

## **WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES**

**January 16, 2013**

Chairman W. Logan Myers convened the January 16, 2013 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, Roadmaster Dean Saylor, Code and Zoning Officer Tom Zorbaugh, Alex Piehl, R.D. Buckwalter, Kevin Lahn, Joe Waters, John Schick, Nelson Peters, and Mike Leeking. Gary P. Klinger of the Lititz Record Express represented the press.

**APPROVAL OF MINUTES:** On a motion by Chivinski, seconded by Flosdorf, the Board unanimously approved the minutes of the December 5, and December 19, 2012 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 Chivinski, seconded by Kramer, the Board unanimously approved the payment of bills from the General Fund in the amount of \$467,410.60.

**TOWNSHIP MANAGER'S REPORT:** The Township Manager provided a status report on the Northern Lancaster County Regional Police Department. He explained that the year-end report will come out next month. He noted that the department had a very successful first year.

The Township Manager provided a status report on WESA. He explained that the group met on January 14, 2013. He added that the original charter will need to be revised to add some sections to create an emergency services district. He noted that the draft should be ready by February, 2014.

The Township Manager provided a status report on the Strategic Plan. He explained that a final draft is being reviewed by the Warwick Township Planning Commission and the Lancaster County Planning Commission. He noted that the Board will have the document for review in February, 2013. He added that the goal is to have the plan adopted by May, 2013.

The Township Manager provided a status report on the MS4 Application. He explained that PA DEP is reviewing the application.

The Township Manager provided a status report on 2013 Objectives. He provided a draft for the Board's review and noted that he will provide an update on the objectives list on a quarterly basis.

The Board unanimously approved the Township Manager's Report.

**TAX COLLECTOR'S REPORT:** The Board reviewed the December, 2012 Tax Collector's report. On a motion by Chivinski, seconded by Flosdorf, the Board unanimously approved the Tax Collector's December, 2012 report.

**PUBLIC WORKS DEPARTMENT REPORT:** The Roadmaster presented a report that outlines

the activities of the Public Works Department during December, 2012. The Board unanimously approved the Public Works Department Report.

**NORTHERN LANCASTER COUNTY REGIONAL POLICE DEPARTMENT REPORT:** The Police Chief provided a report that outlines the activities of the Police Department during December, 2012. The Board unanimously approved the Police Department Report.

**ZONING OFFICER'S REPORT:** The Code and Zoning Officer presented a report that outlines the Zoning/Building permits issued in December, 2012. The report also outlines the cases heard by the Zoning Hearing Board at their meeting held on December 12, 2012.

**COMMUNICATIONS:** The Board received the December, 2012 edition of the PSATS News Bulletin publication.

The Board received a letter from the Lititz recCenter Executive Director thanking the Township for its budgeted donation for the 2013 fiscal year.

**CONSIDER CONDITIONAL USE DECISION FOR TRADITIONS OF AMERICA LITITZ LAND, L.P.:** The Chairman announced that the Conditional Use decision for Traditions of America Lititz Land, L.P. has been tabled. He explained that the Board will provide its decision at the regularly scheduled meeting on February 20, 2013.

**DISCUSSION ON REQUEST BY TRADITIONS OF AMERICA TO VACATE A PORTION OF HESS LANE:** This item has been tabled at the request of the Applicant.

**CONSIDER WAIVER REQUEST FOR THE 814 LITITZ PIKE PROJECT:**Alex Piehl, representing RGS Associates, explained that the request is for a Waiver of Section 285-27.L(1) pertaining to clear sight triangles for access drives. He noted that the Board previously reviewed the proposal. The request is to provide a clear sight triangle that is 45' along the proposed centerline of the access drive, and 45' in each direction along the intersection street. The (alternate) Township Engineer commented that since adequate safe stopping distance is provided for the access drive, and due to the shared access drive, they recommend granting the requested Waiver. On a motion by Flosdorf, seconded by Vigunas, the Board voted unanimously to grant a Waiver of Section 285-27.L(1) as requested.

**CONSIDER THE REQUEST FOR MODIFICATION OF THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AND GROWTH AREA MAP FOR AREA FRONTING LITITZ PIKE:** Alex Piehl, representing RGS Associates, stated that he is representing the request this evening. He explained that the request has been submitted by Warwick Devco, the owner of the Shoppes at Kissel Village shopping center. He stated that the request is for a modification to the urban growth boundary and future land use map for an approximate 32-acre site at the intersection of Lititz Pike and East Millport Road. He stated that this proposal is for a 32-acre expansion of the General Business area on the Future Land Use map contained within the 2006 Joint Strategic Plan. The proposal would extend this area west of Lititz Pike to the Buckwalter property. He stated that although the submittal included a potential rezoning map, the rezoning is not included as part of this evening's request. Piehl stated that as part of the request, they contacted John Schick with Rettew Associates to perform a traffic analysis. The traffic analysis memo prepared by Schick has been submitted as part of this proposal. He explained that the project would be phased to include

shops along the frontage of Lititz Pike, with a potential future expansion of the shopping center. Piehl stated that the Planning Commission reviewed the proposal at its December 20, 2012 meeting. He added that he reviewed staff comments regarding the Commission's denial of the requested modification. He stated that several of the comments involved potential conflicts with other commercial initiatives currently in process. He explained that the size and scale of properties in the Local Commercial zone near the site are different than the property that is part of this proposal. He stated that the Community Commercial zoned properties in the northern region of the Township are also not suited for the uses that are part of the proposal. He noted that the proposal does not appear to adversely impact uses in Lititz Borough. Piehl stated that Township staff questioned the timing of the project, and he explained that if the developer waits until the next update to the strategic plan, which would not occur until 2017, the project would not proceed until 2020 based on plan reviews. He added that the developer would like to proceed with the project submittal before this time. He explained that Township staff have also indicated that they would consider Campus Industrial uses on the property. Piehl expressed the opinion that the best use for this site would be retail commercial based on infrastructure availability.

John Schick, representing Rettew Associates, stated that one of the conditions of the Target project was another review of traffic figures. He stated that he reviewed the intersections along SR 501 in November, 2012 along with some of the intersections in close proximity to the site. He stated that the traffic counts indicate that the traffic patterns and signalization are working as intended and no reconfiguration is needed at this time. He added that the traffic counts in the morning and afternoon near the Target site were lower than projected; however, the counts on Saturday were slightly higher. He explained that 60% of traffic comes from the south, and 40% comes from the north, with approximately 15% coming from the Owl Hill Road area. He noted that the proposed access to the site would mirror the design along Peters Road. He explained that additional traffic review would be needed near the intersection of Owl Hill Road. He added that a potential access point along East Millport Road was suggested by Township staff, and would need to be reviewed and considered by the developer.

Flosdorf inquired what is the difference of traffic counts between a 32-acre Campus Industrial site and a retail commercial site. Schick stated that, generally, Campus Industrial uses would generate less traffic; however, 20% of commercial visits would be by motorists who would already be traveling along the corridor. Kramer inquired how the current overall traffic counts compare to the projections before the Target store. Schick stated that during am peak hours, 302 trips were counted, compared to 245 projected, during pm peak hours, 456 trips were counted compared to 516 projected, and during Saturday peak hours, 800 trips were counted compared to 668 projected. Flosdorf stated that even with the proposed improvements, a service level of D is still anticipated along SR 501 and inquired whether an increased number of lanes north and south of the site would improve the level of service. Schick responded that it would not necessarily improve the level of service since the roadway would be operating at its existing capacity regardless of travel lanes.

Kevin Lahn, representing R.J. Waters and Associates, expressed appreciation to the Board for allowing the presentation. He added that the working relationship with the Township has been good over the past 15 years. He explained that the shopping center was developed in phases as the area grew. He noted that they would also manage this area across from the shopping center and would not develop competing uses. He explained that waiting for the next comprehensive plan would further delay the project, which would be already be delayed by required rezoning requests

and development proposals.

R.D. Buckwalter stated that the Buckwalter family has worked with the Township for other development projects. He explained that the projects have benefitted the community, and they would like consideration to develop the other side of SR 501. He noted that they would like to continue the agricultural component on their property since they value their family farm background. He added that small and national developers have indicated an interest in the Lititz shopping center and they would like the Township's consideration of these uses. He noted that they have approximately one phone call per year for the commercially zoned lots near Trolley Run Road.

The Township Manager stated that when Township staff reviewed the proposal, they reviewed the original plans for the Wal-Mart, which was proposed for the shopping center site. He explained that when the Wal-Mart plan was submitted, Township staff reviewed the infrastructure in the area, including the ability for the SR 501 corridor to handle the proposed traffic counts. In addition, the availability of sewer and water capacity was also reviewed. He explained that a larger portion of this region was zoned I-2. He noted that this review is what initiated the construction of Highlands Drive as an alleviator route. He added that Wal-Mart representatives subsequently rescinded the plans for the store, due in part, since they did not want to provide for additional roadway improvements. He explained that the developer of the shopping center agreed to the roadway improvements, which provided additional access points to the shopping center. He stated that the Township recently rezoned over 90 acres in close proximity to the shopping center site to accommodate an earmarked growth area in the 2006 update to the Joint Strategic Plan. He explained that the shopping center provides over 270,000 square feet of commercial retail, and this does not include the adjacent Stauffers of Kissel Hill store. In addition, there is another commercial area less than a mile from the site to the south in Manheim Township. He stated that this current proposal is for an additional 120,000 square feet of retail commercial space. The Township Manager explained that the Community Commercial zone is intended to serve the community and not a large regional area. He stated that the areas in the Local Commercial zone near the site could compete with proposed uses in the proposed commercial area. He added that the Conditional Use decision for the Target store included a provision that the store specifically try not compete with uses in the downtown Lititz area. He commended the developer of the shopping center site for their contribution to Venture Lititz.

The Township Manager explained that the Township is currently in the process of drafting the second update to the Joint Strategic Plan. He explained that this plan, and the subsequent update in 2006, included 5 planning areas for future consideration. He noted that one of these areas was the Shoppes at Kissel Village property, which provided for the Target site. He explained that these areas also included a tract on West Millport Road (which is now the proposed Traditions of America Site), a 70-acre tract on Orchard Road (owned by Michael Glass), the High tract north of the SR 501 and East Newport Road intersection, and the proposed Rock Lititz site. He stated that the area on the west side of Lititz Pike was illustrated as a planning area due to the north/side alleviator route (Highlands Drive) and the availability of public sewer and public water. He noted that the Township recently rezoned portions of the Reid Buckwalter site (proposed Traditions of America and adjoining site), as well as the proposed Rock Lititz site. He stated that the Township evaluates infrastructure prior to rezoning any tract. He noted that the current focus on the Community Commercial zone has been in the northern area of the Township so additional traffic is not generated through Lititz Borough to access services in the southern area of the Township. He explained that the ability to expand infrastructure on the east side of Lititz Pike is not as feasible as

it was on the west side of Lititz Pike due to the improbability of a north/south alleviator route on the west side. He stated that the Township continues the focus on the intersection of Owl Hill Road and SR 501, and noted that the ability to improve this intersection is limited.

Vigunas inquired whether the Applicant could submit a request for rezoning if this area is not included as a growth area in the current Strategic Plan update. The Township Manager explained that the Applicant, or any property owner, could submit a rezoning request at any time. Vigunas stated that he would not want to rezone the tract to a specific zoning district at this time since this area has not been formally discussed to determine the best uses. He added that Township staff has discussed the feasibility of uses that could use the Airport as an asset, which includes light industrial. Kramer inquired whether the Planning Commission was concerned over the loss of farmland as part of the proposal. The Township Manager stated that the Applicant has indicated a willingness to rezone the Rural Estate zoned land to the north of the proposed site to Agricultural since they would like to continue the family farm business. He expressed the opinion that R.J. Waters has done an excellent job managing the shopping center site. Vigunas stated that access to East Millport Road would be necessary to accommodate any development of this tract; and this segment of the roadway is in Manheim Township. The developer indicated that they have not discussed any access to this tract with Manheim Township representatives. Myers inquired whether the Buckwalter family has been contacted by anyone regarding the use of the property in conjunction with the airport. Lahn expressed the opinion that the airport is not large enough, and the roadway network would not accommodate this use, since farther south is Neffsville, which could not accommodate additional roadway widening. He noted that the site is not near the turnpike or SR 30 or SR 283. Buckwalter stated that Manheim Township has industrial zoned land adjoining the airport that has not been developed. Flosdorf stated that this tract is larger in size than some of the industrial zoned lots near the airport. He added that Township staff considers job creation as part of any development proposal in this area. Flosdorf expressed the opinion that retail commercial may not be the best use for the proposed tract. He noted that he would be willing to work with the Applicant to consider options for the tract. The Chairman explained that if the Township would rezone the tract and the property changes ownership, there is no guarantee that any development would proceed as intended. The Board members indicated that they would be agreeable to further discussing development potential for the tract.

**CONSIDER RESOLUTION #01-16-13-01 TRANSFERRING FUNDS FROM THE GENERAL FUND TO THE CAPITAL RESERVE FUND:** The Board reviewed the resolution. The Township Manager explained that the Board previously discussed the proposal. The Resolution authorizes a transfer of \$200,000.00 from the General Fund to the Capital Reserve Fund. On a motion by Vigunas, seconded by Kramer, the Board voted unanimously to adopt Resolution #01-16-13-01 as drafted.

**DISCUSSION ON FIRE POLICE AND SPECIAL EVENTS - LANCASTER COUNTY FIRE POLICE TASK FORCE:** The Township Manager stated that Bob Lamb retired as Caption of the Fire Police, and a number of the fire police have also retired. He stated that fire police volunteers who would agree to do special events has dwindled. He recommended that a letter be sent to the organizers of the 35+ planned events advising that fire police will no longer be provided for traffic control. He stated that special events could be authorized if the organizers would provide certified traffic control, provide liability insurance, and sign a form indemnifying the township from any liability resulting from the event. The Township Manager explained that Lancaster County is considering a fire police task force which could provide traffic control for special events. He stated

that Workers Compensation would need to be addressed as part of the proposal. Vigunas stated that a paid special events unit has been created in other areas for this purpose. The Board is agreeable to the special events proposal requiring traffic control and liability insurance and protection as discussed.

**AUTHORIZE ORDERING OF A 37,600 GVW DUMP TRUCK THROUGH COSTARS:** The Board reviewed a memo prepared by the Roadmaster outlining the breakdown of costs for the purchase of a 37,600 GVW Dump Truck through COSTARS. The Board budgeted \$160,000.00 for the truck as part of the 2013 Fiscal Budget, and the actual cost would be \$157,889.00. Truck #67 would be advertised for sale upon delivery of the truck. The estimated value of Truck #67 is \$15,000.00. On a motion by Kramer, seconded by Flosdorf, the Board voted unanimously to authorize the purchase of a 37,600 GVW Dump Truck.

**ADJOURNMENT:** With no further business to come before the Board, the meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Daniel L. Zimmerman  
Township Manager