

The Bloomsburg Town Council held a meeting on Monday, February 27, 2023 beginning at 7:00 p.m. in Council Chambers, 2nd Floor, Town Hall and via teleconference. The public joined by dialing: +1 646 558 8656 U.S. and included the meeting ID: 456-920-3798. The public could also join online at: <https://us02web.zoom.us/j/4569203798>.

Mayor Justin Hummel called the meeting to order at 7:00 p.m., present were Council Members Toni Bell, James Garman, Vince DeMelfi, Bonnie Crawford, Nick McGaw and James Huber via Zoom, Town Manager/Secretary/Treasurer Lisa Dooley, Chief of Police Scott Price, Director of Public Works John Fritz, Fire Chief Scott McBride, Director of Finance Kim Pogash, Director of Code Enforcement Michael Reffeor, Code Officer Kyle Bauman, Code Officer Greg Ash and Airport Coordinator BJ Teichman. Also present were MJ Mahon, Shaun Creighton, Dawn Moore, Corey Kreisler, Carolyn Yagle, George Mantas, Stacy Wagner, Barbara Coladonato, Brandon Eichner, David Hill, Dennis, Jamey Harding, M. Dinino, Tim, 9 Bloomsburg University students and 13 people from the public.

Citizens to be heard.

Carolyn Yagle, Environmental Planning & Design was present to discuss the zoning rehaul that is currently in progress. Ms. Yagle touched on a number of subjects including identifying the different districts and reviewing the administration of the ordinance.

Brandon Eichner, President of the CGA was present to discuss the Big Event which will be held on April 15, 2023. The CGA is currently looking for donations for materials and stated that the event will be focused on residential yard work.

Shaun Creighton presented Council with a petition with approximately 100 people in regards to the zoning rehaul and the impact that the changes would have on the East 3rd Street and East 4th Street area.

Roy Pointer voiced his concern in regard to the proposed zoning changes in his area. Although the proposed format makes for a clearer ordinance, there are definitions that are missing and the entire ordinance requires a proof read for grammatical errors.

George Mantas, Director of Business Development for the Compliance Engine was present to give a brief overview on the service that his company could provide in regards to fire protection and prevention throughout the business district. The Compliance Engine tracks third party inspection results of fire alarm and suppression systems and reports back to the municipality. This service is offered free to the Town.

Dawn Moore was present to request permission to oil Canadian Goose eggs this spring in an attempt to control the goose population at the park. L. Dooley informed Council that the Town must be registered with the USDA and the individuals handling the eggs must be trained. J. Huber voiced his opposition to this method. On a motion by N. McGaw, seconded by T. Bell, and voted on 6 to 1 (Huber voting no), Council approved the population reduction method of oiling eggs, contingent upon USDA registration and trained professionals doing the work.

RESOLUTION 02.27.2023.01- AIRPORT DISPOSITION.

On a motion by T. Bell, seconded by J. Garman, and voted on unanimously, Council approved Resolution 02.27.2023.01 – Airport Disposition.

RESOLUTION 02.27.2023.02- FEE RESOLUTION (POLICE AND AIRPORT UPDATES).

On a motion by T. Bell, seconded by B. Crawford, and voted on unanimously, Council approved Resolution Town Council Minutes, February 27, 2023

02.27.2023.02 – Fee Resolution. There were police and airport updates.

APPROVAL OF THE COUNCIL MINUTES FROM THE 2/13/2023 MEETING.

On a motion by B. Crawford, seconded by J. Garman, and voted on unanimously, Council approved the minutes from the 2/13/2023 meeting with no corrections or additions.

APPROVAL OF THE RIGHT OF ENTRY AND PERMANENT EASEMENT AGREEMENTS WITH DIANN & RONALD AIKEY AND SHIRLEY & DANIEL DERR REGARDING THE BLOOMSBURG AREA RECREATIONAL TRAIL.

On a motion by N. McGaw, seconded by B. Crawford, and voted on unanimously, Council approved the Right of Entry and Permanent Easement Agreements with Diann & Ronald Aikey and Shirley & Daniel Derr regarding the Bloomsburg Area Recreational Trail.

APPROVAL OF AN INVOICE FROM SEDA-COG IN THE AMOUNT OF \$3,100 FOR THE ADMINISTRATION WORK UNDER THE FEDERAL FISCAL YEAR 2018 HUD ENTITLEMENT FUNDS.

On a motion by N. McGaw, seconded by B. Crawford, and voted on unanimously, Council approved an invoice from SEDA-COG in the amount of \$3,100 for the administration work under the Federal Fiscal year 2018 HUD Entitlement Funds.

APPROVAL OF AN INVOICE FROM SEDA-COG IN THE AMOUNT OF \$2,400 FOR THE ADMINISTRATION WORK UNDER THE FEDERAL FISCAL YEAR 2019-CV HUD ENTITLEMENT FUNDS.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved an invoice from SEDA-COG in the amount of \$2,400 for the administration work under the Federal Fiscal year 2019-CV HUD Entitlement Funds.

RECOMMENDATION FROM THE PLANNING COMMISSION TO GRANT A WAIVER AND CONDITIONAL APPROVAL OF THE FOLLOWING LOT CONSOLIDATION/ RECONFIGURATION PLAN FOR THE DILLON FLORAL CORPORATION CONTINGENT UPON THE FOLLOWING TWO ITEMS.

On a motion by J. Garman, seconded by N. McGaw, and voted on unanimously, Council approved granting the following waiver and granting conditional approval for the lot consolidation/reconfiguration plan for the Dillon Floral Corporation.

Waiver:

1. Monuments shall be set at the intersection of East Fifth Street with Michael Drive and at the southern corner of the existing Jason E. Huff lot, (SALDO – Section 22-702.1).

Conditional Items:

1. The Plans shall be signed and sealed by the Plan Preparer.

2. The two (2) 'Certificate of Ownership and Acknowledgement of Lot Consolidation/Reconfiguration Plans' statements provided on sheet 2 shall be signed and notarized.

RECOMMENDATION TO APPROVE ADVERTISING AN ORDINANCE AMENDING CHAPTER 7 ENTITLED "FIRE PREVENTION AND FIRE PROTECTION" OF THE CODE OF ORDINANCE OF THE TOWN OF BLOOMSBURG.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved advertising an ordinance amending Chapter 7 entitled "Fire Prevention and Fire Protection" of the Code of Ordinances of the Town of Bloomsburg.

APPROVAL TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 15 ENTITLED "ONE HOUR PARKING" OF THE CODE OF ORDINANCE OF THE TOWN OF BLOOMSBURG.

On a motion by B. Crawford, seconded by T. Bell, and voted on unanimously, Council approved to Town Council Minutes, February 27, 2023

advertise an ordinance amending Chapter 15 entitled "One Hour Parking" of the Code of Ordinance of the Town of Bloomsburg.

APPROVAL TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 15 APPENDIX C ENTITLED "PARKING PROHIBITED IN SPECIFIC LOCATIONS CERTAIN DAYS AND HOURS" OF THE CODE OF ORDINANCE OF THE TOWN OF BLOOMSBURG.

On a motion by N. McGaw, seconded by B. Crawford, and voted on unanimously, Council approved to advertise an ordinance amending Chapter 15, Appendix C entitled "Parking Prohibited in Specific Locations Certain Days and Hours" of the Code of Ordinance of the Town of Bloomsburg.

APPROVAL TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 15 ENTITLED "ASSIGNED HANDICAPPED PARKING AREA" OF THE CODE OF ORDINANCE OF THE TOWN OF BLOOMSBURG.

On a motion by N. McGaw, seconded by J. Garman, and voted on unanimously, Council approved to advertise and ordinance amending Chapter 15 entitled "Assigned Handicapped Parking Area" of the Code of Ordinance of the Town of Bloomsburg.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council adjourned into an executive session at 8:36 p.m., and reconvened into regular session at 9:01 p.m. The executive session was regarding a litigation matter and a personnel matter.

On a motion by B. Crawford, seconded by N. McGaw, and voted unanimously, Council approved the resignation of Janine Penman from the Historic Architectural Review Board.

On a motion by N. McGaw, seconded by J. Garman, and voted on unanimously, Council adjourned the meeting at 9:02 p.m.

Lisa Dooley
Town Manager/Secretary/Treasurer

Questions & Concerns About Proposed Zoning Changes – February 27, 2023

1. Overall, this proposal is a significant improvement compared to the current ordinance, but I do have several questions and concerns. I apologize if some of these were covered in the first two meetings, but I was visiting family out of state and could not attend until February 13.
2. How does this zoning “rehaul” fit with the town’s comprehensive plan?
3. Overlay Zoning
 - A. Why is there no definition of “overlay,” nor of “overlay district?”
 - B. Why is any “overlay” necessary?
 - C. How many “overlays” are planned?
 - D. Will the application of an “overlay” require notification of the residents in the area(s) to be overlaid? Will the residents in the affected areas have the opportunity to object to the “overlay?”
 - E. Is the only overlay described in this proposal (*for student housing*) really necessary?
 - F. Part IV – OVERLAY DISTRICT REGULATIONS

“§ 401 Reserved” – **Reserved for what?**

§ 402 Type 2 Occupancy Permit Overlay

How many base zones are overlaid in the proposal for student housing?

Student Housing – There is already more than enough student housing available in the existing base districts shown in the overlay proposal. Why would it be necessary to add more? Where/how would this need appear?

The earlier proposed extension of the RU district from Spruce Street to Chestnut Street was never explained. If it was proposed because the university foundation had purchased several properties in that area, the recent sale of those properties and their return to single family use argues for maintaining the RS designation.

The definition proposed for “student” is limited to undergraduate students. Why? There are a significant number of graduate students enrolled at BU.

4. Since there is no clear definition of Overlay Zoning given in this proposed ordinance, I have searched the internet and found numerous definitions in Philadelphia; East Lansing, MI; Douglas County, CO; Real Estate Law Newsletter; Pennsylvania Department of Community & Economic Development; Planning Commissioners Journal; esri; McBrayer Real Estate Law Blog and Avallone Law Associates. All seem to indicate that any such “overlay” is to **“establish additional, or stricter standards and criteria ... in addition to those of the underlying zoning district.”**

Such additional regulations may lead to increases in the expense and time required for a developer to receive permits and for any governmental approval process. The overlay may, also, eliminate the neighbor’s ability to bring spot zoning challenges.

In materials I reviewed, communities are advised to be careful not to violate the uniformity clause of any zoning enabling act.

5. The section regarding the Zoning Hearing Board is much clearer and better. It should work well as long as decisions are made based on what the request is and how it will affect the neighborhood, not on who it is making the request.

[OVER]

6. The map presented at the February 13 meeting that shows rental properties in town has obvious errors. In a brief examination, I found three. One shows a rental property smack dab in the middle of an intersection. If I can find three errors so quickly, why should I trust the remaining data?
7. Why isn't the small, "orphaned" RU district off of Lightstreet Road not changed to RS? It is surrounded by another RS district.
8. How will potential uses such as "VrBO" rentals be handled? A neighborhood where my son lives in Colorado has had problems with absentee landlords buying homes and renting them on "VrBO" to persons who want a place to host wild and noisy parties.
9. The definition for Fraternity/Sorority says they must be **recognized by the university**. Since the university does not now recognize them, how are the existing ones to be handled?
10. Finally, I think the final draft of the proposed ordinance should be given a read-through by someone skilled in writing the English language, particularly punctuation. My 7th grade English teacher would demand a rewrite of parts of the present draft.

Roy Pointer

811 E 2nd Street

Bloomsburg

No overlaps

We want to register our strong objections to any changes in zoning for the area east of Spruce Street between 2nd and 5th streets, (area 202?). It is currently designated R-S; the proposed changes would make it R-U. This is a Residential area. It is a sweet spot in town where residents feel comfortable and safe. Many residents have made improvements to their homes; they have invested in this area and their future. Now those who don't live in this area, who have no stake in its future, have proposed a re-designation to allow, among other things, student housing.

This change makes no sense.

As you know, the college population has decreased by nearly 3,000 students in the last several years. Expanding student housing into a residential neighborhood will result in changing the very nature and value of this area--without helping the students, as there are plenty of empty student-housing units just blocks away. This change would also alter the setbacks, which could not possibly improve this neighborhood.

One of the stated goals of the change is "to avoid undue congestion." But any change to add students or provide high-density housing will only add to the traffic and congestion.

It seems that the only benefit from the proposed changes would be to ~~feed the ever-growing appetites of developers--who do not live in this neighborhood--appetites that will never be satiated until there is not an inch of ground that has not been exploited.~~

If we want Bloomsburg to be a good place to live, a home for children, adults, and students, we will protect residential neighborhoods such as ours. These neighborhoods provide areas for those who live here, are rooted here, not just those who are passing through during their college years or those who see it only as a business opportunity.

Sincerely,
Danny and Vickie Robinson

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>Shawn Keighton</u>	<u>644 E. 3rd St.</u>	<u>2-11-23</u>
<u>Danny Robinson</u>	<u>647 E. Third St</u>	<u>2/11/23</u>
<u>Vickie Robinson</u>	<u>647 E 3rd St</u>	<u>2/11/23</u>
<u>Elizabeth Strauss</u>	<u>708 E. 2nd St.</u>	<u>2/12/23</u>
<u>Erroll W. Strauss</u>	<u>708 E. 2nd St</u>	<u>2/12/23</u>
<u>Bob Burns</u>	<u>710 E 2nd St</u>	<u>2/12/2023</u>
<u>Lori Harding</u>	<u>740 E. 2nd St.</u>	<u>2/12/2023</u>
<u>William Harding</u>	<u>740 E 2nd St</u>	<u>2/12/2023</u>
<u>Wade Bower</u>	<u>750 E 2nd St.</u>	<u>2/12/2023</u>
<u>Jim Kelly</u>	<u>804 E 2nd St.</u>	<u>2/12/2023</u>
<u>Dee Heuler</u>	<u>804 E 2nd St</u>	<u>2/12/23</u>
<u>V. Charles Heuler</u>	<u>807 E. 2nd St</u>	<u>2/12/23</u>

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>[Signature]</u>	<u>720 E 3rd St Bloomsburg</u>	<u>2/12/23</u>
<u>GEORGE G. KITCHENS III</u>	<u>718 E. 3rd Bloomsburg</u>	<u>2/12/23</u>
<u>Nicholas M. Hamm</u>	<u>716 East 3rd St Bloomsburg</u>	<u>2/12/23</u>
<u>[Signature]</u>	<u>716 East 3rd St Bloomsburg</u>	<u>2/12/23</u>
<u>Lainn Harmon</u>	<u>709 East 4th St Bloomsburg</u>	<u>2/12/23</u>
<u>De A Magle</u>	<u>652 E. 3rd St. Bloomsburg</u>	<u>2/12/23</u>
<u>[Signature]</u>	<u>651 E 3rd St BLOOMSBURG</u>	<u>2/12/23</u>
<u>[Signature]</u>	<u>651 E 3rd St Bloomsburg</u>	<u>2/12/23</u>
<u>Laura J Cooper</u>	<u>650 E. 3rd St. Bloomsburg</u>	<u>2/12/23</u>
<u>[Signature]</u>	<u>648 E 3rd St Bloomsburg</u>	<u>2/12/2023</u>
<u>Andy M Beth-Collins</u>	<u>638 E. 3rd St Bloomsburg</u>	<u>2/18/23</u>
<u>Linda Candlish</u>	<u>730 E. 2nd St. Bloomsburg</u>	<u>2/18/2023</u>

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Signature	Street Address	Date
<u>Sackie M. Jutter</u>	<u>807 E 2nd St</u>	<u>2-12-23</u>
<u>R. J. Pate</u>	<u>811 E 2nd St.</u>	<u>2-12-23</u>
<u>Judith A. Poirter</u>	<u>811 E 2nd St.</u>	<u>2-12-23</u>
<u>Eric R. Beeshline</u>	<u>810 E. 2nd St.</u>	<u>2-12-23</u>
<u>Lynia M. S. B</u>	<u>810 E. 2nd St.</u>	<u>12 Feb 2023</u>
<u>Virginia Miller</u>	<u>190 Oak St</u>	<u>2/12/23</u>
<u>W. A. Brown</u>	<u>280 Oak Ln</u>	<u>_____</u>
<u>Lisa Giardiello</u>	<u>280 Oak Ln</u>	<u>_____</u>
<u>Mike Giardiello</u>	<u>280 Oak Ln</u>	<u>_____</u>
<u>George Demaree</u>	<u>280 Oak Ln</u>	<u>_____</u>
<u>Theresa Huff</u>	<u>180 Oak Lane</u>	<u>Feb 12, 2023</u>
<u>Luan Keller</u>	<u>740 E. 3rd</u>	<u>Feb 12, 2023</u>

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>Kim Flynn</u>	<u>225 Oak Ln</u>	<u>2-12-23</u>
<u>James & Deb Becker</u>	<u>821 E. 3rd St</u>	<u>2/12/23</u>
<u>Deb Wang Buda</u>	<u>821 E 3rd St.</u>	<u>2/12/23</u>
<u>Marie Walters</u>	<u>850 E. 3rd St.</u>	<u>2/12/23</u>
<u>Chad T. Walter</u>	<u>850 E. 3rd St</u>	<u>2/12/23</u>
<u>Janice</u>	<u>333 Oak Ln.</u>	<u>2/12/23</u>
<u>Bruce Messer</u>	<u>332 Oak Lane</u>	<u>2/12/23</u>
<u>Kathy Messer</u>	<u>332 Oak Lane</u>	<u>2/12/23</u>
<u>Kim Bogar</u>	<u>807 E 3rd St</u>	<u>2/12/23</u>
<u>Kristine Bogar</u>	<u>807 E. 3rd St.</u>	<u>2/12/23</u>
<u>Mattie Loren</u>	<u>800 E 3rd St</u>	<u>2/12/23</u>
<u>Bruce Jordan</u>	<u>740 E r</u>	<u>2/12/22</u>

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>Paul Miller</u>	<u>635 E 4th</u>	<u>2-13-23</u>
<u>Cynthia Miller</u>	<u>635 E 4th</u>	<u>2-13-23</u>
<u>[Signature]</u>	<u>607 E 4th St</u>	<u>2-13-23</u>
<u>Colin Stone</u>	<u>619 E 3rd St</u>	<u>2-13-23</u>
<u>Diane Heier</u>	<u>641 E 4th St</u>	<u>2-13-23</u>
<u>Mary Steiner</u>	<u>619 E 3rd St</u>	<u>2-13-23</u>
<u>Sandy Sabatino</u>	<u>612 E. 3rd</u>	<u>2-13-23</u>
<u>William C. Hill</u>	<u>725 E 3rd St</u>	<u>2-13-23</u>
<u>Arlene Casper</u>	<u>725 E. 3rd St.</u>	<u>2-13-23</u>
<u>Carol Paulica</u>	<u>747 E 3rd St</u>	<u>2/13/23</u>
<u>Lara J. Sabatino</u>	<u>612 E. 3rd St.</u>	<u>2-13-23</u>
<u>Cameron K Cooper</u>	<u>650 E. 3rd St</u>	<u>2-14-23</u>

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>Hope Creighton</u>	<u>644 E. 3rd St.</u>	<u>2-18-2023</u>
<u>Rob Bly</u>	<u>645 E 4th St</u>	<u>2-18-2023</u>
<u>Chris Olsen</u>	<u>715 E 5th St.</u>	<u>2-19-2023</u>
<u>TE</u>	<u>737 E 5th St</u>	<u>2-19-2023</u>
<u>Tommy Coole</u>	<u>645 E. 4th St</u>	<u>2-19-2023</u>
<u>Greg Karlosky</u>	<u>645 E 4th St</u>	<u>2-19-2023</u>
<u>Van</u>	<u>645 E 4th St</u>	<u>2-19-2023</u>
<u>Robert Parkish</u>	<u>747 E. 3rd St</u>	<u>2-19-2023</u>
<u>Alynn Kymiec</u>	<u>701 E. 3rd St</u>	<u>2-19-2023</u>
<u>Elizabeth Dowd</u>	<u>736 E 3rd St</u>	<u>2-20-2023</u>
<u>Nam</u>	<u>350 LOCUST ST</u>	<u>2-20-2023</u>
<u>Mark Heier</u>	<u>641 E 4th St</u>	<u>2/20/2023</u>

We, the undersigned, **strongly** oppose the suggested zoning change from Residential Suburban to Residential Urban in the neighborhood east of Spruce Street between Second and Fifth streets.

Signature	Street Address	Date
<u>[Signature]</u>	<u>803 E 2nd ST</u>	<u>2.18.2023</u>
<u>[Signature]</u>	<u>806 E 3rd SE</u>	<u>2/18/2023</u>
<u>[Signature]</u>	<u>819 EAST 3rd ST</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>301 Oak Ln</u>	<u>2/18/2023</u>
<u>[Signature]</u>	<u>301 Oak Lane</u>	<u>2/18/2023</u>
<u>[Signature]</u>	<u>750 E 4th ST</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>623 E 5th</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>635 E. 5th ST.</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>635 E. 5th ST.</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>601 E. 5th</u>	<u>2/18/23</u>
<u>[Signature]</u>	<u>621 E 3rd</u>	<u>2/27/23</u>
<u>[Signature]</u>	<u>701 E 3rd</u>	<u>2/26/23</u>