

Myerstown, PA  
Monday, May 15, 2017

An Open House was held from 6:30 p.m. to 7:00 p.m. Vice Chairman Gloria R. Ebling called the advertised special meeting of the Myerstown Borough Planning Commission to order at 7:00 p.m., on Monday, May 15, 2017. The meeting was held in the auditorium of the Myerstown Government & Business Center, 101 South Railroad Street, Myerstown, PA 17067.

A moment of silence was held for the recent passing of Chairman James H. Yiengst.

Following the Pledge of Allegiance, a roll call was taken. Present were: Vice Chairman Gloria R. Ebling, Members Michael D. Behm, Nancy Kirsch, and Solicitor Thomas Harlan.

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

Solicitor Harlan announced with the passing of James Yiengst, the Commission will need to hold an organizational meeting to set officers.

The Solicitor proceeded to the nomination of officers:

The Solicitor asked for nominations for the office of Chairman. A motion was made by Michael D. Behm, seconded by Nancy Kirsch, to nominate Gloria R. Ebling for Chairman. There were no other nominations. All those in favor: Motion unanimously carried.

The Solicitor asked for nominations for Vice Chairman. A motion was made by Gloria R. Ebling, seconded by Nancy Kirsch, to nominate Michael D. Behm for Vice Chairman. There were no other nominations. All those in favor: Motion unanimously carried.

The Solicitor asked for nominations for Secretary. A motion was made by Michael D. Behm, seconded by Gloria R. Ebling, to nominate Nancy Kirsch for Secretary. There were no other nominations. All those in favor: Motion unanimously carried.

The Solicitor proceeded to the agenda's order of the business and 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 been working with the Borough Council and staff on the proposed Zoning Ordinance. The proposed Ordinance is based upon the Boroughs Mini-Comprehensive Plan. This project has been funded with a state grant. The code requires two public meetings before adoption. The one here tonight with the Borough Planning Commission and then one next Monday, May 22, 2017 with the Borough Council, same time and place as tonight.

Charlie Schmehl gave the following presentation:

Overview:

The draft Zoning Ordinance:

- Is based upon a Mini-Comprehensive Plan approved by Borough Council.
- Was largely funded with a State grant.
- Was developed at meetings of Borough Council and Borough Staff, and
- Is being discussed at a public meeting & a public hearing.

What is Zoning?

Zoning primarily controls:

- The types of businesses, types of housing and other uses allowed in various areas of the town.
- The densities and intensities of development.
- The sizes and heights of signs.
- Development allowed in flood-prone areas, and
- The amount of parking required for various uses.

Major Goals & Objectives:

- Provide for compatibility between different types of development, to avoid nuisances and hazards.
- Promote the downtown as a pedestrian-oriented business center.
- Allow a range of housing types and protect neighborhoods.
- Preserve important historic buildings.
- Protect natural resources, including the Tulpehocken Creek.

Additional Issues:

- Existing legal uses can continue, can be sold, & can expand within limits if “non-conforming.”
- Intent is to streamline the process for desirable types of development, such as reuse of downtown buildings.
- Avoid over-regulation of routine changes to homes and other properties.
- Avoid allowing an existing one family home to be converted into 2 or more apartments in residential areas, except unusually large homes.

Consultant Schmehl reviewed the current zoning districts map and the proposed zoning districts map. There is not a revolutionary change between the existing map and the proposed map. For the most part, the residential areas continue to be residential, the commercial areas continue to be commercial, and the industrial areas continue to be industrial.

Consultant Schmehl stated there are some new names for the districts areas and that is based on the Borough Comprehensive Plan.

Residential Districts:

LDR - Low Density Residential – Mainly would allow single family detached and side-by-side twin homes, plus up to 4 townhouses attached on a lot of at least ½ acre.

OT - Old Town Residential - Would allow a mix of housing types, but new apartments would be limited to a lot of more than 1/3 acre.

Zoning Districts in the Center of Myerstown:

TMN - Traditional Mixed Neighborhood –Would allow a mix of housing types, plus businesses of low intensity, such as retail stores, offices, day care centers and personal services.

TC - Town Center - Would allow apartments (except first floor), retail stores, offices, restaurants without drive-through, banks, hotels, and day care, but not allow new auto sales or auto repair.

Business Districts:

GB - General Business - Would allow a wide range of commercial businesses.

LI - Light Industrial – Would allow most types of industrial uses, but not the heaviest industries. Would also allow offices and some commercial uses.

GI - General Industrial – Similar to LI, except it would also allow some intensive uses, with strict controls.

Community Facilities and Conservation Districts:

CF - Community Facilities District – Would include some of the larger churches, the Seminary, Cemeteries, and retirement communities. Similar to Old Town District, except a taller height and higher density would be allowed for senior housing.

CN - Conservation District –Would include public parks and the Tulpehocken Creek corridor. Borough regulations also limit development in flood-prone areas.

Consultant Schmehl reviewed the Floodplain and Flood Fringe Map.

Control of Demolition of Historic Buildings:

The draft ordinance includes a list of 35 important historic buildings. Before a building on that list could be partly or entirely demolished, approval would be needed from Borough Council. The intent is not to stop all demolitions, but to avoid thoughtless demolitions when there are reasonable alternatives to reuse a community landmark.

Consultant Charlie Schmehl opened the floor for questions and comments:

Eric Hicks – 21 E. Main Avenue – asked for an explanation regarding Special Exceptions. Consultant Schmehl stated in each zoning district, different uses are allowed or prohibited. There are three different ways that a use can be allowed:

- as a permitted by right use, with the zoning approved by the Zoning Officer.
- as a special exception use, with the zoning approved by the Zoning Hearing Board, and
- as a conditional use, with the zoning approved by the Borough Council (which is not used in Myerstown).

Intense and potentially controversial uses should only be permitted as special exception uses. This results in a public meeting that allows public comment. The Zoning Hearing Board can carefully review the application to make sure that it meets Borough ordinances. Also, conditions can be placed upon these types of approvals, such as to protect public safety.

- However, a special exception use is still an “allowed” use. Therefore, under the law, it is difficult to reject a special exception use if the applicant proves they meet all of the specific requirements of the zoning ordinance. Generally, in such case, the application could only be rejected if an opponent or the Borough was able to prove that the application violated a “general” requirement of the Ordinance. For example, it might be possible to prove that a certain type of industrial use would generate a major public safety hazard.
- Myerstown currently uses the special exception use process with a special exception, the Borough Council can provide testimony before the Zoning Hearing Board, and Council can appeal the Board’s decisions.
- Also, the number of special exception uses should be held to a reasonable minimum. If the process is overused, it becomes a burden in time and expense to both the Borough and applicants. Moreover, time-consuming processes can make it harder to attract desirable types of businesses.

Eric Hicks asked when will this ordinance be adopted? Consultant Schmehl stated as long as there are no changes the Council could adopt at their June 13, 2017 meeting, but if even one word changes it will require the proposal to go back to the Lebanon County Planning Department for a 45 day review/comment period before it can be adopted.

Julie Cheyney – Lebanon County Planning Department Director – The Lebanon County Planning Department is the Boroughs Zoning Officer. Director Cheyney stated there are some housekeeping issues she feels may need to be changed or clarified within the ordinance for her department. The County Planning Department is not listed in the ordinance as the Zoning Officer for the Borough.

Solicitor Harlan stated that can be accomplished by a Resolution, so that if at any time a change occurs as to who is the Zoning Officer Agency, there would be no need to redo and adopt a new Ordinance for that type of change.

Steve Hammer – 5 W. Richland Avenue – asked if we have a Zoning Hearing Board, then why do we need the county. Consultant Schmehl stated Lebanon County Planning Department is the Zoning Officer for the Borough, which is different than a Zoning Hearing Board. The county is the administrator and issues permits. A Zoning Officer must be qualified, make determination based regulations and ordinances, and administrate

Solicitor Harlan stated for a project, a person would start by applying to the Lebanon County Planning Department, because they are the Borough's Zoning Officer. The County then reviews the application to determine if the project can be approved or if it violates certain parts of the Ordinance. If denied based on the Ordinance then a person may apply for a variance or special exception to the Borough Zoning Hearing Board. The Zoning Hearing Board would hear a person's case and render a decision, but you need a starting point, you need an administrator to field the applications. For the Borough, that is Lebanon County Planning Department.

Steve Hammer asked how much of a difference is there from the current Zoning Ordinance to the proposed Zoning Ordinance. Consultant Schmehl stated there are different district names, the main change is the Ordinance is more specific. The proposed Ordinance deals with more issues, it deals with more types of land uses, it is more comprehensive. It deals with more situations because it is a more up to date Ordinance.

Steve Hammer was concerned about the list of historic properties and how they were chosen. Consultant Schmehl stated the provision is only for demolition. There is a public process. The person would come to the Borough Council and explain their situation and what they would like to do with the property and why demolition is needed.

Consultant Schmehl stated there are some advantages and incentives for these properties as well. The Zoning Hearing Board can grant some additional uses if you are on this list. The list was based off of the Lebanon County Historic Society Trail list. The Borough is just trying to avoid demolition without knowing it is happening or having considered alternatives. Sometimes buildings do need to come down.

Eric Hicks asked why is revitalization important? Consultant Schmehl stated more tax revenue, which help to keep the taxes moderate for the residents; if you can attract an upper income resident that would be favorable for earned income revenue.

Consultant Schmehl stated part of the goal is to make sure the residential areas remain livable areas without conflicts and nuisances, so people want to invest in the properties and want to stay. We are trying to make it easier to expand houses, so if someone feels they need a larger home they can now expand rather than sell and move out of town.

The Economic Development Manager stated the Council is working on many things to move the Borough forward with revitalization and economic development.

Economic Development Manager McKenna explained the creation of the LERTA (Local Economic Revitalization Tax Assistance Act) District and the program. The pool rehabilitation, which is another example of an incentive for people to want to come live here and invest in the community.

Economic Development Manager McKenna stated the business marketing is another element. The Borough is currently doing a branding and marketing project, campaign, and website redesign. This project is to identify the community strengths so we can promote Myerstown.

Economic Development Manager McKenna stated the branding and marketing consulting firm – CHAR CO has been interviewing residents and business owners to find out what they feel are the strengths and weaknesses are of the Borough. The number one finding of our strength is the people, people have a lot of faith in each other.

Consultant Schmehl stated College Avenue is a major attraction to the town, historical architecture is a plus, the ability to walk through the town is a big plus, the park system is a major plus, and the Tulpehocken Creek is another plus. So we are trying to build upon all of those pluses to preserve what needs to be preserved, but allow changes that will enhance and grow the community.

Wendy Machamer – discussed concerns regarding her business. The Economic Development Manager stated he will talk to her after the meeting.

Rental properties, rental inspection programs, homeownership, and financial programs were discussed. Consultant Schmehl stated the Ordinance as written, will not allow someone to split up a one family home into two or more units.

Michael Mull – 316 S. College Street – asked if businesses come into the TMN (Traditional Mixed Neighborhood) District, where are they to park? Consultant Schmehl stated they would have to be able to provided parking or they could not open a business.

Council President Bryan L. Rittle asked Charlie Schmehl to review regulations for open fire pits. Consultant Schmehl stated this is not part of the Zoning Ordinance, the Borough would have to have a separate Ordinance for opening burning.

Michael Mull - stated outdoor fire pits are becoming an issue. Solicitor Harlan advised him to come to the Borough Council monthly meeting to discuss this issue, because that is not a Zoning Ordinance matter.

Chairman Ebling asked if there were any more questions or comments: There were no more comments. Chairman Ebling thanked everyone for coming.

Chairman Ebling asked for a motion on the proposed Zoning Ordinance. A motion was made by Nancy Kirsch, seconded by Michael D. Behm, to recommend to the Borough Council to accept the proposed Zoning Ordinance based on the Lebanon County Planning Department review of the plan. All those in favor: On a roll call vote; Gloria Ebling – yes; Nancy Kirsch – yes; and Michael D. Behm – yes; Motion unanimously carried.

The Chairman asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Michael D. Behm, seconded by Nancy Kirsch, to adjourn the meeting at 8:03 p.m. All those in favor: On a roll call vote; Gloria Ebling – yes; Nancy Kirsch – yes; and Michael D. Behm – yes; Motion unanimously carried.

Respectfully submitted and transcribed by,

Lisa A. Brubaker,  
Borough Deputy Secretary