

September 10, 2007

The East Lampeter Township Board of Supervisors met on Monday, September 10, 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. David Buckwalter, Vice Chairman, Mr. Michael Landis, Mr. Roger Rutt and Mr. Wilbur Sollenberger. Also present was Mr. Ralph Hutchison, Township Manager.

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

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Mr. Scott Lane, Plymouth Meeting, PA, representing McDonald's Restaurants
Mr. Jim Martin, 2490 Willow Hill Drive, representing Hand in Hand Fire Co.
Mr. Dan Fisher, 2623 Old Philadelphia Pike, representing Hand in Hand Fire Co.
Mr. Ephraim J. Stoltzfus, 248 Maple Avenue, representing Hand in Hand Fire Co.
Mr. Paul Fisher, 2623 Old Philadelphia Pike, representing Hand in Hand Fire Co.
Mr. Reuben C. Stoltzfus, 397 Lynwood Road, representing Hand in Hand Fire Co.
Mr. Dennis Gehringer, 843 Flory Mill Rd., representing 44 Lancaster Assoc.
Mr. David Keener, representing 44 Lancaster Assoc.
Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Mr. Ken Fillo, 115 Ironstone Drive, Lititz, PA, representing the Lancaster Hiking Club
Mrs. Bernadette M. Hohenadel, Esq. representing Emanuel Lapp
Mr. John W. Kreider, 2566 Old Philadelphia Pike, Bird in Hand, PA 17505
Mr. Chris Brown, Derck & Edson Assoc., representing Lancaster Mennonite School
Mr. Emanuel M. Lapp, 169 Witmer Road, Lancaster
Mr. Don Hess, Esq. representing Country Club Apartments
Mr. Ron Nolt, 122 Waterfront Estates Drive, Lancaster, representing Lafayette Fire Co.
Mr. Dennis Funk, Columbia, PA representing DH Funk and Country Club Apartments
Mr. Marlin Groff representing Lancaster Mennonite School
Mrs. Melanie McHenry, 130B North Ronks Road, Ronks, PA representing the
Emergency Services Committee
Mr. Joel Young, Rettew Associates representing Country Club Apartments
Mr. Jeff Mylin, 1827 Krystle Drive, Lancaster

Minutes:

Chairman Eberly indicated that the copies of the minutes of the August 21, 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. Landis and seconded by Mr. Buckwalter 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 \$235,150.72 were presented for payment, copies of which were available for review. He also noted that the bills include the Township's quarterly contributions to the Township's fire companies. There were no questions regarding the bills list. After review of the bills list, a motion was made by Mr. Sollenberger and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$235,150.72. The motion was passed by unanimous voice vote.

Chairman Eberly also indicated that the final payment invoice from the Township's General contractor on the Township facilities project has been received in the amount of \$165,708.71. Mr. Hutchison indicated that approval of the final payment conditioned upon final confirmation of completion was recommended. Mr. Buckwalter then made a motion to approve final payment to eci, Inc. subject to staff confirmation of work completion. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Old Business:

- a. Request for Financial Security Reduction – Carano: Lincoln Hwy. East

Chairman Eberly noted that the Township Engineer has recommended a reduction in the Financial Security for the Carano Land Development in the amount of \$8,360. After a brief discussion, Mr. Buckwalter made a motion to approve the reduction of the Financial Security for the Carano land development as recommended by the Township Engineer. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Request for Financial Security Reduction – Bridington Subdivision

Chairman Eberly noted that a letter had been received from the Township Engineer recommending a reduction of the financial security for this project in the amount of \$87,000. Mr. Landis made a motion to approve the reduction of the financial security for this project as recommended by the Township Engineer. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote.

- c. Request for Time Extension for plan Recording: Rockvale Square – Rt. 30

Mr. Dennis Gehringer indicated that the time extension was necessary in order to satisfy the Board's conditions of approval regarding sewer planning through DEP. Chairman Eberly indicated that the applicant has requested an extension of time to December 18, 2007 in order to satisfy the conditions of plan approval and record their land development plan. Mr. Buckwalter then made a motion to approve of the requested time extension to December 18, 2007 for the Rockvale Square land development plan recording. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. McDonald's Restaurant Land Development Plan #07-13: Rt. 30

Chairman Eberly indicated that the applicant was before the Board on August 21, 2007 at which time the plan was tabled. Mr. Seth Krall of Bohler Engineering, Mr. Scott Lane and Mr. Glenn Maddox both representing McDonald's. Mr. Krall reviewed the comments and issues related to the plan that were discussed on August 21, 2007. Mr. Krall also reviewed revised plans for the development of the new McDonald's Restaurant which addressed the issues of site lighting, delivery truck turning movements, landscape area for the shopping center and the parking lot arrangements west of the restaurant. Mr. Krall also indicated that McDonald's has reviewed the proposed changes with the owners of the shopping center and that they have approved of the proposed changes. There was a lengthy discussion regarding these issues and the revisions made to the plans. It was noted that the delivery trucks for McDonald's would be limited to thirty-three (33) foot long trailers in order to safely access the site and maneuver through the site.

At the conclusion of the discussion, Mr. Buckwalter made a motion to conditionally approve the revised McDonald's Restaurant Land Development Plan subject to the Township Engineer's final review comments. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

e. Proposal re: Park & Open Space Requirements – Country Club Apts.:
Pitney Road

Mr. Don Hess, Esq. was in attendance to represent this proposal. He presented a letter to the Board which outlined the proposed method for satisfying the Township Park and Open Space requirements for the Country Club Apartments Land Development Plan. Mr. Hess then reviewed the proposal with the Board for satisfying this requirement to provide 2.565 acres of recreation area for the 95 dwelling project. The proposal included a proposed hiking trail as part of the existing Conestoga Trail, providing a playground and Community Building within the development, credit for the cost of constructing the proposed playground and Community Building and the private reservation of a 2.565 acres additional recreation area. There was discussion regarding the proposal which indicated that the applicant intended to leave the proposed 2.565 acres of additional recreation area as undeveloped space. There was also discussion regarding the proposed hiking trail to be a part of the Conestoga Trail. Mr. Ken Fillo of the Lancaster Hiking Club described the existing Conestoga Trail and the proposed relocation of the trail off of Pitney Road and onto the site of this development project. There was discussion regarding the hiking trail which indicated that the proposed trail would be unimproved and that the requested credit for the hiking trail as a greenway would total 0.732 acres. There was then discussion regarding the proposed community building which indicated that it is required by PHFA for the management of the complex but that the amount of recreation space within the building was unknown. There was then discussion regarding the area proposed to be reserved as open space which indicated that the area was not suitable for a regulation size soccer or baseball field but could be made playable for unorganized recreation with minimal grading of the area.

Chairman Eberly expressed his opinion that the proposal needed to be worked on further in order to clarify how it fits in with the Park and Open Space requirements. Mr. Sollenberger commented that since the development is required to provide sidewalks along Pitney Road for the entire frontage of the property, this would effectively provide a safe walking area for the Conestoga Trail along Pitney Road and negate the need for relocating the trail. There was then some discussion regarding the calculations for the required acreage, proposed credits and the potential for fee in lieu of land.

Mr. Landis then made a motion to table the proposal for action by the Board at the October 1, 2007 regular meeting of the Board. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

New Business:

- a. Waiver of Land Development Planning Request: John Kreider – Old Philadelphia Pike

Mr. John Kreider was present and described his waiver request. He indicated that the Township Zoning Hearing Board has granted the necessary zoning approvals related to his proposal to create a residential apartment on the second floor of an existing building above the existing gift shop use located at 2572 Old Philadelphia Pike. Mr. Hutchison recommended that the driveway onto Old Philadelphia Pike be widened to accommodate two way traffic. There was a brief discussion regarding the request.

At the conclusion of the discussion, Mr. Sollenberger made a motion to approve of the request to waive land development planning for Mr. Kreider's proposal to add an apartment to 2572 Old Philadelphia Pike. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Lancaster Mennonite High School Land Development Plan #07-18: Rt. 30

Mr. Chris Brown of Derck & Edson was in attendance to represent this application. Mr. Brown reviewed the proposal to construct a new academic building on the high school campus. He indicated that the location of the new building will be in an area that is currently used as a parking lot and that a new parking lot would be constructed in order to replace the lost parking. Additionally, he indicated that a driveway connection to Greenland Drive would also be created. He also said that an earlier plan for the campus had proposed tennis courts in the area where they are now proposing the new parking lot. Mr. Brown indicated that the High School would like to make the proposed driveway connection to Greenland Drive in order to provide a secondary access to the site for safety and circulation improvement. He further indicated that in the short term they are proposing that this driveway would be gated and would be opened only in the morning for traffic entering the campus except for any emergency situations that might arise. He also said that this driveway condition would remain until such time as a traffic signal at

the intersection of Rt. 30 and Greenland Drive is installed when the driveway would then be opened to full access movements. Mr. Brown also indicated that Lancaster Mennonite Schools is willing to share in ten percent (10%) of the cost of the future traffic signal at Rt. 30 and Greenland Drive.

In response to a question from Chairman Eberly, Mr. Brown indicated that the new parking lot would result in a net gain of twelve parking spaces on the campus. Mr. Brown also indicated that the grass area next to the parking lot will be accessible and available for overflow parking if a need arises. There was additional discussion regarding parking and the scheduling of events on the campus.

Mr. Hutchison suggested the removal of the mid block pedestrian crossing of Greenland Drive shown on the plan rendering. After some discussion of this issue, Mr. Brown said that they would remove the crossing.

At the conclusion of the discussion, a motion was made by Mr. Buckwalter to approve the Lancaster Mennonite High School Land Development Plan #07-18 and the requested waivers subject to the comments of the Township Engineer, subject to LMH's commitment to operate the proposed driveway onto Greenland Drive as an entrance only access on school days up to the time in the morning when school begins (except for emergencies when exiting directly onto Rt. 30 is not possible), subject to LMH contributing 10% of the cost for the installation of a traffic signal at the intersection of Rt. 30 and Greenland Drive, at such time that a signal is installed at Rt. 30 and Greenland Drive, limitations on the Greenland Drive access drive will be eliminated so that it can be used as a full access driveway. In addition, the installation of curb and sidewalk along the entire frontage of Greenland Drive and the elimination of the proposed mid block pedestrian crossing of Greenland Drive are required and the modification of the curb on the north side of the proposed parking lot as recommended by the Planning Commission was also approved. The motion was seconded by Mr. Sollenberger and passed by a vote of four in favor and one abstention. (Mr. Rutt abstained from voting)

c. Waiver of Land Development Planning Request: Manny Lapp – Witmer Road

Mrs. Bernadette Hohenadel, Esq. was in attendance to represent Mr. Lapp's request. She indicated that Mr. Lapp has received variance approvals from the Zoning Hearing Board and a recommendation by the Township Planning Commission to approve this request. She further indicated that the proposal is to have three uses within the existing building rather than the two uses which had been previously approved.

After a brief discussion, Mr. Sollenberger made a motion to approve the requested waiver of land development planning for the Lapp property on Witmer Road. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. 44 Lancaster Development Co. Land Development Plan #07-22: Rt. 30

Mr. Dennis Gehringer and Mr. Dave Keener of Land Corp. were in attendance to represent this application. Mr. Gehringer indicated that this land development plan application proposes the redevelopment of the former Eagle Falls Amusement center as a seventy-six room Hotel facility. He said that the project will result in a net reduction of impervious surface and a reduction in anticipated traffic volume. He also reviewed the requests for waivers of certain ordinance requirements including a traffic impact study. Mr. Gehringer also addressed the concern raised by the Township Engineer regarding the interconnected driveways with the uses east of this site. He indicated that despite their best efforts they have been unable to find any documentation of these existing shared driveways or easements related to them. He expressed concern for a requirement that easements be created due to the possibility that one of the owners might decide that they should be closed. In response to Mr. Sollenberger's question, Mr. Gehringer indicated that the existing lights on the site would be removed. Mr. Gehringer also indicated that they intend to begin demolition of the existing building and facilities immediately upon plan approvals. In response to Mr. Buckwalter's question, there was additional discussion regarding the anticipated change in traffic volume. Mr. Gehringer acknowledged that the applicant is aware of the shopping center proposed to be constructed on the south side of Rt. 30 across from this site's driveway and indicated that the owner expects to be contacted about any changes to Rt. 30 that impact his driveway.

At the conclusion of the discussion, Mr. Sollenberger made a motion to approve the 44 Lancaster Associates land development plan #07-22 and the requested waivers subject to the Township Engineer's review comments being satisfied by the applicant. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Other Business:

- a. Emergency Services Committee Presentation re: Bird in Hand Fire Co. Squad Replacement Purchase

Mrs. Melanie McHenry, Chair of the Township's Emergency Services Committee indicated that the Committee has reviewed the proposed fire apparatus, Squad vehicle, purchase by Bird in Hand Fire Company and voted to recommend approval of the proposal and the Township's 33% share of this purchase. She then introduced Mr. James Martin, President of the Hand in Hand Fire Company.

Mr. Martin indicated that several members of the fire company's committee were present and available to answer any questions that the Board might have. He then introduced Mr. Lonnie Kaufman, Fire Chief who then made a presentation to the Board regarding the proposed vehicle purchase. Chief Kaufman's presentation included information regarding compliance with the process requirements of the Emergency Services committee and details regarding the proposed vehicle itself as well as the proposed plan to finance the purchase. He said that the cost of the purchase and related equipment will total \$206,523. He also indicated that the Township's 33% share of this total will be \$68,153.

Following Chief Kaufman's presentation, Mr. Martin indicated that the Fire Company is also planning to apply for a \$30,000 grant to support the purchase of the vehicle. There was additional discussion regarding the proposal and the Township's budget for this purchase.

At the conclusion of the discussion, a motion was made by Mr. Sollenberger to approve of the Hand in Hand Fire Company Squad vehicle purchase as proposed and recommended by the Emergency Services Committee. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Mr. Martin thanked the Board of Supervisors for the support that they provide to all of the Township Fire Companies. Chairman Eberly thanked all of the volunteers from the Fire Companies and the Committee for all of their efforts on behalf of the community.

b. U. Leacock Twp. Zoning Amendment Proposal – CV Region Strategic Comprehensive Plan Consistency Review

Mr. Hutchison explained that the intermunicipal agreement for the CV Region requires the Townships to review all proposed zoning amendments for consistency with the Comprehensive Plan. He also indicated that the proposed amendment to the Upper Leacock Township Zoning Ordinance is being proposed by Upper Leacock Township and would create a Transferable Development Rights (TDR) program in Upper Leacock Township. In response to a question from Mr. Sollenberger, Mr. Hutchison stated that the Township Planning Commission reviewed the amendment and voted to indicate that they feel it is consistent with the Comprehensive Plan.

Mrs. Lois Duling indicated that she did not believe that TDR's are mentioned in the Comprehensive Plan. There was discussion regarding consistency of TDR's with the Regional Comprehensive Plan. Mrs. Duling expressed her desire that TDR's be used more broadly than what Upper Leacock is proposing. Mr. Hutchison suggested that since the preservation of farmland is promoted by the Comprehensive Plan and since TDR's represent one tool which can be used to preserve farmland that the proposed amendment could be found to be consistent with the Comprehensive Plan on that basis.

Mr. Buckwalter then made a motion to indicate that the Board finds the proposed amendment to the Upper Leacock Township Zoning Ordinance to be consistent with the CV Region Strategic Comprehensive Plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Approval of 2008 Minimum Municipal Obligation calculations for Pension Plans

Mr. Hutchison indicated that the Board is required by Act 205 to approve of the coming year's Minimum Municipal Obligation (MMO) in September of each year and that the calculation is based upon the actuarial valuations done for the plans and the anticipated payroll for covered employees. There was a brief discussion regarding the MMO calculations and the comparison of prior year pension costs.

At the conclusion of the discussion, Mr. Landis made a motion to approve of the 2008 MMO calculations for the Township's Police Pension Plan and Non-Uniform Pension Plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

Mr. Mal Brubaker of Fernbrook Circle spoke to the Board regarding the efforts of residents to work with Upper Leacock Township on the repair and reopening of the competition swimming pool in Leola. He requested that the Board support Upper Leacock Township in this effort. He also indicated that he felt that the pool should be viewed as a regional recreation facility since many East Lampeter and West Earl residents use it. There was a lengthy discussion regarding the history of the pool facility, the repair needs of the pool and the potential for community involvement in the reopening of the pool. Chairman Eberly indicated that East Lampeter will communicate with Upper Leacock regarding this issue and thanked Mr. Brubaker for bringing the issue to the Board's attention. Mr. Fred Daum of New Holland Pike also recommended that the Board get involved in the efforts for reopening the pool. There was additional discussion on this topic with the Board.

Mr. Fred Daum, New Holland Pike then asked the Board about the adoption of the Resolution regarding the Rt. 23 project that was approved by five municipalities. Mr. Buckwalter indicated that the Resolution was adopted by the Board at a public meeting and that the other municipalities took action on the Resolution at their own public meetings. Mr. Sollenberger indicated that he hears a great deal of support for the completion of a new Rt. 23 from people in the community. Mr. Daum expressed his belief that there are many in the community that are opposed to the project.

Mrs. Lois Duling, Stumpf Hill Drive asked the Board to have a study conducted for additional safety measures along Willow Road in the vicinity of the Amish school. In response to a question from Chairman Eberly, Mr. Hutchison indicated that Willow Road is a Township road and that typically requests of this sort come from the schools. Mr. Hutchison also said that he was unsure about what Mrs. Duling was requesting. Mrs. Duling said that she would like all of the things that would bring more safety to that school area. She said that might include signs, pavement markings, sidewalks and other things. Mr. Hutchison said that there are many different kinds of studies that could be completed. Mrs. Duling also expressed concern for the distances that some Amish students are required to walk. Mrs. Duling indicated that she would make contact with someone representing the school about these concerns.

Adjournment:

A motion was made by Mr. Buckwalter 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 Monday, October 1, 2007 beginning at 7:30pm.

Respectfully submitted,

Ralph Hutchison
Township Manager