

A public hearing was held before the Borough Council of Lewisburg, Union County, Pennsylvania, on **Tuesday, November 15, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Casimir, Cox, Mahon, Molesevich, Morris and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Councilmember Baker was absent. Also present: Nada Gray, Josh Steinhurst, Dan Remly, and Kevin Gardner.

CALL TO ORDER: Council President Bergonia called the public hearing to order at 6:30 PM. The purpose of this hearing is to hear the public comments on the proposed Lewisburg Zoning Ordinance. He asked if anyone would like to speak.

COMMENTS/DISCUSSION: Dan Remly stated he had heard that earlier drafts included some form of international code that would warrant whether a road could be used or not; is that still contained in this document? Councilmember Casimir said yes.

Kevin Gardner indicated he obtained a copy of this proposed ordinance a few months ago. He asked if you have to go to Zoning Hearing Board to have more than three in a building? Councilmember Casimir said this was the attempt to deal with the three person rule. We tried to make it so that legitimate landlords could, where there was sufficient parking and space, go ahead and rent to more than three legally and we made it a conditional use. This would go before Council, not the Zoning Hearing Board. He noted page IV-23. Mr. Gardner asked if there is anything in this document about square footage of the structure/unit itself. Councilmember Casimir said the International Building Code (IBC) refers to space for each bedroom. Mr. Gardner said next to his office there were nine people in a small two-bedroom apartment and he couldn't communicate with them as they did not speak English. Councilmember Casimir said if they are a family, they would be allowed to live there. In the past we only referred to a family or three unrelated people. As far as confirming and enforcing that people are, in fact, related by blood, marriage, adoption, or some other legal bond, well it is conceivably possible. Councilmember Strosser said the Property Maintenance Code does speak to overcrowding and the Central Keystone-COG ultimately has authority. Mr. Gardner said even if they are unrelated. Councilmember Strosser said it doesn't matter. The Property Maintenance Code has been part of our Codes for a while. Councilmember Casimir said that supersedes our ordinance. Mr. Gardner asked how you would handle it if you have a two-bedroom apartment and there are four people living there and it is two gay couples. Manager Smith said this would be other domestic bond. Councilmember Casimir said it would come down to the definition; two couples can only go into a multi-family dwelling. Mr. Gardner asked about parking. Councilmember Casimir said one parking space per rental unit is the language. There aren't many properties that would qualify for this, but we did not want to make it impossible. Mr. Gardner applauded all the work put into this document.

Councilmember Casimir said he made many changes with regard to commas, capitalizations and reorganizations in response to the Planning Commission's various comments. To garner sympathy, there were four different versions of Planning Commission comments, i.e. 10-06, 10-27, 11-02 and 11-04, and in each version they didn't just add on to the end, but went back and changed things previously as well. Every change was reviewed and about half were included. In addition, he made two more substantive changes. First, the definition of rooming or lodging house previously didn't include anything about more than three people being unrelated and it didn't take into account that we have community living arrangements possible. So, it now reads, "Converted single family dwelling other than a membership club, fraternity or sorority dormitory, community living arrangement, motel or hotel, in which lodging is provided on a monthly basis without meals for one or more related persons." The other change is more substantive and Councilmember Strosser is working with this on a daily basis. The change has to do with impervious surface. It was decided to call some stuff partially pervious. He said it now reads: "Surfaces with the uniformed spacing of openings for absorption of stormwater into the ground, such as decorative gravel areas, decks, pervious paving blocks and dry laid masonry shall be considered partially pervious. In determining total impervious coverage on a lot, partially pervious surfaces will be included in the calculation at 50% of their actual coverage."

Nada Gray, Planning Commission member, said she started reviewing this over a year ago and then there were some 200 rental units in this Borough and of these, 50 or 60 exceeded the three person rule or were otherwise illegal. She, along with Dan Green, reviewed this and in turn made a proposal to the Planning Commission and then in turn made a proposal to Councilmember Casimir in order to make these legal if the conditions warranted. She said Councilmember Casimir came up with the designation for this expanded property as a rooming house with lodging, and a boarding house if the people lived in the house. She doesn't believe the definition of rooming house is adequate as it speaks to a rooming house with single family dwelling other than a membership club, fraternity or sorority dormitory, motel or hotel, in which lodging is provided on a monthly basis without meals for one or more related persons. She said any single family dwelling can have one or more persons and a more definitive definition is needed such as, that a rooming house that provides a single family dwelling other than a membership club,

CALL TO ORDER

**PUBLIC HEARING
PROPOSED ZONING
ORDINANCE**

**COMMENTS/
DISCUSSION**

DAN REMLY

KEVIN GARDNER

NADA GRAY

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fraternity or sorority dormitory, motel or hotel, in which lodging is provided for more than three people who do not comprise a family and would allow us to have more than the three if they meet certain criteria and that criteria is in the ordinance; that conditional use criteria should include rooming, lodging or boarding, and we would like it to say, such use should conform to the applicable standards of the Pennsylvania Uniform Construction Code as from time to time reauthorized. Secondly, it should say the maximum occupancy shall be determined by the Borough's Code Enforcement Officer using the Uniform Construction Code. Thirdly, would be your parking notice and the other notice of other Borough applicable ordinances. Councilmember Casimir said he would have no problem changing one to three; it reads unrelated persons now and community living arrangements is also included, so he asked if unrelated persons would be acceptable. Mrs. Gray said she can compromise on that. Councilmember Casimir said three is allowed, so it should read four or more. With regard to the suggestions for the conditional use, he isn't familiar with the Pennsylvania Uniform Construction Code. Mrs. Gray said this came from the Code Enforcement Officer, and Bill Baker said the Borough used the wrong term. She asked that this be checked out with the Borough's attorney or the Central Keystone-COG to be sure the Borough is using the correct term. As long as that is done, she is fine. Solicitor Lyons said he would suggest contacting the Central Keystone-COG, but he doesn't see harm in including both since they are independent of one another. Councilmember Strosser said the Pennsylvania Uniform Construction Code doesn't include some of the things in the Property Maintenance Code. Solicitor Lyons said if it doesn't specifically include all the codes, then we could consider including it in the document. Councilmember Strosser said by reference it is twelve different books. Councilmember Casimir said that is the problem; it is going to talk about a lot of stuff not necessarily applicable. The current language is quite comprehensive. Mrs. Gray said the other thing is that the Code Enforcement Officer determines maximum occupancy based on the criteria. Councilmember Casimir said we talk about the Zoning Officer, not the Code Enforcement Officer. Solicitor Lyons said Codes deals with whether a property is habitable and that is a different issue. The Zoning Officer certainly can rely on information from the Code Enforcement Officer, but it should be the Zoning Officer throughout this document. Mrs. Gray said the building would be inspected by the Code Enforcement Officer to determine the feet to determine if you had egress, so he is the one determining occupancy. Solicitor Lyons said he isn't disputing that, but the Zoning Officer makes the determination based on the information received from the Central Keystone-COG. Mr. Remly said if those two review this, who does a landlord go to for the approval. Solicitor Lyons said the Zoning Officer. Manager Smith said this is no different than the traffic studies required. The Zoning Officer doesn't do the actual traffic study. Solicitor Lyons said you are seeking a zoning permit that is issued by the Zoning Officer, but what goes into the issuing of that permit is dictated by the ordinance.

Mr. Gardner said he has a situation where there are two parents that are not married and they each have two kids. Councilmember Casimir said that would fall under other domestic bond. Solicitor Lyons said you can have a family unit without being married.

Josh Steinhurst, Planning Commission member for the last nine months, said he was asked to make a brief statement on this ordinance. This has been a long road and it has not been without reward. There is much in the proposed rewriting of this ordinance that the commission finds significantly better than the existing ordinance. There are passages that concern the Planning Commission and need attention. The Planning Commission recommends passage of the proposed ordinance, but requests Council cooperation in a new scheme for organizing our work. We would like to bring more regular short amendments to take care of issues in a more focused manner as opposed to this long process we just witnessed. We feel this scheme will allow for careful consideration of policy issues and the crafting of legally defensible and precise wording, as well as careful recognition of unintended implications like we have just been hearing about. This would be easier on all parties by reducing confusion and communication problems. The Commission looks forward to discussing proposals including those that did not make it into the current proposal, i.e. more than one principal structure on one lot, as well as beginning to investigate the modifications necessary to the ordinance in light of the accepted multi-municipal comprehensive plan. There is a list and with Council support we will implement our proposed scheme in late spring or early summer.

Manager Smith said that was the reasoning for his attempt for the use of roman numerals. That allows the Borough to address Article II in its entirety and simply replace it vs. having 1 through 165 and the changes made put you in a position to have to redo the entire document. Councilmember Casimir endorses this suggestion by the Planning Commission and commends them for the changes they recommended.

Mayor Wagner thanked the Planning Commission for all their work on this document.

KEVIN GARDNER

JOSH STEINHURST

Tuesday, November 15, 2011

Council President Bergonia asked if there are any other questions and/or comments at this time. Hearing none, Council President Bergonia declared the public hearing closed at 7:10 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

PUBLIC
HEARING
CLOSED