

THE BOROUGH OF NEW SALEM PLANNING COMMISSION

June 24, 2009

A meeting of the New Salem Planning Commission was held June 24, 2009

The meeting was called to order at 7:00 pm by Thomas Miller with a salute to the flag. Present at the meeting in addition to were Commission members Edward Mundorf, George Rabenstine and Patricia Wainwright, Secretary Cheryl Bahn, Borough Engineer Jeff Spangler and Solicitor D. Michael Craley. Kim Martin was absent from the meeting.

Ann M. Minichino Special Exception

Application for special exception has been received from Ann M. Minichino DBA Little Italy III, who was present to present her application. Her property is in the Sherwood Plaza at 336 North Main Street. She would like to change the Use of her property from Restaurant to BYOB (Bring Your Own Bottle) establishment.

- Property is in the Mix-Use Zone
- BYOB Establishment is allowed by Special Exception in the Mixed-Use Zone.
- David R. Schad, property Owner, has written a letter of support and permission.

The Applicant had several Provisions that she wanted attached to the Application.

1. Hours Sun – Thurs 11 am – 9:30 pm, Fri – Sat 11 am – 10:30 pm

A. At no time will any patron be allowed outside the building other than to smoke, until they are completed with their visit.

B. It will be fully stated that this is a wine & beer only BYOB and only permitted during the patrons dining time.

2) The patrons will need proof of purchase and that the alcohol was purchased within the state of Pennsylvania.

3) Under no circumstances will any alcohol be stored on the premises of the restaurant for the patron.

4) The patrons' alcohol will remain at their table for their consumption and, any unfinished alcohol will be taken off the premises by the customer upon their departure, however wine or beer containment may be offered to keep the patrons drink at a pleasant temperature at their table such as a wine bucket.

5) Any patron bringing alcohol into the premises will be asked for proof of identification to avoid underage drinking.

6) It is also understood that I as the proprietor can be held liable for any violations of the liquor code.

7) I am in compliance to article 1105 with the Health and sanitation code licensing my food license number is: R1116464.

8) I am in compliance with the Bonding which requires me to have liability insurance coverage of, one million dollars (\$1,000,000) single limit per occurrence which is filed with the Revenue Office.

9) my Restaurants hours are conspicuously posted for the patrons to see before even entering the restaurant.

10) Any person entering my establishment that is visibly intoxicated will not be permitted to remain in

my establishment.

Motion by Mundorf/Wainwright to recommend the Zoning Hearing Board approve the application for Special Exception for BYOB with all 10 provisions listed above added as conditions to the Exception. Motion carried unanimously.

Subdivision Lot 42 - Sherwood Forest.

Next was Tim Jury, Gordon Brown Associates, representing Harry Wright. Mr. Wright and Rodney Krebs were also present at the meeting.

The plans calls for the subdivision of Lot 42 in Sherwood Forest with a portion of the lot indicated as 42A being joined to the lands of Edward & Stephanie Mundorf and the portion of the lot indicated as 42B being joined to the lands of Christopher Markle. Comments have been received from both the Borough Engineer and the York County Planning Commission. Most comments had been addressed before the meeting. Outstanding items other than signatures and seals are as follows.

1. The EDU allotted to lot 42 shall be reallocated to Lot 92 of Sherwood Forest. The Borough needs to approve the change.
2. A" Request for Planning Waiver & Non-Building Declaration should be submitted, and the appropriate language from the declaration added to the plan.
3. The Borough should determine whether sidewalk should be added to the plan.
4. A new deed should be prepared for each property and recorded with the plan so that the York County Tax Map is changed.

Motion by Rabenstine/Wainwright to recommend approval of the Subdivision Plan pending the resolution of outstanding comments. Motion carried with Ed Mundorf abstaining from the vote.

Subdivision of Phase IIA – Sherwood Forest

Next was Tim Jury, Gordon Brown Associates, representing Harry Wright. Mr. Wright and Rodney Krebs were also present at the meeting.

The Plan is the Final Subdivision Plan for Phase IIA of the revised Preliminary Plan approved July 1, 2008. Comments have been received from both the Borough Engineer and the York County Planning Commission. Most comments had been addressed before the meeting. Outstanding items other than signatures and seals are as follows.

1. Financial security must be posted with the Borough prior to final plan approval. A cost estimate to establish the amount should be submitted for approval.
2. Street addresses should be verified to reflect the changes in the Revised Preliminary Plan.

Motion by Rabenstine/Wainwright to recommend approval of the Subdivision plan pending resolution of outstanding comments. Motion carried unanimously.

There being no further business, Motion by Rabenstine/Wainwright to adjourn the meeting at 8:15 pm. The next meeting will be July 21, 2009 at 7:00 pm, *if necessary*. Motion carried unanimously.

Respectfully submitted,

Cheryl D. Bahn
Secretary