

June 4, 2007

The East Lampeter Township Board of Supervisors met on Monday, June 4, 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, 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 being present:

Mr. Irl & Mrs. Lois 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  
Mrs. Joyce Gerhart, RGS Associates representing Hurst Bros.  
Mr. Mark Stanley, Esq. representing Hurst Bros.  
Mr. Ben Stoltzfus, 2603 Lincoln Highway East, Lancaster  
Mr. Dale Salmons, 615 Millcross Road, Lancaster, PA 17601  
Mr. Sam & Mrs. Elaine Stoltzfus, 2225 Old Philadelphia Pike, Lancaster, PA 17602, representing Keystone Wood  
Mr. John Shertzer, 135 Oakview Road, Lancaster, PA  
Mr. Fred Clark, 117 Witmer Road, Lancaster, PA, representing Calumet Enterprises  
Mr. Bill Swiernik, David Miller Assoc., representing Calumet Enterprises

**Minutes:**

Chairman Eberly indicated that the copies of the minutes of the May 22, 2007 regular meeting were available for review. Chairman Eberly asked if there were any comments regarding the minutes as prepared. No comments were made.

A motion was then made by Mr. Landis and seconded by Mr. Rutt 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 \$62,181.78 were presented for payment, copies of which were available for review. After review, a motion was made by Mr. Buckwalter and seconded by Mr. Sollenberger to approve payment of bills as listed in the amount of \$62,181.78. The motion was passed by unanimous voice vote.

**Old Business:**

- a. Stoltzfus Revised Final Subdivision Plan #05-43: 2603 Lincoln Hwy. / Lynnwood Road

Mr. Ben Stoltzfus was in attendance to discuss his application with the Board. Mr. Eberly indicated that this plan was reviewed and discussed at the previous meeting and that the Board requested the opportunity to discuss it with Mr. Stoltzfus since he was not present at the prior meeting. Mr. Sollenberger asked Mr. Stoltzfus to explain why the change to the plan was being made. Mr. Stoltzfus indicated that he had originally planned to draw the subdivision lines as shown on the revised plans but that his consultant limited the subdivision to just the area needed around the existing buildings. He stated that since that time he became concerned about being able to subdivide additional area in the future. Mr. Eberly said that future subdivisions would depend upon the acreage of the farm and he asked about the size of the farm. Mr. Hutchison indicated that the farm, prior to subdivision is approximately sixty-two acres in size. Mr. Hutchison also stated that, based upon that size for the farm, Mr. Stoltzfus would be entitled to create no more than two new uses on the property and that adding the new home to the site as proposed will be one of those two new uses leaving one remaining for the future.

Mr. Sollenberger then asked Mr. Stoltzfus about one of the previous conditions of approval which requires that the existing billboard signs be removed from the property. Mr. Stoltzfus stated that he has talked with the owners of the signs and that they are agreeable to removing the signs. Mr. Stoltzfus did not know the time table or schedule for their removal. Mr. Eberly asked if a time limit had been included on the condition of plan approval. Mr. Hutchison indicated that he believed that the condition would be triggered by the recording of the plan or occupancy of the new dwelling.

Mr. Eberly asked Mr. Stoltzfus about the approval process for his access across the small creek at Lynnwood Road. Mr. Stoltzfus indicated that he anticipated receiving the required permits in the near future.

Mr. Eberly asked if there were any comments or questions from the audience. There were none.

Mr. Buckwalter then made a motion to approve of the revised subdivision plan number 05-43 as proposed, subject to the applicant's compliance with all previously stated conditions of approval attached to the plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Review and Comment on Proposal to Amend W. Earl Township Zoning Ordinance and CV Region Strategic Comprehensive Plan re: General Consistency

Mr. Mark Stanley, Esq. was in attendance to present this item to the Board on behalf of Hurst Brothers. Mr. Stanley indicated that the Hurst Brothers submitted two applications to West Earl Township related to property located at the intersection of Oregon Pike and

Rose Hill Road in West Earl Township. Mr. Stanley stated that the first application is to amend the joint comprehensive plan in two ways. First the request is to change the land use designation of a .51 acre tract from Low Density Residential to Medium Density Residential / Traditional Neighborhood Development. He also stated that the second change to the comprehensive plan that is proposed would be to change the location of the Urban Growth Boundary (UGB) in order to include approximately twenty-five acres of the Hurst property within the designated UGB and to designate that area for Medium Density Residential / Traditional Neighborhood Development. He indicated that the approximately twenty-five acres involved is currently outside of the UGB and zoned Agriculture.

Mr. Stanley then indicated that the second request is to rezone the .51 acre tract from R-1 Residential to R-2 Residential and to rezone twenty-five acres of the Hurst tract from Agriculture to R-2 Residential. Mr. Stanley stated that the Hurst Brothers began working on this development project and have been discussing it with West Earl Township since 2006. He said that this work included three meetings with the West Earl Township Planning Commission. He also said that initially the plan presented to West Earl was a standard subdivision for single family dwellings. The West Earl Planning Commission, he said, recommended that they pursue an increased density for development of the site as well as alleys for rear loading of the homes and to incorporate other "Traditional Neighborhood" concepts into the development plan. Based upon this input, Mr. Stanley stated that they prepared a plan which included these concepts as well as a mix of dwelling types. He said that once the West Earl Planning Commission was comfortable with the development design, they recommended that the Hurst Brothers present the plan to the West Earl Supervisors. Mr. Stanley then stated that the West Earl Board of Supervisors instructed the applicant to proceed with the next steps in the process which meant the filing of the rezoning and Comprehensive Plan petitions for amendments.

Mr. Stanley then reviewed the process required by the comprehensive plan implementation agreement when rezoning petitions or petitions to amend the comprehensive plan are proposed. He said that since initiating this process, the applicant has been before the West Earl Township Planning Commission, who recommended approval of the changes; to the East Lampeter Township Planning Commission who, although concerned about the proposed change from Agriculture to development zoning, ultimately indicated that the changes would be acceptable if West Earl felt that they wanted to make a change to their residential zoning.

Mr. Stanley then indicated that the Hurst Brothers tract which is proposed to be rezoned had previously been zoned R-2 Residential but was changed to Agriculture due to the fact that utility services were not available to the site. He also said that between the time when the joint comprehensive plan was being developed and adopted and the present time, utility services have been extended in the area and are now adjacent to the site.

Mr. Stanley also stated that West Earl Township has adopted an Agricultural Security Area (ASA) and that the tract which is the subject of these petitions is not located within the ASA. Mr. Stanley then indicated that it is the applicant's belief that the proposal is

consistent with several of the stated goals of the comprehensive plan and therefore should be approved. These goals include providing a range of residential development and housing choices, locating development within urban growth areas which have adequate infrastructure to support them and to provide transition areas between farming activities and development areas. Mr. Stanley said that the proposed rezoning would split the Hurst site and leave approximately twenty- seven acres of their property in Agricultural zoning between the proposed development and the Cocalico Creek. He also stated that a goal of the comprehensive plan is to coordinate the provision of public service infrastructure with the Urban Growth area designations.

Mr. Stanley then requested that the Board of Supervisors pass a favorable recommendation for adoption of the changes to the West Earl Township Board of Supervisors in time for their public hearing scheduled for July 9, 2007.

Mr. Eberly asked the applicant to show on a map where the current Urban Growth Boundary (UGB) is located and how the proposals would change it. Mr. Stanley showed the Board where the UGB is located and how it would be changed. Mr. Eberly asked Mr. Stanley to explain why West Earl Township seems to be in favor of the changes. Mr. Stanley indicated that he believed that they are in favor of it because they view it as a logical extension of the adjacent residential development and because it provides an opportunity for the development of greater residential density.

Mr. Buckwalter asked Mr. Stanley to explain the timing of the zoning change made to this property when it was changed from R-2 to Agricultural. Mr. Stanley said that he was not sure when the change to Agricultural zoning was made but that the area was zoned R-2 in 1997 when the property across the creek in Warwick Township was added to the Agricultural Security Area by Warwick. Based upon this information, he said the change to Agricultural zoning happened sometime between 1997 and 2003. Mr. Buckwalter then asked if there were any undeveloped areas zoned R-2 in West Earl Township. Mr. Stanley said that there are but that they are not significant tracts. Mr. Buckwalter then asked if the farm in Warwick Township that is within their ASA is a preserved farm. Mr. Stanley said that it is a preserved farm. Mr. Stanley also said that at the time when the owners were considering placing the farm into Ag Security they elected to include only the area in Warwick Township and intentionally excluded the portion of the property in West Earl which is the subject of these petitions because that portion of the property was at that time zoned R-2.

Mr. Landis asked about the location of the floodplain along the Cocalico Creek in relationship to the site. Mrs. Gerhart described and pointed out on a map the location of the floodplain as being essentially adjacent to the proposed zoning line.

Mr. Rutt inquired about the breakdown of the types of housing proposed for the development. Mrs. Gerhart said that the sketch plan shows 50 single family dwellings, 42 duplex units and 56 townhouses.

Mr. Hutchison asked Mr. Stanley if the applicant would be going through the same process if a less dense development of all single family dwellings was being proposed. Mr. Stanley indicated that the same process would be required under the intermunicipal comp plan implementation agreement.

Mr. Eberly said that during his time on the Board, East Lampeter has generally opposed changing Ag zoning to Residential zoning. He further stated that he West Earl's leadership must have had some reason for deciding within the last five years or so to zone this area Agriculture. Mr. Stanley said that he believed that West Earl did not want this area to develop without public water and public sewer and that now that both are available to the site; West Earl sees this location as a logical extension of the developed area of the Township.

Mr. Buckwalter asked if the existing homes on Rose Hill Road and served by public sewers. After a brief discussion it was concluded that the homes along Rose Hill do not appear to be served by the public sewer system at the present time. Mr. Buckwalter stated that he saw this example as an illustration of what happens when public sewers are extended into an Agricultural area. He indicated that since the Comprehensive plan was completed in 2003 and that areas which the plan indicates are to be developed have not yet been developed, he is concerned about this expansion proposal despite the location being adjacent to housing because it is also adjacent to preserved farmland.

Mr. Eberly asked if there were any questions or comments from the audience.

Mr. John Shertzer, 135 Oakview Road, indicated that he believes that East Lampeter has had a history of opposing the development of Ag zoned land. He further stated that public utilities can be extended anywhere and that their availability should not necessarily trigger changes in zoning. Mr. Shertzer also indicated that if Ag zoned areas are going to change then the motivation for considering Ag Security Areas would become greater. He finally indicated that he would recommend that the Board indicate to West Earl that they are opposed to the rezoning of Ag land whether it be in East Lampeter or other designated areas with the region.

Mr. Fred Daum, 2142 New Holland Pike, asked Mr. Stanley if West Earl viewed this proposal to be a designated growth area or as a village expansion? Mr. Stanley indicated that the Joint Comprehensive Plan uses the term Urban Growth Areas and so this proposal would be a change to the Urban Growth Area. Mr. Stanley also indicated that he viewed this proposal as essentially an infill project due to it being adjacent to and across the street from existing developed areas. Mr. Daum also expressed his concern that the proposed development would be adjacent to one of the largest preserved farms in the county. He also asked about what kind of buffer would be provided between the development and the existing homes on Rose Hill Road.

Mr. Duling, 824 Stumpf Hill Drive, indicated that he was concerned that once region begins to change Agriculturally zoned land to development zoning it will be difficult to

deny future similar requests. He requested that the Board recommend denial of this proposal to West Earl Township.

Mrs. Duling stated that the task force which has been working on the creation of new zoning ordinances for the region has not discussed providing Traditional Neighborhood zoning in West Earl Township and she was therefore concerned that the design of the proposed development is currently undefined. Mrs. Duling also said that she agreed with the comments of Mr. Duling.

Mr. Salmons, 615 Millcross Road, asked if it would be possible to balance the proposed rezoning with a change from development zoning to Agriculture for other undeveloped lands in West Earl. Mr. Eberly indicated that this suggestion would have to be presented to West Earl for them to consider in addition to this proposal. Mr. Buckwalter stated that the comprehensive plan does provide for future growth areas in the region which were planned after significant effort through the planning process. Mr. Buckwalter also indicated that this would provide some rationale for maintaining the boundaries where they are according to the plan.

Mr. Landis stated that he would not support the proposed change requested by the applicant. He also indicated that he understands the argument for developing this area since it is adjacent to existing residential development; however he said that he was not convinced that the change should be made now when there are other undeveloped areas within the growth boundary.

Mr. Sollenberger indicated that in his view the question before the Board is whether or not the proposal is consistent with the comprehensive plan and so this is what the Board should vote on.

Mr. Rutt indicated that he was not convinced that the location of the public utilities is enough of a planning reason to change the planned growth area and the related zoning designation.

Mr. Buckwalter then made a motion that the Board finds that this proposal is not consistent with the Conestoga Valley Region Strategic Comprehensive Plan. The motion was seconded by Mr. Sollenberger and approved by unanimous voice vote.

c. Request for Reduction of Financial Security – American Outback  
Buildings: Lincoln Highway East

Mr. Eberly stated that the Board has received a letter from the Township Engineer recommending that the financial security be reduced by \$6,998 leaving a balance of \$700 for completion of the remaining work. Mr. Eberly asked for comments or questions from the audience. There were none. Mr. Sollenberger then made a motion to approve of the financial security reduction for American Outback Buildings as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and approved by unanimous voice vote.

d. Request for Reduction of Financial Security – Smoketown Airport:  
Airport Drive

Mr. Eberly stated that the Board has received a letter from the Township Engineer recommending that the financial security be reduced by \$21,682.82 leaving a balance of \$46,369.18. Mr. Eberly asked for any comments or questions from the audience. There were none. Mr. Landis then made a motion to approve of the financial security reduction for Smoketown Airport as recommended by the Township Engineer. The motion was seconded by Mr. Sollenberger and approved by unanimous voice vote.

**New Business:**

a. Consideration of Ordinance to Abandon Shelley Drive

Mr. Bill Swiernik, David Miller Associates was present representing Calumet Enterprises, to review this matter with the Board of Supervisors. Mr. Swiernik also indicated that Mr. Fred Clark of Calumet Enterprises and Mr. Sam and Mrs. Elaine Stoltzfus were also present with him as land owners along Shelley Drive. Mr. Swiernik indicated that the Board has reviewed this proposal previously and discussed the abandonment of Shelley Drive as requested by the land owners. He also stated that the land owners are then prepared to complete a lot add on plan as the next item on the Board's agenda in order to divide the area of Shelley Drive and attach portions to their respective properties. Mr. Swiernik also indicated that this proposal has been before the Township zoning hearing board which approved of the change which results in a flag lot configuration for the Calumet Enterprises property. He also stated that the Township Planning Commission has recommended approval of the proposed lot add on plan.

Mr. Eberly asked if there were any questions or comments from the Board members or the audience. There were none. Mr. Sollenberger then made a motion to adopt the Ordinance to Vacate and Abandon Shelley Drive. The motion was seconded by Mr. Landis and approved by unanimous voice vote.

b. Calumet Enterprises Lot Add on plan #07-05: Old Philadelphia Pike

Mr. Swiernik again addressed the Board to review the details of the proposed lot add on plan for conveying the abandoned Shelley Drive right of way to the adjacent land owners. He stated that related to the property transfers there are certain road improvements being made as a part of the plan. He said that these improvements included the installation of curb and sidewalk from the corner of the shared driveway (formerly Shelley Drive) to the first driveway west of the corner in front of the Calumet Enterprises property, formerly the Township property located at 2205 Old Philadelphia Pike. He further stated that a note would be placed on the plan to indicate that the owner is obligated in the future to install curb and sidewalk to the western property line when the Township requests it. Mr. Swiernik also reviewed the requested ordinance modifications shown on the plan which include the plan scale and providing additional right of way along Old Philadelphia Pike. The remaining review comments from the Township Engineer were also discussed.

Mr. Eberly asked if there were any questions or comments from the Board members or the audience. There were none. Mr. Landis then made a motion to conditionally approve of the plan and requested modification waivers subject to the applicant satisfying all of the review comments of the Township Engineer. The motion was seconded by Mr. Buckwalter and approved by unanimous voice vote.

**Other Business:**

- a. Appointment to Park Board term ending 5/5/11 – Conrad Kasperson

Mr. Eberly said that there has been only one person who has expressed an interest and willingness to serve the Township in this position, Mr. Conrad Kasperson of 2121 Colleens Way. Mr. Buckwalter asked Mr. Hutchison if he has had any contact with Mr. Kasperson. Mr. Hutchison said that he had talked with him on the phone regarding his interest and recommended that he submit a letter to the Board expressing his interest. Mr. Fred Daum, 2142 New Holland Pike asked if Mr. Kasperson was a professor at Franklin & Marshall College. Mr. Eberly said that he was. Mr. Buckwalter asked if Mr. Kasperson has expressed interest in the Park Board in the past. Mr. Hutchison said that he has not attended any of the Park Board meetings or expressed an interest in the Township's parks in any other way to his knowledge. Mr. Eberly said that the Board can either wait for additional persons to express interest or appoint Mr. Kasperson.

Mr. Landis then made a motion to appoint Mr. Conrad Kasperson to the Park Board for a term ending on 5/5/11. The motion was seconded by Mr. Buckwalter and approved by unanimous voice vote.

**Public Comment:**

Ms. Susan Snyder, 435 Mt. Sidney Road expressed her thanks to the Board for their action regarding the proposal in West Earl Township discussed earlier in the meeting. She also expressed concern for traffic safety conditions along Old Philadelphia Pike when numerous yard sales are being conducted. Ms. Snyder also inquired about the Township's efforts to clean up the junk on the two properties along Old Philadelphia Pike in the Bridgeport area. Mr. Hutchison indicated that the Township is continuing with prosecutions of various ordinance violations at that location. He also said that he understands everyone's frustration over the amount of time it takes to see action. Mr. Duling asked if the Board had the power, in these kinds of situations to revoke a deed. Mr. Hutchison stated that the Board can only take property through the condemnation process if the property is needed for some public purpose.

Mr. Duling, 824 Stumpf Hill Drive presented the Board with a proposal regarding the preparation, availability and retention of meeting minutes. He indicated that the current method of making the minutes of the previous meeting available at the time of the next meeting does not provide adequate time for review in order to be prepared to make

constructive comment at the time when they are acted upon by the Board. He indicated that he is therefore requesting that the minutes be made available to the public at least five days prior to the Supervisors meeting. He further requested that the recording of the meeting and the transcription of the recording be preserved for one and three years respectively. He indicated that it has been a source of irritation that the minutes aren't available to them until they arrive at the meeting. Mr. Eberly indicated that he felt that having the minutes posted on line prior to the meeting can be worked on. Mr. Eberly also indicated that once the Board approves of the meeting minutes that becomes the official record of the meeting and retaining the recording is therefore unnecessary. Mr. Duling then asked that the meeting minutes be composed as a full transcription of what was said at the meeting. Mr. Duling further indicated that sometimes the minutes do not reflect what was actually said although it may be an unimportant detail. Mr. Buckwalter indicated that if the Township posts the minutes on line prior to the meeting they would be noted as draft minutes. Mr. Buckwalter asked Mr. Duling if placing the draft minutes on line five calendar days prior to the meeting would address his concern about being able to review them. Mr. Duling said that would address the majority of his concern but that he also feels that the recordings should be retained. Mr. Buckwalter asked Mr. Duling what the purpose of retaining the recordings would be since the official record of the meeting is the minutes as approved by the Board. Mr. Buckwalter also indicated that he does not believe that the public would want the Board to expend the time and money needed for a complete transcription of every meeting. Mr. Eberly suggested that the Township try to get the minutes posted on line five days in advance of the meeting as a first step in addressing Mr. Duling's request. Mrs. Duling indicated that in her view there have been omissions from the minutes of the last six meetings which should have been included.

Mrs. Duling, 824 Stumpf Hill Drive, inquired about the status of the effort to prepare the new zoning ordinance. Mr. Hutchison indicated that the task force is currently waiting for the consultant to complete the preparation of the draft document for internal review. He said that it is expected to be received in the near future. In addition, he also said that as soon as it is received the Township will begin an internal review of the document and upon completion of that internal review will begin presenting it to the public.

Mr. Fred Daum, 2142 New Holland Pike, asked if the Board has responded to the Lancaster Farmland Trust regarding the timing of an application for the creation of an Agricultural Security Area (ASA) in East Lampeter. Mr. Eberly indicated that there is continuing dialogue with the Trust.

Mr. John Shertzer, 135 Oakview Road, inquired about the status of the intersection improvement project at Old Philadelphia Pike and Oakview Road. Mr. Hutchison indicated that the signal work will be completed first and then the road work including the curbing and paving will follow. Mr. Shertzer then asked why the entrance drive and parking area in Flory Park was treated with oil and chip rather than asphalt overlay. Mr. Hutchison stated that the oil and chip treatment will serve to seal the base course that was originally installed and prevent water damage to the pavement. Mr. Shertzer expressed concern that the storm water system in the driveway will not capture all of the surface

water until an overlay is completed due to the surface being below the top of the catch basins. Mr. Shertzer also expressed his concern that the oil and chip treatment presents a danger to bicycles because of the loose stones on the surface. Mr. Hutchison indicated that the newly created parking lot and related driveway were also installed with base course material and will eventually need to be surfaced with a wearing course as well and so the decision to oil and chip the existing surfaces, as a less expensive maintenance treatment will help to hold the pavement together until that time comes. Mr. Shertzer then asked about time table for the installation of sidewalks along Greenland Drive between Oakview Road and the entrance to Flory Park. Mr. Eberly indicated that it should be included in the 2008 budget. Mr. Shertzer stated that this safety improvement was a commitment that the Township made at the time when the access easement for Flory Park was acquired and that he is concerned that pedestrians still have to walk along the road in this area.

**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 Tuesday, June 19, 2007 beginning at 7:30pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager