

# Mount Joy Borough Planning Commission

## February 11, 2015 Minutes



The February 11, 2015 Planning Commission meeting was called to order at 7:00 PM, by Chairperson Josh Bower. Commissioners Gault, Sweigart, and Melhorn were present. The Mount Joy Borough Zoning Officer, Stacie Gibbs and Brad Stewart with the Lancaster County Planning Commission were also present.

### MINUTES

Sweigart advised that when she read the minutes, she could tell that multiple conversations were going on and it must have been difficult for Gibbs to wrap her arms around everything. Sweigart advised that she wrote some things on the minutes, but it may be difficult to read. Gault advised that if there are major changes proposed to the minutes, then the Commission should go over them. Sweigart advised that there was a discussion about criteria, and it was decided that the National Register Criteria would be used to evaluate properties for historic register status, but we were softening the criteria a little bit to create a Mount Joy specific standard. Bower advised that we discussed the four criteria, and we talked about properties trying to meet at least two of those. Bower advised this is what he recalls the conversation being. Sweigart advised that we did talk about this as well, and she believes these points are not fully reflected in the minutes. Gibbs advised that she did the best she could transcribing the minutes based on what she could hear. Bower advised that we have been discussing this for a long time. Sweigart advised that she just wanted to clarify if we were using the National Register standards from the publication she brought. Sweigart advised that she recalls that we were going to use them, but not as stringently. Gault advised that we talked about things in the National Criteria, for example where the criteria for history may relate to history in the United States, we were going to say that this criteria should be history related to Mount Joy. Gault advised that it is the same criteria, but applied to the scope of local history and not national history. Sweigart advised that maybe she misunderstood that because some of the criteria would be hard to meet locally. Sweigart advised, for example, that number four in the national criteria questions if the property adds to prehistory. Sweigart advised that the publication she is looking at is using an example of archeology, where the questions would be if someone would learn something that you otherwise would not learn like about a tribal burial ground. Sweigart advised that the letters that were submitted contained the evaluation criteria which were verbatim from the National Register. Sweigart advised that she thought we were going to use these four criteria but simplify them. Gault advised that he does not recall talking about changing those four criteria. Sweigart advised that perhaps that was when everyone was all talking. Gault advised that if it was not really a conversation that everyone was involved in then it should not be part of the minutes. Sweigart advised that part of it was part of the minutes because she asked the question. Sweigart advised that she feels that the full answer that she received was not reflected in the minutes. Sweigart advised that if that does not matter, that is fine. Gibbs advised again that she tried to capture everything that was on the tape and transcribing what she hears on the tape. Gibbs advised that there were a lot of side bar conversations and if that was a faint side bar conversation, and she could not hear it on the tape, she could not type it. Gibbs advised that it happened three or four times on the tape. Sweigart advised that she thinks it came from the public somewhere and that we were using a Mount Joy measuring stick and not a national measuring stick. Sweigart advised that if we are just going by the National Register standards that is cool. Bower advised that because there were multiple conversations, then perhaps when we discuss it tonight it should be made part of the minutes.

# Mount Joy Borough Planning Commission

## February 11, 2015 Minutes



Sweigart advised that at the end of the meeting, we asked the Historical Society to look at the list to determine if there was an actual event that occurred at the properties on the list, and turning that information back by January 30<sup>th</sup>. Sweigart advised that Bob Marker mentioned that he kind of used the event criteria with a broad brush. Sweigart advised that she does not see that mentioned, in the minutes.

Sweigart advised that she knows that John Rebman actually voted no, and did not second the motion to table it, but actually voted no. Sweigart advised that he wanted to accept the list as it was last month and therefore, he voted no against tabling it. Gibbs advised that Gault amended his motion to table it as it states in the draft minutes. Sweigart advised that whatever motion we took, he voted no. Gault advised that he may remember Rebman voting against something but does not recall what it was. Gault advised that the motion is at the top of page seven. Bower advised that the original motion was to add the additional properties to the registry. Gault advised the motion was then amended to extend the adding of additional properties to the February meeting. Sweigart advised that Rebman voted against it because he wanted whatever list we had before us the last time and this is what he wanted to be approved. Gault advised that he remembers Rebman voting against something but is not sure if it was at the last meeting. Gault advised that he made a motion and Bower seconded it because there were four members present. It would be 3-1 if there was a no vote. Gault advised that if Rebman was the original second then he would have had to amend his second, which Gault feels like Rebman did. Bower advised that maybe Gibbs could listen to the tape again to see if she could make sense of it or hear it again. Bower advised that we could sit here for an hour and we are not going to figure it out. Gibbs advised that it is not in the draft minutes then it was not clear. Gault advised that maybe we should table the vote until Rebman returns to see what he recalls. Melhorn advised that if it was only one no vote then does it really matter. Gault advised that if he did vote against something then he may want the record to show that. Bower advised that he is ok with that.

Gault made a motion to table the approval of the January 14, 2015 meeting, seconded by Sweigart. Motion carried 4-0.

### **PUBLIC COMMENT**

Ned Sterling questioned the zoning on the property in East Donegal Township up for request for removal from the urban growth area. Gault and Stewart both advised that it is in the agriculture zoning district. Sterling questioned the zoning for the adjacent parcels. Stewart advised that they are all in the agriculture zoning district. Sterling questioned if there was a reason given why it could not be in the urban growth area and the agricultural zoning district. Stewart advised that the new owner already owns 2 properties on the Rapho Township side which are zoned agriculture. Stewart advised the new owner is trying to get it preserved like his other properties are. One thing they have to make sure of is that it is not in the urban growth area. Stewart advised that is a big negative which will affect the chances.

Ned Sterling questioned what will be discussed when the property owners on the list are invited to the meeting. Bower advised that the Commission will be explaining what the list is and why we are doing it. Bower advised that the purpose will be discussed.

### **UPDATES**

The Planning Commission was provided a copy of the Zoning and Code Officer report by email, and the annual Planning Report. The Zoning Officer also reported that a permit has been issued for the

# Mount Joy Borough Planning Commission

## February 11, 2015 Minutes



demolition of the office building located at 240 W. Main Street, the Old Shoe Factory property. Demolition, according to the applicant, is to be done the week of February 23, 2015, weather permitting. Ned Sterling advised that he feels the demolition of the office building will assist with the sale of the property.

---

### **OLD BUSINESS**

The Zoning Officer has provided a draft of the Appendix 1, Mount Joy Borough Registry of Historic Buildings. This draft includes any additional lists or items received by Main Street Mount Joy. On a motion by Melhorn and a second by Gault, the Planning Commission recommended accepting Appendix 1, Mount Joy Borough Registry of Historic Buildings, with possible additions or deletions to the list as conditioned by the Commission. Gault advised that he had taken Appendix 1 and updated it with the revised information from Main Street, and it was sent out by email and one of the comments that he had was that as he was looking at it without getting into the whole debate on criteria, there was essentially two columns. The first column is integrity and architecture and the second column is historical significance. Gault advised that historical significance is some sort of description, and is not necessarily taking those criteria verbatim, but saying what makes this property significant. On a motion by Melhorn and a second by Gault, the Commission recommended accepting the Appendix 1, Mount Joy Borough Registry of Historic Buildings. Bower opened the floor for discussion.

