

WARWICK TOWNSHIP BOARD OF SUPERVISORS
MAY 17, 2023
7:00 P.M.
WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman, Ken Eshleman convened the May 17, 2023 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were supervisors Ken Eshleman, Jeremy Strathmeyer, Jeff Tennis, Ken Kauffman, and Kelly Gutshall. Also in attendance were Brian Harris, Township Manager; William Crosswell, Township Solicitor; Billy Clauser, Township Planner; Tom Zorbaugh, Code and Zoning Officer; Duane Ober, Warwick Emergency Services Commissioner; Jack McSherry, Jr., 150 Indian Hill Road, Conestoga; Linda Elliott, 121 Speedwell Forge Rd., Lititz; Jim Bushong, 1403 Brunnerville Rd., Lititz; Victoria Collins, 307 S. Broad St., Lititz; Rachel Felpel, 480 New Holland Ave., Lancaster; Scott Wigglesworth, 700 Southview Dr., Landisville; Kyle Schillaci, 141 N. Reamstown Rd., Stevens; Laura Knowles, Lititz Record Express; Randy Hess, 24 Windsor Ln., Lititz; and Suzy Oldt, Court Reporter.

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPLICATION RECEIVED FROM COMPASS MILL COMPLEX LLC (THE “APPLICANT”). THE APPLICANT IS SEEKING CONDITIONAL USE APPROVAL UNDER SECTION 340-46.2. OF THE WARWICK TOWNSHIP ZONING ORDINANCE PERTAINING TO DEMOLITION OF A HISTORIC STRUCTURE ON THEIR PROPERTY LOCATED AT 817 ROTHSVILLE ROAD, LITITZ PA.

B. Crosswell stated that there are certain procedures that have to be followed in a conditional use hearing which is the nature of the application that is before the Board of Supervisors and the Board is acting in a capacity that they normally don't in that they are very similar to Zoning Hearing Board members in that they are acting in a quasi-judicial capacity. They are going to hear the evidence that will be under oath and anybody who wants to speak will have to be sworn or affirmed. The evidence that is presented, together with the legal issues that are applicable have to be considered by the board in making its ultimate decision. That decision can be to grant the conditional use or it can be to deny it or it can be to grant it with conditions. Mr. Crosswell went over how individuals can become parties to hearing. The applicant was the only one to request party status. Mr. Crosswell mentioned certain steps that the Township has to take before holding a conditional use hearing and he asked for confirmation that all those steps were taken. Mr. Crosswell asked if this matter was advertised in the Lancaster Newspaper twice at the intervals required by law and there is proof of publication from the newspaper to show that the notice was given. B. Harris confirmed this was done with advertising dates of April 27, 2023 and May 4, 2023 and there is proof of publication. Mr. Crosswell asked if the property was posted at least seven days prior to the hearing. T. Zorbaugh confirmed the property was posted at least seven days prior to the hearing. Mr. Crosswell stated that the Warwick Township Planning Commission reviewed the plans at least twice at meetings and there was a recommendation made. He asked Mr. Harris if he was present at either or both of the Planning Commission meetings at which this matter was considered. B. Harris confirmed he was present at both meetings. The applicant was in front of the Planning Commission at the March meeting as well as April. Knowing that the applicant was coming back to the Planning Commission in April, the applicant did file a time extension to extend the hearing date to May 17, 2023. At the April meeting the Planning Commission did make a recommendation with some proposed conditions. Mr. Crosswell asked C. Shank if there was an extension of time granted to which she confirmed there was.

All those presenting testimony or will be making statements during the course of the hearing were sworn or affirmed.

Claudia Shank from McNees Wallace & Nurick LLC is representing Compass Mill Complex LLC. She is joined by Mark Will, Craig Hasson, and Scott Wigglesworth who are here on behalf of the applicant. Jack McSherry, structural engineer and Kyle Schillaci with Schillaci Architects will be providing testimony.

