

Planning Commission Minutes – May 5, 2021

PRESENT: Chairwoman Nancy Moore and Member(s): Joe Becker, Ed Andrulonis and Diane Bernardo

ABSENT: Member David Volpe

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

The meeting was called to order at 4:16 p.m. by Planning Commission Chairwoman, Nancy Moore.

Approval of Minutes – April 7, 2021

The motion was made by Andrulonis and seconded by Becker that the Planning Commission accept the minutes of March 3, 2021 as presented by the Administrative Secretary.

VOTE

AYES: Commission Members: Andrulonis, Becker and Chairwoman Moore

ABSTAIN: Member Bernardo

NAYS: None

MOTION PASSED: 3 – 0

Visitor’s Comments: None

Old Business: None

New Business:

Dubrook/YBC - Subdivision

Code Enforcement/Zoning Officer Zac Lawhead presented the request to the Planning Commission. Lawhead stated that Dubrook is no longer Dubrook it is now LILA Holdings, LLC. LILA Holdings, LLC is selling four acres to YBC both entities are involved in Building Material Supply. The request meets all requirements; they will continue to share the access road and it is written in both Deeds. The motion was made by Becker and seconded by Andrulonis that the Planning Commission accept the recommendation of the City Engineer and forward the request for subdivision to Council for approval.

VOTE

AYES: Commission Members: Bernardo, Andrulonis, Becker and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0

Downtown DuBois, Inc. - Mary Jo Yebernetsky

At our last Council Meeting Councilwoman Bernardo discussed a problem that the Downtown DuBois would like corrected; some of our first floor storefronts are being converted into apartments. At that meeting Bernardo asked if we could put something in the books to keep that from happening. It was agreed by Council to send the issue to Planning to come up with a solution

Ms. Yebernetsky addressed Planning and informed them that there are a few areas in the downtown that have already been converted to apartments.

When our Code Enforcement/Zoning Officer and City Engineer looked into the matter, it was discovered that West Long Avenue has two different zoning classifications. From Brady Street to the creek just before Syktich Appliance is classified as a Commercial District from the creek to North Main Street is classified as a Commercial Highway. A Commercial Highway (from Syktich's to North Main ST) does allow apartments on the first floor as long as there is also a commercial use such as an office.

City Solicitor Cherry was adamant that there was never to be apartments on the first floor.

Chairwoman Moore explained to the Commission the division of what was considered the downtown district and the area considered outside the downtown district.

City Solicitor Cherry finds it unbelievable that a portion West Long Avenue would be considered a Commercial Highway District.

Code Enforcement/Zoning Officer Lawhead asked if the inquiry had to deal with the Shuttleworth building.

Ms. Yebernetsky said it did and also the Pringle building which is the building beside the old Dario's bar; she stated that someone is already living on the first floor.

Member Becker asked if we could change the district from Commercial Highway to Commercial Central.

Lawhead stated that Commercial Central should be from Brady Street to Main Street with the exception of the Giant Eagle building which should stay Commercial Highway.

Solicitor Cherry wanted to know why we wouldn't include Giant Eagle.

Member Andrulonis wanted a definition of Commercial Highway.

Lawhead stated a Commercial Highway district is high traffic a lot of cars in an out.

Chairwoman Moore wanted to know if the Commercial center extended to Washington Avenue.

Member Becker wanted to know how St. Michael's Terrace could be located in a commercial central.

Solicitor Cherry stated that it had to do with ADA.

City Manager Suplizio asked if anyone has checked into why they may have set up two different districts on one Avenue.

City Solicitor Cherry addressed Yebernetsky and asked what the Downtown DuBois would like. She doesn't want to see the downtown turn into a slum.

Suplizio reiterated his question, why did they do it? Lawhead wondered if Brown's Boot Shop may have had something to do with it. They then proceeded to discuss the different businesses that had been located in the Shuttleworth building over the years.

Cherry feels that the Commercial Highway segment of West Long Avenue is inconsistent with the Main Street Program.

City Manager Suplizio asked if we changed the designation, how do we go back to Shuttleworth after he has spent \$200,000 plus on his building turning it into apartments and tell him that it is no longer allowed. Andrulonis felt that to do so, Shuttleworth could say we were limiting his ability to make a living.

Cherry asked if the work he has done was permitted. Lawhead confirmed it has been. Cherry asked why he would permit it. Lawhead stated that under its currently classification it is permitted. Lawhead feels the only way forward is to deny any more permits with the stipulation that the remaining storefronts must remain as storefronts.

Cherry asked if the old Mike's Lockshop building is ADA.

Lawhead stated it is not HUD funded, but it will be handicapped assessable. Lawhead stated he feels it is a Section 8. Member Bernardo said federal funds.

Cherry asked if Lawhead is able to go in and inspect what they have built.

Lawhead confirmed he has, but it is still bare bones at this point. Shuttleworth is in a lawsuit with the insurance company.

City Manager Suplizio said at the time it burned, he had two options, re-build or turn it into a parking lot. Thankfully he decided to rebuild.

Cherry said that she has no problem with mixing uses in the downtown; her problem is the slum lords that shelter people inhumanly.

Lawhead stated that the building is very fixable it is just going to take a long time due to the lawsuit.

Member Becker asked if it will need to be inspected prior to occupancy. Lawhead confirmed it will.

Cherry asked if PennSafe does the inspection. Lawhead confirmed that they do.

Member Andrulonis asked if there is a demand for commercial storefronts; if not wouldn't it be better to have something in there than to have the building set empty. Yebnetsky stated that the problem with that, is once it goes to residential you never get the storefront back.

Member Becker stated that when HUD pays the majority of the rent and the renter only pays \$100 a month the renter tends to trash the place.

Cherry was forming her thoughts and said what if we leave it a Commercial Highway District and tighten the regulations, and put in design requirements. She then went on to say that she does not find the pictures painted on the side of buildings art she sees it as ghetto graffiti.

Yebernetsky stated that people are going back to wanting to shop in quaint little shops; coffee shops, downtown book stores and bakeries are coming back. We have a lot of available vacant store fronts.

Member Andrulonis said grandfather what has already been permitted, change the zoning district for future requests and make a new ordinance requiring exterior design.

Solicitor Cherry asked Lawhead to procure a copy of the State College Ordinance for her. Lawhead agreed.

Member Bernardo stated that the country is just coming back from COVID. It's the perfect time to work on getting shops in the downtown. People see we have fixed it up with new sidewalks, new lights, etc.

City Solicitor Cherry called an executive session at 4:46 p.m.

Adjournment

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

VOTE

AYES: Commission Members: Becker, Bernardo, Andrulonis and Chairwoman Moore

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0