

Planning Commission Minutes – February 3, 2021

PRESENT: Chairwoman Nancy Moore and Member(s): Joe Becker and David Volpe

ABSENT: Member(s): Diane Bernardo and Ed Andrulonis

STAFF: Code Enforcement/Zoning Officer, Zac Lawhead; City Engineer/Public Works Director, Chris Nasuti; City Solicitor, Toni Cherry; City Manager, John “Herm” Suplizio; and Administrative Secretary, Bobbie Shaffer.

The meeting was called to order at 4:15 p.m. by Planning Commission Chairwoman, Nancy Moore.

Approval of Minutes – January 6, 2021

The motion was made by Becker and seconded by Volpe that the Planning Commission accept the minutes of January 6, 2021 as presented by the Administrative Secretary.

VOTE

AYES: Commission Members: Becker, Volpe and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 3 – 0

Visitor’s Comments: None

Old Business: None

New Business:

Ryan/Kelly Ferut – 501 Orient Avenue, Rezoning Request

Mr. Ferut stated that he and his wife are looking for office space for their insurance company. One of the properties they were looking at was 501 Orient Avenue the old Church of Christ Church. He went on to say that they are good friends with the elders and they liked the idea. He has talked to Bill Kulbacki from PennSafe and his attorney. He knows he would need to install ramps and they would have to lose the yard in order to put in a parking lot. He believes the impact of their business would be substantially less than the church. They would only have two to three people in the office at a time. They are very interested in setting up a business in DuBois and helping the area grow.

City Solicitor Cherry stated that this is a legal issue so she would take the lead on it. Mr. Ferut stated that his attorney and Mr. Lawhead who had previously declined their request, said they would have to talk to the Planning Commission. Solicitor Cherry asked what their Attorney said; they really had no answer. Solicitor Cherry said they as a couple cannot have the zoning changed because the ordinance is not unconstitutional; which is the only way an individual can have zoning changed. The City cannot ask for it to be rezoned because it is in a residential zone and to change it would be spot rezoning which is illegal under the law. To ask for a Variance is not possible because the property is suited for a residential district. To state that it is a non-conforming use is not possible as churches are allowed everywhere. To request a conditional or special acceptance is not allowed in residential districts.

Mr. Ferut asked what can you do with a church.

Planning Commission Minutes – February 3, 2021 (Cont'd.)

Solicitor Cherry stated that you turn it into a house.

City Manager Suplizio thanked the City Solicitor for explaining why the City could not find grant their request. He stressed to the Ferut's that the City tried every way they could think to accommodate your request and just couldn't find a way.

Member Volpe asked if there was any other property they may be interested in. The Ferut's stated they have another site they were looking at.

The motion was made by Volpe and seconded by Becker that the Planning Commission recommend that Council deny the request by Ryan/Kelly Ferut.

VOTE

AYES: Commission Members: Becker, Volpe and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 3 – 0

Adjournment

The motion was made by Becker and seconded by Volpe that the Planning Commission adjourn.

VOTE

AYES: Commission Members: Becker, Volpe and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 3 – 0