

MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
July 25, 2007

Chairman Allen Reeves called the July meeting of the Dillsburg Borough Planning Commission to order on the above date at 7:30 PM. Planning Commission Members in attendance were Vice Chairman Brian Radcliffe, Joe Robinson, Paul Eurich and Leon Zeiders. Also present were Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Steve Quigley and Christine Hunter of H. Edward Black and Associates, Bill Eichelberger of ECI Properties, Vernon Sealover and Madison Hyer.

The first item on the agenda was the approval of the June 27, 2007 meeting minutes. Paul Eurich indicated on page one, fourth paragraph, half way down the word "mythology" should be "methodology and further down the word "closer" should be "closure". Vice Chairman Radcliffe moved to approve the minutes with corrections. Seconded by Leon Zeiders. – Motion carried.

The second item on the agenda was the Discussion/Review of the ECI/Preliminary Final Land Development Plans. Steve Quigley indicated he was representing ECI Properties for Phase 2 of the ECI office complex on West Church Street. He indicated Phase 2 is a 10,000 square foot two story building to the north end of the property. Phase 3 will be another building at the corner of West Church Street and North Second Street and hopes to be bringing in these plans soon. He indicated Phase 2 is intended to house a medical office on the first floor and the second floor is presently vacant and is for lease. He stated in terms of the site plan, there is parking which wraps around and there is an existing cross-easement agreement between the two existing lots belonging to ECI Properties to use the gravel vacant lot, which would get paved when the property is developed. He stated the stormwater on the project is being handled with sub-surface detainage with infiltration back into the ground and the remaining coming back to the swale on the eastern side of the property. Mr. Quigley indicated the comments had been received from the Borough Engineer and didn't seem to have any issues with them and hasn't heard from York County Planning. He commented on #11 (from KPI's memo dated July 20th) regarding the placement of the porous asphalt and stormwater infiltration system over the existing sanitary sewer, he met with Sheldon Williams and indicated DAA didn't have an issue with this. He stated they would move the sawcut line in order to be off the pipe. He stated a copy of the existing cross easement agreement between the two lots (#12) would be provided. He referenced about the existing access easement across the property from Church Street to the Borough maintenance building and indicated they needed proper language from the Borough Solicitor as to what they needed to put on the plans. Borough Solicitor Allshouse asked if the easement was recorded in the deed? Mr. Quigley and Mr. Eichleberger indicated they weren't sure. Engineer Knoebel asked if it was an access easement? Chairman Reeves indicated that it was at one time in order to get to the property before Route 15 was built. Bill Eichelberger

stated there is a plan that shows it and the location is right along the swale. Mr. Quigley indicated there were some other clean up issues for the Borough Engineer to take care of. He also stated the perk test for the infiltration testing was done and the information will be forwarded to the Engineer and the Borough Office. Borough Engineer Knoebel asked in regards to the meeting with Mr. Williams, is the sewage going to be an exemption? Mr. Quigley indicated that it was and should have been included with the package and stated that the Borough Engineer would be provided with that information. Borough Engineer Knoebel asked if an E&S plan was going to be done or is there a permit on site regarding the erosion control? Mr. Quigley indicated there was a permit on site, which needs to be adjusted. Leon Zeiders asked what would happen to the loop that is on ECI's property and goes into the Borough Maintenance shed? Mr. Quigley indicated that presently it will remain as is. Leon Zeiders asked if the parking indicated on the plan would be sufficient for the building? Mr. Quigley indicated that it's not, however there is some existing parking area that would be used temporarily and would be adding more parking once the approval is granted. Bill Eichleberger indicated once all phases are completed there would be sufficient parking on the property for all buildings. Vice Chairman Radcliffe asked the Borough Engineer if he was satisfied with everything? Engineer Knoebel indicated that he was, since ECI was giving their concurrence that they agree with the comments and will work to address them. He also indicated there was a waiver request to submit the plan as a combination preliminary final land development, which doesn't see any issues with because it allows the committee to do everything at once and have the County comments to consider. Vice Chairman Radcliffe asked Solicitor Allshouse is there was sufficient time to have any issues worked out? Solicitor Allshouse indicated as a legal standpoint he needed to see was the cross easement and if the access easement for the Borough is in the deed, the plan could reference there is an access easement set forth in the deed and reference the recording references for the deed. He stated if the easement is only referenced in a plan, the old plan and the new plan should be compatible. Mr. Steve Quigley stated they would look at the deed and indicated it was located on the survey plan, but would get the citation and would supply the information. Solicitor Allshouse indicated if found only on a non-recorded survey plan, a description would be needed for it. Vice Chairman Radcliffe indicated the committee should handle this with two motions. Vice Chairman Radcliffe moved to recommend Borough Council to approve the request for waiver of the Preliminary Plan to permit a submission of a combined Preliminary/Final Plan. Seconded by Joe Robinson. – Motion Carried. Vice Chairman Radcliffe moved to recommend Borough Council to approve the Preliminary/Final Plan submission for ECI Office Complex Phase 2, subject to the developer satisfactorily meeting all the engineer comments according to his memo dated June 20th and subject to satisfactorily addressing the solicitor's requirements for the cross easement and access easement to the Borough property and satisfactorily addressing the comments from the York County Planning Committee. Seconded by Leon Zeiders. – Motion Carried.

