Jim Thorpe Planning Commission
May 21, 2024
Meeting Minutes

The Planning Commission Meeting was called to order at 6:33 p.m. by John McGuire. The meeting was held in Memorial Hall, 115 East 10th Street, Jim Thorpe, PA.

Roll Call of Members

Sean McFadden	Louis Hall-absent	Nancy Porambo
Joanne Klitsch	James Dougher	
John McGuire	Secretary Brooke Klotz	

Visitor's Present & Hearing of Visitors

Andrew Roberts – Borough Code Chapter 377: Stormwater Management – John McGuire started the meeting off by discussing the online training class that he and Louis Hall attended. There was an email sent out to the remaining Planning Commission members with the information that was taught during the class. The class was about how zoning started and some of the laws that governed the beginning of it. John McGuire said he will share the information with Andrew Roberts as well. He also asked Andrew Roberts if he felt the information was pertinent, to share with the rest of the Zoning Hearing Board.

Andrew Roberts attended the meeting to discuss Stormwater Management. He said he had four (4) follow up questions on SALDO to Borough Manager Sterner. He explained the main stormwater question was answered by Carson Helfrich, who has been working with the Borough to revise the SALDO Ordinance. There was some sections Carson called out that allowed for in SALDO and Zoning that the Borough will get by with determining whether its pervious or impervious. Joanne Klitsch asked Andrew Roberts what his main concerns were. Andrew Roberts said there were two (2) things. The first was with impervious- the Borough has a need for parking and stormwater management. His thoughts were allowing for a pervious solution. To have pervious parking, one must go through a review process for it to be allowed. John McGuire agreed and gave an example of a driveway in town that was required at the time to use stone for stormwater management. Andrew Roberts explained once stone gets crushed to a certain level, it becomes pervious. He explained the way the rules are, make it hard for people to do the right thing. He asked if there was some other process besides a waiver to get approved parking. He explained he currently has a coverage problem with his current project. Commercial Zoning requires 10,000 square foot lot to be conforming and he only has a 7,500 square foot lot. He explained only 10% of commercial lots in the Borough are conforming for parking. This requirement makes it hard for commercial property owners to do things to their lots. He asked Planning Commission if they felt the process to allow for parking be made easier. Andrew Roberts explained the waiver process slows things down for people and costs them more money. He said it took him hours to fill out his last Zoning application. John McGuire asked if pervious and impervious belong in SALDO or do they belong in Stormwater Management. Andrew Roberts concern is with how pervious and impervious interacts so much with the Stormwater Management, Zoning, and SALDO Ordinances.

Andrew Roberts next concern was with the Stormwater Management determination fee. He said its instituted by Resolution, but the Ordinance does not say what triggers a review. He wants to know what triggers it. He asked could it be codified to make that determination. He explained one of his projects, he was told he needed a Stormwater Management permit. Andrew Roberts disagreed and was advised by his engineer not to apply for a Stormwater Management determination. He felt if he had violated, then he would have been sent a violation notice. Andrew Roberts explained he didn't meet the requirements in Chapter 377, Section 4D, therefore he felt he did not need to apply for a Stormwater Management permit. Andrew Roberts asked why would the Borough force someone to pay the determination fee when a Stormwater Management permit wasn't needed. James Dougher read Chapter 377, Section 4D:

Applicability

A.

This chapter shall apply to those areas that are located within the Borough of Jim Thorpe.

B.

This chapter shall only apply to permanent stormwater management facilities constructed as part of any of the regulated activities listed in this section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this chapter, but shall continue to be regulated under existing laws and ordinances.

C.

This chapter contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal ordinances or at the municipal engineer's discretion.

D.

The following activities are defined as "regulated activities" and shall be regulated by this chapter:

(1)

Land development.

(2)

Subdivision.

(3)

Construction of new or additional impervious or semipervious surfaces (i.e., driveways, parking lots, etc.)

(4)

Construction of new buildings or additions to existing buildings.

(5)

Diversion or piping of any natural or man-made stream channel.

(6)

Installation of stormwater management facilities or appurtenances thereto.

Andrew Roberts said there should be something in this section that includes the requirement of the determination fee; if it's not in Borough Code, what triggers the fee? The problem there's nothing in Stormwater Management or SALDO that determines the fee. Secretary Klotz asked Andrew Roberts what he felt should trigger it. Andrew Roberts asked who made this up, who made this determination to have this fee? James Dougher said there is something in the Ordinance that 5,000 square feet triggers something and one (1) acre triggers something. Andrew Roberts agreed these two (2) items are codified, but are well above the sizes being currently discussed. Andrew Roberts asked what rules did he break that triggers a review. What of the six (6) items in that Section triggered a review. Secretary Klotz asked when this first came up. Andrew Roberts said it was in 2022. John McGuire asked how do we get to the solution? Andrew Roberts gave some examples and explained wanting to fill the aquaphors and eliminate runoff. John McGuire said Planning Commission needs to figure out what triggers a review. He recommended asking the Solicitor. Andrew Roberts doesn't want to see people have to pay a fee when its not warranted. John McGuire said the only thing he sees that would trigger it is filling out an application. James Dougher asked if this fee was added to the Zoning Ordinance a few years ago. Andrew Roberts explained it was not, that it was implemented a few years ago through Resolution. Andrew Roberts said he didn't need an answer right away. Secretary Klotz asked Planning Commission if they would like to think about this topic and review it again at next month's meeting. John McGuire said he wanted to think about it some more and ask Solicitor Nanovic some questions.

Minutes and Motions

MOTION by Sean McFadden, second by James Dougher to **approve the April 16, 2024 meeting minutes.** There were no comments. Motion carries 5-0.

Subdivision and Land Development (SALDO)

NONE

Ordinances

MOTION by James McGuire, second by James Dougher to **ask the Solicitor to clarify the three-strike rule in the Short-Term Rental Ordinance (permit revocation) to per unit or per property.** John McGuire stated there were two (2) questions the Planning Commission brought up regarding the Short-Term Rental Ordinance. The first dealt with on-street parking and off-street parking by STR visitors. The second pertained to the allotted amount of extra people per STR. John McGuire asked how these items are being governed and enforced. He specifically mentioned there is a property on Center Street that is an allowed Short-Term Rental and recently underwent renovations. He said it looks like

another entrance was added and an additional bedroom. John McGuire also said he did not see a permit for the work completed. With the extra bedroom added, this requires an additional off-street parking space. John McGuire discussed Solicitor Nanovic's letter sent on May 10, 2024:

Ordinance 2021-01, which is the Zoning Amendment, provided in part that adequate off-street parking shall be provided in accordance with Section 500-31. Section 500-31 provided that Short-Term Rentals shall provide at least one parking space for each bedroom. Ordinance 2021-02, which is the stand-alone Ordinance sets the maximum number if all vehicles allowed to be parked on the property. This Ordinance also provides that the Short-Term Rental shall have a clearly visible and legible notice posted with in the unit or adjacent to the front door containing information regarding parking, among other things. This includes the requirement that all renter parking must be on the property (as per Section 7b above) and not in any private, community or public right-of-way. See Section 351-11 (14)(c).

John McGuire said the first problem with this Section 351-11 is there should be signs posted about parking on the property and the second problem is how will this be enforced? John McGuire also questioned why was this written in the Ordinance if it's not going to be enforced. Andrew Roberts asked how many hours is the current Zoning Officer working. Secretary Klotz explained the Zoning Officer is only working seven (7) to eight (8) hours a week, due to Bureau Veritas being shorthanded. Nancy Porambo asked what are the list of procedures to be done if there is a complaint. Secretary Klotz said a Request for Action would need to be filled out and submitted. That in turn would go to the Zoning Officer if it is a Zoning complaint or the Building Codes Officer if the request is in regards to Building Codes. Secretary Klotz explained the Request for Action forms that are submitted are anonymous. Nancy Porambo said even when a form is filled out, one is directed to call the Police. Secretary Klotz explained if it's something that needs immediate attention that is outside of the Zoning Officer's availability, then the Police should be called. She also explained Borough Council voted to make the current Parking Enforcement Officer Seasonal Full-Time to help with Code Enforcement, along with hiring an additional Part-Time Parking & Code Enforcement Official. James Dougher clarified that when a Request for Action is filled out, there will be no follow-up response once it has been addressed. John McGuire said when the Police are called, it goes over the scanner, so it's not anonymous.

Nancy Porambo brought up a prior discussion that Louis Hall spoke about Short-Term Rentals in Cape May. They require a sign posted at every STR property with the property owners phone number. If there is an issue, then the property owner would be called to address the problem. This makes the property owner accountable. Nancy Porambo would like to see the Borough enact this signage requirement that Cape May utilizes. James Dougher explained the Short-Term Rental permits given are to be posted in the window of the house. Andrew Roberts asked if the permits have the property owner's phone numbers on them. Secretary Klotz said she didn't believe phone numbers are put on the permits.

Nancy Porambo said in the email she received from the current Zoning Officer; it states all Short-Term Rentals are Special Exception uses. Nancy Porambo expressed some concerns that the permits are just being issued without any thought. Andrew Roberts explained if a Short-Term Rental was operating before the Ordinance was adopted, these properties were grandfathered. Secretary Klotz explained these properties are only grandfathered if the property owner came in to the Borough office and filled out the required paperwork. Andrew Roberts said from what he has seen on the Zoning Hearing Board, everyone seems to be coming in to apply for a Special Exception.

Nancy Porambo's next concern with Short-Term Rentals is the inspection aspect of it. She expressed the importance of safety. There is currently no requirement for inspections before issuing a permit. Andrew Roberts said when submitting a change of use application, the plan must be submitted to the Building Codes Official for approval as well, but there is no confirmation or receipt of this actually happening. Nancy Porambo expressed an even further concern over the possibility of a fire or fatality, she asked who would be liable for this. She's concerned there is no policy in place for inspections and the liability coming back on to the Borough. James Dougher directed Planning Commission to look at page two (2) of the Zoning Officer's email comments. There is a clause when the permit is issued. Nancy Porambo asked if it would hold up in court. James Dougher said he felt it would. Andrew Roberts said there is no life safety completed in the Borough. When he had someone come inspect the Opera House fire system, the inspector said he was out of date and asked if the fire marshal inspect his system. Andrew Roberts explained to the inspector the Borough doesn't have a fire marshal and the Fire Chief is not a fire Marshal. Andrew Roberts asked the Building Codes Official to come to the Opera House for a walk through and complete a list, but claims the BCO will not come back.

Nancy Porambo said she still doesn't have clarity on the Short-Term Rental parking concerns. James Dougher said the Zoning Officer discussed this in her email, it's a continuation of Section C on page two (2). There is nothing in the Short-Term Rental Ordinance penalizing people for not parking in the supplied off-street parking area. Andrew Roberts asked if the property owner can be penalized with one of their three (3) strikes when the renters aren't parking in the supplied off-street spaces. John McGuire feels if a property only has two (2) spaces and the renters bring five (5) cars, then someone should be penalized. Secretary Klotz explained that when an instance like this would happen, this is where a phone call

to the Police will help and will count as a strike against the STR. James Dougher said Solicitor Nanovic did not answer the third question of how to interpret the three (3) strike rule; is it three (3) strikes per unit or is it three (3) strikes per property? There are several multiple unit properties in the Borough and wants clarification on this.

Borough Council Items

John McGuire said Louis Hall had asked about running the latest draft SALDO through an AI generated program to pull out the "shalls" as needed and replace with must. Borough Manager Sterner told Louis Hall this request would have to go in front of Borough Council for approval. Andrew Roberts said if the Solicitor doesn't see a problem with using the work "shall", why bother going through this process. Nancy Porambo and Joanne Klitsch said to leave the draft as is and not run it through the AI program.

Acknowledgement of Williams Minor Subdivision/Lot Line Revision – Secretary Klotz explained Borough Council acknowledged the Williams' plans at their last meeting.

Vacant Seat-BC still accepting letters of interest – Ted LaRizzio, a member of Borough Council, spoke with Joanne Klitsch and said he was considering accepting the vacant seat.

Old Business

Suggestions or Recommendations

NONE

Adjournment

MOTION by John McGuire, second by James Dougher to **adjourn the meeting.** There were no comments. Motion carries 5-0. The meeting ended at 7:51 p.m.

Respectfully submitted,

Brooke Klotz
Borough Secretary