



**EAST PETERSBURG BOROUGH PLANNING COMMISSION
MEETING MINUTES
May 18, 2023**

Meeting began at 7:00 P.M.

Roll Call: John Schick Chairman, David Keener Vice-Chairman, Rory Buckwalter, John Kerchner, Joshua Roberts, Marvin Stauffer, John Wolf, and Zoning Officer - Collin Fox

Re-organization of Members:

1. *It was moved (J. Wolf / J. Keener) with unanimous approval by the Board, to Nominate John Schick as Chairman of the East Petersburg Borough Planning Commission*
2. *It was moved (J. Wolf / J. Kerchner) with unanimous approval by the Board, to Nominate David Keener as Vice-Chairman of the East Petersburg Borough Planning Commission*

Approval of Minutes:

It was moved and seconded (J. Wolf / J. Keener) with unanimous approval, to approve the December 15, 2022, meeting minutes

Visitors: Maria Ramos, Vanessa Garcia

Public Comments: None

Old Business: None

New Business:

1. Review Zoning Hearing Application submitted by Maria Ramos, 6538 Hollow Drive, the applicant seeks a Zoning Special Exception to allow for "Home Occupation, Major", specifically a home esthetic salon, within the High-Density Residential District (R-3). This Special Exception is for a Use as provided in Table 306.B.1. of the East Petersburg Zoning Ordinance.

Collin Fox reviewed the following documents with P.C. members submitted by applicant: application, letter of intent, response to specified requirements, esthetician license, and small map showing where property is. Mr. Fox said it would be advisable to have the owner give full blessing for this at the Zoning Hearing Board meeting. It was suggested that the owner writes a letter stating she is the owner, and she is in support of her having this business at this parcel.

He said it can be assumed there are already 2 vehicles being parked there. With this usage there should be one parking space for client use and it will need to be established how this will be managed, so that one space will always be offered. Mr. Fox said it would be a good idea to add total floor area for usage and any changes to the parcel for usage, indoor and outdoor.

Mr. Fox said he did receive a call from an anonymous caller stating that they believe that the home occupation has occurred before this zoning hearing has met. He said he cannot speak to the validity of this and has not seen evidence of this.

It was pointed out that the drawing submitted had the neighboring spot marked. Ms. Ramos explained this was done in error and said they will use the one designated space they have for clients. Ms. Ramos said there is plenty of off-street parking in this area. Ms. Ramos said the hours of business will be 9:00 a.m. to 7:00 p.m. by appointment only, with 30-45 minutes of time in between each appointment to avoid overflow. Clients will enter through the back of the house by walkway. Ms. Ramos said she would like to put a sign out if this gets approved. She will reprint the parking area and bring it to the ZHB meeting along with a letter from the owner.

PC members discussed the fact that the state has come in and approved what she is doing and discussed if they would check for ADA. It was pointed out that if they are not required to have a building permit than they probably don't need to be checked for ADA compliance.

John Wolf explained that the planning commission is an advisory board and can only make a recommendation, which will be submitted to the ZHB who will then make a decision that is legally binding. He told Mr. Ramos she will need to have all the answers to the questions for the ZHB.

It was asked what esthetic services she will be providing. Ms. Ramos plans to offer facials and hair removal using sugar products.

Ms. Ramos asked if there would be any reason the ZHB would not approve. Mr. Schick said that parking is usually the issue in this area because of how tight it is. If complaints are received, than whatever Ms. Ramos testifies to would be looked at to be sure operations are according to what is testified. A cease and desist would be issued if it was found that it was not being followed as should be.

Mr. Wolf said many of these types of applications have come through over the years for the R-1 district, but this is the first time he recalls one for the R-3 district. The biggest concern that will come up is parking. It was suggested that she have someone in the surrounding area to show support at the meeting or write a letter in support, to offset anyone who might not be.

It was moved and seconded (J. Wolf / M. Stauffer) with unanimous approval, to recommend approval of the zoning special exception submitted by Maria Ramos for property 6538 Hollow Drive, to allow for "Home Occupation, Major" within the High-Density Residential District (R-3). This Special Exception is for a "Use" as provided in Table 306.B.1. of the East Petersburg Zoning Ordinance.

Miscellaneous:

1. Airbnb's

John Schick said there were requests received regarding using properties as Airbnb's. Two properties were issued a cease and desist for this. Per the recommendation of the Borough Solicitor-Amy Leonard, Council advised her to prepare an update to our ordinance to handle Airbnb's. He explained that currently this is covered under Bed and Breakfast in the ordinance, but she felt there should be stronger language to cover Airbnb's. Mr. Fox pointed out that with Bed and Breakfast the person who runs it needs to be there the whole time, and with Airbnb this is not usually the case. Bed and Breakfast is currently allowed in NC and HC, and the properties showing interest were in Residential areas. Mr. Schick said people who run hotels sometimes report these types of properties that are not signed up with the state because they are not paying the fees and taxes that the hotels have to pay and not getting inspections. Some of the other municipalities are updating their ordinances for this and adding restrictions and some are even requiring inspections. It was discussed excluding R-1 and R-2. Amy Leonard will put together a draft and it will be reviewed by planning commission, and then sent along with the p.c. recommendations back to council. Collin Fox said that if a use is not specified for, it can be argued that it is not a use provided for in the ordinance. Mr. Fox said he received several complaints pertaining to the Airbnb on Lemon St. in regard to the loud noise every night and every weekend. This property was sent a cease and desist. John Wolf and John Schick said in the past when we did not have our own zoning, we were covered under the comprehensive plan. This would be the time to change or update any items in the zoning ordinance that need it. One change needed was height of screening of vehicles.

John Schick pointed out that council did not want to move forward with re-evaluating the poultry section of the ordinance.

2. Marvin Stauffer asked about the home on Miriam Circle that was sent a letter. Collin Fox said that it is not a halfway house, it is a group home, and they are in the process of submitting paperwork.

Announcement: Next meeting will be held on June 15, 2023, at 7:00 p.m., if needed.

Adjournment: 7:39 p.m.

Respectfully Submitted,
Kim Strayer, Recording Secretary