

July 14, 2008

The East Lampeter Township Board of Supervisors met on Monday, July 14, 2008 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. Supervisors present were: Mr. David Buckwalter, Mr. Glenn Eberly, Mr. Michael Landis, Mr. G. Roger Rutt and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

Kara Kalupson, 743 S. Broad Street, Lititz, PA 17543, representing ELA Group
Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC
Reuben C. Stoltzfus, 60 N. Ronks Road, Ronks, PA 17572, representing Lancaster Ag
Products
Ken Hornbeck, representing High Associates, Lancaster, PA

Minutes of June 17, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the June 17, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments or corrections regarding the minutes as prepared. There were no comments. A motion was made by Mr. Shertzer and seconded by Mr. Rutt to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by a vote of four in favor and one abstaining. Mr. Eberly abstained.

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$251,731.80 were presented for payment. Chairman Buckwalter mentioned that of the total amount, approximately \$35,000.00 was for reimbursement to Fulton Bank for a statement duplicate interest payment and \$14,000.00 was for a new tar kettle for road maintenance for sealing cracks in the roads. After review of the bills list, a motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$251,731.80. The motion was passed by unanimous voice vote.

Old Business:

- a. Financial Security Release Request – Keystone Wood Specialties: 2225 Old Philadelphia Pike

Chairman Buckwalter noted that the Township Engineer recommended a release of the financial security for Keystone Wood Specialties in the amount of \$1,628.20. Mr. Shertzer made a motion to approve the financial security release for Keystone Wood Specialties as recommended by the Township Engineer. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

b. Financial Security Release Request – Lapp: Witmer Road

Chairman Buckwalter noted that the Township Engineer recommended a release of the financial security for Lapp of Witmer Road in the amount of \$500.00. Mr. Eberly made a motion to approve the financial security release for Lapp of Witmer Road as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Financial Security Reduction Request – Calumet: 2205 Old Philadelphia Pike

Chairman Buckwalter noted that Calumet requested a reduction of the financial security in the amount of \$23,650.00. The Township Engineer recommended a reduction of the financial security for Calumet in the amount of \$20,185.00, which will leave a new outstanding financial security balance of \$3,465.00. Mr. Shertzer made a motion to approve the financial security reduction for Calumet in the amount of \$20,185.00, leaving a balance of \$3,465.00, as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. High Associates Land Development Plan #08-04: 170 Independence Court

Chairman Buckwalter recused himself from participation in this agenda item due to his employment in the High organization. Vice Chairman Rutt chaired the meeting for this agenda item.

Mr. Ken Hornbeck of High Associates and Ms. Kara Kalupson of ELA Group represented the plan. Mr. Hornbeck introduced the plan to construct a cul-de-sac at the end of Independence Court. Ms. Kalupson explained briefly the design of the cul-de-sac. She mentioned the comment on the most recent review that the cartway width of Independence Court west of the proposed cul-de-sac and east of the existing driveway is not dimensioned but appears to be 29' +/- wide. The current ordinance requirement is 34' wide. Therefore, they are requesting a waiver of that section.

Mr. Hutchison commented that the staff feels that it should be widened to the first driveway because it is at the critical point of the cul-de-sac and that vehicles moving in the cul-de-sac, especially tractor trailers may need the additional area to make maneuvers smoothly.

Mr. Hornbeck said that he did not have a problem with this and said that he would withdraw this waiver request.

Mr. Hornbeck said the other issue was the flooding that occurs on Independence Court during heavy rains. ELA did some analysis of the drainage pipe on the south side of

Independence Court that runs underneath the railroad tracks and that they have some solutions to alleviate some the flooding.

Ms. Kalupson explained that the drainage area coming into this inlet is over thirty (30) acres. A thirty (30) inch pipe is coming directly into the inlet with a single eighteen (18) inch pipe going out, which is connected to another thirty (30) inch pipe. The result is the water being throttled at the inlet. The recommendation is to match the size of the pipes coming into the inlet and also going out, so that there is no backup.

Mr. Hornbeck added that the engineers for Norfolk Southern Railroad would also need to review the plan and give their approval.

Mr. Eberly made a motion to approve the final land development #08-04 for 170 Independence Court and to grant the requested waivers subject to the conditions that the applicant make minor changes to the cul-de-sac design that were discussed and completion of the proposed stormwater improvements. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

New Business:

a. Starbucks Land Development Plan #08-14: S. Willowdale Road

Mr. Dennis Gehringer represented the plan to convert the Susquehanna Bank at Rockvale Square into a Starbucks. The improvements are all within the parameters of the paved area for the bank. The building would be expanded about 600 square feet to the north and another 600 square feet to the west. The parking will remain the same with the exception of the elimination of the bank drive thru window, which will then give an additional four (4) parking spaces.

There was a discussion about the sidewalks and crosswalks surrounding the property. Mr. Hutchison expressed his concern regarding the driveway condition. Currently there are two (2) lanes exiting, one for right turns and one for left turns. He suggested it be only one (1) lane, thus making it a safer exiting condition. Mr. Gehringer felt this would create a problem for trucks turning into and out of the property.

Chairman Buckwalter asked if there were any other comments from the board or audience. There were no comments. Mr. Eberly made the motion to approve the preliminary plan and grant the two (2) waivers requested with the condition to add sidewalks along the front of the property which would be the east side of the property and to also approach the hotel about a joint venture to install a sidewalk to their property. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one opposed. Mr. Shertzer voted no.

b. Waiver of Land Development Planning Request – Smucker: 422 Mt. Sidney Road

Chairman Buckwalter asked if there was anyone there to represent this waiver request. There was no one there. Mr. Hutchison stated that he did not anticipate anyone being there due to the fact that the staff has been attempting to discuss with Mr. Smucker his application and that Mr. Smucker has failed to come to other meetings.

Mr. Hutchison explained that he placed this item on the agenda because although the staff does not think that there could be a problem with a deemed approval that they would rather not face that possibility. He recommended that the board deny this request for waiver so that they do not get in a situation where that point is argued.

Mr. Eberly made the motion to deny the waiver request and it was seconded by Mr. Rutt. The motion was passed by unanimous voice vote.

- c. Waiver of Land Development Planning Request – Lancaster Ag: 60 N. Ronks Road

Mr. Dwight Wagner of U.S. Commercial Realty represented Lancaster Ag. He introduced Mr. Rueben Stoltzfus who is the owner of Lancaster Ag. Mr. Wagner reviewed the plan which included making improvements to the stormwater detention basin.

Mr. Hutchison questioned what the dashed lines shown on the plan around the perimeter of the building represented. Mr. Wagner indicated that they were for additional overhead doors to be installed.

Mr. Rutt asked what tenants were going to be in this building. Mr. Wagner identified them as Lee's Plumbing of Bird-in-Hand (no longer interested), Bowers Grocery, CTM Brochure, Turkey Hill Training Center, and other Amish businesses that have showed an interest. Lancaster Ag will occupy 90,000 square feet of the 115,000 square feet building. There will be a maximum of only seven (7) tenants.

Mr. Shertzer questioned the parking and felt that the Board did not have enough information to make a decision. Mr. Wagner then presented him with a takeoff from Providence Engineering. He explained that the use of the building will be for mainly warehouse and not office space, which means that there would be a far less need for parking spaces.

Mr. Stoltzfus then mentioned the shrubbery that needed to be replaced and said he would be willing to replace them with mature eight (8) to ten (10) foot trees if the Board is willing to work with him on the water basin issue.

There was a lengthy discussion concerning the water basin. Mr. Shertzer made the point that the Board is in the same position that they were with the Jay Group when they said that they were going to address the stormwater management issues on the site and thus did not follow thru with correcting the problem. Chairman Buckwalter agreed with Mr. Shertzer and then asked if there was anyone in the audience who has interest in this project.

Mr. Lloyd Scalyer addressed the Board about the screening that was to be put in, but was never done. He would like to see the screening done before any of the other work is started.

Chairman Buckwalter said that he understands the intentions of the plan, but does not feel qualified to make decisions related to what is appropriate for stormwater management and then asked if any of the other Board members had any comments.

Mr. Eberly stated that there were other individuals interested in purchasing the property before Mr. Stoltzfus, but before purchasing they looked into the stormwater and land development issues and made a choice that it was something that they would not want to deal with. Though the applicant has already purchased the property, he believes the Board is obligated to ask the owner to deal with these issues. He feels that it is impossible to grant waiver of the land development plan at this time.

Mr. Stoltzfus expressed his frustration in that he went to a professional land development firm and asked them to come forward with a plan that would work. Mr. Eberly said that from the Township's side, they have professional engineers who design and make sure things are done correctly. Mr. Eberly then made a motion to deny the request for waivers of land development and stormwater management plans. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Other Business:

- a. Review of Architectural Elevations, Millcreek Square – Condition #22 of Conditional Use Decision

Chairman Buckwalter recused himself from participation in this agenda item due to his employment in the High organization. Vice Chairman Rutt chaired the meeting for this agenda item.

Mr. Ken Hornbeck of High Associates represented the plan. He explained that at the last meeting before the Board, architectural plans were presented and there was a discussion on the Kohl's elevation. He then reviewed the changes that Kohl's has agreed to make to their architectural design to match the design of the entire shopping center.

Mr. Hornbeck then questioned Mr. Hutchison if any formal action could be taken this evening to acknowledge that Condition #22 has been met. Mr. Hutchison responded that he did not read what Condition #22 says, but he believes that it does defer the acceptance of the architecture until land development planning is addressed.

The Board indicated their general approval of the architectural design presented.

Chairman Buckwalter rejoined the Board at this time.

- b. 2008 Municipal Transportation Grant Agreement – Lancaster County Planning Commission

Mr. Hutchison explained that grant funding assistance from the County had been applied for through a Transportation Grant program to assist the Township with the preconstruction efforts that are required to engineer improvements at the intersection of Strasburg Pike and Windy Hill and Millstream Roads. The Township was granted \$41,250.00. The County is requesting that the Board enter into this grant agreement so that the Township can take advantage of this funding.

Mr. Landis made the motion to approve the Transportation Grant Agreement with Lancaster County. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601. She commented that she noticed that there was no mention for parking accommodations for buggies at the Starbucks.

Mrs. Duling then commented on the architectural design for Mill Creek Square. She compared the towers shown to those of the German concentration camps, prisons, and schools.

Mr. Hornbeck asked for copies of the April and May meeting minutes and mentioned that they are not on the Township website.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, August 4, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager