

September 16, 2013

A special meeting of the Ligonier Borough Council was held Monday, September 16, 2013 @ 7:00 PM in the Town Hall with President Robert Helterbran presiding. The purpose of the meeting was to hold a **Public Hearing for the Ligonier Valley YMCA Project**.

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

**Others present:** Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Engineer Ben Faas, Police Chief John Berger and Solicitor representing the Borough, Dan Hewitt.

**President Robert Helterbran opened the Hearing** and welcomed those attending. Helterbran stated that individuals wishing to speak will be limited to 3 minutes so that all wishing to be heard may do so. The hearing was turned over to Solicitor Dan Hewitt.

**Attorney Dan Hewitt introduced himself as special Counsel for Ligonier Borough.** Hewitt stated that the matters under consideration for tonight come before Council pursuant to provisions of Section 609 of the Municipality's Planning Code and Article 12 of the Ligonier Borough Zoning Ordinance. These legal provisions allow anyone to submit proposed amendments to the zoning ordinance including proposals to change zoning classification applied to parcels. Under the MPC and Borough Ordinance, Council is tonight holding this hearing to take testimony to aid Council in its decision on the proposed amendments. There are actually two separate amendments under consideration tonight. The first is a proposed re-zoning or map change for two parcels now owned by the LV YMCA; Tax Map parcel 16-01-15-0-163 and 164. Both parcels are currently zoned R2, (Two Family Residential). The request filed is to reclassify these as C2 (General Commercial).

The second proposed amendment is a request from the same applicant to amend the land use table so that a parking lot surface is permitted as a conditional use in the C2 district.

By law, notice of tonight's preceding has been advertised in the local paper on two separate occasions. Proofs of publications are in hand in the Borough file.

Pursuant to the MPC and Borough ordinance, notice of the amendment was forwarded to both Westmoreland County Planning Department and the Borough Planning Commission. The County received mailings on July 9 and again on August 13 of this year. The Planning Commission reviewed the request prior to July. So far, neither body has filed any formal recommendation to Council for consideration. Finally, copies of the proposed amendments and the notice of tonight's hearing have been on file at the Borough office and the Westmoreland County Law Library since August 14, 2013. We also sent notice to the attorney for the applicant, Mark Sorce, so he has a copy as well.

As Council has noted, this is a hearing. We have a court reporter tonight who will be taking transcript. Procedurally, we will hear first from the applicant. And then anyone else wishing to speak on these requests will be heard as noted from the sign in sheets. Any person who comes forward to give testimony will be sworn in and may be subject to questions from Council or Attorney Sorce and anyone else present here this evening. If you have a comment you want to make or position you want to put forth to Council, you will be given that opportunity.

It was noted that Council will not tonight be making any vote for or against any proposed specific use or for any proposed specific development. There may be some testimony and evidence presented in support of the application or in opposition that will touch on those but we cannot get caught up in the "I don't want this particular thing there". In light of the zoning

map change, Council has to consider that if the change were approved any possible use in the C2 district could come on that property.

Once testimony has been concluded the matter will be turned back over to Council for consideration. Once the testimony is closed there will be no further testimony presented to Council at any subsequent hearing or meeting. Council may opt to have a brief executive session if they have any questions on legal issues. Council also has the option if it so chooses to then defer action on the propped ordinances to a later meeting which they would have to announce tonight.

**Attorney Mark Sorice addressed Council** and asked that he have the opportunity to question Mr. Kruise of EADS Corp. with regard to the traffic study.

Sorice: Mr. Kruise, state your full name for the record.

Kruise: Richard Kruise

Sorice: Mr. Kruise, I'm going to ask you a few questions regarding the foundation. Are you an engineer?

Kruise: Yes

Sorice: Are you licensed to practice within the Commonwealth of PA.

Kruise: Yes

Sorice: How long have you been so licensed?

Kruise: Since 2009.

Sorice: As part of your profession, do you do traffic studies?

Kruise: Yes

Sorice: By whom are you employed?

Kruise: The EADS group

Sorice: What is EADS group?

Kruise: EADS group is an engineering firm with seven offices within central PA. A multi-discipline engineering firm; transportation, site development, civil, and architectural designs.

Sorice: Do you do municipal work?

Kruise: Yes

Sorice: What percentage of your work is municipal work if you know?

Kruise: About 50%

Sorice: Alright. And were you commissioned to do a traffic study in August of this past year?

Kruise: Yes, for the Borough yes.

Sorice: If you would turn to the traffic study that you have before you, there are some notes regarding data collection; when you do a traffic study, what exactly do you look for?

Kruise: What we do is we take a look at the proposed development there and we select a study area there. What we did is we picked the intersections around the development there that we would feel would possibly be impacted.

Sorice: I'm looking at the first page and you have indicated West Main Street and Fairfield Street, North Market Street and Church Street, North Market Street and Vincent Street, West Church Street and North Fairfield Street, West Vincent and Elm Alley, and North Fairfield and Wellington Alley. What relevance does this have within your report?

Kruise: Those are the intersections we did traffic counts at the intersections there. And we did our traffic analysis there to determine if there would be any impacts by additional traffic.

Sorice: Did you consider school bus traffic at all?

Kruise: Uh yes we did.

Sorice: What's the relevance of school bus traffic?

Kruise: We did the traffic counts; we did them in the summer when school was not in. So what we did is we contacted the busing company for the local school; Lodestar. We got the bus traffic information from them. The number of buses they had going to and from the schools; what times the buses traveled and the number of buses.

Sorice: So even though this was done in August of this past year when school was not in session, you contacted the district in order to get the school information and bus information?

Kruise: Yes and then we added that bus traffic into the volumes that we actually counted out in the field.

Sorice: In your report you referred to something as known as Site Trip Generation, what is that?

Kruise: Site Trip Generation is for anything that is proposed, that's the way of estimating the number of trips that will be generated by that development there. The primary way we usually do that is using trip generation rates that are generated by the institute of transportation engineers. That's a nationally recognized organization and they compile trip and data for all different types of land uses all over the country. It's what PennDot recommends we use for all our traffic studies.

Sorice: So in a sense, it's a table compiled of data from different jurisdictions and you use that to extrapolate what's going on here is that right?

Kruise: That's correct, yes.

Sorice: Now next in your report there's something that is designated as site trip distribution; and assignment. Then you have some percentages from N Market Street on the North and South on N Market Street; what are these and perhaps give us an explanation.

Kruise: The percentages there is where we assume that the traffic would be going to that parcel is coming from or heading to. We based these numbers on here based on the existing traffic patterns that are in the study area.

Sorice: So you actually came out to these particular intersections and did you measure or collect the data from....

Kruise: Yes we did traffic counts on a typical week day in the morning from 7AM to 9AM and then in the afternoon from 3PM to 6PM.

Sorice: In your report you also refer to something that is known as future traffic volumes. Why is that relevant within your report and what is necessary to calculate the future traffic volume.

Kruise: Future traffic volume is ....we did these basically within accordance to Penn Dot guide lines to traffic study. They like to see an opening year analysis for any development and

horizon year analysis which is usually considered 5 years after full build out. And what we do is we take the existing traffic counts we got and we apply growth factor to those numbers there. The growth factor we used was supplied by PennDot for Westmoreland County.

Sorice: So in a sense what you are trying to do by using this particular analysis is to predict what the future growth may be in traffic for these particular areas, is that right?

Kruise: Yes

Sorice: You also refer to something as level service capacity analysis. In layman's terms; what on earth does that mean?

Kruise: It's just a way of measuring the effectiveness of the intersection; whether being if its stop sign controlled or if there would be a traffic signal there. It's to measure the effectiveness of that operation.

Sorice: Skipping over site distance analysis, you have drop off pick up zone on West Church Street. Specifically, what is your analysis of this particular aspect of the study?

Kruise: When we did our counts out there we actually observed this drop off area as well, and just to see how it operates and see if there were any concerns. With the extension they put in recently, it seemed to operate pretty decently. There were some minor issues that were observed. One was that some of the motorists there stayed for significantly longer period of time; over a half an hour. The average time was within a ten to twenty minute range. The other issue we noticed was that many people dropping off there or picking people up wanted to use the first half of the drop off area which is between Market in the alley there and which is Oak Alley. What they did then is they turned around and headed up Oak Alley to get back over to Market Street.

Sorice: Now what times did you observe the traffic within this particular area?

Kruise: We did them the same time we did the counts from 7AM to 9AM in the morning and then from 3PM to 6PM in the afternoon.

Sorice: Why these times?

Kruise: Those are considered the typical peak traffic hours on road way networks in general.

Sorice: To your report there are some tables; what is the relevance of these tables in doing your calculations?

Sorice: You have some trip generation analysis; you have intersection turning movement counts.

Kruise: The intersection turning movement counts; those are actually the counts that are performed out in the field. They are just a summary of the actual turning movement counts. We had somebody sit out there. If somebody made a Left turn, they counted as Left turn, right turn etc. And then there are some tables in here I think is what I believe you're getting at; it's the trip distribution and assignment tables.

Sorice: Yes

Kruise: Those are what we use to generate the future traffic volumes. We took the volumes from the intersection movement counts applied the growth rates to them and then we added the additional traffic that is assumed to be generated by the development.

Sorice: And that is how to you use to predict future traffic growth is that right?

Kruise: Yes

Sorice: And the level of service capacity analysis table?

Kruise: That is just a summary of the analysis we did using the Synchro software.

Sorice: What is Synchro software?

Kruise: Synchro is a traffic analysis model that is recommended for use by PennDot.

Sorice: Following all of your calculations, your measurements, and your observations, did you reach a conclusion?

Kruise: We did. The result we came up with is that there isn't really a real major traffic issue out there. In general, I mean the intersections right now offer acceptable levels of service. With the exception of the east bound movement at the Market Street, Vincent Street intersection. They will continue to operate so in the future with the development.

Sorice: What impact would the Y's expansion have upon the existing roadway network?

Kruise: Other than the east bound approach there; Market Street Vincent Street intersection, it would be very minimal.

Attorney Sorice had no further questions.

Hewitt questioned Mr. Kruise.

Hewitt: Your traffic study; did it request generally at or did it consider generally as to any potential use in the C2 district or was it specific as to the proposed expansion?

Kruise: It was specific to the proposed.

Hewitt opened questioning to Council and anyone present.

**Bill McCollough** (220 N Fairfield): In your study, the school buses were not running, you took the information from the school board. You did not actually see the school buses in action?

Kruise: That's correct.

**Karen McCollough**: (220 N Fairfield) Have you considered the amount of traffic that would be traveling on Elm Alley and Wellington during your study? Did you go down to Ligonier Medical Associates or Quick Draw and count the number of cars there?

Kruise: We did consider traffic on Elm and Wellington and we did some analysis for that. Did we go and count any local medical centers? No, we did not. We used the generations' rates to estimate those.

**Gay Wasserman** (212 N Fairfield): Did you estimate the number of cars that would go up Wellington Alley and out on Elm Alley and what are they?

Kruise: Yes we did. We actually put up automatic traffic recorder counts out there currently to get the volumes that were out there right now. On Wellington Alley the current traffic for an average week day, 24 hr. period is 98 vehicles. Elm Alley is 27 vehicles. The additional traffic that will be added by the development would be 376 trips a day.

**Sam Banales** (404 Summit Ave): On Vincent Street, when you said you didn't have the buses to count; how do you estimate the parents that were taking people back and forth during the school year? Did you estimate that?

Kruise: We did not. Discussing with the bus company though, the peak hour of the traffic volumes we counted out there actually did not correspond with the arrival and pick up times for the school. They were a different time of day.

**Diane Cipa** (P.O Box 413 Ligonier): Did you take into account on W Vincent Street that traffic only really moves in one direction at a time. In other words because of parking, vehicles have to pull over to allow traffic to go in either direction and take turns and what the impact would be with the loss of Wellington Alley and traffic then using W Vincent as an alternative?

Kruise: I'm going to say no. The analysis would assume that someone could make a turn on Vincent whenever somebody stopped there.

**Attorney Mark Sorice called the Director of the YMCA, Mr. Ben Wright** (CEO of YMCA for 3 yrs)

Sorice: Please state your full name for the record.

Wright: Benjamin Wright.

Sorice: Ben please state your position at the Y.

Wright: Chief executive officer.

Sorice: And how long have you been CEO of the Ligonier Y?

Wright: 3 years

Sorice: As director, what are your responsibilities?

Wright: Oversight of physical, ergonomic, and building; general oversight of the organization and operation.

Sorice: So if the Y would have certain activities that would benefit the community, you would be the man to know about them, is that right?

Wright: I would hope.

Sorice: With regard to the Y's activities, specifically; at the present location what does the Y provide for the younger members of the community meaning children?

Wright: Youth programming, so that's youth sports; swimming, basketball, soccer, t-ball. The list goes on and on with all sports. We provide a kid's night in; which is an event for children to come into the community and we provide free swims. Provide early childhood education, provide care. We provide development, rock climbing. We provide opportunities for character development and youth development.

Sorice: Do you provide day care services at all?

Wright: Yes

Sorice: Are all of these activities contained within the existing building which, for lack of a better description, used to be the old high school?

Wright: All of the activities are registered and contained in the building with the exception of the ones that use the soccer fields at Ligonier Camp and Conference Center.

Sorice: With regard to adults, does the Y provide any programs or any social constructs for the general public?

Wright: The adults and seniors as well. I'll start with adults; fitness classes, general health and well being, we have weight loss competitions, swimming, exercise classes, & other opportunities to give back to the community. We do corn hole tournaments for the food bank, we have fencing, we have jump rope. All of those are adult based programs. For seniors we have Silver Sneakers, we have other variety of exercise classes that keep people well and healthy and we of course utilize the pool for physical activity for those who are unable to take part in rigorous physical activity. For the benefit of this meeting we also have CPR classes or first aid for lifeguards. We do, we have all of those.

Sorice: If you would turn to; in your packet of information, I think I have tabbed what is known as the tax map. Ben, the activities that you have described, I presume they take place in what has been designated as lot 157 is that right?

Wright: That's correct

Sorice: And the Y has purchased lots 244, 245, 158 and 159 is that correct?

Wright: That is correct

Sorice: Now there was the old, for lack of a better, the Old Dairy Queen that was on 245 and that has been torn down, is that correct?

Wright: That is correct

Sorice: Okay. One of the principle points for tonight's meeting are lots 163 and 164. Do you see those on your map?

Wright: I do

Sorice: Are there any buildings or were there any buildings on these particular lots?

Wright: There were on lot 164, there was a pink building commonly referred to as the old Napa or Auto Parts store. On lot 163 there were two buildings, a garage commonly referred to as the old ice house, and a garage and apartment complex.

Sorice: So there have been some; even though these were zoned residential R2, there have been some commercial uses in the past.

Wright: That's my understanding yes.

Sorice: Now with regard to the Y expansion, there's been some discussion that the Y would expand its physical operations, meaning the building, into lots 244 and 245 is that correct?

Wright: That's correct

Sorice: In your own estimation what is the square footage of the Y presently?

Wright: Estimated 47-48,000

Sorice: What would be the expansion area into these two lots 244 and 245?

Wright: Estimated 15-17,000 square feet

Sorice: So roughly 34% of the original specs. The two lots 163 & 164, what are your intentions with regard to the utilization of these lots for the Y?

Wright: The current plan is to utilize it for parking.

Sorice: K and both of these lots will be used parking?

Wright: Correct

Sorice: There is an alley that separates these two lots from the Y itself.

Wright: Correct

Sorice: Do you know the name of that alley?

Wright: Wellington

Sorice: Do people park that utilize the Y within this alley?

Wright: Yes

Sorice: Is there hope to organize for the Y into these two particular lots?

Wright: It is

Sorice: Lots 158 and 159 what would those be used for?

Wright: A portion of those would be parking and a portion of those would be the physical plan.

Sorice: The two buildings that were torn down, when were they torn down?

Wright: Which building?

Sorice: On lots 163 and 164

Wright: Last week

Sorice: The existing structures that were there have been there for some period of time. Is that right?

Wright: That's my understanding, yes.

Sorice: Now although you say that there's some intended use for parking, is there any other parking close to the Y?

Wright: The opposite side in what's labeled 180 or 190, yes.

Sorice: And the municipal parking lot is that correct?

Wright: That's correct.

Sorice: Across the road from you or it doesn't show north or south on the tax map; there is the Ligonier Borough Municipal Building is that right?

Wright: That's correct.

Sorice: Ok and then across the street from that, on Fairfield is the Ligonier Fire Department; is that right?

Wright: That's correct.

Sorice: This is all within C Commercial District, is that correct?

Wright: That's correct.

Sorice: And what you hope to do is to classify 163, 164 as Commercial lots is that right?

Wright: That's correct.



Sorice: Presently we are asking the Borough Council to recognize parking lots within the Commercial District. Is that right?

Wright: That's correct

Sorice: With regard to the Y and the benefit that the y provides, you heard the result of the traffic study from EADS Corp.; do you think that this project would have a positive or negative impact on the community as a whole?

Wright: We believe it's a positive impact on the community. We did a strategic plan about 2 years ago. That strategic plan pulled the community for what they would want and the overwhelming response was additional opportunities for health and wellness as well as employment opportunities. Those were the two main focuses of the strategic plan and the two focuses of the Y's community organization in response.

Sorice: How would this expansion help meet your goals?

Wright: It gives added safety and benefit for existing programming as well as the opportunity to partner with a reputable health care partner to expand health and wellness opportunity within the community.

Sorice: And would your partnership; and I presume that's Excelsa – is that correct?

Wright: Correct

Sorice: would that partnership help pay for the operational costs?

Wright: It would, the lease is structured so that operational cost of the expansion is actually reduced by the lease payment.

Sorice: Now the two lots in questions, you mentioned would serve for parking and utilize and organize the parking areas more efficiently is that correct?

Wright: That is correct

Sorice: Right now we're not talking about any specific shrubbery or any particular details. We'll save that for the site plan is that correct?

Wright: That's correct

Attorney Sorice had no further questions for witness. Attorney Hewitt asked if anyone present had any questions for Mr. Ben Wright to line up.

**Sam Banales (404 Summit Ave.):** I have a question; you say you're partnering with Excelsa Health?

Wright: Yes

**Sam Banales:** In what way?

Wright: They would be a leasee of part of the premises.

**Sam Banales:** So you're saying they are going to lease from you? They have no financial interest in building the facility?

Wright: All of it is structured over a 10 year lease payment.

**Sam Banales:** For the YMCA?

Wright: For the YMCA yes

**Sam Banales:** Do you know what the financial health of Excela is?

Wright: I do not

**Sam Banales:** Do you have a specific lease with them; one year, five year, ten?

Wright: yes we do, 10. Two five -year option renewals.

**Bill McCollough (220 N Fairfield):** Wellington Alley; you're planning on taking over part of Wellington Alley, am I correct? The part that comes from Market to Elm?

Wright: Closing...we are planning on closing

**Bill McCollough:** Are you planning on buying it from the Borough?

Wright: We own both sides of it so I'm not sure how that legally works.

**Bill McCollough:** Are they able to sell it? Are they able to close Wellington Alley and sell it to you?

Hewitt: I'm going to jump in. There are provisions under the Borough Code dealing with Alleys and vacating and that would be an issue for Council to address at another time.

**Bill McCollough:** That's another question that has not been answered. Whether you're going to sell Wellington Alley to the Y.

Hewitt: That's because we can't get to that question until we get past the questions raised tonight.

**Richard Flickinger (422 Summit Ave.):** Ben, you came before the Planning Commission over a year ago and you had a plan for the development which called for store fronts to be along Market Street.

Wright: No, we talked about that but we never submitted any plans for store fronts along Market Street.

**Richard Flickinger:** Well that was discussed when you first came.

Wright: It was discussed

**Richard Flickinger:** Did you ever come to the Planning Commission after that with anything about changing that idea that was discussed?

Wright: We submitted a development plan that outlined our ideas on June 6.

Hewitt: Mr. Flickinger if we could get to the Zoning issue perhaps? I mean we're not on the site plan for now...and we're going to keep trying to pull people back to that.

**Richard Flickinger:** Right. Well my next question is...You came in with the plan that you had and the plan calls for re-zoning so I think the plan is very important to ...

Hewitt: Council cannot act upon the plan tonight. Council can only act upon the zoning change request and the conditional use request. That was made very clear at the beginning Mr. Flickinger.

**Richard Flickinger:** What is the use of doing this if we don't know what's going to be there?

Hewitt: We cannot contract zone. What they are asking is, I announced earlier, is for changes to this property from R2 to C2. In theory they could walk out of this door if this were approved, they could walk out the next day and come back with any permitted use in the C2 district. To

worry now about something that is not a pending plan because of that is beyond the scope of this hearing tonight.

**Richard Flickinger:** I'll ask one more question. Two more questions. If they're improper I'll withdraw. Is the current configuration the only configuration that will allow you to engage in the proposed activities that you want to do? Is it necessary to have this re-zoned for what you want to do?

Wright: Yes

**Richard Flickinger:** And the current configuration is the only way you can do that?

Wright: It's the only one that we're aware of yes.

**Richard Flickinger:** Did the architect submit any other kind of alternative plan?

Hewitt: Ok Mr. Flickinger, he answered your question, the answer was yes. That they need the re-zoning for what they are proposing. We are not going to debate whether there are multiple architectural plans that could have been submitted. That's not before Council tonight.

**Diane Cipa (P.O Box 413):** For the parking space, parking lot consideration; the Latrobe Bulletin reported that the existing parking that you have now for the Y; by taking the space that you are requesting the conditional use on and converting it into a parking space; that you are going to increase your existing by 8 spaces. Is that correct?

Wright: I believe it's actually 7. We've had 28 cars there pretty consistently. The parking structure is 35.

**Diane Cipa:** So changing the zoning to allow for a parking lot would increase your spaces by 7?

Wright: Correct

No further questions. No further witnesses

**Exhibit #1: Tax Map, Conditional Use Application, Re-Zoning Application, Draft Amendments, Development Applications and Traffic Study.**

Hewitt announced that individuals present are now given the opportunity to speak. Time will be kept.

**Gay Wasserman:** read her letter against Y – (on file)

**Pat Scanlon (318 Washington St):** Opposes change – no to spot zoning

Sorice: Mr. Scanlon what is spot zoning?

**Pat Scanlon:** Changing your Zoning just anywhere for no good reason. Which means if I have my place at 318 Washington, which is residential, I just come to Borough Council and say "I want to change it to Commercial". Just cause I want to do it.

Sorice: Are you next to a Commercial District?

**Pat Scanlon:** No sir I am not

Sorice: The Y is isn't it?

**Pat Scanlon:** The Y?

Sorice: It's Commercial isn't it?

**Pat Scanlon:** Yes it is.

Sorice: And the lots that they are seeking to be re-zoned, they are asking to be zoned Commercial designations, that right?

**Pat Scanlon:** They are asking for Commercial yes. But they are residential

Sorice: You heard the previous uses right? They were commercial and they were commercial in nature too.

**Pat Scanlon:** Pardon me?

Sorice: The previous uses were Commercial in nature.

**Pat Scanlon:** That is correct but that was done long before we even had zoning in this town.

Sorice: okay

**Chick Cicconi (222 West Main):** read letter – on file – against

**Merwin Dean (216 N Fairfield):** against changing the subject properties from R2 to C2 and amending the zoning ordinance to allow our parking lot as a conditional use.

**Louise Dean (216 N Fairfield):** opposed to changing R2 to C2 or the parking lot

**Diane Cipa: (3951 Rte 711):** Oppose change in zoning

**Kristen Poerschke (308 W Main):** opposed – “additional noise”

**Robert Cummings (112 E Vincent):** YMCA Board Member – need Commercial development for residential communities to thrive and survive

**Patti Campbell (305 E Main):** Opposed – want to keep the character of Ligonier

**Mike Vernon (305 W. Main - office):** Parking lot will not take away value of properties

**Sam Banales (404 Summit):** Opposed – asked Council to do what is best

**Karen McCullough (220 N Fairfield):** Opposed - traffic

**Bill McCullough (220 N Fairfield):** Opposed – parking questions

**Don Belt (108 Huckleberry Lane Gbg.):** Past President Board of Directors @YMCA – Long term financial stability for the Y and bring a higher level of health care to community.

**Liz Morris (130 McColly):** Opposed Zoning change and parking lot

**Richard Flickinger (422 Summit):** Opposed to changing zoning – would be a mistake

**Julia Ritter (412 Red Arrow Road):** Would be an improvement to area –positive for community

**Roy Morris (130 McColly):** Opposed – Excela partnering is not a good idea

**Andy Horvath (114 N Market):** In favor – As a community, you are either growing or you’re dying. Ligonier is not growing.

**Tommy Winkop (215 Indian):** In favor.

**Jim Sheeder (812 McKelvey):** Board of YMCA – The properties in question were derelict properties that were at one time commercial. Opportunity to do something that will draw tax revenue to community.

Attorney Hewitt asked those attending to partake in an unscientific study. Hewitt asked that everyone present by show of hands to indicate all in favor or opposed by borough resident or non-borough resident.

At this time, anyone wishing to have a final word to say may step forward.

**Paul Hannah:** – Board Member of Y – in favor – YMCA is a significant employer with an annual payroll of over \$800,000. YMCA also provides direct and indirect benefits to local vendors spending annually around \$700,000 in payable transactions.

**Karen McCollough:** Rebuttal statement – the issue is the traffic with the parking lot not the size of it. Also tax base - Y pays no taxes to the borough, neither will Excelsa.

**Mike Busch:** Chief Operating Officer for Excelsa Health – Disappointed by remarks critical to Excelsa. Primary objective in partnership with the Y is to continue to address the health needs of community which are numerous.

**Kim Stout Hamilton (P.O. 578 Lig Twp.):** In favor of zoning change

**Julia Ritter:** Tax base – Y does not pay taxes but the Y attracts individuals to the area who do.

**Bill McCollough:** Parking lot in question is not for YMCA but for Excelsa Health.

Attorney Mark Sorice: Thanked Council for their patience. Sorice clarified some points to eliminate some misinformation. Two factors must be considered; #1 the change in zoning and its impact upon the community. #2 the expansion of the Y is what is at issue here. No offense to Mr. Busch but that we do not even get that particular issue until down the road. We are here today to take a look at the district itself. Two lots in question, the commercial zoning and the expansion of the Y. The Y is presently 50,000 square feet. Their expansion is roughly 18,000 square feet. That will be roughly 70,000 square feet. If Excelsa goes through with its lease, it would have roughly 8,000, 12%. What we're talking about here is for the Y. The existing uses for the two lots in question for commercial. The whole district is commercial in nature. You've got professional offices. Mr. Flickinger has his office. The Gooder Agency is across the street. The parking lot is across the street from the Y. And we've got a commercial district. This is not a peninsula it is within the commercial district that is the factor. Now, the Y wants to expand. We're not dealing with the site plan. What we're talking about is recognizing a legitimate use. And what you haven't heard here tonight is that the Y doesn't promote the public good. That it is not for a public benefit. There is a traffic study that was done and what the traffic study does not say that there's 375 cars or 376 cars focused or concentrated within Wellington Alley. What it does, and you can look at it, it talks about percentages. Thirty-five percent traveling North on North Market Street, twenty percent North Market Street, 20 percent traveling from the East on West Main Street. Fifteen percent from the West on West Main Street. Three percent from the North on North Fairfield Street. Three percent from the East on East Church Street, two percent from traveling the West on West Church Street. Another two percent from the East on East Vincent Street. The calculations from this professional engineer are attached to his report. The study even takes into account, the future. And, and I quote, "The additional traffic site anticipated to be generated by the proposed YMCA expansion on the existing roadway network will be minimal." Law, as Mr. Hewitt will instruct you are to take a look at how this will impact the community. What is not part of the law, was not part of these deliberations, what is not part of your consideration, is anything to do with Excelsa. That must be separate. There will be a time and a place for that and this is neither the time nor the place. We're asking you to recognize a legitimate use. We're asking you to recognize a commercial nature of not only what is existed on these two parcels, a nice house and Napa parts, but how the fact the Y's expansion has beautified this section of town. The Y is great benefit to this

community. Here's the defining moment that you can promote this legitimate use. We ask that you recognize these factors. Recognize that it is for the benefit for the community. Recognize the fact that it is no impact or minimal impact upon traffic. And ladies and gentlemen recognize the fact that more importantly this is something positive that this board can institute. Thank you.

Attorney Hewitt stated that the hearing portion tonight is concluded. Hewitt turned the matter back over to Council.

Merwin Dean: Mr. Sorice talked about a different traffic coming out. He neglected to say 100% ...all 376 cars will exit Elm Alley onto Vincent.

Hewitt stated that Council has the traffic study and will take whatever into consideration. Thank you sir. The matter is now turned over to Council. It would be my recommendation if Council so wishes that we would adjourn into a brief executive session.

President Helterbran thanked Attorney Hewitt and said that Council can do that. Helterbran stated that in the meantime there will be no action taken after the executive session and thanked everyone for coming. All comments were appreciated.

Upon advisement of Counsel, President Helterbran noted that there would be a motion made after executive session.

Council took a brief executive session at 9:03 PM and returned at 9:11 PM.

Attorney Hewitt suggested that Council move the following; #1 the consideration of the proposed ordinances to amend the Borough's zoning ordinance as submitted by the YMCA be tabled until the regularly monthly meeting of Council now scheduled to October 7, 2013. #2 That the Ligonier Borough Planning Commission is directed to consider the information from this hearing at its meeting to be held next Monday, September 23, 2013 without taking additional testimony or public comment and finally #3 that the Planning Commission shall consider each ordinance pursuant to section 1200-G of the Zoning Ordinance and report to Council in writing its findings and recommendations before the meeting on October 7, 2013.

Hewitt stated that the above was the proposed motion; so moved by Robert Bell and seconded by Kim Shaffer to accept. The motion carried 5-2 with Tom Freeman and Sam St. Clair opposing.

This motion concluded the Hearing.

