

November 14, 2013

A special meeting of the Ligonier Borough Council was held Thursday, November 14, 2013 @ 6:30 PM in the Ligonier Town Hall to hold a Public Hearing and take action on the application for Conditional Use filed by Eric Elek.

Members Present: Robert Helterbran, James McDonnell, Judy Hoffer, Robert Bell, Tom Freeman and Sam St. Clair.

Others Present: Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Solicitor George Welty.

Application for Conditional Use was filed by Eric Elek to occupy the building located at 112 N. Market Street (Tax Map #16-01-15-00-0194) in Ligonier Borough for Financial Services in the C1 District.

Solicitor George Welty conducted the hearing. Welty explained that the application provides that the property is in the C1 Zoning District. The description of the project is to purchase the building to use as a Financial Services Business. The zoning ordinance states in section 7-21 that banking/financial service with or without a drive thru in zoning districts where bank and financial services designate as a conditional use; the use shall be permitted upon approval of Borough Council subject to the following requirements; A. Banking / Financial service with drive-in would have to have a maximum of 1 point of ingress/egress to major street.

Solicitor Welty stated that the application does not state that it has a drive thru.

B. The use would frontage on major or arterial street, which would be N. Market Street.

C. In C1 District, the minimum distance between any two banks shall be 500 feet.

D. Traffic impact study shall be required to be submitted where the proposed development according to the institute of transportation engineer's ITE standards will generate 100 trips in addition to the adjacent roadways peak volume hours.

At this time Eric Elek and Land Use Administrator Chick Cicconi were sworn in.

Attorney Art West was present and explained that he and Eric Elek met with the Planning Commission on October 28<sup>th</sup>.

Eric Elek explained his intentions for a full service financial services business. Clients will come into office for financial planning, asset management, and investment recommendations.

Councilman James McDonnell stated that he was the sole vote against the application at the Planning Commission because of his then interpretation of the **banking / financial** services.

Since then, McDonnell realized that there are 24 other definitions within the ordinance that have the slash. McDonnell added that he has since been convinced that it does imply and or.

Solicitor Welty stated that under section 2009-902 under Conditional Uses procedure for approval; the general criteria for evaluation of Conditional Use provides as follows; in evaluating an applicant of Conditional Use, the Council may apply the guidelines of procedure set forth in the municipalities planning code. The Borough may attach additional conditions in order to protect the public's health, safety and welfare. Approval of all conditional uses shall be subject to periodic inspections by the zoning officer to ensure compliance.

Solicitor Welty finished by stating that Council is ready to make a motion is they so desire.

Land Use Administrator Chick Cicconi was asked to come up front. Chick Cicconi stated that he is the assistant zoning officer for the Borough of Ligonier. Chick testified that Eric Elek meets all the requirements for occupancy in this district.

James Crawford of 108 S. Market Street was present and was sworn in for testimony. Crawford voiced his concern against approval due to the “poorly written ordinance”.

A motion was made by Tom Freeman and seconded by Sam St. Clair to approve the Conditional Use Application from Eric Elek. The motion carried 5-1 with Judy Hoffer opposing.

The motion concluded the Hearing.

Respectfully submitted,

Paul A Fry  
Secretary-Treasurer  
Office Manager