

**Borough of Kutztown  
Planning Commission  
Minutes of September 12, 2016**

A regular meeting of the Planning Commission was held on Monday, September 12, 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, Mr. Tim Haring, Mr. Allan Oberholtzer and Dr. Chris Habeck. Mrs. Pat Snyder 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**

Ms. Lisa Ladd-Kidder made comments about the proposed quarry expansion. She said that September 9<sup>th</sup> was the final day for comment letters to be received by the DEP office in Pottsville. Ms. Ladd-Kidder mentioned that she had received a copy of one of the comment letters submitted by a Kutztown resident. This resident wrote a very strong statement of opposition to the quarry expansion and offered the following new information. He wrote that the current floor of the quarry is at 15 feet below the local water table or 375 feet above the mean sea level (MSL). He then wrote that the mining company's request to DEP is for permission to dig 90 feet below the local water table or 300 feet above the MSL. Ms. Ladd-Kidder also mentioned that the Kutztown resident said that the mining company's financial rating has been downgraded to a negative status.

Ms. Ladd-Kidder also mentioned that Senator Schwank has been very supportive of Kutztown Borough's efforts to protect its water supply! She said that Senator Schwank spoke in opposition at the DEP Public Hearing and also submitted a comment letter to the DEP District Mining Office. Ms. Ladd-Kidder said that approximately 50 people attended the DEP Public Hearing. She said that of the 17 people from both Kutztown and Maxatawny who rose to speak at the meeting, 16 of them spoke in opposition to the quarry expansion!

**Approval of Minutes**

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

## **New Business/Action Items**

- **Vacancy on Zoning Hearing Board/New Applicant to Fill the Vacancy**

Mr. Dan Eslinger mentioned that a member of the Zoning Hearing Board needed to leave due to health reasons. Mr. Eslinger stated that there will now be a vacancy on this very important board. He felt that it is important that the new member is clear minded, competent, ready to step in, fair minded, and will look out for the best interest of the Borough. Mr. Eslinger mentioned that he asked Mrs. Amanda Raudenbush if she would be interested in being on the Zoning Hearing Board.

Mrs. Amanda Raudenbush stated that she was interested in the position. She said that the Zoning Hearing Board would have to approve her first. Then her appointment would be taken to Borough Council. Mrs. Raudenbush mentioned that she will champion for what is right.

Mr. Eslinger stated that Mrs. Raudenbush will do a good job if she is approved. He also said that there would then be a vacancy to be filled and the Planning Commission. Mr. Eslinger and Ms. Lisa Ladd-Kidder both mentioned that members should mention the possible upcoming vacancy on the Planning Commission to interested residents. Ms. Lisa Ladd-Kidder and Mrs. Amanda Raudenbush said that they would gladly speak with any interested resident and give them more information about serving on the Planning Commission. Dr. Chris Habeck suggested a business owner would be a good candidate. Mr. Eslinger stated that the person who serves on the Planning Commission must live in the Borough and most business owners do not. There was a brief discussion regarding the recruitment of new members for the Planning Commission.

## **Old Business/Updates**

- **Food Truck Draft Ordinance**

Ms. Ladd-Kidder asked Mr. Dan Eslinger which agency issued the food safety permits for the food trucks. Mr. Eslinger said that it would be the Department of Agriculture, the same department that handles the permits for restaurants. There was a brief discussion regarding the food safety permit. Mr. Eslinger mentioned that the State is broken up into regions with only one inspector for each region. Mr. Eslinger stated that there is no Department of Health on a county level, just at the State level. Ms. Lisa Ladd-Kidder mentioned that food safety permit needs to be included as a requirement in the next draft for the Food Truck Ordinance.

Mrs. Amanda Raudenbush stated that there was a food truck at the Kutztown football game. She felt that it made sense to her that a food truck would be present at a local sports game. She felt that such food trucks should be included in the proposed ordinance.

Mr. Eslinger mentioned that with other things going on in town, he has not had a lot of time to work on the Food Truck Ordinance. He said that right now there are no Food Trucks in town. He also said that it will take time to draft this ordinance, so that it is a good fit for everyone.

Mr. Eslinger stated that Ms. Lisa Ladd-Kidder sent him some thoughts on the possibility of generating two different types of licenses within the Food Truck Ordinance. One for the type of food truck that is serving meals and another for the type of food truck that is serving coffee, donuts, ice cream, etc. For example the coffee, donut and ice cream trucks could move around the Borough in any zone with the exception of stopping on Main Street. Whereas, the food truck that serves short order meals would be allowed in Commercial and Industrial Zones, would need permission from the property owner, would be at least 100' from an eating establishment and their license from the Borough might have a higher fee. All the detailed differences would need to be worked out, so that enforcement of the ordinance would be straightforward.

Mr. Eslinger thanked Ms. Ladd-Kidder for her ideas and that he thought it was worth pursuing the two types of food trucks within the proposed ordinance. Ms. Ladd-Kidder stated that all food trucks would still have to have the same safety permits and the transient license, but that other requirements would depend on what services they provided.

Mr. Eslinger mentioned that he does see some potential problems with the food trucks that just show up at places like the football game. A brief discussion regarding the food truck that was at the KAHS football game followed. Mr. Eslinger then mentioned the food trucks that are located at private businesses for different events (e.g., Shirk Auction), will need to be approached and educated about the changes involved once an ordinance is approved by Borough Council. Mrs. Amanda Raudenbush reviewed the program that the City of Bethlehem follows with their food truck vendors and how it could work in our Borough. There was a brief discussion regarding food trucks on private business property, approaching those property owners about the new ordinance, instructing them on how they obtain the proper permit to be at specific locations, and the food trucks that were parked in the municipal parking lot last year behind Shorty's.

Ms. Ladd-Kidder stated that she is in favor of establishing regulations or an ordinance in the Borough for the safety of our residents. Mr. Dan Eslinger mentioned that the Food Truck Ordinance is still a work in progress. He will continue to work on it and review it with the Planning Commission. Mrs. Amanda Raudenbush offered to provide Mr. Dan Eslinger the contact information for the health inspector for the City of Bethlehem to see how they regulate their food trucks.

### **Off Agenda**

Mr. Dan Eslinger mentioned that there is going to be an appeal on the 9/21/2016 to the Housing License Appeals Board regarding the property at 224 West Walnut Street. The building on this site was a barn at one time. The building has been renovated and is now for sale. The property lies in the C-C zone and faces the R-3 zone. This property could not be student housing.

Mr. Eslinger mentioned that the Borough has received a request from a potential buyer, who is an Art professor at the University. This professor currently lives in Philadelphia and is tired of

commuting. She wants to live on this property and be able to rent two rooms to visiting professors.

Because this building is so old, the bedrooms upstairs don't have adequate ceiling height to pass the housing code. Therefore, this request must be heard by the Housing License Appeals Board. Mr. Eslinger anticipates that this potential buyer will get an approval. He said that the Housing License Appeals Board approved another house in the past that didn't have the adequate ceiling height. Mr. Eslinger said that this request for a non-student housing rental was a refreshing change. Ms. Lisa Ladd-Kidder questioned if the Appeals Board could approve the request with the condition that it is for non-students. Mr. Eslinger stated that he anticipates that it will have some condition placed on the approval by the Appeals Board due to it being in a student separation zone.

Mr. Eslinger also mentioned that there are rental vacancy signs all over town. Dr. Habeck stated that enrollment at the University is declining. There was a brief discussion regarding students living on campus, decline in enrollment, as well as the current negotiation with the faculty at Kutztown University.

### **Adjournment**

With no further business to discuss a motion was made by Ms. Lisa Ladd-Kidder seconded by Mr. Tim Haring to adjourn the meeting. The motion carried and the meeting was adjourned at 7:52p.m.

Respectfully submitted,

Ms. Carolann Moody  
Recording Secretary