

**MANOR BOROUGH**  
**PUBLIC HEARING – April 11, 2017**

The Manor Borough Council held a Public Hearing on Tuesday, April 11, 2017 at 6:00 P.M. in the Manor Borough Building for the amending of the Zoning Ordinance.

Council President, Mr. Brian Woy, called the Public Hearing to order and lead the Pledge of Allegiance.

Roll Call of Attendance:

(Present) Brian Woy, President	Mike Matrisch – Vice President
Bruce Hartman	Dawn Lynn
Christine Marchand	Terry Nemitz
John Campfield, Solicitor	Edwin Howley, Planning & Zoning Officer
(Absent) Steve Ira	
Jeremy Dixon - Mayor	Ed Antonacci, Engineer
George Valmassoni, Chief Of Police	Mike Radakovich, Tax/Sewer Collector

Mr. Brian Woy announced this Public Hearing is for the rezoning of 409 Manor Harrison City Road from an agricultural A-1 to a Commercial C-1. Mr. Woy then turned the meeting over to Mr. John Campfield, Solicitor for Manor Borough. Mr. Campfield, prefaced the meeting citing the rezoning application for the estate of Elwood J. Farabaugh, Westmoreland County, Parcel ID 19-03-04-0-014, consisting of approximately 2 acres. He went on to overview the preliminary steps taken in this process. The application was sent to the Manor Borough Planning Commission, and the Planning Commission responded with a letter dated February 27, 2017 recommending to not allow the rezoning from an Agricultural A-1 to a Commercial C-1. Mr. Campfield notified the county planning department via letter dated March 23, 2017 regarding the proposed zoning change. The county had no comment. A copy of the same letter was also hand delivered to the Westmoreland County Law Library on March 23, 2017. A copy of the affidavit from Borough Manager, Joseph N. Lapia, dated March 29, 2017, stating all four sides of the property at 409 Manor Harrison City Road were posted with notice of this Public Hearing being the same text that was published in the Penn Trafford Newspaper, is included with this Public Hearing, stating Manor Council will vote on the rezoning request at the April 19, 2017 Council meeting. A Proof of Publication is available from March and April.

The floor was then open for testimony from the Applicant.

Opening remarks were given by Attorney Gregory Neugebauer of PO Box 270, 219 South Center Street, Ebensburg PA 15931. He noted the decedent left the building unfinished. The property has been for sale for a long time and the only interested buyers are businesses. The business they prefer to sell to would be non-industrial. The property is suited to commercial use, but currently zoned Agricultural. Mr. Neugebauer and his client feel that if the zoning is not changed the property will continue to be vacant for a long time.

Mr. Campfield then swore in 2 people who were there to testify.

Mr. Neugebauer called Debbie DeLorenzo of ReMAX Heritage of Murrysville, PA. She noted Route 993 is busy major highway with many commercial businesses. She counted 11 businesses on her way to the hearing. Ms. DeLorenzo presented Google maps with distances from 409 Manor Harrison City Road to the adjacent nursing home and adjacent residence. She points out the property is adjacent or within range of other commercial property and there is enough space away from the nursing home and the other residence as to not cause a disturbance. She noted that large trucks would not be able to traverse the property or turn around as there is not enough space. The property has been for sale over a year and all interest has been in making it a commercial property. She feels the rezone to a commercial property would be beneficial to the community.

Second to testify was Donna Farabaugh of 617 West Sample Street, Ebensburg, PA 15931. Also presented several maps and pointed out the distance between the structures, and the pine tree line that separates the property. The nursing home is higher in elevation than the building at 409 Manor Harrison City Road. Ms. Farabaugh attempted to measure the difference in elevation via Google and was unsuccessful, but determined a range between 158 feet – 194 feet. Power lines cut off a quarter of the property which prohibits future development. The power company sprays that area to keep the vegetation down.

Mr. Nemitz wanted to know who owns the property where the pine trees are located. Mr. Lapia provided a map that indicates the pine trees are on the nursing home property.

Ms. Lynn wanted to clarify the elevation and that no trucks would be able to enter the property. Ms. DeLorenzo assured Ms. Lynn that tractor trailers would be unable to enter the property as there is not enough room for them. She further noted the fuel truck delivering heat oil had a difficult time turning around.

Mr. Campfield opened the floor to the Public for questions and comments. There being no Public comment, there was no testimony heard.

A copy of the proposed zoning map will be entered into the record prepared by the Borough Engineer, as well as all maps mentioned.

Mr. Matrisch asked Mr. Howley if he had any concerns with the rezoning of 409 Manor Harrison City Road. Mr. Howley has walked through the property several times and notes it is an undocumented building, which means the work done was never permitted. Any business purchasing the building would have to submit drawings and apply for permits as if it were a new building. The building would have to be brought to the International Building Code 2009 standard. After a question from Mr. Nemitz, Mr. Howley stated that currently the Agricultural zone gives the property limited use. Changing it to Commercial zone opens up more possibilities for use.

Ms. Lynn asked Mr. Howley about the rezoning in 2009 and the reason the nursing home was put in a C-1 commercial zone was because there was no other category for it. Mr. Howley noted the nursing home was always in a C-1 commercial zone and there was no change.

Mr. Matrisch wanted to know which was more restrictive, a C-1 Commercial or L-1 Light Industrial. Mr. Howley responded that L-1 Light Industrial is less restrictive. A C-1 Commercial rezone is more likely for 409 Manor Harrison City Road as the property is adjacent to the nursing home which is already C-1. The property could not be zoned Light Industrial because that would be spot zoning.

Mr. Woy wanted to know the difference between a C-1 Commercial and CBD Central Business District. Mr. Howley responded that a C-1 Commercial is more liberal on the use.

Ms. Lynn asked if A-1 Agricultural or C-1 Commercial was more flexible. Mr. Matrisch said a C-1 Commercial was more flexible.

Mr. Campfield noted this hearing was for information and no vote will be taken. The vote will be taken at the Council meeting on Wednesday, April 19, 2017.

Mr. Campfield advised Mr. Woy that the hearing was concluded.

Mr. Matrisch motioned to end the hearing. Seconded by Mr. Nemitz, the motion carried unanimously. The hearing adjourned at 6:30 P.M.

Joseph N. Lapia  
Borough Manager