

## **WARWICK TOWNSHIP BOARD OF SUPERVISORS**

### **Meeting Minutes**

August 21, 2019

W. Logan Myers, III, Chairman, convened the August 21, 2019 Warwick Township Board of Supervisors meeting at 7:00 p.m. In attendance were Supervisors Kenneth Eshleman, Herbert Flosdorf, Logan Myers, and Michael Vigunas. Also in attendance were Daniel Zimmerman, Township Manager; Patrick Barrett, Assistant Township Manager; Jason Minnich, Public Works Superintendent; Duane Ober, Emergency Services Coordinator; Chuck Haley from ELA Group; Tom Zorbaugh, Code and Zoning Officer; Caroline Hoffer from Barley Snyder; Dave Madary from Derck & Edson; Jeremy Strathmeyer, 18 Royal Drive, Lititz; Jill Brown, 26 Ridge Road, Lititz; Wade Hartz, 1015 Log Cabin Road, Lititz; Michael Tait, 140 E. Woods Drive, Lititz; Laura Knowles from the Lititz Record Express; and Joyce Gerhart, RGS Associates.

### **PUBLIC HEARINGS:**

**#1: HEARING FOR CONDITIONAL USE APPLICATION CASE #2019-2 FOR BLACK BOX ESTATE-LLC SEEKING APPROVAL UNDER SECTION 340-19.C(7) PERTAINING TO THEATERS IN THE CAMPUS INDUSTRIAL ZONE. LOCATION OF PROPERTY OWNED BY ROCK LITITZ PROPERTIES LP FRONTING ALONG TOLL GATE ROAD AND ROCK LITITZ BLVD:** Present were Caroline Hoffer representing Black Box Real Estate LLC the Applicant, along with Michael Tait, principal of Black Box Real Estate, Dave Madary from Derck & Edson, and Andrea Shirk on behalf of Rock Lititz Properties LP. C. Hoffer stated Black Box Real Estate LLC is purchasing a condominium unit from Rock Lititz Properties at the Rock Lititz Campus. The proposal is to construct an approximately 10,300 square foot building for use as a theater. It will front on Toll Gate Road and Rock Lititz Blvd. The property is zoned I-2 Campus Industrial and a theater is provided for by Conditional Use. Black Box Real Estate LLC filed an application with the Township for the theater use. The use within Section 340-19.C(7) allows by conditional use a theater with up to a 500 seating capacity. C. Hoffer verified with M. Tait that his intention is for approximately 250-275 seats. In addition, the intent of the theater is primarily to present community arts, dance, and music and theater groups as well as to rent to local community groups for events as well as businesses. Food and beverages will be offered. At the July 28, 2019 Planning Commission meeting, the Commission recommended approval.

D. Madary reviewed with the Board where the theater would be located on the campus. He also reviewed the parking and traffic circulation. L. Myers inquired what the distance was from the access into the Black Box Theater to Newport Road. D. Madary stated it was approximately 200 feet. The traffic engineer will be evaluating this as part of the traffic study that is being completed.

M. Tait reviewed the floor plan with the Board. He explained the building will be approximately 10,000 square feet. The performance area will be located in the center of the building. At the front will be a lobby, a bathroom area and a food prep area. There is a second level balcony seating area and a technical production area. The Board asked questions regarding the aesthetics of the building, lighting, and signage. D. Zimmerman inquired if the sound abatement would meet the campus criteria completely. A. Shirk stated the same sound consultant was being used as was used for Studio 2.

D. Madary reviewed the requirements set forth in Section 340-62 of the Zoning Ordinance and outlined how the theater meets these requirements.

The Applicant is requesting a time extension to commence and complete the work. Section 340-131.F provides that the permit must be obtained and work commenced within 6 months and the work completed within 12 months of approval. The construction of the theater requires land development approval before construction can commence. Therefore, the Applicant is requesting an extension to 18 months from the date of approval to obtain permits and commence construction and 18 months from obtaining permits to complete construction.

T. Zorbaugh inquired of M. Tait what exactly the theater's use will be for the record to make sure all the uses for the theater are included when the Application is prepared. M. Tait stated it would be a special events/community arts center.

With no other questions from the Board or from the Public, on a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously voted to close the hearing.

**#2: HEARING TO CONSIDER AMENDMENT TO THE WARWICK TOWNSHIP ZONING ORDINANCE REVISING THE CLUSTER DEVELOPMENT AND OPEN SPACE PROVISIONS IN THE R-1 AND R-2 DISTRICTS:**

D. Zimmerman stated this initiative started back in 2015. The Township requested services from Brandywine Conservancy because of the concern the Conservation Cluster was not being utilized. A lot of the areas earmarked for growth with the interest to preserve farmland contain hillsides, are wooded sites or environmentally sensitive areas and the Township wanted to provide protection and some flexibility for these areas while at the same time providing housing flexibility in regards to prototypes but not changing the density ratio. The amendment would also address the maintenance of the open space. Many times this is undertaken by an HOA so there is a section addressing how this must be maintained. D. Zimmerman stated the County Planning Commission gave a very positive review of this amendment. The Township's Solicitor has made some revisions.

With no questions from the Board or the Public, on a motion by K. Eshleman, seconded by M. Vigunas, the Board unanimously voted to close the hearing.

**APPROVAL OF MINUTES:** On a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously approved the July 17, 2019 minutes as submitted.

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

**PAYMENT OF THE BILLS:** On a motion by M. Vigunas, seconded by K. Eshleman, the Board unanimously approved the Payment of the Bills.

**MANAGER'S REPORT:** Contract Negotiations: D. Zimmerman stated work is being done to complete a final proposal to offer to the union regarding the Public Works and Authority Maintenance Crews. The NLCPD negotiations start next Tuesday.

Carpenter Road Bridge: A current inspection resulted in the weight limit being reduced to 3 tons. This new weight restriction will need to be posted within 7 days. Emergency Services and the NLCPD have been notified. The Township only owns 50% of the bridge as Ephrata Township owns 25% and Clay Township owns 25%. A meeting between the three municipalities was held this past Monday to discuss traffic options.

Pavement Preservation Study: The Board was given an analysis to review on options for road surface preservation.

Pumping Station 13-Saylor Park: This is a wet/dry well that was built in 1984. The option of trying to replace or enlarge the area would be difficult. One option would be to relocate the station with just a wet well prototype. A decision will be made once the review from Entech has been completed.

Strategic Plan: The Board was given an article regarding call volume for local police departments to review.

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

**PUBLIC WORKS REPORT:** J. Minnich stated the following work was completed during the month of July:

- Lane markings such as turn arrows and stop bars were inspected and replaced as needed.

- Storm water improvements on Brunnerville Road near the Gerhart Property were made. This was done in preparation for road work that will be completed in 2020.

- Sinkhole repairs were done on Green Acre Road, Longenecker Road, and Pfautz Avenue.

- Improvements at the tunnel at Saylor Park were completed.

- All crosswalks were inspected and painted as needed.

**POLICE DEPARTMENT REPORT:** The Board reviewed the Report to the Commission as well as the Dashboard Report.

**ZONING OFFICER'S REPORT:** The Board reviewed the report provided. T. Zorbaugh stated there are three Notice of Concerns that are going to be turned over to the Solicitor for noncompliance.

**WESC/EMC REPORT:** The Board reviewed the July Administrator Report provided. D. Ober reviewed the midyear report for the four fire companies as well as for the EMS.

**PSATS:** The Board reviewed the PSATS Township Legal Defense Partnership News Bulletin.

**DA REPORT:** The Board reviewed the Lancaster County Drug Task Force Report for the 2<sup>nd</sup> Quarter of 2019.

**ROTHSVILLE FIRE COMPANY:** The Board reviewed the July 2019 Report provided.

**CONSIDER REQUEST FOR REDUCTION OF LETTER OF CREDIT FOR TRADITIONS OF AMERICA PHASES**

**1-4:** On a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously approved the request for the reduction of Letter of Credit for Traditions of America Phases 1-4 as stated in the ELA Letter dated August 9, 2019.

**CONSIDER REQUEST FOR REDUCTION OF LETTER OF CREDIT FOR LITITZ RESERVE PHASES 5 & 6:** On a motion by H. Flosdorf, seconded by K. Eshleman, the Board unanimously approved the request for the reduction of Letter of Credit for Lititz Reserve Phases 5 & 6 as stated in the ELA Letter dated August 8, 2019.

**CONSIDER THE UPDATE TO MASTER PLAN FOR THE ROCK LITITZ PROPERTY, PREPARED BY DERCK & EDSON, DATED 6/20/2019:** Dave Madary with Derck & Edson was present to review the plan with the Board.

Pod 1 will be a combination of a studio as well as some additional space for tenants. All will be within what is allowed by zoning. It will be sound proofed similar to that of Studio 1. It will be shorter in height than Studio 1 at approximately 85 feet. The tenant space will be similar to that in Pod 2 and will be approximately 235-240 feet in length with the front of the building dropping to 20 feet. Traffic studies will be completed. Across the flood plain is where Pod 5 will be located. This will be a multi-tenant facility. The buildings were designed so all truck traffic goes in-between them. The third building to be added is a small community theater.

Rock Lititz is working with Sauders Eggs and Oehme Trucking to add a third point of access to the campus. A plan was submitted showing two additional entrances along Toll Gate Road. The comments from this plan were reviewed suggesting one of the access points might not work well so this was ultimately eliminated. This change will be reflected

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on the Land Development Plan. For safety reasons it is being considered that only trucks be allowed to use the Rock Litz Boulevard Entrance.

H. Flosdorf inquired when construction would commence. A. Shirk stated as soon as approval has been granted construction would begin with Pod 1 and the Theater.

**CONSIDER RESOLUTION 08-21-19-01 OPTING OUT OF ALLOWING VIDEO GAMING TERMINALS WITHIN THE TOWNSHIP:** D. Zimmerman reminded the Board there was a discussion on this at last month's meeting. If the Board chooses not to opt out at this time then the opportunity to opt out at a later date is lost. However, if the Board chooses to opt out and later would like to opt in, this can be done. At this time Staff recommends the Board opt out.

On a motion by H. Flosdorf, seconded by M. Vigunas, the Board approved Resolution 08-21-19-01 opting out of allowing video gaming terminals within the Township.

**CONSIDER BID RECEIVED FOR 2001 PICKUP TRUCK:** D. Zimmerman stated the minimum bid was exceeded and came from Moravian Manor at \$6,550.00. Staff recommends the Board accept this bid.

On a motion by K. Eshleman, seconded by H. Flosdorf, the Board unanimously accepted the bid received for the 2001 pickup truck from Moravian Manor.

**CONSIDER ORDINANCE 287 PROVIDING CLUSTER STANDARDS FOR THE R-1 & R-2 ZONING DISTRICT:** On a motion by M. Vigunas, seconded by K. Eshleman, the Board unanimously approved the adoption of Ordinance 287 providing cluster standards for the R-1 & R-2 Zoning District.

**CONSIDER LETTER OF RESIGNATION FROM ANDREW SPADE FROM POSITION ON THE BOARD OF SUPERVISORS:** On a motion by H. Flosdorf, seconded by M. Vigunas, the Board regrettably accepted the resignation from Andrew Spade from his position on the Board of Supervisors.

**CONSIDER REQUEST FOR THE TOUR DAVITA BIKE RIDE ON 9/23/2019:** D. Zimmerman stated this is just a notification that the riders will be traveling through the Township. The Board acknowledged that notification was received information regarding the bike ride to be held on 9/23/2019.

**ADJOURNMENT:** With no other business to come before the Board, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Daniel L. Zimmerman  
Township Manager