

**MINUTES**  
**ELIZABETHTOWN PLANNING COMMISSION**  
**November 24, 2009**

The Planning Commission met at 6:30pm with the following Commissioners in attendance: Everald McDonald, Neil Ketchum, Dick Earhart, Jeff Kinsey and Anita Paynter. Also present were Assistant Borough Manager Roni Ryan and Planning and Zoning Director Brandon Porinchak.

The minutes of the October 27, 2009 meeting were approved on a motion by Ketchum and second by Paynter.

**Public Comment:**

There was no public comment to be heard.

**Conoy Crossings Masonic Drive Extension:**

Ryan presented to the planning commission a request for a two-year extension to the five year deadline of October 2012 for the completion of the Masonic Drive Extension. The five year time frame began October 2007 with the issue of the first Conoy Crossing building permit. Ryan continued with a second request by the developer to allow for construction to begin on the bridge over Conoy Creek. Mr. Jake Olweiler, Developer for Conoy Crossings presented his case for the extension request. Citing issues related to the economy Olweiler stated that it is not feasible for him to complete the road within the predetermined amount of time. Regarding the matter of plan approval for bridge construction Bob Lynn, of Hanover Engineering stated that the MPC allows for infrastructure improvements to be made under preliminary plan approval. Engineering plans for the bridge have already been reviewed. Olweiler will be responsible for providing new quotes for bridge construction and if necessary provide an increase in the posted letter of credit to account for any differences.

***There being no further discussion, the Planning Commission took the following action:***

A motion was made by Ketchum and second by Kinsey to approve the request for a two year extension for the completion of the Masonic Drive Extension road construction with a new expiration date of October 2014. Motion carried unanimously. No decision was required on the second request.

**Major Land Disturbance Plan for EASD Pedestrian Path:**

George Longridge was present to represent Elizabethtown Area School District. Presenting on behalf of the school district was Brian Bingaman, engineer at K & W Engineering. Bingaman provided a preliminary overview of the pathway project. Bingaman addressed the width and length of the pathway including provisions to enable emergency vehicle access to the pathway. Bingaman addressed the drop-off area and parking lot at East High Street and path connection at Bear Creek Intermediate School. Bingaman noted that the plan has been submitted to Mount Joy Township for review as the proposed path crosses the Borough and Township boundaries. The ZHB in Mount Joy Township will review the plan regarding floodplain issues. The November 24, 2009 comments of Hanover Engineering were presented. Lynn noted that the plan will need to be submitted to the Army Corps of Engineers as required by the County. Likewise, the plan has been submitted to the Lancaster County Conservation District for review since a stream crossing is involved. Bingaman noted that an HOP had been submitted to PennDot for driveway access at the drop-off area located at East High Street. Lynn noted that it would be necessary to delay making any decision regarding a left turn lane at this same intersection until necessity can be determined following final construction. Ketchum asked if emergency personnel have had an opportunity to review the plan at which Bingaman responded that they had not. Bingaman noted that security devices along the path were in the preliminary discussion phase.

**There being no further discussion, the Planning Commission took the following action:**

A motion was made by Ketchum and second by Earhart to table the plan until the December 22, 2009 Planning Commission meeting. Motion carried unanimously.

**323 and 325 E Orange St Subdivision Plan:**

Discussion on the plan was continued from the October 27, 2009 Planning Commission meeting. Property owner Boris Kostishak and Fred Van Name of Ranck Lake Roeder Hillard and Associates were present. Kostishak presented that his daughter and her family were living on one side and a “professional” family was living on the other side. Kostishak reported that his intention was to give one side to his daughter and retain the other half as an investment property. Ketchum asked if there was a doorway between the two “units.” Kostishak responded that there was a rough opening and that he had dry-walled the openings closed. Ryan provided thorough testimony stating that the property was sold with a deed restriction requiring the property be used as a single-family dwelling. Ryan noted that the property is not currently used as a single-family dwelling as indicated by the testimony of Kostishak. As such the property is currently in violation of the deed restriction placed upon it prior to its sale to the current owner. It was acknowledged that the property is registered with the Borough’s Residential Rental Unit Licensing and Inspection Program. Discussion was had on improvements made to the property and the condition of the kitchen or lack of, when the property was sold to the current owner. Kostishak stated that he replaced the floor, windows, doors, insulation, decks, siding, front walkway, painted the interior and fixed a portion of the roof since he purchased the home. A permit was obtained for a shed that was built in the rear yard. Earhart asked if an inspection was required of the property at which point Ryan responded that changes including closing a doorway within the property change the “use” of the property from a single family and thus require a zoning permit.

**There being no further discussion, the Planning Commission took the following action:**

A motion was made by Earhart and second by Paynter to recommend approval of the proposed subdivision plan. Motion was carried with Kinsey voting in opposition.

**Other Business**

Pat Kadel of the Lancaster County Planning Commission was introduced as the Borough’s Community Planning representative to the County Planning Commission.

There being no further business, the meeting was adjourned at 8:05 pm on a motion by Ketchum and second by Earhart.

Respectfully submitted,



Brandon Porinchak  
Planning and Zoning Director