

## WARWICK TOWNSHIP

315 Clay Road  
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(Lancaster County)

### WARWICK TOWNSHIP BOARD OF SUPERVISORS

January 19, 2022

7:00 p.m.

### WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman Kenneth Eshleman convened the January 19, 2022, meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman, Ken Kauffman, Jeff Tennis, Kelly Gutshall and Jeremy Strathmeyer. Also in attendance were Brian Harris, Township Manager; Patrick Barrett, Assistant Township Manager; Billy Clauser, Township Planner; Tom Zorbaugh, Code and Zoning Officer; Duane Ober, Fire Commissioner; Chuck Haley, Township Engineer; William Crosswell, Township Solicitor; Laura Knowles, Lititz Record; Reilly Noetzel, Barley, Snyder; Mark Will, Jeff Bologna, Becker Engineering; Steve Gergley, Harbor Engineering; Alan Rothermel, 201 Weaver Drive; Bruce Grossman, Caldwell & Kearns, David and Kate Trimble, 349 West Woods Drive; Susan Keyser, 229 West Woods Drive, Mike and Dale Keeney; Pat Dennis, Landmark Homes; Kevin Ember, Rettew; Carol Rettew, 231 West Woods Drive and Tom Eiseman 231 West Woods Drive.

#### CONSENT AGENDA:

Approval of minutes: December 1, and December 15, 2021  
Manager's Report  
Tax Collector's Report  
Public Works Report  
Police Department Report  
Zoning Officer's Report  
WESC/EMC Report

Mr. Harris explained the concept of the consent agenda and that one motion could be made to approve the minutes as well as the regular monthly reports. However, Board members could still ask questions regarding individual reports. Mr. Harris then gave an overview of his report and Mr. Zorbaugh answered a question regarding permit costs. Fire Commissioner Ober explained the process of reviewing the false alarm fee amounts and the administrative processing of the fees. The false alarm fees will be discussed at the next WESC meeting. Moved by Kauffman, second by Tennis to approve the consent agenda. Motion approved unanimously.

**CONSIDER THE REQUEST FOR AN EXTENSION OF TIME TO RECORD THE ORCHARD ROAD PLAN:** The developer is requesting until May 19, 2022, to address all the outstanding items and record the plan. Moved by Tennis, second by Strathmeyer to grant the time extension request. Motion approved unanimously.

**CONSIDER THE REQUEST FOR AN EXTENSION OF TIME TO RECORD THE ROCK LITITZ-400 ROCK LITITZ BOULEVARD PLAN:** The developer is requesting until August 15, 2022, to record the plan. Moved by Tennis, second by Kauffman to grant the time extension. Motion approved with Gutshall abstaining.

**CONSIDER THE WALTON HILL PRELIMINARY SUBDIVISION PLAN, PREPARED BY RETTEW ASSOCIATES, DATED 9/24/2021:** Kevin Ember explained the stormwater features of the plan. Strathmeyer asked about the traffic impact of the plan and Mr. Ember said the traffic impact had been discussed previously. Moved by Tennis, second by Gutshall to grant a waiver request of Section 270-37.A.(1)(e)[3], Maximum Spillway Width Shall Be 50 Feet, and approve the preliminary plan. Motion approved unanimously.



**HEARING TO CONSIDER THE WEST WOODS DRIVE FINAL SUBDIVISION PLAN, PREPARED BY HARBOR ENGINEERING:** Attorney Crosswell prefaced the hearing by saying that a stenographer would record the proceedings regarding discussion of the plan and those wishing to speak or ask questions regarding the plan would need to come forward and be sworn in. Steve Gergley gave the Board an overview of the plan which proposes seven single family lots with public water and public sewer service. This plan is a re-submission of a previous plan. The previous plan had shown offsite easements which are now not available to the developer, so there are some adjustments to the current plan. One adjustment is the relocation of the water and sewer utilities. The relocation of the utilities and the milling and overlay of West Woods Drive has been altered and the developer is still requesting a waiver to Section 285-27.J.(3), Improvements to Existing Streets.

The other waiver request is related to stormwater management control, Section 270-37.A.(1), Volume Control. A determination was done by Mr. Bologna, who is a professional geologist, to determine if stormwater infiltration was possible, but the site conditions are such that infiltration is not recommended. So, the alternative is to provide water quality measures and best management practices. An NPDES permit was submitted and was subject to a special review by the Department of Environmental Protection (DEP) which took fourteen months to review before approval was granted. Some of the other best management practices include amended soils and tree preservation. The developer is requesting this waiver, which was granted before on the previous plan submittal, with changes on the current plan being removal of the riparian buffer and removal of the offsite easements. Mr. Crosswell asked Mr. Gergley if DEP or the Lancaster County Conservation District still need to approve this plan. Mr. Gergley said that they still need approval from those entities.

Jeff Bologna said that he did geological testing of the site and found that rainwater flowed towards the wetlands and Bachman Run. So, the goal of the stormwater management plan was to ensure that the wetlands and Bachman Run received the equivalent amount stormwater after development.

Mr. Gergley said that one of DEP's conditions of approval was that the wetlands on site are monitored post-construction by the HOA. This requirement will be written into the HOA documents and they will be responsible for the annual reporting requirements.

Chuck Haley spoke about the volume control waiver request. He noted that the previous plan included the riparian buffer, but DEP removed the riparian buffer requirement. So, even though the riparian buffer has been removed from the current plan, as per DEP, the volume control waiver is still necessary and ELA continues to stand by its recommendation regarding the waiver request.

Bruce Grossman, attorney for David and Katrina Trimble, said that additional water from this development would dump on his client's property. The development would diminish Mr. Trimble's property without his consent. Mr. Grossman asked that water problem not diminish Mr. Trimble's property. Mr. Trimble would like to have his own engineer examine the plan. The Trimble's object to the granting of the stormwater waiver. It was noted that DEP has directed that the stormwater should go to the wetlands which, according to Mr. Gergley, are on the subject property.

Mr. Crosswell asked Mr. Grossman if his client has retained someone to look at the plan. He responded that he has not. Mr. Crosswell noted that the Board is under time constraints by the MPC to act on the plan. Mr. Noetzel, the attorney for Mr. Will, noted that Mr. Trimble has had ample opportunity to examine the plan. He didn't understand why action on the plan should be delayed.

Mr. Crosswell asked Mr. Noetzel if his client would grant the Board and extension of time until February 17, 2022, to take action on this plan because the circumstances are a little unusual. Mr. Will agreed to grant the time extension. The question arose as to whether the Board would hear additional testimony. Mr. Crosswell said that decision is at the sole discretion of the Board. Mr. Crosswell recommended that the Township's entire file on this project be made part

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of the record. Moved by Kauffman, second by Tennis to make the Township's entire file on this project part of the record. Motion approved unanimously.

Moved by Tennis, second by Strathmeyer to close the hearing. Motion approved unanimously.

**NLCRPC – APPOINT KEN ESHLEMAN AS MUNICIPAL REPRESENTATIVE:** Moved by Tennis, second by Strathmeyer to appoint Ken Eshleman as municipal representative to the NLCRPC. Motion approved unanimously with Chairman Eshleman abstaining.

**CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS:** There was a question on the bills regarding the TPD invoice which led to a discussion on the grants and the grant reimbursement process. Moved by Tennis, second by Kauffman to pay the bills. Motion approved unanimously.

**CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT:** Moved by Strathmeyer, second by Tennis to accept the Treasurer's Report. Motion approved unanimously.

**CONSIDER RESOLUTION 01-19-22-01 - WALTON HILL SEWAGE PLANNING MODULE:** Moved by Kauffman, second by Eshelman to approve the sewage planning module. Motion approved unanimously.

**DISCUSSION ON THE SRBC GRANT APPLICATION:** The Township is planning on applying for a \$105,000 grant to do watershed assessments on Huber Run, New Haven Run and Moore's Run; a study and retrofit of the Victory Church basin and an analysis of a priority restoration site along the Santo Domingo Creek. Gutshall also discussed the SRBC grant and the Northern Lancaster County aquifer recharge area.

**CONSIDER REQUEST BY LITITZ SPORTSMAN'S ASSOCIATION FOR KIDS FISHING DAY AT RIPARIAN PARK ON APRIL 2, 2022 AND CONSIDER REQUEST BY LITITZ SPORTSMAN'S ASSOCIATION FOR FAMILY FUN FISH DAY AT RIPARIAN PARK ON MAY 29, 2022:** Moved by Kauffman, second by Gutshall to approve the requests contingent upon Compass Mill being informed of the events and coordinating a police presence for traffic control and pedestrian safety. Motion approved unanimously.

**COMMUNICATIONS:**

The Board discussed the PSATS 2022 Educational Conference.

**NEXT MEETING** – Wednesday, February 2, 2022, at 7:00 a.m. via Zoom.

**ADJOURNMENT** – On a motion by Tennis the Board unanimously approved the adjournment of the meeting at 8:57 p.m.

Respectfully submitted,



Brian Harris  
Township Manager