

WARWICK TOWNSHIP

315 Clay Road
P.O. Box 308
Lititz, PA 17543-0308
(Lancaster County)

WARWICK TOWNSHIP PLANNING COMMISSION

Meeting Minutes

March 23, 2022

Chairman Tom Zug convened the March 23, 2022 meeting of the Warwick Township Planning Commission to order at 7:00 p.m. In attendance were Commissioners Tom Zug, John Gazsi, Daniel Garrett, Craig Kimmel, Robert Kornman, and Dale Keeney. Absent were Commissioners Jane Windlebleck and Marcello Medini. Also present were Brian Harris, Township Manager; Chuck Haley, Township Engineer; Billy Clauser, Township Planner; Randy Hess, 24 Windsor Lane; Carol Rettew, 231 W. Woods Drive; Tom Eisemann, 231 W. Woods Drive; Kevin Ember, Rettew Associates; Pat Dennis, Landmark Homes; Allen Martin, 937 E. Newport Road; M. Fyock, 1101 Orchard Road; and Dana Clark, 660 Brunnerville Road.

APPROVAL OF MINUTES: On a motion by D. Keeney and seconded by D. Garrett, the Board unanimously approved the February 23, 2022 meeting minutes as submitted.

DISCUSSION ON THE ORCHARD ROAD EMERGENCY ACCESS – B. Harris stated that Randy Hess is present on behalf of BWCP. The Township received a letter from McNees Wallace & Nurick, LLC on March 17, 2022 regarding the emergency access that connects to Wood View Drive. The original plan that was approved showed the emergency access lot merging with Lot 1. R. Hess alerted the Township that the transfer would trigger the roll back taxes on the entire 100 acre parcel. Randy is present to discuss that and a potential solution to that which would be the developer deeding that to the Township and then ultimately being maintained in perpetuity by the HOA. After the issue is discussed, whatever recommendation the Planning Commission has will then go to the Board of Supervisors as well.

R. Hess stated that one of the issues with this project was the second emergency access that was important to the Township and Planning Commission. He noted there was no guarantee that the applicant would be able to obtain property from the neighboring property to accommodate that second emergency access. Hess stated that he was able to come to an agreement with Roger Gerhart on the purchase of .25 acres of ground to provide that connection for the emergency access. After discussions, it was decided to leave the access unconnected and just make it an emergency access with 12 feet of paving and removable emergency bollards. Once the plan was approved it came to their attention that the Gerhart property is in Clean and Green. BWCP had their counsel review the matter and counsel's conclusion was that the plan would be a breach of Clean and Green if they transfer that portion to the development. There are two issues at hand, seven years of roll back taxes plus penalties on the entire parcel. The estimate for the seven years of back taxes was \$140,000 plus penalties. Counsel did contact the Assessor of Lancaster County and they agreed it would be a breach of Clean and Green. B. Kornman asked if BWCP asked for a waiver of the Clean of Green. Hess explained that there are specific split offs that are allowed under Clean and Green. One of them being a 2 acre sale. Mr. Gerhart could sell up to a 2 acre parcel for a residential use, but it has to be sold to a resident or the end user. Hess stated that one method that would preclude a breach of Clean and Green is if the property were to be donated to the Township. That would not be a breach, therefore the Township would own it with the HOA maintaining it. That decision would be entirely up to the Township. The only argument Mr. Hess would make is in the event you ever wanted to connect those, the Township would have contiguous right-of-way. The applicant is asking for a recommendation for that approval. B. Harris stated that the plans have not been recorded yet, so the HOA documents are still able to be



amended. The current plan that was ultimately approved showed a paved 12 foot access road which was to be constructed in accordance with the Township paving specifications. If the Planning Commission would recommend this, the Township would have to give some consideration to the short-term and long-term maintenance, and what the expectations would be. The Township would not be purchasing this parcel, rather it will be donated. C. Kimmel asked if the Gerhart's will still get the same thing as was agreed upon before. Kimmel stated in his opinion, that unless the Township has a concern about ownership of the ¼ acre, this seems like a reasonable compromise. B. Kornman asked if there is a right-of-way through the development to the public street from this access. Kornman suggested that B. Harris make note about who carries the liability for this as it is going through this process. On a motion by C. Kimmel and seconded by D. Garrett, the Board unanimously recommended the Township accept the donation of the .25 acre parcel of land.

DISCUSSION ON THE WALTON HILL FINAL SUBDIVISION PLAN, PREPARED BY RETTEW ASSOCIATES

DATED 03/02/2022 – Kevin Ember from Rettew Associates and Pat Dennis from Landmark Homes were present to discuss the Walton Hill Final Subdivision Plan. Ember stated that the preliminary plan was presented back in December 2021. There have really been no changes from the preliminary plan to the final plan. He stated it is more a procedural effort at this time. What is proposed is 42 individual single family residential lots and 3 associated open space lots that would be operated and maintained by an HOA. The storm water facilities would be on those open-spaced lots and controlled by two storm water basins and enhancements and widening to the riparian buffer along Bachman Run which bisects through the center of the site. The existing culdesac bulb on Tupelo Street would be demolished with connection to the road through to the existing Hillcrest right-of-way out to West Woods. There is also a proposed walking trail that connects to the road near the middle of the site and existing pond that would then connect down adjacent to the riparian buffer area and then connect through to the existing grass trail system in the Crosswinds Development on Tupelo Street that is maintained by their HOA. An addition since the preliminary plan was an additional waiver request specifically related to dedication of the park and recreation area. That request is for the walking trail to be counted towards the park and recreation requirement and contains approximately .28 acres. That area would be open to all public use, not just for HOA residents. The remaining 1.4 acres required by the ordinance would be offered as a fee-in-lieu to the Township. That amount still needs to be confirmed with Township staff, but the initial calculations would be approximately \$88,600. There are several comments found in the March 17, 2022 ELA letter, but most of these are more administrative related, dealing with finalizing the agreements, HOA documents, and providing evidence of final approval from DEP on the planning module and the Conservation District on the NPDS permit. There are a couple notes that were requested to be added to the plans which the applicant has no issue with. B. Harris has also provided some additional comments on the landscaping offered by LandStudies in a separate e-mail which will be reviewed and addressed related to tree species that were proposed. The applicant is seeking the final plan recommendation and recommendation of the additional waiver related to the park and recreation dedicated area. C. Kimmel asked if the Planning Commission has typically allowed the trail to be counted as part of the recreational area. B. Harris stated that it was his understanding that the Township has done that in the past. B. Harris asked K. Ember to provide a copy of his calculation with his submission to the Board. On a motion by D. Garrett and seconded by C. Kimmel, the Board unanimously approved the waiver request with the addition of considerations that are listed in the ELA letter dated March 17, 2022. B. Harris did mention that B. Kornman did have concerns regarding the riparian area and the staggering of the 400 trees in that area. He referred to the email from LandStudies that Kevin mentioned. There was a discussion about getting rid of some of the non-natives. B. Kornman suggested amending the ordinance to not plant the trees in the wetlands in straight rows, so that it doesn't look like a nursery. He suggests grouping the trees in various spacing openings, so that it looks more natural. D. Garrett added that he supports B. Kornman on this request with C. Kimmel agreeing. B. Kornman suggested that this suggestion on plantings be made part of the ordinance. B. Kornman asked what the street will be called. Ember stated that the idea is that the street that continued through would be Tupelo Street. He did state that this is still in discussion with the Township. There was a discussion about eliminating Hillcrest and continuing Tupelo Street all the way to West Woods. Harris suggested Ember address the open space lot where the trees are going to be planted then on the other side of Bachman also where the grade will go up and then there will be a meadow area there. Ember noted that at a previous meeting some additional

Planning Commission
March 23, 2022

screening at the top of the lot adjacent to the driveway was suggested. They did add some evergreen plantings up there and also the riparian buffer on the other side of Bachman Run would be expanded to the Township requirement of 35 feet. The area that is being graded would be a temporary condition, being reseeded and planted with some meadow mix and scape slope mixes. On a motion by B. Kornman and seconded by C. Kimmel, the Board unanimously approved the recommendation of conditional approval of the final subdivision plan.

INVITATION TO W. LOGAN MYERS PARK DEDICATION ON APRIL 6, 2022 AT NOON – This will be an informal ribbon cutting with some light refreshments.

T. Zug brought to the Boards attention a 52 acre parcel owned by Roy Zimmerman on West Lincoln Avenue that is currently zoned agricultural. There was a sketch plan done proposing a 650,000 square foot warehouse. B. Harris stated Vistablock approached the Township after the first of the year. Harris feels they would like to address the Planning Commission at some point, similar to what BuckHill did. Harris stated the Township's plan is to advise them that once we start with the comprehensive plan next year if they want to address the Planning Commission they could. The intent was just to put this information on the Commission's radar.

NEXT MEETING: April 27, 2022 at 7:00 p.m.

ADJOURNMENT: On a motion by B. Kornman and seconded by D. Keeney, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Brian Harris
Township Manager