

**Planning Commission of the Borough of Matamoras
Meeting Minutes of November 19, 2024**

Call to Order, Salute to the flag and Roll Call @ 7:00 pm.

Mr. Eddie Addison Chairman	P	Mr. Bob Howard	P	Mr. Jason Ohliger Solicitor	P
Mr. Dave Osczepinski Vice Chair	P	Mr. Mark Madsen	P	Mr. Shawn Bolles Zoning Officer	P
Mr. Rich Anderson	P	Mrs. Lisa Salvato	P		
Mr. Danny Fernandez	P	Mrs. Kelli Johnson Alternate	P		

5 members of the public were present.

A motion to approve the Meeting minutes of October 15, 2024, correcting Old Business item C from Bethany to Bernathy, was made by Dave Osczepinski and seconded by Bob Howard. All in favor. Motion carried.

Public Comment:

Dimitry Roby 105 PA Ave suggested a cut-off date be implemented for the submission of applications so that a folder can be sent in a timely fashion to Committee members for review and thought. 9 copies of applications and correspondence should be accepted and distributed to members for their own personal files. Also handed all members a sample letter that he feels that the Committee Chair should write to an applicant after an application is considered.

Correspondence:

- Letter from the Council requesting that the Planning Commission develop a Shade Tree Commission.

Old Business:

- a. Tabled: Borough Ordinance Review-Ongoing-general review of all ordinances not listed below.
- b. Tabled: Joint Comprehensive Plan Discussion. Waiting for RFP to come back from Westfall Township.
- c. A motion to table Medical Marijuana Dispensaries and Medical Marijuana Growers/Processors pending clerical/formatting updates and review/update zoning sections by Mr. Bolles was made by Mr. Madsen and seconded by Mr. Fernandez with all in favor.
- d. A motion to table review of the Garbage Ordinance was made by Mr. Howard and seconded by Mr. Fernandez. The current ordinance will need to be refined to protect the Borough but not overstep the private carrier rules. Discussion ensued on the ability to opt-out and talked about requiring showing proof of waste service so waste does not get dumped illegally at the park or on the side of the road to avoid paying for a service. Discussed that a public notice still needs to be sent to the residents to officially inform them of the upcoming change. A copy of the proposed ordinance will be presented to the Municipal Authority for review at their next workshop which will be held on November 27th. All in favor.

New Business:

- a. Tabled: Shade Tree discussion.

- b. Conditional Use Application for 905 Lucky Mart: Mr. Joseph Wright was present to represent the applicant. He explained the premises offered skilled games for adults with free refreshments (water) and snacks. They have multiple skilled games where customers put money in the machine, and they may win money. If they lose, they receive a ticket they can submit for a raffle giving them a second chance to win a prize. The representative was asked if the business was open. He stated that it was not, but it was open for vendors to come in. Mr. Addison stated that he entered the business just prior to this meeting and asked if they were open and the gentleman at the counter stated they were. Mr. Wright denied knowledge of it being open to the public. The Zoning Officer noted that he observed the business operating, has proof and stated that there is a \$500 per day fine for operating without an approved permit. Committee members appeared unfamiliar with “skilled games” and asked if the games were games of chance like poker or slots or like “pac-man” type amusements where gamers can learn from previous games and become better with playtime. Mr. Wright said it was more similar to gambling rather than pac-man. It was noted that gambling was not addressed in the application. When asked if customers could win money Mr. Wright acknowledged that they could. Mr. Wright stated that the business was offering skilled games for adults. The committee asked if IDs were checked to prevent minors from entering and voiced parking concerns were discussed. The application asks, “Will use affect parking” which was answered as “No”. Mr. Wright is unaware if the business has a small gaming license for the raffles they hold. The Solicitor explained that there is a fine line between skilled games and gambling. Gambling is strictly chance. When skill impacts the chance of winning, it is a skill-based game, which is unregulated. Unless proof is presented that the service being offered is not gambling, it appears that it. Gambling is not addressed in the application; it is presented as “skill games amusement”. A motion to recommend denial of the conditional use application for 905 Lucky Mart, Inc. located at 905 Pennsylvania Ave to Borough Council as it does not conform to the definition of “amusement” was made by Mr. Madsen and seconded by Mr. Howard with all in favor.

Mr. McIntyre gave a recap of what just happened and what happens next. The Planning sends a letter of their recommendation to Borough Council. The Council will set a public hearing w/in 60 days. The Council will hear the application/evidence/testimony and make a ruling.

Motion to adjourn 7:54 pm: **M: Madsen/Fernandez. All in favor.**

Respectfully submitted,



Marianne Brown
Planning Secretary