

June 18, 2013

The East Lampeter Township Board of Supervisors met on Tuesday, June 18, 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:

Brenda Carson, 283 Greenland Drive, Lancaster, PA 17602, representing Eastwood Meadows
Justin L. Smucker, 449 Beechdale Road, Bird-in-Hand, PA 17505, representing Country Acres Campground
Jerald L. Smucker, 431 Beechdale Road, Bird-in-Hand, PA 17505, representing Country Acres Campground
Jeff Kurtz, High Associates, 1853 William Penn Way, Lancaster, PA 17601, representing Bella Medspa
Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Rich/Martin
Mike Rich, 33 Glenbrook Road, Leola, PA 17540, representing Cutting Edge Collision
Peter McGowan, Waterford Quality Center Associates, LP, Eight Tower Bridge, 161 Washington Street,
Suite 1095, Conshohocken, PA 19428
David Miller, Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603
Darel & Helen Pack, 315 Greenland Drive, Lancaster, PA 17602, representing Eastwood Meadows
Deb Karcheds, Garden Spot Motel, 2291 Lincoln Hwy. East, Lancaster, PA 17602
Gini Walker, Garden Spot Motel, 2291 Lincoln Hwy. East, Lancaster, PA 17602
Chris Schwab, Transportation Resource Group, Inc., 204 N. George Street, Suite 260, York, PA 17401,
representing JAX, LLC
Ed Manns, JAX, LLC, 714 Royal Court, Charlotte, NC 28202
Jon Andrews, McNeas Wallace & Nurick LLC, 100 Pine Street, Harrisburg, PA 17108, representing
JAX, LLC
Bill Swiernik, David Miller Associates, 1076 Centerville Road, Lancaster, PA 17601, representing Country
Acres Campground

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

Minutes of June 3, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the June 3, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Eberly and seconded by Mr. Landis to dispense with the reading of the June 3, 2013 minutes and approve the minutes as presented. The motion was passed by a vote of four in favor and one abstaining. Mr. Shertzer abstained due to being absent from the meeting.

Minutes of June 10, 2013 Special Meeting:

Chairman Buckwalter explained that these minutes were for a special meeting that was held on June 10, 2013. This special meeting was for conducting a public hearing to consider a zoning map change and revisions to the text of the East Lampeter Township Zoning Ordinance submitted by High Properties. He asked if there were any corrections or additions to the minutes. There were no comments.

A motion was then made by Mr. Shertzer and seconded by Mr. Eberly to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of three in favor and two abstaining. Mr. Landis and Mr. Blowers abstained due to being absent from the meeting.

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$148,413.09 were presented for payment. Chairman Buckwalter noted that two of the larger items included in that amount was a payment of \$5,398.00 to Mannion Enterprises for setting up equipment on a new police cruiser and a final payment of \$55,641.60 to Wyoming Electric and Signal for the construction of the traffic signal at Rt. 30 and Greenland Drive.

A motion was made by Mr. Shertzer and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$148,413.09. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Time Extension to Record Conditionally Approved Plan: Heller Subdivision – 751/753 Willow Road

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He stated that the applicant, Harvey and Barb Heller, are requesting a 90 day time extension to record the conditionally approved plan for the Heller Subdivision at 751/753 Willow Road. They are waiting on a response from the PADEP regarding the request for planning waiver and non-building declaration.

Mr. Eberly made a motion to grant the 90 day time extension to record the conditionally approved plan for the Heller Subdivision at 751/753 Willow Road. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

- b. Request for Time Extension to Record Conditionally Approved Plan: Quality Centers – 2495 Lincoln Hwy. East

Mr. Peter McGowan, owner of Quality Centers at 2495 Lincoln Hwy. East, introduced himself. He stated that he is requesting a 90 day time extension to record the conditionally approved plan. They are working through issues to receive a highway occupancy permit from PennDOT.

Mr. Shertzer made a motion to grant the 90-day time extension to record the conditionally approved plan for Quality Centers at 2495 Lincoln Hwy. East. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

- c. Request for Traffic Signal Funding Assistance: Golden Coral Restaurant – 2291 Lincoln Hwy. East

Mr. Jonathan Andrews introduced himself as the attorney for JAX, LLC. He also introduced Ed Manns, the developer, Mark Magrecki, project engineer, Chris Schwab, traffic engineer, and Deb Karcheds and Gini Walker, owners of the Garden Spot Motel. He explained that the developer is proposing to replace the Garden Spot Motel with a Golden Corral Restaurant. Mr. Andrews stated that they are requesting that the Board consider providing a reasonable financial contribution to the cost of installation of the traffic signal at this location. He added that he sent a letter to the Board members on June 4, 2013, outlining how they saw the contribution come together and that it doesn't involve any tax dollars or changing of budgeted items.

They are requesting approximately \$65,000.00. The first source for the Township contribution would come in the form of a credit of \$15,000.00 through the waiver of the required fee-in-lieu of dedication of parkland or open space. The second source would be \$50,000.00 from money that was contributed to the Township by the developer of the nearby Mill Creek Square Shopping Center as a condition of the 2007 conditional use approval.

After a brief discussion among the Board members, Mr. Eberly made a motion to grant the waiver of fee-in-lieu of dedication of parkland or open space, but denying any further financial contribution from the Township for the installation of the traffic signal at 2291 Lincoln Hwy. East. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- d. Developer's Agreement re: Golden Coral Restaurant Land Development – 2291 Lincoln Hwy. East

This agenda item was discussed during the previous agenda item and is subject to staff finalizing the details.

Mr. Andrews mentioned that PennDOT requires a Township resolution stating the Board is in agreement to complete the application for the traffic signal.

Mr. Eberly made a motion to adopt the resolution for the Chairman to authorize and submit the application for the traffic signal approval to PennDOT and to sign the application on behalf of East Lampeter Township. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

RESOLUTION #2013-10

New Business:

- a. Request for Plan Modifications: Country Acres Campground – 20 Leven Road

Mr. William Swiernik of David Miller Associates introduced himself and Ms. Bernadette Hohenadel, Esq. of Nikolaus & Hohenadel. He also introduced Mr. Jerry Smucker and Mr. Justin Smucker of Country Acres Campground. Mr. Swiernik explained that they are requesting additional modifications to the East Lampeter Township Subdivision and Land Development Ordinance. This land development plan is for the expansion of the campground located off of Leven Road. They are proposing to remove five (5) existing campsites and develop 19 new campsites for a total of 100 camping sites. He then reviewed the requested modifications listed in the letter dated June 11, 2013 from Rettew Associates. He discussed the preliminary plan, vertical road alignment, plan scale, pedestrian connection, pavement taper length, curb and sidewalk installation, and storm water management. There was a brief discussion about the vertical road alignment and the safety of children.

Mr. Shertzer made a motion to approve the Final Land Development Plan modifications and grant waiver requests a through g for Country Acres Campground at 20 Leven Road with the understanding that they will return with the rest of the land development plans. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. High Associates Subdivision & Land Development Plan #13-16: 1857 Colonial Village Lane

Mr. David Miller of Rettew Associates, Inc. introduced himself and Mr. Thomas Smithgall of High Real Estate Group. Mr. Miller explained that the applicant is proposing to expand an existing office building located at 1857 Colonial Village Lane. The building is approximately 58,109 SF and would be increased to

128,907 SF on an existing lot of 4.6 acres to combine adjacent lots and acquire a portion of another adjacent lot as a lot add-on to create a new 10.10 acre lot (Lot 1) with a new adjacent residual lot totaling 40.916 acres (Lot 2). Additional parking paving, paved access lanes, surface and subsurface detention systems, etc. are proposed with this expansion. He reviewed the letter dated June 17, 2013 from David Miller Associates that listed waiver requests, subdivision and land development, and storm water management.

Mr. Smithgall spoke about the manufacturer leasing this building. They have some security concerns and would like to install an alarmed gate.

Mr. Eberly commented that he noticed that the existing parking lot has walkways connecting to it and asked if there was any future plans to extend the walkways to the street so that people don't have to walk in the streets.

Mr. Smithgall responded that they having made any plans but it could be considered.

Mr. Smithgall stated that they are working with the City of Lancaster to have them move their water from Greenfield Road to Colonial Village Lane. It's a part of a public/private partnership that they have with the City.

Chairman Buckwalter asked if this plan had gone before the Planning Commission.

Mr. Hutchison replied that it had and that the Planning Commission approved it and the waivers.

Mr. Eberly made a motion to approve the Subdivision and Land Development Plan #13-16 for 1857 Colonial Village Lane and grant all waivers listed in the letter dated June 17, 2013 from David Miller Associates, subject to meeting all plans from the engineer and Lancaster County Planning Commission comments and also possible future development of walkways. The motion was seconded by Mr. Blowers and passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained due to his employment in the High organization.

c. Rich Land Development Plan #13-18: 5 Zooks Lane

Mr. Roger Fry introduced himself and the applicant Mr. Michael Rich. Mr. Fry explained that the property currently utilizes a small family body shop. The applicant is requesting a special exception per Section 502.1 of the Zoning Ordinance to allow for building expansion of the existing nonconforming auto body/repair business which allows for a maximum 50% building expansion for the nonconforming use. The applicant also is requesting a variance from Section 502.1 to allow for a building expansion of 74.7% which is greater than the maximum allowable. A previous Zoning Hearing Board Decision required the applicant to install fencing around the rear portion of the shop near the shed, along a portion of the southerly property line and create a shielded area for two (2) parking spaces in the event additional parking is required for vehicles to be repaired. Mr. Rich has not had any need for the additional parking spaces and does not plan to. Mr. Fry reviewed waivers and modifications that were listed on a letter dated June 7, 2013 from David Miller Associates.

Mr. Shertzer made a motion to approve the Rich Land Development Plan #13-18 for 5 Zooks Lane, granting the waivers and deferrals and subject to the David Miller Associates letter dated June 7, 2013 and the Lancaster County Planning Commission letter dated June 11, 2013. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Martin Lot Add-on Plan #13-19: 2215 Porter Way

Mr. Roger Fry was representing the applicant for this agenda item. He explained that the applicant, Mr. Clifford W. Martin, owner of Lot 58 of Phase 3 of the Hartman Station Subdivision, is proposing to convey a portion of an existing 0.51 acre lot owned by Timothy M. and Michelle J. Doutrich, owner of lot 59, to his own Lot 58. The area of Lot 59 is presently 22,420 S.F. The resultant areas of Lots 58 and 59 after Tract 'A' has been conveyed will be 26,087 S.F. and 18,687 S.F., respectively.

Mr. Blowers made a motion to approve the Martin Lot Add-on Plan #13-19 for 2215 Porter Way and granting the waivers subject to the David Miller Associates letter dated May 28, 2013 and the Lancaster County Planning Commission letter dated June 11, 2013. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Other Business:

a. Consideration of Amendment to 1983 Sewer Agreement

Mr. Hutchison explained that this is actually the third amendment to this agreement. This amendment deals with basically the nutrient values associated with flow going to the sewer treatment plant of all the partners that send flow to the plant. These partners include East Lampeter Sewer Authority, Leola Sewer Authority, Lancaster Area Sewer Authority, Suburban Lancaster Sewer Authority, and City of Lancaster. This agreement talks about how those amounts are going to be calculated, how it fits in with the permit requirements for DEP, and how credits will be handled. The amendment to the agreement has been discussed at length and everyone is in agreement. Both East Lampeter Sewer Authority and East Lampeter Township are parties to this agreement. The East Lampeter Sewer Authority has already acted to approve of the agreement. It now is before the Board for the Township approval.

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to approve the amendment to the 1983 Sewer Agreement. The motion was passed by unanimous voice vote.

b. Ordinance re: Amendment to Peddling Ordinance

Mr. Hutchison stated that a few months ago, the Board adopted a Peddling Ordinance. Shortly thereafter, a situation occurred that needed to be fixed. There was a proposed tent sale by a fixed location retailer to be held in front of their store and run by their employees. This amendment will allow this type of operation.

A motion was made by Mr. Shertzer and seconded by Mr. Landis to approve the amendment to the Peddling Ordinance. The motion was passed by unanimous voice vote.

ORDINANCE #298

c. Ordinance re: S. Oakview Road Traffic Issues

Mr. Hutchison explained that a few months ago, some residents were present at a Supervisors meeting with concerns about trucks parking along the east side of S. Oakview Road. Staff proceeded with the necessary PennDOT studies of S. Oakview Road to determine what could be restricted and where and had the ordinance developed. Part of that analysis is predicated upon what is the speed limit of the road. So at the same time, the appropriate speed limit had to be determined and was set for 35 mph. Also with looking at the truck movement in this area, trucks are prohibited from using Greenland Drive except for the purpose of making local deliveries only.

Mr. Landis made a motion to approve the ordinance for traffic issues on S. Oakview Road and Greenland Drive. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

ORDINANCE #299

d. Ordinance re: Withholding Permits from Property Owners Who Owe Funds

Mr. Hutchison explained that at one of the sessions he attended at the PSATS Conference in Hershey, PA addressed the Neighborhood Blight Act. A portion of that act allows municipalities to withhold the issuance of permits from property owners who have delinquencies with the Township.

A motion was made by Mr. Eberly and seconded by Mr. Landis to approve the ordinance to withhold permits from property owners who have delinquencies with the Township. The motion was passed by unanimous voice vote.

ORDINANCE #300

e. Appoint Attorney Theresa Mongiovi as Special Counsel re: HACC/ Redcay Matter

Mr. Hutchison explained that Attorney Theresa Mongiovi has decided to leave the law firm of Blakinger Byler and Thomas. Because she has been handling the HACC/Redcay matter, Blakinger Byler and Thomas asked the Township if they wanted to have Ms. Mongiovi continue handling this case or another member of their firm to represent it.

Mr. Landis made a motion to appoint Attorney Theresa Mongiovi as special Counsel for the HACC/Redcay matter. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Public Comment:

There were no comments.

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 Monday, July 8, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager