

CONEWAGO TOWNSHIP PLANNING COMMISSION MINUTES
July 28, 2008

The regular meeting of the Conewago Township Planning Commission was called to order at 7:00 P.M. by the chairman Lynn Kann, James McCoy, David Zambito, Daryl Hull, Shaun Appel, Kim Beard and Jeff Shue P.E. were present.

PLEDGE OF ALLEGIANCE

The previous minutes were approved as distributed. Motion by Mr. Hull, second by Mr. Zambito, unanimously carried.

OLD BUSINESS: None

NEW BUSINESS:

-Gregory Snell Final Subdivision Plan represented by Dave Hoffman. Motion was made by Mr. McCoy to recommend approval of the Final Subdivision Plan conditioned upon the owners signatures and the recreational fee's being paid. Second by Mr. Appel, unanimously carried.

-Adesa PA waiver requests presented by Mr. Craig Wilson of Dawood Associates, Inc. Section 505.d-Widening of Existing Streets. Motion was made by Mr. Hull to approve waiver request, second by Mr. McCoy and unanimously carried.

Section 406.a.18-Existing Contours. Motion was made by Mr. Appel to approve waiver request, second by Mr. Hull and unanimously carried.

Section 406.a.6-Existing Significant Natural and Man Made Features. Motion was made by Mr. Hull to approve waiver request, second by Mr. Appel and unanimously carried.

-Preliminary/Final Minor Subdivision and Land Development Plan for Adesa PA, Inc.- Horvath Parcel. Motion was made by Mr. Hull to approve Plan, second by Mr. Appel, unanimously carried.

-Strinestown Community Fire Company/Interpretation, appeal, challenge, special exception. Attorney John Senft represented the fire company along with Rick Fink. Mr. Hull and Mr. McCoy excused themselves because they are members of the fire company.

Mr. Senft- Questions whether a variance is needed to build across the property lots on 9 & 10. In 1980 when the original building was built and in 2003 when they added an

addition to the building a variance was not needed. The definition of land development is two or more contiguous lots that are improved involving a single building as long as it is not a residential building, it is a matter of law and already supported. They are only talking about the side setbacks. Under the officers decision if they did a reverse subdivision they would go over the 45% mark for impervious land and would have a problem. The old social hall is not as efficient. It would improve operations if they could have both social halls together instead of one across the Susquehanna Trail. The other issue is the Special exception. The zoning officer said it is a prior non-conforming use. They also disagree with this. In situations where the structure predated the ordinance where in this case the building was originally built after the ordinance and they got a Special Exception to build that building. Once that special exception was obtained we believe a new addition does not require a special exception. The purpose is to better the kitchen, social hall, provide additional storage, meeting, trainings, supplies private functions, public functions, and fund raising. They also have an application with fema for a high wind shelter. The building will also be in conformity with the village zone.

Mr. Zambito-Wouldn't it be a substantial change in the nature or character of the existing building which Special exception was granted?

Mr. Senft-It may be and that is why they are prepared for part B. The main issue came when the zoning officer said they had a prior non-conforming use. It was not a prior non-conforming use.

Mr. Shue-Does the first special exception make any reference for allowable expansion of that building.

Mr. Senft-No idea. That was 1980 and he has not seen it.

Mr. Fink-The fire company does have a copy. They are still searching for it. The township does not have a copy of it. I know it exists because I read it.

Mr. Kann-What are you asking from us?

Mr. Senft-Either an acceptance of our challenge or granting of the variance and the special exception.

Mr. Kann-A challenge would be to the Zoning Hearing Board.

Mr. Shue-They have to come to you for an opinion first. Everything you hear tonight

will go to the Zoning Hearing Board with what ever recommendations you provide. For clarification, you are looking at Section 624, expansion or alteration of non-conformity. Is that your challenge?

Mr. Senft-Yes.

Mr. Shue-What is the use that you are classified as now?

Mr. Senft-We are classified as catch all, no specific destination.

Mr. Shue-You would fall where ever it is most logical as a special exception.

Mr. Senft-Right.

Mr. Shue-So I am curious how does section 624 not require a special exception when it specifically says that in the ordinance expansion or alteration of a non-conformity.

Mr. Senft-That seems to be a good point. If that makes it easier we can waive that part.

Mr. Shue-We try to make it as easy as possible.

Mr. Fink-If you check the definition of a non-conforming it states as a use in existence prior to the ordinance. This was not in existence prior to the ordinance. So it's not a non conforming use. It is a use allowed by special exception which is not the same as a non conforming use. Although the township interprets it that way.

Mr. Shue-Just wanted to understand where we are touching base here. I think we are really talking about section 624 expansion or alteration and here it says non conformity and I think this would be non conformity the definition, is that what you are saying?

Mr. Fink-The definition of non-conformity states that it needs to be in existence prior to the ordinance or any amendments to the ordinance. And it was not. The ordinance existed in 1972 or 3 or 4. And the building was built in 1980. So if this would apply the non-conformity would apply to any special exception. If you would allow town houses in Bennett Run, Hunter Creek or Stonegate the special exception would apply to one townhouse. It is non-conforming then at that point that use could only expand by 50%. So if you allowed 6 townhouses then you could only build 3 more. And that is not the case, cause we have hundreds of them.

Mr. Zambito-So you are asking us to find that the zoning officer was in error. That it is a non-conforming prior use.

Mr. Fink-I hate to use word error but we are not in agreement with what he said. It is clear in 2003 he agreed with what we are saying now. That a special exception was not required and neither was a reverse subdivision for the set backs or variance because he allowed building to expand without any of the things that he is saying is now required.

Mr. Appel-There is a strip of land there that we do not know who owns, right. How can you bring those two together if you do not know who owns the land.

Mr. Fink-It either belongs to lot 9 or 10.

Mr. Appel-I think we should find out what that is. Can't just put a thing on that area of unknown land.

Mr. Fink-We would probably strike on to lot 9 in the land development plan.

Mr. Senft-We own both pieces.

Mr. Kann-If you own both pieces why is it drawn unknown?

Mr. Senft-Because we don't know where lot 9 ends and where 10 begins. We know they run into each other.

Mr. Appel-Can't we bring it all together.

Mr. Senft-Then we got a 45% problem.

Mr. Appel-Don't we have another firehouse. Why are we working so hard when we can go to the other one? I got a problem with parking and where water is going to run off, no one seems to want to address that. You are going to have elderly people walking across the Susquehanna Trail.

Mr. Senft-There is going to be parking on both sides of the Trail.

Mr. Appel-Will the bulk of the parking is over here?

Mr. Fink-The space behind the station is bigger then across the street.

Mr. Appel-Didn't the fire company come to the township board and say \$40,000 was not enough. They were going to have to close the doors? What is the projected cost of this? You have a kitchen already.

Mr. Senft-I do not know what the prices are. The problem we have is the social hall is across the Trail from the fire house. We think danger is larger as currently constructed. This way putting the social hall on this side will enhance any kind of safety or traffic concerns that might be generated having them on both sides. The other thing at the time when the existing building and addition were put in, we were servicing some where in the neighborhood of 100 calls now we are up to 380.

Mr. Appel-You have another building right, to service calls?

Mr. Senft-That is all well and good but at the same time, having all that together adds to efficiency of operations.

Mr. Appel-How does this effect efficiency of operation. This is a kitchen, museum. I can understand maybe some of the training facility. A place to eat and kitchen to make it how does that improve the fire company's ability to fight a fire.

Mr. Senft-It helps the ability to fight fires by the building be less cramped and you can have more meeting and better training, better equipment and on and on.

Mr. Zambito-What will former social hall be used for?

Mr. Fink-It will probably be demolished.

Mr. Senft-They had the kitchen inspected recently, and that would be a tremendous job you bring to specifications.

Mr. Appel-How are we paying for all this? Where are the grants coming from? We just gave \$40,000 at the meeting. I was here and watched and you have a real problem with money. And if we did not get \$40,000 we were going to close the doors and now you are building a building of this magnitude. I think that money is better spent on the fire guys. Do they have health insurance and all that?

Mr. Fink-No health insurance.

Mr. Appel-No life insurance policy in case they got hurt.

Mr. Fink-There is insurance on members for injuries that happen while they are on duty.

Mr. Appel-I think you are spending money on this addition then the boys that fight the fire everyday. I hate to see the cost of this building. What is it 13 x 65 with 2 levels?

Mr. Fink-Partial basement.

Mr. Appel-What are you going to do about water?

Mr. Fink-That will be address in the land development plan. That will come before this board and the supervisors.

Mr. Kann-That will give you less parking.

Mr. Fink-No, underground system.

Mr. Kann-Where are you going to drain it to?

Mr. Fink-I'm not a storm water engineer. That is up to those guys.

Mr. Shue-I have to see the design. My thought would be, here again, I do not want to defer that discussion but I don't know how we can have that discussion until we have that design. My point would be you don't want to do reverse subdivision because reverse subdivision would kick the lot coverage for the combined lot over 45%.

Mr. Senft-Impervious, yes.

Mr. Shue-What are the two existing lots right now?

Mr. Fink-100%

Mr. Shue-Existing?

Mr. Fink-8 & 9 are both 100% with 4 x 10 areas that has some flowers in. Lot 10 would be aloud to have 45% by itself.

Mr. Fink-If lot 9 & 10 are put together the combined total would be above 50% and would make lot 10 that you can't develop.

Mr. Shue-Let me ask this question. If these two properties are built across the line aren't they essentially permanently combined?

Mr. Fink-Are you talking 8 & 9.

Mr. Shue-I'm talking about the two you are building across the line.

Mr. Fink-There will be a building covering both lots.

Mr. Shue-My thought would be the more logical thing to do would be do a reverse subdivision with the land development plan. And ask for a variance on lot coverage. Which, does the same thing and is a lot cleaner at the end of the day. Then you don't need a variance for the setbacks and then all you need is a variance for the building coverage which then that leads you into the discussion of the storm water done properly.

Mr. Appel-What are you going to do for water?

Mr. Fink-On site well.

Mr. Appel-Do you have to dig a new well?

Mr. Fink-No.

Mr. Appel-How many square feet when it comes together?

Mr. Kann-65 x 113.

Mr. Senft-Probably close to 72 hundred.

Mr. Kann-I think it needs to be clarified.

Mr. Shue-Let's be clear here. You have zoning issues that are not directed to what's on this plan. The issue is can you build a building across the property line without a variance or do you need a variance and if you need a variance are you willing to give them one? Second issue, do you agree with the fact that the current use they have if they expand, it requires a special exception or doesn't require a special exception. And if you

think it requires a special exception are you willing to grant them a special exception

Mr. Kann-I think the plans are incomplete. I'd rather see a sketch plan.

Mr. Shue-You can't require a sketch plans with the zoning issues in front of you. When you talk about square footage and storm water that's all chapter 2 which, you haven't seen yet.

Mr. Kann-They do not have to but before I commit to anything personally.

Mr. Shue-They are not committed to what they drew on that plan to you. I'd rather you not base decisions on what you see in that plan. They are not bound to that plan.

Mr. Zambito-What do you think about Jeff's suggestions on doing a reverse sub division?

Mr. Senft-We would prefer not, there is time delay's and expenses with that we would like to avoid. They are expenses we go through and have no idea whether we are going to get that variance granted as to the impervious land.

Mr. Appel-I like the idea of putting it altogether in one.

Mr. Senft-I see what you are saying but it did not seem like a problem when we did our existing building on lots 8 & 9.

Mr. Appel-Back in 1980?

Mr. Senft-And when we did our addition.

Mr. Appel-It does not cost the fire company does it?

Mr. Senft-To do a reverse sub-division, sure, they have to hire somebody.

Mr. Shue-You are going to do it with the land development plan anyway.

Mr. Senft-I think it is going to be more of an expense and time consuming process to do a reverse sub-division.

Mr. Shue-Why, they have to show property lines.

Mr. Zambito-If we recommend to grant variance, you are not coming in with the reverse sub division?

Mr. Fink-What we would do is the area of uncertain ownership would be subdivided back onto lot 9. We would do that on the land development plan just to clean up that area of uncertain ownership.

Mr. Kann-How would you do that? When you don't know who owns it.

Mr. Fink-It either belongs to lot 9 or 10.

Mr. Kann-How do you know that?

Mr. Fink-We own both and that's what we pay surveyors to do and legal counsel.

Mr. Kann-So you had it surveyed?

Mr. Fink-This is a copy of a survey.

Mr. Shue-This property line issue in deeds sometimes don't come together. But the point is surveyors can say without a doubt it either belongs to this lot or this lot. They own both so a reverse sub division would put that to bed.

Mr. McCoy-There is nothing anywhere that says they own them both.

Mr. Shue-That is a problem.

Mr. Fink-If that is the case we would do a quiet title and deed it to this property and it's done.

Mr. Zambito-When you come in with your reverse subdivision plan you are going to combine 9 & 10 but you are not going to combine 8?

Mr. Fink-We are going to put this little sliver. 6 ft. in the back 9' in front. Put that on 9 and 8 and 10 would be by itself.

Mr. Shue-Why don't you want 9 to 10?

Mr. Fink-Because of that coverage. We feel it is easier to get a variance for a side

setback on 2 lots where there is a building that connects then to sub divide it, then to and come in and say we want a variance to both boards again for lot coverage and be denied. Ordinance specifically says a single non residential building on lots.

Mr. Shue-The ordinance is not specifically to the township but it is in the MPC. My only point is the more logical standpoint is combining together then at the end of the day you have a variance for the coverage and you have a nice clean lot, as opposed to 2 deeds that the parcel startles. That is his way of thinking. I'm not sure if I am right. You have to act on what is in front of you.

Mr. Zambito made a motion to grant the special exception and variance with a strong recommendation to do a reverse subdivision of the two parcels and make it one property, and a recommendation of impervious surface to be granted to exceed recommended coverage to keep it as clean as possible, second by Mr. Appel, unanimously carried.

ADJOURNMENT: Meeting was adjourned at 8:20 P.M.

Respectfully Submitted,
Kim Beard