

**WEST LAMPETER TOWNSHIP
BOARD OF SUPERVISORS
MEETING OF JULY 10, 2023**

Supervisor Barry Hershey called the Regular Meeting of the West Lampeter Township Board of Supervisors to order at 7:00 p.m. with the Pledge to the Flag. Those in attendance were Supervisors Randy Moyer, Geoffrey Beers, J. Richard Breneman and Randall Andrews. Township Manager Dee Dee McGuire, Police Chief Brian Wiczkowski, Public Works Supervisor Sean Alexander, Township Engineer Charles Haley ELA Group, Inc., Planning/Zoning Officers Michele Neckermann and Kim Yepremian, and Recording Secretary Nancy Mellinger were also present.

PUBLIC COMMENT

Robert Zug, 11 Rees Dr, remarked on the number of people solicitating on Rees Drive. Non-profit organizations do not need a permit but all other businesses must apply in the Police Department for a permit which must be carried. Residents are encouraged to ask to see the permit.

Roger Brosey, 1806 Lampeter Rd, inquired about Maryland drivers coming into Pennsylvania driving under the influence of marijuana which is legal in Maryland. Chief Wiczkowski stated in PA you can not drive under the influence of drugs; it does not matter which state you are coming from.

MINUTES

Supervisor Breneman made a **MOTION**, seconded by Supervisor Moyer, to approve the Minutes of the Regular Meeting of June 12, 2023 as presented. The motion was approved, 5 in favor to 0 against.

PLANNING MATTERS

1. Conditional Use Hearing-WL2023-CU-001 Lampeter Meadows

Anthony Schimaneck Esq., Morgan, Halgren, Crosswell & Kane, Solicitor for the Township, reviewed the procedures for the Conditional Use Hearing regarding Lampeter Meadows, 1820 Lampeter Road. A court reporter was present for the hearing.

No one entered an appearance as a party to the proceedings.

Township Exhibits entered: 1. Proof of publication.
2. Affidavit of Public Notice of Hearing
3. Application dated June 13, 2023
4. ELA Group Review Letter dated June 29, 2023

Jayne Katherman Esq., Barley Snyder, represented the applicant, Builder Services Group, trading as Kenneth Homes. The property under consideration was 1820 Lampeter Road. A Tax map image and a Google arial image were entered as Applicants Exhibit 1 and 2. The property is in the Township's residential village district. It consists of a residential dwelling and associated detached structures; all of which are planned for demolition. In their place, the applicant is proposing to construct a residential development to be known as Lampeter Meadow, consisting of forty-five single family, detached homes and a total of forty-eight lots which is less than the number on the original application. The applicant is proposing a public street, utilities, storm water facilities, and sidewalks. They are present for a Conditional Use hearing which is required under the Code of Ordinance Section 285-26 Table of Allowed Uses.

Josh Weidler, engineer for the project from BL Companies, was called as the first witness. He confirmed having twenty years' experience in Land Development, holds an engineering degree, and an EIT followed by PE licensure. He prepared the sight plan included in the packet distributed at the meeting, which was entered as Applicants Exhibit 3. He described the layout in broad terms. The development would have a single access point. Forty-five lots would be for single family homes and three lots would contain storm water facilities. Storm water easement areas are proposed. Homes would have twenty-five-foot-long driveways, two car garages and two cars would fit in the driveway. Comments from emergency services and Township staff were incorporated into the plan. Applicants entered as Applicants Exhibit 4 their response letter dated July 10, 2023. Solicitor Schimaneck was given a copy of the letter.

In response to the comments, storm water will be split similarly to the existing natural split on the property and additional drainage has been added to the plan. Emergency access plans were shown. PennDOT will need to approve the final access plan. Alternate access plan showing a boulevard entrance was entered as Applicants Exhibit 5. Applicant is willing to present both options to PennDOT as a condition. Screening will be placed along the open space park area. Required landscaping will be provided. The stub street was added in response to comments received. A waiver is needed for the center line radius. The curves of the roadway are tighter than what is allowed by ordinance. A plan was prepared showing that a fire truck would be able to make the turns successfully even with cars parked along both sides. However, since they are tight turns, they would suggest having a no parking zone on the inside curve areas. He would expect normal traffic patterns. Storm water basins are planned in the low point on the northwest side and two along Lampeter Road. Mr. Weidler believes these basins and other storm water management practices shown will provide adequate storm water management for the site. Sewer and water authorities have been contacted. Sewer authority would like the Conditional Use process completed before guaranteeing service. Based on Mr. Weidler's preparation of the plan, the property is not impacted by steep slopes, woodlands, wet lands, flood plains, springs or other natural features. In his opinion, the proposed use will not substantially harm any surrounding residential neighborhoods and it is consistent with the surrounding area and surrounding neighborhoods. Water is available for the site through Lancaster City water.

The Board was not in possession of the new plan. Supervisor Beers clarified maintenance of storm water facilities. Mr. Weidler said maintenance of the storm water basins would be the responsibility of the HOA. He also questioned the helpfulness of the boulevard entrance.

Second witness sworn or affirmed was Kenneth Carper, president of Builder Services Group, Inc. trading as Kenneth Homes. The applicant has experience with development projects similar to what is being proposed. His office prepared the elevation and floor plans submitted with the application. Applicants Exhibit 6 Conceptual Renderings were entered. Applicants Exhibit 7 Front Elevations were entered. All the rendering and elevations refer to single family homes. The development would be a mix of styles. In Mr. Carper's opinion, the proposed use will not substantially harm any surrounding residential neighborhoods and it will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards. If the Conditional Use is granted, he agrees to comply with all laws and regulations through the development process. If required for approval, he is agreeable to the Board attaching reasonable conditions and safeguards to the Conditional Use.

Mr. Weidler stated the boulevard entrance was in response to a Township comment. Their preference would be to have it as a normal entrance.

Supervisor Hershey questioned the tight turns on the west end of the development. Applicant entered Exhibit 8 West Lampeter Fire Truck Turning Movements.

Supervisor Hershey inquired which lots were impacted by the emergency access. It was stated the HOA will maintain the emergency access area and the strip access. Supervisor Breneman questioned which plan was under consideration. Attorney Katherman replied tonight's Applicant Exhibit 3.

Third witness sworn or affirmed was Jarred Neal, Traffic Planning and Design as Senior Project Manager. He has worked in the field eighteen years, nine of which were as a PE. He evaluated trip generation and distribution counts in regards to the proposed use. He used the Institute of Transportation Engineers Trip Generation manual to project what type of volume a development of this type would generate. It is projected the morning peak hours would generate 37 trips in and out and evening peak hours would generate 49 trips in and out. A Gravity model was submitted as part of the PennDOT scoping application. A full traffic study would be conducted as part of the Land Development plan. In his opinion, there is not a high probability that the anticipated traffic to the site will pose a substantial threat to the health and safety to the surrounding community and the proposed single family residential neighborhood generate traffic patterns not normal generated by that type of use.

Supervisor Beers asked what distribution was analyzed in the study. Mr. Neal replied trips coming out to Lampeter Road and heading north were analyzed.

Attorney Katherman reviewed the general standards for Conditional Use and her client's compliance with the standards. Josh Weidler affirmed that he gave true and correct testimony tonight to the best of his knowledge.

Charles Haley, West Lampeter Township Engineer, was sworn or affirmed. He has reviewed the plans except for the plan submitted at the hearing. His findings were submitted in review letters. Many of his concerns were addressed in the evening's testimony. He referenced emergency access, access to Village Park being pedestrian only, addition of a future stub street, storm water management (watersheds not being transferred) and the turning radius. He has not reviewed the letter of July 10, 2023. And may have additional comments. Boulevard changes and vision were discussed. Emergency access with reinforced turf has been used in other townships and in one location in West Lampeter.

Roger Brosey, 1806 Lampeter Rd, was sworn or affirmed. He has resided at his property for thirty years. He provided photographs showing water levels along Lampeter Road during storms. Mr. Wiedler said the concerns were raised at a Planning Commission meeting and the storm water design was changed. Mr. Weidler request copies of the photographs. Mr. Brosey remarked that a mosquito pond was not needed. Solicitor Schimaneck asked Mr. Weidler if it was safe to say that his proposal will address some of these concerns and that it will be no worse than it is now and will presumably much better than it is now. Mr. Weidler agreed. Mr. Brosey asked if there was an ordinance that specified how close a new road could be built from an existing road. Community Development will research intersection separation distance.

Lamar Rohrer, Penn Grant Holdings, 1728 Bridge Road, was sworn of affirmed. Mr. Rohrer questioned if the Lampeter Road and Village Road intersection can handle the increase in traffic with the preserved buildings on either side. He said it seems like we are trying to preserve history but he doesn't know if we can. The current road project has made Lampeter square a traffic disaster area. He asked where the lower storm water basin will drain. Mr. Weidler replied lower volume flows will be detained in the basins and discharged through small pipes. Large flows will have berm spillways. PennDOT will also review the storm water plan.

Solicitor Schimaneck advised the Board to take the testimony under advisement and render a decision at a later date, in all likelihood, at the August meeting.

Supervisor Beers made a **MOTION**, seconded by Supervisor Andrews to close the testimony for the Conditional Use hearing. The motion was approved, 5 in favor to 0 against.

After a five-minute break, the meeting was resumed.

2. Lot Add-On Plan - WL2023-LAOP-002 Hay

John Pogue, Landvision, LLC, presented a plan to combine two lots which are on the same deed. Lancaster County Assessment has them as two separate lots. This situation has existed for many years and the house was built across the lot line 40 or 50 years ago. The deed line is problematic to the current owners who desire to build an addition. No street improvements are proposed. A right-of-way can be reserved for dedication to the Township in the future.

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to approve the modification for preliminary plan for Lot Add-On plan for David J. and Christina L. Hay prepared by Landvision dated March 31, 2023 sheet 1 of 1, Last revised on June 9, 2023 and approve the plans conditioned on Township Engineer Review Letter dated June 22, 2023 noting additional Right of Way be reserved to the Township. The motion was approved, 5 in favor to 0 against.

3. Revised Final Plan-WL2023-RFP-003 Meadow Ridge

Craig Smith, RGS Associates, reviewed Willow Valley Lakes request to remove a portion of pavement from Meadow Ridge access drive and parking spaces. Additional a few patio spaces will be created, as well as green space. This is essentially a “landscape plan” which will result in a net reduction of impervious coverage. The number of parking spaces will still be in compliance with the use. A waiver request to not provide financial security for the project due to the size and that it is a removal of pavement is requested.

Financial security options were discussed.

Supervisor Beers made a **MOTION**, seconded by Supervisor Andrews, to approve the modification of financial for Meadow Ridge Revised Final Plan for Willow Valley prepared by RGS dated May 11, 2023 sheets 1 of 6, last revised on June 21, 2023 as well as sheet 10 of 25 dated July 23, 2004 conditioned on Township Engineer Review Letter dated June 28, 2023 noting that there will be a note on the plan for financial security or a letter from their attorney. The motion was approved, 4 in favor, 0 against, 1 abstention (Moyer, professional conflict).

4. Agreements-1891 Windy Hill Road

The agreements provide a time sequence for the installation of sidewalks and curb cuts by owners upon the request of the Township.

Supervisor Beers made a **MOTION**, seconded by Supervisor Breneman, to authorize the Chairman to execute the two Sidewalk and Curb agreements for the Leaman’s once the original documents have been received at the Township Office. The motion was approved unanimously, 5 in favor, 0 against.

5. Well Isolation Waiver-712 Village Road

The cesspool has failed at this property. The newly designed absorption bed would be 85 feet from the well.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to grant a waiver of Well Isolation for 712 Village Road. The motion was approved unanimously, 5 in favor, 0 against.

MONTHLY REPORTS

1. Community Development Department Report

Ms. Neckermann reviewed the status of Martin, Kendig, 1714 Newport Drive, Tommy’s and Mavis and 1891 Windy Hill Road plans. She highlighted changes in staffing. In the coming months, the department plans to propose improvements for the On-Lot program. The ODLS report has been reformatted.

Ms. McGuire reminded the Supervisors of the August 2nd meeting to discuss the Zoning Ordinance update.

2. Treasurer’s Report

Revenues

Revenue for the period ending June 30, 2023 totaled \$4,825,519, an increase of \$303,020 from 2022.

Expenditures

Expenditures for the period ending June 30, 2023, totaled \$2,938,226, an increase of \$162,517 from 2022.

Surplus

The surplus at the end of June 2023, totaled \$1,887,293, an increase of \$140,503 from 2022.

Supervisor Beers noted the 2023 budgeted reserve transfers totaling \$1,861,000 were made in June. The majority of these funds were placed in various short-term investments earning

between 5.49% - 5.71%. The remaining funds were placed in a high-yield money market earning 5.25%.

Paying the Bills

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to accept the Treasurer's Report, and authorize the staff to satisfy the ordinary and routine obligations incurred by the township in order to take advantage of discount and allowances, and to avoid delinquent penalties and carrying charges. The motion was approved unanimously, 5 in favor to 0 against.

3. Public Works Report

Mr. Alexander noted Suburban Lancaster Sewer Authority announced the relocation and reconstruction of a portion of the sewer line at Millport and Resch Lane. The work is expected to take about two weeks.

4. Police Report

Chief Wiczkowski stated the department participated in ten targeted traffic enforcement details, one of which was for speeding.

5. Township Manager's Report

Ms. McGuire reported Quarryville Fire Police have requested assistance for the parade on Wednesday, September 20th. Approval was granted. The Financial Policy has been revised. A draft copy has been provided for your review.

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to adopt the amended Financial Policy. The motion was approved unanimously, 5 in favor to 0 against.

TOWNSHIP ADMINISTRATION MATTERS

1. Resolution 12-2023 Village Road Sidewalk Easements

The Township is working with the final land owner to obtain right-of-way for the Village Road Sidewalk project. Solicitor Bob Sisko has prepared the documents granting easements.

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to adopt Resolution 12-2023 authorizing the acquisition of access and pedestrian sidewalk and construction easements by dedication, by grant in lieu of condemnation, or by eminent domain. The motion was approved unanimously, 5 in favor, 0 against.

2. PPL Right-of-Way Village Road

Supervisor Moyer made a **MOTION**, seconded by Supervisor Andrews, to grant the PPL Right-of-Way on Village Road. The motion was approved unanimously, 5 in favor, 0 against.

OTHER BUSINESS

None.

EXECUTIVE SESSION

Chairman Hershey announced the Supervisors would enter into Executive Session to discuss personnel matters. He said no votes will be taken when the meeting reconvenes. Executive Session began at 9:07 p.m.

ADJOURNMENT

The meeting reconvened and with no other business to be conducted, the meeting was adjourned at 9:26 p.m.

Respectfully Submitted,

Denielle L. McGuire, Assistant Township Secretary-Treasurer