

THE BOROUGH OF McKEES ROCKS

ZONING AMENDMENT MEETING

JULY 10, 2018

7:00 P.M.

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TRANSCRIPT OF PROCEEDINGS

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Hearing was held at the Borough of McKees
Rocks Council Chambers, 340 Bell Avenue, McKees
Rocks, Pennsylvania 15136.

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1 On behalf of the Applicant, Greenville Commercial
2 Properties:

3 William R. Sittig, Jr., Esquire

4 Sittig Cortese, LLC

5 1500 Frick Building

6 437 Grant Street

7 Pittsburgh, Pennsylvania 15219

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10 MEMBERS OF THE BOARD:

11

12 Paul Krisby, President

13 Kathy Evich, Vice President (via phone)

14 Mayor John Muhr

15 Shallegra Moyer

16 Elizabeth Delgado

17 Maribeth L. Taylor

18 Leslie Gee

19 Craig Meyers

20 Sarah Harvey

21 Joe Mixter

22

23 ALSO PRESENT:

24 Solicitor Megan Turnbull

25 Leeann Wozniak, Administrative Assistant

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P R O C E E D I N G S

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MR. KRISBY: Good evening, everybody.
Good evening, everybody.

SOLICITOR TURNBULL: Roll call, please.

MS. WOZNIAK: Council Mixter.

MR. MIXTER: Here.

MS. WOZNIAK: Council Harvey.

MS. HARVEY: Here.

MS. WOZNIAK: Council Meyers.

MR. MEYERS: Here.

MS. WOZNIAK: Vice President Evich.

MS. EVICH: Here.

MS. WOZNIAK: President Krisby.

MR. KRISBY: Here.

MS. WOZNIAK: Council Gee.

MS. GEE: Here.

MS. WOZNIAK: Council Taylor.

MS. TAYLOR: Here.

MS. WOZNIAK: Council Delgado.

MR. DELGADO: Here.

MS. WOZNIAK: Council Moye.

MS. MOYE: Here.

MS. WOZNIAK: Mayor Muhr.

MAYOR MUHR: Here.

1 MS. KRISBY: Any agenda comments? I
2 want to take it over, give it to the
3 solicitor right now.

4 SOLICITOR MEGAN TURNBULL: So this is
5 the time and place that the borough
6 advertised for a hearing on a text amendment
7 to the zoning ordinance.

8 I'm going to read the caption of the
9 zoning ordinance amendment for the purposes
10 of the court reporter. We have a court
11 reporter here this evening, and that helps
12 us create a record. This is a really
13 orderly sort of process that we need to
14 follow. And the first step is, I'm going to
15 identify some of the -- some of the
16 documents that the borough is kind of
17 accepting as part of the record before we
18 even get going.

19 At that point, I'm going to ask the
20 court reporter to swear in anyone who thinks
21 that they're going to deliver testimony or
22 kind of address council. We'll do those one
23 at a time. But the applicant will get the
24 opportunity to go first, and then we'll kind
25 of go through that.

1 The purpose this evening is for the
2 audience, and anyone who's interested, to
3 deliver information that you believe will be
4 helpful to council in their decision whether
5 or not to change the current zoning
6 amendment in a manner that's consistent with
7 the applicant's request.

8 The sideways comments are not helpful
9 in terms of the audience participation.
10 We're going to go one at a time. For these
11 purposes, I'm going to service the hearing
12 officer. And so I'm going to acknowledge
13 each person. If it gets a little rowdy, if
14 it gets unruly, that's not helpful to
15 anyone, particularly the court reporter who
16 has to write down every single word that we
17 say this evening. And so in that case, I
18 will stop it and try to redirect it. If it
19 becomes too much, we'll take some other
20 steps.

21 But my hope is that we'll kind of go
22 through this, everyone will have their
23 opportunity to say their peace. Comments
24 generally other than the applicant, are
25 limited to three minutes to the extent that

1 you can, and I'll be judicious about that.
2 So with that being said, I'm going to read
3 the caption of the ordinance amendment that
4 we're considering this evening.

5 An ordinance of the borough of McKees
6 Rocks County of Allegheny Commonwealth of
7 Pennsylvania, amending the ordinance adopted
8 December 18, 1974, as amended on June 6,
9 1994, and known as the McKees Rocks borough
10 zoning ordinance, to define gasoline
11 stations and to provide for gasoline
12 stations as a permitted use in the CM
13 commercial manufacturing district and the
14 I-1 industrial district, to define
15 tractor-trailer fueling stations and to
16 provide for tractor-trailer fueling stations
17 as a permitted use in the I-1 industrial
18 district, and to define high-rise fuel
19 signs, and to provide for high-rise fuel
20 signs as the accessory use with
21 tractor-trailer fueling stations. To
22 regulate the height, size, location of
23 high-rise fuel signs to permit additional
24 height for light fixtures for gas stations
25 and tractor-trailer fueling stations. To

1 clarify that the planning commission shall
2 determine whether lighting shall cause
3 excessive glare and whether screening is
4 appropriate in providing supplemental
5 regulations for gas stations and
6 tractor-trailer fueling stations.

7 So that's what council's considering
8 this evening. And the text that goes along
9 with it will be given to the court reporter
10 to be made part of the record.

11 The incident request was created by
12 virtue of an application by Greenville
13 commercial properties on April 25, 2018. A
14 copy of the letter and the transmittals that
15 were submitted at that time are also made
16 part of the record. This hearing was
17 appropriately advertised in the newspaper
18 general circulation twice, consistent with
19 the MPC and the borough of zoning ordinance.
20 Proof of that publication will also be made
21 part of the record.

22 The entire zoning ordinance amendment
23 that we're considering this evening was also
24 advertised in its entirety in the
25 Post-Gazette, and a copy of that proof of

1 publication is also made part of the record.
2 That advertisement was on June 26, 2018. We
3 deem that to be appropriate under the MPC
4 and the borough zoning ordinance.

5 The planning commission, again,
6 consistent with the standards and the
7 process that we follow, had a public hearing
8 under the Sunshine Law on May 17, 2018,
9 where they considered the amendments that
10 council will consider this evening. On that
11 evening, the planning commission voted to
12 approve the zoning text amendments as
13 presented, and that was communicated to the
14 borough and to council via letter, dated
15 May 22, 2018.

16 That also is made part of the record.

17 And then finally, another procedural
18 step that the borough had to go through and
19 did, in fact, do was communicate a copy of
20 the proposed text amendment to the Allegheny
21 County planning department. We did that
22 within the time period so prescribed and
23 received a comment letter back on June 15,
24 2018, from Kate Pierce, who's the manager of
25 the planning division. That letter is also

1 made part of the record this evening.

2 So those are the pieces of paper that
3 are before council and made part of the
4 record. And with that I'll ask the court
5 reporter to swear in anyone that believes
6 that they might give us testimony or
7 comments this evening.

8 (Witnesses sworn.)

9 SOLICITOR MEGAN TURNBULL: And with
10 that, the floor goes to the applicant.

11 MR. SITTIG: Good evening. My name is
12 Bill Sittig, and I'm representing the
13 applicant, Greenville Commercial Properties,
14 LP.

15 I have copies of the package that was
16 submitted with the application. I don't
17 know if that would be helpful to council to
18 each have. And I'd also just like to in the
19 record -- just have a copy of this package
20 put into the record.

21 I'm going to go over some background
22 you-all are probably aware of, but this
23 application was started as a proposal, which
24 it's initiated because of an interest by
25 Speedway and developing a modern gas station

1 facility with truck fueling on the site near
2 the new CSX terminal. We went to the zoning
3 hearing board. And in fact, the zoning
4 hearing board granted us the relief that was
5 needed. It was recognized at that time that
6 not unlike a lot of ordinances throughout
7 the Commonwealth, certainly Allegheny
8 County, the ordinance is dealing with modern
9 gas stations that haven't been updated.
10 They are based on the old model of gas
11 stations when I was growing up, which was
12 repairs and garages.

13
14 So when the zoning board considered
15 this, it was a realization that this use
16 wasn't really recognized. The other thing
17 was was that those gas stations were
18 typically put in a general commercial area
19 or a local neighborhood commercial area.
20 Facilities are bigger now. And typically --
21 and you'll see in the definition that we
22 have it includes a convenience store.
23 That's the model. There's been an
24 evolution.

25 And there are cases throughout the

1 Commonwealth that have followed the
2 evolution of gas stations through self-serve
3 and canopies, small kiosks, and now the
4 modern convenient stores seem to be growing,
5 so we're updating that. The other thing is
6 since they're bigger and since this involves
7 at least a proposed Speedway, involves heavy
8 trucks that the ordinance just previously
9 put in the general commercial area, which is
10 essentially the business area on an island,
11 what we're looking at is also including
12 these definitions in the commercial
13 manufacturing district, which is the higher
14 density, higher impact district, and then
15 the industrial district.

16 So we've tried to do it since there was
17 a challenge to what the zoning board did.
18 And by the way, the planning commission at
19 that time, too, also, we had a site plan for
20 Speedway, a land development plan. In
21 addition to that, the planning commission
22 had recommended approval of that. Well,
23 that was put on hold, the table, because we
24 got waylaid by the EPA. So we started over
25 and said, okay, we need to modernize the

1 zoning ordinance. We need to describe
2 exactly what we're doing and that led to
3 this amendment.

4 Assuming you're all familiar with the
5 site and this is all related to the
6 intermodal opportunity, and what Greenville
7 is proposing is that this is one of the
8 starters. In addition to this gas station
9 facility, they're proposing to have a speck
10 commercial building, light industrial
11 building of employees. And this will
12 jump-start. It's a natural -- as you will
13 see in the narrative that I did, you'll read
14 through, will give some of the history on
15 the CSX facility and how this site
16 developed. It's a \$70 million intermodal
17 terminal.

18 And the idea is to enable through this
19 intermodal facility to provide an
20 anticipated 50,000 trucks and lifts coming
21 in and out of the CSX terminal every year.
22 So there's undoubtedly going to be all of
23 these -- not only the cars that are
24 traveling in the area, but this is an
25 opportunity to capture those trucks and do

1 this complimentary use for the CSX facility.
2 Also, jump-start the development of the
3 remainder of the 35 acres. It's a
4 nationally significant facility that we have
5 here. I mean, it's a great opportunity.

6 Despite that, with the opportunities in
7 the marketplace on light industrial and on
8 light manufacturing facilities, we see
9 what's happened there. The infrastructure's
10 there. All of those roads are done. It's
11 for heavy-duty, heavy traffic. It's for
12 tractor-trailers. All of the infrastructure
13 utilities are in there for what's being
14 proposed. The intermodal is busy related to
15 ancillary things that are generating, that
16 is what we're looking to do.

17 And the idea is this, especially the
18 opportunity of this will provide with the
19 speck building is that this will jump-start
20 this and take advantage of the economic
21 opportunity that's been created.

22 If you wouldn't mind, I'd like to just
23 go through -- it's not easy to follow what
24 we're doing and it's right after the
25 narrative in your package, there's actually

1 a copy of the ordinance that Ms. Turnbull
2 read the introduction to. But when you go
3 to page 2, it'll show exactly what it is
4 that we're doing with the ordinance.

5 And we're looking to introduce -- use
6 two definitions in the ordinance. One is to
7 update the gasoline station ordinance. And
8 instead of getting away from changing tires
9 and mufflers and doing the repair, it's
10 modernizing it to what it really is now, is
11 that it's selling motor fuels, related
12 projects in -- such as convenience stores,
13 food stores. It's not going to be
14 grocery-store size.

15 But, actually, the Speedway proposed
16 facility is less than 10,000 square feet,
17 but we left some room in the event that
18 somebody wanted -- the movement seems to be
19 toward bigger convenience stores, so there's
20 a little bit of latitude in this beyond what
21 Speedway's proposing. So that would be
22 plugged into the CM district, which is the
23 commercial manufacturing district. It's a
24 heavy district. It's one level up from a
25 simple commercial district. But there's no

1 tractor-trailer fueling station in the CM
2 district. That's reserved for the next
3 definition, which is the tractor-trailer
4 fueling station. It's the same definition,
5 except it allows for tractor-trailer fuels.
6 And the regular gas station that could be
7 diesel fuel, but could be for regular
8 commercial passenger vehicles and things
9 like construction vehicles. The
10 tractor-trailers will be limited to the
11 industrial district.

12 Now, why that's relevant to what we're
13 doing -- it's not only relevant from a scale
14 standpoint that you put tractor-trailers in
15 your industrial district, but it also fits
16 the site.

17 What I'm showing you here as part of
18 your package is the map of the proposed site
19 for the speedway. And you'll see that
20 Island Avenue is at the bottom of the page
21 and then the entry frontage on Island
22 Avenue, which will be basically green space
23 and a monument sign out front, is in that CM
24 district. And there will be no
25 tractor-trailer fueling there. This is just

1 -- and this will be where the passenger
2 vehicles go. And you go into the site, the
3 convenience store will actually be in the
4 industrial section of the site. And to the
5 north and off the page is where the railroad
6 tracks are. And CSX is off the page to the
7 left. So this pink mauve area is the
8 industrial area, and that's where all the
9 truck activity will take place. That's the
10 rational for putting tractor-trailers in the
11 I district with the lesser impact passenger
12 vehicles in the CM, the blue district.

13 We've also, then, in the next
14 definition, to allow for a high-rise sign.
15 And you'll see with other regulations. The
16 idea is -- and I don't know if you've looked
17 at the Neville Island sign. This sign will
18 be lower than the Neville Island sign. It's
19 only because the McKees Rocks Bridge is not
20 as high as the 79 Bridge in Neville Island.
21 But the idea is to capture that truck
22 traffic coming across. It's very, very --
23 it's very price sensitive on tractor-trailer
24 and diesel fuel. They use a lot of fuel.
25 And we also don't want those trucks to get

1 lost as they come through the borough.
2 They're going to come off the bridge, come
3 down the island. And while there will be
4 some monument signs as they're coming off
5 the bridge, they could essentially be past
6 that intersection.

7 So we want to do it as efficiently, as
8 effectively, and as safely as possible to
9 make sure that those trucks can get into the
10 site. So what we're proposing is a
11 high-rise fueling station signs. Now, those
12 signs would only be permitted in the
13 industrial district. Again, not only on
14 this piece of property but in any industrial
15 district that's associated with fueling
16 stations.

17 Then -- we also then permit -- what we
18 try to do is model the sign on the Neville
19 Island sign to give everybody an idea. So
20 we're proposing that that sign, again, will
21 be located in this area toward the tracks,
22 would be as big as 750 square feet.

23 We got a comment from the County that
24 that's as big as a billboard from Lamar. We
25 don't doubt that. To put it into that

1 category, to revise that square footage down
2 isn't a big deal. But again, we're trying
3 to model it after the Neville Island sign,
4 which we think that has been a very
5 successful station for that community, and,
6 you know, has been very safely operated from
7 the traffic coming off 79 and into Neville
8 Island.

9 The next ordinance section on the
10 supplementary sign regulations is to allow,
11 as we were saying, an exception for above
12 the 30 feet island signs, to allow to go to
13 110 feet. Again, now that I actually cited
14 it, 110 is comfortable, probably a little
15 bit -- we don't want to have to go to the
16 zoning board for a variance. That sounds
17 more likely it would be in the 90-foot
18 range, but we want to make sure that we
19 provide enough cushion.

20 Then in the supplementary sign
21 regulations, your ordinance, make sure
22 everything is off the property line by at
23 least 3 feet. We wanted to add that
24 directional signs can be closer on the
25 property lines, especially -- especially on

1 the sidewalk of the driveways. We want to
2 be able to mark the entrance, so the smaller
3 directional signs that are going to be
4 important to marking where the cars go,
5 they're allowed to be closer than 3 feet to
6 the property line, so that's a minor add.

7 And the next supplementary sign
8 regulation, we wanted to make sure that
9 there's a separation from residential areas.
10 We're very -- and looking at the site,
11 although it's not residentially zoned in
12 this area, we have residential neighbors
13 most proximate here, and we're very
14 concerned that we operate in a manner that
15 takes it into account and doesn't do any
16 negative impact.

17 So we've added with respect to that
18 high-rise fuel sign that's not closer than
19 150 feet to any residentially zoned
20 property, so it's half a football field
21 away. So the base of that sign won't be
22 very close at all to any residentially zoned
23 properties. The supplementary regulation on
24 signage in Article 5 and that's 5.403,
25 there's just a couple of instances in the

1 ordinance where it talks about going over to
2 the zoning board for approval.

3 And, for example, illuminated signs, it
4 says, must be compatible as determined by
5 the zoning board. This is going to be
6 reviewed by the planning commission. So
7 this just sets the framework for the use.
8 The actual plan is going to come back, and
9 it's going to be in front of the planning
10 commission, again, which happened before.
11 And then it's going to come back to council.

12 And, you know, we believe -- and I
13 believe the County planning would agree that
14 veering that off to the zoning board just to
15 look at the illumination didn't make any
16 sense. So that's been deleted, and council
17 will decide whether that illumination's
18 adequate. So that's been cleaned up.

19 The -- we also, in the supplementary
20 regulations for off-street parking and
21 loading, your ordinance has a 10-foot height
22 limit for light fixtures. If we did that,
23 one, it would be very effective, but it
24 doesn't throw the light enough for vehicles.
25 But it would also result in lots and lots of

1 lighting standards.

2 So what we've done is to insert 30 feet
3 so that they could be separated, and, again,
4 there are light regulations that will
5 protect the neighbors from being able to see
6 and light coming off. But that provided the
7 latitude in parking areas where you have
8 enough height on your light so that you can
9 place them in a reasonable separation.

10 The next one is Section 5.5. There are
11 general standard maximum driveway widths in
12 your ordinance, and I believe it's 24 feet,
13 currently. And that just flat-out doesn't
14 allow for tractor-trailers. That's not a
15 big enough driveway for a tractor-trailer.
16 So we've added that. That limitation
17 doesn't apply to tractor-trailer trucks.
18 But, again, those driveways will come before
19 planning commission and council, and make
20 sure they operate correctly and safely.

21 Then the last supplementary regulation
22 is, again, similar to the previous item that
23 I mentioned on going to the zoning hearing
24 board. It talks about there being in the
25 yard, planting and screening, they have

1 requirements. And the last sentence of
2 section 5801 says that proposals for such
3 screening shall be reviewed by the planning
4 commission and where it's not effective
5 shall refer to the zoning hearing board.
6 Again, it should be the planning commission
7 council that determines whether the
8 screening is effective, rather than veering
9 off to the zoning board.

10 So, again, it's cleaning it up, but
11 we'll stay on the planning commission and
12 council. I have to say, I don't know of any
13 situations, any ordinance in Allegheny
14 County or wherever that makes approvals for
15 site standards to go to the zoning board.
16 In fact, I don't think the zoning board has
17 the legal authority to do that. So that's a
18 clean-up item.

19 Then we have -- the last thing that we
20 did is we looked at these uses in
21 considering our neighbors and said, okay,
22 whether this is at the site or not, one of
23 the protections that we want to add in just
24 so the members of the community and the
25 residents aren't negatively impacted by

1 these uses.

2 So there are standards for gas stations
3 with pump islands, have to have separations
4 from the right of way and from residential
5 lot lines. There are regulations on the
6 canopies that they can be internally
7 illuminated and not be considered signages.
8 But a canopy lighting has to be recessed so
9 that the light source can't be seen off
10 site. If you've seen -- I've never
11 represented Sunoco, so I can blast them.
12 But it's the Sunoco canopies, they have
13 those lights that drop down, so they just
14 blare it wherever you are. So you won't be
15 able to see the light source. And of
16 course, if you have other light standards
17 you have to meet.

18 And there's not going to be any outdoor
19 display, except if it's identified in the
20 site plan. We see in here in the
21 communities. There's just the temptation
22 and the fall to put out the firewood, and
23 the spring to put out the mulch.

24 And it doesn't look good. We have
25 neighbors that live there, so it has to be

1 on the plan. If it's not on the plan and
2 improvement screen, we just can't do it. If
3 it's not on the plan and improvement screen,
4 we just can't do it. It can't be jumped up.
5 And then there's no vehicle maintenance or
6 repair. There's not going to be any noise
7 with the gas station.

8 On the truck tractor-trailer fueling
9 station, we've gone further. Separation
10 distances from the public right of way and
11 the residential lot lines are almost double,
12 but actually more than double in each case.
13 Same thing with the canopies, can't see the
14 light source. Same thing with the storage.
15 And then there was one other item.

16 And the fact is that there are diesel
17 trucks. This is not going to be a truck
18 stop. So we've added that, except whenever
19 they are at the actual fueling station.
20 What we know is that trucks, whenever they
21 refuel, they don't shut down the trucks if
22 it's going to be for a refueling for a few
23 minutes. There are major losses in heat and
24 electricity and reheating. So -- and that's
25 one of the reasons that you will see the

1 trucks idle all the time.

2 So if there are any of these parking
3 areas or anywhere outside the fuel pumps,
4 there will be no idling. Somebody wants to
5 go in, driver wants to go in and go to the
6 bathroom, they want to go in and have a
7 sandwich, they have to shut the truck down.

8 So other than that idling and the fact
9 that the Speedway -- and I don't know if the
10 borough wants to be a truck stop or have
11 them sleep there, that's the protection that
12 we thought would make sense and be added in.

13 As Ms. Turnbull mentioned, that
14 Allegheny County has given comments. One of
15 them -- a couple of them I mentioned off the
16 bat. Comprehensive planning for the borough
17 is a result, and it's not unusual. It's
18 expensive. It's unusual, actually, that
19 comprehensive plans are updated, and this is
20 particularly old and it's recommended, in
21 fact, in P.C., they say you should do it as
22 part of the recommendation whenever you
23 consider an ordinance like that. We hope
24 this is an effort that spurs the borough to
25 look at its ordinance on a broader basis.

1 As I mentioned, the County has a
2 comment about the sign face maybe limiting
3 to 672 square feet or something like that.
4 Again, something you can live with. It's a
5 valid comment. We don't think there's that
6 much difference, and again, we're looking at
7 the Neville Island sign.

8 There's a question having to do if we
9 intend to eliminate regulations on animation
10 flashing signs -- no. What we did try to do
11 is we know that the gas price signs will
12 change periodically. They won't flash. But
13 they will be -- obviously, if it's 90 feet
14 in the air, somebody doesn't climb it, it's
15 changed electronically. Same thing with the
16 fueling signs and the monument sign. They
17 will be changed remotely. That was the only
18 purpose there, but there will be no
19 flashing. And it wasn't the intent to do
20 that.

21 There were comments about whenever I
22 told you, the cases go over to the zoning
23 board, and they're saying, well, it's still
24 necessarily ambiguous.

25 And we don't disagree with it, but we

1 don't want to change it that much. We think
2 to have the planning commission and council
3 have some discretion on screening and
4 lighting is fine. So we actually want less
5 than the County's suggesting. On that same
6 thing, again, I mentioned the book, the
7 zoning ordinance.

8 And the interplay with the ordinance
9 and the comprehensive plan. Obviously, this
10 CSX facility wasn't envisioned when any of
11 these plans or ordinances were drafted. And
12 I think the idea is to incorporate that in
13 not only your zoning ordinance, but in your
14 subdivision and land development ordinance.

15 I just want to give you an idea of, you
16 know, what we're talking about. This is a
17 site plan -- and we're not here for the
18 Speedway tonight.

19 And, you know, one of the things we
20 recognize is, the Speedway is driving this,
21 but you're not approving the Speedway. This
22 is what we'll come back with next. So we
23 don't want to in any way say, this is what
24 it's going to be. This is what you're going
25 to see later, and hopefully you'll like it.

1 But as you see, there's the railroad,
2 there's Island Avenue, Angelina, which we
3 still need to have dedicated and accepted,
4 which is a big part of one of the steps that
5 has to be done.

6 And, again, there's the green space,
7 which is an opportunity -- we talked about
8 doing things in here with maybe seating
9 areas, bike storage or whatever. We've also
10 talked with the County about putting a trail
11 connection in there. We have a plan that
12 would allow us to do that. The County's
13 behind it. We want to talk with the
14 planning commission and council about that.

15 We've also talked about ways to enhance
16 the screening to the north of the site.
17 This is a detention facility, but the idea
18 is that the truck traffic and car traffic
19 will be focused on Angelina on the interior,
20 and basically trying to keep the activity,
21 the impacts on Angelina, toward the
22 industrial part of the site, lower impacts
23 toward Island and the commercial and
24 residential piece of the site. So that's
25 the overall scheme.

1 There's all this acreage to the east.
2 There's acreage to the west. And as you'll
3 see, this is the building that I was talking
4 about. This will be a speck building. The
5 light manufacturing building that will be
6 the kick starter for what we hope are
7 similar type of facilities throughout the
8 remaining 35 acres.

9 So I know it's dry. It's not the most
10 fascinating speech on explaining the
11 ordinance, but that's what we need in order
12 to keep it started to get back to the site
13 plan. That was the rationale. And I'll be
14 happy to answer any questions that you might
15 have.

16 With me tonight is Tony Thomas
17 (phonetic), the applicant; and Bob with
18 Speedway; and Mark Zimmerman, who is the
19 site engineer. So we should be able to
20 answer anything that you may be interested
21 in. Thank you.

22 SOLICITOR MEGAN TURNBULL: Thank you.
23 Does council have any questions for the
24 applicant or any of the applicant
25 representatives with respect to the text

1 amendment?

2 MARIBETH L. TAYLOR: I do.

3 You had commented that this new zoning
4 ordinance is basically for the property and
5 whatever's going to go there. One of the
6 recommendations is for 110 -- a possible
7 110-foot sign.

8 So if we allow this 110-foot sign, and
9 as five other businesses that go down there,
10 possibly a woman's club, you know, where
11 there's male strippers, or a gentlemen's
12 club, where there's female strippers and
13 someone decides to put up a 90-foot sign,
14 within this ordinance that we're going to be
15 expected to pass, how are we going to be
16 able to deny those?

17 MR. SITTING: We're going to do a dual
18 sign, and it's also only for a
19 tractor-trailer fueling station, which we
20 really believe, although technically, there
21 are other areas that might have it in the
22 borough, it's most likely going to be the
23 only tractor-trailer fueling station. So we
24 believe this will be the only sign that's of
25 this scale in the borough.

1 MARIBETH L. TAYLOR: So we're going to
2 spot zone, then, for one particular
3 business.

4 PAUL KRISBY: You can't spot zone.

5 MARIBETH L. TAYLOR: Well, that's kind
6 of what it sounds like.

7 PAUL KRISBY: No, it's not, because it
8 goes all the way down to the valleys.

9 SOLICITOR MEGAN TURNBULL: So one at a
10 time, questions and answers, and then we'll
11 get to our internal debate when the time
12 comes.

13 MR. SITTING: Yeah, all I can say is
14 that we -- as I mentioned, we had a legal
15 challenge through the zoning board hearing.
16 And I did my best -- I'm not saying that I
17 haven't been wrong a lot -- but I did my
18 best to make sure that whatever's here would
19 stand the challenge.

20 I don't believe any of this is spot
21 zoning or violative of any -- well, the
22 County reviewed it, too, and they didn't
23 come up with any spot zoning. And they're
24 pretty careful --

25 MARIBETH L. TAYLOR: Unfortunately, we

1 never got a County report, at least I have
2 not seen a County report.

3 MR. SITTING: I'd like to offer my
4 letter.

5 MARIBETH L. TAYLOR: It's something
6 that we should have been provided by the
7 borough, and we have not been.

8 SOLICITOR MEGAN TURNBULL: Any other
9 questions for the applicant about the text
10 amendment?

11 MS. MOYE: I have a question around --
12 like, a public health question, and I don't
13 know if it's subject to put that kind of
14 question out here. But I know we're not
15 voting on Speedway tonight, and I get that.
16 And I'm not necessarily opposed to Speedway.
17 But my question is around the additional
18 anticipated 50,000 big rigs that are going
19 to come through McKees Rock, traffic
20 studies, air pollution studies.

21 Does that come before or after; has
22 anyone thought of that at all?

23 MR. SITTING: Yeah. Whenever, as I
24 mentioned, that we already had previously
25 embarked on a land development application.

1 MS. MOYE: And I apologize because I
2 came to the party late, so. . .

3 MR. SITTIG: Yes, you are here. It
4 didn't make it to the folks that were here.
5 So you haven't seen any of that. But that's
6 part of it, the whole water, lighting,
7 noise.

8 MS. MOYE: Air quality.

9 MR. SITTIG: Actually, you're not going
10 to see a lot of air quality, because that's
11 really beyond the purview here. We're not
12 -- we're not even -- we can answer how it's
13 going work, but you won't see any
14 engineering or study on air quality. But
15 you will see traffic and lighting and those
16 kinds of things and water -- storm water.

17 MS. MOYE: Yes, sir.

18 TONY: 50,000 trucks --

19 MR. SITTIG: Identify yourself, please.

20 TONY: Tony. Training and commercial
21 development. The 50,000 trucks that you're
22 talking about --

23 MS. MOYE: That are quoted in here.

24 TONY: Yeah. They're already generated
25 by CSX.

1 MS. MOYE: It's not additional?

2 TONY: No.

3 MS. MOYE: Okay. Thank you.

4 MR. SITTIG: That was a projection that
5 the whole facility will generate.
6 Obviously, it's way under now because it's
7 not being fully utilized. But it was
8 designed --

9 ELIZABETH DELL: Again, Megan, too
10 soon. If we're talking about the same
11 trucks that are coming into CSX, why do we
12 need a 110-foot sign?

13 MR. SITTIG: Well, there are a couple
14 of things. What they're having to decide,
15 they're going to make a decision, even
16 whenever they're coming into the driveway.
17 So -- and this may be decided whether
18 they're going to have a sandwich, go to the
19 bathroom, fuel up. They have leeway, as I
20 understand it -- broad leeway to go down the
21 road. They're going to be passing other
22 facilities.

23 So we want them to decide -- when they
24 come off Island -- that they're going to go
25 in there, they know the price -- or they're

1 not -- we don't want them spinning around in
2 there. We don't want them backing up and
3 saying, oh, my God, it's two cents more --
4 less down the road. It is. Most of those
5 trucks will come off, and they'll know the
6 price of that sign. We're told that that's
7 a big decision-maker -- and I'm just reading
8 the internet. We can all do the same thing.
9 It's a big factor. They will travel in
10 their next distance to decide whether to
11 fuel there.

12 The factors in the neighborhood, we,
13 Speedway and we, borough, want them to spend
14 their money here, because they're going to
15 be there anyway, we want them to duck in and
16 we want them to see the price. The
17 Speedway, unlike some of my other clients,
18 they are in the business of refining gas.
19 They have an incentive to push diesel fuel.
20 So they are naturally very competitive on
21 price. So we want the people using CSX to
22 get the gas in the borough.

23 Some people will come off, they'll know
24 the sign and see it coming onto the bridge
25 and hopefully come in and get back up. But

1 we want them to see it and then -- and shop
2 and get a sandwich and a cup of coffee.

3 SOLICITOR MEGAN TURNBULL: Thank you.
4 Does anyone else have any questions?

5 MS. HARVEY: Yes. So this sentence
6 here says, The proposed use and location was
7 listed as a recommendation in the Urban Land
8 Institute report commissioned by the
9 independent McKees Rock community
10 development corporation.

11 So are you saying that the development
12 corporation is recommending this use -- or
13 this land, to be used and have a gas station
14 built there?

15 MR. SITTING: I think it was a general
16 statement of what was overall recommended.
17 There was going to be necessarily high
18 volumes of truck trafficking. So all of
19 these logistical aspects of it, which are
20 distribution warehousing facilities that are
21 generally on the site, as well as support
22 services, such as gas, fueling, storage. So
23 it was one of the list of uses.

24 So, no, if the plan says we're going to
25 have a gas station, not, is it one of the

1 ancillary services that's complimentary,
2 yes.

3 SARAH HARVEY: Well, the way this is
4 worded would say otherwise, don't you think?

5 JOE MIXTER: Can I answer that?

6 SARAH HARVEY: No. I'm talking to him.

7 MARIBETH L. TAYLOR: Page, please.

8 MR. SITTIG: It was intended to read
9 the way it is. I don't think it's said that
10 this particular site --

11 SARAH HARVEY: Well, the whole entire
12 page is discussing the gas station. So,
13 naturally, if you want to read this, that's
14 how it would --

15 MR. SITTIG: Well, it's broken down.
16 If you read it as a whole in the outline,
17 their intention was, it started out with
18 national significance, regional impact,
19 southwest regional freight plan, and then
20 this amendment.

21 So the idea was to bring it down into
22 this site and, ultimately, to this center.
23 So, yeah, overall, this 70-acre plus
24 35-acre. Yeah, our position was, it was
25 intended to be here. This is one of the

1 range of uses that was intended.

2 SARAH HARVEY: Yeah, all of you. But I
3 don't think I can believe that they were
4 supporting that. But go on, go ahead.

5 MEGAN TURNBULL: Are there any other
6 questions for the applicant regarding the
7 text amendment being proposed?

8 MS. MOYE: I'm sorry, sir. You said
9 the air quality, the remediation, possible
10 potential impact to the air quality is not
11 something under your purview. So, then, how
12 would we rectify that?

13 MR. SITTING: Well, it's sort of a range
14 of use -- I'll compare it to always thinking
15 that -- somebody watching a news channel,
16 somebody made an analogy. And it's like,
17 oh, we have to be careful in analogies.
18 But, as a general rule, we can take
19 drilling, for example, in fracking.

20 In order for a municipality -- we have
21 an environmental rights amendment that
22 argued when the courts have looked at it and
23 they said, well, maybe you can look at it.
24 But then you have no framework. The
25 municipality doesn't have a framework of air

1 quality ordinances. So the ones that we
2 have to comply with are state and federal.
3 But there's no local framework for saying
4 you're independent -- like, you don't have
5 an air quality officer. You do have
6 engineers that measure, you know, storm
7 water flow or that -- you have an authority
8 that then handles sanitary flow. So it's
9 not as though -- it's just -- you don't --
10 typically, municipalities don't have the
11 capability to get into air quality
12 regulations.

13 MARIBETH L. TAYLOR: And can I just add
14 to -- you brought up good things with the
15 health issue. When we were going through
16 the negotiations with CSX, there was a lot
17 of studies done about them putting the
18 intermodal hubs in. A lot of it was when
19 their distance within residential areas with
20 the all-night lighting, the all-night noise;
21 you know, it has been proven, there's been
22 tons and tons of studies -- and you
23 mentioned -- and you can go on and it's not
24 Bongiorno, it's on the internet. There are
25 actual, you know, certified studies that

1 have been done that having these lights on
2 all night long and the bearing down on
3 residential areas causes learning
4 disabilities in children, causes asthma,
5 causes bronchitis, causes all kinds of
6 stuff. You can laugh. But you know what,
7 if you look at the studies and do your
8 homework, you'll see these are all
9 documented facts.

10 So I think we need to look at the
11 health of our children. We have Hayes Manor
12 right here, which is not directly in the
13 vicinity. But we also have people on
14 Harriet Street, that if we're going to allow
15 a 110-foot sign, if you have a 110-foot, I
16 don't care if it's illuminated, if it's just
17 straight lights, that sets off in a lot of
18 areas, and people -- that's going to be
19 shining where people are seeing it, and it's
20 going to cause health issues.

21 So, again, you know, I support a lot of
22 this. But 110-foot sign, I don't want that
23 to be what people see coming into McKees
24 Rocks. And the McKees Rocks that I know, it
25 used to be looking for the steeples of the

1 churches and things like that. Those are
2 good things to see.

3 CRAIG MEYERS: What about the neon
4 Pepsi sign from years ago?

5 MARIBETH TAYLOR: We kind of miss that
6 because that was the icon, a part of what
7 McKees Rocks --

8 SOLICITOR MEGAN TURNBULL: And we will
9 have our internal -- public debut about
10 this, and that will happen very shortly. So
11 I'll make sure you have all the information
12 from the applicant and from the audience
13 that we need.

14 Are there any other questions for the
15 applicant?

16 SARAH HARVEY: Yes. So you all are
17 modeling this gas station off Neville
18 Island; is that correct or not?

19 MR. SITTIG: Well, actually, the
20 Neville Island site is a little tighter, and
21 it doesn't have the amount of off area to
22 have the trucks. It also has a much more
23 challenging driveway entrance onto the
24 highway. So this site, overall, it's
25 modeled over the things that work, but this

1 site is actually larger and in a better
2 location relative to traffic than that site.

3 But, yeah, in terms of the convenient
4 store, the size of that sign and the
5 fueling. But the fueling itself will be
6 much more relaxed; there's much more room.
7 There's areas for the trucks to pull off.

8 And, again, you're out at Neville
9 Island, you know, that that driveway is
10 combined with the passenger vehicles and the
11 trucks. And it's a very wide driveway, so
12 there's a lot going on there.

13 So it's actually -- so it's a little --
14 from a business standpoint, how it's
15 operated is similar, but that's the site
16 because of the location and the size.

17 MS. MOYE: But will the convenience
18 store be the same size?

19 MR. SITTIG: The convenience store,
20 itself, will be the same square footage;
21 although, the architecture will be somewhat
22 different. And I think we'll get into that
23 in the planning.

24 And then, obviously, if you have
25 interest in looking differently, too --

1 that'll be up to you.

2 MS. MOYE: And is there no engine
3 idling at that location as well, only when
4 they're getting fuel?

5 MR. SITTIG: There are no restrictions
6 there.

7 MS. MOYE: Okay. So do you all propose
8 to have signs that say, no engine idling
9 except for under the canopies at this
10 location in McKees Rocks?

11 MR. SITTIG: Yeah, we'll get into sort
12 of the details on that. What we wanted to
13 do is, in the ordinance, there's an
14 enforcement mechanism. And you'll want to
15 say -- if you have something, you can go to
16 the zoning officer and actually go to the
17 magistrate and say, you know, it's here.
18 Then we'll have signage.

19 Hopefully, we expect to have a
20 developer's agreement where we say
21 something, like, if we enforce it and you do
22 this, if you don't monitor it, if you're
23 going to pay for our attorney fees, too.

24 So this is the first level of saying
25 no. There are going to be between signage

1 and then enforcement and developer's
2 agreement and conditions of the approval.
3 Hopefully, we're going to set up a mechanism
4 that has some --

5 JOE MIXTER: Were you referring to the
6 hundred thousand dollar study that the CDC
7 did where, I believe, on page 6, they
8 recommend a gas station for that facility?

9 MR. SITTIG: Well, yeah, it's my
10 understanding, I wasn't around then, but
11 that's where that was -- that information,
12 what I can tell you is, my summary is
13 review -- was based on that document.

14 JOE MIXTER: Right. That's where I
15 thought it came from.

16 MR. SITTIG: Now, since I wasn't there,
17 if that document's in error, I might have
18 made an error, but that's what I base it on.

19 JOE MIXTER: Yeah. It's \$100,000
20 grant, the CDC is going on recommendation
21 for that area.

22 MR. SITTIG: Yeah. And as you notice,
23 I'm just citing that document. I'm not
24 citing the truth of it. I don't know.
25 That's what somebody said.

1 JOE MIXTER: And Pepsi has one of them
2 canopies, and it shows the ground. And if
3 you stand out here, you can see that the
4 ground up, but it's winding.

5 MR. SITTING: Well, that's one of the
6 things. Look, admittedly, that sign is a
7 challenge. No, there's not going to be
8 any -- the idea is to see it, but it's not
9 glaring. It's not -- it's directing light.

10 JOE MIXTER: Right. They have one
11 right down the road here.

12 MR. SITTING: And, again, when we look
13 at that, hopefully we'll find ways to do it.
14 One of the things I talk with clients about
15 is my job; it's easier if we don't propose a
16 sign. It's easier to get done. It's not
17 something you have to deal with. But the
18 worst thing to do -- and it's something that
19 we struggle with.

20 I've been on zoning boards in my own
21 town. In fact, Hartley (phonetic) came in
22 himself at one time and said, I really need
23 this. We were over at the Wexford exit,
24 it's right next to T-bones -- well, it's out
25 of business now, but Hartley came in himself

1 one night and he says, you know, you think
2 it's a great location, but people don't know
3 we're there. They're passing it up and we
4 want to be successful.

5 The last thing we want is to build it
6 and it not work. So it's a tough call. You
7 can say you can operate without it. You
8 know, that's not a good idea. The idea is
9 that these are going to serve diesel fuels.
10 We're not going to put gas -- I don't care
11 about the gas, but the diesel trucks, that's
12 what this is, and we wouldn't be asking for
13 it if we didn't think it was important and
14 the liability of it.

15 I'd like to eliminate it if I could,
16 quite frankly. But they think it's
17 important. What we'll do, just so we can
18 come in with that hype, we'll actually have
19 studies. And, like I said, we think we'll
20 be 20 or 30 feet lower, and within that
21 sign, be able to shrink it and have other
22 controls on it. But, again, this is just
23 the basic framework, and we'll come back to
24 you and we should be able to control it
25 more.

1 SOLICITOR MEGAN TURNBULL: Thank you.
2 Can you identify your name and address for
3 the transcript.

4 SAMANTHA LACEY: I live at 219 Greydon
5 Avenue, McKees Rocks.

6 I have, like, a statement almost, more
7 of a question, with, like, a question mark.

8 You mentioned studies on small children
9 and, you know -- and whatnot. Okay, so I
10 know for a fact, you know, just from being
11 on the school board, that, you know, you had
12 to get this authorized. I've had no
13 dealings with the letter, but I know of the
14 figure of how much the school district is
15 losing with nothing being on there
16 currently.

17 Right now, from what I've seen today,
18 about eight months ago, it will be \$250,000
19 that the students collecting off of the
20 zoned property. I just wanted to put that
21 in there. If it doesn't collect any more,
22 we'll probably be at a loss by next year,
23 probably about 300 bucks that's not going to
24 mental health issues.

25 Affording teachers, paying them, our

1 professionals are huge. We can't even
2 compete with other districts. I guess my
3 question would be, if not this, what -- do
4 you have other opportunities lined up so
5 that the school district can re-enforce
6 their taxes on this property? That's my
7 statement.

8 SOLICITOR MEGAN TURNBULL: Thank you.
9 Okay. So it sounds like we're kind of
10 moving into the -- like, the public address,
11 too.

12 SAMANTHA LACEY: I'm sorry.

13 SOLICITOR MEGAN TURNBULL: No, that's
14 perfectly fine.

15 Is there anyone else who has a comment
16 to deliver to council with respect to the
17 text amendment? And I'm going to ask, just
18 because it's difficult to hear the folks in
19 the back. If you can make the long walk up
20 to the microphone to identify yourself, I
21 would greatly appreciate that.

22 TERRANCE STUBBS: My name is Terrance
23 Stubbs. (Inaudible).

24 SOLICITOR MEGAN TURNBULL: We can't
25 hear you.

1 The speaker is not on.

2 MS. MOYE: He's not speaking about the
3 proper text amendment.

4 SOLICITOR MEGAN TURNBULL: They're
5 going to continue to discuss this, and then,
6 Megan, we'll make you first, I promise.

7 TERRANCE STUBBS: Tell me to come back
8 up, please.

9 SOLICITOR MEGAN TURNBULL: I'm sorry.
10 Right now, just for clarification, we're
11 just talking about the text amendment, and
12 we're going to kind of work through that,
13 close the record, and then council's going
14 to talk about it a little bit.

15 So is there anyone else who has any
16 comments that they want for council to
17 consider? Yes.

18 JEAN HUGHES: Hi. My name is Jean
19 Hughes.

20 Do you want me to come up?

21 I don't understand what all this is
22 about. I mean, I was on the school board,
23 okay, when this was okayed. That land has
24 stood vacant since. I live two streets away
25 from where this is going to take place. I

1 put up with -- I'm on School Street right in
2 front of COGOs. I have BP. I have all of
3 that around me. The weekends are terrible.

4 All I need to say is, please, we need
5 the revenue for the school district. We
6 need extra police. Why are we dragging our
7 feet? Please, let these people in.

8 SOLICITOR MEGAN TURNBULL: And can you
9 give your name general just one more time.

10 JEAN HUGHES: Jean Hughes.

11 KATE O'BRIEN: I just have a question
12 about the idling diesels. He said the --
13 wait. They must idle when they're refueling
14 because -- so nothing shuts down, so -- not
15 idle, but keep their engines going. But,
16 then, whenever they go to get their sandwich
17 and go to the bathroom, they shut down. I
18 don't get this. If they can't shut down to
19 refuel, how can they shut down to park? It
20 doesn't make any sense to me because still
21 everything, then, is going to shut down.
22 That's all the questions.

23 SOLICITOR MEGAN TURNBULL: Thank you,
24 Ms. O'Brien.

25 MR. SITTING: It would be not that

1 different than if you, as a vehicle, you
2 went into the Speedway, you would shut your
3 car off. I hate to say it, I'm a violator.
4 When I fuel my car, I keep my car running.

5 I know you're supposed to -- but it's
6 -- whenever you're refueling, it's a shorter
7 activity, it's right there.

8 If you're getting it out and you're
9 getting into the store for something else
10 for longer activity, you shut it off. So we
11 think the tendency is more so with diesel,
12 to keep it running. That's what happens.
13 That's the reality. Truckers tend to keep
14 their trucks running, and we want to make
15 sure if they're not fueling, the trucks get
16 shut off.

17 SOLICITOR MEGAN TURNBULL: Thank you.
18 Is there anyone else? Seeing none, we're
19 going to close the testimony portion and
20 evidentiary portion of this hearing. I
21 thank everyone for those comments and their
22 input. This is, then, a time for council --
23 you have a range of options available to
24 you. You can, if you're ready to adjudicate
25 and make a motion -- I mean, if there's

1 anyone who wants to make a motion, you can
2 do that now.

3 We can adjourn to executive session to
4 talk about it, or we can -- we have a short
5 time period where we can come back on a
6 different day and -- at a publicly
7 advertised meeting do something about it,
8 but that'll require additional legal
9 advertisement to do that.

10 JOE MIXTER: I make a motion to vote on
11 it.

12 CRAIG MEYERS: I second it.

13 SOLICITOR MEGAN TURNBULL: For purposes
14 of clarification, is it a motion to adopt
15 the amendment as proposed?

16 CRAIG MEYERS: Yes.

17 SOLICITOR MEGAN TURNBULL: So everyone
18 understands what the motion is?

19 MS. MOYE: Yes.

20 SOLICITOR MEGAN TURNBULL: Now, it's
21 appropriate to have a discussion regarding
22 that action item. So does anyone have any
23 comments?

24 MARIBETH L. TAYLOR: I agree that, you
25 know what, we do need to get a tax base.

1 And I agree we need to get a tax base, and
2 that I'm not opposing a hundred percent of
3 Speedway or any other business that wants to
4 go down there. I do oppose a 110-foot sign.
5 I'm sorry, I don't know how many of you
6 drive across, you know, 79, and that's the
7 first thing you see is the gas sign.

8 And, I'm sorry, I find it appalling --
9 if we can maybe go down to 60-foot, I could
10 be happy with that. I'm not fighting
11 against everything. I just think that we're
12 opening up a can of worms to allow one
13 business, whether it be a Speedway or
14 anyone -- any other fueling station, to put
15 up 110-foot sign.

16 You know, two years ago, we had a
17 business on Island Avenue right by the
18 McKees Rocks bridge, parking a limousine
19 there, with a silhouette on top of the
20 limousine of a woman. We had so many
21 complaints from residents and people driving
22 by that that was offensive. I know we're
23 talking about a sign with a price on it, but
24 I'm telling you, we did a lot of research
25 when CSX came in, and that light does cause

1 a lot of health problems. That's what I'm
2 opposed to.

3 ELIZABETH DELGADO: I have some
4 comments. Again, I'm not a hundred percent
5 opposed to a Speedway, but I do have --
6 first, I still have an issue with us making
7 zoning changes at a time when we've already
8 paid to do a comprehensive rezoning. And my
9 understanding is, it will be done before the
10 end of the year.

11 And so to me, we're having a
12 corporation come in and zone our borough
13 when, in fact, we're already paying for
14 people who are experts in the area to work
15 with us to rezone our borough. So I have
16 that objection.

17 I also -- I think I also read that full
18 report, and I think there's a big difference
19 between a gas station and a tractor-trailer
20 fueling station. And that's obvious by the
21 fact that we have to redefine it in the
22 ordinance, that they are two very different
23 things.

24 I'm not sure that it's the best use of
25 the land. And my bigger fear is that it's

1 going to drive not the best use of the rest
2 of the land, that rather than getting the
3 light manufacturing and the job creation
4 into the rest of area, we're going to get
5 distribution, which is going to be more
6 trucks, no more jobs, and those kinds of
7 things.

8 And I did bring for council -- I didn't
9 know I'd have this big of an audience -- an
10 article that was just in the Business Times
11 about Brook Business Park in Stowe; instead
12 of McKees Rocks, but in Stowe. And it's
13 talking about the high demand of light
14 industrial parks right now, and if they
15 build it, they'll be filled. And this is
16 the second one that's gone up in Stowe in a
17 year, and they're selling out. And that's
18 what we need to be doing with the land.

19 And so I object to using it as a
20 fueling station or in any way driving it
21 towards only CSX-oriented businesses. And
22 I'll throw in my objection to a 110-foot
23 sign as well and the pollution. I just
24 think they're going to be huge problems, and
25 I'm not sure that the residents who are

1 eager for this -- and I know, we do need the
2 tax base.

3 And this is an answer to Samantha's
4 question to, if not this, what? Light
5 industrial that's ready to come in here, and
6 we've had inquiries. We've had people ready
7 to come in here.

8 And so that's between Trinity
9 Development and the people, not us,
10 unfortunately. So -- but they have been
11 here. They've been ready to come. And
12 they're going to Stowe instead of coming
13 here.

14 So those -- that's my comments.

15 SOLICITOR MEGAN TURNBULL: Okay. Thank
16 you, Councilwoman. Is there anyone else who
17 wants to --

18 MARIBETH L. TAYLOR: I have one more
19 comment. We had been told when this first
20 issue arose not-- anything to do with
21 Speedway, but with the re-zoning itself. We
22 were explained what the process was, it
23 would go to the planning commission. We
24 would get, you know, a reading or a decision
25 from the planning commission. Then it got

1 sent to the County, and we would then be
2 given the decision from the County so we
3 could review.

4 We were promised as council people that
5 we would have a copy of the decision from
6 the County at least two weeks before we were
7 requested to make any vote on any decision.
8 I don't know about anybody else on this
9 board, and I'd love to see a show of hands,
10 but I have personally not seen a decision
11 from the planning commission or from the
12 County. Has anybody else seen that
13 paperwork? No. I have not been provided
14 them in ample time to review to make an
15 educated decision in McKees Rocks, as far as
16 the zoning. Not as far as Speedway, but as
17 far as this whole zoning goes. And I know
18 we have a motion and a second.

19 I would like to request a motion to
20 table this and vote next month just so we
21 can all do our due diligence, give the
22 decision from the County, read it, and then
23 make educated votes on the information
24 provided to all of us and not just some of
25 you us.

1 SOLICITOR MEGAN TURNBULL: So a motion
2 to table. It requires a second.

3 ELIZABETH DELGADO: Second.

4 SOLICITOR MEGAN TURNBULL: A motion
5 table is a procedural nondebatable motion.
6 So let's do a rollcall on the motion to
7 table.

8 MS. WOZNIAK: Council Mixter.

9 JOE MIXTER: No.

10 MS. WOZNIAK: Council Harvey.

11 SARAH HARVEY: Yes.

12 MS. WOZNIAK: Council Meyers.

13 CRAIG MEYERS: No.

14 MS. WOZNIAK: Vice President, Evich.

15 VICE PRESIDENT EVICH: No.

16 MS. WOZNIAK: President Krisby.

17 PRESIDENT KRISBY: No.

18 MS. WOZNIAK: Council Gee.

19 LESLIE GEE: No.

20 MS. WOZNIAK: Council Taylor.

21 MARIBETH L. TAYLOR: Yes.

22 MS. WOZNIAK: Council Delgado.

23 ELIZABETH DELGADO: Yes.

24 MS. WOZNIAK: Council Moye.

25 MS. MOYE: I'm actually going to say

1 no.

2 SOLICITOR MEGAN TURNBULL: So now it's
3 5-4 -- okay -- 6-3. So motion to table
4 fails. The primary motion on table is a
5 motion to adopt the zoning ordinance text
6 amendment as presented.

7 Are there any other comments or any
8 other motions with respect to the primary
9 motion?

10 MARIBETH L. TAYLOR: You know, you got
11 to expect it from me. Sorry, guys. I will
12 make a motion to accept the text amendment
13 the way it is, excluding the 110-foot sign.

14 SOLICITOR MEGAN TURNBULL: So what that
15 functionally is, is the motion to amend the
16 primary motion. The -- okay. So we need a
17 second for that to keep going.

18 MS. MOYE: Second.

19 SOLICITOR MEGAN TURNBULL: So there is
20 a motion to amend the proposed text
21 amendment to take out the references to the
22 sign; is that correct?

23 MARIBETH L. TAYLOR: Correct.

24 SOLICITOR MEGAN TURNBULL: So a motion
25 to amend is a debatable motion.

1 So does anyone want to talk about the
2 motion to amend?

3 JOE MIXTER: No.

4 MARIBETH L. TAYLOR: I gave all my
5 reasons. No need to reiterate them. I
6 think everybody knows.

7 SOLICITOR MEGAN TURNBULL: All those in
8 favor of the motion to amend the primary
9 motion to take out references to sign -- to
10 the high signage, the -- I don't have the
11 definition in front of me.

12 MARIBETH L. TAYLOR: The 110-foot sign
13 versus the 30-foot sign.

14 ELIZABETH DELGADO: Can -- are we
15 voting to accept the amendment or are we
16 voting on the amendment?

17 SOLICITOR MEGAN TURNBULL: We are
18 voting on the amendment. So if you vote
19 yes --

20 ELIZABETH DELGADO: To accept that
21 there will be an amendment or the text as
22 amended.

23 SOLICITOR MEGAN TURNBULL: If it's for
24 the amendment.

25 ELIZABETH DELGADO: That there will be

1 an amendment.

2 SOLICITOR MEGAN TURNBULL: So what
3 happens -- okay. So if you say yes, that
4 means that you want the thing that council
5 considers, the primary motion, to be
6 amended, to take out the references to the
7 high fuel station signage.

8 ELIZABETH DELGADO: Better. Thank you.

9 SOLICITOR MEGAN TURNBULL: Any other
10 questions -- does anyone have a question
11 about what we're doing right now?

12 JOE MIXTER: Just a regular amendment
13 now.

14 CRAIG MEYERS: Voting on the sign.

15 SOLICITOR MEGAN TURNBULL: You're
16 voting whether or not you want to take out
17 the signage issue, okay, the tall pole
18 signage.

19 MS. WOZNIAK: Do we have a first?
20 Second was councilman Moye?

21 SOLICITOR MEGAN TURNBULL: Good for
22 your minutes?

23 MS. WOZNIAK: Sure.

24 SOLICITOR MEGAN TURNBULL: Roll call,
25 please.

1 MS. WOZNIAK: Council Mixter.
2 JOE MIXTER: No.
3 MS. WOZNIAK: Council Harvey.
4 SARAH HARVEY: Yes.
5 MS. WOZNIAK: Council Meyers.
6 CRAIG MEYERS: No.
7 MS. WOZNIAK: Vice President, Evich.
8 VICE PRESIDENT EVICH: No.
9 MS. WOZNIAK: President Krisby.
10 PRESIDENT KRISBY: No.
11 MS. WOZNIAK: Council Gee.
12 LESLIE GEE: No.
13 MS. WOZNIAK: Council Taylor.
14 MARIBETH L. TAYLOR: Yes.
15 MS. WOZNIAK: Council Delgado.
16 ELIZABETH DELGADO: Yes.
17 MS. WOZNIAK: Council Moye.
18 MS. MOYE: Yes.
19 SOLICITOR MEGAN TURNBULL: So the
20 motion to amend fails. We can go back to
21 the primary motion, and that primary motion
22 is whether or not to accept the text
23 amendment as presented by the applicant.
24 Is there any other discussion or other
25 motions that anyone wants to make with

1 respect to primary motion?

2 PAUL KRISBY: No.

3 SOLICITOR MEGAN TURNBULL: Seeing none,
4 all those in favor -- well, can you do the
5 roll call for us -- all those in favor. And
6 this will be for the -- to adopt the text
7 amendment as presented by the applicant,
8 okay?

9 MS. WOZNIAK: Council Mixter.

10 JOE MIXTER: As is, yes.

11 MS. WOZNIAK: Council Harvey.

12 SARAH HARVEY: No.

13 MS. WOZNIAK: Council Meyers.

14 CRAIG MEYERS: Yes.

15 MS. WOZNIAK: Vice President, Evich.

16 VICE PRESIDENT EVICH: Yes.

17 MS. WOZNIAK: President Krisby.

18 PRESIDENT KRISBY: Yes.

19 MS. WOZNIAK: Council Gee.

20 LESLIE GEE: Yes.

21 MS. WOZNIAK: Council Taylor.

22 MARIBETH L. TAYLOR: No.

23 MS. WOZNIAK: Council Delgado.

24 ELIZABETH DELGADO: No.

25 MS. WOZNIAK: Council Moyer.

1 MS. MOYE: Yes.

2 MS. WOZNIAK: 6-3.

3 SOLICITOR MEGAN TURNBULL: Thank you.

4 And with that, the hearing on the text on
5 text amendment concludes. And we're going
6 to maybe take a five-minute recess just to
7 kind of get reorganized. And if anyone --
8 if anyone was here just for that; otherwise,
9 please feel free to stay and we'll move into
10 the public meeting -- our normal public
11 meeting otherwise.

12 (The zoning hearing board concluded at
13 8:07 p.m.)

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REPORTER'S CERTIFICATE

I, Faye Ann Lehman, do hereby certify that
the foregoing 64 pages are a true and correct
transcription of my stenographic notes.

Faye Ann Lehman, Court Reporter
My Commission Expires June 20, 2020