

APRIL 19, 2017
WAYNESBORO, PA 17268
PUBLIC HEARING RE: ZONING
ORDINANCE AND SUBDIVISION/LAND
DEVELOPMENT ORDINANCE

Council President C. Harold Mumma called the public hearing of the Waynesboro Borough Council to order at 6:40 p.m. with the following in attendance:

Council Members – Delmos Oldham, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Chad Rooney and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
S. Leiter Pryor, Director of Utilities
Jody Sanders, Deputy Fire Chief
John Beck, Assistant Fire Chief

Junior Councilpersons – Arianna Taylor and Sophie Van Gilder

President Mumma noted the purpose of the hearing was to consider and receive public comment on: (1) a proposed comprehensive Zoning Ordinance that would repeal and replace the existing Zoning Ordinance as amended, in its entirety and (2) a proposed comprehensive Subdivision and Land Development Ordinance (“SALDO”) that would repeal and replace the existing SALDO as amended. The proposed ordinances will be considered for adoption at the regular Council meeting to begin immediately following this hearing.

Those wishing to comment for the record were asked to rise and the oath was administered. Borough staff was asked first to give testimony regarding advertisements, notices posted, etc.

Kevin Grubbs, Head of Engineering Services -- Mr. Grubbs testified to the following:

- 03/01/2017 – Borough Council scheduled public hearing to be held on 04/19/2017 at 6:30 p.m.
- 03/16/2017 - Both ordinances put on Borough’s website.
- 03/17/2017 - Copy of the attested ordinances were delivered to the Franklin County Planning Commission for review.

- 03/29/2017 - Received Legal Notice for advertisement from Borough Solicitor; Melinda Knott sent Legal Notice to *The Record Herald* newspaper for publication on 04/03/2017 and 04/10/2017.
- 03/31/2017 – Copy of the attested ordinances were delivered to the Franklin County Law Library.
- 04/03/2017 – Copy of the Legal Notice for the public hearing was posted in the lobby of Borough Hall; first publication of the Legal Notice was advertised in *The Record Herald* newspaper.
- 04/04/2017 – Copies of the ordinances were delivered to Washington Township or review; copies of the ordinances were delivered to *The Record Herald* newspaper for public display.
- 04/05/2017 – Received response from Franklin County Planning Commission on review of ordinances.
- 04/10/2017 – Second publication of the Legal Notice was advertised in *The Record Herald* newspaper.
- 04/12/2017 – Delivered copies of ordinances to Borough Council for review.
- 04/13/2017 – Received proof of publication from *The Record Herald* newspaper.

Jason Stains, Borough Manager -- Mr. Stains noted that the proposed amendment is a “complete overhaul” of the current Zoning Ordinance and Zoning Map. Hundreds of hours of public meetings have been held to review and discuss these proposed amendments. Many of the individuals present at this hearing are here to comment on one (1) provision of the document ... the section regarding “Keeping of Animals”. The contents of this section have been the subject of much discussion; it is very difficult to balance the freedom and responsibility of animal ownership with the right to the peaceful enjoyment of one’s property.

He presented a PowerPoint presentation regarding Section 62 - Keeping of Animals in an effort to avoid additional confusion. (A copy of the presentation is attached hereto and included as an addendum to these minutes.)

Comments from the public were then requested.

Mark Dale, 731 S. Church Street -- Mr. Dale noted that he currently owns several goats and chickens, however the amended ordinance (as he understands it) will prohibit this activity. President Mumma noted that existing animals will be “grandfathered”, and Solicitor Wisner further noted that Non-Conforming Use forms will be available for completion for these circumstances.

Connie Warrenfeltz, 707 Fir Spring Drive – Ms. Warrenfeltz noted that she owns numerous dogs and cats which she has rescued. All of her animals are vaccinated and well cared for. A neighbor, however, owns only one (1) dog which is tied up and barks/cries all night. She asked how it is fair that “scenario 1” is illegal, but “scenario 2” is not. Discussion ensued, and it was clarified that the limit of four (4) was chosen arbitrarily after many meetings and discussions. The Borough was looking to address concerns regarding overcrowding, sanitation and noise. Ms. Warrenfeltz stated that

Council shouldn't assume that people who own multiple animals don't properly clean up after or control them.

Ann Markell, 210 Roadside Avenue – Ms. Markell agreed with Ms. Warrenfeltz's comments and questioned how the ordinance will be enforced. She added she doesn't feel that limiting an arbitrary number of pets addresses concerns regarding health and safety in the community.

Mary Martin, 66 State Hill Road – Ms. Martin asked what will be done if an individual owns four dogs and they have a litter of puppies. Solicitor Wisner noted that the ordinance indicates the regulations apply to any animal over six (6) months of age, so the owner would need to find homes for them within six (6) months.

Angela Terrant, 23 N. Grant Street – Ms. Terrant noted that she rescues dogs (anywhere from 4-6 in her care at a time) and has been an advocate of animals' (and their owners) rights to the Senate and Congress. She cautioned Council that they may lose people from their community because of such restrictive laws, which would be a loss of revenue. If people are limited to the number of animals they can own, this will result in more homeless animals. She feels there has to be a better solution to the problem of a few, as most of the individuals she has met in Waynesboro take very good care of their animals. The ordinance should be complaint-driven, and people who are not caring for their animals should be held accountable. She urged Council not to take away the right to own animals that are properly cared for.

Stefanie Cook, 701 Clayton Avenue – Ms. Cook stated she doesn't feel this ordinance will accomplish what Council is hoping. She suggested that many of the individuals present this evening would likely be willing to meet and help decide how to fix the current problems.

Evelyn Sanler, 102 Garfield Avenue – Ms. Sanler noted that she has numerous cats in her home and they are her "salvation" as a military veteran. She feels this restriction is an infringement of her rights as a citizen, and the Borough should go after the individuals who complaints have been filed against to hold them accountable for their actions.

Councilwoman Rolls noted she feels the matter should be revisited ... and she is unsure what the appropriate number of pets should be, but the state allows up to 25 licensed dogs. She explained that a member of the public has been before Council numerous times regarding his neighbor who has so many dogs that he cannot enjoy his own backyard because of the noise and smell.

Steve Francis, 223 N. Grant Street – Mr. Francis noted that since there are already ordinances against deplorable conditions for pets (which are complaint-driven), why would limiting the number of animals allowed in this ordinance be necessary?

Dede Cordell, 217 Harrison Avenue – Ms. Cordell agreed that 25 dogs is excessive in town, but the limitation of four (4) has everyone in an uproar. The Borough already has ordinances for barking dogs and cleaning up after your pets; and there are PA Dog Laws against hurting your pets. She agreed that there are three (3) known houses in Waynesboro where there are issues with pets, but those should be dealt with instead of placing limitations on other people who are taking care of their animals.

Dudley Keller, 110 Myrtle Avenue – Ms. Keller asked how properties with several rental units will be dealt with. Solicitor Wiser noted that the wording should be more clear, suggesting that it say “per dwelling unit”. Ms. Keller noted, however, that this could create a situation as was discussed earlier where many dogs are using one (1) yard.

Andrew Moats, 730 Ringgold Street – Mr. Moats noted that he has a different point of view, as he is a property owner who lives next to someone who has 20+ dogs. They are well cared of, but their constant and continuous barking has driven him out of his own yard. Unfortunately, the current ordinances do not protect against this type of situation, and he is actually grateful that Council has chosen to address this. He suggested that there needs to be some “wiggle room”, however, to address some of the situations discussed this evening.

Darwyn Benedict, 410 N. Grant Street – Mr. Benedict noted that Council members were emailed a memo from the PA State Association of Realtors, and he requested that a copy of the memo be included with the hearing minutes (see attachment), as they are opposing the way the proposed ordinance is written.

Mr. Benedict then asked if electronic signs will be permitted in GC districts in the new ordinance. Solicitor Wiser noted they are addressed on page 139 and are permitted in GC districts. In the Subdivision/Land Development Ordinance (SALDO), Mr. Benedict noted there is a requirement for 5% to be recreational or a fee will be imposed ... and has that fee been established? Mr. Wiser noted that the fee would be determined from time to time by resolution of Borough Council; and it would be \$0 until a resolution is adopted. Mr. Benedict noted there are many items in the proposed ordinance that are changing from the existing version, and he is hopeful that it doesn't hurt the community.

Nancy Funk, 118 Myrtle Avenue – Ms. Funk asked if the economic impact of this ordinance has been discussed, including the possibility of additional staff to enforce the regulations. She agreed that fines and costs should be included.

Laura Uphold, 410 W. Main Street – Ms. Uphold stated that she works for the Antietam Humane Society and is concerned about the animals that will stay at the shelter because of the limit being placed on those permitted at residences in Waynesboro.

Deb Hoff, 125 Clayton Avenue – Ms. Hoff agreed with sentiments and concerns noted regarding pets, but wanted to address concerns regarding the Zoning Map. Several years ago, she had asked for her property at 152-154 S. Potomac Street to be changed from Medium Density-Residential to Commercial; but it is shown on the new Zoning

Map as Medium Density-Residential. Kevin Grubbs noted that there may have been issues when the maps were reproduced, but clarified that both of the properties in question are still in the GC (Commercial) zone and have not changed.

Ronnie Martin, 66 State Hill Road – Mr. Martin referred to page 39 of the proposed SALDO and the requirement for a subdivision of 40+ acres to give the Borough 25% of their land for recreational facilities (or, on page 40, a fee can be paid in lieu of the land). As the fee has not yet been determined, Mr. Martin asked why a developer would want to invest in a property and not know all the pertinent costs. He also questioned who would maintain the recreational facilities; and Solicitor Wisner stated that if the Borough accepts the facilities, they would maintain them.

Councilwoman Rolls asked if Mr. Martin is opposed to recreational facilities in developments or the “in lieu of” fees. Mr. Martin noted that residents of the developments can utilize the public parks (Memorial Park, Northside Park, etc.), as they pay property taxes which are used for upkeep of those facilities.

Hearing no further comments, the hearing closed at 7:45 p.m. President Mumma noted that Council will take a five (5) minute recess prior to convening the regular Council meeting.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary