

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
Public Hearing
S1 Zoning Ordinance Proposed Updates
July 27, 2010**

The Public Hearing of the Harveys Lake Borough Council was held on Tuesday, August 17, 2010 at 7:00 P.M. at the Harveys Lake General Municipal Building, Route 415, Sunset, Harveys Lake, PA.

Council President Kopko called the meeting to order and asked everyone to join him in the Pledge of Allegiance.

President Kopko announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this time.

Resident Bill Monk stated that he had a recorder.

Roll call:

Clarence Hogan	Mayor	Present
Fran Kopko	President	Present
Larry Radel	Vice President	Present
Boyd Barber	Council Member	Present
Rich Williams	Council Member	Present
Carole Samson	Council Member	Present
Diane Dwyer	Council Member	Absent
Charles McCormick	Attorney	Absent
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made.**

President Kopko stated that this was a public hearing to take public comment on the proposed S1 Zoning Ordinance update. New information has come to light on who is responsible to regulate living quarters over the water. Since there has not been enough time to verify this properly, Council plans to table this update until the proper research can be done.

However, Council still wishes to take public comment at this time to determine any other questions or concerns with the proposed ordinances.

(The meeting was advertised in the Times Leader and posted at the Borough Office.)

President Kopko opened the floor to Public Comment.

Resident Bob Cook, Pole 146 stated that it has been a year since the new ordinance was

enacted. He stated that he realized that this council inherited the problems that currently exist. He suggested that council consider reverting to the previous ordinance until new updates could be made to the newer ordinance and be updated. This would allow all of the residents that are currently waiting for the revisions to go ahead and build. They have been very patient waiting for the new updates.

Resident John Halbing asked council to direct the zoning officer and hearing board to temporarily relax the ordinances until revisions can be made, for 12 months or so, so that the residents who have purchased property and can't use them can build. It is not fair to these residents to continue to wait until the new revisions are made.

Mike Dziak, Pole 232, stated that he is also on the Planning Commission, and that the Planning Commission had not been involved in the process of these updates being revised. He felt it would be inappropriate for Council to proceed with adopting these updates at this time. He called for a new committee, with an expedited process. He feels there are too many issues before the Council at this time that would allow a lengthy process. The Marcellus Shale drilling issues that could impact our lake need to be addressed now. The Planning Commission needs to be involved in the process and not brought to the table at the last minute.

Ryan Doughton stated that the intent of Council was to try to amend the ordinance on a fast track and once these were satisfactory, to then do a comprehensive review.

Jack Smolowitz stated that bathrooms and a food prep area need to be allowed and are not even mentioned in the current revision being considered. He stated that the fast track has taken 2 years and we need to go back to committee until this is fixed.

Darlene Mulson, pole 154 asked if sheds in the S1 district had been addressed. They had not. She then asked if they were going to be, it was stated that it would be now.

Jerry Kovalski stated that bathroom facilities were a prime necessity.

Bernard Walter stated that it appeared there were 3 options. 1- A quick fix on critical issues; 2 – a comprehensive approach to global issues; 3 - Go back to old ordinance until a fix could be made. The Borough needs to decide which track they want to take. Better that it is fixed here at the Borough level rather than have it go to Court and allow the court to make the decision for them.

John Halbing stated the need for adding bath, kitchen and conditioned use space. He stated that Jack Varaly could fix most of these problems relatively quickly then do a comprehensive fix later. He feels with a few sentences, we could have something good we could use.

Rick Haas asked if council feels that this ordinance restricts the use of the resident's property.

Frank Kopko said yes, that is why they were trying to fix it.

Larry Radel stated that it is not restricting them to be able to use it, it is restricting the type of development that is allowed. He agrees that there is some hardship. They are trying to make the correct changes.

Someone stated that this current sitting Council is not the Council that made the changes in 2009. And it was stated that this is why there is a new council.

Council stated that they want to work with the planning commission and the zoning board to come up with good changes.

Jack Varaly stated that going back to the 1993 ordinance would not solve the problems with living quarters. That restriction has been in place since 1987. There is a built in conflict that already exists.

John Halbing asked Council if there was a problem if residents have water and sewer, why not let them live in it. He said you should amend what you have.

Council stated that the intention was to allow bathrooms and kitchens.

Jack Varaly stated that the real problem was whether council wished to allow living quarters over the lake.

Dora Abod asked if the size of the lots had changed in the size requirements for a dock. There were no changes to the size of the lots with this submitted revision.

Mike Dziak asked that the Planning Commission letter be read into the record.

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August 6, 2010

Harveys Lake Borough Council
c/o Ms. Susan Sutton, Secretary . P.O. Box 60
Harveys Lake, P A 18618

RE: Harveys Lake Planning Commission - Recommendation With Regard to
Harveys Lake Zoning Ordinance Amendments Applicable to the S-1
Shoreline District ; File No.: 1723-007

Dear Council Members:

I am providing this correspondence in my capacity as Solicitor to the

Harveys Lake Planning Commission. As I believe you may be aware, the Planning Commission conducted a special public meeting at the Harveys Lake Municipal Building on August 3, 2010. At that time, the Commission accepted public input and engaged in discussions with regard to the proposed Ordinance changes.

At the outset and by way of general summary, it is the Planning Commission's recommendation that the subject Ordinance changes be further considered and evaluated by committee including members of Council, Zoning Hearing Board representation as well as a representative or representatives from the Planning Commission.

In reviewing the Ordinance revisions provided the Planning Commission noted several significant concerns with regard to the regulations as drafted. Without intending to be completely exhaustive the Planning Commission would like to provide Council with some thoughts and concerns with the proposed Ordinance revisions.

The Planning Commission has expressed serious concerns with the Zoning Ordinance provision allowing for a dock to be constructed on a lot with only twenty-five (25') feet in width. The Planning Commission believes that such a provision will lead to potential over crowding at the lake front when consideration is given to the use and width of a potential dock as well as the water craft which may be adjoined to the dock in question. In lieu of the twenty-five (25') foot frontage requirement the Planning Commission would strongly recommend a minimum of fifty (50') foot frontage for any dock construction.

As you know the current side yard set back for a structure in the S-1 Shoreline Zoning District is set at ten (10') feet. The Planning Commission would strongly recommend that the set back area be increased to a distance of fifteen (15') feet.

The proposed zoning would require two (2) off-street parking spaces on any S-1 lot. The Planning Commission feels that the latter would constitute inadequate parking for the S-1 shoreline properties and the Planning Commission would recommend a requirement for four (4) off-street parking spaces in the S-1 Zoning District.

The Planning Commission also reviewed the density requirements. Under the Ordinance as drafted and as understood by the Planning Commission, if an individual owns one hundred (100') feet of lake frontage they would be allowed density up to three thousand (3,000 sq. ft.) of improvements. For obvious reasons the Planning Commission believes that allowing the latter intense development of a lot from a density standpoint would be inappropriate and detrimental to the lake as a whole.

Currently, there are no specific provisions with regard to the S-1 Shoreline District for existing non-conforming uses. As such, should there be any repairs, maintenance or destruction of existing lake front facilities, reconstruction would be approved under the existing non-conforming regulations. Under the circumstances and because of the unique nature of the improvements currently existing in the S-1 Shoreline District the Planning Commission would recommend that specific provisions be added to the use regulations which would provide more flexibility for property owners with existing structures in the District in the event that the non-conforming structures are in need of repair, maintenance or replacement in the future.

Finally, for informational purposes the Planning Commission and Commission Solicitor have noted that the changes to the Zoning Ordinance will continue to prohibit the establishment of any living quarters or structures other than docks and boathouses in the S-1 Shoreline Zoning District. Consequently, Council should be aware that the proposed Amendments will not necessarily avoid litigation which has been threatened by area property owners since the enactment of the 2009 Zoning Ordinance Amendment changing the boathouse definition. Thank you.

Jack Varaly had submitted a letter in response to the letter that was read and he summarized it including the issue of nonconforming uses that changing the size of the lots would create.

**** Councilmember Samson made a motion to close the floor, seconded by Councilmember Doughton. The motion carried unanimously.**

****Councilmember Williams made a motion to adjourn, seconded by Councilmember Samson. The motion carried unanimously.**

****The meeting was adjourned at 7:30 pm.**

Respectfully submitted by:

Susan R. Sutton
Borough Secretary