

**Towanda Borough
“Continued” Public Hearing Meeting Minutes
Wednesday, May 26, 2021**

A “continued” Public Hearing of the Towanda Borough Council was held on Wednesday, May 26, 2021, at the Borough Municipal Building, 724 Main Street, Towanda, PA. The meeting was called to order at 7:00 PM by President Mark Christini with a moment of silence followed by the Pledge of Allegiance.

Present: Mr. Eberlin, Mrs. Miller, Mr. Kovalcin, Mr. Schulze, Mr. Christini, Mrs. Hatch, Mr. Parks

Absent: Mr. Lacek & Mr. Roof

“Continued” PUBLIC HEARING from May 3, 2021:

This is a continued meeting from the May 3rd Public Hearing/Council Meeting, as Allied Health Services is proposing a “Supported Living Residence” for six (6) people with mental health needs in the former Northern Tier Counseling building at 846 South Main Street which is a C-2 Commercial Zone (Central Business District).

Solicitor opened the meeting by stating that tonight’s meeting purpose was for allowing council to deliberate its decision in public. Also, he entered the Public Notice affidavit into the record and Mr. Sluyter’s (Zoning Officer) record of posting of the property into the record.

CITIZENS TO BE HEARD:

There were no citizens to be heard.

Once again, Stenographer, Elizabeth I. Brucie, RPR, was present to transcribe for this meeting.

Please see the attached transcript of the hearing (if available)

Mr. Eberlin (via telephone) stated that as far as (Conditional Use) 325-74.1. B (1) (a) 1st floor residency, it doesn’t meet this use. Therefore, he feels we cannot permit this type of use.

The following is President Christini’s Statement:

Before I begin, I would like thank Allied Health for the services they provide to persons living in our community. I live near the Mix Ave property and know several of the residents personally. I am very aware that they face challenges and that you help them in many ways. Also, I would like to verify one detail stated by the Allied staff at the May 3rd hearing? Could you please verify the maximum number of residents (not staff) you have staying at Mix Avenue property?

Kesha Belles, Allied Program Supervisor stated, "They can house up to (6) residents but currently have (5) living there."

Here is my thought process on the proposed Conditional Use application. The primary purpose of zoning is to segregate uses thought to be incompatible. In addition, zoning is used to prevent new development from interfering with existing uses and to preserve the character of a community. These are some of the reasons why we have zoning.

I think everyone is well aware that Council has taken steps over the past several years to change our ordinances to better define and enhance our Residential and Commercial districts. For instance, the definition of Family now states no more than three unrelated persons instead of five can live in a single-housekeeping unit. Specifically, for the R1 and R4 residential zones, we removed apartments as a “permitted special exception”. And in the C2 Central Business District,

it is hoped that vacant storefront ordinance (being drafted) will revitalize and promote our downtown C2 Central Business District and help it to thrive. So, our ordinances have been modified to preserve and strengthen the intended use of our individual Zoning districts.

Regardless of who the specific occupant will be, the C2 district is intended to be a commercial district, not residential. For C2, apartments are permitted only on 2nd and higher floors, and then only as a special exception following a hearing. In other words, apartments are not allowed at all on the first floor in C2. For historical reference, in 2012 Borough Council denied a request for first floor apartments in the C2 district for the now completed Towanda Terrace project in 400 Block of our downtown. Note however, that apartments on the first floor are permitted in zones R2 and R3.

During the May 3rd testimony, Mr. Rossetti stated the following on page 35: *"a conditional use, once an applicant fulfills and shows that the use qualifies for all objective criteria for the ordinance, is a presumed permitted use"*.

So, under Towanda Borough Code section: Conditional Use Zoning section 325-74.1. B, it states that the use may only permitted if three specific conditions are all met.

- (A) the use is similar to and compatible with the other uses permitted in the zone where the subject property is located.*
- (B) It is not permitted in any other zone under the terms of this chapter; and*
- (C) It in no way is in conflict with the general purposes of this chapter.*

In summary, because the proposed apartments at 846 S. Main Street are on the first floor, which are not allowed in C2, it is not compatible with other uses intended and permitted in the C2 Commercial District and therefore the proposed use should be denied.

Council member Jon Schulze, who is new to the board stated that his mind wants to hear the pros and the cons and he understands legally what President Christini is saying, interpret the Code. From the common-sense perspective, he asks what's next? He thinks the property has been on the market a couple times. Will it sit there until someone decides to put an office in that satisfies the requirements which doesn't necessarily help the town either. But he stated that has not made up his mind.

Paul DeNault (a late arrival Citizen to be Heard and the Property Owner) stated that the property is his, and we could use six (6) of these programs. However, it is not in his mission statement to do these types of programs, and it almost feels discriminatory in a sense. He went on to state that if this program can't get in, he will put other programs in there. He has a Drug and Alcohol Manager who wants to put an intensive DNA program in there which is commercial and not overnight; and he has a Drop-In Center Director who wants to use it. He stated there would be a lot more people and it would fall under the commercial code. He said he is supporting and has taken a lot off the initial listing because the community needs this program. Mr. DeNault also stated, "There is a similar program across the street." That is not true according to President Christini. Manager Lane stated that the property across the street is in a different zone. It is in C3 Highway Commercial District (not the same). President Christini then stated to Mr. DeNault that whatever should happen in the future we will address at that time and that is up to Mr. DeNault, but the item to discuss tonight is the "Conditional Use". Attorney Rossetti (Allied's council) stated that he is willing to discuss the legal realm to any council member who might have questions.

President Christini heard from several Council members (Mrs. Miller, Mrs. Hatch, Mr. Park and Mr. Kovalcin) who emphasized residency on 1st floor is a use not permitted in our Conditional Use Zoning. We have empty buildings on Main Street, that if we approved this use then it would set a precedent.

Jeremy Sluyter, Zoning and Code Officer for Towanda was put under oath. He stated that he gave proper public notice on the handouts, and also posted the property on April 13, 21 and May 5, 2021. The Borough Secretary advertised the hearing in the Daily Review (April 20, and 27, 2021).

CITIZENS TO BE HEARD:

There were no citizens to be heard.

RESOLUTION #2021-10

Adopt Resolution 2021-10 and APPROVE/DENY request of applicant Allied Health Care Services seeking "Conditional Use" of 846 South Main Street property located in the C-2 Commercial District for a first-floor living, "Supported Housing" residence for six (6) individuals with mental needs.

Mr. Kovalcin - Made motion to Deny Approval

Mrs. Hatch - Seconded motion to Deny Approval

The roll was called and votes recorded as follows:

APPROVE=0

DENY=7 Mr. Eberlin, Mrs. Miller, Mr. Kovalcin, Mr. Schulze, Mr. Christini, Mrs. Hatch & Mr. Parks

ABSTAIN:

ABSENT: Mr. Lacek & Mr. Roof

RESOLUTION #2021-10

Status: DENIED

ADJOURNMENT:

Motion to adjourn was made by Mr. Kovalcin and seconded by Mrs. Miller. Meeting adjourned at 7:33 PM.



Diane M. Kulick
Towanda Borough Secretary