

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES
September 4, 2013

Chairman W. Logan Myers convened the September 4, 2013 meeting of the Board of Supervisors at 7:00 a.m. Present were Supervisors W. Logan Myers, Herbert Flosdorf, C. David Kramer, Michael Vigunas, and Anthony Chivinski. In attendance were Township Manager Daniel Zimmerman, NLCRPD Police Chief David Steffen, Assistant Secretary Marlene Trump, Laura Bowman, Dave Madary, Jim Wenger, John Schick, Kerry Eck, Alex Piehl, John Schick, Kevin Lahn, Joe Waters, and Tom Williams.

DISCUSSION ON THE PRELIMINARY PLAN FOR ROCK LITITZ, PREPARED BY DERCK & EDSON, DATED 5/30/2013:

Dave Madary, representing Derck & Edson, explained that the 96.28 acre property is located along West Newport Road and was rezoned to Campus Industrial on August 15, 2012. He stated that the site is bisected by a 200' PPL easement to the north of the site, and another 100' PPL easement extends through the site to the southwest. He stated that the site also contains approximately 22 acres of floodplain near the center of the site from the Santo Domingo. He explained that these areas are the basis for the current layout of the site. Madary explained that several large buildings are proposed on the site, which includes an approximate 100' tall building on Lot 2 for rigging to provide an internal setup area. The project also includes buildings for Atomic Design on Lot 4, and the potential for buildings on Lot 7 for Tait Towers. He noted that Lot 1, containing the Clair Brothers buildings, would be added to their existing lot, which would provide frontage along SR 501. He explained that this access point would lead to a private street system and provide access to the other buildings on the site, which includes the Atomic Design building.

He explained that the Preliminary Plan has been updated to illustrate the landscape buffer along the southern property line which includes evergreen trees and an earthen berm. Madary noted that the size and location of the earthen berm might change due to topography. The Township Manager noted that the landscape buffer would supplement vegetation that currently exists in this area. Madary explained that an evergreen buffer is also proposed along West Newport Road and Toll Gate Road; however PPL would not allow the buffer within its right-of-way. He noted that the buffer in the northern area of the site would not include a berm.

He explained that storm water would be addressed by using the rain gardens as temporary basins until the full build-out. He noted that the full build-out proposes a large bio-basin for the Santo Domingo stream, which contributes a large sediment load to the Lititz Run stream. He noted that this would greatly reduce the sediment load for the Lititz Run stream and address off-site flooding. He added that each building in Phase I would utilize the rain gardens. These would be eliminated when the bio-basin is constructed. Madary stated that the long-term plan for the site also includes restoration of the floodplain to address storm water. Madary explained that a new sanitary sewer gravity main would be extended to the site which would be privately owned and maintained. In addition, the public water line would be extended from Toll Gate Road and would also be privately owned and maintained on site.

The Township Manager explained that noise has been a problem in the area of the site and inquired how the applicant would address noise issues. Madary stated that sound checks might occur during the day, but there would not be regular noise, and there would not be outdoor testing.

Tom Williams, 115 Moorland Court, stated that noise occurs at the current Clair property. He inquired how it would be addressed. He added that the sound also occurs at night. Chivinski inquired whether the residents of the area have met with Clair representatives. Williams indicated that a meeting is planned in the future. Madary stated that a sound and landscape buffer is proposed on the south edge of the property where the existing woods are located. He noted that the woods would remain, and an 8' high berm would be provided. In addition, another building would be constructed between the residential properties and the existing Clair building which would also buffer some of the noise. Williams stated that some of the residents are concerned that Clair Brothers would continue to operate with the approval of the Township, and they have no recourse about the noise. Chivinski stated that the residents are welcome to come to a Board meeting to express their concerns.

Board of Supervisors
September 4, 2013

He also recommended that they schedule a meeting with Clair Brothers representatives to discuss their concerns and review the project. Jim Wenger stated that the project would streamline loading processes and truck traffic would be less intense. Williams explained that individuals within the development bringing their work vehicles home is the larger concern, and this is also being addressed with the residents.

Madary explained that the plan illustrates walkways between the three proposed buildings, as well as a walkway from these walkways to SR 501. Madary explained that a schematic has been provided for the proposed West Newport Road widening. He added that this widening would occur when traffic mandates a need for a left turn lane at Toll Gate Road. He outlined the design of the schematic for the benefit of those present. He noted that additional right-of-way would be needed to accommodate the proposal. He explained that the roadway design will be based on the phasing of the project, and a revised traffic study would be submitted for each phase to evaluate the needed improvements. Madary noted that PPL could allow regrading within its right-of-way if needed. Vigunas inquired whether Memorial Road is constructed for heavy truck traffic. The Township Manager explained that he is in discussions with Penn Township representatives regarding the issue since they own a majority of the roadway. He added that a truck restriction might be imposed along the roadway.

Madary explained that the first phase of the Preliminary Plan would be the setup building in 2014, the second phase would be the Clair Brothers building in 2015-2016 and the third phase would be the Atomic Design building in 2016-2017. He noted that the phasing schedule is subject to change.

The Applicant is requesting a Waiver of Section 285-28.C(2) pertaining to curbs. The Applicant is requesting that curbing be waived so that they may provide innovative storm water quality treatment with the use of roadside swales and vegetative filtering of storm water runoff. The Township Engineer commented that based on the fact that the interior street will remain private, the maintenance of the street will be the responsibility of the property owners, and to be consistent with the fact that there is no curbing within the neighboring Clair Brothers site and Toll Gate subdivision, they recommend approval of the Waiver. The Planning Commission recommends approval of the Waiver request.

The Applicant is requesting of Waiver of Section 270-12.G.6 pertaining to emergency spillway freeboard requirements. The Applicant is proposing to provide a minimum of 6" of freeboard for the proposed rain garden design; the Ordinance requires a minimum of 12" of freeboard. The request is based on the proposed basins being broad shallow facilities with minimal overflow rates through the spillways during the 100-year storm event. The Township Engineer commented that considering the fact that the proposed facilities are located adjacent to the 100-year flood plain and there are no buildings or structures between the basins and the adjacent Santo Domingo Creek, they recommend that the modification be approved. The Planning Commission recommends approval of the Waiver request.

Vigunas stated that the project might be eligible for TIF funding and inquired whether or not the funding process should be initiated at this time. The Township Manager stated that the Applicant would need to make the request, and the first phase is a three-year process. Flosdorf stated that the primary use of the TIF funding could be the SR 772 re-designation, and due to the time involved for the project, the project could be identified as a potential project. He added that approval by all of the taxing districts would be required at the start of the project. He noted that representatives of Rock Lititz should work on the tax impact for the entire project. The TIF would be used for the floodplain as well. The Township Manager stated that the County has no TIF projects outside of Lancaster City, to date. Vigunas stated that the project could be discussed at the joint meeting in October.

On a motion by Flosdorf, seconded by Vigunas, the Board voted unanimously to grant a Waiver of Section 285-28.C(2), and a Waiver of Section 270-12.G.6 contingent upon the Township Engineer's comment letter being addressed. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to approve the Rock Lititz Preliminary Plan contingent upon the Township Engineer's comments being addressed.

DISCUSS THE GIANT FUELING FACILITY - R.J. WATERS - SHOPPES AT KISSEL VILLAGE, PREPARED BY RGS ASSOCIATES, DATED 8/7/2013: Alex Piehl, representing RGS Associates, explained that the property is located approximately 200' south of the intersection of Peters Road and Lititz Pike. The property consists of 1.75 acres in the Community Commercial Zone. He noted that the property is the former Blockbuster building. The plan proposes 12 fueling stations (6 two-sided pumps), a 128 square foot kiosk, subsurface fuel storage tanks, a vending area, and 3 parking spaces.

He noted that the facility would be associated with Giant Food Stores; however, it would not include the convenience store that is located in other similar fueling facilities in the County. Piehl explained that the CVS and Blockbuster/Radio Shack building were not part of the original Shopping Center proposal and were not part of the Conditional Use approval for the shopping center.

Piehl explained that representatives met with Township staff to review the proposed traffic analysis and traffic circulation on the site. He provided an illustration of the available vehicle stacking for the facility. He stated that based on the discussions with staff, a driveway is proposed from the fueling facility to Access Drive B, which extends behind Wendy's. He noted that this driveway would be used during the gas rewards redemption periods to facilitate the additional traffic at the site.

John Schick, traffic engineer with Rettew Associates, explained that the gas rewards redemption period is every 8 weeks and the busiest days are Friday and Saturday. He stated that they reviewed the traffic peak at the Centerville Road location and used these figures to determine potential traffic figures for this site. He explained that during peak traffic hours for the facility, 18 vehicles per pump is averaged, and a maximum storage is 2 vehicles per pump (23 cars on site total). He stated that in an attempt to improve traffic circulation at the site, the existing traffic pattern at Access Drive B and Peters Road would need to be modified. In addition, the existing traffic island at the intersection would need to be removed and a new one reconstructed westward of the current location. He explained that the improvements to the intersection would include modifying the through and left-turn lane to a dedicated left-turn lane, and the right-turn lane would be modified to include through traffic. Flosdorf inquired whether the intersection could be improved by converting it to a traffic circle. Schick stated that it might be possible, but he would need to review the grade. Flosdorf stated that the option is something that should be considered since it's possible that traffic could get worse with this project. Schick noted there have been no accidents at the location.

Schick stated that for traffic stacking during peak redemption hours, one of the driveways to Access Drive D would be eliminated, and the other would be designated as in-only. The driveway to Access Drive B would be exit-only. He stated that attendants would be working during these hours as well to assist in directing motorists to pumps. He added that the pump hose is extended to accommodate fueling on either side of a vehicle. Schick noted that traffic during non-redemption times does not require access drive restrictions. Schick stated that a similar facility is proposed in Ephrata, which could reduce potential traffic counts at this location. He explained that 37 vehicles can stack within the site as it is currently designed. He noted that the design would accommodate trucks that might be delivering fuel to the facility during these peak times. The Township Manager explained that the proposal is scheduled for a public hearing on September 11, 2013. Schick explained that the illustrated stacking at the site is a worst-case scenario and not an expected scenario. The proposed hours at the facility are 6:00 a.m. to 11:00 p.m. Kerry Eck, representing Giant Food Stores, explained that representatives are currently considering adjusting the program in the future. He explained that the average shopper saves between 70¢-\$1.00 on a gallon of gas per redemption period. He stated that any change to the program would require a massive marketing program to educate the public about the new program. Eck noted that anyone can use the fueling facility, not just Giant customers. The Township Manager explained that the Commission reviewed the proposal as well in regard to lighting and signage.

Piehl explained that an automobile fueling station is permitted by Special Exception and the Zoning Hearing Board and an application has been submitted for consideration by the Zoning Hearing Board. He added that the request includes a Variance to allow existing Access Drive D to remain 25' wide. He noted that the Ordinance requires a 30' wide access for fueling facilities.

The Board is agreeable to the proposal as discussed and reviewed by the Planning Commission.

COMMUNICATIONS: The Board received the September, 2013 edition of the ICMA newsletter.

The Board received information from DCED indicating that the NLCRPD received a certificate of recognition at the PA Chiefs of Police Association's 100th Education and Training Conference.

The Board received information from Rohrer Farms has submitted an application to renew their NPDES permit for a Concentrated Animal Feeding Operation at 762 W. Lexington Road, Lititz.

DISCUSSION ON THE EXPANSION OF THE NLCRPD - AMENDMENT TO CHARTER: The Township Manager explained that Adamstown Borough has indicated that they will discontinue services by the East Cocalico Police Department. In addition, West Cocalico Township and Denver Borough have indicated that they are considering discontinuing services by the East Cocalico Police Department and instead approve service by the Northern Lancaster County Regional Police Department. The Township Manager stated that for the first 2 years, the three new municipalities would serve as Associate members and would become full members after that time. He noted that they have agreed to pay up-front costs for service and a buy-in of equity. Kramer inquired how the proposal would affect the current force. The Police Chief stated they are in the process of hiring 8 new officers, and this would provide the potential for flexibility in coverage. In addition, more officers would be available if a single incident occurs in a specific municipality. He noted that the new officers would not be hired at one time. On a motion by Flosdorf, seconded by Chivinski, the Board voted unanimously to authorize advertisement of an Ordinance to amend the Charter Agreement contingent upon the three new municipalities approving service by the NLCRPD.

CONSIDER RESOLUTION #09-04-13-01 ADOPTING PROCEDURES FOR COMPLIANCE WITH THE PROFESSIONAL SERVICES - ACT 44 OF 2009: The Township Manager explained that the Resolution would address the recommendations from the pension audit. Flosdorf recommended that the Resolution be modified to indicate professional services for the pension plan, only. On a motion by Vignas, seconded by Chivinski, the Board voted unanimously to adopt Resolution #09-04-13-01 with the revision to the language as noted.

DISCUSS JOINT VENTURE AGREEMENT WITH THE VETERANS HONOR PARK OF LANCASTER COUNTY COMMISSION: Kramer explained that the Agreement would clarify the responsibilities of the Veterans Honor Park of Lancaster County, the Lititz Public Library, and Warwick Township regarding the project. The Township Manager explained that the agreement should include long term funding for the continued maintenance to the facility in order for the Township to agree to ownership of the veterans park. He added that he will revise the agreement for the Veterans Honor Park and distribute it to the parties.

INTRODUCTION OF LAURA BOWMAN: The Township Manager explained that Bowman will assume some of the responsibilities of Marlene Trump when she retires at the end of the year.

OTHER BUSINESS TO COME BEFORE THE BOARD: The Township Manager provided a draft from the University of Maryland that outlines the Township's watershed program.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 8:55 a.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager