

**WEST LAMPETER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING OF MARCH 14, 2022**

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, Chief of Police Brian Wiczkowski, Public Works Supervisor James Kreider, Community Development Director and Assistant Township Manager Amanda Hickman, and Recording Secretary Nancy Mellinger were also present.

RECOGNITION OF PROMOTION – Detective Sergeant Heinly and Sergeant Powell

Chief Wiczkowski recounted the numerous achievements of Detective Heinly and Officer Powell. Each man has contributed substantially to the department. After completing the interview process, they were selected to fill the role of sergeants. The sergeant's wives pinned on their chevrons.

PUBLIC INPUT PERIOD

Rob Arters, Blueberry Circle, commended the Police Department for the assistance given when his vehicle was recently disabled. Mr. Arters commented that vehicles and buses are traveling too fast on Township roadways.

Thomas Johnson, Willow Street Pike, remarked on speeding being a concern in the township. Mr. Johnson stated his dissatisfaction with the service provided by the trash hauler and the township staff's response.

AG SECURITY HEARING-STEVE AND SUSIE KING-879 Eshelman Mill Road

Applicant/Owner: Stevie and Susie King

Property Location: 879 Eshelman Mill Road

Project Description: Applicants are seeking to add approximately 53.65 acres of land identified as 879 Eshelman Mill Road, Lancaster County Tax Account No. 320-53914-0-0000, to the existing Agricultural Security Area.

Jason Hess, Esq., attorney for the township, explained the procedures for the Ag Security Area Addition Hearing. Applicants were not present for the hearing. Amanda Hickman was sworn in to testify. A court reporter was present for the hearing.

Township Exhibits:

- a. Proof of Publications of Notice of Hearing published in LNP on February 28, 2022 and March 7, 2022.
- b. Posting of the Property and photograph dated March 3, 2022.
- c. Written notice sent to applicants.

Application went before the West Lampeter Planning Commission, no written comments or actions were taken. Ag Security Advisory Committee submitted four written recommendations for approval. No objections or modifications to the application were received.

No public statements were made.

OPEN PUBLIC HEARING

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to open the Public Hearing on Ag Security Area Addition. The motion was approved unanimously, 5 to 0.

PUBLIC COMMENT

No public comments were made.

CLOSE PUBLIC HEARING

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to close the Public Hearing on Ag Security Area Addition. The motion was approved unanimously, 5 to 0.

BOARD DISCUSSION

Supervisor Hershey read the following staff comments: The Township's current Comprehensive Plan places high priority on protecting farms with prime agricultural soils located outside the Urban Growth Boundary. In the case of the farm petitioning for inclusion into the Township's Ag Security Area, it does contain prime agricultural soils and is surrounded by farms already in the Ag Security Area. The Township has elected to review the petition from the date receives and process the request per the Standard Procedure. It is the recommendation of the Planning Commission, Ag Security Committee and Township staff that this petition be approved. Supervisor Breneman recommended the land 25 feet from center (road) line not be included in the Ag Security Area.

Supervisor Breneman made a **MOTION**, seconded by Supervisor Moyer, to approve Resolution 6-2022 which is the application for Ag Security Area for 879 Eshelman Mill Road, the owners Stevie and Susie King, provided that the land 25 feet from centerline of Eshelman Mill and Gypsy Hill Road not be included in Ag Security Area for future right of way planning purposes. The motion was approved unanimously, 5 to 0.

CONDITIONAL USE APPLICATION-PARKSIDE AT LAMPETER, LLC (1718 Lampeter Road, 820 & 830 Village Road)

Applicant/Owner: Parkside at Lampeter, LLC & Metzler Hess Partnership

Property Location: 1718 Lampeter Road, 820 & 830 Village Road

Project Description: Subject to Sections 285-26(B)[a] and 285-40(B) Applicants are requesting two flag lots within a proposed 66-unit single family residential development.

Jason Hess, Esq., attorney for the township, explained the procedures for the Condition Use Hearing governed by the municipality's Planning Code and Township Zoning Ordinance. The applicant and Township are automatically parties to the Hearing. Party standing was explained. A court reporter was present for the hearing.

OPEN PUBLIC HEARING

Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers, to open the Public Hearing on Conditional Use. The motion was approved unanimously, 5 to 0.

No one present wished to be considered a party. Bill Swiernik, David Miller and Associates and Jay States P.E., Grove Miller Engineering were sworn in.

Amanda Hickman was asked if she is the Zoning Officer for the Township of West Lampeter. Amanda Hickman was then sworn in to testify. She affirmed she is the Zoning Officer for West Lampeter Township.

Township Exhibits presented:

- a. Proof of Publication of Notice of Hearing published in LNP.
- b. Written notice sent to applicants in accordance with MPC was sent but not included in the packet.
- c. Posting of the Property affidavit and photograph dated March 3, 2022.
- d. Staff memorandum dated February 28, 2022.

The application went before the Planning Commission on February 17, 2022, no additional comments or actions were made. Copy of application received by the township was submitted.

Applicant, presented by Dwight Yoder, Esq., explained the property is 20.88 acres, mixed zoned (Residential Village and Main Street Limited), looking at 66 single family lots. Applicant exhibits are marked; Exhibit marked A1 was changed to Board Exhibit 3. Exhibit A11, a full set of conditional use plans and Traffic Assessment will be entered also. Applicant is present for two conditional use requests: single family development over 20 units and 2 flag lots as per the Zoning Ordinance.

Attorney Yoder had witness William (Bill) Sweirnik, designer for the project, explain his employment in the field and years of experience. Mr. Sweirnik testified to the project's plan for the 20.88 acre area. The plan consists of 66 single family homes with one existing home retained, two open spaces (stormwater management) and entrance area maintained by an HOA, square footage of dwellings between 2000 and 3000 square feet, twenty five foot front yards, ten foot side yards, thirty foot rear yard setbacks, planned dedication of roadways, grass paved stabilized area for emergency vehicle

access, length of cull de sac, tree placement, paved surface between two units allowing Township access to Village Park, use of two flag lots to minimize land disturbance, two car garages with room for two cars in each driveway, parking limited to one side of the street and not on corner radii, and one entrance on Lampeter Road with emergency vehicle access from Village Road. Mr. Sweirnik expressed his opinion of the property being suitable for development.

Ordinance allows for one flag lot per development and one per fifty units. Applicant is seeking two flag lots for 67 units. Interpretation is needed if relief is needed from Zoning Hearing Board. Conditional use approval is necessary.

Mr. Sweirnik stated, if approved, the project would go through a full land development and stormwater process. The development may be a two-phase project. The development would comply with all Federal and State laws and permits. It has been designed with proper internal circulation, parking, buffering and design elements. The development will not create a significant hazard to the health and safety. It will not harm any surrounding residential neighborhood. It has been designed in accordance with zoning.

PUBLIC COMMENT

Robert Arters, Blueberry Circle, stated he is not opposed to development but the scale of this development is flawed. He cited snow removal, parking on one side and unpaved emergency access as concerns. He is opposed to the scale.

Supervisor Moyer requested more details regarding the permeable pavers which would be used to stabilize the emergency vehicle access. He questioned the flag lot interpretation and when the second lot was permitted.

Attorney Yoder had witness Jay States, P.E., Grove Miller Engineering, Inc., describe his employment, number of traffic assessments performed and attest that he completed the assessment for the project. Mr. States projected the assessment using 2028 Horizon Year figures. He studied the intersections, trip generation assessment, and performed a more detailed Transportation Impact Assessment. He met with PennDOT and the Township to determine the scope. The scope included proposed site access onto Lampeter Road, intersection of Village and Lampeter Road, traffic counts, and took into account other projects within the Township. It was determined turn lanes were not warranted. Sight distances at the proposed intersection exceed PennDOT minimum sight distance criteria. The study showed the development would generate less than 3% of the total traffic at the intersection of Village Road and Lampeter Road. The study concluded existing roadway were sufficient.

Supervisor Breneman received clarification on the overall service level of the Village Road and Lampeter Road intersection vs. independent movements at the intersection during the 2028 horizon year.

Supervisor Hershey remarked each house has the potential to have four cars. He asked if parking was considered in the assessment. Number of units and type of development is considered in the assessment.

Attorney Hess questioned the emergency access drive affecting the size of the cull de sac. Attorney Yoder replied a waiver would be requested during Land Development phase due to the length of the cull de sac.

Attorney Yoder asked that the exhibits be entered into evidence.

Amanda Hickman clarified section 285-40 Flag Lots. A maximum of one flag lot is permitted in any subdivision, except that if a plan involves more than 50 dwelling units a flag lot may be approved for every 50 dwelling units by way of conditional use.

PUBLIC COMMENT

Dean Fry, 1717 Lampeter Road, agrees with previous comment of increased traffic said he could guarantee bad accidents will occur at the entrance. His wife has been hit while waiting to turn into

their driveway. He said traffic has doubled over the last two years and is horrendous. School buses are lined up past his house in the morning to make the turn at the traffic light. Speed is an issue on Lampeter Road.

Standard application conditions were reviewed by Attorney Hess and were acceptable to the applicant.

CLOSE PUBLIC HEARING

Supervisor Moyer made a **MOTION**, seconded by Supervisor Breneman, to close the Public Hearing on Conditional Use. The motion was approved unanimously, 5 to 0.

BOARD DISCUSSION

Supervisor Hershey stated: The subject parcels currently serve as active farmland with two single family residences. Applicant is proposing to construct a total of 66 single family dwelling units with the main point of access from Lampeter Road. Application was reviewed by Planning Commission on February 17, 2022. No additional conditions were recommended. Project is subject to subdivision and land development regulations following conditional approval at which time a more thorough site plan review will be conducted. Conditional Use site plan as submitted shall not supersede preliminary land development submission. The site plan appears to be generally consistent with minimum design standards and the surrounding residential village character. The Township Park Board shall approve all proposed open space, public parkland area or fees-in-lieu during the subdivision and land development process. Per Section 285-40(G), applicant to place a permanent deed restriction on proposed flag lots that prevent future subdivision of said lots. Applicant is responsible for submitting applicable HOP applications and complying with PennDOT access regulations. Applicant shall provide confirmation from emergency service providers demonstrating adequate access and internal navigation during preliminary land development review. Township engineer has provided comments, Staff recommends approval of the requested application conditioned upon the following: compliance with all other Zoning, Subdivision and Land Development provisions; Inclusion of the emergency access and pedestrian access easements as detailed in plan submission; Staff memo dated February 28, 2022; and any additional conditions as requested by the Board of Supervisors.

Supervisor Hershey expressed his concern with vehicle exiting the development and parking. Turf tract life expectancy and maintenance responsibility was questioned. Supervisor Breneman wondered who will plow the turf tract to allow access in winter. Traffic may present a problem.

Supervisor Beers made a **MOTION**, seconded by Supervisor Moyer, to approve the Conditional Use Application for Sections 285-26(B)[a] development of lot of 10 or more acres and 20 or more dwelling units and 285-40(B) pertaining to the two flag lots conditioned upon staff memo authored by A. Hickman on February 28, 2022 with normal standard conditions. The motion was approved, 4 in favor, to 1 against (Hershey).

MINUTES

Supervisor Beers made a **MOTION**, seconded by Supervisor Andrews, to approve the Minutes of the Regular Meeting of February 14, 2022 as presented. The motion was approved unanimously, 5 to 0.

SUBDIVISION AND LAND DEVELOPMENT MATTERS

1. Spring Meadow Bond Format Consideration Discussion

Mark Will, WPD Partners, Spring Meadow project currently has a Letter of Credit (LOC) for construction. The project is finished and they are preparing to submit the roadways for dedication. The MPC allows for a LOC or bond for maintenance purposes. Mr. Will is requesting the Board consider allowing WPD to utilize a bond to cover the warranty period. The Township in the past, has used LOC for this purpose. The bond format is easier for the builder. It may require additional steps for the Township in the event of roadway issues. The Board agreed to the use of a bond to cover the warranty period.

MONTHLY REPORTS

1. Treasurer's Report Revenues

Revenue for the period ending February 28, 2022 totaled \$912,903 increasing \$6,941 from 2021. Included in the 2021 income is the \$127,600 Cares Act funds received the first week of 2021. Excluding these funds, actual revenue increased by \$134,541 from 2021.

Expenditures

Total expenditures for the period ending February 28, 2022, excluding Capital Reserve Transfers, totaled \$964,518, an increase of \$33,199 from 2021, mainly due to increase in Contracted Hauling Fees and Materials and Supplies for Snow and Ice Removal.

Accountants from Maher Duessel continue to work on the 2021 Audit and Financial Statements. Draft statements should be ready in the next week or two. There are four CD's maturing soon. Staff will monitor available interest rates.

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 to 0.

2. Public Works Report

Pipe for the stormwater maintenance project was contracted at a favorable price, saving the Township \$100,000. Price for blacktop will be higher this year. The department will work to contain project costs.

3. Police Report

Chief Wiczkowski expressed Officer Eisenhower's appreciation for Public Work's efforts in clearing traffic lights during the last snow storm. The department will continue to conduct speeding details and parking restrictions.

4. Community Development Department Report

The Groff Flood Plain Restoration Project is scheduled to begin on March 21, with a completion in May, 2022.

5. Township Manager's Report

Ms. McGuire noted at the March Park and Recreation Board meeting, a petition of about 300 signatures for pickle ball courts was received. The township engineer is looking at possible inclusion of courts at Willow Street Park. Family Movie Night is scheduled on June 10, 2022, at Village Park. Booster clubs will handle concession stands and the YMCA will partner with us. Lancaster County is considering Beaver Valley Pike Corridor from Penn Grant Road to Willow Street Pike for a safety audit. LCATS meeting is March 29, 2022. Let Ms. McGuire know if you are planning to attend.

TOWNSHIP ADMINISTRATION MATTERS

1. ORDINANCE 265-Police Pension

No action necessary.

2. Resolution 5-2022 – Statewide Local Share Assessment Grant Application

The grant would be directed towards construction improvements at Willow Street Park. Supervisor Moyer made a **MOTION**, seconded by Supervisor Andrews to apply for the Statewide Local Share Assessment Grant and designates Amanda Hickman and Denielle McGuire as officials to execute all documents and agreements to facilitate and assist in obtaining the requested grant. The motion was approved, 5 to 0.

3. Resolution 6-2022 – Ag Security Area Addition

See Ag Security Hearing.

4. Resolution 7-2022 – Transfer of ARP Funds

Auditors recommended the Township move ARP funds to year 2021 to cover costs incurred this year. Supervisor Moyer made a **MOTION**, seconded by Supervisor Beers to transfer \$500,000 of ARP funds into the General Fund. The motion was approved, 5 to 0.

5. Resolution 8-2022 – LIMC Trick-or-Treat Policy

Supervisor Moyer made a **MOTION**, seconded by Supervisor Andrews to join LIMC. The motion was approved, 3 in favor, 2 against (Beers, Breneman).

OTHER MATTERS

None.

ADJOURNMENT

With no other business to be conducted, the meeting was adjourned at 9:59 p.m.

Respectfully Submitted,
Denielle L. McGuire, Assistant Township Secretary-Treasurer