

# Mount Joy Borough Planning Commission Minutes

## April 14, 2021



The April 14, 2021, Planning Commission meeting was called to order at 7:00 PM virtually via ZOOM by Vice Chairperson Wendy Sweigart. Commissioners Deering, Miller, Rebman and Dohl were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs was present.

### **MINUTES**

**On a motion by Deering and a second by Miller, the March 10, 2021, minutes were approved. *Motion carried 5-0.***

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### **PUBLIC COMMENT**

Ned Sterling, 13 W. Main Street asked if the Personal Expression Sign Ordinance is for political campaigns. Gibbs advised the Personal Expression Sign Ordinance is item B and the definition can be read so the public understand what the Personal Expression Sign Ordinance includes. Sterling thought Council already adopted this. Gibbs advised Council authorized staff to authorize the Solicitor to draft an Ordinance. Gibbs advised the Commission will make a recommendation to Council and then Council can authorize advertisement for a hearing.

Ned Sterling asked if the LERTA is only for commercial buildings. Gibbs advised it includes commercial buildings. Gibbs further suggested the Commission can review those definitions in the LERTA as well.

### **UPDATES**

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

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

The Planning Commission received and reviewed a request for a Waiver of the Subdivision and Land Development Ordinance, Chapter 240, Article III for a 3,400sf addition to Roots Beer Distributor, located at 537 W. Main Street, Mount Joy.

Dave Christian presented a color-coded Exhibit for the Commission. Christian advised the plan shows the pre-existing conditions. Christian advised the existing building is in blue and the building is in between Dollar General and CVS. There is about 15% building coverage and the maximum allowed is 90%. The pink shows the existing impervious coverage and is a combination of mostly asphalt and some concrete slabs. The orange line to the top of the building is the sanitary sewer line. The yellow box is the perimeter boundary and is a little more than ½ an acre. The orange line that goes out to the front is the domestic water line. The three green dots to the west of the

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building where they put 2 test pits for infiltration testing. In the back of the building there is a light blue line and that is the existing roof draining associated with the existing building.

Christian then reviewed the proposed building addition. There is an area to the left is an area of new asphalt pavement for 3 new parking spaces which are required based on the new square footage. Christian advised the ordinance requires 1 street tree for every 40 linear feet of lot frontage and therefore they are required to have 4 street trees. There is one existing, and they will be proposing 3 new ones. They are using something that can survive well and still maintains visibility to the building. There will be no clear sight triangle issues. Christian advised there are some existing Junipers in the landscaped islands and some boulder rocks. They are going to maintain those and some areas where they are not doing well. They are proposing to clean that up and add some new plants.

Christian further advised they will be addressing stormwater management by a Small Project Stormwater Project. Christian advised the ordinance requires two different things to address water quality and provide stormwater storage. Christian advised they will be doing both and he is working with the Borough Engineer and staff.

Christian advised a main portion of the expansion will be for additional public cooler space and the remainder is for receiving and loading space, an office and ADA bathroom.

Gibbs wanted to remind the Commission that a Stormwater Plan is not required for this project because the new impervious surface is below the 5,000 square feet and therefore, a Stormwater Small Project is allowed. Gibbs further advised the Solicitor acknowledged this project will not change any points of access to the property. Gibbs further advised the applicant does not have any issues executing a Stormwater Management Agreement.

Sweigart asked if lighting will be addressed. Christian advised the building is being designed and the intent is to have some wall packs on the back and the sides for security lighting at night. Very low level and shining directly down. No new parking lot lighting or anything out front. Sweigart asked if the restrooms will be expanded. Neil advised Speedwell is doing the design for the building and the ADA requires two bathrooms and they only have one. Neil advised they are adding another bathroom.

Rebman asked if there were any sewer or water changes. Christian advised there will be some adjustments to the water and sewer laterals. Rebman asked if they will be open during these changes. Neil advised they will remain open.

Miller is glad to see they are doing well.

Deering asked if there is a 7' drop in grade in the back. Christian advised there is about a 5' drop in grade and that will be an exposed foundation.

**On a motion by Miller and a second by Rebman, the Planning Commission recommended Council approve a Waiver of the Subdivision and Land Development Ordinance, Chapter 240, Article III for a 3,400sf addition to Roots Beer Distributor, located at 537 W. Main Street, Mount Joy conditioned upon the Borough Engineer comments being address and a Stormwater Management being recorded. *Motion carried 5-0***

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The Planning Commission was provided with a draft Ordinance regarding Personal Expression Signs. Gibbs advised the current Ordinance has a possible First Amendment concern. Gibbs reviewed some proposed definitions in the proposed Ordinance and provided some background on how the Ordinance request came into fruition.

There was a discussion regarding proposed maximum size of Personal Expression Signs and the number permitted was also discussed. Gibbs advised there is no proposed time limit on how long a Personal Expression Sign can remain in the draft Ordinance.

Gibbs further advised the second part of the proposed Ordinance is to add a section to address the expansion of preexisting uses which are now authorized only by Special Exception. Gibbs advised if a use that is currently permitted by Special Exception wants to expand, there is no requirement for them to have to seek a Special Exception. This requirement will allow the Zoning Hearing Board the opportunity to make sure the expansion will not affect traffic, noise, odor, or anything to disrupt the area in which the business is located.

Miller made it clear there are two different amendments to two different sections of the Zoning Ordinance.

Gibbs advised our current Ordinance does not allow or disallow for Personal Expression Signs. It allows folks to express themselves with signs and provides for some content neutral regulations.

Rebman asked where the 36sf recommendation come from. Gibbs advised a total square footage of 36sf of personal expression signs are permitted. Rebman asked if they can put up 1- 36sf sign. Gibbs advised the next section states that no single personal expression sign can exceed 12sf. The total of all personal expression signs cannot exceed 36sf.

Miller is wondering if the political signs can be changed to campaign signs. Miller does not want to see campaign signs up all the time. He advised they are already up too long as it is. Gibbs advised she can ask that question to the Solicitor. Gibbs advised the Solicitor advised/suggested we cannot regulate the length of time they can remain. Gibbs understands where Miller is coming from. Gibbs believes our sign ordinance is written in such a way so sign pollution does not become a problem. Miller asked what happens if someone wants to paint something on the side of their home. Gibbs looked up the definition of sign and believes what Miller is referring to is a Mural. Gibbs advised the definition of sign will remain and is any physical device used for communication. The proposed ordinance will add a definition for a personal expression sign.

Dohl asked if there is any definition on what a Mural is. Gibbs advised she inquired with the Solicitor regarding Murals previously. Dohl would be hard pressed to say paint on the side of a building is a sign. Dohl advised usually a sign is a physically item. Gibbs also advised a personal expression sign is not to contain a commercial message.

Deering thought the maximum square footage of a sign is 32sf in the Commercial Business District. Gibbs advised do not confuse a commercial sign from a personal expression sign. Deering wanted to know why someone could not put up a 32sf personal expression sign. Deering also was

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interested in changing a political sign to a campaign sign with a specific end date. He said instead of a personal expression sign call it a campaign sign. Dohl advised he does not know how one would not say a campaign sign is not a personal expression sign. Gibbs advised a personal expression sign is an opinion, point of view, etc. Dohl asked what is to prevent someone from putting Dohl 2054 on a campaign sign and having it sit out for that long. Gibbs advised there is nothing to prevent that. Miller advised there are municipalities all over regulating campaign signs. Miller advised he would have a real problem is someone would post a swastika in their yard. Miller does not think we need to be the leader on this. Gibbs referred Miller back to the Solicitor letter to the Supreme Court case regarding signage on this matter. Gibbs advised the Solicitor specifically stated in her letter that, “including time limits for personal expression signs is problematic.”

**Dohl made a motion and recommended Council add the word “all” to Section 270-103B(2) for the proposed Personal Expression section of the Ordinance. Motion died for lack of a second on the motion.**

**There was no action taken to recommend Council authorize the Solicitor to advertise proposed amendments addressing personal expression signs and no action to add a section to address the expansion of preexisting uses which are now authorized only by Special Exception.**

**There was no action taken to recommend Council approve the Ordinance prepared by the Solicitor amending the Zoning Ordinance to address personal expression signs and adding a section to address the expansion of preexisting uses which are now authorized only by Special Exception.**

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Gibbs provide the Commission with the existing LERTA Ordinance, a spreadsheet containing inquiries and a list of the proposed properties to be added to the LERTA. Gibbs reviewed the definitions on the LERTA. Gibbs advised the LERTA is good for 5 years and expires in August. Gibbs advised 645 Donegal Springs Road, Melhorn Manor and Twisted Bine are currently on the LERTA and there are a few that applied and are awaiting Certificates of Occupancy and then review by the County.

Gibbs reviewed her proposed Memorandum of properties to add to the LERTA in detail.

Sweigart asked what the upside is to place vacant land on the LERTA. Gibbs advised the Borough is not getting any taxes because the land is only taxable. Gibbs further advised we want development and want someone to build a building. Even though they would get a tax break, by year 10, we would see all the taxes. Sweigart said why would we add properties to the list that already sound like no matter what they will almost have to expand. Gibbs advised the Janus School is a pillar of the community and she believes they are hesitant to build for financial reasons. Their lot across the street has rock formations and issues that make it difficult and not feasible to build. But, if they knew they would have a 10-year tax break, it might assist them in their financial plan, and they can build sooner rather than later.

Dohl advised if they want to expand, they may leave Mount Joy to expand. Gibbs advised the properties she listed are her thoughts and recommendations after having conversations over the years with folks.

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Miller advised that he agrees the LERTA should be used to attract development and Laurel Harvest did jump out at him. Miller advised they are under intense political pressure to be in Philadelphia. Miller advised the LERTA may be a way to encourage them to stay in Mount Joy. Miller agrees with the properties to be added.

Deering asked about the Blossomwood property. Gibbs advised the zoning district for that land is Medium Density Residential. Deering also asked if all Main Street is on the LERTA. Gibbs advised all Main Street from one end to the other is on the LERTA. Deering asked if the land behind PitStop Hobbies is on the LERTA. Gibbs advised she believes some of that land is owned by Cargill and then you have the Norfolk Southern rail. Deering asked if the land on the East side of Donsco is on the LERTA. Gibbs advised she believes there may be plans to expand in the future. Gibbs believe there is stormwater management is on that land. Gibbs advise Donsco is on the LERTA and includes all their land on the East side.

**On a motion by Miller and a second by Dohl, the Planning Commission recommended Council authorize the Solicitor to amend the LERTA Ordinance to add the proposed Memorandum of additional properties to Attachment 1 including the Lepore Moyers properties on W. Main Street, which contains and consists of deteriorated properties which are eligible for tax exemption and advertise for a public hearing for the adoption of these amendments and the extension of the Ordinance. *Motion carried 5-0.***

**On a motion by Miller and a second by Dohl, the Commission recommended Council authorize the Solicitor to contact the Donegal School District and the Lancaster County Commissioners office regarding re-extending the LERTA for Mount Joy Borough.**

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**On a motion by Miller and a second by Rebman, the Planning Commission meeting of April 14, 2021 was adjourned. *Motion carried 5-0.***

Respectfully Submitted,

Stacie Gibbs, Zoning, Code and Planning Administrator