

Jim Thorpe Planning Commission
June 25, 2019

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

Roll call of members: Lou Hall, Nancy Porambo, Joanne Klitsch, Jolene Evans, Joe Micko, John McGuire. Absent, Dr. Clem McGinley

Visitors: Jim Nanovic, (Solicitor), Maureen Sterner, (Borough Manager), Kerry Good, (Entech Engineer), Andrew Roberts, (Resident), Jake Arner, (Owner, Canyon Rim), James F. Kratz, (Esq., Canyon Rim), Bill Erdman, (Canyon Rim Engineer), Michael Rivkin, (Resident), Andrew Roberts, (Resident), James Dougher, (Resident).

Hearing of Visitors:

Flagstaff new subdivision/land development proposal – Jake Arner

Attorney Kratz – 3rd review. The Canyon Rim RV submission will be presented first, residential submission if necessary.

Kratz made several comments on the project:

The Borough previously agreed to remove plan note – stipulation agreement states it.

They will make the agreement good. It doesn't have to be on the plans unless you need it on.

Zoning ordinance – 5 comments – all noted closed

Storm Water Management – Engineer – all except #4, 39020, design info needs to be submitted. They did provide letter as to how storm water was addressed with the prior plans. They have a NPDES permit, they are renewing amending.

Kratz, There are large infiltration basins on development. Storm drainage facilities are private and should be labeled. Lot grades were not provided. They need to be provided and approved by Borough.

Kratz, lots 26-36 have multiple driveways. Revised subdivision 15-18, more specifics needed. Lots 25-38, difficult to obtain grades. Needs to be addressed. Lou: will they be sold? He asked for engineer to point it out on the plans.

Arner: those lots are not zoned for RV and camping at the time. They are zoned for residential. Agritourism ordinance only covers special district.

Engineer: They access existing roads, you would combine driveway. It is a residential district. Single family dwellings.

Section 6.1 – lot lines being adjusted? Separate lot line plan would help proposal. Engineer comment, show lot line adjustment rather than produce separate plan. Difficult to see tax parcels, needs clarity.

Details necessary. Engineer: they can clarify.

Arner, created overlays to see the before and after parcels so zoning officer can understand. He showed new lot lines with a schematic overlay. Arner, shorter lots to width to length ratio, then road access, they provided it in a usable manner for Agritourism and moved winery building.

Property Boundary? Mr. Geiger note? If they are not compliant, they will be.

Mr. Geiger died and Mr. Wolf is willing to certify to exterior boundary. They will get it resolved.

Street parking note, Canyon, Pinnacle, Vineyard – parking one side of street? They are to remain private roads. Arner realized it would be good to park on only one side of street. Because of guests, there should be parking allowed outside of their space. He agrees parking on only one side. They have a better solution to be discussed later.

Engineer – traffic calming, parking on one side of the street. They're like speedways with no cars there.

Lou: at previous meeting, there was to be no parking on the streets? Joe: he said he agreed. Arner has a solution. He has a proposed parking lot. It works with RV/parking and cabins parking.

Solicitor – is this a revision to the plan? Arner: this will resolve downtown parking issues. Weakness to JT is lack of parking. He would place it on the plans.

Arner: RV park, he has several banks interested in financing. Help Borough by adding a parking lot to plan so air B/B and people without parking could have their guests' park.

One thousand spaces, when not used during week, park an RV there.

Maureen, Can it be an RV lot during week, parking lot on weekend?

Arner: Canyon Rim will charge for parking and half of proceeds (net) will be contributed to the Borough for maintenance of the road. They will transport patrons downtown. The solicitor asked about 137-127- 140-147? Keep marked so they are used during week. They will be pervious stone sites. It's to show what he showed to Borough Council.

Arner: when Andrew's project goes in, it will be a great solution. Borough gets half of the proceeds for maintenance. He said he heard Lou about the RV's hurting the roads and this is a solution.

Joe, how many parking spots would be able available if they parked on the road? Engineer, it's not very efficient. Maureen, one car per lot? Half the number of lots would be a safe estimate.

Attorney, everything south is a special district, the rest is a residential district. Special has specific sizes of lots. Maureen, any public comments? Solicitor, he's good.

Lou, decision. This doesn't comply with Saldo 390-13 A. Use of an RV lot, doesn't fit in. To call it Agrotourism, an accessory? Feel RV plan is not. RV is not incidental to winery it's a primary use. 500-501A (see #3)

Jake Arner Farms LLC/Canyon Rim – farm stand winery was to make sure it's in compliance. Arner, it was located on one lot last month. He didn't intent to sell those lots. Solicitor, Jake did say that, we couldn't determine it.

Lou, It's new, and not an amendment, (2005). It does not apply. Eighty-four lots to 275 lots? Proposal for parking, it's a positive and should be incorporated into agreement. Section 390-13-B3 of Saldo, it is our responsibility to consider adequacy of facilities accessing this development. The roads are not adequate. The stipulation agreement will have to be revisited.

Arner, we've spent a lot of time addressing issues of Borough and adequacy of road. Report, from federal commission on mountainous roads, recommended width and should, 160+ page report. (*Report #362, Roadway Widths for Low-Traffic-Volume Roads, 1994*). Arner handed out a copy of report.

Arner, Lane width is 9 feet. 2' shoulders on each side. 18' of paved plus 4' added on to it, total 22' fit.

Arner measured from Broadway to Mahoning Township. Flagstaff Road, largest to smallest width is 22.5' down to 19'. Shoulders are 24' between culverts. He stated we should be fair in our recommendations. Highway study done, RV experts said it was adequate. He is offering a contribution for Flagstaff Road.

Arner said he paid Cohen and Associates and Carbon Engineering, Ron Tirpak, PenDot Highway Engineer for evaluation. They determined the base of the road was fine and suggested to not disturb it. Engineers, if road narrower, municipality spends less.

Discussion began as to whether creating a 275 lot RV park was an accessory use per the Agrotourism ordinance. Attorney Kratz feels it is. He asked what's the basis? If ambiguous, you have to side with the property owner.

Arner, we will have a 20x40 building to handle tourists that come to JT. He is allowed to expand Agritourism enterprise. People on site, add to farm, for winery and other uses. Theme park, trademark on hundred mile view winery and camping. Vineyards through the whole area. Rodale Institute would like for them to do the winery and they will do education. An organic farm.

Arner, He's just asking to move a lot line. The way it's laid out and up and running, he has to market, organic farm and education, hay, maze and things like that. He questioned if he has to come back each time he wants to do something? Asked to reconsider motion about to made.

McGuire, camping was just thrown in. He understands trying to sell all those lots. First it was winery, then camping. Integral doesn't mean accessory. Asked Jim, is this an accessory? "Integral", he doesn't know if it's in ordinance, "Incidental" that's it. When was it not accessory? 50 lots, 100 lots?? Kratz: what amount of RV's would make it accessory?

Lou, Carbon County Planning states this is an issue as well. JT Solicitor should review it. Single family dwellings, are they incidental? He doesn't know himself. He said it complies with the Saldo. Difference of opinion on RV sites, then what is?

Kratz: Asks how many RV do you consider an accessory. Nanovic: You do not have to answer that.

McGuire said he thinks it should be what Broadway can handle. Attorney, you raised a traffic issue. We're in a canyon, it's already packed. He said Arner committed to RV spots and there are no buddy spots. Maureen, does it show buddy spots? Utility spots are on the plans.

Arner questioned adding on plans and not knowing it will be accepted? Very time consuming. They can redo the plans.

Arner, pointed out the heights section is not capable for two cars to pass. Maureen, indicated they have to look at the ordinance. Because of something 100 years ago, they are charged with making sure submittals comply with ordinance and not to do a balancing act.

Carbon County Planning Commission Comments – Attorney, it's on the residential plan. May 21st letter, land development and lot adjustment plan. When he read letter, he was confused as to why he made that comment. He felt he was looking at residential plan. Carbon County only got the residential plan.

McGuire, make to approve with conditions. Lou asked for a motion?

Joanne made a motion to reject it, Lou seconded it. Questions? Hearing none.

Voting: Nancy, abstain, Joanne, reject, John not to reject it, Jolene not to reject, Joe, reject.

3-2 Motion carried, project proposal was rejected.

Attorney then presented "Residential Plan" for Canyon Rim.

Page 6 of Boro engineer letter. June 19th layout the same. Items carry over to residential plan. Instead of having RV lots, they will have single family dwellings. Put the RV plans away.

Attorney – We are proposing a new sub-division with 275 residential lots. HOA (Home Owner Association). If these are Borough roads, for retention ponds maintenance, you have onsite water supply, etc... Material for roads, would a waiver be required? On the settlement agreement, there are specs for the roads. (2005)

Lou, Sewer system? Attorney, Its a central, sewage system that is privately owned. They would have a well and sewage storage site. Maureen, what sized single-family dwellings? Arner, that which complies with the zoning ordinance, smaller lots, smaller houses, 275 lots.

Arner: Totally compliant. It's the same plan you saw before. Solicitor, have you reviewed this and does it comply with the Saldo? Good, this is compliant with what he can review. On final plans, preliminary, it complies, besides comments (some are same as RV)? Engineer, there will be a lot more detail on the final plans. Maureen, you can see that it complies? Solicitor, he can't look at before the 12th. Lou, did County review it? Yes.

Joe made a motion to table, Joanne seconded. (This would give time to review). Motion carried to table.

Andrew asked has zoning sent letter. Solicitor, no.

Status of previous meeting tasks:

VRBO – meeting coming up Friday. Meeting being held 4 p.m. in the Borough meeting room.

Permit Parking – McGuire, meeting July 18th, meeting here. 6 p.m. Meeting will be held here.

Marijuana Distribution (review comments) – He will take to Administration Committee, Council level. Everyone will look at it, then have a 30 day public viewing. Lou will have all areas marked that will be unacceptable.

Suggestions or Comments: None

Adjournment: Jolene motioned to adjourn, Joe seconded. Motion carried.