

## WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES

April 3, 2013

Chairman W. Logan Myers convened the April 3, 2013 meeting of the Board of Supervisors at 7:00 a.m. Present were Supervisors W. Logan Myers, Anthony Chivinski, Herbert Flosdorf, and C. David Kramer. Michael Vigunas was absent. In attendance was Township Manager Daniel Zimmerman, Joel Snyder, Tina Geyer, Mike Reiner, and Lee Moyer.

**PRESENTATION OF THE 2012 FISCAL AUDIT - SAGER, SWISHER & CO., LLP:** Mike Reiner, representing Sager, Swisher and Company, outlined the 2012 Financial Statement for the benefit of those present. He noted that the Police Pension Fund assets were transferred to the Northern Lancaster County Regional Police Department. On a motion by Chivinski, seconded by Flosdorf, the Board voted unanimously to adopt the 2012 Fiscal Audit as submitted.

**COMMUNICATIONS:** The Board received an invitation from Rohrer's Quarry to attend a luncheon and tour of their facility on April 25, 2013.

The Board received an invitation to attend a Friends of Scouting Breakfast on April 12, 2013. Supervisor Chivinski will be the guest speaker.

The Board received a letter from the Lititz Public Library Director expressing appreciation for the Township's 1<sup>st</sup> Quarter, 2013 contribution.

**DISCUSS WAIVER REQUESTS FOR LITITZ RESERVE, PREPARED BY RGS ASSOCIATES, DATED 8/1/2012:** Joel Snyder, representing RGS Associates, stated that he is not seeking action on the Preliminary Plan this morning; however, he is requesting that the Board act on the Waiver requests. Snyder summarized the project for the benefit of those present. He indicated the proposed location of the access from the future Sixth Street extension. He added that the site is adjacent to the Lititz Public Library, and adjoins the Luther Acres property. He explained that the site contains 44-acres, and the plan proposes 189 townhouse units. He noted that the townhouses would be marketed for active adults; however, they would not be deed restricted as such. He explained that the units would be 32' wide, with a 2-car garage, and 2-car driveway. The units are designed for first-floor living, although a second floor loft area could be included in the design. He explained that the units would range in size between 1,500-1,800 square feet, with some units having a basement. Snyder stated that the builder would be E.G. Stoltzfus and added that the architecture design is similar to the Sagewicke development in Hershey.

Snyder outlined the proposed stormwater management facilities. He explained that a swale would be extended through a culvert from the adjacent Butterfly Acres development in Lititz Borough. He noted that the drainage area is comprised of approximately 600 acres. He added that a bio-swale would be constructed to provide infiltration to the underground aquifer area. Snyder stated that his firm is working with geologists to reduce the probability of sinkholes within the bio-swale. He added that they are also working with LandStudies on the project. He noted that design is intended to spread stormwater throughout the drainage area rather than concentrating storm water in one area. Appropriate seed mixes would be used within the basin areas to ensure long-term maintenance to these areas.

Snyder stated that the plan proposes a walking trail to the adjoining Luther Acres campus. He

added that this trail area would also serve as an emergency access, if needed. He noted that another emergency access is proposed along the cul-de-sac. He added that the streets would be 28' wide with parking on one side and sidewalks on both sides. He noted that the HOA would restrict parking for items such as RVs and boats along the roadways. He added that the HOA would also provide maintenance to the common areas as well as the bio-basins. Snyder stated that the project would be constructed in 8 phases, and outlined the phasing schedule for the benefit of the Board.

The Applicant is requesting a Waiver of Sections 285-14.C(3)(d)[2][e] and 285-14.C(3)(d)[2][e][I] pertaining to Traffic Impact Study requirements. The Applicant's consultant is requesting the Township accept the submitted Traffic Impact Study and the analysis provided for the street intersections indicated. The developer intends to offer a fee in-lieu-of completing the Traffic Signal Warrant Analysis. The Township Engineer commented that if the Township favorably considers this Waiver, they recommend conditional acceptance of the fee. Snyder stated that the plan has been modified regarding a traffic study. He noted that the intersection of Pierson Road and Owl Hill Road is not anticipated for signalization and added that the extension of Sixth Street is the primary focus of traffic relating to the development. The Township Manager explained that the radius at the intersection of Owl Hill Road and Kissel Hill Road would be widened in order to improve traffic flow. He added that the improvements would be constructed within the right-of-way. He explained that traffic counts and analysis would be performed, rather than a full traffic study. In addition, the Applicant has agreed to provide contributions for the traffic improvements at the areas discussed. In addition, the Applicant would provide contributions for a four-way stop at the East 2nd Avenue, Oak Street, and Kissel Hill Road intersection within Lititz Borough as well. This intersection would also be impacted by the proposed development. The Planning Commission recommended conditional approval of the Waiver.

