

October 16, 2007

The East Lampeter Township Board of Supervisors met on Tuesday, October 16, 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 and Mr. Stephen M. Kraybill, Esq., Township Solicitor.

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

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601
Mr. Almer Beiler, Jr., 2040 Pine Drive, Lancaster, PA 17601
Ms. Susan Snyder, 435 Mt. Sidney Road, Lancaster, PA 17602
Mr. John W. Shertzler, 135 Oakview Road, Lancaster, PA 17602
Mr. Elvin Engel, 1854 Lincoln Hwy. East, Lancaster, PA 17602, representing Spruce Lane
Mr. Dennis Gehringer, 843 Flory Mill Rd. Lancaster, PA 17601, representing Faison
Mr. Paul Landry, representing the Lancaster Public Library
Mr. Don Winters, 2404 Willow Glen Drive, Lancaster, PA 17602
Mr. Dan Nafziger, 2439 Old Phila. Pk., Lancaster, PA 17602, representing Spruce Lane
Mr. Charles Suhr, Esq. representing McDonald's and the Lancaster Host
Mr. Joe Myers, 2280 Lincoln Highway East, Lancaster, PA
Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601
Mr. Pete N. Skiadas, 2323 Lincoln Hwy. East, Lancaster, PA 17602
Mr. Jared Mellinger, 312 Laurel Oak Lane, Lancaster, PA
Ms. Melissa Wiszener, 65 Lampost Lane, Lancaster, PA 17602
Mr. David Beiler, 452 Mt. Sidney Road, Lancaster, PA
Mr. David Beiler, Jr., 452 Mt. Sidney Road, Lancaster, PA
Ms. Barbara Tice, representing Wendy's Restaurants
Mrs. Jan Reeps, 23 Pleasant Drive, Lancaster, PA 17602
Mr. Tim Soberick, 2574 Lincoln Hwy. East, Ronks, PA 17572, representing the Candlelight Inn

Minutes of October 1, 2007 Regular meeting:

Chairman Eberly indicated that copies of the minutes of the October 1, 2007 regular meeting were available for review. Chairman Eberly asked if there were any comments regarding the minutes as prepared. There were no comments.

A motion was then made by Mr. Buckwalter 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 \$282,631.43 were presented for payment, copies of which were available for review. He also noted that the bills list includes the Township's quarterly sewer treatment payment to the City of Lancaster. 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 \$282,631.43. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Financial Security Release – Locust Grove School

Chairman Eberly noted that the Township Engineer has recommended a release of the Financial Security for the Locust Grove School project. After a brief discussion, Mr. Landis made a motion to approve the release of the Financial Security for the Locust Grove School project as recommended by the Township Engineer. The motion was seconded by Mr. Buckwalter and passed by a vote of four in favor and one abstention. Mr. Rutt abstained from voting on this matter.

- b. Request for Financial Security Reduction – Millcreek Bible Church

Chairman Eberly noted that the Township Engineer has recommended a reduction of the Financial Security for the Millcreek Bible Church Land Development. Mr. Buckwalter made a motion to approve the reduction of the financial security for the Millcreek Bible Church Land Development project as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- c. Request for Financial Security Reduction – Bridington Subdivision

Chairman Eberly noted that the Township Engineer has recommended a reduction of the Financial Security for the Bridington Subdivision along Greenfield Road. Mr. Landis made a motion to approve the release of the financial security for the Bridington Subdivision along Greenfield Road. The motion was seconded by Mr. Buckwalter and passed by unanimous voice vote.

- d. Request for Financial Security Reduction – Bilik Subdivision

Chairman Eberly noted that the Township Engineer recommended a reduction of the Financial Security for the Bilik Subdivision along South View Drive. After a brief discussion, Mr. Rutt made a motion to approve of the financial security reduction for the Bilik Subdivision along South View Drive as recommended by the Township Engineer. The motion was seconded by Mr. Buckwalter and passed by unanimous voice vote.

- e. Decision re: Millcreek Square Conditional Use Application – Regional Impact Development: Rt. 30

Chairman Eberly indicated this application had been the subject of a Conditional Use Hearing that took place over the course of ten sessions in previous months of 2007. He also stated that the hearing was closed in August of 2007 and will not be reopened to hear additional testimony on the application. Chairman Eberly also said that it will now be up to the Board to discuss the application and to make a decision on it. He also indicated that Solicitor Kraybill was in attendance and asked him to comment on the case.

Solicitor Stephen M. Kraybill explained that this type of decision is a little bit different from other decisions typically made by the Board and that since it is a conditional use application where all of the testimony and public input was received during the hearing process, the Board would not hear any additional input. Solicitor Kraybill further explained that when the hearing was closed, all interested parties were invited to submit memoranda or briefs to state their position on the application.

Solicitor Kraybill then explained that after all of the memoranda and briefs were received, he attempted to contact the participating Board members individually to discuss their position on the application. He also noted that Mr. Buckwalter was not contacted because he had recused himself from the process due to a conflict and that Mr. Buckwalter would therefore not participate in the discussion or decision on this application. Solicitor Kraybill indicated that he was not able to speak with Mr. Sollenberger. He said that he then prepared a draft decision based upon his conversations with the three Board members that he spoke with. He further indicated that in general his sense from the Board members was that they approved of the concept for the development with concerns about the traffic impact upon Route 30. He also said that it was his sense that the Board members were satisfied that the applicant had satisfied many of the specific requirements of the ordinance and that other issues were ones that would come up with the development of any new uses on the site.

Solicitor Kraybill then indicated that the draft decision which he prepared would, if approved, approve the application subject to conditions of approval that were offered and agreed to by the applicant plus one additional condition that the Board members felt was necessary in order to satisfy their concerns for traffic on Route 30. He said that the additional condition would suggest the provision of an additional Route 30 east bound travel lane from the Wawa store to the Tanger Outlet property. He stated that the condition would require the applicant to complete a full analysis of what this improvement would entail and an analysis of what the applicant's fair share contribution to this improvement ought to be. He indicated that he wrote this condition in this way because the record of the hearing was not complete with respect to this proposed improvement. He also said that satisfaction of this condition would be determined at the land development planning stage of the process.

Mr. Buckwalter then stated that he would not be participating in the discussion or action on this application and will abstain due to the fact that he is employed by the High organization who is the applicant in this case.

Chairman Eberly then thanked the applicant and all of the participants in the hearing process for their excellent presentations and for their professional approach toward each other and the Board. He said that this really helps the Board when everyone behaves in that fashion.

Chairman Eberly then indicated that he was not surprised when this application came to the Township because the location is basically the last property available for commercial development along Route 30. He also said that his main concerns related to the development of this location were the impacts on the residential neighbors to the east of the site and the impact on Route 30 traffic. He then stated that he felt that the applicant did a good job of addressing the concerns of the residential neighbors to the east related to visual impact, noise, light, dust and trash accumulation. He also indicated that he believes that the applicant will continue to work with the neighbors on any other issues that come up during the rest of the development planning and construction process. He then encouraged the applicant to continue to cooperate with the neighbors.

Chairman Eberly then said that with respect to his concerns for traffic impacts on Route 30, there was a great deal of time spent on traffic issues during the hearing process. He said that there seemed to be agreement among the traffic experts that the proposed improvements to the signalization system on the corridor represent the best technology available in traffic signals, but that there may not have been full agreement on how much of an improvement there will be in terms of traffic congestion on the corridor. He also indicated that the additional improvements proposed by the applicant including the right turn lane at Tanger Outlets and contributions to improvements at Strasburg Pike and at Route 896 are all positive steps. He then said that for those in the community that travel Route 30 a lot, it is apparent that the most significant problem area is between Tanger Outlets and East Towne Mall. He noted that on a recent Saturday he was traveling east on Route 30, planning to exit at Route 340 and found that traffic was backed up on Route 30 beyond Route 340. He also indicated that he felt that this happens frequently.

Chairman Eberly went on to indicate that this concern relates to this proposed shopping center because he felt that up to seventy-five percent of those who would be going to the new shopping center would be coming from west of the site. This traffic will therefore have to travel the area of this concern which includes the area near Wawa where the east bound travel lanes are reduced from three lanes to two lanes. He said that he felt that the extension of the third travel lane to the proposed right turn lane into Tanger Outlets would be an ideal improvement.

Chairman Eberly then asked the other Board members to express their concerns and thoughts on the application.

Mr. Landis expressed his support for Chairman Eberly's comments regarding the application and the hearing process. He then indicated that he remains concerned about the traffic problems on Route 30. He also said that he has lived within a close proximity to Route 30 for the past forty years and so he uses Route 30 many times on a daily basis. He stated that as he has watched the corridor develop over those years, he has seen the traffic congestion become more of an issue and problem. He indicated that he struggles with the idea of supporting the development of another large shopping venue along that stretch of Route 30. Mr. Landis then went on to say that the addition of a right turn lane into Tanger Outlets is a good idea but that, in his opinion, it is not enough to address his concerns. He also said that he would like to see a study on the costs of extending the third east bound travel lane from Wawa to Tanger. He then indicated that he also has concerns about the Millstream Road and Bowman Road intersections with Route 30 and that he would like to see proposals to make some improvements at these locations as well. In addition, Mr. Landis indicated that he would like to see the proposed right hand turn lane for traffic entering the proposed shopping center lengthened. Finally, he indicated that he felt that the applicant has done a good job with their presentation and the design of the development but that more needs to be done with respect to the traffic problems created by the project so that the residents of the community are not adversely affected.

Mr. Rutt then indicated that he too appreciated all of the efforts of the participants involved in the hearing process and thanked them for the content and method of the presentations. He then expressed his feeling that the proposal is a good project and that as the last major development to take place in this corridor; it should not be required to carry the burden of correcting traffic problems created by others. He then stated that he would like the applicant to complete the analysis of the proposed additional east bound travel lane on Route 30 but not be responsible to solve this problem by themselves. Mr. Rutt then noted that the applicant has offered to provide an integrated traffic signal system which has not been provided before. He went on to indicate that he felt that they presented enough factual information to indicate that this system will improve conditions on Route 30. Mr. Rutt also said that he would like to see the third east bound travel lane continued from where it currently ends near the Wawa east to the proposed right turn lane into Tanger Outlets. He indicated that he wants the applicant to complete the study of this proposed improvement and to participate in the costs associated with achieving a solution to that problem. He also said that he would challenge the Township to work with the applicant and property owners on the acquisition of right of way that will be needed in order to construct the proposed improvement.

Mr. Sollenberger then expressed his appreciation for the efforts of the participants involved in the hearings for this project. He said that the traffic problems on Route 30 have been and will continue to be a major issue for the Township. He also complimented Solicitor Kraybill for his preparation of the draft decision on the proposal and indicated that it reflects how he feels about the application. Mr. Sollenberger then went on to say that when he considered some of the other uses which could legally be developed on this site, he felt that this proposed use is one of the possible fits.

Chairman Eberly then read the draft condition number thirty-three of the draft decision prepared by Solicitor Kraybill which relates to the extension of a third east bound travel lane on Route 30. He noted that the language of this draft condition incorrectly indicates that the travel lanes currently reduce from two to one rather than the actual reduction from three to two. He also noted that this draft condition would have the applicant contribute a "fair share" towards the cost of the improvement rather than require the applicant to complete the improvement. Mr. Landis indicated that he disagreed with this approach and would prefer that the applicant actually build the improvement and then have the Township pay some agreed upon fair share of the cost. Mr. Landis further stated that he was unsure of what amount that might be until he could see what the total cost would be for the improvement. Mr. Rutt indicated that he was more inclined to have the applicant contribute a fair share toward the proposed improvement.

Chairman Eberly asked how the fair share would be determined. Mr. Rutt suggested that the applicant would pay for the construction costs related to the highway and that the costs related to the bridge would be shared with the Township and PA DOT.

Chairman Eberly indicated that he felt that improvement needs to be built and that the only question is how to pay for it. He also stated that he believed that a major portion of the cost for the improvement would be in the acquisition of right of way. He then noted that the applicant has already agreed to design, permit and construct a new eastbound right turn lane into Tanger Outlets.

Mr. Landis said that he would like to see some estimates on the costs related to the proposed travel lane before he could discuss the amount that the applicant should complete.

Chairman Eberly then asked the Board members if they would consider applying the money which is to be given to the Township for the possible future installation of a traffic signal at the Lancaster Host driveway to this improvement since the representatives of the Lancaster Host have indicated that they are not in favor of that installation.

There was then a brief discussion regarding the possible connection between the proposed new shopping center and the Host property and the proposed east bound right turn lane for traffic entering the new shopping center.

Mr. Landis then indicated that he recognized that the proposed additional travel lane would benefit the general public as well as the new shopping center and that he did not know how to divide the responsibility for the improvement. He then suggested that perhaps the applicant should be asked to make a proposal on the completion of this improvement for the Board to consider.

Mr. Sollenberger suggested that since the applicant will be before the Board for approvals during the Land Development process, the fair share amount could be determined at that time.

Mr. Rutt asked that the written decision include the street address of the Wawa store that is referenced in condition number thirty three so that there is no confusion about the location of the proposed agreement. Solicitor Kraybill also noted that the number of lanes referred to in the draft condition would also need to be corrected.

Mr. Sollenberger asked Solicitor Kraybill if there was any other way to word the proposed condition rather than using the term "fair share". Solicitor Kraybill indicated that he struggled with alternatives to that term. He also indicated that in his view a requirement that the additional travel lane be constructed is a huge undertaking and is likely more than what can be legitimately required of one applicant. He further noted that state law does not allow the Township to require an applicant to make off site improvements unless they can be required as a legitimate condition of an application. He said that he is therefore skeptical that the Township can require that the applicant complete that entire improvement. Solicitor Kraybill further noted that some of the improvements that are included as requirements in the draft decision are also off site improvements but they are legitimate because the applicant has agreed to do them. He said that he wrote condition number thirty three in that was because he did not feel that the Township had a basis for requiring the entire improvement as part of this application. He further stated that he was unaware of any formula that he would have confidence in to arrive at the fair share amount. He noted that the impact fee law has a methodology for arriving at allocations but that he would not recommend using that methodology. He said that he understood that the draft language would require that there be negotiations in order to resolve this matter. Solicitor Kraybill also indicated that the Board could vote to reopen the hearing and invite the applicant to propose additional steps in order to bring this issue to a conclusion.

Mr. Rutt asked if the funds for a future traffic signal at the Lancaster Host driveway would be in jeopardy if the Board attempted to apply them towards this other improvement. Chairman Eberly noted that the condition related to those funds permits the Township to use them for other improvements if the traffic signal does not happen in a timely fashion. Solicitor Kraybill said that the money could be lost if the condition requiring those funds to be deposited would be eliminated.

Mr. Landis asked if the other Board members would support reopening the hearing in order to address this issue. Mr. Sollenberger indicated that he would rather not do that because he believes that the issue can be addressed in the land development stage of the process.

There was then a brief discussion regarding what would need to be included in a motion acting on the application. At the conclusion of this discussion Mr. Sollenberger made a motion to conditionally approve the proposed Millcreek Square Shopping Center as a regional impact development as indicated in the decision drafted by Solicitor Kraybill with the addition of street addresses for Wawa and Tanger Outlets in condition number thirty three and the correction of the number of east bound travel lanes on Route 30 to state from three to two also in condition number thirty three. The motion was seconded by Mr. Rutt. Mr. Landis then asked Solicitor Kraybill if the construction of the third

travel lane could be raised during the land development planning process. Solicitor Kraybill indicated that it could but that the Board could not impose it as a condition. The motion was then passed by a voice vote of three in favor and one opposed. (Mr. Landis voted against the motion.)

Chairman Eberly thanked Solicitor Kraybill for his assistance throughout the process in addressing this application.

f. Proposed Developer's Agreement re: McDonald's Restaurant – Rt. 30

Mr. Charlie Suhr, Esq. was in attendance to represent this request. Mr. Suhr indicated that he has prepared a developers agreement, with exhibits, related to the McDonald's Restaurant Land Development Plan that was conditionally approved by the Board. He indicated that Solicitor Kraybill has reviewed and approved of the agreement as drafted.

Chairman Eberly asked about the purpose of the agreement. Mr. Hutchison indicated that the agreement provides a detailed outline of applicant's proposed public improvements and the time line for their completion and for the processing of their financial security for these improvements.

After a brief discussion, Mr. Sollenberger made a motion to approve of the proposed Developer's Agreement with McDonald's. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

g. Request for Waiver of Land Development Planning – Candlelight Inn: Rt. 30

Mr. Tim Soberick, the owner of the Candlelight Inn was in attendance. Ms. Melissa Wiszener was also in attendance regarding this request. Mr. Soberick indicated that he had been unable to attend the Board's previous meeting when this request was discussed but that he had submitted a letter regarding the issues that were raised at that time. He then reviewed the information presented in the letter and an aerial view of the property. He described the parking area existing on the property, the building proposed to be used for an accessory day spa, the access driveway onto Route 30, the additional sanitary sewer flows related to the day spa and storm water conditions on the site. Ms. Wiszener then reviewed the floor plan for the building proposed to be used for the private day spa. There was some additional discussion regarding the parking area.

Mr. Sollenberger asked about the business relationship between the Candlelight Inn and the proposed day spa. Ms. Wiszener indicated that she would be the Director of the day spa services at the Candlelight Inn. Mr. Soberick indicated that Ms. Wiszener would be paying rent for the use of the building where the day spa services would be provided. They also indicated that the day spa services would be available only to the guests of the Candlelight Inn.

There was some discussion regarding the requirement to prepare a land development plan due to either the expansion of the existing use or due to the addition of a second non residential use.

Mr. Buckwalter inquired about the requirement to provide an all weather surface for the parking lot. Mr. Hutchison indicated that this was a condition of approval for the original bed and breakfast application. He also stated that this condition was attached to the approval by the Zoning Hearing Board prior to Mr. Soberick's ownership of the business.

Mr. Buckwalter then asked if issues with PA DOT would arise if the driveway were widened at its connection to Route 30. Mr. Hutchison said that a permit would be required from PA DOT for any work done within their right of way.

Mr. Rutt then made a motion to deny the request for waiver of land development planning for the addition of a private day spa to the Candlelight Inn property on Route 30. The motion was seconded by Mr. Buckwalter and passed by unanimous voice vote.

New Business:

- a. Request for Waiver of Land Development Planning – Spruce Lane Motel: Old Philadelphia Pike

Mr. Elvin Engle, Architect and Mr. Dan Nafziger, owner were in attendance to represent this request. Mr. Engle reviewed the sketch plan of the site and the proposed modifications to create additional parking on the site. He also described the proposed conversion of the existing dwelling to accommodate a retail business on the first floor and two dwelling units on the second floor. Mr. Engle also said that their plan will not increase the amount of impervious area on the property. He indicated that the additional use on the property along with the existing uses will require a total of forty-four parking spaces on the site. He also indicated that with the proposed conversion of the tennis court area into ten parking spaces (9' X 20' each), there will be forty-eight parking spaces provided.

Mr. Buckwalter asked about the width of the existing driveway on the property. Mr. Engle indicated that it is sixteen feet wide which was the width approved at the time when the motel use was created.

Mr. Hutchison asked about the dimensions of the existing tennis courts and the design of the parking area which will require a twenty-four foot driving aisle. He suggested that with the addition of one foot of paving along the proposed parking area and a change to the design for nine parking spaces (10' X 18' each), the tennis courts would meet the zoning ordinance requirements for a parking lot.

There was some discussion regarding the existing storm water management system on the site related to the possible minor increase in impervious area. Mr. Engle indicated that he

was willing to have the storm water management conditions reviewed by the Township engineer. It was also suggested that the elimination of one of the extra parking spaces could offset the increase in impervious area and therefore resolve the storm water issue.

Mr. Shertzer, 135 Oakview Road said that there was a storm water problem created by the neighbor immediately west of this property last year and he asked if this problem had ever been addressed. Mr. Nafziger indicated that construction to resolve this problem had started recently.

Mr. Buckwalter asked Mr. Nafziger if the proposed retail tenant for the property would be conducting any “classroom” activities which might change the number of parking spaces needed beyond the straight forward retail needs. Mr. Nafziger indicated that the use would be strictly retail in nature.

Ms. Snyder, 435 Mt. Sidney Road, expressed her concern for traffic conditions in the Smoketown area.

There was additional discussion regarding the placement of wheel stops or landscape materials on the north side of the proposed parking lot in order to prevent vehicles from leaving the paved surface. Mr. Nafziger agreed to provide one of these.

Mr. Buckwalter then made a motion to conditionally approve the requested waiver of land development planning subject to the applicant’s revisions to the proposed parking area to conform to the zoning ordinance, the removal of parking spaces in order to reduce the total amount of impervious coverage on the site and the installation of wheel stops or landscape materials on the north side of the parking area. The motion was seconded by Mr. Sollenberger and passed by unanimous voice vote.

Other Business:

a. Lancaster Library Presentation – Mr. Paul Landry

Mr. Paul Landry representing the Lancaster Library was in attendance to request that the Board consider an increase in Library funding as a part of the Township’s 2008 budget. He requested that the Township provide a ten percent increase from \$30,000 to \$33,000 annually which would represent about \$2.50 per capita. Mr. Landry provided the Board members with information regarding the library and indicated that the state recommends local library funding at \$5.00 per capita. Mr. Landry also noted that the library recently added a business center which has been very successful in helping the business community. He further noted that a recent report on libraries has indicated that for every \$1 invested in library services such as the business center, \$5 of economic benefit is generated in the community.

Mr. Rutt asked Mr. Landry to explain the libraries revenue sources. Mr. Landry indicated that the three major sources of support come from the state and municipal financial

support and from services provided by the County wide library system. He also noted that Manheim Township left the Lancaster library in 2007 by creating their own independent library. Mr. Landry also stated that municipal contributions make up about 15% of the total revenues to the Lancaster Library. Mr. Buckwalter asked Mr. Landry if the library could provide a report which provides more information on the financial structure of the Lancaster Library. Mr. Landry said that he would provide a copy of the annual report which is submitted to the state.

Public Comment:

Mr. John Shertzer, 135 Oakview Road, thanked the Board for completing the improvements at the intersection of Old Philadelphia Pike and Oakview Road. He then requested that the Board review the timing of signals with respect to left turn lanes. He indicated that he believes that these continue to create congestion at various intersections including Horseshoe Road.

Mr. Jared Mellinger, 312 Laurel Oak Lane, indicated that the roads in his development have not been dedicated by the developer to the Township. He said that this means that the Township does not plow snow on their streets and that the Police do not enforce a speed limit on their streets. He further indicated that he has contacted the developer and the Township staff regarding this concern many times. Mr. Mellinger also indicated that he had come to the October 1, 2007 meeting and was told that the dedication of these roads would take place at the October 16, 2007 meeting. He asked that the Board do something to encourage the developer to complete the process of dedication of these roads. Mr. Hutchison indicated that it is his understanding that one of the deeds for the streets needs to be signed by the original developer of the site, Mr. Herb Fisher and that a resolution needs to be prepared by Mr. Horst, the current owner / developer. Mr. Hutchison also indicated that the staff is ready to recommend acceptance of the streets as soon as the paperwork is completed.

Mrs. Lois Duling, 824 Stumpf Hill Drive, asked the Board to consider rescheduling the Public Hearing on the proposed Agricultural Security Area (ASA) due to the fact that one of the petitioners will be celebrating his daughters wedding on the same day, October 30, 2007. She also noted that several others of the petitioners and other members of the Amish community will be unable to attend the hearing for the same reason.

There was a lengthy discussion regarding the request to change the date of the public hearing for the Agricultural Security Area (ASA) petition.

Mr. Sollenberger left the meeting during the discussion regarding the date of the public hearing for the ASA petition.

Mr. Fred Daum, 2142 New Holland Pike, asked the Board to change the date of the public hearing for the ASA petition. He also asked for clarification of the Board's decision regarding the Candlelight Inn request. Chairman Eberly indicated that the

request was denied. Mr. Daum then asked the Board to participate in the Conoy Township hearing process on a proposed Ethanol plant. Mr. Daum also asked the Board to look at the property on the corner of New Holland Pike and Mondale Road for ordinance violations.

Mr. David Beiler, 452 Mt. Sidney Road asked about the status of the drafting of a new zoning ordinance and map. Mr. Hutchison stated that he, Mr. Lee Young the zoning officer and Mr. John Keylor, chairman of the planning commission are continuing to work on the drafting of a new zoning ordinance for presentation to the Board. He also indicated that when it is ready that it will be made available to the public.

Mr. Buckwalter suggested that the Board should discuss Mrs. Duling's request to change the date of the public hearing for the ASA in order to bring it to a resolution. He then asked Mr. Hutchison regarding the time limitations that the Township has with respect to processing the ASA petition. Mr. Hutchison said that the Township has 180 days from the date when the petition was received in order to render a decision and that for this petition the decision deadline is December 24, 2007. He also said that the Township has met all of the other time requirements under the ASA law with respect to announcing that it was received, getting comments from an ASA advisory committee, the Township Planning Commission and the County Planning Commission. Mr. Hutchison further indicated that the public hearing is a required part of the process and is the public's opportunity to provide input to the Board regarding the petition. There was then some discussion regarding the required advertising and posting for the public hearing and the possibility for changing the date of the hearing.

Chairman Eberly indicated that the Board would use their best efforts to find an alternate date for the ASA public hearing and would then complete all necessary public notice of a change if one is made.

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 Monday, November 12, 2007 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager