

**MINUTES OF DUBLIN BOROUGH
PLANNING COMMISSION MEETING
MONDAY, MARCH 18, 2024**

1. CALL TO ORDER: The March 18, 2024 meeting of the Dublin Borough Planning Commission was held at Borough Hall, 119 Maple Ave., Dublin, PA. Commission Chairman Gary Mast called the meeting to order at 7:30 p.m.

PLANNING COMMISSION MEMBERS PRESENT:

Gary Mast
Thomas Rymdeika
Robert Morris
Eugene Miller**
Brent Smith

APPOINTED OFFICIALS PRESENT:

Borough Manager:	Colleen M. Pursell
Borough Solicitor:	Scott MacNair, Esq.
Borough Engineer:	Brian Cicak, P.E.*
Borough Planner:	David Babbitt*

*Not Present

**Late Arrival

2. Pledge of Allegiance: Chairman Gary Mast led the Planning Commission and the audience in the Pledge of Allegiance.

3. Approval of Minutes:

3.1. Minutes of the Planning Commission Meeting of February 5, 2024:

MOTION: A motion was made by Mr. Morris, seconded by Mr. Rymdeika and unanimously carried, (Mr. Miller was not present at the time) to accept the February 5, 2024 minutes, as presented.

4. Discussion Items:

4.1. Introduction of Solicitor: Mr. Mast introduced Scott MacNair, the new Borough Solicitor. Mr. MacNair provided a brief overview of his experience. He grew up in NY, went to Albany for undergrad, then to Villanova University School of Law and started his career in Harrisburg. He then worked his way to Doylestown and has been working at Clemons, Richter and Reiss, specializing in Municipal Law. In addition to serving as Solicitor to Springfield Township, Haycock Township and Riegelsville Borough, he also serves as the Zoning Hearing Board Solicitor for several surrounding Boroughs and Townships.

4.2. Conditional Use Application L.A. Convenience & Tobacco – 105 N. Main Street: Mr. MacNair explained the different ways that uses are permitted. The first use is a “by right” where the applicant will submit the application and have it approved. The second use is “by special exception” where the applicant will fill the

application out and submit it to the Zoning Hearing Board. They would have to meet special exception standards in the Ordinance and the use standards must be met. It could be approved with conditions. The third use is “conditional use” as it is presented tonight.

Mr. MacNair read the General Conditions for Conditional Uses from Zoning Ordinance 27-1002:

1. In granting a conditional use, the Borough Council shall make finding of fact consistent with the provisions of this chapter. The Borough Council shall not approve conditional use except in conformance with the conditions and standards outlined in this chapter.
2. The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall among other things require that any proposed use and location be:
 - A. In accordance with the Dublin Borough Comprehensive Plan.
 - B. In the best interests of the Borough, the convenience of the community, the public welfare and be a substantial improvement to the property in the immediate vicinity.
 - C. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 - D. In conformance with all applicable requirements of this chapter and all Borough ordinances.
 - E. Suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
 - F. In accordance with sound standards of subdivision and land development practice where applicable.
3. Review of Conditional Use by the Planning Commission. The Borough Council shall request an advisory opinion from the Planning Commission on any application for a conditional use; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council or an application the Planning Commission may request a report from the Borough Engineer.

Mr. Mast explained to Mr. Master that he will have to go to Borough Council with the Planning Commission’s recommendation. Mr. Chetan Master, owner of 105 N. Main Street, explained there are other businesses not following the Ordinance as he is trying to do. Mr. Smith appreciates his commitment to following the Borough’s regulations. Mr. MacNair explained to Mr. Master that he will go to the formal hearing next week and he needs to outline the criteria he just reviewed, explain how he meets the standards, and justify his compliance with the D14, Entertainment Use. There needs to be one (1) off-street parking space for each four (4) seats provided or for each 50 SF of gross floor area to be used for service to customers.

Mr. Smith stated he read the case about the machines, and the machines were not gambling machines. He

would like to know what type of machines Mr. Master will be placing in his building. Mr. Master informed him they are PA Skilled Machines. Mr. Smith would like to ensure the machines to be placed would be Skilled Machines, not the Games of Chance. Mr. MacNair explained to Mr. Master that some machines are illegal. Ms. Pursell asked Mr. Master to submit a specification sheet on the machines prior to the March 25, 2024 hearing. Chief Regan has a contact in Harrisburg that will be able to tell him if the machine is legal. Mr. Smith mentioned sections in the Ordinance section 27-1002#2B &2C, would these games be the best interest of the community and is it suitable for the property? These are very important and need to be addressed. Mr. Mast would like to see Mr. Master succeed, which would be in the Borough's best interest. Mr. Miller asked Mr. Master how he envisions his store to look like. Mr. Smith added there is a smoke shop in the store also. Mr. Mast asked if he is keeping the U-Haul business, because that would additional parking. Mr. Master stated people have to come into the store when they drop off the U-Haul, but he would like to get rid of the Hardware Store and have someone rent that area. Mr. MacNair explained that Mr. Master has to prove to Council that he has adequate parking.

Mr. Mast read a part of the March 1, 2024 review letter from CKS Engineers. Part of it specifies that the applicant will need to submit a suitable site plan with parking calculations to demonstrate compliance. Mr. MacNair recommends Mr. Master bring an aerial photo of the building and parking. He also explained the process that Council has 60 days to have a hearing after receiving the Conditional Use Application, unless the applicant provides a waiver. Mr. Master does not want to pay any additional fees, but the hearing was advertised, so the hearing must be open and then he could announce a different date for the hearing. Mr. Smith asked how everyone feels about the machines. Mr. Miller agreed with Mr. Smith that items from the Ordinance, #2B&2C, need to be addressed to show that these games are in the best interest of the Borough, these items are important. The Commission gave their opinions and Mr. Mast asked Chief Regan for his opinion. Chief Regan is concerned with the machines being targets for criminals. The machines are very easy to break into. He is also worried about disputes from the payouts. Mr. Master informed the Commission that there is a kiosk that pays out winnings. Mr. Mast informed Mr. Master that the Borough has hours of operation for the machines and wanted to know what kind of people he is expecting to play. Mr. Master does not know, but is hoping all different kinds of people. Mr. Miller explained that he wants businesses to succeed. Mr. Mast asked if he is planning on putting signs up to indicate the games inside. Mr. Master is planning on using the sign he already has, but enlarging it in the lighted box where the old Benjamin Moore sign was.

Mr. MacNair reminded the Commission on how they need to proceed. Mr. Mast expressed to Mr. Master that the Commission seems to like his idea, however there is still some information missing. Mr. MacNair reminded the Commission that they do not have to give a definitive answer however, they must give Council an advisory opinion. Mr. Miller stated it will be their recommendation for the applicant to address #2B&C of the Ordinance. The majority of the Commission would like more information from Mr. Master. Mr. MacNair explained that Mr. Master could ask for a continuance so he has more time to gather the information, or he could decide to withdraw the application. Mr. Master stated that based on tonight's conversation he plans on withdrawing his application, as he does not want to spend additional money to receive a denial. Mr. MacNair stated the applicant would need to submit a letter to the Borough saying he is withdrawing the Conditional Use Application if that is how he would like to proceed. Mr. MacNair advised that if this is the route Mr. Master wishes to take, the Borough will cancel the stenographer once written confirmation is received.

MOTION: A motion was made by Mr. Smith seconded by Mr. Morris and unanimously carried; the applicant advised that he will be withdrawing the conditional use application and therefore the

Planning Commission did not need to make a recommendation to Borough Council. If the applicant fails to withdraw the application, then the Planning Commission's recommendation is that the applicant needs to comply with all conditions in the March 1, 2024 Engineer Review Letter, which would require him to satisfy his burden of proof and all the criteria in the ordinance and other conditions outlined in the Engineers letter.

- 6. **Other Business:** There was no other business at this time.
- 7. **Public Comments:** There were no public comments at this time.
- 8. **Adjournment:** Upon motion by Mr. Smith, the meeting adjourned at 9:28 p.m.

Respectfully Submitted,

Date Approved: 05/07/2024

Colleen M. Pursell
Colleen M. Pursell, Manager/Secretary