

**PLANNING COMMISSION MEETING**  
**FEBRUARY 20, 2018**

The meeting of the Towanda Borough Planning Commission was held on Tuesday, February 20, 2018 at 7:00 PM, in the council room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Chairman Kacyon at 7:00 PM.

**Members Present** Larry Kacyon - Chairman, Karen Johnson – Vice Chairman (joined later due to prior commitment), Kevin Doupe (left at 8:05 PM, due to a commitment), Jim Lacek, Jimmy Lacek & Diane Seigmund

**Members Absent:** Mark Christini, Erin Groves & Keith Long

**Others**

Jim Haight, Public Works Code Enforcement Supervisor (Zoning Officer), & Kyle Lane, Borough Manager. Also, Attorney Rinaldo DePaola, representing Chuck Kovacs & Karen Kovacs.

**PUBLIC HEARING**

A public hearing was held to review a Variance Application request of Charles and Karen Kovacs to use the first floor of their building at 5 Poplar Street, Towanda, PA for an apartment. This building is located in the (C-2) Central Business District, which by ordinance §325-17C(3) allows apartments on the second and higher floors as a Special Exception.

Mr. Haight (Zoning Officer) welcomed everyone and stated that the Planning Commission, at the request of Borough Council acts as an advisory board for the Borough Council, and reviews and makes recommendations to the Zoning Hearing Board on behalf of the Borough. With that said, he asked the commission to review the Kovacs zoning application and permit that was in their packets which was **denied** by Mr. Haight. He stated the zoning ordinance does not allow apartments on the first floor. Second and higher floors are allowed only by special exception. Attorney DePaola on behalf of Charles and Karen Kovacs has submitted an amended application for a Variance to the Zoning Hearing Board. This hearing is scheduled for Tuesday, March 6, 2018, at 7 PM, here in the Municipal Building.

Mr. Haight read the Amended Application to the Zoning Hearing Board for the Variance and then turned the floor over to Attorney DePaola, who described the physical details of the Kovacs building and presented a larger colored picture of the building. The Kovacs bought the property in 1994, and the lower level had been an apartment at that time, and the Kovacs continued to use it as an apartment until about 2 years ago, when they rented it out to a business for 10 months. He then stated that under the ordinance, if you cease non-conforming use for a period of 6 months and/or the change of use to a more restricted or conforming use for any period of time shall be considered abandonment, and such non conforming use shall not thereafter be revived. Intent to resume active operations shall not affect the foregoing. There was some discussion as to the original spirit of §325-58(A). They are requesting a recommendation from the zoning board to allow the variance for the following reasons: It would pose a minimal amount of disruption and would not change the area around it at all. Attorney DePaola stated that he wasn't sure if it could even be used as a business now.

**PLANNING COMMISSION MEETING  
FEBRUARY 20, 2018**

Mr. Haight stated that in 1995, the Borough changed the Ordinance to state "Second and higher floors is allowed only by special exception." If this variance was approved, it would have to be fitted with a sprinkler system as well.

After much discussion, it was decided by the Commission to have an **Executive Session** at 7:23 PM. Chairman Kacyon called the meeting back to order after the **Executive Session ended** at 7:33 PM. He stated that they discussed the ordinance, the physical conditions of the building, and hardships, and so on. At this time, Chairman Kacyon asked for a motion to accept or deny the variance. A motion was made by Mr. Doupe to "deny" approval of the Kovacs variance request, and this was seconded by Mr. (Jimmy) Lacek, with all the rest of the planning Commission members present voting in favor of the denial. Among the reasons is that the building is in a C2 District, and first floor living space is not permitted.

Mr. Haight stated again that the Zoning Hearing Board will meet on March 6, 2018 at 7 PM, to review the Amended Application for the Variance and hear testimony.

The public meeting was adjourned.

**PLANNING COMMISSION MEETING**

**Citizens to be Heard:** None present.

**Minutes**

A motion was made by Mr. (Jimmy) Lacek and seconded by Ms. Siegmund to approve the minutes from December 19, 2017 meeting. The motion passed.

**New Business**

**Review (and revise if necessary) all existing Towanda Code fines.** Manager Lane stated that this focus is mainly for Property Maintenance issues/violations in the Borough, and repeat offenders of these. The fines range from \$25 up to \$1,000 - the Magistrate chooses the amount. Consensus is that the low end of the fines may need to be doubled, and maybe keep the higher amount that is currently at \$1,000. Mr. Doupe had to leave the meeting at 8:05 PM for another obligation, and he stated that he supports raising the fines.

After further discussion a motion was made by Mr. (Jimmy) Lacek and seconded by Ms. Johnson to invite Magistrate Todd Carr to the next meeting on March 20th, to discuss the fine issue with him, and listen to his input on them.

**Old Business**

Manager Lane stated that he talked to Mr. Christini about the goals of the Planning Commission, and Mark suggested that the Commission set maybe 5 goals to accomplish rather than try to tackle every issue at once.

**Adjournment**

Motion to adjourn was made by Mr. (Jimmy) Lacek and seconded by Ms. Johnson at 8:24 PM.



Diane M. Kulick  
Recording Secretary  
Planning Commission

**PLANNING COMMISSION MEETING**  
**MINUTES – MAY 15, 2018**

The meeting of the Towanda Borough Planning Commission was held on Tuesday, May 15, 2018, in the Council Room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Chairman Kacyon at 7:01 PM.

**Members Present:** Larry Kacyon - Chairman, Mark Christini, Kevin Doupe, Erin Groves, Jim Lacek, Jimmy Lacek & Diane Siegmund

**Members Absent:** Karen Johnson, Keith Long

**Others:** Jim Haight - Public Works Code Enforcement Supervisor

**Visitors:** Mr. Richard Irace and his Spouse

**PUBLIC HEARING:**

A public hearing was held to hear the request of Mr. Richard C. Irace, 306 William Street for a variance of the front yard setback requirement of 75 feet as stated in Section §325-26 A (1) titled Unattached Accessory Structures in Residential Districts.

Mr. Irace's address is in an R-1-One Family Residential District. Mr. Irace would like to construct a two (2) car detached garage. He stated that Mr. Irace's plan does not meet the 75-foot set back from the right of way of William Street. Mr. Haight's recommendation was that the board approves the structure and stated if the garage was attached it would have been allowed and it could be 30 feet back. Mr. Haight asked that the Planning Commission approve the variance request and make the exception down to 60 feet (if needed), as he *does* meet the requirement for the amount of property that can be developed.

The Planning Commission discussed Mr. Irace's zoning application and permit, and Mr. Christini made the motion to recommend to the Zoning Hearing Board that they allow the structure to be built with the set back down to 60 feet. Mr. (Jimmy Lacek) seconded the recommendation and it was unanimously approved.

Mr. Haight stated that the Zoning Hearing Board will meet on June 7, 2018 at 7 PM, to review Mr. Irace's variance request.

The public meeting ended.

Submitted by:



Diane M. Kulick  
Recording Secretary

**Regular Planning Commission**  
**Meeting Continued – next page**

**PLANNING COMMISSION MEETING – Meeting Continued**

**Minutes:** Motion was made by Mrs. Groves and seconded by Ms. Siegmund to approve the minutes of the April 17, 2018 meeting. Motion passed.

There was a hand out at this meeting of various zoning ordinances that are in place in other boroughs that contain the subject of boats, recreational vehicles & utility trailers, and abandoned vehicles & trailers.

The board was informed that council agreed with the Planning Commission to not change the fines that are currently in place.

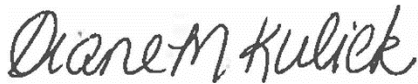
**Item B - Chapter 305: Vehicles and Traffic Article VII Commercial Vehicles in Residential Zones.**

It was decided that we table this until the July 2018 meeting. The board just received the information on other borough ordinances and they need time to review them. There will not be a meeting in June and the board will get together to discuss this chapter on July 17, 2018.

**Item C - Chapter 264: Streets and Sidewalks. Article X: Sidewalk Construction. 264-39**

This has been tabled for now, however it was stated that the biggest issue with sidewalks is trip hazards. Safety may be the biggest thing to enforce. It was also stated that there are some areas in town that are dark and in need of lighting. The board can only make a recommendation.

**Adjournment:** Motion to adjourn was made by Mr. Jim Lacek and seconded by Mr. (Jimmy) Lacek. Meeting adjourned at 7:45 PM.



Diane M. Kulick  
Recording Secretary  
Planning Commission

Note: Next meeting will be July 17, 2018

**PLANNING COMMISSION MEETING  
MINUTES – JULY 17, 2018**

The meeting of the Towanda Borough Planning Commission was held on Tuesday, July 17, 2018, in the Council Room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Chairman Kacyon at 7:03 PM.

**Members Present:** Larry Kacyon - Chairman, Karen Johnson, Kevin Doupe, Erin Groves, Keith Long & Diane Siegmund

**Members Absent:** Mark Christini, Jim Lacek, Jimmy Lacek

**Others:**

**Visitors:**

**Minutes:** Motion was made by Mr. Doupe´ and seconded by Ms. Johnson to approve the minutes of the May 15, 2018, meeting. Motion passed.

The board discussed the various zoning ordinances that are in place in other boroughs that contain the subject of boats, recreational vehicles & utility trailers, and abandoned vehicles & trailers.

The Committee reviewed and discussed Towanda’s Code **Chapter 298: Vehicles, Abandoned §298-1 Definitions**. The Committee feels the definition needs to be amended to include more specific information. A motion was made to amend this **Chapter’s §298-1 Definitions. ABANDONED** that lists any motor vehicle to also include **abandoned motor vehicle trailer**, which is in the Definitions from another Borough’s Chapter (194-2. Definitions. Edgewood, PA)

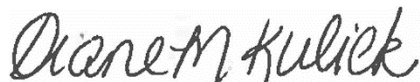
A motion was made by Mr. Doupe´ and seconded by Ms. Johnson.  
Motion passed.

Mrs. Groves stated that the Committee should include defining RV’s. Mr. Doupe´ and Mr. Kacyon thoughts were that Towanda’s Code Chapter 264. Streets and Sidewalks - Article VII. Obstruction in Streets - §264-17. Nuisance declared., could refer to Recreational Vehicles (RV’s).

Mr. Long stated that he would address the concern on RV’s with Council and if they could be declared a nuisance and how they want them defined.

Mr. Kacyon stated that Ms. Siegmund attended a training course in May this year titled “Duties of the Planning Commission”. She stated the course gave her fundamentals and understanding of the Planning Commission role and the importance of comprehensive planning.

**Adjournment:** Motion to adjourn was made by Mrs. Groves and seconded by Ms. Johnson. Meeting adjourned at 8:35 PM.



Recording Secretary  
Planning Commission

**PLANNING COMMISSION MEETING  
MINUTES – AUGUST 21, 2018**

The meeting of the Towanda Borough Planning Commission was held on Tuesday, August 21, 2018, in the Council Room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Chairman Kacyon at 7:00 PM.

**Members Present:** Larry Kacyon - Chairman, Mark Christini, Erin Groves, Jim Lacek, Jimmy Lacek

**Members Absent:** Kevin Doupe, Karen Johnson, Keith Long & Diane Siegmund

**Others:** None

**Visitors:** None

**Minutes:** Motion was made by Mrs. Groves and seconded by Jimmy Lacek to approve the minutes of the July 17, 2018, meeting. Motion passed.

The board once again discussed trailers, boats, campers and RV's parked on borough streets, which includes commercial trailers. Mr. Christini stated the issue is trailers, boats, campers and RV's, and the biggest concern is the streets where it is narrower and is tough to get emergency vehicles through these streets. He also stated that Council would like to see it more tightly controlled or restricted knowing that many people have room to park them on their own property.

Mr. Christini thinks that Elm Street would be a good spot to park these RV's and trailers. However, there may be an insurance liability, the borough would have to decide. It would be easy access.

Mrs. Groves referred to Chapter 298: Vehicles, Abandoned, Chapter §298-1 Definitions. Abandoned.

Consensus is that we do not need to add boat to definitions, as a boat is transported using a utility trailer.

**PLANNING COMMISSION MEETING  
MINUTES – AUGUST 21, 2018**

**NOTE: The following code items were made into motions by the Planning Commission for amending, and presented to Borough Council in the September and August Council meetings.**

**They will be now be reviewed by Borough Solicitor, Fred Smith.**

**AUGUST 21, 2018 - PLANNING COMMISSION MEETING**

**Motion #1 of 2** – prohibit parking of all trailers **and RV's** on streets in residential zoning districts, but allow on residential real property (in driveway or yard)

**Chapter 305: Vehicles and Traffic**

**ARTICLE VII Commercial Vehicles in Residential Zones**

**§ 305-57 B. (2)** No owner or operator of any trailer **or R.V.** ~~having a gross vehicle weight rating in excess of 10,000 pounds~~ shall park or store, in whole or in part, said trailer **or R.V.** on any street ~~or residential real property~~ located within a R-1, R-2, R-3 or R-4 residential zoning district.

**Motion was made by Mr. Christini and seconded by Mrs. Groves.  
Motion passed.**

**Motion #2 of 2** – change abandoned vehicle definition from 7 day to 2 days

**Chapter 298: Vehicles, Abandoned**

**§ 298-1 Definitions.**

ABANDONED As used in this chapter, shall mean any motor vehicle which is allowed to stand or if parked on any street, highway, parking lot or other public property of the Borough for a period of **two** ~~seven~~ days, without having been removed during said **two** ~~seven~~ day period.

**Motion was made by Mr. Lacek and seconded by Mrs. Groves.  
Motion passed.**

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**JULY 17, 2018 - PLANNING COMMISSION MEETING**

**Motion #1 of 1** – add to abandoned vehicle definition & abandoned motor vehicle trailer

ABANDONED – Shall mean any motor vehicle to also **include abandoned motor vehicle trailer**, which is in the Definitions from another Borough's Chapter (194-2. Definitions. Edgewood, PA)

**Chapter 298: Vehicles, Abandoned**

**§298-1 Definitions.**

**ABANDONED MOTOR VEHICLE**

One that:

- A. Is left upon a public street or highway within the Borough in violation of a law or ordinance prohibiting parking;

**PLANNING COMMISSION MEETING  
MINUTES – AUGUST 21, 2018**

- B. Is in such a state of disrepair as to be incapable of being moved under its own power;
- C. Is missing one or more tires or wheels;
- D. Is in a dismantled or partially dismantled condition;
- E. Does not have a current license plate affixed;
- F. If applicable, does not have a current inspection sticker affixed; or
- G. Is left on private property within the Borough without the consent of the owner, occupant or lessee thereof, for longer than two hours.

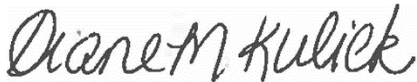
**ABANDONED MOTOR VEHICLE TRAILER**

One that is designed for attachment to motor vehicles for the purpose of transporting persons or goods:

- A. Is left upon a public street or highway within the Borough in violation of a law or ordinance prohibiting parking;
- B. Is in such a state of disrepair as to be incapable of being moved;
- C. Is missing one or more tires or wheels;
- D. Is in a dismantled or partially dismantled condition;
- E. Does not have a current license plate affixed; or
- F. Is left on private property within the Borough without the consent of the owner, occupant or lessee thereof, for longer than two hours.

**Motion was made by Mr. Doupe' and seconded by Ms. Johnson.  
Motion passed.**

**Adjournment:** Motion to adjourn was made by Jimmy Lacek and seconded by Mrs. Groves. Meeting adjourned at 8:15 PM.



Recording Secretary  
Planning Commission



**PLANNING COMMISSION MEETING  
MINUTES – SEPTEMBER 18, 2018**

The meeting of the Towanda Borough Planning Commission was held on Tuesday, September 18, 2018, in the Council Room of the Towanda Municipal Building, 724 Main Street, Towanda, PA.

The meeting was called to order and roll call done by Vice-Chairman Karen Johnson at 7:15 PM. Chairman Kacyon was on vacation.

**Members Present:** Karen Johnson – Vice-Chairman, Mark Christini, Erin Groves, Jim Lacek, Jimmy Lacek & Diane Siegmund

**Members Absent:** Larry Kacyon, Kevin Doupe, and Keith Long

**Others:** None

**Visitors:** None

**Minutes:** Motion was made by James Lacek and seconded by Diane Siegmund to approve the minutes of the August 17, 2018, meeting. Motion passed.

**Old Business** – Mr. Christini stated that the Commission has made recommendations amending relevant sections of Towanda Code Chapters - 305 and 298 to be more defined and inclusive for vehicle parking, abandoned vehicles, R.V.'s and motor vehicle trailers. The below items were presented for approval by Borough Council, and Council voted to accept the recommendations and have them reviewed and prepared by Solicitor, Fred Smith before publication notice.

- A. Chapter 305 Vehicles & Traffic, Article VII Commercial Vehicles in Residential Zones. §305-57 B. (2).
- B. Chapter 298 Vehicles, Abandoned. §298-1 Definitions. (Change 7 days to 2 days).
- C. Chapter 298 Vehicles, Abandoned. §298-1 Definitions.

Abandoned Motor Vehicles – and – Abandoned Motor Vehicle Trailers

**New Business** – Borough Council requested the commission discuss enactment of an ordinance to restrict farm animals in the borough. The Commission members who were present reviewed several sample ordinances from other municipalities to determine if they would recommend a new addition to the code such as Article III – Other Animals. The main concerns are noise and health/cleanliness.

**The existing Towanda Code is the following:**

**Chapter 88: Animals**

**Article I Dog Control**

**§ 88-1** Unaccompanied dogs at large prohibited.

**PLANNING COMMISSION MEETING  
MINUTES – SEPTEMBER 18, 2018**

§ 88-2 Duty of police officer.

§ 88-3 Unlicensed dogs.

§ 88-4 Failure to locate owner.

§ 88-5 Violations and penalties.

§ 88-6 Remission of fine.

**Article II General Dog Regulations**

§ 88-7 Muzzling or confinement of dogs.

§ 88-8 Prohibited acts.

§ 88-9 Female dog in heat.

§ 88-10 Removal of feces.

§ 88-11 Exception for guide dogs.

§ 88-12 Violations and penalties.

and

**Chapter 325: Zoning**

**Article V Special Exception and Uses**

§ 325-39 Animal hospitals, kennels and pounds.

The Commission discussed the recent complaints that have been received from residents concerning chickens/animals in the Borough (primarily roosters), which the residents consider a nuisance due to noise. The 2 (two) existing ordinances pertaining to animals do not directly cover specific issues. The Planning Commission reviewed a few sample ordinances from other municipalities recommended to Manager Lane from PSAB (Pennsylvania State Association of Boroughs).

The discussion about chickens was mostly positive, however everyone was leaning toward not allowing “roosters” at all in the borough.

**1) A motion** was made by Jimmy Lacek and seconded by Diane Siegmund to suggest that Borough Council add to the existing **Chapter 88. Animals**, a new article called **“ARTICLE III – Other Animals”** and to prohibit all male fowl in the borough. Motion passed.

**2) The Planning Commission** also agreed that the fines be the same as in the current code Chapter 88. Animals, which is §88-5. Violations and penalties. See below:

**§ 88-5. Violations and penalties.**

**In addition to the foregoing provisions, any person responsible for keeping or harboring a dog in accordance with the provisions of this article may be brought before the Mayor or any Magisterial District Judge in and for the Borough of Towanda on such a charge and, if found guilty, shall be sentenced to pay a fine of \$10 and costs for the first of-**

**PLANNING COMMISSION MEETING  
MINUTES – SEPTEMBER 18, 2018**

**fense, and for any subsequent offense occurring within one calendar year shall be sentenced to pay a fine of not less than \$25 nor more than \$600 and costs, or shall undergo imprisonment in the county jail for up to 30 days.**

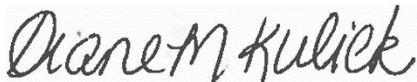
The board agreed the **definition of fowl** should be in the new [Article III. – Other Animals](#) in the code [Chapter 88. Animals](#).

**3)** Add new definition for “Fowl”. One definition was deemed acceptable by those present was the following:

**Fowl** – (as found in Google dictionary); a gallinaceous bird kept chiefly for its eggs and flesh; a domestic cock or hen. Any other domesticated bird kept for its eggs or flesh, e.g., the turkey, duck, goose, and guineafowl. The flesh of birds, especially of the domestic cock or hen, as food; poultry.

In concluding the meeting, the board members will review the packet of information further before the next meeting on October 16th. Mrs. Kulick will send this packet (Sept) to the absentees, Larry Kacyon, Kevin Doupe and Keith Long.

A motion was made by Jim Lacek and seconded by Mark Christini to adjourn at 8:13 PM.



Recording Secretary  
Planning Commission