

April 17, 2007

The East Lampeter Township Board of Supervisors met on April 17, 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 a moment of silence for Virginia Tech tragedy and then 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  
Mr. Jonathan Andrews, 100 Pine Street, Harrisburg, PA  
Mr. Abner Beiler, 2040 Pine Drive, Lancaster, PA 17602  
Mr. Tony Bazia, 7 North Duke Street, Lancaster, PA 17602  
Mr. Samuel Beiler, 2040 Pine Drive, Lancaster, PA 17601  
Mr. John Kreider, Jr., 523 Willow Road, Lancaster, PA 17601  
Ms. Susan Synder, 435 Mt. Sidney Road, Lancaster, PA 17602  
Mr. Jim Tupitza, 212 West Gay Street, West Chester, PA  
Mr. Joseph Esh, 2151 Forry Road, Lancaster, PA 17601  
Mr. John Beiler, 2040 Pine Drive, Lancaster, PA 17601  
Mr. Daniel Beiler, 2040 Pine Drive, Lancaster, PA 17601  
Mr. Amos Beiler, 2040 Pine Drive, Lancaster, PA 17601  
Mr. John Keylor, 485 Mt. Sidney Road, Lancaster, PA 17602  
Mr. Elvin Engel, 1854 Lincoln Highway East, Lancaster, PA 17602  
Mr. Glen Miller, 2255 Coachlight Lane, Lancaster, PA 17601  
Ms. Angela Richards, 730 Willow Road, Lancaster, PA 17601  
Mr. Charles Smith, 44 Highland Drive, Lancaster, PA 17601  
Ms. Kelly Bidlespacher, 1917 Creek Hill Road, Lancaster, PA 17601  
Ms. Nellie Ahl, 651 Millcross Road, Lancaster, PA 17602  
Ms. Victoria Nein, 1916 Creek Hill road, Lancaster, PA 17601

Chairman Eberly announced that there was an executive session held prior to the Board meeting to discuss personal issues. Also, announced was that Dee Durham will be speaking at the next Supervisors Meeting on May 7, 2007.

### **Minutes:**

Chairman Eberly indicated that the copies of the minutes of the April 2, 2007 regular meeting were available for review. A motion was made by Mr. Landis, seconded by Mr. Buckwalter to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

### **Bills:**

Chairman Eberly also indicated that bills represented by various funds in the amount of \$236,549.85 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 \$236,549.85. The motion was passed by unanimous voice vote.

### **Old Business:**

- a. Resolution re: Kreider Amended Sewer Planning Module for Plan #06-10  
523 Willow Road

Mr. Ted Cromleigh was present to discuss the Resolution for the Kreider Sewer planning module #06-10 for 523 Willow Road. Mr. Cromleigh stated that the Kreiders own a 3.4 acre lot that is part of a larger subdivision. He stated that the nitrate trade off with DEP is a pilot program. He stated that because of the high nitrate reading they were approved for a composting toilet. He stated that there are three units that will be or have been removed from property acquired by High Associates along Willow Road and that one of the units will be transferred to the Kreiders. The two remaining units can not be reused or traded. A motion was made by Mr. Landis, seconded by Mr. Sollenberger to the Resolution to approve the Kreider Amended Sewer Planning Module by trading three systems for one new system. The motion was passed by unanimous voice vote.

- b. Resolution re: Country Club Apartments Sewer Planning Module for Plan #06-30: Pitney Road

Mr. Hutchison stated that this resolution for sewer planning is to satisfy one of the requirements for the land development plan. A motion was made by Mr. Buckwalter, seconded by Mr. Landis to approve the Country Club Apartments Sewer Planning Module for plan #06- 30 on Pitney Road. The motion was passed by unanimous voice vote.

### **New Business:**

- a. Lountzis Request for Waiver of Land Development Planning- 1819 Lincoln Highway East

Mr. Jonathan Andrews, Esq. and Mr. Elvin Engle, architect was present to represent the applicant and plan. Mr. Andrews stated that the applicant at the end of 2006 constructed a two car garage behind his property and the garage was intended to be used as storage, but he was approached by someone who wanted to operate a car detailing shop out of the garages. He stated that the applicant agreed not knowing that the conversion of a residential use to a commercial use would trigger several approval issues such as: zoning,

land development use and uniform codes of construction. He stated that in January, 2007 Mr. Lee Young, Township Zoning Officer spoke to them concerning compliance issues. The applicant did file with the Zoning Hearing Board in February, 2007 for variances of required lot size and rear yard setbacks for proposed commercial uses, and they were granted. He stated that the applicant is requesting a waiver of land development process due to the fact that the buildings have already been constructed and it is an extremely low commercial intensity use. The garage is 900 square feet. He stated that Mr. Bazia's is the owner and the only employee of the business. The business is run by appointment only and he works with dealers only. There are no retail customers. He changes oil and rotates tires in addition to detailing cars. He stated that the on Mr. Young's comment letter it addresses a storm water management plan must be provided due to the additional impervious area that was added to the property. He stated that the applicant is requesting a waiver of the storm water management plan. He stated that the third comment was that the driveway must be widened at the intersection of Lincoln Highway East to allow two cars to pass each other in the driveway to prevent stacking of eastbound vehicles waiting to turn left into the site, but the Township Planning Commission was willing to accept the driveway as is. He stated that the Township would determine if curbs and sidewalks should be added, there are no properties within a half mile that have curbs and sidewalks with the possible exception of Rosewood apartments. He stated that if the Township does require curbs and sidewalks he requests that the Township defers them until it becomes more of a regional project. He also stated that the comment letter stated that a DEP approval of a sewer module or a request for an exemption would need to be obtained. He stated that they would be requesting an exemption from DEP. He stated that the final comment was that they would need to provide information to determine that the available parking on the property is in conformance with the Zoning ordinance. He stated that a letter was provided to Mr. Young that he considered satisfactory for the parking. He stated that the Township Planning Commission did vote unanimously for the approval of the waiver for land development planning under the condition that a storm water management plan be submitted. Chairman Eberly asked how many parking spaces there were on the property. Mr. Andrews replied that there are 10 total spaces available, but it will be decreased to nine when it is restriped for the handicapped space. Chairman Eberly asked how many apartments are in the building. Mr. Andrews replied that there are two apartments in the building. Mr. Hutchison stated that the parking spaces are not in compliance with the Township Zoning Ordinance. Chairman Eberly asked when the bathroom was installed. Mr. Andrews replied that it was added for personal use, and he was not aware of the change of use from residential to commercial. Mr. Hutchison asked if there was more work done without a permit. Mr. Engle replied that there was more work done to make it handicap accessible. He stated that there were drawings submitted to Mr. Young, but there were some items done ahead of time. Mr. Hutchison stated that the applicant was in front of the Board on a separate occasion when he wanted to convert the dwelling into additional residential units requesting a land development plan waiver. Mr. Lountzis replied that he was not. Mr. Hutchison replied that he was in front of the Board and is aware of the fact that a land development plan is required. Mr. Andrews stated that there were things that were not followed and these were honest mistakes that we are trying to fix. Mr. Rutt asked that when it was described that there is no body work or engine work done on the property does that include oil changes. Mr. Andrews replied

