

NOVEMBER 17, 2021  
WAYNESBORO, PA 17268  
PUBLIC HEARING

Council President C. Harold Mumma called the public hearing to order at 6:30 p.m. with the following in attendance:

Borough Council Members – Jarred Knott, Patrick Fleagle, Jon Fleagle, C. Harold Mumma and Dade Royer (Michael Cermak was absent)

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager  
Kevin Grubbs, Head of Engineering Services  
Matt Schmidt, Zoning/Code Enforcement Officer  
S. Leiter Pryor, Director of Utilities  
Sam Wiser, Salzmann Hughes (Borough Solicitor)

Solicitor Wiser noted the purpose of this public hearing is to consider and receive public comment on a waiver request to permit lot frontage on an existing alley, submitted in accordance with the Waynesboro Subdivision and Land Development Ordinance, Chapter 250, Section 250-24 of the Code of the Borough of Waynesboro, which provides “Every lot or parcel of land shall abut an improved street except that the Borough Council may waive this requirement and permit frontage on an existing alley provided the newly created lot or lots do not create traffic congestion nor interfere with the free flow of traffic in the alley, the lots are in accord with the development plans of the neighborhood and in the best public interest, and a public hearing is held at which time area residents may submit testimony.” The subject waiver request was submitted by Paul Gunder for property located along Westview Avenue, further identified as Franklin County Parcel No. 26-5A00.-005.-000000.

President Mumma noted that public comments will be taken at this hearing, but those comments will be taken under advisement and Council will make a decision at a later date.

Paul Gunder, 1814 E. Main Street – Mr. Gunder was present representing the partnership of Encore Developers, LLC, who has owned the four-acre parcel at the end of W. Second Street and Westview Avenue for approximately 15 years. They have made several attempts to do something with the property, none of which have worked out. There are currently no improvements on the property. They submitted a sketch plan as required, but there are no interested buyers for the property at this time; and they are just trying to figure out what can be done with the property. They are not considering any type of subdivision, but are looking at a use for the entire property. It is zoned Medium Density-Residential, which does allow multi-family units. Any future plan

would have ingress/egress on both Second Street and Westview Avenue, so there would be no need for anything to come out on the alley. According to the ordinance though, the alley has to be the frontage of this lot.

Lee Royer, 10764 Buchanan Trail East – Mr. Royer added that this problem was created in the 1990's and now we are finding out that a waiver is needed to front on the alley.

Patrick Brezler, 359 W. Second Street – Mr. Brezler stated that he and his wife have lived at this location for 41 years. He commented that “if you pull out of Second Street onto Fairview Avenue, you are risking your life” and he discussed the traffic congestion when school lets out. In addition, Fairview Avenue is very narrow. There are simply too many people and too much traffic in this area. In this case, he feels the ordinance is correct to force building along streets, not an alley.

Mark Grimes, 130 Fairview Avenue – Mr. Grimes noted that traffic during school time is “a rat race” and will only worsen with additional homes in the area, as people will try to get out any exit they can to avoid congestion. He feels there are many safety aspects which need to be considered, including that children also play in the alley.

Pat Grimes, 130 Fairview Avenue – Mrs. Grimes questioned the “emergency access” indicated on the drawing, which is W. Second Street. Mr. Gunder stated that this is only a sketch plan (i.e. an idea) and nothing is “set in stone”. Mrs. Grimes added that the alley is very heavily used already and is not in good shape.

Sheila Rushlow, 361 W. Second Street – Mrs. Rushlow suggested that a traffic study be done, especially considering the current traffic issues for school drop-off and pick-up, which causes extreme congestion on both Fairview Avenue and Second Street. The alley in question is very narrow and is not suitable for two cars to pass. She noted that people will definitely use this alley more, which is already not safe ... and it is an alley, not a street. If consideration is given to widening the alley, what consideration will be given to the properties on both sides of the alley? She also asked if there is an ordinance specifying the number of parking spaces required for multi-family dwellings, as parking in that area is already very difficult (at best); and it is not realistic to think that each unit will only have one (1) vehicle. Based on the sketch plan presented, it doesn't look like there will be two (2) parking spaces for all 60 units.

Michele Scott, 102 Fairview Avenue – Mrs. Scott noted that if Second Street is used for an emergency access (or any kind of access at all), she cannot imagine that it would be large enough (as it is existing) to get a fire truck through. She noted that this is a highly used area, even for foot traffic.

James Scott, 102 Fairview Avenue – Mr. Scott added that if the alley is enlarged, residents would lose off-street parking and would have to find parking on the street, which is already an issue.

