

WARWICK TOWNSHIP

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

WARWICK TOWNSHIP PLANNING COMMISSION

Meeting Minutes

April 27, 2022

Chairman Tom Zug convened the April 27, 2022 meeting of the Warwick Township Planning Commission to order at 7:00 p.m. In attendance were Commissioners Tom Zug, John Gazsi, Jane Windlebleck, Marcello Medini, Robert Kornman, and Dale Keeney. Absent were Commissioners Dan Garrett and Craig Kimmel. Also present were Brian Harris, Township Manager; Chuck Haley, Township Engineer; Joyce Gerhart, RGS; Jim Snyder, Pennoni; Brandon Conrad, Vistablock; Larry Prescott, Professional Design & Construction; Kevin Varner, Diehm; Randy Hess, Hess Home Builders; Claudia Shenk, McNees Wallace & Nurick, LLC; Dana Clark, Spruce Villa Farm; Allen Martin, Newport Road; Mike Fyock, Orchard Road; and Roy Zimmerman, 1240 Brook Court, Lititz.

APPROVAL OF MINUTES: On a motion by J. Gazi and seconded by B. Kornman, the Board unanimously approved the March 23, 2022 minutes as submitted.

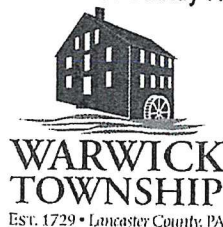
CONSIDER THE WARWICK CROSSING, PHASE 2 FINAL SUBDIVISION PLAN, PREPARED BY RGS ASSOCIATES, DATED 2/28/2022: B. Harris stated that Joyce Gerhart from RGS is present representing Warwick Crossing Phase 2 and Phase 3. Harris stated Phase 2 consists of 29 single family dwellings and an open space lot. Phase 3 contains 28 duplexes, and 3 single family homes. ELA's review letter from March 28, 2022 is included in the packet.

J. Gerhart stated this project is located along 6th Street. She noted that the remainder of 6th Street will be constructed prior to any construction in Phase 2, or before June 30, 2023. Phase 1 is currently under construction. Gerhart stated that they responded to both of ELA's comment letters. There are no issues with any of ELA's comments. B. Kornman asked why a 90 degree turn where Windmill and Autumn Harvest come together is proposed rather than a general curve. Gerhart stated that area was examined several different ways and the proposed turn was the most efficient way to get around that corner to make the lots work in that corner. Gerhart noted that it functions just like a T intersection, just without the third leg of the T.

On a motion by M. Medini and seconded by J. Winklebleck, the Commission recommended the Warwick Crossing Phase 2 & 3 Final Subdivision Plans.

CONSIDER THE WARWICK CROSSING, PHASE 3 FINAL SUBDIVISION PLAN, PREPARED BY RGS ASSOCIATES, DATED 3/2/2022: See Above

DISCUSSION ON THE ORCHARD ROAD EMERGENCY ACCESS: B. Harris stated that at the last Planning Commission Meeting, the Commission did endorse a recommendation to convey the access strip to the Township. This was prior to a title search being conducted. There are some issues with encumbrances on that property. In order for the Township to get a clear title to that, the Township would have to proceed with a formal condemnation, not an in lieu of condemnation. As part of the condemnation process, any creditors would have to be notified. It is a completely legal thing to do, but is time intensive. At the last Board of Supervisors Meeting condemnation was not supported, in part due to B. Crosswell not being comfortable at that time. Randy Hess and Claudia Shank from McNees Wallace &



Nurick, LLC are present to discuss some of the options. Harris stated that there are a couple things that can happen, one is the Township can proceed with a formal condemnation to ultimately acquire the .25 acre access strip, option 2 would be to make the emergency access conditioned as part of Phase 2 occurring, or option 3 would be the developer come back in front of the Planning Commission and redesign Phase 1. R. Hess stated that Option 1 is to go back to an original concept which was to permanently cul-de-sac the street and eliminate the second emergency access. Hess acknowledges that it was important to the Planning Commission and the Board of Supervisors to have a second emergency access. Option 2 is to move forward with the condemnation in order to acquire the .25 acre with a clear title. This process could be lengthy. If the Township would like to have the 2nd emergency access, he would be requesting to defer dedication of the strip prior to the Phase 2 plan being submitted. Hess went back to the preliminary plan approval where the cul-de-sac was in place at the time. The recommendation from the Planning Commission at the time was to make an effort to acquire a second emergency access. Hess notes that they have made an effort. Hess stated that he does still have a deal in place and would like to complete the transaction. He is looking for a recommendation on which path the Planning Commission would like to see moving forward. B. Harris also mentioned that at the Board of Supervisors meeting, it was suggested that R. Hess come back to the Planning Commission and get their feedback. B. Kornman stated that it wasn't that the Planning Commission wanted the 2nd emergency access, it was because it was absolutely necessary for safety. He also stated he would prefer that this issue be conquered in Phase 1 so that they are not faced with the possibility that the property purchase never happens and then we would be stuck with Phase 1 completed with no access. Kornman also stated that if the Township proceeded with the condemnation that any costs associated with court filings or the solicitor's time would be done by the developer and not the Township. R. Hess stated that covering the costs would not be an issue. He also stated that his position was, and is still, that without that second emergency access they did meet the ordinance and it was the Township's desire to have a second emergency access. He states that with a permanent cul-de-sac the ordinance would have been met and there was a waiver granted on the cul-de-sac to essentially make the cul-de-sac a stub street because of the emergency access. Hess stated that it was something that the Township really wanted, it was something the developer did at the request of the Township even though they weren't required to provide. C. Haley stated that Phase 1 meets the temporary cul-de-sac length, but in Phase 2 the cul-de-sac would exceed permitted length. He stated that it was a condition of the Board of Supervisors approval that cul-de-sac length requirement did ask for the easement. Haley noted that Phase 1 will still meet the ordinance, but when the loop is extended around to the furthest point, that is where the full cul-de-sac length exceeds the ordinance. Claudia Shank stated that part of the reason that they are requesting that the emergency access be deferred is simply because of how long the process is going to take. When the developer was looking at doing a deed in lieu of condemnation of the strip of land, it could have been accomplished in 1-2 months, but looking at a full condemnation will be a much longer process. Dana Clark stated that both the condemnation and the deferral of the condemnation are for the developer's benefit and solely their benefit. He also stated that as a tax payer he would not want the Township involved in any condemnation of a problem that the developer did not foresee or address. Allen Martin of 937 E. Newport Road shared his concern that the developer completes Phase 1 and then is unable to make the emergency access, the developer will be back to the Township again looking for accommodations. C. Shank stated that they are proposing that the emergency access be a condition before Phase 2 begins. B. Kornman asked C. Haley if the developer does not proceed with Phase 2 and they have a temporary cul-de-sac approval, what happens if the developer doesn't do Phase 2. The plans for Phase 1 and Phase 2 were reviewed. B. Harris stated that in regards to the Gerhart property, that connection has been added to the Township's official map so if this plan doesn't happen immediately, at some point when Gerhart comes in to do anything on that parcel, that would be the Township's opportunity to acquire the parcel. Under the MPC, anything listed on the official map you have a year to negotiate with the developer for acquisition of what is shown on the official map. If it went the full year, the Township would be forced into a situation where they would issue the permit to proceed or with a taking. Harris also stated that the issue is that the Township cannot take clean title to the property without going through the formal condemnation process where all the debtors are notified. The only way that the Township will have a clean title to that property is if the condemnation route happens. D. Clark asked why the developer doesn't purchase one of the other properties with a clear title. Mike Fyock of Orchard Road stated that a property was just on the market approximately 2 weeks prior and was sold. The developer would have had the opportunity to acquire that property and have 2 main accesses. Fyock also stated that there was a petition of residents of Orchard Road asking for the

connector road between the two developments be there to give more access points. T. Zug stated that Wood View is a cul-de-sac. If the two cul-de-sacs were connected with a full street, that would be the best way to go, but it would require the developer acquiring one of the properties on the Wood View cul-de-sac. D. Clark stated that it does not put the Township in a dubious position of being a condemnation arm for a developer. T. Zug stated he would not be in favor of condemnation because then the Township is accommodating the developer which is not a benefit to the Township. C. Shank reiterated that the 2nd emergency access is not a requirement of the ordinance. Zug stated that the ordinance requires a development with more than 50 lots has to have a 2nd access and the Township is allowing an emergency access to replace the actual 2nd street access. B. Kornman asked if the developer's designer anticipated this problem. C. Shank stated that no one could have anticipated the lien situation until there was a title search. B. Harris stated that the plan that was recommended by the Planning Commission showed the 50 foot connector piece. Looking back at original sketches, the preliminary plan did not show that 50 foot strip because they showed the 2 access points, the main access point off of Orchard and then the 12 foot wide strip under the power line. Harris stated that what R. Hess is saying is the original plan didn't show that additional access because in his mind the ordinance was met by those two accesses. Zug stated that the Planning Commission wanted the 2nd remote access which is why they suggested purchasing the .25 acre from R. Gerhart. B. Harris stated that the plan will not be recorded because it does not satisfy the conditions of the plan. If the Planning Commission is adamant about the developer acquiring that lot or an additional access point, R. Hess is in a position where he is then requesting extensions for recordation from us while he pursues his options. Harris also stated that what he is hearing from the Planning Commission is that they are not recommending a condemnation to the Board of Supervisors. B. Kornman asked if the developer had two access points onto Orchard Road, how far apart would they have to be. C. Haley stated that there should be 600 ft. between two regular streets but you would have to look at what classification Orchard Road is. R. Hess stated that when they originally looked at having 2 access roads off of Orchard Road, there was an issue with grade. B. Kornman stated he is favor of condemnation in Phase 1. T. Zug stated that he does not see any issue with going forward with Phase 1, but not Phase 2. He suggested seeing if anyone along Wood View would be interested in selling to allow for a full street. C. Shank asked for some clarity on the Commission's position on condemnation. C. Haley stated that the developer would have to revise the Phase 1 plan so it shows a temporary cul-de-sac. Phase 2 plan would show all the streets and should include the connection and removal of the temporary cul-de-sac. C. Haley explained the reasoning behind the connection being emergency access instead of a full access street. R. Hess stated that when they did come to an agreement with R. Gerhart to purchase his lot, the offer was made and the discussion was do you want it to be a full access and they were willing to do that at the time. It was the recommendation of the Planning Commission and the Supervisors that the developer keep it a restricted emergency access and not a full access. B. Harris clarified that the Planning Commission recommendation is to support proceeding with Phase 1 conditioned on the solicitor having satisfactory documents in place to assure this access will be acquired and in place prior to Phase 2. On a motion by B. Kornman and seconded by Marcello Medini, the Commission unanimously approved the recommendation to support proceeding with Phase 1 conditioned on the solicitor having satisfactory documents in place to assure the emergency access is acquired and in place prior to starting Phase 2 of the project.

CONSIDER THE MICHAEL PALASZ FINAL LOT ADD-ON & LAND DEVELOPMENT PLAN, PREPARED BY DIEHM & SONS, DATED 3/22/2022: B. Harris stated that Kevin Varner is present representing Dr. Palasz. This is a property off of Toll Gate Road, zoned Community Commercial. He is proposing to merge two lots to have a parent tract of .77 acres. In addition to the lot add-on he is proposing a building addition of 940 square feet. There are 4 waivers associated with the plan, one is the preliminary plan application, improvements to existing streets and curbing and sidewalk. K. Varner gave a brief overview of the property. He stated that some swale work was done in the past. Part of the plan is to take two lots and join them together into 1 lot and expand the existing parking lot with 18 spaces and reconfigure other parking. The addition is secondary on this plan. The addition is to bring equipment up from the basement for use. B. Harris asked if there was any objection to extending the existing sidewalk along Rt. 501 down to Toll Gate. Varner was agreeable with what the Planning Commission's preference is. Varner stated the applicant already has 50 foot right-of-way and the cart width is 28 feet wide, so the only piece would be the overlay. The applicant is asking for a deferral of curb improvements along Toll Gate Rd. until such time as the Township deems it necessary. Varner mentioned that PennDot has a slope easement on the property. He also confirmed that they will be looking at

their storm water based on comments. They are attempting to keep their depth as shallow as possible. They are looking at other options. B. Kornman asked if there is any room between the end of the proposed parking and the landscaping that is at the intersection of Rt. 501 and Toll Gate Road to put a surface detention in there. On a motion by J. Gazsi and seconded by M. Medini, the Board unanimously approved the recommendation of conditional approval of the subdivision and lot add-on plan.

CONSIDER CONDITIONAL USE CASE 2022-1, CORNERSTONE DAY CARE FACILITY, PREPARED BY PROFESSIONAL DESIGN & CONSTRUCTION, DATED 3/29/2022: B. Harris stated that Larry Prescott from Professional Design & Construction is present representing the applicant. The applicant is proposing a lot consolidation. The applicant did file an application for conditional use for a day care. The advertising has been completed and it will be on the May 18, 2022 Board of Supervisors agenda for consideration. The applicant is proposing to merge the lot with the 2-story home with the parent tract totalinh 3.2 acres. L. Prescott stated that the house on the site was built in the 1800's and Dr. Mershon purchased the property in the mid 1990's to incorporate with the rest of his businesses. There is no one living in the home at this time. Prescott stated that the house no longer meets the standards of a residence because of where it is located in the middle of the commercial district. Mershon would like to clean up the property and use it as part of his land. The only access to this property is through the Cornerstone property with the driveway coming in from the Cornerstone parking lot. There is no street access to Rt. 501. The plan is to remodel the house and take the garage and create a classroom in that area. With the size of the building the maximum number of students allowed on that property would be 16. Dr. Mershon has found a woman willing to lease the property from him and operate the day care center. Prescott stated that the review letter they received had a lot of land development issues mentioned in terms of access, parking, and driveways. They are working with DC Gohn for this project. If the applicant is granted the conditional use, the applicant would apply for a land development plan. The applicant is proposing to make the property all one lot. The applicant is seeking consideration of granting a conditional use to the property to turn the old residence into a day care facility. M. Medini recused himself from this case. B. Harris stated that it would be beneficial to have all the existing uses on the campus listed and the parking requirements for each operating business. Prescott stated using the calculations to do the parking there was an excess of 20 spaces or more but he will clarify that further. The required number of spaces for the day care would be 1 for every 6 students, so 3 spaces would be required which would be up against the building for people coming to drop off or pick up students. The day care staff would park in some of the other lots on the site. B. Kornman suggested moving the parking spaces further to the west so that the person who is backing out of the space that is the furthest to the east has a way of backing without hitting the end of the pavement. The plan is to widen the driveway to the day care center so that there can be two-way traffic in and out. Prescott stated that the parking spaces and sidewalk connector will be looked at when they prepare the land development plans. T. Zug stated that as far as the conditional use, they are looking at hours of operation and lighting. Prescott stated the hours of operation would be normal business, estimating 6:30 am to 5:30-6:00 pm. They do not have an agreement with the specific user at this point but there is no intention of the day care being open 24-7. There would be lighting from the building for parking and there would be lighting for the playground area but they are trying not to add any additional pole lights to the property. J. Windlebleck asked about fencing for the property. Prescott did say the side yard for the play area would be fenced in. He stated a 300 square foot is the required minimum for play surface for 16 students. They are trying to make that play area as big as possible but there is a swale to be addressed. On a motion by J. Windlebleck and seconded by J. Gazsi, the Board unanimously approved the recommendation of conditional use for Cornerstone day care facility.

VISTABLOCK, CONCEPTUAL INDUSTRIAL SITE PLAN, PREPARED BY SNYDER, SECARY, & ASSOCIATES, DATED 4/15/2022: B. Harris stated that this parcel is a 52 acre parcel owned by Roy Zimmerman in agricultural zoning. The Township was approached by Vistablock to consider a possible industrial use of the site. Harris informed them that when comprehensive plans are done these types of rezoning get considered. Brandon Conrad is here for informational purposes. Conrad stated that Vistablock is a Lancaster County real estate development partnership. He is joined by Jim Snyder who is a civil engineer that specializes in industrial projects. Vistablock looked at this 52 acre farm that borders Johnson & Johnson's 1.2 million square feet of industrial space and borders Tait's 300,000 square feet of industrial space. Conrad stated that this makes sense as an industrial site because it is so close to other

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industrial uses, has water and sewer access, and the demand for industrial square footage in Lancaster, Dauphin, and Berks counties is 32 million square feet. He also mentioned employment opportunities, tax revenue, and it does not increase schools. Conrad is looking for information from the Planning Commission as far as questions or feedback before they proceed. B. Harris asked about the buildings. Conrad stated that the two buildings they sketched in the plan is just to show how much industrial space could fit based on the ordinance. He also stated that it was explained to him that the demand for industrial square footage increases the large the building can be. B. Kornman shared his concern for quality of life when the roads are overwhelmed with additional traffic. Kornman also noted that Warwick Township is fighting to preserve farmland. The Planning Commission echoed Bob's comments and all agreed that they are not in favor of this plan.

NEXT MEETING: May 25, 2022 at 7:00 p.m.

ADJOURNMENT: On a motion by D. Keeney and seconded by M. Medini the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'BH' followed by a large, sweeping oval flourish.

Brian Harris
Township Manager