

MINUTES  
DILLSBURG BOROUGH PLANNING COMMISSION MEETING  
MAY 28, 2008

The May 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 Chairman Allen Reeves, Paul Eurich, Leon Zeiders and Joe Robinson. Also present were Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel. Vice Chairman Brian Radcliffe was absent.

The following visitors were present: Daniel and Jeannette Mikos, Robert Fisher from R. J. Fisher and Associates, Francis and Joel McNaughton from the McNaughton Group and Dillsburg Borough Residents, Erica Kendall, Gary Diven and Ken O'Connor.

The first item on the agenda was the approval of the April 23, 2008 meeting minutes. Paul Eurich noted the following corrections: On page four, the second line, the work exiting should be "existing" and the last word in the paragraph should be "trees"; on page five, the fourth line the work wavier should be "waiver"; on page six, the sentence beginning with Council Member Baldwin, the word contingent should be "contingence" and the third paragraph from the bottom the word contingent should be "contingence"; and on the top of page three the word constructed should be "constructive". Chairman Reeves indicated on the first page, item #2, the site density shown on the plan 12.2 units/acre exceeds the maximum density. Then on the next page, the last sentence of the first paragraph reads "Engineer Begis stated he wasn't sure but it's actually less than 12.2 units per acre". Chairman Reeves asked for clarification. Engineer Knoebel indicated to table the minutes until clarification can be made because he doesn't know what Mr. Begis had said. Chairman Reeves noted the following corrections: On page two, the second line the word approval should be "approved" and the second paragraph from the bottom should read "Vice Chairman Radcliffe"; on page five the second to last line, the work required should be "require"; and on page seven, 1/3 of the way down on the page the sentence beginning with Baldwin asked what the date plan is good until is, the word "is" should be deleted. Joe Robinson moved to table the minutes until the engineer can verify the question. Paul Eurich seconded the motion. Leon Zeiders asked if it's possible to accept the minutes and exclude this part and have the engineer provide the information needed. Solicitor Allshouse indicated for Joe to amend his motion to accept the minutes excluding page 1, item #2; first full paragraph for clarification, then approve the minutes and at the next meeting this portion can be approved with the amendments and changes to the April 23, 2008 minutes. Paul Eurich seconded the amended motion. – Motion carried.

The second item on the agenda was the Discussion/Review of the Mikos/30 Greenbrier Lane Subdivision Plan. Mr. Daniel Mikos went over the seven waivers they had requested.

1. To allow the access drive to be within 10 feet of a fire hydrant. - Mr. Mikos indicated his engineer talked with DAA to move the hydrant six feet. On the other side is a power pole and he has contacted Met-Ed and indicated the pole is in the right-of-way. Mr. Mikos stated if the Borough would request to move it, they would do it for free.

2. Street Trees. - Mr. Mikos indicated they didn't have a problem with planting the trees.

3. To allow the access drive to be less than 18 feet. - Mr. Mikos indicated they would comply with the 18 feet. Leon Zeiders stated the fire hydrant would be moved 6 feet and move the walk in the direction of the hydrant, so there wouldn't be 10 feet. Engineer Knoebel asked Mr. Mikos if he was going to widen the driveway on the opposite of where the fire hydrant is. Mr. Mikos stated they would be widening it on both sides. Engineer Knoebel asked Mr. Mikos once the driveway is extended to the 18 feet, would he still be able to comply with being 10 feet from the fire hydrant. Mr. Mikos indicated he would be close. Chairman Reeves stated they have 14 feet now and 18 feet is needed. Mr. Mikos indicated he would go over 2 feet towards the power pole which is 16 feet and then 2 feet over towards the fire hydrant would make 18 feet. Mr. Mikos asked how close this would put him to the fire hydrant. Engineer Knoebel and Solicitor Allshouse stated one foot too close. Engineer Knoebel asked if the power pole was going to be moved. Mr. Mikos indicated that would have to be a request by the Borough. Engineer Knoebel stated if the pole is moved, the driveway could be extended on that side more so to meet the 10-foot requirement.

4. To waive the requirement that the access drive be paved. - Mr. Mikos indicated they would pave the access drive.

5. To waive the requirement that off street parking spaces be paved. - Mr. Mikos indicated they would pave three spaces in the back and would do a stormwater management plan on the three spaces. He stated they would like a waiver from paving the remaining spaces under the trees and stone that area. Engineer Knoebel asked Mr. Mikos if he is suggesting paving all the parking spaces with the exception of the area under the canopy of the trees. Mr., Mikos stated yes.

6. The access drive shouldn't be located within three feet of a property line. - Mr. Mikos indicated they are continuing to ask for this waiver due to the fact it will be a shared driveway.

7. Stormwater Management Plan. - Engineer Knoebel asked about the stormwater. Mr. Mikos stated his engineer should have that done. Engineer Knoebel indicated the PC received a plan today, but we don't review plans at the last minute. Mr. Mikos indicated they agreed to do the stormwater management.

Engineer Knoebel indicated when Mr. Mikos came in and met with him, he suggested taking the waivers one-at-a-time, and to go back on the plan and see if he could modify the plan to be in compliance opposed to asking for waivers. Mr. Knoebel stated in situations where Mr. Mikos couldn't comply, he suggested to get as close as he could and to see how he would fare when he was finished. Mr. Knoebel also suggested discussing those proposals with the Planning Commission and depending on how that would go; Mr. Mikos could decide whether or not to move forward with the plan. If he did, he would have to go before Council and request for a time extension in order to

make all the modifications on the plan and submit it back to the Planning Commission for review and Council to act on the plan.

Engineer Knoebel indicated a plan was submitted however it was received tonight and the PC didn't have the time to review it. He also indicated the stormwater should have some calculations with it and needs to be checked.

Engineer Knoebel indicated there were some other comments on the plan for the applicants to look at; one was dealing with the portion of the sidewalk not completed but shown on the plan from the original recorded plan and would have to be installed; they would have to show the lighting; and would have to demonstrate the impervious coverage with the new additions being proposed. Mr. Knoebel stated there was a question regarding the density. He continued by indicating whenever they review zoning comments they subject them to whatever the Zoning Officer or Solicitor might advise. Mr. Knoebel indicated when they looked at this and how it was being modified by the subdivision, even though there isn't a new unit being proposed, the density is different on a per lot basis than it would be for the aggregate. He stated one density might go up and one might go down, so those densities perhaps would necessitate going back to the Zoning Hearing Board. The issue was the ZHB meeting was prior to the Planning Commission meeting, so these issues couldn't be brought up ahead of time whereby they could have asked for this waiver upfront. Mr. Knoebel stated it was his understanding that it was discussed at the last PC meeting that the applicants would have to go before the ZHB. Engineer Knoebel indicated this would necessitate a time extension and the PC could give them direction as to whether or not some of the items would be acceptable pending upon completion of the review. Chairman Reeves asked if someone needs to calculate what the density is before going before the ZHB and who does the calculating. Engineer Knoebel stated yes; they would go back and calculate the density on a per lot basis based on the proposed plan, and if the density would go up on one of the lots, they would have to go before the ZHB. Mrs. Mikos stated the density on the lot with the five units went from 12.2 to dividing the two lots to a 12.6, with a slight variation of an increase and we're not adding any units to the property, we're just using the existing structure that is there. Mrs. Mikos asked why the waiver is needed. Solicitor Allshouse indicated the legal issue is when you change the size of a lot, it becomes a new lot; you then have to comply with the zoning ordinance which is 8 units per acre or get a waiver for it. Mrs. Mikos indicated this was not explained when they had their ZHB meeting. Engineer Knoebel indicated it was asked for. Solicitor Allshouse stated it would be the applicants or their engineer's responsibility to ask the ZHB for a variance of this. Discussion on the definition of a new lot and reasoning behind going to the ZHB. Engineer Knoebel indicated the applicants were trying to get ahead of things and went to the ZHB and then all these issues came up and they didn't know to ask for them. Mr. Mikos asked when the next ZHB was. Manager Deibler indicated the application would have to be submitted by May 31<sup>st</sup> to go before the Board in June.

Engineer Knoebel indicated out of the seven waivers, they're still asking for the waiver for the requirement of the access drive be three feet from a property line and some relief from the parking space paving. Chairman Reeves asked the Solicitor if there are any problems in the ordinances with providing parking spaces on a different lot.

Solicitor Allshouse stated there isn't an ordinance requirement; there is a practical issue of having ensured there won't be interference between the lots for future ownership purposes. He stated one of the ways to verify this is to request of the applicants to explain what their plan is for renting, using, having an easement, for the use of those spaces. Mr. Mikos indicated the three car garage would be used and there are only three vehicles that are using the ten spaces because the tenants like the off-street parking. Some of the other tenants park along Harrisburg Pike because it's more convenient for them. Chairman Reeves asked if the ten parking spaces are assigned. Mr. Mikos stated they are not, but he could if he needed to.

Solicitor Allshouse stated the ZHB indicated in order to comply with the number of parking spaces required, they allowed the applicants to have them on a different lot. He indicated the PC and the Borough Council have the ability to make sure those spots are being used and are accessible and can perpetually be used for the development portion of the plan. Solicitor Allshouse suggested to the PC to require some assurance that those two spots will be used properly and perpetually be used by Lot 3. He also indicated if at some point Lot 3 loses those two spots, they wouldn't be in compliance with the decision of the ZHB or the zoning ordinances; therefore a recorded easement for right and use, for the benefit of Lot 3 given by Lot 4 or a perpetual lease to be put in place to guarantee those spots will always be useable by the larger lot. Mrs. Mikos stated something should have been submitted by their engineer concerning the easement, which they are writing for a joint access. Solicitor Allshouse indicated it hadn't been submitted to the PC, because he would have had to review it. Engineer Knoebel indicated there is a note on the plan which reads "an ingress, egress and parking easement shall be provided on Lot 4 to benefit the property owners of Lot 3. The easement shall provide access to the existing parking on Lot 3, and provide parking spaces for two vehicles." Solicitor Allshouse stated the plan indicates this will be done, the PC needs the paperwork. Paul Eurich asked if the back four spaces were going to be paved. Mr. Mikos stated yes and the other eight would be stone. Leon Zeiders asked if the paving would be impervious or porous. Engineer Knoebel stated he assumed it would be asphalt. Mr. Mikos stated blacktop is the easiest to put in. Chairman Reeves stated that was true but wouldn't be restricted to blacktop. Mr. Mikos asked what else he could do. Chairman Reeves indicated there are others options, but most people put in asphalt because it's cheaper. Engineer Knoebel indicated the PC has before them the consideration of relief that the areas impacted by the two trees would be gravel opposed to paved. Chairman Reeves asked if open joint pavers would work. Engineer Knoebel stated they would work. Joe Robinson indicated the gravel parking is indicated at the top of the plan in the legend box. Paul Eurich stated parking in the front of the apartment is be convenient for the tenants, however for someone who frequently turns off of Greenbrier Lane, it is very difficult to see traffic coming down Harrisburg Pike. He also stated one of the reasons the Borough has the off-street parking ordinance is so there isn't a safety hazard. Mr. Eurich indicated, as the homeowner and the landlord, it would be better to encourage the tenants to use the off-street parking area. Chairman Reeves asked if the Borough could place "No Parking to Corner" signs. It was indicated that Harrisburg Pike is a state road. Leon Zeiders asked if there is anything that indicates the sidewalk would be handicapped accessible at

the corner of Greenbrier Lane and Harrisburg Pike. Engineer Knoebel stated that would have to be done. Leon Zeiders asked who would be responsible for the removal of snow on the shared driveway. Mr. Mikos indicated it would be the landlord's responsibility and Mrs. Mikos indicated that would be included in the easement agreement. Solicitor Allshouse recommended the applicants to have an easement and a joint maintenance agreement between the properties, which covers the easement and the right to use and sets forth everyone's responsibility for payment and talks about what's maintenance and what's an improvement.

