

March 18, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, March 18, 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. Glenn Eberly and Mr. Michael Landis. Mr. G. Roger Rutt and Mr. John Shertzer were absent. 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  
Jim Pratt, 2164 Colleens Way, Lancaster, PA 17603  
Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601  
Mark Stanley, Esq., 221 E. Chestnut Street, Lancaster, PA 17601 representing Covered Bridge Marketplace  
Ethel Bielmyer, 2007 Meadow Ridge Drive, Lancaster, PA 17601  
Pat and Chuck Groff, 2022 Meadow Ridge Drive, Lancaster, PA 17601  
Craig Weaver, 2034 Meadow Ridge Drive, Lancaster, PA 17601  
Don Robinson, 2153 Colleens Way, Lancaster, PA 17603  
Michael Reese, 881 Lamplight Circle, Lancaster, PA 17601  
Wayne Beaner, 10 Horseshoe Road, Lancaster, PA 17601  
Anne L. Clair, 2225 New Holland Pike, Lancaster, PA 17601  
Susan Snyder, 435 Mt. Sidney Road, Lancaster, PA  
Rochelle Murray, 444 Dohner Drive, Lancaster, PA  
Don and Kathy Rogers, 903 Hornig Road, Lancaster, PA 17601  
Ken Stoudt, 754 Willow Road, Lancaster, PA  
Mary Ann Hershey, 879 Lamplight Circle, Lancaster, PA 17601  
Kirby Martzall, 2074 Pine Drive, Lancaster, PA 17601  
Sara Frank, 907 Hornig Road, Lancaster, PA 17601  
Albert Frank, 907 Hornig Road, Lancaster, PA 17601  
Catherine Dux, 2152 New Holland Pike, Lancaster, PA 17601  
Earl Boudier, 2159 Creek Hill Road, Lancaster, PA  
Lori and Mark Fleckstein, 2112 Lyndell Drive, Lancaster, PA 17601  
Joan Martzall, 2074 Pine Drive, Lancaster, PA 17601  
Harold Walter, 2113 Lyndell Drive, Lancaster, PA 17601  
John Bare, 422 Millcreek Road, Bird in Hand, PA  
John Pogue, David Miller Associates, representing Glick Fire Equipment  
Dave Glick, Smoketown, PA, representing Glick Fire Equipment  
Polly and TJ Virk, 2195 Porter Way, Lancaster, PA 17601  
Lillie Diorio, 2213 New Holland Pike, Lancaster, PA 17601  
Michael Diorio, 2213 New Holland Pike, Lancaster, PA 17601  
Craig and Jeanne Peck, 837 Willow Road, Lancaster, PA 17601  
John and Elaine Wenger, 2255 Porter Way, Lancaster, PA 17601  
John Kreider, 2566 Old Philadelphia Pike, Bird in Hand , PA 17505

Donna Corcoran, 1944 Pine Drive, Lancaster, PA 17601  
Chuck Hurdleston, 2267 Coach Light Lane, Lancaster, PA 17601  
Karla Pratt, 2164 Colleens Way, Lancaster, PA 17601  
Justin Benson, 2231 Harmony Hill Drive, Lancaster, PA 17601  
Mary Benson, 2231 Harmony Hill Drive, Lancaster, PA 17601

Announcement of Executive Session held on Thursday, March 13, 2008

Chairman Buckwalter indicated that the Board of Supervisors held an executive session on Thursday, March 13, 2008 following the Warrington Conditional Use hearing, for the purpose of discussion matters of litigation.

Minutes of March 3, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the March 3, 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 \$1,228,476.05 were presented for payment, copies of which were available for review. He noted that this amount included a debt service payment in the amount of \$1,122,461.25. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Eberly to approve payment of bills as listed in the amount of \$1,228,476.05. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Time Extension to record approved plan – Covered Bridge Marketplace Revised Final Plan

Chairman Buckwalter indicated that the applicant has requested an additional 180 days to record their revised plan in order that they may obtain the required Highway Occupancy Permit from PA DOT. Mr. Landis then made a motion to approve the requested time extension of 180 days to record the Covered Bridge Marketplace Revised Final Plan. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

New Business:

- a. Request for Waiver of Land Development Planning – Lapp Electric: 2420 Gehman Lane

Mr. Keith Good of Calabrese Architects was in attendance to represent this request. Mr. Good reviewed the request and the proposed project to improve access to this building for the multiple tenants in the building. He showed the Board a sketch plan and photographs depicting the existing and proposed conditions on the property. He noted that although two parking spaces will be lost, the property continues to have enough parking space to meet the ordinance requirements. Mr. Good also indicated that the Township Planning Commission and Township Engineer had both recommended approval of the requested waiver. Mr. Landis asked if the basement area of the building was occupied. Mr. Good indicated that it has been occupied, but that the most recent tenant may have recently moved out. There were no comments or questions from the audience.

Mr. Eberly then made a motion to approve the requested waiver of land development planning for the Lapp Electric property located at 2420 Gehman Lane. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Glick's Fire Equipment Final Land Development Plan #08-08: 350 Mill Creek Road

Mr. John Pogue of David Miller Associates was in attendance to represent this plan. Mr. Pogue reviewed the plan for the addition to the existing Glick Fire Equipment building and the construction of a new accessory building on this site. He went over the review comments from the Township Engineer and the waivers requested by the applicant. He noted that the applicant does not plan to add any employees to the business operations as the result of this building expansion. He also noted that they have provided an alternative storm water management design in order to provide best management practices in lieu of ground water recharge requirements which has not yet been reviewed by the Township Engineer.

There was some discussion between the Board members and Mr. Pogue regarding the plan and the requested waivers. Chairman Buckwalter asked Mr. Pogue if there had been any study of the existing and proposed exterior lighting on the property involved in this application and in particular with respect to light spilling across the property line. Mr. Pogue indicated that a photometric plan had not been prepared but that the applicant would be open to adding shields to the light fixtures in order to eliminate any light spill from the property.

Chairman Buckwalter asked if there were any comments or questions from the audience on this application. There were none.

Mr. Eberly then asked about the frontage improvements along Mill Creek Road and the waiver requested by the applicant. Mr. Glick indicated that he had made a financial contribution to the Township when the original development project was approved which was to cover his obligation for frontage improvements and also related to future improvement of the intersection of Mill Creek Road and Old Philadelphia Pike.

Mr. Eberly then made a motion to conditionally approve the plan and requested waivers for the Glick Fire Equipment final land development plan #08-08, 350 Mill Creek Road subject to the review comments made by the Township Engineer, the Township Engineer's review of the alternate storm water management design for ground water recharge, the addition of shields to the light fixtures in order to eliminate light spill and either the verification that a fee in lieu of frontage improvements has been previously paid or the addition of a plan note deferring these improvements. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

### Petition to repeal Density Bonus Zoning Ordinance

Chairman Buckwalter recognized Mr. James Tupitza, Esq. representing the Conestoga Valley Coalition. Mr. Tupitza made a presentation using a power point display. He indicated that a petition would be presented to the Board of Supervisors with over 700 signatures on it requesting that the Board reconsider the ordinance which provided for the optional density bonus and to repeal it so that it could be worked upon before it is adopted at a later date. He also acknowledged that a repeal of the ordinance would not have any effect on the Warrington development application which is currently before the Board. He said that the citizens would like to work with the Board to create a new ordinance amendment which corrects language which they believe to be flawed. He also said that they felt that repeal of the ordinance would allow this effort to be completed before another developer submits an application to use the existing ordinance provisions. Mr. Tupitza then indicated that Mr. Wayne Grafton had testified during the conditional use hearings held on the Warrington proposal regarding language which he believed to be flawed and that he would be going through the issues that Mr. Grafton testified to during his presentation. Mr. Tupitza then reviewed his concerns for possible conflicting language in the ordinance, mixes of uses permitted by the ordinance, location and type of commercial uses permitted by the ordinance, the method for calculating density, standards which do not match with the goals of the ordinance, inadequate setbacks and building separations, allowing too many dwellings to be planned which do not front on a street, allowing joint driveways to be used by more than two units, inadequate provisions for open space, allowing too much coverage of a development site, location of off street parking and loading and inadequate screening and landscaping. Mr. Tupitza then displayed a picture of the Warrington plan and began to refer to it in order to provide an example of his concerns. Chairman Buckwalter asked him to make his presentation regarding the ordinance and the petition which is to be submitted. Mr. Tupitza indicated that he was attempting to explain the reasons why the ordinance should be repealed. He went on to say that the ordinance fails to require coordinated architectural styles for these kinds of developments. Mr. Hutchison expressed his concern that when Mr. Tupitza attempts to use a particular plan as an example for his argument when that plan is still in the process of being considered as a conditional use by the Board of Supervisors that he is actually trying to influence the Board's decision outside of the legally required conditional use hearing process. Mr. Tupitza said that he was not trying to influence the Board's decision regarding Warrington. Chairman Buckwalter asked Mr. Tupitza to skip over any power point slides which relate to Warrington and to proceed with his presentation of the petition. Mr. Tupitza then went on to review his concerns on

ordinance language which he believes is inconsistent with respect to rights of way, which is inadequate regarding street trees, fails to have adequate sidewalk details, fails to give the Board of Supervisors adequate control over an application, doesn't require applicants to complete wetlands studies, woodland or tree inventory, natural diversity inventory, review of neighboring properties and visual impact analysis. He indicated that all of these things should be required by the ordinance before a conditional use application is submitted. Mr. Tupitza also suggested that the language of the ordinance was lacking with respect to street classifications, definitions for special meaning terms, perimeter buffer specifications, diagram requirements and parking requirements. He then indicated that those present in the audience and those who have signed the petition are requesting that the Board pass a motion to call for a public hearing on an ordinance to repeal the density bonus amendment to the zoning ordinance. He also indicated that the petitioners are willing to work towards the creation of a new amendment that would make sense.

Mr. Ken Stoudt, 754 Willow Road then thanked the Board of Supervisors for their service to the Township. Mr. Stoudt then indicated that he wished to focus on the things that everyone has in common such as the desire to protect farmland in East Lampeter Township and the desire to maintain a positive environment for the Amish community. He also indicated that the petitioners are not against growth and that they accept the Traditional Neighborhood Development (TND) concept as a viable alternative to sprawl. Mr. Stoudt then said that everyone cares about the Township and what it will look like in the future. He also suggested that these commonalities make up a good starting point for working together to develop solutions to issues. He then suggested that any adversarial relationships which exist should be eliminated. He also suggested that a collaborative relationship which is open and transparent would be a very positive thing.

Mr. Irl Duling, 824 Stumpf Hill Drive then spoke and suggested that most ordinances of this type require thirty percent open space rather than ten percent. He also suggested that the ten percent which is required should not be permitted to be credited against what the developer is otherwise required to provide. Mr. Duling also indicated that he believes that there are at least thirty-two significant errors or omissions in the current ordinance. He said that he is willing to point these out if the Board wishes to have the details on them. He went on to say that there are no provisions in the ordinance for horses and carriages.

Chairman Buckwalter indicated that the Board is interested in hearing from the audience members on this topic if anyone has anything new to convey. He asked that speakers try not to repeat things which had already been said by others.

Mr. Jim Pratt, 2164 Colleen's Way, then presented copies of the petition forms to the Board. He indicated that he has retained the original documents. He also indicated that there are just under seven hundred signatures on the petition forms. Mr. Pratt also stated that there were two or three people who handled the petitions and gathered signatures over a period of about four weeks. He also said that about ninety eight percent of those that he spoke with signed the petition. Mr. Pratt also indicated that for those who indicated that they were "on the fence" with respect to signing the petition, that he was able to persuade them to sign by showing them the plan for Warrington. Chairman

Buckwalter asked Mr. Pratt to refrain from introducing the Warrington plan into this conversation regarding the density bonus ordinance. Mr. Pratt then indicated that when the ordinance was initially introduced that the Mill Creek development was referenced as an example of what the ordinance would result in but that in his view the ordinance does not achieve that result. He also indicated that the group would like to be part of the development of a new ordinance.

Mr. Earl Boudier, 2159 Creek Hill Road then presented a letter to the Board members which he and his wife wrote. He then read the letter which expressed concerns for higher density development in the Township. His letter addressed concerns related to traffic, impact on schools, increased demands for public services, potential future rezoning applications, the preservation of farmland and maintaining the present character of the Township.

Mr. Rodney Glick, 2135 Stonecrest Drive then indicated that he had been before the Supervisors a few months ago to request approval of an ECHO unit for his parents. He also indicated that he was required to go through a number of things before he received approval of this additional unit. He then indicated that he felt that the ordinance should be repealed so that developers could be required to as much as what he had to go through and that the same standards be applied to large development applications as was applied to his one unit application.

Chairman Buckwalter then thanked the petitioners for the manner in which they presented their petition and the comments offered during the presentation. He also said that he appreciated the positive tone of those who spoke. He then indicated that he would not look for a motion on the request made by the petitioners at that time due to the fact that only three of the five Board members were present. He said that the Board members would take some time to review the petition and to consider the comments that have been made and then respond at a later date. Chairman Buckwalter thanked those in attendance for their interest in this issue and thanked those who spoke for their kind comments regarding the Board members service to the Township.

Other Business:

- a. Ordinance to establish 25 MPH speed limit on Township roads – The Oaks

Mr. Hutchison indicated that the roads in the Oaks development had previously been accepted for dedication to the Township and that residents of these roads have requested that a speed limit be established for them. He also stated that the proposed ordinance to establish a 25 MPH speed limit on all of these roads was prepared by the Township Solicitor, advertised as required and was ready for Board action.

A motion was then made by Mr. Landis to adopt the Ordinance to establish a 25 MPH speed limit on all of the roads in the Oaks development. The motion was then seconded by Mr. Eberly. Chairman Buckwalter asked if there were any comments or questions

regarding the motion. There were none. The motion was then passed by unanimous voice vote.

b. Resolution revising the Township's UCC enforcement program

Chairman Buckwalter indicated that the Township has previously required that all construction activities which are subject to the Uniform Construction Code (statewide building code) be reviewed and inspected by one third party agency hired by the Township. He then said that this resolution proposes to change this method of enforcement for all construction other than that which qualifies under the one and two family dwelling code and signs by allowing owners to select a firm to perform all code reviews and required inspections from a list of five third party agencies approved by the Township. Chairman Buckwalter also noted that the resolution was prepared by the Township Solicitor. Mr. Hutchison said that if the Board approves of the Resolution that this change in the enforcement program would take effect on April 1, 2008.

Chairman Buckwalter asked if there were any questions on the proposed Resolution. Mr. Landis asked for confirmation that the proposal would not change the current enforcement program for one and two family dwellings. Mr. Hutchison confirmed that the resolution would not change that part of the Township's program. Mr. Eberly thanked the Township staff for developing this change to the Township's program in response to numerous requests from the public.

Mr. Don Rogers, 903 Hornig Road asked if this change would cost the residents anything. Chairman Buckwalter indicated that it would not cost the Township residents anything but would provide the benefit of providing options to property owners for who provides these code related services. Mr. Rogers expressed his concern that having multiple contractors on the Township list would cost the Township more than having just one. Mr. Hutchison explained that the current program has recouped the costs of these services through the permit fees paid by the applicants. He also indicated that this change in the program would have permit applicants contracting for these services directly with one of the five providers rather than having the Township in the middle and that this arrangement would also not require any tax dollars to pay for this program. Mr. Rogers then asked how the five code companies were selected. Mr. Hutchison said that he and Mr. Young, the Township Zoning Officer interviewed various companies which provide these services and selected five which were believed to be in a position to provide service and enforce the code requirements.

Mr. Eberly then made a motion to adopt the proposed Resolution regarding the administration of the Uniform Construction Code in the Township. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Request to suspend Township Curfew Ordinance for Post Prom Activity

Chairman Buckwalter indicated that the post prom committee has requested the suspension of the Township curfew for one hour in the morning on Sunday, May 4, 2008.

He also indicated that the post prom activities held at the Conestoga Valley High School are proposed to take place from 11 pm on May 3 to 5 am on May 4 and that the Township curfew normally prohibits minors from being out prior to 6 am. Chairman Buckwalter also indicated that the Board has suspended the curfew for this one hour, from 5 am to 6 am in previous years for this reason. Mr. Eberly indicated that he had heard that there was discussion within the post prom committee to end post prom at 4 am rather than 5 am which would require the suspension of the curfew for two hours. Mr. Hutchison said that the letter received by the Township making the request for the curfew suspension indicates that it would end at 5 am. Mr. Hutchison also indicated that ending prior to 5 am would create an issue for those with Junior Drivers licenses because state law prohibits them from driving prior to 5 am. Chairman Eberly pointed out that the letter from the post prom committee also indicates that those with parental permission will be allowed to leave the High School after 3 am. Mr. Hutchison said that the curfew would not be violated if the minor is with their parent but that permission alone would not exempt them from the curfew.

Chairman Buckwalter then suggested that the Board take action on this matter at the next meeting so that clarification of the request can be provided by the post prom committee.

Public Comment:

Irl Duling, 824 Stumpf Hill Drive asked the Board members if they had any idea as to when the Board would take action on the petition that was submitted earlier in the meeting. Chairman Buckwalter indicated that the Board members would be reviewing the petition and would discuss it publicly at a future meeting. Mr. Landis indicated that it would be handled in a reasonable time frame and that the matter would not be put off indefinitely. Mr. Duling expressed his concern that an application could be submitted under the current ordinance while the Board is reviewing their request. Chairman Buckwalter indicated that the Board members were aware of this concern.

John Blowers, Strasburg Pike indicated that wished to make a few comments on the issue raised by the petition to repeal the density bonus provisions of the zoning ordinance. He noted that he has been following this issue here in the Township as well as the recent similar activity in East Hempfield Township. He then questioned what had happened to comprehensive growth planning in the last few years. He noted that he had been involved with a similar group of citizens during the time when the Wal Mart store was going through the approval process that was called Citizens for Responsible Growth. He also noted that he also served a term of office on the County Planning Commission. Mr. Blowers then indicated that over the last twelve to fifteen years he has watched how communities have brought citizens into very involved and informative comprehensive planning processes which have produced plans which address farmland preservation and alternative development designs. He noted that he is now watching the current situation with trepidation and wondering about where we are now headed. He also questioned if the County has failed to adequately communicate with citizens about what the vision is for the County and how the comprehensive plans guide the County toward that vision. Mr. Blowers indicated that he does not see any alternatives to the comprehensive growth

planning that has been done. He also said that growth cannot be stopped under current American law. He then indicated that because of his involvement with these issues over the last fifteen years where these same questions have been asked and answered, he is concerned about being able to implement the comprehensive plans that have been developed because people don't understand the answers.

Lois Duling, 824 Stumpf Hill Drive then expressed her concern that the density bonus ordinance did not give any consideration to the Amish community in the Township. She also said that the citizens want to be included in the discussion of these issues.

Ken Stoudt, Willow Road said that he agreed that comprehensive planning is important and that the concept of higher density development in order to save farms is also a good idea. However, he said, no one has provided the Township with a model to follow in the implementation of these plans. He also said that the concerns which they have raised may not be flaws in the ordinance but that they need to be discussed so that there can be understanding and correction where needed.

Jim Pratt, 2164 Colleens Way, said that in his view there is nothing wrong with taking another look at the ordinance and that the Board should not feel pressured by the request. He said that he chose to live here because of the great diversity here but that he is concerned about what will happen in the R-2 zone as the result of this ordinance. He also said that he understands that one acre lots use up a lot of farmland but that quarter acre lots make for decent living. Mr. Pratt said that he is afraid that developers will see this as a dollar opportunity. He also said that he is afraid that the quality of homes will be poor in more densely developed areas.

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 Tuesday, April 15, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager