MINUTES
DILLSBURG BOROUGH PLANNING COMMISSION MEETING
April 27, 2016

The April 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, Paul Eurich, Brian Radcliffe and Joe Robinson. Also present were Borough Engineer Tim Knoebel, Borough Manager Karen Deibler and Borough Secretary Debbi Beitzel. Planning Commission Member Leon Zeiders wasn't present.

The following visitor was present: James Merritts.

The first item on the agenda was the Re-Organization to Elect Officers for Chairman and Vice Chairman. Paul Eurich nominated Allen Reeves for Chairman. Brian Radcliffe seconded the nomination. Joe Robinson moved to close the nominations. Brian Radcliffe seconded to close the nomination – Motion Carried.

Brian Radcliffe nominated Joe Robinson for Vice Chairman. Paul Eurich seconded the nomination. – Motion Carried.

The second item on the agenda was the approval of the November 18, 2015 meeting minutes. Vice Chairman Robinson moved to approve the Planning Commission meeting minutes of November 18, 2015 as presented. Member Brian Radcliffe seconded the motion. - Motion carried.

The third item on the agenda was the discussion of the Final Minor Subdivision Plan for James F. Merritts on North Second Street. Chairman Reeves indicated the PC received the comments from the York County Planning Commission and asked if there were any issues. Engineer Knoebel stated they are all reasonable comments. Comment 1C – requesting contours - the applicant has requested a waiver for this requirement. Comments 1A and 1B are normal signatures that go on the plan before it's recorded. Comment 1D – primary control point which is something the surveyor can add to the plan. Chairman Reeves asked if the contours are really important. Engineer Knoebel indicated he didn't think so and would only add clutter to the plan. He indicated if someone would want to purchase one of the lots and develop it more; they would have to do a land development plan and show the contours.

Engineering Knoebel stated the applicant would need to request a waiver for the requirement to submit a separate preliminary plan.

Engineer Knoebel indicated the first page of plan was explaining was currently there; there is one deed with a number of specific tracts within the deed. There are four

separately described tracts within a deed. This is an old fashion way of doing things, today we see separate lots. Mr. Merritts stated Mrs. Fisher told him they kept buying lots and adding them to the deed. When the original show room and offices burnt down they moved it to another location but it was placed on two lots. Mr. Merritts stated he asked the Borough Manager if he could subdivide the lots because if someone would want to purchase a lot without the other, they could. Engineer Knoebel indicated there are a handful of nonconformities. Engineer Knoebel indicated the applicant would like to create lots and with each separate lot a deed will have to be created. Engineer Knoebel indicated he didn't find what the applicant was purposing was making the nonconformities any worse and was in fact correcting some of them. Engineer Knoebel stated the way they deal with the nonconformities that can't be corrected is to put a note on the plan stating those buildings are subject to the ordinance. He stated a note would have to be put on the plan stating Lot 3 - parcel 2 is a non-buildable lot.

Engineer Knoebel asked if the macadam area was a street and are there any records indicating such. Manager Deibler indicated according to York County map it's a borough street. Mr. Merritts stated there are no records as of today. Engineer Knoebel stated they need to verify that because this changes everything. He indicated the deed which Mrs. Fisher and Mr. Tim Merritts had nor does the current deed reflect that there is a right-of-way through there. Engineer Knoebel stated if the macadam area is in fact a street then the frontage for the different tract would come off of that and the width of the right-of-way could impact how the subdivision turns out. Chairman Reeves asked how they would find this information. Engineer Knoebel stated there would have to be some title work done. He indicated that it's not the obligation of the Borough do to this but the PC can request the surveyor to do. If there isn't and the Borough has an interest in it being a street, the borough would have to consult with the solicitor with regards to what the rights are because it has been in used for a while. Manager Deibler indicated York County has it as a road on their map. Engineer Knoebel indicated the map isn't a legal document. Member Radcliffe asked if the borough maintains it. Managed Deibler stated yes. Mr. Merritts stated that area was their parking area. Engineer Knoebel stated two surveyors have surveyed it and neither one has identified it has a public street. Mr. Merritts stated he did a title search on it back 100 years. Manager Deibler asked for a copy. Engineer Knoebel stated if the title work doesn't suggest it's a public street, doesn't mean the Borough wouldn't have any potential claim to that being a street. There are laws with regards to how long property is used for public thoroughfare.

Engineer Knoebel indicated the applicant will have to do Consolidation of deeds for those tract additions and the plan will have to clearly note the add-on pieces are not building lots by themselves.

Engineer Knoebel indicated the existing sewer lateral and water main service line information should be added to the plans. Also, if the water and sewer crosses over one lot to get to another lot there would have to be easements.

Engineer Knoebel indicated to Mr. Merritts that his surveyor was also given copies of his comments. Engineer Knoebel stated that a note would be sent to inform him about the potential right-of-way and to get a copy of the title search regarding the macadam area.

Engineer Knoebel asked Mr. Merritts if part of the area was sold to R & S Fence Company. Mr. Merritts indicated he has a contract with them, but he still owns the property.

Engineer Knoebel asked what the status of the paving was. Manager Deibler indicated it has stopped. He asked if Mr. Merritts knows he needs to do something about it. Manager Deibler asked Mr. Merritts if he was planning on completing the paving. Mr. Merritts indicated he liked to because he is trying to make everything look nice and clean. Engineer Knoebel stated they respect that, but the borough is required by DEP to get a Stormwater management if anyone paves anything. Mr. Merritts stated he has taken the whole city's water for years and have repaired the storm one time and cost him a lot of money and now the borough is going to take it over and he has given them the right-of-way. Manager Deibler indicated the Borough is fixing the storm pipe. She stated it didn't use to be broke. The borough had to go through and get an easement. Engineer Knoebel asked if the Borough received signed easements. Manager Deibler stated yes. Engineer Knoebel briefed the PC on the project of the new storm pipe.

Engineer Knoebel indicated there are still a couple of questions and the surveyor will have to address the comments. He stated a note will be sent to the surveyor addressing the right-of-way.

Member Radcliffe asked what the Non-building waiver note on page one means. Engineer Knoebel indicated anytime someone does a subdivision, you need to do a sewage plan and because this subdivision doesn't create the need for any new sewage, this note has to be on the plan. Engineer Knoebel stated there is a form that the surveyor must submit to go along with the plan. The form gets acted upon by the Borough as part of the plan approval and goes into the Borough's records.

Member Radcliffe asked Mr. Merritts if his intent was to ultimately sell these as separate properties. Mr. Merritts stated he never can tell.

Member Radcliffe moved to table the plan pending review to allow the surveyor to address the county and engineering comments and additionally the question regarding the title search and the status of the macadam area. Motion was seconded by Vice Chairman Robinson. – Motion carried.

Engineer Knoebel stated to Mr. Merritts that his surveyor will need to address the comments and then resubmit the plans by May 4th. Manager Deibler indicated she would also need a waiver request to skip the requirement to submit as preliminary plan.

Old Business:

There was none.

New Business:

There was none.

Adjournment: As there was no further business, Vice Chairman Robinson moved to adjourn at 8:25 PM. – Motion carried.

Debbi L. Beitzel

Debbi L. Beitzel
Borough Secretary

cc:

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