

MINUTES  
DILLSBURG BOROUGH PLANNING COMMISSION MEETING  
MARCH 26, 2008

The March meeting of the Dillsburg Borough Planning Commission was called to order on the above date at 7:37 PM. Planning Commission Members in attendance were Allen Reeves, Brian Radcliffe, and Paul Eurich. Also present were Borough Engineer Mike Begis, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel. Members Leon Zeiders and Joe Robinson were absent.

The first item on the agenda was the approval of the February 27, 2008 meeting minutes. Vice Chairman Radcliffe moved to approve the minutes as presented. Motion was seconded by Paul Eurich. – Motion carried.

The second item on the agenda was the Discussion/Review of the Chestnut Hollow Phase 2 Time Extension. Manager Deibler indicated Akens Engineering requested the Dillsburg Borough Planning Commission grant a time extension until July 23, 2008. She stated the plans are still being reviewed by the Carroll Township Engineer.

Chairman Reeves asked if this was the phase that is mostly in Carroll Township. Engineer Begis indicated there are 13 homes in the Borough and 11 homes in Carroll Township. He also stated the stormwater is all in Carroll Township.

Chairman Reeves asked if the Planning Commission had reviewed the plans. Manager Deibler stated yes, once; then they went to Carroll Township and they want some changes. Vice Chairman Radcliffe asked if the Planning Commission approved them. Manager Deibler stated no. Engineer Begis indicated Carroll Township is working on the stormwater issues and doing some re-design work in Phase 1. Chairman Reeves asked if Phase 1 was completed. Engineer Begis stated no, but it (the plan) was approved.

Chairman Reeves asked if the two items were related. Manager Deibler stated they did the time extension and also sent information regarding the sewer module. Engineer Begis stated Carroll Township required them to complete a sewage module for the project. They are asking the Borough to fill out Component 4A of the module and submitted it with the complete package, because of the homes being in the Borough and the Township.

Vice Chairman Radcliffe moved for the Planning Commission to recommend acceptance of the granted time extension of July 23, 2008 from the developer of Chestnut Hollow Phase 2. Paul Eurich seconded the motion. – Motion Carried.

The third item on the agenda was the Discussion/Review of the Chestnut Hollow Phase 2 Sewage Planning Module. Chairman Reeves asked if this was something that could be taken care of at tonight's meeting. Engineer Begis indicated it's the Component 4A portion of the module and a requirement for the Municipal's Planning Commission to fill out. Manager Deibler asked if this was normal. Engineer Begis indicated they could

have done an exception because there is public sewer in the area, but Carroll Township is asking them to do this. The questions and comments on the form were asked and answered.

### **Old Business**

Vice Chairman Radcliffe asked if a time extension was needed on the Greenbrier Lane and Harrisburg Pike Subdivision that has been before the ZHB. Manager Deibler indicated the plans were brought before the Planning Commission on January 22, 2008, and the 90 days would be expired in order for Council to approve. Chairman Reeves asked if they withdrew their plans. Manager Deibler stated they withdrew them from the ZHB, because the applicants realized the application wasn't filled out in its entirety. They came back to the board in February and it was extended until March 28, 2008 when a decision would be made. Solicitor Allshouse stated an extension letter would have to be submitted or Council would have to deny it. Vice Chairman Radcliffe indicated a recommendation would be needed to approve the extension or deny it if a letter isn't received. Solicitor Allshouse indicated the Planning Commission doesn't have the ability to make the decision. Vice Chairman Radcliffe asked why the Planning Commission couldn't make a motion to approve it if it's received. Solicitor Allshouse stated he misunderstood. Manager Deibler indicated there are four variances being requested: lot size, width size, shared parking spaces, and parking spaces would be within 3-foot from the boundary lines. The ZHB can also comment on the driveway access, but this is also a Planning Commission issue which would have to be approved by Planning Commission.

Chairman Reeves asked what happened with the fire hydrant. Manager Deibler stated the fire hydrant has been there all the time and was just replaced and she never requested DAA to move it. Vice Chairman Radcliffe stated the owners went to DAA and claimed the hydrant line was leaking and causing flooding in the basement in the house located at 30 Greenbrier Lane but they haven't given access to DAA to investigate the damage. DAA dug up the fire hydrant and the line and all the tests were completed and they found no leakage. Discussion.

Vice Chairman Radcliffe indicated there is still a subdivision in front of the Planning Commission and it's important for Council to request and accept an extension of the review period. Discussion on the off-street parking and remodeling of the home at 30 Greenbrier Lane. Vice Chairman Radcliffe moved for the Planning Commission to request the Borough Manager to contact the Mikos' and request a letter granting an extension of the review period. If the letter is received prior to Borough Council's Committee Meeting for April, we would recommend approval and acceptance of the extension period; in the event the owner of the property doesn't grant an extension letter, we would recommend disapproval of the subdivision plan. Paul Eurich seconded the motion. – Motion Carried.

Paul Eurich asked if an extension was granted for the Winfield Development. Vice Chairman Radcliffe stated the extension was for the end of May, which wasn't enough time. Chairman Reeves indicated it's possible they will come in with a revised plan next month. Solicitor Allshouse asked the Borough Manager to inform the owner to request more than a month for a time extension or their plan would be denied.

Discussion. Solicitor Allshouse stated at some point he's going to say to Council, "this is the fifth extension, how many more are you willing to grant".

Solicitor Allshouse indicated eci was building without a building permit and a recorded plan. Manager Deibler had given them three warnings yet they still didn't have the plans recorded. Solicitor Allshouse stated it wasn't until a cease and desist order was issued on the property, that the issue was resolved within 24 hours. Vice Chairman asked if Jan Wiley was their attorney. Solicitor Allshouse indicated he was their acting attorney at the Council Meeting on March 11, 2008. Manager Deibler indicated he got involved once the cease and desist order was issued. Solicitor Allshouse indicated a plan was brought to the meeting for him to look at, because eci had never put the plan notes on the plan, which had been requested. The plan notes should have included the Dillsburg Borough having an easement. eci took the easement off the plan. Vice Chairman Radcliffe indicated he signed the plans that night. Manager Deibler indicated the plans were hand carried to the York County Court House the next day and were brought back by noon. Discussion. Vice Chairman Radcliffe asked if the building has been rented. Paul Eurich stated it was for Holy Spirit Health Center.

Engineer Begis asked who would be finished first, eci or Sheetz. Manager Deibler indicated the Sheetz's contractors have to be done by May 9<sup>th</sup> and will be opening May 15<sup>th</sup>. Chairman Reeves asked if the large retaining wall was included on the plans. Engineer Begis stated it was. Discussion on the progress of the building. Paul Eurich asked what kind of reinforcement the retaining wall has. Engineer Begis stated it was anchored into the ground and a fence would be placed on top of the wall.

Paul Eurich questioned the letter from H. Edward Black dated March 4, 2008 and the comment about the 20-ft wide strip of right-of-way adjacent to Baltimore Street. Mr. Eurich stated McNaughton is relying upon Winfield as access to his development, but has done nothing for a long time. Mr. Eurich asked if Mr. Sealover could simply indicate he isn't putting an opening into the McNaughton development from his development. This could eliminate the concern about the traffic flow. Chairman Reeves indicated if Mr. Sealover does that, he would deny every plan. Chairman Reeves stated if he would intentionally land lock Mr. McNaughton it would be the poorest planning the PC would do in the Borough. Mr. Eurich indicated Mr. McNaughton had many opportunities in getting access to his land. Chairman Reeves stated Mr. McNaughton had done actually what he agreed to do. Discussion on access. Chairman Reeves stated he disagreed with Mr. Eurich. He felt it wasn't Mr. McNaughton's fault; he feels people in the community have intentionally worked against him. Solicitor Allshouse asked what happens when he sells the land and someone wants to put something in that would be a value to the community and the Borough didn't plan ahead for it. Solicitor Allshouse asked if there was a way to take Mr. Sealover's plan and do something that would enhance future development. Chairman Reeves stated the plan shows a cul-de-sac at the end of the main street. Paul Eurich indicated we are saying to Mr. Sealover he has to plan for someone else, when there has to be another access to the McNaughton property. Discussion. Paul Eurich indicated if we are holding firm to having the 20-ft right-of-way and Mr. Sealover

can't finish the development until this is done then why isn't Mr. McNaughton involved. Manager Deibler stated the Pheasant Ridge people aren't happy with the 20-ft right-of-way and feel a traffic light is warranted. Discussion on how a traffic study works. Engineer Begis indicated the 20-ft right-of-way is only a recommendation, not a requirement. He stated if it's not done and is needed in the future, the Borough would have to acquire that property from the property owner. Manager Deibler asked if it would come down to the 20-ft right-of-way making the difference, can the Planning Commission suggest to Mr. Sealover to contact Mr. McNaughton. She stated, the home owners that would have to give up their property for the right-of-way, don't like Mr. Sealover. Engineer Begis stated it would just be along his property. Vice Chairman Radcliffe indicated it wouldn't affect his development layout either. Chairman Reeves stated it's not a big sacrifice to Mr. Sealover, but in the past it's always been the little problems that have killed the projects.

Paul Eurich stated it was hard to believe there is only one possible access way to get into the McNaughton property. Chairman Reeves indicated there have to be at least two ways into a development.

Vice Chairman Radcliffe indicated if the Planning Commission would have to recommend a letter is a motion needed to ask for a request of extension from the developer before the next meeting. Manager Deibler stated she would advise Mr. Sealover an extension letter is needed.

Vice Chairman Radcliffe asked what the status was on Meadows Edge. Manager Deibler indicated she would check on it.

Manager Deibler reminded the Planning Commission Members the Zoning Hearing Board Meeting would be held on Thursday, March 27<sup>th</sup> and they're invited to attend. She also reminded everyone about the meeting regarding the Route 15 study being held on Thursday, March 27<sup>th</sup>.

**New Business:** There was none.

Adjournment: As there was no further business, Vice Chairman Radcliffe moved to adjourn at 8:36 PM. – Motion Carried.

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Debbi L. Beitzel, Sec/Tres

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