

MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
MAY 27, 2015

The May 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 Joe Robinson. Also present were Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Planning Commission Members Leon Zeiders and Brian Radcliffe weren't present.

The following visitors were present: Colgan representative Chris Hoover from Hoover Engineering and Peggy Williams from NYCHAPS.

The first item on the agenda was the approval of the April 22, 2015 meeting minutes. Member Eurich stated on page three, half way down the page YCPA should be YCPC. Member Paul Eurich moved to approve the Planning Commission meeting minutes of April 22, 2015 as amended. Member Joe Robinson seconded the motion. - Motion carried.

The second item on the agenda was the discussion of the Preliminary/Final Land Development Plan for Colgan. Chairman Reeves stated he received an email from Member Zeiders indicating that his vote would be no because he doesn't want another access onto Route 15. Chairman Reeves asked if he could vote in absentia. Solicitor Allshouse stated no; he must be present to have a vote. Chairman Reeves indicated he would like to see South Second Street used as the access, but the way the lots are now situated doesn't help. The access would get to the Colgan property but not the NYCHAPS property. Member Eurich stated he didn't see how they could have a two-way street coming off of South Second Street. Engineer Knoebel stated it would render the Colgan lot as unusable. Chairman Reeves stated NYCHAPS does want access from Route 15. Member Eurich indicated NYCHAPS doesn't want traffic coming through their property between the tavern and the barn. He presented a postcard which NYCHAPS is handing out showing what is being proposed on this lot. Greg Wonders has developed a plan of what NYCHAPS would like to do. Member Eurich stated that on the upper end of the NYCHAPS property near the convenience store there is some space with a fence in the middle; NYCHAPS could propose an entrance at this location. He stated he knows that NYCHAPS wants the new lot for parking and for other activities but he doesn't like the Route 15 access either.

Manager Deibler asked if the developer had the HOP yet. Mr. Hoover stated no, not yet. Engineer Knoebel stated they developed a plan for the HOP which details the access shown on the land development plan and it will be submitted to PennDOT. The Borough will have to provide an awareness letter indicating they are aware of the application. Engineer Knoebel stated it was a tough situation to try to overcome mainly because there is commercial property fronting Route 15 and the owners obviously have the right to develop and have the right to apply to PennDOT for a permit. He indicated according to York County comments there is quite a bit of commentary about the access to Route 15. The County does suggest that the Borough Council

would require the developer to pursue the option of obtaining right-of-way to provide access from Second Street. Engineer Knoebel stated this is what the Borough has to consider; but what happens if the developer can't get access? Chairman Reeves stated that if they can, it is only going up to the southernmost part of the lots. Engineer Knoebel stated it could probably only provide access to the Colgan property. Mr. Hoover indicated there was a HOP issued for this site previously when the Wayne Homes land development plan came through the Borough; Wayne Homes didn't do anything with the permit at that time and now it has expired. Mr. Hoover stated this lot was subdivided from the Dills Tavern prior to the enactment of the Mixed Use Center zoning and the extension of Second Street didn't exist at the time the lot was created; so there couldn't have been any provisions made at that time to incorporate that design into it. The only access to the original Wayne Homes lot was the direct access onto Route 15. Engineer Knoebel stated the subdivision was done prior to the enactment of the MU district. Engineer Knoebel stated the only way feasibly this could work (demonstrated on the plan) and then the Colgan property would have to provide a right-of-way through their property for everyone to come through. Mr. Hoover stated realistically it couldn't become a public street because you are looking at a 50 foot width and set back requirements from the public street which would make the Colgan lot undevelopable. Engineer Knoebel indicated unless the right-of-way would be strictly just to drive through the aisle. Engineer Knoebel stated there are wetlands, a stream and all kinds of environmental hazards in this area. He stated the Army Corps of Engineers would get involved and the first thing they would ask if the developer has explored other options for access to this property. The developer is going to say "yes" we have the ability to get an HOP from PennDOT to access Route 15. Then likely the Army Corps of Engineers will say they don't think it is a good idea to disturb all the environmental features. Engineer Knoebel indicated he thinks there are plenty of problems that are going to come along with this option. Who will own the access through the Merritts property? Who will maintain it? He indicated because it will be a joint access, NYCHAPS and Colgan will have to jointly construct it and maintain it. Member Eurich stated the Merritts property goes out to Route 15 and a Second Street entrance would be cutting up their property. Member Eurich stated the shoulder on Route 15 is pretty wide along the Colgan property. Manager Deibler stated last year the Borough, York County, Carroll Township, Franklin Township and people in Adams County signed a mission statement indicating there would be no additional accesses on Route 15. She thinks this is what County is worried about because we signed this agreement. Engineer Knoebel asked Mr. Hoover if Mr. Merritts has been talked to. Mr. Hoover indicated they looked into the feasibility of making the interconnection after the sketch plan, but didn't actually speak with him. Bill Eichleberger did reach out to him but didn't get into any details. Mr. Hoover stated from an economic standpoint this would be a substantial cost on the two property owners.

Peggy Williams asked if the Route 15 access is denied, can NYCHAPS get an entrance from Baltimore Street between the Tavern and Mr. Robson's. Chairman Reeves stated yes. Engineer Knoebel stated anyone can apply to PennDOT. Can they request a permit from PennDOT? Yes. Engineer Knoebel indicated there are obstacles on Baltimore Street as well. He stated there are rules about proximity from one drive to another, so there would be a situation where there are a lot of accesses in a short lineal distance. Mr. Hoover stated there would also be the issue of parking along Baltimore Street with a new driveway. Ms. Williams stated that's

true. She indicated that nothing has been approved by the Board as to what is going to be placed in the lot. They would just like to have enough parking for the NYCHAPS members to be able to park there, 15-20 spaces max which would eliminate some of the parking on Baltimore Street. Ms. Williams indicated she was just putting this out there as an option. Chairman Reeves asked if the current driveway is private. Ms. Williams stated yes.

Mr. Hoover indicated they have done a lot of due diligence prior to Mr. Colgan purchasing the property and had several discussions with PennDOT permitting and at least at that time the information they relayed to us was that as long as we comply with their design requirements they would issue us a permit. Chairman Reeves stated he would much prefer to see the driveway off of Baltimore Street into the NYCHAPS property; however Mr. Colgan still needs to get into his property. Ms. Williams indicated she just wanted to throw this out there in case PennDOT gives Mr. Colgan a hard time and they have to come through Second Street which will eliminate NYCHAPS getting to their property. Chairman Reeves indicated he thought this would work. Even a shared driveway off of Baltimore Street would be better than one off of Route 15. Ms. Williams stated if you have a shared driveway with a commercial entity then the street would have to meet other requirements. Engineer Knoebel indicated he thought having the access off of Second Street would add another \$100,000.00 to the mix. Mr. Hoover stated it wouldn't stop at that; the structure which has to be built to get over the stream would cost in the neighborhood of \$225,000.00.

Manager Deibler stated York County would like to have an estimate and/or a letter from Mr. Merritts stating no he isn't selling it or yes give enough for the driveway. Mr. Hoover stated York County does have to sign off on the HOP and will have the opportunity to comment. Manager Deibler stated she doesn't think they are against it, they don't know just by looking at the plan and are unaware of the wetlands. Manager Deibler asked Mr. Hoover to provide the estimates for everyone.

Engineer Knoebel went over the comments.

1. Screening has been shown on the plan. - Engineer Knoebel suggested to make sure the screening is effective to the adjoining property owner. Member Eurich asked if the adjoining property owner was approached. Mr. Hoover stated no but they will reach out to them.
2. A waiver to the requirement to submit a Preliminary Plan has been requested. - Engineer Knoebel indicated no one had any objections.
3. York County comments. - Engineer Knoebel stated York County reviewed the prior version of the plan and a lot of their comments have been addressed with the revised plan. Engineer Knoebel indicated all the landscaping and lighting comments have been addressed. He stated YC brought up the sidewalk issues and the PC discussed this issue last month and this wasn't something the PC was going to recommend.
4. Administrative comment.
5. Administrative comment.
6. PennDOT HOP is necessary for the entrance from Route 15. - Engineer Knoebel stated this plan doesn't happen without the HOP.
7. Approval from the YCCD. - Engineer Knoebel asked Mr. Hoover if this was submitted. Mr. Hoover stated no.

8. Approval from DAA. - Engineer Knoebel indicated they would have to approve the connection going out to Baltimore Street and that requires an HOP.
9. Bonding Amount. – Engineer Knoebel stated once the plan is set the developer will do an estimate for the improvements and then the bonding amount will be established.
10. Fire Protection. – Engineer Knoebel stated the developer will have to demonstrate that they have the required notes for fire protection. Mr. Hoover indicated this size building doesn't require a sprinkler system but they did show the location of the existing fire hydrants. Engineer Knoebel asked if there was one within 600 feet. Mr. Hoover stated yes, there are two.
11. Shared Use and Maintenance Agreements. - Engineer Knoebel stated they need to have this in place.

Engineer Knoebel indicated from a PC standpoint, they don't necessarily have to act from a time standpoint this evening but by next month there will be a need to do something. He stated going back to the access issue, it sounds like everyone will be more comfortable if there is at least some feasibility analysis review and some cost figures provided to show whether it's feasible to do or not. Mr. Hoover stated he needed some guidance from the Borough as to what they are looking for; if he needs to get signoffs from Mr. Merritts indicating he is agreeable or not agreeable as well as a cost estimate. Chairman Reeves stated all of those things. Member Eurich asked if this was something PennDOT would ask for before issuing the HOP. Member Robinson indicated typically they would just look at what is proposed.

Member Eurich asked where the front of the building was. Mr. Hoover showed him the entrance on the plan. Member Eurich asked if that was what YCPC called the "front yard". Engineer Knoebel indicated this goes back to the question last month about the zoning ordinance requirement that generally in the MU-C district, YCPC is looking for parking areas to be in the rear of the building; this came about because the MU-C district is largely a little different than this lot.

Mr. Hoover stated if the PC wishes to table the plan to allow them time to gather the additional information relative to the connection of Second Street that would be fine. Mr. Hoover asked Manager Deibler if they could get the awareness letters generated so they could keep the other process moving along; that way we reach the ultimate goal in a reasonable time frame instead of waiting to make another submission in a month or two for the HOP and NPDES permits because those permits can take 60-90 days to obtain. Engineer Knoebel asked if the awareness letter could indicate that while the Borough is aware of the developer applying for the permit, you are also exploring what might be a potential option to the access from Second Street. Mr. Hoover indicated they would just like to get the process going because if PennDOT is going to have an issue with it, we need to know early on if we have to look to redesigning it and coming back out to Baltimore Street or some alternative. Manager Deibler indicated the Borough Council meets next Tuesday, June 2nd and she will make sure they discuss it.

Engineer Knoebel stated this would give the developer another month to put together the information regarding the other access and other minor issues that have to be done. Member Eurich asked how long would it take for PennDOT to respond once the HOP is applied for. Mr. Hoover stated normally there is a first round of review comments within 14 days of uploading

into the system; you might be able to get a conditional permit on something like this within 45 days.

Member Robinson moved to table the plan until next month allowing the developer time to address the comments discussed at tonight's meeting and recommend the Borough Manager to have this placed on the next Borough Council meeting for the discussion for the letters of awareness to be issued to the developer. Motion was seconded by Member Eurich. – Motion carried.

Old Business:

There was none.

New Business:

Member Eurich asked about all the material that was now at the old Therit/Fowl property. Manager Deibler stated the property is now owned by eci and the material is only there temporarily. It will be moved once they get the other lot fenced in and trees planted. They are also waiting for an answer from a possible purchaser as to where they are going from there. Member Eurich asked if that would eventually require PC input. Manager Deibler stated yes.

Adjournment: As there was no further business, Member Paul Eurich moved to adjourn at 8:12 PM. – Motion carried.



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