

PLANNING COMMISSION MEETING

Thursday, July 15, 2021 6:30 p.m.

Council Chambers or Zoom

Teleconference (ZOOM):

DIAL: +1 646 558 8656 US & INCLUDE THE MEETING ID: 456-920-3798 & PRESS #.

JOIN ONLINE AT: <https://us02web.zoom.us/j/4569203798>.

Pledge to the flag.

Approval of the April 15, 2021 meeting minutes.

Guest identification and reason for attendance.

Subdivision and land development:

1. Earl and Rosemary L. Ritter, Subdivision/Incorporation
2. Connie R. Foust, Subdivision/Incorporation

Old Business:

3. Local Economic Revitalization Tax Assistance Recommendation.
4. Cannabis Dispensary Location & Legal Sales.

Next review meeting – August 12, 2021 at 1:00 p.m.

Next Planning Commission meeting – August 19, 2021 at 6:30 p.m.

Planning Commission Meeting Minutes
Thursday, April 15, 2021, 6:30 p.m.
Via Zoom

Chairman Rick Bogar called the meeting to order at 6:30 p.m. In attendance were Commission members: Rick Bogar, Mike Mertz, Ed Sabo, Bonnie Crawford, Aaron Eldred, David Hill, and Steven Boughter. Also, in attendance were Code Enforcement Officer Kyle Bauman, Director of Code Enforcement Ken Roberts, Town Manager/Secretary/Treasurer Lisa Dooley, Council member Justin Hummel, Council member James Huber (left the meeting around 6:40 p.m.), Andy Keister, Eric Sechrist, Ralph Magill, Eric Ness and Matt Zoppetti.

Approval of the minutes

On a motion by B. Crawford, seconded by S. Boughter, and voted on unanimously, the minutes from the March 18, 2021 meeting were approved with no additions or corrections.

Curative amendment

This curative amendment application was received by the Code office on Friday, April 2, 2021. Matt Zoppetti introduced the document he submitted. M. Zoppetti described the Courtyard at 5th Street as being a recorded land development plan where the land is bound by West 5th and 6th Street. The Commonwealth Courts previously ruled the Town of Bloomsburg Zoning Ordinance to be De Jure exclusionary. As a result, Ordinance #993-995 were later adopted to define homeless shelters, substance abuse facilities, and transitional living facilities, for individuals living out of a controlled environment. M. Zoppetti believes that Ordinance 993, 994, and 995 does not encompass his definition of a transitional living facility. M. Zoppetti explained that a transitional living facility can't fit in a substance abuse facility, due to the requirement of those individuals being previously incarcerated.

R. Bogar mentioned that the Bloomsburg Town Center, LLC was listed on the cover letter as an address and in the narrative, the curative amendment was listed as Bloomsburg Senior Living, LLC.

The Commission discussed the curative amendment regarding their recommendations.

On a motion by A. Eldred, seconded by S. Boughter, and voted on unanimously, the Commission recommends sending a letter to Council regarding the curative amendment with similar language as the recommendation letter for the curative amendment submitted on January 28, 2021.

Mulberry Mill Apartments – Land Development

Submission Date: 12/17/20 – First Ninety Day Extension Deadline: 6/14/2021

Deadline for Action – Planning Commission by: 6/10/2021 – Council 6/14/2021

K. Bauman provided an update regarding the conditional approvals that are required to grant final approval of the land development plans. Items A, D, E, F and G were recommended by the workshop group to be conditional approval items.

On a motion by B. Crawford, seconded S. Boughter, and voted on unanimously, the Commission recommends the following as conditional approval requirements, (M. Mertz abstained due to conflicts):

- A. The Certification of Ownership statement provided on sheet C0.01 shall be signed by Owner and notarized. [Sec. 22-404.B.(1)(a)7), Sec. 404.B.(1)(a)8), and Sec. 22-404.D.(1)(a)5)]
- D. The ‘Stormwater Certification (Owner)’ and ‘Stormwater Management Access Easement Certification’ statements provided on sheet C0.01 shall be signed by the Owner. [Sec. 22-805.]
- E. Draft deeds for proposed Lots A & B should be provided for review. (general)
- F. Surveyor signature on sheet C0.01 should be signed and notarized. (general)
- G. “Waiver Requests,” should be revised to: “Waiver Requests Received.”

K. Bauman thanked Andy Keister and Eric Sechrist for their efforts in satisfying department leader recommendations on this project as well.

Local Economic Revitalization Tax Assistance (LERTA) program

R. Bogar suggests that the Community and Economic Development Committee recommend boundaries in the Town of Bloomsburg where a LERTA could be advantageous. J. Hummel asked if we are encouraging owners to further develop their property or vacant properties to fill their properties. J. Hummel believes there should be a vacant tax ordinance. J. Hummel feels that the Planning Commission is the better group to suggest areas. J. Hummel recommends staying away from Main Street.

LERTA is geared towards improvements to deterrent industrial and commercial properties. An area of consideration could be between 6th and 10th Streets. There are not many improvements needed as mentioned by E. Sabo. K. Bauman suggested that ideas can be submitted to K. Bauman to prepare for the next meeting. It was brought up that the houses on Old Berwick Road could use repair along with houses in the West End.

L. Dooley will reach out to Danville Borough to gather what data they used in their decisions.

Cannabis dispensary location and legal sales

The Commission discussed growing operations could be permitted in the Industrial Park district. Pharmacies could be permitted as a use in the Health Care district. M. Mertz does not believe the town should limit sales to the Health Care district. It was noted that a dispensary shop is located right by the mall in Hemlock Township. M. Mertz doesn’t want to see the Commission narrowing down the options, as the sales can be a great revenue source for the Town of Bloomsburg. M. Mertz noted that all manufacturing is required to be processed in an enclosed structure. A. Eldred thought the Commercial Warehouse district could also be a permitted district to consider regarding retail sales and anywhere there are drug stores or pharmacies currently listed.

On a motion by E. Sabo, seconded by A. Eldred, and voted on unanimously, the Commission approves Ken Robert’s memo and will seek other areas where these uses may be permitted.

Discussion of Hailstone Economic, LLC. zoning district recommendations

K. Bauman discussed a document he created which highlights considerations that the Planning Commission is recommending as future zoning amendments to assist in growth and development. Crawford suggested changing “conversation” apartments to “conversion” apartments.

On a motion by E. Sabo, seconded by R. Bogar, and voted on unanimously, the Commission approves sending the document to the Community & Economic Development Committee.

Comprehensive Plan Discussion

K. Bauman suggested workshop groups and spend some serious time on this topic. K. Bauman will send some emails out in the near future and will provide an update.

The next review meeting is scheduled for May 13th at 1 p.m.

Being no further business, the meeting adjourned at 8:11 p.m.

Notes taken by L. Dooley and reviewed by K. Bauman.

TOWN of BLOOMSBURG

Application for Subdivision/Land Development Review

Subdivision Application

(No Plans Will Be Accepted Until This Form Is Fully Completed and All Application Fees Are Paid)

Type: Minor Subdivision Major Subdivision Land Development

Plan Submittal Date: _____

Amount of Application Fee Paid: \$ _____ Check No. _____ Receipt No. _____

(Application fees are calculated on page 3)

Classification of Request

Review of a:

- | | |
|---|---|
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Add-On of Lots |
| <input type="checkbox"/> Final Plan | <input checked="" type="checkbox"/> Incorporation of Lots |
| <input checked="" type="checkbox"/> Prelim/Final Plan | <input type="checkbox"/> Sketch Plan |

General Information:

Name of Subdivision/Development: Connie R. Foust Subdivision/Incorporation

Land Owner of Subdivision/Development: Connie R. Foust

Address: 130 Arbutus Park Road
Street
Bloomsburg PA 17815 (570) 336-6239 (Cristian)
City State Zip Code Telephone #

Name Of Developer(s): Cristian C. Foust
(If different from the owner)

Address: 138 Arbutus Park Road
Street
Bloomsburg PA 17815 (570) 336-6239
City State Zip Code Telephone #

Name of Surveyor/Engineering for the project: Ted L. Oman, P.L.S.

Address: 324 Draketown Road
Street
Bloomsburg PA 17815 (570) 784-2767
City State Zip Code Telephone #

Name of Person who will record plan: Ted L. Oman
(Must be completed)

Address: 324 Draketown Road
Street
Bloomsburg PA 17815 (570) 784-2767
City State Zip Code Telephone #

Basic Plan Information:

Street Location of proposed project: 130 Arbutus Park Road, Bloomsburg, PA 17815

Total Number of Lots proposed to be Subdivided/Developed: 1 developed lot, 2 incorporation lots and residue

Total Number of Acres/Square Feet proposed to be Subdivided/Developed: 2.331 Acres

Total Number of Proposed Units: 0 Residential 0 Nonresidential

Type of Sewer System proposed: N/A no new development

What is the flow rate of the proposed project into the public Waste Water Treatment Plant?
N/A No new development

Type of water supply proposed N/A No new development

Has there been any development or subdivision of the property in the last 15 years? Yes No
If yes, give date and briefly describe: _____

Zoning Information:

What is the Zoning Classification(s)? Residential Suburban

Will the proposed development require a: Variance Special Exception Conditional Use None
If yes, explain: _____

Project Narrative:

Provide a detailed description of this project including but not limited to; **Current Land Use, Proposed Land Use, Road Construction, Stormwater Management System and Potential Problems** that the Applicant may face in the completion of the plan. In the case of Land Developments provide the **Use of the Proposed Structure** and a **Detailed Description of the Improvements** to be made. Additional space can be attached if needed.

Connie R. Foust in now the sole owner of the remaining lands that Kressler Estates was subdivided away from. Currently there is an existing dwelling on the remaining land. The area, containing the existing dwelling, has been physically separated from the remaining of the land through various previously approved subdivisions. The purpose of this subdivision is to legally subdivide the area around the existing dwelling so that it is on one contiguous lot of land. Portions of the remaining lands are proposed to be subdivided and incorporated with other existing adjacent parcels of land. The remainder of the residue, already physically separated, will remain unchanged.

**Please note: It is the responsibility of the applicant to verify any proposed road names with the 911 Office in order to avoid duplication.*

Signature:

The undersigned represents that, to the best of his/her/their knowledge, all the above statements are true, correct and complete. The undersigned acknowledges responsibility for all engineering/planning fees incurred for this application. The undersigned also acknowledges that they are the land owner or agent for the land owner where the proposed project is located.

C. C. Foust

Signature of Applicant(s) or Agent

6/30/2021

Date

SUBDIVISION AND LAND DEVELOPMENT APPLICATION FEE SCHEDULE

	Minor Subdivision	Major Subdivision	Land Development
Application Fee	\$100.00	\$200.00	\$150.00
\$5.00 Per Lot Fee	\$15.00		
\$5.00 Per Unit Fee			
Total Owed	\$115.00		

This is the Application Fee Schedule only. All engineering and planning review fees must be paid before final approval.

CONNIE R. FOUST
SUBDIVISION/INCORPORATION
PROPOSED DEED DESCRIPTION FOR THE INCORPORATION
OF LAND OF KAREN C. SMITH, LOT No. 14 AND LOT No. INC-2

Prepared: 06/28/2021

All that certain piece, parcel or tract of land situated in The Town of Bloomsburg, Columbia County, Pennsylvania, being bounded and described as follows;

Beginning at a No. 5 rebar (found) at corner of land of Carl Leroy Hendricks and Joan Grantier, said rebar being further located in line of Lot No. INC-1 of the hereinafter referenced subdivision; Thence running along Lot No. INC-1, South 13 degrees 29 minutes 15 seconds East for a distance of 74.00 feet to a No. 5 rebar (set) at a corner of Lot No. 16 of the hereinafter referenced subdivision; Thence running along Lot No. 16, South 29 degrees 01 minutes 08 seconds West for a distance of 153.23 feet to a No. 5 rebar (set); Thence continuing along Lot No. 16, South 32 degrees 45 minutes 24 seconds West for a distance of 182.12 feet to a No. 5 rebar (set); Thence continuing along Lot No. 16, South 16 degrees 59 minutes 24 seconds West for a distance of 41.60 feet to a No. 5 rebar (set); Thence continuing along Lot No. 16, South 51 degrees 06 minutes 27 seconds East for a distance of 136.06 feet to a No. 5 rebar (found) at a corner of land of Cristian C. Foust; Thence running along land of Cristian C. Foust, South 35 degrees 50 minutes 13 seconds West for a distance of 165.00 feet to an iron pipe found at a corner of land of R. Charles and Korin M. Lacroix; Thence running along land of R. Charles and Korin M. Lacroix, North 50 degrees 22 minutes 06 seconds West for a distance of 133.20 feet to a an iron axle (found); Thence continuing along land of R. Charles and Korin M. Lacroix and land of John E. and Lucy A. Wittman, North 16 degrees 59 minutes 24 seconds East for a distance of 204.15 feet to a No. 5 rebar (found); Thence continuing along land of John E. and Lucy A. Wittman, land of Frank J. and Rebecca J. Yablonski and land of Carl Leroy Hendricks and Joan Grantier, North 32 degrees 45 minutes 24 seconds East for a distance of 187.41 feet to a No. 5 rebar (found); Thence continuing along land of Carl Leroy Hendricks and Joan Grantier, North 29 degrees 01 minutes 08 seconds East for a distance of 206.15 feet to the place of beginning.

Containing 1.067 acres of land and being more fully shown as the incorporation of land of Karen C. Smith, Lot No. 14 and Lot No. INC-2 on survey subdivision plan entitled: "Preliminary/Final Subdivision/Incorporation Plan Prepared for Connie R. Foust", prepared by Ted L. Oman and Associates, Inc., dated June 25, 2021.

The Grantor(s) also grant to the Grantee(s), their heir's successors and assign's a 50-foot-wide private right of way for ingress, egress and regress, shown on the above referenced subdivision plan and more particularly described as follows;

Beginning at a No. 5 rebar (set) on the southerly right of way line of Arbutus Park Road, (Township Route No. 486), said rebar set being a corner of Lot INC-1 of the hereinabove referenced subdivision, said rebar set being further located as a corner of land of Dennis and Anna Miller; Thence running along land of Dennis and Anna Miller, South 13 degrees 29 minutes 17 seconds East for a distance of 53.12 feet to a point; Thence running through Lot No. INC-1, South 29 degrees 01 minutes 08 seconds West for a distance of 74.00 feet to a No. 5 rebar (set) at a common corner of Lot No. 16 and Lot No. INC-2 hereinabove described; Thence running along Lot No. INC-2, North 13 degrees 29 minutes 15 seconds West for a distance of 74.00 feet to a No. 5 rebar (found) at a corner of land of Carl Leroy Hendricks and Joan Grantier; Thence running along land of Carl Leroy Hendricks and Joan Grantier, North 13 degrees 29 minutes 17 seconds West for a distance of 31.39 feet to a No. 5 rebar (set) on the southerly right of way line of Arbutus Park Road; Thence running along the southerly right of way line of Arbutus Park Road, North 73 degrees 53 minutes 41 seconds East for a distance of 50.05 feet to the place of beginning.

Right-of-Way Maintenance Provision

By accepting delivery of this deed the grantees agree to assume their rightful prorated share of costs and expenses which may hereafter be incurred in connection with the reasonable and necessary maintenance of the private 50 foot right-of-way servicing the lot of land herein conveyed to the grantees. This obligation is to be shared with all present and future owners of land in the subdivision tract of which the conveyance is a part and shall be binding upon the grantees, their heirs, successors and assigns.

Being the incorporation of the following properties;

All of the same premises as conveyed to Karen C. Smith from Connie Rae Foust by their deed dated June 18, 2021, recorded in the Recorder of Deeds Office for Columbia County, Pennsylvania as Instrument No. 202106346, Tract No. 1 and Tract No. 2.

A portion of the same premises as conveyed to Connie R. Foust from Sheila K. Michael and Connie R. Foust by their deed dated July 15, 2020, recorded in the Recorder of Deeds Office for Columbia County, Pennsylvania in Instrument No. 202004979, Tract No. 1.

Lot No. 14 as shown on approved subdivision plan entitled "Kressler Estates, Phase No. 2 As Built Plans as recorded in the Recorder of Deeds Office for Columbia County, Pennsylvania in Map Book 8, Page 67.

Together with sanitary sewer and water line easements as shown on approved subdivision plan entitled "Kressler Estates, Phase No. 2 as recorded in the Recorder of Deeds Office for Columbia County, Pennsylvania in Map Book 7, Page 1950 and on approved subdivision plan entitled "Kressler Estates, Phase No. 2 As Built Plans as recorded in the Recorder of Deeds Office for Columbia County, Pennsylvania in Map Book 8, Page 67.

Under and subject to all facts disclosed by a full and accurate title search.

Growing and Processing

- Medical Marijuana growing and processing permits are granted by the Pennsylvania Department of Agriculture. "In 2021, the Department has issued 426 growing permits (includes 9 research permits) and 64 processing permits (includes 2 research permits).", https://www.agriculture.pa.gov/Plants_Land_Water/Industrial_hemp/Pages/default.aspx
- Zoning districts in Bloomsburg that *may* permit medical marijuana growing/processing.
 - R-C Residential Conservation District §27-501
 - Purpose: "The purpose of the Residential Conservation (R-C) District is to encourage the continued use of the land for agricultural purposes and permit those uses which are compatible and allied with agricultural operations, to promote such open space activities as parks, playgrounds, recreational areas and campgrounds as well as low-density residential development."
 - Permitted Uses. A building may be erected or used and a lot may be used or occupied, for any of the following purposes:
 - A. Agriculture, dairies, riding academies, kennels, pet and animal hospitals.
 - C-W Commercial Warehouse District § 27-508
 - Purpose: The purpose of the Commercial Warehouse (C-W) District is to facilitate the receipt of raw material and the distribution of finished products through the establishment of warehouses, storage areas, loading and unloading facilities.
 - Permitted Uses. A building may be erected or used and a lot may be used or occupied for any of the following purposes:
 - A. Warehousing, including storage of waste material provided that such is entirely enclosed within a building.
 - B. Wholesale and retail activity and business and professional offices.
 - C. Agricultural equipment, handling and product sales, service, distribution and supply.
 - I-P Industrial Park District § 27-510
 - Purpose: The purpose of the Industrial Park District is to permit and encourage industrial development and growth, to constitute a harmonious and appropriate part of the physical development of the Town, to contribute to a sound economic base of the Town and to promote the appropriate development of the district by minimizing air and water pollution, noise, glare, heat, vibration and fire and safety hazards.

- Permitted Uses: A building may be erected or used and a lot may be used or occupied for any of the following purposes:
 - A. Manufacturing.
 - B. Wholesale activity and related business offices.
 - C. Warehousing.
 - D. Agricultural produce wholesale activities.
 - E. Agricultural equipment, handling and sales, service and supply.
- According to Pennsylvania Act 16 of 2016 §103 - Definitions
 - "Department." The Department of Health of the Commonwealth.
 - "Dispensary." A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the department to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.
 - "Health care medical marijuana organization." A vertically integrated health system approved by the department to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under this chapter.

Dispensing

- Zoning districts in Bloomsburg that *may* permit dispensing of medical marijuana.
 - C-R Commercial Residential District § 27-509
 - Purpose: The purpose of the Commercial Residential (C-R) District is to encourage the development of a district that provides goods and services in a predominantly residential neighborhood. The facilities shall be designed to minimize traffic congestion on the streets, to provide for the public convenience and to harmonize adjoining commercial and residential uses.
 - Permitted Uses. A building may be erected or used and a lot may be used or occupied for any of the following purposes:
 - A. Single-unit dwellings.
 - B. Community living facilities.
 - C. Two-unit dwellings.
 - D. Multiple-unit dwellings.
 - E. Conversion apartments.
 - F. Dwellings above or in combination with commercial uses.
 - G. Libraries.
 - H. Retail stores and personal service shops (grocery, drugs, general merchandise, beauty parlors, barbershops and shoe repair, including drive-through window service).

- I-P Industrial Park District § 27-510
 - Purpose: The purpose of the Industrial Park District is to permit and encourage industrial development and growth, to constitute a harmonious and appropriate part of the physical development of the Town, to contribute to a sound economic base of the Town and to promote the appropriate development of the district by minimizing air and water pollution, noise, glare, heat, vibration and fire and safety hazards.
 - Permitted Uses. A building may be erected or used and a lot may be used or occupied for any of the following purposes:
 - A. Manufacturing.
 - B. Wholesale activity and related business offices.
 - C. Warehousing.
 - D. Agricultural produce wholesale activities.
 - E. Agricultural equipment, handling and sales, service and supply.
- HE-C Health Care District § 27-512
 - Purpose. The purpose of the Health Care HE-C District is to provide adequate maintenance of existing hospital facilities and guide development in a manner compatible with surrounding residential neighborhoods. Further, the Health Care District limits permitted uses to those which are accessory, subordinate and supportive to hospital facilities and services. The district requires that all hospital and related uses be designed in a manner that will preserve the residential character of the surrounding neighborhoods through the use of such zoning tools as landscape buffers, design features and required yard areas.
 - Permitted Uses.
 - A. Single-family dwelling.
 - B. Community living facilities.
 - C. Administrative offices related to hospital functions include, but not limited to, business office, data processing and medical records.
 - D. Day-care facilities.
 - E. Medical offices.
 - F. Hospitals, including outpatient facilities.
 - G. Outpatient medical testing laboratories.
 - H. Medical and dental clinic.
 - I. Educational and conference facilities for in-house health care training.
 - J. Automobile parking lots and parking garages affiliated with hospital.
 - K. Parks and recreational facilities.
 - L. Retail sales related to health care products.
- BC Business Campus District § 27-514
 - Purpose. The purpose of the Business Campus District is to encourage the development of an area that provides goods and services in a

predominantly mixed-use setting accommodating continued operation and redevelopment of business locations and providing for light industrial activities involving generally unobtrusive processes that do not produce significant noise, smoke, odor, dust, vibration, or glare typical of more-intensive industries.

- Permitted Uses. A building may be erected or used and a lot may be used or occupied for any of the following purposes:
 - A. Single-unit dwellings, two-unit dwellings and multiple-unit dwellings.
 - B. Community living facilities and conversion apartments.
 - C. Retail stores, personal service shops (grocery, drugs, general merchandise, beauty parlors, barbershops, laundry, dry cleaning and shoe repair).