

CITY OF GREENSBURG ZONING HEARING BOARD

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TRANSCRIPT OF PROCEEDINGS

City of Greensburg Zoning Hearing Board Meeting,
held on March 15, 2023 before the Zoning Hearing
Board Members of the City of Greensburg,
416 South Main Street, Greensburg, PA 15601,
recorded by Lisa M. Wolfe, commencing at 4:18 p.m.

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BEFORE:

CITY OF GREENSBURG ZONING HEARING BOARD

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

ALSO PRESENT:

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

LISA M. WOLFE, COURT REPORTER
441 PEREGRINE DRIVE
NORTH HUNTINGDON, PA 15642
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APPLICANT/WITNESS: PAGE

VARIANCE NO. 3-2023

JONATHAN GARCZEWSKI 15

EXHIBITS:

NO. 1 - APPLICATION 37

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NO. 3 - SLIDE PRESENTATION 37

P R O C E E D I N G S

1
2
3 MS. BAUR: I'm calling the
4 meeting to order. This is my first meeting. I
5 am the vice-chair of the Zoning Hearing Board.
6 So I have not had the pleasure yet of running
7 the meeting. So thank you for being here.

8 Jessica, will you do roll call?

9 MS. MOSKO: Yes. Barry Gaetano?
10 Victoria Baur?

11 MS. BAUR: Here.

12 MS. MOSKO: Ben Thompson?

13 MR. THOMPSON: Here.

14 MS. MOSKO: Kyli Stoner?

15 MS. STONER: Here.

16 MS. BAUR: For those that are
17 here that are going to speak, please make sure
18 that you're signed in. I understand that
19 you're aware that we have a three number quorum
20 here tonight. So it's not the full board. You
21 do have the option to sit in front of a full
22 five-member board if you choose to do so.

23 MR. WOTUS: We're ready to
24 proceed with the three members that are here.
25 Thank you.

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

3 (The oath was administered.)

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

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

9 We'll start with the Applicant,
10 Jonathan Garczewski, on behalf of Sheetz, which
11 is located at 311 Harvey Avenue in Greensburg.
12 I'm going to ask for Jeff to present a staff
13 report before we proceed with the Applicant.

14 MR. RAYKES: Thank you, Madam
15 Chair. As your planning director, I will work
16 you through a little bit of the context and
17 some of the moving parts. And in terms of
18 their proposal, I'll let them speak to that,
19 because they know it best. And in the past
20 I've tried to sort of go and talk a little bit
21 about what they have proposed. I think it's
22 going to be better for them to talk about that.
23 And we will talk about this sort of
24 misalignment with the zoning ordinance, which
25 is really why we're here.

1 As you know, typically in our
2 process we ask them to submit some sense of
3 what it is that they're doing. And often, you
4 know, a preliminary site plan. We will do some
5 alignment work just to make sure we're in good
6 shape. And where we're in misalignment we will
7 just simply say it needs change or you can
8 pursue a variance here in the Zoning Hearing
9 Board. That's what they're there for.

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

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

1 on behalf of the Applicant, Sheetz.

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

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

14 This (indicating) is on location.
15 And we're going to have specific questions
16 about what it looks like now and what these
17 changes would look like. We've got a site
18 plan, and we've got some resources. So what I
19 would say to you as a Board, when you get to
20 something that you don't understand, can't wrap
21 your head around, because either we're not
22 showing it to you or not explaining it well
23 enough, hit the pause button and ask us to back
24 up and show you. Because that's what we're
25 supposed to do.

1 I won't click on this (indicating),
2 because it will give them more time to talk
3 about what they're proposing. But essentially,
4 I've given you some views here giving us a
5 hyperlink if we need to look at the street
6 views. And all of this (indicating), it is
7 important for you to understand what's there.

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

18 So let's talk about 265-83.B (1),
19 which is the perimeter parking lot landscaping.
20 I'm not going to read this. But this has to do
21 with the landscaped area. So what's required
22 is what's shown there. This is taken from our
23 zoning ordinance. If you read their
24 correspondence, they're very aware -- in fact,
25 they pulled it too, and put it in their

1 correspondence, in their letter, to the Board.
2 And you've had a chance to review that. But
3 the regulation states that continuous landscape
4 area 10 feet in width. And that's really the
5 essential issue here, is that what they're
6 suggesting and proposing is less than that
7 10 feet. There is some relief, depending on
8 what else is immediately adjacent. Some
9 different things like that with existing
10 landscape. If it's less than 10 feet, then it
11 gives you some options there.

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

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

19 Should we tackle both of those,
20 Mr. Solicitor?

21 MR. DEROSE: Yes. Let's do
22 those. You can present your testimony on
23 those. It's your option. You can do the
24 background on all three. I would rather defer,
25 because I think now everybody is in a mindset

1 that they know what we're talking about with
2 these two. And then you can come back and
3 explain the third variance.

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

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

9 MR. RAYKES: Does that work?

10 MR. WOTUS: That works.

11 MR. RAYKES: So the second variance
12 is --

13 MR. SOLICITOR: It's the rear.

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

18 So essentially this is Variance 2.
19 And if I'm looking at Page 2 of the Sheetz
20 correspondence, again requesting to reduce
21 required 10-foot wide landscaping adjacent to
22 an existing parking lot. The first one was
23 between -- the buffer between Harvey Avenue and
24 the parking area for Sheetz, or the lot area
25 for Sheetz. You can see that on the site plan

1 that they provided. They've got some exhibits
2 that I'm sure they will enter here, that you're
3 welcome to review. But essentially, I'm on
4 this (indicating) drawing. And it's along
5 Harvey Avenue.

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

16 You can see on the site plan that
17 what they're suggesting, again, is less than
18 3 feet there to buffer that. It's not aligned
19 with the ordinance because we require 10 feet.
20 So that's really what's there.

21 In terms of review, the only thing
22 that I would add would be the spirit of the
23 ordinance revolves around the idea that there
24 should be some type of a buffer between parking
25 lots and adjacent uses. If you've been around

1 parking lots, you understand why that
2 requirement is there. However, in this
3 particular instance, it is something that we,
4 as the Zoning Hearing Board, have run into in
5 the past, which is the character of this area
6 is somewhat suburban in nature. So is that
7 requirement as valid? That's really, I think,
8 the question for this Board.

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

1 correspondence, they have outlined those
2 limitations.

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

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

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

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

1 that are associated with the facility.

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

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

21 And the other aspect of it, which we
22 will see as we go through the plan, is there
23 are significant hardships with this site. And
24 I think that's also shown by the existing
25 legal non-conformities that are there, is that

1 the facility, when it originally constructed,
2 couldn't comply with the ordinance as it stood
3 then. And for the same reasons you had those
4 hardships at that time, they still exist today,
5 which include, but are not limited to,
6 basically the point. We're talking about the
7 point of Harvey and Alexandria. Those existing
8 right-of-ways. The property tapers to a point
9 and really creates an issue with the ability to
10 develop in that area. In addition, because of
11 that point, it has to push the development
12 further to the north because you really can't
13 construct in that area because there isn't
14 really usable space.

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

20 So with that little bit of an
21 introduction, I would like to go through existing
22 conditions. We will talk about what's proposed.
23 And then we will talk through the specifics, and
24 highlight the first two variances that are for
25 consideration.

1 So with that, I'll turn the
2 presentation over briefly to John Garczewski.

3 MR. GARCZEWSKI: Good afternoon.
4 My name is John Garczewski, G-a-r-c-z-e-w-s-k-i.
5 I am with Gateway Engineers. I'm here
6 representing Sheetz as Ryan had mentioned.

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

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

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

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

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

19 MR. GARCZEWSKI: So here's a
20 copy of the existing conditions of the property
21 from a field survey. So along the top of the
22 page is Harvey Avenue. And just off to the
23 left would be the point with New Alexandria
24 Street. And then the bottom right corner, this
25 location right here, would be the existing

1 store. Two access points off of Harvey Avenue.
2 One is located right here. And the second is
3 located over here. The third point of access
4 to this property is off of New Alexandria.
5 Almost directly adjacent from the Harvey Avenue
6 secondary access. As mentioned, this is the
7 existing building located right here. The fuel
8 island canopy is located right here. And the
9 underground storage tanks for the facility is
10 located just to the south of the canopy.

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

1 Harvey Avenue you have the existing curb line
2 located right there. That's essentially the
3 existing conditions.

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

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

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

1 will all stay at the same locations.

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

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

19 So, as mentioned, we are looking for
20 relief in two separate locations along Harvey
21 Avenue. And they're both located right here.
22 As was mentioned, the requirement is for a
23 10-foot setback between parking limits and
24 street right-of-way lines. In this location
25 right here, we're looking at about 6.6 feet,

1 approximately, to the existing property line.
2 And for reference, the existing conditions is
3 5 1/2 feet. So we're actually improving that
4 by about a foot in this location.

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

17 MR. WOTUS: And, Jonathan, can
18 you explain, just to give them a little bit of
19 context, in terms of how truck traffic will
20 traverse the site? And explain why the portion
21 adjacent to Harvey is required to be the
22 2.76 feet?

23 MR. GARCZEWSKI: Sure. So for
24 fueling operations, the proposed underground
25 storage tanks will be located approximately in this

1 location right here. So if you pick your traffic
2 trailer, or even your personal vehicle, fueling
3 operations happen on the passenger sides of the
4 vehicle. So in that scenario, two options for
5 fueling at this facility is coming in off of Harvey
6 Avenue in this location right here, circling around
7 the canopy and staging right here, and fueling the
8 underground storage tanks in this location.

9 (Indicating throughout.)

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

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

23 MR. GARCZEWSKI: That is correct.
24 Yes.

25 MR. THOMPSON: So currently that

1 truck sits in the middle of the lot now?

2 MR. GARCZEWSKI: That is correct.
3 Yes, it does.

4 MR. THOMPSON: I go by there
5 quite often.

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

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

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

24 MR. GARCZEWSKI: That's correct.

25 MR. THOMPSON: How many feet?

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

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

14 MR. GARCZEWSKI: That's correct.

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

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

23 MR. GARCZEWSKI: Correct, there
24 are no sidewalks proposed neither in the existing
25 conditions nor the proposed conditions. And one

1 of the main reasons for that, and you will see
2 here in this photo along Harvey Avenue, is this
3 drastic change in grade between Harvey Avenue and
4 the existing and proposed conditions of the site.
5 The topography change between Harvey Avenue and
6 New Alexandria is so significant that in order to
7 accommodate traffic and safe turning movements
8 throughout the parking area, this area needs to
9 remain at a lower elevation than Harvey. So
10 therefore in order to build something through this
11 location, one, you would be impacting the
12 existing overhead utility poles. And two, you
13 would be requiring the installation of a retaining
14 wall within the State right-of-way as well. So
15 the installation of a sidewalk is severely limited
16 due to the existing conditions through there.

17 MS. BAUR: Thank you.

18 MR. RAYKES: Pedestrian
19 movements in this area -- the first question is
20 why are we talking about pedestrian movements
21 because we're really talking about the
22 reduction of the buffer? I think it's because,
23 at least for me, the danger of pedestrian --

24 The question would be, how can we
25 use that space so that we are creating a safe

1 environment for both vehicles and pedestrians?
2 And what's interesting about all of those
3 movements is that the majority of pedestrian
4 movements are on the New Alexandria side. And
5 there is no sidewalks. Here (indicating) there
6 is a sidewalk, I think, on the other side of
7 Harvey. So you could say, if you were a
8 pedestrian, go on that side of the street. The
9 difficulty is that most of the movements that I
10 see are young people going to Lynch Field, or
11 the athletic complex down there. And it's just
12 a nightmare. It's come up before. And I think
13 that's the reason the Board is thinking about
14 how do we improve safety, and is this an
15 opportunity to improve safety, even though it's
16 ancillary to the fundamental question about
17 buffer space.

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

24 I think the other piece is that
25 pedestrian traffic here would be going sort of

1 towards what we're calling the point. Where I
2 think it's probably less safe to try to
3 traverse that way than to keep them on one side
4 where they have a single point of access across
5 the signalized intersection. And I don't know
6 if there's pedestrian lighting at that
7 signalized intersection or not. But there
8 wouldn't be at the point just because it
9 doesn't exist today.

