

Planning Commission Minutes – November 3, 2021

PRESENT: Chairwoman Nancy Moore and Member(s): Ed Andrulonis, Diane Bernardo, David Volpe

ABSENT: Member Joe Becker

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

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

Approval of Minutes – May 5, 2021

The motion was made by Volpe and seconded by Bernardo that the Planning Commission accept the minutes of May 5, 2021 as presented by the Administrative Secretary.

VOTE

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

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0

Visitor's Comments: None

Old Business: None

New Business:

Barber Financial - 196 W. DuBois Avenue - Lot Consolidation and Development Plan

Guests: Scott & Larry Barber Presenter: Jerry Bankovich

Code Enforcement/Zoning Officer, Zac Lawhead, stated that the property is located on the corner of Juniata Street and W. DuBois Avenue.

Mr. Bankovich reviewed the project with Planning, it consists of a lot consolidation and land development plan for a 1,703 square foot addition to the existing building at 196 W. DuBois Avenue. He went on to say that there will be parking on the side and in the back and the project meets all the zoning requirements.

Member Bernardo asked if the addition is one story. Mr. Bankovich confirmed it is. Bernardo said it would be nice if it was two story and the second story used for apartments. Mr. Barber stated that due to the nature of his profession it is not compatible with occupants moving around upstairs. He went to say it was an added expense they did not wish to incur.

The motion was made by Volpe and seconded by Andrulonis that the Planning Commission recommend to Council that they approve the lot consolidation with the stipulation that the deed be consolidated prior to a permit being issued.

VOTE

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Barber Financial - 196 W. DuBois Avenue - Lot Consolidation and Development Plan (Cont'd.)

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

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0

The motion was made by Bernardo and seconded by Volpe that the Planning Commission recommend to Council that they approve the Development Plan as presented.

VOTE

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

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0

Fee Schedule for Abandon Properties

Code Enforcement/Zoning Officer Lawhead stated that the proposed fee schedule is open for discussion; he would like to have it up and running by the first of the year.

Member Andrulonis saw some loop holes such as how do we monitor these properties and enforce the fee schedule. Lawhead stated that these are properties that have been foreclosed on; people have walked away from and just let deteriorate; or people have purchased and can't afford to renovate. We can monitor them by working with our water department; when a property is vacant the water is turned off and the meter is pulled.

Chairwoman Moore addressed Lawhead and said that the Ordinance is good and should be effective; as he is the one that deals with these properties if it looks good to him it looks good to her.

Member Bernardo asked if we reach out to these owners and how we reach out to these owners. She was also curious as to at what point we take them to the magistrate. Lawhead stated that we hand deliver letters to local owners and send certified letters to owners outside our area. Once the owner doesn't pay the violation and the property is not in compliance with the ordinance we can take them to the magistrate.

Chairwoman Moore stated he can do that without the fees, but a lot of people will pay the fine and do nothing to correct the violation.

Member Andrulonis wanted to know what's our legal recourse. Can we make them sell the property? Lawhead stated that the fees may give them the incentive to fix up the property and make it viable again or sell.

City Solicitor Cherry said she feels we need to make the distinction between vacant and abandoned. She has several properties that are vacant but not abandon; she keeps the lawn mowed and the property kept up. She asked if they would fall within this fee schedule?

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Lawhead stated the properties would still have to be registered but as long as there were no code violations there would be no fees.

Member Andrulonis stated we just want people to clean up and take care of their properties.

Solicitor Cherry feels that the Fee Schedule needs a new title: Fee Schedule for Abandon and Blighted Properties

Chairwoman Moore felt that the Ordinance makes a distinction between vacant and abandon properties.

Member Andrulonis asked about the violation process. Lawhead stated that we will determine which properties are abandon and send a violation letter to the owner. If the owner refuses to pay, we will take them to the magistrate. Some people will not pay regardless of court appearances.

Member Bernardo asked if Lawhead had communicated with other municipalities that are comparative to our size. Lawhead stated that the fee schedule presented came from Altoona; they are bigger but he has seen higher and lower fees schedules.

Member Andrulonis asked if we have a lot of abandon and blighted properties.

Lawhead felt we have approximately 35 Commercial/Residential abandon and blighted properties.

Member Andrulonis asked what is our legal recourse if we have been taking them to court several times.

Solicitor Cherry said they pay, maybe not enough, but they pay. We used to go after the tenant, the actual person that lived there, now we go after the owners. She went on to say, her advice to landlords is add the fees to their rent.

City Manager Suplizio state the years ago bills were in the renter's name, they would stop paying the rent then run up the water bill and move; now all properties are in the owner's name and the unpaid water bills are kept under control.

Solicitor Cherry believes going from quarterly bills to monthly bills has helped a lot in keeping the amounts down.

Lawhead said it has also helped with refuse; we found there were a lot of people within the City that did not have garbage. That has been rectified.

Solicitor Cherry feels the registration is a good thing, it may make people look at their properties more often.

Member Andrulonis asked if Lawhead already knows of properties that have been abandon for several years.

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Lawhead confirmed he does.

Historical District Ordinance

Solicitor Cherry stated that she went through some reference materials Lawhead gave her, she found that a Historical Commission must be established by Ordinance or Resolution. This Commission is responsible for going over plans and designs; Cherry feels this should be the Planning Commission.

In this ordinance both the Central Commercial District and Historical District will have to comply.

Solicitor Cherry addressed Member Bernardo about expansion of the Historical District; Cherry didn't feel we should, as we have enough trouble with people who control the downtown. We do not want to see Commercial businesses moving into houses.

Member Bernardo asked if the Ordinance has any teeth to persuade people to go by the standards set in it. Cherry felt we would treat it like a code violation. People will be required to make the outside appear as close to the original design for the age it was built.

Member Bernardo asked if a Fee Schedule is recommended. Cherry said absolutely not we will refer them to the building codes.

Chairwoman Moore clarified that there would be no expansion of the Central Commercial District; Cherry confirmed there would not.

Adjournment

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

VOTE

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

ABSTAIN: None

NAYS: None

MOTION PASSED: 4 – 0