

Myerstown, PA  
Monday, July 11, 2016

Vice President Michael D. Behm called the planning meeting of the Myerstown Borough Council to order at 6:30 p.m., on Monday, July 11, 2016. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

A roll call was taken. Present were: Vice President Michael D. Behm, Councilmembers Vince Podolski, Eric Powell, Jeffrey L. Thomas, Mayor Gloria R. Ebling, Solicitor Frederick S. Wolf, Planning Commission Member Nancy Kirsch, Assistant Manager Barry A. Ludwig and Manager Christopher J. Moonis. Absent were: President Bryan L. Rittle, President Pro Tem Park W. Haverstick, II, and Councilmember Dana Reich.

No minutes of past meetings were presented for approval at this planning meeting and no action was taken on any minutes.

The Manager stated the planning session is being held to talk with Consultant Charlie Schmehl from URDC (Urban Research and Development Corporation) about the new Zoning Ordinance and map. The Vice President turned the discussion over to Mr. Schmehl. A Discussion Guide was provided. Following introductions, Mr. Schmehl explained how the process will work. He will be meeting with staff to go over technical aspects. Then he will come back to tonight's group to meet for the policy matters on a regular basis.

Charlie Schmehl started with Zoning. Zoning divides the Borough into different Zoning Districts. Different Zoning Districts allow different types of development. Some are low density residential, some are high density residential, some allow apartments, some allow commercial uses, and some allow industrial and institutional uses.

A Zoning Ordinance, in addition to regulating the uses of land and the uses of buildings, also regulates the heights and sizes of signs, and the amount of parking required; It addresses environmental issues such as flood prone matters, and it can address historic preservation. It is primarily addressing development, redevelopment, and usage of buildings. It will determine if a building may be demolished, build new, converted into commercial businesses or apartments. All these decisions have to be made in advance in the Zoning Ordinance.

If someone wants a variance to the Zoning Ordinance, they can apply to the Zoning Hearing Board. A variance is only supposed to be granted if they prove hardship. Zoning is supposed to set the rules in advance for everyone. You can change or amend Zoning rules over time, but it is to be a set of rules that considers all of the aspects and works together. You try to look at things comprehensively as opposed to each individual lot. By doing your homework in advance and bringing your Zoning Ordinance up to date, you can help to avoid legal challenges against the Zoning Ordinance, and avoid extra meetings. If you spend the time now thinking things through, deciding what you want, putting it all down in a rational manor, it will save you work and expenses.

The last time the Borough Zoning Ordinance was comprehensively updated was in 1979. Lebanon County has the Subdivision Ordinance. A Subdivision Ordinance is an engineering oriented ordinance; which is not proposed to change at this time. The Borough previously adopted a Mini Comprehensive Plan. The Comprehensive Plan is intended to set overall policy for the town. The intent is to describe what the zoning should include.

Charlie Schmehl reviewed some terminology he felt everyone should understand. In different Zoning Districts, there are ways things can be addressed. Example, if the Borough was trying to decide how to address funeral homes in a certain zoning district. First, you can make that a permitted by right use, where they just come into the Borough Zoning Officer, get a zoning permit and they have met the Zoning Ordinance. Second, if a matter is more complex, it is a special exception use, with the zoning approved by the Zoning Hearing Board. Third, is a conditional use, with the zoning approval by the Borough Council.

Nonconformities, anything that exists legal today continues to be legal. There are normally some rules that would apply. Example, if the use was not legal when it started, it has no right to continue. Having a Home Occupation was discussed. Mr. Schmehl stated under the Pennsylvania State Law we are required to allow everyone to have small home based business. Beyond that, the Borough gets to decide what other types of home based businesses you want to allow or not allow, but there are certain minimum standards State-wide you must allow.

Councilmember Dana Reich entered the meeting at 6:46 p.m.

The Manager asked if Charlie Schmehl can give the group a time line for the whole process. Charlie Schmehl stated a minimum of two (2) public meetings must be held, the Borough and the Lebanon County Planning Commission must review. As well as certain procedure requirements that will have to be met. Best case, we are done in nine (9) months.

The Borough Planning Commission Chairman, James Yiengst entered the meeting at 6:51 p.m.

Charlie Schmehl stated what the Borough Comprehensive Plan had is a set of objectives and goals that were written for that plan. Are there any overall objectives, any great opportunities or concerns you want him to consider when putting together the Zoning Ordinance. What does the group want to come out of this process?

The Manager stated he has heard from this group since he has been here, that Myerstown has minded the store for the last twenty (20) years. They see the amount of transit people increasing and home ownership decreasing. We are trying to find ways to revitalize and enhance the downtown area. Last year the C-1 District was changed to make it modern and to allow more uses than in 1979, making it builder friendly. We are trying to reduce barriers for business to startup and we want young people to not let their parents' homes be sold off to landlords. We want to make the Borough attractive in every way possible, to attract younger families; to want to live here. The Borough is well positioned between, Lebanon, Lititz, Lancaster and Reading for families to come here to live, work and play.

In the C-1 District, the Borough would like to encourage the store fronts to remain and old store fronts reconverted back to store fronts and not apartments. The Manager stated in the C-1 District we are trying to incentivize owners to have apartments placed on the upper floors of the building and stores on the lower level.

Tenancy, Group Homes, and Boarding House requirements under Federal Laws were discussed. The Borough cannot control whether a property is rented or owner occupied, but we can control the number of unrelated persons living in a house before it becomes a boarding house. The Manager stated concerns have been raised regarding Boarding Houses and Group Homes. The Council has expressed trying to limit the number of Group Homes, Section Eight Housing and Boarding Houses. Is there a way within the Zoning Ordinance to legally regulate?

Charlie Schmehl stated he will address these one at a time. 1.) Boarding Houses, you can very strictly regulate. You can limit them to one district, which is the Commercial District. 2.) You can very strictly regulate Criminal Halfway Houses, places where people go to after coming out of prison. You can limit them to one district. 3.) You have no control over subsidized housing. Because much of the housing is vouchers, you will not even know where the units are. Once someone receives a voucher, they can take them to any town they want. 4.) Group Homes, are a very complex legal issue. This area will be worked on in conjunction with the Borough Solicitor. Generally, common types of housing for persons with disabilities or drug and alcohol treatment centers have to be allowed anywhere in town under Federal Law.

The Manager asked about Rental Inspection Programs. Mr. Schmehl stated they can work very well, but they are labor intensive. The goal of the Rental Inspection Ordinance is to get the bad landlords to fix up their properties or sell them to someone who will fix them up.

The Vice President stated Council wants to beautify the town, they want to have a reason for people to come into town and not just drive through it. Charlie Schmehl stated the group may want to think about is it more viable to promote College Street as a business corridor than Main Avenue. Just because of the traffic volume and extend that through Main Avenue. There may be more success on College Street due to more visibility and through traffic. The key is to only allow types of businesses that fit in well with housing. You want businesses that make good neighbors. You want to separate out the heavy commercial uses, you want them out on the highway, not Main Avenue. You do not want a residential block and people feel forced out because of a commercial business that came into the Borough. This is why public meetings are needed for this type of discussion.

A non-conforming business is a hassle for the Borough and for property owners. If we can reduce the non-conformities it will be easier for everyone. Businesses should be in a business district. We have a general goal of avoiding over regulation of routine changes. The typical thing the average homeowner wants

to do, should be easy to do. It should be easy to build an addition, easy to place a pool, easy to put up a fence. We are trying to adhere the Zoning Ordinance to things that are problematic and trying to avoid too much problem for the average homeowner and small business person.

Charlie Schmehl reviewed Zoning Districts. Complicating the issue; the Mini Comprehensive Plan proposes different Zoning Districts than the Boroughs current Zoning does. There are some different terminologies which Charlie Schmehl will explain. Using two (2) maps included in the guide, the group looked at part of the town to try to decide what will be the best use and what fits there. First, we have R-1 Low Density Residential District, which is single family only - one (1) house on one (1) lot. Many parts of the town right now only allows single detached houses. The Comprehensive Plan recommended allowing other housing types in additional parts of town than the current Zoning. The plan recommended increased density and more types of housing. It recommended shrinking the area that only allowed singles. The economic reality is people cannot afford single family detached houses. They are more expensive to build. The improvements costs are higher. There could be push back from the community used to living in a neighborhood that has been all single family homes. That is why this group is essential to help decide what fits where.

The Comprehensive Plan on the future plan recommended a smaller area. The East side of town towards Carpenter and the Northeast end of town were the only recommended areas for the low density.

The big change is the Wenger farm which is proposed to be more dense. It is the biggest piece of undeveloped land in the Borough. The question is, what do you want to see happen on that Wenger farm? The Manager stated currently part of it is located in R-1 and part is in C-3 - neighborhood commercial. It is our job to look at what the Borough wants in the future. The Comprehensive Plan put that in the old town category, which is proposing to allow all types of housing and up to twenty (20) houses per acre. Charlie Schmehl feels that is too dense. The plan can be changed to come to a happy medium between the current zoning which limits to three (3) homes per acre and the comprehensive plan is five (5) to twenty (20) homes per acre. There could be a minimum tract size for twin and townhouses so they could not be built on a small area in the middle of single detached houses. The Manager asked if we can set design standard for townhouses. Charlie Schmehl stated some design standards are the layout. We cannot change construction code. We cannot write in architectural regulations into a Zoning Ordinance, we do not have the authority to do that.

The first big question for the group is, where do you want to allow different types of housing? Where do you want to allow apartments, and townhouses? The Manager asked how do you balance what is in the comp plan to what they think they want to see now. How much credence do they give to the mini comp plan as they make their decisions today? Charlie Schmehl stated there are two (2) standards in the Planning Code. One says, the Zoning Ordinance is to be consistent with your Comprehensive Plan. The second says, no action of the Borough can be legally challenged based upon what is in the Comprehensive Plan. No one can use your comprehensive plan against you.

In the Old Town area, how easy or hard do you want it to be to build apartment buildings? Currently, they are not allowed in most areas. They are recommending singles, twins and townhouses. So Charlie Schmehl stated he is hearing the Borough does not want to make it easy to build apartments in this area. Parking issues were discussed. Any new housing has to have their own off street parking or they cannot do the development.

The next area for discussion is the length of Main Avenue and College Street. Traditional mixed neighborhood is in the comprehensive plan. The plan shows a mix of housing and small businesses that would make good neighbors for the housing, like barber shops, bed and breakfasts, daycare center and offices. Very limited like businesses and housing in this area.

Next is downtown, the Borough did do an update to that district and is now being called Town Center. They are suggesting expanding the downtown by a few blocks. The idea of a Town Center downtown is to be a little more permissive on height. You would not require a lot of parking for businesses in existing buildings. You would allow for pedestrian oriented commercial businesses. Things like retail sales, office, personal services uses. You would not allow for gas stations, auto repair, and auto sales. Those type of businesses fit better along Route 422. Charlie Schmehl is recommending a maximum of five (5) story buildings in the downtown. The Manager stated being land locked most people do not think about building up. In small urban centers there are developers that will build up. There is a market for this in a lot of towns.

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Next, General Commercial which is the 422 corridor. This is where the car washers, fast food restaurants, auto sales, and convenience stores would be located. Currently, there are some lots along 422 that are still residentially zoned. There are small houses that are occupied or converted into small businesses/offices.

This area could be designated a Neighborhood Commercial District. This would allow small businesses there but would not force anyone to move out of their home. The Northern area along Route 501 could be zoned commercial to allow for businesses. Charlie Schmehl is recommending the former shirt factory building area be a General Commercial District. That could continue to allow industrial use. This is currently residential zoned.

Charlie Schmehl is recommending the Industrial District remain but the Borough needs to decide what types of industries make sense. He is suggesting separating it into two (2) pieces, there should be an area for the heaviest industries. He is recommending taking the piece on the far East end and make that the General Industrial District and make the rest of it would be a regular Industrial District.

The Comprehensive Plan recommends the parks, churches, retirement communities, and cemeteries be placed in a district, which he is calling Community Facility. The Tulpehocken Creek corridor would be a designated a Conservation District. New buildings are not allowed in the floodway, but would the Borough want any new construction in the flood fringe area.

The Manager discussed the area where the Public Works building is located. He feels the property is located in a prime commercial development area. Having a Public Works building there is taking up good space. He does not have a solution, but would like the Council to consider another location for a Public Works building as well as adapted reuse of the softball field. The area could be a mixed use commercial development area.

Charlie Schmehl stated he will take the information from tonight, make the revisions, and bring it back for further discussion for the Planning Session on Monday, August 8, 2016 at 6:30 p.m.

The Vice President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Eric L. Powell, seconded by Vince Podolski, to adjourn the meeting at 8:10 p.m. All those in favor: Motion unanimously carried.

Respectfully submitted by,  
Christopher J. Moonis, Manager/Secretary

As transcribed by,  
Lisa A. Brubaker, Deputy Secretary

CJM:lab