

WARWICK TOWNSHIP BOARD OF SUPERVISORS

October 1, 2014

Chairman Logan W. Myers convened the October 1, 2014 meeting of the Board of Supervisors at 7:00 A.M. Present were supervisors Logan W. Myers, Herbert Flosdorf, Michael Vigunas, Anthony Chivinski, C. David Kramer, Bob Shenk representing HRG, Susan Tennant representing the Lititz Public Library, Caroline Hoffer representing Barley Snyder, Joel Young and Dave Miller representing Rettew, Pete Russell and Joe Russell representing SDR Development, Mark Will from Orchard Road, Thomas Hayden from 10 Windwood Place, John Hoffer from Orchard Road, Dana Clark from Spruce Villa Farm, Brian Davison representing High Associates, and Mike Glass representing Dana Glass Properties.

PRESENTATION OF THE LITITZ LIBRARY- OVERVIEW OF 2014: Susan Tennant, Director of the Lititz Public Library, stated she has been with the library for 10 years. During her tenure state funding for the library has gone from more than \$262,000.00 in 2009 to a little over \$112,000.00 this year. The difference of \$150,000.00 represents over 26% of the library's budget. With efforts from the library Board general contributions have gone from \$124,000.00 in 2009 to over \$200,000.00 last year.

Tennant stated the library is keeping up with new technology such as by utilizing a mobile app allowing residents to download e-books and audio books, they can check what books the library offers, and can place a book on hold.

Tennant thanked the Township for their assistance with the snow removal this past winter, for the repaving of their parking lot this summer, and for their continued support of the library.

The Township Manager inquired where the Lititz Library ranked as far as visitation and usage within in the county system. Tennant stated Lititz and Manheim Township are tied for third place. Ephrata Library is first, Lancaster Library on Duke Street is second. Tennant stated as far as funding the Lititz Library ranks fifth.

VIGUNAS LETTER: Myers addressed the letter of thanks from the Vigunas family in regards to the contributions made in his mother's memory.

LITITZ LIBRARY: Myers addressed the letter from the Lititz Public Library for the Township's quarterly donation and 2013 report.

CONSIDER SDR-SLL OF LANCASTER COUNTY, PREPARED BY RETTEW, DATED 9/10/2014: Joel Young with Rettew Associates introduced Joe and Pete Russell with SDL, Caroline Hoffer with Barley Snyder, and Dave Miller with Rettew who are all associated with the project. The site being proposed is 11.29 acres located on Millport Road and Buckwalter Road. It is currently zoned I-2. Young stated this is proposed to be an assisted living and memory care facility. The building would be 66,000 square feet. Access to this facility would be off Millport Road with parking for visitors and residents also off of Millport Road. There would be a smaller access point off of Buckwalter Road. The facility would have approximately 70 parking spaces. The Township ordinance requires 50 parking spaces. The ordinance also requires for every 10 spaces one must be ADA compliant. This facility would have 7 ADA compliant spaces. A stormwater facility would be located along the south side of the facility. Young stated it appears stormwater requirements will be able to be met for both quality and quantity with an above

ground basin. A stormwater easement currently runs through the property and at this time there are no plans to develop beyond what is on the sketch plan.

Young noted that in the I-2 zone any property that is over 10% of coverage needs to be purchased by transferrable development rights and the applicant is aware of this. This particular field has 30% coverage. The applicant is willing to work with the Township to post the appropriate number of TDR's. Also in the I-2 zone assisted living facilities or retirement facilities are not a currently permitted use in this zone. They would like to discuss with the Board proceeding with a text amendment in order continue with this project.

Hoffer stated the zoning ordinance has a number of districts in which nursing, rest, and retirement homes are allowed and they are typically allowed by either a special exception or conditional use. Hoffer discussed with Dan the possibility of having a nursing, rest, or retirement home use in the campus industrial zone by conditional use. The Township Manager inquired as to why this wouldn't fit under the medical residential campus. He stated the criteria seem to fit this use as a medical service is being provided. He felt this definition would be more applicable. Hoffer stated she feels conditional use would fit more appropriately because uses within the campus industrial district require a master plan review. All reviews would be to the Board of Supervisors eliminating the need to go to the Zoning Hearing Board.

A Board Member inquired about how heavily traveled Buckwalter Road would be as it is currently just a local road. The Township Manager stated this is something that will have to be looked at and what fits the road.

Myers inquired regarding stormwater management if there has been any discussion on looking at a regional basin since this area is targeted for development. The Township Manager stated there could be the need for a tiered system of basis until the rest of the Buckwalter Farm is developed. The Township Manager stated there is a regional waterway as part of the Eister tract which bisects this property. The applicant at this time has no need to get across this.

DISCUSSION ON THE DEVELOPMENT OF THE ORCHARD ROAD TRACT: The Township Manager stated there are two issues to be discussed. The Orchard Road tract was re-zoned from rural estate to R-1 six to seven years ago and has developed potential fronting on Orchard Road. Some property owners with farms adjacent to this tract some of which are zoned partial agriculture, some zoned partial estate, and some zoned R-1, had contacted the Township and asked what the reception would be if they petitioned to go back to agriculture and preserved their farms. The Township Manager reminded the Board from an infrastructure challenge anything north of Newport Road there is no gravity fed system for water everything has to be pumped uphill. Looking at the growth area north there is some consideration of where roads would be placed and to spread lines would be very expensive. The proposition that is going to be proposed will be for where growth should take place and maybe some "switching" of land.

Bob Shenk, landscape architect with HRG, Mark Will and John Hoffer partners in JPM Development Group, Mike Glass owner of Orchard Road tract, and Dana Clark owner of the farm are here to present their project. Shenk stated himself and the previous mentioned individuals attended the Planning Commission meeting on September 24, 2014 and were in a general agreement with the discussion that ensued. Shenk stated in order for the project which is being proposed to proceed there are some zoning transfers that will need to take place. Shenk explained Mike Glass's Orchard Road tract is currently zoned R-1 with a conditional use that allows 55 and over housing. Previously this was zone rural estate. The JPM tract known as Lexington Farm is zone agricultural. The Clark Farm is composed of three tracts. The northeast tract is zoned rural estate, the northwest is R-1, and the southwest is R-2. The Clark's are pursuing putting their farm into preservation. If this project comes together the Orchard tract could be combined with the Clark Farm. The two Clark tracts are farmed. Shenk stated in order for this

project to happen, Orchard Road would have to be returned to its rural estate zone. The plan is to transfer the R-1 from Orchard Road to Lexington Farm for development. Due to water and fire protection issues this development would not take place until a future date.

Mark Will noted if after the zoning is transferred to Lexington Farm the Orchard Road tract consisting of 49 acres would be "swapped" for the two tracts off of Locust Street. Will stated the Orchard Farm tract would go to agriculture and the R-1 would get transferred to Lexington Farm. At the end there would be 49 acres of agriculture and 46 acres of R-1.

The Township Manager stated the Fyock tract property owner also expressed interest in going back to being zoned agriculture.

A Board Member inquired as to what is the usable acreage of the Glass tract for the 114 units versus what is at the Lexington Farm. Will stated the Glass tract is 49 acres and approximately half of this is usable. The Lexington Farm tract has 45 usable acres.

Will stated there are three things that would be asked of the Orchard Road tract. One is that the 55 and over requirement be removed. Second, the current ordinance states there need to be 50% of open space in a cluster development. The proposal is for 25%. Will stated they would like to have larger lots. And third, right now it is a private street system and they would like to develop it as a public street system.

The members of the Board decided that a task force would be set up to further look into whether all that is involved in this project is a good move for the Township to make.

CONSIDER RESOLUTION 10-01-14-01 AUTHORIZING EXECUTION OF COOPERATIVE AGREEMENT BETWEEN WARWICK TOWNSHIP AND THE REDEVELOPMENT AUTHORITY OF LANCASTER COUNTY:

Bill Crosswell explained to the Board this program is different from what the Board is used to. It is more detailed and the applicant for the grant has to be an entity such as the Redevelopment Authority of the County of Lancaster. There is a grant agreement between the state, the office of the budget, and the Redevelopment Authority. There is a sub-grant agreement between the Redevelopment Authority and Rock Lititz. As part of the whole structure of the grant, there has to be a host municipality which is Warwick Township. The Redevelopment Authority is required as part of its contract with the state to agree to reimburse the state if there is an improper expenditure of the grant. The Cooperation Agreement which is required between the Redevelopment Authority and the County of Lancaster and the Township passes that responsibility for any improper grant payments down to the Township. Crosswell stated the liability is strictly limited to the grant funds which the Township obtains and accepts from the Redevelopment Authority. If the Township never receives and accepts the funds there is no liability. Crosswell stated he has worded both the resolution and Cooperation Agreement the exclusion from liability is not just relating to the grant fund but the project itself and on the contract which is the agreement between the Commonwealth of Pennsylvania and the Redevelopment Authority. Crosswell stated as he understands it the work to be done in order to receive the grant for the most part is completed. A Board Member inquired as to who determines if the money is appropriately spent or not. Crosswell replied ultimately the state. Hoffer stated when the state approves the grant they hire an auditor, in this case an engineering firm, and this is an independent contract between the state and this firm. At the end of the project they will do an audit. On a motion by Flosdorf, seconded by Chivinski the Board unanimously approved Resolution 10-01-14-01 authorizing execution of cooperative agreement between Warwick Township and the Redevelopment Authority of Lancaster County.

DISCUSSION ON REVISIONS TO THE ZONING ORDINANCE: The Township Manager stated there was a petition for signage under the campus industrial zone regarding the Rock Lititz project and a text amendment was requested which was prepared. There is also the medical campus industrial zone area

that is branching out. The Township Manager questioned does it make sense to make one text amendment to the campus industrial zone relating to the signage and then also regarding the medical residential campus zone, whether it is a retirement home or a nursing home, to put both under conditional use would be one text amendment.

Regarding domestic pets and flag lots, some minor changes to the ordinances were made as discussed previously at a Board of Supervisors meeting.

Regulating Mini-Cell Towers in the residential zone is a new issue. The Township Manager stated with the constant increase for capacity the cell providers are continuing to have to put up mini relays. As a utility they have some freedom however residents could get upset having these cell towers in a residential zone. This is a challenging issue as people want cell service which takes infrastructure but they don't want this infrastructure in their neighborhood. The Township Manager stated this could be looked at and possibly added as an amendment to the zoning ordinance. A Board Member stated he had a concern regarding including the use of mini cell towers to the ordinance. His concern is the use out of the public's right of way. The question is does the Township want to regulate where these towers are placed and utilize the public right-of-way or have these towers placed at the cell providers discretion. Flosdorf stated where the issue comes up is in the areas where there are underground utility poles and it is in these areas where it should be regulated. It was decided this issue will be reviewed and discussed further.

The Township Manager stated the memo prepared by the solicitors office regarding short term rentals of residential dwellings raised some new questions the Board had not discussed previously. There are many forms of residential rentals such as short term, long term, and whether it is appropriate in multi-housing, duplex or single housing. The Township Manager stated there are currently no regulations regarding residential rentals. Under the current zoning ordinance residential renting is not allowed. This can be appealed to the Zoning Hearing Board. The Township Manager explained to Mr. Hayden he can prepare his own text amendment or the Board can request staff which includes the solicitor's office to determine if there is a middle approach to address this issue. The issue should be discussed at the upcoming Joint Meeting.

A Board Member inquired how Mt. Gretna and Hershey handle similar situations. The Township Manager stated this is still being reviewed. Another Board Member inquired if the Township and Lititz Borough should work together to keep the cost down and to come up with an answer to this issue.

A Board Member inquired of the Solicitor if the ordinance does not address this issue or if the Board does not address it is the Township exposed by not doing so. Crosswell stated this is not an exclusionary problem as the ordinance does allow rooming and boarding houses in certain zoning districts so the Township is not regulating ownership of land and is not regulating use of land which is permissible.

A Board Member inquired if the Township has an inventory of how many residential properties people have bought for the purpose of short term rental. Also, he inquired if there are a significant number of properties where people are renting houses out either short term or long term and not owner occupied. The Township Manager stated it would be difficult to ascertain this information. The Zoning Officer explained a report could be done that would bring up how many properties are owned by an individual but they do not reside there. Flosdorf stated he understands the ordinance to read if a person bought a home for investment purposes and decided to rent it out utilizing a month to month lease this is ok. He is inquiring where the Township draws the line in interpretation of our current ordinance. Flosdorf stated he feels the Board needs to be clear on how the ordinance is going to be enforced. The Solicitor explained based on the definition of dwelling and family in the zoning ordinance it requires a current permanent living arrangement. There is no line giving an exact number of days and "family" is not defined in the

ordinance. A permanent arrangement would be such that you receive mail at a location and the address is on your driver's license.

The Zoning Officer verified that Hayden has the right to appeal Zorbaugh's decision to the Zoning Hearing Board now or he can wait until the Board of Supervisors comes up with an interpretation. Flosdorf stated he would feel more comfortable if there was a clear interpretation from the solicitor on how he believes the ordinance should be interpreted and what criteria should be used in terms of determining permanency of residency.

Mr. Hayden addressed his concerns regarding his home being used as a short term rental. The Township Manager again advised Hayden he could appeal before the Zoning Hearing Board and say this is a misinterpretation and inappropriate application of the ruling to provide temporary relief. Hayden expressed his concern of how long and drawn out this process is taking. The Township Manager stated the Board is willing to take a close look at this issue but it will take time and it may not be the answer Hayden is looking for. After a lengthy discussion the Board told Hayden they are supporting the Zoning Officer's decision based on legal advice that he is in violation of the ordinance. The Board will look at potential amendments that may make similar activities legal in the future. Crosswell explained to Hayden that the proper procedure would be to make a formal application to the Zoning Officer for what he would like to do. If the Zoning Officer believes it is not allowed he would deny it and then Hayden could appeal this denial. The Township Manager explained to Hayden he could petition for his own provisions, called a text amendment, stating what items he feels the ordinance should include. Hayden was advised the text amendment would have to be very technical because thought will have to be given as to the future as it could potentially affect a lot of people and a lot of neighborhoods in the Township.

CONSIDER THE ASA PETITION FOR THE NANCY GRUBE FARM: The Township Manager stated the Board tabled action on this petition from a previous meeting until further land analysis studies could be done and reviewed. The Township Manager supports the agriculture petition. He stated the inventory currently of the campus industrial undeveloped is 134 acres. He notes that of these 134 acres about 40 acres was part of Rock Lititz. The Township Manager stated there is approximately 90 acres between the Buckwalter Farm, the Sam High tract, and the west side of Millport Road which is undeveloped. The Board's consensus two years ago was to make the Buckwalter Farm campus zoned industrial and the Gerhart tract on Brunnerville Road is currently zoned general industrial. A Board Member inquired of the Amish Farm east of the Grube tract if there was any talk of preserving this farm. The Township Manager stated there has been talk of Mr. Smucker joining the Agriculture Security Area which is the first step in getting preserved. The Board Member remarked he would be in favor of doing something west of the Grube tract which includes the rest of the Buckwalter tract. A discussion ensued regarding options for land around the airport for long range potential. On a motion by Flosdorf, seconded by Chivinski the Board unanimously considered the ASA petition for the Nancy Grube Farm.

ACKNOWLEDGE THE PRESERVATION OF THE EMORY MARTIN FARM: The Township Manager stated this farm is split between Ephrata Township and Warwick Township. Approximately 22 acres are in Warwick Township.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 9:19 A.M.

Respectfully submitted,
Daniel L. Zimmerman,

Township Manager

Board of Supervisors
October 1, 2014