

Jim Thorpe Planning Commission
May 21, 2019

Meeting called to order: 6:30 p.m.

Roll call: Lou Hall, Nancy Porambo, John McGuire, Joanne Klitsch, Jolene Evans, Clem McGinley, Joe Micko

Visitors present: Stephen Allen, Jennifer Christman, Jennifer Dages, Jeffrey Cook, Steve Hlauka, Ed Humprey, Bill E, Christine Allen, Helen Van Pell, Mark Reitz, James Dougher, Curtis Jackson, Jim Nanovic (Solicitor), Kerry Good (Entech Engineering), Diane Prokop, Joan Moyrkin, Mr. & Mrs. Anthony Raudino, Andrew Roberts, Betty Lou McBride.

Approval of Minutes of March meeting (as amended), Clem motioned, Jolene seconded, motion carried.

Jake Arner-New Subdivision/Land Development Proposal
Keystone Consulting Engineer – Winery is primary use.

- 1) Now appears to be land development rather than sub-division.
No longer the winery, it's the use of the land. (use issue) 500-50-1
- 2) Agritourism as an activity permitted, it was supposed to take place on same lot as the other activities that were to be permitted (cabins – no). The property is in several names, it's not located on one lot or parcel as ordinance states it should be.
- 3) The stipulation and settlement agreement from 2005, 17 references to it being a sub-division. Zero stating it's a land development. Number 9 spells out that limits are modified as written in stip. agreement. #5F states there is a variance allowed for no street lighting until owner erects it. There are not any lot owners. That part of agreement no longer valid.
- 4) Cross walks - based on 87 lot sub-division.

The entire stipulation agreement does not apply. The other issue has to do with the road. One of the Planning Commission duties is to insure adequate infrastructure for a proposal. In our opinion we deem the Flagstaff Road is inadequate.

Jake, stipulation agreement, monetary, they intend to agree with settlement. \$250,000 of road improvement is adequate. Borough owns more than 50%. Every citizen is subject to the bad road. The contribution offer and settlement agreement needs to be looked at.

Jandl walked away because PC asked for contributions. That makes any idea impossible because margins aren't there. Jake is trying to bring business to town. Bringing five hundred people during the week to town to make life better, do it without impacting traffic. Jake said he cannot look at his project to fund whole road. He said he realizes Lou is advocating for Borough. This will kill the project if it's not passed. You will also be in violation with a court order.

Attorney – PC makes own decision, then Borough Council, Court, that's how process works.
Agritourism on Lot 1B (Canyon Rim 1 or 2). He will check. There is one entity that owns all tracks.

All LLC's are owned by another LLC. Owners are listed on the plans.

Farming on 1A and 1B and agritourism, camping and cabins are permitted by zoning ordinance. It's shown on plan.

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Agrotourism on Lot 1B (Canyon Rim 1 or 2). He will check. There is one entity that owns all tracks.
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Solicitor – It looks like farm stand is on one lot and lots on the other.

Attorney – Jake shows the farm stand on 1A. Nanovic asked that the parking and wine area be shown on plans and they are not.

Jake – had to put subdivision plan in with lots shown and adjustment shown as Klitsch requested. They placed the new winery location on lot 1B and zoning plan they prepared and submitted to Borough plan he displayed at meeting. Nanovic did not see.

With submission of zoning plan, Atty. Kratz advised what they were doing and it was put on with zone application. 1B is all one lot. (175 acres) winery on it, it's the middle section.

Nanovic – who is third owner? No response.

Kratz – he has to agree with solicitor, it should be more clearly seen somehow. Ergman and Arner are familiar with plans. He is not.

Joanne – this is a total change of use. Solicitor – Kratz doesn't see this. He said it is similar to the 2005 agreement. Attorney said he can change plans up to the extent permitted to zoning. It is different, better. There is no market for 84 single family dwellings with those large lots. Jake talked to bank and believes it will work within the confines of the agreement. Flagstaff road. He is asking for a supportive vote to take to Borough Council.

Kratz, doesn't recommend sidewalks. Lighting issue? Arner, everyone preferred not to have bright lights on top of mountain. He agrees. Decided to have little post lights so people could see where they're walking, 4' shoulder, (on settlement agreement), and it could be plowed. Borough said they would take over road. If Council agrees with agritourism, Jake will plow the roads. They believe PC needs to look at this because it is better financially.

Joanne: The roads you were putting in are more expensive than the roads you planned now? Arner, in campground, roads should be set up for camp use. It would be a stone road. New product will be a grid and stone is put in the grid, it's pervious stone. Water goes into the ground eliminating the need for storm water ponds. Pocono Raceway uses it (True Grid). Solicitor/Maureen – roads must meet Saldo. Jake : you have road ordinance for residential lots, if so, they will agree. Maureen said there are ordinances that need to be followed.

By increasing density, it increases storm water. Every driveway in park will be made out of pervious stone, no storm water. A tent, an RV, small cabin, all are about a third of what's already approved. By using material he has shown, all is getting better.

Kratz: as proposed, less impervious than prior plans. Engineer, there are not lot owners now. Each lot would have a post light. It would indicate the respective lot. They will illuminate walking path so it won't light sky. Low impact.

Joe, all lots numbered for EMS? Engineer: it will be identified for emergency services. They need to work out details but it will be done. Jake believes it's a sub-division/land development.

Arner – Owner of a 500 RV park drove Flagstaff road and he said it was just as good as their development. With \$250,000 it can be top coated with 1.5 inches of material. It's two miles of road.

Solicitor Nanovic has to leave. Maureen and he discuss next steps.

Nanovic: If they are willing to ask for an extension. It will come to Council. Engineer reviews letter, comment 1, you can make a recommendation or defer it to Council.

All has been time sensitive and the PC not had time to review it. Give PC a chance and they will submit questions. It means table till next meeting and enter into records from Entech, April and May 20th. May 21st letter explains storm water management. Email response.

Engineer asks to have a separate lot change plan. Rather than generate it, they can do on same plans. Lou asked Matt. Matt agreed (delineate lots as he couldn't understand it).

Lou agrees to move forward, table for now. Lou would like to discuss parking as well. Major things are his concerns.

Arner, one request. Two Planning Commission meetings planned at same day and time. If they can be placed at the end of next meeting rather than first. They are requesting that. Depends on Nanovic's availability.

Motion to table this discussion till next meeting. Clem, seconded Jolene, motion carried. Joe asked to read about True Grid paving material, available on-line as well.

Short-term Rental – Jeff Cook – believes there is a solution for everyone here.

James Dougher, Mike Rivkin, Jenn Christman, Clem McGinley, Lou Hall make up committee. Jenn, some recent concerns, STR owners are seeing document. Lou hasn't formalized anything. Mary Lou submitted a list of suggestions. He plans to pick things up in June. Council would like to have them move forward. Rough draft, when it's done, everyone can see.

Carbon monoxide issues. Matthew Rechs – owns number of properties. Six properties, JTNB, together invested 1M in Borough. It's been a welcoming place. He's concerned. Everyone is there because of the rapid growth in short-term rentals and growth in area. Agrees new controls are necessary. Parking situation has caused concerns. He feels self-regulation is best approach. Short-term rentals may become the most regulated? Lou, who is the source of that draft? James Dougher., there are not many regulations that are obtrusive. Parking is an issue. Matthew is ok with volunteering with parking if in-home inspections are eliminated. You would have an inspection done by a licensed contractor, signs off, then that's it.

As an owner, (Reitz), it puts uncertainty on the way he runs his business. The ordinance would make him the most regulated in town. B&B's don't have that type of inspection. We can stifle growth. Lou asks to wait until you get draft instead of working off something that is not official. We eliminated off-street parking.

Diane Prokov, Vice Chair B&B & Inns. Organization has presented on various PC's and worked with Lancaster County. They were in UK last September. Don't feel there should be separate regulations for short-term and B&B's. A workshop meeting for the public can feel they have a voice. Might we need a larger pool? Lou, sure as we move forward. Too much input? Everyone needs to be heard. It was told it was bounced back because Council threw it back. A rough draft let them know what we were working on. Lou, they are ok and we should have a rough draft submitted by end of June. Curtis Jackson: Problem, land use, covered by zoning. We should just modify the zoning ordinance. Do you identify districts, 1,2,3,4? How are other things put through? Andrew, we have zoning and no-one enforcing it? Rules are not enforced. There is a tourist home definition. Which part of zoning makes any use of a tourist term? Dwelling and tourist home, look at definitions. Dwelling to tourist in R2, 3 or 4? Conversion rules. R1 can't nor C1. C2-2? There are many issues.

Andrew, if we treat everyone the same, off-street parking. Zoning ordinance is perfect. Curtis disagrees. Part is that zoning officer (2007) incompetent.

Diane, it also helps zoning to help delineate things. Curtis, he concluded, rewrite under zoning. There are more apartments than B&B, there are no regulations for apartments. Reitz, it's interpretation of rules, businesses are fragile.

Joe, putting something in zoning, does it already deal with what already exists? Prohibit parking on Broadway, how would you do so? Reitz, threat of eviction. He has parking at all his places. What they all want, they don't want to go out of business. They would be very happy to put in contracts. (park in heights). A permit to park in heights?

Jenn, responsible owners are willing to work on a solution. They need problems solved.

Mary Lou submitted an article on the Monroe County zoning ordinance..... "Short term rentals are not allowed in residential areas." She gave article to Lou. Lou will copy and distribute to all via email. She will also forward another article to Lou via email. (Article 1741 Short-term Lodging Facilities – Bethlehem).

An owner from NY who bought in Flagstaff was present and said with RV park, "He may have to put some bushes up to muffle sound." Curtis, road is owned by Borough. As part of an agreement to have a development, he said he had to contribute so much to roads.

Lou asked for John to attend VRBO meeting to look at the zoning issues. He used to be a zoning officer and it will be helpful having him there. June 7th, 4 p.m. meeting at the Borough building.

Meeting adjournment: Jolene motioned, John seconded, 8:30 p.m., motion carried.