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

13 MR. WOTUS: That's correct.

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

19 MR. WOTUS: I don't know if we
20 have a view from there. But there's a
21 retaining wall there. There's existing
22 utilities. So that's actually what
23 necessitates the third variance. There's
24 street signage that's in that location. So we
25 have a couple different aspects that are really

1 prohibiting even putting landscaping, let alone
2 sidewalks. So there's a lot of issues.

3 MR. DEROSE: I just wanted that
4 on record.

5 MR. WOTUS: It's a good question.

6 And I think the other thing that we
7 wanted to note though is that the maximum in
8 this area to, as we're talking along Harvey,
9 will actually be a maximum of 12.97 feet. So
10 there are points with which we can meet that
11 criteria and actually exceed it. So there
12 still will be landscape. We still will be
13 providing that buffering, and retaining it.
14 But really it's only impacted in terms of just
15 that one corner on the southern side of that
16 lower point of access. And, again, as
17 Mr. Garczewski had identified, where the
18 parking is located, right where you can see his
19 cursor, that is actually being moved back about
20 a foot from where it currently exists today.
21 So we are creating additional buffer in that
22 area. So overall there actually is really not
23 much of a change from what you see today.

24 Again, the other aspect is the area
25 that we're looking for that relief is in the

1 point where basically the property is most
2 narrow, or where it starts to taper. If this
3 property were rectangular, and came down in a
4 southerly direction, we wouldn't have the issue
5 that we have here.

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

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

22 But a little bit of background to
23 it. Maybe I can hand this out. So I do have a
24 handout. I'll pass these out. And then we can
25 talk about it a little bit.

1 MR. DEROSE: Do you want to mark
2 one of those as an exhibit?

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

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

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

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

16 The area that we're talking about here
17 is just to the north, just above the existing
18 Sheetz building there. And the property to the
19 north of the site maintains a zero setback in
20 terms of their parking facility. And there's no
21 landscaping that's provided on that side. The
22 existing conditions that we currently maintain on
23 our site will be maintained in terms of where that
24 curbing is located and the ability to place some
25 landscaping.

1 So as Jonathan had indicated, basically
2 our curb is the curb for the property to the north
3 because they don't have any landscaping on that
4 site.

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

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

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

21 MR. WOTUS: And the other
22 aspect I think that's important from a variance
23 standard to the extent that you would determine
24 we need a variance from this criteria is the
25 aerial that I've provided gives it context too

1 of the neighborhood so you have an
2 understanding. Because it has to basically not
3 alter the essential characteristic of the
4 neighborhood.

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

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

19 MR. WOTUS: That is correct. Yes.

20 MR. RAYKES: So the standard
21 would require 10 feet. And it's difficult to
22 see scale in this. But if you think about
23 10 feet as being -- it would be a buffer that
24 would be roughly as big as that little bulb out
25 for the curb.

1 MR. THOMPSON: You couldn't
2 even put 10 feet in there. Is there 10 feet
3 available there?

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

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

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

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

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

23 MR. WOTUS: Right. And to add to
24 that, I think the other aspect, which is just as
25 important from a legal discussion, is it's existing

1 today. We're not altering it. We're not reducing
2 that existing non-conformity. We're just asking to
3 maintain that.

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

10 MR. THOMPSON: Over there
11 (indicating).

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

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

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

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

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

25 So if there isn't any other questions,

1 then we could go ahead -- Jeff, if you want to
2 introduce the third one.

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

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

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

19 So with that, in terms of review, it's
20 going to be the same thing. It is possible to do
21 this. But it's not there now. I think he makes a
22 great point. And it is within the character of
23 the surrounding properties. In terms of
24 character, it is important to note that the
25 properties on the other side of Harvey are a mix

1 of both commercial and residential. You know
2 those properties. When you pull out, you're
3 looking at them. There is some multi-unit
4 structures in there, and single-family detached
5 residents to the right. But they are a different
6 use. So the idea of this ordinance, and, again,
7 getting to the spirit, is if you are having the
8 requirement for trees to maintain the character on
9 one side, we know it's different as a residential
10 area than the character on the other side, which
11 is commercial in nature.

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

14 MR. WOTUS: As he had indicated,
15 there are two provisions that are applicable in
16 your ordinance. They both provide for the same
17 standard. The first being 265-81.B, and then also
18 265-83.B, Subsection 2, which requires a minimum
19 of one tree for every 40 feet of frontage within
20 the landscaping strip.

21 In looking at the new proposal, we will
22 meet that standard basically in all areas that
23 I'm indicating here. So along Harvey Avenue.
24 And to Jeff's point as well, we do have the
25 residential uses here (indicating). We will be

1 in compliance with that street tree requirement.
2 And we will have a tree for every 40 feet along
3 Harvey. It will be located on, again, what we're
4 actually calling the point here (indicating)
5 between Harvey and New Alexandria.

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

22 So the issue that comes up is if
23 we're required to plant a tree there, there's
24 three things that would impact that. One is
25 the overhead utilities. Two is it would impact

1 the visibility of street signage, which would
2 then cause the City to be out there every day
3 probably trimming those things back. And the
4 third is that once those trees become mature,
5 you know, the roots system will grow. It could
6 cause issues with, you know, undermining the
7 integrity of that retaining wall.

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

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

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

24 MR. WOTUS: So, yes, we
25 provided landscaping that will stay lower. Not

1 impact utilities, not impact visibility, and
2 obviously not impact the retaining wall. So
3 that will be maintained as part of the
4 redevelopment.

5 MS. BAUR: Does anyone have any
6 questions?

7 MR. DEROSE: Do you have any
8 further testimony?

9 MR. WOTUS: We do not.

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

12 MR. WOTUS: Yes.

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

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

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

21 MR. WOTUS: Thank you.

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

24 MR. DEROSE: At the pleasure of
25 the Board, do you want to go into an executive

1 session or are you ready to vote at the present
2 time?

3 MS. BAUR: I'm ready.

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

6 MS. BAUR: Yes.

7 MR. DEROSE: The motion would
8 be to approve the request of Sheetz, Inc. for a
9 property located and designated as Westmoreland
10 County Tax Map No. 10-02-12-0-138 for a
11 variance from Section 265.83.B regarding a
12 10-foot landscaping on the Harvey Avenue side
13 of the property and the northern border of the
14 property from the required 10 feet to a maximum
15 of approximately 2.76 feet on Harvey Avenue and
16 2.65 feet on the northern boundary of the
17 property. That would be those two variances.

18 And a third variance from Section
19 265-81.B, and also 265-83.B regarding minimum
20 tree replacement on the property on the New
21 Alexandria side of the property.

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

24 MS. BAUR: Yes.

25 MR. DEROSE: Would anybody make

1 that motion?

2 MS. STONER: I'll make that motion.

3 MR. DEROSE: Motion to approve?

4 MS. STONER: Yes.

5 MR. DEROSE: Is there a second?

6 MR. THOMPSON: I second the motion.

7 MS. BAUR: Jessica, can we have

8 roll call?

9 MS. MOSKO: Victoria Baur?

10 MS. BAUR: Yes.

11 MS. MOSKO: Ben Thompson?

12 MR. THOMPSON: Yes.

13 MS. MOSKO: Kyli Stoner?

14 MS. STONER: Yes.

15 MR. DEROSE: Let the record
16 note that the motion was approved unanimously.

17 As I'm sure Counsel knows, there's a 30-day
18 appeal period. So nothing further can proceed

19 until that 30-day appeal period has been

20 completed. Also because there were no

21 objections, I do not believe there will be a

22 necessity for findings of fact and conclusions

23 of law. But the Planning Director will provide

24 the Applicant a copy tomorrow of the decision

25 of the Board.

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Is that satisfactory to Counsel?

MR. WOTUS: Yes. Absolutely.

MR. DEROSE: Thank you.

MS. BAUR: I need a motion to adjourn the meeting?

MS. STONER: Motion to adjourn.

MR. THOMPSON: I second.

MS. BAUR: The meeting is over.

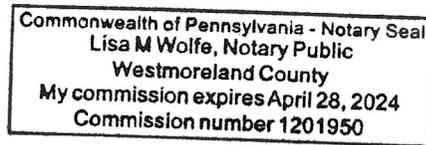
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(Whereupon the hearing was concluded at 5:04 p.m.)

REPORTER'S CERTIFICATE

I, Lisa M. Wolfe, certify that the foregoing pages are a true and correct transcript of my stenographic notes taken at the proceedings on March 15th, 2023.

Lisa M. Wolfe
Lisa M. Wolfe, Reporter



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