The third item on the agenda was the Discussion/Review of the Winfield/Revised Sub Division application. Steve Quigley indicated he was representing the Winfield project and Mr. Vernon Sealover, developer and owner of the property. He indicated the first thing he was presenting was a consolidation Sub Division plan to remove lot 4. He indicated Lots 4 & 5 was mostly zoned PC and with approval of the previous plans, discovery was made through the York County Conservation District that the swale on the

property was a stream. He indicated the survey was modified because of this and indicated the wetlands had grown which led to approaching Borough Council to request a parcel change in the zoning for Lot 4 from PC to RS.

Mr. Quigley indicated they are proposing to consolidate Lots 1 & 4. He also indicated they haven't received comments from York County Planning yet and will be touching base with them as to why. He references comment #6 and indicated there was no problem with this. Engineer Knoebel commented that they would just go with what was on the plan. Vice Chairman Radcliffe asked if there needed to be a note on the plan addressing why #4 is missing? Mr. Quigley indicated there is a purpose stated in the set of plans and Lot 4 shows on the sub-division plan as being removed. Engineer Knoebel asked who the surveyor on the project was and to ask him what his thoughts are? Mr. Quigley indicated it was Charlie Junkins. Manager Deibler asked if all of Lot 5 is zoned PC? Mr. Quigley indicated that it is not, it begins about 100 feet in on Lot 5. Paul Eurich asked if Lot 5 was primarily wetlands and what would the possibility of development be. Mr. Quigley indicated nothing at this time, however if five years down the road the wetlands change, there could possibly be development. Vice Chairman Radcliffe moved to recommend to Borough Council to approve the Winfield Revised Final Sub-Division Plan conditionally subject to satisfactorily addressing all the engineer's comments according to his memo dated June 20th and addressing the comments from the York County Planning Committee and subject to agreement on the decision of numbering of lots. Seconded by Joe Robinson. – Motion Carried.

The fourth item on the agenda was the Discussion/Review of the Winfield/Preliminary Land Development Plans. Steve Quigley indicated based on the change of zoning and the change of the site conditions, Barley Circle was shortened and the units were picked up by doubling up Wheatley Lane. He also mentioned the Community Center was originally off of Barley Circle with on-street parking and now has been moved to the green area with its own parking lot. He indicated with terms of infiltration with new regulations and the way the site laid out, we were able to delete the infiltration trenches and beds which were down the access lanes in between the houses, now are on the surface. He indicated comments were received from KPI, but not York County Planning. He indicated there weren't any major problems with them, just some they wanted to review with the Planning Commission.

#4 – Revised Traffic Impact Study – Mr. Quigley stated they received a letter from KPI to Grove Miller in terms what was required. He indicated Mr. Sealover had some questions for the Borough and Grove Miller for some clarification, and then would proceed with it.

#5 – E&S and NPDES - Mr. Quigley indicated they would be submitted shortly.

#6 – Waivers – Mr. Quigley indicated there are seven waivers. 1-5 were previously requested and approved to move forward on a previous submission. #6 is the minimum distance between center lines of intersection and applies to Barley Circle, Branfield Lane and South Second Street and would have clear view of the neighboring intersection and controlled by stop signs. #7 is to allow phase 1 to contain less than 25% of the total number of dwellings. Mr. Quigley stated there are 120 dwellings and should be building 30 without the waiver, however looking into building only 27 in order to build out Lot 1 and getting it started.

Leon Zeiders asked if the public streets would have the curbs straight up? Mr. Quigley indicated yes and the reason to have the slant curbs on the private streets and in order not to have curb cuts. Paul Eurich asked if the only two public streets were Winfield and Second? Mr. Quigley confirmed.

#7f – Utility Plans – Mr. Quigley indicated the storm drains would be added to the utility plan and stated at one time they were asked to separate them.

#11 – Construction of basin 1 – Mr. Quigley indicated the existing access to Baltimore Street is labeled to be demolished on the demo plan.

#12f – Written Authorization – Mr. Quigley stated there was a grading easement submitted. Engineer Knoebel stated they wanted to make sure all the prior releases, authorizations, etc were still current.

#16 – Length of road – Mr. Quigley indicated he needed some clarification on. He indicated he had 345 feet and the old plan had 335 feet and the code indicates 500 feet. Engineer Knoebel indicated the way it's laid out, in Phase 1 you would get in but don't have second means of ingress and egress. He indicated the concern is that if the project wasn't able to be moved forward and completed in a time frame; Second Street extension wouldn't be going to the project and ending up being a long dead-end. He indicated the need for some assurances regarding the submission of the next phase or some alternate bonding to cover Second Street. Mr. Quigley indicated they do have grassy pavers for emergency access and could pave it if the Borough chooses for use of a temporary access. Solicitor Allshouse asked if the construction of the extension that would connect to Second Street was included in Phase 1? Mr. Quigley indicated he didn't think so. Leon Zeiders asked if in theory where the cul-de-sac is located you could get across it temporarily? Engineer Knoebel stated a grass paver emergency access is there and have requested more details, but Mr. Quigley indicated potentially that could be a way to resolve the concern on the limitations on Phase 1. Leon Zeiders asked how would the emergency vehicles get in and out of there? Mr. Quigley stated they would be able to come out over the grass pavers and onto Butler Alley. Solicitor Allshouse asked if a time period could be provided as to when the construction of the extension to Second Street and connection of the two streets would be done and possibly provide the Borough with escrow money? Mr. Vernon Sealover stated the plans to move forward on the portion of connecting Second Street would be following within six months. Solicitor Allshouse asked if there would be any issues on putting a time period regarding the completion of the circular loop back out onto the main drive and putting a letter of credit into escrow until it's done? Mr. Sealover indicated he had no problem with this. Engineer Knoebel indicated the major concern the access from South Second Street wouldn't be constructed and would like the developer to extend the portion of the street on the letter of credit down to the intersection of Franklin Street and South Second Street. Mr. Quigley indicated Phase 3 contains 47 of the 120 units and wouldn't get built unless Second Street is completed. Mr. Vernon Sealover stated that Phase 2 and Phase 3 would be going in together and market conditions being as they are; the demand would be on the developer and the Planning Commission to move forward. Mr. Quigley indicated they could switch Phase 2 and Phase 3 around so that Second Street would be included in the second phase. Paul Eurich asked if the agreements are in place with the drainage issue with J & J Agri? Engineer Knoebel stated they were all taken care of. Solicitor Allshouse asked about the stormwater system on the private property maintenance agreements? Mr. Quigley indicated they were on the cover.

#18 – Clarification of maintaining sidewalks – Mr. Quigley indicated the owner of the property would be responsible for maintaining the sidewalks and the vegetation.

Paul Eurich asked about the entrance on Baltimore Street, #11 (Revised Final Subdivision Plan) states there is a pre-existing driveway entrance for ingress/egress between Lot 5 and Baltimore Street. Developer's right to retain this driveway shall be confirmed by the developer's traffic study and shall be approved by Penn DOT. Mr. Quigley indicated that is correct and why it's being showed it being the driveway being removed but the actual throat is being left in place until the traffic study is revised and meet with Penn DOT.

