

MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
NOVEMBER 19, 2014

The November meeting of the Dillsburg Borough Planning Commission was called to order on the above date at 7:30 PM. Planning Commission Members in attendance were Allen Reeves, Paul Eurich, and Brian Radcliffe. Also present were Borough Engineer Mike Begis and Borough Secretary Debbi Beitzel. Planning Commission Members Leon Zeiders and Joe Robinson, Borough Manager Karen Deibler and Borough Solicitor Mark Allshouse weren't present.

The following visitor was present: Wayne Homes representative Chris Hoover from Hoover Engineering.

The first item on the agenda was the approval of the September 24, 2014 meeting minutes. Member Eurich indicated he had two corrections: Page 2, fourth line from the bottom, the word "studi" should be "study" and on page 4, under old business, the semi-colon should be deleted after the word roundabout. Member Eurich moved to approve the Planning Commission meeting minutes of September 24, 2014 as amended. Motion was seconded by Vice Chairman Radcliffe. - Motion carried.

The second item on the agenda was the discussion of the Final Subdivision Plan by Wayne Homes. Chairman Reeves asked if this was a Final Subdivision Plan. Vice Chairman Radcliffe indicated there is a waiver request to skip the Preliminary Subdivision plan and go directly to a Final Subdivision plan. Chairman Reeves asked if the PC needed to vote on the waiver request first. Engineer Begis stated not necessarily. Vice Chairman Radcliffe stated they can't make a recommendation about the sub-division without first dealing with the waiver request. Engineer Begis indicated it is a matter of whether it is preliminary or final plan; currently the verbiage on it says Final Plan. If the PC doesn't recommend the waiver, the applicant would have to submit a preliminary plan. Chairman Reeves stated they should deal with the waiver first.

Vice Chairman Radcliffe asked where Lot 1 is. There are Lot 2 and Lot 2-A. Mr. Chris Hoover stated Lot 1 is actually the Dill Tavern lot. He indicated when the property was purchased by Bob Eichleberger back in the late 1990's, Lot 1 was the Dill Tavern lot and Lot 2 was the remainder; which is being proposed for sub-division. Vice Chairman Radcliffe stated Lot 1 is no longer in the picture because that was sub-divided previously. Mr. Hoover indicated Lot 1 is being shown as part of the plan to illustrate the easement located along the northern property line of the Dill Tavern lot is being abandon because NYCHAPS built two buildings within the easement. Mr. Hoover stated they had met with NYCHAPS and discussed with them the relocation of the easement due to those buildings. Vice Chairman Radcliffe indicated his concern was that Lot 1 wasn't owned by the person making the request for the sub-division.

Engineer Begis stated typically when there is a sub-division completed, you start with one lot, this lot was previously sub-divided into two lots; now the applicant wants to sub-divide lot 2.

Member Eurich indicated there are some items missing from the sketch plan and the Final Subdivision plan; like the detention pond area. Engineer Begis stated what is before the PC tonight is just a sub-division plan, not a land development plan. The sketch plan presented last meeting was just to show the PC what could possibly happen with the lot. Engineer Begis stated the applicant has currently requesting to subdivide Lot 2 into two lots. He indicated the PC needs to look at this as a sub-division plan only; the land development plan would be submitted later for each individual lot. Member Eurich indicated he doesn't know how they can call this a plan when it doesn't show any entrances for Lot 2. Engineer Begis stated the PC needs to look at the plan as a sub-division plan and how it meets the ordinance requirements. These lots currently have frontage along Route 15; so they have access to Route 15. Vice Chairman Radcliffe stated at this point the PC doesn't know if the applicant will have access to Route 15. Engineer Begis stated they could be denied access to Route 15, but the lot itself still meets the ordinance requirements whether they develop it or not. Member Eurich asked if the PC had any say whether to approve or deny this plan as a final subdivision. Engineer Begis stated it is a two lot subdivision. Engineer Begis indicated when the applicant submits a land development plan, it will be a different story. Chairman Reeves stated they are looking at one lot with no access. Engineer Begis stated correct. Chairman Reeves stated the applicant wants to separate it into two lots with no access. Engineer Begis indicated they have no access currently, but when the applicant does a land development plan, they will have to show how the lot will be accessed. Vice Chairman Radcliffe asked if the PC is to vote whether or not to grant the Final Subdivision at this point since this is only breaking one lot into two lots. Engineer Begis stated yes. Vice Chairman Radcliffe asked if all the requirements were met. Engineer Begis stated there were only minor comments. He indicated if they were to submit a preliminary subdivision plan, the applicant would probably be back next month with a Final plan.

Engineer Begis asked if the PC wanted to go through the comments without approving/disapproving the waiver first. Vice Chairman Radcliffe stated yes.

1. A Waiver to the requirement to submit a Preliminary Plan has been requested. - The waiver request is attached.
2. The executed owner's signature is required. – The signatures are typically received after Borough Council approves the plan.
3. Documentation should be provided for General Note 4 concerning wetlands. – Engineer Begis stated the note #4 states there are no wetlands located on the site and is requesting a letter from the applicant stating such. Mr. Hoover indicated he would. Mr. Hoover stated the PC had looked at their sketch plan proposing a professional office building and the other portion of Lot 2, Wayne Homes will retain as a sales office. They would be looking at sharing a common access coming in off of Route 15; a right turn in and right turn only. The utility easement located along the southern part of the Dill Tavern lot utilities will be extended both water and sewer through the easement which will service both the lots. Mr. Hoover indicated they have met and discussed this with Mr. Williams. Mr. Hoover stated when they come in with the

Land Development plan they will provide a detail wetland plan, but will supply the information now. Vice Chairman Radcliffe indicated there is a stream showing on the plan and thinks there are wetlands on the property. Mr. Hoover stated the only wetlands on the property are confined to the banks and channel of the stream itself. Vice Chairman Radcliffe stated the note isn't accurate then. Mr. Hoover indicated there are no wetlands that would actually impact development. Engineer Begis stated the note is confusing because it states there are no wetlands located on the subject tract; he suggested to take the note off or change it. Mr. Hoover stated he will change it to read they are confined to the bank and channel of the stream.

4. A concrete monument to be placed at a common property corner. – Engineer Begis indicated there are some showing but should put them at the common line. Mr. Hoover indicated no problem.
5. The proposed 25' easement for sewer and water service should be extended through Lot 2-A for future access by Lot 2. – Mr. Hoover indicated he would. Vice Chairman Radcliffe asked if the water and sewer was going to be privately owned. Mr. Hoover stated everything on the curb line will be privately owned.
6. Sewage Facilities Planning or exemption approval is required. – Mr. Hoover stated they would be filing an exemption. Engineer Begis stated it would have to be submitted with the Land Development plan. Vice Chairman Radcliffe asked if the sewage facility planning and exemption is needed for the subdivision. Engineer Begis stated yes, typically DEP wants to see it.
7. A Land Development Plan will be required (including a HOP) prior to development of these lots. – Engineer Begis indicated there is a note on the plan.

Engineer Begis stated the land area meets the ordinance requirements for a subdivision. Vice Chairman Radcliffe stated before the plan could be submitted and if the PC would agree with the waiver and recommend approval for the final plan, and before going to Borough Council, the applicant would have to have the wetlands delineation available and the sewage facility planning documented attached to the plan. Engineer Begis also recommend they meet the engineer comments. Mr. Hoover indicated he didn't have any problems with these issues.

Engineer Begis asked the applicant if they could get an acknowledgement on the cover sheet from NYCHAPS that they are accepting the easement going through their property. Mr. Hoover indicated since Bill Schrack is part of NYCHAPS, he is going to work with them in preparing the separate documents which the Historical Society will sign.

Member Eurich indicated at the September meeting the PC discussed what was to be done to lot 2A and hadn't had a subdivision plan. Chairman Reeves stated it was called a Sketch plan. Engineer Begis stated the PC reviewed a Sketch plan and the applicant wanted a feel from the PC and on the reaction as to what they wanted to do. Mr. Hoover stated they were in a due diligence period when the sketch plan was submitted; Tim Colgan, a local attorney is the person who will be developing Lot 2-A. Before getting into the expense of doing a Subdivision and/or Land Development plan, Mr. Colgan wanted some assurance that what was being proposed was going to be accepted or not.

Vice Chairman Radcliffe indicated back when the Borough had hired a Planner Company to help with establishing the Mixed-Use Center zoning area, the plan on paper was to actually

extend Second Street up through the property now owned by Jim Merritts. Vice Chairman Radcliffe stated that if Mr. Colgan would buy the property or get some land it would be better planning than throwing another access out onto Route 15; this would give the applicant access both from within the Borough and access to Route 15 from both directions and wouldn't require an HOP. Vice Chairman Radcliffe stated he would like the applicant to do this. Mr. Hoover asked if Vice Chairman Radcliffe was talking about extending a public street. Vice Chairman Radcliffe stated yes. Mr. Hoover stated this would be a significant cost with no return. Mr. Hoover indicated from a cost input, this would not be feasible. Vice Chairman Radcliffe asked Mr. Hoover if he wasn't even going to ask the applicant. Mr. Hoover stated they had a meeting with Manager Deibler, Engineer Knoebel and Bill Eichelberger regarding this plan and there was some talk about the streetscaping and the relocation of Second Street. Mr. Hoover stated however, they would have to purchase the property from Mr. Merritts because they don't have the right of condemnation; the Borough could. Mr. Hoover stated he wasn't saying it wasn't a good idea, it just isn't feasible. Mr. Hoover stated he would certainly ask the question. Vice Chairman Radcliffe indicated it would give the applicant a lot more value for whatever goes on Lot 2 because of the approved access.

Member Eurich agreed with Vice Chairman Radcliffe and stated the owner who owns the property got into a big bind whenever it was divided into Lot 1 and Lot 2; especially what he has heard over the past few years that they want to have less access on/off of Route 15, but this would be PennDOT's decision to make. Mr. Hoover stated back when the Land Development was done for Wayne Homes (which wasn't an approved recorded plan), Penn DOT did approve a right turn in, right turn out for Lot 2. He indicated Mr. Colgan contacted Penn DOT and they said they would grant the access. Vice Chairman Radcliffe asked if Penn Dot was going to request a deceleration lane. Mr. Hoover stated no there wouldn't be enough traffic generated. Engineer Begis indicated when the applicant files for their HOP, PennDOT will hold a scoping meeting and anyone can attend that meeting, which is held at PennDOT's office in Harrisburg. Chairman Reeves stated he thinks PennDOT is making the situation in Dillsburg harder for themselves and doesn't know what the end result is going to be; the long range plan should be to avoid more accesses onto Route 15. Vice Chairman Radcliffe stated he would be surprised if PennDOT approves this because there is already an access close by and then the traffic light up a little further on Route 15. Mr. Hoover stated when it comes to divided highways the criteria is different than opposing driveways; usually right turns in, right turns out are easier permits to obtain because of no conflicting turning moves as a full motion driveway has. Mr. Hoover indicated this situation is so much different because this is an existing lot of record (Lot 2), so even if they don't do a subdivision and lot 2 would get developed at some point, a driveway onto Route 15 is still going to be needed; one driveway is being proposed, as opposed to two driveways. Mr. Hoover stated there would be a shared driveway. Vice Chairman Radcliffe stated it cost less to have one driveway. Mr. Hoover indicated a lot of property owners don't like shared driveways because of all the conflicts that could occur. Mr. Hoover stated the driveway will split the common property line and will be a 24' driveway; there will be agreements that will be established at the time of Land Development which will regulate the ownership and maintenance of the common entrances as well as the Stormwater Management.

Vice Chairman Radcliffe asked if there was anything reserved with DAA yet. Mr. Hoover stated no, there were discussions with Mr. Williams but nothing has been signed yet because it is still a little premature.

Vice Chairman Radcliffe stated he had no issues with the waivers. Member Eurich indicated he didn't either. Vice Chairman Radcliffe moved to recommend approval to Borough Council for the waiver preliminary plan submission and accept going right to a final plan. Motion was seconded by Member Eurich. – Motion carried.

Vice Chairman Radcliffe moved to recommend approval to Borough Council of the Final Plan submission by Wayne Homes subject to meeting all the conditions outlined in the Borough Engineer's letter dated November 17, 2014 prior to the Borough Council Workshop Session. Motion was seconded by Member Eurich. Chairman Reeves opposed. – Motion carried.

Mr. Hoover stated this was actually a motion for denial because there were only two votes for approval and wasn't the majority of the Planning Commission. Engineer Begis indicated there was a quorum and meets the majority.

Mr. Hoover asked how the PC wanted the plans submitted; normally on land development, plans they are basically being done as one phase. It would be submitted as a Preliminary/Final Land Development Plan. Engineer Begis stated to submit it as a Preliminary Plan; typically the Borough accepts it as a preliminary plan for a commercial lot and can address all the technical issues during the preliminary phase.

The third item on the agenda is the zoning change request for Miller Auto Sales. Engineer Begis stated there is a request by the owner to change the current zoning lines between Commercial Highway (CH) and Conservation (C) zones. He indicated the Commercial/Highway district doesn't follow the property lines. Chairman Reeves asked if the property was all in Commercial Highway. Engineer Begis stated no, that is why they are requesting a change to add some additional property to be included in the Commercial Highway zone. Member Eurich asked why they don't take it back to the property line. Engineer Begis stated that was something the PC could recommend. He indicated they need the space for more car lot and can't have it in a conservation district. Chairman Reeves asked if they could come back and ask for more space. Engineer Begis indicated he thought that area not be requested for change was up on a mountain and very steep. Engineer Begis indicated the PC could certainly recommend the zoning request follow the property line. Vice Chairman Radcliffe stated he thinks it should follow the property line. Chairman Reeves agreed. Chairman Reeves asked what the conservation district is. Vice Chairman Radcliffe stated he thought it was just land to be kept in nonuse, whether it be opened land, grass land or wood land. Member Eurich asked who was proposing this change. Engineer Begis stated the Millers. Vice Chairman Radcliffe stated he suspects that's the point beyond which they can't take the hill away; if they can't use it, no sense changing it. Engineer Begis stated Borough Council was looking for comments from the PC and also gets forwarded to YCPC. Engineer Begis stated it doesn't go before the ZHB however it does go to a hearing before the Borough Council. Vice Chairman Radcliffe stated his recommendation to Borough Council would be they ask the owners to follow the property line. Engineer Begis stated if Borough Council approves the zoning change request, they should request the dimensions be provided, it follows the property line so the map can be amended and the owner should be

responsible for all costs associated with any map amendments and reproduction costs the Borough may incur. Vice Chairman Radcliffe asked if there would be any additional land development or additional paving. Engineer Begis stated they are unaware of this at this time; that would require them to apply for permits or a land development plan submission. Chairman Reeves asked if even they were to pave it to park cars on. Engineer Begis stated if they were to add more impervious surface, there would be requirements for stormwater; it depends on the extent of work being done whether or not they would be required to submit a land development plan. Vice Chairman asked if the PC should include that the owner be made aware of the requirements in the motion. Engineer Begis stated yes. Member Eurich asked if this was considered spot zoning. Engineer Begis stated no. Member Eurich asked if the adjoining residents would be notified of the change. Engineer Begis stated they would be notified as to when the public hearing would take place and also have the opportunity to speak.

Vice Chairman Radcliffe stated the PC is recommending the area of change to the Commercial Highway zoning district be made to align with the property boundaries, the applicant be responsible for any cost that would be incurred for the map amendments up to and including reproduction costs and the Borough advises the property owner any improvements to the property or paving would need to be subject to a possible land development plan or building permits. Vice Chairman Radcliffe asked if this was just going to be a letter which Chairman Reeves was going to sign. Engineer Begis stated this would be presented at the hearing.

The fourth item on the agenda is the zoning variance request by Amanda and Troy Leathery of 200 North Baltimore Street. Engineer Begis stated the applicants want to open a spa and salon in the same building, however a personal service business in combination with a multi-family dwelling is allowed by special exception. Chairman Reeves asked if a dental office was allowed there or did they have residents on the second floor. Engineer Begis stated the dental office would be considered a professional office which doesn't require a combination with a multi-family dwelling. Secretary Beitzel stated they are going before the ZHB for a variance to be able to open a personal service business without the combination. In order to meet the variance the applicants would have to change the character of the building; and they don't want to alter the building in any way. Vice Chairman Radcliffe stated the applicants would probably use the upper floor as a residence of some sort. Chairman Reeves stated probably not just for some office space. He also indicated his personal opinion was a spa by itself would be preferable to a spa and a multi-family dwelling on that lot. Vice Chairman Radcliffe agreed and had no issues. Member Eurich asked who was making the request. Engineer Begis stated the applicants are the Leatherys. Engineer Begis indicated a letter would be sent to the ZHB with PC comments. Vice Chairman Radcliffe stated the applicants are providing a use that is similar in nature to the previous use of the building and feel it's a good use for this location. Vice Chairman Radcliffe feels Borough Council should have a letter signed by Chairman Reeves with the PC comments.

Old Business:

Member Eurich stated he noticed the parking lot was torn up again at the old Lefever property and they have put in new lines and redone the whole lot and asked if this was initiated

by the tenants or PennDOT. Vice Chairman Radcliffe indicated he thought it matches with traffic flow overlaid on the sketch plan. Chairman Reeves indicated the parking lot seems to be getting more complicated, but when the Dunkin Donuts building comes, it might make more sense. Vice Chairman Radcliffe indicated he thought their intent was to try to establish some orderly flow with the islands and the lining going in and have some stacking space with people coming out.

New Business: There was none.

Adjournment: As there was no further business, Member Paul Eurich moved to adjourn at 8:54 PM. – Motion carried.

Debbi L. Beitzel

Debbi L. Beitzel
Borough Secretary

cc: A. Reeves T. Knoebel
B. Radcliffe M. Allshouse
J. Robinson Mayor Hollinger
P. Eurich K. Deibler, Borough Manager
L. Zeiders Council