C. Shank gave a brief overview of the property and project they are proposing. Shank reviewed the aerial map of the property pointing out that the property where Compass Mill, that is the subject of the application, is located is approximately 1.2 acres but it is part of a larger

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complex that is owned by the applicant which contains a total of 5.3 acres or 4 tracts of land that are being developed comprehensively. All of the tracts are located in the community commercial district. C. Shank stated that the property was purchased by the applicant in 2020. Shank reviewed all the buildings located on the property and the proposed redevelopment so the board can understand the project and the request in context. Shank noted that there are some changes in terms of what they are presenting this evening from what was previously presented to the Planning Commission. At the Planning Commission they talked about doing a total demolition and starting from the ground up in terms of reconstruction. Listening to the feedback they received from the Planning Commission and from the township they are now exploring retaining the foundation up to the top of the first floor of the structure. This would allow them to keep some part of the mill which is important to the township but would also allow them to modernize the building. There was a concern if they left the full walls intact that they would have lower floor levels and it would also be very expensive in terms of restoration. They felt that this proposal would be a middle ground that would allow some portion of the structure to remain. They do not have all of the answers in terms of the stability of the foundation and whether everything can be achieved the way they hope it can but it is something they are committed to exploring as part of this process.

Shank reviewed the criteria for the zoning ordinance that must be met to demolish, remove, or relocate a historic structure. The applicant believes all three of the criteria have been met. Shank notes that the mill is not capable of being restored in its current state, it would be extremely cost prohibitive to do so, and they believe that the project that is being proposed is going to have a great community benefit as has been recognized in the fact that it has been awarded RACP funds. Shank mentioned receiving the Planning Commission approval with some conditions including the condition that they would use the materials in the mill as part of the reconstruction which is something that they are committed to doing.

Mr. Jack L. McSherry, III confirmed his name and credentials. Mr. McSherry has worked as a professional engineer for 41 years. He specializes in structural design and they mostly do existing and historic buildings which cannot be put into a computer. On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved recognizing Mr. McSherry as an expert in structural engineering. Mr. McSherry confirmed visiting Compass Mill Property at 817 Rothsville Road on or around February 10, 2023. Shank referred to a letter dated February 10, 2023 to Ben Hasson. Mr. McSherry confirmed that he prepared that letter. He also confirmed that at the time of the visit he concluded that the existing structure was not sound and that collapse was imminent. He also characterized the mill not as a building but rather as building ruins at that time. Mr. McSherry stated that structure could fail at any time or it could last a number of years if it is left in its current condition. Mr. McSherry believes that demolition or partial demolition is necessary for the safety of the public. C. Shank questioned Mr. McSherry about the proposal to demolish the high parts of the gable walls and take the building down to the first floor elevation leaving the stone below that and the foundation. She asked Mr. McSherry if it is possible that the retained portion of the structure that they are talking about could be rehabilitated such that the new structure could be built on top of it. Mr. McSherry stated that without examining it he would say a definite maybe. He went on to say that it is very common that they do it from the foundation level but from the first floor level it is going to be the condition of the walls and the building would have to be designed to meet the requirements of the foundation not the other way around. He was also asked if the retained portion of the mill could be secured in a matter that would reduce or eliminate the risk to the public. Mr. McSherry stated you could sure it up on a temporary basis but you would still have to work expeditiously and the worst enemy is the rain. He stated he would be able to work with the applicant to determine whether the foundation and the first floor of the structure was in a condition to be rehabilitated and to make recommendations in terms of what would need to be done if it is structurally sound.

There were no questions from the public. J. Strathmeyer asked if Mr. McSherry had heard of this structure prior to his involvement with the applicant. Mr. McSherry stated that he looked at the structure approximately 5 years ago because there was talk about creating a business in it and they were doing a walk through prior to any design being done. He was asked between then and now what is the deterioration rate. Mr. McSherry stated that at that time it was a building and now it is ruins. There were floors and a roof system intact when he was there 5 years prior. He was asked what happened to the material to which Mr. McSherry stated he does not know. He stated he was not part of any discussion with the demolition. K. Kauffman asked if the building can be salvaged at this point. Mr. McSherry stated it could be salvaged. Mr. McSherry was asked how he would do that. Mr. McSherry stated that you would get a roof on the structure and get a floor in it and rebuild the building. You would be building a building within the building and tying the old walls into it, but it can be done. He does not know if it can be done economically. K. Gutshall asked if prior to the roof and flooring being removed, would the building have been salvageable? Mr. McSherry stated it could have been salvageable. K. Gutshall asked when the floor and the roof were removed. C. Shank stated that they will provide that and some other background in further testimony. Shank objected to having members of the audience ask questions of the witnesses that are non-parties. She is fine if the members of the public want to make statements but she is not sure that it would be appropriate for them to question the witnesses. B. Crosswell stated that is in the discretion of the Board recognizing that asking questions isn't going to make them parties because they chose not to enter their appearance as a party. Given the nature of the proceeding, unless the Board feels otherwise, let the question be asked. L. Elliot asked Mr. McSherry if he could give an example of a building that he has salvaged in this kind of condition. Mr. McSherry stated that yes he did a burned out building for the Order of Otters of Lancaster. Their building completely burned leaving four walls and nothing else and they built a new structure within the structure. J. Strathmeyer asked how high up does Mr. McSherry think would be safely salvageable on the building. Mr. McSherry stated at this point he really does not know. It