Chairman Reeves asked what the next step is and was it a formal presentation by the applicants. Engineer Knoebel indicated this was a discussion and the PC should give its feedback with regards to what was heard; then the Mikos have to decide whether or not to move forward with the plan and if they do, they need to submit a letter to Borough Council requesting a time extension. Mr. Mikos asked how close they are of answering the issues and will everything be resolved by the next meeting. Leon Zeiders indicated the Borough Council has to accept or reject your plan because June 23<sup>rd</sup> is the deadline or they must request the extension. Engineer Knoebel indicated most people request 90 days which gives ample time to get everything taken care and will be able to go before Council with a clean plan. Manager Deibler indicated their current plan expires June 23<sup>rd</sup> and 90 days from that date would be September. Chairman Reeves asked what would be the response to them from the Planning Commission, are we in favor of this or are there more problems to discuss. Leon Zeiders indicated it's a win/lose situation; where is this as good as it gets. Engineer Knoebel indicated the applicants still have to do all the things they are required to do. Chairman Reeves indicated what they discussed tonight was a considerable improvement and the Borough will have to give a little. Paul Eurich indicated he had a concern with note #8 regarding the reconstruction of the building and asked if this building could be rebuilt out on the sidewalk area if something happened to it. Leon Zeiders asked if the building burns to the ground, would someone be able to build again. Solicitor Allshouse stated yes, it's the Borough Ordinance. Leon Zeiders stated only if it goes on the same foundation; change the foundation the rules change. Solicitor Allshouse indicated the Borough could compromise; the owners could come in and say they will rebuild it the way it was or move it off the sidewalk if you let us rebuild it somewhere else. Paul Eurich indicated the applicants came a long way and agreed to all the comments, however he stated it wasn't a sure thing and wouldn't make any improvements on the property until the plan is signed. Joe Robinson indicated if they satisfied the issue, he doesn't have any problems with it. Chairman Reeves indicated the general response is positive to proceed with the plans. Mr. Mikos asked what the time frame is. Engineer Knoebel indicated they would have to go to the Zoning Hearing Board, give the Borough a request for a time extension, get the time extension, and resubmit the plan to the Planning Commission with all the items addressed to review. He couldn't give a date because there is no guarantee that the engineer is going to do what he has to do. Mr. Mikos asked if they could get deed before all the work is done. Engineer Knoebel stated no, everything has to be done and voted on and signed; then the applicants can have the plans recorded. Mr. Mikos asked if everything needs to be done, or can we do bonding. Chairman Reeves indicated the official approval comes

from the Borough Council. Engineer Knoebel indicated the improvements can be bonded like the actual constructed of the sidewalk and putting in the trees, the plan can be signed if bonding or letter of credit is provided. Engineer Knoebel stated to the applicants they would have to decide whether or not they wanted to move forward with the plan; Council will have the plan on their next agenda to vote on. He stated to the applicant they would have to decide whether or not to submit a time extension. Manager Deibler indicated if the applicants wanted Council to grant a time extension, she would need the request letter by Tuesday morning, June 3, 2008. Joe Robinson moved to table the plan to allow the Mikos time to react to the input brought forth by the Planning Commission and to request a time extension from the Borough Council. Leon Zeiders seconded the motion. – Motion Carried.

The third item on the agenda was the Discussion/Review of the McNaughton Sketch Plans. Francis McNaughton introduced himself, Joel McNaughton from the McNaughton Company and Bob Fisher from R. J. Fisher. Mr. Francis McNaughton indicated they had owned the property for a long time and would like the opportunity to come into the Borough and build. Mr. McNaughton indicated the sketch was developed to provide certain items they had been requested to consider; one was to design a plan that provided a through street through the Borough and that was on their plan. He indicated there are no housing units along that road. Mr. McNaughton indicated there was some concern from Borough Council regarding what the width of the road might be (Winfield Dr). He stated it's a concern with them too because the wider they make the road, the higher the speed of the traffic will be. Mr. McNaughton stated they deliberately tried to change the road a little bit, to attempt to reduce the speed of the automobiles. Mr. McNaughton stated they would be hopeful if there was some consideration as to what the width of that would be. He also indicated there was no parking along that street as proposed, and the width of the street would all be used to accommodate moving traffic. Mr. McNaughton stated there would be no need for parking on the street because parking was provided within the section designed for the townhomes. Mr. McNaughton stated they are proposing 94 townhome units with single car garage units and provided additional parking areas for visitations.

Mr. McNaughton stated there are significant changes in elevation on the site leaving it very difficult until now to access the parcel with a road that would be in compliance with the current Borough ordinances. He indicated some of the streets are what we call sub-standard streets; there not in compliance with the Borough ordinances. He stated originally they thought they might be able to make the connections and have a sub-standard street provided for, but weren't able to do that. Mr. McNaughton asked his engineer if these streets were going to be all dedicated streets. Mr. Bob Fisher indicated the streets would be private streets except for Winfield Drive. Chairman Reeves asked what the width of the public street was and was it the same width as the street on the Sealover property. Mr. Fisher stated no. Chairman Reeves asked if it was narrower. Someone stated yes. Mr. Fisher asked what the width was on the Sealover property. Someone stated 40 feet. Chairman Reeves indicated they also have no residents or parking along that street. Leon Zeiders asked if it was 32' plus sidewalk. Engineer Knoebel stated no, it's a 40' cart way. Mr. Fisher indicated he

understood the Borough requires a 40' wide width because of parking on both sides of the street, and in most townships they are doing 30' wide streets, however on this plan they are proposing a 32' street. Engineer Knoebel stated the plan had improved from the last several that were presented. Chairman Reeves indicated he liked the plan too. Mr. McNaughton asked for the PC's blessing in order to engineer the plan.

Chairman Reeves asked if the townhouses would be privately owned and what the price might be. Mr. McNaughton stated they would all be owner occupied and the lowest cost would be approximately around \$189,000.00. Chairman Reeves asked if studies were done to see if the townhouses would sell. Mr. McNaughton indicated they tried to do as many studies as they could with the limitations within the Borough and have found some townhouses that have sold very rapidly. Mr. Fisher stated with the amount of residents renting in the Borough, these are a good market to look for sales of these units.

Engineer Knoebel indicated the applicants would have to request a waiver to the Borough to use private streets, which was done for Winfield and the width of the private road in the Winfield development is 30'. Solicitor Allshouse stated the issue was the ability to put the fire apparatus in with the extension legs on the street if someone was illegally parked on the private streets. Mr. Fisher stated they would get the specs on the fire apparatus and run the turning templates. Engineer Knoebel stated several people that are involved with the Borough are on various fire companies had concerns with this issue. Leon Zeiders indicated the 30' was to allow two of the pads to be put on the sidewalks. Engineer Knoebel indicated a concern with the width of the public street, which Winfield is 40'. Mr. Knoebel brought up the issue regarding sidewalks. Engineer Knoebel indicated a traffic study would have to be done. Engineer Knoebel indicated they were reviewing the alignment with Hanover Street and thinking that down the road it might be nice to bring the road through. Chairman Reeves stated it will eventually happen. Engineer Knoebel indicated it's a private drive and won't be right-of-ways for that. Mr. Fisher stated the plan is showing an emergency access road. Mr. McNaughton indicated if they would make it the same width as the existing Hanover Street, would they like it to be submitted for dedication. Engineer Knoebel stated he wasn't indicating that, because to be dedicated it would have to meet the Borough standards, but perhaps the issue of right-of-way. He indicated they will have to do the entire sewer, water and other standard things need to be done.

Engineer Knoebel indicated the Borough ordinance reads that all homes have to front on a public street and in this case there are two units that front a private street. Mr. Fisher explained the reasoning and indicated by referring to the plan. He indicated the reason they aren't on there is because KPI didn't want driveways coming out onto that road. Engineer Knoebel stated all the other units have individual driveways accessing the private street where these two don't; they have a shared driveway.

Engineer Knoebel indicated something for recreation would have to be done and assuming based on what is being shown; paying the fee is being proposed. Mr. McNaughton stated yes.

Engineer Knoebel stated he wasn't sure if there would be issues regarding the mailboxes. Mr. McNaughton indicated they tried to position them on the site where people would stop in and get their mail. Mr. Fisher indicated the postal service

sometimes has the say where they would like them positioned. Leon Zeiders suggested there should be more mailboxes.

Manager Deibler asked if there were developments like the one proposed in other communities. Mr. McNaughton stated there were some in Dauphin County and would provide photos.

Leon Zeiders indicated the swale on the plan needs to be dealt with. Mr. McNaughton stated it's stormwater that comes off Second Street. Mr. Fisher stated they aren't proposing to do anything in that area and we will be keeping the stream in its existing location.

Mr. Fisher indicated part of the reason with the width of the main street is the grading between streets (pointing to map). The wider the road gets the steeper the grades get along the sides. He indicated what they are proposing is a reasonable street width considering there is no parking. Engineer Knoebel stated they could discuss that but to be aware the Borough Council has issues. Mr. McNaughton stated he hope the PC would give some consideration because a 40' road will be used as a raceway.

Chairman Reeves asked if the Sealover plan included sidewalks on both sides along the whole length of Winfield Drive. Someone stated yes. Mr. McNaughton indicated they aren't working with the same change in elevation that we are. Engineer Knoebel asked the developer if the sidewalks were going to be proposed on one side of the public street. Mr. McNaughton stated that was correct. Engineer Knoebel asked if that would all be maintained by the Condominium Association. Mr. McNaughton indicated it's a dedicated street and didn't know who would maintain it. Solicitor Allshouse stated the property owner abutting the sidewalk which is the Condominium Association.

Leon Zeiders asked how inclusive does the traffic study have to be. Engineer Knoebel stated they would have to do the standard traffic study. Mr. Fisher indicated the traffic engineer would be contacting KPI. Engineer Knoebel stated the Winfield traffic study was recent and done with the study. Mr. Fisher asked who did the study for Winfield. Engineer Knoebel stated it was Grove Miller.

The fourth item on the agenda was the Discussion/Review of the Winfield Plans. Engineer Knoebel indicated they received a submission from them dated May 5, 2008, which dealt with approvals they have received and things that have been done since their last submission and they want the Borough to sign the HOP application for the portion that related to the drainage pipe. Engineer Knoebel indicated they reviewed it and had some comments on it which were pointed out to them. Manager Deibler asked when the comments were given to the developer. Engineer Knoebel stated they were faxed over on May 23, 2008 and haven't heard from them. Leon Zeiders asked if the PC was going to see the Condominium Association Agreement. Solicitor Allshouse indicated he and the Borough Council have already seen it; they responded to comments twice and there is a current proposal back to Council responding to those comments. Solicitor Allshouse stated if the PC wants to see, ask the developer for it.

**Old Business:** Chairman Reeves indicated he attended the Awards Dinner for the York County Planning Commission on Thursday, May 22<sup>nd</sup>. He indicated he was

the only representative from this area of the county. Chairman Reeves stated they have been doing some interesting studies and have found that our area has grown faster in York County since the 1930's than any other area and has a higher percentage of people working out of the county.

He indicated the YCPC decided last year to get out into the county and meet people more and let the people know that services that they are offering. Our district was visited first in Wellsville in January of last year, which 47 people attended. The other districts averaged about 30 in attendance.

**New Business:** There was none.

**Adjournment:** As there was no further business, Member Leon Zeiders moved to adjourn at 9:10 PM. – Motion Carried.

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Debbi L. Beitzel  
Secretary/Treasurer

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