

Myerstown, PA
Monday, February 13, 2017

President Bryan L. Rittle called the planning meeting of the Myerstown Borough Council to order at 6:32 p.m., on Monday, February 13, 2017. 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: President Bryan L. Rittle, Vice President Michael D. Behm, President Pro Tem Park W. Haverstick, II, Councilmembers Vince Podolski, Jeffrey L. Thomas, Mayor Gloria R. Ebling, Economic Development Manager Michael McKenna, Deputy Secretary Lisa A. Brubaker, Assistant Manager Barry A. Ludwig. Absent were: Councilmembers Eric L. Powell, Dana Reich and Manager Christopher J. Moonis.

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

The President proceeded to the agendas order of the business:

President Rittle 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 he has a summary of the Ordinance and a one correction sheet for review.

Charlie Schmehl stated he would like to review the next steps in the process and hear any comments or questions the group may have.

Councilmember Eric L. Powell entered the meeting at 6:34 p.m.

Charlie Schmehl reviewed the next steps: 1.) Send the draft ordinance to Lebanon County Planning Department for their review and comments. The county has to be given forty five days to review the ordinance. By court decision, the county has to see the final wording of the ordinance before it can be adopted. So for that reason, it is good to do an early review by the county. Hear what the county has to say, incorporate changes or comments, and then send back the final wording for them to review.

Charlie Schmehl stated if we send it to Lebanon County Planning Department we are not saying this is the final version, but please provide to the borough comments or concerns so we can respond to them.

2.) The Planning Code requires two public meetings, one by the Borough Planning Commission and one by Borough Council.

3.) After the public meetings, then the ordinance can be adopted at any time.

Charlie Schmehl stated he would like to go over any outstanding issues. He stated the group may need one more work session before public meetings are held.

Charlie Schmehl asked if anyone had any questions, comments or concerns before he started his review. Seeing none he proceeded.

Charlie Schmehl stated a lot of the draft ordinance has been gone over with the group at prior meetings. There is a Table of Contents, Summary of Use, and Using the Ordinance, provided in the opening pages of the ordinance.

Charlie Schmehl stated a list of the districts and abbreviations is enclosed. The ordinance provides Tables showing the districts and the proposed uses allowed in each zoning district. First, are the residential districts, second, are the business districts. The abbreviations for the districts were reviewed.

Charlie Schmehl stated the ordinance proposes limits on hours of operations of businesses in the Traditional Mixed Neighborhood District. This district is mainly housing, but does allow for smaller, less intense types of businesses that fit in well with housing. We are trying to limit the impact in residential areas.

Charlie Schmehl stated Age-Qualified Housing is all housing is limited to persons age fifty-five and older with no resident under age eighteen, except if they are visiting for a short period of time. Designed for retirement communities.

Charlie Schmehl stated Dimensional Requirements are a new item for review. The dimensions outline what the density's requirements are, what the lot sizes are, and what the height requirements are in the different districts, which are summarized in the summary.

Charlie Schmehl stated Old Town is where most people live. One change was, to have new buildings built closer to the roadway to stay consistent with what currently exists in town. By having people build closer to the street, we have more usage of rear yard space, which is usually what homeowners want.

Charlie Schmehl stated Traditional Mixed Neighborhood is a mix of different housing types plus low intensity businesses that fit in good with housing. The lot sizes in this area are fairly small and the setbacks are small which was taken into consideration for this district.

Charlie Schmehl stated the Borough Comprehensive Plan addresses having new buildings fit in with the older character of town. We want people to build an urban setting. You want people to walk store to store and actively walk the streets.

Charlie Schmehl stated next is Additional Requirements for Specific Uses. These are for adult uses. If these are proposed, the applicant has to comply with the additional regulations. Many things in this proposed Zoning Ordinance the Borough may never use, but it is here to protect you in case someone proposes something.

Charlie Schmehl stated for example, if someone proposes a trash transfer station, the Borough has regulations to handle it. The problem with zoning is, once someone applies the ordinances are frozen. You are stuck with whatever regulations were in place at the time of the application. So that is why you do your homework in advance and have regulations to deal with all the potential troublesome things someone may propose in the future.

Charlie Schmehl stated the other thing about zoning is, if you do not say it, it is not allowed. So you have to list everything we can think of or it is prohibited. If you do not say a sign is allowed, it is prohibited. If you do not say a type of industry is allowed, it is prohibited. That is just the way zoning works. It makes things wordy, but that is what we have to live with.

Charlie Schmehl stated a new area for discussion is Design Standards. In the Comprehensive Plan, it talks about design standards. The goal is to have certain things fit in with the older character of the town and the older neighborhoods. Some things are standards, they are mandatory and somethings are guidelines, they are recommended. The difference is the word shall or should. If it is shall, it is mandatory. If it is should, it is a guideline, you may ask for but you cannot require it be done.

Charlie Schmehl stated previously the group discussed Demolition/Historic Preservation. This is not a full scale historic preservation. The goal is to control and limit demolition. The Lebanon County Heritage Trail Map listed 36 places of historic significance in the Borough. You can add or delete properties from the list but this list was used as a guideline for the ordinance.

Charlie Schmehl stated the goal is if someone wants to demolish one of these building they would need to come to the Borough Zoning Hearing Board to prove there is a need for the demolition.

Councilmember Haverstick asked what if one of the buildings on the list is borough owned and the Council decides to demolish it? Charlie Schmehl stated you can amend the list or remove it now before the ordinance is approved. There is also an exemption for the borough. There is a provision stating for public purposes the Borough is exempt from the Zoning Ordinance. Charlie Schmehl stated you may want to remove it from the list now. The Council would like 301 S. Railroad Street removed.

Charlie Schmehl stated next is Floodplain Regulations. This is a technical part of the ordinance. The Federal Government mandates, and you have very little control over what it says. They are very definitive about how it must be worded.

Charlie Schmehl stated the main provision is no building is allowed in the main flood channel. You can do construction in the flood fringe which is outside of the main flood channel, but you need to elevate buildings or non-residential buildings can be flood proofed. The one option was the freeboard. The freeboard is how high the lowest level of a building is built above the 100-year flood level.

Charlie Schmehl stated if you have the buildings elevated above the flood level, the Borough may be able to get lower flood insurance rates for everybody. Then whoever owns and builds that building will get lower flood insurance rates. The provision goes from 1.5 feet to 2.5 feet. It is not a huge difference but should help with flood insurance over the years. So, if someone is building a new building or doing a substantial improvement where they are doing more than 50% of the value of the property, they would be required to elevate another foot.

Charlie Schmehl stated the vertical height is a mandatory standard. The setbacks for buildings from the creek are from the top of the bank, there can be no principle buildings within 25 feet.

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Charlie Schmehl stated noise was discussed and the group did want some noise standards in the ordinance. The provision is more restricted if the noise is heard at night from a house then if the noise is during the daytime or heard by a business.

Charlie Schmehl stated there is nothing new on parking.

Charlie Schmehl stated signs are a new section for review. One of the downfalls with signs is, based on a U.S. Supreme Court Case finding, you must treat many different types of signs in a similar fashion. Political signs can be a problem. Political signs are temporary, but we cannot force or limit the number of days they are placed before an election. You can make them take them down after the election, but we cannot limit before the election. Charlie Schmehl stated we are not required to allow them to place political signs on public land. The provision states the signs may not be placed in public parks or borough owned land or the public street right-a-way.

Charlie Schmehl reviewed the main sign provisions. In the Residential District, you can have a 40-square foot sign for a school, church, cemetery, or similar non-residential use that is allowed in a residential district. Charlie Schmehl stated then you have the General Business and Industrial Districts. There you can have signs that are 20 feet high and 60 square feet of sign area for a free-standing sign. You may have a bigger sign if you have more businesses. So, if you have more than one business on one property you may have a bigger sign that increases with each additional business.

Charlie Schmehl stated in the Town Center you can have a 40 square feet free-standing sign. Window signs are not restricted. In the downtown area, you can place a sign that extends perpendicular from the building. These signs are important downtown because the buildings are close to the road and you cannot see the signs that are attached to the building and you do not have room for a pole mounted sign. So, having a building sign that extends perpendicular from the building increases the visibility of the business in the downtown.

Charlie Schmehl stated Sandwich boards will also be allowed in the downtown areas. The sign is normally no larger than 5 feet tall and is on the sidewalk adjacent to the building and is taken inside each night. We are trying to allow the common types of signs but also trying to control signs that are just too big for the site or too tall for the site or too brightly light for the site.

Charlie Schmehl stated there is a provision for miscellaneous signs like contractor signs. We are trying to capture all the routine types of signs, because if we do not list it, it is not allowed. There is also a special sale sign, this is intended for a temporary banner for a special sale or grand opening.

Charlie Schmehl stated signs cannot move to attract attention. You cannot have any flashing signs and there is a lighting standard. Digital signs, signs cannot change more than once every 8 seconds, except if it is bigger than 50 square feet, then it can change once every 20 seconds. The reason is to try to avoid video displays on signs. The signs with video movement are the most distracting signs for motorists. We are trying to give flexibility to businesses but trying to minimize distractions to motorist so they are not looking off the road. Eyes do naturally attract to movement. No glare or hazard to motorists.

Charlie Schmehl stated for wall signs you can do 2 square feet for every foot of building length. This is designed to be easy to calculate.

Charlie Schmehl stated billboards are limited to the General Business District. They are limited to medium billboards of 300 square feet. Billboards must have a separation distance of 500 feet apart.

Charlie Schmehl stated at the last meeting, General Regulations are discussed. One of the changes was to not require a landscaped buffer yard in the downtown area and that change has been made.

Charlie Schmehl stated also at the last meeting it was asked to make it easier to expand a non-conformity building. Non-conforming is something that does not meet the current standards of the Ordinance, but was legal when it went in the first time. The question was asked if you can you continue the setback and build an addition on to the building that is no more intrusive to what is already there, just longer. That language has been included.

Councilmember Haverstick stated we are in an ageing infrastructure. Some older buildings in town and may not structurally last forever. If you have a house and for some reason the owner wanted to tear down the building and rebuild it, could you under the Zoning Ordinance or would it require a variance to use the same footprint.

Charlie Schmehl stated if it burned down you certainly could. If you build anything new, you have to meet the construction codes. Councilmember Haverstick stated the setbacks are the issue. A lot of buildings only have 2 or 3 feet between buildings. Charlie Schmehl stated that is a bigger question. Can someone

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voluntarily rebuild what they have? Currently the draft ordinance does not say that, but it could.

Charlie Schmehl stated it can be added by right, as long as it is on the same footprint or smaller- less intrusive. You could not do anything that was more non-conforming. This would be a good addition to the ordinance. It would make it easier to replace deteriorated buildings.

Charlie Schmehl stated that is all he has for tonight and they will make the revisions from tonight. He is suggesting one more workshop meeting to get ready for the public meetings. He would like the Council to approve for him to send the draft to Lebanon County Planning Department so we get their initial comments. A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to approve URDC (Urban Research and Development Corporation) to send Lebanon County Planning Department the draft copy of the Zoning Ordinance. All those in favor: Motion unanimously carried.

Charlie Schmehl asked if we want to schedule the next meeting date. The next meeting will be Monday, April 10, 2017 at 6:30 p.m.

The Borough Council recessed the planning meeting and entered into Executive Session at 7:39 p.m. to discuss personnel and real estate litigation.

The Borough Council returned from Executive Session at 8:27 p.m. reconvening the planning session and resumed consideration of and action on the planning meeting agenda.

The 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 Jeffrey L. Thomas, to adjourn the meeting at 8:28 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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