

WARWICK TOWNSHIP PLANNING COMMISSION MINUTES

April 25, 2012

Chairman Thomas Zug convened the April 25, 2012 meeting of the Warwick Township Planning Commission at 7:00 p.m. Present were Commissioners Thomas Zug, John Gazsi, John Hohman, Daniel Garrett and Kenneth Kauffman. Jane Boyce and Craig Kimmel were absent. In attendance were Township Manager Daniel Zimmerman, Mitchell A. Kemp, Bruce E. Garner, Gwen Newell, Allison Biddle, William Splain, Kevin Varner, Jen Weisbrod, Austin Weisbrod, Jane Myers, Sam Stoltzfus, Jr., John King, and Jeff Bowlby.

APPROVAL OF MINUTES: On a motion by Garrett, seconded by Kauffman, the Commission voted unanimously to approve the minutes of the March 28, 2012 meeting as written.

CONSIDER THE AFFORDABLE PAVING (THOMAS/BILLY SHUMATE) FINAL LAND DEVELOPMENT PLAN, PREPARED BY DIEHM & SONS, DATED 2/1/2012: Kevin Varner, representing Diehm & Sons, explained that the Commission reviewed the plan at their meeting on March 28th. He noted that several technical revisions were made to the plan based on the Township Engineer's review comments. He added that the layout remains unchanged from the plan reviewed last month.

Varner addressed the Township Engineer's comment letter dated April 18, 2012. The Township Manager explained that a deferment agreement could be drafted to address some of the comments regarding the Waiver requests. He noted that these agreements would address streets, curb, sidewalks, and walkway.

The Applicant is requesting Waiver of Section 285-7.C, pertaining to Preliminary Plan application. The applicant's consultant is requesting a modification to process a preliminary/final plan in lieu of processing a preliminary plan and subsequently a final plan. The Township Engineer commented that in consideration of the justification cited by the Applicant, and since the Zoning Hearing Board has already reviewed the applicant's Site Plan and then granted various Special Exceptions and Variances for the project, they have no objections and recommend approval of the Waiver. On a motion by Hohman, seconded by Kauffman, the Commission voted unanimously to recommend a Waiver of Section 285-7.C contingent upon the Township Engineer's comments being addressed.

The Applicant is requesting a Waiver of Section 285-27.J(3), pertaining to improvements to existing streets. The applicant's consultant has requested consideration of a Waiver to eliminate the requirements for roadway frontage improvements or providing a fee in-lieu-of actually constructing the required improvements. Varner explained that a Waiver is requested for Rothsville Road, and a deferment is requested for Briar Hill Road. He added that the Applicant has agreed to install a 5' walkway that would connect to the curb cut along Briar Hill Road. He explained that the walkway would be completed to Santa Fe Drive, where the commercial building is proposed; however, a deferment is requested for the remaining walkway area. The Township Engineer commented that the improvements proposed at this time appear adequate for the intensity of the development. Therefore, they have no objections and recommend approval of the Waiver. As a potential condition of this Waiver, the Township should consider if a deferment agreement is required to establish the parameters for the applicant/owner to construct the required improvements (curb and sidewalk) at some time in the future if directed by the Township. On a motion by Garrett, seconded by Hohman, the Commission voted unanimously to recommend a

Waiver of Section 285-27.J(3) for Rothsville Road, and a deferment for the area along Briar Hill Road contingent upon the Township Engineer's comments being addressed.

The Applicant is requesting a Waiver of Section 285-28.A(9), stipulating that a parking area is to be constructed of concrete or bituminous surface and a Waiver of Section 285-28.C(1), pertaining to curbs. Varner explained that the access drive is proposed to be paved along the PennDOT roadway. He added that there would be concrete and macadam in front of the building for handicap and visiting parking. The remaining parking spaces for employees and equipment are proposed to be gravel to allow the turning movement for large pieces of equipment. Varner explained that the stormwater design proposes perpendicular drainage from the building to grass areas and then into the water quality facility.

The Township Manager inquired whether the storm water calculations include the paving of employee parking area and equipment parking area in the future, if needed. Varner stated that he would need to verify the calculations. The Township Engineer recommends approval of each Waiver. On a motion by Garrett, seconded by Kauffman, the Commission voted unanimously to recommend a Waiver of Section 285-28.A(9) and a Waiver of Section 285-28.C(1) contingent upon the Township Engineer's comments being addressed.

The Applicant is requesting a Waiver of Section 285-28(1), pertaining to sidewalks. The applicant's consultant is requesting a Waiver to allow for the construction of a macadam walkway along a portion of Briar Creek Road as shown on the Plans. Varner explained that a macadam walkway is proposed from the pump station to the access drive, and added that a full Waiver is requested along Rothsville Road and a deferment is requested on Briar Hill Road. He noted that a Waiver is also requested for extending sidewalk into the business property. On a motion by Garrett, seconded by Gazsi, the Commission voted unanimously to recommend a Waiver of Section 285-28(1) contingent upon the Township Engineer's comments being addressed.

Varner explained that they recently obtained the NPDES permit for the project. On a motion by Gazsi, seconded by Hohman, the Commission voted unanimously to recommend approval of the Affordable Paving (Thomas/Billy Shumate) Final Land Development Plan.

CONSIDER THE WALTER PROPERTY - OWL HILL ROAD-FINAL SUBDIVISION PLAN, PREPARED BY SNYDER, SECARY & ASSOCIATES, DATED 3/7/2012:

Mitchell Kemp, representing Snyder, Secary & Associates, explained that the site is located along Owl Hill Road, beside the Members 1st Credit Union. He explained that the Commission previously reviewed the proposal. He added that the site is zoned residential and the plan proposes to subdivide the tract into 4 single-family building lots. He stated that the stub at the existing entrance to the credit union would be extended to provide access to these lots. He added that this roadway is intended to be dedicated to the Township. He noted that the plan also proposes a 50' easement in favor of the Walter family to accommodate the possible extension of the roadway to the adjoining property (High) if needed. Kemp explained that the existing access to the credit union would be contained within Lot D. He noted that Members 1st would also maintain the existing landscape island as well.

Stormwater management would continue in the current direction on the lot and would be collected from the roadway and conveyed through a swale into the proposed retention basin, which would also feed the wetland area. He added that subsurface infiltration is proposed to address roof water from the homes.

The Township Engineer requested clarification of how the easement in favor of the Walter family could provide for the extension of the future street. Kemp stated that a note would be included in the deed for the affected lot where the easement is located. The Township Engineer stated that any proposed future extension of the roadway would require that the affected property owner contact a representative of the Walter family for approval. He noted that this differs from the Ordinance which requires either the future right-of-way in favor of the Township or specifically to the owner where the right-of-way would be extended. He added that the Ordinance does not include a provision for a developer to retain the ownership or rights to a future right-of-way. The Township Manager explained the right-of-way is at the end of the hammer head of the cul-de-sac. He added that the Ordinance would require an over-sized temporary bulb at the end of the property line and noted that the roadway configuration was designed to avoid the woodlands, wetlands, floodplain and other environmentally sensitive features of the site. He added that it also addresses the Commission's recommendation that it serve as access to two of the lots. The Township Manager stated that High has limited access to his property along East Woods Drive. He added that the easement in favor of the developer is not typical; however, it would be costly to extend the street since it requires crossing these wetlands and environmentally sensitive features. The Township Engineer noted that this arrangement would require a Waiver. Gwen Newell, representing the Lancaster County Planning Commission, stated that the developer arrangement is highly unusual since a non-landowner would have the right of first refusal to extend the roadway, and expressed the opinion that it seems unrealistic that the roadway would be extended. A brief discussion ensued regarding the financial aspect of the proposal. The Township Manager stated that the length of the roadway would qualify for liquid fuels funding if it is dedicated to the Township in the future. In addition, the shortened design does protect the environmentally sensitive features of the site. Kemp stated that a representative of the Walter family (Bruce Garner) indicated that the easement in favor the Township would be noted on future plans.

The Applicant is requesting a Waiver of Section 285-7.C (1-7) pertaining to Preliminary Plan procedure. The applicant's consultant is requesting a modification to process only a final plan in lieu of processing a preliminary plan and subsequently a final plan. The Township Engineer commented that they recommend approval of the Waiver in consideration of the applicant's justification and since the Zoning Hearing Board has already reviewed the Site plan and granted a Variance. On a motion by Garrett, seconded by Kauffman, the Commission voted unanimously to recommend approval a Waiver of Section 285-7.C (1-7) contingent upon the Township Engineer's comments being addressed.

The Chairman inquired whether anyone present would like to comment on the proposal. No one indicated their desire to comment on the proposal.

The Applicant is requesting a Waiver of Section 285-27.J pertaining to turn-around of cul-de-sac. The applicant's consultant is requesting consideration of a Waiver to allow the use of a "hammer head" configured turnaround instead of the required 50' diameter round cul-de-sac. On a motion by Kauffman, seconded by Gazsi, the Commission voted unanimously to recommend approval of a Waiver of Section 285-27.J contingent upon the Township Engineer's comments being addressed.

The Applicant is requesting of Waiver of Section 285-28.B(2)(a) pertaining to sidewalks. The applicant's consultant is requesting a waiver to avoid constructing the required sidewalk along both sides of the proposed streets. Sidewalk is only proposed for construction as part of the development along the eastern side of the new street, "Shober Lane". The Township Engineer

commented that the Township should consider a deferment agreement stipulating that upon the Township's notification of the eventual owners of Lots C and D, the sidewalks will be installed at the owner's expense. On a motion by Garrett, seconded by Hohman, the Commission voted unanimously to recommend a Waiver of Section 285-28.B(2)(a) contingent upon the Township Engineer's comments, including the deferment agreement, being addressed.

Kemp explained that the existing streetlight on the property would continue to be maintained by Members 1st Credit Union and would be addressed via an easement agreement.

Jane Myers, 18 Owl Hill Road, inquired whether the plan still includes a provision to relocate the historic brick home across the street from this site. Bruce Garner, representing the Walter family, stated that the Walter family is seriously considering the proposal. He added that he recently received the updated cost to relocate the home, and at this time, it appears the house might be relocated. The Township Manager noted that the home across the street is on a different lot, which is separate from this tract. He requested Kemp to provide an update regarding this other lot. Garner stated that he has a verbal agreement with the owner of the adjoining Burger King property to provide joint access to 9 Owl Hill Road.

Kemp addressed the proposed storm water management for the site. The Township Manager explained that one lot contains a landscape buffer area, with little room for a rear deck. He recommended that the Commission consider a stipulation that a deck could encroach in this area within a specific location. The Commission members are agreeable to recommending an allowable 5' encroachment into this area.

On a motion by Hohman, seconded by Gazsi, the Commission voted unanimously to recommend approval of the Walter Property-Owl Hill Road Final Plan contingent upon the Township Engineer's comments being addressed and based on this evening's discussions.

CONSIDER REQUEST FOR STOLTZFUS PROPERTY: Jeff Bowlby of Diehm & Sons

Surveyors stated he is representing Sam Stoltzfus and his father-in-law John King. He stated that on September 21, 2001, Stoltzfus and King received Conditional Use approval for a second single-family residence along Brunnerville Road. He stated that Stoltzfus operates a greenhouse, and the farm is divided by Brunnerville Road. He explained that the farm is comprised of 66.7 acres. He stated that King has indicated that he would like to subdivide his dwelling from the overall farm property in case the farm is sold in the future. He stated that the Ordinance allows a maximum of 2 acres for a residential subdivision from the farm. He stated that based on the size of the farm, Stoltzfus would have four building lots remaining (1 acre per 20 acres of Agricultural zoned land). He explained that the property owner would like to use two of the building lot quotas to create a 3.75 tract. He noted that the property owner wishes to use one quota to create a 2-acre lot this year, and a subsequent quota for a 1.75 acre lot add-on the following year. He added that if the Commission is agreeable to the proposal, he would need to submit a Variance request to the Zoning Hearing Board for a 3.75 lot size. Garrett expressed the opinion that the Applicant should keep the plans separate rather than create the appearance that they intend to circumvent the Clean and Green law.

Bowlby stated that a similar proposal was approved in East Lampeter Township. Newell stated that this is not a new circumstance, and added that this has occurred previously in accordance with Clean and Green regulations. She noted that one plan would need to be recorded prior to approval of the second plan as a lot add-on. Bowlby stated that the provisions for the subdivision and lot

add-on would be submitted on the same plan. The Chairman expressed the opinion that the lot and lot add-on should be submitted separately with a concurrent review. Garrett acknowledged that the Clean and Green issue is not under the jurisdiction of the Township. Bowlby stated that two plans will be prepared and submitted for the proposal in August or September.

UPDATE TO THE LITITZ/WARWICK JOINT STRATEGIC PLAN: The Township Manager explained that a joint meeting of the Townships Boards and Commission is scheduled for May 2, 2012. He stated that he is requesting two Planning Commission representatives to serve on the Joint Strategic Plan committee. He added that the meetings will occur on the third Thursday of each month from 7:00 a.m. to 9:00 a.m. Zug, Hohman and Kauffman stated that they would be willing to serve on the Committee.

REVIEW ECONOMIC DEVELOPMENT INITIATIVES: The Township Manager explained that the Commission will be reviewing expansions of several retirement communities, and a proposal for a 200+ unit over-55 development near the Heart of Lancaster Hospital. He noted that the potential exists for 3 rezoning petitions as well. He added that the rezoning petitions also relate to economic development.

ADJOURNMENT: With no further business to come before the Commission, the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager