

WARWICK TOWNSHIP BOARD OF SUPERVISORS
Warwick Township Municipal Building
Meeting Minutes
September 16, 2020

W. Logan Myers, III convened the September 16, 2020 Warwick Township Board of Supervisors meeting to order at 7:00 p.m. In attendance were Supervisors Logan Myers, Ken Eshleman, Herbert Flosdorf, and Jeffrey Tennis. Absent was Supervisor Kelly Gutshall. Also in attendance were Daniel L. Zimmerman, Township Manager; Patrick Barrett, Assistant Township Manager; Tom Zorbaugh, Code and Zoning Officer; Chuck Haley from ELA; William Gretton, 592 Allegiance Drive, Lititz; Al Olah, 479 Pilgrims Drive, Lititz; Polly & Shawn Getz, 65 W. Newport Road, Lititz; John Williamson from TeamAg; Amos & Marian Smucker, 104 Glenbrook Road, Leola; David & Martha Fisher, 36 W. Newport Road, Lititz; David King, 1201 Rothsville Road, Lititz; Dave Ebright from TOA; Mike LaSala from LandStudies; and Allen Martin, 937 E. Newport Road, Lititz.

PUBLIC HEARING

CONDITIONAL USE APPLICATION FROM AMOS SMUCKER SEEKING APPROVAL PERTAINING TO A FARM RELATED BUSINESS IN THE AGRICULTURAL ZONE. APPLICANT PROPOSES TWO COMMERCIAL GREENHOUSES AT 48 W. NEWPORT ROAD: John Williamson, Amos & Marian Smucker, and David & Martha Fisher were all sworn in. J. Williamson stated the Applicant proposes to build two greenhouses over a phased period of five years. During this five year time period they will be producing vegetable seedlings, flowers, pumpkins and strawberries. J. Williamson reviewed the Township's zoning ordinance Section 340-70 criteria for a farm related business and how these criteria will be met as well as Section 340-131D for a Conditional Use. A Highway Occupancy Permit has been applied for to PennDOT. The driveway will be 20 feet wide. The portion of the driveway that will not be used for the greenhouses will either be removed or barriers will be placed. The Applicant is anticipating approximately 25 vehicles per day. The parking area will be gravel and will have 10 spaces. There will be sufficient water from the existing well that is located on the property to service the two greenhouses. In addition, rain water will be collected from one of the barn rooves.

H. Flosdorf inquired if the products that will be grown in the greenhouses will also be sold on site. A. Smucker responded yes. The greenhouses would be open six days a week to the public. H. Flosdorf inquired the size of the trucks and how many would there be to bring in soils, etc. J. Williamson stated mostly box trucks would do deliveries and these would occur prior to the season opening. H. Flosdorf inquired if the greenhouses were going to be heated and if so what was going to be used as a heat source. J. Williamson replied propane would be used. L. Myers inquired how far away from the Prestano property the greenhouses would be as it is zoned RE. J. Williamson stated it is approximately 180 feet. L. Myers stated this does not meet the requirement of a farm related business of not being within 300 feet of any land within a residential zone. This leaves the Applicant with two choices. He could move the greenhouses the extra 120 feet to comply with the ordinance or he could choose to go before the Zoning Hearing Board for a Variance to keep them where they are presently proposed.

Shawn Getz of 65 W. Newport Road was sworn in. He would like to know the size of the intended greenhouses. J. Williamson stated they are 150' x 30' each. He also wanted to know if the farm was going to continue to be used as a dairy farm. A. Smucker stated no. S. Getz stated his concern was the amount of water that was going to be used. D. Zimmerman stated one way to eliminate any potential concern regarding water usage would be to do a hydro analysis. Most likely the Getz's water zone is not the same as the Getz property but this would give clarity to the concern. The hydro analysis test could be placed as a condition on the approval. S. Getz was in agreement with this suggestion.

On a motion by H. Flosdorf, seconded by J. Tennis, the Board unanimously agreed to close the hearing.

CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR DAVID KING: On a motion by K. Eshleman, seconded by H. Flosdorf, the Board unanimously approved the request for release of the Letter of Credit for David King as per the letter from ELA dated September 8, 2020.

CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR THE WHITMER PROJECT: On a motion by H. Flosdorf, seconded by J. Tennis, the Board unanimously approved the release of the Letter of Credit for the Whitmer Project in the amount of \$3,000.00 as per the ELA letter dated September 10, 2020.

CONSIDER REQUEST FOR PARTIAL RELEASE OF LETTER OF CREDIT FOR POD 5 FOR ROCK LITIZ PROJECT: On a motion by K. Eshleman, seconded by H. Flosdorf, the Board unanimously approved the partial release of the Letter of Credit for Pod 5 Rock Lititz in the amount of \$565,199.25 as per the ELA letter dated September 10, 2020.

CONSIDER REQUEST FOR TIME EXTENSION FOR W. WOODS DRIVE PROJECT: D. Zimmerman stated the Applicant is awaiting a permit from DEP. On a motion by H. Flosdorf, seconded by J. Tennis, the Board unanimously approved the request for a Time Extension for the W. Woods Drive Project.

DISCUSSION ON PROCESS AND PROCEDURE FOR CLOSE OUT OF RESIDENTIAL SUBDIVISIONS: D. Zimmerman stated two things that govern this process are Sections 509 and 510 of the Municipalities Planning Code. These sections state that as long as a developer is required to post an improvement guarantee for either Township or Authority improvements that are slated for a project itself and as long as they maintain that improvement guarantee the Municipalities Planning Code does not specify a specific time frame. Warwick Township does require an individual Land Development Agreement. There is an agreement for nonresidential development and one for residential development. The same template for these agreements has been used since 1992.

TOA is a five phase project and has been in existence in the Township for six years. The development agreements for Phases 1-3 are past due their completion dates. The Township has been working with the developer of TOA and has been meeting with them on a regular basis. At this point the Township is looking for a schedule to completely closeout Phases 1-3. The Land Development Agreement completion dates for Phases 4 & 5 goes out until 2022.

Dave Ebright, representative for TOA, stated there are a few things on the punch list with ELA and the Township that he expects to have completed by the end of September. The second to last house closes at the end of October and the last house is the model and is under a contingent contract. A punch list walk for Phase 5 has been scheduled. Some other items that need to be completed are as follows: There is one more basin to convert in Phase 5 which will be done this year and a Riparian buffer needs to be placed. Some of the plantings will need to be reassessed in the spring and the rest of the community trees are scheduled to be planted this fall. There are six street lights to be placed in Phase 5 as well which are on PPL's work orders as well as some road signs that need to be placed. D. Albright feels at this time that early to mid-spring of 2021 is when TOA would be filing the NOT and having everything top coated and having the punch list completed. L. Myers inquired of C. Haley his assessment of how he feels things are progressing. C. Haley stated he is concerned that some of the items that were taken off the punch list are back on again and the other remaining items will take time to complete. D. Zimmerman explained that the Township needs some proof that the remaining items that need to be completed will get done in a timely manner. The Board gave TOA until their next evening meeting which is scheduled for Wednesday, October 21st to make significant improvements before deciding on how they will hold TOA accountable for being in violation of their Land Development Agreement.

CONSIDER RESOLUTION 09-16-20-01 SEWER PLANNING MODULE FOR THE GONZALO & VEGA FINAL SUBDIVISION: On a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously approved Resolution 09-16-20-01 Sewer Planning Module for the Gonzalo & Vega Final Subdivision.

DISCUSSION ON FEASIBILITY OF ESTABLISHING A STORMWATER FEE: D. Zimmerman stated one part of the stormwater program is public. For the past 25 years the Township has maintained all the pipework in the streets, paid all the stormwater fees, maintained all the stormwater facilities such as the bio basins here on the municipal campus and at all the parks, and created a fund for sinkholes. The purpose of having a stormwater fee is to address the private side. D. Zimmerman reviewed the following seven reasons why the Township should have a stormwater fee:

1. Inspection of stormwater facilities and best management practices (BMP's).
2. Designing and permitting of new BMP's or repair of existing BMP's on agriculture, industrial, private and public/private projects.
3. BMP projects sponsored by the Township or LRWA (example: stream channel improvements).
4. Self-insurance of sinkholes within the public right-of-way and install BMP's.
5. Education
 - Prevention of pollution
 - Effective maintenance of stormwater facilities
6. Replacement of stormwater pipes.
7. Flood prevention.

M. LaSala reviewed the stormwater fee with the Board. He stated the basis of the fee is the REF Development Process which consists of the following three components:

1. Revenue Requirement Analysis
2. Base Rate Analysis
3. SWF Design Analysis

M. LaSala explained what each of these components is comprised of to the Board.

D. Zimmerman stated every property with a stormwater facility is required to have inspections. The idea is for the Township to bid out the inspections to a contractor to guarantee the inspections get done, that any required follow-ups are done as well as any repairs that may be required are completed. There was a lengthy discussion on the way the calculations were based and M. LaSala answered questions from the Board and the public. This is still very much in the early stages of implementation. D. Zimmerman stated the Township would like to have conversations with some of the larger property owners such as the shopping center, the hospital and Rock Lititz to get their feedback. The Board was in favor of having a fee as long as it was done in an equitable way that didn't have major administrative costs.

PSATS: The Board reviewed the September 2020 NewsBulletin.

ROTHSVILLE FIRE COMPANY: The Board reviewed the August 2020 incident report.

MINUTES: On a motion by J. Tennis, seconded by H. Flosdorf, the Board unanimously approved the August 19, 2020 minutes as submitted.

TREASURER'S REPORT: On a motion by K. Eshleman, seconded by H. Flosdorf, the Board unanimously approved the Treasurer's Report.

PAYMENT OF BILLS: On a motion by J. Tennis, seconded by K. Eshleman, the Board unanimously approved the Payment of the Bills.

MANAGER'S REPORT: Roundabout Project: All the utilities have been relocated at Woodcrest Avenue and 6th Street. 80% of the concrete is in place and paving will begin next week. The project is still on track for completion by the end of September. The light standards are still on delay. The Township has proposed to PennDOT a temporary lighting schematic until the permanent lights arrive. Completion for the roundabout at Clay Road and 772 is expected for the end of October/beginning of November.

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TAX COLLECTOR'S REPORT: On a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously approved the Tax Collector's Report.

PUBLIC WORKS REPORT: D. Zimmerman stated the last of the paving was completed last week.

POLICE DEPARTMENT REPORT: The Board reviewed the August 2020 Report to the Commission.

ZONING OFFICER'S REPORT: T. Zorbaugh reviewed his September 2020 report with the Board.

WESC/EMC REPORT: The Board reviewed the August 2020 WESC Fire Commissioner Report.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager