

JIM THORPE BOROUGH ZONING HEARING BOARD MEETING MINUTES

September 28, 2023 6:00 pm Jim Thorpe Memorial Hall

Call to Order

Time: ___ 6:01pm ___

Pledge of Allegiance

Roll Call of Board Members and Officials

	Present Y/N
Michael Huber, Vice-Chairperson	___ Yes ___
James Igoe, Secretary	___ Yes ___
Roxanne Long, Member	___ Yes ___
Andrew Roberts, Member	___ Yes ___
Eli Skrimcovsky, Chairperson	___ No ___
*Larry Cinicola, Alternate	___ Yes ___
*August Long, Alternate Member	___ Yes ___

Attorney Matthew Schnell, Attorney Robert Frycklund, Attorney Kim Roberti, Attorney James Nanovic and Zoning Officer Alexis Wilkinson were in attendance. Attorney Schnell directed the first hearing. Attorney's Schnell, Frycklund, Roberti, and Nanovic had no voting capabilities. Zoning Officer Wilkinson had no voting capabilities as well

Approval of Minutes and Agenda

1. Request approval of the minutes from the meeting held on August 24, 2023. Mrs. Long makes the motion to approve the minutes. This was seconded by Mr. Cinicola. The vote passes unanimously.
2. Request approval of the September 28, 2023 agenda. Mrs. Long makes the motion to accept the agenda. This was seconded by Mr. Roberts. The vote passes unanimously.

First (1st) Hearing-

Name: Jason Green

Property Address: 84 Leisure Lane Jim Thorpe, PA 18229

Purpose: The applicant is seeking a variance. Mr. Green is seeking variance relief to install a shed in the front yard of his property. The property is located in the R-1 Zoning District.

Alternate Member, Larry Cinicola will vote for the hearing

Questions/Discussion: Attorney Schnell read the available exhibits and entered them into the record. Zoning Officer Wilkinson spoke about the shed project on the Green Property. Ms. Wilkinson reviewed the borough code pertaining to setbacks. The setbacks listed are for side and back yards. The proposed location for the shed is the front yard. There are no questions from the board related to the Zoning Officer's testimony.

Mr. Green was present and spoke on his behalf. Mr. Green detailed the need to place the shed in the front yard. Two main factors were given. The first being the septic system. The septic is located on the side of the property. The second being a stone porch located in the backyard of the property. Attorney Schnell reviews the five criteria the Zoning Hearing Board will consider when issuing a variance. Mr. Roberts asked about potential issues with HOA (Homeowners Association). Mr. Green responded there are no issues with HOA. No members of the public spoke.

Notice of an Executive Session:

Prior to voting, the Zoning Hearing Board voted to begin an executive session. Mr. Roberts made the motion, and it was seconded by Mrs. Long. All remaining members unanimously voted on an executive session. The executive began at 6:14 pm and the hearing restarted at 6:21 pm.

Ruling by Zoning Hearing Board Members:

A motion was offered and seconded to grant approval of the requested variance. A roll call vote was then conducted.

Yes: ____5__ Voting yes: Mr. Huber, Mr. Igoe, Mrs. Long, Mr. Roberts, and Mr. Cinicola

No: ____0__

Final Result: ____Variance is granted____

A board recess was held at 6:22 pm.

Second (2nd) Hearing- Board recess ended, and the second hearing began at 6:25 pm.

Name: Jake Arner of Jake Arner Farms, LLC

Property Address: Canyon Rim Estates Flagstaff Road Jim Thorpe, PA 18229

Purpose: The applicant is appealing the decision of the Zoning Officer denying the request to allow a campground on his property, with rustic camping and cabins as a standalone use, independent of establishment of an agritourism enterprise. The property is located in the S Zoning District.

Member, Andrew Roberts will not vote for the hearing **Alternate Member, August Long will vote instead**

Zoning Hearing Board Attorney Schnell recused himself from this hearing. Attorney Robert Frycklund filled in as the Attorney for the Zoning Hearing Board

Questions/Discussion: Attorney Frycklund read the available exhibits and entered them into the record. Zoning Officer Wilkinson spoke about the reasons a denial was issued. Camping is not allowed in the S district. Additionally Zoning Officer Wilkinson stated that no references exist for agritourism. Mr. Arner feels that borough zoning laws are exclusionary.

Attorney Kim Roberti, along with his client, Mr. Jake Arner were also present. Attorney Roberti provides a packet pertaining to the Special Zoning District to the ZHB members. Under this Zoning District, Attorney Roberti points out that camping would fall under a recreation category. Attorney Roberti highlights the packet to make an argument that the word recreation and camping can be similar terms. The packet also includes other forms of recreation.

Attorney Roberti then begins to ask Mr. Arner questions. Mr. Arner provides details about the property and its current use. Mr. Arner allows hiking, biking, and hunting. Berry, mushroom, and fiddlehead picking are also allowed on various parts of the property. Mr. Arner owns 380 acres when all the acreage is combined.

Mr. Arner points out that other areas in the S district offer camping, namely Jim Thorpe Campground and Mauch Chunk Lake Park. Mr. Huber asked for an approximate amount of space that would be used. Mr. Arner would like to have 149 campsites developed. Cabins, according to Mr. Arner, would be developed at a later time. The campsites would be 100 feet from a road. Mrs. Long asked how long the current sites have been operating. Mr. Arner stated that there are 6 sites and they have been available to guests for 3 years. Mr. Arner indicated that he's approved to place 66 sites on this particular part of the property.

Attorney James Nanovic is in attendance as the borough attorney and has many questions for Mr. Arner. Attorney Nanovic begins by asking for the total number of lots? Mr. Arner answers that the site plan contains 330 residential lots. There will be 149 campsites that will be located 70 feet apart and the sites will be positioned so that the campers will not see structures. Attorney Nanovic asked for specific amounts of tent and cabin sites. Mr. Arner plans to offer a mix of tents and cabins but was unable to indicate the total number of cabins. Mr. Arner wants to see how profitable the tent sites are before constructing cabins. Attorney Nanovic asked about buildings roads, adding electric, water, and sewage. Will these be available Mr. Arner? Attorney Nanovic concluded by stating if these amenities are planned then an entirely different land use plan should be created.

Mr. Muhammad Mustafa, neighboring property owner to Mr. Arner, speaks of being disappointed with Mr. Arner. Mr. Mustafa feels that nothing will happen with the Arner property and has concerns about Arner following through to make his property profitable. Mr. Mustafa owns three lots adjacent to the Arner property and wanted to share his feelings with the board about the Arner property and his own properties for the future.

Zoning Officer Wilkinson clarifies that Lot 1A (refer to the Arner master site plan) can support campsites and porta-potties including utilizing fencing for animals. Attorney Roberti referred to the main use as recreation (detailed in the packet he prepared). Attorney Nanovic indicated that the public would not have access to all areas of the property if others were renting cabins. No other questions came from the zoning hearing board.

Notice of an Executive Session:

Prior to voting, the Zoning Hearing Board voted to begin an executive session. Mrs. Long made the motion, and it was seconded by Mr. Cinicola. All remaining members unanimously voted on an executive session. The executive began at 7:08 pm and the hearing restarted at 7:15 pm.

Ruling by Zoning Hearing Board Members:

Attorney Frycklund explained about a favorable interpretation of the proposed appeal of the Zoning Officer's denial. Mrs. Long made a motion to favor the interpretation of the request to add campsites first and then cabins as needed on the Arner property. Mr. Cinicola seconded the motion. A roll call vote was then conducted.

Yes: _5_ Voting yes: Mr. Huber, Mr. Igoe, Mrs. Long, Mr. Long, and Mr. Cinicola

No: ____0____

Final Result: ____The request for reversal of the Zoning Officer's denial is granted. ____

Adjourn

Motion by _____Mrs. Long_____, second by _____Mr. Cinicola_____ to adjourn
at ____7:16____PM.