

MINUTES

ALTOONA CITY PLANNING COMMISSION

TUESDAY, January 5, 2016

**MEMBERS PRESENT**

Bob Gutshall, Chairperson  
James Dixon  
Samuel Frye  
Randy Isenberg

**MEMBERS ABSENT**

Jennifer Mikolajczyk  
Barbara Wiens-Tuers

**PLANNING & COMMUNITY DEVELOPMENT STAFF PRESENT**

Lee Slusser, Director Planning and Community Development  
Nick Ardizzone, Property and Program Coordinator  
Mary Johnson, CDBG Manager  
Bette Fischer, Clerical Associate

**GUESTS PRESENT**

Dave States – 705 S 22<sup>nd</sup> Street  
Randy Tarpey – 2207 Hudson Avenue  
Mary Tarpey – 2207 Hudson Avenue  
Sue Castagnola – 2201 Hudson Avenue  
Vincent Adams – 1312 Mill Run Road  
Rick Mascia – Coldwell Banker -300 Union Avenue  
Donna Royer – 1301 Monroe Avenue  
Bill Kibler – Altoona Mirror

The Altoona City Planning Commission held its monthly meeting on January 5, 2016 at 3:00 P.M. in the Public Meeting Room, City Hall 1301 12th Street, Altoona. Bob Gutshall, Chairperson, called the meeting to order at 3:05 p.m.

**ADMINISTRATIVE ITEMS**

1. **Approval of meeting minutes of December 1, 2015.**  
The meeting minutes of December 1, 2015 were approved as read by a motion made by Sam Frye and seconded by James Dixon. The motion carried unanimously.
2. **Public Comment Period**  
None at this time

## **PUBLIC MEETING ON PROPOSED ZONING AMENDMENTS**

- 3. Public Meeting** - Mr. Lee Slusser introduced the Public Meeting. Pursuant to the requirements of Section 609 of the *Pennsylvania Planning Code* (Act of 1968, P.L. 805, No. 247, as reenacted and amended), the City of Altoona Planning Commission will first hold a public hearing on a request from James Fink (Twenty Two Hundred Pl Val LLC) and Vincent Adams to rezone two parcels addressed as 2200 and 2210 Pleasant Valley Boulevard from the Single Household Residential Zoning District to the Commercial Highway Business Zoning District. The applicants seek this rezoning so the Mr. Adams may purchase the lot and establish a used car lot on it. After gathering input from the public, the Commission may formulate a recommendation on this request, which will be presented to Altoona City Council before it considers introducing the ordinance. No date has been scheduled yet for any such introduction. Mr. Slusser then turned the meeting back over to Mr. Gutshall who presented a letter that was received from Mr. Damian Caracciolo a neighbor who is unable to attend this meeting. Mr. Caracciolo stated in his letter that he is the owner directly behind the address in question. He is not in favor of the rezoning these two properties. His concern is what this may do to the value of his property as well as the setbacks for a commercial versus residential zone. The 20 foot difference is significantly different than the 10 foot setback for commercial use and will be too close to his garage. He also has a concern that the existing buildings are to be demolished and at present no plans for what will be constructed in their place. At this point Mr. Gutshall invited the public to comment.

Mr. Rick Mascia representing Mr. Vincent Adams presented to the Commission and neighbors present the case for approving the rezoning. Mr. Mascia stated that the empty lot as it sits currently makes the neighborhood look bad. There are always random cars parked on it and trash strewn all over. It is detrimental to the neighborhood and creates a negative appearance. Mr. Mascia explained that the new building would be built up to City code with all the restrictions that are required by the City ordinances. While Mr. Mascia understands the neighbor's concerns he feels that the rezoning and development of this parcel would be in the best interest of the neighborhood.

Mr. Gutshall stated that he is glad to see that the neighbors are involved and that a lot of times neighbors do not get involved until after the fact. Mr. Gutshall asked a question regarding contaminated ground. This location was once a service station and auto repair. Mr. Mascia explained that he has the certificate stating the ground contamination was cleaned up in 2006 and that 25 ton of clean soil was brought in to replace the contaminated soil. Mr. Gutshall asked, if he knew how long this lot has been vacant? Mr. Mascia said according to the records that he has the lot has been sitting empty since 2005.

Mr. Gutshall thanked Mr. Mascia for his presentation. As he opened the floor to the neighbors he explained that the Commission's responsibility is to listen to both sides and then to make a recommendation to City Council. City Council makes the final decision based on the information it receives from this Commission.

Mr. Randy Tarpey of 2207 Hudson Avenue spoke for the neighbors. There is concern over property value – will rezoning from residential to commercial decrease property values? No one can really answer this question. The residents want this property to stay residential – like it as it is – do not want the proposed car lot in their neighborhood. Why can't Mr. Adams purchase the land across the street that is also listed for sale He wants to purchase this piece because it is much cheaper than that across the street? Mr. Tarpey added it is already zoned commercial.

Mrs. Mary Tarpey stood up and informed the commission that at least 7 residents from the area had signed a petition asking to “Keep Our Neighborhood Residentially Zoned.” The entire neighborhood is zoned residential and there is no one except Vince Adams supporting the idea of changing the zoning for any parcel in our neighborhood. Vince Adams can build a house on the property or find other property for his car lot stating that “A car lot in our neighborhood is not wanted.”

Mr. Dave States of 705 S 22<sup>nd</sup> Street asked, “What if the property is rezoned. The car lot is built and several years down the road Mr. Caracciolo decides to sell his property. Mr. Adams wants to increase the size of his car lot? What is to stop him from going through this process and having that parcel rezoned also? Or what happens when Mr. Adams decides he doesn't want to have a car lot anymore? There is no guarantee that this will remain a car lot forever and it may become a fast food take out or some other business. What about crime? I've already had my garage broken into, he said.”

Mrs. Tarpey commented on the fact that most of the residents in the area are elderly retired people. In talking to them they want the residential status to remain.

Mr. Mascia said that the parcel across the street is more expensive because it is in the vicinity of 4 – 5 acres which is way more land than Mr. Adams needs for his car lot. It will be much easier for him to develop and keep the smaller parcel well maintained.

Mr. Frye asked, “What the likelihood of someone building a home on the property would be?” Mr. Slusser answered, the fact that this property sits between commercial lots and has been for sale for some time now, it is not likely that someone would purchase it to build a home.

Mr. Gutshall asked if this rezoning would trigger a traffic study. Mr. Slusser said, “A 100 trip a day in and out would trigger a study.”

A discussion ensued. The reality of someone building a home on this property is very slim. It is not a viable property for a home. There is no guarantee that this car lot will always be car lot. An existing business can ask to expand, however, they would be starting all over again and going through the same process they are doing now. Generally an empty lot will decrease property value more than a developed well maintained property will. Mr. Tarpey commented, “This is going to turn into another Garden

Heights, where there are commercial businesses in front of residential homes.” Mr. Nick Ardizzone agreed with Mr. Tarpey and added that this has worked very well in the Garden Heights area, using the proposed Popeye’s Restaurant as an example. When this project is complete the land development that will be done will screen the neighboring properties better than they have ever been. There will be a very dense screening with fence and trees and shrubs that will buffer noise and lights. There are very strict rules regarding the lighting and no light can encroach on adjacent properties. Mr. Gutshall also mentioned the Developers Agreement which is drawn up by the Planning Commission and signed by both the Commission and the builder. Mr. Ardizzone added the Developers Agreement is signed by the developer, recorded at the court house and attached to the property forever. Before any changes can be made to the property this whole process must be repeated.

Mr. Isenberg stated that the Planning Commission looks at both sides before it makes a recommendation in order to make a decision on what will make the property fit well.

Mr. Gutshall said we can “Do nothing – Do something – to make the property better.” Unfortunately we only have one proposal not two so in reality we need to make a recommendation of what we feel is in the best interest of all involved. He then questioned if it was feasible to table our discussion until a later date. How soon does this need to go to City Council? City Council will be notified of this hearing and they will know the discussions that took place. They will know that residents attended and the recommendation of the Planning Commission.

Mr. Isenberg said that since this is a scheduled Public Hearing a resolution is needed, so that is can go to the next City Council meeting. . Mr. Mascia commented that Mr. Adams has a contract and that contract has specific dates so he needs a resolution as quickly as possible.

Mr. Isenberg then commented that in his opinion the property would look better if it is rezoned and developed. In Mr. Caracciolo’s letter he stated that the rear setbacks for residential use are 30ft. and 10ft for commercial use. The proposed plan shows a green buffer with a 15ft setback which is 5ft more than is required. A motion was made by Mr. Isenberg to recommend to City Council the rezoning from residential to commercial with the height limitation of 35ft and a 15ft green buffer setback. Motion was seconded by Mr. Dixon. Motion passed unanimously.

Mr. Gutshall reminded the residents that there would be a Public Hearing before City Council. The residents will be notified of this meeting. Mr. Gutshall encouraged the residents to attend.

## SUBDIVISION AND LAND DEVELOPMENT ITEMS

4. No report at this time.
5. **Staff Level Reviews** – Staff has worked on the following staff level subdivision/land development review since the December 1, 2015 regular meeting.
  1. Adler Athletic Complex Penn State Altoona – 3000 Ivyside Drive – Final Approval
  2. Barley – 301-07 Logan Avenue, AKA 605 S 3<sup>rd</sup> Street – Recorded
  3. Lawruk – 309-319 E. Plank Road – Final Approval
  4. Popeye’s – 309-319 E. Plank Road – UPDATE: Traffic study is being done. City has hired a Traffic Engineer to review traffic. He will report to Lee and Nate.

## URBAN DEVELOPMENT

6. **Spot Blight Declaration** – The Planning Commission may consider declaring each of the following properties as blighted.

1. **709 7<sup>th</sup> Avenue**

Owner: James A. Snyder  
366 Stoney Pt  
Altoona, PA 16601

On Sunday, December 13, 2015, I was contacted by Fire Marshall Tim Hughes regarding a fire at 209 7<sup>th</sup> Avenue. Mr. Hughes requested the boarding up of the first floor of this property. The City’s Blight Crew immediately boarded the property. The owner has been sent a demolition/repair notice on December 14, 2015 to raze or repair within 45 days. No other information has been received at this time regarding this property. A motion was made to determine this property blighted by Mr. Frye. Motion Seconded by Mr. Dixon. Motion passed unanimously.

2. **120 E Willow Avenue**

Owner: George Peckowycz  
283 Moser Road  
Altoona, PA 16601

Property was submitted to the Blighted Program 11/16/15 for demolition. Property is vacant and in substandard condition not suitable for rehabilitation. Roof and porches are in poor condition, sidewalk and retaining wall are falling down. Foundation is cracked and deteriorating and all windows need updated; some windows are broken. Property is an eyesore and kids are now entering the property. Notices have been returned unclaimed. Taxes are current. Water and gas have been shut off since 2013. Electric is shutoff but no date given. The City will

demolish the structure under the 2009 International Property Maintenance Code, and place a lien on the property for the cost of demolition. A motion to deem this property blighted was made by Mr. Isenberg. Motion seconded by Mr. Frye. Motion passed unanimously.

**713 First Avenue**

Owner: Robert A. Campbell  
713 1<sup>st</sup> Avenue  
Altoona, PA 16602

**Update:** This property was submitted to the Commission during the November 3, 2015 meeting. The owner is incarcerated. The City Blight Crew has removed the garage. The property was sold on Auction.com for \$3,600.00. A letter will be forwarded to Holtz & Associates Real Estate, who was handling the property for the Auction to find out the winning bidder's name and address.

**INFORMATIONAL ITEMS**

**7. Planning Report**

- a. Grantmanship activities (CDBG, HOME) - No Report
- b. Shade Tree Commission report – working on 2016 project
- c. GAEDC report – Christmas Parade was a success
- d. Blair County Commission Report – No Report
- e. Preparing for the 100<sup>th</sup> birthday party – March 9, 2016 the Planning Commission will be 100 years old. – Media and Press coverage. Photos of the Planning Commission. Invite City Council to attend.

**8. Commissioner's Forum**

**9. Questions from the Media and Public**

**ADJOURN MEETING ADJOURNED AT 4:30 P.M.**

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Signed: Samuel Frye, Secretary