

April 16, 2013

The East Lampeter Township Board of Supervisors met on Tuesday, April 16, 2013, beginning at 7:30 p.m. in 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. In addition to Mr. Buckwalter, supervisors present were: Mr. John Shertzer, Mr. Mike Landis, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Robert Miles of GCM, Inc., 1175 E. Main Street, Mount Joy, PA representing Burger King
Joe Patterson, Historic Preservation Trust, 123 N. Prince St., Lancaster, PA
Chris Brown, Derck & Edson, 33 S. Broad Street, Lititz, PA representing Lancaster Mennonite Schools
Ruth Deveney, High Associates
Jeff Kurtz, High Associates
John Lapp, representing Lapp's Toys
R. Lee Young, Mount Joy
Mark Magrecki, Penn Terra Engineering, representing Golden Corral Restaurant
John Metzger, Historic Preservation Trust
Mary Metzger, Historic Preservation Trust
Deb Karcheski, Garden Spot Motel
Gini Walker, Garden Spot Motel
Chris Lach, Southbridge, MA representing Con Agra Foods

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available in the back of the room for review.

Chairman Buckwalter also announced that the Board met prior to the regular meeting in Executive Session for the purpose of discussing personnel matters.

Minutes of April 1, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the April 1, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Shertzer to dispense with the reading of the April 1, 2013 minutes and approve the minutes as presented. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$200,199.10 were presented for payment. Chairman Buckwalter noted that one of the larger items included in that amount was a payment of \$17,490 to Mannion Enterprises for three (3) new in vehicle computers and \$89,424 to Wyoming Electric for payment #2 on the Rt. 30 and Greenland Drive traffic signal installation.

A motion was made by Mr. Landis and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$200,199.10. The motion was passed by unanimous voice vote.

Old Business:

Mr. Buckwalter noted that there were no items of Old Business listed on the agenda.

New Business:

- a. Golden Coral Restaurant Land Development Plan #12-25: 2291 Lincoln Highway East

Mr. Mark Magrecki, Penn Terra Engineering, Inc. presented this application to the Board on behalf of the applicant. He reviewed the location and layout of the plan showing the demolition of the existing Garden Spot Motel and the construction of a Golden Corral Restaurant. He indicated that two driveways onto Rt. 30 would be closed and that the proposed driveway to serve the property would be aligned and signalized with the existing Lancaster Host Resort driveway. Mr. Magrecki reviewed the five waivers requested by the applicant and the related comments provided in the review by the Township Engineer. The waiver request related to the additional right of way required under the ordinance was discussed in detail. Mr. Magrecki indicated that the existing right of way line is located thirty-nine (39) feet from the centerline of Lincoln Highway and that the ordinance requirement would be for fifty (50) feet from the centerline. He further indicated that the zoning ordinance requires parking spaces to be set back at least ten (10) feet from the right of way line and so if the additional right of way is required to be shown on the plan, a number of proposed parking spaces would have to be removed. Mr. Magrecki has indicated that the applicant cannot accept the loss of parking spaces and has indicated that the number of spaces shown on the plan are required in order for Golden Corral to proceed with the development.

Ms. Deb Karcheski and Ms. Gini Walker, owners of the Garden Spot Motel, spoke to the Board requesting that the Board waive the requirement for additional right of way. They indicated that they have been attempting to sell the property for some time and that they are unable to continue to operate the motel. They further indicated that numerous potential buyers have looked at the property, but that this proposal is the only one that is viable. They asked that the Board waive the right of way requirement so that this project can proceed.

Mr. Magrecki then indicated that the applicant will make plan corrections in response to all of the remaining review comments provided by the Township Engineer and those provided by the County Planning Commission. Mr. Shertzer asked Mr. Magrecki to explain how truck movements will be handled on the site given the size of the property and the configuration of the proposed restaurant. Mr. Magrecki indicated that the truck movements have been analyzed and demonstrated the pattern to be used by trucks entering and exiting the site.

There was additional discussion regarding the proposed signalization of the driveway intersection with Lincoln Highway (Rt. 30). Mr. Magrecki indicated that the applicant has obtained written authorization from the Lancaster Host to permit the signal installation and necessary related driveway modifications. Mr. Ed Manns, JAX, LLC, the applicant also indicated that the traffic signal installation and the related driveway modifications would be completed as a part of the development of the restaurant.

After some additional discussion regarding details of the plan, Mr. Shertzer made a motion to conditionally approve the Golden Corral Restaurant Land Development plan #12-25 and all requested waivers subject to the applicant making all changes necessary to satisfy the review comments provided by the Township Engineer and the Lancaster County Planning Commission. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

b. Heller Subdivision Plan #13-01: 751 / 753 Willow Road

No one was in attendance to represent this plan at this time. Mr. Buckwalter indicated that he would hold this agenda item until later in the meeting.

c. Request for Waiver of Land Development Planning – Lapp’s Toys & Furniture: 2220 Horseshoe Road

Mr. John Lapp, owner, was in attendance to present this application to the Board. Mr. Lapp indicated to the Board that he is planning to relocate an existing storage building on the property and that he is requesting a waiver of land development planning for this change to his non residential property. He further indicated that he is in the process of preparing a stormwater management plan for this property due to the fact that impervious area had previously been added to the property without the appropriate stormwater planning, review and approval by the Township.

After some discussion, Mr. Eberly made a motion to conditionally approve the requested waiver of land development planning for Lapp’s Toys & Furniture: 2220 Horseshoe Road, subject to the applicant’s submission of a stormwater management plan, completion of any required modifications and approval by the Board of Supervisors within six (6) months. This motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

d. Request for Waiver of Land Development Planning – Burger King: 1641 Lincoln Hwy East

Mr. Robert Miles of GMC, Inc. representing Burger King was in attendance and presented this request to the Board. Mr. Miles indicated that Burger King would like to modify their existing parking lot and vehicle circulation pattern in order to allow vehicles which enter the site from Old Philadelphia Pike to access the drive through service lane without having to exit the site onto Lincoln Highway and then reenter the site from Lincoln Highway. He indicated that this change would remove four (4) parking spaces from the site and would modify the existing driveways from two way traffic movements to one way traffic movements. The eastern driveway from Lincoln Highway would become an entrance only and the western driveway would become an exit only.

After discussion of the safety benefits of this proposal, Mr. Eberly made a motion to conditionally approve the requested waiver of land development planning for Burger King: 1641 Lincoln Highway East, subject to the applicant obtaining PA DOT approval of the proposed driveway modifications. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

e. Lancaster Mennonite Conference Schools Land Development Plan #13-09: 2160 Lincoln Highway East

Mr. Chris Brown of Derck & Edson Associates, representing the applicant was in attendance. Mr. Brown reviewed the proposed expansion of existing building and the proposed conversion of some of the existing building space to provide dormitory space for students attending Lancaster Mennonite High School. He indicated that they are planning to provide dormitory space for 56 students and several apartments for adult resident advisors. Mr. Brown reviewed and explained the applicant's request for three waivers. Additionally, he indicated that the applicant would be able to modify the plan to fully address all of the review comments provided by the Township Engineer and the County Planning Commission.

After some discussion, Mr. Shertzer noted that the sidewalk system along Greenland Drive is currently incomplete and that the missing section is along the frontage of property which is now owned by Lancaster Mennonite Schools. He then suggested that it would be good to complete the sidewalk system in this area as a part of this project. It was noted that the location involved in this discussion is 162 Greenland Drive. After discussing this issue at some length, Mr. Shertzer made a motion to conditionally approve the land development plan and requested waivers for Lancaster Mennonite Schools / 2160 Lincoln Highway East subject to the applicant modifying the plan to fully address the review comments provided by the Township Engineer and the County Planning Commission and additionally subject to the applicant installing curbing and sidewalks along the frontage of 162 Greenland Drive in order to complete the sidewalk system in this area. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

f. Request for Waiver of Land Development Planning – Con Agra Foods: 2060 Old Philadelphia Pike

Mr. Chris Lach of The Dennis Group, representing Con Agra Foods was in attendance to represent this plan. Mr. Lach reviewed the request with the Board. He indicated that Con Agra Foods plans to expand an existing loading dock by 450 square feet. He indicated that the Township Zoning Hearing Board has reviewed this plan and granted necessary zoning approvals for it. The Board and Mr. Lach then had a lengthy discussion regarding the lack of curbing and sidewalks along the road frontages of this property. Mr. Lach indicated that he believed that Con Agra would drop the project if the Board required these to be installed at this time.

After some additional discussion of this application, Mr. Eberly made a motion to conditionally approve the waiver request for Con Agra Foods, 2060 Old Philadelphia Pike subject to the applicant executing and recording an agreement obligating the applicant to install curbs and sidewalks along all road frontages of this property when ordered to do so by the Board of Supervisors at some time in the future. The motion was seconded by Mr. Blowers and was defeated by a vote of 2 in favor and 3 opposed.

There was additional discussion regarding this application and the requirement to install curbs and sidewalks. At the conclusion of this discussion, Mr. Eberly made a motion to conditionally approve the waiver request for Con Agra Foods, 2060 Old Philadelphia Pike subject to the applicant executing and recording an agreement obligating the applicant to install curbs and sidewalks along all road frontages of this property when ordered to do so by the Board of Supervisors at some time in the future. The motion was seconded by Mr. Blowers and was approved by a vote of 3 in favor and 2 opposed. (Mr. Buckwalter and Mr. Shertzer voted against the motion)

Other Business:

a. Historic Preservation Trust of Lancaster County – Mr. Joseph Patterson

Mr. Joseph Patterson, the Executive Director of the Historic Preservation Trust (HPT) of Lancaster County was in attendance and made a presentation to the Board of Supervisors regarding the HPT and their desire to work closely with the Township to preserve historically significant buildings in East Lampeter. At the conclusion of his presentation there was a brief discussion and Mr. Buckwalter thanked him.

b. Acknowledgement of Agricultural Security Area Application – Zook: 729 Hartman Station Road

Mr. Hutchison explained that the owners of 729 Hartman Station Road, Mr. & Mrs. Zook, have submitted an application to jointly add this property to the Township's Agricultural Security Area (ASA). He further indicated that this property had previously been added to the Township's ASA; however the previous application was only in the name of Mr. Zook. Mr. Hutchison also said that he understands that they want to add Mrs. Zook to the application so that they can then apply to the Agricultural Preserve Board to sell the development rights for the property.

Mr. Eberly then made a motion to acknowledge the submission of an application to add 729 Hartman Station Road to the Township's Agricultural Security Area by Mr. and Mrs. Zook as the owners. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Consideration of an Ordinance re: Industrial Waste requirements

Mr. Hutchison explained that the City of Lancaster had notified the Township that the Environmental Protection Agency has required changes to Industrial Waste requirements for all sanitary sewer flows to the City treatment plant. He further explained that by agreement, the Township is required to adopt these new requirements for Industrial Waste flows in East Lampeter.

After a brief discussion, a motion was made by Mr. Shetzer to adopt the proposed ordinance regarding Industrial Waste requirements. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Adopted as Ordinance number 296.

Chairman Buckwalter then asked the Board to return to item 7.b. on the agenda, the Heller Subdivision Plan #13-01: 751 / 753 Willow Road. He noted that there was no one in attendance to represent this plan. Mr. Hutchison explained that the time for the Township to act on this plan would expire before the Board's next meeting and that therefore if the Board does not act on the plan it will become "deemed approved" without conditions. He recommended that the Board act to either deny the plan or conditionally approve the plan. It was noted that the subdivision plan proposed to simply subdivide the property, separating the two existing dwellings on the site. There are no new dwelling proposed by this plan.

After a brief discussion, Mr. Eberly made a motion to conditionally approve the Heller subdivision plan #13-01 for 751 / 753 Willow Road and the requested waivers and deferrals of frontage improvements

subject to the applicant making corrections to the plan to fully satisfy all of the review comments provided by the Township Engineer and the County Planning Commission and subject to the applicant executing and recording an agreement obligating the property owner to make the deferred road frontage improvements (road widening, curbing and sidewalks) when ordered to do so by the Board of Supervisors at some time in the future. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Public Comment:

None

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Blowers to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, May 14, 2013 beginning at 7:30 pm.

Respectfully submitted,
Ralph Hutchison
Township Manager