this building was and parking was adequate I would welcome this membership of this church to the community and they would be welcomed certainly to any and all of the Underwood Civic Association events where I would embrace them as friends and neighbors. That said parking is a major concern. When I hear 50-100 cars in the area it makes my skin crawl a little bit because parking is already at a premium there and we have a history as a community standing up for causes just like this, specifically with church that have tried to occupy this building in the past and our petition has been consistent. This building is not equipped to service 50-100 individuals in regards to parking. There are not enough spaces and that directly impacts everyone in the immediate area. When I hear shuttle buses I wonder where those are going to be parked, and I think it's really a core focus for what makes it great to live in the City. I relocated my family from Boston three (3) years ago. I grew up in this area and it was great to come back, and when I chose to come back to this area I didn't look at Hempfield. I wanted to be in City limits living the Greensburg life supporting small businesses, and dealing with a lot of the challenges that come with city living and one (1) of those challenges is parking. So, I'll close my statement with I don't believe that faith doesn't just happen on Wednesdays and Sundays, and God willing if this church had any success I could see 100 individuals growing to 150 and 200, church groups every evening on Tuesday. While I believe in all of that very sincerely from the bottom of my heart, I am petitioning the group here in the room to consider the impact on the community who has to use these parking spots to simply park in

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

front of their homes. I don't think that the area can accommodate it and I respect everybody in the room trying to make it happen but I want to make it clear, and I do also want to make it clear that this isn't a racially motivated issue and the 42 signatures that I have here I can guarantee that is definitely not part of the equation here. I think that will wrap up my statement today and would lastly like to thank the panel and everyone in this room for allowing this forum. Sometimes these decisions are made without consultation. It was very good to have this fall into the mailbox and give us an opportunity to debate and think critically about what the right choice is here. With that I'll—

Barbara Ciampini: Would you like to take the petition?

Britton Crum: Please.

Barbara Ciampini: We'll mark that as Exhibit 1.

Patsy Iapalucci: I have a question. What do you expect them to do with that building if they can't use it for a church? The building is there, am I right? The building is there, so what are they supposed to do with the building?

Britton Crum: Any number of businesses could occupy the building.

Patsy Iapalucci: You'll have the same problem with parking.

Britton Crum: Not necessarily if they're a small IT consultation firm, for example. If it was an artist's co-op, for example—my father has a business on East Pittsburgh Street. He could fit in that building. Not that he's going to, but there are plenty of small businesses in this area that could fill that church—I'm sorry that property. It's just not equipped for a church with 100 occupants on Sunday. It's just not.

Patsy Iapalucci: Parking is a problem all over this City, not just up in your area.

Britton Crum: Absolutely.

Patsy Iapalucci: My area would have the same problem too. You're in bad situation here. If we don't vote yes you're going to let the building sit. If we vote yes you're going to be mad

Britton Crum: Understood. Absolutely I understand where you're coming from and as I mentioned blight is written into the charter of the Civic Association, and I don't want to see that building any emptier than you do but what I can say is that when we do fill that building it should be filled with an appropriate business that can fit inside of it with the parking that's available for it. Thank you for the time.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Lou DeRose: Let the record show, I should have done this earlier, our member Barry Gaetano is recusing himself for potential conflict of interest. He's talked to me about that and I agree he should stay out of it and he's agreed. That's why you haven't heard him, which would be the most different kind of hearing that we've ever had.

****Laughter from the board and audience.****

Lou DeRose: Would anybody else like to speak in opposition to the request?

Robert McDonald: Good afternoon, my name is Bob McDonald and I live at 144 Westmoreland Avenue and like my neighbor Britt I want to start off by saying that I was offended by the statement that was made. I'm sorry that that lady left before the meeting went on. There has never been any thought of this being an issue of race. I point to that when the Calvary Chapel came through there two (2) years ago we had the same objections and came and made our same plea. I understand her position and I understand her good will, but I think it was misstated that there has been any discussion and all the people that I've talked to it's never been an issue. It's never even come up, so I'd also like for that to go on the record. Also for clarification on Calvary Chapel, after this board approved to proceed with their private church about a week later the Pastor and I had some discussion back and forth where he came to my door and said that I just want to let—

Richard Schimizzi: If I may, I'm going to object to hearsay in the testimony. People can't come in and speak—

Robert McDonald: Well he spoke to me.

