

April 20, 2015  
Middletown, PA 17057

At 7:05 p.m., a Zoning Amendment Hearing was called to order by Borough Manager Tim Konek, with Council members Mike Bowman, John Brubaker, Anne Marino Einhorn, Ben Kapenstein, Victoria Malone, Christopher McNamara and Scott Sites present. Sue Sullivan was absent from the hearing.

Also present were Mayor James H. Curry III, Borough Manager Tim Konek and Borough Secretary Amy Friday.

Borough Manager Tim Konek introduced the seven exhibits that are part of the zoning amendment hearing.

At this time, Mr. Konek called upon Mr. Jeffrey Miller to provide a summary on the amendment. Mr. Jeffrey Miller introduced himself as the Codes Enforcement and Zoning officer for the Borough of Middletown.

In regards to the proposed amendment to the zoning ordinance, Mr. Miller reported there are two separate sections wanting to be amended. He stated the first section is Chapter 260, Article 15, Section 260-1516 is hereby amended and replaced in its entirety and pertains to the temporary storage of portable dumpsters and bulk materials, including, but not limited to stone, mulch, firewood, and building materials within the public right-of-way shall be prohibited. He stated at present the zoning ordinance allows for the dumping of bulk material onto the public right-of-way for a period of 48 hours and after the 48 hours has expired the individual can come into the Borough office for a zoning permit that would allow them to keep these raw materials on the public right-of-way for a period of 6 months and at the end of the 6 months get another permit renewal for an additional 6 months. Mr. Miller stated the permits must be issued because criteria in the current zoning ordinance are not identified. The second section to be revised is Chapter 260, Article 15, Section 260-1521 in regards to out of service storage tanks. Mr. Miller reported presently there are no specific requirements in our zoning ordinance that governs or regulates out of service storage tanks. He stated DEP regulations allow for local municipalities to adopt more stringent requirements than DEP has on the owners of out of service storage tanks. Mr. Miller reported presently DEP regulations allow for closure in place for the out of service storage tanks, which means they drain, clean, soil sample and secure the tanks to live permanently in that location forever. He stated we are taking the ability DEP allows and adding restrictions to our zoning ordinance.

### **Public Comment**

#### **Jack Still, 37 W. Emaus Street**

Mr. Still asked does this mean when they come back to finish Union Street, the contractors can't dump their materials in the street and is it mentioned in the ordinance. He recommends that it be mentioned in the ordinance.

Mr. Miller stated it certainly doesn't mean that in conjunction with doing repairs to public right-of-ways, contractors can't and won't be digging up the streets having piles of things stationed where they are as far as in order to accomplish the rebuilding of the street, sidewalks or alike. He stated it is not meant for that.

Mr. Konek reported the zoning ordinance deals with land use and so presumably these bulk materials are associated with the land use of a land owner adjacent to the right-of-way. He reported work in the right-of-way we provide a permit and PENNDOT provides a highway occupancy permit to do the work in the road and it is governed under two different statutes.

Mr. Konek stated that ordinance will not be used to enforce that against work in the road.

Mr. Konek reported we will admit the exhibits that have been presented and keep them in the record.

**Councilor Bowman made a motion to adjourn the zoning amendment hearing.** The motion was seconded Councilor Louer and approved by a unanimous aye vote and at 7:11 p.m. the meeting adjourned.