

August 6, 2007

The East Lampeter Township Board of Supervisors met on Monday, August 6, 2007 at 7:30p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Chairman Eberly and was followed by the Pledge of Allegiance. Supervisors present were: Mr. Glenn Eberly, Chairman, Mr. Michael Landis, Mr. Roger Rutt and Mr. Wilbur Sollenberger. Also present was Mr. Ralph Hutchison, Township Manager. Vice Chairman Mr. David Buckwalter was absent.

Chairman Eberly announced that a dedication ceremony had taken place at 6 pm in Flory Park for the Ballfield donated by Jake Bare and his family and for the Pavilion donated by Lloyd Clark and his family. Chairman Eberly, on behalf of the Board of Supervisors, expressed his thanks to these Township families for the generous contributions to Flory Park.

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

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Mr. Joseph Esh, 2151 Forry Road, Lancaster, PA
Mr. Rick Walker, 320 Granite Run Drive, representing Highview Church of God
Mr. Dan Hill 413 Longmeadow Road, representing Highview Church of God
Mr. Tom Welk, 1890 White Oak Rd., Strasburg, representing Highview Church of God
Mr. Paul Landry, 4417 Bittner Ave., Sinking Springs, representing Lancaster Public Library
Mr. Ken Hornbeck representing High Real Estate Group
Ms. Metta Barbour, 313 West Liberty St., Lancaster, representing the Coalition for Smart Growth

Minutes:

Chairman Eberly indicated that the copies of the minutes of the July 9, 2007 regular meeting were available for review. Chairman Eberly asked if there were any comments regarding the minutes as prepared.

A motion was then made by Mr. Sollenberger and seconded by Mr. Landis to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Bills:

Chairman Eberly also indicated that bills represented by various funds in the amount of \$445,525.64 were presented for payment, copies of which were available for review. Chairman Eberly indicated that the bills include the quarterly sewer charges from the

City of Lancaster. Mr. Landis requested an explanation of the reimbursement to Upper Leacock Township listed with the bills. Mr. Hutchison indicated that the Township had received funds which belong to Upper Leacock from the District Magistrate's office by mistake and that this reimbursement was to return those funds. After review, a motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$445,525.64. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Financial Security Release – Christian Fisher: S. Ronks Rd.

Chairman Eberly noted that a letter had been received from Mr. Young, Zoning Officer, recommending a full release of the financial security for this project. Mr. Rutt then made a motion to approve the release of the financial security for the Christian Fisher project on S. Ronks Rd. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Request for Financial Security Release – Church of Nazarene: New Holland Pike

Chairman Eberly noted that a letter had been received from Mr. Young, Zoning Officer, recommending a full release of the financial security for this project. Mr. Landis made a motion to approve the release of the financial security for this project. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- c. Request for Financial Security Reduction – Smoketown Airport: Airport Road

Chairman Eberly noted that a letter had been received from the Township Engineer recommending a reduction of \$25,497.01 from the financial security posted for this project. Mr. Rutt then made a motion to approve of a reduction of the financial security for the Smoketown Airport project as recommended by the Township Engineer. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote.

- d. Request for Financial Security Reduction – Nomad Motel / Scottish Inns: Rt. 30

Chairman Eberly noted that a letter had been received from the Township Engineer recommending a reduction of \$3,628.25 from the financial security posted for this project. Mr. Sollenberger asked Mr. Hutchison about what work was remaining for this project. Mr. Hutchison stated that there is an area of paving which is indicated on the plans to be removed which has not yet been removed. Mr. Rutt then made a motion to approve of a reduction of the financial security as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

e. Request for Time Extension for plan Review - Mark properties: Pitney Rd. Mr. Hutchison indicated that the Board has not yet seen this plan but that the applicant is continuing to work on various plan revisions based upon input from the Township Planning Commission and Township Engineer. No one was present on behalf of Mark Properties. A motion was then made by Mr. Landis to approve of the time extension for plan review for Mark Properties to November 19, 2007. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

f. Storm Water Management Agreement – High Properties / High Hotels

Mr. Ken Hornbeck of High Real Estate Group indicated that the agreement was essentially the standard language of the agreements normally entered into with the Township for land development project but that, for some reason, it was not completed at the time when the Courtyard by Marriot Hotel was completed. The property is now being transferred to High Hotels which is triggering the need to complete the agreement. He further indicated that the document was prepared by legal counsel and reviewed by the Township Solicitor. There were no questions from the Board or the audience.

