

Minutes of the Borough Council Zelienople, PA

10/30/2023

7:00 PM

Public Hearing

MasterID: 755

The October 30, 2023, Public Hearing of the Zelienople Borough Council was called to order at 7:00 PM, as advertised, by Council President Mary Hess in the Council Chambers located at 111 W New Castle St., Zelienople, PA 16063 and was handed over to Mrs. Bonnie Brimmeier, Legal Counsel, to conduct the hearing. This meeting was held in an in-person environment as well as remotely through the WebEx technology to comply with the safety of all concerned and to allow for offsite participation. It still complied with all rules of advertisement and the public had access to the meeting and was able to participate. There were two purposes of this hearing. One was to consider the Conditional Use of "Funeral Home" for the structure located at 328 East Grandview. The two individual structures are located at 324 East Grandview (funeral home) and 328 Grandview (guest house). The other purpose of this hearing was to consider Proposed Ordinance #888-23 for Vacating the Streets and Alleys Near the Western Butler County Authority Property. In-person attendants were Council Members Andrew Mathew III, Marietta Reeb, Gregg Semel, Doug Foyle, and Mayor Thomas Oliverio. Junior Council Member Kyra Fazio was also present. Council Member Allen Bayer did not attend.

Borough Manager Andrew Spencer, Borough Solicitor Bonnie Brimmeier, Police Chief Jim Miller, and Zoning and Code Enforcement Office Jason Sarver were also in attendance. Borough Engineer Tom Thompson attended virtually.

VISITORS:

In Person: James Hulings, Jason Tai, Stephen and Shannon Mick, Jerry and Jan Maharg, Cindy Mellenthin, Vicki Hussar, Rhonda Walker, and Marsha Grabowski

Remotely: None

The following pages are a transcript of this public hearing and are hereby incorporated as the official minutes of the proceeding.

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BOROUGH OF ZELIENOPLE
BUTLER COUNTY, PENNSYLVANIA

IN RE: : 2023-2-CU
:
WESTERN BUTLER COUNTY AUTHORITY :
:
607 Market Street :
Zelienople, PA 16063 :

PROCEEDINGS
(Public Hearing)

Held Before
Zelienople Borough Council:

Andrew Mathew, III
Douglas Foyle
Marietta Reeb
Gregg Semel
Mary Hess

Zelienople Municipal Building
111 W. New Castle Street
Zelienople, PA 16063

October 30, 2023
7:30 p.m.

* * *
Cheryl B. Eckstein
Official Court Reporter
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APPEARANCES:

Solicitor: Bonnie Brimmeier, Esq.

Also Present:

(For Borough of Zelienople:)
Mayor Oliverio
Andrew Spencer, Manager
Jason Sarver, Zoning/Code Officer
Tom Thompson, Engineer

* * *

1 P R O C E E D I N G S

2 October 30, 2023
3 Borough of Zelienople
4 Zelienople Municipal Building
5 Zelienople, Pennsylvania
6 7:33 p.m.

7 - - -

8 MS. HESS: All right, folks. We're running
9 just a few minutes late, but we're going to get started.
10 We're going to start with the Conditional Use Hearing
11 and then we'll move into our council meeting.

12 So, at this time, I'm going to turn the meeting
13 over to our solicitor, Bonnie Brimmeier.

14 ATTORNEY BRIMMEIER: Good evening, everyone.
15 I'm the solicitor, Bonnie Brimmeier. I'm going to
16 conduct the hearing this evening.

17 We have two purposes for this hearing. One is a
18 Conditional Use request, which our engineer and
19 ordinance officer will be addressing in further detail
20 for you. And the other purpose was, there was an
21 ordinance on the agenda to vacate streets and I want to
22 address that we had an affected resident file an
23 objection, so that's going to be part of this hearing as
24 well.

25 So, just so everyone is clear, when streets have
not been opened for 21 years, they automatically revert
to the adjacent property owners. But we always err on

1 the side of caution. If there's a request to vacate,
2 then we do pass an ordinance to make sure there's clear
3 title.

4 And in this case, there was one resident that
5 objected, so we will be amending the ordinance to
6 eliminate the portion of the street vacation that was
7 affecting that resident's property and it will be
8 re-advertised and voted on at a subsequent meeting. So,
9 that is my introductory comments.

10 We will be asking, once the presentation is made
11 by our officials, we'll ask for public comment. I would
12 ask that you approach the podium, identify yourself,
13 name and address, and be respectful. We'll let
14 everybody speak.

15 So, that being said, I'll turn it over to our
16 engineer, if you want to address the Conditional Use,
17 Tom.

18 ZONING OFFICER SARVER: WBCA submitted a
19 Conditional Use Permit Application that's going to be
20 used for the future administration building and garage
21 to continue its current use as an essential service
22 building. The structure is located at 607 Market
23 Street, which is our in Zone C-3 and R-3 districts.

24 WBCA is located at 607 Market Street, which is
25 Parcel 550S48828. And the Applicant proposes to

1 construct a new one story building along Allegheny
2 Street south from their existing building. The new
3 structure will allow the authority's administrative
4 functions to relocate to the new building. The
5 construction includes a garage with facilities for the
6 field crew and equipment.

7 Just so everyone knows, council must hold a Public
8 Hearing on this Conditional Use Permit and this must be
9 done within 60 days of the submission of a complete
10 application. The deadline for this is November 22nd,
11 2023. Findings of fact shall be issued within 45 days
12 after the Public Hearing.

13 A little history here. On Wednesday,
14 September 20th, the Zelienople Planning Commission
15 reviewed this Conditional Use Permit Application request
16 and had it approved and made a recommendation to council
17 to schedule and have the necessary Public Hearing with a
18 recommendation for approval of the Conditional Use. A
19 copy of the minutes of the Planning Commission is
20 included in all your packets and it summarizes the
21 Planning Commission's actions.

22 It is recommended that council authorize the
23 advertisement of the Public Hearing Monday, October 9th,
24 to take public comment on this Application, and also to
25 place the item on council's agenda Monday, October 30th,

1 which it has, for action for Conditional Use Hearing
2 today.

3 ATTORNEY BRIMMEIER: Anything else? Do you
4 have anything you want to add?

5 MR. THOMPSON: Just that Section 280-1007 of
6 the Zoning Ordinance does list the essential service
7 buildings as a Conditional Use. There are three
8 conditions associated with that use.

9 One is the building scale and function shall
10 represent the minimum necessary to satisfy the
11 provisions of the service to the utility.

12 The second is the design of any buildings and
13 connection of such facilities must conform to the
14 general character of the area and not adversely affect
15 the environment of the residents and patrons in the
16 zoning district to which it is located.

17 And the third is that adequate screening and
18 fencing and landscaping or combination shall be
19 provided.

20 ATTORNEY BRIMMEIER: Okay. Any questions
21 from council?

22 (No response.)

23 ATTORNEY BRIMMEIER: Anybody in the audience
24 want to question or comments?

25 (No response.)

1 ATTORNEY BRIMMEIER: Okay.

2 ZONING OFFICER SARVER: I just want to add
3 that all advertisement requirements have been checked
4 off. The property was posted 10/2. It was advertised
5 October 15th in the Butler Eagle. And notification
6 letters were sent to adjacent properties August 30th.

7 ATTORNEY BRIMMEIER: Okay. Anyone else?

8 (No response.)

9 ATTORNEY BRIMMEIER: Okay. Let the record
10 reflect that there is no one from the audience looking
11 to speak or comment.

12 Anyone on line?

13 (No response.)

14 ATTORNEY BRIMMEIER: Okay. There is none.
15 No further comments from council, then the public
16 hearing is closed.

17 (At 7:09 p.m., the proceedings were
18 concluded.)

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C E R T I F I C A T E

I, Cheryl B. Eckstein, do hereby certify that I took the foregoing proceedings in stenotype at the time and place hereinbefore set forth and thereafter reduced the same to typewritten form, and that the foregoing is a true, full, and correct transcript of my said stenotype notes.

Cheryl B. Eckstein

Cheryl B. Eckstein
Official Court Reporter

Minutes of the Borough Council Zelienople, PA

10/30//2023

7:00 PM

Public Hearing

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Being no further business, President Hess closed the meeting at 7:09 PM.

ATTEST:

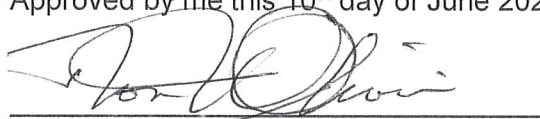


Andrew C. Spence
Borough Manager



Mary E. Hess
Council President

Approved by me this 10th day of June 2024.



Thomas M. Oliverio
Mayor