

WARREN COUNTY ZONING HEARING BOARD MINUTES

January 11, 2023

10:00 a.m.

Commissioners' Conference Room
Warren County Courthouse

MEMBERS PRESENT: Edwin W. Atwood, Dennis Johnson, David Miller, Donald C. Saporito, Sr.

MEMBERS ABSENT: Patrick Soliday

STAFF PRESENT: Michael Lyon, Deputy Planning Director/Zoning Officer;
Laurie Burdick, Planning & Zoning Department Secretary;
Timothy Bevevino, Esq., Solicitor

STENOGRAPHER: The Sargent's Group, Johnstown, PA via telephone (Jessica Ashman)

GUESTS PRESENT: Josh Cotton (Times Observer), Steven Songer, Todd Markevich, Andy Close, Ed Sekerak

Chair David Miller called the meeting to order.

Election of Officers

David Miller called for nominations. Dennis Johnson made a motion, with a second by Donald Saporito, Sr., to maintain the current slate of officers. A vote was taken and all were in favor; motion carried. Therefore, David Miller is Chair, Ed Atwood is Vice-Chair for the year 2023.

10:00 a.m. – Special Exception: BAPA Jackson Run RE, LLC – Drive-In/Thru Restaurant in a "B" Business Zoned District – 333 Jackson Run Rd., Warren, PA, Conewango Township – Tax Parcel #WN-545-529700

Mr. Miller stated that, presented to the Board for consideration is a request for a Special Exception by BAPA Jackson Run RE LLC (applicant) of Victor, New York. The property is located in Conewango Township and is zoned "B" Business. The Tax Parcel Number is WN-545-529700, consisting of 0.54 +/- acres.

Mr. Miller further stated that the issue before the Board is Article III, Section 307, "B" Business District requiring a Special Exception to operate a Drive-In/Thru Restaurant (401.11). The applicant is asking for approval of the Special Exception.

Mr. Miller asked Zoning Officer, Michael Lyon, if all property owners within 300 feet were notified by mail, if the hearing was properly advertised in the newspaper, and

if the property was posted. Mr. Lyon responded in the affirmative to all three questions.

Parties to the hearing were identified as follows: applicant/property owner, Conewango Township, and Warren County, represented by Michael Lyon, Deputy Planning Director/Zoning Officer.

No additional individuals wished to be a party to the hearing.

Mr. Miller explained the procedure to be followed during the hearing.

Todd Markevycz and Steven Songer were sworn-in by David Miller. Mr. Markevycz then gave his presentation regarding the proposal to utilize the current structure at 333 Jackson Run Road, Warren, PA for a Dunkin Donuts Restaurant.

Mr. Miller explained the criteria that the Board must follow to consider a Special Exception.

Mr. Markevycz presented their case and explained their plans for a Dunkin Donuts Restaurant.

Dennis Johnson had a question regarding the traffic coming out onto Jackson Run Road, and Mr. Markevycz responded to his question.

David Miller also had a question regarding ingress/egress to the drive-in/thru restaurant, with a response by Mr. Markevycz.

Donald C. Saporito, Sr. had a question regarding whether or not there would be a walk-up window, with a response by Mr. Markevycz.

Deputy Planning Director/Zoning Officer Michael Lyon explained that the term "Special Exception" is misleading because this is not a special situation or an exception but is a permitted use with a higher level of approval by the Zoning Hearing Board. He determined how many seats would be in the restaurant and stated that they would meet the requirements for parking spaces. Mr. Lyon stated from a zoning aspect, with the requirements for a drive-in restaurant, he doesn't have any issues with the proposal. He additionally stated that PennDOT is requiring a Highway Occupancy Permit to require a right turn only onto Jackson Run when exiting the restaurant parking lot. He stated that he had no issues regarding the application but suggested the Special Exception be approved with the condition that the Highway Occupancy Permit is approved by PennDOT.

No other testimony and no objectors.

Solicitor Timothy Bevevino, Esq. had no issues with the Special Exception request.

Edwin Atwood made a motion, with a second by Donald J. Saporito, Sr., to approve the Special Exception request with the condition that the Highway Occupancy

Permit is approved by PennDOT. A vote was taken and there were three ayes and one abstention by Dennis Johnson. Motion carried.

The hearing was unanimously adjourned at 10:25 a.m.

Special Exception granted.

Respectfully submitted,



Laurie A. Burdick
Department Secretary
Warren County Planning & Zoning
204 Fourth Avenue
Warren, PA 16365
814-728-3512
814-728-3517 (fax)

