

MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
JANUARY 26, 2011
FEBRUARY 2, 2011 (Snow date)

The January meeting of the Dillsburg Borough Planning Commission was called to order on the above snow date at 7:32 PM. Planning Commission Members in attendance were Chairman Allen Reeves, Vice Chairman Brian Radcliffe, Joe Robinson and Leon Zeiders. Also present were Borough Engineer Mike Begis, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

Member Paul Eurich was absent.

The following visitors were present: Nathan Shuff, Jason Riggins, Fahd Malik and Bill Galdstone representing R & S Fence Company.

The first item on the agenda was the Re-Organization to Elect Officers for Chairman and Vice Chairman. Brian Radcliffe nominated Allen Reeves for Chairman. Leon Zeiders seconded the nomination. There were no other nominations. – Motion Carried.

Leon Zeiders nominated Brian Radcliffe for Vice Chairman. Joe Robinson seconded the nomination. There were no other nominations. – Motion Carried.

The second item on the agenda was the approval of the November 17, 2010 meeting minutes. Vice Chairman Radcliffe moved to approve the November 17, 2010 minutes as presented. Joe Robinson seconded the motion. – Motion carried.

The third item on the agenda was the discussion of the sketch plan from R&S Fence Company at 99 West Church Street. Manager Deibler stated it's the Willis property with the mill located on North Second Street; York County has the property listed as 99 West Church Street. Chairman Reeves asked what the address of the Dillsburg Area Authority was. Manager Deibler stated 98 West Church Street. Leon Zeiders indicated 99 West Church Street was incorrect. Chairman Reeves asked if the address could be corrected. Manager Deibler stated they would eventually, but for this meeting it's still 99 West Church Street. Mr. Zeiders asked where the 99 address came from. Manager Deibler stated she had no idea. Mr. Zeiders indicated the property is owned by Dillsburg Milling Company. Manager Deibler stated she didn't know. Chairman Reeves asked if Mr. Willis owns the property presently. Manager Deibler stated yes. Mr. Zeiders indicated according to York County, Dillsburg Milling Company is the owner on record. Manager Deibler stated Mr. Willis is the owner of Dillsburg Milling Company. Chairman Reeves asked if everyone knew where the property was located. Everyone indicated yes.

Engineer Begis stated initially when the applicants came in and spoke with the Borough Manager their intentions were to have a business with an office; basically known as a "Contractors Shop". The applicants talked with Bob Shelley and realized it would be too expensive. The application was reduced to a sketch plan. The applicants are asking if their plan would be acceptable to the Planning Commission. Engineer Begis indicated KPI has

provided a few comments regarding the plan. The first one was the applications states the proposed use as a “Contractors Shop” where the applicants narrative states the proposed use is “Storage”. Chairman Reeves asked what the property was being used for currently. Mr. Bill Gladstone stated it is being used for storage. Engineer Begis indicated the applicants are stating the storage use is an existing use. Storage units are not permitted in this area. Chairman Reeves asked what it was zoned for now. Engineer Begis stated Mixed Used (MU). Chairman Reeves stated storage is not allowed. Engineer Begis stated correct. Chairman Reeves asked what it does allow. Engineer Begis showed Chairman Reeves all that apply. Chairman Reeves asked if there was any water and sewer. Engineer Begis stated there is currently no water and sewer on the property. Vice Chairman Radcliffe asked if storage of things by definition go along with some of the others uses. Chairman Reeves indicated he felt the business comes close to being a building supplies establishment. Mr. Zeiders asked what eci’s territory is zoned. Manager Deibler stated they are zoned the same way, but they are a contractor shop. Mr. Zeiders stated they have storage. Manager Deibler indicated its still part of their contractor shop and it was grandfathered in.

Mr. Zeiders indicated according to the tax records the property is listed as class 546 and feed mill/granaries; what does this mean. Manager Deibler stated this is just a class and that is how the taxes are paid for.

Manager Deibler indicated the applicants just want to store their fencing products on the property and in the future they would like it to be a showroom/office. They would like to do it in phases due to the cost. The applicants would like to find out from the Planning Commission if they would approve them to start out with just a storage area and a few delivery trucks; there would be no customers. In the future, they would like to put an office space in and would like to know what would be required of them from the Planning Commission.

