

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES
January 15, 2014

Chairman W. Logan Myers convened the January 15, 2014 meeting of the Board of Supervisors at 7:00 p.m. Present were Supervisors W. Logan Myers, C. David Kramer, Michael Vigunas, Herbert Flosdorf, and Anthony Chivinski. In attendance were Township Manager Daniel Zimmerman, Code and Zoning Officer Thomas Zorbaugh, Roadmaster Dean Saylor, Chris Venarchick, Brenda Hamilton (Court Reporter), Allen Martin, Chuck Haley, Gary Myer, John Yoder, Jeff Bowlby, Chad Shreiner, Jennifer Shreiner, Dean Ziegler, Brandon Ziegler, Barbara Warringer, and Raymond E. Warringer.

PUBLIC HEARING TO CONSIDER MODIFICATION OF CONDITIONS APPLICATION FROM COUNTRY HOME CATERING, 112 FAIRLAND ROAD, LITITZ, PA. THE APPLICANT IS SEEKING TO MODIFY CONDITIONS PREVIOUSLY IMPOSED BY THE BOARD UPON GRANTING CONDITIONAL USE APPROVAL TO NEWPORT SQUARE. APPLICANT IS SEEKING A CHANGE OF USE FOR EXISTING BARN TO A BAKERY /DELI AND BANQUET FACILITY.

The Chairman announced the procedures to be followed for this evening's public hearing. The Township Manager confirmed the notice and proof of publication for the hearing. Chris Venarchick of RGS Associates was sworn in. He explained that the proposed use is commercial under the Village Overlay Zone in the R-2 zoning district. The property is served by public water and sewer. The early planning of the project proposed private water and sewer lines through Creek Side Lane and an extension of a water line as well to serve the property for fire service. The property is 1 acre on Lot 173B and the existing land use is currently vacant. The proposed building is approximately 6,400 square feet. The existing barn is about 7,300 square feet. The impervious coverage would be consistent with what was proposed and approved on the original conditional use and land development plan of the property. The lots that are affected by this conditional use are Lots 173A, 173B, 174, and 35. Lot 35 was originally proposed and approved to help serve the property for parking and a similar proposal is being made with this conditional use. A basin will be modified to accommodate this plan. They are looking at sharing the parking of 28 spaces with the community center and maintenance building of Lot 174. Also, Lot 173A, has 28 spaces which will be shared parking and is consistent with the original conditional approval in 2009. The conditional use approval in 2009 was for a 95 seat restaurant and a 31 room inn, with a very similar size to this proposed conditional use. The Applicant is proposing a 32 seat bakery and deli as well as a banquet facility that can hold up to 300 seats. Based on the proposed use of a deli restaurant and banquet facility, they would be required to have 123 parking spaces.

The proposal would need a Waiver of Section 340-5A pertaining to fences and walls. The proposed patio wall will be beyond the setback requirement. The purpose of the wall will be to separate the patrons from Newport Road and also to contain some of the sound.

The proposal would need a Waiver of Section 340-27 B1, pertaining to accessory or pertinent structures, since the Ordinance does not patios or porches, whether covered or not covered, to be within the setback. The request is to allow a temporary canopy for weddings.

The proposal would also need a Waiver of Section 340-61G pertaining to the Conversion of Historical Structures related to signage, which indicates that "one sign shall be permitted which is not longer than 8 sq. ft. and located at least 10 ft. from all lot lines." The proposal is to incorporate the signage with the existing silo connected to the barn. The sign would be on a metal plate, which would be put onto the silo, allowing for easy maintenance. The proposal is for two signs, 6 feet wide and 10 feet high and if placed on the existing silo, would be closer than 10 feet to the right-of-way but would be on an existing structure.

The sign would be 120 sq. ft. The ordinance states that flat wall signs may have a maximum area of 15% of the wall area. They are proposing about 12.3% of wall coverage.

A board member expressed concern about the shared parking, especially with an event which could potentially have 300 guests. Venarchick stated that signage could help direct patrons about proper parking areas. Venarchick stated that the applicant inquired with a nearby church about additional parking for employees or event guests if the organizers discover they will need additional parking spaces. A board member expressed that this is a very good adaptive reuse project and said some of the issues previously discussed include traffic entering and exiting the facility from Newport Road, lighting, noise levels, and alcohol usage. Venarchick stated that the applicant would like to allow alcohol usage on the property. The traffic would be right-in, right-out, which is consistent with the 2009 approval. The Township Manager clarified that the applicant is not requesting a liquor license but to allow individuals to provide for a bartender under their own insurance. The proposed hours of operation for the deli and banquet hall are 5:30 a.m. to 11:30 p.m., outdoor music would be permitted from 8:00 a.m. to 10:00 p.m., and the patio use would be 6:00 a.m. to 10:00 p.m. The Applicant would provide for lighting at the property and parking lot to be consistent with the 2009 approval. A board member requested that the Applicant ensure lighting would not be an annoyance to neighbors.

Flosdorf requested clarification of how the facility would be used as part of its day-to-day operation when it would not be used for a wedding or banquet. Brandon Ziegler stated that, initially, it would be a café but could turn into a restaurant in the future. The bakery/deli will close the lower level during banquets and only hold 32 people, and when there is not a banquet the lower level will open up.

The Chairman inquired whether the Applicant had discussed signage with the Newport Homeowners Association or any other group associated with Newport Commons. Signage would help drivers who would need to turn around on Oak Street if they would need to go West on Newport Road due to the right-in, right-out of this property. Venarchick stated that right now they are relying on the silo signage. Flosdorf suggested that signage could be put out just for events.

The Zoning Officer stated that the Application would be permitted to have directional signage without permits, but the issue should be further discussed with the Newport Homeowners Association if the signage would be on private property. He suggested that the facility have a Creekside Lane address rather than an East Newport Road address. Flosdorf inquired whether the Applicant has an agreement to use Creekside Lane since it is a private road. Venarchick said that there should be an access easement, and added that he will verify the issue.

The Zoning Officer suggested that the shared parking signage should say "Reserved For Residential Parking", and added that not everyone will read and obey the signs, but it would protect some of the parking spaces that are reserved for the residential area.

Flosdorf expressed concern about the restrooms with the possibility of 360-370 people with a full banquet facility, deli, and employees. The plan proposes only one restroom for men and one restroom for women. Flosdorf noted that the proposal might not comply with the building code. John Yoder, the architect from Speedwell Construction, stated that the bathroom facilities will comply with the IBC code. Flosdorf requested verification that the Applicant is intending to use the patio for wedding ceremonies, restaurant seating, and more of "mood" music and not "party" music. The Chairman added that they will need to be respectful of the neighbors. Ziegler and Venarchick expressed the opinion that live bands and other music would be inside the banquet facility the majority of the time.

Flosdorf inquired what type of bakery is proposed. Ziegler stated that they would not have large amounts of baked goods. The bakery will be for the store, the catering, the banquet facility, and their market stands. Flosdorf asked if one loading dock would be adequate to serve the facility. Ziegler responded that most of their deliveries are via straight trucks. The full size tractor trailer deliveries would be between 3:00 a.m. and 6:00 a.m. and they anticipate only one per day. The Township Engineer stated that loading and truck turning movements have been requested; however, the Applicant has not provided these details, to date. He added that the loading operation information has been requested.

Ziegler stated that, currently, they receive one tractor trailer delivery per week, and sometimes only once per month. The majority of the time deliveries are via a straight truck, approximately twice per week. Flosdorf expressed the opinion that the property is not designed for tractor trailers deliveries, so the layout and design may need to be altered to accommodate them. The Zoning Officer added that the adjacent development is not designed for tractor trailers to be turning around. A board member suggested adding a full "T" intersection or turning lane to accommodate tractor trailer deliveries and also keep customers out of the adjacent development and parking right at the proposed facility.

The Chairman inquired whether anyone present wishes to comment on the proposal.

Allen Martin of Newport Road, stated that he is in favor of this project and expressed the opinion that tractor trailer traffic was addressed properly in previous proposals.

Jennifer Shreiner of Creekside Lane, stated that she likes the idea of the project but has some concerns regarding parking and signage. She explained that some of the homes are vacant, so that may be a reason why some of the shared parking is currently vacant. She also had a concern regarding motorists not stopping at a stop sign in the development. Shreiner expressed concern about noise levels and if someone would fall on private property in the development. The Chairman addressed Shreiner's concern about the noise level and said the board and township would not tolerate excessive noise. If there is a parking issue then the board would help to address the issue. Flosdorf stated that if a different entrance is designed, then some of these concerns would be addressed.

On a motion by Flosdorf, seconded by Kramer, the Board voted unanimously to suspend the hearing until the second board meeting next month.

SUBDIVISION AND RELATED BUSINESS: Jeff Bowlby, Trimble Surveyors, explained that the replacement sewage testing passed with Vision Engineering and they addressed the comment by the Lancaster County Planning Commission. On a motion by Vigunas, seconded by Kramer, the Board unanimously approved the Eisemann/Rettew/Mumma Lot Add-on Plan.

APPROVAL OF MINUTES: On a motion by Kramer, seconded by Flosdorf, the Board unanimously approved the minutes of the December 4, and December 18, 2013 meetings as submitted.

TREASURER'S REPORT: The Board reviewed the Treasurer's Report. On a motion by Flosdorf, seconded by Kramer, the Board voted unanimously to approve the Treasurer's Report as submitted.

PAYMENT OF BILLS: The Board reviewed the list of bills submitted for payment. On a motion by Vigunas, seconded by Flosdorf, the Board unanimously approved the payment of bills.

TOWNSHIP MANAGER'S REPORT: The Township Manager provided reports on the NLCRPD and WESA from Larry Schultz.

The Township Manager reported that they will be meeting next week regarding the new Stormwater Ordinance. He is looking to try to get that ordinance adopted in March.

The Township Manager reported that we are continuing to modify and add to the website. The website will be able to provide road condition updates.

The Township Manager reported that the MS4 mapping has been slow due to the weather conditions.

The Township Manager reported that the stream monitoring will be starting tomorrow, January 16th.

The Township Manager reported that at the LRWA meeting on February 25th, LandStudies will go over several projects. Some of those projects include Oak Street since the Borough received a grant, and the Rock Lititz stream restoration.

The Township Manager reported that the Union Contract is completed.

The Township Manager reported that Township staff met with a surveyor, solicitor, and the Lancaster Agricultural Preserve Board in anticipation for Phase II of the regional rails-to-trails. He added that the Township is negotiating costs for the trail mixture.

The Township Manager reported that the Fish and Game Commission has received their approval plans for the Speedwell Forge Dam project.

The Board unanimously approved the Township Manager's Report.

TAX COLLECTOR'S REPORT: The Board reviewed the December, 2013 Tax Collector's report. The Township Manager explained that the Township is turning over less than 1% of the 2013 unpaid taxes for collection

PUBLIC WORKS DEPARTMENT REPORT: The Roadmaster reported the activities of the Public Works Department during December, 2013. The department was out six times in December and was at approximately 40-50% of its salt use. They were also out for four different events in January and is now getting close to 80% on the annual use of salt and using a lot of the overtime budget. Supplies and storage have been good so far, with more orders of salt being placed. One truck had an issue with a transmission (electronic) and another truck had an issue overheating (water pump). Some of the equipment in the budget for 2014, is the asphalt zipper and asphalt roller, which are both joint purchases with other municipalities.

NORTHERN LANCASTER COUNTY REGIONAL POLICE DEPARTMENT REPORT: The Township Manager presented a report prepared by the Police Chief that outlines the activities of the Police Department during December, 2013. He noted that the department has a large incident in Clay Township which was covered by state police, but the department did some of the forensics on that incident.

ZONING OFFICER'S REPORT: The Code and Zoning Officer reported that there was not a Zoning Hearing Board meeting in December, 2013. The Board received a year to date summary which goes back to 1991. The Code and Zoning Officer stated that the Township had several single-family homes in the smaller developments. He noted that he has not received any permit applications from Traditions of America, to date.

CONSIDER BIDS SUBMITTED FOR SALE OF TDRs FOR THE ROCK LITITZ PROJECT: The Township Manager stated that one bid was submitted for sale of TDRs for the Rock Lititz Project. The minimal bid for a TDR is \$3,000, and the bid for the 28 TDR's came in at \$84,000. On a motion by Vigunas, seconded by Kramer, the Board voted unanimously to accept the bid of Rock Lititz Properties, LP for the purchase of twenty-eight (28) Transferable Development Rights ("TDRs") for a purchase price of \$84,000.00 and that the TDRs be permanently attached to the Rock Lititz Properties, LP property which is to be developed by Rock Lititz Properties, LP and located on the south side of West Newport Road in accordance with the provisions of the Warwick Township Zoning Ordinance. The proper Township officials are hereby authorized and directed to execute, acknowledge, endorse, record, and deliver a Deed of Transferable Development Rights to Rock Lititz Properties, LP in the form and content presented at this meeting.

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OTHER BUSINESS TO COME BEFORE THE BOARD: The Township Engineer expressed the opinion that Keller Brother's new basin is functioning as designed. He explained that 10-12 inches of amended soils were added, and the only outstanding item is to seed the basin. On a motion by Vigunas, seconded by Kramer, the Board unanimously approved a reduction of \$41,987.60 from the letter of credit for Keller Brother's basin project.

OLD BUSINESS: The Board reviewed the engagement letter from Sager, Swisher, and Company, LLP for the 2013 budget.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager