

February 19, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, February 19, 2008 at 7:30p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Mr. David Buckwalter, Chairman and was followed by the Pledge of Allegiance. Supervisors present were: Mr. David Buckwalter, Mr. G. Roger Rutt, Mr. Glenn Eberly, Mr. Michael Landis and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons signed in as being present in the audience:

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Susan Snyder, 435 Mt. Sidney Road, Witmer, PA
Joel Snyder, RGS Associates representing the Worship Center
Bill Hart, PEC representing Gish Furniture
Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Clark Slothower, 458 Wanda Circle, Lancaster, PA 17602
Ron Nolt, 177 Waterfront Dr. Lancaster, representing Lafayette Fire Company
Jim Pratt, 2164 Colleens Way, Lancaster, PA
Scott Monger, 57 Maple Avenue, Leola, PA
Roger Fry, Fry Surveying representing, J. Stoltzfus and S. Monger

Minutes of February 4, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the February 4, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments regarding the minutes as prepared. There were no comments.

A motion was then made by Mr. Eberly and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$168,850.27 were presented for payment, copies of which were available for review. He also indicated that included in this amount were checks for Township contribution to the County Drug Task Force in the amount of \$6,778 and \$50,135 for the purchase of a new backhoe as anticipated in the 2008 budget. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$168,850.27. The motion was passed by unanimous voice vote.

Lafayette Fire Company Annual Report for 2007 – Chief Ron Nolt

Chairman Buckwalter recognized Chief Ron Nolt and asked him to give his annual report. Chief Nolt then reviewed the highlights of the annual written report of the fire

company's activities. He pointed out that the number of calls which the fire company responded to increased significantly over 2006. He also noted that there was an average of twelve fire fighters who responded to each of the 576 calls during 2007. Chief Nolt also indicated that the Fire Company's fundraising efforts also increased significantly during 2007. He also made note of the number of calls in East Lampeter, the number of false alarm calls and the fire losses for the year. Mr. Shertzer asked if the number of calls run by the fire company outside of East Lampeter is due to the type of equipment that Lafayette has. Chief Nolt indicated that there are various reasons for those responses but that many of them are due to the planned response to incidents on the Rt. 30 bypass where Lafayette, Eden and the City will all respond so that someone will arrive on the scene even in the event of a traffic tie up on the highway. He also noted that the ladder truck is also called upon by neighboring fire companies on a regular basis for assistance. Chairman Buckwalter said that he was pleased to see that the number of volunteers has increased during 2007. He then asked Chief Nolt where these new volunteers are coming from. Chief Nolt said that he just felt fortunate that a number of individuals have come forward to volunteer. Mr. Landis asked how the fund raising was going for the planned new facility. Chief Nolt said that they were at about 50% of their goal and that it was going well. Mr. Shertzer asked if the businesses in the area were supporting the fire company more than they have in the past. Chief Nolt said that there are a number of local business people who have assisted the fire company in reaching out to other businesses in the community.

Mrs. Duling, 824 Stumpf Hill Drive asked if the height of a building determines whether or not more than one fire truck needs to respond to a call. Chief Nolt indicated that the occupancy of a building will determine the need for additional trucks rather than the height of a building. Chairman Buckwalter noted that all of the buildings in the fire company's service area are preplanned with information about each building in the computer on the apparatus.

Mr. Landis thanked Chief Nolt for all of the efforts of the Fire Company on behalf of the community. Chairman Buckwalter indicated that he felt that it was a privilege for the Township to partner with the local volunteer fire services.

East Lampeter Township Police Department Annual Report for 2007 – Chief John Bowman

Chairman Buckwalter then recognized Chief Bowman and asked him to present his report. Chief Bowman then reviewed the activities of the Police Department for 2007 including the number of arrests made, the number of DUI arrests made, the number of vehicle crashes investigated and the number of responses to false alarms. Mr. Eberly asked if the Township continues to have an officer assigned to the County Drug Task Force. Chief Bowman indicated that one of the officers in the detective division is assigned on a full time basis to the County Drug Task Force. Mr. Shertzer asked if the Chief felt that there continues to be a positive relationship with Upper Leacock Township. Chief Bowman said that it is a positive relationship. Mr. Landis asked Chief Bowman to explain the Departments' working relationship with West Lampeter

Township Police Department regarding severe crashes. Chief Bowman explained the cooperative relationship established with West Lampeter for the investigation of fatal or near fatal crashes which take place in either Township. He indicated that the Lampeter Crash Team has been established in cooperation with the County District Attorney's office as well.

Fred Daum, 2142 New Holland Pike asked Chief Bowman how many calls the Department responded to at the Wal Mart store and at the Target store. Chief Bowman indicated that he did not have the data for individual addresses but that he is aware that we get quite a few calls for service at Wal Mart.

Jim Pratt, 2164 Colleen's Way asked if the Police Department had radar equipment for speed enforcement. Chief Bowman indicated that only the State Police are authorized to use radar in Pennsylvania. Mr. Pratt then asked if Chief Bowman felt that there was an increase in the number of people being arrested in the Township who come from outside of the Township. Chief Bowman indicated that the tourism activity in the Township does increase the department's activity level. Mr. Pratt then asked if the amount of drug activity in the Township was increasing. Chief Bowman stated that he felt that having an officer assigned to the County drug task force helps the department keep drug activity in check in the Township.

Chairman Buckwalter indicated that he hears many compliments about the Township's Police officers and he thanked Chief Bowman for his leadership of the Police Department.

Old Business:

None

New Business:

- a. Request for Waiver of Land Development Planning – Worship Center:
Creek Hill Road

Mr. Joel Snyder of RGS Associates was in attendance to represent this request. He reviewed the plan showing the location and the proposed expansion of the Worship Center in Upper Leacock Township and the plan showing the proposed right of way for the future relocation of Hartman Station Road north of Creek Hill Road. Mr. Snyder noted that a very small portion of the Worship Center's property is located in East Lampeter and that this is the reason for their request to defer all approval actions to Upper Leacock. He also noted that their preliminary plans for this project have received conditional approval from Upper Leacock Township. Mr. Snyder then indicated that the East Lampeter Township Planning Commission had recommended approval of the requested waiver subject to the condition that a right of way for the relocation of Hartman Station Road north of Creek Hill Road be provided by the applicant. He further indicated that a right of way has been designed for this purpose and is shown on the land

development plans for this project. Mr. Snyder said that the design and related grading easements for the construction of this future relocation have been reviewed by the Township Engineer and found to be acceptable.

Lois Duling expressed concern for the trees in the area of the proposed realignment but indicated that she felt that the concept was a good one from a safety perspective.

Jim Pratt asked if Mr. Snyder had determined which trees would be removed in order to provide adequate visibility at the proposed realigned intersection. Mr. Snyder indicated that the Worship Center is only providing for the right of way at this time and is not proposing to construct the realignment. Chairman Buckwalter indicated that the detailed design for the road would address all safety issues when it takes place sometime in the future.

Mr. Eberly then made a motion to approve the Worship Center's request for deferment of land development plan approvals to Upper Leacock Township subject to the applicant providing the right of way and grading easements for the relocation of Hartman Station Road north of Creek Hill Road in accordance with the Township Engineer's review comments. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Stoltzfus Subdivision Plan #07-35: 3032 Lincoln Highway East

Mr. Roger Fry was in attendance to represent this plan. Mr. Fry reviewed the proposed subdivision with the Board. He indicated that no new uses are proposed to be created by the plan but that he anticipates that a land development plan will be submitted for the commercial development of the portion of the property located on the north side of Rt. 30. He then reviewed the Township Engineer's review comments on the plan and the waivers that are being requested by the applicant. There was discussion regarding the use and possible disposition of the narrow driveway located on the eastern side of the site. There was also discussion regarding the location of curbs and sidewalks along Rt. 30 in the area of the property. There was additional discussion regarding the possible deferral of road frontage improvements. Mr. Eberly asked Mr. Fry if the applicant would agree to remove the existing billboard from the site and to not erect any other billboards on the site. There was some discussion regarding the billboard's location and if the owner would agree to this request. It was concluded that the issue of the existing billboard would be resolved at the time when the land development plan is submitted for the site. There was also discussion regarding the existing model buildings currently on the site and whether or not they would be removed for the new land development of the site.

Mr. Eberly then made a motion to conditionally approve the Stoltzfus Subdivision Plan #07-35 and requested waivers subject to the Township Engineer's review comments and deferral of the ordinance required road frontage improvements subject to the submission of a land development plan for the site within two years. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Request for Waiver of Land Development Planning – Gish’s Furniture:
2191 Lincoln Highway East

Mr. Bill Hart of Providence Engineering was in attendance to represent this request. He then described the proposed building expansion for this use and reviewed the comments provided by the Township Engineer and Zoning Officer. He also indicated that he believes that he has satisfactorily addressed all of these comments. He further indicated that there will be no increase in the impervious area for the site and that the applicant would provide adequate off street parking areas in accordance with the Township’s zoning ordinance. There was some discussion regarding the condition of the curbs and sidewalks in front of this property. Mr. Hart indicated that he believes that the curbs and sidewalks are in very good condition. Mr. Landis noted that he appreciated the improvements that the new owner has already completed at this location.

Mr. Landis then made a motion to conditionally approve the request for waiver of land development planning for the Gish’s Furniture site located at 2191 Lincoln Highway as requested by the applicant subject to the review comments of the Township Engineer and Township Zoning Officer. The motion was seconded by Mr. Shertzer and passed by a voice vote of four in favor and one abstaining. (Mr. Rutt abstained from voting due to having a family relationship to the applicant)

d. Monger / Landis Sketch Plan: 2088 Creek Hill Road

Mr. Roger Fry was in attendance to represent this sketch plan. He indicated that Mr. Monger intended to purchase the property but wanted to determine whether or not he would be permitted to further subdivide the property in order to build an additional dwelling on the site. Mr. Fry indicated that the most recently recorded subdivision plan for the property has a note on it indicating that no further subdivisions of the site are permitted. However, he said that upon further investigation, they believe that the plan note on the most recently recorded plan may be in error because some of the previous subdivisions of the site did not add new dwelling units but simply subdivided off existing dwelling units from the parent tract. Mr. Fry also provided copies of the current deed and some additional information regarding the history of subdivisions on the site. He also indicated that based upon his research he believes that the owner would be entitled to two additional dwellings on the site. He further stated that the Township Engineer and the Township Zoning Officer did not agree on the number of new dwellings that would be permitted under the current ordinance. He requested the Board’s guidance on this matter. There was discussion with the Board about the number of lots desired for the site. Mr. Fry indicated that he was not requesting that the Board take any action. Mr. Scott Monger also indicated that it is his goal to reach a conclusion that there are two lots available to the site although he intends to purchase the property no matter what the decision might be. There was additional discussion regarding the history of the property. Mr. Hutchison recommended that the Board take note of the information provided and invite the owner to submit an application which can be reviewed and acted upon by the Board at that time. Mr. Hutchison also indicated that he was unsure as to whether any additional dwelling units could be developed on the site due to the note on the recorded plan. He further

suggested that the Township Solicitor be consulted about the situation. Chairman Buckwalter indicated that he wondered about whether or not the Board could make a decision that would be contrary to the recorded plan. Mr. Hutchison said that he thought that the Board could probably do so but that the Solicitor may provide advise which indicates that the question should be before the Zoning Hearing Board since it is a zoning matter. Mr. Hutchison also indicated that he would like the Board to see a sketch plan showing the history of each lot and / or new dwelling developed on the parent track in comparison with the Township's Zoning Ordinance and amendments. Mr. Fry indicated that he did not believe that the Board was bound by mistakes on a recorded plan. Chairman Buckwalter indicated that the Board needed more information about the situation before they would be comfortable in providing any advice to Mr. Monger. No action was taken by the Board.

Mr. Irl Duling, 824 Stumpf Hill Drive asked what the proposed use of the property would be. Mr. Monger said that it would remain as a farm. Chairman Buckwalter noted that the property is located in the Rural Zoning District.

Other Business:

- a. Authorization to Enter Appearance re: Cove Restaurant Appeal of Zoning Hearing Board decision

Chairman Buckwalter asked Mr. Hutchison to review this item for the Board. Mr. Hutchison indicated that the owner of the Cove Restaurant has appealed the decision of the Zoning Hearing to grant a variance to permit additional parking at their location on Millcross Road. He indicated that the approved expansion is apparently not the expansion which the owner desired. He indicated that the Zoning Hearing Board's solicitor would be defending the decision of the Zoning Hearing Board but in the event that there would be an unfavorable decision at the County Court level, he would not be able to appeal that decision to a higher court. Mr. Hutchison then recommended that the Supervisors enter their appearance in the case so that if there is an unfavorable decision at the County Court level, then the Supervisors could decide whether or not they wish to appeal the case farther into the Court system.

Mr. Eberly then made a motion to authorize the Township Solicitor to enter an appearance on behalf of the Board of Supervisors in the matter of The Cove Restaurant appeal of the Zoning Hearing Board's decision. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Public Comment:

Mrs. Lois Duling, 824 Stumpf Hill Drive, recommended that the Township provide hearing assist devices for the public use at Township meetings. She indicated that she purchased a particular kind which is called a "pocket talker" which she found was effective. Chairman Buckwalter thanked her for her suggestion.

Mrs. Duling then asked the Board to consider providing a “hot spot” for the public’s use during meetings. Mr. Hutchison indicated that the Township does not have a wireless system for the Township’s computer system. Mrs. Duling then indicated that she would like to use it for the purpose of dialing people in to listen to the meeting when they are unable to attend in person. She then suggested that a public access channel be set up through the local cable television system. She further suggested that many people have difficulty in attending meetings at night and that the Board should consider holding meetings at earlier times. Chairman Buckwalter thanked Mrs. Duling for her suggestions.

Mr. Fred Daum, 2142 New Holland Pike asked the Board who requested the postponement of the continuation of the Conditional Use hearing for the Warrington project which had been scheduled for February 6, 2008. Mr. Hutchison said that the applicant requested the postponement.

Mr. Daum then indicated that there was a trip to the Baltimore area arranged by Keystone Custom Homes this past fall. Chairman Buckwalter asked Mr. Daum if he was talking about the development in Maryland known as the Kentlands. In addition, Chairman Buckwalter indicated that he was aware that some were invited to go to the Kentlands but that he did not think that anyone from the Township went on that trip.

Mr. Daum then asked if any of the Board members had seen the “Castleton” development near Marietta. Several of the Board members indicated that they have visited that development on their own.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Landis to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, March 3, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager