

**MINUTES**  
**BROOKVILLE BOROUGH PLANNING COMMISSION**  
**Monday, December 9, 2019 @ 5:00 P.M.**

The Brookville Borough Planning Commission met on Monday, December 9, 2019 at 5:00 P.M. in Council Chambers with the following in attendance:

**MEMBERS**

**Bill Kutz**  
**Dr. Ed Richards**  
**Seth Kerr –**  
**arrived at 5:03 P.M.**  
**Bob Radaker**

**STAFF**

**Manager Dana D. Schreckengost**  
**Zoning Officer Emerson Turnbull**  
**Recorder Christine Gunning**  
**Solicitor Jim Dennison**

**VISITORS**

**Frank Bartley**

**CALL TO ORDER:**

Chairman Bill Kutz called the meeting to order at 5:00 P.M.

**CORRECTIONS/APPROVAL OF MINUTES:**

Vice-Chairman Ed Richards moved to approve the minutes of the June 24<sup>th</sup> Planning Commission meeting as submitted; seconded by Member Bob Radaker. Motion carried 3-0.

**CHAIR REPORT:**

None

**PUBLIC COMMENT:**

None

**DEVELOPMENT PLANS:**

None

**COMMUNITY PLANNING:**

- A. Progress Street Zoning Change/Frank Bartley** – Zoning Officer Emerson Turnbull stated Frank Bartley approached him about changing the zoning on the Zimmerman property between Progress Street and Route 28. Zoning Officer Emerson Turnbull stated next to it is a right of way right down the middle. Frank Bartley stated he is an agent for the Fritz and Hans Zimmerman majority fractional owners of R B one two seven five two map number oh six oh one eight oh one oh three which contains thirty-eight point eight three acres in two parcels. Frank Bartley asked the Planning Commission Members to look at the map in their packet (attached). Frank Bartley stated it shows thirty-eight point eight three acres is both sides of the right of way. Frank Bartley stated what he is here to request is for you to zero in on the nine point five acres which is the southern part of this. Frank Bartley stated it is a boundary with Progress Street and the unopened forty foot right of way. Frank Bartley stated the four point seven five Zimmerman parcel - the old Agway which is the Food Pantry now and then the vacant land of the Fraternal Order of Eagles and then it bumps up

against the very southern part of Brookville Hospital. Frank Bartley stated Progress Street is a dead end, and the whole entire property in this whole area was zoned the same thing. Frank Bartley stated now we have interest in parts of the property that do not include commercial, and that is what this nine point five acres in their view is it is not commercial. Frank Bartley stated they are requesting to change the zoning on the nine point five acres from Office Commercial (OC) to Medium Density Residential (MDR) because the unopened forty foot right of way is unopened. Member Bob Radaker stated he drew in on his map where the water line is. Member Bob Radaker stated there is a forty foot right of way listed from about this road that goes back to the driveway of Sarvey's and the hospital. Member Bob Radaker stated there is a twelve inch line that goes down and runs to the property of Roger Shaw. Member Bob Radaker stated it has been there for about forty-five years. Frank Bartley stated if these were housing lots, water and sewer is not an issue because it runs through there and Progress Street dead ends. Frank Bartley stated to leave it commercial would not be sensible. Frank Bartley stated it is zoned commercial, but it is not. Solicitor Jim Dennison asked what they plan on doing with that. Frank Bartley stated four townhouses with single family dwellings. Solicitor Jim Dennison stated MDR allows for townhouses. Solicitor Jim Dennison stated if they zone it Transitional Zone (TZ), there can be townhouses plus apartment units, bed and breakfasts, and all kinds of business stuff, but if you want to make it more residential then MDR would be better. After some discussion, Vice-Chairman Ed Richards moved to change the nine point five acres that Frank Bartley is asking for from OC to MDR; seconded by Member Bob Radaker. Motion carried 4-0.

- B. Bev Air Victory Zoning Change** – Zoning Officer Emerson Turnbull stated Bev Air approached him. Zoning Officer Emerson Turnbull stated Bev Air was leased to Victory, and Victory wants to buy it. Zoning Officer Emerson Turnbull stated Bev Air wants to add all the way to Route 28, they want to close their building in Rose Township on Route 28, and move it all onto this property if they buy it. Zoning Officer Emerson Turnbull stated they do not want to lease any more property. Chairman Bill Kutz stated he is not getting a visual on this at all. Manager Dana D. Schreckengost stated they are closing the Bev Air down at the Hazen exit, they want to add a new building where the parking lot is now, so they are going to duplicate what already is in Brookville, put it over where the parking lot is and relocate the parking lot. Zoning Officer Emerson Turnbull stated they do not want to buy it until they can do that. Zoning Officer Emerson Turnbull stated it is zoned Office Commercial (OC) and they are concerned because this is zoned OC and they want to put another light industrial building there, so they want the whole thing zoned Light Industrial (LI). After some discussion, Manager Dana D. Schreckengost stated they want to know if we would change it if they own it. Solicitor Jim Dennison stated absolutely. Solicitor Jim Dennison stated tell them we will proceed with the change in the zoning of it. Chairman Bill Kutz stated tell them we are good on this. Solicitor Jim Dennison stated no motion is needed.

## **NEIGHBORHOOD PLANNING:**

None

## **OFFICIAL REPORTS & CORRESPONDENCE:**

### **A. Making Sure Issues are Addressed in the Overall Engineering Plans –**

Zoning Officer Emerson Turnbull stated when he inspected the last two buildings, which were Legacy Truck Center and Means and Lauf Pharmacy, with our building inspector Bill Kulbacki, Bill Kulbacki was not satisfied, although they are not not-legal, with the fire suppression systems. Solicitor Jim Dennison asked if they did not put in proper fire suppression. Zoning Officer Emerson Turnbull stated they put in the minimum fire suppression they had to, and they put it in places and did things inside the building to make it difficult for the fire companies to use the equipment. Zoning Officer Emerson Turnbull stated Bill Kulbacki would like the fire company to be represented on this committee. Member Bob Radaker stated he was glad this was brought up, and stated one of the things that happens, and he does not know if you give them the occupancy permit or Bill Kulbacki does, but so often that is issued and we are sitting there saying this has not been tested or this is not up to our code and they are allowed to move in without some of the water and sewage being addressed. Member Bob Radaker stated at Legacy Truck Center, they took out the hydrants, so the nearest one is at Arby's. Member Bob Radaker stated we need to be able to sign off on that permit to say o.k. everything is good on the water and the sewage and you can proceed to the next step. Solicitor Jim Dennison stated he guesses the problem is there is no communication. Member Seth Kerr asked if that is covered under the Universal Building Code. Zoning Officer Emerson Turnbull stated the way they put it in at Legacy was legal, and it was not easy for the fire company to deal with it. Zoning Officer Emerson Turnbull stated all the stuff for the fire company is in the back of the building – the farthest point back. Zoning Officer Emerson Turnbull stated it is not against the code, but Bill Kulbacki said the fire company should have been involved. After some discussion, Solicitor Jim Dennison stated there should be a mechanism for the authorities for reviewing the commercial plans. Solicitor Jim Dennison we need to have a sign-off and then they would address the fire company issues and things like that. After more discussion, Solicitor Jim Dennison stated we need to get with Bill Kulbacki and set up a mechanism for a building permit. Solicitor Jim Dennison stated he knows there is a sign off for water and septic, and does it meet zoning requirements, and there are boxes you check before it goes back to Bill Kulbacki, right? Solicitor Jim Dennison stated if it is commercial it needs to be signed by the Municipal Authority. Member Bob Radaker stated even residential to make sure the backflow prevention is in place. Zoning Officer Emerson Turnbull stated Bill Kulbacki approves it for state code, not practicality. Solicitor Jim Dennison stated there has to be a mechanism to force them to do that, you just cannot say it has to be reviewed by the Borough. Solicitor Jim Dennison stated there has to be, either in the rules and regulations, or some standard you use to review this by. Solicitor Jim Dennison stated it cannot be arbitrary. Member Seth Kerr asked if Brookville Borough has a

permitting checklist for building engineering, the fire company, police department, Municipal Authority, kind of a protocol that must be approved by a series of agencies or departments that need to be consulted and referenced prior to the approval of something? Zoning Officer Emerson Turnbull stated he checks off if it has existing electric or can it get electric, and does it have existing access to a highway or can it have access to a highway. Member Seth Kerr stated but nothing to determine if it would be a functional as built or anything like that? Manager Dana D. Schreckengost stated she thinks she and Solicitor Jim Dennison can come up with something.

**COMMUNICATIONS & ANNOUNCEMENTS:**

None

**UPCOMING MEETINGS:**

Chairman Bill Kutz stated the next Planning Commission meeting is tentatively scheduled for Monday, January 13<sup>th</sup> at 5:00 P.M.

**ADJOURNMENT:**

Member Bob Radaker made a motion to adjourn at 5:44 P.M.; seconded by Vice-Chairman Ed Richards. Motion carried 4-0.

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Borough Manager