

DILLSBURG BOROUGH CONDITIONAL HEARING
APRIL 12, 2011 – MINUTES
6:30 PM

The Dillsburg Borough Council held a Conditional Hearing at the Dillsburg Area Authority Building on the above-mentioned date. Council Members attending were, President Jeff Griffin, Vice President Holly Kelley, Hal Anderson, David Baldwin, Matt Fawber, and John Richardson. Also present were the following: Stenographer Roxy Cressler, Borough Engineer Mike Begis, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler, and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Jack & Diane Panas, Gary & Carla Cook, Jack Connolly and Sean Malo representing Jack Panas Insurance Inc., Dillsburg Planning Commission Representative Paul Eurich, and Dillsburg Borough Resident Lyn Hollinger.

The meeting was called to order by President Griffin at 6:30 pm and he stated the purpose of the meeting was to discuss the property at 300 North Baltimore Street. President Griffin moved to appoint Mark Allshouse as the Hearing Officer. Motion was seconded by Council Member Richardson. – Motion carried.

Mark Allshouse opened the hearing by putting information on the record. The information being put on the record is to insure that proper advertising and notice was given pursuant to the Pennsylvania Municipality's Planning Codes together with basic information already received by the Dillsburg Borough with regards to the application. He indicated this is the time and place for hearing scheduled for the property at 300 North Baltimore Street. The Borough of Dillsburg had received a conditional use application from Mr. & Mrs. Jack Panas of 483 East Elmwood Avenue, Mechanicsburg and Mr. & Mrs. Gary Cook of 161 Warrington Road, Dillsburg. The applicants are requesting the use of an office complex relating to Chapter 27, Section 413.B. (3) of the Dillsburg Borough Code. The application was received under cover letter March 3, 2011 from Diane Panas to the Dillsburg Borough and Planning Commission. The correspondence included the application which consisted of five form pages, a handwritten sketch as of March 3, 2011, two sealed property survey plans from Todd Allen Lyons; Plan #1 shows the separate parcels on the property and Plan #2 shows those parcel together with the current structures and the proposed improvements would be marked Borough #1. On March 14, 2011, the Borough Manager advertised for the weeks of March 17th and March 24th in the Dillsburg Banner a legal notice of the public hearing, copy of the correspondence requesting advertisement together with a copy of the legal notice would be marked Borough #2. The Borough Manager likewise on March 14, 2011 caused a copy of the conditional use application to be logged with the York County Law Library in addition the property was posted on March

28, 2011 and notices to neighbors were mailed March 24, 2011. The neighbors were contained on a list provided and created by the Borough Manager on Baltimore Street, Impala Drive, Greenbrier Lane and one on Corvair Drive. The Borough received from its engineer, KPI Technology, a memorandum dated March 24, 2011 setting forth KPI's technical review of the application. These documents would be marked Borough #3.

Mr. Allshouse indicated the procedures are as follows: The applicant would come forward and give Borough Council an overview of the application and the plan; the Council can ask questions anytime and the applicant could respond to the questions at anytime; thereafter a member from the Planning Commission will advise Council of their review and recommendation; any public comments can be made; the applicants will then get a chance to respond to any issues that arose during public comment or Planning Commission; applicants would then have the ability to make any final comments and then evidence would be closed and the matter would then be turned back over to the President of Borough Council to conduct any discussions and/or votes.

Mr. Jack Panas stated his wife; Diane has been the project manager for the project and turned the hearing over to her. Mrs. Panas indicated they have been in the Dillsburg area as the insurance business, Jack M. Panas Insurance since 1989; we started in the Borough in a small upstairs office just a few doors down from the current Borough Office. Their current office is located on Route 15 and has been at this location for approximately 10 years; they would like to bring their insurance company back into the Borough area and create a small rental space for another small business just starting out. She indicated the drawings which were submitted are the current structure of the house and adding a 12 X12 addition to the back of the house.

Mr. Allshouse indicated under the Dillsburg Borough code there is a set of general standards that are required to get some evidence in order to make a decision. The first general standard refers to the use and how it affects the neighborhood, so he asked the applicant to explain to Council how the proposed use including the intensity is in harmony with the other uses and other properties in the area. Mrs. Panas stated the area is quiet and there are some other businesses in the area. She indicated they wouldn't have a lot of traffic coming in and out of the building; most of their business is done online, by mail or by phone. Vice President Kelley asked what the estimated foot traffic they currently have is. Mrs. Panas stated they currently get three to four persons coming in on an average day; on Fridays five to six people might stop by.

Mr. Allshouse asked the applicants if they were able to determine if there would be adequate water and sewer supply for the use. Mrs. Panas indicated it was her understanding that if they are granted the conditional use their civil engineer would be willing to work with KPI.

Mr. Allshouse asked if there would be anything with regards to the use that was going to impair the value of adjacent land or impede their accesses or in any way create any unsightly walls or fences. Mrs. Panas stated no, they would like to keep it looking residential. The only thing that might down grade it would be the parking lot, which would have landscaping around it.

Mr. Allshouse indicated the next criteria deals with traffic congestion or problems with traffic on residential streets. He indicated for clarification, for the applicant to explain where the access was intended to be located when developing the lot. Mrs. Panas stated the access drive was going to be off of Greenbrier Lane between the house and the garage; the parking lot would be set back.

Mr. Allshouse asked the applicant how many employees do they intend to have. Mrs. Panas stated they have six employees and one outside salesperson that visits occasionally.

Mr. Allshouse asked if Mrs. Panas was present at the Planning Commission Meeting. She stated yes. Mr. Allshouse stated on the KPI memo dated March 24th, there was an issue with regards to lighting the parking lot and asked the applicant to explain to Council what they wanted or were proposing to do. Mrs. Panas stated their business hours are 8:30am to 6:00pm, so the only time lighting would be needed is in the winter months for approximately an hour and a half, when the days are shorter. She stated to keep the lights from shining towards the neighbors, they would like to put something on the garage and direct it to shine on the parking lot and then some landscape lighting along the walkway.

Mr. Allshouse indicated currently there is not a sidewalk on the property along Greenbrier Lane and asked the applicants what they are proposing with regards to the sidewalk issue. Mrs. Panas stated they are willing to put the sidewalk in, however they would like some time to put it in place; approximately one to two years.

Mr. Allshouse asked if the Council had any questions. There were no questions from Council.

Mr. Allshouse asked Paul Eurich to come forward and report on the Planning Commission review. Mr. Eurich stated the Planning Commission met on March 23, 2011 to discuss the request of Jack M. Panas Insurance, Inc. to open a Profession Office Complex at 300 North Baltimore Street. The property is zoned as Residential Suburban, therefore, requires conditional use approval by the Borough Council. The applicants provided the Planning Commission with an updated plan of property dated February 25, 2011. The twelve (12) comments listed by KPI Technology on their memorandum dated March 21, 2011 were discussed in detail and the applicants indicated their willingness to work with the Borough and their engineers to resolve the issues listed on the memorandum. The updated plan of the property was also discussed in detail with clarification made by the applicant. He indicated one important point was the applicant stated they had unsuccessfully attempted to find a suitable affordable property which wouldn't have required a zoning change. Mr. Eurich stated the motion of the Planning Commission was to recommend the Borough Council approve the requested conditional use subject to the applicants meeting all the comments in the Borough Engineer's memo; specifically mentioned in the motion was the installation of a sidewalk, appropriate vegetative screening and lighting all which would meet the aesthetics and character of the neighborhood. Mr. Eurich stated the motion passed with three (3) in favor and one (1) abstention.

Mr. Allshouse asked if the applicant had any questions, concerns or follow up with the report given by the Planning Commission. Mrs. Panas stated she had one with the vegetative screening; there are some nice pine trees and holly currently there now and they have planned to do some landscaping around the parking lot and she would be interested in what the neighbors would like to see as well. Mr. Allshouse asked the applicant if they continue to be amendable with working with the comments set forth in the Borough engineer's report. Mrs. Panas stated yes.

Mr. Allshouse opened the floor for any public comments. Lyn Hollinger, 21 Impala Drive indicated her property is directly behind the proposed parking lot. She indicated one of her concerns was there are businesses on Baltimore Street; however, Impala Drive, Greenbrier Lane and the connecting properties are all residential. She stated she wasn't sure where the proposed parking lot was going to be placed but it sounded like it was going to be located more towards the residential area (Impala Drive) opposed to the business area (Baltimore Street). The closer the parking lot is to the residential area will cause more problems with the lighting issues. Another concern was putting a light on the garage to shine down on an empty parking lot, she stated she and the adjacent property owners live there 24/7 with bright lights shining all night long. Ms. Hollinger indicated if the conditional use for an office complex is granted; what does the conditional use mean for future buyers. She mentioned another concern was that the applicants indicated there would be a lighted sign on the back of the building; because lighting a sign would mean the light is on at nighttime. Ms. Hollinger mentioned when it rains there is standing water on the property and wanted to make sure when the parking lot is put in, this doesn't create a bigger issue for the adjacent property owners. Mr. Allshouse asked if there was anyone else that wanted to make any public comments. There was none.

Mr. Allshouse asked the applicants if there were any comments or responses based on the public comment. Mrs. Panas stated they hope to be at this location for a long time and indicated she understands if they were to purchase the property there would be stipulations with the conditional use when and if they sell the property. She stated as far as the lighting of the sign, the plan is to have a soft glow light down on the sign; not out. As far as the light on the garage to the parking lot, the garage would break the light from going into the neighboring properties.

Vice President Kelley asked where the parking lot would be located. Mrs. Panas stated the access drive would be in front of the garage and the lot would be located not far back into the second lot.

Mr. Allshouse asked if there were any more questions from the Council. There were none. He asked if there was any more evidence or information the applicants wanted to consider before closing the evidence. Mrs. Panas stated no. Mr. Allshouse stated the evidence rest and closed the evidential part of the hearing and turned the hearing back over to President Griffin for the purpose of discussion, deliberation and/or vote.

President Griffin asked Council if there were any questions or discussion concerning this matter. Council Member Baldwin asked Manager Deibler if it addresses the lighting of signs and the position of the light in the sign ordinance. Manager Deibler stated yes.

Council Member Anderson stated Mr. & Mrs. Jack Panas of 483 East Elmwood Ave., Mechanicsburg and Mr. & Mrs. Gary Cook of 161 Warrington Road in Dillsburg submitted an application requesting a Conditional Use relating to Chapter 27, Section 413.B.(3) of the Dillsburg Borough Code, for the property at 300 North Baltimore Street in order to purchase the property and open a Professional Office Complex. The plan was reviewed by Planning Commission on March 23, 2011. Planning Commission recommended the Borough Council approve the conditional use with the following conditions:

1. Use of the property shall be in compliance with the Dillsburg Code, Federal Regulations, as well as Labor and Industry standards for a commercial use property.
2. Applicant must obtain a driveway permit from the Borough of Dillsburg.
3. Applicant must create the additional space required to establish the office complex use.
4. Applicant must combine the four lots which make up the York County tax parcel into a single lot description and provide proof of that lot consolidation to the Borough.
5. Any alterations to the exterior of any building should be consistent with the architectural and aesthetic look of the surrounding properties, as well as all signage should, likewise, be designed to preserve the aesthetic blending and similarity with the surrounding properties.
6. The garage shall only be used as part of the office complex and shall not be utilized for any other use or commercial business.
7. The property is limited to seven employees to ensure adequate parking pursuant to Dillsburg Borough Code. In the event additional employees are hired, applicant must request the necessary zoning variances for parking.
8. Applicant shall provide adequate landscaping and vegetative screening sufficient to screen this commercial use from the surrounding properties.
9. Applicant shall contact the Dillsburg Area Authority to obtain the proper EDU calculations for the change in use.
10. Applicant shall install a sidewalk along Greenbrier Lane prior to obtaining the occupancy permit.
11. Applicant should submit a detailed site plan together with stormwater calculations and stormwater plan to meet the Code requirements necessary.
12. Parking lot lighting – A minimum of a motion detection light that will light not only the parking area, but the path from the building to the parking area, will be required.

Council Member Anderson moved to approve, with the mentioned conditions the requested conditional use as a business complex at 300 North Baltimore Street. Motion was seconded by Council Member Fawber. Vice President Kelley stated there should be some sort of time line placed on the sidewalk being installed requested by the applicant. Council Member Baldwin indicated it was mentioned, the sidewalk must be installed prior to getting the occupancy permit. Vice President Kelley asked if there would be any additional time given. Council member Baldwin stated no. – Motion carried.

Mr. Allshouse asked the applicant if they understood the conditions set forth in the motion. Mrs. Panas stated yes. Mr. Allshouse asked if the applicant accepted the conditions. Mrs. Panas asked if the lighting was to be turned off after they left the premises. Mr. Allshouse indicated they could have more and not necessarily a motion detector. Mrs. Panas stated the conditions were acceptable. Mr. Panas asked if they could have more time on the installation of the sidewalk. Mr. Allshouse stated Mrs. Panas did and Council indicated time line is prior to issuing occupancy permit.

Mr. Allshouse indicated MPC requires a large long document with all the public comments, findings and fact and conclusions of law be provided on a decision; however the applicants have the ability to waive that requirement in lieu of a separate writing setting forth the approval and the conditions subject to it. Mr. Allshouse asked the applicant if this was something they were willing to waive. Mrs. Panas stated yes.

Mr. Allshouse closed the hearing at 7:02 pm.