

August 18, 2009

The East Lampeter Township Board of Supervisors met on Tuesday, August 18, 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. Roger Rutt, Mr. Michael Landis, Mr. John Shertzer, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC
Joyce Gerhart, RGS Associates, 15 S. State Street, Brownstown, PA, 17508, representing Hurst,
Warrington, East Lancaster Hospitality

Dennis Gehringer, 841 Flory Mill Road, Lancaster, PA 17601, representing Rockvale Square
Bob and Hardy Patel, 25 Eastbrook Road, Ronks, PA 17572, representing East Lancaster
Hospitality

John Pogue, David Miller Associates, 1076 Centerville Road, Lancaster, PA 17601, representing
Bird-in-Hand Bakery

Adam Hall, HRG Inc., 1846 Charter Lane, Lancaster, PA 17601

Minutes of August 3, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the August 3, 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. Landis 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 \$265,938.30 were presented for payment. He further explained that of the total amount, a little over \$13,500.00 is for the quarterly debt payment of the sewer combination truck, a deposit of \$140,000.00 would be made to the pension plans (\$120,000.00 to the police and \$20,000.00 to the non-uniform employees), and a little over \$19,500.00 would be paid to Interstate for the line painting of the Township roads.

After reviewing the bills listed, a motion was made by Mr. Shertzer and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$265,938.30. The motion was passed by unanimous voice vote.

Old Business:

- a. Review of Proposed Comprehensive Plan – Manheim Township

Chairman Buckwalter explained that East Lampeter Township is part of a couple of comprehensive plans. One of the plans is ‘Growing Together’ of which East Lampeter Township is one of eleven municipalities involved. One of the requirements of this plan is to review

documents that are presented to us from the other townships. Manheim Township has finished the preliminary draft of their plan and has asked East Lampeter Township to review it and decide whether it is consistent with the 'Growing Together' plan or to offer comments.

Mr. Shertzer commented that there was not much reference to the other plans they are involved with.

Chairman Buckwalter questioned if they are involved with other plans.

Mr. Hutchison responded that he believes the 'Growing Together' plan is the only one they are involved with.

Mr. Shertzer made a motion finding the Manheim Township Comprehensive Plan to be consistent with the LIMC Growing Together Plan. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

b. Request for Financial Security Reduction – Regent's Park Phases 2 & 3: Old Philadelphia Pike

Chairman Buckwalter asked if anyone was in the audience for this item. No one was in attendance to represent this item. Chairman Buckwalter noted that in a letter from our engineering group, Rettew, it recommends a financial security reduction in the amount of \$30,851.00, which will leave a new outstanding financial security balance of \$31,400.00.

Mr. Eberly made a motion to grant the request to reduce the financial security for Regent's Park Phases 2 & 3 in the amount of \$30,851.00, leaving a balance of \$31,400.00, as recommended by the Township engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Request for Plan Reinstatement and Time Extension to Record Conditionally Approved Bird in Hand Bakery Land Development Plan #08-06: Bird in Hand

Mr. John Pogue of David Miller Associates was present to represent Bird in Hand Bakery. Mr. Pogue explained that the preliminary/final plan was conditionally approved last year, but due to the economic downturn it was not feasible for Bird in Hand Bakery to obtain financial guarantees. They are at this time in a position to proceed and are requesting that the final plan be reinstated and an additional 180 days be granted to meet the outstanding conditions and record the plan.

Mr. Shertzer made a motion to approve the reinstatement of the Bird in Hand Bakery Land Development Plan #08-06 and to grant them 180 days extension as of August 18, 2009 to record the plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. Request for Time Extension to Record Conditionally Approved Mill Creek Square Land Development Plan #08-25: Lincoln Hwy. East

Mr. Ken Hornbeck of High Associates introduced himself. He explained that they had hoped to have recorded the final plans and broken ground by now, but the current economic uncertainty has caused the anchor tenants to delay in opening new stores. On August 19, 2008, the East Lampeter Township Board of Supervisors granted a one (1) year time extension to record the approved Final Land Development Plan. If the plans are not recorded by August 19, 2009, the

approval will become null and void. Therefore they are requesting an additional one (1) year time extension to record the final plan.

Mr. Shertzer made a motion to grant Mill Creek Square Land Development Plan #08-25 an additional one (1) year time extension as of August 19, 2009 to record the plan. The motion was seconded by Mr. Eberly and passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained due to his employment in the High organization.

- e. Request for Time Extension to Record Conditionally Approved East Lancaster Hospitality Land Development Plan #08-32: Meadowland Drive

Mr. Hardik Patel of East Lancaster Hospitality addressed the Board members. He is requesting a ninety (90) day time extension to record the East Lancaster Hospitality Land Development Plan #08-32 on Meadowland Drive. The one outstanding issue for approval was the sewer planning module which has been resolved and is currently at DEP for approval.

Mr. Rutt made a motion to approve the ninety (90) day time extension for East Lancaster Hospitality Land Development Plan #08-32 on Meadowland Drive. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- f. Time Extension for Review and Action – Warrington Preliminary Plan #08-44: New Holland Pike

Ms. Gerhart introduced herself as representing Warrington. She explained that they are requesting a time extension until October 21, 2009 to address the staff and sub-consultant review comments received from East Lampeter Township.

Chairman Buckwalter asked if there were any questions from the Board members or audience.

Mrs. Lois Duling stated that in the minutes from the July Planning Commission meeting, there was a comment that two (2) conditional use modifications were also requested. This requires re-opening the conditional use hearing procedure. Mrs. Duling questioned whether any of this refers to any of that.

Chairman Buckwalter responded that he did not know.

Ms. Gerhart also responded that she was not quite sure either.

Mr. Hutchison added that the preliminary plan was in front of the Planning Commission at their July meeting at which time they reviewed the comments listed. The minutes do reflect the comment that Mrs. Duling indicates. Mr. Hutchison stated that he does not know what conditional use issues there still might be, but if they need some relief of some of the conditional use issues they will have to make application of that and go through the process.

Mrs. Duling asked if there is a way to have the answers for when the issues arise.

Mr. Hutchison suggested that Mrs. Duling contact Mr. Lee Young, the Township Zoning Officer, since he prepared the Planning Commission minutes and can explain to her what he was referring to.

Mr. Eberly made a motion to approve the sixty (60) day time extension for review and action on the Warrington Preliminary Plan #08-44 until October 21, 2009. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

g. Hirani Engineering / Patel Hotel Land Development Plan #09-05: Lincoln Hwy.

Chairman Buckwalter asked if anyone was present to represent this project. There was no one present. Chairman Buckwalter then asked if there is a motion to deny this request since they must act on it.

Mr. Shertzer stated that numerous time extensions were granted to the plan and still no action is coming from the applicant.

Mr. Shertzer made a motion to deny the application for Land Development Plan #09-05 for Hirani Engineering / Patel Hotel on Lincoln Highway. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

New Business:

a. Review of West Earl Township Proposed Zoning Text Amendment

Chairman Buckwalter asked if anyone was in the audience for this item.

Ms. Gerhart introduced herself as representing this item. Ms. Gerhart explained that Hurst Brothers Development Company owns the property at the intersection of Rose Hill Road and Route 272 in the southwestern portion of West Earl Township. They have been working with West Earl Township for several years on developing a traditional residential development subdivision under the property's existing R-2 zoning.

Ms. Gerhart explained that as part of the Conestoga Valley Joint Comprehensive Plan, both East Lampeter Township and Upper Leacock Township are to review any changes to the zoning ordinance for West Earl Township to make sure that they are consistent with the comprehensive plan.

Hurst Brothers are proposing to add Conditional Use provisions and definitions of terms contained in the draft new zoning ordinance but that do not exist at this time in West Earl's current ordinance as part of the amendment petition.

Chairman Buckwalter verified that this amendment would apply to all of the R-2 zoned areas in West Earl Township.

Ms. Gerhart replied correct and added that it can only apply to areas with over twenty (20) acres.

Mr. Landis questioned whether the East Lampeter Township Planning Commission had reviewed this.

Mr. Hutchison replied that they had and found it to be consistent with the comprehensive plan.

Mr. Hutchison then asked Ms. Gerhart to briefly describe the differences between what this amendment would allow versus what current R-2 standard zoning allows.

Ms. Gerhart responded that currently R-2 standard zoning allows single families 10,000-12,000 square foot lot buy right. Duplexes and townhouses are allowed special exception. This amendment would allow the mixture of the single family homes with the duplexes and townhouses and the lots would be smaller.

Mr. Irl Duling asked about the residents being able to get copies of this amendment ahead of time so that they have time to review it.

Chairman Buckwalter stated that West Earl Township would be incumbent to advertise for their approval of this.

Mr. Eberly stated that a public hearing is going to be held in West Earl Township on September 28, 2009.

Mr. Rutt made a motion that East Lampeter Township Board of Supervisors accept the West Earl Township modification to their R-2 zoning ordinance and find it consistent with the Conestoga Valley Comprehensive Plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Rockvale Square / Bruster's Ice Cream Revised Land Development Plan #08-14:
S. Willowdale Drive

Mr. Dennis Gehringer introduced himself as representing the applicant. Mr. Gehringer explained that the Board had approved the Preliminary/Final Plan for the former Susquehanna Bank office to be converted into a Starbucks in Rockvale Outlets at the July 14, 2008 meeting. Though this location is still on the list for a Starbucks site, no construction has begun. Bruster's Ice Cream is now interested in going into this location.

Mr. Gehringer continued that Bruster's fits into the plan and that all of the conditions have been met. Mr. Gehringer then reviewed the site plan and requested the Board's approval of the revised land development plan.

Mr. Hutchison stated that one of the conditions of approval for Starbucks was related to extending the sidewalks in front of the property to the neighboring hotel property. He recommends the Board adopt the same conditions of approval that were adopted for Starbucks.

Mr. Landis made a motion to approve the request for Bruster's Ice Cream Revised Land Development Plan #08-14 on S. Willowdale Drive including the comments from the July 17, 2008 letter from Mr. Lee Young, Township Zoning Officer. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. Request for Waiver of Land Development Planning – Isaac's Deli: Greenfield Road

Mr. Ken Hornbeck of High Associates addressed the Board. He explained that Isaac's Deli in the Shoppes at Greenfield has requested to remodel the interior of the restaurant to make it more efficient for their take-out customers. In order to do this, they would like to expand the back of the existing building by 340 square feet. No increase in seating or additional employees will be added as a result of this expansion.

Mr. Shertzer made a motion to grant the waiver of Land Development Planning for Isaac's Deli on Greenfield Road. The motion was seconded by Mr. Eberly and passed by a vote of four in

favor and one abstaining. Chairman Buckwalter abstained due to his employment in the High organization.

Other Business:

a. Nuisance Ordinance Amendment

Chairman Buckwalter explained that occasionally the Township must remind residents about the length of their grass, the condition of their property, or unlicensed vehicles on their property. The Township has an ordinance that addresses these issues. If a resident is cited for any of these issues and corrects them, but a few weeks later the issue arises again, the Township must wait fifteen (15) days before citing them again. This ordinance would eliminate waiting the fifteen (15) days again before being able to take action.

Mrs. Lois Duling questioned item 2(f) in the ordinance.

Mr. Eberly made a motion to adopt the Nuisance Ordinance as presented. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Resolution to Appoint a Representative and Alternates to the Lancaster County Tax Collection Committee

Chairman Buckwalter explained that Act 32 of the Lancaster County Tax Collection Bureau require the governing bodies of school districts, townships, boroughs, and cities that impose an earned income tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives.

This resolution appoints Ralph Hutchison, Township Manager, as the primary voting delegate. The first alternate voting delegate is Jeanne Glick, finance director and the second alternate voting delegate is David Buckwalter, Chairman.

Mr. Eberly made a motion to approve the resolution appointing a representative and alternates to the Lancaster County Tax Collection Committee. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

There were no public comments.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, September 14, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager