

**Borough of Kutztown
Planning Commission
Minutes of August 8, 2016**

A regular meeting of the Planning Commission was held on Monday, August 8, 2016, at the Kutztown Municipal Building, 45 Railroad Street.

The meeting was called to order at 7:00 by Mrs. Amanda Raudenbush, Chairperson. Members present were: Mrs. Amanda Raudenbush, Ms. Lisa Ladd-Kidder, Mrs. Pat Snyder, Mr. Tim Haring and Mr. Allan Oberholtzer. Dr. Chris Habeck and Dr. Andy Arnold were absent. Also present: Mr. Dan Eslinger, Director of Community Development and Ms. Carolann Moody, Recording Secretary.

Public Comment on Non-Agenda Items

There were no comments.

Comments from Planning Commission Members

Mrs. Amanda Raudenbush mentioned that she hasn't heard anything about the racetrack in a while. Mr. Dan Eslinger stated that the racetrack just held their 10th event for this season. He said that the racetrack cancelled the upcoming event for this week because they have too many events on their schedule. (Mr. Eslinger said that it was posted on the racetrack's website that this week's event was cancelled due to Borough ordinances.) Fair week will be their 11th event. And, the racetrack finale on the following Sunday will be their 12th event. The races were rained out twice this summer. There was a brief discussion regarding start time of the last race time and end time of the evening. Mr. Eslinger stated he has also received a few dust complaints related to the races. According to Mr. Eslinger, these are legitimate complaints. He said that the bus company has contacted the racetrack regarding some "dust" damages. He said that he heard that a settlement was being negotiated.

Ms. Lisa Ladd-Kidder reminded the committee that this Wednesday, August 10th is the public hearing regarding the Kutztown Quarry. Ms. Ladd-Kidder stated that anyone wanting to speak may sign up when they get there. She added that hopefully the DEP will listen to the needs of the people rather than the desires of the company for profit.

Approval of Minutes

Motion by Ms. Lisa Ladd-Kidder seconded by Mr. Tim Haring to approve the minutes as written. The motion was passed by unanimous vote.

Mr. Dan Eslinger commented on two items in the minutes. He stated that he brought the concerns of the committee regarding truck traffic and noisy cars on Highland Avenue to the attention of the Police Chief at the Community Development/Public Safety meeting on Tuesday, July 12th. Mr. Allan Oberholtzer stated that he did notice a few police stops on Highland

Avenue. Mr. Eslinger mentioned that he believes the Police will be having additional enforcement on Highland Avenue due to the detour around E. Main Street anyway. Mr. Allan Oberholtzer also stated the light on the new stop sign at the end of Highland Avenue needs to be blinking to attract the attention of the drivers.

New Business/Action Items

Mr. Dan Eslinger mentioned that he had Dr. Andy Arnold sign the plans for Apple Alley Self Storage Facility. Dr. Arnold said that he was under the impression that he was no longer the Secretary of the Planning Commission. A clarification was made that Dr. Chris Habeck was elected as the Secretary of the Planning Commission in the beginning of 2016. Mr. Eslinger said that he would tell Mrs. Gina Wiand, the Borough Secretary, about the change to our Secretary.

Old Business/Updates

There was a lengthy discussion regarding the rough draft of the Food Truck Ordinance that Mr. Keith Mooney presented to Mr. Dan Eslinger. Mr. Eslinger asked that Mr. Mooney provide a rough draft so that the committee had something to work from during discussion. He stated that the need to regulate food trucks started when two of them began operating within the borough. These food trucks are operating under a Transient Retail Business License, arriving later in the evening on weekend nights and parking behind Shorty's. At this time, the only permit required for these food trucks is a Transient Retail Business License, which lasts for 30 days at the cost of \$25.

The discussion included the following ideas: banning food trucks completely; setting the closing hour at 10:00 pm; allowing food trucks in commercial and industrial zones only; greatly increasing the license fee; specifying food safety standards and permits; requiring the presence of a food safety manager at all times; exempting ice cream trucks and "coffee wagons"; prohibiting any "trucks" or wagons from locating on sidewalk; and, complaints from the brick and mortar eating establishments.

Mr. Allan Oberholtzer questioned if food trucks could be banned in the borough. Mr. Eslinger stated that could be a possibility. He said that West Chester would like to ban them. Mrs. Amanda Raudenbush stated that she feels we should not ban food trucks. She said that we do include food trucks at special and /or community events. Mr. Eslinger mentioned that this food truck ordinance would be an amendment to the zoning ordinance. Because the Planning Commission is an advisory commission, he wants the input of the Planning Commission on the construction of this ordinance.

The initial suggestions for the proposed "Food Truck Ordinance" are:

1. Food Trucks would be permitted on private property in a commercial or industrial zone only.
2. In order to obtain a license, Food Truck operators must provide the Borough with written permission from the private property owners.
3. Food Truck operators must apply annually for a business license.

4. Food Truck operators must comply with all regulations of the “Food Truck Ordinance”, including those related to noise, litter, food safety and fire safety.
5. Food Trucks must be parked at least 100 feet away from a brick and mortar eating establishment.
6. Food Trucks or “wagons” may not park on any sidewalks.
7. The Food Truck cannot take up tenant parking in a parking lot.
8. Food Trucks may be permitted to operate in other areas of the Borough by special exemption. For example; Certain Borough events taking place in the Park, on Main Street, at the Historical Society, or at one of our schools. However, these Food Truck operators must apply for a special permit and must meet all requirements of the “Food Truck Ordinance”.

Following the discussion, Mr. Eslinger mentioned that he feels he has some good ideas to work with. He will bring this topic and the Planning Commission’s ideas to the Community Development/Public Safety meeting tomorrow night.

Off Agenda

Mrs. Amanda Raudenbush mentioned that Council has approved Dr. Chris Habeck for the Planning Commission for a 4 year term.

Mr. Dan Eslinger mentioned that the owners of Kutztown Garden Apartments may be filing a zoning appeal in the near future. The Garden Apartments have only recently begun to house students. The Garden Apartment are allowed to house students under the current zoning ordinance. However, the Garden Apartments must comply with all aspects of the ordinance regarding the maximum number of unrelated persons per unit and the number of available parking spaces per unit.

Apparently, the Garden Apartments have some units which are not in compliance with 4 unrelated persons living together. The Garden Apartments applied for a Zoning Permit to allow for 4 unrelated persons to live together in a unit. Mr. Eslinger said that he denied their request. He also told Garden Apartments that they could appeal his decision. (They have until August 15th to appeal.) He clarified that this issue of the Garden Apartments’ non-compliance relates to the number of parking spaces rather than to the number of bedrooms. Because he has not heard from them, Mr. Eslinger thinks that the Garden Apartments may have decided not to appeal. Mr. Eslinger will let them finish out their lease because the non-compliance only involves two apartments.

Mr. Eslinger mentioned that the engineer for the proposed Edge II housing complex called last week inquiring about filing final plans. The Edge II owners may want to get final approval on the plans and hold on to them for a while. The approval and permit can be held indefinitely. Mr. Eslinger mentioned that the Edge I housing complex is not fully rented. There was a brief discussion regarding the development on Baldy Road in Maxatawny Township. The decline in the size of the KU student body and the new KU policy requiring 1st and 2nd year students to live on campus have changed the size of the local student housing market.

Adjournment

With no further business to discuss a motion was made by Mrs. Pat Snyder seconded by Ms. Lisa Ladd-Kidder to adjourn the meeting. The motion carried and the meeting was adjourned at 8:30p.m.

Respectfully submitted,

Ms. Carolann Moody
Recording Secretary