

BOROUGH OF LEMOYNE PLANNING COMMISSION
JANUARY 16, 2018 MEETING MINUTES

The monthly meeting of the Lemoyne Planning Commission was held Tuesday, January 16th, 2018 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

Roll Call

LPC Members Present: Zach Border, Gale Gallo, Audra Spilewski, Carolyn Green, Thomas Bank
Borough Staff: Cindy Foster, Cliff Karlsen, Mark Harman
CCPD Staff: None
Applicants/Representatives: Lemoyne Middle School Project – Jonathan Bowser, REC, John Murphy, Alpha Consulting Engineers
Guests/Residents: Attached
Press: Allison Dougherty

The meeting was called to order by Chairwoman Gale Gallo at 7:02 p.m.

Election of 2018 Officers

With the new year, a vote was taken among the Commission members with the results that Mr. Zach Border was elected Chair, Ms. Carolyn Green was elected Vice-Chair, and Mr. Thomas Bank was elected Secretary.

Review/Approval of December Minutes

The meeting minutes for the December meeting were reviewed. Ms. Gallo motioned for approval, Ms. Spilewski seconded, with all in favor.

Old Business

Lemoyne Middle School Property – Review of REC Re-zoning Request

Mr. Bowser of the REC started with a discussion of CAEDC's and the REC's mission to support projects that create jobs, enhance the tax base, and enhance communities. Redevelopment of the Lemoyne Middle School (LMS) property has the potential to create 60 new jobs, have a \$6.8 million economic impact, and create \$83K in new tax revenue. In response to a question from Mr. Bank, Mr. Bowser stated that an agreement with the West Shore School District (WSSD) had extended the agreement to June 30th. Mr. Bowser continued, stating that rezoning the property was necessary as banks will not finance the project with the current split-zoning. The idea of a steering committee consisting of REC, WSSD, Borough Council, and Lemoyne residents had been raised at the last public meeting and Mr. Bowser was open to the idea moving forward. He also stated that they were reviewing incentives for preservation of the existing building and would consider those options. Mr. Bowser concluded by stating that CAEDC has financed projects in Lemoyne including VRAI, Kessler's, Lafferty Lumber, and the mural project and that the REC was seeking a dialog and was not forcing a vote tonight.

Ms. Gallo asked whether the REC was directly involved in the Lemoyne projects listed and Mr. Bowser clarified that CAEDC was involved in those projects and that the REC was not directly involved in any Lemoyne projects.

Mr. Brad Hoffman (731 Walnut Street) asked for a clarification of the \$83K tax revenue estimate. Mr. Bowser stated that this would be about \$57K to the WSSD, \$12K to the County, and \$12K to Lemoyne. Mr. Hoffman said that although \$83K seemed to be a large amount of money, it would be only a minor part of any of these budgets.

Ms. Laurie Zimmerman (46 N. 8th Street) stated that she had met with Mr. Bowser the previous week and that she was under the impression that Mr. Bowser intended to request a 30 day extension from the LPC to explore the cost of maintaining the LMS building's facade. Mr. Bowser stated that he did not remember making such a

promise. Ms. Gallo asked if the LPC should wait for additional information or if a decision could be made tonight on the rezoning request. Mr. Bowser stated that if the LPC wanted information on maintaining the facade, it could be provided but that the LPC had all the information needed to make a decision on the rezoning request.

Public Comment

Lemoyne Middle School Property

Mr. Joe Gargiulo (771 Pennsylvania Avenue) stated that in regards to tax revenue, the money provided by this project would amount to 0.004% of the WSSD budget. He had attended the public meeting and felt that nothing new was provided. The residents of Lemoyne were talked at – not involved in the discussion. He stated that just as a church is not the building, a community is not the businesspeople that leave at the end of the day and live elsewhere nor is it the tax base or economic feasibility. The community is the people. He concluded by stating that the best course of action for Lemoyne is listening to what the people of Lemoyne want in their community as the Borough has been entrusted with the responsibility to the community.

Mr. Brad Hoffman provided comments based on thirty years working in State government and experience with State documents. He discussed the Cumberland County Planning Commission's recommendation for the project as being “generally consistent.” He mentioned that although asbestos has been mentioned repeatedly, it is the most common hazardous material in schools and that the general consensus is that it is a minimal health risk if left in place. Demolition would disturb the asbestos, so whether the building is reused or demolished, asbestos mitigation would be required. Another point has been that less restrictive zoning of the site would increase potential uses. That is true of any site. He could rezone his property and it would be worth more. Development would increase traffic issues in an already congested area. He feels the steering committee is a nice idea, but would be unlikely to hold much weight once the rezoning is approved. There has also been mention of the deteriorating nature of the current building, but that zoning is not meant to replace the property maintenance code. He concluded by noting the comment in the recommendation to the point that Lemoyne’s zoning districts do not align with Cumberland County’s zoning and the Imagine West Shore vision document. He stated that if Lemoyne wants to address this discrepancy, it should be done through the LPC and not a rezoning request from REC.

Mr. Michael Twigg (247 Walnut Street) spoke to his analysis of the property, which included his following points:

The application omitted important information that this Commission must consider when making any decision on rezoning the property.

Part III of the rezoning application provides four justifications for the rezoning.

The first justification states, “The rezoning continues a logical extension of the existing VMU District located directly to the south on the same Property.” But, missing is:

- That the existing VMU District makes up only 25% of the property. 75% of the property is UR. It is hardly logical that only 25% use is justification to take over all 100%.
- Only 29% of the LMS property boundary is adjacent to other VMU zoned properties. 71% is adjacent to either UR or SR. Clearly, the majority of the property is located within a residentially zoned area.

The second justification states, “The proposed redevelopment and business uses for the Property would be compatible with the adjoining business uses in the area.” But, missing is:

- That only 28% of the LMS property boundary is adjacent to commercial uses. 43% of that 28% are non-conforming commercial uses located in the UR District. Evidence that the planners

intended for the strip between Popular and Walnut Streets to be UR; otherwise, they would have already extended the VMU onto those few existing commercial uses.

- Only 12% of the property boundary fronts on Market Street; and 0% of that frontage is adjacent to other commercial uses. All the properties across Market Street are residential and non-commercial.
- Of the total boundary of the property, only 16% is adjacent to other commercial uses in the VMU District.
- In all, a proposed business use would only be compatible with less than a third of the adjacent properties' boundaries. The majority of the LMS property's neighbors are residential.

The third justification states, "Rights-of-way as buffers... These rights-of-ways create manmade buffers and serve as transitions between the Property and the residential areas to the north and west." But, missing is:

- That these rights-of-way are paved streets, in some cases as narrow as 15-feet, that by their very nature must be clear and unobstructed. A narrow, paved, open street does not create a buffer; and crossing a street is hardly a transition. The layering of zoning with VMU along Market Street, SR north of Walnut Street, and UR in between creates a true buffer and transition between areas of higher commercial use and higher residential use. Rezoning the property entirely VMU removes the buffer and transition that already exists.

The last justification states, "The proposed rezoning is generally consistent with the Borough's and County's planning documents."

- The Imagine West Shore Future Land Use Map shows two land use designations with the southern portion of the site commercial use and the northern portion residential. The current split zoning is clearly consistent with that planning document.
- The County's Draft 2017 Future Land Use Map clearly shows three zones of use between Market and north of Walnut Streets. That matches with three zoning districts on the Borough's zoning map. Rezoning the entire property to VMU is inconsistent with what the maps show.

With this missing information now included it is clear that rezoning the entire property to VMU is not a logical extension of the existing zoning, not compatible with adjoining property uses, does not provide adequate buffers or transitions between business and residential, and is not generally consistent with the existing planning documents.

Mr. Bruce Barnes (900 Indiana Avenue) spoke of his experience as financial advisor to local governments. He noted that at the Cumberland County Planning meeting a motion was made to table the decision. That motion was forgotten when the person making it left the meeting and the motion to approve was then made. He noted that rezoning is the last option. He noted that it was the school district's responsibility for the condition of the property, not an excuse to rezone. He stated that rezoning would alter the character of the area and that there was no guarantee of the use of the property – that it could be any of the permitted uses after rezoning. He asked the LPC to not recommend rezoning at this time.

Ms. Laurie Zimmerman shared comments from Ms. Andrea MacDonald (28 N. 4th Street), who was unable to attend the meeting due to illness. Ms. MacDonald had previously requested the market study done by the REC, but was told it was not available and was proprietary information. However, she had conducted a bit of her own market research and spoke of the many vacant retail and office properties in the area and questioned whether this speculative project was destined to become another of those vacant properties? As such, Ms. MacDonald recommended denial of the request. Ms. Zimmerman asked the LPC members whether they had a chance to seek answers to the questions put together by the citizens' group that she had provided at the last meeting? Several LPC members answered that they had reviewed the questions, but that they were not in a position to answer many of them. Ms. Zimmerman then spoke of the lasting impact this decision could have, that the legacy of the school building dated back to 1905, and that responsible planning should be considered. She spoke

of the Gamut Theater situation where the property was rezoned only to have the “sure thing” deal fall through. She asked that facts for the rezoning be considered, not just speculation. A better option would give a better future. She asked that the LPC reject the application and work towards a positive creative vision for the property.

Mr. John Shaffer (705 Ohio Avenue) stated that he moved to Lemoyne when he was five years old. He noted the changes to the Borough over that time and that all of the recreation was gone – bowling alleys, movie theaters, and other amenities were no longer available. He stated that by looking at the past, we might see the future and should consider working to bring these amenities back.

With no further public comment, the floor was turned over to the LPC.

Ms. Green asked for clarification of the financing issue with the split-zoning. Mr. Bowser stated that they were finding that financing was not available for a property that was split-zoned. Mr. Bank stated that from his professional experience, he had worked with properties that were split-zoned and even in multiple jurisdictions and did not have problems financing such projects. Ms. Gallo also stated that with her professional experience in residential financing that although she had a narrow range of options, her experience showed that commercial financing typically did not have those limitations and had many more options. Mr. Bowser clarified that financing was unavailable due to the zoning for the rear of the property not permitting the proposed use. Mr. Bank stated that was a completely different issue than split-zoning. That any project proposed for a property that did not permit the intended use would have financing issues and it could not be cited as a reason for rezoning as it would then apply to rezoning for any property.

Mr. Bank addressed the points made by Mr. Twigg and that they were a very good analysis of the request. Mr. Bank added to Mr. Twigg's points, stating that it should be noted that the existing use is permitted in both districts so the existing use is not even an existing non-conformity as was the case for the Gamut Theater property. He also noted that the REC made repeated reference to the “small” site feasibility when the LMS site is one of the largest properties in its area. As others had stated, the asbestos and condition of the property were the responsibility of the current owner, not a reason for rezoning. He further stated that the proposed rezoning would create an “island” of residential properties that would be surrounded by commercial use, that the rezoning would break the existing boundary of districts set by the line of Poplar Street, and that the rezoning could potentially set a precedent for rezoning the Washington Heights Elementary if the WSSD should decide to abandon it next.

With no other comments from the LPC, Mr. Border called for a motion. Ms. Green made a motion to recommend rejection of the REC's rezoning request, seconded by Ms. Gallo, and approved unanimously. The recommendation would be forwarded to Borough Council and be on the agenda for Council's February business meeting.

New Business

None

Officer Reports

Ms. Spilewski noted some issues regarding communication with the LPC and asked for more consistent communication going forward.

Staff Reports

Mr. Karlsen reported that the LPC should expect updated plans from Lafferty Lumber and also land development plans for a property on Market Street.

Miscellaneous Comments/Announcements

None

Next Meeting

The next regular meeting of the Lemoyne Planning Commission will be held on Tuesday, February 13th, 2018 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

The meeting was adjourned at 8:40 p.m.

**Minutes prepared by
Thomas Bank, Secretary
Lemoyne Planning Commission**

1/16/18

Brad + Renee Hoffman

Colleen Watson

Tom + Laurie Zimmerman

Barbara Haffly

Amy-Jo Hampton

Abby Tierney

Joe Gargiulo

John Murphy

Sueferichko

Deborah McGone

Janet Hahn

B. Byrne

Ryan Hale

Kathy + George Young

Michael Trigg

Kasha Orin

Cindy L. Foster

Deborah Battisti

731 Walnut St.

67 N 9th

46 N. 8th

39 N 8th St.

33 N 8th St

905 Indiana Ave

771 Pennsylvania Ave
115 Lincoln Rd N.C.

13 Cumberland Rd.

321 Walnut St

343 Walnut St

900 Indiana

47 N. 8th St

378 Lowther St.

247 Walnut St.

344 Boston Ave

Timothy Boroghi

132 Hummel Ave