

**FAIRMONT PLANNING COMMISSION**

The regular meeting of the Fairmont Planning Commission was held on February 15, 2017 at 7:00 p.m. at the Public Safety Building located at 500 Quincy Street.

Vice President Greene called the meeting to order at 7:00 p.m. and asked for a roll call of members.

**ROLL CALL OF MEMBERS**

**MEMBERS PRESENT**

Commissioner Majic  
Commissioner Parker  
Commissioner Straight  
Commissioner Richardson  
Commissioner Greene  
Commissioner Carpenter  
Commissioner Yann  
Commissioner Colley

**MEMBERS ABSENT**

Commissioner Blickenstaff

**Commissioner Majic** motioned to excuse **Commissioner Blickenstaff** from the meeting tonight.

**Commissioner Richardson** seconded the motion.

**Motion carried 8-0.**

**CITY STAFF**

**City Planner** – Sandra Scaffidi

**Planning Secretary** – Maria Cipolla

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES FROM DECEMBER 21, 2016 & JANUARY 18, 2017**

**Commissioner Parker** motioned to approve the minutes from January 18, 2017 meeting.

**Commissioner Straight** seconded the motion.

**Motion carried 8-0.**

**Commissioner Parker** motioned to approve the minutes from the December 21, 2016 meeting.

**Commissioner Straight** seconded the motion.

**Motion carried 8-0.**

**PUBLIC HEARING FOR FEBRUARY 15, 2017**

**1. Kirk Naternicola requests the rezoning of the Old Box Factory located on the 12th Street extension also known as the parcel 3-7-74.5. The applicant wishes to alter the zoning district from neighborhood mixed use to industrial.**

**Vice President Greene** asked if there was anyone to speak in favor of this request.

**Kirk Naternicola:** The current zoning for my building is Neighborhood Mixed Use. This limits usage to apartments, small shops, and restaurants. None of these things would be successful in my current location. The building is 200,000 square feet of warehouse and would be best utilized in that manner. Every other piece of property close to mine is used as an industrial type of business; Waste Management, Davis Electric, Valley Distributing, mini storage, as well as the bus and maintenance garage. How could I attract investors for apartments, small shops, and restaurants when I am surrounded by these types of businesses? Industrial zoning and use would be much more appropriate for this building. This property has sat for 20 some years and was full of trash. Since I've owned it, I have invested a lot of time and money cleaning it up. I believe it should be zoned for industrial use so that I can utilize it in the same manner as all of the other surrounding businesses. It makes no sense to have one building zoned as Neighborhood Mixed Use when it is surrounded by industrial businesses. If there were investors who were going to purchase all the properties and begin development of

apartments, small shops, and restaurants down along the river, I would be the first one to sell, but until that time comes, let me operate in the same manner as all the other current neighboring businesses do and let me generate income to allow me to revitalize this property further. Does anyone have any questions?

**Commissioner Carpenter:** What are your plans for this building?

**Kirk Naternicola:** I have spent five years cleaning this property up. I need to do something with it to make money. I am currently a contractor. My company is only going to get bigger. I can expand into other types of businesses. That building is just so big. It has sat vacant for so long because of the current zoning. If we could expand and do some more stuff with it, it would generate more income for the City and for me also. Specifically, I have nothing yet, but there are many options. There are more options under Industrial zoning.

**Commissioner Carpenter:** Just not small shops, restaurants, and apartments.

**Kirk Naternicola:** Yes. The cost of making the building into apartments would cost more than putting in storage units or any other type of industrial use. That's just my opinion but I don't know.

**Commissioner Parker:** I will commend you on your cleanup efforts. I have been around long enough to see the before and I appreciate the after. I know you have put a lot of time and energy into the cleanup. It looks much better.

**Commissioner Colley:** I have spent a lot of time over there and I have noticed that as well. When you say your business is going to get bigger, will you be looking to employ residents in that neighborhood?

**Kirk Naternicola:** Certainly in Fairmont. At one time, we had twenty employees. We are only going to get bigger.

**Commissioner Yann:** What did you say your business is called?

**Kirk Naternicola:** Naternicola Masonry. We do concrete, excavating, and retaining walls.

**Commissioner Richardson:** I have a piece of literature here. Sandra [Scaffidi], could you explain this, please?

**Sandra Scaffidi:** It is just a handout that explains 'spot zoning' as a discussion point. It basically explains what spot zoning is if in fact that did come up tonight as a question. It is just reference literature.

**Kirk Naternicola:** In my opinion, I believe this should have never been changed. It is nice to try and predict the future about what is going to happen in ten, twenty, or thirty years from now. Is anybody good at that? If you are, you would probably hit the lottery. You currently have somebody who is willing to do something with this property. We have done a lot of work to the building. I am trying to move forward with it.

**Commissioner Parker:** What can it be use for now? I have been down around it. In its current state, it doesn't look like it can be used for anything.

**Kirk Naternicola:** It is a solid concrete shell. It is a full foundation. It can be utilized into anything. There are no partitions or anything inside. It can easily be turned into anything. It is just a matter of your imagination and how much money you have.

**Commissioner Parker:** But it is not now in the condition to use. You could store things in there that may stay somewhat dry, but the windows aren't there.

**Kirk Naternicola:** We ripped out a good bit of the windows. People throw rocks at them. We have cleaned out a good amount of trash from the building. I am at a point of either investing even more money into the building or not. If I can't do nothing with the building, why invest any more money.

**Commissioner Richardson:** The building is empty at this point in time. Would this be a place where people would hide a truck out of public view? People collect junk all the time.

**Kirk Naternicola:** I am a hoarder. I accumulate a lot of stuff doing construction, but it would be ideal if the energy company wanted to store diamond bits, pipes and/or other materials. It would generate income for Fairmont. They would then be coming down Twelfth Street instead of Route 250. We would have more jobs in that area.

**Vice President Greene:** Any other questions for Mr. Naternicola?  
**There were none.**

**Vice President Greene** asked if there was anyone else to speak in favor of this request.

**Judd Doerfler:** My wife and I own Judd's Mini Storage. We own all the property around the Box Factory; seven and a half acres. I have been trying to do the same thing he is doing, but every time I do something, somebody stonewalls it. You are not allowed to dump dirt there. You are not allowed to do anything there. Kirk is willing to do something. The building has been empty for 30 to 35 years. I believe he is willing to put some money into that building. I think it should be done. It should have never been changed from Industrial to start with. We bought the property originally because it was zoned Industrial. They changed it when the other City Planner was here. We fought it, but didn't do any good. I am in favor of it. Some people may be against it, but I am in favor of it. The old man who owns Davis Electric behind the building has died. That building will be going up for sale. It won't be long that you are going to have a whole bunch of empty buildings down there. I see no problem with this request. You have 40 to 50 trucks coming in there from BFI; two or three times a day. You are not going to hurt the roads any more than they already are. I think you should vote for it.

**Vice President Greene** asked if there was anyone to speak against this request.

**Patty Gardi:** He has no real plan. He wants this rezoned with no real plan. He has a masonry business. He could bring a concrete business in down there. So we will have more dirt and dust. He says he has cleaned it up a lot. There are no windows. I can see the building from my front porch. I know he burns a lot. I don't know what he is burning, but he burns a lot. A number of years ago, we questioned why the Board of Education didn't consider that property for the new middle school. I was told by a board member that there is arsenic down there. That land is contaminated. The alley that runs along the Box Factory, use to be a glass company. They made glass stoppers. All the glass products from there got dumped down behind the Box Factory. I know that because my father-in-law retired from there. My mother worked there for more than thirty years and my husband worked there. When we were questioning the Board of Education, I called the EPA. They went with my husband and father-in-law went down there to examine the property. Structurally, the building is a good building but the land is bad. If somebody wants to file to get a Brownfields clean up done, it might be a good idea. I can't understand any business person wanting to put a business where there is contamination. I don't have paper prove from the EPA but you could contact them. I can't prove this to you. My kids use to go down there and collect that glass because they thought it was treasure. The contamination needs to be thought about before somebody even tries to put a business in. He does masonry work. He is just going to let him store stuff in there? We are trying to clean Fairmont up. We are trying demolishing these buildings or making them good again. There is a lot of work to be done down there. I look at it every day. Thank you for your time.

**Commissioner Carpenter:** Going back to what you said, what is allowed there is single-family homes, duplexes, group residential facility or home, commercial office space, retail, or service up to 2500 sq. feet, or a restaurant. If the ground is contaminated, none of these would be good. So if the property is already contaminated as you say, industrial would be the best fit.

**Patty Gardi:** I don't think it is fit for any people to be where there is contamination.

**Commissioner Yann:** Out at the Sharon Steel site, it has been cleaned up. None of thing things allowed under Neighborhood Mixed Use can go there. You can put retail there, but you can't put a school, playground, or anything of that type there. That would be the same situation at the Box Factory if it is contaminated like you say. You can't put any housing or anything nice down there.

**Patty Gardi:** But he doesn't even have a clue as to what is he is going to be putting down there from what I am hearing. If I am going to buy a house, I am going to live in it. Most of us have an idea of what we are going to do with something when we buy it.

**Commissioner Carpenter:** Any kind of business he wants to put in there right now can't go in there.

**Patty Gardi:** That is up to all of you. That is not my decision to make. I am just telling you about the land there. If you have people working there, contamination sources are still there. It is a tradeoff, you can't put retail in there but you'll let people work there. I understand what he is saying about all the surrounding businesses, but he doesn't even have an idea of what type of business he wants there. I don't consider storage units industrial.

**Vice President Greene:** The storage units are grandfathered in. They existed prior to the current zoning. Mr. Doerfler is allowed to operate his existing business as a legal non-conforming use.

**Kirk Naternicola:** The reason I am asking for Industrial zoning is because it is the only zoning that allows for storage units. We are not going to be manufacturing steel and that type of stuff. We are asking for Industrial for the option of storage units and warehousing.

**Patty Gardi:** But if you want something to change, you need to present an idea why you want it to Industrial. He wants to do something, but he doesn't know what.

**Vice President Greene** read all the uses that are allowed under Neighborhood Mixed Use.

**Vice President Greene:** We oversee the zoning of the land but we cannot tell the owner exactly what they can put on the land. It is still private property and as long as he is compliance with the way that area is zoned, then they have leeway. I appreciate your desire to know what the plan is; that comes up at a number of our meetings.

**Patty Gardi:** I don't know how you, as a committee, can agree to change something and not have a clue what they want to change it for.

**Vice President Greene:** I think that is why some of these meeting are long and lengthy. They are difficult issues to decide sometimes.

**Judd Doerfler:** None of you were on the Board when we were trying to do something with my property before; maybe Commissioner Straight. The Brownfield people came in, tested the area and said it was not polluted at all. I knew that was wrong and I disputed that part with the Brownfields people. The Brownfield people sent a girl down with drill. She drilled all around there. I have three or four three-ringed binders were they say that property is not polluted. I think it says that, but there is a lot of language in there that I don't understand. Nothing has ever come up about this property until somebody mentioned that my property is river view property. When that came up, everybody and their cousin were down there with a map talking to me about it, but nobody came up with any money. I still think it needs to be changed back to industrial.

**Commission Yann:** Judd, does this rezoning affect your property?

**Judd Doerfler:** My property is supposed to be grandfathered in. I don't have any paperwork saying that it is.

**Vice President Greene** asked if there anyone else to speak against this request.  
**There were none.**

**Vice President Greene** asked for a motion to close the public hearing.

**Commissioner Straight** motioned to close the public hearing.

**Commissioner Richardson** seconded the motion.

**Motion carried 8-0.**

**Vice President Greene** asked **Sandra Scaffidi** for her staff report.

**Sandra Scaffidi:** There is no doubt that this building has a storied past and has a potential for future growth and development in this area, however, I don't believe that the questions, which are identified in the zoning code, have been satisfied. The applicant is responsible for providing answers to two of these questions before the Commission should approve a rezoning (Sandra read all the questions). A rezoning of the property from Neighborhood Mixed Use to Industrial would be considered, in my opinion, 'spot-zoning,' which would be at odds to our current Comprehensive Plan and zoning restrictions. The zoning district was Neighborhood Mixed Use at the time the applicant purchased the property. The neighborhood has been studied in numerous City plans including the Beltline Master Plan, the Connectivity Plan, and the Comprehensive Plan. The goal of each of these plans was to focus the area's redevelopment on educational and recreation efforts. Note that the residential structures, West Fairmont Middle School, Twelfth Street Pool, and the East/West Stadium are major features of this area and the key reasons why this neighborhood is zoned Neighborhood Mixed Use. The proposed subject parcel is located in an area in which its zoning is predominately Neighborhood Mixed Use with no other Industrial zoning districts in this region. No major changes of economic, physical, or social nature have occurred near the subject area since the Comprehensive Plan was last adopted. There has been no evidence presented that the character of the area has changed since the original zoning was set in place. Therefore, I believe that the Commission cannot affirmatively answer the two questions required by code to alter the zoning of the proposed parcel and I recommend against the rezoning at this time.

**Vice President Greene and the Commissioners discussed the zoning request. After a lengthy discussion the Commissions decided to table the request pending a discussion from the City Attorney, Kevin Sansalone, whether or not granting the request would constitute an illegal spot-zoning.**

**Vice President Greene** asked for a motion.

**Commissioner Parker:** I make a motion we seek an opinion from the City Attorney as to whether or not granting his request would constitute a spot-zoning violation of any State or local statues and regulations. We should table this request until such time that we have the opinion.

**Commissioner Majic** seconded the motion.

**Motion carried 8-0.**

#### **PUBLIC HEARING TO SET FOR March 15, 2017**

None

#### **NEW BUSINESS**

**1. Election of Officers**

**a. Chairman –**

**Commissioner Yann nominated Commissioner Straight for the position of President.**

**Commissioner Parker seconded the motion**

**Motion carried 7-0. Commissioner Straight abstained.**

**b. Vice Chairman –**

**Commissioner Richardson nominated Vice President Greene to be reappointed as Vice President.**

**Commissioner Parker seconded the motion.**

**Motion carried 8-0.**

#### **CITIZENS PETITION**

None

#### **OTHER BUSINESS**

**1. Commissioners Comments:** The Commissioners respectfully thanked Bill Oliver for his 22 years of extensive knowledge and service on this Board.

## **2. Staff Updates:**

**Sandra Scaffidi:** Thank you, Bill. I do appreciate you leading me through this during this past year. I also want to welcome our newest member, Commissioner Colley. We are still moving forward with the Comprehensive Plan. We hosted our strategic planning meeting two weeks ago. We are hoping to have a draft in the next couple of weeks. We send that out to you as soon as we get that done. Thank you for the good conversation tonight. It only makes us stronger.

**Bill Oliver** expressed his gratitude to the Commissioners for all their hard work and his disappointed that he was not reappointed to the Planning Commission.

### **ADJOURNMENT**

**Vice President Greene** asked for a motion to adjourn.

**Commissioner Parker** made a motion to adjourn.

**Commissioner Richardson** seconded the motion.

**Motion carried 8-0**