Richard Schimizzi: It's not a question if he said it to you. It's hearsay testimony.

Lou DeRose: If you could, Mr. McDonald, just confine your remarks to your opinion or if you speak for a group, the opinion of the group, you know all of us could have those discussions. Just try to keep them—

Robert McDonald: Alright. I'm a little confused to what that building is operating under now. If I go back to the minutes in 1995 when Westmoreland Human Services took that over there was a discussion of what was going in there; childcare and offices. In those minutes, I have a copy here if you want to see them, a question came up from a Mr. Paul Dawson at the time questioning what other tenants may be allowed in the building. He said, "Would there be any non-profit?" Mr. Waltenbaugh responded, "Westmoreland Human Services attempts to rent to non-profit with a lower rate, so it would be all non-profit in our facility." Mr. Dawson, "Your charter would have private there?" Mr. Waltenbaugh, "That won't happen." So, I don't understand how today we have a for profit business working in there when his testimony then said that wasn't going to happen. Unfortunately I don't know whether the agreement wasn't specific enough, but again the childcare we're fine with the Monday

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

through Friday; a little bit of parking, but not a big issue. You asked what could be used in that building, a preschool or things of that nature I think we could fit that into the neighborhood. I'm disappointed in the promises that were made that have not be upheld and I don't know whether that requires them to resubmit their—this is getting to be confusing. What is going on in this building? We have offices being for non-profit, for profit, is it going to be a church? I mean these are multiple uses that I don't know if these are all being covered under this one (1) Special Exception; that's one (1) of my questions. I heard the testimony that they spoke to people about the parking, but I'd like to see some—something in writing that says, we offer these number of spaces to accommodate this. I haven't seen that. If I'm going off track here, please correct me, but as a Special Exception, from what I read of the ordinances, does not allow them to be in compliance with other ordinances associated with use of the property. If we talk about that then I come back to what is under 265-65 on churches that says, regarding off street parking not on street parking, one (1) space per four (4) seats design capacity of the principle place of worship. Now, I'm an engineer and I don't decision, but I don't know what code tells you what the design capacity of the building is. There's occupancy capacity, but I don't know how one determines design capacity. So, there out to be a formula to show—it doesn't say attendance, it says capacity for the fact that hopefully the church grows. We all hope that happens, so you can't tell me we only have it half empty now. That doesn't work, so I think that needs to be questioned and answered. Why are we not addressing the design capacity, and then how do we convert that to the number of spaces that are needed? There's only ten (10) parking places there; off street parking places, there's only ten (10). As I understand it, in order to have a Special Exception, they are still required to meet those requirements. I don't see evidence that that's happened. Our concerns have been parking all along, whether it was prior to this than tonight. I understand that we have this problem throughout the City. When I focus in on what this Special Exception is requiring I think there are certain requirements that they have to meet for you to approve that or disapprove it. I understand that those are the opinions of 42 individuals in the area, but when it comes down to regulations here we're trying to follow what we think are requirements and we don't see evidence being offered that that's been reviewed. Other than that, any questions you have of me? Thank you.

Lou DeRose: Anyone else? Yes, sir?

Paul Dawson: Hi, my name is Paul Dawson. I live on 135 Morrison Avenue. Looking at the church it would be one (1) block to the right of what the church is. This issue comes up as the parking and trying to find out if there's adequate parking for in the church. I was at the zoning meeting, I guess it's dated here October 2016, and some of the recollections from that parking was an issue there. Eventually, I believe, that was the cause of that congregation moving to another location I think on the other side of Westmoreland Mall where there's more parking, because to realize what a burdening it was going to be on the local community. I remember some approximate numbers in the back of church in the parking lot there's room for about eight (8) cars or so. One (1) of the spaces is taken up by a dumpster for garbage trucks have to be able to drive in now. I'm sure that could be arranged and that could be

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

expanded to cover about 15 cars. Just before this they said there was room for ten (10) cars parking on the side of the street there that is using the condensed parking spaces for the church that would normally not be allowed for a business even so you can go closer to the curb and stuff like that. The numbers are coming to my mind were somewhere around eight (8) to 15, but if ten (10) is the number then that's probably it. They are looking at about 20 to 30 parking spaces in the office building across the street from the church and there was a non-binding letter of intent that they had for that purpose, which could be since it was non-binding could be revoked at any time. The others were looking at going up to the State Police Barracks since there's parking up there for about 30 or so cars and they were going to try and get a shuttle to get people back and forth to church, but I don't think that's a real practical solution. That's an awful lot of work to organize. Behind the church there is an Eastern Rights church also, which uses the parking spots behind there. They also have services on Saturday and Sunday so there would be a conflict on the use for it. On Morrison Avenue, parking is only on one (1) side of the street, so you could probably get four (4) cars parking on the left side of the street by the apartment building that's just across the way there. We have four (4) spaces in front of our house, two (2) of which are used because we have two (2) cars; three (3) if one (1) of our kids stop by or if we have guests. I think there's a real issue to say that just on the street parking is not a good solution and we're requesting that adequate parking be found before going further with the zoning permits for zoning it as a church. I think it's unfortunate, it's sort of a nice building, but I think it's too large of a building in the wrong space with no place to put cars. When it was a church when we first moved into the area there was a big parking problem and it was a burden on the people in the neighborhood for it and you had the normal complaints with people parking on the curb and that type of thing. That's what it's going to boil into, but I agree with the statements before that you can't expect the church—okay, we're running a church and we're just going to use it Wednesday and Sunday with the ability to expand and the ability to grow their congregation. I would like to see at least the parking spaces for about—the arrangement for about 70 cars, and that would cover about 130 people showing up; two (2) people per car, or maybe two (2) or (3) people to car. The only possible solution I can think of is the office building across the street there is a large grass area that was made into a parking lot and that's expensive; that's their property. I don't think it belongs to the church, but a move like that would assure adequate parking. I don't and I don't think anyone else here has much concern with doing structural modifications to the building or restoration or refurbishment on the inside or that type of thing. Lighting wouldn't normally be an issue unless it's spot lights shining down the street or something like as long as it's just lights on the building or a lighted façade. I don't think that's an issue and it's certainly not an issue with church services, or that they're trying to get a preschool center in there or a daycare center later on. There's going to have to be a place to put the people. It's a situation that I don't see being addressed or seriously thought of.

Charlotte Kuhns: Anyone have any questions for Mr. Dawson?

Paul Dawson: I know there are other churches in Greensburg that have that problem and the local communities bear the burden for that. Every one of those communities will say it's a

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

burden. That's hearsay, I'm sorry. I think you'll find locals where everyone is parking all around where it isn't a real problem. Most of the churches downtown have built their own parking lots and parking facilities so they can get their parishioners in there for quite a bit of cost I'm sure. Thank you.

Lou DeRose: Is there anyone else that wanted to speak?

Bill Hillman: My name is Bill Hillman. I live right up the street at 143 Westmoreland Avenue. It's about three (3) houses up. My wife and I have lived there roughly 34 years. We have no garage and we have two (2) vehicles that we park on the street. I have two (2) children and on the weekends I'm home and I have really good neighbors, so we jockey cars around and I'll park across the street and likewise. We share and it gets pretty congested sometimes especially around the holidays. My concern solely is the parking and I'm concerned in the mornings when my wife and I go to church on Sunday and we leave that we're not going to have a parking spot in front of our house or even in the immediate vicinity that's it's going to be filled. We used to be able to park in the attorney's offices down below, but I understand that the attorneys have blocked that off and we're no longer allowed to park in that area anymore. There are times especially during the holidays that there are multiple families there that I'll actually slide down and park in front of the potential church property. I guess my point is that the parking is pretty tight especially on holidays and weekends. I'm with the other gentleman that unless we can really figure out how to make this parking more it's going to be a bigger issue. That's basically all I have to say. Thank you.

Charlotte Kuhns: Anyone else who would like to speak?

Sara Dawson: My name is Sara Dawson and I live at 135 Morrison Avenue. I think some of the things that concern me are I would not be upset if it were only Sunday mornings and Wednesday evenings. On the back of the papers that you have—we weren't supposed to have any but we didn't know that at first, there seems to be an expansion like daycare and so forth. When the preschool came in, which who can complain about Head Start, it was wonderful. Now it's very quiet compared to what it was, but for several years our street, Morrison, was lined all the way up. Not only that, people parked on our lawn, people parked on the curb. Look at my curb now. Two (2) cars can do that damage? We're going to have to replace that if we want to sell the place, at least that's my understanding. So, I would just like some way to know that there's a limit when those spaces are totally occupied. I certainly understand about the parking and would not have an objection if it was rather limited. I have some relatives who are handicapped and my mother used to live with us and we couldn't get her in and out of the house very easily, and I really didn't want to go to the parking being assigned because if we're not using it then people should be able to use it. That's really my only concern in regards to parking. I thank you for your time.

Lou DeRose: Anyone else?

Zoning Hearing Board

Wednesday, August 15, 2018 4:00PM

City Council Chambers

Richard Schimizzi: May I address the board for actions taken since no one else is speaking.

Lou DeRose: Yes, go ahead.

Richard Schimizzi: I just want to point out, yes we knew that parking would be—everyone who's testified said that parking is the issue. This building existed before your zoning ordinance, long before your ordinance has been in effect. It's been a church for many, many years. We're looking to just restore it as a church. The amount of impact that you're going to have is minimal. You're talking just a small amount of people on a Wednesday night, a small amount of—it's certainly not a large amount if you're talking 100 people on a Sunday morning, so I don't think the burden that's going to be on parking is going to be anywhere near what's being represented here by some of the people. In fact, I listen particularly to Mr. Johnson who seems to indicate that organizing shuttle services sounds like it's too much work to do. Nobody is asking him to organize anything. If the church wants to try and make it more convenient for their members by arranging things they can certainly try and do that. We can come in with all kinds of letters saying, oh yes we'll allow you'll park, but I think your solicitor would agree with me, I don't want to put words in his mouth obviously but any owner of a business, whether it's the Quatrini Rafferty firm or any of the businesses along Pittsburgh Street there that say we'll allow you to park there, it's going to be by license, it's going to be revocable. No one is going to encumber their ownership of property with some agreement that if they go to sell it they say, oh by the way we're under this agreement to provide parking for the next five (5) years, it just doesn't happen. It's not uncommon that on Sunday mornings at any of the churches you go to on Sunday mornings you see parking out on the streets, the area gets congested for the brief period of time that there's church services. That's what happens. All of these people are talking about how they park on the streets. If they're using the City street as their parking spaces, they're not using their own property to park on they're using the City streets to park on. That's all the church is saying that yes we'll use for a limited period of time, a couple of days a week, some parking spaces. I don't think that's a great burden on the community. I don't think that's going to be the end result, and we ask the question—it seems like everybody is in favor of using this building for something as long as it can be confined to the 11 parking spaces. If you need more than that, you're going to just inconvenience this community too much. I don't think that's fair. That building has been there and we're just trying to get it restored to what it was. Thank you.

Robert McDonald: I just wanted to say this. Back in 1949 what the church was built, most people had one (1) car and probably most walked to that church; it was the community church. Things are different today; we drive everywhere. That church eventually moved out to Hempfield to have a bigger lot so people could drive there. So, times have changed on how churches are *incomprehensible*. We're talking about how often they're going to be using it. I pulled off the website two (2) events that were occurring at the church, May 9th and 10th a Tuesday, Wednesday; they had people coming in for two (2) nights of discussion. On January 25th, 26th, 27th, a Wednesday, Thursday, Friday, they had three (3) nights at 7:30pm of an event going on. I'm proud of these people for what they're doing with their church, but

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

let's not say this is twice a week and maybe on Wednesday night. The evidence on the website does not support that, so I think that—and I'm going to go back to the Zoning Ordinance on churches having a certain requirement for parking places; off street parking based on occupancy design of the building. That to me is the basis of the issue.

Lou DeRose: If there's no one else—I mean this could go on for a long time. I think we all understand the point of view that you have; those that are in favor of the request and those that are opposed. The board now has to decide, they talk among themselves if they wish, but whether or not the request for a special exception is appropriate from one (1) non-conforming use to another. You heard me say this dozens and dozens of times. Forget the fact that they are requesting a Special Exception, there's nothing special or exceptional about the request. Whomever created that section many years ago, they're not from Greensburg they're from the first Zoning ordinance in the world, should be taken out and what—Barry will just drive them crazy.

****Laughter from board members.****

Lou DeRose: So, you have to decide if this requested use of a church is less detrimental to the neighborhood than something else that may be proposed or what's there now. I haven't heard anything from any of the comments, negative comments or those against, that would justify a less—more detrimental to the neighborhood. We face parking problems all the time in the City and it's a real problem. Not to make light of it, it's a real problem, but we all just have to buckle up and deal with it. So, you have to decide now if the Special Exception that you've already granted a couple of years ago can be re-granted. That one just went away a couple of years ago and never materialized. It's now you're call, and the motion would be to approve the Special Exception or disapprove the Special Exception request.

Patsy Iapalucci: I make a motion that we grant the Special Exception.

Charlotte Kuhns: Second?

Justin Calisti: I'll second.

Charlotte Kuhns: Can we have a vote?

Patsy: Yes to grant the Special Exception

Jon: absent

Barry: Abstained from the vote

Justin: Yes to grant the Special Exception

Charlotte: Yes to grant the Special Exception

Motion passed by a majority vote.

Zoning Hearing Board
Wednesday, August 15, 2018 4:00PM
City Council Chambers

Chairwoman Charlotte Kuhns made the following statement: Within 30 days of the date of this decision of the 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 the action may take an 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 results in an approval of the request or an individual, no work may proceed on the property until the 30 day appeal period has expired. Anybody who would like to request a copy of this decision, you can leave your name and address with the secretary.

***Items entered as Exhibits:**

1. Exhibit A – Packet with tax information, deeds, etc. from Attorney Richard Schimizzi.
2. Exhibit 1 – Petition from the neighbors with 42 signatures

Chairwoman Charlotte Kuhns motioned to adjourn the meeting.

***Meeting adjourned at 5:02pm.**

City of Greensburg Zoning Hearing Board

APPEAL OF: Tay Waltenbaugh, of Westmoreland Human Services, Inc. and
Derrick Johnson of New Creation Family Worship Center

DATE: 15 August 18

SUBJECT PROPERTY: 119 Westmoreland Avenue, City of Greensburg

HEARINGS HELD: 15 August 18

INTERPRETATION

The Board adopted the following order, which states its interpretation of the Zoning Ordinance as requested in your Appeal.

SPECIAL EXCEPTION AS PER §265-129 OF THE CITY CODE TO CHANGE FROM ONE NONCONFORMING USE, I.E, A SCHOOL/OFFICES GRANTED TO THE PROPERTY ON SEPTEMBER 22, 1995 TO ANOTHER NONCONFORMING USE, I.E, A CHURCH (THE ORIGINAL USE OF THE STRUCTURE)

DECISION: _____ ☒ Granted
_____ ☐ Denied
_____ ☐ Other

A list of the Findings of Fact, as determined by the Board is attached and is made part of this decision.

Unless otherwise stated, any authorization by the Board for a Special Exception, Variance, or other determination shall expire if the applicant fails to obtain a Building Permit within six (6) months from the date of authorization, noted above.

BY:

CITY OF GREENSBURG ZONING HEARING BOARD

Patsy J. Spalucci
[Signature]

Charlotte Kuhns

CERTIFIED MAIL sent to property owner: