

PLANNING COMMISSION
Regular Meeting Minutes
Tuesday, April 16, 2024

A Regular meeting of the Towanda Borough Planning Commission was held on Tuesday, April 16, 2024, in the Council Room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order by Planning Commission Co-Chairman Kevin Doupe' at 7:03 PM.

Members Present: Co-Chairman Kevin Doupe, Mark Christini, Brianna Fischetti, Erin Groves, Diane Siegmund, William Kovalcin, Roger Hatch, & Scott Hauser

Members Absent: Chairman Shane Mize

Citizens to be Heard or Guests:

Minutes:

A motion was made by Vice-Chairman Doupe' and seconded by Mr. Christini to approve the Regular meeting minutes for March 19, 2024. Motion passed.

New Business:

Mr. Doupe' stated that the new business is to work with Solicitor Smith to tighten up the definition of "Vacant." Mr. Christini provided a few examples that included Towanda Borough, York, PA, Abington Twp PA, Hanover Borough, PA, Ocean City, NJ, Tacoma Park, MD and Sidney, OH.

These examples were discussed and Solicitor Smith said that he would have to look these examples over and see what we can tweak. He stated that it is difficult to write something that is going to allow a judge to say that it doesn't meet the definition of what we are doing. It's vacant but it is used. Solicitor Smith feels you can go after someone who is an absentee owner who doesn't do anything with a storefront but let it sit there empty with dirty windows. That may be a code situation that we could go after. However, we are limited in what we can tell people to do. Mr. Christini said he would talk to Manager Hotaling about a list of people who may be available to do artwork on the storefronts.

Solicitor Smith talked about the definition of "Guest". This came about when a building on the north end of town (Dr. Haines's former dental office), was purchased and the new owner wanted to have a tax preparation business and "retail sales with guests permitted as a special exception." They came to the Zoning Hearing Board with this and produced evidence that they met the criteria, and now they can do what they want with that building. Solicitor Smith stated that the word guest from a legal standpoint, if it is not defined specifically towards statute, gets a plain ordinary dictionary definition. He proposed the following definition: **GUEST: A business invitee admitted to a place of business by prearranged appointment or reservation, or by the express advance invitation or permission of the business owner or agent of such owner, extended personally to such business invitee and not to the public at large.** Solicitor Smith will check on the word "guest" in other ordinance(s) contexts to ensure that it does not affect them negatively.

Lastly, Solicitor Smith brought up the subject of non-conforming use concerning the definition and interpretation of zoning laws that are crucial in decision-making. We are concerned about "grandfathered" under the law and changing use. He stated this is tough because of the way our ordinance reads, it's got a specific provision that says the intent of the owner. He said this is contrary to what the Pennsylvania Supreme Court says because it does say that intent matters. He stated when variances get by in places they shouldn't be given, it sets a precedence for the next person that comes along and feels they are allowed to have what they want. Once you switch to a conforming use then you are not talking about nonconforming use anymore. So it is grandfathered in that way. You can't just cut somebody out and stop it there because that would be a condemnation and you will end up paying that person for loss of their property. It's a fine line between how much you can restrict the expansion of the nonconforming or what uses are compatible with the nonconforming use. We need our ordinances to be a little tighter. Solicitor Smith will get the information together to tighten up the language in a particular change order form to avoid vague language and ensure compliance with existing zoning regulations.

Old Business:

FUTURE Business:

A. Update Regional Comprehensive Plan – Regional Comprehensive Plan that was last adopted in 2008.

Central Bradford Comprehensive Plan Executive Summary
Central Bradford Region Comprehensive Plan
Central Bradford Region Comprehensive Plan Appendix

B. DCED Grant Approved – Point committee for bundled projects.

1. Tommy Fairchild Memorial Park (formerly Riverfront Park)
2. YMCA (SCI) Complex Master Plan (including the Memorial Park playground).
3. Third Ward Park.
4. The TRAIL project with the possibility of connecting all Towanda Borough Parks and municipal grounds with the trail.

C. Downtown Revitalization

Misc:

Adjournment:

Mr. Hatch made a motion to adjourn at 8:02 PM.

The next meeting will be held on Tuesday, May 21, 2024, at 7 PM.



Recording Secretary, Planning Commission