

Mount Joy Borough Planning Commission
May 10, 2017 Minutes



The May 10, 2017, Planning Commission meeting was called to order at 7:00 PM, by Chairperson Wendy Melhorn. Commissioners Sweigart, Rebman, and Gault were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs was also present. Borough Manager Sam Sulkosky was also present.

MINUTES

On a motion by Rebman and a second by Gault, the April 12, 2017, minutes were approved with corrections. Sweigart advised that the only thing that might be of significance is whether or not the mentioning of the rezoning of the industrial land should be changed to light industrial proposed within East Donegal Township. Motion carried 4-0.

PUBLIC COMMENT

Ned Sterling, 34 W. Main Street, asked if code allows for the enforcement of cats or cat odor within someone's home. Gibbs advised that is enforceable under the code. Gibbs advised that if she received a complaint, a right of entry would be requested. Upon inspection, Gibbs advised that she would determine the extent of the violation, and if necessary request that the owner have a professional come in to determine the extent of the damage done by the odor. Gibbs advised that there could be damage to carpet, drywall and insulation.

Ned Sterling, 34 W. Main Street, asked why CrossRoads Church wanted to rezone their property. Melhorn advised that the Borough is proposing to rezone this property. Gault advised that they wanted to update their sign, and it was then discovered that the property was still zoned residential. Gault advised that we wanted to make it zoned consistent with the other commercial properties located at that intersection which is Neighborhood Commercial.

Ned Sterling, 34 W. Main Street advised that he does not recall seeing an antenna on a traffic light at an intersection. Gibbs advised that it will usually be on their own pole. Sterling advised that according to the proposed Ordinance, they can only put their poles and antennas within the three zoning districts listed, and they cannot put them within the public or private right-of-way where existing utilities exist. Gibbs advised the request must be made by Special Exception only. Sterling further advised that the ordinance states that the antennas must be on existing poles. Gibbs advised that the section on equipment location states that cellular equipment and poles are prohibited in areas served by underground utilities. Gibbs further advised that cellular equipment and poles should only be installed only within right of ways of streets where there are utility poles and overhead wires. Gibbs advised that the ordinance is trying to promote the installation and equipment on existing utility poles. Gibbs further advised that the height of a tower cannot exceed 40'. Gibbs advised that we are proposing to install them where there are existing public utilities, but not where there are underground existing utilities. Sterling asked if a cellular provider could install equipment on a private lot. Gibbs advised that they would have to follow the existing zoning ordinance which regulates towers and antennas on private property. Gibbs advised that there are currently several antennas on the Borough Authority water tower and equipment on their property. Each provider had to apply for a permit and submit a plan that depicted they complied with the zoning ordinance. Gibbs further advised that each provider has an agreement in place with the Authority to use the tower for their equipment/antennas.

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UPDATES

The Planning Commission was provided a copy of the Zoning and Code Officer report by email.

Gibbs advised that on May 1, 2017, Mount Joy Borough Council authorized staff to submit a Notice of Intent to the Lancaster County Planning Commission to apply for a Smart Growth Transportation Grant to conduct a Multi-Model Transportation Feasibility Study with a Wayfinding Element. This study will focus on both the transportation and recreational connection designs for the future of the Borough utilizing the Official Map and the Comprehensive Plan, and other existing tools. Gibbs provided the Planning Commission with the criteria for the grant along with a copy of a Notice of Intent along with a copy of the scope of services from the Borough Engineer. Gibbs advised that 20% of the grant can go towards studies. If found eligible, the Borough would be responsible for a 20% match, which would be \$4,700.00. Gibbs advised that under the Capital budget, streets and highways, there is monies that Council approved staff to use towards the 20% should the Borough be awarded the Grant. Gibbs advised that Borough Staff attended a Smart Growth Workshop and thought it would be great if a feasibility study could be done for some of the pedestrian corridors or the hiking and biking trails shown on the Official Map. Gibbs advised that this study would be beneficial for when Public Works creates their 5-year plan or for when they plan to redo a street in the Borough. Gibbs advised that there are also options to apply for grants to actually do work on a street. Gibbs advised that this is another way to use the tools that we have already adopted and keep the connectivity going. Sweigart asked if the engineering firm is actually doing the work. Gibbs advised we would have to bid the job. Sulkosky advised that we asked the engineer to provide a scope of work and cost based from our communications. Sweigart asked if we had a wayfinding system in place before. Gibbs advised that there was a County wayfinding program which had financial cost to it. Businesses would have had to pay for it. The Planning Commission previously supported the program, but it was too costly for people to participate in. Gault thought it was something that came from the train station. Gibbs advised that she believes that was Plan the Keystone. Gibbs advised that wayfinding element would include signage for parks, destinations and other key places. Gibbs advised that it would be nice to have a sign somewhere that would direct people to Rotary Park to enjoy the new path and connectivity that will soon be created.

Sweigart advised that she wants to make sure that this wayfinding system will be different than what was proposed previously. Gibbs advised that this system would not direct people to parking. Sweigart advised that it would direct people to locations. Gault advised that he is not understanding what the study would accomplish. Gibbs advised that the engineer would show cross sections and street segments, and what would be needed to complete a specific street. Gibbs advised it would allow the Borough to capitalize and plan for the project. Gault advised that why can't we use the standard street width standards that are in the Subdivision Ordinance. Gibbs asked Gault if we were missing something. Sulkosky advised that this is going in the Complete Streets direction. Gault advised that in terms of this program and his understanding of it is that if you could take this type of study and use it to apply and say, "we want to build School Lane and make it a complete street, and here are the things we are going to do" that would probably be more of how the program

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works. Gault advised that he believes for the amount of money for the project, it is going to cost more to bid and administer the paperwork than what the Borough would get out of it. Gibbs advised that she sent an email to Harriet and Brad at LCPC advising that they were going to apply, and she did not hear any issues with it from them. Gibbs advised that we are going towards the Complete Streets way. Gibbs asked if the scope is not what we should be looking for. Gault advised that he is confused between the wayfinding element and the complete streets element. He is trying to understand how the wayfinding element is tying into the complete streets element. Gibbs advised that staff thought that there could be a wayfinding sign that would direct someone to a pedestrian corridor. Staff feels that connectivity in the Borough is key. Gibbs advised that their vision is to make the Borough a pedestrian friendly, smart growth friendly place. Gibbs further advised that the transportation element in the Comprehensive Plan called for a wayfinding program or plan to be introduced into the Borough. Gault advised that what we are trying to accomplish is great. Gault advised that he almost rather see a quick study is done and then use that to apply for funding for a project. Gibbs advised that is their vision. Gibbs advised that she found something in the Borough News that asked, “Does Your Borough Need Sidewalks?” Gibbs said there are additional funds to implement the study available. Gault advised that he does not think that the study is not going to provide value. He just wants to make sure the study does not sit on the shelf. Sweigart advised that is why she asked about the wayfinding element. Sweigart advised that when she reads the scope of work, it seems like it is all about wayfinding. Sweigart advised that wayfinding is mentioned quite many times and the previous wayfinding study seemed to have a short shelf life. Sweigart advised that the scope of work did not scream complete streets.

Gault recommended calling it the Mount Joy Borough Complete Streets Plan. Gibbs advised that they would ask the Borough then to adopt a complete streets resolution and there is not enough time to do that before the Notice has to be submitted. Gault advised that part of what this study is going to do is create a complete streets policy that the Borough is going to adopt. Gault advised that is a “buzz” word that we need to use. Sweigart advised that perhaps this study could be more of an exploratory study. Gault advised that complete streets gets misunderstood and it really says that the public right of way should accommodate all users. Gault advised that you don’t necessarily need sidewalks and everyone shares the same space. Gault further advised that on a street like Main Street, you would want to separate it for users so that it is safe. Gault advised that whenever you’re going to do projects, you’re going to think about it. Gibbs advised that only 3 other municipalities have a complete streets resolution. Gibbs advised that Lancaster City, Elizabethtown Borough and she believes Lancaster Township all have complete streets resolution. Gibbs asked Gault if he would like to provide staff with some language in 100 words or less for the Notice. Gault said he could probably come up with something. Gibbs advised that it seems like the way we have been explaining the concept is not what is communicated in the proposal. Gault advised that we are going to get much of a study that is going to provide value for that amount. Gibbs advised that is what staff got approval from Council for. Sweigart advised what is being explained is not what is reflected in the scope of work. Sam Sulkosky reviewed the criteria within the grant and provided the number of points an applicant could potentially receive.

Gibbs advised that if Gault would provide some revised language that Gibbs could include in the Notice of Intent that would capture the intent of the project. Gibbs advised that based on the new description, staff will have to provide that to the Borough Engineer to revise the scope of work.

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OLD BUSINESS

Gibbs advised that in 2012, Ordinance 2-12 adopted parking regulations to prohibit boats, trailers, recreational vehicles to be parked on Borough streets. Gibbs further advised that the existing article contained language that contradicted the new ordinance that was adopted in 2012. This section should have been deleted. Therefore, we are taking this time to add the change to these ordinance amendments.

Gibbs further advised that there were a couple of minor language changes proposed by Council. Gibbs advised that Council proposed that instead of adopting a fee by Resolution, Council wanted to negotiate an agreement with the applicants. Therefore, Gibbs advised, the language was removed that provided for a fee to be adopted by Resolution. Gibbs advised that she provided these changes to the Borough Solicitor. Gibbs provided the Commission with the Solicitor's comments which are not to negotiate a fee by agreement, but have the fee be adopted by Resolution.

Gault advised that each applicant should be treated the same, and made to pay a fee which should be adopted by Resolution. Gibbs said she contacted several municipalities and none have a fee established. Gault advised that is like saying that he wants to put an addition on his house, and he wants to negotiate a building permit fee. Gibbs advised that it is not required to have a fee. Gault advised that the ordinance should say that an applicant shall pay any fee that is established by Borough Resolution. Gault advised that if Council does not want to adopt a Resolution, then there will be no fee. Sulkosy advised that with the cell towers, there is negotiating that goes on. Gibbs advised that is different. Sulkosy believes that historically fees have been negotiated for antennas that are on towers. Gibbs advised that the Authority has agreements with those entities that have antennas on their water tower. Gault advised that \$200.00 per antennas per year. Rebman advised that perhaps we could leave the fee open, in case it is placed in an area where the residents do not want it. Therefore, we could make the fee absorbanent. Gault advised that any land use law he has ever seen you can require it inequitably. Gault advised that negotiating could create an administrative nightmare. Gault asked why we do not charge different rental fees for different landlords. Gault said because it would be discrimination. Gault advised that we need to determine what it would be costing to administer the ordinance for towers in the right-of-way. Gault advised that the thing to remember is the fee is paid every year.

Gibbs advised that the proposed changes to section 3, would be to go back to the original language. Gibbs advised that the motion on the floor could be amended to change language to section 3. Gault advised that the details to justify the cost needs to be removed, and basically just establish a fee by resolution of Council for cell towers in the street right-of-way. The Commission advised that the owner of each communication tower and/or communication equipment shall pay an annual fee to the Borough as establish by Borough Council. Gault advised change the word agreement to resolution.

On a motion by Gault and a second by Sweigart, the Mount Joy Borough Planning Commission recommended Borough Council adopt Ordinance 2-17 regulating accessory free libraries, communication facilities within public street right-of-ways with revisions to paragraph 7 page 5 as discussed, rezone a tract of land located at the southwest corner of the intersection of Donegal Springs Road and Union School Road identified as 800 Donegal Springs Road, from its present classification as Low Density Residential to Neighborhood Commercial; and delete certain parking regulations from Chapter 255 Vehicles and Traffic with changes to Section 3, 270-62(7). Motion carried 4-0

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On a motion by Gault and a second by Sweigart, the Planning Commission recommends Borough Council adopt a Resolution to establish an annual fee for applicants with communication facilities and/or equipment within the public street right-of-way in the amount of \$1,000.00. *Motion carried 4-0.*

NEW BUSINESS

The Planning Commission reviewed the proposal from Donsco to rezone approximately 522 acres from Agricultural (A) to Urban Extension Residential (R-3), situated southeast of the south end of South Barbara Street in East Donegal Township. Melhorn advised that she believes it should be Light Industrial not Industrial. Gibbs advised that she can look into that. Gibbs advised that she was contacted this afternoon by East Donegal Township requesting that the Borough Planning Commission provide a letter with their position on this request.

Gault advised that East Donegal Township only has an Industrial Zoning District, and not Light Industrial. Gibbs advised that on the exhibit provided it shows Light Industrial. Gibbs advised that she communicated the Commission's concerns which were discussed previously. Gibbs further advised that they now have requested the Commission's position in writing. Gibbs advised that the Commission cannot provide anything binding, and the Township cannot enforce anything. Gault advised that legally the Township cannot enforce them to do off-site traffic improvements. Gault advised that is in the Municipal Planning Code (MPC).

On a Motion by Gault and a second by Sweigart, the Mount Joy Borough Planning Commission will not support the Donsco proposed rezoning of approximately 52 acres from Agricultural (A) to Industrial (I), and approximately 7 acres from Agricultural (A) to Urban Extension Residential (R-3), situated southeast of the south end of South Barbara Street in East Donegal Township, because of the lack of access to the proposed site going through narrow residential Borough streets which are not conducive to large scale industrial development. If this issue would be addressed prior to rezoning, the Mount Joy Borough Planning Commission would reconsider their position. *Motion carried 4-0.*

On a motion by Gault, and a second by Sweigart, the Planning Commission meeting of May 10, 2017, was adjourned.

Respectfully Submitted,

Stacie Gibbs, Zoning Officer