Manager Deibler indicated 7 waivers is a lot of waivers in which Council has to approve and should wait until all the waivers are granted before the plans can be approved. Engineer Knoebel indicated that it's a developer's risk and Council would denied some of the waiver requests, the plan would have to be amended and back in front of the Planning Commission. Leon Zeiders asked if any of the waivers have been approved previously? It was stated that the first five were and the other two were not. Vice Chairman Radcliffe indicated with the traffic study, the meeting set for Friday, July 27th, and the County comments still outstanding, he felt this should be tabled for next month's meeting. Leon Zeiders asked if the traffic study included all 120 units. Mr. Quigley indicated that is correct. Paul Eurich indicated there are more general notes than on the previous plans and asked what the reason was for more notes added? Mr. Quigley stated most of the notes came from the comments that were in the previous submission package. Engineer Knoebel asked the Borough Manager if it would be worthwhile to forward the waivers onto Council for approval? She indicated that it would. Mr. Vernon Sealover commented that his lender is getting restless with this issue and would appreciate it if Planning Commission would approve with conditions and move forward with the project. Chairman Reeves asked what the status of the traffic impact study and is it still the same? Mr. Quigley indicated they are hoping it is; and had been asked by the Borough to revise the traffic study because of the age of the traffic counts and had received the scoping letter from KPI for the study. Discussion. Leon Zeiders indicated if note #9 is to be implemented then the commons area needs to be included in Phase 1, because of the approval 27 units and in the notes it references after 18 units are built. Mr. Quigley indicated the original intent was that Phase 1 had 18 units in and then after Phase 1, we would move forward to Phase 2, which included the community center and the note was to reflect the 27 units to match up to Phase 1 and to make a request to change it to 27 units. Leon Zeiders asked regarding #25, a general permit for a utility crossing, is that still good? Mr. Quigley indicated that it was. Leon Zeiders asked regarding #45, if a Home Owners' manual existed? Mr. Vernon Sealover indicated that it hasn't been completed. One of the Planning Members indicated that it should be completed for Phase 1 and asked if it's a Home Owners or a Condo Association. Mr. Quigley indicated that it was a Condo Association. Vice Chairman Radcliffe moved to accept the plan and table pending further review and receipt of the traffic study, and further discussion of details with the Borough Engineer, receipt of and addressing the comments from the York County Planning Commission, and re-submission of revised plans based on the discussion of the Planning Commission and Borough Engineer and recommend to submit the seven waivers request items and the developer to provide formal letter(s) for the waivers and recommend approval of the waivers to Borough Council. Seconded by Paul Eurich. – Motion Carried.

The fifth item on the agenda was the Discussion/Review of the Winfield/Phase 1 Final Land Development Plans. Chairman Reeves asked about the status of this item. Engineer Knoebel indicated that they were submitted however felt that the committee doesn't produce a formal review of these plans because of the issues on the preliminary/final that would impact these plans. Vice Chairman Radcliffe moved that because of the pending changes to the Preliminary/Land Development Plans to the current development plans we tabled the Phase 1 Final Land Development Plans pending to any changes that would result from the review and the revision to the preliminary plans. Seconded by Joe Robinson. – Motion Carried.

Old Business: Borough Manager Deibler stated there is a Regional Comprehensive Plan meeting being held on August 20, 2007 at 7 PM at the Carroll Township Building and more details would be following. She also indicated after the comp plan meeting, they would like to discuss transportation in the area and would appreciate as many planning members to attend. Chairman Reeves asked who they were. Manager Deibler indicated Gary Brown, Wayne Kober, Penn DOT and York County Planning Commission. Discussion. Solicitor Allshouse indicated that this would have to be advertised if a quorum of the Board attends. Borough Manager Deibler indicated Carroll Township is advertising it. Solicitor Allshouse indicated the Dillsburg Borough would have to run our own advertisement, stating that the Dillsburg Planning Commission would be convening in a joint meeting with Carroll Township.

New Business: Paul Eurich stated to expect Mr. McNaughton to come forward now that Winfield is on the table. Discussion.

As there was no further business, Leon Zeiders moved to adjourn at 8:55 PM. Seconded by Joe Robinson. – Motion Carried.

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