

**PLANNING COMMISSION
BELLEFONTE BOROUGH
MEETING MINUTES**

**November 12, 2019 – 5 p.m.
236 West Lamb Street, Bellefonte, PA 16823
www.bellefonte.net**

CALL TO ORDER:

The November 12, 2019 meeting of the Bellefonte Borough Planning Commission was called to order by Chair Robert Dannaker, at the Bellefonte Borough Municipal Building at 5:00 p.m.

PLEDGE OF ALLEGIANCE:

MEMBERS PRESENT: Robert Dannaker, Chair
James Mills, Secretary
Dallas Gallo

EXCUSED: Chris Morelli
Mark Edwards

STAFF MEMBERS: Shannon Wright, Zoning Administrator
Ralph Stewart, Borough Manager

GUESTS: Randy Brachbill
Tom Songer
Mark Morath
Ed Olsen
Tommy Songer

APPROVAL OF THE MINUTES:

The minutes were presented for approval.

**Mr. Mills moved to approve the minutes of the October 14, 2019 Planning Commission meeting.
Mr. Gallo seconded the motion.
Motion carried.**

LAND DEVELOPMENT ACTIVITIES:

Preliminary/Final Plan for Bellefonte Waterfront Subdivision

There are four parcels showing on the plan. The fourth lot is being made part of Lot 2. Each lot will be individually owned, and other partners can be brought in for development. Once the plan is recorded there will be three individual tax parcels.

Mr. Songer stated that they are working with the Borough with regard to Dunlap Street. The two ends shall remain Borough owned. They are paved. The part in the middle may remain technically a private street, but it will have to be worked out as to who will maintain it. There are easements for water and sewer, etc. The land development shows parking coming right off of Dunlap Street. That will be metered parking. The revenue collected will support the parking garage. Dunlap will be built on through and be open to the general public.

There was a question and confusion about there being four lots, based on the drawings. Ms. Wright explained that the way the plan is drawn it looks like the lot is broken off from the other properties. The intent at this point, is that the part of Dunlap between there will be part of parcel No. 2. As presented, Mr. Dannaker stated it looks like a piece of property that does not have any lot number or ownership.

**Mr. Gallo moved to accept the plans as presented
to the Planning Commission.
Mr. Mills seconded the motion.
Motion carried unanimously.**

Ms. Wright clarified that the County comments have not been received yet, so the motion needs to include the provision that those comments be taken into consideration.

Bellefonte Waterfront Preliminary Land Development Plan

The plan depicted where the actual buildings would be located on the subdivision plan. The plan is basically what was presented last month at the PC meeting. Nothing has changed and the buildings are accurately shown by the engineers.

Mr. Dannaker inquired about the parking along Dunlap Street. The ordinance states that if there is parking on a two-way street, you cannot back out into the parking area. That occurred at the development that HFL put in on Phoenix. Signs were put in place regarding that parking regulation. (575-100(c)). It would apply only if the street was dedicated as a public street. Enforcement of the private metered parking spaces would not be the responsible of the Borough.

Mr. Dannaker also inquired about the modification to the impervious coverage. Mr. Songer stated that everything in the commercial areas is pretty much paved. He stated that they are asking that there be 10% pervious and 90% impervious. He does not feel it will be a challenge to meet it because all of the pavers shown are pervious which will infiltrate rainwater into an underground storage area at the north end of Lot 3. Over time the cinders can clog up but that is not the design of the intended pavers. They plan to salt and plow. There will also be small inlets along the pervious pavers to collect water.

Mr. Stewart stated that he had some proposed language for PC to consider in relation to the proposed amendments to the ordinance. That language was included in the packet.

The Borough engineers will review the plans.

The ordinance changes were discussed. The zoning ordinance already extended some leeway in the waterfront district regulations. Conditional uses are listed. Even though the waterfront district is maxed out, buildings will need to be lost before rebuilding, other than the proposed development area, per Mr. Stewart.

Mr. Dannaker discussed the height increase request.

Conditional uses of hotels and height was discussed. Permitted uses are requested to be changed to include grocery stores and drug stores and/or pharmacies. This appeared to be acceptable.

Mr. Stewart proposed changed 575-42. Conditional Use – criteria for residential condominium development. The building height restriction may be expanded by 15 feet to a maximum height of 65 feet shall be added. 575-43 would cover the parking garage. It needs to be greater than 50 feet. Mr. Songer met with a solar professional and the roof height needs to be enough to accommodate that.

The ceiling of the occupied space governed the height restriction. Language will be crafted to speak of a parking garage and not a livable unit.

Mr. Stewart proposed a few other changes. 575-43 Conditional Use – to allow a maximum building of 275 feet. Council can review it and the allowance as a conditional use. The increase to 90% impervious coverage can also be decided by Council.

Parking spaces at 9 feet wide is also something that Council can review as a conditional use.

Mr. Stewart proposed a new conditional use section 575-44 that would start criteria for hotels. It is similar to that of condo buildings, except it allows for the higher buildings and also demands that the first floor be commercial or office development. Council can add provisions as they deem proper and necessary.

The loading of vehicle regulations may be modified. That may need to be added to the other conditional uses so the entire strip across the three properties can match up.

Allowing the changes as conditional uses is not out of the vision for the district and Council has some ability to decide the changes on a case by case basis for any future development. It would not be considered a blanket statement for the waterfront business district, per Mr. Stewart.

Accepting the requested amendments would allow the project to move forward. The developers would like to close on the property on or before December 19. The goal was to get recommendation from PC at the meeting, recommending that the changes move forward. Council would have the public hearing on December 2, 2019 for the zoning amendments. Likely the developer would close on the property mid-December.

Mr. Gallo moved to recommend to Borough Council to approve the ordinance changes, for height for the parking garage, impervious coverage, and parking space size with the changes as discussed.

Mr. Mills seconded the motion.

Motion carried unanimously.

The plan conversation continued on the preliminary Land Development plan. The pavers if not considered with the impervious coverage is 67% with no credit given to the pavers it would be 85%. The challenge was the parking structure and that is why greenspace was included on the west side of Dunlap Street with Lot No. 2.

All of the stormwater will be in accordance with the ordinance. The water will be discharged into the pipe that goes under Lamb Street and already in Dunlap Street. They cannot discharge into the creek. The actual raceway will remain the property of the Borough. That water cascades down towards Dunlap and goes into a pipe under Lamb. There will be nothing that negatively impacts any of the drainage in the area. The Borough engineer and the DEP will review the stormwater plans. The NPDES permit was updated and that will be part of the project. That has been submitted for review.

Mr. Songer asked that PC approve the preliminary plan with the understanding that once those reviews are all completed, the final plan will come back.

The lighting plan was discussed. The developer will be responsible for the lighting and the electricity bill. The lighting will compliment what the existing Borough lighting. The power poles along Dunlap Street will have to be relocated underground to clean the site up. The developer will be in touch with West Penn Power for that work.

Mr. Gallo moved to accept the preliminary plan as presented contingent on the County and Engineer reviews.

Mr. Mills seconded the motion.

Motion carried unanimously.

PLANNING AND ZONING ISSUES: None.

OLD BUSINESS:

Short Term Rental Regulations

Ms. Wright recapped on the short-term rental regulations. There were some definitions that were proposed to be added. The zoning ordinance does not address rentals of any kind, so part of the language defined what they are. If short term rental could be placed in the rental section, with a few definitions that may fix everything, per Mr. Dannaker.

The changes were discussed. Limiting the nights on a short-term rental was added. Ms. Wright calculated all of the big events in the area, i.e. football weekends, graduation. That number was 11 weekends / 22 two-night stays. Limiting the nights may discourage people from purchasing homes just to rent them out.

Enforcement was discussed. This was discussed at the prior meeting and it was recognized that there may not be a way to enforce or track but hopefully having the language in there may deter some of the rentals. Complaint driven enforcement would be the recourse.

Another general concern was that a short-term rental may become a nuisance property. The language was taken from the nuisance property ordinance from State College Borough. Ms. Wright inquired whether PC would want to apply the language to ALL rentals. PC concurred that it should be in all rental language. Enforcement was discussed.

The distinction between short term rentals and property owners was discussed. Another issue discussed prior was recommendation that the Borough has its own short-term rental permit that will ask a few more questions, i.e. is this being used as a short or long-term rental? Setting it up on paper is one thing, but enforcement is another, per Mr. Gallo.

Mr. Gallo suggested sending something out to all property owners regarding the mandatory registration of the rental permits, whether full-time or short-term rental.

Ms. Wright stated that the intermittent rental seminars held by the Code Office were well attended. Since, then she has received a number of applications. Similar seminars can continue as part of the enforcement process.

Insurance ramifications were discussed. Of all the municipalities Centre Region Code covers, only College Township requires proof of insurance.

The Borough's rental code is now enforced with the property maintenance code by Centre Region Code.

The definition of short term and rental will be added to the ordinance. Ms. Wright went through and made sure that what was in the ordinance matched the maintenance code. Mr. Dannaker offered that permitted should be added to the definition.

Mr. Stewart suggested to add the insurance requirement. With a lot of older homes in the Borough, it may be a good addition. Proof of liability coverage is recommended to be added. College Township has \$50,000 for liability and hazard insurance and casualty insurance to restore the building.

A separate application to the Borough was discussed along with a fee associated with that application. Mr. Stewart agreed with this. The fee could be used to help with enforcement if need be. The more deterrents, the better. A recommendation for a fee will be brought up with Council. Ms. Wright recommended that a fee be paid for all rentals, short-term, and long-term. The review time for the applications does not get covered at this time.

Mr. Morelli emailed Ms. Wright and stated that he was in approval of what was put together thus far.

Mr. Gallo requested that everything be incorporated, and that PC look at the ordinance once more. It is an important item, and much needed in the Borough.

Tax requirements were discussed. Mr. Stewart preferred to mirror some of the other townships. College Township is revising their ordinance and may be consulted when their revisions are completed, per Ms. Wright.

NEW BUSINESS:

Article How to Make Municipalities Prepare for E-Vehicles

Mr. Stewart discussed the article in brief. The gist of the article explains how the municipalities should prepare before the vehicles come to a municipality. He asked PC to review if the current ordinance speaks to e-scooters and e-bicycles. If the ordinance does not address them, then pedestrians may be in jeopardy of being hurt or parking being obstructed.

Sample ordinances can be researched, and PC can make recommendations. Before they arrive in the Borough, Council is trying to be proactive in regulations for the e-vehicles. Good legislation needs to be in place.

Recreation on the water was discussed briefly.

ADJOURNMENT:

Mr. Gallo moved to adjourn the November 12, 2019 Planning Commission Meeting.

Mr. Mills seconded the motion.

Motion carried.

Meeting adjourned at 6:20 p.m.