

Orwigsburg Planning & Zoning Commission
Meeting Minutes
April 15, 2015

The Orwigsburg Planning & Zoning Commission met on Wednesday, April 15, 2015 in Council Chambers. Chairman Darin Brensinger called the meeting to order at 7:30 pm and the Pledge of Allegiance was recited.

Attendance: Chairman Darin Brensinger; Members: Chuck Ricketts, Jeromy Guistwite, Kay Jones, Tom O'Brien and Nick Bagdonis; Planning Consultant Steve Dellinger, Borough Manager Robert A. Williams and Borough Secretary Sherry M. Edwards.

Visitors:

Norman Lengel, 1011 Brick Hill Road	Mark Fuggiti, 1682 Breezy Acres Road
Lois Dooley, 650 Kimmels Road	Tony & Linda Rice, 660 Kimmels Road
Cheryl Koch, 504 N. Warren Street	Mohamad Aly 504 N. Warren Street
Deborah A. Hoy, 680 Kimmels Road	Trish Kubicek, 1744 Tanglewood Road
Walter DiSante, 1759 Tall Oaks Road	Angie, Mary & Greg Solga, 490 Clark Drive
Sheri Scott, 1740 Tall Oaks Road	Bill Knecht, 204 S Warren Street
Gretchen Sterns, Sterns Law Office	Jerome Skrincosky, Hawk Valley Associates
Walt Segl, Tall Oaks Road	Frank Tamulonis, 71 S Rabbit Run Road
Greg Stewart, 228 E. Tammany Street	Raymond Stasulli, 1749 Tall Oaks Road
Amy Marchiano, Republican Herald	Darrell Kunkel, 1100 E Market Street
Tracy & Eric Mika, 1726 Breckenridge Rd	Terry Shaner, 800 E Market Street
Jason Stumhofer, 1690 Breezy Acres Rd	Rick Augustine, 1732 Breckenridge Road
Walt Harrold, 1705 Breezy Acres Rd	Wayne Y., Schuylkill Lodge#138

A motion to approve the March 18, 2015 meeting minutes as presented was made by Chuck Ricketts, second by Kay Jones. Unanimous.

Public Comment

Old Business

Pine Creek Life Care Community

Jerome Skrincosky, President of Hawk Valley Associates represents the Rhoads Organization who is the land owner and developer of a tract of land located on the east side of E Market St. Property is zoned R1. Attorney Gretchen Sterns is representing the Rhodes Organization with the Zoning Amendment Application.

Jerome reviewed the purposed revisions made to the Zoning Amendment Application and proposed Marketing and Development Plan since meeting with P & Z on March 18, 2015: (Proposed Marketing and Development Plan – Revised March 26, 2015 attached to minutes)
Five requested amendments

Section 2.02 – Add term “Adult Community” and definition as provided. (Page 5 of attachment)

Section 10.07.C – Size of parking space – 9’ by 18’ parking space (252 sq. ft.) along with 10’ wide directional travel lane. Correct mathematical error in Zoning Ordinance. (Page 5 of attachment)

Section 10.21.B – Clarify the designation and identification of the “landowner” (page 5 of attachment)

Section 10.21.D – Add proposed list of accessory and subordinate uses (pages 5 & 6 of attachment)

Section 10.21.F – Clarify the 100’ setback apply to a principal building versus a structure (page 6 of attachment)

Jerome compiled a list of principal issues (relates to proposed amendments) and secondary issues (relates to / and will be addressed as part of the Land Development Plan) based on concerns from the Commission and residents: (pages 7, 8 & 9 of attachment)

- Previously approved plan has 400 units and will remain the same
- Road system remains the same
- Stormwater Management Facilities will need to be revised
- Underground parking spaces have been eliminated
- Enough spaces have been added to equal the current ordinance requirement which is 1.5 spaces per unit. Also quadrupled the amount of handicapped spaces, 59 spaces have been provided.

Commission concerns:

- Plan was previously approved with underground parking and no above ground parking was located in the 100ft setback. Also included a landscape buffer– since the underground parking has been eliminated the parking lot falls within the 100ft setback and is 30 ft. from the adjoiner’s property line.
- Steve noted the 100ft setback for structures is only a requirement related to life care/retirement communities and is not a blanket restriction throughout the borough.

Gretchen noted purpose of amendments is to clarify inconsistencies with sections of the borough’s ordinance. Original plan was approved with structures located in the 100ft setback. (Driveway, subsurface booster station) Clear up definition of structure.

- Concerned with proposed amendment conflicting with the Fair Housing Act – Housing for Older Americans Act 1995. Age discrimination, no children - potential illegal adoption of ordinance.

Gretchen offered to provide the commission with numerous examples of communities throughout the Commonwealth similar to the proposed plan with age restriction that is supported by Pennsylvania case law.

Open up for visitors:

Reviewed the 5 proposed amendments:

The Commission and the following visitors reviewed and discussed each proposed amendment: Mark Fuggiti, Jason Stumhofer, Lois Dooley, Chery Koch, Norman Lengel, Darrell Kunkel.

1. Adult Community definition–

- Strike the word “retired”. Eliminate “and/or enrolled within a school with a maximum 12th grade attainment level”.
- Penn State students would be allowed to live there

Marketing plan proposed to include not just 55 and older, but also includes disabled veterans, handicap and adults over 21; this will allow the option to seek revenues for funding.

- Enforcement of tenant leases

The property owner (one entity) is responsible for the enforcement of tenant leases– the borough would be able to cite the property owner if the regulations of the tenant leases are not enforced.

- Legality of tenant lease agreement that would be available to the borough at a future date

Premature at this time – confines of the ordinance limiting to 21 and older restriction of “adult only” is legal

- Enforce how long children can visit

Not determined at this time

- Tenant becomes a legal guardian or pregnant

Lease will not be renewed

- Eviction issues

Suggests that a draft lease at least be provided prior to municipal approval

- Will there be a property manager on-site 24/7 who will deal with making sure all rules and regulations are enforced. (secondary issue #10)

There will be an office there but not determined if occupied 24/7

- Additional traffic (400 units with 2 cars per unit) that the proposed marketing plan will produce. Also, due to no left hand turn from Breezy Acres Rd onto Brick Hill Road traffic will be traveling thru Pine Brook. There are no sidewalks on Breezy Acres Rd and Tall Oaks Rd.

Steve Dellinger noted:

- A revised plan will need to be submitted.
- A Stormwater Management Plan will need to be revised and resubmitted.
- Require something from the developers traffic engineer documenting why they feel that the proposed marketing plan won't change traffic supporting what was previously approved in terms of road improvements is still adequate. (mixed ages)
- A traffic impact study was approved through PennDOT as part of the original plan

Renewal is ready for the HOP per Jerome

#2 Size of parking space – inconsistency in Zoning Ordinance

- Since size of space was reduced to 9 x 18 the square footages was not adjusted to reflect size reduction of space.
- Steve agrees should be changed from 300sqft to 252sqft for consistency.
- Potentially have 800 people living in the community, plan is proposing 641 of which 59 are handicap. Where does the other 160 tenants park and where would visitors park?

Plan does meet and exceed the ordinance requirements of 1.5 spaces per dwelling unit.

#3 Expand definition of landowner

- Commission and visitors had no comments with this request

#4 Add list of accessory and subordinate uses –

- After a brief discussion Jerome decided to eliminate the amendment request to Section 10.21.B.

#5 Clarify that the 100ft set back should apply to a “principal building” versus “structure”

- Dumpsters will be located in the 100ft set back

Included in the 100 ft. setbacks would be improvements that would be non-building related. Including dumpsters.

- Only 30ft separating the parking lot and the properties of Kimmels Rd residents: Traffic noise, dumpster smell and parking lot lighting. Consider moving lot at least 75' from adjoiners.
- Booster station is primarily located underground and not considered a structure
- Possible take parking lots and put them in front of the buildings
- Steve reviewed definitions of “principal building” and “structure
- Original plan had landscape screening in the 100ft setback

*Jerome will take a look at moving the parking lots, parking requirements for R1 District
Section 10.15.D, 10.15.A. - 10 ft. & 5 ft. setback - plan is proposing 30ft.*

A motion recommending Borough Council deny the proposed amendment to Section 2.02 of the Orwigsburg Borough Zoning Ordinance was made by Nick Bagdonis, second by Chuck Ricketts. Kay Jones abstained. Motion carried.

A motion recommending Borough Council approve the proposed amendment to Section 10.07.C of the Orwigsburg Borough Zoning Ordinance changing the square footage of a parking space to 252 Square Foot of was made by Nick Bagdonis, second by Kay Jones. Unanimous.

A motion recommending Borough Council approve the proposed amendment to Section 10.21.B of the Orwigsburg Borough Zoning Ordinance clarifying the designation and identification of the landowner was made by Nick Bagdonis, second by Chuck Ricketts. Unanimous.

A motion recommending Borough Council approve the proposed amendment to Section 10.21.F of the Orwigsburg Borough Zoning Ordinance clarifying that the 100 ft. setback should apply to a principal building versus a structure was made by Kay Jones, Nick Bagdonis. Tom O'Brien opposed, Chuck Ricketts opposed. Jeremy Guistwite abstained. Darin Brensinger opposed. Three no's. Two yes. One abstained. Motion failed.

There being no further business the meeting was adjourned at 9:50pm on a motion made by Nick Bagdonis, second by Tom O'Brien. Unanimous.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary