

JULY 12, 2006
WAYNESBORO, PA 17268
PUBLIC HEARING RE: ORDINANCE NO.
1048 (RE-ZONING - 405 N. GRANT STREET)

Council President Richard George called the public hearing of the Waynesboro Borough Council to order at 7:12 p.m. The purpose of the hearing was to discuss proposed Ordinance No. 1048 amending the official zoning map of the Borough of Waynesboro as provided in Ordinance No. 937 by changing the zoning of a certain area from Medium Density Residential, RM, to General Commercial/Office, GC.

The following were in attendance:

Borough Council Members – Jason Stains, Craig Newcomer, Richard George, Charles McCammon and Allen Berry

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Ron Flegel, Fire Chief
Ray Shultz, Police Chief

President George administered the oath to those present who wished to testify during the hearing.

Kevin Grubbs testified to the following:

- Received petition for re-zoning on May 22
- Draft copy of proposed ordinance sent to Borough Solicitor for review
- Revisions made and proposed ordinance approved by the Solicitor
- Certified mailing sent to property owners adjoining area to be re-zoned on June 30 (six were mailed; all received)
- Perimeter of property posted with Notice of Advertisement on June 27
- Legal advertisement in *Record Herald* and posted in lobby of Borough Hall

Brenda Lucas, 312 N. Grant Street – Ms. Lucas noted that she lives directly across from the property proposed for re-zoning, but was not notified by the Borough (she received a copy of the Notice of Advertisement from her neighbor on June 29). She voiced concern about the traffic on Route 316, and the lack of appropriate bus stops and crosswalks in the area already. Ms. Lucas stated her opinion that a financial institution would generate much additional traffic; and she feels that something should be established there for the children instead. She indicated that she had already received support of her opposition of this re-zoning from 60+ residents of the area.

Mike Walters, 315 N. Grant Street – Mr. Walters agreed that traffic is already an issue for consideration, as he has difficulty exiting his driveway due to the cars speeding down the hill (from Route 316).

President George requested that Kevin Grubbs review the criteria for notifying residents of proposed re-zoning requests. Mr. Grubbs noted that he is only required to notify those properties which abut against the property being re-zoned. He added that notification was provided to certain properties across N. Grant Street because they are bounded by the property in question. In addition, the property was physically posted on all four (4) sides and a Legal Notice placed in the *Record Herald*.

Mr. Hamberger presented correspondence received from the Franklin County Planning Commission regarding their review of proposed Ordinance No. 1048. They note that they do not agree with the proposed re-zoning, as it appears to be spot-zoning. In addition, a letter was received from Stacy McCleaf (a copy of which is attached to these minutes).

Kevin Grubbs advised Council members that the area adjacent to this site in Washington Township is zoned Commercial (this was confirmed by Gerald Zeigler, Washington Township Zoning Officer); and the Borough property is currently zoned Medium Density Residential (RM).

Solicitor Melissa Dively noted that, in matters of zoning, a legislative body can consider the adjacent zoning of another municipality when considering what is appropriate. She also explained that the Municipalities Planning Code requires the Borough to submit a proposed ordinance for re-zoning to the Planning Commission within thirty (30) days. The Planning Commission's July 10th meeting did not take place (due to the lack of a quorum), and therefore they did not have an opportunity to provide input to Council on the matter. Ms. Dively stated that the requirements of the Municipalities Planning Code have been met, as the matter was before the Planning Commission on June 12th; however, if Council wishes, they could continue the public hearing until the Planning Commission provides input (or conclude the hearing and still have a number of days in which to hear their decision).

Mr. Hamberger noted that the proposed ordinance was advertised for Council's consideration at tonight's meeting. Ms. Dively advised that the ordinance consideration would have to be tabled and the proposed ordinance be re-advertised for consideration at their next meeting.

It was mentioned that the Planning Commission meets again on July 17th. After further discussion on the matter, it was the consensus of Council that the hearing should be continued. Accordingly, Councilman Newcomer made a motion to continue the public hearing until Wednesday, July 26th, at 7:00 p.m. Councilman Berry seconded; the motion passed unanimously.

Members of the public were advised to contact their councilperson to voice their concerns, as well as attend the upcoming Planning Commission and Council meetings as announced at this meeting.

Hearing no further comments, the hearing adjourned at 7:31 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant