

WARWICK TOWNSHIP

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

WARWICK TOWNSHIP PLANNING COMMISSION

Meeting Minutes

August 24, 2022

Chairman Thomas Zug convened the August 24, 2022 meeting of the Warwick Township Planning Commission to order at 7:00 p.m. In attendance were Commissioners Tom Zug, Jane Windlebleck, Dan Garrett, Robert Kornman, John Gazsi, and Dale Keeney. Craig Kimmel and Marcello Medini, were absent. Also in attendance were Brian Harris, Township Manager; Billy Clauser, Township Planner; Chuck Haley, Township Engineer; Ben Craddock, Lancaster Civil Engineering; Abner King, 619 W. Lincoln Ave, Lititz; J. Daniel King, 619 W. Lincoln Ave., Lititz; Steve Gergely, Harbor Engineering; and Jane Lenihan, 136 Pepperton Count, Lititz.

APPROVAL OF MINUTES: The minutes of the July 27, 2022 meeting were approved as submitted.

CONSIDERATION ON THE 619 WEST LINCOLN AVENUE CONDITIONAL USE PLAN, PREPARED BY LANCASTER CIVIL ENGINEERING COMPANY, DATED JULY 22, 2022: B. Harris stated that Ben Craddock from Lancaster Civil Engineering is present representing Abner King of 619 West Lincoln Avenue. This is a 70 acre agricultural parcel that they are seeking a conditional use recommendation for an additional structure on the property. They are showing the proposed structure on the west side of the parcel which is a 2 acre lot. There will be a road-side stand incorporated into the plan that is shown on the parent tract.

Ben Craddock stated he is representing Mr. Abner King. Mr. & Mrs. King would like to build a single family residence on their existing farm. They have submitted an application with a site plan and narrative. A single family dwelling is allowed within the agricultural district as a conditional use. The dwelling needs to be more than 200 feet away from any manure storage facilities or farm related businesses which they exceed that distance with their proposal being 750 feet from any farm building. The proposed dwelling is situated on the left side because of the requirement to cluster residential uses to try to minimize the loss of farm land. There is an existing residential use in the bottom left hand corner of the property which is the Ruth Martin property. They have situated the proposed dwelling to try to cluster those together. What they would like to avoid is having a knocked out section in the farm where all the farming has to go around the residential lot and it is surrounded by active farming on all three sides. The way their proposal is situated the dwelling would be surrounded on two sides with active farmland. This farm is an organic farm and Mr. King would like to keep the property as an active farm. Mr. Craddock reviewed some street view photos with the Commission highlighting the proposed driveway. T. Zug asked about the strip of farm between the new residence and the Martin property. Why not consolidate that and mirror that property and put the house and the barn over against the Martin property instead of leaving the narrow strip between the two. Mr. Craddock stated there are a couple reasons for the proposal. The first is Mr. King is not proposing to subdivide at the present time, the proposal is just showing that it could be subdivided. One of the requirements of the conditional use is to prepare for future access if possible so Mr. King would like if there is ever any more development, residential or a farm business, the proposed driveway could be extended to the north. The produce stand would need to be kept with the parent tract. If they moved the lines then the produce stand would need a variance for being on the residential lot. B. Kornman asked if the proposed lot were to be subdivided in the future, would it be possible to create another driveway to it. Craddock stated that if the property were ever subdivided they would intend a cross access easement from the King parent tract to all the owners of the subdivided land. They would like to minimize the amount of driveways out onto Lincoln Avenue. Craddock stated that if they subdivided as part of the land development process, they would provide a cross access easement from the King parent tract to the subdivided tract to allow the driveway to be used and that would allow the driveway to also be shared for any future uses as well. Kornman asked about the area between the proposed lot and the Martin property, if that were to become a main road into a larger subdivision, you would probably be a public street because it would be so big that you could bring your driveway off of



that. Craddock stated that was not Mr. King's intent. Kornman stated he didn't want them to build themselves into a box so that you don't have the options in the future. Kornman asked that if it came to be that you wanted to put a driveway into the proposed lot for just that lot, do you have adequate sight distance and stopping distance. Mr. Craddock stated that they submitted the application to PennDOT and they have already gone out and evaluated the sight distance. D. Garrett stated that he thought the plans were very well laid out and he doesn't see any problems with it. D. Keeney asked if there is a reason why it couldn't be flipped and have the access on the other side. Her concern is the produce stand is right next door to the neighbor where it might be more beneficial for the neighbor that it is further away. B. Harris stated that this had been discussed to some degree. B. Kornman asked if they had talked to the Martins in regards to their plan. Mr. King confirmed that he has spoken with the Martins. T. Zug asked if the Board wants to recommend they at least make the end of the driveway from the produce stand out to the street wide enough for two-way traffic. J. Windlebleck felt that made sense. Mr. Craddock stated that from Mr. King's point of view he would prefer not to have it looking commercial. Zug stated that they are not suggesting that it be paved or anything, but just make it wide enough for two lanes of traffic, maybe 14-16 feet wide. On a motion by D. Garrett and seconded by D. Keeney, the Board recommended approval of the Conditional Use Plan for 619 West Lincoln Avenue. B. Harris stated that they will be on the September 21, 2022 Board of Supervisors agenda for a public hearing. It will be advertised and the property will be posted prior to that meeting. Harris requested an updated sight plan reflecting the widened access lane and a note stating driveway width being a requested condition.

CONSIDERATION ON THE 743 EAST MILLPORT ROAD SUBDIVISION PLAN, PREPARED BY HARBOR ENGINEERING, DATED AUGUST 9, 2022: B. Harris stated that Steve Gergely from Harbor Engineering is present with Mr. John King. This property is a 46 acre parcel that is proposed for 3 lots, one lot is 2 acres off of Creek Road that is a flag lot, there is a 20 acre tract that is on the west side of Lititz Run and then there is a lot that a business currently exists on which would be 743 East Millport Road. Most of the property is in the agricultural zoning. There is a letter from ELA dated August 19, 2022 in the packet along with Mr. Gergely's response.

S. Gergely stated that the business and Mr. King's residence is at the corner of Warwick and East Millport Roads and Lititz Run also bisects the property. Gergely stated that in addition to the business use, the majority of the farm is used as pasture with approximately 7-8 acres of cultivated land along Creek Road. There is nothing proposed at this time to be constructed, but John is planning for the future. The long-term plan is for Mr. King's daughter and son-in-law to build a home on the lot with a lane off of East Millport Road. This is one of the lesser productive areas of the farm, being more steeply sloped and rockier. Mr. King would potentially build a home on the flag lot in the future when he and his wife become older and the family home goes to someone else. Gergely stated that the idea of the flag lot is because Mr. King wants to cluster his home closer to his daughter and son-in-laws house. He would also like to be off the road and from a productivity standpoint the area where he wants to build his home is the rockier section and the least productive as far as being a cultivated area. Using the flag lot would preserve more tillable ground closer to Creek Road. They are asking for some modifications, one is for roadway improvements along Creek, Millport, and Becker Roads and the second is to not set concrete monuments along all points of the proposed right-of-way but instead to set some iron pins at strategic points and those were both recommended for approval. Gergely also mentioned the riparian buffer requirement along Lititz Run which is a requirement in the storm water management ordinance. There is nothing planned that requires storm water management at this time, however the Township is interested in getting that on the plan as part of this recorded subdivision plan. Mr. King is willing to do that and it will be shown on the revision. There will be notation on the plan stating that as soon as either lot #1 (flag lot) or lot #2 would be developed the associated plantings would be planted within the riparian buffer. This plan is consistent with what the neighbor had done with the subdivision off of Becker Road a few years ago. This would kick in during the storm water management review process but they will establish the easement as part of the subdivision plan. Gergely mentioned a ground water recharge easement from lot #1 that goes over lot #2 which is because of the nitrate levels in the area. All the lots will have on-lot sewer. They had to test for background nitrates for the adjoining wells. The nitrate levels were elevated somewhat and the minimum lot size for residential use is 2.8 acres. They have a 2 acre lot for the residence in the future. The plume easement or groundwater recharge easement represents a little less than 1 acre that is directly downslope of the drain fields and then goes to the creek area. This will give the applicant the ability to subdivide the properties from DEP's standpoint. They are currently working on the sanitary sewer planning module. The lots have been perked and probed and they are running through the module process right now with the county. B. Harris asked the applicant if he anticipates being able to actively farm in the area adjacent to the flag pole. Mr. King stated that area is currently being farmed. He also stated that Creek Road is a very busy road and he prefers to build further off the road. Mr. King did state that the property will always have horses grazing, cattle grazing, or crops growing on it. B. Kornman asked if there is any way that Mr. King would agree to do the stream bank improvements now as opposed to doing them when the lots are developed. Kornman mentioned that it is an ongoing effort throughout the county to do stream side

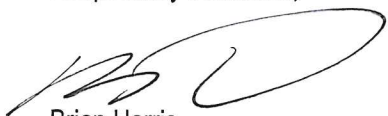
improvements, vegetation, keep the cattle out, keep the crops out, and vegetate them in a more natural state. Mr. King stated that his daughter and son-in-law will be building in 2023. Mr. King agreed to do the plantings within 2 years of approval. He stated that there is stream bank fencing there already along with vegetation. The neighbor has put in a wider buffer and plantings to offset some storm water. Mr. King stated he has no problems with the easement, but he would prefer to talk about the plantings once they are in to the building project because they are not looking just to throw those plantings out and not getting credit for them. S. Gergely stated they want to work closely with the Township staff and ELA to do the buffer plantings in such a way that they get credit for that in some fashion for the storm water plan, so the details of that will be worked out. T. Zug did confirm that the neighboring property did receive credits for storm water. B. Harris asked about the proposed driveway that is in the 100 year flood plain and if they have planned on getting zoning relief. Gergely confirmed that they will get PennDOT permits and zoning permits because it is a special exception. B. Kornman asked if Mr. King has talked to any of his neighbors about his plan. Mr. King stated that he has not talked to the conservancy because they are not part of it. B. Harris stated that he did sit down with Logan Myers and reviewed the plan and Mr. Myers wanted to see the riparian buffer. Mr. Harris felt Mr. Myers is comfortable with the plan as shown and is up to speed on the project. D. Garrett stated that there is precedent if Mr. King is worried about getting credit for storm water and with that precedent the Board can give credit in writing for future use so Mr. King would not have to worry about losing or not getting that credit if he does the planting now. Mr. King shared his thoughts in regards to the planning and time constraints. S. Gergely stated that they could put a note on the plan that states that the plantings will be installed within 2 years of recording the plan. Gergely stated he is almost certain that will happen because the storm water management plan is going to be filed this year or early next year. He also stated that if it isn't done, there is a note on the plan and they will work out the plantings with staff and get that done within 2 years of the recording. T. Zug stated that as long as the stream banks are fenced and natural growth can start that is at least a step in the right direction. J. Windlebleck stated she is okay with everything except the flag lot. She asked if there is any chance that could be changed. S. Gergely stated that in order to subdivide this property the minimum size for a farm is 20 acres so that is what lot #2 is and the maximum size for a residential lot is 2 acres. Mr. King wants to build his house in the proposed location to be away from the road and in the least productive area. If they put his home somewhere else and subdivide the property in another way lot would exceed 2 acres and it would not work. The farm would be too small and the residential lot would be too large which would require zoning approval that would likely be denied because of the lack of a hardship. The flag lot is the preferred way to subdivide for the applicant. On a motion by D. Garrett and seconded by J. Gazsi, the Board approved the waivers on the 743 E. Millport property. On a motion by D. Garrett and seconded by D. Keeney, the Board granted the conditional approval of the 743 E. Millport Road subdivision plan.

INVITATION TO THE LANCASTER HISTORIC PRESERVATION SUMMIT ON SEPTEMBER 30, 2022: B. Harris stated that if anyone is interested in attending, let him know and he will take care of registration. Mr. Harris felt it was prudent to attend seeing that the Township is entertaining the Rohrer's Quarry discussion with regards to 820 Woodcrest Avenue. This is an opportunity to expand your knowledge on historic preservation. There were a few interested in attending.

NEXT MEETING: September 28, 2022 at 7:00 p.m.

ADJOURNMENT: On a motion by D. Garrett and seconded by J. Windlebleck, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,



Brian Harris
Township Manager