

The meeting of the Towanda Borough Planning Commission was held on Tuesday, January 19, 2010 at 5:35 p.m. in the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Mark Christini (via telephone), Erin Groves, Larry Kacyon, Ellen Lacek, Jim Lacek, Evelyn Sherburne

**Members absent:** Ed Ulatowski, Keith Long

**Others present:** Shannon Clark

The meeting was called to order by Mrs. Lacek.

### **Election of Officers**

Mr. Christini asked for nominations for Chairman. Mr. Kacyon nominated Mrs. Lacek, who declined the nomination. Mrs. Groves then nominated Mr. Lacek for chairman. This was seconded by Mrs. Sherburne. There were no further nominations and the Mr. Lacek was chosen Chairman. Mr. Lacek then asked for nominations for Vice-Chairman. Mrs. Groves was nominated by Mr. Kacyon and seconded by Mr. Lacek. Mrs. Lacek motioned for nominations to be closed, seconded by Mrs. Sherburne. Mrs. Groves was voted Vice-Chairman.

### **Approval of Minutes**

Mrs. Lacek made a motion, seconded by Mrs. Groves to approve the minutes of the December 15, 2009 meeting. The motion was passed.

### **Meeting Dates & Time**

It was agreed that the meeting dates would remain the 3<sup>rd</sup> Tuesday of the month at 5:30 p.m. except for December. At this time there will be meeting scheduled for December.

### **Vacancy**

Mr. Christini noted that Mrs. Rockwell had resigned as a member of the Planning Commission. He stated that he will ask for approval for Shannon Clark, a member of Borough Council, to be her replacement at the next Council meeting.

### **OLD BUSINESS**

Mr. Christini noted there has been nothing back from General Code regarding the updates. This information will be sent to Mary Ann Harris, Borough Secretary, who will then give them to Mr. Lacek.

The next meeting will be held on February 16, 2010 at 5:30 p.m.

As there was nothing more to be considered, the meeting was adjourned at 5:45 p.m. on a motion made by Mrs. Lacek and seconded by Mr. Kacyon.

Respectfully submitted

Helen L. Wilcox  
Recording Secretary

The meeting of the Towanda Borough Planning Commission was held on Tuesday, February 16, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Evelyn Sherburne, Ellen Lacek, Mark Christini, Shannon Clark, Larry Kacyon, Erin Groves

**Members absent:** Keith Long, Ed Ulatowski

**Visitors:** Robert Putnam, Margaret Putnam, Richard Cook, Ruth Smith, Cheri Cranmer, Darren Howell, Scott Hall, Carli Yeager-Hall, Darius Hall

The meeting was called to order by Mr. Lacek.

### **Public Hearing**

Mr. Haight introduced Mr. and Mrs. Scott Hall of 103 Fifth Street who have asked for a variance of the Towanda Borough Zoning Code for a variance of the set-back requirements and lot development as governed by the following Towanda Borough Zoning Sections:

Article I: Scope – Section 73-4-B

Article II: Districts & Map – Sections 73-6, 73-7, 73-10

Article III: District Regulations – Sections 73-13; R-1 District

Article IV: Supplementary Lot, Height & Yard Regulations – Sections 73-22-F, 73-24 A-2;  
73-25

Article XI: Specifications (Definitions) Set-Back Line – Pg. 7408

Article XI: Towanda Borough Schedule of Zoning Regulations

Article XIII: Variances – Sections 73-63(3)

Mr. Haight noted that the purpose of this hearing is to get input from concerned citizens as well as the Halls and then make a non-binding recommendation to the Zoning Hearing Board which will meet on Tuesday, March 23<sup>rd</sup> at 7:00 p.m.

Mr. Haight noted the set-back requirements in an R-1 Zoned District for a corner lot states that at all intersecting public right-of-way lines, no obstructions to vision exceeding thirty (30) inches in height above the established grade of the lot within the triangle formed by the intersecting public right-of-way and a line drawn between points along such street lot lines thirty (30) feet distant from their points of intersection. Also, the required area or space cannot be reduced to less than the minimum required by the ordinance. The set-back for front and back yards is 30' and side yard on a corner lot is 30' or not less than one-half (1/2) of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this ordinance shall provide a side street set-back line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street. Maximum lot coverage is 25%.

Mr. Hall passed out hand-outs showing the development is well within the visibility limits. He is hoping to build a 24' x 34' addition. He has 2 children and the house is quite small. With the addition he hopes to include 2 bedrooms, a laundry room, full bath, 2 walk-in closets and a 2 car garage with living space above. They currently have a 1 car garage and if they have to put the children in the car it is usually parked on the street and is very unsafe. They can't build up because there are cracks in the foundation.

Mrs. Groves asked the persons present their feelings. Mr. & Mrs. Putnam have no objections; there is a letter from Karen Vischansky who lives across the road stating she has no objections; and Mrs. Ruth Smith is present, also with no objections. She likes to see improvements in the neighborhood.

Mrs. Clark noted the lot is not conforming as it is to the code. The improvements would increase taxes and, having children, she is aware the children need more room. Her concern was the visibility as was Mrs. Sherburne's concern.

Mrs. Clark made a motion to approve the variance as described. This was seconded by Mr. Kacyon and passed. The Zoning Hearing Board will meet on this matter on March 23, 2010 at 7:00 p.m. in these council rooms. The public hearing was adjourned at 6:06 p.m.

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The Towanda Borough Planning Commission was called to order. Mrs. Lacek made a motion, seconded by Mrs. Groves to accept the minutes of January 19, 2010. The motion was passed.

### **New Business**

The Central Bradford Progress Authority (CB PA) is looking for a new member. This is a five (5) year term and as a municipal borough officer, any member of the Planning Commission is eligible. Their meetings are the 3<sup>rd</sup> Thursday of each month at 12:00 noon. If anyone is interested, please contact a member of the Borough Council.

### **Old Business**

A letter was received from General Code regarding the updates on the editing of the Code. It appears nothing more will be done until May or June. Mr. Haight noted that even though some of the codes seem to be obsolete now, with the present economy and changes in the area, it would be easier to keep these in the code as they may apply at a later date. He stated it is easier to revise these codes than trying to adopt them again. Mrs. Clark stated it would be a good idea to review these with the persons who have a day to day basis of dealing with the codes before a final decision is made to delete any of the present codes.

Mr. Haight also noted that a major look needs to be made of the building code sections. At this time there is a \$500 threshold for routine maintenance. Any reference to BOCA now deals with the UCC or ICC. He also noted that the registration of contractors needs to be looked at again. With the Commonwealth making home improvement contractors register if they did a specific monetary amount of work the previous year, we still need to register new home and commercial builders. He also reminded all that any building more than 2 units is considered a commercial building.

Residential parking was also discussed briefly.

As there was no further business, the meeting was adjourned at 7:00 p.m. The next meeting is scheduled for 5:30 p.m. on March 16, 2010.

Respectfully submitted,

Helen L. Wilcox

The meeting of the Towanda Borough Planning Commission was held on Tuesday, March 16, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Evelyn Sherburne, Ellen Lacek, Larry Kacyon, Erin Groves, Shannon Clark

**Members absent:** Keith Long, Ed Ulatowski, Mark Christini

**Visitors:** Rinaldo DePaola, Raymond Finlan, Laura Finlan

The meeting was called to order by Mr. Lacek.

**Public Hearing**

Mr. Haight introduced Mr. and Mrs. Raymond Finlan of 203 Main Street who have asked for a special exception per 73-17 C(3) for second floor apartments as governed by the Towanda Borough Zoning Code. Mr. Haight said he had seen the renovations and this is to be a two (2) bedroom apartment. It would have to be approved by Labor & Industry and would require two (2) off-street parking spots. He would recommend approval of this special exception. They are not changing the character of the building and it is fire-rated upstairs. He noted the burden of proof is on the Hearing Board as to why it shouldn't be allowed.

Mr. DePaola asked if there were any plans for this building in the file when it was converted to a hair salon. Mr. Haight will look into these plans. Mr. & Mrs. Finlan will also have to provide detailed plans for any other renovations.

Mrs. Groves made a motion to approve the special exception as described providing there is off-street parking for two (2) vehicles. Mr. Kacyon made the second and the motion was passed. The Zoning Hearing Board will meet on this matter on April 13, 2010 at 7:00 p.m. in these council rooms. The public hearing was adjourned at 5:46 p.m.

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The Towanda Borough Planning Commission was called to order. Mr. Kacyon made a motion, seconded by Mrs. Lacek to accept the minutes of February 16, 2010. The motion was passed.

**Old Business**

Mr. Haight discussed the updates of the Borough Ordinances and Codes from General Code. There are several chapters that need to be discussed and after further consideration and conversation it was felt that it would be best if the members discussed each chapter at a regular meeting rather than each member taking a chapter to review themselves. Some of the chapters involved include "Bicycles", "Board of Health", "Hackstands" and others. Members will look at the historical perspective of each code as well. It was decided that Chapter # 9; Bicycles, will be discussed at the next meeting. A link to the General Code site will be sent to the members.

Because Mr. & Mrs. Lacek will be out of town for the April 2010 meeting, it was decided that unless there is an urgent matter to be discussed, that meeting would be canceled and the next meeting would be May 18, 2010 at 5:30 p.m.

As there was no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Helen L. Wilcox

The meeting of the Towanda Borough Planning Commission was held on Tuesday, May 18, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Ellen Lacek, Larry Kacyon, Erin Groves, Shannon Clark, Keith Long, Ed Ulatowski, Evelyn Sherburne

**Members absent:** Mark Christini

**Visitors:** Jim Haight, Stephen Saylor, Karen Saylor, Daniel Robinson, Francis Kisner, Scott Hall

The meeting was called to order by Mr. Lacek and turned over to Mr. Haight.

### **Public Hearing**

Mr. Haight introduced Mr. & Mrs. Saylor and Mr. Robinson. They are asking for a special exception to convert a third floor storage area at 316 Main Street to two apartments as governed by Towanda Borough Zoning Section: 73-17 C(3). Mr. Robinson explained that the floor on the third floor is sagging; the roof most likely will need to be replaced and there are other structural changes that will have to be made. A structural engineer has assessed this and plans will be developed before the Zoning Hearing Board. They are aware they will have to install a sprinkler system on the third floor and will have to have a larger water line installed from the main. When asked about a fire escape Mr. Robinson stated that one is not necessary with a sprinkler system. The Zoning Hearing Board is scheduled to meet on Tuesday, June 8 at 6:00 p.m. in the Council Rooms. Mr. Ulatowski made a motion seconded by Mrs. Clark to recommend approval to the Zoning Hearing Board provided they continue to rent two parking spaces along with the two already provided. The motion was passed.

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The Towanda Borough Planning Commission was called to order.

Mr. Lacek suggested that we look into changing the ordinance to include 2<sup>nd</sup> and 3<sup>rd</sup> floor apartments or there will be many more hearings on this matter. This is an ongoing situation.

Mrs. Lacek made a motion, seconded by Mrs. Groves to accept the minutes of March 16, 2010. The motion was passed.

### **Old Business**

A letter from Mr. Scott Hall was sent to the Borough Council requesting the Zoning Ordinance, Section 73-22(D) be changed. The Council agreed to send this request to the Borough Planning Commission and the Bradford County Planning Commission. This section deals with visibility on a corner lot. He stated his request for a variance was denied by the Zoning Hearing Board "for what seems to be visibility on a corner lot" and has asked for a six month extension. Mr. Haight informed the members that the Zoning Hearing Board needs to make a decision within sixty (60) days of the Hearing and cannot grant a six month extension. A decision will be handed down by the Zoning Hearing Board at their third meeting on this request on May 27<sup>th</sup> at 7:30 p.m. Mr. Haight stated that if the Hall's request for a variance is denied by the Zoning Hearing Board their next course of action would be to appeal to the Court of Common Pleas.

In order to change the zoning ordinance, according to Mr. Haight, the Borough Planning Commission would recommend, on behalf of the Borough Council, the changes to the Bradford County Planning Commission. In essence there are three government bodies involved. Mrs. Groves suggested we wait for an answer from the Zoning Hearing Board as their decision has not been made at this time and there is nothing we can do at this time. Mr. Haight also noted that at the first Zoning Hearing Board meeting, Mr. Hall was asked to bring modifications to his plans

back to the board within thirty days that would meet the necessary guidelines. Mr. Haight said this was not done; Mr. Hall refused to make any changes. Mrs. Groves asked Mr. Haight the feasibility of this request in his opinion as a contractor. Mr. Haight noted that in his opinion, there are many ways these plans could have been changed. Mr. Haight also stated the burden of proof for the variance was on the applicant and not the Borough.

After considerably more discussion regarding site restrictions, set backs, etc., Mr. Kacyon made a motion seconded by Mrs. Groves to drop the issue. The motion was passed with Mrs. Sherburne and Mrs. Clark voting nay.

As there was no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Helen L. Wilcox

√The meeting of the Towanda Borough Planning Commission was held on Tuesday, June 15, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Larry Kacyon, Erin Groves, Shannon Clark, Ed Ulatowski, Evelyn Sherburne

**Members absent:** Mark Christini, Keith Long, Ellen Lacek

**Visitors:** Jim Haight, Joel Christian

The meeting was called to order by Mr. Lacek and turned over to Mr. Haight.

### **Public Hearing**

Mr. Haight introduced Mr. Joel Christian of 303 Ann Street. He is asking for a variance for the placement of a swimming pool. Plans were introduced showing there is only a ten (10') foot distance between where he is proposing to put the swimming pool and the back property line. In looking at the plans, there is no place on his property the pool could be placed that would meet the Zoning Code. This is an above ground pool and is not taxable. There are no protestants attending this meeting nor have there been any protestations presented to either Mr. Haight or the members of the commission. Regarding any state regulations, Mr. Haight said the state is more interested in the pool being fenced and not so much concerning set-backs. Mr. Ulatowski made a motion, seconded by Mrs. Clark to recommend approval for the variance to the Borough Zoning Board. The motion was passed.

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The Towanda Borough Planning Commission was called to order.

Mrs. Groves made a motion, seconded by Mr. Ulatowski to accept the minutes of May 18, 2010. The motion was passed.

### **New Business**

A discussion was held regarding the recent variance requests that have been submitted. He noted that the borough is full of odd shaped lots and the Zoning Code was based originally on Levittown which is basically comprised of square lots. When the zoning code was established the lots became zoned lots of record. Any new development in the future has to meet the specific codes. Also, it was the feeling of most that above ground swimming pools should be considered accessory structures. They are not considered permanent structures. Mr. Haight will present this to council and it will be sent back to the Planning Commission for advisement.

Mrs. Sherburne asked if we are being consistent with the variances. She noted that Mr. Hall requested a variance in the set back and was denied and Mr. Christian requested a variance for set-back and it was approved by this commission. It was noted that with Mr. Hall, there were issues other than the set-back requirements. He was also given suggestions on other ways his situation could be changed so the issues could be met. He refused to take any of these suggestions. It was also noted that by law, a decision has to be made within sixty (60) days from the request of a various. He requested an additional six months in order for council to change the ordinance. This is not being done.

### **Zoning Hearing Board**

It was noted that one member of the Zoning Hearing Board will be leaving the area shortly and will need to be replaced. It was also suggested that possibly two alternates be appointed in the

event one of the members would not be available. This will be suggested to Council for their consideration.

**Old Business**

Boro Codes

Changes to the various fees throughout the code are being looked at by Mr. Haight, Mr. Christini and Mr. Fairchild. Some of our codes are not in line with some of the state codes. Code Inspections Inc. assign fees for their permit fees that we do not have as well as administrative fees and others. As discussed in the past, it was suggested that one code at a time be looked at by the commission and to keep in mind some of the historical codes that may not be applicable now but may be in the future.

As there was no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Helen L. Wilcox



The meeting of the Towanda Borough Planning Commission was held on Tuesday, October 19, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Shannon Clark, Evelyn Sherburne Keith Long, Ellen Lacek

**Members absent:** Mark Christini, Erin Groves, Ed Ulatowski, Larry Kacyon,

**Visitors:** Vicki Wells

The meeting was called to order by Mr. Lacek

Mrs. Lacek made a motion seconded by Mr. Long to approve the minutes of the June 15, 2010 meeting. The motion was passed.

### **New Business**

There were four items that need attention as requested by Borough Council. The apartment ordinance is one of these items. Because of the rapid turnover in tenants as a result of the gas industry, Ms. Wells feels that an apartment being inspected each time someone moves is unrealistic. The landlords don't call or forget to call when there is a change in tenants as well. She stated she felt the landlords would rather pay a fine for not notifying the borough rather than lose \$1200 to \$1500 per month in rent. Also, the company's name is being used and different people are in and out every month or so. She feels possibly it would be better to have inspections done every 6 months or yearly inspections. Also, the three year maximum be changed if the same tenant has lived there for a period of time unless there is something seen from the outside to possibly warrant an inspection.

It was decided to suggest to council that the ordinance be changed from "*whenever a change in tenants occurs*" to "***whenever a change in tenants occurs unless a satisfactory inspection has been completed within the previous one year, in which case the inspection may be waived at the discretion of the Code Enforcement Official.***"

It was also decided to suggest to council that the inspection every 3 years be continued but they be for long term tenants. It was felt the most important consideration in the inspections is to ensure that all the smoke alarms are in proper working order and there is more than one means of egress.

Regarding set-back requirements for swimming pools be changed to "***In-ground pools may be erected only in the rear yard of such structure and shall be a distance not less than ten (10) feet from any rear lot line nor less than (10) feet from any side yard, principal structure or accessory structure attached thereto. Above-ground swimming pools should have the same side and rear yard setbacks as specified in §73-27A-1 Accessory Structures.***"

The last item to consider is to the height of an "***above-ground***" instead of "portable" pool shall not be more than ***two (2') feet*** instead of three (3') feet in height nor more than fifteen (15) feet in length. This was also agreed to be sent to the borough council.

### **OLD BUSINESS**

#### **Bradford County Veteran's Memorial Park**

An update to the proposed "Bradford County Veteran's Memorial Park Association" was discussed briefly. This is a park proposed on borough property between the Bridge Street and the Farley Connector to honor the veterans of Bradford County. It would also create a statue situated in a steel framed rotunda inside and above the existing brick framed and flower filled circle.

Borough Code Update

We have received 3 copies of a "Codification Portfolio" from General Code Company to help with the upgrade of this project. After reviewing it briefly it was decided instead of all members of the commission to discuss the different ideas, that Jim Haight, the Code Inspector should go over the "Editorial Analysis" of all the codes and jot down his thoughts. Then a meeting would be scheduled and those who could attend that meeting would meet and review his thoughts and ideas and hopefully complete this project in the next couple of months.

Other Business

It was announced that effective December 31, 2010, Mrs. Lacek will be resigning as a member of the Planning Commission.

As there was no further business, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Helen L. Wilcox

PLANNING COMMISSION

11/16/10

The meeting of the Towanda Borough Planning Commission was held on Tuesday, November 16, 2010 at the Towanda Municipal Building, 724 S. Main Street, Towanda, PA.

**Members present:** Jim Lacek, Shannon Clark, Ellen Lacek, Erin Groves, Ed Ulatowski

**Members absent:** Mark Christini, Larry Kacyon, Evelyn Sherburne Keith Long,

The meeting was called to order by Mr. Lacek

Mrs. Lacek made a motion seconded by Mr. Ulatowski to approve the minutes of the October 19, 2010 meeting. The motion was passed.

**OLD BUSINESS**

Borough Code Update

Mr. Lacek noted a meeting was held with Mr. Fairchild, Mr. Haight and other members who were able to attend to discuss the borough code updates. Mr. Lacek noted that in going through some of the updates, it was noted that some were administrative that Mr. Haight and Mr. Fairchild would be more familiar with so they will look into them. There are also some that would require the police chief's input. He did note that the residency code was removed and there was not much to do with the fire issues. Another meeting will be held next month for all who are able to attend. The meeting will be around 11:30 a.m. and usually try to end around 12:30 or 1:00 p.m. Notices will be sent to inform members when the next meeting is scheduled.

**Other Business**

Mrs. Clark reported on the action taken by council at the last meeting which includes the changing of the set-back requirements for swimming pools and the change in rental property inspections as was discussed at the last meeting.

As there was no further business, the meeting was adjourned at 6: 15 p.m.

Respectfully submitted,



Helen L. Wilcox