Gault advised that it might relate back to integrity and architecture, but it might be something related to something that happened to that property in the past, associated with events that made significant contributions to the broad patterns of our history. And also, to clarify as Gault was looking at the properties, related to what Sweigart was referring to the list of criteria in the Main Street letter that one through four is based on the National Register Criteria. Gault advised that he felt we should just take those descriptions at their face value and not necessarily use all of the specific things in the big national registry book. Sweigart advised that is what she was trying to say. Sweigart advised that there are very specific details as to why or why not it would meet the specific criteria. Bower advised that he recalls that portion of the discussion. Bower advised that the challenge with minutes is capturing the essence of the meeting and the challenge with what happened last meeting was that there was so many conversations going on. All of the details truly do not need to be in the minutes, but to capture the points that are valuable to the meeting. Bower advised that if the Commission agrees that those four points capture the essence of the evaluation criteria then now we can have it in the minutes for this meeting. Bower said now we can say this is what the Commission said is how they are going to evaluate all the buildings. Gault recommended Gibbs actually put the four criteria in these minutes. Below are the four criteria from the Main Street letter:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of significant persons in our past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded or may be likely to yield, information important in history or prehistory.

Gibbs advised that she still has the minutes in Word format. Gibbs advised that she can email them to the Commission so they can individually make suggested changes and comments. Gault advised that

# Mount Joy Borough Planning Commission

## February 11, 2015 Minutes



hopefully when he gets the email, he can take a look. Gault also advised that Gibbs should mention the discussion regarding John's vote from the last meeting. Gibbs advised that she would do that.

Gault advised that in order to try to find some resolution in this process, his suggestion is to remove the five properties that are on the list that do not contain anything in the historical significance column. He advised that he does not know if we know anything that would justify that. Gault advised that the Commission may just want to take them off for now because we do not have anything specific relating to those properties. Bower advised that what he thought he heard was that Bob Marker was going to go back to look to amplify that, but if he could not, then the Commission would just eliminate those properties that have no historic elements to it. Bower questioned if Bob Marker had anything more to share, because Bower advised that he does not see Marker present at the meeting. Gibbs advised that she spoke with Marker before the meeting and he advised he did not have any additional information. Sterling advised that Marker was in the process of adding more information to the Historical Society properties. Gibbs advised that 220 E. Main Street was on the Our Past and Present Survey. Gibbs would hope the Planning Commission would consider that the architectural significance was the reason why it was on the survey and Gibbs would hope the Commission would keep it on the list. Sweigart questioned who developed the Our Past and Present Survey. Gibbs advised that the Historic Trust did. Sweigart advised that survey was then created by professionals so they would know whether or not it should be on that survey.

Bower questioned the Commission to make sure that he understands that any property on the list that does not contain historical significance would then be eliminated from the list, except for 220 E. Main Street. Gault suggested that we need to try to find something for that property to place in the historical significance column. Gibbs advised that the Our Past and Present did not contain any information on historic significance for that property. Bower advised that for the purpose of the minutes, the Commission would be looking at eliminating 28 S. Market St., 30 S. Market St., 53 Marietta Ave., 307 E. Main St., and 309 E. Main Street from the registry. Gault advised that he will amend his motion to adopt Appendix 1 with those 5 properties eliminated, seconded by Melhorn. Motion carried unanimously. (4-0)

On a motion by Sweigart and a second by Gault, the Commission authorized the Zoning Officer to send by regular mail, the approved letter to all property owners listed on the draft Appendix 1, Mount Joy Borough Registry of Historic Buildings. Bower opened the floor for discussion. Sweigart advised that the meeting day for the Planning Commission noted on the second page needs to be changed from Monday to Wednesday. Sweigart also advised that the Commission may want to consider inviting the owners to the April 2015 meeting, to allow an opportunity for the letters to get out, and for those owners to have enough time to plan to attend. Gibbs advised that would be the April 8, 2015 meeting. Motion carried unanimously. 4-0. Gibbs advised that the letters will go out by the end of February 2015.

Bower advised that the Zoning Officer provided information received from the PA State Association of Boroughs, as it relates to Proxy voting. Bower advised that there was a question that came up at the last meeting regarding if there could be a phone call-in vote or a proxy vote allowed. Bower advised that the question was to investigate whether or not a proxy vote would be legal. Bower advised that it appears, according to the information that the Commission received, that it would not be legal. Gault advised that it is allowed under Robert's Rules, but it is not allowed under the Sunshine Act. Melhorn advised that we recently had John Rebman on the phone to participate in a discussion item on the agenda and Rebman

# Mount Joy Borough Planning Commission

## February 11, 2015 Minutes



provided a vote maybe in August 2014. On a motion by Gault and a second by Sweigart, the By-Laws for the Mount Joy Borough Planning Commission were approved as amended. Motion carried unanimously (4-0).

### **NEW BUSINESS**

Bower advised that East Donegal Township received a request to remove a designated Urban Growth Area of approximately 46.33 acres situated at 508 Pinkerton Road, which requires an amendment to the Donegal Region Comprehensive Plan. Bower advised that the Planning Commission should discuss and provide comments to the Township, and to the Lancaster County Planning Commission. Bower advised that the Township Planning Commission will hold two meetings to discuss and take action, one of which is on February 5, 2015. Bower further advised that the Lancaster Planning Commission will review the proposal at their February 23, 2015 meeting.

Bower questioned how the February 5<sup>th</sup> Township Planning Commission meeting went. Gibbs advised that the Township Manager advised that the discussion was fairly brief. She advised that there was a question or two about the need to replace the acreage in the UGA should this request be approved. Overall the Township said the discussions were positive. Gibbs advised that she does not have comments from LCPC, but Brad Stewart could hopefully provide some additional comments. Brad Stewart had a map to show the Commission the property. Stewart advised that back in 1998 the Donegal School District actually bought the property so they could expand their school. But, as they found out, they did not need to use it. So, they sold the property to a farmer that owns adjacent property across the creek in Rapho Township. Therefore, he wants to use the property for agricultural use just like his properties now. Right now there are already Ag Security areas and he is trying to get the property in question Ag Preserve with the County Ag Preserve Board. Stewart advised that he has a very strong case for this. The only thing is that one of the major criteria of the Board is the fact that farmland cannot be in an Urban Growth Area. Therefore, the owner is petitioning the Township to amend this out of the Comprehensive Plan to make sure it is not within the Urban Growth Area anymore. Stewart advised that the LCPC is pretty much supportive of this.

Gault advised that it was mentioned about the need to replace by adding land to the UGA. Gault questioned if that was answered. Stewart advised that this question was not answered. Stewart advised that they always encourage municipalities to visit their growth areas, and the County has tools, as Gibbs mentioned in her letter. If the Township decides to further explore adding another property into the UGA, they could do that. Or, the Borough could even suggest something like that.

Bower questioned if each one of the municipalities have to all agree to this change, or is it only the Township that gets to make that decision. Gibbs advised that the Township will determine approval. Gibbs advised that she wanted to make sure that the Commission understood and was aware of what the petition consisted of since the Borough is part of the Donegal Region Comprehensive Plan.

Gault advised that he is familiar with the property that even if it were to remain in the UGA, it is not really developable because there is a pipeline that runs diagonal across it and there are floodplains. Gibbs questioned Stewart as to how often LCPC recommends municipalities should revisit UGA's. Stewart advised that he believes it is five to seven years. Stewart advised that whenever an individual municipality wants to revisit their growth boundary area, they can. Gault advised that from a tax base perspective if there is a need to add those acres back in the UGA in the future, he would recommend it stay in the Donegal School Districts portion of the growth area. Gibbs advised that she informed the Township Manager that she would email comments back, if there were any, from the Commission.

Mount Joy Borough Planning Commission  
February 11, 2015 Minutes



On a motion by Melhorn and a second by Sweigart, the Commission recommended the Township approve the Petition to remove the Urban Growth Area from the property as the applicant(s) requested with comments. Motion passed unanimously (4-0).

---

Adjournment

Respectfully Submitted,

Stacie Gibbs, Zoning Officer