

December 5, 2022

The East Lampeter Township Board of Supervisors met on Monday, December 5, 2022, 7:30pm at the East Lampeter Township Office: 2250 Old Philadelphia Pike, Lancaster, PA 17602. The statement of recorded meetings was played for all in attendance. Chairman John Blowers called the meeting to order at 7:30 pm followed by the Pledge of Allegiance. In addition to Mr. Blowers, Supervisors present were Mr. Mike Thornton and Mr. Ethan Demme. Also present in the meeting room were Mr. Ralph M. Hutchison, Township Manager, Ms. Tara Hitchens, Assistant Township Manager, and Stephanie Leakway, Administrative Assistant. Supervisor Mr. Roger Rutt joined the meeting via ZOOM at 7:37 p.m. and Supervisor Mr. Corey Meyer was not in attendance.

The meeting was held using Zoom, an internet web conferencing tool. A recorded statement was played regarding the use of Zoom for this public meeting including instructions for the public to use in order to participate in the meeting.

Public Present in Public Meeting Room:

Steve Zerbe	Lisa Landis Blowers	Stacey Gagner	Steve Stabinger
Reilly Noetzel	Jack Herr	Troy Williams	Kim Stabinger
Thomas Klein	Jordan Sheaffer	Ruth Nilan	Taylor Lapp
Hope Klein	Michael Kuhns	Matt Delfert	Dalton Lapp
Sharon Swarr	Pat Williams	Lexi Giambanco	Chris Venarchik
Katrina Swarr	Isaiah Hershey	Dennis M. Williams	Jeffrey Fernbach
Kenny Lapp	Sean High	Ken Lapp	Hayley Fernbach
Mindy Lapp	Cole Grunor	Jean Lapp	Amie Obioma

Also, In attendance via Zoom:

Chad Umble of LNP

Public Comment for Non-Agenda items:

None

Swearing in of new Police Officers:

Chief Stephen Zerbe introduced Ambrosio Giambanco, Dalton Lapp, Andrew Jacoby and Caleb Smith who were sworn in as East Lampeter police officers by John Blowers.

Consent Agenda:

- a. Approval of the December 5, 2022 Board of Supervisors Meeting Agenda
- b. Approval of the Minutes of the Monday, November 14, 2022 Regular Meeting
- c. Approval to pay invoices from all funds: Total \$723,888.18

Mr. Blowers presented the bills to be paid from various funds for the total amount of \$723,888.18. Items of note include: \$244,832.50 to Tempchek Mechanical for HVAC replacement at Township

Building, \$65,025 for 4th quarter contributions to four volunteer fire companies in East Lampeter Township, \$27,018 to Eastern Salt Company for the purchase of rock salt, \$9,468 to E.M. Kutz Inc for the purchase of a snow plow and \$7,990 in 4th quarter contributions to three libraries (Manheim Township, Strasburg and Pequea Valley)

Mr. Demme made a motion to approve the consent agenda as presented. Mr. Thornton seconded the motion and it passed by unanimous roll call vote.

Old Business:

- a. Request for Financial Security Reduction: McDonald's-LHE

Township engineer provided a letter dated November 11, 2022 recommending a reduction of \$37,485.69 of the financial security for the land development project. The remaining balance is \$3,520.00. No one was present on behalf of the McDonald's project. Ethan Demme made a motion to approve this recommendation which was seconded by Mike Thornton. Motion passed by unanimous roll call vote.

- b. Request for Financial Security Reduction: High Associates: 1740/1770 Hempstead Road

Township engineer provided a letter date November 18, 2022 recommending a reduction of \$111,561.50 of the stormwater management project leaving a balance of \$5,000. There was no one present from High Associates. Ethan Demme made a motion to approve this recommendation which was seconded by Mike Thornton. Motion was passed by unanimous roll call vote.

- c. Request for Financial Security Reduction: High Associates: 1770 Hempstead Road

Township Engineer's letter dated November 18, 2022 recommended a reduction of \$135,515 to the land development lot add on plan. The remaining balance is \$4,400. Mike Thornton made a motion to approve this reduction which was seconded by Ethan Demme. Motion was passed by unanimous roll call vote.

- d. Request for Financial Security Release: 841 Willow Road, Stormwater Management Plan.

Township engineer provided a letter dated November 18, 2022 recommending release of \$39,394.54 leaving a \$0 balance. Ethan Demme made a motion for financial security release. Roger Rutt seconded the motion and it passed by unanimous roll call vote.

New Business:

- a. Rockvale Master Plan for Redevelopment-informal discussion

Chris Venarchik of RGS Associates and Jeff Fernbach of Fernmoore Homes were present for the discussion. It was stated by Mr. Venarchik the visibility along Route 30 makes the property very difficult to fill for commercial use given the buildings are setback from the roadway. The goal of

Fernmoore Homes is to reinvigorate the site giving it new life. Chris Venarchik indicated the area they are focused on is about 22 acres of the 68 total acres for redevelopment for housing. The ordinance states 40% can be used for residential purposes and they are proposing utilizing approximately 33% which falls within the 40% allowance for multi-family dwellings. The plan includes keeping all current existing access points, replacing 260,000 sq ft of commercial space with 416 units (13 - four story buildings). This leaves about 270,000 sq ft remaining commercial space on the property. By moving around existing tenants and redistributing commercial use it will result in almost 100% occupancy. A total of 574 parking spaces are required and the proposal would result in a total of 585 spaces. The overall goal for tonight was to introduce the project and receive informal feedback before submitting through the master plan process. Mr. Blowers asked if there were any projects close by of Fernmoore Homes to which Mr. Fernbach responded there is a 400 unit development in Downingtown with no commercial development within it. Mr. Blowers indicated the desire of East Lampeter Township is to have the Rockvale property used in a variety of ways and indicated the more residential the better. The plan is to have 1-3 bedroom apartments with elevators. They have not taken ownership of the property as of this date given that they wanted the informal feedback on the direction they are headed. They are working with the architect to make the site a cohesive community.

Mr. Fernbach met with all of the commercial tenants and all but one are very excited for the redevelopment. They are in short term leases and would like to sign long term leases if this all comes to fruition. Mr. Demme inquired about the density of buildings and Mr. Venarchik indicated there would be 6 units per acre. Mr. Demme would like to see the density be closer to 12 per acre. He would like to see residential units above the commercial businesses as well. Chris Venarchik indicated it is very unusual to have a township ask for higher density as they usually want it lowered. He indicated, after consultation with an architect, the existing buildings cannot support having residential units above the businesses. This proposed plan would be a 3-4 year project for the residential the remainder of the master plan would be done in phases.

Ralph Hutchison has concerns about a tot lot in what seems to be the center of the commercial parking spaces. He does not believe it makes sense. Tara Hitchens stressed this entire project is a one chance opportunity so it must be done right and in a sustainable way so that there is sufficient density to support the commercial and other potential uses. Chris Venarchik advised they will work on tweaking the plan based on tonight's discussion. The applicant is intending to submit the master plan for the January 2023 Planning Commission and second January 2023 Board of Supervisors meetings.

b. Proposal re: Glamping-review of Legislative proposal

Mr. Colin Siesholtz provided background on the proposed Glamping Text amendment which was originally submitted as an agritourism text amendment in January 2022. The revision removes agritourism from the proposal. The property in question is different than originally proposed as well and would be on a property in the AG zone via the use of historic farm properities. It would change the maximum stay from 100 days to 30 days. Ethan Demme noted that the 10-acre agricultural operations limitation within the ordinance where you cannot sell anything produced on less than 10 acres. It can only be consumed by the resident of the parcel. He believes there is a

deficiency in the Township zoning ordinance and that a person should be able to produce and sell things on less than 10 acres in an AG zone and residential zone. Mr. Hutchison commented that a violation has never been sent to any owner of a property in the Agricultural Zoning District that was less than 10 acres who was farming. Mr. Demme commented if that is the practice then we should mirror that in the ordinance as individuals who are looking to invest in a property under 10 acres would only know the information contained within the ordinance and not the history of no action being taken for anyone selling goods on a less than 10 acre parcel of land. Colin Siesholtz noted that farm stands are not permitted on properties of less than 10 acres. Roger Rutt inquired as to whether the glamping amendment would apply to the property along Strasburg Pike and it was confirmed that it does. He wanted to know how many other properties would be impacted by the amendment. Ms. Tara Hitchens indicated that the research was not completed to determine all historic properties and under 10 acres within the AG zoning district.

Mr. Demme indicated he is not a fan of adding glamping as a separate use within the ordinance. He believes there is already a good framework in the tourist home use or bed & breakfast section that could be slightly expanded and modified to allow for non-permanent housing that a person is staying in such as a glamping site. He provided an example of having a 5-unit bed & breakfast on a site and have one parking space per unit and two parking spaces for the primary residents. He indicated a 5-unit glamping site could be put under the same bed and breakfast and tourist home ordinance subject to all of the requirements. Mr. Blowers inquired about what would drive Act 537. Mr. Siesholtz noted that the Act 537 plan would need to be followed by anyone looking to have glamping sites on their property. Mr. Blowers would prefer this opportunity continue within the current ordinance and not carve out something for glamping. He asked how we can use the existing ordinance for someone who comes forward with a suggested creative entrepreneurial use. Mr. Mike Thornton asked Mr. Siesholtz if there is enough creativity within the current ordinance to make something like this work. Mr. Siesholtz advised he would need to look in to it further. Mr. Thornton is concerned about the character of area, parking in the surrounding area which alone would be a challenge. Mr. Demme is interested in what we can do to provide flexibility to AG and residential zones to allow someone to stay on a property, make some additional income while allowing them to remain on the property and keep it in farming use.

Reilley Noetzel with Barley Snyder speaking on behalf of Amie Obiama, who is the owner of the property, indicated he is somewhat surprised the Board of Supervisors thinks this issue should be addressed differently because they have been working with staff for two years to get to this point. Two submissions were made to the County Planning Commission and revisions were made based on their comments. He welcomes the comments being made by the board and indicated they are willing to work together to make this work. He expected after two years this would move forward to a hearing. Ms. Hitchens indicated that although Mr. Noetzel is correct that they have been working on this for 2 years there have been a number of changes made by the applicant during that time. She referred to things such as the location of the property, the fact that originally this came in as agritourism in general and is now simply glamping, how it would be used and how the text amendment has been presented to the board. She indicated changes were made based on a somewhat negative review letter from the County Planning Commission and from the first agritourism zoning amendment. Mr. Noetzel acknowledged the statements of Ms. Hitchens to be correct and indicated the changes were primarily prompted by the county's comments.

Mr. Demme indicated the proposal for the land use for Amie Obiama is a “micro campground” and creating the new designation of historic farm property is not needed within the ordinance. Mr. Hutchison asked about the scenario of one of his neighbors, for example, wanting to put a tent in their backyard and rent it out for 4 months over the summer and whether the ordinance would allow for that. Ms. Hitchens indicated the proposed ordinance as written allows for that in the AG district but not in the residential district. Ms. Hitchens noted that the zoning ordinance for tourist home allows for a maximum number of persons in the home and this ordinance would allow for six persons per tent which would be slightly over the tourist home number of guests currently allowable. Ms. Hitchens stated this is not what Mr. Demme has indicated he wants to occur which was confirmed by Mr. Demme. Mr. Blowers understands people have a farmette and people are looking for a way to keep them going to receive additional income and use the historic properties with barns. However, he is very concerned about how these properties will actually be used by individuals and the impact on nearby residential communities when they may potentially be used differently than the original intention of use.

Mr. Siesholtz indicated there was no documentation designating the property being discussed was historic however, Mr. Noetzel indicated he does have documentation showing it is historic and Amie Obiama indicated they are in the process of getting national historic designation which is a timely process. Mr. Blowers indicated this property would not fit in to the current ordinance’s definition of a campground so the amendment is to create a new definition called glamping. However, Mr. Demme is not against the idea of having a platform with tents on it that are rented out which in this case the maximum would be 8 tents on the property. He stated people are already doing it in East Lampeter Township but it is being done under the radar and this proposed amendment is being presented so this property and others who may want to set up a similar thing would be doing so in accordance with the ordinance. The concern is a large amount of people ending up staying on the property exceeding the approved occupancy. Mr. Blowers loves the idea but is not hearing a consensus on the proposal. He stated they are about 60% of the way there in considering the idea but have a way to go to make it actually work.

Mr. Noetzel was asked to provide some examples of similar scenarios of this being done elsewhere in Pennsylvania and what problems were encountered and how these situations were handled in each case. Mr. Michael Thornton is very interested in finding out about what they do not know about allowing something like this. He is aware of what they know but being provided with what exactly is unknown will assist in eventually reaching a decision.

There was no final decision reached and more discussion is needed on this topic.

c. Official Map discussion and process decision

Mr. Siesholtz reviewed the memo provided to the Board. He outlined major additions to the map. The first one being the pollution reduction plan projects. He stated roadways and trails have been updated for the Walnut Street Extension, Goat Path, Lincoln Highway Streetscape & Millcreek Rd. A couple of flood control projects have been added as well.

Mr. Blowers requested time for the Board to look over the details and this topic will be brought up again in the next meeting.

Action Items:

- a. Authorization to defend Zoning Hearing Board decision re: 2622 Lincoln Hwy East

Ralph Hutchison stated the Zoning Hearing Board made the decision to deny the application for the pavilion which was constructed without permits, land development or stormwater planning. The applicant has appealed the decision to the court. He indicated the Zoning Hearing Board is not in the best position to defend its decision because if they appeal it further they cannot further defend it. As a result it would typically be the Board of Supervisors and the Township itself that must intervene and defend the decision of the Zoning Hearing Board. Mr. Hutchison requested a motion to authorize staff to defend the Zoning Hearing Board. Ethan Demme made a motion for the authorization and Mr. Thornton seconded the motion. The motion was unanimously approved by roll call vote.

- b. Approval of new AFSCME agreement-Term 1/1/23-12/31/25

A 3-year agreement was negotiated with the union. Some of the highlights include a 3.5% wage increase each year, exchanging the Columbus Day holiday for Juneteenth holiday, limiting use of paid time off to a maximum of 15 consecutive work days at a time, clarifying some comp time use requirements, increasing incentives for spouse or spouse and dependent removal from the health plan and a few other things. Motion by Mr. Demme to approve the AFCSME Agreement for 1/1/2023 through 12/31/2025 which was seconded by Mr. Roger Rutt. Motion unanimously approved by roll call vote.

Manager's Report:

Ralph Hutchison reported on the MS4 program stating that PA DEP has accepted and approved the annual report which was submitted in September. He indicated a review from PA DEP was received regarding the pollution reduction plan amendment to which the township is working through some questions and comments. A meeting with PA DEP will occur later this month. The other projects that are being worked on include the design build at HACC and other agreements with some private properties to do some basic conversions are continuing to be worked on as well.

Adjournment:

On a motion by Mr. Demme and a second by Mr. Thornton with all voting in favor, the meeting was adjourned at 9:47 pm. The next Board of Supervisors meeting will be held on Monday, December 19, 2022 at 7:30 pm in the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA, 17602 and via ZOOM, check the Township website at www.eastlampetertownship.org for more information.

Respectfully submitted,

Ralph M. Hutchison
Township Manager