

October 16, 2012

The East Lampeter Township Board of Supervisors met on Tuesday, October 16, 2012, at 7:30 p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Mr. David Buckwalter, Chairman and was followed by the Pledge of Allegiance. In addition to Mr. Buckwalter, supervisors present were: Mr. Mike Landis, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzer was absent.

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

Herb Landau, 125 N. Duke Street, Lancaster, PA 17602, representing Lancaster Public Library
Eric Beiler, 318 Bentley Ridge Boulevard, Lancaster, PA 17602
Kay Nolt, 941 Louise Avenue, Lancaster, PA 17601
Jim Nolt, 941 Louise Avenue, Lancaster, PA 17601
Jim Boyer, David Miller Associates, Inc., 1076 Centerville Road, Lancaster, PA 17601, representing John Stevens
John Stevens, 12 North Main Street, Shrewsbury PA 17371
Sarah Gilligan, 12 North Main Street, Shrewsbury PA 17371
Roger Rutt, 2340 Hobson Road, Lancaster, PA 17602
Lynn Commero, representing Lancaster Newspapers
Scott Bradbury, US Commercial Realty, 1650 Crooked Oak Drive, Lancaster, PA 17601, representing Jim Nolt

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

Minutes of October 1, 2012 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the October 1, 2012 regular meeting as prepared.

A motion was made by Mr. Eberly to dispense with the reading of the October 1, 2012 minutes and approve the minutes as presented. Mr. Blowers seconded the motion and it was passed by a vote of three in favor and one abstaining. (Mr. Landis abstained due to being absent from the October 1, 2012 meeting.)

Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$328,807.04 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount is a payment of \$132,337.30 to the City of Lancaster for third quarter sewer flow treatment charges and an annual contribution payment of \$3,000.00 to the Conestoga Valley Little League for 2012.

A motion was made by Mr. Blowers and seconded by Mr. Landis to approve payment of the bills as listed in the amount of \$328,807.04. The motion was passed by unanimous voice vote.

Presentation by Lancaster Library – Mr. Herb Landau, Executive Director:

Mr. Herb Landau, Executive Director of the Lancaster Public Library introduced himself, Cindy Farley the Director of Accounting and Finance, Cindy Barley who is manager of the Leola Library, and Jess Blasko who is manager of Children and Teens Services. He thanked the Board members for their annual financial support to the library. Mr. Landau provided the Board members with a brief report on East Lampeter Township resident's use of the library facilities and services and stated that there are currently 5,233 active cardholders in East Lampeter Township which is about 32 percent of the township's population. He added that it costs the library about \$2.00 to loan a book out. He requested that the Board consider an increase in the amount of support in the Township's 2013 budget and added that any help they can provide is appreciated.

Chairman Buckwalter thanked Mr. Landau for his presentation and asked if anyone in the audience had any questions. There was no response. No action was necessary for this agenda item.

Old Business:

a. Conditional Use Hearing – Historic Overlay Application for Nolt's Mill/Art Gallery

Chairman Buckwalter explained that this conditional use hearing was begun back on October 1, 2012. He turned the meeting over to the solicitor to conclude this hearing. A stenographer recorded a transcript of this hearing.

After the conditional use hearing was closed, Mr. Eberly made a motion to conditionally approve of the application subject to the conditions recommended by Township staff (listed below) including a modification to condition #7 to clarify that condition of approval's application does not include the block addition to the mill building, the silos, the dwelling or the barn. The motion was seconded by Mr. Blowers and passed by a vote of three (3) in favor and zero (0) opposed. Mr. Landis abstained from voting on this matter due to the fact that he was not present for the first part of the hearing held on October 1, 2012.

Proposed Conditions of Approval re: Nolt's Mill Conditional Use application to use the property as an Art Gallery for retail sales

1. Applicant shall complete a detailed site plan for the proposed use and improvements to the site which will be completed by the applicant as indicated on the site plan.
2. The site plan, at a minimum, shall include the following information and improvements:
 - a. A pedestrian walkway which leads from the parking areas and from Old Philadelphia Pike to the proposed front door of the facility. This pedestrian walkway must be separated from the vehicular travel lane and include appropriate measures to provide for safety of pedestrians and vehicles.
 - b. Pavement markings shall be provided to identify the proposed driving lanes and loading / unloading areas on the property.
 - c. The design and materials used for the fence must be in keeping with the historic setting of this property.
 - d. A structural engineering certificate which indicates that the existing "bridge" over the Mill race can withstand a HS-20 loading or that appropriate improvements will be made to

achieve this certification. In the alternative the applicant will post signs limiting bridge traffic to a weight restriction of 4,500 pounds.

- e. Modifications to the existing driveways and the installation of curb and sidewalk along the frontage of the entire property. The material to be used for the curb and sidewalk shall be approved by the Historic Preservation Trust of Lancaster County. The requirement to install these improvements will be deferred to a date selected by the Board of Supervisors.
 - f. A clear marking for the floodplain location on the property and appropriate signage to indicate that parking spaces to be provided on the property are subject to flooding.
 - g. Existing and proposed utilities must be shown.
 - h. A minimum of nineteen (19) paved parking spaces which conform to the ordinance requirements for the design of parking spaces shall be provided. These spaces are required in order to serve the proposed 3,000 sq ft of retail Art Gallery space, 2 employees in the Art Gallery and one dwelling unit on the property as proposed.
 - i. All parking spaces shall be provided with a wheel stop to prevent vehicles from leaving the paved surface. All parking spaces shall be provided with painted lines to define the location of each space.
 - j. Within two (2) years of opening the Art Gallery, the applicant shall implement measures to define the proposed driveways and prevent vehicles from parking on the property in the area between Old Philadelphia Pike and the Mill building. This may be accomplished by the removal of any unnecessary pavement from the property and the installation of grass or other landscape materials in this area.
3. The applicant shall prepare, through the use of photographs and architectural renderings, a presentation to the Historic Preservation Trust of Lancaster County regarding this property. The purpose of the presentation shall be to secure the Trust's opinion regarding the proposed changes to the appearance of the property to indicate whether or not they believe that the property will retain its eligibility for listing on the National Register of Historic Places.
 4. The applicant shall be required to use the same materials and workmanship as exist currently on the property in the renovation and maintenance of the mill building, including the mill race, the block addition and the silos.
 5. The applicant shall obtain Zoning Hearing Board approval for the location of new parking spaces in a floodplain as required by the Township's Zoning Ordinance.
 6. Floor levels and other spaces in the Mill building that are below the flood plain elevation on the property cannot be used for Art Gallery operations in any way. The applicant will be required to maintain and repair as needed, these areas of the Mill building on an ongoing basis.
 7. The applicant shall preserve the existing Mill building, and all of the related features of the property including the Mill race, as an important historic property in East Lampeter Township. All proposed maintenance activities, renovations, alterations, and / or removal of existing non Historic features shall be reviewed by the Historic Preservation Trust of Lancaster County. The Historic Preservation Trust shall make a recommendation regarding these proposals to the Board of Supervisors regarding the proposed activities with respect to their impact upon the eligibility for listing on the National Register of Historic Places, who will render a decision regarding these proposals prior to the Township issuing any permits for the proposed work.

8. The Mill race shall be operated on a regular basis in order to prevent the stagnation of water in the Mill race.
9. Applicant shall install protective railings along all sides of Mill race structure in order to protect pedestrians in the area and to prevent vehicles, especially in the area of parking space #9 on site plan exhibit from falling into the mill race.
10. The applicant shall, within 5 years of opening the proposed Art Gallery, prepare and submit a schedule for preparation of an application for listing the property on the National Register of Historic Places. The schedule for obtaining necessary approvals shall be agreed upon between the owner and the Board of Supervisors.
11. In the event of flooding on the property, the Art Gallery shall be closed until such time as all flood waters have receded from the property.
12. All signs to be placed on the property, including building signs, shall be submitted to the Board of Supervisors for review and approval. The 2 building signs depicted on applicant's exhibit # 4 are approved for use as to their size. As to the location of these 2 building signs, the applicant will submit an application for permit and comply with all zoning ordinance requirements. No free standing signs will be permitted on this site.
13. The applicant shall identify all zoning requirements of the most restrictive zoning district where Retail uses are a permitted use and if the property does not conform to these requirements, as determined by the Township Zoning Officer, shall apply for necessary approvals from the Zoning Hearing Board.
14. No vehicles used for the delivery of goods to the Art Gallery or used for the shipping of products from the Art Gallery shall be parked on the property for extended periods of time.
15. The hours of operation of the retail art gallery shall be limited to between 10 am and 5 pm daily. Signs on the property will not be illuminated between 5 pm and 10 am daily.

Applicant shall abide by all testimony and exhibits provided during the Conditional Use hearing before the Board of Supervisors.

b. Request for Release of Financial Security re: SWM Plan – 133 Buckwalter Road

Chairman Buckwalter stated that the township engineer, David Miller Associates, discussed the findings of a recent site visit made by Lee Young, Zoning Officer, and is recommending a full release of financial security in the amount of \$16,000.00, which will leave a balance of \$0.00.

Mr. Eberly made a motion to release the full financial security for the Omar Fisher poultry barn at 133 Buckwalter Road in the amount of \$16,000.00, as recommended by David Miller Associates, leaving a balance of \$0.00. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Request for Reduction of Financial Security re: Bentley Ridge Land Development Plan

Chairman Buckwalter stated that this request for financial security reduction is for Bentley Ridge. He asked if anyone was present for this item. No one was present. Chairman Buckwalter explained that the township engineer, David Miller Associates, visited the site on October 12, 2012 and noted items of concern in a letter dated October 15, 2012. It is their recommendation to approve a financial security reduction in the amount of \$313,074.75, which will leave a new outstanding financial security balance of \$146,649.52.

Mr. Eberly made a motion to reduce the financial security for Bentley Ridge by \$313,074.75, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$146,649.52. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

New Business:

None

Other Business:

a. Appointment of Emergency Management Coordinator – Mr. Eric Beiler

Mr. Landis made a motion to appoint Mr. Eric Beiler as the East Lampeter Township Emergency Management Coordinator. The motion was seconded by Mr. Eberly and passed by unanimous voice vote

b. Reappointment to Zoning Hearing Board, Term Ending 11/12/15 (3 years) – Mr. James Glick

Mr. Eberly made a motion to reappoint Mr. James Glick to the Zoning Hearing Board with his term ending on November 12, 2015. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

c. Authorization for Solicitor's Entry of Appearance in Response to Civil Action by Brookfield Development Corporation

Mr. Hutchison explained that Brookfield Development Corporation is the corporation that is developing what was known at one time as the Warrington Development and is now called Devon's Creek. They had entered into an agreement with the East Lampeter Sewer Authority (ELSA) to build a new pumping station to serve the area that is currently served by the existing Delchester pumping station, as well as the new development. This agreement indicated that the new pumping station would be designed, permitted, constructed, and operational by October 9, 2012. At this point, the new pumping station does not exist. Brookfield Development Corporation has suggested that the new state law which extended the time for permits and approvals until July 1, 2016 apply to this agreement. The township solicitor, Stephen Kraybill, responded to this letter stating that he disagrees and that this is not what the new law says. Brookfield Development Corporation has now taken this to court and Stephen Kraybill is requesting that the Board authorize him to appear in court to represent the township in this matter.

Mr. Landis made a motion to approve the authorization for solicitor Stephen Kraybill to appear in response to the civil action by Brookfield Development Corporation. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

d. Resolution re: Project to Upgrade Norfolk Southern at Grade Crossing – Greenfield Road

Mr. Hutchison explained that he recently received a phone call from a gentleman at PennDOT who handles the railroad crossing program for PennDOT. He stated that this crossing has been identified by PennDOT to be one that needed attention and updated to include new signals with gates and improve the crossing itself. Their process requires that an application go into the Pennsylvania Public Utility Commission (PUC) and then Norfolk Southern would be responsible to do the design. The local municipality would be responsible for providing funds for half of the design costs of the warning devices up to \$6,500.00. This resolution authorizes PennDOT to issue Notice to Proceed letters to the railroad for the design.

Mr. Landis made a motion to approve the resolution for the project to upgrade the Norfolk Southern crossing at Greenfield Road. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Blowers to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, November 13, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager