

The regular meeting of the East Lampeter Township Planning Commission was held on Monday July 15, 2013 at the East Lampeter Township Office 2250 Old Philadelphia Pike Lancaster, PA 17602. Chairman John Keylor called the meeting to order followed by the Pledge of Allegiance. Other Commissioners present were Mr. Siesholtz, Mr. Stumpf, and Mr. McCuen. Also present was Tara A. Hitchens, Director of Planning/Zoning Officer.

The following persons signed in as being present:

Bernadette Hohenadel, Esq – Millcross Properties  
John O. Yoder – ELND  
Cary Ahl – self  
Nellie Ahl - self  
Dr. Mhzaheri – self  
Wayne Beaner – self  
Eli Ebersol – Amish School (ELND)  
Marvin Stoner – Amish School (ELND)  
Abner King – Amish School (ELND)  
David Blank – Consultant for Amish School  
Steven Esh – Amish School (ELND)

Minutes:

The minutes of the June 17, 2013 meeting were approved as written on a motion by Mr. Stumpf and a second by Mr. McCuen and all voting in favor.

New Business:

a) Millcross Properties – Ms. Bernadette Hohenadel represented the applicants and proceeded with reading the July 9, 2013 letter from David Miller Associates, Inc. and the June 13, 2013 review letter from Lancaster County Planning Commission. She further indicated that the applicant was willing to address all of the comments.

Dr. Mhzaheri of 657 Millcross Road noted that he will not allow one drop of water to go through his property, that on Millcross road the traffic is 50% greater than before because people come from all over to go to the restaurant, most of Millcross Road is owned by him but the Township allowed to control because it is a public road, the restaurant has had 6-7 owners over the last few years, and there are a number of issues with flooding which may lead to health issues because only surface cleaned, there are deed restrictions in the area, they are using a residential zoned property as commercial, the applicant is changing the zoning and the laws, he has gone to 185 houses in the neighborhood and they all do not want the parking lot, all of the owners of the restaurant are not from Millcross Road they just want to make money,

Mr. Keylor questioned when the bar use started. Mr. Mhzaheri indicated in 1952. Mr. Keylor noted that zoning didn't take affect in the Township until 1960.

Mr. Wayne Beaner of 10 Horseshoe Drive questioned if this was an expansion of a business? Mr. Keylor noted that the Planning Commission was reviewing for subdivision and land development issues only tonight.

Ms. Hohenadel noted that the plan before the Planning Commission tonight is what was agreed to by the settlement agreement and that the use was already approved.

Mr. Beamer questioned if there were any ADA restrooms in the building. Mr. Keylor noted that is not of concern for the Planning Commission to make a decision this evening.

Mr. Beamer questioned what the next step was. Mr. Keylor noted that it would proceed to the Board of Supervisors next.

Ms. Ahl questioned when zoning waivers were granted. Mr. Keylor noted that the use was a non-conforming pre-existing use that has been there prior to zoning laws being in effect in the Township.

Dr. Mhzaheri noted that the previous owner went to the ZHB, now this owner went to the ZHB but was denied, then Board appealed to courts. He would like the Board of Supervisors to visit every neighbor when these types of things occur and ask them what they really want.

Mr. Keylor noted that the applicant has been before the ZHB and has received approvals of use through the courts.

Mr. McCuen questioned what the real problem was? Answer from many in audience: additional cars being parked.

Mr. Ahl noted that the applicant is currently using valet parking and it's working, it is a perfect solution to the situation, they should continue it. He also indicated that he doesn't want anyone nipping away at the multi-million dollar neighborhood or that precedent be set to do so in the future.

Dr. Mhzaheri noted that the zoning was never changed on the site and that should be addressed tonight by this board. Ms. Hitchens indicated that the Planning Commission can only address the subdivision and land development ordinance and stormwater management ordinance of the Township tonight given the agreement that has been met through the courts in this particular situation.

Mr. Ahl indicated that he would take everyone sitting there tonight to court as a group and personally because his property was being devalued and he would hold each person there tonight personally accountable for their actions.

Mr. McCuen questioned why there would be sidewalks on the site and lighting will need to be reviewed and should be above and beyond to minimize the effects to the neighbors but to provide security to the site.

Mr. Beamer stated that no neighbors were allowed to see the plan and that he was worried about parking and that he ultimately opposes this plan because of the increased traffic, truck traffic and food smells all related to the site.

Mr. Keylor stated that a letter from Ms. Laura Hartlaub was received and read the letter in its entirety to those present. Mr. Keylor asked that the letter be forwarded to the Board of Supervisors.

Mrs. Ahl read the non-conforming use language from the zoning ordinance and indicated that it is confusing because right away you think the structure but it does state an increase of the use as well.

Dr. Mhzaheri stated that we, as a neighborhood, hope you understand who we are, no one listed to the neighbors, everyone takes the side of the applicant. He also indicated that he would be appreciative if the Planning Commission would object to this project. He is very disappointed with Judge Nissley because she never asked for the neighbors to meet. The Planning Commission is the last resort, please listen to the neighbors of this use. He noted that he understood that being on the board or commission is not an easy job and he just isn't sure how the applicant changed the zoning through the back door.

The zoning must be an issue before the Planning Commission tonight because it has not been changed.

He noted that the Planning Commission and the Board of Supervisors are elected by the 185 homes in that neighborhood not by the owners of the restaurant.

Mr. Siesholtz thanked the neighbors for being at the meeting and for stating their issues. He indicated that he and the Planning Commission can't answer why the neighbors feel as though they were not heard which puts the Planning Commission in a difficult position with a difficult decision to make.

However, the Subdivision and Land Development ordinance must be complied with.

Mr. Stumpf noted that the Hartlaubs knew what they were buying because there was already an

easement on the property when they purchased it.

Dr. Mhzaheri questioned how an easement could be put on a deed and have commercial use when in a residential zoning district? The whole idea was that whomever bought the property was going to put an easement on the property.

Mr. Siesholtz noted that the applicant can't increase runoff onto the Mhzaheri property and that the engineers have determined that will not happen through this plan.

MOTION: On a motion of Mr. McCuen and a second by Mr. Siesholtz with all voting in favor the Planning Commission recommended that the Board of Supervisors approve the waiver/modification requests and the plan based on the July 9, 2013 letter from David Miller Associates and the June 13, 2013 letter from Lancaster County Planning Commission. In addition the Board of Supervisors should consider minimum lighting and attractive screening with vegetation along the parking lot so that it truly does its job and that the Hartlaub letter be sent to the Board of Supervisors.

Mr. Keylor thanked all those in attendance tonight for their comments.

Dr. Mhzaheri noted that the zoning issue should have been dealt with tonight by this commission and that there should have been a recommendation to the Board of Supervisors that the plan be denied. He further indicated that he will not reelect the Board of Supervisors because they have not listened to the surrounding landowners on this topic.

#### Briefing Items:

- a) Discussion of privies and associated tanks at a proposed Plain Sect School off of Forry Road. Mr. David Blank represented the members of the Oak Grove School Board and led the discussion of the relocation of the school from Willow Road to a farm lane off of Forry Road on the John O. Yoder property which has a 445 Willow Road addresss.

Mr. Stoner, the Township SEO, noted that he is willing to issue a permit for the holding tanks that would be necessary for the development of the plain sect school, however the Township does not have a holding tank ordinance.

Mr. Blank indicated that he spoke with the Old Order Book Society which is the committee that oversees Plain Sect schools throughout the commonwealth, if this school is required to have some type of system that would require running water it would be the first school in the commonwealth with such in an area where this is not public services provided.

Mr. Stoner noted that the PA DEP agrees that if there is no electricity then holding tanks are allowed and it is not discriminatory.

Mr. Stoner also noted that he can't issue a permit for a single home for a holding tank, unless a holding tank ordinance were passed. Under PA DEP code 204, under 800 gallons a day then could be within a holding tank although the Board of Supervisors could lower the gallons per day figure.

Mr. Keylor noted that holding tanks should not be over available.

Mr. Stoner indicated that for a Plain Sect school there wouldn't be a need for more than 20 gallons per day.

Mr. Siesholtz questioned if consideration should be taken on a case by case basis and submit to PA DEP for approval with letters from the Board of Supervisors.

Mr. Stoner noted that the only other way he could issue a permit for the holding tank for this particular situation is if the Board of Supervisors ordered him to permit the tank via letter.

Mr. Siesholtz questioned if the sewage facility currently used along Willow Road would be closed. Yes, that one would be closed and another school would not be utilizing the site.

Mr. Stoner noted that he can't remember ever issuing a permit within East Lampeter Township for a holding tank, but he does know of a few ordinances that could be considered if the Township chose to head in that direction.

Mr. Keylor directed Ms. Hitchens to work on an ordinance recommendation with pumping as needed per Mr. Stoner.

MOTION: On a motion of Mr. Keylor and a second of Mr. Siesholtz with all voting in favor the Planning Commission recommended that the Board of Supervisors prepare a tank ordinance with a limit to no more than 50 gallons per day, no electricity, no running water and that it be pumped as needed. The Planning Commission further recommended to the Board of Supervisors that they issue a letter to the SEO to direct issuance of a permit for the new school off of Forry Road on the John O. Yoder property given that it will be a replacement for the school on Willow Road and would be a better system than is currently in place along Willow Road. Finally, the Planning Commission recommended that the applicant submit a waiver of land development.

Other Business:

- a) LUAB –there was not a quorum of the LUAB committee, thus there was no discussion or action of the those in attendance at the meeting.

Adjournment:

On a motion by Mr. Siesholtz, a second by Mr. Stumpf, and a unanimous voice vote, the meeting was adjourned. The next Planning Commission meeting will be held on Monday August 19, 2013 at 7:30pm at the East Lampeter Township Office 2250 Old Philadelphia Pike, Lancaster, PA 17602.

Respectfully submitted,

Tara A. Hitchens, AICP, Director of Planning/Zoning Officer