

1 North High Street, Selinsgrove, PA 17870
570-374-2311

RESOLUTION NO. 2023-05

Minor Subdivision Plan, 301 N Broad Street and 320 W Snyder Street
Kenneth and Gloria Miller

Final Plan Approval

WHEREAS, Kenneth and Gloria Miller, has presented a subdivision plan to Selinsgrove Borough seeking to subdivide a 3,547 square foot lot (hereinafter referred to as “Subject Parcel”), parcel 15-05-134, into two lots. Proposed lot 1, containing 301 N. Broad Street, will be 1663 square feet. Proposed lot 2, containing 320 W. Snyder Street, will be 1884 square feet. Subject Parcel currently exists as an improved property containing a two-family dwelling. Upon approval, each proposed parcel will exist as an improved property containing one of the dwelling units. The property is located in the R-3 Medium-High Density Residential District of Selinsgrove Borough. Subject parcel is a lawful nonconforming lot. Both proposed parcels will continue to be lawful nonconforming lots; and

WHEREAS, Applicant’s subdivision plan entitled “Final Subdivision Plan for Kenneth P. Miller and Gloria. D Miller”, which has been prepared by Kreamer Survey Associates, Inc., 140 Kreamer Avenue, Kreamer, PA 17833 consisting of one (1) plan sheet (Sheet No. 1) dated

12/16/2022 (hereinafter referred to as the “Plan”), has been submitted to the Borough for review and approval; and

WHEREAS, the Selinsgrove Borough Planning Commission reviewed the Plan on January 18, 2023 and has recommended to the Borough Council, Final Plan approval, subject to the Applicant meeting certain conditions.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING,

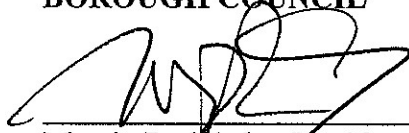
IT IS HEREBY RESOLVED by the Borough Council of Selinsgrove Borough, as follows:

1. **Approval of Plan**. The Selinsgrove Borough Council hereby grants Final Plan approval of the minor subdivision, as described above, subject to the conditions set forth below.
2. **Conditions of Approval**. The approval of said Final Plan is subject to strict compliance with the following conditions within ninety (90) days, except as stated below:
 - a. Compliance with all comments and conditions set forth in the Stahl Sheaffer Engineering, LLC engineering letter of January 17, 2023 attached hereto as Exhibit “A”.
 - b. Compliance with all comments and conditions set forth in the Snyder County Planning Commission letter of January 17, 2023, attached hereto as Exhibit “B”.
 - c. Compliance with all conditions set forth by the Selinsgrove Borough Zoning Hearing Board in their decision of December 1, 2022, attached hereto as Exhibit “C”.
 - d. The time period for satisfying these conditions may be extended by the Borough Council provided the Applicants are proceeding in good faith toward the resolutions of these issues.

3. **Waivers**. The Applicants have not requested a waiver from Borough Subdivision and Land Development §22-304 – Minor/Subdivision Plans. These plans are being submitted as final. A waiver of the scale of either 1 inch equals 50 feet or 1 inch equals 100 feet is required for a Final Subdivision Plan. The waiver will be considered acceptable and recognized upon approval of the Final Land Development Plan. The 1 inch equals 20 feet depicts the lot line change in greater detail.
4. **Acceptance**. The conditions set forth in paragraph 2 above shall be accepted by the Applicant, in writing, within ten (10) days from the effective date of this Resolution.
5. **Effective Date**. This Resolution shall become effective on the date upon which all of the above stated conditions are accepted by the Applicant in writing. If, for any reason, the Applicants fail to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of this Resolution, then the Final Plan approval granted herein shall become null and void, the waivers requested shall be deemed denied, and the plan shall be denied for failure to comply with Sections of the Selinsgrove Borough Zoning Ordinance and/or Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein as well as the Conditions of Approval under paragraph 2 above.

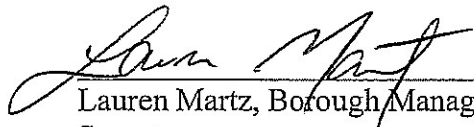
RESOLVED and ENACTED this 6th day of February, 2023 by
the Selinsgrove Borough Council.

**BOROUGH OF SELINGROVE
BOROUGH COUNCIL**



Marvin Rudnitsky, President

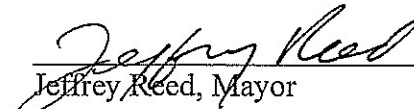
{SEAL}



Lauren Martz, Borough Manager
Secretary

Resolved and enacted this 6th day of February, 2023.

