

April 21, 2009

The East Lampeter Township Board of Supervisors met on Tuesday, April 21, 2009, at 7:30 p.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. John Shertzer, Mr. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

G. P. Devery, GPD Engineering Inc., 979 Woodridge Blvd., Lancaster, PA 17601, representing Satguru, Inc.

Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601

Lorin and Antoni Wortel, 62 Bowman Road, Lancaster, PA 17602, representing self

Milce P. Patel, 2110 Lincoln Hwy. East, Lancaster, PA 17602, representing Wingate Hotel

Mike Kossick, 203 Joyce Drive, Lititz, PA 17543, representing Satguru, Inc.

Vinny Patel, 2110 Lincoln Hwy. East, Lancaster, PA 17602, representing Satguru, Inc.

#### Minutes of April 6, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the April 6, 2009 regular meeting were available for review and asked if there were any comments or corrections regarding the minutes as prepared.

A motion was then made by Mr. Shertzer and seconded by Mr. Rutt 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 \$199,947.85 were presented for payment. Chairman Buckwalter mentioned that of the total amount, there is a payment of \$103,000.00 to the City of Lancaster for the quarterly sewer treatment cost and \$21,000.00 for a mowing tractor, which was a budgeted item.

After review of the bills listed, a motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$199,947.85. The motion was passed by unanimous voice vote.

#### Old Business:

- a. Request for Time Extension to Record Conditionally Approved Plan – East Lancaster Hotel: Meadowland Drive

Chairman Buckwalter explained that the Board is being asked for an extension of time until June 16, 2009, to record the conditionally approved plan for East Lancaster Hotel on Meadowland Drive.

Mr. Hutchison stated that the primary item that they are waiting for is a receipt of sewer module approval from DEP before they are able to record the plan.

Chairman Buckwalter asked if anyone in the audience had any concerns regarding this plan. There was no response.

Mr. Landis made a motion to approve the request for an extension of time until June 16, 2009, for East Lancaster Hotel to record the plan. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

New Business:

- a. Request for Waivers re: Wortel Lot Add-on Plan #09-07: 62 Bowman Road

Mrs. Lorin Wortel spoke to the Board. She reviewed the two waiver requests to the lot add-on plan. The first waiver involves all existing streets along the property frontage which must be improved to Township specifications from the required right-of-way line to the centerline of the street. The Township Engineer is recommending that these improvements be deferred.

Mrs. Wortel requested that this entire section be waived and not simply deferred due to no improvements or changes are being made to the property. They are simply redrawing the property line to include two historic buildings that originally were part of the original homestead in order to preserve the historic buildings.

Chairman Buckwalter questioned whether this issue was deferred previously when the Wortels developed the bed and breakfast at this location.

Mrs. Wortel responded that this issue was not discussed at that time.

The second waiver involves the one hundred year flood plain which should be shown for the stream shown on the plan. An actual flood study must be completed.

Chairman Buckwalter questioned the issue of showing the flood plain on the plan and why the Wortels are asking for a waiver.

Mrs. Wortel responded that the main reason is the cost. They have already spent \$10,000.00 on the plan and their surveyor said it will cost a couple of thousand dollars additional to do this. She added that the planning commission said that if she ever decided to add any additional buildings to the site, a flood study would need to be done at that time.

Mr. Hutchison then explained that when this property was subdivided previously by the estate, which was before the Wortels owned it, the deferral of road frontage improvements was put on that plan. Therefore, this is a requirement on the property now.

Chairman Buckwalter added that this is why he asked his question. He thought that it should have been discussed previously, but maybe it was discussed prior to the Wortels owning the property and it was not explained to them that this was an encumbrance on the property.

Mrs. Wortel replied that this was not explained to them until Mr. Darrel Siesholtz of the Planning Commission pointed this out to them.

Mr. Eberly commented that it is difficult for them to waive the street improvements due to the fact that the Township has required so many other people to make street improvements for their projects. He added that if the surrounding properties ever get developed, they too will have to make these improvements.

Chairman Buckwalter asked Mr. Hutchison if the preliminary final plan and the stormwater management plan are the only waiver requests that the Board needs to address in a motion related to this plan.

Mr. Hutchison responded that the Board is not actually acting on the plan tonight, but only on the two waivers that the Wortels had addressed.

Mrs. Wortel then asked if there was any way to act on the entire plan this evening and that she had indicated to Mr. Lee Young that she had wanted to do both.

Mr. Hutchison responded that from what he has been told, the Lancaster County Planning Commission has not acted on this yet.

Mrs. Wortel then presented a copy of a letter from the Lancaster County Planning Commission showing that they had acted on this.

Mr. Hutchison apologized and said that Mr. Young had indicated to him that they had not acted yet.

Mr. Eberly made a motion to approve the plan as a final subdivision plan, granting the waivers as outlined in the Township engineer's letter where it addresses the preliminary final and the stormwater management plan, and granting deferral for the road improvements. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Time Extension for Review and Action re: Patel Hotel Plan #09-05: 2060 Lincoln Highway East

Chairman Buckwalter explained that a 90 day time extension has been granted to allow for review and response to the township, township engineer and authority comments for the Patel Hotel Plan for 2060 Lincoln Highway East. He then asked if there was anyone in the audience for this project. There was no one present.

Mr. Rutt made a motion to accept the granting of the 90 day time extension for review and response by the township for Patel Hotel plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. Satguru Revised Land Development Plan #09-12: Lincoln Highway East

Mr. Roger Fry of Fry Surveying, Inc. spoke on behalf of the applicant. He explained that some revisions were made during the construction and permitting of the hotel. Mr. Young, the Township Zoning Officer and David Miller Associates, the Township Engineer felt that they were significant enough that they wanted to make sure that everything is in compliance with the ordinances.

Mr. Fry added that they are working to get all of the items completed to meet the ordinances. The major outstanding issue is the detention basin. It is currently a sediment basin, which is built slightly different than the final design.

Chairman Buckwalter asked if the review comments from the Township engineer address the specific changes that were made from the original approved plans.

Mr. Fry responded that the review is based on what has been done now.

Chairman Buckwalter asked again what changes were made from the original approved plans.

Mr. Fry responded that the biggest and most obvious change was the original client was Comfort Suites and their design was a shorter building with an outside pool. This client left and went to another site. Wingate was then picked up and they do not require a pool. The area that was for the pool is now part of the building. The original plan was for 63 rooms, but 70 rooms were constructed.

Mr. Shertzer stated his frustrations with how the original plan was changed without the Boards approval.

There was a brief discussion between the applicant and the Board members on how the applicant did not follow procedures and how this is not fair to others in the Township.

Mr. Hutchison asked Mr. Fry if the Lancaster County Planning Commission has waived review of this plan.

Mr. Fry responded that they have not done so yet.

Mr. Hutchison stated that the Board cannot act on the plan until the Lancaster County Planning Commission provides review of the plan.

Mr. Eberly made a motion to grant the waivers for plan scale and filing of preliminary final plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Satguru Request for Temporary Use and Occupancy Permit – Wingate Hotel

Mr. Vinny Patel addressed the Board asking for temporary use and occupancy of the new hotel. He explained how they have started making mortgage payments on the new hotel and would like to get it up and running as soon as possible.

Chairman Buckwalter responded that he believes Mr. Patel does want to work with the Township, but on the other hand he is hearing comments from the Board table of a reluctance to reward what has happened.

Mr. Eberly asked if ABI inspectors have given their okay.

Mr. Patel responded that they had been out, but a counter in the breakfast area needed to be lowered one inch. They are to do a reinspection on Thursday, April 23, 2009.

Mr. Hutchison asked Mr. Fry and Mr. Patel if they would be able to complete all the subdivision and land development comments from the April 20, 2009 letter from David Miller Associates and also have the engineer review it again by the next Supervisors meeting on May 4, 2009, in order for the Board to potentially act on the plan at that time.

Mr. Fry responded that they should have something in the Township engineer's hands by no later than the beginning of next week.

Mr. Landis made a motion to deny the temporary use and occupancy permit for Wingate Hotel until the land development plan is approved. The motion was seconded by Mr. Rutt and passed by a vote of four in favor and one opposed. (Mr. Eberly voted against the motion).

Other Business:

None

Public Comment:

There were no public comments.

Adjournment:

A motion was made by Mr. Rutt 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, May 4, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager