

Dallastown Borough Planning Commission
Minutes: January 6, 2014

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

Introductions were made and attendees were advised that minutes are being taken of this meeting. The Planning Commission is a recommending body, making recommendations to the Zoning Hearing Board for their consideration. We have copies of the application.

Case: **2014-01**
Applicant: **Project Alignment Advocates/Frank Arcuri (Attorney)**
 1154 Mt. Rose Ave., York, PA 17403
Address: **41 E. Maple Street, Dallastown, PA 17313**
 (Tax Map 02, Parcel 0164)
 Owned by Eric Bowman, 3321 Minton Dr., York, PA 17402
Zoned: **R-T**

In attendance was Attorney Arcuri, representing the applicant. Applicant is requesting an appeal to use property as a group residence by a small contingent of families who are in need of social services.

Applicant is requesting a variance (use by right) of Section 304(B)(2) to use property as a group home for a small group of persons (females) in need of social services such as job training education, to make goal for themselves and society in general. Applicant is also requesting a special exception as it pertains to parking. There will be no external or internal changes to the building, there will be no traffic or extraordinary travel. All ordinances shall be complied with. There will be no commercial traffic of any kind and property is to be used as a residence. There are adequate facilities for the proposed activities, which is only a residence. There is no substantial, or even minimal impairment of the comprehensive plan.

The prior application from 2013 was withdrawn a week after the Planning Commission meeting at which it was presented in March, 2013 (Case 2013-01).

An attendee asked for the difference between a group home and group quarters. Planning Commission representatives indicated that they don't have a definition for group home, though "group quarters" is defined in the Ordinance. Wikipedia defines a "group home" as "a private residence for children or young people who cannot live with their families, or people with chronic disabilities. Typically there are no more than six residents and there is a trained caregiver there twenty-four hours a day"

Ms. Sprague, Planning Commission Chair, asked those in attendance to, when called upon, please give their name and spelling for the purpose of taking minutes. Attendees are not

taking an oath, or giving formal testimony as we are a recommending board, but it will be official at the Zoning Hearing Board meeting. Attendees were also asked to speak one at a time.

Attorney Arcuri indicated that he represents Project Alignment, and Brenda Dean, retired employee from the York County Prison, who was also present. The property is owned by Ms. Dean's brother, Eric Bowman. There will be no changes made to the home or external, or additions, though the interior has already been renovated. It is foreseen that up to six (6) females will be staying there. It is not a halfway house as they do not have to be former inmates, but they are having trouble in their lives. There will be staff on a consistent basis and will open between 6:00 a.m. and 8:00 a.m. No extraordinary traffic is intended and residents will not be serious criminals, and will stay for up to 8 months and will then be asked to move on. They will be taught skills such as how to maintain a checking account, to operate computers, to find jobs and other basic life skills to become contributing members of our society.

The group is registered with the state as a non-profit and the services that they intend to provide are not presently being offered in the area. Doug Miller, Planning Commission Vice-Chair, asked where referrals for residents will come from. Ms. Dean replied that she has Mary Sable from the prison and an organization in Hanover (doesn't recall the name, though her contact is Christine Whitcomb) and Access York. The re-entry program is comprised of places where people are sent to get their lives back on track and to get back into society. Access York tends to women in abusive situations and offers them shelter and this home could serve as an overflow facility for the shelter for on an interim basis.

Ms. Sprague indicated that the Planning Commission formerly had concerns with the square footage of the home and asked if the staff would live there. Ms. Dean said no, they would only be volunteering. Ms. Sprague said the Ordinance requirements are 250 square feet of habitable environment per occupant and probably would not include staff, but the Zoning Hearing Board attorney will have to figure this detail out. She added that another concern was parking. Ms. Dean stated that none of the residents will have their own cars and that her brother (property owner) added two graveled (2) parking spaces behind the house in the grassy area beside the garage and there is also the garage. Ms. Sprague added that it is a public alley and the homeowners are responsible for maintaining the property. If the application moves forward to the Zoning Hearing Board, it would be helpful to have a plan to see the access way and the parking spaces and how many other owners are responsible for maintaining the alleyway. Attorney Arcuri made note of request. Ms. Sprague continued that a proper calculation of square footage will need to be made and provided as the materials presented to date are contradictory.

