

MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
JUNE 25, 2008

The June 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, Vice Chairman Brian Radcliffe, 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.

The following visitor was present: Dillsburg Borough Resident Jeff Beitzel.

The first item on the agenda was the final approval of the April 23, 2008 meeting minutes. Engineer Knoebel indicated the section that needs approval needs to change again. He indicated the following two statements are out of order and needed to be switched: Engineer Begis stated it would be 12.2 units per acre and Engineer Begis stated he wasn't sure. Vice Chairman Radcliffe moved to approve the April 23, 2008 as amended. Joe Robinson seconded the motion. – Motion Carried.

The second item on the agenda was the approval of the May 28, 2008 meeting minutes. Chairman Reeves indicated in the first paragraph on page one, the sentence that reads "Borough Council President Jeff Griffin and Borough Council Member Dave Baldwin" should be eliminated because they weren't present. Leon Zeiders moved to approve the May 28, 2008 as amended. Paul Eurich seconded the motion. – Motion Carried.

The third item on the agenda was the discussion of the Mikos' Zoning Hearing Board issues. Chairman Reeves asked if the ZHB was fully staffed. Manager Deibler stated they were and the new member is Greg Wonders. Manager Deibler indicated the ZHB needs the Planning Commission comments and concerns. Vice Chairman Radcliffe asked what the Mikos are requesting. Manager Deibler stated they are requesting a density variance, a use variance, and lot coverage variance. Manager Deibler indicated the lot coverage is actually OK. Engineer Knoebel stated it's OK, but we were questioning whether or not they would need to include other impervious coverages in the lot coverage calculation, which the ordinance doesn't suggest. He stated hopefully the ZHB will clarify this issue. Engineer Knoebel indicated the

primary issue is the density and the last plan didn't clarify what the densities would be. He indicated the existing lot (as it stands today) is 12.2 dwelling units per acre. They are proposing a density of 8.2 dwelling units per acre on Lot 4 (the house) and on Lot 3 (apartments) 13.5 dwelling units per acre. Mr. Knoebel stated Lot 3 is the real issue and by subdividing they are creating a lot with a higher density than exists now. Vice Chairman Radcliffe asked what the standard density is. Engineer Knoebel stated it is 8. Paul Eurich asked if they had four units in the apartment building instead of five, how much would that reduce the density. Chairman Reeves stated it would reduce it by 20%, but it would need a 40% reduction. Engineer Knoebel stated a reduction in number of units would bring it into compliance. Mr. Knoebel indicated the house can't be made into fewer units, but they could with the apartment building, which might also resolve some of the parking issues. Chairman Reeves stated by reducing it by one would take the two parking spaces off the neighbor's lot.

Mr. Eurich stated if they wouldn't sell the vacant lot beside the apartment building separately, they probably would meet the standard density. Engineer Knoebel indicated the two vacant lots are separate properties and aren't included in the density. Chairman Reeves asked what the reason is for not including the two vacant lots; the potential was to build something there that would be probable and they were separated long ago. He also asked if the taxes have been paid on the two lots. Manager Deibler indicated they were and the plan was recorded at the court house, however something was done and were allowed to stay as one parcel, so they were only paying taxes as if it was one parcel. Leon Zeiders stated the assessment office has them listed as two separate parcels. Manager Deibler indicated they are now, but when this all started it was listed as one parcel. Leon Zeiders indicated the Mikos bought the houses for \$249,000.00 and are selling them for \$429,000.00; he asked what made the property worth \$180,000.00 more than when they bought it and why is the Planning Commission bending backwards to let them subdivide two properties and do it as cheaply as possible. Mr. Zeiders stated the problem should be solved by having as few variations as possible, which means the parking for the five-unit apartments, should be generated on the five-unit property. Chairman Reeves stated he agreed; and if they keep their agreements they made from the last meeting, many of the issues will disappear. Chairman Reeves indicated his main concern is parking spaces on the neighbor's property, a shared driveway and the potential trouble it may cause.

Engineer Knoebel indicated he received a phone call from someone who is associated with the historical society expressing her concern about the beech trees. The

trees have been dated close to 150 years old. Mr. Knoebel stated the woman wanted to make sure the Borough would be reasonable with the requirements; because of some discussion that the Borough was requiring certain things that could damage the trees. Engineer Knoebel stated he explained to her it wasn't the case. Vice Chairman Radcliffe stated it was the applicant's decision to use parking spaces by the trees and the Planning Commission had suggested to them to move the parking spaces to another area. Chairman Reeves stated he was aware that there was some historical value in the apartment building. Manager Deibler indicated Bob Shelley stated the inside has no historical value; anything of historical value has been destroyed by the previous owners.

Manager Deibler asked what should be passed along to the Zoning Hearing Board and is there a problem with going from 12.2 to 13.5. Chairman Reeves indicated it's an additional problem because we're going in the wrong direction; it's a 10% increase. Mr. Reeves stated he had considerable concern with this and is the ZHB looking for our opinions on the issue. Manager Deibler stated yes, according to our book it states, the ZHB should get comments from the Planning Commission. Vice Chairman Radcliffe indicated it's a sizable difference and it would be a dangerous thing to start setting precedent to approve a density that is much greater than the standard density; and what is it going to do for other owners coming through wanting to get similar treatment. He indicated it wouldn't be a good thing to approve density which is this much greater than what is allowed.

Solicitor Allshouse reminder the PC to remember what their legal responsibility is and if they continue to allow the variances and changes, they would eventually have to approve it.

Manager Deibler received clarification on the current and proposed densities.

Vice Chairman Radcliffe moved to recommend to the Zoning Hearing Board that they disapprove the site density waiver request for Lot 3 (currently 12.2 to 13.5) due to the fact that the waiver requests approval of a density that is considerably greater than the allowable density of 8 and this is inconsistent with the prior actions of the Borough Council which has historically approved lot density reductions in ordinances within the Borough. Paul Eurich seconded the motion. Leon Zeiders indicated the density numbers should be added. – Motion carried.

Joe Robinson asked if the parking issue has to go before the ZHB. Solicitor Allshouse indicated it already has and been approved.

Vice Chairman Radcliffe indicated the wording in the easements and agreements for the maintenance of the properties would have to be extremely strong. Solicitor

Allshouse stated maintenance agreements are run of the mill, the biggest concerns are the two parking spaces on the opposite lot. Mr. Radcliffe stated he felt the joint driveway and the parking spaces weren't going to be maintained or plowed when it snows and the residents will be complaining to the Borough. Solicitor Allshouse indicated the response would be "there is a maintenance agreement, go hire an attorney". Discussion.

The fourth item on the agenda was the Discussion/Review of the Chestnut Hollow Time Extension. Manager Deibler indicated a letter was received requesting an extension of 83 days so that Planning Commission can look at the plans at their September 24th meeting and coincide with the October 14th Council Meeting. Leon Zeiders asked how this coincides with Carroll Township. Manager Deibler stated Carroll Township tabled the plan last month. Joe Robinson moved to accept the time extension as requested. Vice Chairman Radcliffe seconded the motion. – Motion carried.

Old Business: There was none.

New Business: Manager Deibler indicated a traffic study/outline was received from Grove Miller on the McNaughton plan. She also indicated the McNaughton group will be trying to bring in plans for July's meeting.

Paul Eurich asked how they determined the concrete needed to be replaced at Sheetz. Joe Robinson stated the density of the concrete didn't pass. Manager Deibler indicated the tanks had to be retested.

Adjournment: As there was no further business, Member Paul Eurich moved to adjourn at 8:16 PM. – Motion Carried.

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