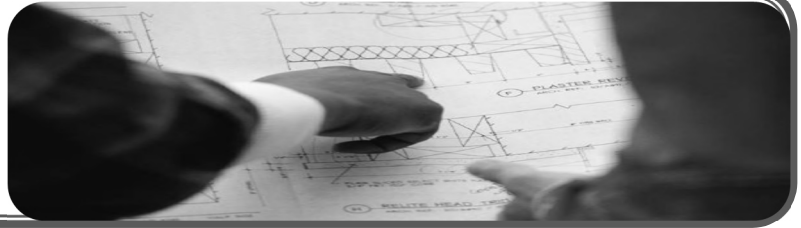


CITY OF WARREN
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 16, 2022



The regular meeting of the Planning Commission was held on February 16, 2022, at 7:30 AM in Council Chambers of the Municipal Building, 318 W. Third Avenue, Warren, PA.

ROLL CALL

Chair Angie Dart called the meeting to order. Members present were Chair Angie Dart, Vice Chair Angela Abreu, Kimberly Exley, Mike Suppa and Randal Gustafson. Also present were Randy Rossey, Director of Codes & Planning, Mike Holtz, Department of Public Works Director, Scott Taylor, Zoning & Ordinance Enforcement Official and Kelly Conti, Recording Secretary. Members absent: Raymond Pring Jr. and Julia McTavish.

APPROVAL OF MINUTES

Upon motion by Mr. Suppa and a second by Ms. Abreu, the minutes of the January 19, 2022, regular meeting were unanimously approved by those present.

VISITORS

Josh Cotton – Warren Times Observer via Zoom call.
Brian Hagberg – Your Daily Local
Andrea Stapleford – City of Warren Solicitor.

PUBLIC COMMENT

There was no public comment.

CORRESPONDENCE

There was no correspondence to present to the Commission.

NEW BUSINESS

306 Prospect Street - Mr. Taylor presented the Commission with a fact sheet showing the issues with this property dating back to 2017. In July of 2021 the DPW cleaned up the garbage and clutter and invoiced the property owner for the costs. In December of 2021 the first Declaration of Blight was issued, followed by the second Declaration of Blight on January 27, 2022. There has been no response from the LLC company that owns the property throughout this entire process. The signature receipt cards have been received for the last two certified letters that Mr. Taylor sent regarding the declarations of blight and invitations to the Blighted Property Review Committee meetings. The property is in a very deteriorating state. This property is currently in Commonwealth litigation. Property taxes are still due for 2019, 2020 and 2021. There is a Municipal Lien for \$1861.28 and a PAMS lien for \$2,522.56 against this property. Ms. Stapleford stated their office also has not received correspondence back from the

LLC property owner. Ms. Exley made a motion to certify this property as Blighted. Ms. Abreu seconded the motion. The motion carried unanimously.

Request by City Council to review Chapter 470. Zoning, Article VIII. General Controls, §470-45 Prohibited Uses includes Subsection (4) which prohibits commercial ammunition manufacturing or wholesale storage of ammunition and Subsection (6) which prohibits arsenals. Per Ms. Stapleford, Pennsylvania has a Uniform Firearms Act, which states, no county, municipality or township may in any manor regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this commonwealth.

This means we can not regulate this, but we can regulate it from a zoning standpoint. The act only includes general definitions for ammunition or arsenal. Ammunition: A supply or quantity of bullets and shells. Arsenal: A collection of weapons and military equipment stored by a county, country, person, or group. Ms. Stapleford felt more research is needed on this topic and noted that Council had not set a deadline for response/decision. She stated that one of the ideas mentioned at the Council meeting was to limit this type of business to a certain zoning district, like the industrial district. However, when you look at our industrial district, you have the refinery at one end which we would probably not want an arsenal, or an ammunition supply or manufacturing facility close to it, and the other end of town is closer to densely populated residential area. Ms. Stapleford suggested discussing a conditional use in our industrial district, and address issues like; What limitations should be put on this? What kind of distance requirements or location requirements would we put on this so that we are providing for this use while at the same time, protecting what we already have? We need to research what the ramifications are if there is an explosion in a place like this, which would depend on the size and what they are doing in the facility. Ms. Dart commented this would need to be addressed and proposed another question; Would they be making, bullet or bombs? There are a lot of questions to be answered. She suggested getting more input from Denny Puko from Mackin Engineering who used to be at the state level of the Planning Commission and is currently working on the Comprehensive Plan for Warren. She feels this would be more of a county thing where you could have it in more of an isolated area. We don't want to deter business, we want to create more job diversify in our workforce, but it may not be appropriate for City use. We may not want to make it a conditional use because of the density of the population in the City and the safety of the residents and businesses here. Mr. Gustafson requested clarification on the definition of arsenal, does it apply only to businesses or is that a general statement of arsenals? Per Ms. Stapleford, that is a difficult question because neither the Uniform Firearms Act nor our ordinance really define what an arsenal is. Could a collection of weapons or military equipment apply to anybody that has them in their home? I think of it as something like the Armory, something more of a military type of facility. Mr. Gustafson asked if the definition of the word arsenal has been challenged anywhere in the courts? Ms. Stapleford was not able to answer that question but will do more research into the matter. Mr. Gustafson stated he feels the hot button word in the ordinance is arsenal, he doesn't think anyone like Remington would want to come in

