

April 2, 2007

The East Lampeter Township Board of Supervisors met on April 2, 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. Dennis Gehringer, 841 Flory Mill Road, Lancaster, PA 17601
Ms. Carolyn Eachus, 351 Morgan Drive, Lancaster, PA 17601
Mr. Matt Rutt, 14 North Queen Street, Lancaster, PA 17602
Mr. Robert Hayward, 2083 Creek Hill Drive, Lancaster, PA 17601
Mr. Ken Stoudt, 756 Willow Road, Lancaster, PA 17601

Chairman Eberly announced that there was an executive session held prior to the Board meeting to discuss personal issues.

Minutes:

Chairman Eberly indicated that copies of the minutes of the March 20, 2007 regular meeting were available for review. Mr. Buckwalter asked that a sentence be changed from after to before and that "and decided to speak at this meeting" should be added after his comment. Mr. Buckwalter clarified to Mrs. Duling exactly what was being changed on the minutes. Also, Mrs. Duling asked that Chairman Eberly be quoted as saying "I personally like our zoning because fifty years from now all our grandchildren in this room they all might have different ideas how that land should be used." Mr. Buckwalter stated that the minutes are not intended to catch every phrase. Mrs. Duling stated that Chairman Eberly stated that the individual land owner does have the final say on how their farm is preserved and she was puzzled by this comment. She stated that maybe it was alright to leave that comment that way, and down further in the minutes it was stated by Mr. Tupitza that there are significant number of farmers that have an interest in this program. She stated that she was ok with this comment and it could be left as is. A motion was by Mr. Landis seconded by Mr. Buckwalter approve the minutes with the revisions suggested by Mr. Buckwalter and Mrs. Duling. The motion was passed by unanimous voice vote.

Bills:

Chairman Eberly also indicated that bills represented by various funds in the amount of \$91,663.20 were presented for payment, copies of which were available for review. After

review, a motion was made by Mr. Sollenberger, seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$91,663.20. The motion was passed by unanimous voice vote.

Old Business:

a. Proposed Park Fee in Lieu of Land Bridington Subdivision

Mr. Matt Rutt from Landcore presented the proposal. Chairman Eberly stated that the proposal was for a park fee in the amount of \$47,544.43 based on the calculation. Chairman Eberly asked if the Township staff had reviewed the proposed fee and if they were comfortable with the proposal. Mr. Hutchison replied that the staff was comfortable with the amount. A motion was made by Mr. Sollenberger, seconded by Mr. Landis to approve the proposed park fee in lieu of land offer at Bridington Subdivision per the letter dated March 27, 2007. The motion was passed by unanimous voice vote.

New Business:

a. Public Hearing on Zoning Amendment Proposal re: Historic Overlay District

Chairman Eberly officially opened the public hearing. Mr. Dennis Gehringer was present to represent the Historic Overlay District proposal. Mr. Gehringer stated that the petition in front of the Board is an amendment to the text. He stated that the reason for the amendment is due to the fact that the Amish Farm and House property has recently been built up with a shopping center. He stated that the conditional use required that the property would continue to operate as a museum about local heritage. He stated that the applicant would like to create a museum building on the property by the Amish school house that is now zoned rural. He stated that there is an historic overlay district in the zoning ordinance and its purpose was to help maintain unprotected historic properties. He stated that this option does include many of the properties uses, but it does not include museum as a use. Currently, this could be used for bed and breakfasts, antique shops, retail shops, churches, restaurants, apartments, town homes, condos, businesses and professional offices. He stated that the proposal will add a conditional use as a museum. He stated that a museum is allowed by zoning in commercial districts. The zoning ordinance does not describe a museum. He added museum to the list of uses, but it was added in a way that would tie it back to the community. He also stated that there would be a section on having a demonstration of local craft making and selling the craft that would have a limited use. Also there is a section allowing for the selling of goods and a section for food service. The area would be limited to 10,000 square feet. Chairman Eberly asked that the land area is based on the amount of the land that is designated historical. Mr. Gehringer replied that was correct. Mr. Landis asked if 10,000 square feet would work for the Amish Farm and House site. Mr. Gehringer replied that the property has more than 4 acres, and 10,000 square feet would be a reasonable area in which to have exhibits that would deal with the

manufacturing heritage and a sales area. Chairman Eberly asked if the sales of retail goods could be described as local manufactured goods or crafts. Mr. Gehringer replied that the existing retail store located in the house sells a variety of items that are not made in Lancaster County. Mr. Mark Andrews the manager from the Amish Farm and House was present to discuss the proposal for the property. Mr. Sollenberger asked for the types of products that would be hand made in the museum. Mr. Gehringer replied that there would be a blacksmith area, which already does exist. There would be a quilting area and there would be other items that would be related to the Amish. Mr. Gehringer stated that there is a collection of Indian relics from the Lancaster County area. Chairman Eberly stated that the applicant would like the Board to make recommendations and changes to the proposal. Mr. Gehringer stated that the applicant would like to add a new entrance area to the property for people to purchase tickets there instead of in the house. Mr. Andrews stated that before the Covered Bridge Market Place Shopping Center was built the Amish Farm and House had a building that was 95 feet long and 33 feet wide, which was a museum that housed the Indian Artifacts and farm tools. Since they have lost the building many of these items have been placed in storage. The purpose of this proposal is to be able to display these items again for the public to see. There are demonstrations done on the property such as: a wood craver, a quilter, and a blacksmith. Mrs. Duling stated that the Planning Commission was concerned with this proposal being site specific, and she also thought that 10,000 feet seemed to be quite big to her. Mr. Andrews replied that is an example of what we would like to do on the property. Mrs. Duling asked where the 10,000 feet would come from. Mr. Rutt replied that it is a sizable area of 4.5 acres of land and there is the potential to and room to have this area. Chairman Eberly asked if her concern was the size was too big. Mrs. Duling replied that her concern was that the structure seems to be to an excessive size for the idea. Mr. Buckwalter asked how much is retail verses how much is local. Mr. Landis asked if there would be three areas, one for demonstrators, one for food and one for retail. Mr. Gehringer replied that these areas are on site now, and it is possible that they could be moved or they would stay where they are. Mr. Sollenberger stated that during the hearings that were held prior to the Covered Market Place Shopping Center that this was discussed at the meetings as an option for the applicant in the future. Mr. Gehringer replied that was correct. Mr. Landis asked if there was enough parking available on the property. Mr. Gehringer replied that the corner parking lot would need to be identified with a useable entrance onto the property, but there have not been any parking issues on the property. Chairman Eberly closed the Public Hearing on the Zoning Amendment Proposal for the Historic Overlay District.

Other Business:

- a. Public Hearing on Growing Together: A Comprehensive Plan for Central Lancaster County, Pennsylvania

Chairman Eberly opened the Public Hearing for the Growing Together a comprehensive plan fro central Lancaster County.

Mr. Buckwalter made the presentation for the public hearing. He stated that the plan is one that follows the requirements of the municipal planning code, which allows for multi municipal plans. This plan involves eleven municipalities, and the discussions began in 2000. The Department of Community and Economic development provided a \$300,000 grant for this plan. The eleven municipalities involved are City of Lancaster, East Petersburg Borough, Millersville Borough, Mountville Borough, East Hempfield, East Lampeter, Lancaster Township, Manheim Township, Manor Township, West Hempfield and West Lampeter Township. There were over 40 meetings held and 10 Public Hearings. The consulting team for the project was ACP Visioning and Planning of New York City and Thomas Comitta Associates of West Chester. There are eighteen goals, 115 objectives and to further clarify those objectives there are over 300 strategies. He stated that the plan is available to download on the Lancaster County Website. One goal is to have growth management tools that would be used to preserve agricultural land for farming and designating growth areas. The growth management would deal with planning and growth management within the designated growth areas while preserving and maintaining valuable open space. Also vacant and under used land will be developed and reused to attract residents, encourage commerce and reduce development pressure on farmland. There will be livable diverse neighborhoods developed for mixed housing and alternative transportation.

Mrs. Duling asked if the diverse neighborhoods would be on specific sites. Mr. Buckwalter replied that it would depend on the zoning in a certain area, and this is a plan not a law. The way to implement a plan is to adopt zoning ordinances to make it work. The urban core would be revitalized and promoted with the support of the whole region and would offer clean and safe opportunities for business and culture and maintain the areas historic character. Community character, which is clean, safe and attractive communities, would be developed.

The following goals deal with housing. All income ranges for housing will be made available to encourage homeownership and rental properties. Mr. Buckwalter stated that the Board has had a copy of this plan, and has been involved in the process of development. The vehicle transportation goal is to maintain an efficient traffic flow and reduced congestion with a focus on truck control. Also, easy and affordable public transportation would be available to provide easy access from home, work, shopping, attractions and recreations. A plan of alternate transportation would be developed to move people and goods. Community facilities and a full range of services would be provided to serve educational, recreational, safety and health needs of all residents. Parks and open spaces would be well maintained, and inter-municipal park systems would be developed with regard to private property rights. The natural resource protection such as air, water and soil would be protected and preserved to provide a healthy living environment. Historic resource protection will be reserved and maintained. The utilities will be cost effective and well maintained and environmentally sound. There would be effective sewer, water and storm management provided to protect public health and safety. He stated that it is not important for every official or citizen to agree on every detail. This is a plan and our laws will not change by adopting this plan. This plan will help these eleven municipalities in developing cooperation in developing their plans. He stated that this is the most number of municipalities that have ever participated in an inter-municipal plan in the state of Pennsylvania. Mrs. Duling asked when the public

could provide their thoughts and ideas about the plan. She had not realized when the dates for public comment were, and she feels that it is difficult to communicate that information, and is it too late to share her thoughts and ideas. Mr. Buckwalter replied that the Board can not change the plan tonight; they can only adopt it or not adopt the plan. Mr. Buckwalter again stated that not everyone will agree with each detail in the plan, but there were ten meetings for public comment. She stated that as she reviewed the plan she had some ideas to add to the plan. Mr. Buckwalter stated that there will be an issue when the Board adopts laws to place this plan into effect. Mr. Buckwalter stated that the resolution up for adoption basically states that this an amendment to the current Conestoga Valley plan that has been adopted, however if there are points of conflict the Conestoga Valley Plan will govern. Mr. Hutchison stated that the Township has been clear with the group from the beginning that there is a regional comprehensive plan, but this is a unique situation being involved in two regional comprehensive plans. The Board's clear direction is that the Conestoga Valley Comprehensive plan will govern, and it is clear in the resolution that if there is conflict that the Conestoga Valley Comprehensive plan will govern.

Mr. Fred Daum asked what was Pequea Township's reason for dropping out. Mr. Buckwalter replied that he could not honestly answer that question. He also stated that this does not give up any control over our own municipality it is only a vehicle in which we can cooperate with other municipalities. He also stated that when the Township does go to the State for funding they will look at us more favorability since it will be a joint effort.

Mrs. Duling stated that the word resolution makes her hair stand on edge considering that changes can not be made to the plan once it is adopted. Mr. Buckwalter stated that the plan will be reviewed every ten years.

A resident asked what was done to make the residents participate with comment on this plan. Mr. Hutchison replied that this was published in the newsletter. Mr. Buckwalter stated that the committee was frustrated, because they were hoping to have crowded public hearings.

A resident asked if this process was still opened or was it closed. Mr. Buckwalter replied that the plan before the Board is the final draft.

A resident stated that he understood what was explained on this plan, but if there is a conflict the Conestoga Valley Comprehensive plan will govern. He asked what if there is an item not addressed in the Conestoga Plan, but it is addressed in this plan. Mr. Buckwalter replied that would be correct, but all eleven municipalities would have a say in the changes. Mrs. Duling stated that for example in a week after this resolution has been adopted and we get the comprehensive plan back and we want to amend it. Mr. Buckwalter replied that if the Board does adopt the resolution we are adopting the plan.

Mrs. Duling asked that if we chose to change something in the comprehensive plan will we be able to do that. Mr. Buckwalter replied that we would be able to do that. Mr. Buckwalter then clarified that she was discussing the zoning ordinance that was being worked on. She stated that she has become so overwhelmed by the huge government in Lancaster County. She stated that these plans are complicated and long. Mr. Buckwalter stated that these items are available for reading and studying. She replied that they only had two weeks to study this plan. Chairman Eberly replied that this has been in the headlines for two years. Mr. Hutchison stated to Mrs. Duling that the zoning ordinance is

not part of any comprehensive plan and it is a totally different document. She asked where the Conestoga Valley Comprehensive plan was that would overrule this plan. Mr. Buckwalter replied that it is available for review and it is available on the website. Mr. Sollenberger stated that there were around 1,000 hours of public comment on this plan and in these public meetings you would be broken up in small groups to work on certain areas of the plan. He also stated that people were invited through newspapers, television and radio ads. Mr. Hutchison stated that the Lancaster County Planning Commission and Township Planning Commission have recommended this plan for adoption. Chairman Eberly closed the Public Hearing for the Growing Together a comprehensive plan for Central Lancaster County.

b. Consideration of Resolution Adopting Growing Together: A Comprehensive Plan for Central Lancaster County, Pennsylvania

Chairman Eberly stated that the Board would need to make a motion approving or denying the resolution for growing together. A motion was made by Mr. Landis, seconded by Mr. Rutt to adopt the resolution for Growing Together a Comprehensive plan for Central Lancaster County, Pennsylvania. The motion was passed by unanimous voice vote.

c. Approval of PADOT Reimbursement Agreement for Strasburg Pike and Millport Road

Mr. Hutchison stated that when the Township entered into the design and improvement of Strasburg Pike and Millport Road, PADOT agreed to assist the Township in the project by giving us \$25,000.00 for the project and waiving the normal inspection fees. The project has been completed and we have requested that PADOT honor their commitment. He stated that PADOT could not honor their agreement until there was an agreement in place. He stated that the Board would need to make a motion on the agreement. A motion was made by Mr. Sollenberger, seconded by Mr. Buckwalter to approve the PADOT reimbursement agreement for Strasburg Pike and Millport Road. The motion was passed by unanimous voice vote.

d. Approval of Notice of Intent to Apply for 2007 Lancaster County Urban Enhancement Grant re: Flory Park Development Improvements

Mr. Hutchison stated that the Community Meeting that was required for the grant was held at the last Board meeting on March 20, 2007, and at that time we indicated that the Township would like to proceed with the applying for a grant for Flory Park. A motion was made by Mr. Buckwalter, seconded by Mr. Landis to approve the notice of intent to apply for 2007 Lancaster County Urban Enhancement Grant re: Flory Park Development improvements. The motion was passed by unanimous voice vote.

Public Comment:

Mrs. Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601 stated that she has a copy of the greenways map that shows East Lampeter Township walking paths and the CVC is proposing that we make an Amish homeland area so that we do not lose that treasure. She stated that the Green Points and Growing Together is completed and this is useless. She stated that she thought this was all current and did not know that this would die tonight. Chairman Eberly asked her to clarify what she meant by die tonight. Mrs. Duling replied that she thought there would be input from the residents on how they felt or their ideas. Chairman Eberly stated that all these things are part of the process and nothing has died. Mr. Rutt stated that what the Board has approved tonight strengthens efforts such as her groups. Mrs. Duling stated that what she would like to do is expand the area in East Lampeter Township and have it make a T shape. She stated that the goat path is still on the edge and is nearly dead, so she was thinking that if we made a growth area because of the uniqueness in East Lampeter Township. She stated that we should give the Amish community every benefit to keep them. She stated that it goes all along the Conestoga River from Horseshoe Road to the Hunsicker Road Bridge, which would be the top of the T. Then along the goat path all the way to Morgantown. She stated that one of the Commissioners has flown that in a helicopter and stated that it is the most beautiful thing they ever saw and anyone that developed it would be crazy. She thought that in order to be fair to all of our residents, especially to our Amish that we would take care of them by having an Amish Homeland Area, just like there is a growth area. She stated that they would be protected and then we could have carriage roads between their farms and their churches, which would help preserve their health, welfare and safety. She stated that this is just a concept that she wanted to share this evening. She stated that she was so ignorant that she did not know that it was nearly finished. She stated that just to show that East Lampeter Township would be the cap of the T. She stated that we would expand the area where the walking paths are. She said that she spoke with John Alfield and County Commissioner Molly Henderson. Chairman Eberly stated that is the kind of person she should be talking with about this proposal. Chairman Eberly stated that there is really nothing that the Board can do to enact this. She stated that she was just presenting this concept to the Board. She stated that she wanted to ask what the process was for getting the documents to apply for ag security. She stated that their counsel sent a letter to Mr. Hutchison a week ago Friday and we have not received anything. Mr. Hutchison stated that he has not received a letter. She handed Mr. Hutchison and the Board a letter. She also brought pictures for the Board to look at. She stated that you talked about housing and this is actually pictures taken from what she calls a neighborhood farm. Mr. Buckwalter asked if she was presenting this as a workable farm. She replied that it is a working farm. Mr. Buckwalter asked in what sense, what do they produce, or what is their cash crop? She replied that they have heifers. Mr. Buckwalter stated that he has been by that farm many times and they have two or three heifers. She stated that they have fifty heifers and they have a barn that is 50 by 90. Mr. Landis stated that the owner of the property kept the house and the barn and sells his heifers at the New Holland auction and this is not an operating farm. He stated that it is storage for a few heifers and there is no ground left. Mrs. Duling suggested that he "be careful". Mr. Buckwalter stated that the farm could never sustain its self on an agricultural basis. Mrs. Duling stated that "you gentlemen are walking on dangerous ground". She stated that she just wanted to warn them. She knows that farm every," spec of it". She stated that her quail

were on the third floor and her peacocks are on the third floor. Mrs. Duling stated that it was if you were talking about her own family. Mr. Buckwalter stated that it was ten acres of land. She replied that it is ten acres and she has spoken to the Amish community and they tell her that twenty acres is a neighborhood farm and that they could use it as a produce farm. She stated that this farmer is surviving by changing his lively hood. He was a tobacco farmer and this farm is deed restricted and can only be sold to an Amish man. Mrs. Duling stated that you guys are really ok this is not that farm. She stated that this is a hundred acre farm. She stated that she wanted to say this to you men "this is the anniversary six months ago of what an Englishman did to the Amish and I do not want to be accused again of taking the Amish farmland away from them by not providing them with the option for ag security". Mr. Buckwalter asked what happened six months ago. Mr. Hutchison replied that was the Nickel Mines School shooting. Mrs. Duling stated that she was shocked that you men did not cancel that meeting, because every meeting in the whole area was canceled including schools were canceled. She stated that the new school started today. She stated that every meeting in the whole area was canceled except for this Supervisors meeting. She stated that she was in shock from the whole thing. She stated that she just wanted to ask another question. She stated that sometimes she gives you men letters. She stated that she gave you this letter on March 5, 2007 and she does not get any answers. She wants to know how she gets an answer from the things that she gives or sends you. Chairman Eberly asked what letter it was. She stated that this letter dated March 5, was given to them because she did not think she would be allowed to speak and so she handed it in. She stated that she wants them to skip the first part, but the bottom part discusses hiring a professional planner, a registered planner to help us with some of the zoning issues that we have here and some of the planning. Mr. Buckwalter replied that we take public comment at the Board meetings and we are interested in what our residents say to us, but to have residents expect a response to every comment that comes our way is unrealistic and he is not sure that it is something we can do or should do. Mrs. Duling stated that in this particular letter she asked something in the beginning that she finally called Chairman Eberly about. Chairman Eberly stated that you are making a recommendation to hire a planner. Mrs. Duling stated that she just wanted a response on what you thought about that. She stated that she is also asking for process and she assumes that Mr. Hutchison does not know where the letter was. Chairman Eberly stated that maybe it has not arrived yet, but as far as getting the application you can probably get that from the ag preserve board. Mr. Hutchison stated that we have usually had cooperation from the ag preserve board and the farmland trust. Mr. Hutchison stated that we do not have that application.

Mr. Ken Stoudt from 754 Willow Road, Lancaster, Pa 17601 made a statement about the newspaper article about East Lampeter Township residents fight higher density. He stated that he would like to clarify that is a misrepresentation of who we are and what we would like to accomplish. He stated that they are not against high density and we do want some connection to save farmland. He stated that he truly cares about farmland and the Township. He stated that they feel strongly that there are flaws in the ordinance and it is not balanced. He stated that the Board should take the high road and work with the citizens on the amendment. He stated that the most important thing was to save the farm land. Also there was an article that dealt with storm water runoff in another Township

that was from a high density development, and no one believed the residents. He stated that there was an article dealing with an ordinance that became effective on September 1st from a Supreme Court decision that deals with a Township that is spending \$40,000 to republish all of their ordinances. He stated that they fear the developers coming back on the Supervisors. Mr. Buckwalter asked that when Mr. Tupitza is quoted in the newspaper he assumes that he is speaking on behalf of your group. Mr. Stoudt replied that was correct, and they would also like to have their own land planner make a presentation.

Mrs. Duling delivered letters from her neighbors on Hornig Road about a water run off problem and another letter from Signe McCullough.

Mr. Leaman thanked the Board for everything that they do. He also thanked Mr. Hutchison and his staff for having items on the website to be viewed. He also appreciates the communication level from the Township.

Adjournment:

A motion was made by Mr. Buckwalter, seconded by Mr. Rutt to adjourn. The motion was passed by unanimous voice vote. The next scheduled meeting is Tuesday, April 17, 2007 at 7:30pm.

Respectfully submitted,

Ralph Hutchison