

**April 12, 2016**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, April 12, 2016 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

**-- MINUTES --**

**THE FOLLOWING APPEALS WERE HEARD:**

At the scheduled time for the start of the hearing, the Board had not convened a quorum. As a result the appellants in both cases agreed to have a hearing officer decide their cases. Board member and chairman Mike Hornyak was chosen to serve as the hearing officer.

**Appeal No. 12,124 by Interstate Chemical Company/Alpont, LLC (1103-100)** concerning property located at 1540 East Lake Road in M-2 district. The appellant is seeking a height variance for two distillation columns for proposed sodium methylate and methanol plants. Per Section 205 of the Erie City Zoning Ordinance, the maximum height in the M-2 district is 100'. The proposed height is 150'.

**Findings of Fact**

1. Appearing on behalf of the appellants, Interstate Chemical Company/Alpont, was Mr. Ashley Porter of Porter Engineering Co., the design team hired by the appellants. Mr. Porter began by setting up a display with large images including an aerial view of the property, a site plan and three dimensional images of what the proposal will look like when completed. Mr. Porter also provided a handout to the hearing officer that contained smaller images of the display, to help the hearing officer follow along.
2. Mr. Porter indicated that the appellants are seeking a variance for the purpose of constructing two distillation towers, which would both exceed the City Ordinance's 100' height limit. He pointed out that in the northwest corner of the property, which formerly housed Hamermill Paper, are two towers that are still standing from Hamermill's former power plant, both of which are well over one hundred feet high. Therefore, the two new proposed towers would not stand out, nor alter the character of the area.

3. Referring to the handouts (including the site plan and 3-D images of the new facility), Mr. Porter said that the site is conducive to a heavy manufacturing plant like the one being proposed. The City Code allows for exceptions, he said, if the tower in question is attached to another building. He added that the site is well placed for this type of facility, with adequate access roads, rail lines, etc...and that the structures will be away from any residential area or public facilities.
4. According to Mr. Porter, once the new facility is up and running at full capacity, it will create approximately 40-50 full time jobs for the community. The variance, he said, is essential for the construction of the plant, which will be a boom for the local economy. He added that there will be no environmental concerns with this construction; to the contrary, he said that there would be environmental advantages. For example, HERO X, a nearby manufacturer, is a customer of the appellants. Once the plant is constructed, the trucks which currently have to carry the product to the store will no longer be required; the facility can deliver the product directly to the manufacturer.
5. The next witness to testify was Mr. Lou Razzano, the executive vice president of Interstate Chemical Co. He explained that the appellants are proposing the construction of two plants: one would be a methanol production plant, and the other a sodium methylate plant. The facilities will require the construction of four distillation columns with two stacks. Both of the stacks and two of the distillation columns can be constructed at heights that are within the City Code. However, two of the distillation columns will exceed the 100' Code limit; one would be 150' and the other 140'. The additional heights are both required to provide proper operational function of the facility.
6. Mr. Razzano said that the distillation columns are clean, and will not present any nuisance or disturbances to nearby businesses or residences. The towers are process towers, he said, necessary to remove water to purify the methanol. The towers will not be emitting any smoke or steam.
7. The appellants presented the hearing officer with a letter from community activist Randy Barnes, in which he said that he fully supports the proposal. In addition to the letter, other community leaders appeared to testify in support of the proposal. Fr. Jerry Piscarro told the hearing officer that the appellants showed their sincerity by appearing at a recent neighborhood watch group meeting, where they clearly explained the proposal to the lower eastside community. Fr. Piscarro said that everyone who heard the appellants presentation encourage the proposed construction, and are supportive of the economic development that the new facility will bring to the community.
8. Mr. Edward Kissell from the S.O.N.S. of Lake Erie also appeared to testify on behalf of the proposal. He said that there are no Title V requirements at issue in this proposal, and the containment around the site is sufficient to prevent any discharge into the lake. For these reasons, his organization also supports the appellant's proposal.

## Conclusions

1. The appellant's are seeking a dimensional variance to construct two towers that would stand 140' and 160' respectively.
2. According to Section 205 of the Erie City Zoning Ordinance, the maximum height of a structure in the M-2 district is 100'.
3. The appellants are proposing the construction of two plants (one a methanol production plant, and the other a sodium methylate plant), which together will require the construction of four distillation columns with two stacks. Both of the stacks and two of the distillation columns can be constructed at heights that are within the 100' height limit, however, two of the distillation columns will exceed 100'. The additional heights are both required to provide proper operational function of the facility.
4. The facility will not present any environmental concerns. The towers will not emit any contaminants, smoke, or steam. The appellants met with community groups and leaders and have their full support.

## Decision

The hearing officer voted to approve the request for the dimensional variance. Mr. Horynak said that the proposal will bring an economic benefit to the City, and has other positive features (like a reduction of truck traffic) that helped persuade him. He applauded the presentation given by the appellants, and said that along with the community support, he believes that the proposal should be a positive development for the lower east side.

## It is So Ordered.

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### **Appeal No. 12,125 by Landmark Square Apartments II, LLC (3103-118 and 119**

concerning property they own located at 1424 and 1426 West 10<sup>th</sup> Street in an R-2 district. The appellant is seeking a use variance and a density variance for a multifamily dwelling. Per Section 204.12 of the Erie City Zoning Ordinance, multifamily dwellings are not permitted in the R-2 district. Per Section 205 of the Erie City Zoning Ordinance, 3,000 square feet are required per dwelling; 1,401 square feet is proposed.

## Findings of Fact

1. The appellant was represented at the hearing by Mr. John Zdaniewski of Bostwick Design Partnership. Mr. Zdeaniewski began by setting up a display which included several photographs, site plans, three dimensional images, etc... of the proposed new building together with a hand-out of the same images for the hearing officer to use to follow along with the presentation.
2. Mr. Zdaniewski indicated that the appellants have already spent millions of dollars to renovate the existing Landmark Square apartment complex. However, the only amenity available for the tenants is that in some of the older buildings, there are washing machines in the basements, where they are in a poor environment.
3. The appellants are seeking a variance to construct a 12,500 square foot, twelve-unit multifamily dwelling with accessory uses within the structure itself. These amenities would include an office, fitness room, laundry room, and lounge. All of the buildings belonging to the appellants that are on the site are scheduled to be demolished; this includes Landmark Square Apartment's office building and storage garages.
4. In an effort to ensure that the proposed building does not change the essential character of the neighborhood, the structure has been designed to blend in with the existing Landmark Square apartments across the street, as well as the single-family residences in the neighborhood. The proposed building will be three stories (approximately 35' tall), a sloped shingle roof, and as noted, an exterior that would be very similar to the existing Landmark Square apartments. The new building will also include an asphalt paved parking lot for the tenants.
5. The location is set back on West 10<sup>th</sup> Street where, Mr. Zdaniewski said, aligns in an ideal location where residential zoning areas border a light manufacturing district. He said that there are other benefits to the community at large that will result from the proposed construction as well. Improving the quality of the existing apartments, raising the property values in the area, and attracting better tenants were a few of the benefits he suggested. The appellants sent questionnaires to neighbors prior to applying for the zoning variance (several of those questionnaires were attached to the appellant's application), in order to bring to the surface any problems or complaints that the new development may cause for its neighbors.
6. While most of the neighbors who answered the questionnaires gave positive responses, one concerned neighbor who appeared at the hearing was Ms. Cindy Lorelli, who lives in an adjacent property to Landmark Apartments, and who shares a common driveway with them. Ms. Lorelli said that while she has traditionally had a good relationship with the apartment complex in the past, she is nonetheless concerned that the new proposal will negatively affect her property. She asked that the appellants construct a fence dividing the two property lines, and that the shared access to the driveway continues.

7. In response to Ms. Lorelli's concerns, Mr. Zdaniewski indicated that the appellants were willing to install a fence as Ms. Lorelli requested, and that the shared driveway access will continue. He also said that if the new construction should encroach on the adjacent property line in any way (i.e. setbacks for the new building), the appellants will work fairly with their neighbor to redraw the lot.

### **Conclusions**

1. The appellants are proposing the construction of a new multifamily, 12-unit apartment complex at the site of the existing Landmark Square Apartments, near the corner of West 10<sup>th</sup> and Weschler Streets. The units in the new building would be approximately 1,400 square feet each.
2. According to Section 204.12 of the Erie City Zoning Ordinance, multifamily dwellings are not permitted in the R-2 district; according to Section 205 of the Code each unit must have a minimum of 3,000 square feet of lot area per dwelling.
3. The appellants are proposing the new building in an effort to update the entire complex and provide modern amenities to attract the increasingly young, upwardly mobile tenants that have been moving into the apartment complex in recent years.
4. The Landmark Apartments complex shares a common driveway with one of its neighbors. The appellants have stated that access to the common driveway will continue, and that the appellants will install a fence along the boundary line, as the neighbor has requested.

### **Decision**

Hearing officer Mike Hornyak voted to approve the variance requests. He said that he thinks that this is a nice project that will benefit both the existing apartment complex and the neighborhood as a whole. Mr. Hornyak added that he is confident that the appellants will work closely with the concerned neighbor to install the fence and adjust the property line if necessary.

**It is So Ordered.**