

## WARWICK TOWNSHIP

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(Lancaster County)

### WARWICK TOWNSHIP BOARD OF SUPERVISORS SEPTEMBER 21, 2022

Chairman Kenneth Eshleman convened the September 21, 2022, meeting of the Warwick Township Board of Supervisors at 7:00 p.m. Those in attendance were Supervisors Ken Eshleman, Jeff Tennis, Jeremy Strathmeyer, Kelly Gutshall, and Ken Kauffman. Also in attendance were Brian Harris, Township Manager; Pat Barrett, Assistant Township Manager; Chuck Haley, Township Engineer; Laura Knowles, Lititz Record; Steve Gergely, Harbor Engineering; John King, Jr., Lititz; Ben Craddock, Lancaster Civil Engineering; Rhonda Adams, Court Reporter; and Abner and Daniel King, 619 W. Lincoln Avenue, Lititz PA.

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPLICATION FROM ABNER AND ARIANNA KING. THE APPLICANT IS SEEKING CONDITION USE APPROVAL UNDER SECTION 340-11.D.(1) AND SECTION 340-96 OF THE ZONING ORDINANCE PERTAINING TO SINGLE-FAMILY DWELLINGS IN THE AGRICULTURAL ZONE. THE APPLICANT PROPOSES TO CONSTRUCT A SECOND SINGLE-FAMILY DWELLING ON THEIR PROPERTY AT 619 W. LINCOLN AVENUE, LITITZ:**

B. Harris stated that Rhonda Adams, court reporter, will be swearing everyone in. Once all of the testimony has been heard, the Board can make a motion to close the hearing and then the Board can also decide if they want to make a motion to approve the request.

The conditional use hearing tonight is for Abner and Arianna King at 619 West Lincoln Avenue. The property is a 70 acre agricultural parcel and the hearing is to construct a second single-family dwelling on the parcel. It is not a subdivision plan at this point, it is solely for constructing the second single-family dwelling. In addition to that, the applicant is proposing a roadside stand to be incorporated into the property. The roadside stand does need to remain on the parent tract should the parcel ever be subdivided off. The Planning Commission endorsed the application with a request to widen the driveway coming off of Lincoln Road from 12 feet to 16 feet knowing that there might be traffic in and out of the roadside stand. Rhonda Adams swore in those preparing to testify.

Ben Craddock stated that they did apply for the highway occupancy permit with PennDOT. They did receive some initial comments and they confirmed that there was adequate sight distance with just a few administrative items to be completed. Mr. King wants to cluster the residential uses together and there is an existing house (Martin Property) in the southwest corner. The idea is to keep the residential uses together and avoid cutting up the farm as much as possible. The driveway is offset because the produce stand needs to stay with the parent tracts if the property is subdivided the produce stand could not be on the residential lot. If the property were to be subdivided they would need to provide a cross access easement from the farm property to the residential property to allow the driveway to be used. The other reason is because Mr. King still has 3 development rights on the property and if he does subdivide that driveway could possibly continue into the property. B. Harris mentioned that for a potential future subdivision, the Township ordinance does require it to be shown on the plans. It is a 2 acre lot that is shown meeting the setback requirements and lot coverage requirements should the parcel ever get subdivided in the future. They would have to go through the subdivision/land development process and come back in front of the Planning Commission. K. Gutshall asked if there are constraints on the size of the farm stand. B. Craddock stated that it is a use that is allowed by right up to 2000 square feet in the agricultural zoning district and the applicant is proposing 240 square feet for the farm stand. B. Harris confirmed that the roadside stand cannot exceed 2000 square feet in size, should be located 25 feet from any property line, at least half the products displayed must have been produced on the premise, off street parking shall be provided for employees, and signage is mentioned. As part of the HOP application Craddock indicated that there will be



no trucks and everything will be from the farm. The occupants of the residence are the ones that will be taking care of the road side stand so there is no need for employee parking. Mr. Craddock confirmed that they are meeting all the items listed in the ordinance. K. Kauffman asked what the proposed hours of the roadside stand would be. Mr. Craddock stated that the hours would be dawn to dusk a couple days a week, with the potential to go up to 6 days a week. K. Gutshall asked if there is any kind of signage or lighting proposed. Craddock stated that the zoning ordinance allows some signage but it needs to be placed on the road side stand itself so if the applicant does opt for a sign they will comply with the ordinance.

On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved closing the public hearing.

On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board unanimously approved the use conditioned on all items in the ELA letter dated August 4, 2022 to be complied with and based on the testimony provided.

**CONSENT AGENDA:** B. Harris stated that we did receive approval from Lititz Borough on the land swap for Pump Station #13 on August 30, 2022. The Township is now in the process of satisfying remaining conditions and ultimately getting that plan recorded. At the most recent Authority meeting they did approve a resolution recognizing the land swap and the associated sewer easement through that parcel. The IBEW contract is still in negotiations. J. Tennis and D. Engle were in to meet with the IBEW and hopefully in the next month or two those negotiations will be wrapped up. Harris mentioned that Rock Lititz will have a conditional use hearing scheduled in October for an educational facility. They are in front of the Planning Commission next week and that will be on the October agenda. Harris also stated that 400 Rock Lititz project has resumed and that will be done in conjunction with the school next to Studio 2. Harris noted that there were a few calls last week when Route 501 was being detoured. We had crack sealing set up on Newport Road and that was postponed until the detour ended. There was mosquito spraying yesterday and the Township received a handful of calls regarding the spraying. Harris stated that the Township collected 98% of their real estate taxes to date. There was one zoning hearing last month for a bed and breakfast on Farm Lane, the application was ultimately denied. The applicant is going to appeal the decision in an effort to have an agreement to ultimately just carry out their bookings through the end of the year. The applicant can operate while the appeal is in process which can drag out for a couple months. The Township felt it was wise to have them file and we will have a separate agreement and then once the bookings go through the end of the year then they will be closed. K. Kauffman asked if the Township has started to look at our ordinance related to alternative energy. Kauffman stated his concern is the decommissioning of systems and what the responsibilities are and making sure that information is covered in our ordinance. T. Zorbaugh stated the Township is being told the solar panels have a 15 year life span. Zorbaugh stated that the Township ordinance considers storm water and a whole list of criteria that must be met for ground mount solar. J. Tennis mentioned the disposal of the solar panels and there is not a good recycling process available yet for those panels. B. Harris mentioned that if it is going to be a principle use, it is permitted by conditional use in agricultural, industrial, and campus zones. If the Township would see a conditional use hearing for it to be a principle use, the Township would make sure that they are holding the proper security for decommissioning. It is permitted by right in all zones as an accessory use. On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the Consent Agenda as submitted.

**CONSIDER REQUEST FOR AN EXTENSION OF TIME UNTIL 12/21/2022 FOR THE WALTON HILL PLAN:** B. Harris stated this is a 90 day extension request that would require plan recording by 12/21/2022. The applicant is having right-of-way issues off of Hillcrest. There is a small sliver that would ultimately connect Tupelo that is believed to be owned by the heirs of Samuel Becker who was the original developer of Woodcrest subdivision. The applicant cannot get clear title to that area. Landmark homes was present for the most recent authority meeting to discuss this issue. The motion tonight is to authorize the extension of time, however at some point the applicant will come before the Board of Supervisors to ask for condemnation consideration of the parcel. This is not a condemnation from the perspective that the Township typically views a condemnation. Landmark's in-house attorneys believe they cannot get title any other way other than it going through the Township. On a motion by J. Strathmeyer and seconded by K. Gutshall, the Board unanimously approved the extension of time until 12/21/2022 for the Walton Hill plan.

**CONSIDER THE 743 EAST MILLPORT ROAD FINAL PLAN, PREPARED BY HARBOR ENGINEERING, DATED 8/9/2022:** B. Harris stated that Steve Gergely from Harbor Engineering is present along with the property owner, John King. This plan was in front of the Planning Commission last month and received a recommendation. The property is currently one 44 acre lot and the proposal is to subdivide the property into one 2 acre flag lot, a 20 acre lot, and a 20 acre lot containing the existing

farm buildings, business, and residences. The Planning Commission concern with this subdivision was ultimately getting a riparian easement along Lititz Run which Mr. King ultimately agreed to do and is shown on the plan. The applicant is requesting two waivers, one related to street improvements and the other is related to setting of monuments, as well as plan approval.

S. Gergely added that there is no proposed improvements at this time. The flag lot will not be built on for several years, being Mr. King's plan down the road for a smaller home for him and his wife. The 20 acre farm that is being created will be for Mr. King's daughter and son-in-law. They will be in sooner rather than later with a stormwater management plan for a homestead on that property. The Planning Commission asked that the riparian buffer easement be shown on the plan now. The Planning Commission also asked that a note be included on the plan and planted within 2 years of the plan being recorded. B. Harris mentioned that there was a good amount of conversation regarding the flag lot and why it was created as a flag lot. S. Gergely stated that they are working through a sanitary sewer planning module with the DEP and as part of that they had to test for background nitrate levels from the property and adjoining properties. The nitrate levels are slightly elevated, being high enough that it would require a larger lot size for the smaller lot, approximately 2.8 acres. One solution is to make a larger lot which would not work with the agricultural parcels and minimum lot sizes. One thing that can be done is to put a plume easement downslope of the sanitary sewer drain fields which makes up the additional 8/10 of an acre that is needed for the DEP. K. Gutshall asked what the reasoning is for the plume easement. Gergely stated that the easement is in lieu of making a larger lot size. For the DEP, when you have elevated nitrates they want to make sure there is a sufficient lot area for recharge so it does not affect anyone else's drinking water supply. K. Gutshall asked about the access off of Millport Road. Gergely stated that is the ideal preferred driveway location and they are working through the PennDOT process to get that permitted. If it does get permitted they still have to go before the Zoning Hearing Board to get a special exception for a driveway in a floodplain. If that plan is not approved, a driveway could come off of Creek Road but that is not preferred. Gutshall asked if the Planning Commission talked about creating an easement on the flag lot drive. Gergely confirmed that was not discussed with the Planning Commission. If the applicant could not get a permit to put the driveway through the floodplain can it be brought through the plume easement? Gergely confirmed that you can bring a driveway through the plume easement. Gergely stated that the waiver is for improvements to existing streets. There is over ½ mile of street frontage for this property, so there is no improvements proposed so any widening would be disproportionate to the plan. They are also showing a potential future right-of-way along all frontages for the properties. The other waiver is for setting monuments along the public right-of-way. This would require a lot of monuments to set. The ELA recommendation is to set iron pins at the corners of the right-of-way for lots 1 & 2 which they have shown in the plan. The Planning Commission supported both of the modifications. C. Haley mentioned any proposed improvements along Warwick Road or Disston View Drive be reviewed with J. Minnich. All the other streets around the property are state roads which the Township has always gone with a reserve right-of-way along state streets. Gergely stated that their preference would be reserved right-of-way because there are retaining walls at the corner which would be in the Township right-of-way. K. Kauffman asked if reserve is the same as the deferral agreement mentioned in the ELA letter. Haley stated that the reserved right-of-way basically is putting it on the plan knowing if they go to develop the lots that area is reserved for future right-of-way and do not put anything in it. Gergely stated that all the lot areas and set backs are based off of the future right-of-way in the plan. K. Gutshall asked for clarification on the riparian buffer. S. Gergely stated the buffer would be either 35 feet from the top of the bank or the floodway, whichever is greater. Mr. King stated that there is currently stream bank fencing and a growth of approximately 8 feet. Gergely noted that the proposed buffer would tie into the buffer that was installed on the Glick's property next door. On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the waivers Section 285-27.J.3 – Improvements to Existing Streets and Intersections and Section 285-32.A – Monuments. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the final subdivision plan contingent on all items in the August 19, 2022 review letter from ELA being satisfied.

**CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS:** B. Harris stated that the total bill list is \$447,471.79 of which roughly \$135,000.00 of that is attributed to the general fund. We also had an invoice out of the 6<sup>th</sup> Street fund for the Moravian Manor project to B.R. Kreider for \$109,000.00. K. Kauffman about the Wex Bank line item. B. Harris will get back to the Board in regards to this item. K. Gutshall asked about the internet service with Clair Global. B. Harris stated that the Township internet is provided through Clair Global. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of the bills as submitted.

**CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT:** B. Harris stated that our real estate transfer tax has exceeded the prior year to date. Our revenues have exceeded our expenditures by \$250,000.00. The report is from the 1<sup>st</sup> of the month up to the meeting date, which doesn't reflect the entire period from the last Board Meeting to this Board Meeting.

We had a \$500,000.00 EIT distribution at the end of August, so that is why the numbers in August went from negative to positive. There was a discussion in regards to the changing the profit vs. loss report so that it reflects figures from board meeting to board meeting so it will cover the whole month. Harris stated that the Township numbers are where they should be. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board unanimously approved the Treasurer's Report as submitted.

**CONSIDER 2023 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE WARWICK TOWNSHIP PENSION PLAN:** B. Harris stated that Act 205 does require that we provide the governing body with a pension memo as well as the calculation for the year. The calculation is based on a multiplier as well as the estimated payroll. The amount for 2023 is \$104,506.00 and the MMO needs to be submitted to PMRS by October 3, 2022 which required it on this Board agenda. Harris also mentioned that the state aid numbers came out today and were up by approximately \$300.00 per employee from last year. Each employee that is with the Township equates to \$5,180.00 so our state aid will be somewhere around \$82,000.00 to \$83,000.00. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the 2023 MMO and authorize submission to PMRS.

**ROYAL DRIVE COMMUNITY YARD SALE:** B. Harris stated that he received a special events application for a community yard sale off of Royal Drive. This is a request similar to the request done by Thoroughbred Terrace when Brian Drive was made one-way. The application is to make Royal Drive a one-way off of Rudy Dam Road, connect onto Regents Drive and then there would be another barricade at Knightsbridge Way for Saturday, September 24, 2022 from 6:00 a.m. until 2:00 p.m. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved the special events application to make Royal Drive a one-way for a community yard sale on Saturday, September 24, 2022 from 6:00 a.m. until 2:00 p.m.

**LCATS ANNUAL CONVENTION ON 11/7/2022 AT YODER'S FAMILY RESTAURANT:** B. Harris stated that "Buttered Noodle Fest" aka the LCATS Fall Forum will be held on November 7, 2022 at Yoder's Family Restaurant. Harris stated that this program is very informative and most elected officials attend. The session is from 8:30 a.m. until 12:00 noon with a luncheon to follow. Anyone who would like to attend, please notify Brian so he can sign everyone up. J. Tennis, J. Strathmeyer, and K. Eshleman shared their interest.

The Board entered in to executive session at 7:45 p.m. to discuss personnel matters. The Board exited executive session at 8:33 p.m.

**NEXT MEETING** – Wednesday, October 5, 2022 at 7:00 a.m. (via zoom)

**ADJOURNMENT** – On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved the adjournment at 8:34 p.m.

Respectfully submitted,



Brian Harris,  
Township Manager