

Borough Council Meeting Minutes
January 11, 2022

**BOROUGH COUNCIL MEETING MINUTES
TUESDAY, JANUARY 11, 2022
6:00 PM COUNCIL CHAMBERS, BOROUGH MUNICIPAL BUILDING**

A Special Session of the Borough of Hollidaysburg Borough Council was held on the above date in Council Chambers of the Borough Municipal Building located at 401 Blair Street, Hollidaysburg, PA.

Council members in attendance constituting a quorum:

Joseph A. Pompa, President
James Mielnik
Michelle Baker
Brady Leahey

Staff members in attendance:

James Gehret, Borough Manager
Gerald Harbison, Director of Planning, Zoning & Code Enforcement
Nathan Karn, Solicitor
Jo Nell Snider, Stenographer

Council Members Jeffrey Ketner, Sean Burke and Walter Kalista, III were absent.

AGENDA ITEM #1 - CALL TO ORDER: President Pompa called the meeting to order at 6:00 PM.

AGENDA ITEM #2 - PLEDGE OF ALLEGIANCE: President Pompa led those in attendance in the Pledge of Allegiance followed by a moment of silence.

AGENDA ITEM #3 – PUBLIC COMMENTS & PETITIONS: None

AGENDA ITEM #4 - PUBLIC HEARING:

4a. Conditional Use Hearing: Bianca Perini, 211 Penn Street, Esthetician Business

Solicitor Karn explained the purpose of the hearing, the presence of the Court reporter, and the order of events for the hearing. He noted that a public hearing is required for a conditional use application. He informed council that a medical office is listed as a conditional use in the Residential/Business (RB) Zoning District and that Ms. Perini proposes to operate a medical esthetician business at 211 Penn Street, which is located in a RB zone.

Solicitor Karn announced that a stenographer is present to record the hearing. He further informed

Borough Council Meeting Minutes
January 11, 2022

council that the hearing would begin with testimony from Mr. Harbison followed by Ms. Perini's presentation, after which council would have the opportunity to ask questions. He stated the public hearing would conclude after the public comment period, final testimony from the applicant and final questions from council.

Ms. Snider performed the duty of swearing in Mr. Harbison and Ms. Perini prior to them testifying.

Attorney Karn queried Mr. Harbison about the accuracy of the application, advertisement and property posting dates, result of the Planning Commission review, and the status of the Historic Architectural Review Board (HARB) review.

Mr. Harbison confirmed the application incorrectly referenced Matt Stopp as the property owner. It was agreed by all that the application be amended to reflect Brush Mountain, LLC as the property owner of record in which Mr. Stopp is a partner of.

Mr. Harbison testified that the public hearing was advertised on two successive weeks in the Altoona Mirror on December 28, 2021 and January 3, 2022. He further testified that the property was posted at least one week in advance of the hearing on January 3, 2022.

Mr. Harbison verified that the Planning Commission reviewed the application on December 7, 2021 and recommended approval of the application finding that the applicant met the General Standards and Criteria for Conditional Uses outlined in Zoning Ordinance Section 403.

Mr. Harbison confirmed that HARB need not review this application since the application did not involve a dimensional variance and is not a "Special Conditional Use" in the Historic Resource District. He did note that Ms. Perini has been advised that the business sign will need to be approved by the HARB.

Solicitor Karn identified the following documents be admitted as Exhibits in the official record:

- Conditional Use application amended to reflect Brush Mountain, LLC as the property owner, identified as Exhibit 1;
- Altoona Mirror Proof of Publication for legal advertisements of this hearing, identified as Exhibit 2;
- Zoning Officer Certification of Property Posting for this hearing, identified as Exhibit 3;
- December 8, 2021 Hollidaysburg Borough Planning Commission recommendation, identified as Exhibit 4

Ms. Perini testified that she intends to operate an esthetician business on the first floor of the building known as 211 Penn Street. She explained the nature of her business and possesses

Borough Council Meeting Minutes
January 11, 2022

certifications to conduct medical procedures to treat scars, varicose veins, and skin conditions of cancer patients.

Solicitor Karn asked Ms. Perini about the number of off-street parking spaces provided, vehicular and pedestrian access, business hours, utilities, lighting and building expansion. Ms. Perini confirmed the site has twelve (12) off-street parking spaces that are accessed from Mulberry Street and the side alley. She further testified that no building expansions or additional exterior lighting are proposed. She verified that the building is connected to the borough public water and sanitary sewerage systems. Ms. Perini stated the business would operate Monday through Friday from 9:00 am to 5:00 pm; however, she was undecided about being open on weekends.

Solicitor Karn indicated that Council must provide a written decision within 30 days from the hearing date. He noted that the 30th day falls on February 10th, the date of Council's next scheduled meeting in which a written decision will be prepared for council's consideration. Recognizing the potential of inclement weather impacting the February 10th meeting, Solicitor Karn asked Ms. Perini if she was amenable to granting the borough an extension to the end of February 2022 to provide a written decision. Ms. Perini indicated she was.

Acknowledging there was no one in the audience to offer public comment and council had no further questions, Solicitor Karn ended the public hearing.

Solicitor Karn asked council members for general direction on their intention to approve or disapprove the application so that he can prepare an appropriate Resolution for them to consider at their next meeting. Council members expressed positive views of the application at which time Solicitor Karn offered suggestions on possible conditions of approval. There was a consensus of council that Solicitor Karn proceed to prepare a Resolution that includes special conditions of approval for consideration at its February 10, 2022 meeting.

Solicitor Karn advised Council that only the members who participated in tonight's hearing can vote on the Resolution. Ms. Baker noted that she would likely not be present at the February 10th meeting. Solicitor Karn noted Council can still take action on February 10th as long as a quorum of three of the four participating members are present.

AGENDA ITEM #5 – EXECUTIVE SESSION: None

AGENDA ITEM #6 – ADJOURNMENT: President Pompa adjourned the meeting at 6:20 PM.

Patricia J. Duron, Borough Secretary