

MINUTES  
DILLSBURG BOROUGH PLANNING COMMISSION MEETING  
MARCH 24, 2010

The March meeting of the Dillsburg Borough Planning Commission was called to order on the above date at 7:34 PM. Planning Commission Members in attendance were Chairman Allen Reeves, Vice Chairman Brian Radcliffe, Paul Eurich and Leon Zeiders. Also present were Borough Engineer Tim Knoebel, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

Member Joe Robinson and Borough Solicitor Mark Allshouse were absent.

The following visitor was present: Mitchell Kemp from Lobar Engineering.

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

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

The second item on the agenda was the approval of the November 18, 2009 meeting minutes. Leon Zeiders indicated on page one, under #4, the fifth line down, the sentence beginning with “He indicated they are at the process where they have a consultant looking at the three neighboring properties” he suggested deleting “are at the process where they” from the sentence. Vice Chairman Radcliffe moved to approve the November 18, 2009 minutes with correction noted. Paul Eurich seconded the motion. – Motion Carried.

The third item on the agenda was the discussion of Ironwoods Minor Subdivision Plan. Engineer Knoebel indicated his understanding was this plan was essentially to go back and simplify their process for moving forward with this project whereby they are taking and creating Parcel A which is entirely in the Dillsburg Borough. Chairman Reeves asked if this was the only part in the Dillsburg Borough. Mr. Knoebel stated yes. He stated Parcel B which comprises Phases 1-4 of the Ironwood Project, that was previously put forward and Parcel C which is the balance and is shown to be developed down the road; the basis for this was some studies that would have been required to continue forward with the project that involved a portion of Parcel C caused them to go back and redo the schedule in order to present Phases 1-4 as a unit in itself so when they want to move forward Parcel C could be accepted out for later development. Parcel A is what is before the Planning Commission tonight. The purpose of this meeting is to subdivide Parcel A into a separate lot. Mr. Knoebel stated in the prior plan there were no building lots within the Dillsburg Borough. However, with the current plan there is potentially a future lot that could be developed in Dillsburg Borough. Paul Eurich asked if the plan had been presented previously to either Council or the Planning Commission. Engineer Knoebel stated the Planning Commission didn't review it because there was no building lots only a portion of a recreation lot that didn't have any improvements on it and a portion of a walking trail. Mr. Eurich indicated it

implied the Borough had previously approved the plan. Mr. Knoebel indicated only the Borough would have to sign on a subdivision before it would be recorded because a portion of the property is in the Borough, but it wasn't necessitated because there wasn't technically much to look at. Manager Deibler indicated the Borough was going to have to look at the first plan, and then everything was put on hold because the developer was thinking about subdividing it. Vice Chairman Radcliffe stated Carroll Township approved the preliminary plan with conditions. Mr. Kemp stated that was correct and some of the conditions still need to be met and the others conditions warranted the change for monetary reasons. Mr. Kemp indicated Navarro and Wright did the original subdivision and they would have a better understanding of the plan progressed with Carroll Township and the Borough. He stated it was his understanding that Navarro & Wright talked with the Borough and were told the Borough felt their review and approval wasn't necessary. Chairman Reeves asked when this was. Mr. Kemp stated the original submission was April of 2008. Engineer Knoebel indicated a portion of the homeowners association lot is the only thing in the Borough. He indicated they did review the original plan; the council had a concern over making any sidewalk that was being proposed to extend to the edge of the property on the Borough's side. Mr. Knoebel stated the plan never did come to the Borough to sign because conditionally approving a plan with numerous conditions means you wait until those conditions are met before any signatures go on the plan. He indicated the new plan will to some extent supersede the prior plan; especially for the Borough because its changes the nature of what's going on in the Borough to the extent it does necessitate the Borough actively review the plan. Mr. Eurich asked if Parcel A could be used for building. Engineering Knoebel stated that is the developer's intention. Mr. Kemp stated for the time being they have no idea what the property could or couldn't be used for, but from Lobar's perspective they are holding this large property in a very difficulty economy and they just want to try to make the best of the property. Mr. Eurich asked when Parcel B was anticipated to be developed. Mr. Kemp stated as soon as they can get approval on the first final plan for phase 1. Engineer Knoebel asked what the little portion in Phase 1 was. Mr. Kemp indicated it was a retention pond warranted by Christy Drive. Mr. Knoebel asked if Phase 1 consisted of 25 plus lots. Mr. Kemp stated yes. Mr. Kemp stated the issue regarding the sidewalks and curbs continuing down across the Borough connecting to Chestnut Hollow Lane; this is something shown on the HOP plan which is currently being reviewed by PennDOT. Engineer Knoebel asked in order to do Phase 1 do the sidewalks and curbing have to be installed all the way out. Mr. Kemp stated yes, Carroll Township is holding them to the same standards as Windy Heights (they had to do all their roadway improvements first). Engineer Knoebel asked when the developer gets the HOP permit is the access to Phase 3 being put in at the same time. Mr. Kemp stated yes. Mr. Kemp indicated he reviewed KPI's comments and also York County Planning Commission's comments and didn't have any issues with them. Mr. Kemp addressed one concern regarding providing sanitation sewer service and water service to Parcel A. He indicated the overall development sanitation system is being connected at Montassere Drive and they would extend the easement off of Joel Drive over to Parcel A in order to get service to it. The developer couldn't do anything to Parcel A until Joel Drive is completed. Vice Chairman Radcliffe asked if Parcel A was separately sold wouldn't the developer have to tie in the water and sewer some other way. Mr. Kemp stated no, the sewer coming through is

within the easements or the future public right-of-way. Engineer Knoebel asked if the developer was asking this to be a final plan. Mr. Kemp stated yes. Manager Deibler indicated a waiver request was received. Engineer Knoebel asked how issues related to the sewage planning would be handled. Mr. Kemp stated the sewer module has been approved for the entire capacity. Engineer Knoebel asked if the developer has an agreement with DAA. Mr. Kemp stated yes. Vice Chairman Radcliffe indicated he didn't think Ironwood had reserved capacity or paid the plant upgrade funding. Mr. Kemp stated he thought they did but would check it out. He indicated as part of the Ironwood project a separate sanitary sewage for the Dillsburg Authority is off of the site of Fisher Run interception and pump station and will be tied in with this development.

Engineer Knoebel went over the comments strictly pertaining to Parcel A.

1. He suggested it would be helpful to show the building setback lines on the plan.
2. He suggested there needs to be a clear explanation as to what this plan was trying to accomplish and make it more understandable related to Parcel A. He also indicated some notation on the plan that prior to the development of Parcel A that a land development plan as applicable and meeting the requirements of Dillsburg Borough must be submitted to the Borough; the note also should reference that any future proposed use on the Parcel A must be in conformance with applicable zoning ordinances.
3. The YCPC comments were received.
4. He indicated the related certifications and acknowledgements that are normally on plan reviews.
5. He stated the Borough Ordinance does allow the developer to ask for a waiver but they need to send in a request, which they have now done.
6. He indicated his concern was the status of what approvals were given previously for Parcel A. Parcel A was part of the recreational plan and must demonstrate that it's acceptable to modify the prior recreation lot with creation of Parcel A. Mr. Kemp stated he went back and summed everything up and looking at the Carroll Township ordinance, 40% open space is required, which is about 44 acres and Parcel B is at 53.8 acres. Engineer Knoebel asked if this would be noted on the plan. Mr. Kemp stated yes. Mr. Zeiders asked what the zoning was for Parcel A. Engineer Knoebel told him it was on the plan as RS. Engineer Knoebel indicated if a house is put on Parcel A, the developer wouldn't have to do a land development plan, just a site plan showing the grading and stormwater.
- 7/9. He stated they show Fishers Run going through and there is a flood plain associated with Fishers Run. He stated all the existing features are actually shown on the large set of plans and it would make sense from the Borough's standpoint if the developer could provide the information that leads onto the Borough's part on this plan. He indicated when the plan is done it should satisfy the Borough.

8. He stated because this does create a lot that could be used in the borough, we would like to see the ability to access this lot. Mr. Kemp indicated he was out and took some site distance information.
10. He asked if the approval could be shown for the sewage planning and provides documentation how the sewer would get there.
11. He indicated they talked about requiring a sidewalk and curbs along the front of the property, which is being taken care of.
12. He indicated if it's going to be a final plan the corners need to be marked on the Borough's portion.
13. He stated the plan has to be submitted to Carroll Township.

Mr. Zeiders asked on #11 how the sidewalks would be installed. Mr. Kemp stated he would have to check the HOP.

Mr. Eurich asked if it's anticipated to build one house on Parcel A. Mr. Kemp stated there are no plans as of yet. Mr. Eurich indicated Parcel A had been chopped out of the rest of the plan to make it easier to get started with Phase 1 by not including any details for Parcel A. Mr. Kemp stated Parcel A was broken out earlier in the process. The reason it's being sectioned off is because when it's developed only one municipality would be involved. Chairman Reeves indicated there is plenty of potential for Parcel A, it is just an odd shape. Mr. Zeiders asked how much is left once the flood plain is put in. Mr. Kemp stated he didn't know but probably approximately 2.5 acres would be able to be used.

Engineer Knoebel indicated on page three of the YCPC comments; #9 for the Dillsburg Borough zoning they would like to have the proposed use stated and on the zoning information table there was a discrepancy instead of square footage it should be 65 feet.

10. He indicated the developer must ask for a waiver for the preliminary plan.
11. He indicated they are covered with this.
12. He stated the YCPC is looking for the same features the Borough is requesting. There is a storm drain pipe and the YCPC feels an easement should be necessary. Engineer Knoebel asked if the water cut across the property. Mr. Kemp the pipe comes across the right hand side of Joel Drive and pipes over brought down parallel to the municipal boundary line.

Vice Chairman Radcliffe stated there isn't much there if the items could be put into a revised plan and received by the Borough for the council meeting, we could conditionally recommend approval as long as the engineer's and York County comments are met and that a revised plan be resubmitted by April 1<sup>st</sup>. Mr. Kemp stated this wouldn't be a problem. Engineer Knoebel stated he was going to make sure before Council votes on the plan that everything is taken care of.

Mr. Zeiders indicated under the general notes, there were two number eights. Mr. Kemp agreed. Mr. Zeiders asked when you're spending a lot of money; he didn't understand why the comment "this survey was performed without the benefit of a title search" would even be a note. Mr. Kemp stated his office didn't do the survey. Engineer Knoebel indicated this comment and procedure isn't uncommon. Mr. Zeiders stated with the

magnitude of this project, the Borough can't afford a mistake. Mr. Kemp stated he wouldn't disagree with Mr. Zeiders.

Mr. Zeiders asked who the owner was of this property. Mr. Eurich stated Hershey Command Center Associates LLC. Mr. Zeiders asked who they were. Mr. Kemp stated he wasn't sure where the name came from, it's ultimately Lobar Associates. He said the name was used on another subdivision plan which Lobar Associates and Lobar Properties were involved with in West Hanover Township, Dauphin County. It is just a DBA name to keep financial records separated to some extent. Mr. Zeiders asked who the person in charge of this project was. Mr. Kemp stated Lee Eichleberger. Mr. Zeiders indicated that isn't what he said he stated someone else responded. Mr. Kemp stated it was Jeff Geesaman. Mr. Zeiders asked who he was. Mr. Kemp stated he is the Senior Vice President of Lobar Properties. Manager Deibler stated he is also in charge of the Borough's streetscape project and Lee is his boss.

Mr. Zeiders asked about the boundary line between Parcel B and Parcel C and what happens when you get to the hole. Mr. Kemp stated the reason it was done that way was because Joel Drive continued up around to connect to the other Joel Drive; the developer doesn't know what is going to happen to Parcel B because of the cost associated with the mine explorations. However, if someone else wants to buy the property or if the economy changes and it comes more feasible, the development could just continue and connect the road. Mr. Zeiders asked if this was a legit boundary drawing. Mr. Kemp stated yes.

Mr. Zeiders asked about the comment "Old York Road, right-of-way width varies", how can that be if a new road is being built. Mr. Kemp stated you'd have to check with PennDOT on that.

Vice Chairman Radcliffe moved to recommend the Borough Council approval the waiver of preliminary plan and accept the Ironwood Subdivision Plan as a Minor Subdivision Plan. Paul Eurich seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved if the Borough Council approves the waiver request of the Final Preliminary Plan the Planning Commission recommends approval of the Final Plan for the Ironwood Development Subdivision Parcel A subject to the developer meeting all the conditions and additions to the plan as outlined in the Borough Engineer's letter dated March 19, 2010 and the York County Planning Commission's letter dated March 12, 2010 and the developer submits to the Borough a revised plan with the engineer's information included by no later than April 1, 2010 in order to be considered at the Borough Council Committee meeting. Leon Zeiders seconded the motion. – Motion carried.

Chairman Reeves indicated Vice Chairman Radcliffe was the PC representative to report at the Borough Council meeting in April. Vice Chairman Radcliffe indicated he had a problem with that date. Mr. Zeiders stated he would make the report.

### **Old Business:**

Mr. Eurich asked if Winfield had met all their conditions yet. Manager Deibler stated Council approved everything with conditions and the developer has two years to have the plan signed. Vice Chairman Radcliffe stated Meadows Edge plan was approved. Engineer Knoebel stated the one lot was approved. Manager Deibler stated they got the preliminary plan approved with conditions and the Borough hasn't gotten anything from them yet. Engineer Knoebel stated he didn't get a sense that Winfield was charging ahead

because the engineer hadn't gotten back to him. The Winfield engineer stated they are still waiting on PennDOT and waiting for something from Mr. Sealover. Vice Chairman Radcliffe indicated maybe they were looking to sell the property now that they have preliminary approval. Engineer Knoebel stated they have final approval for phase 1. He thinks that anyone is looking to sell anything if they have a buyer and get something back from it. He heard there were some issues with the estate of the Winfield property. Engineer Knoebel stated there isn't much moving forward because of money issues.

Vice Chairman Radcliffe indicated that is why Ironwood is so interesting because they are moving forward. Engineer Knoebel stated he will see how fast they move. Mr. Zeiders indicated they are going to sell part of it and hope they sell enough to pay for what they got. Chairman Reeves stated it would seem to him that it would be very costly to hold onto property for years. Vice Chairman Radcliffe indicated he should provide a sheet from DAA showing all the developments that have been brought to the authority which gives the status of the capacity that was reserved or not reserved. Engineer Knoebel stated he was surprised to hear that Ironwood had already reserved capacity. Vice Chairman Radcliffe indicated it cost a lot of money to reserve capacity and if the module has been approved they would have to have reserved capacity in order to get approval. Mr. Zeiders stated the developer said he had 300 reserved. Vice Chairman Radcliffe indicated the capacity reservation is a monthly fee and then there is the plant upgrade fee.

Vice Chairman Radcliffe provided the Planning Commission with an update on the Dillsburg Area Authority's plant upgrade improvements.

**New Business:** There was none.

**Adjournment:** As there was no further business, Leon Zeiders moved to adjourn at 8:34 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