here and manufacture ammunition, but if they did, that would be an epic fight of jobs verses ammunition. He can see how the definition of arsenal can be a touch word all the way down to individuals. If a business has two shot guns at a cash register, what does that mean? Mr. Suppa noted we have had sports gear stores in Warren, what does that mean in regard to the definition. Mr. Suppa inquired about manufacturing in the commonwealth. Ms. Stapleford confirmed this particular act doesn't specifically say manufacturing but may be implied if you are manufacturing it, you are owning and possessing. Per Mr. Suppa there is a lot of nebulous stuff here because storage of ammunition could be a person who has 10 guns at home or a gun shop that is in town. Ms. Dart discussed the lack of room within the city limits to have any kind of large facility like this due to the population density. We don't have enough land to allow for this to be in a safe distance from residential areas, but depending on the size and the conditions, we could consider it as a special condition. Mr. Taylor asked the Board to take note that the questions that are being asked are varying from the topic at hand, the topic at hand is the commercial ammunition manufacturing or wholesale storage. We are talking about the commercial manufacturing and wholesaling. Not retailing for a sporting goods store. A couple of key points, even something as simple as everyone thinking that ammunition is a full cartridge that you put in your gun and that is what's fired, it's ammunition or components thereof, so, if we were to have a business that would like to come into the area to manufacture cast lead bullets, just the bullet itself, there's no gun powder, there's no primer material, that is all regulated. They must obtain an FFL permit, an ATF permit just for the manufacturing of a bullet which is one component of one cartridge. You have a bullet, a casing, gun powder, and primer, those combined make one round of ammunition. There are regulations that are in place at the state and federal level for this, it is nothing that is infringing on anyone's rights for the common person, it is a business aspect. Mr. Rossey and I have discussed this numerous times, we have looked at the zoning map, for the industrial areas and where, if a potential business like that wanted to come to Warren, Pennsylvania, where they could possibly be located, where they could find a place, there is not a whole lot of space left in the industrial district.

Per Mr. Rossey, the city will investigate answers to the questions Ms. Dart asked regarding what the County and Mackin might be able to provide and will also continue to use Ms. Stapleford as a resource. He recommended the commission tackle the first part of the ordinance being questioned, which is the manufacturing or wholesale of ammunition, and then move on to the arsenal portion afterwards. Mr. Gustafson agreed and said he sees a separation between the two and noted that the Subsection 6 is so fuzzy he doesn't know how we could resolve it at our level. Ms. Dart agreed and stated she would like to know what other communities in the commonwealth are considering as far as these types of facilities and how that is working for them. Per Mr. Taylor, judging by what he's noticed from a lot of the websites he is on, the federal and state level are not where the hurdles coming from, they are coming from people's comments regarding the municipality. Nobody wants an explosive factory in their community, yet we have the refinery on the East side of town. Another rebuttal is if there was room on the east side of town, would we want a facility of that type near the refinery.

Ms. Dart stated she was sure the commission could overcome those things, there are still a lot of ifs here. Mr. Suppa stated more specificity is needed from council.

OLD BUSINESS

Mission statement: Mr. Rossey would like the commission to start thinking about what type of mission statement they would like. Mr. Rossey asked the commission to review the information he previously provided them, which consisted of an outline of what a mission statement might consist of along with examples of mission statements from other areas around the state. Mr. Rossey suggested the commission appoint one or two people to compile a mission statement to bring forth to the commission for approval. Mr. Suppa liked some of the examples Mr. Rossey provided and felt they could come up with something along similar lines. Ms. Dart suggested everyone from the commission bring in a mission statement to the next meeting, all members agreed to bring a mission statement to the next meeting and then craft one together.

ADJOURNMENT

Ms. Dart suggesting cancelling the March meeting due to the Comprehensive Plan work sessions scheduled on two evenings in March that would require more volunteer time on their part. Mr. Suppa said he agreed unless the City has something pressing between now and then. Per Mr. Rossey, if there was something pressing, we could convene a meeting just for that. Mr. Suppa made a motion to cancel the March 16, 2022, meeting. Ms. Exley seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, the meeting was adjourned after a motion by Mr. Suppa with a second motion from Ms. Exley. The next meeting is scheduled for April 20, 2022.

Minutes prepared by Kelly Conti.