MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION MEETING MINUTES
AUGUST 26, 2008

CALL TO ORDER. The meeting was called to order at 6:30 pm.

1. MEMBERS PRESENT
Jennifer Brock, Chairman
Stephanie Stoner
Shawn Vaccaro
Jim Zehring
Monte Shearer

STAFF PRESENT:
Janet Hardman, Code Enforcement Officer
Drew Ames, Tri County Regional Planning Commission

OTHERS PRESENT:
Cliff Dillmann
Ann Simonetti

1. **Zoning Amendments**

Ms. Brock stated that the Planning Commission received comments from Perry County Planning Commission. The Substantive Comments are as follows:

1. *A new zoning map must be prepared due to the change in commercial zoning districts.*

Ms. Brock stated that a new zoning map was prepared by Tri County Planning Commission. She gave Mr. Ames a copy of the map for his review.

2. *Section 27-809.E.1.b. prohibits mobile homes. The PA Municipalities Planning Code (MPC) specifically lists mobile homes and mobile home parks as two types of residential housing that zoning ordinances shall provide for the use of land [section 604(4)].*

Ms. Brock stated the proposed amendment uses the terminology of manufactured home instead of mobile home. The Borough Solicitor needs to be consulted as to whether mobile home appearance and placement standards can be regulated. A definition may be needed to use the words interchangeably.

Mr. Ames stated that any attempt to restrict mobile homes will get shot down. You can use density to regulate dwellings.

Ms. Brock stated that any home must meet building codes.

Mr. Ames stated that mobile homes are treated differently. The ordinance must state that mobile homes are permitted.

Ms. Hardman stated that the federal regulations states manufactured homes can not be discriminated against and must be permitted where single family dwellings are permitted.

Mr. Ames stated that the recommendation is that the ordinance must permit mobile homes because the MPC requires it.

Mr. Zehring asked what MPC stands for.

Mr. Ames stated that MPC is the Municipalities Planning Code.

(For the record, Mr. Vaccaro arrived at 6:45 pm)

3. *Section 27-1106 provides for "manufactured home parks" in the R-2 zoning district. Manufactured home parks are not defined in part 2. It is unclear how they relate to mobile home parks s identified in the MPC.*

Ms. Brock stated we should change manufactured to mobile or change the definition or add a definition.

4. *For Section 27-403.f. include a more specific reference to the floodplain overlay district. Where is the floodplain overlay district defined?*

Ms. Brock stated that they wanted to reference the FEMA mapping.

Mr. Ames stated that FEMA is in the process of redefining the maps. The flood areas can be shown on the zoning map with cross hatch.

Mrs. Stoner stated that wording should be added referencing the most current FEMA map.

5. *All single family dwelling types should be permitted uses in the R-1 – single family residential zoning district. Attached and semi-detached dwellings could be conditional uses.*

Ms. Hardman stated she thought all dwelling types were covered in the definitions. R-1 is a single family residential district.

Mr. Ames stated that it is a recommendation that attached single family dwellings and semi-detached single family dwellings could be a conditional use.

Mrs. Stoner stated that she is ok with semi detached dwellings. They regulated the different type of residential uses by lot area.

Mr. Ames stated that if there is a four unit on a lot, the two end units are semi-detached and the two middle units would be attached.

Mrs. Stoner stated that if the ordinance was changed to permit attached, the Borough could end up with townhouses in the R-1.

Mr. Ames stated that a townhouse would still be a single family dwelling.

Ms. Brock stated if two units were permitted it would be a duplex.

Mrs. Stoner stated that they should still require the same lot size and a larger side yard.

Mr. Ames stated that the lot size and side yard requirements would be the conditions for a conditional use.

Mrs. Stoner stated that the name could be changed.

Mr. Ames stated that the real question is whether you want Marysville to grow. You may not get the outside growing faster. This would be another way to accomplish what is in the Comprehensive Plan.

Ms. Brock stated that the R-1 could be defined as low density with requirements.

Mr. Ames stated that is a conditional use.

Mrs. Stoner stated that she could not think of any other conditions for low density residential.

Mr. Ames stated that he grew up in a Borough that had a lot of single family homes on a river which is similar to Marysville. There were some houses that had a zero lot line.

Ms. Brock stated that it will give a bigger side yard and an economic advantage in terms of heating and cooling.

Mrs. Simonetti stated that there is a four unit townhouse on Valley Street. The sewer connection was an issue because there was only one sewer connection.

Ms. Hardman stated that a townhouse as a single family attached dwelling would be required to have a separate sewer connection.

6. *Consider changing the names of the R-1 and R-2 zoning districts to "low density residential" and "medium density residential" respectively.*

Ms. Brock stated that she does not have a problem with a wording change. She also thinks that adding a duplex as a condition use is a good idea.

Mr. Ames asked where do you really have room to grow. What he is seeing in his neighborhood is houses being taken down and new houses being put up.

Ms. Brock stated there was couple plans recently on Valley Street where a lot was divided into two lots. There is not a lot of infill in this area. But there are some spots for infill development.

Mr. Ames stated that the bulk of the growth in the R-1 is located at the perimeter of the Borough. Zoning is for regulating density.

7. *Section 27-302.B references "Article XV," "township," and a 1977 study done for the "township."*
8. *Section 27-405: numbers 6 through 11 are headings without any text below them.*

9. *Consider addressing procedures for special exceptions in part 11.*

Ms. Hardman stated that procedures for special exception are outlined in part 9 – Administration that is not part of the zoning amendments proposed.

10. *Consider making provisions in the zoning ordinance to allow traditional neighborhood development overlay in accordance with the MPC Article VII-A.*

Mr. Dillmann stated he has two points. What is cost to Borough for another large scale map to show what is happening? The Borough could evolve by swapping of uses and redevelopment of property. The Borough is small.

Mr. Ames stated that when the Borough is built out is when it happens. There are conservation districts that are not developed. Controlling uses are a good way to allow growth to happen where you want it to happen.

Ms. Brock stated that the houses along Maple Street look like they should be duplexes but they are not. You can do nice things with duplexes. She saw a nice area with four-plexes that faced each other and was on one lot.

Ms. Hardman stated that the R-2 could be changed to medium/high density.

Mr. Ames stated there is no set standard for low, medium and high density but the Chesapeake Bay program had some cutoffs for density.

Ms. Hardman asked if a copy of all the zoning amendments should be made for everyone or just one copy for everyone's review.

Ms. Brock stated one copy of the zoning amendments in final form should be made for everyone's review.

Mrs. Stoner stated that one copy should be made for the Borough Office for the public's review.

Mr. Ames asked if the Borough considered a traditional neighborhood development overlay.

Ms. Brock asked if TND's apply to a development rather than infill development.

Mr. Ames stated that Article VII-A, Section 701-A of the MPC permits TND's. Section 701-A purpose and objectives states: this article grants powers to municipalities for the following purposes:

(1) To insure that the provisions of Article VI which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner that would distort the objectives of Article VI.

(2) To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout

of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses

(3) To extend greater opportunities for better housing, recreation and access to goods, services and employment opportunities to all citizens and residents of this Commonwealth.

(4) To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses.

(5) To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.

(6) To minimize traffic congestion, infrastructure costs and environmental degradation.

(7) To promote the implementation of the objectives of the municipal or multimunicipal comprehensive plan for guiding the location for growth.

(8) To provide a procedure, in aid of these purposes, which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand of housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

(9) To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.

Ms. Brock stated that you still need a certain amount of land for a Traditional Neighborhood Development.

Mr. Ames stated that Section 702-A of the MPC states,

(i) In the case of new development a traditional neighborhood development designation shall be in the form of an overlay zone. Such an overlay zone does not need to be considered a conditional use by the municipality if it chooses not to.

(ii) In the case of either an outgrown or extension of existing development or urban infill, a traditional neighborhood development designation may be either in the form of an overlay zone, or as an outright designation, whichever the municipality decides. Outgrowths or extension of existing development may include development of a contiguous municipality.

Mr. Ames stated with the TND you are zoning for a building type, location, design of structures and sidewalks. There would be more control to regulate the form of development instead of minimum requirements or more regulations on type of building layout. The TND set higher standards. TND zoning is an opportunity for municipalities.

Mrs. Stoner asked if a TND could be done for the entire Borough. It could get complicated if you are trying to mimic a neighborhood. Specifications would be needed for each neighborhood.

Mr. Ames stated the key is to zone the area for a TND before someone wants to develop it. This gives the developer some foresite.

Ms. Brock stated that there are some areas with bigger tracts that may be a candidate for a TND.

Mr. Ames stated that the area could be designed the way the Borough wants it.

Ms. Brock asked how you would layout a TND when we don't have a clue as to what the developer may want to do.

Mr. Ames stated that the TND is an overlay. He will do more research on TND's and review Article 7A of the MPC. The TND is within the existing zoning so it is not a radical change.

Mrs. Stoner stated that she does not feel the zoning amendments should be held up for TND zoning. Another amendment can be done at a later date.

Mr. Ames stated that the design of an 1850's neighborhood and the turn of the century and a 1950's neighborhood makes it is hard to get from one neighborhood to the next.

Ms. Brock stated she would like to see how a TND ordinance is worded.

Mr. Zehring stated that there is a cul-de-sac in Whitetail that would not make it possible to walk to Rockville Estates.

Mrs. Brock stated that a separate amendment the Planning Commission needs to look at would be a shade tree ordinance. The steep slope regulations refer to banks and cuts.

Ms. Hardman stated that the Planning Commission did an environmental overlay district.

Mr. Ames asked if a public hearing has been scheduled.

Ms. Brock stated that the Borough Council will schedule a public hearing.

The work session adjourned at 7:25 pm

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 26, 2008

1. **Call to order and roll call**. The meeting was called to order at 7:34 pm

Roll Call:

MEMBERS PRESENT:
Jennifer Brock, Chairman
Stephanie Stoner
Shawn Vaccaro
Jim Zehring
Monte Shearer

STAFF PRESENT:
Janet Hardman, Code Enforcement Officer
Drew Ames, Tri County Regional Planning Commission

OTHERS PRESENT:

Cliff Dillmann
Ann Simonetti
Russell Ready
Donna Lee Clendenin
Patricia L. Dallago
Pat Copp

2. MINUTES:
a. July 22, 2008

MOTION: Mrs. Stoner moved, seconded by Mr. Zehring to table the July 22, 2008 minutes for further review. The motion passed unanimously.

3. PUBLIC COMMENT.
a. Ann Simonetti.

The fall festival and car show is on September 13th from 10:00 am – 3:00 pm. Support Our Troops follows immediately at 3:00 pm.

b. Cliff Dillmann.

Mr. Dillmann stated that zoning is overwhelming. He has just a few points. The area along the river along the edge of channel is floodway. The low water at edge of floodway could be zoned as a conservation district. The area is owned by the property owner or the Commonwealth. It means other people may use it for fishing. This area should be recognized as scenic value. The houses to the south on Main Street are much more R-1. Up stream has more right of way with houses and semidetached dwellings. There is a restaurant and bars in this area. Maybe this area should have more uses.

Ms. Brock stated that there is a big difference in R-1 and R-2 because of the minimum lot area. R-2 is denser.

Mr. Dillmann stated that looking north to south there is more differences in the type of housing.

Ms. Brock stated that the zoning boundary lines can be redrawn.

Mrs. Stoner stated that it would be spot zoning because it is not connected.

Mr. Dillmann stated that by nature it is not connected because it is a skinny strip. There are some houses north of the creek that has large lot sizes.

Ms. Brock stated that they did not want to create nonconformities.

Mr. Vacarro stated that the area from Mill Avenue down could be R-1.

Mr. Dillmann stated that he can not think of any multiple houses.

Mrs. Stoner stated that the houses for sale now south of the bar are a multiple use.

Mr. Dillmann stated that the other thing is that there is a lot of public and private public use area. Seidler Park is a private park that should be recognized as not for development. Lions Club area also. Is there a zoning called park/recreation?

Mrs. Stoner stated that park and recreation area is a permitted use in the residential districts. Having a separate zoning district for park/recreation uses would be spot zoning.

Mr. Dillmann stated the Seidler Park is specifically deeded by all properties surrounding it. Is there a way to zone this area for no development?

Mr. Ames stated that generally there is no way to zone the area not to be developed or based on ownership.

Ms. Brock asked if you can zone it based on the current use.

Mr. Ames stated that zoning is based on density and intensity of use. He feels it would be spot zoning if just zoning it for a park. If the land was sold, the new owner has a right to develop it. Zoning is not for keeping things from changing.

Unidentified person stated that if the Lions Club would cease; the owner, Lions Club International would take over.

Mr. Vacarro stated that a lot of that property is flood zone.

Mr. Zehring asked if the area on Main Street was a ball field.

Ms. Brock stated that the area was a ball field.

Unidentified person stated that the area is kept mowed and is not a ball field any more.

Mr. Zehring stated that someone said that the owner of the property permitted it to be used as a ball field. The Borough should provide more ball fields.

Mrs. Stoner asked how they could protect the existing parks.

Ms. Brock stated that the floodway was not delineated because it is non buildable.

Mr. Zehring stated that if you were out in the river and had an emergency you would need to get out of the water.

Mr. Dillmann stated that you have absolute rights to the area by the river. You are not supposed to land and picnic on the banks. He would like to see something done with the area down stream of the sewer plant. He suggested a landing with a picnic area that over looks the Rockville Bridge with shrubbery to block the view of the sewer plant. This area is a pleasant place to stand and look out.

Mr. Ames suggested a conservation easement which would permit the Borough to buy one of the rights to the property.

Ms. Brock stated that a lot depends on the property owner.

Mr. Ames stated that the property owner gets tax breaks for providing a conservation easement. Paul Zeph from the Central PA Conservancy could help with conservation easements.

Ms. Brock stated that they are more interested in undeveloped land in terms of parks rather than wild land.

Mr. Ames stated that the southeast portion of the state is experiencing development pressure. They are doing easements for parks and recreation land. It takes money do buy the conservation rights but if you want to preserve the land, you must own it.

c. Russell Ready

Mr. Ready asked what is being done with storm water runoff. Is it being addressed?

Ms. Brock stated that the railroad received storm water plans. Mr. Bob Gieszynski, Norfolk Southern Rail Road, sent a copy of the storm water plans to their engineer in Atlanta for review.

Mr. Ready stated he is concerned with who will be responsible if there is a problem the builder or the homeowner's association.

Ms. Brock stated that the developer will be responsible while the development is going on. It will take a lot of time to complete the development.

Mr. Ready stated that the earth wall that is being built behind the homes is almost like a levy. If the wall fails and breaks loose who will be responsible.

Ms. Brock stated that if the swale erodes and water comes down through, it would be repaired because for a period of time there will be bonding in place for maintenance and mowing of the storm water facilities.

Mr. Zehring stated that some things will fall under the homeowner's association but if it is not taken care of it will be taken over by the Borough.

Ms. Brock stated that most storm water facilities will be going across private land.

Mr. Vacarro stated that the storm water facilities will be in the open space and will be maintained by the homeowner's association.

Ms. Brock stated that they have water problems now.

Mr. Ready stated has some residents on Park Drive gets water in their basements when it rains now. This happens at least twice a year. As more and more water comes down the hill, the water issues could be an on going problem. This development will add to it.

Ms. Brock stated that the Planning Commission needs to work on these issues with conditions and indemnities.

Mrs. Pat Copp, 208 Overcrest Road stated that the section in the middle is more dense. Is there any way that this area could be made into larger lots.

Mr. Zehring stated that the most dense area is in between the small mountain and the big mountain.

Mrs. Copp stated that the lots need to be bigger. The houses will be on top of each other.

Ms. Brock stated that they have the most recent plan. The lots on the end were eliminated at Stone Arch Drive which is the northern end of the development. Right now, with the variances, the lots won't be any bigger.

Mrs. Stoner stated that the lots were specifically designed at this location as a transition size of small lots to big lots.

Ms. Copp stated asked if sleving is the only way to go on with the sewer.

Mrs. Stoner stated that sleving might be the only way to go. It is significantly cheaper.

Mr. Dillmann asked if the engineer could ask that they show where sleving is in terms of error range.

Ms. Brock stated that if the whole tract is developed, what is the possibility of exceeding the maximum capacity?

Mr. Dillmann asked if the existing sewer fails, will the developer be obligated to fix it.

Mrs. Stoner stated that the sleeve will reduce the sewer by a small amount.

Mr. Dillmann stated that they sleeved the sewer line on river and it failed.

Ms. Brock stated that if the entire development is sleeved, what percentage of the capacity will be running on a normal basis and how does that compare. What is the normal operating procedure? There is an advantage to a core lined sewer.

Mr. Zehring stated that an eight inch line is required for service capacity.

Ms. Brock stated that the sewer is pulling from the Lions Club and is separated. It is combined at the subway and at Sylvan Street and goes under the railroad. The storm sewer starts at Linden Avenue and Spruce Street. The rest of the storm water flows on the surface. A piece of storm sewer comes down Sylvan Street and dries out.

Ms. Brock stated she will ask the Borough Engineer about capacity issues.

4. OLD BUSINESS:

a. Rockville Estates Preliminary Plan.

Ms. Brock stated that a time extension was granted to the end of October. The gist of the discussion was that they were unable to meet the deadline so there was no submission. The work shop meeting scheduled for September 10th will be held on September 3rd at 6:30 pm. At the September 3rd meeting they will be talking about waivers and conditions. The waivers and conditions are supposed to be prepared and given to the Borough Solicitor and Borough Engineer for review before the meeting. There is to be a week for the developer's engineer to make the changes to the plan and have it ready for a formal submission for the September Planning Commission meeting.

Mrs. Stoner stated that the work session meetings usually start at 6:00 pm.

Ms. Brock stated that the meeting on September 3rd will start at 6:30 pm. That is the status as of today. Nothing has been submitted for review but Mr. Altland and Mr. Brown must review it first.

Mrs. Stoner asked if Mr. Altland and Mr. Brown are coming to the September 3rd meeting.

Ms. Brock stated that Mr. Altland and Mr. Brown will be at the September 3rd meeting.

Ms. Brock stated she received a letter from Charles Wentzel, 222 Ridgeview Drive dated July 12, 2008, stating he has concerns about the development. Ms. Brock read the letter which is attached hereto and made a part hereof.

Mr. Shearer stated Mr. Wentzel was present at the July 23rd meeting.

Ms. Brock stated she will call Mr. Wentzel and ask him if his comments were addressed.

b. Zoning Ordinance Amendments.

Ms. Brock stated that there are a number of the Perry County Planning Commission comments that need to be addressed. She suggested working on the comments at the October work session meeting.

5. New Business: NONE

6. General Announcements.

Mrs. Stoner stated she will not be present at the September 23rd meeting.

Ms. Mohr was not present tonight because she is working on a construction project at her home.

7. Report on Borough Council Meeting (Next Council Meeting 9/8/08)

Ms. Brock stated there is no report on the Borough Council meeting for August 11th. She will write a note and try to be at the September 8th meeting.

8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 9/10/2008 @ 6:00pm/NEXT REGULAR MEETING 9/23/08 @ 7:30 pm, WORK SESSION @ 6:30 pm.

MOTION: Mr. Vaccaro moved, seconded by Mr. Shearer to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer