

**BOROUGH OF CARROLL VALLEY**  
**PLANNING COMMISSION AND BOROUGH COUNCIL JOINT MEETING**  
**Monday, October 7, 2019 – 7:00 P.M.**  
**BOROUGH OFFICE**

**MINUTES**

Chairman Michael Wight called the meeting to order at 7:00 P.M. The attendance was as follows:

**PLANNING COMMISSION MEMBERS**

**Present**

Michael Wight, Chair  
Bernard Garland  
Bruce Carr  
David Lillard  
Ron Harris, Mayor  
Michael Wight, Chair  
John Schubring  
Frank Henry

**Absent**

Sara Laird  
Thomas Schubring

**BOROUGH OFFICIALS, ETC.**

Gayle R. Marthers, Asst. Borough Manager  
David A. Hazlett, Borough Manager

**COUNCIL MEMBERS**

**Present**

David Lillard  
Richard Mathews  
Beth Cool  
Bruce Carr  
Sarah Skoczen, President  
Steven Sites

**Absent**

Robert Verderaime

**CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 3, 2019 MEETING of  
PLANNING COMMISSION with BOROUGH COUNCIL**

Following brief discussion:

\*\*\*R. Harris. moved, J. Schubring seconded, that the Commission accept the minutes of the Planning Commission Meeting with Borough Council of September 3, 2019 as submitted. Motion passed unanimously.

**OPEN TO THE PUBLIC**

No one addressed Members at this time.

**NEW BUSINESS**

There was none.

**OLD BUSINESS**

Comprehensive Ordinance Review: Chapter 27: Zoning.

- Open House – follow-up:  
3 members of community attended; member of Planning and Council were thanked for their time and efforts

- Document Review:

Members reviewed the latest draft of Chapter 27 prepared by the Adams County Planning Office. The following comments were considered:

- How does the document address Bed and Breakfast (B&B) businesses? Specifically, the brick & mortar style not the Air B&B market.
  - Currently this is addressed as a “Guest House” in any residential district as a Conditional Use; and in any other district as permitted by right.
  - Proposed Document addresses a B&B in the Agricultural District only as a Special Exception. They are not permitted in any other District. Following discussion:
 

\*\*\*B. Carr moved; D. Lillard seconded to change the proposed document to allow brick and mortar Bed & Breakfast facilities as a permitted use by right and add the requirements from the current document into the proposed document. Motion passed with six (6) yes votes and one (1) no vote cast by Mr. Garland.
- How does the document address the Air B&B?
  - Currently this issue is it not addressed.
  - Proposed Document will address it as a Vacation Rental; however, Mr. Thaeler stated that he would like more input from Members before adding the language. Discussion included:
    - Annual Permit Requirements
    - Logistics of Maintaining a List of Rentals
    - Request to include the police department in the process
    - Request to ask the solicitor’s opinion:
      - Can an “agreement” or “permit” be revoked? If so, under what condition?
      - Is there Case Law on the handling of Air B&B’s?
    - Which Zoning Districts should be permitted to operate an Air B&B?
- Two Properties were questioned as to whether they were properly labeled on the Zoning Map:
  - The Buckham Property at 2 Gingell Road is no longer zoned Commercial and Members were curious to why it was changed. Mr. Thaeler responded that since the property was being used as a residence currently, it was changed. After discussion:
 

\*\*\*B. Carr moved; D. Lillard seconded that the property at 2 Gingell Road be returned to the Commercial Zoning District as it is currently designated. Motion passed unanimously.
  - The McCleaf Property is divided between Community Core and Agriculture near Fairfield Road and there was a question raised about the dividing line. After much discussion:
 

\*\*\*B. Carr moved; D. Lillard seconded that the line be extended to end at Valley View Trail. Motion passed with six (6) yes votes and one (1) no vote cast by Mr. Harris.

Members reviewed the Table of Uses with the following items of concern noted:

- It has not been updated since May 2019; there are incorrect or missing Standards and links.
- Recent changes will need to be made.
- Child Care Facilities required definition as there are two (2) classifications, they are allowed in different zoning areas as an Accessory Use but only one (1) area as a Permitted Use. Clarification to the reasoning for this included size of facility, number of children served and traffic impact. After much discussion the following was determined:

- Group Child Care (in-home baby-sitting)
  - Licensed by the State – different levels exist; none can care for more than 16 children not including the biological children of the care-taker.
  - SEO to be contacted regarding the septic requirements, if any, address a home occupation of this type
  - Building/Zoning Officer to be contacted regarding the inspection requirements to become licensed
  - Building/Zoning Officer to be asked how many Active Group Child Care homes are operating in the Borough
- Child Care Facility (Stand-alone Day Care Facility)
  - Licensed by the State
  - Stand-alone facility
  - Concerns raised regarding the Table of Uses and where it is Permitted
  - After much discussion:
    - \*\*\*D. Lillard moved; B. Carr seconded to allow Child Care Facilities as a Permitted by-right principal use or as a Permitted accessory use in the Community Core and Commercial Districts. Motion passed unanimously.
    - \*\*\*B. Carr moved; D. Lillard seconded to remove Child Care Facilities as a permitted use in the R2 and R2 Districts. Motion passed with six (6) yes votes and one (1) no vote cast by Mr. Wight.

Mr. Thaeler will prepare an update to the Table of Uses; Borough Staff will reach out to the solicitor, building/zoning officer and the sewage enforcement operator with the questions and concerns generated; and Mr. Hazlett will meet with Members to discuss or accept written concerns pertaining to the many typographical and formatting issues of the draft document.

Mayor Harris shared copies of material entitled “MPC Adoption Procedure” that received in a recent training that he attended. This prompted discussion regarding the next step, which is formal Public Comment to the Planning Commission. Mr. Thaeler offered to lead the review of the document when this is scheduled.

## **ADJOURNMENT**

\*\*\* B. Carr moved; R. Harris seconded that the meeting adjourn at 9:00 PM. Motion passed unanimously.

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Gayle R. Marthers, Borough Secretary