Tina Reed, 161 Fairview Avenue – Ms. Reed noted that she resides at 161, but also owns property at 155-157 Fairview Avenue. She stated that when you are coming up and down Fairview Avenue, you sometimes have to pull over to allow a truck to go past ... and she can't imagine what it would be like in an alley where people would want to come in and out. She questioned if these are townhouses or apartments on three (3) floors; and is there any plan to make this low cost, HUD or federally funded housing? Mr. Gunder responded again that this is only a sketch plan with an idea of what could be done there (there are no concrete plans for anything and it could be entirely different) ... this is just showing what the maximum density could be. He added that the property has been for sale previously, but there have been "no takers". Ms. Reed then commented her total opposition because it is not known what is planned or what will be planned, adding that it would be more palatable if there were to be single-family homes. She also noted that further consideration should be given to any future plans with regard to trash collection, snow removal and additional noise. Mr. Gunder reiterated that the property is zoned Medium Density Residential, so multi-family units are permitted there. Ms. Reed stated she feels it is prohibitive to expect that 120 additional vehicles would be coming in and out of a one-lane wide alley.

Pernilla Lovegrove, 108 Fairview Avenue – Ms. Lovegrove echoed concerns voiced by her neighbors regarding parking, school traffic and children walking/playing in the area. She suggested that the property be developed into a recreation area, to provide trees, fresh air and something for the adults and children to enjoy.

Fritz Rushlow, 361 W. Second Street – Mr. Rushlow agreed with the suggestion for a park, as a housing development would be a big investment for Waynesboro in terms of providing utilities, roads, traffic control, etc. to make the property usable for that many people. He feels it would be cheaper for the Borough to purchase the property and turn it into a park.

Tim Gauthier, 145 S. Phillips Avenue – Mr. Gauthier noted his concerns regarding public safety, and he questioned if Waynesboro can handle the problems that come with the addition of 60 additional rental units including the load on schools and property values (he noted that property values will "plummet" if these are low income homes)

Vinny Partica, 510 W. Main Street – Mr. Partica suggested that 60 additional apartments, 120 additional vehicles and possibly 150 additional people are too much for this area ... the developers should "think smaller". Property values are also a major concern of his.

Maria Solais, 15 S. Phillips Avenue – Ms. Solais noted that Phillips Avenue will suffer additional problems as well, as parents picking up their children from school already use the parking spaces in front of their homes. She also noted concern about the possible decrease in property values.

Councilman P. Fleagle stated that he has lived at the corner of Ridge Avenue and Second Street for many years, and the situation is "exactly" as the residents say. While

he would like to see the property developed, these are all major concerns with no easy answers. The park concept is interesting, but he reminded residents that parks generate additional traffic as well. He stated that Council will work with the residents and developers to come up with some kind of compromise that won't exacerbate these problems.

Bernie McGarity, 12053 Rinehart Drive – Mr. McGarity stated that he “has the community at heart” and doesn't want to upset the neighbors. When they purchased the property 15 years ago, they spent \$80,000 to clean it up and have maintained it ever since. Many times, however, he sees old furniture and trash in the alleyway, as well as vehicles parked there (without anyone asking for permission to do so). They have been good neighbors and tolerated all that, but it is now time to make a decision about this property. They have tried several things (which did not work out) and he asked, “if we build 20 houses, 40 houses or 60 apartments, what is the magic number?” He feels “it will not make Fairview Avenue worse than it is ... it is already bad”. He commented that if the property is developed the way the sketch plan shows, there would be five (5) means of ingress and egress ... Westview Avenue, Second Street, the alley at both ends and the alley that goes east and west beside the property. He added that “no housing complex averages two (2) cars per apartment, because there are always the older folks who have one (1) or no car”. In addition, the residents wouldn't all be coming and going at the same time of the day; and with five different ways to leave, the residents will quickly learn not to go out a certain way when school is letting out. Mr. McGarity noted that Waynesboro “desperately needs more apartments” and he feels this would be an asset to the community. He also noted that the parking issues on Fairview Avenue were created because, over the years, people bought those large homes and made them into apartments – so instead of 2 cars, now there are 4 cars or more. In closing, he stated he would be delighted to sell the property to someone for development into a park, and he suggested that anyone interested give Paul Gunder a call to discuss it further.

A resident asked how they will be notified of Council's decision regarding this matter. Solicitor Wisner replied that Borough Council may make a decision at any subsequent meeting (there is no required timeframe) and it is up to Council to determine how they want to notify interested parties.

Hearing no further comments, the hearing closed at 7:20 p.m.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary