

May 14, 2013

The East Lampeter Township Board of Supervisors met on Tuesday, May 14, 2013, 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. 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:

Steve Gergely, Harbor Engineering, Inc., 41 S. Main Street, Manheim, PA 17545, representing Glenn Deamer / Sack LLC

Craig Williams, Strausser Surveying & Engineering, Inc., 2586 Lititz Pike, Lancaster, PA 17601, representing Wenger's Constuction

Mike Wagner, U.S. Commercial Realty, 1650 Crooked Oak Drive, Suite 310, Lancaster, PA 17601, Representing Exotic Car Imports – Fulton Bank

Bill Helm, 2160-2 Lincoln Hwy. East, Lancaster, PA 17602, representing Volleyball Corner
Glenn Deamer, 144 N. Ronks Road, Ronks, PA 17572

Chairman Buckwalter indicated that copies of the agenda and minutes from the previous meeting were available in the back of the room for review. He also announced that an executive session was held prior to tonight's meeting to discuss a personnel issue.

Minutes of April 16, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the April 16, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Shertzer to dispense with the reading of the April 16, 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 \$482,286.17 were presented for payment. Chairman Buckwalter noted that some of the larger items included in that amount was a quarterly installment payment of \$13,519.94 to M & T Bank for the lease purchase of the Gap Vax truck, a quarterly sewer payment of \$12,524.40 to LASA for first quarter sewer flow charges, a payment of \$18,883.00 to Messick Farm Equipment for the purchase of a new trailer for the public works department, a MMO payment of \$45,000.00 to Morgan Stanley for the Township police and non-uniform pension plans, a payment of \$28,888.39 to New Holland Auto Group for the purchase of a Ford F350 Chassis for the public works department, a payment of \$14,175.00 to Reading Equipment for the purchase of a body for the Ford F350, and a payment of \$34,600.00 to Susquehanna Municipal Trust for the second quarter workmen's comp insurance premium.

A motion was made by Mr. Shertzer and seconded by Mr. Landis to approve payment of the bills as listed in the amount of \$482,286.17. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Temporary Occupancy: Former Bob's Auto – 2051 Lincoln Hwy. East

Mr. Mike Wagner of U.S. Commercial Realty introduced himself as representing the applicant. He explained that the property located at 2051 Lincoln Hwy. East has been abandoned for about three to five years and Fulton Bank is now the owner. Mr. Wagner distributed copies of the original land development plan and explained that the property is actually two lots. The one lot is improved with curbing, walks, pavement, and a building with approximately 1,300 sq. ft. He referred to this lot as tract 1. Tract 2 had crushed stone placed on a large section by the previous owner of the property. He stated that Fulton Bank has found a buyer for both lots and they would like to clean up tract 2. There is still some outstanding work to be done to tract 1 that was never completed. The potential buyer is requesting a temporary certificate of occupancy and a deferment for the remaining work on tract 1 until the land development plan for tract 2 is approved and work can be completed on both tracts at the same time.

Chairman Buckwalter stated that a temporary occupancy agreement has been prepared that requires a financial security check in the amount of \$9,380.93 being issued to the Township to secure the completion of the work for tract 1 and 2.

Mr. Hutchison added that the only thing that would need to be determined would be the dates that the Board would be comfortable with in terms of when the new lot add-on land development plan would be submitted by and when would the improvements that currently aren't complete along with the tract 2 improvements be completed by. The Township solicitor has suggested that the new lot add-on land development plan should be submitted by November 2013 and staff feels that the work should be completed for both tract 1 and tract 2 by May or June of 2014.

Mr. Eberly made a motion to approve the temporary occupancy agreement for 2051 Lincoln Hwy. East as prepared by the Township solicitor with the date of November 1, 2013 for the lot add-on land development plan submission and June 1, 2014 for completion of work for both tracts. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

b. Request for Release of Financial Security: Beiler Subdivision Plan – 2548 Lincoln Hwy. East

Chairman Buckwalter stated that this request for financial security release is for the Beiler Subdivision Plan at 2548 Lincoln Hwy. East. He asked if anyone was present for this item. No one was in attendance. Chairman Buckwalter stated that the township engineer, David Miller Associates, visited the site on April 15, 2013 and is recommending a full release of financial security in the amount of \$4,368.00, which will leave a financial security balance of \$0.00.

Mr. Eberly made a motion to release the remaining financial security for the Beiler Subdivision Plan at 2548 Lincoln Hwy. East in the amount of \$4,368.00 as recommended by David Miller Associates. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Request for Time Extension to Record Conditionally Approved Land Development Plan #12-14: Sheetz – 2425 Old Philadelphia Pike

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He stated that the applicant, Sheetz, Inc., is requesting a time extension to record the conditionally approved land development plan #12-14 for 2425 Old Philadelphia Pike. They are requesting this extension of time to work on resolving the conditions of approval, most notably addressing comments from PennDOT for the proposed improvements in the State roadways. The current time to record the plan expires May 21, 2013. They are requesting a time extension until August 20, 2013 to record the plan.

Mr. Landis made a motion to grant the time extension until August 20, 2013 for Sheetz, Inc. to record the conditionally approved land development plan #12-14 for 2425 Old Philadelphia Pike. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

New Business:

a. Deamer Land Development Plan #13-11: 144 N. Ronks Road

Mr. Steve Gergely of Harbor Engineering, Inc. introduced himself as representing Mr. Glenn Deamer. He explained that the property located at 144 N. Ronks Road consists of three buildings. One of the buildings is a historic building which contains six (6) apartment units. The servant's quarters building has been converted to four (4) apartment units and a garage has been converted into four (4) apartment units. This property has been operating this way since the early 1980's. Mr. Gergely further discussed the land development plan and reviewed the letter dated April 22, 2013 from David Miller Associates. There was a discussion about the applicant requesting waivers for roadway improvements, curbing and sidewalks.

Mr. Hutchison asked if the trash dumpster was screened.

Mr. Gergely responded that it is sitting at the end of the driveway on stones and asked Mr. Hutchison what he meant by screened.

Mr. Hutchison replied that there is a zoning requirement that dumpsters are to have fencing around them and that they will need to address this. He added that the only other question that staff had was if each of the units has an independent exterior access.

Mr. Gergely stated that the apartments were built in the 1920's and that in most cases they do have independent exterior access. There is a couple with shared entrance ways.

Mr. Hutchison clarified that you don't have to go through one unit to get to another unit.

Mr. Gergely responded no.

Mr. Hutchison added that the approved use prior to the apartments was a boarding house. By Township records, the apartments were not there in the 1920's.

Mr. Shertzer stated that he was a bit uncomfortable with just assuming that something that came into existence without the Township being aware of, whether it is a fire hazard or not. He added that it just feels like something was done that shouldn't have been done without Township's control.

Mr. Hutchison commented that from the Township's perspective, this property is a conversion of the use from a boarding house to an apartment complex. Permits should have been obtained throughout this process and they weren't. Permits will now have to be drawn and inspections will have to be made.

The applicant had requested a modification to waive the park and open space requirements. Mr. Hutchison explained what the ordinance requires and stated that the area would need to be identified on the plan. The applicant withdrew this waiver request.

There was a lengthy discussion about the requirement of sidewalks along the property frontage. Mr. Landis stated that it's easy to record the deferral of sidewalks until a later date, but when it comes time to having the obligation met the Board is dealing with applicants having problems and issues with expense to have it implemented.

Mr. Hutchison asked if the Board would decide to defer the sidewalks for no more than five (5) years, would this acceptable?

Mr. Deamer replied that this would be fair and he could do this.

Mr. Eberly made a motion for conditional approval of Deamer Land Development Plan #13-11 for 144 N. Ronks Road subject to the David Miller Associates letter dated April 22, 2013 and the Lancaster County Planning Commission letter dated April 30, 2013, granting waivers 1, 2, 3, 6, 8, 9 with waiver number 8 being shown on plan, waivers 4, 5, 7 being deferred for five (5) years, screening of dumpster, and item number two (2) of the zoning is approved and not required. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one opposing. (Mr. Shertzer voted against the motion).

a. Wenger Stormwater Management Plan #13-10: Stumptown Road

Mr. Craig Williams of Strausser Surveying & Engineering, Inc. introduced himself as representing Wenger's Constuction. He explained the applicant is proposing a stormwater management plan for two separate residential single family dwellings on two existing lots currently owned by J & S Property, LLC. The lots are located at the southeast corner of Stumptown Road and South View Drive. Mr. Williams reviewed the plan and the letter dated April 23, 2013 from David Miller Associates.

A motion was made by Mr. Shertzer to approve the Wenger Stormwater Management Plan #13-10 for Stumptown Road, granting the three (3) waivers and subject to the review comments listed in the David Miller Associates letter dated April 23, 2013. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

b. Resolution re: Wenger Planning Module – Stumptown Road (2 SFD's)

A motion was made by Mr. Shertzer and seconded by Mr. Blowers to approve the Wenger's Construction Planning Module resolution for two (2) single family dwellings on Stumptown Road. The motion was passed by unanimous voice vote.

c. Time Extension for Review and Action re: Country Acres Campground Land Development Plan #13-12: 20 Leven Road

Chairman Buckwalter asked if anyone was present to represent this plan. No one was present in the audience. A letter from David Miller Associates dated May 13, 2013, indicates that they are representing the applicant and are offering an extension of time until August 23, 2013 for the Board of Supervisors to take action on the plan. The extension allows the applicant time to address comments from the Township Engineer pertaining to improvements to Leven Road.

Mr. Shertzer made a motion to accept the extension of time until August 23, 2013 for the Board of Supervisors to act on Country Acres Campground Land Development Plan #13-12 at 20 Leven Road. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

d. Volleyball Corner Land Development Plan #13-13: 2007 Lincoln Highway East

Mr. Steve Gergely of Harbor Engineering, Inc. was representing the applicant. He introduced Mr. Bill Helm of Sack, LLC, owner of Volleyball Corner and Mr. Ben Bennett of Speedwell Construction. Mr. Gergely explained that the applicant proposes to construct a 20,000 ± S.F. building for volleyball retail business and practice courts along with required parking on an existing 3.15 ± acre lot along the north side of 2007 Lincoln Highway East. He added that they have only one more waiver request that came out of the review letter from David Miller Associates dated April 29, 2013. Under Section 505.F – Sidewalk Location, the ordinance requires that there be a grass planting strip provided between the curb and sidewalk unless otherwise approved by the Board of Supervisors. They are requesting a modification of the requirement to permit a small amount of proposed sidewalk (± 25 ft) along Lincoln Highway to be constructed against the existing curb. They are requesting this because of a steep embankment near the southeast corner of the property near an existing large culvert.

Mr. Hutchison asked how far it is to get from the property line to the signalized intersection at the off ramp of Rt. 30.

Mr. Gergely responded that it would be about ninety (90) feet.

Mr. Hutchison suggested that the Board work with the applicant in some way in order to get this constructed.

There was a discussion about approval of the PennDOT Highway Occupancy Permit Plan and a traffic impact study. Mr. Hutchison stated that the concern is what the traffic movements are going to be, since the sites access is only westbound.

Chairman Buckwalter was curious about the fact that there are going to be three (3) courts available and ask Mr. Helm how he perceives them being used in terms to are there going to be enough parking spaces, will there be a spectator area, or is it strictly for practices only, and if there will be tournaments.

Mr. Gergely responded that the 95 parking spaces are based on square footage. There is no seating in the court area and is really for practice only.

Mr. Hutchison added that the applicant has put notes on the plan that there is no spectator area.

Chairman Buckwalter made a motion to approve Volleyball Corner Land Development Plan #13-13 for 2007 Lincoln Highway East subject to the comments on the letter dated April 29, 2013 from David Miller Associates and the letter dated April 30, 2013 from the Lancaster County Planning Commission, waiving comment 19 with respect to the park and open space requirements and comment 24 with respect to the traffic impact study and requires a condition that the applicant design and build a sidewalk east to the signalized intersection, but that it be processed as a separate application to PennDOT outside of their driveway permit application. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

Other Business:

a. Consideration of Bids for In Place Paving Materials – Low Bid: Pennsy Supply

Chairman Buckwalter stated that there were four (4) bids for in place paving materials for Lynwood Road at Maple Avenue. The bids were opened on May 7, 2013, with Pennsy Supply having the lowest bid of \$227,950.58.

Mr. Blowers made a motion to award the in place paving materials bid to Pennsy Supply for \$227,950.58. The motion was seconded by Mr. Blowers and passed by a vote of four in favor and one abstaining. (Mr. Landis abstained.)

b. Appointment to Fill Zoning Hearing Board Unexpired Term – Mr. Walt Siderio: Term Ending 11/12/13

Mr. Shertzer made a motion to appoint Mr. Walt Siderio to the Zoning Hearing Board to fill the unexpired term of Dale Schmitz ending on November 12, 2013. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

c. Appointment to Park Board – Mr. Chris Chretien: 5 Year Term Ending 5/5/18

Mr. Eberly made a motion to reappoint Mr. Chris Chretien to the Park Board with his term ending on May 5, 2018. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

d. Action to Appoint David Sinopoli, Assistant Zoning Officer – Building Code Official Retroactive to 3/15/13

Chairman Buckwalter explained that this is temporary until Ms. Tara Hitchens receives her credentials.

Mr. Landis made a motion to appoint Mr. David Sinopoli as the temporary Building Code Official retroactive to March 15, 2013. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Public Comment:

Mr. John Blowers spoke about the upcoming June 10, 2013 public hearing for High Associates proposed amendment to the Business Park (BP) Ordinance. He attended the Planning Commission meeting on May 13, 2013, because Township solicitor Stephen Kraybill had asked High Associates to come back with

additional response to a David Miller Associates review. Mr. Blowers reviewed highlights from the meeting and expressed his concern about the comment from the Planning Commission chairman. On more than one occasion, the Planning Commission chairman stated that he “needed to hear from the Board of Supervisors”. The meeting became very tense because the applicant was looking for some direction and the chairman could not comment on it. Chairman Keylor didn’t know what to do. Mr. Hutchison responded to Mr. Blowers concerns.

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, June 3, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager