

MARYSVILLE BOROUGH PLANNING COMMISSION  
WORK SESSION  
JULY 27, 2010

**1. Zoning Ordinance Proofreading review**

Mrs. Simonetti was present to discuss questions regarding proofreading of the zoning ordinance. She stated that the numbering and lettering were inconsistent and there are a number of references to "township".

Mrs. Simonetti stated that in the General Regulations Section 802.1. firewood storage stacks states that firewood is not permitted to be stacked in the front yard. There are a couple of places where firewood is being stacked on the front porch. Does the Planning Commission want to address firewood storage on the front porch?

Mrs. Stoner stated that she can see firewood storage on the front porch as being acceptable but does make sense that it could become a problem.

Ms. Mohr stated that as long as the front porch firewood storage is a small amount.

Mrs. Simonetti stated that if someone stacks firewood on the entire front porch it could be property maintenance issue.

Mrs. Simonetti stated that Section 27-803.D.3. states parking shall not be permitted in the front yard except driveways. Does the Planning Commission want to address parking in the front yard for parties and special occasions by delineating them from permanent versus temporary?

Ms. Brock stated that permanent would need to be defined.

Ms. Mohr questioned whether permanent or temporary could be enforced.

Ms. Brock stated that there could be charges of selective enforcement.

Ms. Mohr suggested adding, "with the exception of special events or occasions".

Ms. Hardman stated that an exception of special events or occasions would be a means for circumventing the ordinance requirement of no parking in the front yard because every time someone parks in the front yard it could be considered a special event or occasion.

It was suggested that parking in the front yard not be permitted on a daily basis which could also be an issue because someone could park in the front yard one day and miss a day and it would not be considered daily.

Further discuss will occur on this issue.

Mrs. Simonetti stated that the ordinance states a highway occupancy permit is required for driveways on state roads. What would come first, the highway occupancy permit or the zoning permit?

Ms. Brock stated that the highway occupancy permit would come first.

Mrs. Simonetti questioned Section 27-805.D. erosion and sedimentation control requires a letter of approval by the Borough Engineer. She thought that erosion and sedimentation control is approved by the Perry County Conservation District.

Ms. Hardman stated that for earthmoving of 2,000 square feet does not require approval by the Perry County Conservation District.

Mrs. Stoner stated the Perry County Conservation District gets involved for disturbance over an acre.

Ms. Brock suggested adding "or Perry County Conservation District."

Mrs. Simonetti questioned Section 27-807.D.2. Historic Preservation prohibition for advertising signs.

Ms. Brock stated that signage cannot be changed if the property is listed on the National Register.

Ms. Mohr stated that properties on the National Register should have a plaque.

Mr. Zehring questioned commercial signage.

Ms. Mohr stated that the prohibition should reference any type of sign instead of just advertising signs.

Mrs. Simonetti stated that the signage should maintain the historic character of the building.

Ms. Mohr stated that she observed a shopping center is a historic district that was permitted to put up a small sign in character with the historic district.

Ms. Brock stated that signage cannot be changed after the development plan approval.

Mrs. Simonetti questioned #3 which requires a 90 day review period by the zoning officer. Should the 90 day review period reference the PHMC (Pennsylvania Historic Museum Commission)?

Ms. Mohr stated that the PHMC is involved if it is a federal project.

Mrs. Simonetti stated that she will add, "PHMC, if required".

Mrs. Simonetti stated that home occupation is Section 27-808.A.4. permits telephone answering services. Telephone services could involve out going calls.

Ms. Mohr asked what the difference was.

Mrs. Simonetti stated that the home occupation could be telephone soliciting which is not answering. She recommends deleting “answering” and the wording would be “telephone services.”

Mrs. Simonetti stated that the home occupation Section 27.808B standards #5 states “shall not be production, storage or sale of merchandise or stock in trade except limited storage of paper items”. She questioned storage of merchandise for businesses such as Amway and Avon. There is a t-shirt mail order type home occupation that would have storage of t-shirts.

Ms. Brock stated that the issue for home occupations is outside storage.

Mrs. Simonetti stated that the exception should permit storage of merchandise and stock in trade.

Mrs. Stoner suggested limiting storage to a percentage of the square footage permitted for the home occupation.

Ms. Mohr asked how home occupation is defined.

Mrs. Simonetti stated that the ordinance permits 25% of the home to be used for the home occupation.

It was the consensus to permit storage of merchandise or stock in trade within the 25% area permitted for the home occupation.

Mrs. Simonetti stated that #7 of the home occupation standards states that only one home occupation is permitted per dwelling.

Mrs. Stoner stated that the business name could include all the home occupations.

Ms. Mohr stated that if all home occupations must not exceed the 25% limitation for the area of the home, the number of home occupations is not needed. Sewer billing is different for home occupations.

Mrs. Simonetti stated that she will omit “one”.

Mrs. Simonetti stated that Section 27-809 conditional use for automobile service station permits storage in an outside screened area with the fence or wall. She thinks a fence or wall is ugly.

Mrs. Stoner stated that tires for sale are not considered storage.

Ms. Brock stated that they did not want to limit outside storage.

Mrs. Simonetti stated that she will leave the ordinance as it is written.

Mrs. Simonetti questioned the parking requirement for flea markets. Three parking spaces are required for each vendor. There would be a large impervious area for parking. Could the parking be pervious?

Ms. Mohr stated that pervious should be consistent with the driveway requirements for pervious surfacing when approved by the Borough Engineer.

Mrs. Simonetti stated that the forestry activities require a copy of the plan to be provided to the zoning officer upon request. If a zoning permit is required for forestry activities, the zoning officer would have a copy of the plan.

Mrs. Stoner stated that the Borough regulations state that a plan is required but it is not required to be provided before harvesting starts.

Ms. Mohr stated that the plan is required to be at the site.

Mr. Weaver stated that there is usually a survey plan and the trees that are being removed are indicated.

Ms. Hardman stated that a zoning permit is not required for forestry activities.

Mrs. Simonetti stated that Part 5 Off Street Parking, Section 27-504 Location and Maintenance E. Drainage and surfacing requirements (1) should state, "as amended from time to time," because it references PennDOT standards.

Mrs. Simonetti stated that Part 5 Off Street Parking, Section 27-504 I. Lighting references the SALDO. The words, "as from time to time amended" should be added.

Mrs. Simonetti stated that Part 5 Off street parking, Section 27-505 Design Standards C. Separation (1) states, In no case shall parking lots be designed to encourage vehicles to back into a public or private street in order to leave the parking area. Ok as is.

Mrs. Simonetti stated that the definition of construction uses the word manufactured home. Manufactured home should be changed to mobile home.

Mrs. Simonetti stated that Section 27-203.169. definition of floor area, habitable states the ceiling height must be seven feet. She thinks the building code states six feet. She will discuss the building code requirement with the Perry County COG and make the requirement the same.

Mrs. Simonetti stated that Section 27-203. 277. definition of nursing or convalescent home states, " A building with sleeping rooms where persons are housed or lodged and furnished with meals, and nursing care for hire, and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use." Does this need to be further defined?

Ms. Brock stated that if it involves nursing and needs licensing it should cover it all.

Ms. Mohr stated that it could say nursing or assisted living.

Ms. Brock suggested using all three terms, nursing, assisted living or convalescent care.

Mrs. Simonetti asked if Section 312. Prime agricultural land definition, if United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey is one entity.

Mrs. Mohr stated that it is one entity.

Mrs. Simonetti stated that Section 323. public hearing states, “A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.”. It does not reference the zoning hearing board.

Ms. Hardman stated that the definition of public hearing is the same as defined in the MPC.

Mrs. Simonetti stated that Section 344. right of way is defined as “A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.” Should the definition include eminent domain?

Ms. Mohr stated that condemnation is the same as eminent domain.

Mrs. Simonetti stated that Section 352. service station definition: A. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted. B. Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicle accessories. Definition is to remain the same.

Mrs. Simonetti stated that structure has two definitions, Section 381. Structure A. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. B. (Definition to be used as required by Article XV and FEMA regulations.) Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes and other similar items.

Ms. Hardman stated that A should be used for the ordinance interpretation and B. is only for Flooplain and FEMA. Article XV should be changed to Part 12.

Mrs. Simonetti questioned whether the calculation in Part 14 Development Standards, 27-1403 Landscaping should include pervious areas.

Ms. Hardman stated that pervious areas could be added but should reference the Off-Street parking section requiring approval by the Borough Engineer.

Ms. Mohr stated that the front yard parking issue discussed earlier for Section 27-803 could be changed by adding a time limit. For example, wording such as “not to exceed 24 hours per month or per week.”

Ms. Brock suggested asking the Borough Solicitor for wording to permit parking for special events.

Further discussion ensued regarding terms such as continuous, ongoing basis, and daily. It was determined not to change the requirement for, “no off-street parking is permitted in the front yard”.

MARYSVILLE BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JULY 27, 2010

**CALL TO ORDER.** The meeting was called to order at 8:07 pm

**ROLL CALL:**

**1. MEMBERS PRESENT**

Jennifer Brock, Chairman  
James Zehring  
Stephanie Stoner  
Lori Mohr  
Monte Shearer

**STAFF PRESENT:**

Scott Weaver, Borough Manager  
Janet Hardman, Code Enforcement Officer

**OTHERS PRESENT:**

Ann Simonetti, Borough Council

**2. MINUTES:**

**a. June 22, 2010 Minutes**

Page 1, last paragraph, 1<sup>st</sup> sentence, add, “geological formation” before they.

Page 2, paragraph 3 change “minute” to “hour”.

Page 3, paragraph 3 change “used” to “create”.

Page 3, last paragraph add “sealed to the” before granite.

Page 5 change date of meeting from June 23 to June 22.

Page 5.2.a. change “shell” to “shale”.

**MOTION:** Ms. Mohr moved, seconded by Mr. Zehring to approve the minutes as amended. The motion passed with Mr. Shearer abstaining because he was absent.

**3. PUBLIC COMMENT. None**

**4. OLD BUSINESS.**

**a. Article 4 Subdivision Amendment - Plan Specifications and Procedures**

Ms. Brock stated that Article 4 review has been completed.

**b. Article 5 Design and Improvement Standards.**

Ms. Brock stated that Streets, Access Drives and Driveways from Article 8, 9 and 10 of the Lancaster County Model SALDO are being reviewed. Review will continue at the August work shop meeting.

**c. Well Ordinance.**

Ms. Brock stated that Mrs. Stoner has a few things to check on. The well ordinance review will continue at the August meeting.

Mrs. Stoner stated that Ms. Mohr provided her with a copy of the Chester County Well Ordinance that she can revise as the changes are being made and provide a copy to the Planning Commission as changes are made.

**5. NEW BUSINESS. NONE**

**6. GENERAL ANNOUNCEMENTS. NONE**

**7. OTHER BUSINESS**

- a. Ms. Mohr asked what was being constructed across from her house.

Ms. Hardman stated that Norfolk Southern Railroad was granted a variance from the height requirement to install a 199' communication tower for the railroad as an accessory use.

Mr. Weaver stated that as part of the approval, Norfolk Southern Railroad agreed to install an antenna for Marysville emergency services.

- b. Ms. Brock stated that there is erosion at the new billboard replacement area at the Big Bee Plaza.

Ms. Hardman stated that a zoning permit was issued for the earthmoving which included an erosion and sedimentation control plan that was approved by the Borough Engineer.

Mr. Weaver stated that he will follow up on the conditions of the zoning permit approval listed in the Borough Engineer's approval letter.

- c. Ms. Brock asked what the status of the grant approval was for the sewer separation.

Mr. Weaver stated that they have not received any notification regarding the grant which is a good thing because it normally means that grant money will be awarded.

**8. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 7/12/10). NONE**

**9. ADJOURNMENT/NEXT SPECIAL MEETING DATE 8/11/10 @ 6:30pm/NEXT  
REGULAR MEETING 8/24/10 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

MOTION: Ms. Mohr moved, seconded by Mr. Shearer to adjourn the meeting at 8:37 pm.

Respectfully Submitted,

Janet Hardman,  
Code Enforcement Officer