

**Dallastown Borough Planning Commission**  
**Minutes: March 4, 2013**

The meeting was called to order at 7:00 pm.

Case: **2013-01**

Applicant: **Brenda Dean, Project Alignment Advocates, 160 Royal Ct., York, PA 17402**

Address: **41 E. Maple Street, Dallastown, PA 17313 (Tax Map 02, Parcel 0164)**

Zoned: **R-T**

---

Applicant is requesting a variance from Section 304B (Residential-Town Zone – Uses by right). The applicant is seeking approval to operate a transitional house for homeless women (Group Quarters) on the property. The property is located at 41 E. Maple St., Dallastown, PA 17313, Tax Map 02, Parcel 0164, in the R-T Zone and which property is currently vacant. The property is owned by Eric Bowman, 3321 Minton Drive, York, PA 17402 (Applicant's Brother).

Ms. Sprague reviewed the procedures for Planning Commission Meetings, which is a recommending body under the municipal code. Recommendations are submitted to the Zoning Hearing Board (ZHB), which holds their meeting later in the month. At that meeting (4<sup>th</sup> Monday of the month) a stenographer will be present and minutes will be taken and recorded. Planning Commission meetings are informal, but attendees were asked to please be courteous and speak one at a time.

Applicant, Ms. Brenda Dean, of Project Alignment Advocates, was present and introduced her application. A floor plan for the home was also provided. Ms. Dean indicated that her organization helps women, from churches, etc. It's a non-profit organization planning a home for homeless women or those experiencing life changes, incarceration, etc. Offers programs in education, life skills, job readiness...a transitional house. It's often misunderstood – it's not a halfway house, or recovery house, etc. It's a safe place to stay during a transition until residents are on their feet again. Project Alignment Advocates is the name of the association. They are registered with the state and the IRS. Ms. Sprague asked if there are other organizations established under Project Alignment Advocates. Ms. Dean stated no, they are just starting out. All services are provided by volunteers who feel there's a need for it. Ms. Dean used to work at the prison for a number of years. Women on probation who are released must stay in the area until they are released and they don't have a home in the area. This would allow them to accomplish this until they leave. There would be no violent people or drug addicts – they are already helped in the area. Ms. Sprague asked how many volunteers would be there at any time. Ms. Dean responded that there would be four (4) at all times.

An attendee asked about traffic going in and out of house. Ms. Dean indicated that the home is intended for shelter, the residents will leave for jobs or job searching. Some

volunteers will stay on-site and others will come and go. One (1) or two (2) volunteers will be present during overnight hours. Additional volunteers will be there during the day and evening. Mr. Miller asked how many residents would be housed at a time. Ms. Dean said four (4) to eight (8). Mr. Miller asked what the staff-to-resident ratio would be. Ms. Dean replied that it would probably be 2-1 or 1-1.

The floor plan shows three (3) bedrooms and one (1) bath and the third floor is one large room. Ms. Dean stated that residents would be sharing the bedrooms in a family-type setting.

Mr. Miller asked if it will be a 24-hour facility and if there will be operating hours or curfew? Ms. Dean responded that yes, there will be. Curfew will probably be 11:00 pm or 12:00 am. She did not have her documentation drafts with her, but that curfew period would probably be from 11:00 pm to 7:00 am. Mr. Miller then asked if there are state regulations stating whether residents need to complete a particular program. Ms. Dean stated that it is her policy.

Mr. Miller asked what the length of stay is anticipated to be for residents. Ms. Dean indicated probably about eight (8) months on average and that they need to have money in the bank and a program-approved apartment before being released from the residence. She also stated that there will be no signs and no one is allowed to hang out outside. Mr. Miller asked if there will be children in residence. Ms. Dean replied that children will be present for visits only, like Sundays for about two (2) hours and that it would not be all day and "pell mell".

Mr. Miller mentioned incarceration and asked if the residents will still be in the penal system. Ms. Dean responded that some will have served. It was asked if they will be mandated by court to be at the facility. Ms. Dean stated no, they will be interviewed by association, which will be selecting who will be there and who won't. They will have served their time and their parole and will be working back into society. They just aren't yet released because they don't have a place to go. It's a new program - anyone leaving, or release date is approaching and they don't have a place to go and they can't find them a place to go, they can't leave. Ms. Dean has seen them held as long as six (6) months beyond their designated time served awaiting suitable residence criteria. Mr. McCallum asked where she will be getting her referrals from. Ms. Dean responded by word of mouth or they could advertise at a later date.

Ms. Sprague stated that among the requirements in the zoning ordinance pertinent to this request is living area and parking. "Group quarters" indicates a minimum of 250 sq. ft. per occupant, but without complete dimensions, it is difficult to determine the actual square footage at this time. Janelle Anderson (attendee) stated that the living area is stated as 1,426 sq. ft. per Realtor.com, Remax.com and ColdwellBanker.com websites. Mr. Bowman (property owner) indicated that there are 3 parking spaces off-street, garage, and a driveway. Ms. Sprague clarified that on-street parking does not count toward parking provided according to ordinances, and that it has to be off-street parking. She added that there is a bit of a mystery on how to access the rear of the address. Ms. Dean said that the

driveway is not paved and it goes past the thrift shop. Access is in, but not out. Mr. Taggart stated that the borough does not maintain the alley – there is grass growing. It is private property and accessible by residents. Terry Myers (attendee) indicated that the access is not public and is not maintained by the Borough. It was indicated that the residents would take same responsibility for clearing access.

Ms. Sprague interjected and reiterated her prior request that only one person talk at a time as there were too many people talking over one-another. It's important that we hear everyone's input. One issue is that applicant hasn't met the parking requirement. If everyone has to shovel their own snow or access a private road to meet the parking requirement, it puts the Borough in an interesting position. She asked Ms. Dean if she has looked at other parking facilities as an alternative. The ordinance requires one (1) space for each resident/occupant, plus one for each employee. With four (4) residents and four (4) employees that is a minimum of eight (8) parking spaces needed. It does not require that the residents have cars. Ms. Dean said that they have checked the bus routes – they run on Main Street and they have people that will provide transportation for residents. Most will not have cars since they will not have licenses. Ms. Sprague asked where will the four (4) minimum be required to park. It was asked if there is a requirement that the spaces provided be paved. Mr. Taggart indicated that yes, they would need to be paved parking spaces. Ms. Sprague said that these same questions will be asked by the Zoning Hearing Board, who are responsible for enforcing these matters.

Ray Dietrich (attendee) stated that regardless of tonight's recommendations – the ZHB has final say.

Mr. Burl Gingerich (attendee) said that we all know each other and parking is already an issue because of the thrift store. He has a garage, but would like to park in front of his property and often can't because of thrift shop guests.

Terry Myers stated that he is concerned with the fact that rules governing the proposed group home are not yet drawn up before submitting for this determination. There is insufficient organization at this time for a group home. It would be helpful to have.

Mr. Miller asked if there are any state programs or outlines of policies for this type of group home available. Ms. Dean said that she didn't think she needed them for tonight's meeting, but she does have a rough copy of the rules and regulations. They haven't put together any booklets as of yet. She added that if a list of her regulations was needed, she'll be happy to have them at the ZHB meeting. Mr. Miller added that he worked for a group home for 5 years, which was state run. He wasn't questioning whether she'll have rules, but he would like to know if there is guidance on how the organization is to be run and/or regulated. Ms. Dean said that the IRS indicated when they make more than \$4,000 to contact them, that they are not yet at 501(c)3 organization. Mr. Miller asked if the proposed group home is not a regulated activity and if there are enforcement policies/protocol for such a home. Ms. Dean replied that they will be using their own rules and policies. The place will be clean. They'll be doing things to give back to the community and the rules will be stricter because

she experienced that from her time working at the jail, that things need to be strict or it will fall through.

Janine (guest of Mr. Bowman, property owner) added that they might have an option for the parking and that they will work on that in the meantime. She said that the people staying in the home are no different than people already living in the neighborhood. She said Ms. Dean will not allow rule-breakers to ruin what she's trying to do and that it will help those encountered. She is concerned that folks are not being open-minded. We need to look out for these folks (proposed residents of the group home). Ms. Dean said that there is no facility in place for these women in the county. There are more facilities for men.

Ms. Sprague asked if the rules are not followed, will the residents go back to prison. Ms. Dean replied yes. Mr. Miller said that this applies to those in the penal system – and asked if Ms. Dean will have proper authority/jurisdiction to send them back, and if so, what jurisdiction grants that authority. Ms. Dean replied that the Parole Officer will work with her.

It was asked if all requirements are met – does this satisfy group requirement ordinance? Ms. Sprague said that parking is usually the biggest issue. Group Quarters is defined in the Ordinance as *“Any dwelling or portion thereof which is designed or used for at least three (3) but not more than eight (8) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include but are not limited to lodging or rooming houses, fraternity and sorority houses and dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution”*. Mr. Taggart added that this use requires a variance from the R-T zoning designation to fit the requested function.

Rory Padahovich (attendee) asked if approved, will this affect our taxes in any way? Ms. Sprague and Mr. Taggart replied that this is a question for the tax authority. Ms. Dean said that she will be renting to buy the property.

Terry Myers said that he's lived there for 40 years and was in law enforcement for 30 years. Just because someone may have been kicked out of the house, that doesn't necessarily mean that they go back to jail. For that to happen, they would need to break the law. He clarified that he has no objection to the kind of people who would be there, but he has concerns about recidivism of the borough. If they're going to have the house, what guarantee is there that there will always be someone on-site to enforce in the event of Ms. Dean's illness? Volunteers are very often hard to come-by. There should be some regulation set down to ensure that these rules are in place. Ms. Sprague added that this could be recommended to the ZHB.

Josh Orwig (attendee) said that he lives next door to the property and that he has two (2) children and a third on the way. He thinks what they're doing is great. His concern is that if it's not a state facility run by someone with that training to keep order, what will protect his family? He understands that we don't have that option with the general population. Ms.

Dean added that the residents will not be outside. There is a smoking rule that requires them to smoke outside, but they will not be permitted to “hang out” outside.

Allen Carter (attendee) Offered that according to information provided so far, there is roughly 1450 sq. ft of habitable space. With eight (8) people on the property, they would need at least 2,000 sq. ft. They have enough square footage for five (5) people. He posed another question – Is a college degree, or other qualification needed to operate such a facility? Ms. Sprague then asked if training will be done on-site for the residents? Ms. Dean said that some will, and some won't and that some trainers have degrees, some don't.

Janelle Anderson (attendee) added that she thinks Ms. Dean is doing a great thing and admires her for doing it. Her concern is the location of the property and the amount of space. It's in the residential area, and requested use is not in the uses by special exception. Mr. Taggart said that the Applicant is requesting a variance, not a special exception. Ms. Anderson then suggested an alternative property, adding that the lot is too small. Ms. Sprague indicated that Ms. Anderson is correct about the limitations of the zoning ordinance and it will be addressed by the ZHB.

Mark Hoecke (attendee) stated that he doesn't park on the street, that he tries to keep it available for neighbors' use and hopes there won't be trouble. He also said that he's always cleaning up garbage left by others out front of his house and in the street.

Mr. Miller asked for those not in the penal system, if they were to be kicked out, what then happens to them? Ms. Dean said that the association would work with other organizations to seek alternative solutions. She has toured other group homes in the area.

Mr. Miller said that it seems that there isn't much framework established to help application through the process. Ms. Dean said that she has a lot of it at home. She is using half of her retirement as an investment to help others and she is taking a big chance with this project. She lives in York Township in Waterford. She is being helped by her brother, Mr. Bowman, who owns the property being discussed (who has left the meeting). He was offering her his place to get established.

Ms. Padahovich asked how the organization will be funded. Ms. Dean said she has a grant number and has someone who helps with grants. It would be funded by grants, donations and fund-raisers. Ms. Padahovich also asked if there were residents waiting. Ms. Dean responded no, not yet, that she wanted to get things in order and approved first.

Ms. Anderson asked about the ordinance limitations on the square footage requirements per occupant – does this include employees? Ms. Sprague indicated that this will need to be addressed by the ZHB attorney. Mr. Taggart said they are requesting a variance and could establish special rules, though he is concerned that the borough doesn't have the certification to do an inspection for this type of entity, etc. This is another question that needs to be researched.

Ms. Sprague added that more information will need to be provided to the ZHB and asked for a motion to move forward to the ZHB. She also added that whatever is decided tonight is not final. The real decision will be made by the ZHB. Ms. Dean has a bit of homework to do and pictures will also be helpful. Ms. Dean then provided photos for review by the Planning Commission members.

There was another question on how the square footage was calculated – it came from a website. It should actually be measured – and a floor plan prepared of all the floors should be created and provided for the ZHB. Ms. Dean added that there is a half-bath downstairs.

Ms. Sprague then asked for a motion. Mr. Miller moved that application not be approved due to testimony, lack of floor space, and lack of parking area pursuant to Sections 621, 639 and 62b of the ordinance. Mr. Coeyman seconded the motion. The motion carried unanimously. Ms. Sprague reiterated that this request will be heard from the beginning by the ZHB and Ms. Dean has the opportunity to provide further information and seek approval. They will take all of this information under advisement.

The meeting adjourned at 8:10 PM.

Attendance: Susan Sprague, Chair  
Doug Miller, Vice-Chair  
George McCallum (R)  
Edward Coeyman (F)  
Leigh Ann Stambaugh, Secretary

Other: Nate Taggart, Planning & Zoning

Prepared by: Leigh Ann Stambaugh