

February 20, 2007

The East Lampeter Township Board of Supervisors met on Tuesday, February 20, 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, followed by the Pledge of Allegiance. Supervisors present were: Mr. Glenn Eberly, Mr. Michael Landis, Mr. Roger Rutt, Mr. Wilbur Sollenberger and Mr. David Buckwalter. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons signed in as present:

Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601  
Mr. Irl Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601  
Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601  
Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17602  
Mr. Amos Beiler, 2040 Pine Drive, Lancaster, PA 17601  
Mr. Joseph Esh, 2151 Forry Road, Lancaster, PA 17601  
Mr. Don Robinson, 2153 Colleens Way, Lancaster, PA 17601  
Ms. Christine Pinkerton, 2224 Harmony Hill Drive, Lancaster, PA 17601  
Mr. David Pinkerton, 2224 Harmony Hill Drive, Lancaster, PA 17601  
Ms. Katherine Rogers, 903 Hornig Road, Lancaster, PA 17601  
Ms. Kathleen Rogers, 903 Hornig Road, Lancaster, PA 17601  
Mr. Michael Yoder from Lititz  
Ms. Kathryn Lingle, 901 Hornig Road, Lancaster, PA 17601  
Mr. Keith Heigel from Silver Springs, PA  
Mr. Jim Tuptiza, 212 West Gay Street, West Chester, PA  
Mr. Jim Pratt, 2164 Colleens Way, Lancaster, PA 17601  
Mr. Corrie Hill, 2066 Pine Drive, Lancaster, PA 17601  
Mr. Danny Whittle, 50 North Duke Street, Lancaster, PA  
Mr. and Mrs. Steffy, 1731 Ligalaw Road, East Easrl, Pa 17519  
Mr. and Mrs. Hayward, 2083 Creek Hill Road, Lancaster, PA 17601  
Mr. and Mrs. Ahl, 651 Millcross Road, Lancaster, PA 17601  
Mr. Jamie Gartley, 804 Hornig Road, Lancaster, PA 17601  
Ms. Mary Ann Hershey, 879 Lamplight Circle, Lancaster, PA 17601  
Ms. Angela Richards, 730 Willow Road, Lancaster, PA 17601  
Mr. Nathan Kimmel, 2259 Creek Hill Road, Lancaster, PA 17601

There was an executive session held prior to the Board meeting to discuss personnel issues.

#### Minutes:

Chairman Eberly indicated that copies of the minutes of the February 5, 2007 regular meeting were available for review. A motion was by Mr. Sollenberger 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 to be paid by various funds in the amount of \$97,287.03 were presented for payment, copies of which were available for review. After review, a motion was made by Mr. Rutt, seconded by Mr. Buckwalter to approve payment of bills as listed in the amount of \$97,287.03. The motion was passed by unanimous voice vote.

2006 Officer of the Year Presentation: Officer Samuel Sanger:

Mr. John Witmer from the Sertoma Club presented Police Officer Samuel Sanger with the Officer of the Year Award for 2006. The officer of the year award is voted on by Officer Sanger peers.

2006 Police Department Statistical Report- Chief Bowman

Chief Bowman presented the 2006 Police Department statistical report to the Supervisors. He stated that the Police Department responded to a total of 13,551 calls in 2006. Of this total, 2457 calls were for Criminal Offenses. The Police Department made 815 arrests for Criminal Code Violations in 2006. There were 4095 motorists cited for vehicle code violations and 81 drivers arrested for driving under the influence of alcohol or controlled substance. There were 1106 vehicle accidents investigated during the year and of that total 174 involved injury to an occupant(s). There was one fatal accident. The total accidents were down from the 2005 total of 1202. The department responded to 1604 burglary, robbery and panic alarms during the year. That number is down by 110 alarms from 2005.

Old Business:

- a. Acceptance of Time extension re: Conditional Use Public Hearing- FDC Development, LLC

Chairman Eberly stated that the FDC- Development has granted the Township an extension of the date for commencing the hearings from March 15, 2007 to March 23, 2007. A motion was made by Mr. Landis, seconded by Mr. Sollenberger to approve the time extension for FDC-Development to March 23, 2007. The motion was passed by unanimous voice vote.

New Business:

- a. Time extension acceptance- plan review #06-30: Country Club Apts., Pitney Rd

Chairman Eberly stated that D. H. Funk Real Estate was requesting a 30 day time extension for the Country Club Apartments preliminary and final subdivision plan that would extend the review date through March 30, 2007. A motion was made by Mr.

Sollenberger, seconded by Mr. Buckwalter to grant the 30 day time extension for Country Club Apartments plan #06-30. The motion was passed by unanimous voice vote.

- b. Time extension acceptance-plan review #06-33: Mark Properties, 21 Pitney Rd

Chairman Eberly stated that Mark Properties was requesting a time extension that would give the plan a new expiration date of May 21, 2007. A motion was made by Mr. Landis, seconded by Mr. Rutt to grant the time extension date of May 21, 2007 for the Mark Properties plan #06-33. The motion was passed by unanimous voice vote.

- c. Classic Communities/GCW lot add-on plan #07-01: Lincoln Hwy East

Mr. Mark Johnson from RGS, Assoc. was present to discuss the plan #07-01 for Classic Communities. Mr. Johnson stated that Building setback lines must be added to the plan. (Z. Ord. Article XVIII, Section 1810.) A note must be placed on the plan indicating whether the existing tennis court on the Classic Communities Group lot is to be removed. All outdoor recreation and activity areas shall be setback a minimum of fifty (50) feet from any lot line. (Z. Ord. Article XIX, Section 1923.10) the ownership certificate must be signed and notarized. (Section 403.B.28,b) The plan and survey accuracy certificate must be signed and sealed. (Section 403.B.28.a.) The plan must be entitled as a Preliminary / Final Subdivision Plan. (Section 403.B.1) The applicant must provide building setback lines not less than the minimum as fixed by the Zoning Ordinance. (Section 403.B.20). The date on which action is taken on the modifications requested must be provided. Existing lots must be clearly labeled with a lot number, ownership information and existing lot area. (Section 403.B.4). The acreage of the three (3) individual tracts that make up the lot owned by the Classic Communities Group must be clearly labeled on the plan. (Section 402.B.4 & 8). A plan note must be added explaining the purpose of the plan. (Section 403.B.5). A note must be placed on the plan indicating the type of sewer and water facilities to be provided for the development. (Section 403.B.24). A note must be placed on the plan indicating any area that is not offered for dedication. (Section 403.B.25). A note must be placed on the plan indicating that the Township is not responsible for construction or maintenance of any area not dedicated for public use. (Section 403.B.26). The proposed land use must be clearly labeled on the plan. (Section 402.B.5). The seal of the engineer, surveyor or landscape architect who prepared the plan must be added to the plan. (Section 402.B.19).

#### Other Business:

- a. Public Hearing re: Proposed Zoning Ordinance Amendment- C-1 to R-2( New Holland Pike) and Optional density incentive provisions in r-2 district

Chairman Eberly opened the Public Hearing for the proposed zoning ordinance amendment.

Mr. Rob Lewis, Esq., representing the applicant Keystone Builders introduced the proposal by indicating that he did not wish to make a long presentation but would instead rely upon the information and presentation made to the Board in October of 2006.

Mr. Mark Johnson from RGS, Assoc. stated that numerous refinements had been made to the proposed ordinance amendment since October of 2006.

Mr. Dennis Gehringer the engineering consultant stated that all of the changes made to the proposal since October of 2006 have improved amendments' clarity and standards.

Mr. Rob Lewis spoke again concerning the changes to the mix and types of dwellings. He also stated that there would be a mix of commercial and residential. There are access issues for the development, lot coverage issues and changes and setback and perimeter buffer issues. Mr. Lewis indicated that he requested involvement from Mr. Tupitza on behalf of the residents and did not receive a response from Mr. Tupitza. Mr. Lewis said that he reached out a second time in December of 2006 with no response. Mr. Lewis also stated that he made another attempt a week ago around February 12<sup>th</sup> and has not received anything from Mr. Tupitza or their planner. He indicated that they have tried very hard to work with everyone without a constructive reply.

Mr. Landis asked if the number of units has changed. Mr. Lewis replied that the number has not changed.

Mr. James Tupitza, Esq. was present to represent the residents. He had the following questions for the applicant:

Is there a two step process for text and map changes instead of one?

Mr. Dennis Gehringer responded that the changes were proposed to be included in a single amendment.

Mr. Tupitza asked if a wetlands study was prepared.

Mr. Lewis replied that all of the required studies would be prepared at the time of application should the amendment be adopted by the Township.

Mr. Lewis spoke further concerning the conditional use requirements.

Mr. Tupitza asked about input from a 500 foot corridor around the development, constrained areas and the arrangement of constrained areas. He also asked about the gross density verses the net density and how accessory uses are considered. He also asked about the proposed street designs and ownership arrangement. Mr. Tupitza also indicated that a consultant hired by the residents, Mr. Grafton, has summarized his concerns about the proposal but is unavailable to present the information. Mr. Tupitza stated that Mr. Grafton would be available at the Board's March 5, 2007 meeting.

Mr. Tupitza then presented a power point summary of his concerns regarding the proposed amendment.

Mr. Duling stated that he believes there are inconsistencies in the proposal.

Mr. Lewis spoke about the provisions and that the amendment assists the Township in implementing the comprehensive plan.

Mr. Jim Platt from 2164 Colleens Way, Lancaster, PA 17601 stated that he does not like what he sees. He would like a plan submitted with the proposal. He feels that high density is fine, but not for this site. He feels that Millcreek development in West Lampeter does look good. He has the following concerns for the schools, taxes, safety concerns and affordable housing. He does propose a new law to forest the land before it is developed in order to discourage developers.

Mrs. Lois Duling spoke about the involvement and organization of the CV Coalition. She stated that there were delays due to illness. She suggested working together to prepare a better way, and she requested a time extension for a meeting to be held on February 28, 2007 to invite all interested people and to make a presentation at the March 5, 2007 meeting of Supervisors.

Mr. Dave Pinkerton from Harmony Hill stated that the proposal is full of loop holes and high density is alright in the right place.

Mr. Tupitza asked that the hearing not be closed at this meeting.

Mr. Rob Lewis stated that more time is not available and feels that it is stall tactic and he requested closure of hearing and action on the application.

Mr. Duling replied that it is not a delay tactic and that she wishes to do it the correct way.

Mr. Tupitza, Esq. stated that there should be TDR's for high density.

Mr. Robert Hayward from Creek Hill Road also requested time to do it "right".

Mr. Fred Daum, 2142 New Holland Pike, Lancaster, PA 17601 asked if the proposed amendment was an overlay or a text change? Mr. Hutchison indicated that the proposed amendment was both a map change and a text change.

Mr. Landis stated that he is frustrated with the lawyer accusations. He encourages a meeting with both parties.

Mr. Buckwalter stated that there is no benefit to keeping the hearing open.

Mr. Rutt indicated that he believes that there are adequate layers of protection in place within the Township's current ordinances and the proposed amendment.

Mr. Sollenberger asked Mr. Whittle from the Lancaster County Planning Commission to speak.

Mr. Whittle spoke to the history of this proposal. He indicated that the proposal has gone through many changes since it was originally submitted over a year ago. He further indicated that the proposal will assist the Township in the implementation of the adopted Comprehensive Plan.

Mr. Sollenberger asked what the R-2 zone currently permits. Mr. Hutchison indicated that it is a residential zone which permits single family detached dwellings, single family attached dwellings and apartments.

Chairman Eberly reviewed the options for the Board regarding action on the proposal.

Mr. Landis asked if there can be conditions set on architecture if a project is submitted under the proposed amendment. Mr. Hutchison said that there could be.

Mr. Sollenberger stated that he feels a decision should be made now.

Mr. Hayward stated that the proposal has gotten better each time and one more time should benefit everyone.

Mr. Daum commented on the amount of housing that is already on the market in Lancaster County and that he felt that the kind of development proposed by the amendment will change the character of the county.

Ms. Nellie Ahl asked what the rush to make a decision is?

Mr. Tupitza stated that there is no clock running for approval.

Ms. Susan Synder stated that this proposal should be driven by the Township not the developer and the time should be taken to look at the concerns.

Chairman Eberly asked how much time?

Ms. Synder also commented that there was no sign on the directory tonight that advertised the Supervisors meeting.

Mr. Jim Pratt asked about other R-2 owners.

Mrs. Hayward stated that there should be additional time to review the proposal because it is not good enough as is.

Mr. Lewis stated that he has never said no to a meeting with the CV Coalition.

The Board members all agreed that they would support and like a meeting to be held, but that more time will not change things.

Ms. Caroline Hill from Pine Drive stated that the proposal should not be for one specific property.

Mr. Buckwalter questioned the motive and would like the hearing closed and a vote on the amendment.

A motion was made by Mr. Buckwalter, seconded by Mr. Rutt to close the public hearing. The motion passed by a vote of three in favor and two opposed. Therefore the Public Hearing was closed.

(please note that Mr. Lewis had a stenographer present for the hearing who recorded the proceedings)

Public Comment:

None

Adjournment:

A motion was made by Mr. Landis, seconded by Mr. Sollenberger to adjourn. The motion was passed by unanimous voice vote. The next scheduled meeting is Monday, March 05, 2007, at 7:30pm.

Respect fully,

Ralph Hutchison  
Secretary