

WARWICK TOWNSHIP BOARD OF SUPERVISORS

September 3, 2014

Chairman Logan W. Myers convened the September 3, 2014 meeting of the Board of Supervisors at 7:00 A.M. Present were supervisors Logan W. Myers, Michael Vigunas, C. David Kramer, Herbert Flosdorf, Anthony Chivinski, Daniel L. Zimmerman Township Manager, Andrea Shirk representing Rock Lititz, Caroline Hoffer representing Barley Snyder, Dave Madary and Jim Wenger representing Derck & Edson, Tom Hayden from 10 Windwood Place, and Pat Burns representing the Lititz Record.

PSAT BULLETIN: The Township Manager stated there is nothing to report of significance regarding the PSAT Bulletin for today's meeting.

ROCK CONSIDER THE REVISED MASTER PLAN FOR THE LITITZ PROJECT: Jim Wenger, representing Derck & Edson for Rock Lititz, stated he is back with a revision of the master plan which was presented a year ago. Wenger stated the first building is almost complete with the grand opening scheduled for September 20th. The building that is almost complete is the set-up building first phase with associated parking beside it. The main change to the plan is phase II the second set of buildings. Previously it was three to four smaller buildings. Rock Lititz is now looking to consolidate the users to one building and have access through the building so they can share information and resources back and forth without actually traveling outside. Wenger stated the other change from the master plan is the reconstruction and rebuilding of the flood plain area. This area will be utilized for stormwater quality and is currently under construction. The legacy sediment has already been removed so the elevation will drop three to four feet. It has been re-graded and the area is either seeded or about to be seeded. Wenger stated they need one final approval from DEP to commence and proceed with the top part. Wenger stated there is a temporary swale constructed that will take any water that would come from around the flood plain so erosion does not occur from what actually gets installed.

Myers inquired as to the square footage of Building Pod 2A. Wenger stated it is approximately 110- 250,000 square feet. A Board Member inquired as to if the impervious surfaces increase as a result of the design now. Wenger stated the overall site is less than on the previous plan. Myers asked what the total square footage under roof is compared to the prior plan. Wenger stated it is very similar but was unable to give an exact percentage of the difference.

The Township Manager reiterated that Wenger wanted to update the Board regarding the flood plain restoration which is approximately 40% underway and the change with phase II in its configuration as they had lease tenants who had needs and knew what space they needed. The Township Manager stated a lot of the space is warehouse space. Myers inquired how many employees are anticipated being in the 250,000 square foot building. Shirk stated she did not have numbers yet but thought around 200 employees. She stated again it is going to be a lot of warehouse space. Wenger stated the numbers have not changed much since the original estimates they are just combined into one building. Shirk stated this building will have 20 tenants in it and they will have anywhere from 2,000 or 3,000 to 80,000 square feet. Myers stated he wanted to be sure the parking requirements were met as sometimes they go per employee. Wenger stated the numbers were reviewed and parking spaces required are per square footage and currently they are higher than the need for parking spaces per employees.

Wenger stated the original plan was showing where Rock Lititz could sell off lots. However, at this time it is going to be a condo arrangement where Rock Lititz will maintain the entire property and create condo units within the buildings. This is viewed as more of a land development plan and parking can be added around the perimeter.

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The Township Manager stated to the Board Members they will probably see this revised again as this is a process and it evolves as they see plans specific to. Rock Lititz plans on submitting phase II the fall of this year.

On a motion by Vigunas, seconded by Flosdorf the Board unanimously approved the revised master plan for the Rock Lititz project.

DISCUSS REQUEST FOR AMENDMENT TO SIGN REGULATIONS FOR THE CAMPUS INDUSTRIAL

DISTRICT: Caroline Hoffer, representing Barley Snyder, stated the sign ordinance as it is currently written does not allow for the innovated sign development for this site or any kind of larger campus industrial development. It was felt that putting signage within the master plan concept section of the ordinance would allow an applicant to do something more interesting for a development. Hoffer stated she met with Mr. Zimmerman the Township Manager, Tom Zorbaugh the Zoning Officer, and with the Planning Commission twice to talk about options for developing modifications to the zoning ordinance relating to signage. A petition has been submitted to modify the zoning ordinance. Hoffer stated she went back to the Planning Commission on August 27, 2014 to review the proposed language and they had an additional comment. Hoffer stated the only change was to add the words "from the ground" to determine where the measurement would be from for the sign height. Hoffer stated the changes to the zoning allow for a plan center sign to be instead of on the ground where they are provided now to allow for one plan center sign to be located on a wall. Hoffer stated when she met with the Planning Commission they discussed about the height of the sign. It was decided a maximum height of 50 feet from the ground would be allowed.

Hoffer stated individual building complexes would also be incorporated in to allow for a plan center sign for each of the building complexes to be a maximum of 80 square feet with a height of 25 feet from the ground. Hoffer stated when a master plan comes in initially or as an update the signage would be shown. The signage would become part of the overall comprehensive development of the site. Hoffer stated she is proposing this as a formal petition. Should the Board move this forward this would have to be referred to the Lancaster County Planning Commission and the Township Planning Commission for a formal review.

The Township Manager stated this is the first development under the campus industrial center that has had multiple users whose areas and locations need to be identified particularly for emergency services. Hoffer stated this type of sign package would be limited to a larger scale development of 50 acres and over.

Flosdorf inquired if 50 feet is high enough to be seen from 501. Wenger stated the set-up building cannot be seen much from 501. Wenger stated the sign will be seen coming in off Tollgate Road. Flosdorf is questioning the height of 50 feet. A sign will not be able to be seen from the entrance at this height due to the building at a height of 35 feet located in front blocking it. The Township Manager stated the Planning Commission did not want the sign on the top of the building. The Township Manager stated he took the 50 foot height as an interpretation as the base of the sign was to be no higher than 50 feet. Hoffer stated she thought the Planning Commission was trying to protect the neighborhood with the idea that if there is a sign 75 feet in the air that is lit it could be a distraction. Flosdorf suggested doing a profile and making sure it is visible. A Board Member inquired as to how this sign ordinance was missed in a variance to an existing ordinance rather than amending it. The Township Manager stated the Township did not come across this situation before and instead of going back to the Zoning Hearing Board who has no background it made more sense to give it to the Board of Supervisors as they would have the information as to what is involved.

On a motion by Flosdorf, seconded by Vigunas the Board unanimously approved the formal review process in regards to the request for amendment to sign regulations for the Campus Industrial District.

DISCUSS BIDS SUBMITTED FOR MODIFICATION OF THE ADMINISTRATION BUILDING: The Township Manager stated it was recommended the one bid submitted be rejected as it came in almost three times the

assessment. The Township Manager stated it was recommended to either rebid the project early next year or try to break the project down. A request was made by the Township Manager to reject the bid submitted on the restoration of the Administration Building. On a motion by Vigunas, seconded by Kramer the Board unanimously rejected the bid submitted for modification of the Administration Building.

DISCUSS MS4 PROGRAM AND MAPPING: The Township is GPS locating and physically mapping and inventorying the entire stormwater system. 2,600 points have already been entered. This information is being broken down into the length of the pipe and type of pipe. The Township Manager stated hopefully by the end of the year we will be able to determine of the total system the percentage of the different types of pipe, the different types of pipes there are, and what the average age of the pipes are which will help us determine our capital replacement program, and what percentage and type of material the pipes are made of. All this information will tell us how much longer the pipe will last and helps with maintenance of the stormwater system. The information from the GPS is fed into ELA's system who is lending us the GPS. This is also being done for Lititz Borough and Elizabeth Township.

DISCUSS SUSTAINABILITY RECOGNITION FROM SUSTAINABLE PENNSYLVANIA: The Township Manager stated he had done a presentation for the state at the PSATS State Conference in the spring. DEP is attempting to create a Sustainable Pennsylvania Certification Program similar to New Jersey's however Pennsylvania's is more extensive. The city of Philadelphia, the city of Pittsburgh, and Cranberry Township were trying to get certified platinum and no one had achieved this. The Township applied and it came back that the Township scored Platinum. The Township Manager stated the Township is now in the process of writing some policies which he will present to the Board. The Township Manager stated Warwick Township has one of the lowest per capita contributions which is why the tax rate hasn't changed in 24 years in the state. The Township Manager will move forward with this and put this information on the Township's website with these new policies.

DISCUSS MODIFICATIONS TO THE SUBDIVISION/LAND DEVELOPMENT ORDINANCE: The Land Development Ordinance was broken down into five areas that the Township wanted to modify. These include lighting, sight triangles or easements in which the Township is trying to do a better job in not creating easements at stop intersections that aren't beneficial to us. Regarding the paving specs, the focus will be on increasing the life span of the roads. Regarding the landscaping, the push is to promote native landscape as it is more adaptive to adverse conditions such as drought so there would be less use of water and it is better for the wildlife habitat. The last area is sidewalks. The width of the sidewalk is being increased to 5 feet from 4 feet mostly due to the fact that there are utility poles in the sidewalks and the Township does not make ADA plans.

Flosdorf had a concern about the maintenance of the clear sight triangles stating there should be a clause that allows the Public Works to take out weeds and shrubs from these areas. The Township Manager stated discussed this with Bill Croswell. The Township Manager stated the Township ends up sending out 20-30 letters to property owners regarding vegetation hindering sight. A big complaint is residents being unable to see when they are at a stop sign. Flosdorf wants clarification the Township has the right to enforce this ordinance and cut down vegetation that is causing safety issues if the property owner does not do so on their own. Flosdorf inquired whether there could be a provision for driveways that requires a minimal standard for sight. A Board Member inquired as to whether the Chief of Police might have record of how many times an accident has occurred in this instance to see if this is an issue that should be addressed. A Board Member inquired as far as mailboxes if these are considered to be sight obstruction and if so what the property owner would be responsible for and what the Township would be responsible for. The Township Manager stated what makes this a gray area is the post office requires the mailbox to be in the right of way creating site obstruction.

DISCUSSION ON ZONING CHANGES: The Township Manager stated there has been some movement on

property north of Newport Road.

There are several properties who are requesting to go back to agricultural zone and possibly preserve the land. The Township Manager stated this would be a positive interest for the Township. The property owners are not committed at this time but are willing to have a conversation. The Planning Commission was open to the idea of having a conversation with the property owners. It may not make sense to preserve all of the tracts but only partial parts of them. Flosdorf stated he has a concern if these properties were to be taken out of residential there would be pressure to put other land in residential. By taking too much out the Township will be forced to find other places to go up. Flosdorf stated when giving consideration to down zoning out of residential at the same time we should be identifying where we are going to replace that inventory with out zoning. The Township Manager stated that the Township has a large inventory of R-1 zoned land.

CONSIDER LIST OF ENFORCEMENT ACTIONS FOR DELINQUENT ONSITE SEPTIC REPORTS: The Township Manager stated there were a number of systems that were in poor condition but by mailing out letters a lot got cleaned up. The properties listed have refused the certified mailings that have been sent. It is recommended these cases be sent to the District Magistrate who will determine the fine amount. On a motion by Chivinski, seconded by Flosdorf the Board unanimously approved enforcement of action for delinquent onsite septic reports.

GUEST RECOGNITION: Tom Hayden who resides at 10 Windwood Place, stated he lives at this address five to six months out of the year. During the time his family is not living at this address the home has been rented out as a short term rental. Some of the rentals are just coming to visit family in the area. When Hayden bought the home he was under the impression there was no ordinance against short term rentals. However it is considered an unspecified use and a neighbor is complaining. In the past year it has been rented out for 43 days by nine different occupants. Hayden is requesting approval for continued rental of this residence. Myers inquired as to who Hayden got the information from stating he could rent the residence out as a short term rental. Hayden stated he did not remember who he got the information from. Flosdorf inquired as to is there an ordinance prohibiting short term renting of a residence. The Township Manager stated this particular residence is in a residential zone and there is not a provision for a commercial use in the sense that a home can be rented out. In several zones it is provided the mix use commercial zone with the ability to have areas that can be rented. The challenge is if a person buys a home in a residential area they should be protected and should be able to make the assumption that the use is primarily residential. There are home occupations which are exceptions and go through a zoning review. But in the sense of a rental out of a home on short term visits this creates a transition and this is the objection that was filed. This is a residential area and shouldn't be subjected to strangers on a regular basis that is against the premise of what a residential zone is. The Township Manager stated there is nothing specific in the ordinance that states you can't rent out your home because it is based on the fact that residential zones are for residential and not commercial use unless approved for a home occupation. An example of a home business would be internet sales which would have a limited commercial operation within that residential zone that has very limited impact. A Board Member inquired hypothetically if there is no money exchanged would this still be considered being used commercially in a residential zone. Hayden stated in some cases there was no charge as family or friends were renting the home. The Township Manager stated by federal law the definition of family is broad because the traditional family unit today is different from years ago. This would be another provision that would have to be reviewed. Flosdorf inquired if Hayden was violating the current ordinance in any way. The Township Manager stated before the enforcement letter was sent out it was reviewed with the solicitor and it was determined that yes it was a violation of the definition of a single family dwelling. Flosdorf stated there are two issues that need to be addressed. One is how should our ordinance read to protect the community in the future. Second, is Hayden in violation of anything in the current ordinance or is he not in violation. A Board Member inquired how long Hayden and his family intended to be living in the Township in order for them to be able to contact them with a decision. Hayden stated he thought they would stay for another month. The Township Manager stated by the next Board of Supervisors meeting he would have a

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memo sent to the Board Members from the solicitor of her viewpoint. Flosdorf stated maybe the only thing that needed to be done is to change the definition of a bed and breakfast.

ADJOURNMENT: With no other business to come before the Board the meeting was adjourned at 8:35 A.M.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager