CITY OF GREENSBURG ZONING HEARING BOARD

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TRANSCRIPT OF PROCEEDINGS

City of Greensburg Zoning Hearing Board Meeting, held on November 16, 2022 before the Zoning Hearing Board Members of the City of Greensburg, 416 South Main Street, Greensburg, PA 15601, recorded by Lisa M. Wolfe, commencing at 4:17 p.m.

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BEFORE:

CITY OF GREENSBURG ZONING HEARING BOARD

P. Louis DeRose, Solicitor
Jeff Raykes, Planning Director
Jessica S. Mosko, Administrative Assistant
Barry Gaetano, Chairman
Victoria Baur, Vice Chairman
Ben Thompson

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I N D E X

APPLICANT:	PAGE
VARIANCE NO. 5-2022	
THOMAS CHARLEY	8
EXHIBITS:	
A - SITE PLAN	8
APPLICANT:	
VARIANCE NO. 6-2022	
JEFF FRIEDL	25
EXHIBITS:	
A - ELEVATION	27

(Exhibits marked but not received.)

P R O C E E D I N G S

MR. GAETANO: We're going to call the meeting to order. Anyone speaking tonight, I need to swear you in.

(The oath was administered.)

MR. GAETANO: We need to do a roll call, please.

MS. MOSKO: Barry Gaetano?

MR. GAETANO: Here.

MS. MOSKO: Sean McLaughlin?

Victoria Baur?

MS. BAUR: Here.

MS. MOSKO: Ben Thompson?

MR. THOMPSON: Here.

MS. MOSKO: Kyli Stoner?

MR. GAETANO: So we have the majority that we need to have for a quorum. I'll just bring this up. You have the right to request to full Board. But if you're okay to accept the decision by three -- are you both willing to do that?

MR. CHARLEY: Yes.

MR. FRIEDL: Yes.

MR. GAETANO: So the first

variance that we're hearing today would be -- Tom Charley is the Applicant. So whoever wants to speak first, if you want to come up to the podium.

MR. RAYKES: May I give a staff review here?

MR. GAETANO: Sure.

MR. RAYKES: So the first thing that's on the agenda is Variance 5 for this year. And it is for the address here, which is 990 North. What I'm doing is just giving you some of the technical moving parts of the application, and where we're misaligned with the zoning ordinance.

So the details Tom can cover, and his team can cover. But, again, I'm reacting to the application as it was presented to me, initially, in terms of the pumps. And Tom and I, and his folks, have been in very close contact. In fact, Kristen (phonetic) and I spent some time on the phone. But yesterday, or the day before, Tom and I have exchanged lots of e-mails to get to this point.

They would like to install some pumps. And I'll show you a site plan here.

But everybody knows the property. This is one of the northern most parts of the city. And it's a big parcel there. So this (indicating) is the site plan. I'll come back to that in just a minute. We can use the Google Maps if you're interested in seeing it.

But what we're reacting to today is a use variance. They've applied for a use variance. Why? Because their property is zoned R1. Now, as you know, the property is right on the corner here (indicating). The bank has their own deeded parcel, which is in the corner. But Tom, and the Shop 'n Save, and all of the other properties in there -- and we will talk a little bit about how they are owned. The way I understand it, with talking to Tom, is that they are tenants, and that he is the property owner of all the individual businesses in the Plaza.

So what they would like to do is they would like to put a gas station in. I think it's three pumps. Again, they will break this out for you.

But, interestingly enough, the zoning ordinance, it doesn't have a use that is

for a gas station. We use something that fits the definition that is auto service station. The only thing we're doing in terms of service is putting gas in the car.

But because we are working with an antiquated zoning ordinance that lacks the definition specifically for this use, we used one that best fits it. In this case, it's auto service station. So the zoning here, again, is R1. It is also in the gateway district, which we are using the base zoning here because the gateway doesn't really affect the use here. So we're using the base zoning.

Review notes here, I pretty much covered them.

Current commercial use in the Plaza are legal nonconforming uses. As you know, Tom, and some other folks were with Tom, and applied for and was granted a variance for a sign. And, again, we will talk about this. What we try to do is package everything that's misaligned with the zoning Board, and put it together so we don't have to do multiple visits. Here, obviously we had to do multiple visits because at the time you were doing the

sign, I'm not so sure that you knew you were going to be doing a gas station because that was some time ago. So we couldn't package those things. However, the signage for the gas station is something that we will talk about. And he has a good idea about how to do that.

Proposed gas station, auto service station, we talked about that. It's not permited in R1. Proposed auto service station, which is how I refer to it as a zoning official. It's really an extension of a current non-conforming use. So we're extending the non-conforming use. If we're doing that, it's a violation of the ordinance. So we would have to get a variance in order to proceed. Our approach here, the one I recommended, was to apply for the variance. Because really none of it goes forward in terms of parking requirements, any of the other things that would be required in terms of land development. The first and foremost is the use. So once he clears this hurdle, then we will work with him in terms of the land development application and all things associated with that. As I understand the application and understand what

he wants to do, I don't see any big hurdles there. This is the big one.

Let's go back and look at this. Again, here is the plan that I'll let them talk a little bit about. But from a staff or technical standpoint, is there any questions or concerns that the Board has related to this application? Any technical components?

MR. GAETANO: No.

MR. RAYKES: I'll turn it over to Tom.

MR. CHARLEY: Should I submit this, Exhibit A? Can you pass it around?

MR. RAYKES: I'll do it.

MR. CHARLEY: Thanks, guys, for having us.

MR. RAYKES: This is the site plan. So it's the exact same thing that you're looking at here (indicating). But we will log that as Exhibit A.

(Exhibit A was marked for identification.)

MR. CHARLEY: I don't know exactly what to say here today besides the fact that we would really love to bring a gas

station to North Greensburg. I know there's not one anywhere near our location. We have a great location for a gas station. I think it makes a ton of sense for the area.

And like Jeff was saying, we need to file for a non-conforming use. Or --

MR. RAYKES: An extension of a non-conforming use.

MR. CHARLEY: An extension of a non-conforming use. That's what we need to apply for today. I think that one of the fundamental things is that it is an extension of what we're currently doing, because it is part of the Shop 'n Save grocery store. Our plan is to not have a kiosk. So there's not going to be someone working outside. It will be managed from the grocery store. It will be 100 percent a functional action, controlled by the grocery store. So it is an extension of that business. So that's why we think that it makes sense to be an extension of that non-conforming use. And I think it's just logical for the City a good thing also.

We're excited for the opportunity to present this to you guys. And we would love to

field any questions that you have at all.

MR. GAETANO: Does anybody have any questions?

MR. THOMPSON: Yes, I have one. I was looking at this today. And I'm one of your customers. I guess my question is the flow of traffic, you know, it's going to be there right in the center from the diagram that I saw.

So how are you going to be able to control the flow of traffic?

MR. CHARLEY: Well, one of the nice things with the way our parking lot is laid out if you look at it -- and the image that you're seeing of the layout of the gas station isn't 100 percent exact on how it's going to be laid out. But if you look at the parking lot, it's angled. So you have to go one direction. Up each way.

Right?

MR. THOMPSON: Right.

MR. CHARLEY: So the thing that's nice is that we have a large opening on the back side and a large opening on the front side. And there's only one way that you will

be able to get into the gas pumps. It's going to be either going down the one way or up the other. So you're going to have to follow the flow of the parking lot to use it. You're not going to be able, just kind of fly across the parking -- well, I mean, as any open lot, I guess you can. But the parking lot itself is going to direct the way the traffic moves through the parking lot.

MR. THOMPSON: So along Main Street there, the exit area you have, so that will be blocked? You won't be able to go out that?

MR. CHARLEY: Generally speaking, the parking lot -- our goal is not to change the layout of the parking lot at all. The entrance and exit.

One of the main things that I think is important to understand here is we're not really expecting a tremendous increase in flow of traffic because the majority of the people using it are going to be existing customers anyway. It's just going to be an additional service in our parking lot. So we're not expecting to see a 20 or 30 percent increase in

traffic in the parking lot. So you're not going to see a substantial change to the way the parking lot is being used in general.

MR. THOMPSON: I was just curious --

MR. CHARLEY: I mean, we've thought a lot about that. Like, specifically how is it going to impact -- we felt the way we have the gas station laid out in the parking lot is going to make it so it has the least amount of impact possible on the flow of traffic.

MR. GAETANO: Is there 3 islands that have 2 pumps on each island, so there would be a total of 6 pumps, or a total of 12 dispensary areas? Because there would be two on each pump on either side, right?

MR. CHARLEY: So the way we look at it is a pump is front and back. So it will be 6 dispensary sides total.

MR. GAETANO: So it's not an island that has 2 pumps on each side, it's only a single pump on an island?

MR. CHARLEY: Uh-huh. And the most cars at a time would be 6.

MS. BAUR: How many other businesses are in the Plaza?

MR. CHARLEY: So currently, under the 990 North Main Street Management, LLC, which is the company that owns the center, not the bank. I'm not going to count the bank because we don't own that. But the 990 North Main Street Management, LLC does not own that. You have the Shop 'n Save. You have Mad Scientist Beer. And then you have Maytag. So there's three total businesses inside the center.

MR. GAETANO: And who will own the Sunoco?

MR. CHARLEY: Shop 'n Save. The company's name is Tomeko (phonetic). That's the umbrella company that would own that. Mike and I are the owners of that.

MR. GAETANO: And the 990, LLC -- is that the name of it?

MR. CHARLEY: 990 North Main Street Management, LLC.

MR. GAETANO: And who owns that?

MR. CHARLEY: I don't want to get too technical under the organizational flow

chart. But essentially it's for the beneficiaries of our children basically. So I don't technically own it.

MR. GAETANO: There's an issue of proof of ownership for a --

What would be the right terminology?

MR. DEROSE: Well, what you're getting at is can we tie the Sunoco and the Shop 'n Save, and the Plaza for that matter, into a single use?

MR. GAETANO: Yes.

MR. CHARLEY: It's not like ownership. I will be very clear about that. The Shop 'n Save is not owned by the same company that owns the center.

MR. DEROSE: And the Sunoco?

MR. CHARLEY: Will be owned by Shop 'n Save.

MR. DEROSE: The idea here is an extension of a non-conforming use.

MR. CHARLEY: Yes.

MR. DEROSE: So it has to be an extension --

MR. CHARLEY: Of the Shop 'n Save.

MR. DEROSE: Not a new thing.

MR. CHARLEY: Correct.

MR. DEROSE: You got to expect, until you think about it, to go into a Shop 'n Save and buy 10 gallons of gas. But you could. In the modern world, you could simply walk outside the Shop 'n Save and have gas pumps. There's an awful lot of grocery stores that have gas pumps. And that's what I want you to establish on the record, if you can, the relationship between the Sunoco station that's coming --

MR. CHARLEY: And the grocery store?

MR. DEROSE: Yes.

MR. CHARLEY: Okay. I can clearly define that. So the way that I can look at from an operational standpoint is that employees of the grocery store will be responsible for managing the gas station, my cashiers and customer service representatives. Anyone who is paying with cash will have to go inside and pay cash inside. They will have to deal directly with my employees. So it is operated as a part of the grocery store.

MR. DEROSE: Otherwise, what,

they would use a credit card?

MR. CHARLEY: Yes, a credit card outside. Exactly.

MR. GAETANO: Jeff, correct me if I'm wrong. So if we were to grant a variance for an extension of a non-conforming use, once you go through the balance of the process, then you would need to come back to the Zoning Board for signage approval? We're not giving a variance for that at this point.

Is that correct?

MS. BAUR: We don't know if that's needed yet.

MR. GAETANO: Okay.

MR. RAYKES: The only thing that's in play that they're requesting and the application reflects is a use variance. So while parking is important, while flow is important, really what we're saying that the application is for is the extension of the non-conforming use. And that's the reason, Lou, the Solicitor for the Zoning Hearing Board, is asking questions regarding how the two are connected.

MR. GAETANO: An extension of

each other?

MR. RAYKES: Exactly.

MR. DEROSE: What you've said, Tom, is apparently it is a natural extension. You know, you can go in and go to the left and buy green beans, and go to the right and buy gasoline.

MR. CHARLEY: Yes. And all of the same employees are under the same banner.

MR. THOMPSON: I just have one more. Where will the environmental impact come in with this? Later on that will be discussed? Or is that part of the variance?

MR. RAYKES: I would refer, as staff, to your Solicitor, because my question is from a land developing standpoint. We're going to require a land development approval. Part of that is going to be asking questions about, you know, having the city engineer review the --

MS. BAUR: With the impervious --

MR. RAYKES: Impervious of the storm water implications. I'm trying to get to the environmental components of that.

MR. DEROSE: That's beyond the use.

MR. THOMPSON: That just answered my question. That's beyond the use. So this just opened the door.

MR. DEROSE: You're absolutely right. It's a good question.

You've asked for these pumps. And you've shown us that you're going to take out an island of parking and put them in. But you also have tanks, do you not? Where are they going? Because you're not allowed to put tanks under pumps, right?

MS. SCHWALDER (phonetic): Can you flip back to the site plan?

MR. RAYKE: If you don't mind, please introduce yourself for the record.

MS. SCHWALDER: Hi. I'm Kristen Schwalder. I'm with Sevan Multi-Site Solutions, a consultant on behalf of the Charley brothers. So I'm here for the technical, architectural design. And I can touch on the environmental for a bit if you would like.

MR. DEROSE: What about the notion of the tanks? Where are they?

MS. SCHWALDER: So I'll point

to them, and then continue. So we have kind of proposed a location for the tank. As you can see it's right there (indicating). So I think what we're proposing now is one tank with two compartments for -- you know, one could have premium. One could have unleaded. One could have diesel, whatever you choose to do. And as you can see it, not underneath the pump exactly.

And as far as the environmental, I think that will come during our Land Development Application as one of the checklists where we need to coordinate with the DEP, and make sure that we're registering the tank, we're following all of their rules and regulations for testing, inspection, you know, proper installation techniques. All of those kinds of aspects.

MR. THOMPSON: I knew with this too.

MS. SCHWALDER: No worries.

MR. GAETANO: So variance requirements is the first stepping stone for them to continue in their --

MR. THOMPSON: Their process.

MR. GAETANO: -- process for the balance of the project? So they would need to have our approval for an extension variance for a non-conforming use. And if we grant that, then they can continue on in the process.

But we're not approving the installation of the gas station, or fuel dispersement, we're only giving them the ability, if it's approved, to use the land for that reason.

Anybody have any additional questions?

MR. THOMPSON: No.

MR. GAETANO: So we would need a motion, if we were to want to consider this, either for an approval for an extension of the non-conforming use variance for 990 North Main Street for use for a gas distribution station.

MR. THOMPSON: I'll make a motion to do such. The motion is an extension of a non-conforming use variance at 990 North Main Street.

Does that capture everything?

MR. DEROSE: That's fine. We need a second.

MR. GAETANO: Yes.

MS. BAUR: I know Jeff likes to specify exactly what the variance is?

MR. RAYKES: The wording of the variance would be important.

MR. THOMPSON: The extension of a non-conforming use of --

MR. RAYKES: I would rely on Lou, if it's okay.

Lou, do you mind making sure that we have a well-stated --

MR. DEROSE: This is an extension -- a natural extension I would almost say -- of the use of that grocery store into a gasoline dispensary area.

MS. BAUR: I would like to second that motion.

MR. GAETANO: We have a motion and a second.

Can we do a roll call vote, please?

MS. MOSKO: Barry Gaetano?

MR. GAETANO: Yes.

MS. MOSKO: Victoria Baur?

MS. BAUR: Yes.

MS. MOSKO: Ben Thompson?

MR. THOMPSON: Yes.

MR. GAETANO: So the variance has been granted. You do need to wait 30 days. There is a period of time of 30 days that anybody can appeal the decision. And that would have to go through the Court. Once 30 days passes, you can continue with your project.

MR. CHARLEY: Thank you very much.

MR. GAETANO: But you can always feel free to call the Zoning Office, and they will be of great help to you.

MR. CHARLEY: Absolutely. Thank you, guys. I really appreciate it.

MR. GAETANO: Thanks for being patient.

MR. CHARLEY: I really appreciate your time.

MR. GAETANO: The second variance request today would be Variance No. 6. And the Applicant is Jeff Friedl, 400 South Main Street.

Jeff, do you want to give us a little background, please?

MR. RAYKES: I didn't follow my own direction in terms of standing near a microphone. Lisa is the court reporter for us.

And I always like to speak clearly and slowly for the record, because we do file that as part of the package. So I need to make sure that I do that, and stand near a microphone.

Jeff is representing Citizens Bank, who is our next-door neighbor, at 400 South Main Street. The application is for a variance. We were misaligned with the zoning ordinance, which is 265-47 in our zoning ordinance. The original application proposed two wall signs on the east and west sides of the building, which I'll show you where in the Commercial District once I get back over there. The C2. They're not in one of the Overlay Districts. So really the base zoning would apply.

They can only have one wall sign per parcel as it's indicated in our zoning ordinance. And two were proposed. So it's a variance to allow two wall signs instead of just one, which would be in alignment with the ordinance.

I'll go into a little more detail here. We know the property and its location. Everybody is familiar with the parcel. They've

done significant changes to the parcel. Everything has been in alignment in terms of the building. They have acquired all of the permits.

So what they're asking for is the installation of the sign in this location. The first --

Would that be the east?

MR. FRIEDL: That would be east, yes.

MR. RAYKES: So the eastern side of the building is the principal wall sign. And they've already installed that, applied for, or received, a permit for that so that they were able to expedite the project, which is allowable within the constraints of the zoning ordinance.

So really this is a variance for the installation of the wall sign here. All of the other signs, which you've seen in the application, and I'm sure reviewed, these other smaller signs, are really not part of the application for a variance. It's really the duplicate signs here.

The requirement is 24 square feet.

So this sign is two feet here. We would say 2 by 10. So at the biggest, it would be 20 square feet, and well within that requirement. So, again, it's the number of signs to be -- the variance wouldn't be for the size because they're compliant here (indicating throughout).

MR. GAETANO: Jeff, is that the front or the back? When you say east, that's the front Main Street side, correct?

MR. RAYKES: So I would turn it over to Jeff and let him address this.

Jeff, if you don't mind, introduce yourself.

MR. FRIEDL: I'm Jeff Friedl. I'm from Atlas Sign & Lighting. I'm representing Philadelphia Sign who is actually the sign builder for Citizens.

And what we ended up doing, Jeff, is we secured the permit for the west side, which has the parking lot, because that's what they considered the main entrance. This (indicating) would be the east entrance. This would be right on Main Street. This is the one you would see from Main Street. And

they considered this their lesser entrance just due to the only thing that they have in there is an ATM machine. Everyone basically services it from the parking lot.

And what we're looking for is -- again, we do have a unique situation. I can say that that's somewhat of a hardship through the property. It's just that we do have two entrances. The main entrance would be the parking lot side. And the front entrance would be the secondary side.

You typically denote an entrance with a sign. Whenever I go hang a sign, I hang it over an entrance because it forces your clientele to know that's the entrance. And also, you know, location as an ID as well.

Again, it's not like we created it. I know they did a lot of permitting as far as upgrades. There was nothing that was done to the building that actually changed it to say, oh, you need two signs now. There were two signs on this building from probably whenever it was a Mellon Bank, I would assume. As old as I am, I would know that. But they had two signs on the building, which I think -- if you

notice on Jeff's original following there, there was. You can see they were 20 square feet of sign on each elevation on the east and the west. And we are actually putting up 15 square foot per sign.

I have a handout. Should I hand it out or should I go to the --

MR. DEROSE: Whatever you want, Jeff.

MR. FRIEDL: I didn't know we were going to have the viewer.

MR. THOMPSON: I'll pass them out.

MR. FRIEDL: Okay. Thank you.

But you can see on the front elevation that that's the existing sign that was there. And that's a 20 square foot sign. And if you fall back onto Page 2, you will see the proposed signage. We're putting green background where the marble is on the roof. And then we're putting the sign right on that facade there. And that would be on the east and west side. And then the third page you'll see that as the west side. And that's showing that there was a sign as well.

So we didn't alter the building.

And that's why we're asking for a variance. It's basically been set up that way all along.

MR. GAETANO: So the green marble is not part of the sign?

MR. FRIEDL: No.

MR. GAETANO: That's separate?

MR. FRIEDL: That's just metal work that they're putting up.

MR. GAETANO: So should I assume that the sign that's by the flagpole is coming down?

MR. FRIEDL: The pylon sign? The road sign?

MR. GAETANO: Yes.

MR. FRIEDL: We already got a permit to install another updated -- it's like a monolithic sign. That full sign is coming down. And it's more of a monolithic sign.

MR. RAYKES: So the only application is for the two -- they're applying for two wall signs. They've already secured the permit for all of the other signage. So the only sign that's misaligned with the zoning ordinance is two wall signs.

I stepped out. My blood sugar is a

little low. So I apologize, I had to get a little sugar. And I'm not sure of the ground that you covered, but essentially the sign that's going to be installed here (indicating) in the parking lot is the one that needs the variance.

MR. FRIEDL: No, that's the one we pulled a permit for. They considered that a main entrance.

MR. RAYKES: So they need a wall sign --

MR. FRIEDL: Yes.

MR. RAYKES: -- in the front of the building?

MR. FRIEDL: On Main Street.

MR. RAYKES: I'll let you show us.

MR. FRIEDL: This (indicating) one doesn't have one.

MR. GAETANO: I just want to make sure the wording is correct. So the west main entrance, is that considered the front or the back?

MR. FRIEDL: West main would be -- there's a sidewalk and everything. But they consider their main entrance on the west side

of the building where the parking lot is at.

MR. DEROSE: I don't think you need that.

MR. GAETANO: We don't have to worry about that?

MR. DEROSE: No. I think what you're going to do is simply, if you wish to approve it, say this variance allows Citizens Bank to install the signs pursuant to the submitted form of 15 feet. I think that's what he said.

MR. GAETANO: 15 square, yes.

MR. FRIEDL: 15 square feet.

MR. DEROSE: 15 square feet. Sorry. On the west entrance and on the east entrance.

MR. GAETANO: So we don't need to do two signs. They're only asking for a variance for one, right?

MR. FRIEDL: Correct.

MR. DEROSE: But, again, you're trying to make it understandable.

MR. GAETANO: Okay. That's good. Anybody else have any questions? Ben?

MR. THOMPSON: No.

MS. BAUR: No.

MR. GAETANO: So we would need a motion either requesting approval for a variance for two signs for the building, because we would need -- or a variance for an extra sign. So it would be two signs. They already have approval for one. So they're asking for a variance to add a second sign. And it would be up to -- or it would be by what they requested, 15 square feet? Is that correct? Would it need to be the sign that they've shown us? Would that need to be in there? Or it can be up to 15 square feet?

MR. DEROSE: As long as it fits what they've submitted.

MR. RAYKES: Okay. So the wording, as I understand it, would be for a variance from the sign -- we can reference it by what's in your agenda.

So what is it, 265-47?

MR. FRIEDL: Yes.

MR. RAYKES: It would be a variance from 265-47 to allow two wall signs.

MS. BAUR: I would like to make

a motion to what we just said.

MR. DEROSE: That's good enough.

MR. THOMPSON: I second it.

MR. GAETANO: We have a motion and a second. If we could call a roll call, please?

MS. MOSKO: Barry Gaetano?

MR. GAETANO: Yes.

MS. MOSKO: Victoria Baur?

MS. BAUR: Yes.

MS. MOSKO: Ben Thompson?

MR. THOMPSON: Yes.

MR. GAETANO: As I mentioned before, the variance has been granted. You need to wait 30 days before any additional movement on this in case there's any appeals filed for the decision that was made tonight.

MR. FRIEDL: Excellent. Thank you, guys.

MS. BAUR: Do we need to enter this (indicating) into the record?

MR. RAYKES: Is it what he passed out?

MS. BAUR: Yes.

MR. RAYKES: So we will have

Exhibit A entered into the record as passed out.

(Exhibit A was marked for identification.)

MR. GAETANO: I believe that finishes all the requests we've had for the night. So we need a motion for adjournment.

MR. THOMPSON: I motion to adjourn.

MS. BAUR: I second.

MR. GAETANO: We are adjourned. Thank you for your time.

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(Whereupon the hearing was concluded at 4:53 p.m.)

REPORTER'S CERTIFICATE

I, Lisa M. Wolfe, certify that the foregoing pages are a true and correct transcript of my stenographic notes taken at the proceedings on November 16, 2022.

Lisa M. Wolfe, Reporter

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

1

10 [2] - 15:4, 25:2
100 [2] - 9:18, 10:16
12 [1] - 12:16
15 [7] - 27:5, 30:10, 30:12, 30:13, 30:14, 31:11, 31:14
15601 [1] - 1:5
15642 [1] - 1:17
16 [2] - 1:4, 34:6

2

2 [4] - 12:14, 12:22, 25:2, 27:17
20 [4] - 11:25, 25:3, 27:2, 27:16
2022 [2] - 1:4, 34:6
24 [1] - 24:25
265-47 [3] - 23:9, 31:21, 31:24

3

3 [1] - 12:13
30 [5] - 11:25, 22:3, 22:4, 22:6, 32:15

4

400 [2] - 22:20, 23:6
412-608-8004 [1] - 1:18
416 [1] - 1:5
441 [1] - 1:17
4:17 [1] - 1:6
4:53 [1] - 33:15

5

5 [1] - 4:9
5-2022 [1] - 2:4

6

6 [4] - 12:15, 12:20, 12:25, 22:19
6-2022 [1] - 2:11

8

8 [2] - 2:5, 2:8

9

990 [7] - 4:11, 13:4, 13:7, 13:19, 13:21, 20:17, 20:21

A

ability [1] - 20:9
able [5] - 10:10, 11:1, 11:5, 11:12, 24:15
absolutely [2] - 18:4, 22:12
accept [1] - 3:21
acquired [1] - 24:3
action [1] - 9:18
add [1] - 31:9
additional [3] - 11:23, 20:11, 32:15
address [2] - 4:10, 25:12
adjourn [1] - 33:9
adjourned [1] - 33:11
adjournment [1] - 33:7
administered [1] - 3:6
Administrative [1] - 1:11
affect [1] - 6:12
AGENCY [1] - 1:20
agenda [2] - 4:9, 31:20
ago [1] - 7:3
alignment [2] - 23:21, 24:2
allow [2] - 23:20, 31:24
allowable [1] - 24:16
allowed [1] - 18:10
allows [1] - 30:8
almost [1] - 21:13
alter [1] - 27:25
amount [1] - 12:11
angled [1] - 10:18
answered [1] - 18:2
antiquated [1] - 6:6
anyway [1] - 11:23
apologize [1] - 29:1
appeal [1] - 22:5
appeals [1] - 32:16
APPLICANT [2] - 2:3, 2:10
Applicant [2] - 4:2, 22:20
Application [1] - 19:12
application [12] - 4:13, 4:17, 7:23, 7:25, 8:8, 16:17, 16:20, 23:7, 23:10, 24:21, 24:23, 28:20
applied [3] - 5:8, 6:19, 24:14
apply [3] - 7:17, 9:11, 23:16
applying [1] - 28:20
appreciate [2] - 22:13, 22:16
approach [1] - 7:16
approval [6] - 16:9, 17:17, 20:3, 20:16, 31:4, 31:8
approve [1] - 30:8
approved [1] - 20:9
approving [1] - 20:6
architectural [1] - 18:20
area [3] - 9:4, 11:11, 21:15
areas [1] - 12:16
aspects [1] - 19:18
Assistant [1] - 1:11
associated [1] - 7:24
assume [2] - 26:23, 28:10
Atlas [1] - 25:16
ATM [1] - 26:3
AUTHORIZATION [1] - 1:20
auto [4] - 6:2, 6:8, 7:7, 7:9
awful [1] - 15:7

B

background [2] - 22:22, 27:19
balance [2] - 16:7, 20:2
bank [3] - 5:12, 13:6
Bank [3] - 23:5, 26:23, 30:9
banner [1] - 17:9
barry [1] - 32:7
Barry [3] - 1:11, 3:9, 21:21
base [3] - 6:11, 6:13, 23:15
bAUR [1] - 21:2
BAUR [12] - 3:13, 13:1, 16:12, 17:21, 21:16, 21:24, 31:2, 31:25, 32:10, 32:20, 32:24, 33:10
Baur [4] - 1:12, 3:12, 21:23, 32:9
beans [1] - 17:6
Beer [1] - 13:10
BEFORE [1] - 1:8
behalf [1] - 18:18
Ben [1] - 1:12
ben [4] - 3:14, 21:25, 30:25, 32:11
beneficiaries [1] - 14:2
best [1] - 6:8
between [1] - 15:10
beyond [2] - 17:25, 18:2
big [3] - 5:3, 8:1, 8:2
biggest [1] - 25:2
bit [3] - 5:15, 8:5, 18:21
blocked [1] - 11:12
blood [1] - 28:25
BOARD [2] - 1:1, 1:9
Board [7] - 1:4, 1:5, 3:20, 6:22, 8:7, 16:9, 16:23
break [1] - 5:22
bring [2] - 3:19, 8:25
brothers [1] - 18:19
builder [1] - 25:18
building [10] - 23:12, 24:3, 24:12, 26:20, 26:22, 26:25, 27:25, 29:14, 30:1, 31:5
business [1] - 9:20
businesses [3] - 5:19, 13:2, 13:11
buy [3] - 15:4, 17:6

C

C2 [1] - 23:14
capture [1] - 20:23
car [1] - 6:4
card [2] - 16:1, 16:3
cars [1] - 12:25
case [2] - 6:8, 32:16
cash [2] - 15:21, 15:22
cashiers [1] - 15:20
center [4] - 10:8, 13:5, 13:12, 14:15
CERTIFICATE [1] - 34:1
certify [1] - 34:3
CERTIFYING [1] - 1:20
Chairman [2] - 1:11, 1:12
change [2] - 11:16, 12:2
changed [1] - 26:20
changes [1] - 24:1
CHARLEY [26] - 2:5, 8:12, 8:15, 9:9, 10:12, 10:22, 11:14, 12:6, 12:18, 12:24, 13:3, 13:15, 13:21, 13:24, 14:12, 14:17, 14:21, 14:24, 15:1, 15:12, 15:15, 16:2, 17:8, 22:8, 22:12, 22:16
Charley [2] - 4:2, 18:19
cHARLEY [2] - 3:23, 8:23
chart [1] - 14:1
checklists [1] - 19:13
children [1] - 14:2
choose [1] - 19:7
Citizens [3] - 23:5, 25:18, 30:8
city [3] - 1:1, 5:2, 17:19
City [3] - 1:4, 1:5, 9:23
CITY [1] - 1:9
clear [1] - 14:13
clearly [2] - 15:16, 23:1
clears [1] - 7:22
clientele [1] - 26:15
close [1] - 4:19
coming [3] - 15:11, 28:11, 28:17
commencing [1] - 1:6
commercial [1] - 6:16
Commercial [1] - 23:13
company [3] - 13:5, 13:17, 14:15
company's [1] - 13:16
compartments [1] - 19:5
compliant [1] - 25:6
components [2] - 8:8, 17:24
concerns [1] - 8:7
concluded [1] - 33:15
conforming [13] - 7:12, 7:13, 9:6, 9:8, 9:10, 9:22, 14:20, 16:6, 16:21, 20:4, 20:17, 20:21, 21:7
connected [1] - 16:24
consider [2] - 20:15, 29:25
considered [4] - 25:22, 26:1, 29:8, 29:21

constraints [1] - 24:16
consultant [1] - 18:18
contact [1] - 4:20
continue [4] - 19:1, 19:24, 20:5, 22:7
control [1] - 10:11
controlled [1] - 9:18
coordinate [1] - 19:13
corner [2] - 5:11, 5:13
correct [8] - 15:1, 16:4, 16:11, 25:10, 29:20, 30:20, 31:12, 34:4
count [1] - 13:6
court [1] - 22:25
COURT [1] - 1:16
Court [1] - 22:6
cover [2] - 4:15, 4:16
covered [2] - 6:15, 29:3
created [1] - 26:17
credit [2] - 16:1, 16:2
curious [1] - 12:5
current [2] - 6:16, 7:12
customer [1] - 15:20
customers [2] - 10:6, 11:22

D

days [4] - 22:3, 22:4, 22:6, 32:15
deal [1] - 15:23
decision [3] - 3:21, 22:5, 32:17
deeded [1] - 5:12
define [1] - 15:16
definition [2] - 6:2, 6:7
denote [1] - 26:12
DEP [1] - 19:14
DeRose [1] - 1:10
DEROSE [21] - 14:7, 14:16, 14:19, 14:22, 14:25, 15:2, 15:14, 15:25, 17:3, 17:25, 18:4, 18:23, 20:24, 21:12, 27:8, 30:2, 30:6, 30:14, 30:21, 31:15, 32:2
design [1] - 18:20
detail [1] - 23:23
details [1] - 4:15
developing [1] - 17:16
development [3] - 7:20, 7:23, 17:17
Development [1] - 19:12
diagram [1] - 10:8
diesel [1] - 19:7
direct [1] - 11:8
direction [2] - 10:19, 22:24
directly [1] - 15:23
Director [1] - 1:10
discussed [1] - 17:12
dispensary [3] - 12:16, 12:20, 21:15
dispersement [1] - 20:8
distribution [1] - 20:18
district [1] - 6:10
District [1] - 23:13
Districts [1] - 23:15
done [2] - 24:1, 26:19
door [2] - 18:3, 23:6
down [3] - 11:2, 28:11, 28:18
DRIVE [1] - 1:17
due [1] - 26:2
duplicate [1] - 24:24
during [1] - 19:11

E

e-mails [1] - 4:23
east [8] - 23:11, 24:8, 24:10, 25:9, 25:23, 27:3, 27:21, 30:15
eastern [1] - 24:11
either [4] - 11:2, 12:17, 20:16, 31:4
ELEVATION [1] - 2:15
elevation [2] - 27:3, 27:15
employees [3] - 15:18, 15:23, 17:9
ended [1] - 25:19
engineer [1] - 17:19
enter [1] - 32:20
entered [1] - 33:1
entrance [14] - 11:17, 25:22, 25:23, 26:1, 26:9, 26:10, 26:12, 26:14, 26:15, 29:9, 29:21, 29:25, 30:15, 30:16
entrances [1] - 26:9
environmental [4] - 17:11, 17:24, 18:21, 19:10
essentially [2] - 14:1, 29:3
establish [1] - 15:9
exact [2] - 8:18, 10:16
exactly [5] - 8:24, 16:3, 17:2, 19:9, 21:3
excellent [1] - 32:18
exchanged [1] - 4:22
excited [1] - 9:24
Exhibit [5] - 8:13, 8:20, 8:21, 33:1, 33:3
EXHIBITS [2] - 2:7, 2:14
exhibits [1] - 2:16
existing [2] - 11:22, 27:15
exit [2] - 11:11, 11:17
expect [1] - 15:2
expecting [2] - 11:20, 11:25
expedite [1] - 24:15
extending [1] - 7:12
extension [18] - 7:11, 9:7, 9:9, 9:12, 9:19, 9:21, 14:20, 14:23, 16:6, 16:20, 16:25, 17:4, 20:3, 20:16, 20:20, 21:6, 21:13
extra [1] - 31:7

F

facade [1] - 27:21
fact [2] - 4:20, 8:24
fall [1] - 27:17
familiar [1] - 23:25
far [2] - 19:10, 26:18
feet [9] - 24:25, 25:1, 25:3, 27:3, 30:10, 30:13, 30:14, 31:11, 31:14
felt [1] - 12:8
field [1] - 10:1
file [2] - 9:6, 23:2
filed [1] - 32:17
fine [1] - 20:24
finishes [1] - 33:6
first [6] - 3:25, 4:3, 4:8, 7:21, 19:23, 24:7
fits [3] - 6:1, 6:8, 31:15
flagpole [1] - 28:10
flip [1] - 18:13
flow [7] - 10:7, 10:11, 11:4, 11:20, 12:11, 13:25, 16:18
fly [1] - 11:5
folks [2] - 4:19, 6:18
follow [2] - 11:3, 22:23
following [2] - 19:15, 27:1
foot [2] - 27:5, 27:16
forces [1] - 26:14
foregoing [1] - 34:4
foremost [1] - 7:21
form [1] - 30:10
forward [1] - 7:18
free [1] - 22:10
FRIEDL [19] - 2:12, 3:24, 24:9, 25:15, 27:10, 27:13, 28:5, 28:7, 28:12, 28:15, 29:7, 29:12, 29:15, 29:17, 29:23, 30:13, 30:20, 31:22, 32:18
Friedl [2] - 22:20, 25:15
FROM [1] - 1:20
front [8] - 10:24, 12:19, 25:9, 25:10, 26:10, 27:14, 29:13, 29:21
fuel [1] - 20:7
full [2] - 3:20, 28:17
functional [1] - 9:18
fundamental [1] - 9:12

G

gAETANO [1] - 16:14
Gaetano [4] - 1:11, 3:9, 21:21, 32:7
GAETANO [43] - 3:3, 3:7, 3:10, 3:17, 3:25, 4:7, 8:9, 10:2, 12:13, 12:21, 13:13, 13:19, 13:23, 14:4, 14:11, 16:4, 16:25, 19:22, 20:1, 20:14, 21:1, 21:18, 21:22, 22:2, 22:9, 22:14, 22:18, 25:8, 28:3, 28:6, 28:9, 28:14, 29:19, 30:4, 30:12, 30:17, 30:23, 31:3, 32:4, 32:8, 32:13, 33:5, 33:11
gallons [1] - 15:4
gas [17] - 5:21, 6:1, 6:4, 7:2, 7:4, 7:7, 8:25, 9:3, 10:15, 11:1, 12:9, 15:4, 15:6, 15:8, 15:19, 20:7, 20:18
gasoline [2] - 17:7, 21:15
gateway [2] - 6:10, 6:12
general [1] - 12:3
generally [1] - 11:14
goal [1] - 11:15
Google [1] - 5:5
grant [2] - 16:5, 20:4
granted [3] - 6:19, 22:3, 32:14
great [2] - 9:3, 22:11
green [3] - 17:6, 27:18, 28:3
GREENSBURG [2] - 1:1, 1:9
Greensburg [4] - 1:4, 1:5, 1:5, 9:1
grocery [8] - 9:14, 9:17, 9:19, 15:7, 15:12, 15:18, 15:24, 21:14
ground [1] - 29:2
guess [2] - 10:6, 11:7
guys [4] - 8:15, 9:25, 22:13, 32:19

H

hand [1] - 27:6
handout [1] - 27:6
hang [2] - 26:13
hardship [1] - 26:7
HEARING [2] - 1:1, 1:9
hearing [2] - 4:1, 33:14
Hearing [3] - 1:4, 1:4, 16:22
held [1] - 1:4
help [1] - 22:11
Hi [1] - 18:16
HUNTINGDON [1] - 1:17
hurdle [1] - 7:22
hurdles [1] - 8:1

I

ID [1] - 26:16
idea [2] - 7:6, 14:19
identification [2] - 8:22,

33:4
image [1] - 10:14
impact [3] - 12:8, 12:11, 17:11
impervious [2] - 17:21, 17:22
implications [1] - 17:23
important [4] - 11:19, 16:18, 16:19, 21:5
increase [2] - 11:20, 11:25
indicated [1] - 23:18
indicating [6] - 5:3, 25:6, 25:23, 29:4, 29:17, 32:21
indicating) [3] - 5:11, 8:19, 19:3
individual [1] - 5:18
inside [3] - 13:11, 15:22
inspection [1] - 19:16
install [3] - 4:24, 28:16, 30:9
installation [4] - 19:17, 20:7, 24:6, 24:19
installed [2] - 24:13, 29:4
instead [1] - 23:20
interested [1] - 5:6
interestingly [1] - 5:24
introduce [2] - 18:15, 25:13
IS [1] - 1:20
island [4] - 12:14, 12:22, 12:23, 18:8
islands [1] - 12:14
issue [1] - 14:4
itself [1] - 11:7

J

JEFF [1] - 2:12
jeff [4] - 16:4, 22:21, 25:8, 25:13
Jeff [9] - 1:10, 9:5, 21:2, 22:20, 23:5, 25:12, 25:15, 25:19, 27:9
Jeff's [1] - 27:1
Jessica [1] - 1:11

K

kind [2] - 11:5, 19:1
kinds [1] - 19:18
kiosk [1] - 9:15
knows [1] - 5:1
Kristen [2] - 4:20, 18:17
kyli [1] - 3:16

L

lacks [1] - 6:6
laid [3] - 10:14, 10:17, 12:9
land [5] - 7:20, 7:23, 17:16, 17:17, 20:9
Land [1] - 19:11
large [2] - 10:23, 10:24
layout [2] - 10:15, 11:16
least [1] - 12:10
left [1] - 17:5
legal [1] - 6:17
lesser [1] - 26:1
Lighting [1] - 25:16
Lisa [4] - 1:6, 22:25, 34:3, 34:9
LISA [1] - 1:16
LLC [4] - 13:5, 13:8, 13:19, 13:22
location [6] - 9:2, 9:3, 19:2, 23:24, 24:6, 26:16
log [1] - 8:19
logical [1] - 9:23
look [5] - 8:3, 10:14, 10:17, 12:19, 15:17
looking [3] - 8:19, 10:5, 26:5
Lou [3] - 16:22, 21:9, 21:10
Louis [1] - 1:10
love [2] - 8:25, 9:25
low [1] - 29:1

M

machine [1] - 26:3
Mad [1] - 13:9
mails [1] - 4:23
main [7] - 11:18, 25:22, 26:9, 29:9, 29:21, 29:23, 29:25
Main [13] - 1:5, 11:10, 13:4, 13:8, 13:21, 20:17, 20:22, 22:20, 23:7, 25:10, 25:24, 25:25, 29:15
majority [2] - 3:18, 11:21
managed [1] - 9:17
Management [3] - 13:4, 13:8, 13:22
managing [1] - 15:19
Maps [1] - 5:5
marble [2] - 27:19, 28:4
marked [3] - 2:16, 8:21, 33:3
matter [1] - 14:9
Maytag [1] - 13:10
McLaughlin [1] - 3:11
mean [2] - 11:6, 12:6
Meeting [1] - 1:4
meeting [1] - 3:4
Mellon [1] - 26:23
Members [1] - 1:5
mentioned [1] - 32:13
metal [1] - 28:7
microphone [2] - 22:25, 23:4
Mike [1] - 13:18
mind [3] - 18:14, 21:10, 25:13
minute [1] - 5:5
misaligned [4] - 4:13, 6:22, 23:8, 28:23
modern [1] - 15:5
monolithic [2] - 28:17, 28:18
MOSKO [9] - 3:9, 3:11, 3:14, 3:16, 21:23, 21:25, 32:7, 32:9, 32:11
Mosko [1] - 1:11
mOSKO [1] - 21:21
most [2] - 5:2, 12:25
motion [10] - 20:15, 20:20, 21:17, 21:18, 31:4, 32:1, 32:4, 33:7, 33:8
movement [1] - 32:16
moves [1] - 11:8
moving [1] - 4:12
MR [150] - 3:3, 3:7, 3:10, 3:15, 3:17, 3:23, 3:24, 3:25, 4:5, 4:7, 4:8, 8:9, 8:10, 8:14, 8:15, 8:17, 8:23, 9:7, 9:9, 10:2, 10:4, 10:12, 10:21, 10:22, 11:10, 11:14, 12:4, 12:6, 12:13, 12:18, 12:21, 12:24, 13:3, 13:13, 13:15, 13:19, 13:21, 13:23, 13:24, 14:4, 14:7, 14:11, 14:12, 14:16, 14:17, 14:21, 14:22, 14:24, 14:25, 15:1, 15:2, 15:12, 15:14, 15:15, 15:25, 16:2, 16:4, 16:14, 16:15, 16:25, 17:2, 17:3, 17:8, 17:10, 17:14, 17:22, 17:25, 18:1, 18:4, 18:14, 18:23, 19:19, 19:22, 19:25, 20:1, 20:13, 20:14, 20:19, 20:24, 21:1, 21:4, 21:6, 21:8, 21:12, 21:18, 21:22, 22:1, 22:2, 22:8, 22:9, 22:12, 22:14, 22:16, 22:18, 22:23, 24:9, 24:11, 25:8, 25:11, 25:15, 27:8, 27:10, 27:12, 27:13, 28:3, 28:5, 28:6, 28:7, 28:9, 28:12, 28:14, 28:15, 28:19, 29:7, 29:10, 29:12, 29:13, 29:15, 29:16, 29:17, 29:19, 29:23, 30:2, 30:4, 30:6, 30:12, 30:13, 30:14, 30:17, 30:20, 30:21, 30:23, 31:1, 31:3, 31:15, 31:17, 31:22, 31:23, 32:2, 32:3, 32:4, 32:8, 32:12, 32:13, 32:18, 32:22, 32:25, 33:5, 33:8, 33:11
MS [27] - 3:9, 3:11, 3:13, 3:14, 3:16, 13:1, 16:12, 17:21, 18:12, 18:16, 18:25, 19:21, 21:2, 21:16, 21:21, 21:23, 21:24, 21:25, 31:2, 31:25, 32:7, 32:9, 32:10, 32:11, 32:20, 32:24, 33:10
Multi [1] - 18:17
Multi-Site [1] - 18:17
multiple [2] - 6:23, 6:24

N

name [2] - 13:16, 13:20
natural [2] - 17:4, 21:13
near [3] - 9:2, 22:24, 23:4
need [23] - 3:5, 3:7, 3:18, 9:5, 9:10, 16:8, 19:13, 20:2, 20:14, 20:25, 22:3, 23:3, 26:21, 29:10, 30:3, 30:17, 31:3, 31:6, 31:12, 31:13, 32:15, 32:20, 33:7
needed [1] - 16:13
needs [1] - 29:5
neighbor [1] - 23:6
new [1] - 14:25
next [1] - 23:6
next-door [1] - 23:6
nice [2] - 10:13, 10:23
night [1] - 33:7
NO [2] - 2:4, 2:11
non [13] - 7:12, 7:13, 9:6, 9:8, 9:10, 9:22, 14:20, 16:6, 16:21, 20:4, 20:17, 20:21, 21:7
non-conforming [13] - 7:12, 7:13, 9:6, 9:8, 9:10, 9:22, 14:20, 16:6, 16:21, 20:4, 20:17, 20:21, 21:7
nonconforming [1] - 6:17
none [1] - 7:17
North [7] - 4:11, 9:1, 13:4, 13:7, 13:21, 20:17, 20:21
NORTH [1] - 1:17
northern [1] - 5:2
notes [2] - 6:14, 34:5
nothing [1] - 26:19
notice [1] - 27:1
notion [1] - 18:24
November [2] - 1:4, 34:6
number [1] - 25:4

O

oath [1] - 3:6
obviously [1] - 6:24
OF [4] - 1:1, 1:3, 1:9, 1:20
Office [1] - 22:10
official [1] - 7:11
old [1] - 26:23
once [4] - 7:21, 16:7, 22:6, 23:13
one [29] - 5:1, 6:8, 7:16,

8:2, 9:2, 9:11, 10:4, 10:5, 10:12, 10:19, 10:25, 11:2, 11:18, 17:10, 19:4, 19:5, 19:6, 19:12, 23:14, 23:17, 23:21, 25:25, 29:5, 29:7, 29:18, 30:19, 31:8
open [1] - 11:6
opened [1] - 18:3
opening [2] - 10:23, 10:24
operated [1] - 15:24
operational [1] - 15:17
opportunity [1] - 9:24
order [2] - 3:4, 7:15
ordinance [10] - 4:14, 5:25, 6:6, 7:14, 23:9, 23:10, 23:19, 23:22, 24:17, 28:24
organizational [1] - 13:25
original [2] - 23:10, 27:1
otherwise [1] - 15:25
outside [3] - 9:16, 15:6, 16:3
Overlay [1] - 23:14
own [7] - 5:12, 13:7, 13:8, 13:13, 13:17, 14:3, 22:24
owned [3] - 5:16, 14:14, 14:17
owner [1] - 5:18
owners [1] - 13:18
ownership [2] - 14:5, 14:13
owns [3] - 13:5, 13:23, 14:15

P

p.m [2] - 1:6, 33:15
PA [2] - 1:5, 1:17
package [3] - 6:21, 7:3, 23:3
Page [1] - 27:17
PAGE [1] - 2:3
page [1] - 27:22
pages [1] - 34:4
parcel [5] - 5:3, 5:12, 23:18, 23:25, 24:1
parking [20] - 7:18, 10:13, 10:18, 11:4, 11:6, 11:7, 11:9, 11:15, 11:16, 11:24, 12:1, 12:3, 12:9, 16:18, 18:8, 25:21, 26:4, 26:10, 29:5, 30:1
part [7] - 9:14, 15:24, 17:13, 17:18, 23:2, 24:22, 28:4
parts [2] - 4:12, 5:2
pass [2] - 8:13, 27:12
passed [2] - 32:23, 33:1
passes [1] - 22:6
patient [1] - 22:15
pay [1] - 15:22
paying [1] - 15:21
people [1] - 11:21
per [2] - 23:17, 27:5
percent [3] - 9:18, 10:16, 11:25
PEREGRINE [1] - 1:17
period [1] - 22:4
permit [5] - 24:14, 25:20, 28:16, 28:22, 29:8
permited [1] - 7:9
permits [1] - 24:4
permitting [1] - 26:18
Philadelphia [1] - 25:17
phone [1] - 4:21
phonetic [2] - 4:20, 18:12
phonetic) [1] - 13:16
PLAN [1] - 2:8
plan [6] - 4:25, 5:4, 8:4, 8:18, 9:15, 18:13
Planning [1] - 1:10
play [1] - 16:16
Plaza [4] - 5:19, 6:16, 13:2, 14:9
podium [1] - 4:4
point [3] - 4:23, 16:10, 18:25
possible [1] - 12:11
premium [1] - 19:6
present [1] - 9:25
presented [1] - 4:17
pretty [1] - 6:14
principal [1] - 24:12
proceed [1] - 7:15
PROCEEDINGS [1] - 1:3
proceedings [1] - 34:6
process [4] - 16:8, 19:25, 20:1, 20:5
PROHIBITED [1] - 1:20
project [3] - 20:2, 22:7, 24:15
proof [1] - 14:5
proper [1] - 19:17
properties [1] - 5:14
property [6] - 5:1, 5:9, 5:10, 5:18, 23:24, 26:8
proposed [6] - 7:7, 7:9, 19:2, 23:10, 23:19, 27:18
proposing [1] - 19:4
pulled [1] - 29:8
pump [4] - 12:17, 12:19, 12:23, 19:8
pumps [11] - 4:18, 4:25, 5:22, 11:1, 12:14, 12:15, 12:22, 15:6, 15:8, 18:6, 18:11
pursuant [1] - 30:9
put [4] - 5:21, 6:22, 18:8, 18:10
putting [5] - 6:4, 27:4, 27:18, 27:20, 28:8
pylon [1] - 28:12

Q

questions [7] - 8:6, 10:1, 10:3, 16:23, 17:18, 20:12, 30:24
quorum [1] - 3:18

R

R1 [3] - 5:10, 6:10, 7:9
RAYKE [1] - 18:14
RAYKES [23] - 4:5, 4:8, 8:10, 8:14, 8:17, 9:7, 16:15, 17:2, 17:14, 17:22, 21:4, 21:8, 22:23, 24:11, 25:11, 28:19, 29:10, 29:13, 29:16, 31:17, 31:23, 32:22, 32:25
Raykes [1] - 1:10
reacting [2] - 4:16, 5:7
really [12] - 6:12, 7:11, 7:17, 8:25, 11:20, 16:19, 22:13, 22:16, 23:15, 24:18, 24:22, 24:23
reason [2] - 16:21, 20:10
received [2] - 2:16, 24:14
recommended [1] - 7:16
record [5] - 15:9, 18:15, 23:2, 32:21, 33:1
recorded [1] - 1:6
refer [2] - 7:10, 17:14
reference [1] - 31:19
reflects [1] - 16:17
regarding [1] - 16:23
registering [1] - 19:14
regulations [1] - 19:16
related [1] - 8:7
relationship [1] - 15:10
rely [1] - 21:8
REPORTER [1] - 1:16
reporter [1] - 22:25
Reporter [1] - 34:9
REPORTER'S [1] - 34:1
representatives [1] - 15:20
representing [2] - 23:5, 25:17
REPRODUCTION [1] - 1:20
request [2] - 3:20, 22:19
requested [1] - 31:11
requesting [2] - 16:16, 31:4
requests [1] - 33:6
require [1] - 17:17
required [1] - 7:20
requirement [2] - 24:25, 25:4
requirements [2] - 7:19, 19:23
responsible [1] - 15:19
review [3] - 4:6, 6:14, 17:20
reviewed [1] - 24:21
road [1] - 28:13
roll [3] - 3:8, 21:20, 32:5
roof [1] - 27:19
rules [1] - 19:15

S

Save [10] - 5:13, 9:14, 13:9, 13:15, 14:9, 14:14, 14:18, 14:24, 15:4, 15:6
saw [1] - 10:9
SCHWALDER [4] - 18:12, 18:16, 18:25, 19:21
Schwalder [1] - 18:17
Scientist [1] - 13:10
sean [1] - 3:11
second [8] - 20:25, 21:17, 21:19, 22:18, 31:9, 32:3, 32:5, 33:10
secondary [1] - 26:11
secured [2] - 25:20, 28:21
see [10] - 8:1, 11:25, 12:2, 19:3, 19:8, 25:25, 27:2, 27:14, 27:17, 27:23
seeing [2] - 5:6, 10:15
sense [2] - 9:4, 9:21
separate [1] - 28:6
service [7] - 6:2, 6:3, 6:9, 7:7, 7:9, 11:24, 15:20
services [1] - 26:4
set [1] - 28:2
Sevan [1] - 18:17
shop [1] - 13:15
Shop [9] - 5:13, 9:14, 13:9, 14:9, 14:14, 14:18, 14:24, 15:3, 15:6
show [3] - 4:25, 23:12, 29:16
showing [1] - 27:23
shown [2] - 18:7, 31:13
side [12] - 10:24, 10:25, 12:17, 12:22, 24:12, 25:10, 25:20, 26:10, 26:11, 27:22, 27:23, 29:25
sides [2] - 12:20, 23:11
sidewalk [1] - 29:24
Sign [2] - 25:16, 25:17
sign [30] - 6:20, 7:1, 23:17, 24:6, 24:13, 24:19, 25:1, 25:18, 26:13, 27:3, 27:5, 27:15, 27:16, 27:20, 27:24, 28:4, 28:10, 28:12, 28:13, 28:17, 28:18, 28:23, 29:3, 29:11, 31:7, 31:9, 31:12, 31:19
signage [4] - 7:4, 16:9, 27:18, 28:22
significant [1] - 24:1
signs [16] - 23:11, 23:20, 24:20, 24:22, 24:24, 25:5,

26:21, 26:22, 26:25, 28:21, 28:24, 30:9, 30:18, 31:5, 31:7, 31:24
simply [2] - 15:5, 30:7
single [2] - 12:23, 14:10
site [4] - 4:25, 5:4, 8:17, 18:13
SITE [1] - 2:8
Site [1] - 18:17
situation [1] - 26:6
size [1] - 25:6
slowly [1] - 23:1
smaller [1] - 24:22
Solicitor [3] - 1:10, 16:22, 17:15
Solutions [1] - 18:18
someone [1] - 9:16
somewhat [1] - 26:7
sorry [1] - 30:15
South [3] - 1:5, 22:20, 23:6
speaking [2] - 3:4, 11:15
specifically [2] - 6:7, 12:7
specify [1] - 21:3
spent [1] - 4:21
square [10] - 24:25, 25:3, 27:2, 27:5, 27:16, 30:12, 30:13, 30:14, 31:11, 31:14
staff [3] - 4:5, 8:5, 17:15
stand [1] - 23:4
standing [1] - 22:24
standpoint [3] - 8:6, 15:17, 17:16
station [17] - 5:21, 6:1, 6:2, 6:9, 7:2, 7:5, 7:7, 7:8, 7:9, 9:1, 9:3, 10:16, 12:9, 15:10, 15:19, 20:7, 20:18
stenographic [1] - 34:5
stepped [1] - 28:25
stepping [1] - 19:23
stone [1] - 19:23
Stoner [1] - 3:16
store [7] - 9:14, 9:17, 9:19, 15:13, 15:18, 15:24, 21:14
stores [1] - 15:7
storm [1] - 17:23
Street [13] - 1:5, 11:11, 13:4, 13:8, 13:22, 20:18, 20:22, 22:20, 23:7, 25:10, 25:24, 25:25, 29:15
submit [1] - 8:12
submitted [2] - 30:10, 31:16
substantial [1] - 12:2
sugar [2] - 28:25, 29:2
Sunoco [4] - 13:14, 14:8, 14:16, 15:10
swear [1] - 3:5

T

tank [3] - 19:2, 19:4, 19:15
tanks [3] - 18:9, 18:10, 18:24
team [1] - 4:16
technical [5] - 4:12, 8:6, 8:8, 13:25, 18:20
technically [1] - 14:3
techniques [1] - 19:17
tenants [1] - 5:17
terminology [1] - 14:6
terms [7] - 4:18, 6:3, 7:18, 7:20, 7:23, 22:24, 24:2
testing [1] - 19:16
THE [1] - 1:20
they've [6] - 5:8, 23:25, 24:13, 28:21, 31:13, 31:16
third [1] - 27:22
THIS [1] - 1:20
THOMAS [1] - 2:5
Thompson [4] - 1:12, 3:14, 21:25, 32:11
THOMPSON [17] - 3:15, 10:4, 11:10, 12:4, 17:10, 18:1, 19:19, 19:25, 20:13, 20:19, 21:6, 22:1, 27:12, 31:1, 32:3, 32:12, 33:8
tHOMPSON [1] - 10:21
three [3] - 3:21, 5:22, 13:11
throughout) [1] - 25:7
tie [1] - 14:8
today [6] - 4:1, 5:7, 8:24, 9:11, 10:5, 22:19
together [1] - 6:23
Tom [10] - 4:2, 4:15, 4:18, 4:22, 5:13, 5:17, 6:18, 8:11, 17:4
Tomeko [1] - 13:16
ton [1] - 9:4
tonight [2] - 3:5, 32:17
total [4] - 12:15, 12:20, 13:11
touch [1] - 18:21
traffic [6] - 10:7, 10:11, 11:8, 11:21, 12:1, 12:12
transcript [2] - 1:3, 34:5
TRANSCRIPT [1] - 1:20
tremendous [1] - 11:20
true [1] - 34:4
try [1] - 6:21
trying [2] - 17:23, 30:22
turn [2] - 8:10, 25:11
two [18] - 12:17, 16:24, 19:4, 23:11, 23:19, 23:20, 25:1, 26:8, 26:21, 26:24, 28:20, 28:21, 28:24, 30:18, 31:5, 31:7, 31:24
typically [1] - 26:12

U

umbrella [1] - 13:17
under [4] - 13:4, 13:25, 17:9, 18:11
underneath [1] - 19:8
understandable [1] - 30:22
unique [1] - 26:6
unleaded [1] - 19:6
up [10] - 3:19, 4:3, 10:19, 11:2, 25:19, 27:4, 28:2, 28:8, 31:10, 31:14
updated [1] - 28:16
upgrades [1] - 26:19
uses [1] - 6:17

V

Variance [2] - 4:9, 22:19
VARIANCE [2] - 2:4, 2:11
variance [33] - 4:1, 5:8, 5:9, 6:19, 7:15, 7:17, 16:6, 16:10, 16:17, 17:13, 19:22, 20:3, 20:17, 20:21, 21:3, 21:5, 22:2, 22:18, 23:8, 23:20, 24:18, 24:23, 25:5, 28:1, 29:6, 30:8, 30:19, 31:5, 31:6, 31:9, 31:19, 31:24, 32:14
Vice [1] - 1:12
victoria [1] - 32:9
Victoria [3] - 1:12, 3:12, 21:23
viewer [1] - 27:11
violation [1] - 7:14
visits [2] - 6:24, 6:25
vote [1] - 21:20

W

wait [2] - 22:3, 32:15
walk [1] - 15:5
wall [9] - 23:11, 23:17, 23:20, 24:12, 24:19, 28:21, 28:24, 29:11, 31:24
wants [2] - 4:2, 8:1
water [1] - 17:23
well-stated [1] - 21:11
west [9] - 23:11, 25:20, 27:4, 27:22, 27:23, 29:20, 29:23, 29:25, 30:15
willing [1] - 3:22
wish [1] - 30:7
WITHOUT [1] - 1:20
Wolfe [3] - 1:6, 34:3, 34:9
WOLFE [1] - 1:16
wording [3] - 21:4, 29:20, 31:18
world [1] - 15:5
worries [1] - 19:21
worry [1] - 30:5

Y

year [1] - 4:10
yesterday [1] - 4:21
yourself [2] - 18:15, 25:14

Z

zoned [1] - 5:10
ZONING [2] - 1:1, 1:9
zoning [14] - 4:14, 5:25, 6:6, 6:9, 6:11, 6:13, 6:22, 7:10, 23:8, 23:9, 23:15, 23:18, 24:17, 28:23
Zoning [5] - 1:4, 1:4, 16:9, 16:22, 22:10