

WARWICK TOWNSHIP PLANNING COMMISSION

June 23, 2021

7:00 p.m.

Warwick Township Municipal Building

Chairman Tom Zug convened the June 23, 2021 meeting of the Warwick Township Planning Commission at 7:00 p.m. In attendance were Commissioners Tom Zug, Jane Windlebleck, John Gazsi, Dan Garrett, Kenneth Kauffman, Marcello Medini and Robert Kornman. Also in attendance were Dan Zimmerman, Township Manager; Tom Zorbaugh, Zoning and Code Enforcement Officer; Jon Andrews, Mc Nees Wallace and Nurick LLC, 100 Pine Street, Harrisburg; John Lefever, 751 Orchard Road, Lititz; Mike Fyock, 905 Orchard Road, Lititz; Randy Hess, 15 Meadow Lane, Lancaster; Dana Clark, 660 Brunnerville Road, Lititz; Bob & Michelle Kennedy, 720 Orchard Road, Lititz; Michael Peachey, 737 Orchard Road, Lititz and Pat Dennis, Landmark Homes.

APPROVAL OF MINUTES – A Commissioner requested that it be emphasized that the general agreement of the Planning Commission is that the Woodcrest Avenue/Sixth Street project access should come off Woodcrest Avenue across from Crosswinds Drive. Also, in regards to the Woodcrest Avenue/Sixth Street project, the minutes note J. Gazsi recusing himself, when it was actually D. Garrett. The May 26, 2021 minutes stand approved with the corrections mentioned.

COMMUNICATIONS: No communications per Dan Zimmerman.

SUBDIVISION/RELATED BUSINESS:

CONSIDER THE ORCHARD ROAD, PHASE 1 FINAL SUBDIVISION PLAN, PREPARED BY RGS ASSOCIATES, DATED 12/23/2020 – Chris Venarchick with RGS Associates, Dave Bitner with RGS Associates and applicant Randy Hess are proposing 69 units on approximately 49 acres at full build for the Orchard Road project. Phase 1 contains 37 single family units. It is in the R1 residential zoning district and the plan as proposed is permitted by right. Properties will be served by public water and sewer from WTMA. Access to the property is off of Orchard Road. There is an emergency access connection up to the north as well as an additional emergency access provided off of Orchard Road to the western portion of the site. Storm water management is accommodated on the property through various surface retention facilities and conveyance through pipes and swales as typically done in a subdivision plan. There were questions in regards to storm water management. Additional steps, beyond just the basic requirements of the ordinance, were taken to control and manage storm water. With the additional steps taken the project would release less storm water from this property since more of it will be infiltrated. The calculations demonstrate that less storm water will be released than the existing pre-development condition.

The only modification that has been added to the final plan is the staging and sequencing of construction between the two phases.

Venarchick addressed the township engineer's letter dated June 16, 2021. He noted that the only outstanding items are administrative in nature.

D. Zimmerman questioned what the long term maintenance costs or even accessibility for maintenance may be for the storm water management facilities. One thing to clarify would be the maintenance cost; there are a large number of basins proposed, but the maintenance costs should be shared by the HOA rather than individual lot owners.

The main entrance to the site off of Orchard Road is flanked by two storm water management facilities. Fencing is proposed along the entrance but it is stopped short of the first property to allow equipment to get around that fence and then it grades down to the basin itself. Venarchick was questioned on his satisfaction of the esthetics of the two 30' deep basins on either side of the main entrance. He responded that there is a plan for vegetation to be planted to soften up the esthetics, but they are limited by the topography of the site.

Mike Fyock, a resident of Orchard Road, inquired how the developer is ensuring that water does not follow a line of shale and outlet to his field. He explained that there is a nature spring on his property that follows a shale line. Venarchick stated that the applicant is required to use a geologist to ensure the type of soil on-site and that the basin works for the soil types. Fyock inquired who would be liable if his field floods. Venarchick stated that the stormwater facilities meet the guidelines of the Ordinance and he is unable to speculate whether or not Fyock would have any stormwater issues in the future.

Dana Clark stated that he also has stormwater issues on his property currently. He requested that the Board ensure that their stormwater concerns are addressed.

Fyock stated that he built a secondary basin on his property since he had severe erosion on his property from stormwater runoff from other developments.

The Board members acknowledged that they received a copy of a letter from both Clark & Fyock expressing their concerns relating to stormwater management and the potential adverse impacts to their farming operations. Both property owners stated that they refuse to accept any stormwater from the proposed development to enter onto their respective properties.

Venarchick stated that they have heard the concerns and studied the existing stormwater flows and they are substantially reducing the amount of stormwater leaving the site.

Garrett stated that it appears an issue is attempting to be addressed that no one is sure will occur on-site. He inquired whether the HOA documents could include language that if the issue of stormwater following underground geology and damaging an adjoining property occurs, the HOA would address the issue at their expense. Venarchick responded that it would be difficult to determine that if a spring occurs on a neighboring property, it could be traced back to the on-site basins. He added that the design of the development is in accordance with Ordinance requirements. Clark stated that the Ordinance is the minimum required, and the developer should go beyond the Ordinance requirements to address their concerns. The Township ordinance cannot legally require that standard.

Fyock stated that both he and Clark have stated that they will not accept stormwater from the proposed development. He asked the Township's opinion of whether or not a stormwater easement is required for this project. D. Zimmerman stated that there is no change to the drainage in this area. The Ordinance requires adjoining property owners to be advised if there is a discharge; however, an easement would be required only if there is a change to the watershed resulting in more stormwater. These are natural exit points, which is evident by the erosion occurring currently on the farm fields. He added that the basins are so large because the applicant is reducing over 50% of the stormwater from leaving the site than currently exists. The Ordinance only requires a 50% reduction. The natural waterways are being followed, and level spreaders are being used to control the concentration of water that is leaving the site during large stormwater events.

Fyock stated that his property has been eroded by stormwater facilities that are in close proximity to his property currently. He expressed the opinion that the basins were poorly designed and do not work properly. The basins in question are over 20 years old.

C. Haley explained that due to the design of the stormwater management facilities and the level spreaders, this property would not require a stormwater easement on any adjoining property.

Clark stated that the change in the flow of stormwater could affect his crop production. Venarchick explained that the design is intended to infiltrate most of the stormwater onsite during a large storm event at this area. He added that the Stormwater Management Agreements used today are different from previous developers because they now require annual inspection by the HOA and reporting of any issues to the Township. Previously, this was not a requirement. Fyock stated that it would still require him to prove the issue is from the development. Kornman suggested that Clark & Fyock take photos of the various areas prior to the development to demonstrate the current flow of stormwater, compared to what occurs after the development is constructed. Fyock expressed concern that any issue would require them to hire an attorney to sue the HOA for work to be done.

Venarchick indicated the location of the stormwater management facilities that would be maintained by the HOA for the benefit of those present.

Kornman inquired whether the Township Solicitor could provide an opinion how the property owners could approach the HOA if they have a grievance. Venarchick stated that typically, a property owner would approach the Township and based on discussions and inspections, the Township would approach the HOA about any deficiencies that need to be corrected. He added that the project requires an NPDES permit and DEP has maintenance guidelines that need to be met as well.

Garrett expressed the opinion that the applicant has attempted to address the speculative concerns of the neighboring property owners, and what needs to be addressed now, is how the owners could address their concerns in the future if there is an issue rather than make changes to the design based on speculation.

D. Zimmerman stated that the developer did attempt to address the concerns stated by the property owners. He stated that the setback and woodlands, as well as a stream provide some protection to the Fyock property. In addition, water that previously flowed down the roadway will now be held within the basin and infiltrated. The basins are designed to hold water from a 100-year storm. Fyock expressed the opinion that the developer will be unable to install pipes and silt socks within the right-of-way for Orchard Road.

Randy Hess, developer of the project, stated that he has attempted to stay in communication with the property owners during the design phase of the development. He added that although the right-of-way area is tight, they are required to stay within this area. Fyock inquired whether the contractor could meet on site and verify that the pipe installation will be installed as planned. Hess stated that the project will hold over 70% of the previously released storm water onsite and the issue has been discussed at length. Hess stated that the construction area will be staked out, and added that he would be willing to meet the property owners on-site.

Clark expressed concern about the amount of traffic at the intersection of Brunnerville Road and East Newport Road. He noted that he owns four corners at this location. D. Zimmerman stated that this development would have a 2% impact or less at this intersection, and most of the traffic is pass through traffic. He added that the project would have a greater impact on Orchard Road and East Newport Road and intersection improvements will be make at this area. He explained that the Commission previously asked to determine if individuals would want sidewalks in this area and over 50% of the property owners were not in favor of sidewalks at this location. He noted that he was present at the meeting where sidewalk was discussed.

Clark asked what improvements are proposed at the intersection of East Newport Road and Brunnerville Road. D. Zimmerman responded that the preliminary design has been drafted, and partial funding was secured by the Metropolitan Planning Organization (MPO). He noted that the full design has not been completed nor reviewed by PennDOT. Clark suggested that a roundabout be installed at this intersection rather than a traffic signal with turning lanes, which could not be provided without impacting his property.

Mike Peachy, 737 Orchard Road, inquired if the Township could require that the HOA maintain a Letter of Credit to address any potential future stormwater issues. D. Zimmerman stated that the HOA documents will require certain maintenance and contingency funds for stormwater. He added that the Township could audit the HOA documents to ensure funding is set aside for maintenance. Garrett stated that the issue should be handled by the HOA.

Bob Kennedy, 720 Orchard Road, stated that he has not heard anything about sidewalks. D. Zimmerman stated that one family owns over 50% of the frontage of the properties that would be affected by sidewalks, and they were pivotal in the discussion. They were not favorable to the installation of sidewalk. He added that the developer was willing to provide a trail system; however, the property owner controlling over 50% of the frontage did not want a trail system either.

Krista Lefever, 751 Orchard Road, stated that people drive excessive speed on the roadway and she is concerned that this development will increase the number of individuals driving on the roadway. She stated that they live across from where the basins are located and requested clarification of the size. Venarchick stated that the basin across from the Lefever property would hold less than 6' of water at any given time.

Fyock inquired how the widening of the driveway would affect the Martin property beside the tract since trucks scrap the driveway now. Hess stated that the driveway was reviewed as part of the project design and he will provide the drawings to Fyock to review.

Kornman suggested that the Township Solicitor review the documents that pertain to the HOA and addressing concerns. He also suggested that Venarchick contact the geologist and get an opinion concerning water getting into the subsurface strata and onto an adjoining property.

A waiver was requested in regards to the Township's Subdivision and Land Development Ordinance 285-27.M – Permanent Cul-De-Sac Streets. On a motion made by D. Garrett, seconded by J. Windlebleck, the Commission approved the request with contingent upon the Township Engineer's comment letter dated June 16, 2021 being addressed.

On a motion by D. Garrett, seconded by K. Kauffman, the Commission voted granting the conditional approval of the Orchard Road Phase 1 Final Subdivision plan with the following conditions; that the Township engineers comment letter dated June 16, 2021 be addressed; that the HOA documents ensure maintenance contingency funding for the proper function of the storm water facilities; that a geologist provide an opinion of water getting into the subsurface strata on the property, that the Township Solicitor provide an opinion on how the property owners could raise a concern with the HOA regarding stormwater, review issues of substrata of the storm water and share their findings to those land owners; to ensure that an outlet is not located on Fyock's property, and that Fyock's property is not impacted by the construction.

M. Medini voted against the motion.

CONSIDER CONDITIONAL USE CASE 2021-1, WALTON HILL, PREPARED BY RETTEW ASSOCIATES – Jon Andrews, with Mc Nees Wallace and Nurick, LLC, representing Landmark Homes, joined by Pat Dennis of Landmark Homes and Kevin Ember of Rettew Associates are seeking a conditional use request for a cluster development in a R1 zoning district. The property is the Walton farm located north-west of Woods Drive. The property is 25 acres

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crossed by Bachman Run on the eastern side with an existing pond in the middle. There are right-of-ways shown on an older subdivision plan coming all the way up to the property line. The plan is to connect through from Tupelo Street to Hillcrest Avenue. The proposal is for 42 single family, detached dwellings with two car garages and parking space for four vehicles; 41 new dwellings and 1 replacement home for the current owners who are going to stay on the property. The dwellings will be served by public water and sewer. The Walton's will have a new home built and their existing home torn down, with their home being the first dwelling erected. A temporary sewer line to the main will need to be used until the permanent sewer is put in on Road A. There are three open space lots that also contain storm water management facilities. Those storm water management facilities and open lots will be owned and maintained by the home owners association. There will be 2 cul-de-sac streets coming off Road A. Sidewalks will be present on both sides of the streets. A trail off of Road A that will parallel Bachman Run has been added within an existing sewer easement. The conditional use hearing is scheduled for July 21, 2021. At that hearing, exhibits will be presented along with witness testimony to demonstrate compliance with the ordinance. A five sheet conditional use plan set has been submitted. A traffic impact assessment was completed. No variances were requested at this time. It is expected to be a single phase plan.

There was a brief discussion in regards to the trail being proposed and it connecting to other existing trails.

On a motion made by M. Medini, seconded by R. Kornman, the Commission voted unanimously to grant a favorable review of Conditional Use Case 2021-1, Walton Hill.

ADJOURNMENT: With no other business to come before the Commission, the meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Daniel L. Zimmerman,
Township Manager