

Meeting Minutes

Lemoyne Planning Commission

Tuesday October 11, 2011

LPC Members Present: Thomas Bank, Andrea MacDonald, Barb Byrem

LPC Members Absent: Gale Gallo

Staff: Robert Ihlein (Borough Manager), John Paden (Codes Enforcement Officer)

Guests: Mayor Byrem, Roi Battista, Greg Gair

Attached or Referenced Exhibits: N/A

The regularly scheduled Lemoyne Planning Commission meeting was called to order at 6:38 pm.

Ms. Byrem mentioned that she left a message for Dwight Hermann requesting the June and July minutes however she had not heard back from him prior to the meeting.

Greg Gair introduced himself and stated that he was attending the meeting to see if he would be interested in serving on the Lemoyne Planning Commission. Mr. Gair said he owned a medical transcription company for 20 years but he is now selling real estate. Mr. Bank explained to Mr. Gair that the LPC has been reviewing the draft zoning ordinance over the past several months and is nearly finishing making recommendations for Borough Council's consideration.

Mr. Bank remarked that he is awaiting confirmation from Mr. Ihlein concerning the joint LPC and Borough Council meeting in November. Mayor Byrem indicated that the Borough Council at their October 10, 2011 meeting approved the November 10, 2011 date to hold the joint meeting.

The LPC's October 25, 2011 work session is cancelled due to schedule conflicts with both Mr. Bank and Ms. MacDonald. The next LPC is a joint meeting with the Borough Council on November 10, 2011 at 6:30 pm; this is in place of the regularly-scheduled meeting of November 8, 2011.

Joint Zoning Ordinance Discussion:

Mr. Bank reviewed the questions he posed to Mr. Knarr via email that were concerns raised in past LPC discussions. The questions and answers are as follows:

- On page 12-12, Item H-1: The paragraph talks about the display/sales area being considered as the smallest rectangle or other regular geometric shape which encompasses all display stands, booths, etc. We cannot figure out what this means or applies to. Can you clarify?
 - This refers a method to calculate the size of the area of the operation for determining parking.....since the parking table in Part 12 covers the concept of H.1., we suggest removing H.1.

- For a number of the "medically oriented" uses in Section 1205, it states that an Emergency Operations Plan (EOP) must be submitted. There was discussion that an EOP is required for a variety of businesses with hazards as well as schools in addition to the "medically oriented" uses that list the requirement. It was also discussed that the EOP must be kept up to date with the related agencies. We questioned whether this was really something that we wanted to get into with zoning as it is covered by other agencies - and if we are doing it merely for verification purposes, that it should be required for all uses where it would be required.
 - Yes, we suggest removing this reference throughout especially since the County has adopted the hazard mitigation plan, etc.

- There was a lengthy discussion related to the accessory apartment use as well as the accessory dwelling for care of a relative. With our elimination of conversion apartments, there is a concern regarding enforcement of these accessory dwellings - particularly of the owner residing on the premises. The example was given of an owner building an accessory apartment, then later moving out and renting out both units or of selling the property to someone who would rent out both units. Likewise, that the accessory dwelling would end up being rented out after the relative moves out. The question of enforcement is also an issue with the elimination of the conversion apartments as the problem all along has been that the work is done illegally - under cover and without a building permit. Once the conversion is done and the Borough finds out about it, what recourse is there to basically "shut down" the use?
 - Yes, we suggest removing this if it is such a concern...

- On Page 12-20, Item C: For mineral extraction, the question was raised as to how this would apply for gas drilling - Marcellus Shale type operations. The 75' buffer and 6' fence is suited towards excavation operations - quarries and such. Are there guidelines or model code that would better cover gas drilling operations which we could include?
 - Overall, the draft is focused on quarries (although it does refer to other types of minerals), since that is what we have in CC... Yes there is model language, but at this point, we suggest focusing your efforts and resources on items the borough is facing or likely to face now and in the near future. This issue could be something the borough could consider in a future amendment, esp. if you see drilling and exploration efforts moving southward...our NG specialists and geologists here at RETTEW working directly with many of the NG firms indicate that although the geologic formation of the MS does extend southward toward CC, any gas that was in the formation was likely burned off or squeezed out and that drilling is infeasible now or in the future due to costs...

- On Page 12-30, Section 1206-A: For agricultural uses, we allow agriculture in all districts. But we are not allowing livestock and poultry in all districts. Are we required to allow livestock and poultry in at least one district? Or can we eliminate it entirely?
 - Yes I would advise livestock/poultry be included in at least one (if not more) zoning district. The way it is written, it does indicate that livestock/poultry is intended to be limited to one (but could be revised to be included in a few zoning districts, or all zoning districts) depending on the desire and standards of the community..

Concerning the question of agricultural uses, the borough's current ordinance does not permit livestock and poultry in any districts. With Mr. Knarr's advisement that livestock/poultry should be included in at least one or more districts, LPC discussed the appropriate districts where agricultural uses would be permitted. Mr. Bank suggested Industrial; Mr. Paden recommended Office Residential. After deliberation the LPC felt that Office Residential would be the more appropriate district. A deciding factor including the property ownership of Copper Ridge and that the association would need to permit this use.

The LPC discussed the need to expand the proposed Development Compatibility Standards Overlay Zoning District (DCSO). The LPC recommends expanding the boundary to include properties bordering the following streets in the southern-portion SR district: Clark, Walton, and Warren east of Third Street; and Walton between Third and Maple Streets west of Third Street. In the northern-portion of SR, include properties bordering the following streets: Washington and Cumberland and all streets in-between to Market Street extending west to Fifth and Woodside Streets. LPC will provide a sketch of the expanded boundary to Mr. Knarr.

Part 4 Discussion

Mr. Bank mentioned that although Mr. Paden began populating the tables associated with Area and Design Requirements, they have yet to be completed.

Table 4-3, Area and Design Requirements (SR)
Vegetative Coverage – add 40% for Single-Family Detached Dwelling and 40% for Non-residential Uses.

Table 4-4, Area and Design Requirements (CR)
Delete; Table 5-3 UR replaces this table.

Table 4-6, Additional Development Compatibility Standards

Should this now be table 4-5?

LPC members were unsure of what is expected in this table. Are these additional requirements intended to be specific standards for one district only (ex: SR) outside of the Compatibility Overlay? If so, LPC recommends that fire escapes be permitted "only at the rear of building" in the SR District.

Ms. MacDonald questioned whether there are guidelines for pervious coverage or vegetative coverage issued by EPA or PA Dept. of Environmental Protection for municipalities situated along the Susquehanna River.

Mr. Bank questioned whether minimum lot width is covered under the Subdivision and Land Development Ordinance (SALDO). Mr. Ihlein indicated that these requirements could also fall under zoning but he isn't certain what the appropriate numbers should be in each district. Mr. Paden added that the existing ordinance does not have a minimum lot width.

The need to populate all existing ordinance requirements into the tables in Parts 4-6 was discussed as being necessary prior to the joint meeting with Borough Council.

Part 5 Discussion

Table 5-3, Area and Design Requirements (UR)

This table should be moved to Part 4 and become Table 4-4.

Vegetative Coverage – add 30% for Single-Family Detached Dwelling; 30% for Two Family Dwelling; and 30% for Non-residential Uses.

Table 5-4, Area and Design Requirements (A-O)

Change “A-O” to “OR”

This table should become Table 5-3.

Vegetative Coverage – add 30% for Single-Family Detached Dwelling; 30% for Two Family Dwelling; and 30% for Non-residential Uses.

Table 5-5, Area and Design Requirements (Commercial)

The name of this district should be “Commercial General” or “CG”.

This table should be moved to Part 6 and become Table 6-4.

Vegetative Coverage – 25%.

The draft ordinance needs to add *Area and Design Requirements* Tables in Part 5 for VMU and DT Districts. Vegetative Coverage requirements for these districts would be 25% and 15% respectively. Mr. Paden recommended that the requirements for these tables be similar to what is currently “commercial” in the existing ordinance. Mr. Bank agreed that the LPC should consider the existing zoning requirements but that the VMU district should be more in line with the Urban Residential District. Mr. Paden confirmed that currently there are no rear yard requirements in commercial. Mr. Ihlein said that a rule of thumb is that the taller the building, the greater the setback. Setbacks are measured from the centerline of the Right of Way (ROW).

Ms. MacDonald recommends a maximum from setback. After discussion, the LPC recommends the following setbacks in VMU and DT Districts:

Setback – Front (Min/Max) = 10’ minimum; compatibility overlay would resolve setback issues in these districts.

Setback – Side (Min) = 5’

Setback – Rear (Min) = 15’

Part 6 Discussion

Table 6-2, Industrial Zoning District (I)

Vegetative Coverage – 20%.

Table 6-3, Industrial Municipal Zoning District (IM)

District name for this table needs to be changed to “Commercial General” or “CG”

Vegetative Coverage – 25%.

Table 6-5, XXX Zoning District

Should become “Office” or “OFF”

Vegetative Coverage – 30%.

Currently the Industrial District in the existing ordinance is 15’ off any street.

LPC recommends holding discussion on remaining setback requirements until Mr. Knarr can complete the tables for those districts that are currently excluded from the draft zoning ordinance.

Other Business

The expectation for the November 10, 2011 joint meeting is that Mr. Knarr will present an overview of recommended changes to the Borough Council. LPC members will be present to answer questions.

Mr. Ihlein will post a notice on the door of the Borough Hall informing the public that the LPC's regularly-scheduled meeting on November 8, 2011 has been moved to November 11, 2011.

Ms. Byrem motioned to adjourn and Mr. Bank seconded. All in favor.

The meeting adjourned at 9:10 pm.

**Minutes Prepared by
Andrea L. MacDonald
Vice Chair & Acting Secretary
Lemoyne Planning Commission**