

June 14, 2012

A special meeting of the Ligonier Borough Council was held Thursday, June 14, 2012 @ 6:35 PM in the Ligonier Town Hall with Vice President Kim Shaffer presiding. The purpose of the meeting was to hold a Conditional Use Hearing for Peter Pacienza.

Members present: Kim Shaffer, James McDonnell, Robert Bell, Sam St. Clair. Absent were Robert Helterbran, Tom Freeman and Judy Hoffer.

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

Request by Peter Pacienza / Bella Blue Ventures LLC to move his existing chiropractic office to 519 W. Main St., Ligonier PA (Tax Map #16-01-11-0012) in Ligonier Borough for an office on first floor and rental on 2nd floor. The building is now zoned Village Residential.

The Conditional Use Hearing was presided by Solicitor George Welty. Paul Fry, Secretary-Treasurer confirmed that the hearing has been properly advertised and that he has the proof of publication.

All individuals giving testimony stood and were sworn in.

Solicitor Welty explained the intention is to renovate the house and use it as a chiropractor's office with a rental on the 2nd floor.

Zoning Officer Chick Cicconi reported that he has received the application for the conditional use by Peter Pacienza. Cicconi testified that the application is in accordance with the requirements of the ordinance.

Councilman James McDonnell stated that the Planning Commission has voted to approve.

Chris Tantlinger spoke on behalf of Dr. Peter Pacienza. Tantlinger reported visiting the site and is familiar with the building. Tantlinger testified that in a meeting last week Dr. Pacienza discussed the following; that there would be a common entrance for the first and second floor and an exit for them. There would be tree removal for the very large trees overgrown on the property. No trees would be touched or removed between the sidewalk and curb. There will be a parking lot that would be engineered for 9+ spaces including the necessary ADA requirements for handicapped parking. The upstairs commercial aspect of the property would be formulated and determined by an architect to determine any necessary egress for that particular part. There would be professional landscaping. The siding and overall exterior appearance of the structure will remain intact. Two interior doors that would be examination room doors would be installed but no alterations to the general construction of the dwelling. There will be updated energy efficient windows. A parking lot buffer will be maintained of at least 3 feet from any adjacent property of grass. A proposed one-way entrance from Main Street and exit to the Railroad Street in the already existing curb cut that is there. The sign for business would be of the same construction look and make of Dr. Graytok's optometry office on the same street. There would be signs for the entrance and exit to indicate those areas as long as they fall within the necessary square footage requirement. Tantlinger noted that there is a garage on the property at this time that is older and in need of repair. This garage has been donated to the Valley Fire Department for an eminent demolition and removal from the

property. Tantlinger stated that Dr. Pacienza expects to move in and begin practice on October 29, 2012.

Richard Flickinger felt the move of the practice would benefit the community. Flickinger also pointed out that there is a zoning ordinance that was thoroughly examined by the Planning Commission. There are some provisions in the ordinance. One such provision is concerning curb cuts. Flickinger gave the explanation of curb cuts 209-402A from ordinance and issue concerning the curb cut for Pacienza.

Solicitor Welty explained that the ordinance for conditional use provides that the things to consider are whether it impacts the neighborhood and adjacent street circulation and lots equal to or less than any use specifically listed in the zoning district. In making the determination the following characteristics shall be considered; the number of employees, the floor area of the building or gross area of the lot devoted to the proposed use, the type of products, materials and processes involved, the magnitude of walk in trade, the traffic and environmental impacts & ability of the proposed use to comply with the performance standards, the hours of operation, the extent of pervious and impervious surfaces in relationship with that currently present on adjacent lots and overall block .

A motion was made by James McDonnell and seconded by Sam St. Clair to approve the Conditional Use application. All were in favor.

Solicitor Welty stated that the motion concludes the hearing.

Respectfully submitted,

Paul A Fry
Secretary-Treasurer
Office Manager