OFFICE OF THE MAYOR



Jeffrey Reed, Mayor

ACCEPTANCE

The undersigned states that they are authorized to execute this Acceptance on behalf of the Applicants and/or the owner(s) of the Subject Property which is the subject matter of this Resolution, that they have reviewed the Conditions imposed by the Borough Council in the foregoing Resolution and that they accept the conditions on behalf of the Applicants and the owner and agree to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

DATE: _____

BY: _____

PRINT NAME: _____

EXHIBIT "A"

*Correspondence from Selinsgrove Borough Engineer
January 17, 2023*

**STAHL
SHEAFFER
ENGINEERING**

106 N High Street
Selinsgrove, PA 17870
Phone: 570-374-4813
Fax: 814-689-1885
www.sse-llc.com

January 17, 2023

Selinsgrove Borough Planning Commission
1 North High Street
Selinsgrove PA 17870

Re: Plan Name: Final Subdivision Plan for Kenneth and Gloria Miller
Date: December 16, 2022
Owner/Applicant: Kenneth and Gloria Miller
Location: 301 N Broad Street and 320 W Snyder Street

Dear Planning Commission:

We have completed a review of the above-mentioned plan based upon the Selinsgrove Borough Zoning (ZO) as well as the Subdivision and Land Development (SLDO) Ordinances. We offer the following comments:

SUBDIVISION

1. 22-303.6.B – Owners signature and notary are required prior to final plan approval.

GENERAL COMMENTS

2. The dimensional and area variances granted by the Selinsgrove Zoning hearing board on December 1, 2022 should be noted on the plan.
3. Snyder County Planning Commission comments should be considered.

Please call me at 570-374-4813 ext. 308 if you have any questions.

Respectfully Submitted:
Stahl Sheaffer Engineering LLC



Chad E. Shaffer, PLS
Project Manager

EXHIBIT "B"

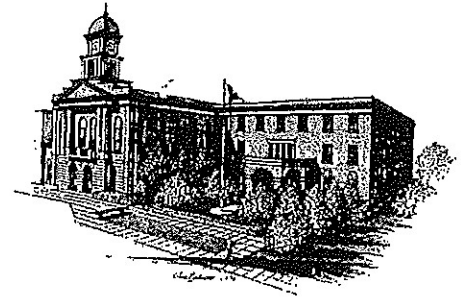
*Correspondence from Snyder County Planning Commission
January 17, 2023*

Snyder County Planning Commission

Courthouse, P.O. Box 217 • Middleburg, Pennsylvania 17842-0217

Phone: (570) 837-4256 or (570) 837-4257

Fax: (570) 837-4345



January 17, 2023

Selinsgrove Borough Planning Commission
1 North High St.
Selinsgrove, Pa. 17870

RE: Kenneth & Gloria Miller Subdivision Plan, SCPC File #5633, located in Selinsgrove Borough, Snyder County.

Planning Commission Members,

The Snyder County Planning Department has reviewed the above mentioned Plan located in Selinsgrove Borough, Snyder County. The department has the following comments:

File #5633 **Kenneth & Gloria Miller Subdivision Plan; Selinsgrove Borough; Kreamer Survey Associates, Inc. - Surveyor**

This plan is for the subdivision of tract 15-05-134 owned by Kenneth and Gloria Miller located in Selinsgrove Borough into 2 tracts. Proposed Lot 1 will be 1,663 sq. ft. and Proposed Lot 2 will be 1,884 sq. ft.

General Comments

1. All Certificates should be fully executed prior to approval.
2. The Snyder County Planning Certificate can be amended to show that the Plan was received on January 17, 2023 and is SCPC File #5633.
3. The Lot is in the R-3 Medium – High Density Residential District and in the existing condition does not meet Zoning Ordinance Section 606 – Area and Bulk Regulations, and will require a waiver or variance for the subdivision to occur.

EXHIBIT "C"

*Decision of the Zoning Hearing Board
December 1, 2022*

IN RE: Variance Request of Ken Miller : BEFORE THE ZONING HEARING BOARD
For lot area and lot width variances to : BOROUGH OF SELINSGROVE, SNYDER
Allow division of double dwelling at : COUNTY, PENNSYLVANIA
301 N. Broad and 320 W Snyder Sts. :

DECISION OF THE ZONING HEARING BOARD

On December 1, 2022, on Motion made by Mr. Mann, seconded by Ms. Fabian, the Board, consisting of Cyril Runkle, Dena Gentner, Edward Mann, Brenda Fabian and Warren Kann voted unanimously in favor of the following Resolution:

"RESOLVE: that applicant be granted variances of 4 feet along M. Broad Street and 16.42 feet (Lot 1) and 22.7 feet (Lot 2) respectively, along W. Snyder Street, and lot area variances of 5,837 square feet, (Lot 1) and 5,616 square feet (Lot 2) for purposes of dividing and separately conveying the half doubles located at 301 N. Broad Street and 320 W. Snyder Street PROVIDED each half be used as single family dwellings."

FINDINGS OF FACT

1. The subject premises exists in the R-3 District, which requires lot area of 7,500 square feet and lot width of 50 feet for single family dwellings.
2. The subject premises is a two-story double dwelling, half fronting on N. Broad Street and the other half fronting on W. Snyder Street.
3. The structure sits on an lot that is 46 feet wide on N. Broad Street, 60.8 feet on W. Snyder Street, and has a lot area of 3,547 square feet.
4. The R-3 District requires minimum lot area of 12,000 square feet and lot width of 100 feet for double dwellings.
5. The lot is non-conforming by being 54 feet deficient in lot width and 8,453 square feet in lot area.
6. Applicant proposes to divide the premises along the party wall, creating two lot: Lot 1 having a lot width of 46 feet (along N. Broad Street) and 33.58 feet along W. Snyder Street, and lot area of 1,663 square feet, and Lot 2 having a lot width of 27.22 feet along W. Snyder Street, and a lot area of 1,884 square feet.
7. The properties along W. Snyder Street are mostly double dwellings having been

constructed in the early 1900's and have similar small lots.

8. It has been the policy of the Borough of Selinsgrove to allow double dwellings to be divided for singular ownership.

9. Dividing a double dwelling is specifically excluded in the Selinsgrove Subdivision and Land Development Ordinance in the definition of "Subdivision", and does not require approval from the Borough Planning Commission.

10. Division of the existing double dwelling into two separate single-family dwellings will into adversely affect the neighborhood.

CONCLUSIONS

It has been the policy of the Borough to allow the division of double dwellings into two separate lots for conveyance separately. This allows more owner-occupied residences, which fosters better maintenance of the structures. Thus, in the Borough's Subdivision and Land Development Ordinance, the definition of "Subdivision" specifically excludes the division of a double dwelling into two separate lots, and thus does not need subdivision approval. Also, the conversion of a two-family dwelling into a single-family dwelling exempts lot setback from consideration. Habitable floor area (§27-1316) and density requirements (§27-606) are to be followed, however.

For the grant of a variance, the Board must find that (per §27-1607):

(1) there are unique physical circumstances or conditions, peculiar to the premises giving rise to an unnecessary hardship, and that the claimed hardship is not due to general application of the Ordinance in the District or neighborhood;

(2) Because of the unique conditions, there is no possibility that the property can be developed in strict conformity with the Ordinance, and that the authorization of a variance is necessary to enable the reasonable use of the property;

(3) the hardship was not created by the applicant;

(4) the variance, if authorized, will not alter the essential character of the neighborhood or district in which the premises is located, nor impair the use of adjoining properties, nor be detrimental to the public welfare; and

(5) the variance, if authorized, is the minimum variance necessary to afford relief.

In the instant case, the applicant is actually reducing the non-conformance of the premises. Lot area non-conformance reduces from 8,453 square feet to lots with non-conformances of 5,837 square feet (Lot 1) and 5,616 square feet (Lot 2). Similarly, lot width non-conformance reduces from 54 feet (long N. Broad Street) to 22.78 feet (Lot 2) along W. Snyder Street. Habitable floor area does not change. Off-street parking does not change (There is none now.)

The Board determines that the uniqueness of the small lot with an existing double creates the hardship for it to be divided into two separate dwellings. Allowing the variances will have no adverse impact on the neighborhood.

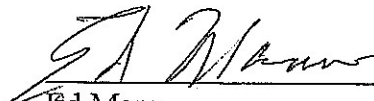
While some reason may arise in the future as to why a double should not be divided, the Board sees none with the present application.

Especially since there is no off-street parking, the use of each half must be limited to single-family use. Any other uses would require further review and approval by the Borough.

SELINGROVE ZONING HEARING BOARD

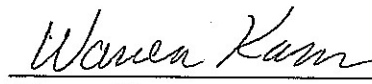
Cyril Runkle

Dena Gentner



Ed Mann

Brenda Fabian



Warren Kann

Dated: 12/1/2022