

Myerstown, PA
Monday, November 7, 2016

Vice President Michael D. Behm called the planning/budget meeting of the Myerstown Borough Council to order at 6:31 p.m., on Monday, November 7, 2016. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

Following the Pledge of Allegiance, a roll call was taken. Present were: Vice President Michael D. Behm, Councilmembers Eric L. Powell, Jeffrey L. Thomas, Dana Reich, Economic Development Manager Michael McKenna, Deputy Secretary Lisa A. Brubaker, and Manager Christopher J. Moonis. Absent were: President Bryan L. Rittle, President Pro Tem Park W. Haverstick, II, Councilmembers Vince Podolski, Mayor Gloria R. Ebling, and Assistant Manager Barry A. Ludwig.

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

There were no visitors present.

The Vice President proceeded to the agendas order of the business:

Vice President Behm turned the discussion over to Consultant Charlie Schmehl from URDC (Urban Research and Development Corporation) for the Zoning Ordinance and Map update. Charlie Schmehl stated at the last meeting, the group went through the Zoning Districts and the proposed land uses in each district.

Charlie Schmehl stated we will be reviewing the Additional Requirements for Specific Uses tonight. He would also like to discuss buildings that should be included on the historic building list. Charlie Schmehl asked what buildings would the Borough want to see saved?

Vice President Behm asked what constitutes a historic building? Charlie Schmehl stated the Planning Code gives the Borough the authority to decide what is important. Usually, you start with all the old buildings and then narrow it down. Not everything that is old is worth regulating.

Councilmember Dana Reich drew attention to the Heritage Trail Map that was provided in the Borough Council packets for their regular monthly meeting tomorrow night. That map shows 36 places of historic significance in the Borough. Charlie Schmehl stated this is a good starting point.

Charlie Schmehl started reviewing Part 6 - Additional Requirements for Specific Uses packet. Charlie Schmehl stated he is going to review some of the policy questions. He wants to group to be aware of the big issues.

Adult Use - this includes adult stores, adult movie theaters, massage parlors, or adult live entertainment facilities. Must have someplace for them, but you can regulate them very strictly. The use is proposed in the General Industrial District. There are large setbacks from houses, churches and playgrounds and they cannot be opened past mid-night for the adult use. Charlie Schmehl stated this is the standard way to regulate adult uses. You limit it to one part of the community, use lots of setbacks, and limit their location to where it has the minimal impacts on the community.

After Hours Club - they can be a real problem. They mainly have people coming into drink from 2:00 a.m. to 4:00 a.m. The State Law very strictly regulates this use.

Animal Daycare – is becoming a growing industry. The main thing here is setbacks, especially if the building is not soundproof.

Auto Repair Garage – the main intent here is to avoid them from becoming junk yards. Where there are a lot of cars just sitting around that are not being actively worked on and or past the point of repair so there are controls on this type of use. The group discussed a local business with this type of concern. There is a lot of work being done and is busy, but there are a lot cars all the time.

Auto Service Station – gas stations, we have some of the same provisions to make sure they do not become junk yard as well.

Bed and Breakfast Inn – this would be allowed in some of the Residential Districts and Commercial Districts. If in a Residential District you could rent 5 units. If in a Commercial District there is no limit on the number of rooms you could rent. The main thing here is it must have a residential appearance.

Boarding House – generally recommend being tough on boarding houses. You are trying to control transiency. They are proposed in one of the business districts, but they are not easy to do.

President Pro Tem Park W. Haverstick, II entered the meeting at 6:50 p.m.

Crematorium – the modern facilities are not nuisance prone, but people are still uncomfortable with having them next to their home. In the zoning, they are limited. Having larger setbacks and larger lot sizes required.

Commercial Communication Towers – the Manager stated the Water Authority has agreed to place a communication tower on top of the water tower, but the borough still would like the option for the borough building. Charlie Schmehl stated the way it works in most communities is there tough on building new towers but easy on putting antennas up. You make it easy to put on top of a tall building.

Charlie Schmehl stated the Borough will be exempt because of municipal use. Mini call towers were discussed. Charlie Schmehl stated if something is in the right-a-way, they are not controlled through zoning. The Borough has the right to control its own utilities poles, but it is not a zoning issue in the right-a-way. The Manager stated the Borough Solicitor is working on this issue.

Conversions – the main goal is to try to keep single family homes as single family homes.

Criminal Halfway Houses – this is regulated very strictly. It would require a Special Exception and would go to the Zoning Hearing Board for approval and whether there needs to be any conditions upon the use.

Child Day Care – talks about the drop off parking spaces, outdoor fencing, play areas, and can be done as part of a church.

Forestry – the borough does not have a lot of woodland, but there must be provisions under state law that address forestry.

Group Homes – are usually a house that is rented out to a company or organization that houses 3 to 4 people and a supervisor. Persons will have some type of disability. We are required to treat this the same way we treat a house of family members. We are not allowed to discriminate against them under federal law.

Charlie Schmehl stated there are some provisions. They have to provide adequate supervision, state exactly what they will be doing in the borough, they cannot have large staff meetings at the facility. The goal is to meet the requirements under federal law. Alcohol and drug treatment facilities will be treated differently. Criminal Halfway Houses are not under this provision.

Junk Yards – the main goal is fire access, fencing, landscaping, and requirements for draining gasoline and anti-freeze. Charlie Schmehl stated these are permitted by Special Exception in the General Industrial District.

Kennels – if the building is soundproof, you do not need as large of a setback. The modern facilities are soundproof and air conditioned and not much of a problem. Older facilities are open air and that is when you have more of the noise problems and those would require larger setbacks. Charlie Schmehl stated these are permitted by Special Exception in the General Business District and both Industrial Districts.

The Manager questioned where you can grow medical marijuana. Charlie Schmehl stated it is allowed in both Industrial Districts to allow indoor growing of medical marijuana by a licensed processor. The Borough can only regulate where a facility is placed, not who gets the licenses the state issues that.

Live Work Units – is where you have flexible space. The person can operate a business on the first floor and live upstairs. It is more flexible than home occupation. This is permitted in the Central Business District, Traditional Mixed Neighborhood and Town Center Districts.

Livestock – state law limits what you can do, but we do have required setbacks from residential areas.

Medical Marijuana Dispenser – the state has set up some setbacks. We have some limits on hours of operation and we they have to prove to the Zoning Hearing Board there will be sufficient security.

Medical Marijuana Grower/Processor – these are mainly indoor operations. They have to prove to the Zoning Hearing Board adequate security.

Mineral Extraction – there are setbacks from houses, and buffer areas. The Borough does not have the land for a quarry, but still has to provide provisions.

Mobile Homes – the main goal is to not allow the oldest units because they are fire hazards. The provision calls for a base around the unit that looks like a site built home.

Places of Worship – includes churches. There is a minimum lot size of a half an acre in Residential Districts. The goal is so we do not get an individual house converted into a church.

Recycling Collection Center – there are some limits so it does not become an industrial use.

Schools – there is a 1 acre lot size required, so someone does not try to convert an individual house in a Residential District into a charter school.

Self-Storage Facility – there are some limits on types for things that can be stored. We want to make sure it does not become an auto repair garage and requires buffer landscaping.

Solid Waste Transfer Facility – this is limited to the General Industrial District and we have standards in case someone proposes it.

Swimming Pools (Non-household) – this is for a swim club or public pool. The Borough pool is exempt.

The Manager explained the Borough has an inquiry if an Amish family may have a horse on their property if they move into town. Charlie Schmehl stated there is a requirement of 1 acre per horse and the barn shall be 100 feet from any lot line. The Manager stated the Solicitor is also reviewing the law.

Treatment Center – this is a drug or alcohol treatment center. Requires a Special Exception Use from the Zoning Hearing Board and they can decide if there is any need for any conditions on the approval. This would be placed if approved in the General Industrial Business District.

Wind Turbines – being recommended you can have an individual turbine if you have enough land. It would need a setback equal to height. A turbine requires a large amount of height to get any type of productive wind. In most cases you would need an acre lot to put up an effective turbine in a backyard. For multiple wind turbines you are limited to the Industrial Districts.

Day Care as Accessory to a Dwelling – this is a growing industry, a lot of people are looking to run day cares out of their homes. The state has standards for different sizes of day cares. 1 to 3 children is basically considered babysitting and no regulations. 4 to 6 children has its own standards and 7 to 12 children has its own standards. Charlie Schmehl stated prior the group did not want 7 to 12 children day cares allowed in the Residential District.

Drive-through Lanes – the main goal is to have enough room for traffic to back up without backing up into the street.

Fences and Walls – most communities want in the front yards, they want open style fences. A corner lot is more complex. On a corner lot, a fence shall meet the same height requirement along both streets and behind the house.

Food Trucks - they are popular but can be problematic because they draw business away from the permanent restaurants. They skim off the profitable hours. They make it hard for people to run a restaurant because their costs are lower, they do not pay taxes, or provide any public utilities. The proposal is to be restrictive on food trucks. Charlie Schmehl stated now if there is a festival that is a different issue.

Outdoor Furnaces – this is an issue because an outdoor furnace can be very smoky, so setbacks are the main goal.

Garage Sales – in the Residential District, it is being proposed to limit them to 8 days per year. Signage would be limited to 2 signs at 2 square feet each.

Home Occupations – these are small home based businesses. The routine types are permitted by right, other types go to the Zoning Hearing Board for approval.

Outdoor Storage – the primary concern is tires, you want to regulate tires because they are a fire hazard.

Pets – the proposal has chickens are allowed on a 1 acre lot. The Manager stated no chickens are allowed in the Borough, as well as hogs. Charlie Schmehl stated you have to allow normal farming operations. The Manager stated normal farming operations is not having a pet chicken in your yard. This is an issue and a problem for the Borough. This is an urban community. The Manager stated this area needs more work.

Truck Parking – allows smaller trucks like a tow truck, a typical contractor's truck, but does not allow parking of a heavy duty dump truck or track trailer trucks on the streets in a Residential District. The Borough does have an Ordinance for recreational parking and trailers. No unhitched trailer may be left on the street.

Sidewalk Café – the sidewalk must be kept free and clear for ADA compliance, it may not operate late night, and has to remove everything if the Borough finds you in violation.

Unit for Care of Relatives - this is an in-law unit, someone has a family member who needs supervision but can live semi-independently. It has to be designed that when that relative is on longer living with you it becomes part of your house again. It cannot be made into a separate rental unit once the relative

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is no longer living there. It gives people the ability to make the changes so they can take care of their relative in their home, but we do not want to end up with a permanent second unit.

Councilmember Jeffrey L. Thomas asked about GEO Thermal Heat. Councilmember Park W. Haverstick, II explained the different types of GEO systems. It would be difficult to place a GEO system in town. Charlie Schmehl stated this not something covered by Zoning because it is an underground system.

Historic Preservation – the goal is you have a process if someone wants to demolish an important building in the Borough. The owner would need to show a valid reason for the demolition, and it would go to the Borough Council for approval. Charlie Schmehl stated the issue is what would the community like to have some control over if demolition is proposed. It doesn't have to be something that had an important event happen in it, but something that really adds to the character of the community.

Charlie Schmehl stated that is all he has for tonight. Are there any question or comments. Charlie Schmehl stated the homework for the next meeting is to review Part 14 – Administration.

Charlie Schmehl asked if we want to schedule the next meeting date. The next meeting will be Monday, December 12, 2016 at 6:30 p.m.

The meeting is also being held to prepare and review the 2017 budgets for the Borough. The Borough Manager led the review. Employee performance evaluations and proposed wages were discussed. The General Fund is proposing a .5 mill increase to the Real Estate Tax and the addition of a .26 mill Street Light Tax. There are no changes to the wastewater rate for 2017.

The Manager noted there are some updates in the General Operating Fund, which he reviewed. The Manager stated the EIP I (Early Intervention Program) Study stated the Borough will need to do incremental tax increases in order to keep up with the pace or cost of doing business. The proposed budgets will be introduced at the regular monthly meeting tomorrow evening.

The Vice President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Park W. Haverstick, II, seconded by Dana Reich, to adjourn the meeting at 8:45 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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