The Applicant is requesting a Waiver of Section 285-27.J(3)(b) pertaining to street frontage improvements. The applicant is proposing to construct the entire cartway for Sixth Street from the current limits, to a point just past proposed Street-A that will provide access into the development. The Township Engineer commented that, typically, street improvements are required for only one-half the width of the cartway along the site frontage. The Applicant has indicated that the site has approximately 2,200 LF of frontage along the proposed Sixth Street alignment. Instead of constructing one-half of the street for this frontage, the entire 36' wide cartway will be constructed for approximately 1,100 LF to permit two-way vehicular access to the site. The Township Engineer indicated that this approach would match the quantity of the roadway improvements that are typically required. Therefore, they recommend approval of the Waiver. The Planning Commission recommends approval of the Waiver contingent upon a cartway width of 32', eliminating sidewalk on the south side of the roadway (curb would be installed), and upon the future construction of the sidewalk on the south side being bonded to ensure it could be constructed in the future.

The Applicant is requesting a Waiver of Section 285-27.M pertaining to maximum cul-de-sac length. The Applicant is requesting a Waiver of the maximum permanent cul-de-sac length of 600' to accommodate the layout of lots, and to allow the 962' length of proposed Street-E. The Planning Commission recommends approval of the Waiver contingent upon review of the potential for a future full connection of Street-E during Phase 8 of the project.

The Applicant is requesting a Waiver of Section 285-27.K(3) pertaining to intersection separation. The Applicant is requesting a Waiver of the requirement for 300' of separation distance between

street intersections at the following locations: (a.) Along proposed Street-A between Street-E and Sixth Street. The proposed separation distance is only 217'; (b.) Along Sixth Street between proposed Street-F and the existing access drive to the Lititz Public Library, which would be only 235'. The Township Engineer commented that based on the justifications that have been presented, especially the low speed limits, they recommend approval of the Waiver for the locations indicated. The Planning Commission recommends approval of the Waiver.

The Applicant is requesting a Waiver of Section 285-27.L(1) pertaining to clear sight triangles. The Applicant is requesting the Waiver to allow portions of the driveways for Lots 21, 56, 78, 87, 104, 132 and 133 to be located within the clear sight triangle easements for the proposed street "intersections". For each of the proposed internal street intersections where the affected driveways will be partially within the easement, it is proposed to have a "Stop" sign. The Township Engineer commented that considering this, and the other justifications cited, they could support the Waiver request. The Planning Commission recommends approval of the Waiver contingent upon a deed restriction for the affected lots.

The Applicant is requesting a Waiver of Section 285-27.O(5)(b) pertaining to driveway separation. The Applicant has requested this Waiver to allow driveways to be closer than 40' from right-of-way intersections and less than 3' from property lines. For the reduced 40-foot setback, it has been indicated that this applies to Lots 12, 13, 64, 65, 78, 87, 104, 132 and 133. The Township Engineer commented that if the aesthetic reasons are acceptable to the Township, they could support the Waiver request and would recommend approval of a Waiver to reduce the 40' setback to a minimum of 30' for the indicated lots, except for Lot Nos. 64 and 65. For the reduced 3' setbacks for the edge of driveways to the side property line, a minimum 1' setback is proposed for all other lots. The Planning Commission recommends approval of the Waiver contingent upon side-loading garages for Lots 64 and 65, and other locations where possible so vehicles are not backing into the intersections, and upon a landscape buffer for driveways with less than 3' setbacks.

The Applicant is requesting a Waiver of Section 285-29.D(3) pertaining to average lot depth. The Ordinance requires that all lots shall contain an average depth of not more than three times their width (3:1). The Applicant has indicated that the majority of the proposed lots have a maximum depth to width ratio proposed of 6.5:1. The Township Engineer commented that, for the justifications cited by the applicant's consultant and if the Township is acceptable to the townhouse lot layout as presented, they recommend approval of the Waiver. The Planning Commission recommends approval of the Waiver.

The Applicant is requesting a Waiver of Section 285-29.D(6) pertaining to reverse frontage lots. This Waiver applies to Lots 167 through 191 where each lot has double frontage. Reverse frontage lots are permitted when driveway access is restricted from the street with higher volumes, and minimum rear yard is 75' with a 10' wide buffer planting strip. The Applicant has requested a Waiver these requirements, instead offering a 40' rear yard setback with a 25' wide easement containing a planted buffer on top of an earthen mound. The Township Engineer commented that if the Township finds the applicant's proposal acceptable, they have no objections and recommend approval of the Waiver conditional on adding references within the deeds for each affected lot. The Planning Commission recommends approval of the Waiver contingent upon deed restrictions on the affected lots, and upon no access from any lot onto Sixth Street.

