

June 17, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, June 17, 2008 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. Michael Landis, Mr. G. Roger Rutt and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager, and Mr. Stephen Kraybill, Solicitor. Mr. Eberly was absent.

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

Irl Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC
John Hayward, 2083 Creek Hill Road, Lancaster, PA 17601
Fred Daum., 2142 New Holland Pike, Lancaster, PA 17601
Heriberto Mayedo, 8 Crest Avenue, Lancaster, PA 17602
Wayne Beaner, 10 Horseshoe Drive, Lancaster, PA 17601
Richard Hoover, Coatesville, PA 19320
John Pogue, David Miller Associates, representing D & E Property
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602
Maria Butte, 25 Cambridge Village, Lancaster, PA 17602
Daniel Petersheim, 414 Mount Vernon Road, Gap, PA 17527, representing D & E Property

Minutes of June 2, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the June 2, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments or corrections regarding the minutes as prepared. Mr. Hutchison indicated that there were two corrections to be made to the minutes. The first correction was under New Business, item c. The minutes show that Chairman Buckwalter made the motion, when it was actually Mr. Shertzer. The second correction was under Other Business, item b. The minutes show that a motion was made to approve the Partnership Agreement, but should have been the Small Plan Reviews Memo. There were no other comments. 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 with the above corrections made to them. The motion was passed by unanimous voice vote.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$111,482.63 were presented for payment, copies of which were available for review. Chairman Buckwalter mentioned that of that amount there is one item that is significant, in the amount of \$18,548.00, to Abel Construction for work done on the sewer system. This amount will be reimbursed by the Sewer Authority in July. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$111,482.63. The motion was passed by unanimous voice vote.

Old Business:

- a. Keystone Custom Homes, Warrington Conditional Uses Application – Decision

Chairman Buckwalter requested that Steve Kraybill, solicitor for East Lampeter Township, lead the meeting with this item. Chairman Buckwalter added that he wanted to point out that an Executive Session was held on Wednesday, June 11, 2008, regarding this matter.

Mr. Kraybill then distributed copies of a draft decision he had prepared on this item to the members of the Board and also the audience. He pointed out that Mr. Shertzer did not participate in this hearing.

Mr. Kraybill explained that during the Executive Meeting he tried to get a feel for how each Board member individually felt and what their view was on the application. Collectively they felt that the applicant had systematically demonstrated that the requirements of the zoning ordinance, two in particular, had been met. He continued by explaining the law in these types of cases. If the applicant demonstrates compliance with the specific requirements of the zoning ordinance, then the applicant is entitled to an approval.

Mr. Kraybill reviewed the conditions for approval and specified that the one that the Board members struggled with the most was how to guarantee that this application meets the goals for architectural design.

Chairman Buckwalter then led the Board in discussing the draft decision and asked the members to discuss publicly any of the feelings or struggles they had with this. Mr. Landis commented that the process was difficult and frustrating. He added that he feels the conditions that the Board is requesting are fairly accurate and very worthwhile for the applicant to consider. He petitions the applicant to, in the end, give a product that they can be proud of for years to come. He said that if the conditions can be applied to that, it is his decision to support the plan.

Mr. Rutt commented that he also had difficulty in viewing a picture and actually putting it into words. He is also in favor of this plan as long as the developer gives the Township a product that is attractive and looks good after twenty years of being on this parcel of land.

Chairman Buckwalter stated that he too struggled with how to define architectural features in a project and put it into words. He visited one of the projects that was held up as an example of this type of construction and was quite impressed by what he saw there.

Mr. Landis made the motion to approve the conditional use decision prepared by Solicitor Kraybill, for Warrington by Keystone Custom Homes with all of the conditions that are attached included. The motion was seconded by Mr. Rutt. Chairman Buckwalter then asked if anyone from the public had any questions or comments on the motion. There were no

comments and the motion was passed by a vote of three in favor and one abstaining. Mr. Shertzer abstained.

b. D & E Partnership Land Development Plan #08-07: 2969 Lincoln Highway East

Mr. John Smucker introduced himself and explained that he was there to follow up on questions and comments from the last meeting. He showed a master plan that involved two properties, one being the campground to the rear of the property that is the subject of the current land development plan.

He then commented about the ingress and egress of the campground which is currently off of Leven Road. As the camping business progresses, he believes it would benefit them to have an access driveway directly off of Route 30. The land development plan would reserve a fifty (50) foot stretch of land to be subdivided for a driveway to the campground.

He then mentioned the other comment that came up at the previous meeting regarding the billboards on the property. The property owner, whoever it might be, and the owner of the billboards (Lamar Advertising) are on a long term lease until 2019 or 2020.

The last item he mentions is the double wide trailer on the property which they are proposing to move just slightly north of its current location.

Mr. John Pogue of David Miller Associates then presented information on issues addressed on the June 13, 2008, letter from David Miller Associates. He described the use of the main building to be used for the sales and service of the trailers and also for parts sales. A small portion of this building will be used for the manufacturing of trailers. There will be trailers on display along the front of the property. The main building will be surrounded by paving for parking for the employees and customers and also for access for trucks to the loading bay.

Mr. Pogue continued that they are withdrawing the waiver request for curbing along Route 30 frontage along with the appropriate storm sewers in highway. The waiver request for sidewalks is no longer needed due to the plan now showing the sidewalks within the right of way. Mr. Pogue then said that he would address any questions or concerns on the remaining waivers listed on the Rettew letter.

Mr. Landis asked if the trailers being sold would be manufactured there or if they are from outside vendors. Mr. Pogue responded that most of the trailers are from outside vendors.

Chairman Buckwalter then asked if the types of trailers that are proposed to be sold at this site are to be towed behind pickups or are they semis. Mr. Harvey Burkholder answered that most of the trailers are the small enclosed ones to be pulled behind pickups.

Mr. Landis asked about what types of trailers would be on display for sale at this location. Mr. Petersheim responded that the smaller enclosed trailers would primarily be the ones on

display. The trailers used to haul the sheds and gazebos would be special ordered, so as soon as they were assembled, they would be removed from the property.

Mr. Rutt asked about storage of raw material. Mr. Petersheim responded that the materials would be stored in the proposed out building and the only items outside would be the finished trailers for sale or customer trailers dropped off for service.

Mr. Shertzer asked for more discussion on the May 23, 2008 letter from Rettew. He asked about the land owner being responsible for the maintenance of the storm sewer pipe. Mr. Smucker responded that the Board will have to decide whether the Township or PennDOT will be responsible or if the Township will then transfer the responsibility onto the property owner. He added that Mr. Hutchison had mentioned earlier that this is actually a legislative issue that needs to be taken care of between the state and the townships.

Chairman Buckwalter commented to Mr. Smucker that at the last township meeting it was decided that the property owner had agreed to be responsible for the sewer pipe and questioned whether they had changed their position on this.

Mr. Smucker responded that if the township decided the property owner should be responsible for the storm water facilities, that they had no problem with this decision.

Mr. Hutchison then questioned the display of the trailers in front of the property and whether it would be on or off of the paved surface. Mr. Smucker responded that it would be on the paved surface. Then Mr. Hutchison asked if the number of parking spaces required would allow for this display area and how many trailers would then be on display. Mr. Smucker responded that there would be at least eight (8) displayed.

Mr. Hutchison then questioned how many parking spaces are required for the use. Mr. Smucker answered thirty-nine (39). Mr. Hutchison then pointed out that the plan is proposing forty-two (42) of which at least eight (8) would be used for displaying the trailers, which causes a problem because this would only leave thirty-four (34) remaining parking spaces.

Mr. Hutchison stated that if the spaces are critical for the operation of the sales of the trailers, then additional parking spaces will have to be found on the site in order to meet the requirements of the ordinance. Mr. Smucker said that they will come up with the required number of parking spaces in another area of the site.

Chairman Buckwalter requested to review the other letters from Rettew dated May 5 and May 23. He asked the other board members how they felt on the issue of the storm water system. Mr. Landis replied that he felt that it is the developers responsibility to maintain the storm water system.

There was a brief discussion concerning the billboards and signs on the property. The sign for the Amish Farm and House is on a year to year lease that runs out in December, at

which time it can be removed. Mr. Hutchison then outlined the zoning ordinance for billboard signs.

Mr. Burkholder commented that the one outstanding issue is the parking spaces and their availability for display. He added that he and Mr. Petersheim would be satisfied with the approval of a preliminary plan and then would return at a later time with the final plans that would meet all the requirements.

Chairman Buckwalter suggested that the board grant them more time and have them bring it back corrected. He asked Mr. Burkholder what would be the easiest thing for them to do. Mr. Burkholder replied that they would like the board to approve the preliminary plan and then they would bring it back in for final approval. Chairman Buckwalter asked if they were withdrawing their request for a waiver of preliminary plan processing. Mr. Smucker replied yes and asked if the board would be agreeable with this. Chairman Buckwalter said he would have to see what motion the board made.

Chairman Buckwalter then asked if anyone in the audience had any comments on this project. There were no comments.

Mr. Shertzer then made a motion to conditionally approve the D & E lot addition and land development plan as a preliminary plan and to conditionally approve the requested waivers all subject to the Township Engineer's review letters of May 5, 2008 and May 23, 2008, subject to the applicant's acceptance of maintenance responsibility for the proposed storm sewer system in Route 30, and subject to the plan showing all trailer display locations and required parking spaces. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Time Extension for Township Review of Land Development Plan – A & J Power Equipment: Beechdale Road

Chairman Buckwalter announced that A & J Power Equipment had granted the board an extension until September 17, 2008. Mr. Rutt made a motion to accept the proposed time extension for the Township's review. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

- b. Waiver of Land Development Planning Request – Mayedo-Ruiz: 8 Crest Avenue

Mr. Mayedo-Ruiz is requesting to convert his garage into an apartment. The Zoning Hearing Board has granted him a variance to put this second unit on the property. The only issues are whether there is sufficient parking and storm water management. Mr. Mayedo-Ruiz would also be responsible for installing curbing and sidewalks. Mr. Landis made the motion to approve the waiver of land development plan based on the comments from the May 19, 2008 letter and also to include the addition of curbing and sidewalks on the

frontage of the property. Chairman Buckwalter then questioned Mr. Landis about including in his motion that no additional or impervious material is to be added to the site for parking. Mr. Landis agreed to include this in his motion. Chairman Buckwalter seconded the motion. After a brief discussion, the motion was passed by unanimous voice vote.

Other Business:

a. Consideration of Bids for Smoke Enclosure – Public Works Building

Chairman Buckwalter asked Mr. Hutchison to explain this item. The township attempted to take bids earlier under the belief that they could get the project completed for under \$25,000.00 and avoid prevailing wages. They were not able to do that, so they went out and formally bid the project using prevailing wages. They received one bid for all the trades involved in the project. The general construction work bid was received from Heisey Construction, the HVAC and electrical bid was from Clark Mechanical, and the sprinkler work bid, if needed, was from King Fire Protection. The total of all these bids is \$38,258.00. \$40,000.00 was budgeted for this project.

Mr. Shertzer made the motion to accept these bids. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Consideration of Bids for Greenfield Road Reconstruction

Chairman Buckwalter asked Mr. Hutchison to explain this item. The bids are for reconstruction work on Greenfield Road between Lincoln Highway and the Old Philadelphia Pike. The reconstruction work includes widening the road to a uniform twenty-two (22) foot wide width and also taking about three (3) inches off of the knob as you are heading north on Greenfield Road, right before you come to Old Philadelphia Pike. Also included in the bid was to mill and repave the area under the Amtrak Railroad bridge. The total amount for doing all of this work was a low bid from Pennsy Supply/McMinns for \$185,650.99.

Mr. Shertzer made the motion to accept this bid with alternate. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Confirmation of Fire Police Nominated by Lafayette Fire Company

Mr. Hutchison explained that this is a procedure recommended by the Township Solicitor to get fire police sworn in by the magistrate. The four nominees are: John Lamparter, Reide Lesse, John Mockler, and Pedro Urena.

Mr. Shertzer made the motion to confirm these nominees. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Appeal of Zoning Hearing Board Decision Re: DAB Enterprises Signs

Chairman Buckwalter explained that this item involves a sign that the Zoning Hearing Board has granted a variance for at the Dollar Store. The issue before the Supervisors is whether they want to challenge the decision of the Zoning Hearing Board to grant that variance. Mr. Hutchison explained that there were multiple variances granted to allow them to replace the current sign.

Mr. Shertzer made the motion to appeal the decision of the Zoning Hearing Board. The motion was seconded by Mr. Rutt and was passed by unanimous voice vote.

Public Comment:

Mr. John Blowers, 105 Strasburg Pike, Lancaster, PA 17602. Mr. Blowers asked about the meeting approximately two (2) months previous, when Mary Clinton addressed the Board about electing someone to represent the Township on the Conestoga Valley Community Center Board. Mr. Rutt volunteered his service, but has not yet heard anything from them.

Mr. Blowers then expressed his concern about how the Township has tied their summer recreation program to that organization and how it doesn't even exist. As a resident of the Township, he has serious concerns and believes the Township needs to get involved.

Mr. Blowers also commented on the Route 30 Gateway Plan meeting that he and Chairman Buckwalter had attended. At the meeting, he had a discussion with Rick Stammel from Dutch Wonderland. Rick had told him that he was gathering a group of people who included Al Duncan from Miller's Smorgasbord and Bruce Frey from Tanger Outlets, to have a voice on the design of the signage of the Route 30 corridor. Mr. Blowers suggested to Mr. Stammel to possibly talk to some of the people of the downtown Lancaster area to get ideas.

Adjournment:

A motion was made by Mr. Shertzer 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, July 14, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager