



Meeting Minutes Planning Commission

Thursday, February 12, 2015

2:00 PM

Assembly Chambers

1. Call To Order/Roll Call

The Planning & Zoning Commission meeting was called to order at 2:00pm

Present: 5 - Chris Fry, James Demko, Dave Kensinger, Tom Stearns and Mike Bangs

By Phone: 1 - Dona Malhoit Laubhan

2. Approval of the previous meetings minutes

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Tom Stearns, to approve the minutes of the previous meeting as presented. The motion carried by unanimous vote.

Minutes from the January 20, 2015 meeting.

Attachments: [P&Z Meeting Minutes 1.20.2015](#)

3. Amendment and approval of agenda

Director Cabrera would like to add to New Business item 9b.; the acceptance and scheduling of the variance application from Ron Hall to accompany the conditional use permit previously submitted. This variance is needed due to the present location of the chicken coop in the required setback footage.

Also, in the interest of time, switch the agenda items to put the Heather Island special use permit application as item 8b.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Mike Bangs, that the agenda be approved as amended. The motion carried by unanimous vote.

4. Public Hearing

- A. Public hearing for a request from Ron Hall for a conditional use permit to allow a home occupation on parcel 01-006-807, located at 13 North 6th Street.

The Commission will hold the public hearing for the conditional use and postpone the decision until the variance application is scheduled. Mr. Higgins from the public wanted to know what this was all about. Discussion of the history.

A motion was made by Commissioner Mike Bangs, seconded by Commissioner Tom Stearns, that the public hearing for the Hall conditional use application be closed. The motion carried by unanimous vote.

Hall Conditional Use Permit

Attachments: [Hall. Conditional Use Permit 01.20.15](#)

- B. Public hearing for a request from Heather Island, Inc. for a special use permit to construct and maintain a parking area in the 1st Street R.O.W. for parcel 01-007-487, located at 14 Birch Street.

Building Inspector Joe Bertagnoli stated that the letters were sent out to property owners within 600 feet of the proposed use property with no response. Laurel McCullough spoke on her own behalf and requested more details on what this application entails. After receiving the details of the application, Ms. McCullough stated she is in favor of having practical parking instead of a dedicated turn-around since you can turn around in a parking area but you cannot park in a turn-around. She also stated that the aesthetics is a concern for her. Discussion. An email from Harold Medalen was also put into the record as being in favor.

Wally McDonald of Heather Island spoke on his own behalf to explain the logistics of the parking area.

Pubic Works Director Hagerman reviewed his submitted email and stated that he is in favor of the parking area that could also be used as a turnaround as long as the infrastructure is protected. Discussion. Commissioner Bangs asked if Mr. McDonald is in agreement of the conditions put forth by Director Hagerman and Mr. McDonald stated that he is in agreement of the conditions. Mr. McDonald also stated that he is contracting Reid Brother's to do the work and they are aware of the issues surrounding work on and around the bridge.

Karen McCullough spoke on her own behalf in favor as long as the design and construction of the parking area does not interfere with the aesthetics of the area. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner James Demko, that the public hearing for the Heather Island special use permit be closed. The motion carried by unanimous vote.

Heather Island, Inc. Special Use Permit

Attachments: [Heather Island, Inc. Special Use Permit 01.20.15](#)

Memo from Public Works Director, Karl Hagerman regarding Heather Island, Inc.

Attachments: [Hagerman.memo.Heather.Island](#)

5. Visitors' views related to agenda items

Joe Aliberti spoke on his own behalf regarding the Miller conditional use permit. Aliberti reviewed his opinion on what the purpose of residentially zoned area is and how this conditional use permit does not comply with that description. He asked if this permit is in harmony with the residential zoning intend.

Katrina Miller spoke on her own behalf requesting that the Commission grant the conditional use and that she did not have anything further to add. Discussion.

6. Visitors' views unrelated to agenda items

None

7. Report of staff members

Comprehensive Plan Contractors are coming to town February 26th through the 28th. They will have opportunities to have public meetings in the Assembly Chambers as well as downtown and out at the Trees RV Park. Also, the Department just released the 2014 Building Permit Report and it has been posted on-line as well as hard copies being available at various points within the Borough. The Comprehensive Plan survey results should be out by the end of the March and then the public will have an opportunity to comment on them. Discussion.

8. Unfinished Business

- A. Consideration of a request from Ron Hall for a conditional use permit to allow a home occupation on parcel 01-006-807, located at 13 North 6th Street.

Inspector Bertagnoli gave an update as to why this conditional use permit needs to be postponed. It is due to a variance application needing to be submitted. At the time of posting the public notice sign at the Hall property, Bertagnoli discovered that the chicken coop is located too close to the property line, in addition, with the chicken coop and his storage shed, he has 132 square feet over the allowed footage for accessory buildings, thus requiring the variance. Discussion.

A motion was made by Commissioner Mike Bangs, seconded by Commissioner Dona Malhoit Laubhan, that this application be postponed. The motion carried by unanimous vote.

- B. Consideration of a request from Heather Island, Inc. for a special use permit to construct and maintain a parking area in the 1st Street R.O.W. for parcel 01-007-487, located at 14 Birch Street.

1. Findings of Fact A.

Findings of Fact A is met by the testimony of the surrounding property owners and that the area will help with traffic flow.

A motion was made by Commissioner Dave Kensinger and seconded by Commissioner Mike Bangs to recommend to approve by the Borough Assembly the request from Heather Island, Inc. for a special use permit to construct and maintain a parking area in the 1st Street R.O.W. for parcel 01-007-487, located at 14 Birch Street with the conditions set forth by Public Works Director Karl Hagerman. Motion passed with a unanimous vote.

- C. Reconsideration of a request from Aaron and Katrina Miller for a conditional use permit to allow the construction of a net house on parcel 01-056-410, located at 107 Arness Heights Drive.

Commissioner Fry stated that some of the conditions he'd like to see are limitations on storage, building size that would not preclude the building of an adequate size residence. Their lot size is 37,620. Discussion. Bangs stated that he was up at the property yesterday and saw a for sale sign up there. He asked Katrina Miller if the property is for sale. He also stated that after researching this issue from the beginning and finding that the property doesn't look residential due to a lack of a greenbelt between the industrial zoned neighboring properties, however the fact remains that the lot is indeed zoned residential. Discussion. Demko reemphasized that his issue is that the lot is zoned residential and it's obvious that the Miller's have never shown any intent to build a residence on this property, hence not following the intent of the residential zoning ordinance. Discussion. Kensinger stated that he felt that the Commission cannot determine what the Miller's intent in the future may be and if the Commission is not ever going to allow storage on residentially zoned properties, then the Assembly needs to change the language of the ordinance to reflect that. A conditional use permit for this net shed is, in his opinion, appropriate for this property. Bangs referred to the previously expired conditional use permit to show the Miller's intent. Kensinger asked Bertagnoli how many conditional use permits have been issued for net sheds in the past. Bertagnoli gave a brief history and also stated that the Weaver's have offered to swap properties with the Millers to give them a commercial lot. Discussion. Restrictions were discussed. Demko suggested that the Commission request the Miller's to put together a drawing plan of what they want to put out there and submit it to the Commission. Discussion.

Conditions submitted as required for approval:

Net House:

Shall be no larger than 2,500 square feet in size;

Shall be completed within 18 months (by August 12, 2016) from issuance of the conditional use permit. Completed means the structure has passed final inspection by the Building Official;

Shall be situated on the rear portion of the lot and in such a way as to not preclude future construction of a house on the parcel;

Any shipping containers used in conjunction with the net house shall be sheathed, sided or otherwise concealed from view;

Rear-yard setback requirement is reduced to 10' to allow for net house to be moved further back on the lot.

Fencing:

Installation of obscuring fence on three sides of lot by August 1, 2015;

Front-yard fence shall be located at least 30' from frontage;

Side-yard fences shall be located at least 10' from property line;

No fence is required in rear yard;

Fence height shall be 6'

Outside Storage:

Outside storage is limited to crab pots and 2 skiffs.

Greenbelt:

A 30' wide greenbelt consisting of natural vegetation shall be retained between the front-yard property line and the fence.

- 1. Findings of Fact A.

Findings of Facts was met based on the conditions the Commission has put in place as described above.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Dona Malhiot-Laubhan, to approve Findings of Fact A with the additional conditions that the Miller's complete the fence by August 1, 2015 and that the net shed be complete with 18 months, August 12, 2016 from the issue of the conditional use permit. Motion carried with a vote of

Yes: 5 - Commissioner Fry, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Stearns and Commissioner Bangs

Opposed: 1 - Commissioner Demko

2. Findings of Fact B.

Findings of Fact B was met based on the fact that the all activity would take place at the back of the lot next to the adjacent industrial property.

A motion was made by Commissioner Dave Kensinger and seconded by Commissioner Dona Mahliot-Laubhan, that Findings of Fact B has been met. Motion carried with a vote of

Yes: 6 - Commissioner Fry, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Stearns and Commissioner Bangs

3. Findings of Fact C.

Find of Facts C is not applicable.

A motion was mde by Commissioner Dave Kensinger, seconded by Commissioner Tom Stearns, that the Miller conditional use permit be approved with listed conditions. The motion carried by a vote of

Yes: 6 - Commissioner Fry, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Stearns and Commissioner Bangs

9. **New Business**

A.

Attachments: [Variance.App-Siercks.1.30.2015](#)

Bertagnoli gave some history on this property. Discussion.

A motion was made by Commissioner Mike Bangs, seconded by Commissioner Tom Stearns, that the Siercks variance application be approved for public hearing at the next scheduled meeting. The motion carried by a unanimous vote.

B.

Attachments: [Variance.App.Hall.2.10.15](#)

Inspector Bertagnoli gave a brief history of the application and reasoning behind having this additional permit application required.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Mike Bangs to approve the scheduling of the public hearing for the Hall variance application at the next meeting. Motion carried by a unanimous vote.

10. Discussion items

Dates for next meeting were discussed. Commissioner Fry will be the only one not available on the 10th. Since all other members are available, the next meeting will be on the regularly scheduled date of March 10, 2015. Discussion. Bangs questioned the application process and thought that it is very cumbersome. Cabrera explained that the ordinance process is under review. Stearns recommended that each Commission member bring in an idea for an economic development. Discussion.

11. Adjournment

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Dona Malhoit Laubhan, that this meeting be adjourned. The motion carried by a unanimous vote.