

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES
September 19, 2012

Chairman W. Logan Myers convened the September 19, 2012 meeting of the Board of Supervisors at 7:00 p.m. Present were Supervisors W. Logan Myers, C. David Kramer, Herbert Flosdorf, Anthony Chivinski and Michael Vigunas. In attendance were Township Manager Daniel Zimmerman, Roadmaster Dean Saylor, Township Engineer Grant Hummer, George Clark, Linda Clark, Nathan Jameson, David Biddeson, Reid Buckwalter, Whit Buckwalter, Robyn Tally, Martin Pflieger, Dennis Zimmerman, Mary Ann Hartzell, Frank Matarazzo, Bill Grosh, Mike Leeking, Joyce Gerhart, Mike Wagner, Mark Johnson, Chris Venarchick, Jay Lance, and Wil Burkhart. Gary P. Klinger of the Lititz Record Express represented the press.

PUBLIC HEARING TO AMEND THE CODE OF ORDINANCES TO REZONE A TRACT OF LAND CONTAINING 60.00 ACRES, MORE OR LESS, LOCATED ON THE NORTH SIDE OF WEST MILLPORT ROAD AND WEST OF HESS LANE FROM (A) AGRICULTURAL TO (R-2) RESIDENTIAL; AND THE ADJACENT TRACT CONTAINING 23.018 ACRES, MORE OR LESS, FROM (A) AGRICULTURAL TO (R-1) RESIDENTIAL. ALSO TO AUTHORIZE MODERATE DENSITY AGE-RESTRICTED DEVELOPMENT AS A CONDITIONAL USE APPROVAL IN THE R-2 DISTRICT AND TO ADD SPECIFIC CRITERIA FOR MODERATE DENSITY HOUSING IN AGE-RESTRICTED DEVELOPMENTS.

The Chairman announced the procedures to be followed for this evening's hearings. The Township Manager confirmed the posting and proof of publication for the hearing.

Nathan Jameson, representing Traditions of America, stated that Township staff visited a Traditions of America site on June 21, 2012 in Hanover. He noted that the visit provided the opportunity for staff to see the type of development that is proposed, and to talk with residents of the community. He played a video representing Traditions of America housing and residents. He provided a background on Traditions of America for the benefit of those present.

Jameson explained that the site has been the topic of planning workshops, and noted that this site is identified as planning area 10 under the Lititz/Warwick Joint Strategic Plan. He noted that this site is in close proximity to the shopping center, hospital and Target store. He explained that vacant land in this area of the Township includes over 100 acres of Campus Industrial zoned land, Community Commercial zoned land, 84 acres of Agricultural zoned land, and R-1 zoned land. He noted that there is no vacant R-2 zoned land in this area of the Township. He stated that this type of development would provide homes within walking distance of these other uses. Jameson stated that the site is located within the Urban Growth Boundary and expressed the opinion that the site is not sustainable for agricultural. Jameson stated that the R-2 zone as it currently exists allows 10,000 square foot lots for single-family homes, and 6,000 square foot lots for townhouses. He explained that these lot sizes are not feasible for the type of development with the amenities that they are proposing. He noted that the R-2 zone does not address age-restricted developments; therefore, a text amendment is proposed as part of the project. Jameson stated that the Lancaster County Planning Commission (LCPC) questioned why the project does not propose R-3 zoning, which specifically addresses age-restricted developments. He explained that the R-3 zone allows up to 14% density, with vertical housing provisions (3 stories). He stated that they are not proposing this type of high density development. Jameson explained that the proposed language would allow the Township to impose conditions relating to architecture, pedestrian access, open

space and landscaping. He stated that the proposal includes a club house, a riparian buffer along the Bachman Run and approximately 70% detached homes with a mix of duplexes. He added that walking trails are proposed throughout the development, and the internal roadways would be privately-owned. He noted that amenities include tennis, bocce, and a swimming pool.

Jameson outlined a list of conditions that the Applicant would be agreeable to as part of any approval of the project. He stated that a traffic study was completed for the proposal, and the result was that the roadways would operate at an acceptable level of service with the development completed. He noted that 2 points of access and egress would be provided for the site.

Jameson stated that they will attempt to retain more water from Bachman Run during heavy rains as part of the stormwater management proposed for the site. In addition, the Homeowner's Association would provide maintenance to the stormwater facilities. Jameson stated that the applicant would agree to a \$200 per unit fee for recreation. He expressed the opinion that there is not another development in the Township that provides recreational facilities of the scope and scale proposed as part of this development. He noted that their cost to construct the recreational facilities, which will include a clubhouse and swimming pool, will be approximately \$1.9 million.

Jameson stated that in addition to their other concerns, the LCPC appears to address the demographic uncertainty of this type of housing stock, considering that within 30 years, most residents would not be living within the development. He stated that the site is in close proximity to Campus Industrial zoned land that has been for sale for several years. Although the planning charette proposed Campus Industrial zoning, he provided calculations indicating that the overall tax revenue would be about \$20 million more over a 30 year period, since the developer is proposing to construct the project now. He explained that whether or not anyone would propose Campus Industrial development during this time period is uncertain. Jameson stated that affordability is mentioned in the LCPC comments. He noted that they use criteria of individuals over 55 making \$50,000 per year for marketing purposes, which is an income level below the median income for Warwick Township. He noted that their homes will sell for comparable prices for this region. He expressed the opinion that to defer current demand based on future uncertainty is not good planning. He added that they have received requests from individuals who wish to live within the development in Warwick Township.

The Township Manager stated that the Applicant previously discussed the vacating of Hess Lane and noted that several properties have legal frontage along the roadway. He added that the developer needs to ensure continued access to these properties.

Vigunas requested clarification on the left-turn lane along West Millport Road. Mark Johnson, representing RGS Associates, stated that a left-turn lane is proposed along West Millport Road to provide access to the site. If the Heart of Lancaster Regional Medical Center allows the continuation of the boulevard through their site, the applicant will contribute toward the cost of a traffic signal at Peters Road and Highlands Drive. If Heart of Lancaster does not allow the continuation, the Applicant will contribute toward a left-turn lane along West Millport Road for motorists traveling to Buckwalter Road. The Township Solicitor clarified that the vacating of Hess Lane will need to be a separate decision by the Board.

The Township Manager explained that the proposal this evening is only for rezoning and not the proposed project. He added that the Traditions of America proposal would require Conditional Use approval (if the R-2 zoning is approved), a Preliminary Plan for the overall project, and

subsequently, a Final Plan for each proposed phase of the development.

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

Mike Leeking, 1250 East Newport Road, stated that he owns the property at the intersection of Hess Lane and West Millport Road that is being discussed. He added that he is opposed to any vacating of Hess Lane since the roadway is used to access his property. Johnson stated that the vacating of Hess Lane is not required to accommodate the development.

Dennis Zimmerman, 352 Coventry Lane, stated that he is present to discuss the Rock Lititz project. He stated that his concern is stormwater since the area behind his property floods during heavy rains. He added that his home has been flooded twice in the past five years. The Township Manager explained that if the project proceeds, they would use the services of LandStudies to determine the best way to address stormwater. He noted that some of the stormwater comes from fields north of the site which the developer may not have the ability to control.

Bill Grosh, 718 Buck Wood Lane, inquired how much the homes will cost. He also inquired whether stormwater will be addressed as part of the project. Johnson stated that the project will include improvements to the existing culvert that is currently undersized, in addition to meeting the standard guidelines which require the Applicant to ensure that more water does not leave the site than currently exists. He added that basins are proposed as part of the project.

Robyn Tally, 5 Oakwood Lane, inquired what is the vacancy rate for the region. She inquired whether the development could be constructed as proposed based on housing prices of \$250,000. She added that the tax revenue figures were based on build-out. Jameson stated that he estimates that the development will be built-out in approximately five years, and he does not anticipate a high vacancy rate. Tally inquired whether residents outside the development could use the facilities. Jameson stated that the amenities would be for private use of the residents within development.

Vigunas stated that the hearing this evening is for rezoning; however, he inquired whether the Applicant is prepared to adequately address concerns as discussed this evening and with Township staff. Jameson expressed the opinion that he adequately addressed the LCPC comments.

Flosdorf stated that individuals would own the home but not the land. Jameson clarified that residents would have an undivided interest in everything within their development. Flosdorf inquired whether the funding formula has been calculated for the long-term financial sustainability of the development (roads, stormwater). Jameson stated that they are preparing the monthly maintenance calculations to submit to FHA as required. He noted that financial audits will be performed when the residents assume the HOA to ensure the long-term sustainability of the development. Flosdorf inquired whether the Applicant would agree to periodic audits to ensure that adequate reserves exist for the long-term maintenance of the development as part of the Conditional Use process. Jameson stated that he would be willing to consider the condition.

Jay Lance, 223 West Woods Drive, stated that he prefers this type of development over any commercial development. He added that motorists speed along West Woods Drive. He inquired how public water would be provided to the development. The Township Manager explained that this proposal would access the water line through West Millport Road.

Leeking inquired whether his property would be required to connect to the public water system. The Township Manager stated that if the public water lines extends within 150' of a property, the property is required to connect to the public water system.

The Township Solicitor stated that he wanted to clarify this evening's process. He explained that this evening's hearing is only for rezoning of the tract from Agricultural to R-2 and R-1 respectively, and also to consider provisions to allow moderate density age-restricted development within the R-2 zone as a text amendment within portions of the Township. He stated that land use laws in Pennsylvania do not allow conditions to be imposed on a rezoning since land use decisions are to be based on whatever can happen within a zone, and not based on a single project. He stated that the conditions proposed by the Applicant are not part of the proposed rezoning or text amendment, but to allow the Applicant to address concerns relating to stormwater and roadway improvements that have been discussed. He stated that the next step for the Applicant, if the rezoning is approved, is a Conditional Use hearing when the Township could impose conditions as proposed and/or additional conditions could be imposed. The Township Solicitor inquired whether Attorney Biddeson would be agreeable to the conditions as presented if they would be part of any Conditional Use approval for the project. Attorney Biddeson stated that he would be agreeable to the Conditions. The property owner's representative indicated that he would also be agreeable to the proposed conditions. The Township Solicitor added that some of the conditions include provisions for offsite roadway improvements that the Board may not have jurisdiction to impose under the Municipalities Planning Code, and he noted that the Applicant has agreed to these conditions as well.

On a motion by Flosdorf, seconded by Chivinski, the Board voted unanimously to close the public hearing and to request that the Secretary enter items submitted as part of the public hearing into the record for the public hearing.

CONSIDER ORDINANCE #257 TO REZONE A 60-ACRE TRACT AND 23-ACRE TRACT FROM (A) AGRICULTURAL TO (R-2) AND (R-1) RESIDENTIAL ZONED DISTRICTS AND THE ASSOCIATED TEXT AMENDMENT TO THE R-2 ZONE: The Board reviewed the Ordinance. Kramer requested that the Board table action on the proposal until the Board's October 3, 2012 meeting in order to provide sufficient time to review the proposed conditions and the additional information presented at the hearing. On a motion by Kramer, seconded by Vigunas, the Board voted 4-1 to table action on Ordinance #257 until the Board's next regularly scheduled meeting on October 3, 2012 at 7:00 a.m. Flosdorf voted against the motion.

APPROVAL OF MINUTES: The Board reviewed the meeting minutes. On a motion by Flosdorf, seconded by Kramer, the Board unanimously approved the minutes of the August 15, 2012 meeting as submitted.

TREASURER'S REPORT: The Board reviewed the Treasurer's Report. On a motion by Vigunas, 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 Vigunas, the Board unanimously approved the payment of bills from the General Fund in the amount of \$620,682.99.

TOWNSHIP MANAGER'S REPORT: The Township Manager provided a status report on the

NLCRPD. He explained that they are currently working on their 2013 budget. He added that efforts are continuing to consolidate the pension plans.

The Township Manager provided a status report on WESA. He explained that the subcommittee will have a job description and a budget outline by the end of the month.

The Township Manager provided a status report on the 6th Street extension. He stated that the project started on September 17th and he anticipates 3 weeks to complete the project.

The Township Manager stated that a 2013 budget workshop session will be held on November 21, 2012 at 4:30 p.m. The Board is in agreement to reschedule the Board's regularly scheduled evening meeting to the morning since it is the day before Thanksgiving.

The Board unanimously approved the Township Manager's Report.

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

PUBLIC WORKS DEPARTMENT REPORT: The Roadmaster presented a report that outlines the activities of the Public Works Department during August, 2012. The Board unanimously approved the Public Works Department Report.

NORTHERN LANCASTER COUNTY REGIONAL POLICE DEPARTMENT REPORT: The Police Chief submitted a report that outlines the activities of the NLCRPD during August, 2012. The Board unanimously approved the NLCRPD Report.

ZONING OFFICER'S REPORT: The Code and Zoning Officer provided a report that outlines the Zoning/Building permits issued in August, 2012. He also provided a report outlining the cases heard by the Zoning Hearing Board at their August 8, 2012 meeting. The Board unanimously approved the Zoning Officer's Report.

COMMUNICATIONS: The Board received the August 2012 edition of the PSATS News Bulletin publication.

CONSIDER THE FINAL LAND DEVELOPMENT PLAN FOR 814 LITITZ PIKE, PREPARED BY RGS ASSOCIATES, DATED 7/3/2012: Joyce Gerhart, representing RGS Associates explained that the Board previously reviewed the Sketch plan and added that the plan remains relatively unchanged from this plan. She explained that the site is approximately 2.3 acres and is located at 814 Lititz Pike. She stated that the proposal is for redevelopment of the existing site, which currently consists of a commercial building with 12,740 square feet of gross floor area. This building would be removed and replaced with two new commercial retail buildings (7,500 square feet and 7,360 square feet respectively), with a total of 14,860 square feet of gross floor area. The proposed facilities would use the existing entrance to the property. In addition, a second entrance to the property is proposed from the future extension of Highlands Drive, to the rear of the property. Gerhart explained that the plan also proposes a future connection to La Piazza Restaurant to the north.

The Applicant is requesting a Waiver of Section 285-7.C pertaining to Preliminary Plan submittal.

The Planning Commission recommends approval of the Waiver request.

The Applicant is requesting a Waiver of Section 285-28.B(2)(b) pertaining to sidewalks. The sidewalk would be located in an access easement. The Planning Commission recommends approval of the Waiver request.

Gerhart outlined the stormwater management for the site and explained that the overall impervious surface will be slightly less, so additional storm water controls are not proposed. She added that the plan proposes 2 rain gardens for infiltration, in order to meet BMP requirements.

On a motion by Flosdorf, seconded by Kramer, the Board voted unanimously to approve a Waiver of Section 285-7.C, a Waiver of Section 285-28.B(2)(b), and to approve the 814 Lititz Pike Preliminary/Final Plan contingent upon the alternate Township Engineer's comments being addressed.

CONSIDER THE REQUEST FROM JACOB DEERY TO RELEASE CASH LETTER OF CREDIT FOR STORM WATER PLAN AT 11 FARM LANE:

The Board reviewed the request. The Township Engineer commented that based on the recent observation of construction, and the follow-up verification of the final stabilization for the site, they recommend the Township release the \$9,999.00 cash Letter-of-Credit to the property owner. On a motion by Flosdorf, seconded by Chivinski, the Board voted unanimously to release the \$9,999.00 cash Letter-of-Credit.

CONSIDER ORDINANCE #255 AMENDING THE MUNICIPAL PENSION PLAN, ADMINISTERED BY PA MUNICIPAL RETIREMENT SYSTEM:

The Township Manager explained that the Ordinance would allow non-uniform employees to contribute up to 20% of their salary to the pension plan. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to enact Ordinance #255 as drafted.

CONSIDER ORDINANCE #256 AMENDING THE CODE OF ORDINANCES TO PROVIDE REFERENCE FROM WARWICK TOWNSHIP POLICE TO NORTHERN LANCASTER COUNTY REGIONAL POLICE COMMISSION, AND TO REVISE PARKING TICKET REGULATIONS:

The Board reviewed the Ordinance. On a motion by Vigunas, seconded by Chivinski, the Board voted unanimously to enact Ordinance #256 as drafted.

DISCUSS SOLICITOR LETTER REGARDING THE ACT 167 REQUIREMENT ON THE STORMWATER ORDINANCE:

The Township Manager explained that the MS4 NOI has been completed, and the MapShed data to confirm TMDL is being developed. He explained that the County Commissioners tabled action on the Lancaster County Stormwater Plan. He stated that the plan provided no exemptions, and added that the Commissioners would like to establish a subcommittee to review the proposal.

CONSIDER RESIGNATION OF JOHN HOHMAN FROM THE PLANNING COMMISSION AND CONSIDER APPOINTING NATHAN FLOOD AS A REGULAR MEMBER OF THE PLANNING COMMISSION:

On a motion by Chivinski, seconded by Vigunas, the Board voted unanimously to accept the resignation of John Hohman, and to appoint Nathan Flood to the Planning Commission.