

June 5, 2018, Public Hearing

The Clarion Borough Housing and Zoning Committee held a Public Hearing on June 5, 2018, at 6:30 p.m. in the Assembly Room of the Clarion Free Library, the purpose of the hearing was to receive testimony/comments regarding a request from Miles Brothers, LLC, for Clarion Borough Council to rezone a 35.31 acre parcel of land in Clarion Borough, which they currently own, and is identified by Property Map No. 05-020-001-000-00.

A list of those people in attendance is attached to the Official File Copy of these minutes.

Ms. Roberts, Chair of the Housing and Zoning Committee, called the hearing to order at 6:30 p.m. and asked anyone who has not signed the attendance sheet to do so before leaving.

Ms. Roberts: We're here to hear, the Miles' Brothers have asked that, 49 South Sheridan Road, in Clarion, Pennsylvania, has submitted a request for Clarion Borough Council for the rezoning of 35.31 acre parcel of land located in Clarion Borough, which they currently own. They are asking that the zoning of this parcel be changed to a C-1, Commercial Industrial District. The Clarion Borough Planning Commission has met and has approved, have reviewed and recommended this change. We have received a letter of support from the Department of Planning and Development of Clarion County that it fits with the Clarion County Comprehensive Plan. So, with that being said, Mr. Miles (unintelligible) like to say anything before the public?

Mr. Ryan Miles: No, thank you.

Ms. Roberts: At this time, if you could please stand, state your name and address, for comments or questions.

Mr. Dave Sentner, 103 Bond Drive: I don't know much about it, I just know that something proposed, can someone describe it a little more what the use is going to be, access roads, things like that, to start. Then I have more questions, but start with a little more about (unintelligible) more about what they are using

Mr. Miles: Yea, currently the 49 South Sheridan Road and the properties, the acreage on that borders mainly Grand Avenue. Access to that would be from Grand and Sheridan. Right now, 28 acres is C-1 and we would (unintelligible) adding onto that in the back portion of that property for the reason that

Mr. Sentner: In the piece that you clear cut last year?

Mr. Miles: Correct.

Mr. Sentner: Right. So, how are you going to access, what facility is going to be put on that piece of land?

Mr. Miles: There will be, currently the plans are for a cul-de-sac to go on the property that's not being rezoned and it will terminate (unintelligible). So, there's no plans for (unintelligible) at this time. As you probably know, there are a lot of power lines, that makes (unintelligible) building restrictions back there. So, there's not a whole lot that can be done, but

Mr. Sentner: The power lines (unintelligible) back end.

Mr. Miles: Well it runs the whole length of the property on the back end.

Mr. Sentner: (Unintelligible) fair amount of property in front

Mr. Miles: Well that's already (unintelligible), that's not; that's already zoned C-1.

Mr. Scott Sharrar (Zoning Officer): That's C-I

Mr. Miles: Oh, C-I

Mr. Sharrar: C-I.

Mr. Miles: Okay, yea.

Mr. Sentner: So, are you going to build something on the property?

Mr. Miles: That property, the only intentions I would have for that property is we are currently developing the old glass plant lot into industrial property.

Mr. Sentner: Right.

Mr. Miles: The back property there that we are going to add, we would like to put a storm water detention facility on for water run off for the front pieces of property. I also am part owner of a construction business; and eventually, we would like to put in a garage back there. The funding mechanism for the front part of the development really requires that there's job creation. And the need to build anything on that would really be a waste of the whole purpose of the Glassworks Development in the front. So, if we were to do something, it would just be generally a warehouse, a garage space in the back. I don't really have a whole of intention for the

Mr. Sentner: There are no plans for that garage?

Mr. Miles: There's absolutely no drawn plans, there's no, these are just long-term ambitions that; well, and that property is almost landlocked as you probably know. We have the access through Grand and (unintelligible), or Grand and Sheridan through our property currently that we would access to that.

Ms. Nancy Myers, 106 Bond Drive: If you have no plans, why are we rezoning this?

Mr. Miles: Well it was currently zoned what we are trying to rezone it as. At one point, it was rezoned residential.

Ms. Myers: Which is what it is now?

Mr. Miles: Which is what it is now. Like I said, for us to put a storm water detention facility back there for the current property, we'd like to have it all zoned the same.

Ms. Myers: But does it need to be zoned the same for that storm water there? I mean does it have to be commercial, or can it still be zoned this?

Mr. Miles: It may be, remain still residential, but there's an area back there that, I'd like to see it rezoned commercial. Not that that's going to happen the whole way back through, because of the power lines, but the storm water detention facility, in the event that there may be storage, like I said, or I build a garage back there, I'd like to have it commercial. That's in accordance with the Borough's zoning plan.

Ms. Myers: (Unintelligible) already has plans?

Mr. Miles: That's correct.

Ms. Myers: That that should have been commercial, is that what you're saying?

Mr. Miles: It was in the past, it was in the past. It was changed not too long ago (unintelligible) I'd say 5 years ago with the intention of making it residential by the former owner. We acquired it, when, after we purchased the majority of the vacant property from the Owens-Illinois Glass Plant.

Ms. Myers: My concern is since you don't know what your plans are and us living and being impacted eventually with that, you could be using this thing as, for ideas (unintelligible), impacted and that's my concern.

Mr. Miles: What impact are you looking at?

Ms. Myers: Noise, dirt, view.

Mr. Miles: Okay.

Ms. Myers: (Unintelligible) we've had

Mr. Todd Glenn, 100 Still Drive: Ryan, with the Commercial 1 Industrial, what is the buffer zone; is there setbacks, or is it is similar to the Borough, like it's 10' from the property line? What would it be, do you know?

Mr. Miles: Scott may

Mr. Sharrar: I'm Scott Sharrar, I'm the Zoning Officer for Clarion Borough. Setbacks are basically the same. I think in the Commercial Industrial, it's 15' from the side yards, 20' from the rear, 25' from the front.

Mr. Glenn: So, in your development phase of this Ryan, you had plans already drawn up, wouldn't that be right, you said they're already submitted?

Mr. Miles: Not for the piece that is being rezoned.

Mr. Glenn: Okay. So, do we have any further setbacks other than what is required from the Borough? And, can you incorporate those in that? I think what everybody here is really concerned about, is basically more, their property value as it goes down the line. Because as we know here in the Borough, it's pretty stagnant or decrease in property value. And with this

Mr. Miles: Because there's no tax base here.

Mr. Glenn: You're exactly right, but

Mr. Miles: So, how do you do that, you got to make jobs, you have to put businesses in.

Mr. Glenn: And we understand that, and they'll be tax-paying businesses probably after a while, are they going to have the 7-year, how has Glassworks been set up? Is there no tax (unintelligible), or x-amount of years, like a KOZ.

Mr. Miles: No.

Mr. Glenn: No, so they would be taxed as they come in, correct?

Mr. Miles: That's correct.

Mr. Glenn: Okay. So, I think that's the big concern is people going to want a declining property value any more than it already is.

Mr. Miles: Right, well

Mr. Glenn: You get that, too, you don't live

Mr. Miles: No, no

Mr. Glenn: but 100 yards

Mr. Miles: I'd rather see a business than a vacant house with an unmown yard

Mr. Glenn: Exactly.

Mr. Miles: and slums, you know?

Mr. Glenn: I'm sure everyone here is like that. Is there any solid leads, or anything, I mean like eminent, we've got someone lined up probably within this year that they'd be able to (unintelligible) next year.

Mr. Miles: (Unintelligible) rezoned, no.

Mr. Glenn: Yes.

Mr. Miles: No.

Mr. Glenn: Do you have anything that is already zoned Commercial Industrial?

Mr. Miles: I do.

Mr. Glenn: You have people lined up ready to come in?

Mr. Miles: I have an agreement signed, pending a few stipulations along that.

Mr. Glenn: Are there any restrictions from Commercial Industrial zoning what can be put in?

Mr. Sharrar: As in?

Mr. Glenn: What kind of industry are we allowing to come into the Borough?

Mr. Sharrar: There's no rule in the Commercial Industrial, but I believe they don't want to do a smoke stack business, they want to do light manufacturers. There won't be another glass plant in there.

Mr. Glenn: Well.

Mr. Sharrar: (Unintelligible) there be, I don't know if he's looking for warehousing, that's one of the main use there.

Mr. Glenn: Okay. Are we trying to follow suit to some of that Ryan, I would imagine you are trying to get something that's not

Mr. Miles: Yea,

Mr. Glenn: you want something

Mr. Miles: It's not a good fit for heavy manufacturing. It's in the Borough, it's in the college, that's not the intention. What it is a good fit for is small manufacturing, warehousing spaces, you know, light industrial, those types of things.

Mr. Glenn: And if we could, it would benefit everyone, if we could get something in there, something that would create 50 jobs here, 15 jobs there, it all adds up. And if you can retain some of those people within the Borough, it would be even better. But as the tax structure in the Borough of Clarion is kind of difficult.

Mr. Sentner: You know, to summarize what I've heard so far, you're going to build a retention pond on the rezone?

Mr. Miles: That is a possible intention.

Mr. Sentner: Right.

Mr. Miles: I am pursuing that. I would like to make that happen. If anybody has been back to that property, it's 30 acres that has sat there for years unused. It had a railroad through it. Allegheny Power has several high voltage power lines going through there. There's not a whole lot that can go back there. But what I don't want to do is, I work for 6 years to create a business park out front on 28 acres. I don't want to go ahead and build my garage out there, and, you know, that's not employing people and that's not the intentions of the business park out front. So, for me to store my equipment on an area that I've worked hard to acquire funding for, bringing businesses back to the area, I just don't see that as a good fit. But I do see taking 2-3 acres of 30 additional acres that I acquired to put a 7 or 8,000 square foot garage.

Mr. Sentner: Yea, (unintelligible) built.

Mr. Miles: Yea.

Mr. Sentner: From what I'm hearing is I would speculate that in 10 years there will be a garage there and a retention pond.

Mr. Miles: I would hope so. That would be, yes.

Ms. Rebecca Chernicky, 1318 Robinwood Drive: Ryan, if what you're saying, you want to put industrial, why did you timber out so much

Mr. Miles: Money.

Ms. Chernicky: behind

Mr. Miles: I had to pay for all of this. I needed the timber to sell, prices were up. I timbered it

Ms. Chernicky: But along the power line. So, you told us you would leave a buffer, which, however, you did not.

Mr. Miles: There is a buffer there.

Ms. Chernicky: Ryan,

Mr. Miles: There's a buffer.

Ms. Chernicky: seriously? No, there is

Mr. Miles: There's a 10' buffer.

Ms. Chernicky: not. With trees? You told us,

Mr. Miles: The way I look at it, you had about \$4,000 of oak on my property that I could have taken, but I didn't (unintelligible).

Ms. Chernicky: Well I challenge you to come back and look at it.

Mr. Miles: Come back to where?

Ms. Chernicky: There's no buffer.

Ms. Stephanie Kalinowski, 107 Bond Drive: I have pictures on my cell phone if anybody wants to see them. Right behind my house was totally devastated and cleared. So, when I called; is this going to be a done deal, you already gave him permission?

Ms. Roberts: For what?

Ms. Kalinowski: To change the zoning?

Ms. Roberts: No, we're here,

Ms. Kalinowski: Okay.

Ms. Roberts: this is a public hearing for us to discuss and then

Ms. Kalinowski: Just the way you presented it, I was like, did I hear that wrong?

Ms. Roberts: No, we have not; these are, both the Planning Commission given us and this is what the Clarion County Planning Department. Council will make a decision during our Council Meeting at 7.

Ms. Kalinowski: Okay, well. Right behind my house, it was clear cutted like she said. And I'm not quite sure, and I called, and I think I spoke to him, maybe his brother. But none the less, I was concerned how close this was going to get to my property. Well when you look outside my bedroom, there's nothing but dead trees everywhere now. I used to have (unintelligible) tall trees in my back, his land, their land. I was told it wasn't my concern, 'I could have taken them all', which he did. And I said 'what are you going to do with it?'. And he said 'there's going to be a field of wheat planted there'. (Unintelligible) wheat, it looks like a field of disappointment is what I see there. It's still there, all dead, nothing cleared, and I'm very disappointed, I am disappointed. And, when it comes to (unintelligible) Council should look at that, it's just the idea (handing her cell phone to Councilmembers to see pictures from her house of the property. Nothing was officially presented to be entered into the record.) So, the back of my house, and if you flip through, you can see all the dead cut down trees. Nothing (unintelligible) and then that was just taken right before I came here. I'm in sandals but if you go a little further when you have boots on, there's some ground that used to have cattails on it, and it was totally blown down, too.

Ms. Logue: I'll look at it (referring to cell phone).

Ms. Kalinowski: What I am concerned is what about the, you know, what about wetlands? You got to have some great (unintelligible) that has some science background.

Mr. Noto: (Unintelligible) power lines (referring to pictures on cell phone)

Ms. Kalinowski: No, but there's power lines, I should have just taken one out of my bedroom window, you could see it it was a taller sight.

Ms. Roberts: Scott, if someone were to clear timber on their properties, do they have to do any sort of environmental impact?

Mr. Sharrar: We don't have anything in our ordinance stating for timbering or cut down trees on their property.

Ms. Roberts: But like if we were to do something or if

Mr. Sharrar: Yea, there

Ms. Roberts: they're building happen to have an environmental impact?

Mr. Sharrar: We can, the only thing we do is storm water management, which if it's over a certain size would have to go to County. If you disturb the land, over a certain size, which the Miles' boys did go get an NPDES permit. That's the only thing that is required.

Unidentified Man: Are there going to be any limitations on what you can do

Ms. LaVan: What's your name, sorry?

Mr. Steve Myers, 106 Bond Drive: as far as permitting for this? Or is it just going to be an all or nothing proposition, it's either going to be residential or it's going to be a commercial?

Ms. Roberts: Scott?

Mr. Sharrar: Well it's Residential-1 right now.

Mr. Myers: Yes.

Mr. Sharrar: He's applying for a rezoning for a Commercial Industrial. That's the only thing he's applied for. So, it would either be approved or denied.

Mr. Myers: Simple (unintelligible).

Mr. Sharrar: I will state the property was, in 2010, was rezoned R-1 on the stipulation that they get a right-of-way for the property. There was never a right-of-way cleared, never a (unintelligible) right-of-way granted. So, the land was landlocked. Can't be developed for anything other than

Unidentified Man: What's R-1?

Mr. Sharrar: Residential, single-family dwelling. There was to be a right-of-way, but they never acquired it.

Mr. Brett Whitling, The Clarion News: If you're denied, how would that affect your future plans, how much would that take away from any sites that you could build?

Mr. Miles: I'd say out of the 30 acres that's there, there's probably realistically 6 acres of property that could be developed on in that piece that's being rezoned.

Mr. Whitling: Would that affect how many buildings you could, I know you have a basic layout of how you wanted it developed, how much would that take away from what you have planned?

Mr. Miles: It would potentially 1 to 2 structures, I believe.

Mr. Glenn: Ryan, in the areas where you say you have power lines and so forth from Allegheny Power and so forth (unintelligible), is it not conducive for any buildings you think at all?

Mr. Miles: Well you can't build under them, and like Allegheny Power, I may be wrong, but I think it'd be (unintelligible) 50' they want you to stay away from those lines.

Unidentified Man: Correct.

Mr. Miles: And, the shape of the property, more rectangular than square that runs, other than what's already out there behind there, the housing development, it runs with the power lines (unintelligible). There is a few areas

Mr. Glenn: So, you have to stay back 50' from those lines

Mr. Miles: Right.

Mr. Glenn: and then you're going to have a portion, if you want to put your e and s ponds in there?

Mr. Miles: That's correct.

Mr. Glenn: So, that basically takes away from part of your 35 acres commercial that's not zoned as residential, correct?

Mr. Miles: Correct.

Mr. Glenn: Do you have any idea how many acres that would entail?

Mr. Miles: That we could not use?

Mr. Glenn: Correct.

Mr. Miles: I would, between 18-20 acres.

Mr. Glenn: So, there's 18 to 20 acres that you cannot use,

Mr. Miles: Could not build a building

Mr. Glenn: could not build a building on, but

Mr. Miles: Right.

Mr. Glenn: but you are still saying 50' back from your power lines and so forth? So, is there a way that maybe something can be done here as, to get what you need plus also what

everybody else wants here as a compromise on that as x-amount of area, this area could be rezoned and this other could stay as this; or I don't know what all the zoning things are, Scott maybe you could help me.

Mr. Sharrar: What we could do, we could put in certain conditions, an agreement, we can increase the setbacks to the condition from residential property, if needed.

Mr. Glenn: Well I don't mean that, because Ryan's already got, he's estimating 18 acres that are not buildable on.

Mr. Miles: But to be fair, those power lines are running more to the middle. So, the areas, you know, that would potentially be buildable would be closest to the residential area, (unintelligible) willing, reasonable setback. I have no problem with that.

Mr. Glenn: I mean it's

Mr. Sharrar: On the north side towards the Troese Addition, there is a 50' setback that you can't build in, it's the old railroad right-of-way.

Mr. Miles: That's correct.

Mr. Sharrar: So, there's at least a 50' buffer on that side.

Mr. Glenn: So, I mean there's got to be some middle ground here that would help appease everybody here, I would think. Nobody wants an eyesore in their back yard, nobody wants to look out their window to see

Mr. Miles: Oh, I agree. I don't disagree with that at all, and I would never, I wouldn't build 10' from somebody's property line and put in a smoke stack or (unintelligible) garage, or

Mr. Glenn: Well you don't want a 30' steel building setting 10' off your property line and be looking out your back window at them.

Mr. Miles: Right.

Mr. Glenn: You know that, I think everybody can be reasonable here and maybe get something amicable with this to work through and maybe table it tonight and sit down with you and the Zoning Commission and maybe hash this out and get it corrected so everybody can be happy with the situation.

Mr. Sentner: I wish there would have been a drawing or site map. It would have been easier to visualize.

Mr. Miles: I don't have that piece of property mapped out. There are no plans at this time. The only thing (unintelligible) or Google Earth would be good.

Unidentified Man (known as Mr. Frank Lignelli, Robinwood Drive): Do we have an empty chair upfront? This fellow is another owner, why can't he be sitting up there and we (unintelligible) questions.

Unidentified Individual: Are there chairs up there?

Mr. Sharrar: He works for the Borough?

Mr. Lignelli: (Unintelligible).

Mr. Preston: Me?

Mr. Lignelli: No, no, next one.

Mr. Sharrar: Me, me?

Mr. Lignelli: Yes.

Mr. Sharrar: I work for the Borough, I don't live over there.

Mr. Lignelli: Oh, you don't work for

Mr. Sharrar: I'm the Zoning Officer for the Borough.

Mr. Lignelli: Oh, I thought you were working for the company that

Mr. Sharrar: No, no, I'm not.

Mr. Lignelli: Okay, because I was going to say you know if he's part owners, we should have him up front where we can look at him and have questions that we may want to use.

Mr. Bob Chernicky: I don't understand Ryan if there's 18 acres unusable and a 50' right-of-way, this Troese Addition, what are you left with? I mean why develop that? And it's mostly swamp area. I live right next to it.

Mr. Miles: It's not swamp. There's no designation; there is federal and state designations as wetlands, there's no designation on that property.

Mr. Chernicky: I've lived back there my whole life, it's a swamp.

Mr. Miles: It's not designated that (unintelligible).

Unidentified Individual: Seriously?

Mr. Miles: Bob, your dad built a garage back in there were (unintelligible) place.

Mr. Chernicky: Right.

Mr. Miles: And that would be my intention, and your family has one.

Mr. Chernicky: We have (unintelligible) back there, this is a garage door, he services his lawn mowers and stuff. It's far removed from what where you're talking about. Where you're talking about is right up against the Troese Addition and right up again me, it's residential on both sides. Right up against the drive.

Mr. Miles: (Unitelligible) back there.

Mr. Chernicky: It's usable.

Mr. Miles: 5-6 acres.

Mr. Sentner: More than that.

Mr. Chernicky: Less the railroad right-of-way, because (unintelligible) land (unintelligible).

Mr. Miles: (Unintelligible) right-of-way. They would travel back and

Mr. Chernicky: For what though, that's what we don't know. For what, what do you envision?

Mr. Miles: I think you were coming in late, but I would like to put a garage back there. I don't want to do it on the Glassworks part. That is just for storage. The park is intended for jobs. For me to take 28 acres and take 3 of it and build a garage or warehouse is taking away from the whole intention of redeveloping the glass plant property. I have 7,000 square foot garage now (unintelligible) construction, because the business is not big enough. (Unintelligible) there's no reason for me to put it on the property that's in the business development property. I cannot put a construction garage to serve as storage on a residential zoned property.

Mr. Chernicky: Don't you have enough to put that garage on?

Mr. Miles: And there's also, I would also plan on putting a storm water detention facility on that property as well.

Unidentified Man: (Unintelligible).

Mr. Miles: I'd like to put a storm water detention facility on that property (unintelligible) business part of the (unintelligible).

Ms. Kalinowski: What would that look like?

Mr. Miles: A pond basically. It wouldn't be full all the time. In rain events, run off rain water (unintelligible) long term (unintelligible) into that, and it would be a time release.

Ms. Kalinowski: So, this field of wheat

Mr. Miles: Well that's going to be replanted. I don't, I don't have all the permits right now to go back and do that. The NPDES permit (unintelligible) I'm applying for these permits right now (tape flipped) and do what we want to do, just without (unintelligible).

Hearing nothing further, Ms. Roberts adjourned the Public Hearing at 7:00 p.m. with action to be taken at the Council Meeting to follow.

Linda LaVan, Borough Secretary