

## **BOROUGH OF LEMOYNE PLANNING COMMISSION**

**March 12, 2019**

## **MEETING MINUTES**

The monthly meeting of the Lemoyne Planning Commission was held Tuesday, March 12<sup>th</sup>, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

### **Roll Call**

**LPC Members Present:** Zach Border, Gale Gallo, Carolyn Green, Gene Koontz, Thomas Bank

**LPC Members Absent:** None

**Borough Staff:** Cliff Karlsen, Mike Knouse

**CCPD Staff:** Stephanie Williams

**Applicants/Representatives:** Mr. Jeffrey Esch McCombie, McNees Wallace & Nurick, LLC (representing Michael Coons and Lemoyne Land Corp, Inc.)

Mr. Scott Staiger, Mr. Jeffrey Esch McCombie, McNees Wallace & Nurick, LLC (representing Consolidated Properties)

**Guests/Residents:** Attached

**Press:** None

The meeting was called to order by Chairman Zach Border at 7:00 p.m.

### **Election of Officers**

As the first meeting held in 2019, an election was held for the LPC Officers. Mr. Border was nominated for Chairman by Ms. Gallo, seconded by Ms. Green. Ms. Green was nominated for Vice Chairman by Ms. Gallo, seconded by Mr. Bank. Mr. Bank was nominated for Secretary by Ms. Gallo, seconded by Mr. Koontz. The slate of officers was accepted with none dissenting.

### **Public Comment**

Mr. Bruce Kulka – 847 Kiehl Drive

Speaking about the rezoning of properties along Walnut Street, two of the properties listed in the notice sent to adjacent residents have errors. One property number does not exist and the other property number is for 855 Kiehl Drive.

Mr. Kulka also questioned that the County does not list “Office Residential” in their zoning information. Mr. Knouse explained that zoning is enforced at the local municipality level and that County zoning is for tax purposes. As such there may be different zoning listed at each level.

Ms. Kim Huenke – 218 Walnut Street

Speaking about the proposed zoning amendment for the property at the corner of Third and Market Street, Ms. Huenke expressed concern at the potential for increased noise and light pollution created by a 24-hour facility and that the concerns were shared by other homeowners she spoke with that had adjacent properties as well.

Ms. Dana Berger – 861 Hilltop Road

Expressed concern that there was no information about the proposed changes available to the public and that the “public” meeting was not publicized.

Speaking about the rezoning of the properties along Walnut Street, Ms. Berger stated that the current wooded lots filter noise and light pollution from the adjacent residential properties. Development will add to the light, air, and noise pollution. It will also add to stormwater issues – a subject of recent Borough meetings.

Development will also add to the traffic on Riverview, Indiana, and Ninth Streets.

There are already speeding issues on Walnut and Riverview and further development with more traffic will only increase the issues.

The undeveloped property is home to deer, wild turkey, foxes, and others. This is one of the few remaining “wild” areas in the area and development will bring an end to that.

She concluded with the fact that there are many vacant developed properties in the area and those should be filled before developing more.

Mr. Charles Hooker – 230 Walnut Street

As information about the rezoning and zoning amendment were not made available prior to the meeting, Mr. Hooker requested that a comment period be made available after the presentations. Mr. Border affirmed that this would be made available.

Mr. Jeff Cox – 853 Kiehl Drive

Asked about the 30 day notice to adjacent property owners and that the notice provided had incorrect information.

### **Review/Approval of December Minutes**

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

### **Unfinished Business**

Mr. Knouse presented an overview of the rezoning process to this point. It was an effort to review and update the Comprehensive Plan from ten years ago. Mr. Knouse addressed a question of the recommendations by the LPC and County, that Borough Council would have the final vote on changes. Mr. Knouse further addressed procedural issues for the implementation of any changes. Mr. Knouse concluded with a review of the rezoning of the Walnut Street properties.

### **Public Comment (cont.)**

With the conclusion of Mr. Knouse’s presentation, the floor was opened by Mr. Border for further public comment.

Mr. Blair Trogner – 4 Sentry Point Road

Questioned the process for notifications of changes. Mr. Knouse responded.

Mr. Jeffrey Esch McCombie, McNees Wallace & Nurick, LLC

Stated that he was representing Michael Coons and Lemoyne Land Corp, Inc. A letter was submitted requesting that the properties at 319 S. Third Street be removed from consideration for rezoning. Mr. McCombie stated that he understood the properties across Third Street had also requested to be removed and that they had been removed from consideration. Due to the existing uses, rezoning the properties in question would create non-conforming uses. Further the proximity to the railroad tracks was not suitable for the proposed residential zones. Finally, that the current development changes in the Borough offered potential for the property to be used with its current zoning.

Ms. Gallo questioned the “development changes” mentioned. Mr. McCombie explained that there were current development opportunities in the Borough which increased the potential for the area.

Ms. Gallo mentioned issues with the current use of the property and current violations. She asked whether the property owner would be more amendable to correcting those violations if the property were not rezoned. Mr. McCombie stated that he had no knowledge of current violations – that his client had not shared any information on that topic – but that his client had no reason to change existing use of the property as it would be grandfathered even if the property was rezoned.

William Densham – 844 Kiehl Drive

Mr. Densham asked what uses would be allowed in Office Residential zones. Mr. Knouse listed the allowed uses from the Zoning Ordinance.

Mr. Koontz stated that there were slope and waterway protections in the Borough and County ordinances.

Mr. Densham stated that the undeveloped properties provided a buffer to the adjoining residential properties. This loss would lower those property values.

Mr. Bruce Kulka – 847 Kiehl Drive

Stated that he had bought his property due to its location. Rezoning and development would lower his property value as well as lower his enjoyment of his property.

Ms. Rebecca Coleman – 845 Kiehl Drive

Stated she valued the current undeveloped nature of the Walnut Street properties and that it provided space for deer, turkey, and children.

Development of these properties will diminish the adjacent properties.

Ms. Williams stated that there was a natural resource overlay that would protect areas bordering the waterway and steep slopes. A map of that overlay is available online.

Ms. Dana Berger – 861 Hilltop Road

Stated that rezoning is the gateway to development. Once changed, it cannot be changed back. She further asked what the advantage was to rezoning? Mr. Knouse replied that it was a question of determining whether areas were appropriately zoned and whether there were opportunities for growth. Ms. Gallo stated that the County Comprehensive Plan was recently issued, causing the Borough to look into updates of their own plans while seeking to make uses consistent with their zoning and also to review zoning along Third Street as the Borough looked to begin the next phase of Revitalization along that corridor.

Ms. Alyca Knoll – 418 Plum Street

She stated her support for the rezoning of the Third Street area to VMU and that the area was not conducive to overdevelopment.

Mr. Border asked how the LPC wished to proceed. Mr. Bank stated that with the errors in the notice to property owners, that it would be best to have that corrected and reissued. Discussion was in favor of tabling the discussion until the April meeting. Mr. Bank made the motion, Ms. Gallo seconded, with all in favor.

### **New Business**

#### **Consolidated Properties – Zoning Ordinance Amendment**

Mr. Staiger and Mr. McCombie presented a background for the request for the Amendment. Mr. Staiger provided a background on 7-Eleven and stated that the company was coming back to the area. These would not be the stores of decades ago, but would be improved. He provided handouts showing food offerings, renderings of stores, and other information. He stated that having a 7-Eleven locate in Lemoyne would benefit the community with accessibility for local residents as well as residents from Wormleysburg and other areas.

Mr. McCombie discussed the concept plan that had been prepared. Part of the existing bank building would be demolished and rebuilt. He stressed that this was a concept and not a formal submission. This would be an ideal location for such a facility. He also briefly reviewed the proposed ordinance, stating that it was tailored so that while it applied to the entire Downtown district, only a few properties would be eligible.

### **Public Comment (cont.)**

With the conclusion of the presentation, the floor was opened by Mr. Border for further public comment.

Mr. Bruce Kulka – 847 Kiehl Drive

Questioned the zoning of the convenience store at Hummel Avenue and Third Street. It was stated that was zoned VMU, which did not permit a Convenience Store, but that it was grandfathered as an existing non-conforming use.

Mr. Kulka further questioned why Consolidated Properties was not seeking to rezone the property. It was stated that Consolidated Properties had been advised by Mr. Michael Cassidy that a text amendment was the easiest path.

Mr. James Kollas – 860 Hilltop Road

Stated that the property in question was an automotive garage in the 1930s and questioned whether there may be environmental issues with the site. It was stated that Hardees had done Phase I and II when they had purchased the property.

William Densham – 844 Kiehl Drive

Expressed concern for the access issues of the site.

Mr. Charles Hooker – 230 Walnut Street

Owns an adjacent residential property. Expressed concerns for the increase in traffic, noise and light pollution, and the impact of a 24-hour establishment on the adjacent residences.

Mr. Michael Twigg – 247 Walnut Street

Stated that Convenience Stores were not allowed in any mixed-use districts, only in the commercial districts.

Ms. Gallo questioned whether the Grace property across the street was Downtown or Industrial. It was verified that the property was Downtown and would also allow a convenience store use. She also discussed the “road diet” plans currently being proposed by Mr. Steve Deck of Tri-County Regional Planning Commission in an effort to make the area more pedestrian/bike friendly.

Mr. Bank mentioned his concerns for a 24-hour establishment and their impact on nearby residences.

Mr. Koontz stated that this was a significant modification to the Downtown district and the Market Street corridor and was likely to have a significant impact on traffic and nearby residences.

Ms. Gallo questioned whether the possibility of competition directly across the street (the Grace property) was a concern. Consolidated Properties said that it was not.

Ms. Alyca Knoll – 418 Plum Street

Asked for a clarification on what a text amendment was. It was stated that it would change the wording of the ordinance as opposed to changing the zoning of the property.

Ms. Gallo stated that she was not ready to move ahead on the issue. There were other options in the area and she was not convinced that this was the best location for this use.

Mr. Bob Huggler – 221A South Third Street

Asked that the LPC give Consolidated Properties an opportunity to prove themselves.

Mr. Bank stated that this was not a formal proposal, so the LPC had nothing to act on.

Mr. Michael Twigg – 247 Walnut Street

Stated that this was a decision on allowable uses and once it was allowed, it could not be denied. As such, it should be carefully considered whether this was an appropriate use for the Downtown district. He felt that the gas station and the 24-hour operation was not coherent with the surround uses of the community.

Ms. Gallo stated that she was conflicted. She felt that it would be nice to have the convenience of a neighborhood store, but not sure that the scope of this facility was the right fit for this location due to the concerns expressed.

The Consolidated Properties representatives expressed that it was a challenging property and had sat vacant for some time.

Ms. Kasha Griva – 344 Bosler Avenue

Expressed concern about increased traffic and issues with fuel tanks and dispensing.

Mr. Charles Hooker – 230 Walnut Street

Stated that “convenience store” had many shades of gray. That approving “convenience store” as a use does not guarantee the “convenience store” displayed tonight, but would allow a “convenience store” in any shape, size, or configuration.

Mr. Border and Mr. Knouse discussed tabling the discussion for further review by the LPC. Mr. Koontz made the motion to table the discussion, Mr. Bank seconded, with all in favor.

Ms. Alyca Knoll – 418 Plum Street

Questioned the breadth of a text amendment and whether it could be made such that it only applied to the property in question. Mr. Knouse stated that it cannot be too restrictive such that it applies only to a single property. Mr. Border stated that Consolidated Properties had submitted a proposed ordinance.

#### **Market Street Automotive Center – Smith Land and Improvement Corporation**

Mr. Karlsen distributed copies of the submitted plans. Ms. Gallo made the motion to accept the plans, Mr. Koontz seconded, with all in favor. Ms. Williams asked whether this was a new submission or a revision of the previous submission. It was stated that the boundaries of the area in question had been revised as had the proposed use, so it was a new and not revised submission.

#### **Officer Reports**

Mr. Koontz stated that he was happy to be involved with the Commission and looked forward to serving.

#### **Staff Reports**

Mr. Karlsen stated that letters would be sent out to Smith Land concerning the Market Street submission.

#### **Miscellaneous Comments/Announcements**

None.

#### **Next Meeting**

The next regular meeting of the Lemoyne Planning Commission will be held on Tuesday, April 9th, 2019 at 7:00 p.m. at 510 Herman Avenue, Lemoyne, PA.

The meeting was adjourned at 9:54 p.m.

#### **Minutes prepared by**

**Thomas Bank, Secretary**

**Lemoyne Planning Commission**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF LEMOYNE, CHAPTER 27, ZONING, SECTION 550-17, TABLE 550-4-2, AND SECTION 550-83.F TO PERMIT CONVENIENCE STORES IN THE DOWNTOWN DISTRICT, SUBJECT TO CERTAIN ADDITIONAL STANDARDS.**

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, as follows:

**SECTION 1:** Table 550-4-2 of Section 550-17 of Chapter 27 of the Code of the Borough of Lemoyne, known as the Lemoyne Borough Zoning Ordinance, is hereby amended to (i) add "Convenience store" as a permitted by right use in the Downtown (DT) District and (ii), for such use, insert "§ 550-83" as a section reference for specific use regulations.

**SECTION 2:** The supplemental standards for "Convenience store" under Section 550-83.F of the Lemoyne Borough Zoning Ordinance is hereby amended to include the following additional standards:

- (4) In the Downtown District, a convenience store shall comply with the following additional standards:
  - (a) The convenience store shall be located on a lot existing as of the effective date of this Chapter having a minimum lot area of 0.75 acres.
  - (b) The convenience store shall be located at the intersection of two arterial streets.

**SECTION 3:** In all other respects, the Lemoyne Borough Zoning Ordinance shall remain as previously enacted and amended, which Chapter, as amended, is hereby reenacted in its entirety.

**SECTION 4:** All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5:** The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of the Ordinance or any other provision, section, article or chapter of the Code of the Borough of Lemoyne.

**SECTION 6:** This Ordinance shall become effective upon adoption.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOROUGH OF LEMOYNE

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

By: \_\_\_\_\_ Mayor

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