

Orwigsburg Planning & Zoning Commission
Meeting Minutes
May 20, 2015

The Orwigsburg Planning & Zoning Commission met on Wednesday, May 20, 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, Vice Chairman Paul Bedway. Members: Chuck Ricketts, Jeromy Guistwite, Kay Jones, Planning Consultant Greg Stewart; Legal Counsel Attorney Sud Patel, Borough Manager Robert Williams and Borough Secretary Sherry M. Edwards.

Visitors:

Jerome Skrincosky of Hawk Valley Associates, 207 Maple Grove Rd, Mohnton

Attorney Gretchen Sterns of 200 Mahantongo St, Pottsville

Jane Tamulonis - 715 Rabbit Run Rd

Jeanie Troutman - 580 W. Pheasant Run Rd

Eric & Tracy Mika - 1725 Breckenridge Rd

Bill Knecht - 204 S. Warren St

Barbara & Ron Rozansky - 1702 Breezy Acres Rd

Mark Fuggiti - 1682 Breezy Acres Rd

Jim Turner - 95 Municipal Rd

Todd M. Shappell - 9 Dreher Lane

Jason Stoudt - 356 Sculps Hill Rd, Auburn

Linda & Tony Rice - 660 Kimmels Rd

John Crane - 690 Kimmels Rd

Darrell Kunkel - 1010 E Market St

Councilman Dave Rubright - 229 N Wayne St

Helen Wheeler - 422 Lantern Green Way

Raymond Stasulli - 1749 Tall Oaks Rd

Mayor Barry Berger – 229 E Tammany St

Brian Baldwin - 200 S Liberty St

Councilmen Ed Mady - 265 Ridge Rd

Councilwoman Angie Hoptak-Solga - 490 Clark Dr

A motion to approve the April 15, 2015 minutes as presented was made by Kay Jones, second by Chuck Ricketts. Unanimous.

Public Comment:

Darrell Kunkel addressed the commission regarding correspondence he received from the borough's solicitor concerning a nonconforming use restaurant in an R1 district located at 1100 E Market St and has been inactive for 2 years 10 months.

Bob will forward Darrell's concerns to Zoning Officer Tom Yashinsky.

Attorney Patel introduced himself to the Commission and visitors. He has been retained by the Borough for the Pine Creek Retirement Community plan process.

Attorney Gretchen Sterns gave a brief overview:

#1 – Section 2.02 – Purposing to add the following sentence to the definition of Retirement (Adult) Community. “All such developments shall be planned, designed, constructed and occupied in accordance with all pertinent state and federal laws.” Meeting federal law would become a requirement of meeting the provisions of the Zoning Ordinance.

Jerome has no further comment – consistent with what was discussed at last meeting

Commission and public concerns as it relates to #1 Section 2.02:

- Additional subordinate uses
- The use of the words “may” “shall” and “typically”

The April’s amendment submission did include additional possible subordinate uses but after much debate was taken off the table. Submission does relate and is consistent with Page 113 D. Applicant feels that the word typically is consistent with federal law.

#2 Section 10.07.C – Size of parking spaces – Requesting to amend the square footage of parking space from 300 sq. ft. to 252 sq. ft. Current zoning ordinance is 300 sq. ft. Purposed amendment remains the same as last submission. The Commission recommended the purposed amendment for approval at their April meeting.

Greg Stewart – Parking space has to be at least 9ft wide and at least 18ft length. Previous original parking lay-out from 2006 was 10ft x 20ft parking spaces with 24 ft. travel lanes and underground parking. Proposing 9 ft. x 18 ft. with 20 ft. travel lanes which makes it tighter to get into the parking spot and no underground parking.

Bob is concerned with the amount of parking spaces purposed on the plan not being enough to accommodate 400 units with 2 or more vehicles per unit. And the size of the spaces purposed (9ft x 18ft) would not accommodate larger vehicles. Would like to see 2.5 or 3 spaces per unit and the size increased to 10ft x 20ft. And consider decreasing the amount of units.

Jerome - minimum requirement was one space per unit in 2006 which exceeded the requirement and was approved – ordinance was changed since then to 1.5 per unit. Project proposes 669 total with 57 being ADA which meets and exceeds requirement. We can look for other ways to provide more spaces, maybe designated spaces within the plan for satellite parking to accommodate overflow and could possibly be done with gravel area or parking pavers. This would be less of an impact for the Storm Water Management Plan.

Gretchen noted it’s an unfair characterization to assume that every unit will house 2 adults. The sketch plan already meets and exceeds the requirements in your ordinance. They are willing to go beyond the 669 with some overflow lots and get the number higher than 669. But first we have to do this primary stuff of deciding and clarifying some provisions of your ordinance so that we can in fact submit a plan and have the discussion of whether or not the parking layout works and whether it works for Storm Water Management.

Jerome – Creating additional parking will impact storm water requirements and some relief would be requested.

Bob Williams – another relief would be less units. 1.5 is not reality in 2015. As a builder I would hope you provide ample parking for your customers.

Gretchen review at time of plan submission – amendments in front of you today do not determine exactly how many parking space that will be, this is a sketch plan.

Jerome – if they do get certain relief with the location of parking spaces there might be areas where we could look to expand.

Chuck – the first plan was accepted because the parking was underneath, that's why the plan was accepted in the first place. Now the parking is 30 ft. away from someone property line with no respect to those people nor the problems that come along with that – dumpsters, noise, smell and lighting. Asked last time to put parking in front of the buildings.

Gretchen did look at that with the engineer and there are a number of structural issues with flipping that. Plan was previously approved with 1 space per unit.

Brian Baldwin noted usually for that size parking stall (9x18) the normal travel lane should be 24ft. Most pick-up trucks are over 18ft long. Usually there is a reduction in parking space size you have an increase in isle width to accommodate the tightness of the parking space.

Bob – believes some of the parking should be made a little larger – we need 2.5 spaces.

Gretchen – they don't want a parking problem either and would be happy to add more spaces.

Chuck – suggested to possible number the spaces to assign to the renter.

Gretchen – no problem assigning them with one space

Bob Williams asked the audience to raise their hands if you have one car per household. Only one woman out of 30 people raised her hand.

Paul Bedway – too many units in this space - - too close to the neighbors.

Brian Baldwin is a Zoning Hearing Board member and noted he sees a lot zoning ordinances get amended when actually it should be going through the process of applying for a variance or special exception. His concern is when an ordinance is amended it affects the whole borough not just this site but any other site. What is his justification to reduce the size of the parking space other than to reduce the impervious area on the site and helps with drainage.

Jerome – purposed amendment is not to reduce size of parking space but to correct a mathematical error.

Brian Baldwin – disagrees and feels his focus on this amendment is to reduce the impervious area. The ordinance allows for a minimum width of 9 ft. and a minimum length of 18 ft. doesn't necessarily have to be that combination and 300 sq. ft. parking space including isle. You can have a 9 ft. x 22 ft. or you could have 10 ft. x 18 ft. and accommodate the extra sq. footage in the isle width.

Jerome – your zoning ordinance was amended for a specific purpose to reduce the amount of impervious surface the stormwater impacts within a community.

Brian Baldwin – They have not provided justification on how those turning movements can be accomplished with only a 20 ft. wide turning isle and a 9 ft. x 18 ft. stall with a vehicle larger than a

Jerome – if this amendment is not considered, they'll need to reduce the number of parking spaces and go to 10 ft. x 20 ft. Space will be reduced to 1.5 from 1.7 and have 600 spaces. We need this amendment to increase the amount of parking spaces.

Bob – then we're increasing the problem with the number of spaces. You have too many units in too small of a space here. Will you consider reducing the number of units?

Kay Jones – The original plan for 400 units with parking underground. That is a totally different animal. 400 units with parking underground than 400 units with parking above ground.

Gretchen – 400 spaces is 400 spaces whether it's above ground or below ground.

Bob – that approval was contingent upon the parking underground. If the parking was above ground the plan would not have been approved. Removing the underground parking was removing a key component of the approval.

#3 Section 10.21.B - Purposed amendment request is to clarify the designation and identification of the landowner – to include partnership, corporation or agent for the landowner. Purposed amendment remains the same as last submission. The Commission recommended the purposed amendment for approval at their April meeting.

Chuck – plan seems to be working towards the direction of corporate ownership and is different than individual ownership

Gretchen noted it could be partnership, trust, estate or corporation. A number of different entities. Definition of landowner should contemplate these things you could very well have an estate.

Chuck – if not tailored to your needs why change it.

Gretchen - Because it currently lacks specificity.

Bob - What specific road block are you envisioning running into the way it's currently written?

Jerome – feel's it's was not a complete definition.

Gretchen – doesn't think our current provision under the direction of a single owner or agent is very clear, thinks a lot of large communities are not owned by individuals their owned by corporations, partnerships, LLC which is extremely common.

Gretchen - It's a single owner currently, it's going to be a single owner, no change to the concept of a single owner.

Darin – Then why do we have to change it if it fits you now.

Gretchen – Just wanted to recognize the fact that the single owner could be a partnership or corporation. That's it.

Bob – if not specifically needed, would you agree to take it off the table.

Jerome – can't see why we would want to do that.

Bob – because I don't believe you.

#4 – Section 10.21 F – Proposed amendment is to clarify the 100 ft setback should apply to a principal building versus a structure or off-street parking area. Proposed amendment remains the same as in prior submissions. No recommendation at the April's meeting.

Gretchen – our concern is what is identified as a structure, driveways entry ways access ways are structures if your language stood – we would have access. Because of that we asked for a change to clarify that it's the principal bldgs. Not structures.

Paul Bedway where do the dumpster fall into that?

Greg – noted it would be considered an accessory structure with a 25ft setback

Chuck – concerned with Kimmels Rd residents putting up with the dumpsters

Gretchen - This provision is specific to the Life Care and Retirement Communities Section 10.21.

Bob – if the parking was done as originally purposed we would have more room to locate dumpster at positions that may not be offensive to some of the neighbors. As soon as we change the original approved plan and try to add all those parking spaces on the surface which aren't large enough or enough in quantity we now run into the dumpster problem and we're putting dumpsters almost in the backyards of the residents who live on Kimmel Rd because it's all asphalt between the dumpster and apartment building.

Public comments –

Mark Fuggiti feels the setback issue needs to be clarified but doesn't agree with the proposed numbers for distances and proximities and would vote non approval. Protect the residents that are already here.

Jerome – Zoning Ordinance does specify 10 f.t away from property line – They're trying to make an adjustment to that because they heard enough complaints and would like to make it 25 ft. – they also can provide a 15 ft. buffer within the 25 ft. setback.

Brian Baldwin – Accessory bldgs. should also be 100 ft. setback. An accessory bldg. has its own specific use. Should be applying for a variance. They're circumventing the Zoning Hearing Board by going thru this amendment process.

No more public comment:

Chairman Brensinger noted amendments will be taken under advisement. There will be no action taken here tonight. And thanked everyone for attending tonight.

New business: None

There being no further business the meeting was adjourned at 9:00 pm on a motion made by Paul Bedway, second by Kay Jones. Unanimous.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary