

## WARWICK TOWNSHIP

315 Clay Road  
P.O. Box 308  
Lititz, PA 17543-0308  
(Lancaster County)

### WARWICK TOWNSHIP BOARD OF SUPERVISORS October 19, 2022

Chairman Kenneth Eshleman convened the October 19, 2022 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. Those in attendance were Supervisors Kenneth Eshleman, Jeremy Strathmeyer, Ken Kauffman, Jeff Tennis, and Kelly Gutshall. Also in attendance were Brian Harris, Township Manager; Tom Zorbaugh, Zoning and Code Officer; Duane Ober, Warwick Emergency Services Commission; Chuck Haley, Township Engineer; Greg Young, Warwick Township; Laura Dobbins, TOA; Bill Gretton, TOA; Andrea Shirk, Rock Lititz; Sarah Rider Yocum, Barley Snyder; Dave and Ben Reist, Troop 142; Laura Knowles, Lititz Record, and Diana Netherton, Court Reporter.

B. Harris stated that Ben Reist from Troop 142 is joining us tonight to observe the board meeting. Ben stated that he is working on a merit badge that focuses on a better understanding of the community and how the Board of Supervisors help to run the community. The badge is Citizenship in the Community. Ben has been in scouts since 2019 and tonight is Ben's first municipal meeting.

B. Harris stated that Bill Gretton who is the President of the HOA for Traditions of America along with Laura Dobbins who is the Secretary/Treasurer of the HOA of Traditions of America. Harris stated that he has worked closely with Bill and Rick over the last year on trying to get TOA to the finish line. There is an agenda item tonight that pertains to the release of financial securities. Bill thanked B. Harris for his efforts in the process. Bill stated that they cannot get TOA to respond to any of the HOA's requests or questions. Bill stated that Traditions of America (TOA) has left residents in the community with less than what was promised. The community is a gift to the Township because they contribute taxes and require no services from the Township because the HOA must take care of the streets, sidewalks, etc. They want to make sure, before TOA exits, that things are brought to the standards that they were promised. Mr. Gretton wanted to point out that if the Board is looking to approve developments like this in the future make sure things are taken care of. Mr. Gretton stated that there are some code violations that were let go so there are individuals who have homes in their development that actually have fire hazard situations. The HOA is asking the Township to be very careful about releasing all of TOA's funds because once you give them back their money, they are not going to pay any attention to any of the things that have been neglected.

Laura Dobbins thanked Brian Harris and the Board of Supervisors for everything they have done over the last 3 years that Laura has been involved with the Executive Board in trying to get TOA to a certain point.

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPLICATION FROM ROCK LITITZ PROPERTIES L.P. THE APPLICANT IS SEEKING CONDITIONAL USE APPROVAL UNDER SECTION 340-19.C.(10) AND SECTION 340-89 OF THE ZONING ORDINANCE PERTAINING TO PUBLIC, PRIVATE, COMMERCIAL AND VOCATIONAL AND MECHANICAL TRADE SCHOOLS IN THE CAMPUS INDUSTRIAL ZONE. THE APPLICANT PROPOSES TO CONSTRUCT A 29,200SF BUILDING ON THE ROCK LITITZ CAMPUS FOR A COLLEGE-LEVEL FACILITY FOCUSED ON THE LIVE ENTERTAINMENT INDUSTRY. THE APPLICANT IS ALSO REQUESTING A TIME EXTENSION TO COMPLETE CONSTRUCTION PURSUANT TO SECTION 340-131.F.**

Everyone who is testifying was sworn in by the court reporter.





B. Harris stated that there is a public hearing tonight for a conditional use for Rock Lititz. Andrea Shirk and Sarah Rider-Yocum are in attendance. This conditional use is for building 180 for an educational facility in the I-2 Zoning District which is our campus zoning. An educational facility is a conditional use hearing. The Township's provisions for the use are quite basic in our zoning ordinance, 25 ft. setback for parking, all buildings have to be set back at least 100 ft. from any adjoining land, parking allocation, passenger drop-off and pick-up, so there is really many restrictions in the zoning ordinance regulating the use. Representatives of Rock Lititz were at the Planning Commission meeting in September where they received a recommendation from the Planning Commission. Initially they are anticipating have 25-30 students in the facility. It will be 29,000 square foot building immediately adjacent to Studio 2. It will be an accredited 2 year and 4 year degree.

Sara Rider from Barley Snyder is present representing Rock Lititz along with Andrea Shirk who is the President and CEO of Rock Lititz. Sara stated that Rock Lititz Properties LP is the owner of the unit identified as Unit 1C which is part of the Rock Lititz campus. The Rock Lititz Campus including Unit 1C is zoned I-2 Campus Industrial zone. Rock Lititz is intending to construct an approximately 29,200 square foot stand-alone building on a portion of Unit 1C which will be known as Tenant Space 1A, Building 180 with an address of 180 Rock Lititz Boulevard. This building is located adjacent to the recently completed Studio 2. The land development plan for this building titled Preliminary Final Land Development Plan for Rock Lititz Campus Improvements was approved by the Board in 2019 and that plan was recorded in 2020 and because of the pandemic construction on this new building was postponed. Because the building itself and the site improvements have already been approved, they are present this evening to discuss the proposed use of this building which is proposed to be a college-level educational facility focused on the live entertainment industry. Section 340-19.C.(10) of the zoning ordinance provides that schools are permitted by conditional use in the I-2 zone subject to certain requirements set forth in Section 340-89 of the zoning ordinance. They are also requesting a 6 month time extension pursuant to Section 340-131.F. to complete construction of this building. That would give Rock Lititz 18 months after approval to complete construction. The zoning ordinance requires that permits must be obtained and work commenced within 6 months of approval and that construction needs to be completed within 12 months. This building is going to take a little bit longer than 12 months to construct so they are asking for 6 month extension for construction.

Andrea Shirk stated that when they originally had land development plan approval in 2019 they intended for a portion of this building to be an education facility. During the pandemic they paused and after reevaluating the plan, they realized that the entire building should be dedicated to the purpose of an education facility. Partly because it is a growing industry and the demand for talent is there but also they learned that it is best to have flexibility for growth. It was always the intended use of the facility to some capacity and now they are coming and actually going through the official process of getting that use approved. Shirk stated that the land development plans have been complete and they have not changed the actual footprint of this facility since that time, they have just figured out the internal layout of the facility. The intention to create a unique education model where they bring students into the community subset while they are learning and getting their college degree they are actively engaged in the working environment. There is a model in the UK where someone has done this on a campus and they are partnering with them to bring the best practices of how they have developed their program. Their program is approximately 10 years old. They are also working with a local university to partner to bring the accreditation and licensing so you will be able to utilize an existing to bring students here to the campus. Their intention is to start students next September in 2023. They will start with a small class and then really try to grow. The nice thing is that the students will actually be taking some of their general education courses at the local university they are partnering with. The students will be here on campus primarily for the courses that would be associated with the industry. The students will become industry professionals on day one so they will be working in the businesses as they are getting their education. The students will really get a hands-on education. The concept is that the students will have a home base at a university off campus and then come and participate in 10 classes at the Rock Lititz campus as part of the industry engagement. They are building just shy of 30,000 square feet. There will be a lot of production space and then some classroom space. The building is designed to handle approximately 30 students at a time on site and they also have a space in there to put a sound-proof demo room that can be utilized by both students as well as other companies on the campus to continue to make sure they have sound-proofed capability across the campus for demos for companies training as well as the school. There will also be some office space in the building. J. Tennis asked if the students will be commuting to the campus for their content. There will likely be a shuttle system so that they can minimize some of the traffic. It will probably depend on where the students are primarily located but their housing will be through the university they are partnering with which means they will likely be living in Lancaster. B. Harris asked for the students enrolled in the 4 year degree program how much time will the students be spending on the campus versus at the university. Shirk stated that it will be heavily in the second 2 years but there will be some portion that will begin in year 2. K. Kauffman asked about the hours of operation for the facility. Shirk stated they are still working through the



details of the hours of operation but the assumption is that they would be opening at approximately 8 a.m. and assuming approximately a 10 p.m. closure to provide the security associated with that and they will assume 7 days a week although they will likely have most of the course work Monday through Friday. J. Strathmeyer asked if this is designed for traditional students that will be living on a campus like Millersville or Franklin & Marshall. Shirk stated they will partner with a local university where the students will be getting their actual degree from so this will be almost a school within a school. They have selected a partnering university and are working on finalizing that process over the next few weeks. K. Eshleman asked what the degree will be in. She stated the degree will be a Bachelor of Arts in Live Event Design and Live Event Production. The program is meant for students who know what they want to do and want to start living and doing it while getting their degree. The goal then is that they are remaining and working in this community or for very successful exporting talent out to the broader industry. The maximum students for the original foot print they are working on is about 30 students at a time which would be about a class of closer to 50 which would put about 30 students on campus. J. Tennis asked if the building is planned to be up to 3 stories. Shirk stated that is correct but not the entire footprint. The production spaces and demo spaces will basically be 1 story spaces so about 16,700 square feet will have the capability to grow to 3 stories and then the rest of the footprint will be production/demo rooms that will be 1 story. Shirk stated that they will have to come back to request if they were going to expand into the 2<sup>nd</sup> or 3<sup>rd</sup> floor. K. Gutshall stated that it sounds a little more like a clinical experience like a nursing school type thing where you get your undergrad and then you spend a year or two at a hospital or medical center. Shirk stated that this is a really unique approach towards integrating an apprenticeship style learning with education to really increase the chance of the student coming out of the program who are prepared to work in the industry. K. Gutshall recused herself. On a motion by J. Tennis and seconded by K. Kauffman, the Board approved the closing of the hearing.

B. Harris stated that now that the public hearing is closed, if the Board is so inclined, they can make a motion to approve the use based on ELA's letter dated September 1, 2022 as well as Derck & Edson's response letter dated September 27, 2022 as well as any testimony provided here this evening. On a motion by K. Kauffman and seconded by J. Tennis, the Board approved the conditional use. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board authorized a 6 month time extension pursuant to Section 340-131.F. which would extend the limit of time for completion of construction 12 months to 18 months. K. Gutshall abstained on both motions.

**CONSENT AGENDA:** B. Harris stated that the minutes from September 7 and September 21 are included in the packet. He stated that the Warwick Township Municipal Authority met last evening and they presented the draft 2023 budget which does not include a rate increase on the water and sewer side. At the Planning Commission meeting next week they will have two items, a conditional use for a second family dwelling on an ag parcel very similar to the King decision which the Board will approve tonight and they also have the Poje subdivision on the agenda which there is an item on this agenda related to that as well. The IBEW contract is still being negotiated. Jeff and Pat had a meeting today and we are still trying to come to terms on wage increases for the contract. Most of our developments are moving along. Warwick Crossing phase 2 and 3 are progressing. We are still at a standstill with Walton Hill regarding the right-of-way strip. The Authority last night did authorize them beginning sewer work. The Board of Supervisors approved the plan that had a temporary lateral to connect to the Walton's house. T. Zorbaugh stated that equipment moved in on Orchard Road. B. Harris stated we are still finalizing the detour for Orchard Road. They are talking about a 3-4 week detour and they will have a turn around per the school district's request at the existing dwelling that will be torn down and we will have another turn around at Mike Fyock's place. He was agreeable to providing a turn-around in the stone area on his property. The Township reached out to the Weavers at 850 Orchard Road who have young kids and they were content with the plan. From the Township's perspective you don't like closing a road. You try to have a developer plate the road. Everyone agrees that based on the location of utilities right in the middle of the road, the detour does make sense. K. Kauffman asked if there is a recourse if B. R. Kreider does not get the road reopened on schedule. Harris stated that he can incorporate something into the agreement that the Township ultimately executes. K. Gutshall asked if there was any flooding the last storm. She mentioned J. Minnich making note about storm preparation in his report. T. Zorbaugh stated that there were some road closures in the one storm. Signs are taken out in preparation and then the police department or the Township put them in place if needed. B. Harris stated that it was during the 5 days of rainy weather. On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved the consent agenda as submitted.

**CONSIDER A REDUCTION/RELEASE OF THE LETTERS OF CREDIT FOR TRADITIONS OF AMERICA, PHASES 1-5:** B. Harris stated that there is a letter dated October 12, 2022 from ELA regarding the release of financial securities for phases 1-5. The recommendation to release is contingent on a few items, one being the replacement of dead and damaged street trees within phase 5, the rip rap apron improvement at basin 6, the third bike rack and the clubhouse, a hinge trash rack that needs to be installed on end

wall S1 and also an 18 month performance bond with the Township for the completed roadway improvements along West Woods Drive. The amount will be somewhere around \$53,000.00 based on the escalator that was put in place at the time. Harris stated that he, Bill, Rick, and Chuck have spent a decent amount of time trying to tease out what is the obligation of the Township and with many of these items the lines have gotten blurred over the years. It started out with a punch list that was quite long which was reduced down to a handful of items although there are some outstanding items that TOA is going back and forth with the HOA about. From an engineering perspective we are comfortable. The conservation district issued the notice of termination for the NPDS for phase 5. K. Kauffman asked about lighting being taken out of the path. B. Gretton stated that the pathway between Resolution and Allegiance had steps and also had lighting. Neither C. Haley nor K. Kauffman recall lighting on the subdivision land development plan. It could have been shown to the HOA and the residents but Haley does not recall a plan for lighting along the trail. C. Haley stated that 3-4 weeks ago they went out met with TOA after they got the NOT from the conservation district and they said they were done. B. Harris stated that he is not sending a letter to the bonding company releasing the money, the Board is making a motion that is conditioned on the items being satisfied. He also mentioned that the street trees weren't on the original punch list for phase 5 because the focus was on paving. There were certain items that the Township didn't want to touch and there were some that the Township did. C. Haley stated that as far as the trees, he sent one of the guys from his office out to get the locations of all the trees so they know 6 or 7 trees need replaced. They are attempting to document and map all of this. J. Strathmeyer asked how comfortable B. Gretton and L. Dobbins are with the remaining items left to be completed. Gretton stated that they have agreed to those remaining items. They know there are things that the Board cannot address that they have to address on their own. K. Gutshall recused herself. J. Strathmeyer asked why the Board would vote on this before TOA has fixed the items agreed upon. Harris mentioned a couple different reasons, one if they are able to get it done in an expeditious manner they don't have to wait until the next meeting, also it shows good faith on our part that we are moving the ball forward. Harris has been in contact and he sent the HOA a copy of a letter and the Township has done this before. Harris feels it memorializes what is left, it memorializes that the Board is authorizing this however they still have a couple last items. We could insist that they get the trees planted and then we will release the funds. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board approved the conditional release of the letter of credit as requested for phases 1 through 5.

**CONSIDER MOTION TO APPROVE THE CONDITIONAL USE DECISION FOR ABNER AND ARIANNA KING:** B. Harris stated at the last meeting the Board approved the conditional use hearing for a second single family dwelling located at 619 W. Lincoln Avenue, Lititz, PA. Billy Clausser prepared a draft decision for the Board for consideration which was included in the packet. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously authorized execution of the decision for Abner and Arianna King.

**DISCUSSION ON DEP SECTION 902 GRANT FOR A GRINDER FOR THE LEAF AND WOODY YARD WASTE DROP-OFF SITE:** B. Harris stated that the DEP Section 902 Grant is due October 28, 2022. We have prepared a draft application and we have met with DEP for potential funding for a new grinder. The grant parameters will award up to \$350,000.00 and there is a 10% match by the municipality. The piece of equipment the Township is looking at is a grinder made by Bandit called the Beast. It is a 525 horse power grinder that weighs 48,000 pounds and has a 60 inch wide X 36 inch throat on it. It is a similar unit to what West Earl has. The price for the grinder is close to half a million dollars. The Township's minimum required amount that we would have to spend would be around \$400,000.00 based on our match. J. Minnich chose this unit based on the capabilities that it has. Harris stated the match would come from the ARPA funding. The current grinder is a 1994 Model. The Township will have the new grinder for 20-30 years. Harris stated that the Township did iron out an inter-governmental agreement with Lititz Borough that memorializes our relationship with them that we are applying for this. The Borough will be applying for leaf collection as well. K. Gutshall asked what the grant request amount is. Harris stated that through the 902 program they will award a maximum of up to \$350,000.00 which is what the Township is asking for. The Township would be responsible for any amount above that. There has to be a 10% match by the municipality. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved the authorization of the 902 application subject to further approval of the exact grinder make and model.

**CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS:** B. Harris stated that there are a handful of different funds that we paid our bills out of this month. The general fund total expenditure was \$608,000.00 with a large portion of that being our last payment to Northern Lancaster County Regional Police at \$355,000.00. The highway aid fund saw two checks to Pennsy Supply for \$407,000.00 which was for the paving project this year in our various subdivisions. There was also a check for \$1.3 million which was from the tourist marketing grant over to the authority. We started incurring expenses related to pump station 13. There is a pump station 13 pre-construction meeting next week. They are going to kick-off in November. Total payables between the 8 different funds



is \$2,352,654.00. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of bills as presented.

**CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT:** B. Harris stated that to date we have collected 90% of our budget. Our transfer taxes have exceeded our budgeted amount as well as our prior year. Harris had a very encouraging call last week with the Lancaster County Tax Collection Bureau regarding the earned income tax. The Township budgeted about \$3.1 million this year and we are probably going to come in somewhere around \$3.25 million. The Tax Collection Bureau estimates that it will probably be about 8% over what their recommendation was last year. The projected forecast for 2023 is another 4-5% increase. For the 2023 budget we think EIT is probably going to go from the \$3.1 million that we budgeted this year to somewhere around \$3.4 million or \$3.45 million based on where the numbers are falling. Harris mentioned the Foreign Fire premium you will see that the Township budgeted \$112,000.00 and we received \$141,959.00. You will see this going out of the expense side with equal halves to Rothsville Fire Company and Brunnerville Fire Company. Harris stated our legal expenses are starting to resemble where we were in the prior year. We expended \$45,958.00 to date and it was \$41,258 to date in 2021. Harris noted that the legal expenses number needs to be increased in the 2023 budget. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report as submitted.

**DISCUSSION OF PROPOSED REZONING OF THE GERHART PROPERTY AS PART OF THE JOINT STRATEGIC PLAN**

**UPDATE:** B. Harris stated that this is Roger Gerhart's property. The Poje subdivision is proposing to chop 1.7 acres off of Mr. Gerhart's RE tract. As part of that subdivision, Mr. Gerhart is going to be going through the Ag Preserve Board to preserve a portion of his property. The Ag Preserve Board historically has not approved any preservations unless the property is zoned agricultural. Harris had a call with Kevin Bear to discuss a couple different rezonings with the strategic plan next year and would they be willing to consider proceeding with the preservation without it be rezoned now. Kevin talked to Matt Knepper who is the Executive Director and they said they would be willing to do that if the Board is willing to go on record saying that as part of the comprehensive plan update it will get rezoned. The letter included in the packet memorializes that the Township is committed to doing the rezoning. On a motion by K. Gutshall and seconded by K. Kauffman, the Board unanimously approved the rezoning as part of the strategic plan update and is satisfied with the October 19, 2022 letter that is being provided to the Ag Preserve Board.

**CONSIDER MOTION TO AUTHORIZE THE SOLICITOR TO INTERVENE ON BEHALF OF WARWICK TOWNSHIP IN THE CHOO**

**LAND USE APPEAL:** B. Harris stated that the Zoning Hearing Board last week met to go over the Choo land use appeal. Bill Crosswell prepared two motions for the Board of Supervisors. The first motion is authorizing the Township Solicitor to intervene on behalf of the Township in support of the decision of the Zoning Hearing Board of Warwick Township in the land use appeal filed by Joan Choo in the Court of Common Pleas of Lancaster County Pennsylvania docket # CI-22-06150 and to take such further action as may be deemed necessary or appropriate by the Township Solicitor in connection with the land use appeal. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the authorization of the Township Solicitor to intervene on behalf of Warwick Township in the Choo land use appeal.

J. Strathmeyer asked why the Board has to vote on the solicitor getting involved with the Township's legal matters. B. Harris stated that typically when there is a zoning appeal the Township is the intervening party. The Township would want to be a party to that. For example, if the Zoning Hearing Board approved something that the Board did not endorse, the Board can intervene as part of that. Mr. Crosswell wanted the Board to make the motion authorizing the Township be party to the appeal.

T. Zorbaugh stated that the Zoning Hearing Board is stand-alone so they could authorize their attorney to go fight it but then the Supervisors also have a right to be party to it also which at this point Bill Crosswell is taking the lead on it and Ms. Choo's attorney has been working with him and the Zoning Hearing Board attorney on the appeal, why it was done, and the agreement that was written. In the last case the Zoning Hearing Board and the Board of Supervisors were party to the case in order to resolve the issue and that is the best way to do it. If the Supervisors did not authorize you would not be able to be part of the hearing if it went to court.

**CONSIDER MOTION TO APPROVE THE SETTLEMENT AGREEMENT AMONG WARWICK TOWNSHIP, THE ZONING HEARING**

**BOARD, AND JOAN CHOO:** B. Harris stated that the second motion moves that the Board of Supervisors approve the settlement agreement among Warwick Township, the Zoning Hearing Board and Joan Choo in the land use appeal filed by Joan Choo and docketed same case in the Court of Common Pleas of Lancaster County in the form and content presented at this meeting. The proper

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officials of the Township are hereby authorized to execute the settlement agreement. On a motion by J. Tennis and seconded by K. Kauffman, Board unanimously approved the settlement agreement among Warwick Township, the Zoning Hearing Board and Joan Choo.

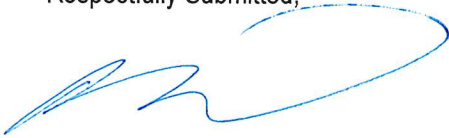
**COMMUNICATIONS:** B. Harris stated that Rothsville Volunteer Fire Company September report is included. We also received a letter from the Lititz Rec Center thanking the Supervisors for their third quarter contribution of \$18,000.00 to the Lititz Rec Center. Harris included a letter from PennDot. Harris is not sure if it was coincidental with the Township implementing the brake retarder restrictions on Newport Road, but we had a couple residents on Rothsville Road that wanted the Township to petition the state. Harris made the residents aware of the challenges because it is a state road and it exceeds the grade required. Harris assured them the Township would go through the process. We did that and the PennDot letter came back and it indicated they would not do it based on the grade. Harris passed the letter along to the residents that inquired. K. Kauffman stated he noticed in Lititz Borough they have signs up now talking about brake retarders being restricted in the entire borough. B. Harris stated you could do a blanket restriction but it is only in the areas that meet the grade requirements. C. Haley stated that it may be related to speed limits.

**EXECUTIVE SESSION:** Board went in to Executive Session at 8:10 p.m. Board returned from Executive Session at 9:20 p.m.

**NEXT MEETING:** Wednesday, November 2, 2022 at 7:00 a.m. (via Zoom)

**ADJOURNMENT:** On a motion by K. Kauffman and seconded by J. Strathmeyer, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted,



Brian Harris  
Township Manager