David Garabedian, Zoning & Codes Enforcement, indicated that the alley is an easement, not a formal "alley". Parking for more than four (4) vehicles must be paved per the Ordinance. Ms. Dean added that only the volunteers will have cars and be driving and there will be a staff member present at all times, 24 hours per day. Mr. Miller asked if it's difficult to find coverage for all these time slots. Ms. Dean said that you can go through an agency to get volunteers, though she can't remember the name of the agency. They have a database

of volunteers and community service people who are willing to put in hours. Background checks are required for the volunteers. Mr. Miller asked if the volunteers will be trained. Ms. Dean said that yes, she will be training them.

Ms. Sprague asked who else is here for the group. Naomi and Ray Dietrich, Wendy and Brian Harris, and Janet Cole were present. Ms. Sprague then asked if any of them would like to speak up on behalf of the applicant. Mrs. Dietrich said that she's worked at the Chaplain's office at the prison for fifteen (15+) plus years and her husband does church services there. Mr. Harris gave his personal recommendation for Ms. Dean. Ms. Cole indicated that she was formerly a victim of abuse and was in the prison and did not have this type of facility (such as is being proposed at this meeting) available to her, but she is now back in society and doing well. Mrs. Harris also stated that Brenda will give a good home and serve the residents well. She gave a positive recommendation for Ms. Dean and the project.

Mr. Miller would like clarification on the appropriate terms for this application and uses, to put forth an accurate proposal. There was some discussion by Planning Commission members on definitions. Mr. Miller asked age of residents and was answered that they would be 18 – 40 years old. He then asked about women with children. Ms. Dean said that children will not be residing in the home, that the residents make arrangements with family or others for the care of their children. She feels that it would be too much chaos and traffic if children came to the home. Residents will get passes to visit their families periodically. Mr. Miller clarified that there will be only up to six (6) residents at one time. Ms. Dean added that there could be holiday parties for the residents and their children of all ages.

Ms. Sprague asked for comments from attendees.

Janelle Anderson, 56 E. Maple Street, asked, assuming from the flow of conversation that this is a "group quarters" and not a "halfway house", she would like to know if the house has been considered for residential use. Attorney Arcuri stated that he will need to study the Zoning Ordinance to determine the term to use, though the application states group quarters. Ms. Anderson indicated that there are other properties in Dallastown that fit the codes for this purpose without a variance being needed. She added that with a special exception, you don't need to prove that it can no longer be used as a residence.

Ray Dietrich, a member of the Applicant group, understands concerns of neighbors, but feels that the apprehension is because of anticipated issues and feels that Ms. Dean will run a tight ship and that it's a good thing being done here. He added that the parking situation will not be greatly exacerbated. He understands the concerns and stated that Ms. Dean and he are just as concerned about them.

Earl Gingerich, resides at 45 E. Maple with his wife. Earl knows the homeowner, but he feels that he may have made a terrible mistake by buying this home. There is a terrible parking issue in this area. With the Mission store, parking is an issue and if you move your car, you lose your parking space. There is a family with children and dogs next door. Mr.

Gingerich was glad that Mr. Bowman bought the home and to see him fixing it up, though is concerned about the parking. Ms. Dean said that Mr. Bowman was going to sell the property, but he wanted to give Ms. Dean the chance to do this mission. The alley is not maintained by the Borough, namely by plowing or mowing, but he feels that it's too much for a group home. Mr. Gingerich also offered concerns about the financial solvency of this endeavor.

Sue Folk, 61 E. Maple. She has thoughts to share. They were trying to do some research on the internet and she asked Ms. Dean if she has a self-help group home at 160 Royal Court and if so, how that's run and how neighbors feel about it. Ms. Dean said that she lives in an apartment and she does not have any other homes that she is using for this purpose. Ms. Folk asked if Ms. Dean has experience with this type of home. Some others in her organization have experience with Atkins House and others and have worked in these settings. Ms. Dean said all her volunteers are experienced. If they get funding, it will be through grants or donations and from the women working and paying rent. Ms. Dean feels that this is a need in the county and she doesn't want to make money on this endeavor. The organization is not yet tax exempt. Ms. Dean is currently taking care of all of the taxes for the property and she reiterated that not all residents will be transitioning from the correctional facilities. Ms. Folk asked if they would accept a 78 year old woman who is homeless. Ms. Dean said that a referral from most any organization would be accepted (not mental health) and referrals do not need to come from the state, they can be private, or from churches – not to exceed six (6) residents at any time.

Connie Myers – 64 E. Maple Street. She is the Mayor's wife and she did not plan to make any comments, though she feels for her neighbors and believes in what Ms. Dean is doing, but she has concerns. She asked what would happen if a resident were to cause problems. Ms. Dean said that they would be arrested and/or kicked out. She will not tolerate issues. Mrs. Myers asked about privacy and protection of abused women and the confidentiality of the address. Ms. Dean clarified that she promotes the organization only through a PO Box and not using the physical address of the facility. Additionally, that abused women would only be a short-term situation. Long-term residents are those who need life skills and a home.

Rachel Hammers – 37 E. Maple, property next door. Ms. Hammers stated her concern about her child. The neighborhood has small properties and she is concerned that she won't know who will be coming around. Usually when a neighbor moves in, they're there for years and become familiar. She is concerned about transitions and folks coming and going and the fact that this is the Ms. Dean's first endeavor with this sort of entity. Ms. Dean indicated that she stayed in the property during the holiday and she saw hardly any children in the neighborhood visible and said that these people will not be permitted to "hang out" with the exception of brief smoke breaks (5-10 minutes) on the porch. Ms. Hammers asked to whom one would report an issue. Ms. Dean responded that issues should be reported to her.

Mrs. Harris added that Ms. Dean's application form is very comprehensive and driving/transportation is not a higher priority for the residents. She has learned that

people are people and should be given chances. She said that Brenda will be cautious not to bring in dangerous individuals. Ms. Dean also has a friend with a van and added that buses are also a transportation option with stops along Main Street.

Mr. Miller looked at previous minutes, which stated that there will be a minimum of 1-2 staff members there at any time and up to six (6) residents.

There was discussion on whether this application should be a variance to Subsection C, making it a group home (use by right) or halfway house. It would require a variance to floor area requirements.

A Special Exception is being requested and if necessary, they will reduce the number of residents.

The Planning Commission members discussed that a Group Home would require parking and square footage specifications and there is the criteria that states it's for the use of people who can't live with family. Group Quarters seems to be more what she's going for. There is no disability requirement, so it would need a variance. Dwelling for 3-8 people without detail of background or restrictions. Section 621 variance to have it in R-T zone. The other option is to consider it a Halfway House – for transitional residence following incarceration, which is a more specific definition. This option would need a variance to Section 622 (designated only to CS zone) and would fall under the guidelines of the square footage. Additional parking would be required.

There was discussion on the merit for each definition and its respective applicability and Ms. Sprague added that perhaps it is not the Planning Commission's role to make this determination.

Section 616. Day Care, Home, Family or Group definition is a bit ambiguous, but doesn't have parking requirements.

Mr. Miller asked if an affidavit or something that stipulates the position of the property owner and acceptance for the purpose. Mr. Garabedian will find out.

Attorney Arcuri would like to continue with the term "Group Home" and does not wish to decide otherwise at this time. It was added by Mr. Garabedian that because the staff will not live there, it cannot be considered by this definition.

The agenda was prepared with the term "variance".

The sketch of the site with the easement and off-street parking could be helpful. It was recommended that Applicants bring the proposed application form as well as questions to be asked of the prospective residents and pictures of the property to support their case with the Zoning Hearing Board. Mr. Miller recommended that Applicants clarify whether the application is for Section 621 or Section 622 and to address the parking space issues.

It was also added by the Planning Commission that they don't have a full quorum for this meeting so a formal recommendation will also be hindered by this fact, in addition to the lack of clarity on whether the request is actually a variance or special exception and to which Ordinance as the term for the home use is uncertain based on use and applicable definitions.

The applicants have heard the comments offered at this meeting and know the questions that will be faced before the Zoning Hearing Board. There is some work to do on the definition of the application and the square footage issue and the Zoning Hearing Board can pick up the ball from there.

Photographs were provided of the back of the property, where parking spaces have been graveled in.

If the applicant wants to stay with the term "Group Home", then the Planning Commission's findings are inconclusive, or the application will need to be redefined to variance of Sections 621 or 622 and to bring the information recommended in this meeting.

The Zoning Hearing Board meeting is January 27, 2014 at 7:00 pm.

The meeting adjourned at 8:31 PM.

Attendance: Susan Sprague, Chair
Doug Miller, Vice-Chair
Leigh Ann Stambaugh, Secretary

Other: David Garabedian, Zoning & Codes Enforcement

Prepared by: Leigh Ann Stambaugh