

PLANNING COMMISSION MEETING
FEBRUARY 20, 2018

The meeting of the Towanda Borough Planning Commission was held on Tuesday, February 20, 2018 at 7:00 PM, in the council room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Chairman Kacyon at 7:00 PM.

Members Present Larry Kacyon - Chairman, Karen Johnson – Vice Chairman (joined later due to prior commitment), Kevin Doupe (left at 8:05 PM, due to a commitment), Jim Lacek, Jimmy Lacek & Diane Seigmund

Members Absent: Mark Christini, Erin Groves & Keith Long

Others

Jim Haight, Public Works Code Enforcement Supervisor (Zoning Officer), & Kyle Lane, Borough Manager. Also, Attorney Rinaldo DePaola, representing Chuck Kovacs & Karen Kovacs.

PUBLIC HEARING

A public hearing was held to review a Variance Application request of Charles and Karen Kovacs to use the first floor of their building at 5 Poplar Street, Towanda, PA for an apartment. This building is located in the (C-2) Central Business District, which by ordinance §325-17C(3) allows apartments on the second and higher floors as a Special Exception.

Mr. Haight (Zoning Officer) welcomed everyone and stated that the Planning Commission, at the request of Borough Council acts as an advisory board for the Borough Council, and reviews and makes recommendations to the Zoning Hearing Board on behalf of the Borough. With that said, he asked the commission to review the Kovacs zoning application and permit that was in their packets which was **denied** by Mr. Haight. He stated the zoning ordinance does not allow apartments on the first floor. Second and higher floors are allowed only by special exception. Attorney DePaola on behalf of Charles and Karen Kovacs has submitted an amended application for a Variance to the Zoning Hearing Board. This hearing is scheduled for Tuesday, March 6, 2018, at 7 PM, here in the Municipal Building.

Mr. Haight read the Amended Application to the Zoning Hearing Board for the Variance and then turned the floor over to Attorney DePaola, who described the physical details of the Kovacs building and presented a larger colored picture of the building. The Kovacs bought the property in 1994, and the lower level had been an apartment at that time, and the Kovacs continued to use it as an apartment until about 2 years ago, when they rented it out to a business for 10 months. He then stated that under the ordinance, if you cease non-conforming use for a period of 6 months and/or the change of use to a more restricted or conforming use for any period of time shall be considered abandonment, and such non conforming use shall not thereafter be revived. Intent to resume active operations shall not affect the foregoing. There was some discussion as to the original spirit of §325-58(A). They are requesting a recommendation from the zoning board to allow the variance for the following reasons: It would pose a minimal amount of disruption and would not change the area around it at all. Attorney DePaola stated that he wasn't sure if it could even be used as a business now.

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Mr. Haight stated that in 1995, the Borough changed the Ordinance to state "Second and higher floors is allowed only by special exception." If this variance was approved, it would have to be fitted with a sprinkler system as well.

After much discussion, it was decided by the Commission to have an **Executive Session** at 7:23 PM. Chairman Kacyon called the meeting back to order after the **Executive Session ended** at 7:33 PM. He stated that they discussed the ordinance, the physical conditions of the building, and hardships, and so on. At this time, Chairman Kacyon asked for a motion to accept or deny the variance. A motion was made by Mr. Doupe to "deny" approval of the Kovacs variance request, and this was seconded by Mr. (Jimmy) Lacek, with all the rest of the planning Commission members present voting in favor of the denial. Among the reasons is that the building is in a C2 District, and first floor living space is not permitted.

Mr. Haight stated again that the Zoning Hearing Board will meet on March 6, 2018 at 7 PM, to review the Amended Application for the Variance and hear testimony.

The public meeting was adjourned.

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Citizens to be Heard: None present.

Minutes

A motion was made by Mr. (Jimmy) Lacek and seconded by Ms. Siegmund to approve the minutes from December 19, 2017 meeting. The motion passed.

New Business

Review (and revise if necessary) all existing Towanda Code fines. Manager Lane stated that this focus is mainly for Property Maintenance issues/violations in the Borough, and repeat offenders of these. The fines range from \$25 up to \$1,000 - the Magistrate chooses the amount. Consensus is that the low end of the fines may need to be doubled, and maybe keep the higher amount that is currently at \$1,000. Mr. Doupe had to leave the meeting at 8:05 PM for another obligation, and he stated that he supports raising the fines.

After further discussion a motion was made by Mr. (Jimmy) Lacek and seconded by Ms. Johnson to invite Magistrate Todd Carr to the next meeting on March 20th, to discuss the fine issue with him, and listen to his input on them.

Old Business

Manager Lane stated that he talked to Mr. Christini about the goals of the Planning Commission, and Mark suggested that the Commission set maybe 5 goals to accomplish rather than try to tackle every issue at once.

Adjournment

Motion to adjourn was made by Mr. (Jimmy) Lacek and seconded by Ms. Johnson at 8:24 PM.



Diane M. Kulick
Recording Secretary
Planning Commission