

MINUTES  
DILLSBURG BOROUGH PLANNING COMMISSION MEETING  
FEBRUARY 25, 2009

The February 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, Brian Radcliffe, Paul Eurich, and Joe Robinson. Also present were Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

Member Leon Zeiders was absent.

The following visitors were present: Francis McNaughton from the McNaughton Company, Bob Fisher from R. J. Fisher & Associates and Dan Schauble from CMX.

The first item on the agenda was the approval of the January 28, 2009 meeting minutes. Chairman Reeves stated on page three, in the paragraph which begins on page two and continues onto page three, it was his understanding the Dillsburg Borough Council had either notified or would notify Mr. Sealover that he could change their street (Winfield Drive) to the same width as Meadows Edge. Engineer Knoebel stated it was discussed that if Council would grant Mr. McNaughton this waiver, the offer would be made to Mr. Sealover. Chairman Reeves asked if this would be worthwhile having in the minutes. Solicitor Allshouse indicated it does state “if the Borough is willing to reconsider the width of Winfield Drive (Winfield Development), Mr. Sealover probably wouldn’t have any objections”. Chairman Reeves stated yes, but the minutes skip over the part on how we got to that point.

Chairman Reeves stated in the last paragraph, the second sentence, “Chairman Reeves stated that was the goal. He indicated another goal was to connect Range End Road to Old York Road; but when Carroll Township approved the development there wasn’t room for it”; he indicated he intended to say the exact opposite. He stated it should read “during the regional planning we did have this as one of our goals that Range End Road would be connected to Old York Road at some time to provide a route around Dillsburg and Carroll Township has set aside the land to accomplish this, right through the middle of one of the new developments.” Vice Chairman Radcliffe moved to approve the January 28, 2009 minutes with the noted corrections. Joe Robinson seconded the motion. – Motion Carried.

The second item on the agenda was the discussion of Meadows Edge. Mr. McNaughton indicated they went before Council and discussed the waivers. There were twelve waivers; five were approved, two were denied and five were deferred. Mr. McNaughton indicated he had asked the Borough Council to reconsider the two which were denied. After a lengthy discussion, the Borough Council suggested for them to come back to the Planning Commission and provide their argument for the remaining seven waiver requests and have the Planning Commission advise them of their recommendations. Vice Chairman Radcliffe asked if the two additional waivers were discussed at the February workshop meeting. Mr. McNaughton indicated they were the two which were denied by Council, one was regarding the request to place sidewalks on only one side of the street and the other request was regarding the distance from the top of a stormwater basin to an adjacent property line being less than 15 feet. Vice Chairman Radcliffe indicated he thought Mr. McNaughton had stated that at the Borough Council Meeting he asked them to reconsider two waivers that were previously denied. Mr. McNaughton stated Borough Council suggested they come back before the Planning Commission with the new information. Mr. Fisher indicated the reason for going before Borough Council was to provide additional information showing the cross-sections and provide them with the geotechnical report. He stated Borough Council understood the Planning Commission didn't have the opportunity to look at this information and therefore wanted to wait on the recommendation from the Planning Commission before making a final decision.

1a. Mr. Fisher provided the Planning Commission with a plan view of cross-sections, storm basins and rain gardens. He indicated for Rain Garden #3, within the 15 foot cross-section, there is less than one foot fill and encroaching into it by five feet; Rain Garden #2 is encroaching into it by two feet; and Rain Garden #3 there is less than one foot fill and encroaching into it by three to four feet. The plan is also showing the existing grade coming up through; the slopes are a 3:1 slope. Mr. McNaughton indicated the lots that are affected are deep and the positioning of the buildings relative to the property line is quite a distance. Chairman Reeves asked Engineer Knoebel if the fifteen foot from the property line is at the beginning of the change in slope. Mr. Knoebel stated it's the top or toe of the embankment depending on how the basin is situated with the grade. Chairman Reeves asked what the purpose was for the separation. Mr. Knoebel stated it's so someone doesn't construct an embankment directly to a property line, which an adjoining property owner might have an issue with in terms of grade changes and/or water runoff. An area for maintenance equipment to access for mowing is needed. Engineer Knoebel indicated Rain Garden #2

could be adjusted to not need a waiver. He indicated the other two are more encroaching, and suggested the developer try to meet the ordinance. Mr. Fisher stated they looked at it and re-grading the areas would push up and reduce the overall volume for infiltration in the rain gardens. Mr. Fisher indicated the reason for the encroachment is because of the kink in the property line and the kink is what causes the encroachment. He indicated they could kink the pond in and meet the ordinance; however it would be difficult to build. He stated in this particular case there is still enough room to get by to maintain the storm basins. The slope is a 3:1 slope and is able to be mowed. Engineer Knoebel asked Borough Manager Deibler if Council was OK with this. She indicated there was no question; the Council stated more information was needed. Engineer Knoebel asked from a standpoint of not modifying the volume of the basin but adjusting the slope, would that make it exceed 3:1. Mr. Fisher stated yes. Vice Chairman Radcliffe stated from his point of view he didn't see any issues as opposed to some of the other slopes situations that need to be resolved. Mr. Fisher stated if the Planning Commission would prefer they could put in a slightly deeper slope and meet the fifteen foot requirement. Engineer Knoebel stated that wouldn't work. Vice Chairman Radcliffe indicated he thought Council would be more concerned with the slope and staying within the 3:1 slope, than meeting the fifteen foot requirement. Engineer Knoebel stated the car wash, the auto store and also Mr. Gochenaur properties directly adjoin the basins and the concern of Council was does Mr. Gochenaur have an issue with this and down the road would they have justification why the waiver was granted. Engineer Knoebel asked Mr. McNaughton if he thought he could get a concurrence with Mr. Gochenaur stating he doesn't have an issue with this. He indicated if this would be able to be obtained, he felt Council wouldn't have any concerns. Engineer Knoebel stated he feels the Planning Commission concurs this isn't a substantial issue but Council's concern is with the adjoining property owners having any issues with this. Mr. Fisher stated they could reduce the volumes and put a kink in the slope. There was discussion regarding who the adjoining property owners were. Vice Chairman Radcliffe asked if Council suggested getting release forms. Engineer Knoebel indicated they suggested it based on the concerns. Chairman Reeves indicated it would be preferable if they could get it; the next step would then be to adjust the slope if the developer couldn't obtain the releases. Mr. Fisher asked if the Planning Commission was just referring to the Rain Garden #3. Engineer Knoebel stated no, he didn't think it would be acceptable to get a release for one and not the others. Manager Deibler stated Council is very concerned about the neighboring properties. Mr. Fisher and Mr. McNaughton indicated they could modify the one and would try to get

releases for the others; they had a discussion among themselves regarding what their options were.

1b. Minimum pipe size; to allow the use of a twelve inch pipe instead of a fifteen inch pipe. Mr. Fisher indicated they have revised the pipe design as requested but still need to use a twelve inch pipe due to it being very close to the surface of the blacktop. He indicated they are planning on putting in a twelve inch pipe and encasing a portion of it with concrete. Engineer Knoebel stated they had a couple of comments on this issue but ultimately they would recommend this waiver; waiting on some answers to questions first.

2. Mr. Fisher indicated item #2 deals with allowing the private streets and the width of the cartways for the private streets and Winfield Drive. He stated these items were discussed with the Planning Commission and Borough Council in great lengths. He stated their main take is a safety issue. He stated there was a speed study done on Gettysburg Street; Gettysburg Street is a 34 foot paved street, reducing down to 20 feet with a speed limit of 25mph posted and the average speeds approached 50mph. Mr. Fisher indicated if people are driving 50mph down a 34 foot street; with a 40 foot road they will go 60mph. He stated they had presented the information from the Pennsylvania Standards for Residential Site Developments; street widths for collector streets are 26 foot. He stated they are proposing a 34 foot cartway and feel it's more than adequate for Winfield Drive considering there is no parking on either side. He stated on the private roads they are proposing a 28 foot paved road. Engineer Knoebel indicated last month they discussed both the private streets and the cartway width and the concern with the Planning Commission and Borough Council was both developments should be the same as far as width; Winfield Development proposes a 30 foot cartway and Meadows Edge proposes a 28 foot cartway. He continued there was a lot of effort put into coming up with the 30 foot cartway width. Mr. Fisher indicated there was also a lot of effort in putting the Pennsylvania Standards for Residential Site Developments manual together. He understands there was some time put into the determination for the width of private streets in the Winfield Development, but the PSRSD manual is recommending a 26 foot cartway width for a residential collector road and feels a 28 foot cartway width is adequate. Vice Chairman Radcliffe indicated he was involved with the discussions with the fire company and with the dimension of the fire apparatus they stated they would need a 30 foot cartway. Engineer Knoebel indicated this is what has been discussed since the plan was submitted. Mr. Fisher stated in addition there would be slant curbing and the sidewalk immediately adjacent to it. Solicitor Allshouse stated so does the Winfield Development, and the fire personnel indicated they could place the bracing of the

fire apparatus on the sidewalks and could go over the slant curbs, but to have two pieces of apparatus and an ambulance free to move in and out they needed 30 feet. Solicitor Allshouse stated this has been recorded and the Planning Commission's requirement is to make consistent continuous continuity in future planning. He indicated they started out months ago stating 30 feet; Council isn't going to change it because they know what their fire chief, fire company, and the specific piece of equipment needs. Mr. Fisher asked if the width of Winfield Drive was allowed to be 34 foot; he stated there will be no parking on it. He also indicated there will probably be some high speeds which would become a major safety issue. Solicitor Allshouse asked if a copy of the speed study was provided. Mr. Fisher stated yes; it was part of the traffic study. Chairman Reeves stated it was his understanding the Borough Council would be willing to accept the 34 foot cartway and willing to offer Mr. Sealover the same option.

2d. Geotechnical Report – Mr. Fisher stated the geotechnical report has been submitted which primarily is concerned with fill slopes, which is a critical piece to the whole development. He indicated numerous revisions and additions of it and part of the goal was to balance the overall earthwork. Mr. Fisher was referring to the map and indicated Dan Schauble of CMX was present to discuss the study. Engineer Knoebel stated he recognized this was a difficult task to make the plan work and certainly the best version of the site plan; the lessening of Winfield Drive should help. He indicated prior to getting to this point they asked the developer to put in some different drainage features and were more than willing to comply. They made sure the roof water was tied into a pipe system as opposed to running down the bank and there was a swale at the toe of the slope to catch the rain fall water and put into the pipe system so it wouldn't run out onto the sidewalks or streets. Mr. Knoebel indicated last month there was a discussion to have a geotechnical engineer look at the plan, because of all the concerns, especially from Council; we didn't know the developer was in the process of doing this. Mr. Knoebel stated they hadn't reviewed the report as of tonight's meeting. Mr. Schauble indicated at the time of the Council meeting they had just finished the study and hadn't concluded the analysis. He stated they did complete test pits in areas of the site; one where the cut and fill slopes were being proposed and also cut areas of the site according to the grading plan where the fill would be taken from for construction of the proposed fill slopes. There were a series of test pits that were excavated down to the bedrock surface and retained soil for laboratory analysis in order to come up with the engineering criteria of those materials. Mr. Schauble stated their findings are that these slopes are constructed with the on-site soils and are acceptable with construction and

engineering standards. They calculated the proposed 2:1 slopes have adequate factors of safety. Engineer Knoebel asked if there would be any benefit to putting in a retaining wall. Mr. Schauble stated no, because there is a proposed 2:1 slope, which works and putting in a retaining wall would add excess cost to the project. Engineer Knoebel stated if Council is going to work toward granting this waiver there will be some conditions place on it; like some oversight during construction. Mr. Knoebel indicated to Mr. Fisher that he knew he had received the report dated December 31, 2008 with the suggested conditions Council would be favorable to.

Mr. Fisher indicated the rest of the items from KPI's letter dated February 23, 2009 are still being worked on.

Mr. Fisher asked if there were any other concerns the Planning Commission might have. Engineer Knoebel asked about the fence around basin #1. Mr. Fisher indicated the fence would be a minimum of four foot high and they proposed a planted hedge row. He asked if a split rail fence with screening would be acceptable. Engineer Knoebel indicated the slope is right next to the back of the units and the concern is safety. Mr. Fisher asked if there was something else the Planning Commission was looking for. Engineer Knoebel stated the fence extends only back of the units and you should be able to see through the fence because the idea of putting a barrier there and not being able to see through it doesn't help with the safety concerns. He stated the Planning Commission should consider whether or not the fence should go the whole way around the basin or just between the units and the slope. Mr. Fisher indicated there is an access drive for maintenance and the barrier will go up to the access drive. Vice Chairman Radcliffe asked if the barrier could be extended over more closer to building eight. Mr. Fisher didn't see any problems with the extension. Engineer Knoebel indicated the issue with the fence is; does it provide enough safety. He stated the developer has done a lot to address the safety concerns but feels you should be able to see through the fence; the hedge row isn't acceptable. Mr. Fisher stated they will remove the hedge row. Mr. Knoebel stated the idea of a split rail fence with mesh on it, would be acceptable.

Engineer Knoebel asked what the status with the sewage capacity was. Mr. Fisher indicated the last conversation with Mr. Williams there weren't any problems.

Engineer Knoebel asked if the plan was going to be in phases. Mr. Fisher indicated there are two phases. Mr. Knoebel asked if the sewage module would be submitted with Phase one. Mr. McNaughton indicated they would have to see how much capacity the

Authority has and then make a determination. Mr. Fisher stated it was his understanding there was a lot of capacity left.

Engineer Knoebel stated more of the comments should be worked out before requesting approval with conditions from the Planning Commission.

Vice Chairman Radcliffe stated he would like to see the changes and have a resubmission of the waivers and their status. Mr. Fisher indicated they haven't really changed. Mr. Knoebel stated the developer should consider going back and adjusting the plan or moving forward with the waiver for the private streets being 28 foot wide. He indicated if the private streets were adjusted to 30 feet, the waiver would probably be acted on favorably. He stated the slant curb waiver would be granted or denied at the same time. Mr. Knoebel indicated there wouldn't be any changes to the cartway width of Winfield Drive. He stated the developer should modify the one rain garden to meet the requirements in order to eliminate that waiver and explore the other basins to eliminate those waivers. Mr. Knoebel indicated the comments from CMX would be forthcoming. Mr. Fisher stated he was hearing they would have to come back before the Planning Commission next month. Engineer Knoebel stated that was correct. Vice Chairman Radcliffe indicated it would be very helpful if there was a resubmission of the waivers and the justifications.

Mr. Eurich asked what happen to the storm basin that was in the middle of the units. Mr. Fisher stated it was moved. Mr. Eurich asked what the difference would be in the appearance. Mr. Fisher referred to the plans. Manager Deibler asked what Carroll Township's engineer thoughts were regarding the moving of the storm basin. Mr. Fisher stated they would have to go back to Carroll Township for approval.

Solicitor Allshouse indicated the Community HOA documents were submitted and accurate. He indicated he responded on December 1<sup>st</sup> and hasn't heard anything back as of yet. He stated they should consider KPI's comment #10, maintenance of the access drive and emergency gate and also comment #13, the maintenance of the fence around basin #1 from letter dated February 23, 2009.

Mr. Eurich asked why there were changes from the last plan in the site data (#13, #14) information. Mr. Fisher indicated originally they had requested a narrower right-of-way and had moved Winfield Drive over approximately five feet.

Mr. McNaughton provided and reviewed a fiscal impact analysis with the Planning Commission.

Mr. McNaughton indicated they will try to get the releases and modify the plan for next month.

Vice Chairman Radcliffe moved to table the plan pending continue review and addressing comments from tonight's meeting and KPI's letter dated February 23, 2009. Paul Eurich seconded the motion. – Motion carried.

**Old Business:** Paul Eurich asked what the status was on the Mikos' plans. Manager Deibler indicated the wrong plans were submitted and she continues to wait for the correct plans.

**New Business:** Manager Deibler indicated there are no new updates on the Winfield development and the Planning Commission would have to vote on the plans in April.

**Adjournment:** As there was no further business, Joe Robinson moved to adjourn at 8:50 PM. – Motion Carried.

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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