

**June 11, 2015**

A special meeting of the Ligonier Borough Council was held Thursday, June 11, 2015 @ 6:45 PM in the Ligonier Town Hall to hold a **Conditional Use Hearing** for **Dr. Gene O'Sullivan and Mrs. Linda J. O'Sullivan**.

**Members present:** Robert Helterbran, James McDonnell, Margaret Garland, Judy Hoffer, Matt Smith, and Pat Scanlon. Absent was Michael Bieterman.

**Others Present:** Secretary-Treasurer Paul Fry, Engineer Ben Faas, Solicitor George Welty, Police Chief John Berger, Fire Chief Paul Church, and Zoning Officer Rick Schwab. Absent was Mayor Ormond "Butch" Bellas.

A Conditional Use Hearing was held to consider and take action on the application for conditional use filed by the following:

Dr. Gene O'Sullivan and Mrs. Linda J. O'Sullivan plan to restore an apartment conversion of the principal structure (duplex) located at 301 North Fairfield Street / 200 West Vincent Street to three dwelling units and add previously removed kitchen to unit three, curb cut, and four additional parking spaces. Property is in the R-1 Zoning District and is known as Tax Map Number 16-01-15-0-120.

Solicitor Welty presided over the Conditional Use Hearing. Secretary –Treasurer Paul Fry attested that the Hearing has been properly posted and advertised. Solicitor Welty stated that the O'Sullivan's have just relayed that they wish to amend their application. It was explained that this particular application has already been advertised.

All those present giving testimony were sworn in.

Dr. Gene O'Sullivan and wife Linda O'Sullivan explained to Council their plans to convert apartment at 301 N. Fairfield Street from 2 to 3 units. No changes to the outside of the building will be done. A previously removed kitchen will be added to unit three.

Councilman James McDonnell asked for clarification of comment alluding to additional parking on application.

O'Sullivan answered that a curb cut will be lengthened allowing four additional parking spaces as zoning requires two spots per unit.

Linda O'Sullivan further explained that they initially hoped to go for continuing non-conforming and then the two additional spots would not be needed. As per Solicitor Welty, it has been applied for as is and they will later then apply for a variance eliminating the four spots.

Zoning Officer Rick Schwab stated that he felt the application was fairly straight forward. The ordinance allows such an apartment conversion as a conditional use in all residential districts. Schwab sees little negative impact as it seems more like maintaining the status quo and therefore recommends approving.

Chick Cicconi of 222 West Main Street questioned the O'Sullivan's additional curb cut on West Vincent Street. Cicconi asked the O'Sullivan's if there was some way they could use the existing 23 ft. curb cut to come in and swing over as the garage sits back 18 ft. from the sidewalk to therefore preserve the additional cut.

Cicconi stated that the O'Sullivan's were under the impression that they would be able to adapt the application tonight to apply for a continuation of a non-conforming occupancy but this has to go before the Zoning Hearing Board. The O'Sullivan's were then advised to proceed with this application first.

President Helterbran questioned if Council responded negatively to this request as far as the curb cut goes wouldn't this give them what they want?

EADS Engineer Ben Faas was sworn in to give testimony.

Ben Faas stated that he has reviewed the existing curb cut application. Faas felt that the curb cut would be inconvenient as it would be tight.

The O'Sullivan's stated that they felt they could live without the 18 ft. curb cut.

Louise Dean of 216 N. Fairfield Street was present and expressed her concern over the curb cut application.

Councilman Matt Smith asked when was the last time the building was used for a 3 unit apartment.

Linda O'Sullivan reported that it was last used as a 3 unit apartment 6 years ago.

**MOTION TO APPROVE**

**A motion** was made by James McDonnell and seconded by Pat Scanlon to approve the conversion without the 18 ft. curb cut. All of Council was in favor.

The motion concludes the hearing.