

MINUTES  
DILLSBURG BOROUGH PLANNING COMMISSION MEETING  
MARCH 25, 2009

The March 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 Leon Zeiders. Also present were Borough Engineer Tim Knoebel and Borough Secretary/Treasurer Debbi Beitzel.

Member Joe Robinson, Borough Solicitor Mark Allshouse and Borough Manager Karen Deibler were absent.

The following visitors were present: Francis and Joel McNaughton from the McNaughton Company and Tom Scully from R. J. Fisher & Associates.

The first item on the agenda was the approval of the February 25, 2009 meeting minutes. Leon Zeiders moved to approve the February 25, 2009 minutes as presented. Vice Chairman Radcliffe seconded the motion. – Motion Carried.

The second item on the agenda was the discussion of Meadows Edge. Mr. McNaughton indicated the design of the plan provided for several waivers and a letter dated March 4, 2009 was provided summarizing each of the waivers. He stated they have complied with the requests from the Planning Commission and the Borough Engineer and are looking for a response that would be considered favorable. Engineer Knoebel indicated there were several waiver requests that are now not applicable. He indicated the developer has adjusted the retention ponds and the separations between the ponds and the property line making the waivers not necessary. Engineer Knoebel stated the private streets width was discussed at the last meeting and the Planning Commission recommended the width be similar to what was allowed in the Winfield Development; the developer has revised the plan to reflect this. Mr. Knoebel indicated the waivers left have already been discussed in detail.

Mr. Knoebel updated the Planning Commission on the geotechnical report and the investigation done on the slopes. He indicated Dan Schauble from CMX gave a presentation of his study at the last meeting. He stated since the last meeting they had the study reviewed and a copy of the review was provided along with the comments. Mr. Knoebel indicated there wasn't anything the developer wouldn't be able to take care of. He indicated if the Planning Commission would be inclined to grant this waiver, there are specific recommendations for conditions to be made with this and referencing them back to the letter dated December 31, 2008.

Mr. Knoebel stated the most important item should be dealing with the waiver requests because they are paramount to the plan. After the PC makes recommendations, the Borough Council would have to ultimately decide on the waivers; the plan itself is dependent upon having the waivers approved. The layout regarding the slopes and how things are laid out depends on the waivers.

Mr. Knoebel stated beyond the waivers, the following are left to do:

#4 – Sewage planning approval – Mr. Knoebel stated he wasn't sure the status of this and asked Vice Chairman Radcliffe if the Authority has seen this yet. Vice Chairman Radcliffe indicated according to Mr. Williams nothing has been submitted. Vice Chairman Radcliffe asked Mr. McNaughton if anything has been submitted. Mr. McNaughton stated "no" but indicated they have spoken with Mr. Williams and there aren't any issues regarding the capacity. Vice Chairman Radcliffe asked if the sewer module had to be submitted. Mr. McNaughton stated it doesn't have to be. Engineer Knoebel asked if DAA has looked at the layout of the plan. Mr. McNaughton stated yes. He stated there are certain commitments needed to be made and that requires money, if you don't have a plan it doesn't make sense to do certain things. He feels they first need to get the preliminary plan approved before moving forward with the sewer module or the E&S Plan. Engineer Knoebel indicated the module and the review of the design would be at the developer's risk.

#5 – E&S plan – Engineer Knoebel asked Mr. McNaughton if the plan was submitted to York County. Mr. McNaughton stated no. Mr. Scully stated they had a meeting with them and it resulted in adding another rain garden. Engineer Knoebel stated he hope the developer had met with them enough to feel confident their design won't change to the extent the plan layout changes.

#6 – Stormwater Management plan by Carroll Township – Engineer Knoebel indicated their concern was a portion of the site drains down through something they have control over approving. Mr. McNaughton stated there is so little in Carroll Township and no sense getting their approval without an approved plan by the Dillsburg Borough. Mr. Knoebel stated it was his understanding Carroll Township won't issue any approvals until they see what Dillsburg Borough does. Mr. Scully indicated there was a short list of comments and no major items left.

#7 – Traffic Impact Study – Engineer Knoebel stated the last comments from their traffic engineer weren't substantial and asked the developer if they had been addressed. Mr. McNaughton stated he thought they had been addressed. He stated there was a question regarding what it meant when there are cars traveling at a certain speed, and then doing the calculations to get certain percentiles. The exception noted by the reviewer for the Borough was they couldn't find any basis to support this; the Penn DOT's studies wouldn't suggest this is a method for calculation. Joel McNaughton stated there was concern about vehicles traveling in groups. He stated if there were a group of five cars coming down the street whether or not this is an accurate determination of the 85<sup>th</sup> percentile speed. He stated their traffic engineer response was the study they did was in accordance to Penn DOT 212. Engineer Knoebel indicated someone needs to discuss this with Jim Colson. Engineer Knoebel indicated this comment will remain open until the response is looked into.

#8 – Access – Engineer Knoebel indicated the concern is there is only one access to the development without the connection to Winfield. He stated the preliminary plan covers the entire development, and then what will happen is the developer will come in with a Final Plan for Phase 1. Phase 1 shows the access into the development off of Gettysburg Street up to just past the first private access (Drive A). He stated Phase 1 appears to be fine, because it has a limited number of units and it does have an emergency access. Mr. Knoebel asked the developer what he thought about having a preliminary plan with a condition on it stating the second means of access needs to be provided prior to final approval of Phase 2. Mr. McNaughton stated they would prefer not do to this, because they believe they have a

second access on the plan. The second access is an accommodation in Phase 1 and understands the connection is considered to be a sub-standard street, but it is the second access. Engineer Knoebel indicated the concern is if something would happen, some of the units would be isolated. Mr. McNaughton stated the streets are very wide and no parking is allowed on either side. Chairman Reeves stated if Winfield was connected and there would be a problem at the end of Private Access Drive B, those units would be isolated as well. Engineer Knoebel stated this would be at PC's discretion. Vice Chairman Radcliffe asked if a turnaround loop was going to be built at the end of Winfield Drive until such time the Winfield Development is available. Engineer Knoebel stated the details would have to get worked out at the time of Phase 2. Vice Chairman Radcliffe asked if there was enough radius for an emergency truck to turn around. Mr. Knoebel stated the plan shows it to be paved at 80 feet and if needed it could be paved at 100 feet.

#9 – Various Permits – Engineer Knoebel stated this is something the developer would obtain with their Erosion Control Plan and wetland permits.

#10 – Emergency Access – Engineer Knoebel stating there are some loose ends surrounding the gate on the emergency access at West Hanover Street and will reserve the comment until this get resolved.

#### #11 – Utility Plans

a. Engineer Knoebel indicated DAA needs to review and comment on the plans; some modifications made be needed.

b. Engineer Knoebel indicated the verification of sewer and water capacity is available.

c. Engineer Knoebel indicated any comments from DAA's engineer would need to be addressed.

d. Engineer Knoebel indicated the fire hydrant types and locations should be confirmed with DAA and the local fire company. Vice Chairman Radcliffe asked if this would be OK to push this to the Final Plan. Engineer Knoebel stated it would be up to the Planning Commission.

e. Engineer Knoebel indicated DAA's engineer would have the final say on this but it would make sense for the water line that is shown dead ended at the end of West Hanover Street be continued through and connected at Second Street to make a loop. Vice Chairman Radcliffe stated DAA's requirements are to loop the system.

f. Engineer Knoebel indicated some of the sanitary sewer lines have a high slope to them and may require anchoring.

Mr. Knoebel indicated the capacity issue is understandable and in order to guarantee capacity and received commitment from DAA the developer has to make substantial financial payments. He stated it seems reasonable and would be difficult to require the developer to do this before they have their preliminary plan approval from the Borough. Mr. Zeiders asked if the developer would be able to build anything. Mr. Knoebel stated no, this would be at the risk of the developer. Vice Chairman Radcliffe indicated the Planning Commission would need special conditions in the recommendation for approval which would acknowledge the fact the risk is being borne by the developer that nothing has been proposed to DAA and approving the preliminary plan isn't approving the design for the water and sewer system. Engineer Knoebel stated this remark applies to everything in the

letter. Mr. McNaughton stated they understood this was only a conditional approval and we would have to satisfy the conditions.

Mr. Knoebel indicated the things related to the design and fire hydrants could be accomplished now although if DAA's engineers aren't going to review the plan until financial commitment is made, the developer wouldn't get very far.

#12 – Stormwater –

a. Engineer Knoebel referred to the piping system being put in from Winfield Drive down to the intersection of Chalet Avenue and Gettysburg Street; a calculation was asked to be done comparing the capacity of the 12 inch pipe to the 15 inch pipe coming into it, which wasn't done. Mr. Scully asked where there was a 15 inch pipe coming into. Engineer Knoebel stated on the profile. Mr. Scully stated they all should be 12 inch. Mr. Knoebel stated they shouldn't be 12 inch and if they are they need to be changed to 15 inch; the only one that is 12 inches is the one along Gettysburg Street. Mr. Scully stated the profile shows the system being 12 inches and doesn't have a 15 inch going into a 12 inch pipe. Engineer Knoebel stated they needed to be 15 inches. Mr. Knoebel indicated it was his understanding a waiver was requested because of the cover limitations, which didn't exist on Winfield Drive. Mr. Knoebel referred to the profile on page eight. Mr. Scully stated he was correct and this would be changed. Mr. Knoebel asked regarding the 12 inch pipe; how much of an issue there is in terms of its capacity and is there a need to put in an elliptical pipe. Mr. Scully indicated they would use an elliptical and wouldn't need the waiver.

b. Engineer Knoebel indicated this was a technical comment and asked Mr. Scully if he understood the comment. Mr. Scully stated he understood.

c. Engineer Knoebel indicated it would make sense to get rid of the grass strip.

d. Engineer Knoebel indicated the existing hand rail should be replaced or restored.

#13 – Rain Gardens – Engineer Knoebel indicated this was new on the plan. Mr. Scully stated it's a small retention area about one foot deep with some grass; the Conservation District likes to have the water infiltrated and captured as close as possible along impervious surfaces. He stated it would only be a large puddle on the worst of storms and will help with their NPDES calculations. Engineer Knoebel stated he didn't think it's ideal but understands. He also indicated he doesn't like having rain gardens placed all over. He knows the Conservation District likes to see them, but they don't have to deal with them once they are in. Mr. Eurich asked what would be a better solution. Engineer Knoebel stated he didn't have an answer; it's a requirement of the Conservation District not the Borough.

#14 – Fence - Engineer Knoebel indicated basin #4 which was added should have the same fence arrangement basin #1 has.

Engineer Knoebel indicated the order of things to review should be the waivers and then the issue of the plan; it isn't absolutely necessary to act on the plan this evening.

Vice Chairman Radcliffe stated if the water and sewer capacity review is going to be part of the final plan submission and the developer is only submitting for Phase 1 Final, the Authority would need to review and approval the entire development; they don't approve phases. Mr. McNaughton stated phase approval is allowed. Mr. Zeiders stated the developer would pay for Phase 1 but the Authority would need to look at the whole development. Mr. McNaughton indicated the module would be for the whole plan, but due

to the funding, they are seeking to phase it. Vice Chairman Radcliffe reminded Mr. McNaughton he would be taking another risk.

Mr. Zeiders asked regarding the geotechnical review, item #3, what conceptual benching detail means. Engineer Knoebel stated it's when the slope is being constructed a bench is built in order for the slope not to slide as it is being built. Mr. Knoebel indicated CMX's response to the letter was they agreed to the comments on the benching and would be addressed.

Vice Chairman Radcliffe indicated the address on the cover page of the plan is incorrect for the Dillsburg Area Authority; it should be 98 West Church Street.

Mr. Zeiders asked what the right-of-way width was going to be, because on page five it shows 60 feet and on page six it shows 52 feet. Mr. Scully stated it should be 60 feet throughout the plan. Engineer Knoebel indicated it's a labeling error; the plan is scaled at 60 feet. Mr. McNaughton asked if the width really needs to be 60 feet. Mr. Knoebel stated this was what the plan shows. Mr. McNaughton indicated there had been conversations regarding to reduce the width. Mr. Knoebel stated if the width was reduced it wouldn't change the slope. Mr. Eurich asked if there was an error on KPI's comment letter with number 2B. Engineer Knoebel stated yes, it should read street cartway width (60' required).

Mr. Eurich indicated paragraph two and six of the geotechnical report are very similar regarding the stability analysis and the safety factor and asked if this was a problem. Engineer Knoebel stated their recommendation would be if this waiver is considered the approval of the slope stability analysis is a condition and would have to be addressed.

Mr. McNaughton asked if there was sufficient discussion to approve the waivers together with conditions. Chairman Reeves asked if the Planning Commission would like to take the waivers one at a time. Vice Chairman Radcliffe stated he didn't feel there had to be separate motions. He indicated the only downside would be if Council wouldn't approve one of the waivers. Engineer Knoebel stated they should vote on the waivers separately. Vice Chairman Radcliffe asked what happens to the waiver regarding the minimum pipe size. Mr. McNaughton withdrew the waiver.

Vice Chairman Radcliffe moved to recommend Borough Council to approve the request for waiver on the Meadows Edge Preliminary Plan for Section 502.A (6), to allow private streets for Drive A and Drive B. Leon Zeiders seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved to recommend Borough Council to approve the request for waiver on the Meadows Edge Preliminary Plan to Section 502.B, to permit a 34 foot cartway width in place of a 40 foot. Paul Eurich seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved to recommend Borough Council to approve the request for waiver on the Meadows Edge Preliminary Plan to Section 502.E, to permit slant curbs. Paul Eurich seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved to recommend Borough Council to approve the request for waiver on the Meadows Edge Preliminary Plan to Section 506.2.D (1), to permit exceeding the maximum fill slope of 3:1 subject to the conditions outlined in the Borough Engineer's December 31<sup>st</sup> report to Borough Council and subject to stabilizing the slope in the geotechnical report provided by CMX and also the response for the report provided by GTA. Leon Zeiders seconded the motion. – Motion carried.

Chairman Reeves asked what was next. Engineer Knoebel stated the developer is requesting the Planning Commission's consideration of the plan. Mr. McNaughton indicated he would like to get a conditional approval of the plan. Vice Chairman Radcliffe stated something could be put together however it would be a set of complex conditions and Borough Council doesn't like having a lot of conditions added to a recommended approval plan. Engineer Knoebel stated if the Planning Commission would recommend approval subject to addressing all the comments, which would include a notation indicated the risk lies with the developer. He thought before Council would consider the plan, comment #12 and # 14 would have to be dealt with and #13 would go away because there is nothing that could be done about this and the traffic study would also have to be dealt with. He stated by the time Council needs to vote on the plan, the waivers would have been acted upon; and all that would be left would be the sewage planning, E&S, approval of the stormwater by Carroll Township, and the issue of the access. Vice Chairman Radcliffe asked if they should table it and meet in April. Engineer Knoebel stated if the Planning Commission would recommend it, KPI would like to see these things dealt with before Council would be requested to approve the plan. Vice Chairman Radcliffe indicated in the past, we made them conditions because we didn't have a guarantee they would be dealt with. Vice Chairman Radcliffe indicated he feels these things will be taken care of and have resolutions that everything will be taken care of for the preliminary plan, but the issues that are deferred to the final plan needed to be addressed. Chairman Reeves stated there are 14 items and could separate them into two parts. Vice Chairman Radcliffe indicated they are at the point of still being a discussion item.

Engineer Knoebel asked if there needed to be a discussion on comment #8, the access. Mr. Eurich asked if the width of West Hanover Street would make it a viable access. Engineer Knoebel stated no. Mr. Eurich stated the owner of the corner property on West Hanover Street is in bad health and wasn't sure what would happen to the property if something would happen to her. Mr. Knoebel stated it's a twenty foot right-of-way and showing from the survey an eighteen foot paved with a portion outside the right-of-way. Vice Chairman Radcliffe stated there are too many issues. Mr. Knoebel stated the developer provided a right-of-way on Drive A that down the road if it does become viable; it could be connected. Mr. Zeiders asked when the developer comes back for Phase 2, what would happen if Mr. Sealover doesn't come through. Vice Chairman Radcliffe stated that is a concern. Chairman Reeves indicated Meadows Edge shouldn't be held hostage to Winfield. He stated to have a through street should always be the goal, but if it's going to happen, is still up in the air. Chairman Reeves stated Meadows Edge does fulfill two accesses, even though one would be used only for emergencies. There was discussion on other possibilities of another access. Chairman Reeves indicated this was the best they could get and would like to see the plan proceed. Vice Chairman Radcliffe asked if anything needed to be said about how to construct the connection of Winfield Drive when the time comes or would this be a bonding issue. Engineer Knoebel stated the developer would be required to bond the construction of the street up to their property line and put in a temporary turn around. He indicated if the Winfield Development doesn't move forward and sometime in the future they offer Winfield Drive (Meadows Edge) for dedication, we would have to confirm that we could meet the requirements for liquids fuels.

Vice Chairman Radcliffe inquired about comment #4, the sewage planning approval and asked if the language of the ordinance is relative to the preliminary plan. Engineer Knoebel indicated it was most relative to the final plan. He stated they like to have it on their list because it establishes it as a condition of the plan. Mr. Zeiders asked if it would be a requirement for final approval of the plan. Mr. Knoebel stated yes and is appropriate to make it a condition of the preliminary plan approval. Vice Chairman Radcliffe indicated if they make it a condition of the preliminary plan approval; it would have to be obtained before the preliminary plan is finalized. Mr. Knoebel stated the developer would have to obtain it before they would be able to get a final plan approved.

Vice Chairman Radcliffe moved to recommend approval to Borough Council subject to Borough Council's prior approval and acceptance of the four waivers requested and subject to the developer satisfying all the conditions to the Borough Engineer's March 20<sup>th</sup> comment letter recognizing the conditions will be met in the final plan submission and the developer understands the burden of risk is entirely on the developer upon Borough Council's approval for any items not addressed in the preliminary plan. Paul Eurich seconded the motion. – Motion carried.

**Old Business:**

a. **Chestnut Hollow Time Extension** - Borough Secretary/Treasurer Beitzel indicated a letter was received from the developer requesting an extension until July 14, 2009. Engineer Knoebel indicated the Planning Commission has already acted upon the plan, but the developer is still working out the erosion control plan. Chairman Reeves asked if it needed to be voted on. Secretary/Treasurer Beitzel stated yes because Council needs to vote on it at the April 14<sup>th</sup> Council Meeting. Leon Zeiders moved to recommend Borough Council to accept the requested extension for the review period to July 14, 2009 for Chestnut Hollow Phase 2 development. Paul Eurich seconded the motion. – Motion carried.

b. **Winfield Development Time Extension** - Borough Secretary/Treasurer Beitzel indicated a letter wasn't received from the developer requesting an extension. Mr. Eurich asked if the developer had been notified. Mrs. Beitzel stated she didn't know. Vice Chairman Radcliffe moved to request the Borough Manager to contact the Winfield developer verbally and in writing by registered mail advising them of the expiration date of their plan review period and requesting them to ask for an extension if it would be their desire and the extension allows a valid period of time. Leon Zeiders seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved to recommend approval of an extension to the review period for the Winfield Development with the condition the developer submits a written request for an extension no later than April 3, 2009 and if the developer doesn't comply with the request to submit the letter in a timely fashion, the Planning Commission recommends to Borough Council they disapprove the plan for failure to addressing outstanding comments. Paul Eurich seconded the motion. – Motion Carried.

**New Business:** There was none.

**Adjournment:** As there was no further business, Leon Zeiders moved to adjourn at 8:46 PM. – Motion Carried.

The meeting reconvened at 8:55 for the sole purpose of recommending a time extension for Meadows Edge if Council disapproves the plan. Vice Chairman Radcliffe moved to request the Borough Manager to contact the Meadows Edge Developer to request a letter of extension for the review period to cover contingency that Borough Council wouldn't be able to act on the approval of the Planning Commission's recommendation for the preliminary plan at the April meeting and the Borough Manager request a letter from the developer asking for an extension of the review period. Paul Eurich seconded the motion. – Motion carried.

Vice Chairman Radcliffe moved to recommend to Borough Council to approve a requested time extension for the Meadows Edge Preliminary plan review period at their May meeting if it should become necessary due to the fact the plan was unable to be acted on at the April Council meeting. Leon Zeiders seconded the motion. – Motion carried.

**Second Adjournment:** As there was no further business, Paul Eurich moved to adjourn the reconvening at 8:58 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