

**Mount Joy Borough  
Planning Commission Meeting Minutes  
7:00 pm, Thursday, February 11, 2010**

Chair Wendy Melhorn called the meeting to order at 7:00 P.M. with the following members in attendance: Steve Gault, Josh Bower and Deb Sagerer. Zoning Officer Stacie Gibbs represented Borough staff.

**Approval of the Minutes**

On a motion by Bower and a second by Gault the January 14, 2010, meeting minutes were unanimously approved.

**Public Input**

None.

**Old Business**

None

**New Business**

Stacie Gibbs gave a brief summary of the requests for Waiver of Land Development and Waiver of Stormwater Plan as well as scope of project as explained in the narrative submitted by DC Gohn for Barton's Body Shop, 970 W. Main Street, Rear, Mount Joy, PA.

The planning commission unanimously recommended that council approve the Waiver of Land Development and Waiver of Stormwater Plan with Borough Solicitor, Borough Engineer and staff comments on a Motion by Bower and a second by Gault.

Stacie Gibbs gave a brief summary of the requests for Waiver of Land Development and Waiver of Stormwater Plan as well as scope of project as explained in the narrative submitted by DC Gohn for Emmanuel Hoffer, 72-74 and 76-78 E. Main Street, Mount Joy, PA 17552.

Gibbs advised that one of her concerns was the proposal to extend the structure and proposed covered porch which appeared, to extend over the property line. The Borough Solicitor had advised that the applicant does have two legal principals which support the positions that the property extends to the right-of-way line of East Main Street in her February 5, 2010, letter.

Gibbs advised that there is no front yard setback in the Commercial Business District and the maximum allowed building coverage is 90% and the maximum allowed impervious coverage is 100%.

Gibbs also advised that the applicant is proposing off-street parking for the residential use and in the Commercial Business District there is no off-street parking requirement for lawful non-residential uses within the Commercial Business District that existed prior to the adoption of this ordinance. The parking requirement for residential uses is 2 per dwelling unit except that 1 per conversion apartment that only includes one bedroom or is an efficiency unit. Gibbs advised there are 12 proposed off-street parking spaces.

Gibbs also advised that all electrical, plumbing, structural and fire protection systems will be reviewed by Commonwealth for building code compliance.

Gibbs advised that DC Gohn had misprinted the addresses on the initial narrative. DC Gohn had the addresses as 72-76 E. Main Street and the correct address is 72-74 and 76-78 E. Main Street. Gibbs advised that she will make sure that is corrected and noted for the record.

Melhorn questioned the accessible route and accessible access. Emmanuel Hoffer advised that the property will have an accessible route from the rear to the front of the property with an at-grade handicap ramp. Melhorn advised that they did a good job with that.

Gibbs also advised that the Borough Solicitor raised a question to the property line shared by Arthur Breneman's property at 70 E. Main Street. Apparently, the property line of 72-74 E. Main Street veers to the east because if it continued in a straight direction, a portion of the existing framed garage on Arthur Breneman's property would be located on 72 E. Main Street. Gibbs advised that the Solicitor wanted the Borough to make a note that the garage was probably in existence for more than 21 years and the property line was changed by adverse possession.

Gault advised that the off street parking space closest to this property line appears not to be in compliance. Emmanuel Hoffer advised that they are proposing to have a dumpster pad there. Gibbs advised that they need to note this on the plan and show the dumpster enclosed on at least 3 sides. Gault questioned that if the garage is removed, could they change the property line back to reflect the straight line or legal description? Gault advised that this would accommodate the parking area for a better design.

Gault questioned the previous structures on the lots versus the proposed structure. Gault questioned the previous square footage versus the proposed square footage. Hoffer advised that there was no room for off-street parking previously.

Gibbs advised that the Hoffer's have acknowledged that they plan to have a lot-add on prepared.

There was a discussion on the proposed off-street parking and dimensions. It appears that the off-street parking is not in compliance with the zoning ordinance as it relates to width of driveways. The plan is proposing a 2-way use which requires a minimum of 25' in width. The plan only proposes a width of 20' which is not in compliance. Mr. Hoffer has been advised that the off-street parking will need to be in compliance prior to final approval.

The Planning Commission unanimously recommended that Council approve the Waiver of Land Development and Stormwater Plan for Hoffer's with Borough Engineer, Solicitor and staff comments on a Motion by Gault and second by Bower. Recommendation was also conditioned upon modification of parking lot to zoning ordinance compliance, to provide the Borough with a copy of the deed upon completion of lot add-on and to conform with the plans and promises as provided to the Planning Commission.

The Commission also recommended that the Borough notes in its files that the dimensions for the two lots on the site plan are not identical to the legal descriptions in the deeds. According to the deed, the western property line of 72-74 E. Main St is a straight line. The site plan indicates that the property line veers to the east as it approaches Sassafras Alley, because if it continued in a straight direction, a portion of the garage on 70 E. Main St. (Breneman) would be located on Hoffer's property. It is recommended that the Borough assume that the garage was in existence for more than 21 years and the property line was changed by adverse possession. However, the Planning Commission recommended that if the garage was to be demolished in the future, prior to the completion of construction of Hoffer's proposed off-street parking lot, the property line should be corrected and reflect to the deed description.

**Adjournment** – On a motion by Gault and a second by Bower the meeting was adjourned at 8:30 pm

The next Planning Commission meeting is scheduled for 7 pm, Thursday, March 11, 2010.

Respectfully Submitted,

Stacie Gibbs, Zoning Officer