

TIONESTA BOROUGH COUNCIL
PUBLIC HEARING
CONDITIONAL USE HEARING
MINUTES

75

November 4, 2020 - 4:30 PM

Being a quorum present, the public hearing was called to order at 4:30 PM by Robert G. Holzer. Those in attendance were:

Robert G. Holzer, President
Thomas Mohney, V. President
Bernadette K. Holzer
Cindy Crytzer, Secretary

Judith M. McDaid, Mayor
Dennis W. O'Toole
Douglas K. Chappel
Julie Griffin, Admin. Assistant

Also in attendance: Melissa Hale, Applicant/Owner and Joe O'Rourke, husband of Applicant/Owner. No one else present.

Bob Holzer stated the purpose of the hearing as follows:

Pursuant to Section 27-305 of the Borough Zoning Ordinance, Melissa Hale, the owner of 521 Elm Street is seeking approval for a Home Occupation Use for her Exclusive, Boutique Tattoo Shop. Section 2.A.(4) states that Home Occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, dressmakers, barbershops and beauty shops. It is Ms. Hale's assertion that a Tattoo Shop is similar to a barbershop or a beauty shop and is requesting approval for a Home Occupation.

The Public Hearing was advertised in the Forest Press and Notice was posted in the yard of the subject property.

Applicant/Owner Melissa Hale Comments: Ms. Hale explained she has been a tattoo artist for 25 years and desires to partially retire. If she is able to operate her exclusive tattoo shop from her home, she will be able to limit her clientele and only see a few clients a week. She will have one client at a time and only a few a week, which produces only 1 vehicle at her home per client. Ms. Hale expects no significant impact on the area traffic. There will be no signs at the house advertising the business, as she wants to service only a few of her existing clients.

Planning Commission Recommendation: The Planning Commission made the following recommendations:

1. To address the off-street parking requirement, the home must allow for one space for the home occupant(s), one for each employee and one space for a business client. There shall be no more than 1 client vehicle allowed on the premises in a designated parking area. Absolutely no parking on the front lawn. Ms. Hale is expecting only one client at a time, so only one client vehicle shall be present at the home at any given time. Code requires the parking area must be adequately screened from adjoining residences regardless of the number of parking spaces provided. The screening may be either a fence, bushes or trees.
2. Due to the parking restrictions above, Ms. Hale shall be the only employee participating in the home occupation. If the off-street parking is increased at some point, only one outside employee, other than a family member shall participate or work in the home occupation.
3. Ms. Hale shall not cause undue noise, traffic or other intrusion upon the neighborhood. No offensive odor, no vibration, smoke, dust, heat, noise or glare shall be produced.
4. The home occupation for Ms. Hale's Exclusive/Boutique Tattoo service is considered, by the planning commission to be an art studio/professional service.
5. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit. There shall be no exterior storage of material and no exterior indication of the home occupation or variation from the residential character of the principal structure.
6. No more than 30% in aggregate of the home and accessory buildings may be used for a home occupation.
7. Only one sign no larger than 2 square feet may be used to announce the name or purpose of the home occupation. The sign shall be attached to the house next to the front door. Under no circumstances shall there be any signs on the front of the house or in the yard to identify that a business is located within the home.
8. This home occupation shall not operate before 9:00 am nor after 7:00 pm.

9. Ms. Hale's Tattoo business shall be the only home occupation allowed on the premises.
10. The occupation must be carried on wholly within the home.
11. There shall be no exterior alterations which are not customary in residential buildings.
12. The area devoted to occupational use shall not exceed 50% of the gross floor area (gfa) of the home.
13. Due to the nature of the home occupation, there will be high risk medical waste produced during the operation of said occupation. Ms. Hale must produce proof of adequate medical waste disposal to the Borough at least annually. Used bandages, gauze or other disposable items which are contaminated with blood or dried blood; and Needles or any other sharp objects which may have come into contact with blood or blood products are to be placed in a closable, puncture-resistant, disposable container which is leakproof on the sides and bottom and labeled or color coded to identify the contents as a biohazard. Under no circumstances shall any medical waste be stored outside the home; and the waste products from the home occupation must not be disposed of as stated above and not through traditional home garbage.
14. Any violation of these requirements shall immediately result in the loss of the conditional use.

Public Comment - Borough Residents: Cindy reported that she had received one letter. That letter was from Peggy Carns of 304 May St. The letter stated "To Whom it May Concern: I want to go on record as saying I am against the tattoo parlor, etc. It will bring more problems to our residential area, plus lead to other issues. There are places down town area if they are so inclined and its approved. Thank you! Peggy Carns. P.S. I have voiced my concerns to 2 council members."

Discussion/Decision

By Motion of Bernadette Holzer, the Applicant's request for a Home Occupation Conditional Use is Approved, subject to the conditions as set forth below, 2nd by Doug Chappel. Roll Call Vote: Denny O'Toole, Aye; Doug Chappel, Aye; Tom Mohny, Aye; Bernadette Holzer, Aye and Bob Holzer, Aye; motion carried:

1. To address the off-street parking requirement, the home must allow for one space for the home occupant(s), one for each employee and one space for a business client.

There shall be no more than 1 client vehicle allowed on the premises in a designated parking area. Absolutely no parking on the front lawn. Ms. Hale is expecting only one client at a time, so only one client vehicle shall be present at the home at any given time. Code requires the parking area must be adequately screened from adjoining residences regardless of the number of parking spaces provided. The screening may be either a fence, bushes or trees. Council has agreed to allow the Home occupation to occur while the required screening is installed. Ms. Hale shall have the screening completed within 6 months from the date of this decision.

2. Due to the parking restrictions above, Ms. Hale shall be the only employee participating in the home occupation. If the off-street parking is increased at some point, only one outside employee, other than a family member shall participate or work in the home occupation.

3. Ms. Hale shall not cause undue noise, traffic or other intrusion upon the neighborhood. No offensive odor, no vibration, smoke, dust, heat, noise or glare shall be produced.

4. The home occupation for Ms. Hale's Exclusive/Boutique Tattoo service is considered an art studio/professional service.

5. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit. There shall be no exterior storage of material and no exterior indication of the home occupation or variation from the residential character of the principal structure.

6. No more than 30% in aggregate of the home and accessory buildings may be used for a home occupation.

7. Only one sign no larger than 2 square feet may be used to announce the name or purpose of the home occupation. The sign shall be attached to the house next to the front door. Under no circumstances shall there be any signs on the front of the house or in the yard to identify that a business is located within the home.

8. This home occupation shall not operate before 9:00 am nor after 7:00 pm.

9. Ms. Hale's Tattoo business shall be the only home occupation allowed on the premises.

10. The occupation must be carried on wholly within the home.

11. There shall be no exterior alterations which are not customary in residential buildings.

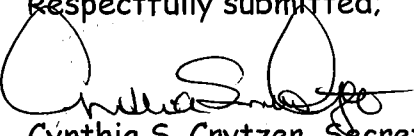
12. The area devoted to occupational use shall not exceed 50% of the gross floor area (gfa) of the home.

13. Due to the nature of the home occupation, there will be high risk medical waste produced during the operation of said occupation. Ms. Hale must produce proof of adequate medical waste disposal to the Borough at least annually. Used bandages, gauze or other disposable items which are contaminated with blood or dried blood; and Needles or any other sharp objects which may have come into contact with blood or blood products are to be placed in a closable, puncture-resistant, disposable container which is leakproof on the sides and bottom and labeled or color coded to identify the contents as a biohazard. Under no circumstances shall any medical waste be stored outside the home; and the waste products from the home occupation must not be disposed of as stated above and not through traditional home garbage.

14. Any violation of these requirements shall immediately result in the loss of the Conditional Use.

Adjourn at 5:08 pm.

Respectfully submitted;


Cynthia S. Crytzer, Secretary

RESOLUTION NO. 6 OF 2020

A RESOLUTION REGARDING COUNTY AID LIQUID FUELS FUNDS

WHEREAS, The Forest County Commissioners have decided to allocate Liquid Fuels Funds to each municipality for County-Aid toward liquid fuels eligible expenditures;

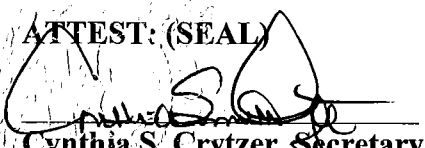
WHEREAS, Tionesta Borough is requesting this aid, in the amount of \$1,800.00;

WHEREAS, as directed Tionesta Borough has contacted Jon Wilson, PennDOT Municipal Services Representative, to assist with this process.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Tionesta, Forest County, Pennsylvania, hereby approves and accepts the provisions of this aid from the Forest County Commissioners.

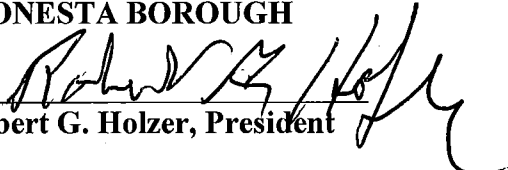
Adopted this 17th day of November, 2020.

ATTEST: (SEAL)


Cynthia S. Crytzer, Secretary

TIONESTA BOROUGH

By:


Robert G. Holzer, President

APPROVED this 17th day of November, 2020.


Judith M. McDaid, Mayor

PROGRESS BILLING



IA Construction Corporation
 P.O. Box 568
 Franklin, PA 16323
 973-533-5098

10086823 Tionesta Borough
 P.O. Box 408
 Tionesta, PA 16353

Invoice : 2020880
 Date: 10/8/20
 Page: 1 of 1
 Our Job : 10238013

Project Manager:		Contract :	Tionesta Borough-2020	Estimate # :	1
Period:	To 10/13/2020			Estimate Date:	10/13/2020

Item	Description	Contract				This Estimate		To Date	
		Qty	UM	Unit Price	Amount	Qty	Amount	Qty	Amount
1	WMA Binder PG64-22 <0.3 19.0 mm	23.00	TN	181.25	4,168.75	23.31	4,224.94	23.31	4,224.94
2	WMA Wmg(SCR) PG64-22 <0.3 9.5	50.00	TN	119.15	5,957.50	50.00	5,957.50	50.00	5,957.50
3	WMA Wmg PG64-22 <0.3 9.5mm SR	142.00	TN	106.95	15,186.90	142.67	15,258.56	142.67	15,258.56
49921000	Plant Downtime	1.00	LS						
49931000	Equipment Downtime	1.00	LS						
49951000	Job Incidentals	1.00	LS						
49961000	Miscellaneous Construction	1.00	LS						
49971000	Job Supervision	1.00	LS						
49981000	Diesel Adjustment	1.00	DO	1.00	1.00				
49991000	AC Adjustment	1.00	DO	1.00	1.00				

Total :	25,315.15	25,441.00	25,441.00
Less Previous Billings:			
Less Retention :			
Amount Due :		25,441.00	

RECEIVED
 10/13/2020