Mr. Zeiders asked what would be happening to the five buildings that are currently on the property. Mr. Gladstone introduced the applicants, Jason Riggins and Nathan Shuff who are the perspective buyers and have the property under contract. Mr. Gladstone indicated Mr. Willis had contracted with himself and Mr. Fahd Malik to sell the property, the applicants own a business called R&S Fence Company and are currently located in Carroll Township. They wanted to grow and moved out of their homes but money is an issue. Mr. Gladstone stated the environmental report came back ok; therefore there were no costs involved. He stated after talking with Bob Shelly they found out that the building according to Labor and Industry is labeled as a storage building and doesn’t have office as a component. The applicants have to decide if they want to store product at the proposed location and continue running the office from their homes; which isn’t ideal because you have storage at one place and the office at another. Connection to the sewer and water was going to cost approximately \$20,000.00. Requirement to put sidewalks in could cause a dilemma because there is a building in the right-of-way and where the sidewalks should be placed and need some direction with this issued. The cost to put the offices in and make the building ADA compliance would cost too much money. Then a land development plan would have to be submitted and the cost was too much and the deal wouldn’t work. The applicants looked at the property again and indicated they were going to put a fence up and have storage only, wasn’t going to change the stormwater, have some storage outside, the parking could be easily accommodated with the parking on site, because the lot would be

stoned and striped. Mr. Gladstone indicated in the packet that was provided there are pictures of what is being sold and a parking plan.

Mr. Zeiders asked about the pumping station and is the underground clean. Mr. Gladstone stated the environmental tests were done and came back clean. One of the applications indicated that structure would be torn down.

Chairman Reeves stated according to the engineer's review and comments the access should be limited to North Second Street. He indicated there is an official alley, Bomar Alley behind it why couldn't that be use. Engineer Begis stated Bomar Alley isn't structurally sound enough to handle delivery trucks and would make more sense to come off of North Second Street. The applicants stated the primary entrance would be off Second Street and there is enough room for the trucks to turn around and go back out onto Second Street.

Mr. Zeiders asked if there would be tractor trailer trucks making deliveries. The applicants stated no, the biggest delivery truck would be a 21 foot flat bed truck. Someone asked if they would be able to use the alley for car traffic. Mr. Zeiders stated there wouldn't be any problems to that because it is being used for car traffic currently. The applicants asked if they could have an access to Bomar Alley. Chairman Reeves indicated it would seem normal to allow the access. Manager Deibler stated there is a weight limit on the alley. Engineer Begis stated automobiles use the alley all the time and sees no issues with cars, his concern was more with the delivery trucks. Chairman Reeves asked if there are signs regarding the weight limits. Manager Deibler stated yes.

Mr. Zeiders asked about the sidewalks. Engineer Begis stated for the applicants to put in sidewalks at this point wouldn't be feasible for them because the way the buildings are sitting. There was some discussion on the buildings. Engineer Begis stated what he understood some of the buildings aren't useable and the applicants intentions are to tear them down when the funds become available. Chairman Reeves asked if all of the buildings are going to be torn down. The applicants stated no. Chairman Reeves asked about the status of the building with the roll up doors. The applicants indicated that building would be the main building and probably the only building left to be standing.

Mr. Zeiders asked if DAA owned the little alley between the two properties. Manager Deibler indicated she didn't know.

Manager Deibler indicated at this point the applicants only want to know if they can just store inventory and what the Planning Commission would want them to do just to be able to store materials. Also, give them some hints as to what they would need to do if they wanted to put in an office. Chairman Reeves indicated he personally felt the PC should be encouraging the applicants to come into the Borough and to take things one step at a time as they become more profitable. He stated he didn't see that the applicants want to do any changes from that what is already there presently. He stated it was hard for him to understand from the list of uses, storing fencing and moving it in and out of the place, would violate anything. Chairman Reeves indicated running their business would be an improvement to the site and the Borough. Vice Chairman Radcliffe and Joe Robinson indicated the agreed with the Chairman. Mr. Zeiders asked if there was any way the Borough could give the applicants as much information as they could for the money that has been paid. Manager Deibler stated if the applicants could get a general plan from the PC so they know what to do. Nathan Shuff stated basically they need one to three years to move their fencing materials onto the property and run their business as they are currently. The

employees would only be coming to the site to load the material and then take it to the job site. The future plan would depend on how profitable they would become; which in the past five years have been profitable. If they continue on the growth rate they have been, they would like to have the property up to the condition where they could have customers come to the site. Mr. Shuff stated there would be no short term changes to the property except for possibly tear down the pump building. Jason Riggins indicated they would like to place a fence around the perimeter. Mr. Shuff indicated the main building which they would be using for storage is going to be improved. He indicated the reason for them purchasing the property is to continue profiting and being able to purchase more material.

Engineer Begis indicated once the applicants come in with proposals for an office and showroom, they would have to show additional parking and put the sidewalks in. Manager Deibler asked if the applicants would tear the two older buildings down and keep the one building and get it up to code so they can have an office, would they have to do a stormwater plan. Engineer Begis stated no. Solicitor Allshouse indicated if the applicants pave the parking, they might have to.

Solicitor Allshouse indicated according to the application, it states the belief the storage is grandfathered. Both the Planning Commission and the Borough Council are going to ask what went on there and for how long, so he asked for some background information. Mr. Gladstone indicated he didn't know how long Mr. Willis owned the property. The shop was closed down from operation and now there are some vehicles and a boat stored in the building. For the last year, there hasn't been any movement. Solicitor Allshouse asked who the vehicles and boat belong to. Mr. Gladstone stated Mr. Willis. Solicitor Allshouse asked the applicants if they were intended indoor storage only. The applicants stated they would have to have some outdoor storage. Solicitor Allshouse asked what would be stored outdoor. The applicants stated steel pipe, chain link fencing and some skids of materials. Manager Deibler asked if the area would be fenced in. The applicants stated yes. Solicitor Allshouse asked if necessary would the applicants be willing to put a signage on the lot going into Bomar Alley addressing "no trucks". The applicants stated yes. Solicitor Allshouse indicated to the PC what's the possible plan of attack to take action on? He felt there is enough evidence to justify saying the storage usage is grandfathered, but this is a hurdle. Because, if there is a use change then the Borough code indicates things must occur. If there isn't a use change but a grandfather change then all the applicants need to get is a building permit to operate. The Planning Commission can place conditions on the permit if it would be acceptable to the applicants and the conditions could simply be that if the use is expanded beyond storage such as changes to the structure of the property, paving, building the addition or changing the use by becoming public accommodation at that point the applicants would be required to comply with Labor and Industry and file a land development plan. This allows the applicants to purchase the property, start operating the way in which they indicated, tear down buildings, store things outside, put up some fences, get the property, build their money and then run their business from the location. Solicitor Allshouse stated the L&I issues are going to hold you back. Mr. Gladstone stated the solicitor talked about being grandfathered for storage, but there is an office in the property that was used by Mr. Willis, a business office which would give the applicants an opportunity to move their offices out of their houses and into the building at the time they can afford it to make it more efficient to develop their profit, can that be grandfathered as part of storage.

Solicitor Allshouse indicated the applicants would have to comply with L&I; so if they grandfather the office, the applicants would have to do the improvements now. The second issue is we want a trigger, so that when it reaches a point the Borough then says OK, now the applicants have made the money and ready to take the next step, now the applicants must come in and do what is required. A “contractors office” is a permitted use, the Borough doesn’t have to worry about it because it is a permitted use.

When the land development plan is submitted, the applicants have the ability to request a waiver for the sidewalks; request for waivers are appropriate when there is a hardship. The water and sewer doesn’t have to be connected right away; if the applicants call it an office, the water and sewer needs to be connected immediately.

Solicitor Allshouse stated for just what the applicants would like to do presently, he doesn’t see any problems legally at saying this is grandfathered and issuing a permit for it. Parking is something the Borough can work with the applicants as the business expands.

The only issue that Solicitor Allshouse didn’t have an answer for was the future fees. The purpose of the \$700.00 is so that tax payers aren’t paying the experts to review a land development plan. He indicated the PC could put the issue in their recommendation to Council. Manager Deibler indicated the applicants put \$700.00 down but if the solicitor/engineer doesn’t charge the Borough the full amount; the applicants would receive a refund. Mr. Zeiders asked what could be done in round 1. Solicitor Allshouse indicated they could use the building, tear down buildings, put up fences, and do some landscaping and get the property ready to go for the next stages. The land development shouldn’t be very complex if the applicants aren’t changing the entrances and doing a lot of paving. The L&I and sewer connection is the largest expense. Tearing down buildings would help with the stormwater.

Mr. Zeiders asked what the height limits are on fences. The applicants indicated they are putting up a six foot fence which is the highest allowed. Manager Deibler stated the ordinance states six foot. Solicitor Allshouse indicated the applicants would have to go before the ZHB if they wanted to put up something higher. Solicitor Allshouse stated the PC can recommend the relief in which the applicants are asking. He indicated once the applicants want to start bringing in customers, then the PC is going to require a plan. The only other issue would be if the applicants would throw material anywhere and the property becomes an eye sore.

Mr. Gladstone asked if the applicants would put in their office in the property would that trigger a land development plan. Solicitor Allshouse stated yes. Solicitor Allshouse stated if there is only a desk in there, that’s fine; it’s when there is a phone put in and has a secretary, it then becomes a business office. The applicant asked if the office is simply a desk with a computer and a phone, would this trigger labor and industry. Solicitor Allshouse stated this would fall under Bob Shelly’s approval.

Vice Chairman Radcliffe stated since there isn’t a subdivision or land development plans, does this still have to go to Council for approval. Solicitor Allshouse stated Council would have to determine if this is grandfathered.

Vice Chairman Radcliffe indicated the PC reviewed the request from R&S Fence Company for consideration of a sketch plan on intended use of the property at 99 West Church Street in Dillsburg Borough and the PC feels after the discussion of current uses and the short term intended use by R&S Fence Company that they use as storage is currently

occurring and would be continuing and therefore recommend the Borough Council to consider this to be a grandfathered usage in this property and that the long term intended usages could expand the use beyond the storage only facility and at such time as that use would change for example setting up an office or bringing customers on site beyond the storage stage the applicants would then need to come back to the Borough with a Land Development Plan to proceed further. Motion was seconded by Leon Zeiders. Motion carried to recommend approval to Borough Council.

Old Business: There was none.

New Business:

Manager Deibler indicated there will be a media announcement at 6:30 pm on Tuesday, February 8th, at the Dillsburg Area Authority Building. The announcement is regarding some land Council would like to purchase in order to build a community park. Chairman Reeves asked where the property was located in the Borough. Manager Deibler indicated it was 5.5 acres next to Chestnut Hollow and across from the elementary school. The park would include dog parks, tot playground, community centers and a community pool. Manager Deibler would like as much support as possible to show York County the people are behind this project. Chairman Reeves asked if Council is planning on buying the land. Manager Deibler stated eventually; Council would like to get over half the money through DCNR and then some type of lease agreement with Lobar Associates.

Chairman Reeves indicated he has been told the old grocery store property was sold. Manager Deibler stated that was correct, a company by the name of MBC Development from Schuylkill Haven bought it. They also own Miller Brothers Construction and they are coming in for a meeting tomorrow, February 3, 2011 and at that point the manager hopes to know who they are developing it for. Vice Chairman Radcliffe asked if they know what they are going to do with it. Manager Deibler indicated they are going to develop at least 7,000 square foot of it and 5,000 square foot could still be leased out. She stated she visited their website and they have done different government offices and buildings, Turkey Hill Stores and Dollar General Stores. Mr. Zeiders asked if they take problem properties and develop them. Manager Deibler stated they have done some of that.

Manager Deibler indicated Panas Insurance Company would like to move their insurance company to 300 North Baltimore Street. According to the uses (R-S) they can't just have a business office but they can have a business office complex. They indicated there is a notary who is looking for an office and they could make an office for her. Their hope is to leave the house as it stands today; they might have to change the back to get handicapped in for L&I. Manager Deibler stated the ordinance states to have a business office complex, an acre of ground are needed; the property is only .88 acre. Therefore the applicants have to go before the ZHB and request a waiver for the .12 acres. Mr. Zeiders asked if the applicants plan on developing the empty lot. Manager Deibler stated no, they want to use it for a parking area. Mr. Robinson asked if the empty lot was part of the .88 acres. Manager Deibler stated yes. Mr. Zeiders asked if they would activate the alley. Manager Deibler stated as far as she is concerned, there is no alley. Chairman Reeves indicated the applicants should buy the alley and make it part of the property and as an entrance to the parking area. Manager Deibler stated all she had reference to is the Borough has a right-of-way. Mr.

Robinson indicated it's a paper street and all that would have to be done is someone to file for ownership. Mr. Zeiders stated his concern was there was too much space for just a parking area. Manager Deibler indicated the applicants were looking at having pavers. Solicitor Allshouse stated if the ZHB grants the waiver, the applicants then would have to come before the PC for a recommendation on the conditional use. Chairman Reeves asked if the property is located on a state highway. Manager Deibler indicated she told the applicants the chance of them getting an entrance way off of Baltimore Street was none. Mr. Robinson stated that was correct. Manager Deibler stated the issue is going before the ZHB and she wanted to report back to them what the PC decided. Engineer Begis indicated the applicants are only going to the ZHB for a variance on the lot size. Manager Deibler stated that was correct. She indicated the applicants couldn't come to the PC with a plan until the ZHB grants the waiver. Chairman Reeves asked if the PC thought this was a good idea. Mr. Zeiders stated the concern with the area is there is a 200 year old house worth over a million dollars sitting across the street from the proposed property; what would you like on the corner. Manager Deibler indicated what could go on the other corner could be townhouses, etc. Vice Chairman Radcliffe stated this would be a business office with traffic primarily during the day. Mr. Zeiders asked who the Cooks were. Manager Deibler stated they own half of Panas Insurance.

Joe Robinson moved to recommend to the ZHB the variance is consistent with what has been done in the past and such are in agreement with granting the variance. Motion was seconded by Vice Chairman Radcliffe. Motion carried.

Mr. Zeiders asked if the time has run out for any of the pending developments. Manager Deibler indicated the government states plans don't expires out in 2013.

Adjournment: As there was no further business, Leon Zeiders moved to adjourn at 8:51 PM. – Motion Carried.

Debbi L. Beitzel

Debbi L. Beitzel
Secretary/Treasurer

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