The Applicant is requesting a Waiver of Section 285-34.C(8) pertaining to street trees. One street

tree is required for each residential lot and spaced not closer than 40' or more than 60'. The Applicant has requested a Waiver to allow for a proposed maximum spacing of 115'. Some residential lots will have no street trees and some will have up to 3 trees. The Township Engineer indicated that based on the proposed tree planting, an additional 28 street trees should be provided. They commented that based on the justifications cited, it appears that the required number of street trees cannot be provided along the streets. However, the Waiver could grant permission to provide the required street trees at alternative locations within the open space lots. The Planning Commission recommends approval of the Waiver contingent upon all required trees being planted.

The Applicant is requesting a Waiver of Section 270-10.D.1 (SWMO) pertaining to runoff curve numbers. The Applicant has requested to use runoff curve numbers that reflect a more accurate representation of the site soil conditions that influence the storm water runoff analysis. The Township Engineer commented that they have no objections to utilizing the appropriate runoff curve numbers that are based on the actual Antecedent Moisture Condition for the site soils as part of the storm water analysis and the design of the storm water management facilities.

The Applicant is requesting a Waiver of Section 270-11.H (SWMO) pertaining to inlet depression. The Ordinance requires that grates of inlets be depressed 2" below the gutter grade. For this higher density development and the numerous individual driveways, the Applicant proposes to utilize slant curb along the interior development streets. The Township Engineer recommends approval of the Waiver conditional upon the following: (a.) For those streets with slant curb, the inlet tops shall be provided to create ½- inch of sump below the finished gutter grade. (b.) For those inlets located along the streets with vertical or straight curb, then the required 2" sump from the gutter grade to the top of grate elevation shall be specified.

The Applicant is requesting a Waiver of Section 270-11.P (SWMO) pertaining to storm sewer perpendicular to street centerline. All storm sewer crossings of streets shall be perpendicular to the street centerline. The Township Engineer commented that as indicated in the request, it appears the inlet placement and pipe alignment was designed to avoid conflicts with driveways and to follow the side-yard property lines between lots. For these reasons and to reduce the need for additional infrastructure, they recommend the approval of the Waiver. Furthermore, they also recommend approval of the Waiver for the proposed Box Culverts based on the justifications and design constraints cited.

On a motion by Florsdorf, seconded by Kramer, the Board voted unanimously to grant the requested waivers based on the recommendations and conditions of the Planning Commission, Township Engineer and Township staff. The Township Manager stated that formal action on the plan will occur at a future Board meeting.

**CONSIDER MOU WITH LANCASTER COUNTY CONSERVATION DISTRICT:** The Township Manager explained that the Memorandum of Understanding (MOU), is intended to be reviewed and renewed each year. The MOU outlines the responsibilities of the agencies for each year. On a motion by Kramer, seconded by Florsdorf, the Board voted unanimously to renew the MOU with the Lancaster County Conservation District for 2013/2014.

**CONSIDER RESOLUTION #04-03-13-01 REVISING THE FEE SCHEDULE FOR SEO SERVICES:** The Board reviewed the Resolution. The Township Manager explained that the State no longer provides reimbursement for SEO Services; therefore, the fees have been increased

accordingly. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to enact Resolution #04-03-13-01 as drafted.

**CONSIDER REQUEST BY LANCASTER FARMLAND TRUST FOR THEIR ANNUAL PEDAL TO PRESERVE BIKE LEISURE RIDE SCHEDULED FOR 6/1/2013:** The Board reviewed the request. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to authorize the Pedal to Preserve Bike Leisure Ride on June 1, 2013 as requested.

**CONSIDER THE JOHNSON & JOHNSON FRESHBURST 5 MILE RUN & 5K WALK SCHEDULED FOR 7/20/13:** The Board reviewed the request. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to authorize the Freshburst 5 mile run & 5K walk on July 20, 2013 as requested.

**OTHER BUSINESS TO COME BEFORE THE BOARD:** The Township Manager explained that due to schedule conflicts, the joint meeting with the school district will need to be rescheduled from May 29<sup>th</sup>. He explained that he will advise the Board of the new meeting date.

**ADJOURNMENT:** With no further business to come before the Board, the meeting was adjourned at 8:12 a.m.

Respectfully submitted,

Daniel L. Zimmerman  
Township Manager