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depends how much the walls are leaning out. Once a wall leans out a certain amount the weight of the building creates a horizontal load on the wall and it is no longer viable. J. Bushong stated that Mr. McSherry at the Planning Commission concluded that the condition of the mill was because of removing the roof, and that the owners caused their own problem. Mr. McSherry confirmed that to be the case. K. Kauffman asked if there are additional measures that could be taken now to make it safer or other ways to secure the gables at this point. Mr. McSherry stated not without going full-blown construction. Right now the structure is shored up but that shoring is not safe and the higher you go the further it is leaning and the further the problems are. Yes it can be done but they would have to shore up at the floor level and get a roof on it immediately and get everything tied together. You would have to start building that building before it is too late. Temporary shoring would have to go around where the first floor level is and would consist of a steel channel with plates through it and then diagonals down. That would probably hold the middle of the wall together but the top of building there is no logical way to do that except to possibly to immediately install pre-engineered wood trusses that would span and tie the two walls together at the end if they are not leaning too bad. J. Strathmeyer asked if the design of the building is significant to a particular sect or historical group? Mr. McSherry was not aware of any. K. Kauffman asked if Mr. McSherry if he provided any guidance for demolition methods. Mr. McSherry stated no and he was not asked to provide any guidance. K. Gutshall asked if Mr. McSherry was asked to evaluate any of the other buildings on the site. Mr. McSherry believes they worked on one of the other buildings about 5 years ago but he could not tell off hand what it was. He saw the file name in his book. C. Shank asked Mr. McSherry if he performed any detailed structural analysis the first time he looked at the structure.

Kyle Schillaci was the next witness. He is part of Schillaci Architects. He has a Bachelor of Architecture, a Masters of Architecture, and he has been employed by Schillaci Architects for 12 years. C. Shank asked the Board to recognize Mr. Schillaci as an expert in architecture. On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously recognized Mr. Schillaci as an expert in architecture. C. Shank asked Mr. Schillaci if his firm was engaged by the developer in this matter to provide architectural plans for the reconstruction of Compass Mill. He confirmed that to be the case and that he was provided pictures of what the mill originally looked like. Shank referred to the plan prepared by Schillaci Architects dated March 8, 2022. Mr. Schillaci confirmed that he assisted in the preparation of that plan and he noted that the plan shows elevations of the mill itself with the addition too. He confirmed that is elevations for the rehabilitation of the mill and at that point the intent was to use the existing floor and walls. Mr. Schillaci explained the purpose of the shed dormer that is located on the top of the mill. Mr. Schillaci was later asked to prepare a plan contemplating the complete demolition and reconstruction of the mill. Shank referred to Exhibit 7 which is a plan dated February 27, 2023 which Mr. Schillaci assisted in preparing. Mr. Schillaci described the plan to the Board which would be for the ground up reconstruction. He confirmed that the goal was to incorporate as many architectural details from the original mill as possible. He described the details that they incorporated in the second plan. Mr. Schillaci stated that the reconstruction is more in keeping with the original architecture of the mill. He also stated that with the second design it allows for a little bit higher floor to floor heights so there is more usable space. Schillaci acknowledged that he was informed prior to this meeting that the applicant is now considering retaining or exploring retaining the foundation up to the top of the first floor of the structure. He does feel that the February 27, 2023 design is still achievable with retaining the foundation up to the first floor as long as the structural engineer can sign off.

K. Eshleman asked if Mr. Schillaci's company has had experience with the restoration of any buildings like this. Mr. Schillaci stated they do not have experience with mills but they have done restorations of brick buildings, some of the buildings near The Works in Wyomissing which was an old textile factory. They do a decent amount of renovations but not a complete rebuild in this sense to match what was there before. K. Gutshall asked for clarification on the floors on the plan and ground level and the existing grade. Shank stated the idea is to retain it above the existing grade so basically the first floor of the new structure would be the original stone work of the mill and then it would be reconstructed on top of that. The idea is that you would retain part of the structure but you would be able to increase the floor to floor height within the building so it would be more functional and usable. C. Hasson stated the first floor is ground level up to wherever they choose to make the second floor. He pointed it out on the plan itself. K. Kauffman asked Mr. Schillaci if his office is listed with the PA Historical Museum Commission as an approved architect. Mr. Schillaci stated they are not listed with the PA Historical Museum Commission. Kauffman also asked if they have worked with any of the regulations concerning historical reconstruction. Mr. Schillaci stated they have in the past but not himself personally as a consultant. Mr. Schillaci stated he is not familiar with the National Park Standards for reconstruction. Kauffman asked if Mr. Schillaci had been up to see the work that had been done at the Elizabeth Foundation Barn on Route 501 that was a very similar facility that was historically restored. Mr. Schillaci was not familiar with the site. There were no questions from the public. K. Eshleman asked what occurred between the Planning Commission Meeting and now to consider maintaining a portion of the structure. C. Shank stated that the feedback they received regarding maintaining some portion of the structure would be appreciated over demolishing the entire thing. This is what they feel can feasibly be retained. K. Kauffman stated that he has a concern because it sounds like the applicant doesn't even know what they can do yet but the Board is supposed to make a decision on the matter. J. Strathmeyer wanted to clarify for the record that Exhibit 6 and Exhibit 7 are showing the ground level floor is different. On Exhibit 6 it is described as a first floor and on Exhibit 7 it is described as the ground floor.

Craig Hasson was next to testify. He is a member of Compass Mill LLC along with Mark Will and Mike Gardino. Mr. Hasson has been in construction since 1995. His company does residential and light commercial work including additions and remodels. Mr. Hasson stated that Compass Mill LLC acquired the property in 2020. He stated that the roof was leaking with the previous owner placing buckets up on the 3rd

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floor to catch the water but no one was emptying the water. Where the roof area was leaking there were beams that had rotted. They then discovered post beetles in the wood. Hasson stated that when they first acquired the building they placed tarps over the roof in an attempt to keep any more water from entering the structure. Mr. Hasson was not sure of the date they discovered the post beetles but they treated them as soon as they discovered them. Shank asked how long the roof tarp remained on the building. Hasson stated that they replaced the tarps a couple times but he does not know when it was last done. Shank asked if on or around August 2021 did they remove the tarps and start dismantling the roof of the structure to which Mr. Hasson confirmed that information. Mr. Hasson stated that at the time they thought they were proceeding in the direction to move ahead with the project. The contractor they selected to do the mill work recommended reusing the wood so they needed to get it out and get it kiln dried to make it usable in the rebuild of the mill. The contractor was B & D Builders who did the Star Barn project. Shank asked if in the spring of 2021 following the work, was the building essentially in the same condition as it is now. Mr. Hasson stated that the physical appearance is the same but he is not sure if the condition of it has deteriorated further. Mr. Hasson stated that they solicited bids for the remodel of the building and those bids were based on the first plan that was prepared by Schillaci Architects (Exhibit 6). Hasson confirmed that they selected B & D Builders bid for the project. Shank referred to Exhibit 8 which is a quote from B & D Builders dated April 1, 2022. Mr. Hasson confirmed that was the quote they received for the remodel of the structure as it currently exists. That quote was for \$2,345,000.00 dollars which included everything within 5 feet of the building. At that time it was just a shell because they did not have a specific use so it was more just getting the shell of the building done. Shank asked if at that point in time was a decision made to re-evaluate what would be involved in reconstructing the building from scratch using existing materials verses doing a renovation. They did re-evaluate due to the usability of the building, the look, floor heights, and raising it out of the floodplain. They felt it would make it a more usable project to be able to restore it to its original look and make it more functional. Hasson stated in his opinion it would be significantly less expensive to rebuild the structure from the ground up compared to the cost of a restoration. He stated that his group is looking at retaining the foundation up to first floor. He stated that the first floor would be ground level and then the second floor is where the actual construction of the wood second floor would be. Shank asked Hasson if the alternative proposal that is being presented tonight would be more expensive than doing a complete new ground up construction. Hasson stated that it is too early to tell. Shank mentioned that neither case would be substantially more affordable than doing a complete restoration of the building. Hasson stated that the wood is ready to be made into usable material. They plan on reusing all the stone from the building to reface the new building, and the new building would be constructed with just the real stone face on it.

There were no questions from the public. K. Kauffman asked what plan was originally submitted to the Planning Commission when this project was first presented in terms of the use of the building. C. Shank stated that the plan was to reuse the building.

Scott Wigglesworth introduced himself to the Board. He stated he assists Compass Mill Complex with land development and also the RACP portion of the project. He confirmed that Compass Mill has received RACP funding for the project. Wigglesworth explained what RACP stands for and what the purpose of the program is. Wigglesworth stated that Compass Mill Complex has received a little over \$4.5 million dollars for this project. Those funds will be used to offset major HOP improvements, redesigning the entrances into the property, site work, stormwater management, grading, parking, restoration of the exterior of the Friedrich house, and to demolish 815 Rothsville Road which is the grey house that sits right up against the road. They will also be demolishing the modern garage that is attached to the Friedrich house, constructing a new commercial building which will also house a water vault which will provide fire suppression for the mill and the site itself. Shank stated that the project that has received RACP funds it is the entire redevelopment of this complex. Wigglesworth confirmed that the RACP funds will not cover the cost of the project in its entirety. Wigglesworth stated that they are required to at least match the amount of the grant and they are estimating at this time that the RACP portion of this project will total approximately \$10 million dollars. The developer has contributed private funds for property acquisition, construction of the new building that houses the brewery and pierogi shop and getting public water to the site. Shank asked when the original application was submitted for the RACP funds was the intent at that time to restore the Compass Mill structure. Mr. Wigglesworth confirmed that was the intent. He has notified the Commonwealths Office of the Budget that administers the grant program that the intent has changed and the proposal would now be for partial demolition. On January 4, 2023 Mr. Wigglesworth reached out to Emma Diehl, Environmental Division Manager of the Pennsylvania Historic Preservation Office and Historic Museum Commission and indicated to her that the original synopsis that was submitted called for the Compass Mill to be renovated and that they would like to change that portion of the synopsis instead of renovating the mill within its current existing shell they wanted to rebuild the mill using as much of the existing stone as possible. On January 5, 2023 Wigglesworth received an email confirmation from Mrs. Diehl that their previous response still remained valid and that there was no need to submit any other revised documentation. Shank referred to Exhibit 9 which is a list of proposed conditions of approval. Wigglesworth confirmed that these are conditions that the developer is offering to the Board as potential conditions to consider imposing if the Conditional Use Application is approved. Shank reviewed some of those conditions with the Board.

B. Crosswell asked what the SHPO (State Historical Preservation Officer)? What do they do? Wigglesworth stated they manage the state historic sites. Crosswell asked if there has been any correspondence back and forth with them about this project. Wigglesworth stated that he testified to the correspondence. Crosswell asked if there is an approval letter that has been issued. Wigglesworth does have an email that has been forwarded to the Township Manager from the Commission stating that in fact there was nothing further that the applicant needed to

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do. C. Shank stated that she did not believe that the state had identified this property as a historic resource but it is identified in Warwick Township as a historic resource. Crosswell asked if they have taken any position in writing concerning this project. Shank stated that they did issue a letter indicating that there is no historic resources on the property. This letter is not part of the submission to the Township but it can be submitted. Crosswell prefers that the letter be provided to the Township. Mr. Crosswell stated that the initial application that was submitted for this conditional use and the accompanying narrative indicated that it did not appear that this resource was on any of the Township's listings of historic resources. Attorney Shank had recently provided a letter to clarify that position and it has been marked Board of Supervisors Exhibit #1 and he asks that it be made part of the record. This letter indicates the applicant has conceded the fact that conditional use approval is needed and under the township's ordinance that approval is required. Shank stated that they characterize it as withdrawing the argument. Shank stated that they were provided information from Mr. Clauser that show this was listed on township's registry. Shank also stated that registry was not something they could publicly access. Crosswell asked if the clearance letter from the State Historic Preservation Office was primarily based on the fact that it wasn't a historic resource that was listed in their records. That was Shank's understanding. Crosswell also asked if the State Historic Preservation Office indicate that this property might be eligible for registration under the National Historic Preservation Act as a historic resource even though their current records may not reflect it as such. Neither C. Shank nor S. Wigglesworth could speak to that level of detail. Mr. Crosswell stated he believes the National Historic Preservation Act talks in terms of historic resources that either are listed on the national register or are eligible for listing. He asked if the applicant knows what the standards are for listing and whether this property and the structure in question would be eligible for listing. C. Shank stated she knows there are a number of different criteria that are considered but she doesn't know whether that was analyzed in this particular case or required to be analyzed in this particular case. K. Eshleman asked whether someone has been notified that there has been a change of plans for the RACP funding. Mr. Wigglesworth did confirm that had been done and also stated that with the RACP grants, the projects change in scope all the time. As far as RACP is concerned the historic nature of building is not an issue. They could completely take that out and still use those RACP funds. K. Gutshall asked what the building will be used for. Wigglesworth stated it will be used as an event space. Gutshall asked if that is the same use that has been proposed since the very beginning. Wigglesworth stated that in the beginning they were not sure what the use was going to be. The original design was to build it out to a shell for a tenant to take over at some point and over time it evolved into an event space. Gutshall asked if there is any other space on the site for an event space. She went on to ask why that structure chosen for that use on the site. Wigglesworth stated that it developed as they tried to figure out what the site could be and trying to create a nice entrance way into Lititz and it seemed like it was a natural fit. The trend is to use older buildings and unique structures being used for event space. Gutshall asked if there is a better spot on the site to build this structure since they are recommending demolition of the old building. B. Crosswell mentioned that on the agenda for tonight's meeting under New Business item 5 is to consider a resolution ratifying the submission of the RACP application for Compass Mill Complex. If in fact the Board should take action at this meeting at any point to ratify the submission of that RACP application, the applicant wouldn't deem that as an approval of the proposed preservation of the Compass Mill. C. Shank confirmed the applicant would not. K. Kauffman asked what year the structure was built. C. Shank stated 1775 or 1776. Crosswell asked what function the mill served when it was in operation. Shank stated it was a grist mill until about 1920's and at that point it was inoperable for approximately 40 years and then it has had various uses since then. K. Eshleman asked if the conditions in Exhibit 9 are inclusive of what the Planning Commission had recommended. C. Shank stated that was her intent. B. Harris stated that those conditions do include the Planning Commission's comments. He also mentioned that the Board of Supervisors can attach any other conditions they see fit. The list provided is not an all-inclusive list but rather a starting point for the board to start thinking about different conditions. B. Crosswell stated that if the board should approve this conditional use application the board or the township would want in advance of any approval the agreement on the part of the applicant that they will abide by those conditions so the township does not get put in a position where conditions are suggested but maybe there is some dispute in the future over what those conditions actually were. In other words there would be a document submitted on behalf of the applicant with any conditions if that is the manner in which this proceeds that would say that those conditions submitted by township staff are acceptable to the applicant and if the approval is granted the applicant would be bound by those conditions and commitments. Shank stated that they want to review them but that sounds acceptable. J. Bushong mentioned that the logo for the township was modeled after the Compass Mill.

K. Eshleman asked Mr. McSherry if in his professional opinion as a historian what he would recommend as the best course of action, not speaking of cost. Mr. McSherry stated that it all comes down to dollars and cents. He also stated that it is a hazard at this point. Ideally it would be nice to have a fully restored mill but can you compel an individual client or citizen how much they are to spend and what kind of building they are to use/create. As Mr. McSherry sees it the township's interest is making it safe and there aren't a lot of options at this point. He went on to state that you either build a new building, build a building within the building, or you tear down the existing building.

The board confirmed they will accept the exhibits presented by C. Shank and that they will become part of the record.

On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the close of testimony for the hearing.

On a motion by J. Strathmeyer and seconded by K. Kauffman, the Board unanimously approved the closing of the hearing.

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CONSENT AGENDA:

Approval of minutes: April 5, and April 19, 2023
Manager's Report
Tax Collector's Report
Public Works Report
Police Department Report
Zoning Officer's Report
WESC/EMC Report

On a motion by K. Kauffman and seconded by T. Tennis, the Board unanimously approved the consent agenda as presented.

CONSIDER THE OWL HILL ROAD (RANDY HESS) FINAL SUBDIVISION & LAND DEVELOPMENT PLAN, PREPARED BY DM/A, DATED 12/15/2022: B. Harris reviewed the property and the plans for subdivision. Randy Hess was in front of the Planning Commission in April where he did receive a recommendation. In addition to the plan there are some modification requests that the applicant submitted. One was for this to be considered a Preliminary/Final Plan as well as a modification for sidewalks on the newly created proposed Thaton Road. They are proposing to only do sidewalk on and curb on one side and then not to include sidewalks along Owl Hill and to have a deferment agreement with justification that sidewalks are not along that area currently. The last modification was for the street tree spacing with the justification being that utilities conflict so they are spacing them in some other manner. ELA did prepare a review letter dated 4/3/2023 that identifies the waivers and modifications as well as any of the subdivision and land development items that need to be addressed. The applicant was willing to work with the township in regards to the conservation easement.

R. Hess stated that the property is approximately 15 acres and there were 4 existing lots of record on Owl Hill Road. They do not propose any changes to the lot lines on those 4 lots. He is proposing 10 additional lots to the north utilizing the existing 50 ft. access. They did agree to increase the size of the conservation area via a conservation easement. The project is served by public water and sewer. Mr. Hess stated that they are agreeable to the comments in the ELA letter dated 4/3/2023 as well as the Entech letter. Hess stated the original plan was showing 4 driveways from the existing lots of record coming off of Owl Hill Road. The comment suggestion was to look into providing driveway access to the rear of those 4 lots via a driveway across the north end of both the lots which would encompass an additional access easement and driveway across the rear of lot #2 and #3 to make those accesses. They did ultimately turn the driveway accesses from lots 2 and 3 onto Thaton and off of Owl Hill Road but lots 1 and 4 were left as proposed. There were some grade concerns as far as bringing those driveways in particularly on lots 3 & 4 because of the approach of Thaton Road as it approaches Owl Hill Road. They are proposing stormwater management via stormwater infiltration pits on each individual lot. There will not be a proposed homeowner's association and no common space so each property owner will be responsible for their own stormwater management. B. Harris asked if there will be any retaining walls on the larger lots. Mr. Hess stated he was quite sure there will be particularly lots 13 & 14 with lots 10 & 11 being a maybe. Ultimately the larger lots will have larger homes and until those floorplans and driveways are designed they really do not know what the final grading will be. They do reflect a couple retaining walls in the plans. Those retaining walls will be engineered during the building permit process. K. Gutshall asked what the property is graded to now. Hess stated some of the lots are 2:1 and at the retaining wall closer to 3:1. Gutshall asked how a 2:1 slope will be managed. Hess stated that it will be managed with ground cover which will be up to the homeowner. Each lot, during the permit application, will have a site plan submitted showing the revised grading. K. Kauffman mentioned the different driveway measurements and asked why they are that way. Hess stated that there are 4 proposed flag lots and for those the cartway width is 16'. The biggest difference between driveway widths is probably going to be whether it is an end load garage or a front load garage. There was some discussion regarding proposed driveways and potential alternatives. K. Eshleman asked about the tree plantings. C. Haley mentioned that putting trees close to the street is that is where your utilities are located. That is one reason the applicant has asked to move the required tree plantings around. Haley noted that the Planning Commission asked to put some along the back of the units up in the front. B. Harris stated that the Planning Commission did make recommendations based on ELA's letter. The only no vote was B. Kornman. He preferred that the 4 existing lot driveways come off Thaton Road instead of Owl Hill Road. There was a discussion regarding the conservation easement and who is responsible for what.

On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board unanimously approved the final subdivision & land development plan and modifications based on the ELA review letter dated 4/3/2023 and the testimony presented at this meeting.

CONSIDER THE TIME EXTENSION REQUEST FOR THE WALTON HILL FINAL PLAN: B. Harris stated this is a 30-day extension until July 30, 2023 to satisfy the outstanding items regarding the extension of Hill Crest and Tupelo. They are still working through the condemnation process. On a motion by J. Strathmeyer and seconded by K. Kauffman, the Board unanimously approved the time extension as requested.

Board of Supervisors
May 17, 2023

CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS: B. Harris mentioned that the total bill list is \$605,000.00 with the biggest portion of that was one check to Moravian Manor for \$415,000.00 out of the Sixth Street escrow. The general fund bills total \$167,000.00. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of bills as submitted.

CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT: K. Eshleman asked about the SEO services and what they are. SEO stands for sewage enforcement officer. That is Len Spencer going out and making sure pumping has been done for on-lot septic. On a motion by J. Tennis and seconded K. Kauffman, the Board unanimously approved the Treasurer's Report as presented.

CONSIDER SPECIAL EVENT APPLICATION FOR SECHAN ELECTRONICS FOR A CAR AND TRUCK SHOW JAMBOREE ON 6/4/2023: B. Harris stated that Sechan wants to hold a car and truck jamboree on June 4, 2023 at their complex. They submitted a special event application and they were made aware that Route 501 is a state road and out of our control. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board approved the Sechan Car and Truck Jamboree on June 4, 2023. J. Tennis abstained from voting.

MOTION TO APPOINT ROBERT KORNMAN TO THE PLANNING COMMISSION TO FILL THE REMAINING TERM OF MARCELLO MENDINI THROUGH 12/31/2023: B. Harris asked the Board to consider a motion to appoint Bob Kornman to the Planning Commission to fill the remaining term of Marcello Medini through 12/31/2023. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the appointment of Bob Kornman to the Planning Commission.

CONSIDER RESOLUTION 05-17-23-01 RATIFYING THE SUBMISSION OF THE RACP APPLICATION FOR COMPASS MILL COMPLEX: K. Eshleman stated that this is a totally separate issue than the public hearing held earlier. B. Harris stated that the original resolution that was adopted in May 2021 was for the original RACP amount of \$1.5 million dollars. At the end of 2022 they were notified that they were receiving an additional \$3 million dollars so for purposes of the application submission this resolution reflects that total amount, not just the original amount. Harris noted in the supporting documents that have to be submitted with the RACP application it lists the RACP funding amounts and as Mark testified they showed a private match of close to \$7 million dollars. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved Resolution 05-17-23-01 based on the understanding that it is not related to the original case that was on the agenda.

CONSIDER SPECIAL EVENT APPLICATION FOR THE HARTZ PHYSICAL THERAPY FALL BLAST 5K ON SATURDAY, OCTOBER 7, 2023 AT 9:00 A.M. B. Harris stated that this is their usual event. They submitted their information to Lititz Borough as well for approval. On a motion by J. Strathmeyer and seconded by K. Kauffman, the Board unanimously approved the Hartz Physical Therapy Fall Blast 5K on 10/7/2023.

LANCASTER CLEAN WATER PARTNERS DELISTING CORRESPONDENCE: B. Harris wanted to provide the board with this information in the event they may get questions. This is part of the Lancaster County's delisting strategy for impaired streams. They are targeting property owners that have enough land and this information has gone out to certain residents in Warwick Township. Basically they want landowners to be good stewards whether it is maintaining riparian areas, not letting animals navigate through waterways, etc.

STRENGTHENING COMMUNITY 2030: Harris shared the most recent comprehensive plan meeting on economic development information. The next meeting is June 8, 2023 from 7:00 p.m. to 9:00 p.m. at Listrak which will be the housing seminar.

NEXT MEETING: Wednesday, June 7, 2023 at 7:00 a.m. via Zoom.

ADJOURNMENT: On a motion by J. Strathmeyer and seconded by J. Tennis the meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Brian Harris
Township Manager