

WARWICK TOWNSHIP

315 Clay Road
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(Lancaster County)

WARWICK TOWNSHIP BOARD OF SUPERVISORS

May 18, 2022

7:00 p.m.

WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman Kenneth Eshleman convened the May 18, 2022, meeting of the Warwick Township Board of Supervisors at 7:00 p.m. Those in attendance were Supervisors Ken Eshleman, Ken Kauffman, Jeff Tennis, Kelly Gutshall, and Jeremy Strathmeyer. Also in attendance were Brian Harris, Township Manager; Pat Barrett, Assistant Township Manager; Billy Clauser, Planner/Assistant Zoning Officer; Chuck Haley, Township Engineer; Lawrence Prescott, Architect, Professional Design & Construction; Kevin Varner, Diehm & Sons, Inc.; Laura Knowles, Lititz Record; Joyce Gerhart, RGS Associates; Mike & Dale Kenney, Brunnerville; Randy Hess, Hess Home Builders; Claudia Shank, McNees; and Rhonda Adams, Court Reporter.

PUBLIC HEARING: B. Harris asked that everyone speak clearly, and if there is anyone in the crowd who wishes to speak, you must be sworn in by Rhonda Adams, the court reporter. Once the hearing is opened he will give an overview of the project and proof of advertising was provided to the court reporter. Once the hearing is ready to be closed, a motion will be made to do so. If the Board wishes to take action on the conditional use approval, they can do so based on a decision that will go before the Board at the June meeting. R. Adams swore in L. Prescott. B. Harris stated that there are two parcels (2 and 6 West Newport Road) located in the community commercial zoning district. A commercial day care is permitted by conditional use in this zoning district. The Township does have requirements for day care uses as part of the conditional use and include outdoor play areas, parking drop-off, as well as parking requirements for each six children. Larry Prescott was present at the April Planning Commission meeting to discuss the conditional use and the Planning Commission did recommend the use. The Board is taking action tonight on the conditional use. Once the conditional use has been approved the lot consolidation/land development plan will go back to the Planning Commission. Harris stated some of the items the Board will want to consider are the maximum number of students (16-18), the hours of operation, lighting requirements, parking, and fencing requirements for the play area.

Larry Prescott is present representing Dr. Charles Mershon for this plan. The home on the property sits on the corner of Newport Road and Rt. 501. The original structure was built in the 1800's and was the original toll booth for 501 when it was a toll road going in to Lancaster city. In the 1950's the house was moved off of 501 and onto the corner property where it sits today. The home is not on any historic registers. In the mid-1990's the home was rented when Dr. Mershon purchased the property. In 2002 Professional Design & Construction worked with Cornerstone and did a land development plan for the entire property when the new addition was placed on the front of the health clinic facing Rt. 501. The property is 2 West Newport Road and it is a triangular shaped lot roughly .25 acre. Because of the small nature of the lot, setbacks, and property lines, they are proposing to eliminate the two property lines and combine this parcel with the family health center lot totaling 3.18 acres. The proposal being presented would be for a 1000 square foot day care center, taking the old garage down and rebuilding the section of the garage at the same floor level with the first floor of the house. The plan is to offer day care to employees of Cornerstone and the neighboring commercial buildings. At only 1000 square feet by day care regulations, there would be 16-18 students total. There is no agreement with anyone to run the facility, but discussions have occurred. The applicant is looking for approval to be able to build the facility before an agreement can be made for someone to run the center.



Dr. Mershon would still own the property and the facility. As part of the ordinance there were 3 criteria for a commercial day care in the community commercial district. One was outdoor play areas are not to be located in the front yard, shall be set back at least 25 feet from all property lines, and shall be completely enclosed with a 4-6 foot high fence and screened from any residential areas. The applicant is proposing a fenced play area off to the south side of the property with a 6 ft. high privacy fence. The trees are going to be taken down and the property opened up with some shade remaining for the play area. The square footage of the play area is based on the requirements for the number of students which would be a minimum of 300 square feet of outdoor play area for the 16 students. The second criteria was passenger drop-off and pick-up arranged in such a fashion so that the passengers do not have to cross driveways. The applicant is proposing to make a double lane which lines up with the rest of the parking spaces and then 1 handicap and 2 regular head-in parking spaces along the facility. When they do the final parking total they are considering designating day care staff parking spaces which were originally used for the health care center. There will be room for a sidewalk and then you would enter through the front door. The handicap space was put on the end so the car would be able to back out and leave the property because it is very tight on the Newport Road side. The other requirement was 1 off-street parking space for every 6 persons enrolled which would be 3 spaces for 18 students. In the Cornerstone Family Health campus there are 110 spaces provided. From the original land development plan in 2002 the health care building was requiring 71 spaces and the day care use was 3 spaces so there is adequate parking for this use to be incorporated onto the campus. The applicant is not planning to change any driveways. D.C. Gohn prepared the land development plans in 2002 and they looked at this project. There is only a minimal amount of new impervious coverage keeping it under the lot coverage requirements and D.C. Gohn stated there should be no storm water impact to the site. At the Planning Commission meeting there were questions about site lighting. The applicant is proposing some wall pack fixtures on the building to light the parking stalls. The rest of the parking lot is lit with pole lights. B. Harris stated that the question was asked if the applicant could shift the parking lot to the west because cars backing out of the handicap spot may not have enough room. Prescott stated that the parking lot was designed because of the grade of the property. Prescott stated that they will look at the parking lot arrangement when they do the final plan to make sure people can get in and out without having to do multiple 3-point turns. K. Kauffman stated that it looks like it will be difficult to get into the handicap parking space. Prescott did state that there is a 24 feet of open space with a 20 foot parking space as currently planned. K. Gutshall asked if the building is set back 25 feet from the right-of-way. To one corner the building is set back 28 feet and the 20 foot setback is hitting the corner of the porch that is present now. The corner of the property where the playground is planned is 25 feet from the property line. Gutshall asked what is considered the front yard and Prescott stated that there would be 2 front yards, Newport Road and Rt. 501. Prescott noted that there was a 10 foot landscape buffer. K. Eshleman asked what the existing upstairs of the property would be used for. Prescott stated that it would be used for storage, owner office, and staff breakroom, but children would not be taken up there. J. Strathmeyer asked what the plan would be for the building if the day care was not approved. Prescott stated that it would likely be a business office of some sort. K. Gutshall asked how many staff would there be. Prescott stated there would be 3 staff and the owner is what is planned. The age groups would be infants, babies, and toddlers. K. Kauffman asked what the hours of operation would be. Prescott stated the idea is 6:00 a.m. to 6:00 p.m. but the hours have not been confirmed yet. Gutshall asked what type of loading and service needs there would be. Prescott stated that there would be no deliveries or service needs. He also mentioned that due to the size of the facility, there would be no dedicated space for plays, productions, or places where you would have parents coming in. They are not anticipating any extracurricular activity. K. Kauffman asked B. Harris if a plan would be required to be submitted for lighting. C. Haley confirmed that a lighting plan and a landscape plan would be submitted as part of the land development submission. J. Strathmeyer asked if there was any plan for vehicle barriers or hardscape because of the proximity of the house and playground to a busy intersection. Prescott stated that there was nothing planned at this point. K. Gutshall shared her concern with using light packs and light being thrown out at the intersection. She suggests considering lighting that does not throw light off. J. Strathmeyer asked about trimming the trees instead of removing them to create screening. K. Kauffman asked if the plan went before the Zoning Hearing Board. B. Harris stated that the zoning ordinance conditional use definition lays out that the plan must go to the Planning Commission for a recommendation and then once the Planning Commission renders a decision, the plan comes to the Board of Supervisors for formal action. If the Board would want Harris to take conditional uses to the Zoning Hearing Board he could. J. Strathmeyer asked if the day care would be open to the community rather than just the Cornerstone Health Employees. Prescott confirmed that it would be open to anyone in the community based on

availability. K. Kauffman shared his concern over parking. J. Strathmeyer would like screening considered when the plan is done.

On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the closing of the hearing.

On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the use conditioned on the testimony provided by the applicant, satisfaction of ELA's review letter, and subject to a satisfactory decision executed by the Board.

CONSENT AGENDA: B. Harris mentioned that correspondence was received regarding the Marketing to Attract Tourism Grant which the township will be executing the documents for that. C. Haley was part of a meeting that the Township had with TOA for phase 5. Harris stated that there is good progress being made out there with phase 5 being paved and most of the concrete work has been addressed. There are some small items that are outstanding. The authority board meeting will be held on 5/19/22 because of election day. Warwick Crossing is on the authority agenda. It was decided to postpone the rate study presentation until the June authority meeting. Accountant interviews are starting for the Township. Harris stated that there are a couple of job advertisements right now, a few being laborer positions and an operator on the authority side. There will be a kick-off meeting next week for IBEW contracts with public works and the authority. That contract does terminate at the end of 2022. J. Tennis will be representing the Board in those meetings. There will be one item on the Planning Commission agenda with Randy Hess and the Owl Hill subdivision on the former Seaber tract. This property is 13.1 acres and Hess has a couple different scenarios that he is going to present to the Planning Commission as a sketch plan.

On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the consent agenda as presented.

CONSIDER THE WARWICK CROSSING PHASE 2 AND PHASE 3 FINAL SUBDIVISION PLAN, PREPARED BY RGS ASSOCIATES, DATED 2/28/2022, REVISED 04/13/2022: B. Harris stated that Joyce Gerhart from RGS is present. He noted that Joyce was at the Planning Commission in April and the presented plan did receive recommendation from the Commission. Phase 2 is 29 single family dwellings and Phase 3 is 28 duplexes and 3 single family dwellings on the eastern portion of Siegrist Farm Road. Most of the items have been addressed with the authority approval being considered at tomorrow's meeting. The letter of credits are approximately \$200,000.00 for each phase. Harris stated that some of the items on the ELA letter were the bioswale inspection, the traffic study at the conclusion of the project to determine appropriate improvements at the intersection of Kissel Hill and Sixth Street. When the plan was conditionally approved in 2020 it required Sixth Street to be constructed prior to phase 2 beginning. J. Gerhart stated that phase 2 is 29 single family units, phase 3 is 28 duplexes and 3 single family lots. The layout has not changed since the preliminary plan. The developer is ready to give B.R. Kreider the go ahead to start construction of 6th Street once phase 2 is approved and they would start the construction and then immediately move into doing the construction in phase 2. They do not want to do the excavation, pipe work, curbing, and paving and then pull those crews off until it is all complete and then come back to the site and start the excavation, pipe work, and paving. They would like to do Sixth Street first and then move concurrently right into the phase 2 construction. Gerhart also stated that it does not make sense to put the wearing course on right away due to the construction vehicles coming in through the development. C. Haley asked what the pavement structure is under the wearing course and is it strong enough to handle the construction traffic. Haley suggests that the Township have something in writing that states that the binder course, sub grade, and stone are rated to handle the construction traffic. J. Tennis asked when the wearing course would be put down. Gerhart stated that it would have to be worked out with the Township, but she assumes that they would want the majority of the homes in Warwick Crossing completed before the wearing course be applied. B. Harris stated that the road would not be dedicated to the Township until build out is complete but it would be open to drive on. P. Barret asked who would be responsible for the road maintenance if it were opened up but not dedicated. B. Harris stated that the developer would be responsible for the road until it is dedicated to the township. J. Tennis shared his concern that the road is going to be heavily used and without the wearing course manholes will be sticking out 3-4 inches above the base. B. Harris mentioned possibly making it a construction entrance only. J. Strathmeyer asked for

an approximate time frame. Gerhart stated that the timing is going to depend on the sale of the houses. She also stated that all the homes in phase 1 have purchase agreements on them. P. Barret asked if the developer has a waiting list for homes and she did confirm that is true. C. Haley suggested that the Board get input from J. Minnich on the roadway. There was a discussion on potentially putting the wearing course on before it gets dedicated to the Township and requiring some type of maintenance security. J. Tennis stated that there is a final inspection before the dedication of a roadway. B. Harris asked C. Haley if he had the ability to assess the integrity of the base course before dedication. C. Haley stated that it would be more of a visual inspection with the core samples are only if you did not see it go in. He stated that the new pavement section being put in is a lot beefier than other sections of the township. He thinks J. Minnich would have some thoughts on the matter.

There was a lengthy discussion in regards to the pros and cons of postponing the application of the wearing course on the roadway, the use of the roadway when it is opened up, construction vehicles on the roadway, and the timing of dedication of the roadway. B. Harris stated that if the final wearing is completed the township could have a separate agreement that the township would inspect it prior to dedication, it gets dedicated, and the developer provides the 18-month security. P. Barret asked when it would get dedicated. Gerhart stated it could be dedicated as soon as the wearing course gets applied and it gets inspected. B. Harris stated that the township would not take dedication until the majority of phase 3 is done. J. Strathmeyer shared his concern with coordinating road maintenance if the roadway is not dedicated. There was a discussion on winter road maintenance and manholes. B. Harris asked if the Board would be satisfied with approving the plan conditioned on the developer's agreement satisfactorily addressing Sixth Street with input from C. Haley and J. Minnich. J. Gerhart mentioned that it is two plans and financially the developer wants to keep them separate. K. Kauffman asked about the bend/intersection of Autumn Harvest and Windmill Way and if that type of intersection is anywhere else in the township. It was noted that this type of intersection can be found in Lititz Reserve. B. Harris stated that there will be the same snow storage easement at this intersection as seen at the intersection in Lititz Reserve. There will be stop signs in both directions at that intersection. Kauffman asked how the property along Kissel Hill Road will be handled. Gerhart stated that it is HOA land and it is so people can navigate around and not be on private property. There was a brief discussion in regards to sidewalks and crossings.

On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved Phase 2 and Phase 3 Final Subdivision Plans for Warwick Crossing conditioned on satisfaction of ELA's most recent review letters as well as the summary documentation sheet provided by staff.

CONSIDER THE MICHAEL PALASZ (LOTS #6 AND #7) FINAL LAND DEVELOPMENT AND LOT ADD-ON PLAN PREPARED BY DIEHM & SONS, DATED 03/22/2022: B. Harris stated that the two parcels are located on Toll Gate Road. The applicant is proposing to merge two lots, .77 acres total, and construct a 940 square foot building addition with some additional parking area. There are 4 waivers that are associated with this plan, one for preliminary plan approval, curb and sidewalk, and improvements to existing streets. Harris stated that the sidewalk terminates at Rt. 501 at the Cornerstone property. The applicant is proposing to bring sidewalk down to Toll Gate Road. They are not proposing to install curb and sidewalk along Toll Gate Road. They would also be giving the Township the additional right-of-way on Rt. 501 for future needs if it is ever warranted. Harris did note that this plan was recommended by the Planning Commission at the April meeting. K. Varner from Diehm and Sons, Inc. gave an overview of the property layout. There is a small building with a parking layout proposed on a separate lot. The applicant is looking to move his parking and adding the two lots together creates a nice usable lot. Varner spoke to T. Zorbaugh regarding the existing signage and its setback from the right-of-way which would make it non-conforming. C. Haley stated that future traffic studies for Rock Lititz show that there is a potential need for a right turn on Rt. 501 and Toll Gate Road so it is being asked that the right-of-way along Rt. 501 be dedicated so that if the right turn is ever needed the right-of-way exists. The setback from the right-of-way to the existing sign is going from 12 feet to 5 feet. If a right turn lane is required in the future, the existing sign would be grandfathered and any proposal to relocate the sign as part of the right turn lane construction should not adversely affect its location. Varner also stated that the existing non-conformance of the sign is noted on the plan. C. Haley asked if a bus stops at the property. K. Kauffman asked if the Board is being short sighted by not requiring sidewalks down Toll Gate Road since there are sidewalks from Rock Lititz out to bus stop on Toll Gate Road. There was a discussion on storm water drainage along Toll Gate Road. K. Gutshall

asked if there are still issues with sink holes. Haley stated that there have not been sinkhole issues in recent years. Varner noted the use of porous pavement to keep runoff as minimal as possible. They did look at a possible basin but the swale complicates a basin because of the grade. Varner explained that the proposal received approval for a variance of the landscape strip and parking setback on Toll Gate Road due to the design of the storm water facilities to the rear of the property which impact the existing parking area. If the applicant were to switch materials for the parking area, there would still be an infiltration bed underneath with baffles. C. Haley stated the Board could defer the sidewalk installation requirement to a future date.

On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the Final Land Development and Lot Add-on Plan for Michael Palasz conditional on the letter from ELA and staff memo.

