

Mount Joy Borough Planning Commission

November 9, 2016 Minutes



The November 9, 2016, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Sweigart, Rebman and Gault were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs was also present. Wendy Melhorn introduced new Borough Manager, Samuel Sulkosky.

MINUTES

On a motion by Rebman and a second by Sweigart, the September 14, 2016 minutes were approved with corrections. *Motion carried 4-0.*

PUBLIC COMMENT None.

UPDATES The Planning Commission was provided a copy of the Zoning and Code Officer report by email.

Gibbs advised that she plans to email Gault the Draft Hiking and Biking PowerPoint Presentation to review.

Gibbs advised that 645 Donegal Springs Road received a demolition permit to demolish the single family dwelling on the property. Gibbs advised that the Planning Commission previously reviewed plans for the addition of a building at 645 Donegal Springs Road for SM Johns and Son Construction where this home is located. Once the demolition takes place, the required and approved stormwater management facilities will be installed. John Rebman asked how long the permit is good for. Gibbs advised that permits under the Uniform Construction Code are valid for 5 years. Gibbs further advised that Mount Joy Borough requires a request for an extension each year on the permit.

OLD BUSINESS None.

NEW BUSINESS

Sweigart announced Gibbs provided a Memorandum informing the Commission that the Lancaster County Zoning and Building Code Official's Association members received an email from the Lancaster Newspaper regarding enforcement procedures of little free libraries by municipalities. The request was to gather information from municipalities on how they enforce, or would enforce the erection of little free libraries.

Sweigart advised that Gibbs conducted research and provided documentation for the Planning Commission to review and make recommendations. Gibbs also consulted with the Borough Solicitor on this subject and enclosed a copy of the Solicitor's letter for the Planning Commission to review. Gibbs further advised that a few months ago, Councilman Deering inquired about a little free library as he knew a Cub Scout that was thinking of putting one in the Borough. Gibbs advised that at that time, she informed Deering that she was not familiar with them and assumed someone would need a permit. Gibbs further advised that she informed Deering she would have to do research. Gibbs advised that she did not hear back from Deering, and no one has approached Gibbs to install a little free library in the Borough.

Mount Joy Borough Planning Commission

November 9, 2016 Minutes



Sweigart wanted to make sure that the reason this is coming before the Planning Commission is because the newspaper reached out, not just to Mount Joy Borough, but other municipalities too regarding their regulations or enforcement of little free libraries. Gibbs advised that was correct. Melhorn advised that first, in Marietta Borough, everyone thought this was a great thing, and then after little free libraries were installed, Marietta Borough then adopted policies to enforce the installation of little free libraries and people were not happy. Gibbs provided several news articles to the Commission regarding this. Gibbs advised that this is what she does not want to happen in Mount Joy Borough. Melhorn advised that the newspaper at first wrote about how great the little free libraries were, and then the newspaper wrote about the policies, and how upset the residents were.

Sam Sulkosky advised that the regulations could include what the little free libraries should be made out of and what kind of material. Sulkosky advised that his thought is that if a recommendation is made to Council, then some details should be provided. Gibbs advised that the first step is for Council to take action to authorize the staff to spend the time to draft something along with the Solicitor.

Melhorn advised that she was looking through the pictures of some of the little free libraries and they seem so diverse. Melhorn advised that if regulated, wouldn't that limit someone's creativity. Gault advised that maybe instead of providing material specifications we should put some basic safety specifications, for example, it has to be built so it latches and someone can't get locked inside. Sulkosky advised that it should be made out of certain materials. Sulkosky said it should not be made out of metal. Melhorn advised that some could be made out of old metal recyclable materials. Melhorn advised that we need to be cautious. Melhorn asked if there were any in the Borough now. Gibbs advised that there is none that she knows of.

Gibbs advised that little free libraries and accessory structures are currently not allowed in the front yard. Gibbs advised that most little free libraries are placed in the front yard which currently would not be allowed. Gibbs advised that the Borough Solicitor said that unless accessory free libraries are attached to an existing structure in a front yard, like a fence, they would not be allowed under the current zoning regulations, and a variance from the Zoning Hearing Board would be needed. Gibbs advised that it needs to be decided if accessory free libraries would be allowed in the front yard. Gault advised that the issues in Marietta Borough were that the free libraries were not just in the front yard, but actually in the right-of-ways which is a whole other issue. Gibbs advised that she put together a page of bullet points after doing research that could potentially be part of the accessory structure section of the ordinance. Gault advised that it may not be worth doing anything until Council authorizes this to move forward. Gault advised that Gibbs should draft something, and put together a complete package to come back to the Planning Commission.

Rebman advised that he does not know if he likes the idea. Rebman advised that he would like to see what Council feels about it first. Gibbs informed Sulkosky that the language on the agenda is the usual language that the Planning Commission takes on such items before actually taking the time to draft policies. If Council is not in support of it, there is no sense in drafting anything.

Sweigart questioned if we had any idea how much it will cost to move forward with this. Gault advised that Gibbs would prepare the ordinance and do the majority of the work. Gibbs advised that the advertisement could be a few hundred dollars. Sweigart questioned if it is worth spending five to eight hundred dollars to put policies in place if this is not an issue in the Borough. Gault advised that it makes sense to spend a little money and be proactive, rather than spend a lot of money when you are trying to fight someone on something they've already done. Gibbs advised that

Mount Joy Borough Planning Commission

November 9, 2016 Minutes



little free libraries are promoting literacy and promoting neighbors to get together. Gibbs wanted to know if the Planning Commission is in support of accessory free libraries. The Commission was supportive. Gault advised that if we can come up with something before someone erects an accessory free library, then we can promote it as we are enabling it, rather than restricting it. Gault advised that if something is mobile but is left in a certain spot for a period of time, it becomes a structure.

Sweigart advised that she likes Gault's idea that we should put the parameters around it and sell it as a positive. Sweigart advised that it would never occur to her that there would be regulations in place to put up an accessory free library. Sweigart advised that this could be published in the Borough's newsletter so people know that we have certain parameters in place if they do decide to do it.

Sulkosky questioned if any other municipalities addressed little free libraries. Gibbs advised that she really did not research any further. Gibbs did advise that the news article noted that Marietta did put a policy in place. Sulkosky wanted to know if anyone actually approached the Borough wanting to do this. Gibbs advised that no one has officially approached the Borough. Sulkosky advised that if we do an amendment to an ordinance someone may see it, and then people may want to do it. Sulkosky advised that it may prompt the activity. Sweigart advised that if she saw the article in the newsletter and liked the idea, at least she would know what the parameters are.

Gibbs advised that she wanted to do her due diligence, and provide the Planning Commission with the option to recommend that Council allow staff and the Solicitor to draft certain amendments to put parameters in place for accessory free libraries or not.

Gault also advised that there was an issue that came up with Cross Roads Church. Gault advised that currently it is a nonconforming use in a residential district. Gault advised that a church is not even permitted in the district it is in. Melhorn wanted to know if someone complained about their new sign. Gibbs advised that when the new zoning was adopted, the Borough should have also changed the zoning for Cross Roads Church from Low Density Residential, to Neighborhood Commercial. Gibbs advised that she did get a call about their sign, and that it triggered a conversation between her and Gault. That conversation led them to realize that the zoning should have been changed. Gault advised that the sign is a separate issue. Gault advised that the other 3 corners of that intersection were rezoned to Neighborhood Commercial, and therefore it only makes sense to rezone this corner to Neighborhood Commercial. Therefore, making it a permitted by right use instead of a nonconforming use. Gibbs advised that if the accessory free library comes into fruition, it would be a perfect time to rezone this property and save costs.

On a motion by Gault and a second by Rebman, the Mount Joy Borough Planning Commission recommended Council authorize staff and the Borough Solicitor to draft an amendment to certain sections of the Zoning Ordinance for accessory free libraries, and for the proposed rezoning of the Cross Roads Church in Christ property located at 800 Donegal Springs Road from Low Density Residential Zoning District, to Neighborhood Commercial Zoning District. *Motion carried 4-0.*

On a motion by Rebman and a second by Sweigart, the Planning Commission adjourned. *Motion carried 4-0.*

Respectfully Submitted,

Stacie Gibbs, Zoning Officer