



Meeting Minutes Planning Commission

Wednesday, November 12, 2014

2:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Commissioner Fry called the meeting to order at 2:00pm.

Present: 4 - James Demko, Chris Fry, Dave Kensinger and Dona Malhoit Laubhan

2. Election of officers

Commissioner Kensinger nominated Chris Fry as Chair, seconded by Commissioner Malhiot-Laubhan; Commissioner Kensinger nominated Dona Malhiot-Laubhan as Vice-Chair, seconded by Commissioner Fry and Commissioner Kensinger nominated Commissioner Demko, seconded by Commissioner Malhiot-Laubhan as Secretary. (2:01)

3. Approval of the previous meetings minutes

- A. [PZ#14-305](#) Minutes of the Planning & Zoning on August 28, 2014.

The minutes were unanimously approved. (2:03)

4. Amendment and approval of agenda

Discussion regarding members' availability for January meeting. (2:05)

5. Public Hearing

[PZ#14-16](#)

Public hearing for a request from Aaron and Katrina Miller for a conditional use permit to allow the construction of a nethouse on parcel 01056410, located at 107 Arness Heights Drive.

Joe Aliberti spoke on his own behalf in regards to the Miller conditional use permit and comparing their request to existing ordinances. Mr. Aliberti expressed his opposition to allowing the conditional use permit. Mr. Aliberti requested that the letter from Pat & Mark Weaver be read into the minutes of this meeting. Commissioner Kensinger read the letter. Mr. Aliberti stated he had contacted the Borough Assessor regarding the value of the properties in the surrounding areas. Mr. Aliberti indicated that the Assessor told him that the value of those residences around the Miller property would be affected detrimentally by this conditional use. Letters were also submitted by Ray Olsen, Jr. and Alan Murph. Katrina & Aaron Miller spoke on their own behalf regarding the conditional use and asked if any of the commissioners had any questions regarding their drawings. (2:22)

Motion to the closing of the public hearing was unanimously approved.

[PZ#14-17](#)

Public hearing for a request from Liv Perschon for a variance of the front setback requirement to allow a dwelling to be rebuilt 0 feet from the front property line on parcel 01030080, located at 210 Mitkof Highway.

Liv Perschon spoke on her own behalf regarding the variance she has submitted. Commissioner Malhiot asked if there would be snow blocks on the roof as she has now or if there would be any changes there. Discussion. (2:25)

Motion to the closing the of the public hearing was unanimously approved.

6. Visitors' views related to agenda items

None. (2:28)

7. Visitors' views unrelated to agenda items

None. (2:28)

8. Report of staff members

A. Comprehensive Plan update

Comprehensive Plan update. Liz Cabrera stated that a contract has been signed with Agnew/Beck and that there was a kickoff meeting last week with the borough manager, the planning chairman, herself and Glorianne Wollen to work on the contractors schedule during the coming year. They will be in Petersburg 4 times for 3 days each time, spacing the visits out so that they are here during different times of the year that will also coincide with major milestones in the planning process. Director Cabrera and Agnew/Beck are now working on putting together the planning committee and looking through some of the questions that were used in the community survey, as well as surveying key informants and key stakeholders and focus groups. They will probably be here for an open house first week in December. (2:29)

9. Unfinished Business

Motion offered that in the interest of time, item #PZ14-347, the Perschon variance be heard first. (2:31)

The motion to hear the Perschon variance application first was unanimously approved.

[PZ#14-347](#)

Consideration of a request from Liv Perschon for a variance of the front setback requirement to allow a dwelling to be rebuilt 0 feet from the front property line on parcel 01030080, located at 210 Mitkof Highway.

Commissioner Malhiot asked if the demolished materials would be burned/destroyed off property. Ms. Perschon stated that the contractors would be hauling the materials away. Discussion. Findings of fact 1 is met because there is no other way to rebuild. Commission agrees. Findings of fact 2 is met as it would be a major hardship for Ms. Perschon to reasonably rebuild further back as it would require her to be off the existing foundation. Commission agrees. Findings of fact 3 is met as long as measures are taken to alleviate snow falling off the roof. Commission agrees. (2:36)

Motion offered to approve granting the variance to Liv Perschon was unanimously approved.

[PZ#14-344](#)**Consideration of a request from Aaron and Katrina Miller for a conditional use permit to allow the construction of a nethouse on parcel 01056410, located at 107 Arness Heights Drive.**

Fry's concerns, based on all the letters, are that the commission, by default, does not create this as commercial property. But he's also seen a number of these structures built in residential area, even not along the water. So as long as those structures do not preclude building a residence on the property and meet all those setback requirements set forward, conforms to all building codes, he doesn't see any problem. Discussion. Director Cabrera stated the issue here is that according to the ordinance, there are no accessory buildings for storage allowed on a residential lot without a residential structure being present. Discussion. Commissioner Demko suggested they just stow gear there and in the future build a netshed. Fry reminded the commission that they are not authorized to allow storage as a conditional use permit; however, they are authorized to allow a netshed and the Millers still have a timeline to meet on that netshed as far as construction goes. Compromises and options were discussed. Fry expressed concerns and asked the Millers, based on the last conditional use and not getting the conditions met, what kind of a timeline are they looking at for getting a fence and a greenbelt built. Mrs. Miller stated they are planning on getting the fence built next summer and they need to add more rock to the pad. Discussion. Demko stated that he felt that the Millers have shown no intent of fulfilling the obligations that would be set forth in this conditional use. Demko also stated that he would be amenable to extending the current evacuation order to give them more time to remove their gear from the property. Fry asked if the Millers had tried to do a land swap with the Weavers. Millers conveyed that they did not feel that would be an option. Discussion.

Motion to include: That the building permit not preclude future construction of a house; container vans be removed from the property once the netshed has been built; a chain-link fence be built on the three residential sides by August 31st, 2015; no setback requirement for the back of the property where it abuts to an industrial lot; building permit application due by March 31st, 2015 with the net house positioned on the lot to allow for construction of a residence in the future; 10' side setbacks. (2:36)

Findings of fact A fails as is not agreed upon by all 4 members. Findings of fact B is met because the lot is only used intermittently, Findings of fact C is not applicable. The findings of facts fails. Discussion. (3:45)

Recessed (3:45)

Reconvened (3:50)

Upon reconvening, according to the Borough Clerk, the person on the prevailing side, can give notice to reconsider motion at the same meeting, or at the next meeting. But preferably at the same meeting due to new information being presented. Discussion. Commissioner Demko stated that no new information is likely to come up in the next few minutes, he is not going to request a reconsideration at this meeting. Discussion.

Motion fails due to Findings of Fact item A not being agreed upon by all members.

10. New Business

A. Appointment of Planning Commissioner to the Historic Preservation Committee

Chair Fry asked if there were any volunteers for this position. None were forthcoming. The item has been tabled until the next meeting. (3:50)

11. Discussion items

None. (3:51)

12. Adjournment

Motion to adjourn was unanimously approved. (3:51)