

CONDITIONAL USE DECISION

IN RE: APPLICANT: WELESKI TRANSFER
PROPERTY OWNERS: WELESKI TRANSFER

FINDINGS OF FACT

1. The Borough of Tarentum (hereinafter “Borough”) is organized and existing under the laws of the Commonwealth of Pennsylvania.
2. The Borough has enacted a Zoning Ordinance known as the Borough of Tarentum Zoning Ordinance and codified as Chapter 265 of the Code of the Borough of Tarentum (hereinafter “Ordinance”).
3. On May 17, 2023, Weleski Transfer (hereinafter “Weleski”) filed a zoning request application to install a digital billboard on property located at 140 West 4th Avenue, Tarentum, Pennsylvania 15084. Said property is at parcel ID number 1223-P-0028700000.
4. The property is located within the Heavy Commercial Zoning District (C-3).
5. The Ordinance does not provide for a flashing or colored lighting on Billboards. Further, the Ordinance does not permit Billboards to exceed 200 square feet.
6. Weleski’s zoning request application was denied for reasons stated in paragraph 5 and Wesleski filed an appeal to the Tarentum Borough Zoning Hearing Board (hereinafter “ZHB”).
7. On August 7, 2023, a public hearing was scheduled before the ZHB.

8. On August 7, 2023, the ZHB determined that they did not have jurisdiction to hear a conditional use request.

9. Pursuant to said request for a conditional use, a public hearing was held on September 5, 2023, at 5:00 o'clock P.M. at the Tarentum Borough Building.

10. Said public hearing was held after due notice as required by the Borough Code and the Pennsylvania Municipalities Planning Code (hereinafter "MPC").

11. At the public hearing, Weleski and any and all interested parties were given ample opportunity to testify with respect to all provisions and considerations of said application.

12. The location of the proposed Digital Billboard is near a body of water, namely Bull Creek.

13. At the public hearing, Buddy Swisshelm, a representative of Wesleski and Gary Wesleski testified as follows:

- (a) Wesleski has complied with all Pennsylvania state regulations necessary to erect the proposed Billboard; and
- (b) Wesleski has complied with all Pennsylvania state regulations regarding Billboards and their proximity to bodies of water.

14. One (1) resident testified as follows:

- (a) The resident had a concern with the possibility of lighting pollution; and
- (b) The resident had a concern for the possible obstruction of his view from his home.

15. Weleski did not provide any documentation regarding its compliance with Pennsylvania state regulations necessary to erect the proposed Billboard.

16. Weleski did not provide any documentation regarding its compliance with Pennsylvania state regulations necessary to erect the proposed Billboard near a body of water.

17. The relevant code sections to this matter are Section 265-502(B)(1) and 265-502(B)(6)-Specific Conditional Use Standards.

18. The proposed use is not inconsistent with the residential character of the neighborhood.

19. The proposed use will not adversely affect the health, safety or welfare of the residents of the surrounding area.

20. The proposed use will not deteriorate the environment or generate extraordinary nuisance conditions.

21. Following the public hearing on September 5, 2023, Council held a regular meeting on October 10, 2023 wherein they approved the conditional use application of Weleski.

CONCLUSIONS OF LAW

1. The Borough of Tarentum has jurisdiction to grant the request for a conditional use approval.
2. The proposed conditional use is consistent with the Comprehensive Plan for Development within the Borough of Tarentum.
3. The proposed use is consistent with the intent and purposes of the Borough of Tarentum Zoning Ordinance and does not adversely affect the public interest.
4. The Borough of Tarentum has complied with all notice requirements of the Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

DECISION

After due consideration of the request for Conditional Use approval and the testimony presented at a duly advertised public hearing, the Borough of Tarentum Council does hereby grant said request for Conditional Use subject to Weleski submitting all necessary documentation regarding its compliance with Pennsylvania state regulations necessary to erect the proposed Billboard in general and more specifically near a body of water.

Plainly put, Weleski Transfer may not erect the proposed Billboard until the Borough receives all necessary documentation regarding its compliance with Pennsylvania state regulations necessary to erect the proposed Billboard in general and more specifically near a body of water.

IT APPEARING TO THE COUNCIL OF THE BOROUGH OF TARENTUM,
that the foregoing constitutes the complete Findings of Fact, Conclusions of Law and
Decision of Council, said Decision is APPROVED AND ADOPTED on the ____ day of
October, 2023.

BOROUGH OF TARENTUM
COUNCIL

By _____
President, Scott Dadowski

ATTEST: (SEAL)

Secretary