

Planning Commission of the Borough of Matamoras

Meeting Minutes of June 27, 2023

Chairman Mark Madsen	P	Mr. Rich Anderson Planning Commission Member	L	Mr. Dave Oszczepinski Planning Commission Member	P
Mr. Eddie Addison Planning Commission Member	A	Mrs. Lisa Salvato Planning Commission Member	A	Mr. Nick McIntyre Solicitor	P
Mr. Bob Howard Planning Commission Member	P	Mr. Danny Fernandez Planning Commission Member	P	Mr. Shawn Bolles Zoning Officer	P

Call to Order, Salute to the flag and Roll Call @ 7:00 pm. There were 4 members of the public present. Mr. Anderson joined approximately 7:30. He did not participate in casting any votes.

Motion to approve the meeting minutes of May 18, 2023.

M: Oszczepinski/Howard. 4 in favor, none opposed. Passed.

Public Comment:

Dimitry Roby 105 Pennsylvania Ave: Mr. Roby reviewed the plans in the Borough office. He said that the plans show a convenience store, gas pumps and drive through which involves cigarettes. He then referenced the smoke shop ordinance that was passed a few years back. Mr. Roby asked if the board deemed the application complete. Mr. McIntyre noted the application was accepted, but it does not imply it has been approved. Mr. Roby continued with a series of questions on the project. One question he asked the Commission to entertain was if the application was “principle permitted or conditional”. Mr. McIntyre noted that public comment is reserved for comment, it is not a question-and-answer period. He stated that questions would not be answered by members of the Commission, unless they so desired. Mr. Roby then addressed Lou Cozza from Kiley Associates, LLC regarding the storm water report and asked Mr. Cozza if he was reviewing that piece. Mr. Cozza responded that they were being reviewed.

Correspondence: (on file)

- Pike County Conservation District Erosion & Sediment Control Plan review, forwarded to the Borough by Mr. Barna
- Response from Pike County Planning regarding Tejrishi Corp of PA Lot Improvement/Land Development Plan dated 03/2023.
- E-mail from Mr. Barna with a copy of the deed for 507-509 PA Ave
- Letter from Kiley to the Planning Commission regarding 507-509 PA Ave Lot Improvement & Land Development Plan – Review #1

Old Business:

- a. Motion to table 2nd Amendment Resolution. **M: Oszczepinski/Howard. 4 in favor, none opposed. Passed.**
- b. 507-509 PA Ave Lot Combination, Land Development. Mr. Barna of PennEastern Engineers LLC was not present to represent Tejrishi Corporation of PA. An email was received earlier in the day stating he would not be attending this evening; he received the Borough Engineer’s comment letter yesterday and is in the process of reviewing it. Discussion ensued on the application.
Mr. Madsen noted that in the last meeting it was made clear that the condemned house must be torn down before any consideration would be given to the lot combination/land

development application. Mr. Madsen recommended that they send this to council with a recommendation to decline.

Mr. Bolles noted that demolition permits are required; an application was submitted to the Building Department, but they were not aware of the need for a Zoning Permit. He spoke to the applicant and stated that they were in the process of completing the Zoning application. He further noted that the applicant had an invalid borough e-mail, operations@matamoras.com, and this caused a delay in correspondence.

Mr. Madsen stated ignorance of the law is no excuse, the applicant has had plenty of time to comply.

Mr. McIntyre explained the cons of denying the application and expressed that professional courtesy to Mr. Barna, as the Engineer, is worth considering. He further stated that the Commission could choose to recommend to the Council for denial or the Commission could choose to give them more time. Both are legally valid.

Mr. Cozza noted that if the applicant submits revised plans that they would need further review and there are currently changes that need to be made in order to be in compliance. He stated that both the building and the fuel canopy are over the setback, there should be space shown for loading and filling the fueling station and that visibility exiting the drive through is almost non-existent.

Mr. Fernandez was concerned about the proximity of the drive through to the neighboring residences with traffic noise and headlights at night.

Mr. Bolles noted that there has not been a Zoning Permit submitted to the Borough, so there should be no assumptions made as to the purpose of a drive through. A “use” has not been classified; the applicant came to the Borough for a lot combination. There has been discussion of the land development, however there has not been Zoning Permit submitted yet. Once that comes in it will be classified with a “use” under code, whether it is “conditional” or “permitted”. During the land development phase, the Commission can ask all the questions they want regarding the plan and then make their decision of recommendation to the Borough Council.

Discussion on deliveries, loading, unloading and maneuverability was also discussed. The lot combination can not be considered until the condemned building is removed. One lot is commercial and the other is residential. A single lot cannot contain both residential and commercial buildings.

Mr. Bolles noted, since the last meeting, all utilities have been disconnected. The last step is for the applicant to submit the Zoning Permit for a demolition.

Mr. McIntyre surmised that everyone’s goal is to see the house come down. It appears they are making steps to that end. The excavator has been in contact with Mr. Bolles and cleared up the issue of the wrong e-mail being utilized.

Mr. McIntyre noted the Commission had two options. 1. Recommend it for denial. 2. Table it with a request for another extension.

- Motion to table and request another extension. **M: Fernandez/Howard.** Roll call vote was taken:
ROLL CALL:
Mr. Madsen: Not in favor Mr. Howard: In favor Mr. Fernandez: In favor Mr. Oszczepinski: Not in favor.
Tie vote. Motion Failed.
- Motion to send a recommendation of denial of the Lot Combination and Land Development application for 507-509 Pennsylvania Ave to Council. **M: Madsen/Oszczepinski.** Roll call vote was taken:

ROLL CALL:

Mr. Madsen: In favor Mr. Howard: In favor Mr. Fernandez: In favor

Mr. Oszczepinski: In favor.

Four (4) In favor, none opposed. Motion passed.

The basis of this decision is that the house is still standing and therefor the lots can not be combined and have mixed uses.

Motion to adjourn 7:40 pm: **M: Oszczepinski/Fernandez.**

Respectfully submitted,

Marianne Brown
Planning Secretary