CONSIDER AN EXTENSION OF TIME FOR RECORDING OF THE ORCHARD ROAD, PHASE 1 PLAN: B. Harris stated that applicant's consultant requested a 90 day time extension to record the plan. Harris stated that a developer's agreement that defers construction of the secondary access to be completed prior to phase 2 has been prepared and signed by Randy Hess and Keystone Homes. As part of the agreement, the applicant is waiving all of his provisions under the MPC and also waives any requirements of deemed approval per the subdivision and land development ordinance or the MPC. Harris stated that B. Crosswell is comfortable with this agreement. Harris asked R. Hess what ultimately happens to lot 24 if phase 2 never gets constructed. R. Hess stated that the cul-de-sac bulb is labeled temporary because that is the intent until the access is secured and it is designed to the 80 foot permitted standard. Hess noted that lot 24 might be unbuildable due to the setback that would be applied to the revised right-of-way. J. Tennis clarified that eventually the plan would be to take the temporary bulb out and then that area could go back to lot 24 once the secondary access issues are resolved. C. Haley asked about moving the bulb closer to the Shadyside Drive intersection because that lessens the length of cul-de-sac from that secondary access to the center of the bulb. C. Shank stated that updates on the plans could be made at the staff level before they are recorded. She stated that the agreement specifies if phase 2 is never built; the developer would be required to revert the cul-de-sac from a temporary condition to a permanent condition. B. Harris stated that the agreement indicates that no zoning permits or building permits will be issued prior to phase 2. B. Harris stated that he contacted D. Clark to review the agreement.

On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the Developer's Agreement pertaining to the emergency access drive for the Orchard Road Development in the form and content presented at this meeting. The proper officials of the Township are authorized to execute the Developer's Agreement.

On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the extension of time until August 18, 2022, to permit the Applicant to obtain the required Final Plan certifications and to record the Final Lot Consolidation, Subdivision and Land Development Plan for Orchard Road – Phase 1 in the Office of the Lancaster County Recorder of Deeds. As a result of this extension of time, the required Plan certifications must be obtained and the Phase 1 Final Plan must be recorded on or before August 18, 2022. The remaining requirements of Sections 285-7.F of the Warwick Township Subdivision and Land Development Ordinance shall remain in full force and effect.

CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS: B. Harris stated that the bill list totals \$323,133.07 of which \$143,000.00 is from the general fund and \$132,000.00 is from 6th Street fund, and \$15,000.00 is from the escrow account. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of bills.

CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT: Harris mentioned that the Township's revenue is low by approximately \$200,000.00. To date, the Township is at 39% of the anticipated revenue; at this time last year, the anticipated revenue was at 45%. That is primarily due to refund of the prior year expenses, \$159,000.00 in covid money from the county that was received in January 2021, and also the \$90,000.00 reimbursement for the IIC. Expenses are at 42% which is about \$200,000.00 higher than last year. Harris noted that the cable franchise fee was received two days after the report was generated. Some of the public works line items are close to being maxed out due to the pole being hit on Woodcrest Avenue. The insurance was received last year but we didn't incur the cost of

replacing the pole until this year. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Treasurer's report as submitted.

CONSIDER REQUEST FOR ROTHSVILLE COMMUNITY DAY AT FORNEY FIELD ON 09/17/2022: B. Harris stated Rothsville Community Day will be held September 17, 2022 from 8:00 a.m. until 2:00 p.m. There will be roughly 200 participants with wrap up scheduled for 2:00 p.m. and clean up done by 4:00 p.m. An indemnification agreement has been provided.

On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved the request for Rothsville Community Day at Forney Field on 9/17/2022.

COMMUNICATIONS: The Board received a copy of the PSATS NewsBulletin Publication. B. Harris mentioned that the American Rescue Plan deadline was April 30th and the Township did file accordingly. He also mentioned the proposed solar regulations for decommissioning and bonding, and the open space tax with municipalities now being allowed to spend 25% of that tax on maintenance. J. Tennis mentioned that at the PSATS conference he attended, they mentioned that the 10 minute guest recognition period at Board of Supervisors Meetings comments can be limited to things related to the agenda. This allows the Township to prevent the disruption of business being conducted at the meeting. It is something that can be discussed further with B. Crosswell. K. Gutshall asked about having a box that residents can deposit their leftover pharmaceuticals in. The police departments have these boxes available. She suggested that maybe that topic be covered on the next authority newsletter.

The Board received a copy of the Warwick Township Full-time Park Maintenance Laborer Advertisement.

The Board received a copy of the WTMA Full-time Water/Wastewater Laborer Advertisement.

The Board received a copy of the Rothsville Fire Company April, 2022 Fire & Ambulance Report.

EXECUTIVE SESSION: B. Harris requested the Board enter into executive session to discuss personnel matters.

NEXT MEETING – Wednesday, June 1, 2022 at 7:00 a.m. via Zoom.

ADJOURNMENT – On a motion by J. Tennis and seconded by J. Strathmeyer, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,



Brian Harris,
Township Manager