Mr. Rutt then made a motion to approve of the Storm Water Management Agreement and Declaration of Easement with High Properties and High Hotels. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

g. Written Decision re: Nuisance Ordinance Hearing – Gross, 2590 Old Philadelphia Pike

Chairman Eberly noted that the Board heard this matter at their July 9, 2007 meeting and rendered an oral decision at that time which has to be put into writing and approved by the Board. Mr. Hutchison indicated that the three Board members who were present for the hearing and are present for this meeting should vote on the written decision.

Mr. Irl Duling, 824 Stumpf Hill Drive asked if this was the matter involving the property with two horses on it. Mr. Eberly said that was correct. There was a brief discussion regarding the purpose and content of the written decision. After review of the written decision, Mr. Landis made a motion to approve of the written decision as prepared. The motion was seconded by Mr. Rutt and passed by a vote of three in favor and none opposed. Chairman Eberly abstained from voting because he was not present for the hearing on July 9, 2007.

h. Authorization to Defend Zoning Hearing Board Decision re: Duling / Stoudt appeal

Mr. Hutchison stated that the Zoning Hearing Board had rendered a decision in this case upholding the Supervisors action to amend the Zoning Ordinance. He also indicated that this decision has been appealed by Mrs. Duling and Mr. Stoudt to the County Court of Common Pleas. Therefore, he said that the question before the Board is whether or not to defend the Zoning Hearing Board's decision in County Court. Mr. Sollenberger then

made a motion to authorize the Township Solicitor to defend the Zoning Hearing Board's decision in the Duling / Stoudt appeal case. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

a. Highview Church of God Land Development Plan #07-14: Leaman Road

Mr. Rick Walker, Architect reviewed the plans showing the expansion of the existing Church building in order to provide additional class rooms. Church representatives also showed pictures of the existing conditions on the property to the Board. They also indicated that the Township Planning Commission requested that they enhance the landscape planting materials on the south side of the property to screen the neighboring properties. There were no questions or comments from the audience. At the conclusion of the discussion, Mr. Sollenberger made a motion to approve the plan and six requested waivers subject to the applicant revising the plan to address the Township Engineer's review comments and subject to the Church's agreement to add additional landscape screening on the south side of the property if requested by the neighbors or the Township within two years from the date of approval. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. High Properties Building #365 Land Development Plan #07-17: Wm. Penn Way

Mr. Ken Hornbeck of High Real Estate Group was in attendance to represent this plan. He described the proposal to consolidate three existing building lots in order to construct a new 144,000 square foot flex warehouse facility. He indicated that the location of the building within the Greenfield Corporate Center is east of William Penn Way, south of Colonial Village Lane and adjacent to the railroad line. Mr. Hornbeck stated that Olde Homestead Drive had been proposed to be extended into this area but instead will remain only as private "paper" street serving an existing building which fronts on Colonial Village. He said that the proposal is to provide access to the site via the extension of an existing driveway onto William Penn Way which currently serves as access to the Sauder Eggs building. He also described the proposed changes to the driveway planned in order to provide an appropriate access to the new building. Mr. Hornbeck indicated that the site has a significant slope from south to north toward an existing small stream. He said that this condition lends itself to locating the proposed at grade loading docks on the north side (lower side) of the building and facing the building toward the rail road tracks. He stated that the plans show enough parking spaces to meet the ordinance requirements but that a portion of them will not be constructed until the uses needs demand them. He also indicated that the Township Planning Commission recommended conditional approval of the plans and requested waivers (preliminary plans and traffic impact study). He further stated that the plans were revised based upon the Township Engineer's comments and resubmitted.

Chairman Eberly asked about the waiver of the traffic impact study. Mr. Hornbeck reviewed the input provided by their traffic engineer regarding the proposed development, which suggested that the impact of the use on the road network would not be significant. Chairman Eberly also asked about the condition of the driveway and its ability to accommodate increased truck traffic. Mr. Hornbeck indicated that the width of the driveway will permit trucks to pass each other and that they are proposing to make certain improvements to the driveway which they believe will make it functional for the existing and proposed users. Chairman Eberly also asked about having a second access to the proposed site. Mr. Hornbeck said that they will be providing a secondary, emergency access to the site from the adjacent High Foods property parking lot as discussed with the Planning Commission.

There was a brief review of the review comments provided by the Township Engineer.

Mr. Landis asked if the plans have been reviewed by the Fire Company. Mr. Hornbeck said that a set of plans had been sent to the Fire Chief.

Chairman Eberly asked if the possible use of the railroad should be accommodated since the property is adjacent to it. Mr. Hornbeck indicated that they do not believe that there will be a demand for railroad access. There was a brief discussion regarding the layout of the proposed building, the number and location of the proposed loading docks and the potential for multiple users of the facility.

Mr. Hutchison asked about the existing parking along the driveway which is located near William Penn Way which the Planning Commission recommended by eliminated. Mr. Hornbeck indicated that it was their desire to retain these parking spaces although they are not required by zoning. Mr. Hutchison said that he felt that the use of these spaces would conflict with the proposed truck traffic. Mr. Hutchison also asked if the truck maneuvers for the use of the existing driveway had been studied to determine if they can be accomplished without conflicting with movements on William Penn Way. Mr. Hornbeck said that he would have his engineer review the right turn exiting movement for trucks and if it is determined that this movement will conflict with opposing traffic that they would modify the driveway radius so that the movement can be made without that conflict. Mr. Hutchison then asked about the remaining piece of property that is not included in the development and only has access to the Olde Homestead Lane paper street. Mr. Hornbeck said that they have no plans to develop that property and that High intends to retain maintenance responsibility for Olde Homestead as a private street. Mr. Hutchison also suggested that it would be important to make sure that the fire company can maneuver through the parking areas to get their fire apparatus to the proposed emergency access in the event that it needs to be used.

There was some additional discussion regarding fire company access to the site and the existing parking spaces along the driveway.

Mr. Irl Duling, 824 Stumpf Hill Drive, indicated that he felt that the plans would be better if the other nearby buildings were shown on the plans so that he could see how the proposal integrates with these existing uses. He also asked about the proposed traffic impact study waiver for the project. There was a brief discussion regarding the traffic anticipated to be generated by the development and the peak hour trip generation.

Mrs. Lois Duling, 824 Stumpf Hill Drive, expressed her concerns for the proposed truck movements within the site, for the size of the proposed building and for the impact of the anticipated traffic on the surrounding road network. There was a brief discussion regarding these concerns.

Chairman Eberly asked about the number of remaining undeveloped parcels within the Greenfield Corporate Center. Mr. Hornbeck indicated that there were only about ten or eleven remaining.

Mr. Joseph Esh, 2151 Forry Road indicated that he felt that many trucks get lost in and around the Corporate Center and that improved signage should be considered. Mr. Hornbeck indicated that he would look into the possibility of improved signage.

There was some additional discussion regarding the issue of the traffic impact study.

At the conclusion of the discussion, a motion was made by Mr. Sollenberger to approve the land development plan for High building #365 and waivers of the preliminary plan process and traffic impact study requirement subject to the applicant's compliance with the review comments of the Township Engineer, the adjustment of the driveway radius onto William Penn Way and the elimination of the nine existing parking spaces along the driveway. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Resolution to Amend Conestoga Valley Region Strategic Comprehensive Plan – West Earl Township Growth Area

Mr. Hutchison stated that this Resolution was related to the rezoning proposal which the Board reviewed within the past few months. He indicated that the Resolution proposes to change the Urban Growth Area in West Earl Township and to revise the Future Land Use plan for the area which was rezoned along the Oregon Pike. He said that the proposed Resolution had been adopted first by West Earl Township, as required by the intermunicipal agreement, and subsequently by Upper Leacock Township. He also indicated that if the Board acts favorably upon the proposed Resolution that the Comprehensive Plan will be amended accordingly.

Mrs. Duling, 824 Stumpf Hill Drive indicated to the Board that she felt that the Board will be setting precedent by adopting the Resolution and that she may wish to in the future propose a change to the Urban Growth Area in East Lampeter in order to reduce the amount of land proposed for R-2 development.

Mr. Fred Daum, 2142 New Holland Pike asked if the Resolution which was adopted by West Earl Township included the proposed change to the Urban Growth Area. Mr. Mark Stanley, Esq. representing the property owner in West Earl Township indicated that it was included in West Earl's action.

Mr. Landis then made a motion to adopt the proposed Resolution to amend the Conestoga Valley Region Strategic Comprehensive Plan as proposed. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote. Recorded as Resolution number 2007-11.

Other Business:

a. Request to Reduce Speed Limit – Horseshoe Road (SR 1003)

Mr. Hutchison indicated that after this request was discussed at the Board's previous meeting, Board members requested that traffic crash information for the past five years be provided for review prior to acting upon the request. He further indicated the information provided was separated by all crashes, reportable crashes, location of crashes and a summary of the causes of crashes. There was a brief discussion regarding the crash information.

Mr. Hutchison said that PA DOT will review the posted speed limit on a state highway only after receiving a request from the Township.

Mr. Landis then made a motion to request that PA DOT review the posted speed limit on Horseshoe Road from Old Philadelphia Pike to the Township line. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Appointment of Agricultural Security Area Advisory Committee

Chairman Eberly indicated that as a result of the petition to create an Agricultural Security Area in the Township an advisory committee must be appointed which will review the petition and make a recommendation to the Board of Supervisors. He further indicated that the Chairman of the Board of Supervisors is given the authority to appoint the members of the committee and that they must include one Supervisor, who will Chair the committee, one citizen of the Township and three farmers. Chairman Eberly then appointed Mr. Roger Rutt, as the Supervisor and Chairman of the committee, Mr. Roger Good of Maple Avenue in Bird in Hand as the citizen representative, Mr. James L. Denlinger of Clearview Road, Mr. John L. Stoltzfus of Willow Road and Mr. Roy H. Book of Hartman Bridge Road.

c. Request regarding Zoning Ordinance Definitions

Chairman Eberly indicated that Mrs. Duling had presented a request that the Township amend the Zoning Ordinance to change the definitions provided for Lot Area. Mrs.

Duling said that she had forwarded the proposal to the County Planning Commission and had received a reply from one of the Planning Commission's staff, a copy of which was given to the Board members. Mrs. Duling also asked that the Board hold a public hearing on the request. Chairman Eberly then suggested that the Board refer the proposal to the members of the task force who are working on the new zoning ordinance. Mrs. Duling indicated that she did not believe that the task force was meeting any longer. Mr. Hutchison indicated that the Township's representatives to the task force, Mr. Keylor, Mr. Young and himself have been meeting internally to review the latest draft of the new zoning ordinance. Mrs. Duling asked if these meetings were in violation of the sunshine law. Mr. Hutchison said that they are not. Mrs. Duling said that she didn't understand why she was not allowed to sit in on these meetings. Mrs. Duling also said that she had requested that she be allowed to review the draft ordinance before it goes to the County Planning Commission. Mr. Hutchison stated that the draft has not been submitted to the County Planning Commission. Chairman Eberly indicated that he wanted to be sure that the language would fit with the new ordinance because he felt that typically if one change of this sort is made it then requires many other changes to be made in order to fit the provisions within the rest of the ordinance. Mrs. Duling indicated that she felt that all of the other language should be changed to match her proposal.

Chairman Eberly then asked Mr. Hutchison to review the proposal with Mr. Keylor and Mr. Young as a part of the review of the new zoning ordinance.

d. Request to use Township Roads for Bicycle Ride – 9/28/07 & 9/29/07

Chairman Eberly indicated that this request was not acted upon at the last Board meeting. After a brief discussion regarding the request and the number of bicycle rides being conducted in the Township, a motion was made by Chairman Eberly to approve of the request subject to the applicant providing the Township with a certificate of insurance which names the Township as an additional insured. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Mr. Paul Landry representing the Lancaster Public Library addressed the Board regarding their request for additional 2007 funding from the Township because of the County Commissioner's incentive to match two dollars for every one dollar of new funding from local municipalities. He thanked the Board for their contributions to the Public Library and asked that they consider additional funding in order to take advantage of the incentive from the County. He said that he was not requesting that the Board vote immediately but wanted the Board to know that they have a deadline of September 1, 2007 for the commitment to be accepted by the County for this incentive. There was additional discussion regarding the County's incentive program. At the conclusion of the discussion, Chairman Eberly thanked Mr. Landry for his presentation.

Mrs. Duling expressed her thanks to PA DOT for the improvement of conditions along Horseshoe Road but indicated that additional work was needed at some of the storm water inlets. She then handed out a request that the Board pursue additional signs from PA DOT along Route 340. She also indicated that she has located a video that was produced by Ohio State University regarding safe driving between automobiles and carriages. She said that she plans to share this with AAA and others in order to better educate the public.

Mr. Hutchison asked if Mrs. Duling's request for study of various roads was related to speed concerns or something else. Mrs. Duling indicated that the request regarding the Township's roads was speed related but that the request regarding Route 340 was for additional signs to indicate that this is an area where buggies use the highway.

Mr. Fred Daum asked what the Township's annual contribution to the Public Library has been. Mr. Hutchison indicated that the 2007 budgeted amount is \$30,000. There was a brief discussion regarding the location of the library branches which serve the Township and the amount of the Township's contribution.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next scheduled meeting is to be held on Tuesday, August 21, 2007 beginning at 7:30pm.

Respectfully submitted,

Ralph Hutchison
Township Manager