that he does do oil changes. Mr. Rutt stated that you are not limited to detailing cars, and are these cars driven on to the property. Mr. Andrews replied that Mr. Bazia picks up the cars and brings them to the garage. Mr. Rutt asked what else he does besides changing oil. Mr. Bazia replied that he details cars and there are not that many oil changes. Mr. Sollenberger asked if there is only one employee and there is no body or motor work done on the property. Mr. Bazia replied that he is the only employee and there is no body or motor work done on the site. Mr. Buckwalter asked what is done with the oil when it is changed. Mr. Hutchison replied that auto sales and service is a permitted use on this property, but the issue here is that when the applicant was before the Zoning Hearing Board he stated that this was a car detailing business and that he was the owner not someone else. Mr. Andrews stated that Mr. Bazia testified that he owned the business. Chairman Eberly asked that if the owner is not there who is controlling the business. Mr. Andrew stated that Mr. Lountzis can enforce the lease on Mr. Bazia. Mr. Hutchison asked what the name of the business is. Mr. Bazia replied that it is Auto Mechanic and detailer. Mr. Hutchison asked if the name of the business reflects what he does. Mr. Bazia replied that it does. Mr. Hutchison replied that then he does do mechanical work. Mr. Bazia replied that he does not do mechanical work. Mr. Hutchison stated that landscaping is also an issue. Mr. Andrew stated again that the Planning Commission did vote unanimously to grant the waiver for the land development planning. Mr. Landis asked if any of these activities are conducted after dark with outside lights. Mr. Andrew replied that everything is done inside the garage. Chairman Eberly asked if the applicant considered adding screening to the property. Mr. Andrews replied that there is a fence on the one side of the property and screening could be added. Mr. Hutchison asked if the business was still running on this property. Mr. Andrews replied that the owner of the business has been instructed not to operate the business at this time, but we are not certain if he has been working. Chairman Eberly asked what solutions they had worked out for storm water management. Mr. Andrews replied that is 25 feet of grass at the end of the pavement and on this property all of the water slops into that area. Their idea was to use this area for storm water management, but they would also check with David Miller Associates for ideas and suggestions. Chairman Eberly asked if there were drains in the garages for the car detailing. Mr. Andrews replied that there are two drains in the garages for the water, but there could be one that will be closed, and the drains are connected to the sewer. Chairman Eberly asked that when this was presented in front of the Zoning Hearing Board was it presented as a car detailing or was the extra things such as oil changing also included. Mr. Andrews replied that the oil change could have been forgotten. Chairman Eberly replied that he is having difficulty seeing this business run out of two resident garages. Mr. Andrews replied that changing tires is only to clean them and rotate them and there are no tires stored on the property. Mr. Sollenberger stated that there are five electric meters located on the property and why are there these many meters for two apartments. Mr. Lountzis replied that 1 meter is dead, 2 are for the apartments, 1 is for the garage, and one is for the common areas. A motion was made by Mr. Sollenberger, seconded by Mr. Buckwalter to deny the Lountzis request for waiver of land development planning and storm water planning at 1819 Lincoln Highway East. The motion was passed by unanimous voice vote.

**Other Business:**

- a. Request to authorize Lafayette Fire Company to assist with traffic control-Hospice event (Lancaster Host)

Chairman Eberly stated that there was a request from the Hospice of Lancaster County for the Lafayette Fire Police to assist with traffic control for their annual Volunteer Recognition Dinner. A motion was made by Mr. Buckwalter, seconded by Mr. Landis to approve the request to authorize the Lafayette Fire Police to assist with traffic control for the Hospice dinner event. The motion was passed by unanimous voice vote.

- b. Strasburg Township Proposed Amendment to Strasburg Region Comp Plan

Mr. Hutchison stated that neighboring municipalities are given the opportunity to comment on Comprehensive Plans. He stated that Strasburg Township would like to make a change to their Comprehensive Plan and are giving neighboring municipalities a chance to make comments. He stated that this particular change would change the designated growth area around Strasburg Borough and part of Strasburg Township. He stated that the Board may or may not choose to make a comment. The Board had no comments to make on the proposed amendment to the Strasburg Region Comp Plan.

- c. Authorization to Participate in PA DOT's Bridge Inspection Program.

Mr. Hutchison stated that every two years bridges are required to be inspected and PA DOT gives local municipalities the opportunity to have local bridges inspected by PA DOT inspectors. He stated that the Township has always participated in this program. A motion was made by Mr. Landis, seconded by Mr. Buckwalter to approve the authorization to participate in the PA DOT's Bridge Inspection Program. The motion was passed by unanimous voice vote.

- d. Resolution re: PA DOT reimbursement agreement ( Strasburg Pike and Millport Road)

Mr. Hutchison stated that the resolution authorizes those that signed the agreement to sign the agreement. A motion was made by Mr. Rutt, seconded by Mr. Buckwalter to approve the resolution for PA DOT reimbursement agreement for Strasburg Pike and Millport Road. The motion was passed by unanimous voice vote.

- e. Authorization to establish Bank escrow account re: Developer's Financial Security option

Mr. Hutchison stated that developers that apply for land developments are required to have financial security set up for public improvements. This proposed escrow account will be used on those occasions when a developer wishes to post some form of cash for their required financial security although most will still use letters of credit for their project. He stated that this will provide the Township with a secure way to handle these

occasions. A motion was made by Mr. Sollenberger, seconded by Mr. Buckwalter to approve the authorization to establish bank escrow account for developer's financial security option. The motion was passed by unanimous voice vote.

f. Approval of escalation/de-escalation clause for 2007 Paving contract

Mr. Hutchison stated that when the paving contract is bid out PA DOT allows municipalities to have an escalation and de-escalation clause, which states that if the price goes up or down by 10 percent the contract bid will be adjusted for the change. A motion was made by Mr. Buckwalter, seconded by Mr. Sollenberger to approve the escalation/de-escalation clause for the 2007 paving contract. The motion was passed by unanimous voice vote.

**Public Comment:**

Mr. Jim Tupitza, Esq. requested that timing of public comment on the new zoning ordinance should be prior to the submission to the Lancaster County Planning Commission. Chairman Eberly replied that normally it comes to review in front of the Township Planning Commission. Mr. Tupitza replied that he calls that the snowball concept that once the ball starts rolling it is very easy for the Board to tell Mrs. Duling or other groups that you we have been working on this for months and you have not participated or had input. He stated that the group would like to have input before the plan in concept is adopted and sent off to the Lancaster County Planning commission for comments. Chairman Eberly asked if he was suggesting that we have a special public hearing before we send something to the Lancaster County Planning Commission. Mr. Tupitza replied that would be a very good thing to have such as a work session to go through ideas. Chairman Eberly stated that the Board would take that into consideration.

Mr. Tupitza stated that the preserving farmlands through easement purchases was discussed at a March Board meeting, which would allow for the sale of development rights to the County or to the Farmland trust. He stated that Chairman Eberly did not prefer this option. Mr. Tupitza stated that the Farmland Trust is a good way to preserve farms. He asked that the Township set up an agricultural security procedure to preserve farms. He stated that he wrote a letter asking what the Township's procedure would be for this process. He stated that two weeks ago he was informed that the letter had not been received by the Township, but that Mrs. Duling had supplied the Township with additional copies of that letter. He is still waiting for a response. He stated that the Conestoga Valley Coalition is behind 100% preserving farmland. Chairman Eberly stated that he did respond to Mrs. Duling at the last meeting. He stated that he told Mrs. Duling to pick up the application at the agricultural security board. Mr. Tupitza replied that the Township must go through a procedure. Chairman Eberly replied that once the application is received that starts the procedure. Mr. Tupitza replied that if the Township procedure is to use that form then that answers the question. He stated that the procedure is set by the Township. Chairman Eberly asked Mr. Tupitza to put together a list of recommendations on how to do this request. Chairman Eberly stated that we will need

some time to respond to his request and check with the Township Solicitor. Mr. Tupitza stated that he would be willing to help.

Mr. Fred Daum stated that Pequea Township pulled out of the LIMC, because they did not want other municipalities guiding them in their decisions in their areas.

**Adjournment:**

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

Respectfully submitted,

Ralph Hutchison