

LANCASTER TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

April 8, 2019

I. PLEDGE OF ALLEGIANCE, CALL TO ORDER, AND ROLL CALL

The duly advertised Lancaster Township Board of Supervisors meeting was held on Monday, April 8, 2019 in the township building at 1240 Maple Avenue, Lancaster, PA. The meeting was called to order at 7:01PM by Chair Thomas H. Schaller. Vice Chair Steven P. Elliott, Township Manager William M. Laudien, and Township Solicitor Matthew Creme were also present. Others in attendance included court stenographer Cheryl Hansberry, township staff, and interested parties. Treasurer Benjamin H. Bamford was not in attendance. Mr. Schaller led those assembled in the Pledge of Allegiance.

II. CONDITIONAL USE HEARINGS—The regular meeting of the board of supervisors was closed at 7:02PM to open conditional use hearings per Article XX, Chapter 280, Section 2001. Mr. Crème provided clarification of conditional use hearings, and explained that a hearing requires statements be held under oath. The applicant has the burden of proof, and anyone who disagrees also has the burden of proof. With two members of the board in attendance, it is a quorum; however, a tie vote would be a denial. Applicants were given the option to continue the hearing until the next board of supervisors meeting when all three supervisors would be present. Both applicants declined, and wanted to proceed with the hearings. Township Zoning Officer Thomas Daniels was sworn in and acknowledged receipt of the two conditional use applications, and stated the hearings were advertised as required. Township Engineer Ben Webber was also sworn in.

Eight neighbor residents requested party status: 1) Karen Foerstel, 1242 Wheatland Avenue; 2) Gilbert Lyons, 157 Wilson Drive; 3) Mona Sauder, 1228 Wheatland Avenue; 4) John English, 1143 Columbia Avenue; 5) Pamela Nelson, 1141 Columbia Avenue; 6) Bernadine Lucas, 1250 Wheatland Avenue; 7) Richard Johnson, 1239 Wheatland Avenue; 8) Albert Rostolsky, 1153 Columbia Avenue. Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously voted to grant party status to the eight neighbor residents listed.

Mr. Crème explained what conditional uses are and what the burdens of proof are. He reminded everyone this is a hearing. The township supervisors are not permitted to consider anything unless it is presented as part of the testimony in this proceeding. Only what is heard or seen in this room, by way of evidence, may be considered by the supervisors. They are not permitted to do an investigation of their own, they are not permitted to take phone calls or letters outside of this hearing. Everything has to be presented to the board in the context of this hearing for the board to make their decision, and everything has to be presented before the board deliberates on their decision.

1. LTPC 281 – 1234 Wheatland Avenue

Applicants Brent and Kate Hostetter requested a Conditional Use per section 404.3 of the Lancaster Township Zoning Ordinance (2012) in order to construct a single family home at 1234 Wheatland Avenue, Lancaster, PA 17603, and identified as tax parcel 340-46473-0-0000 in the R-1 Residential Zoning District. Mr. Crème called forward Eric Johnston of

Johnston and Associates, Inc., consulting engineer on behalf of the applicant. Mr. Johnston was sworn in, and made his presentation to the board of supervisors. At the conclusion of the presentation, Mr. Crème asked is your testimony that the longest dimension varies between 113 and 82 feet. Mr. Johnston replied no, the long dimension varies from 214.74 feet on the western property line, and 185.13 feet on the eastern side. The narrow dimension varies between 82.69 feet and 113.26 feet. Members of the board had no questions. Mr. Laudien asked—you stated a widening (of the access driveway) by three foot. Is that a casual statement, or do you contend that your obligation is to widen by three foot or create a twenty-four foot access drive? Mr. Crème—you're asking what would be the improved access drive within the right away. Mr. Laudien—correct. Mr. Johnston stated our position would be to widen it by three feet to lessen the impact on the Foerstel property in accordance with that agreement that was referred to in the letter from your zoning officer Lynn Stauffer. Mr. Laudien—your interpretation is that your obligation is just a three foot widening. Mr. Johnston—a three foot widening. Mr. Crème—that would result in how wide of a cartway? Mr. Johnston—based on my measurements, I measured nineteen feet existing. It would be twenty-two feet in accordance to the agreement and acknowledgement in the letter in the right-of-way that was created.

Residents granted party status were given the opportunity to pose questions to the applicant. The party residents asked questions about property lines, stormwater runoff, taxes, utilities, driveway access, and square footage of home. Mr. Johnston, for the applicant, addressed the questions.

Questioning of the applicant concluded, and party residents were given the opportunity to make statements. The party residents made statements expressing their concerns about increased traffic, construction noise, water pressure, stormwater problems, the loss of the views, wildlife and trees, and overall displeasure with the proposed building of the houses. Karen Foerstel provided a developer's plan (marked as evidence F1), and a resident petition (marked as evidence F2). Mr. Johnston, for the applicant, addressed the statements.

Statements by the party residents concluded, and the general public was given the opportunity to make statements. The following general public attendees made statements with concerns about the look of the neighborhood, water problems, taxes, historic preservation, setting a precedence for the future, contemporary housing looks, and the use of the driveway as a thoroughfare: Melody McFarland, 1302 Wheatland Avenue; Karen Owens, 1539 Center Road; Charles Lane, 1272 Meadowbrook Road; David Zabloski, 1291 Wheatland Avenue; James Owens, 1539 Center Road; Helen Ebersole, 1305 Wheatland Avenue; Richard Johnson, 1239 Wheatland Avenue; Ann Grove, 1220 Wheatland Avenue. Mr. Johnston, for the applicant, addressed the statements.

Testimony was closed. Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously voted to close the testimony on LTFC 281 – 1234 Wheatland Avenue.

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously voted to add the record of testimony, including party residents, in the Hostetter application (LTFC 281 – 1234

Wheatland Avenue) to the Alecxih County Holdings, LLC application (LTPC 282 – 1228 Wheatland Avenue Rear).

2. LTPC 282 – 1228 Wheatland Avenue Rear

Applicant Alecxih County Holdings LLC requested a Conditional Use per section 404.3 of the Lancaster Township Zoning Ordinance (2012) in order to construct a single family home at 1228 Wheatland Avenue Rear, Lancaster, PA 17603, and identified as tax parcel 340-47688-0-0000 in the R-1 Residential Zoning District. Eric Johnston of Johnston and Associates, Inc., is also the representative for this applicant. He stated that similar to the previous hearing, they are submitting into record a conditional use application for 1228 Wheatland Avenue Rear. He indicated the application is identical to what was said previously with the LTPC 281 application, with the exception of the desired house would have to violate one of the setback lines on the property. We have a forty-two foot area to put the house in. We are proposing a house that would violate going into that encroachment by just a little bit by violating two setbacks instead of just one.

Residents granted party status were given the opportunity to pose questions to the applicant, and asked about the square footage of the home, the footprint of the home, how tall is the home going to be, the right-of-way access, and about a declaration of easement and variance previously done. At the conclusion, the board of supervisors had no questions to ask.

Mr. Laudien made a statement of testimony on behalf of the township. The letter from the zoning officer of 2009 provided as a record was in reference to 1234 Wheatland. There was a variance request to the township for 1234 Wheatland. It addressed the variance and the widening of the road, and the potential for a lot all in reference to 1234. There was no lot at that time to acknowledge or consider or discuss on the other side which is being referred to as 1228 Wheatland Avenue Rear now.

Mr. Webber pointed out what was stated in his review letter of April 3, 2019, in regard to the different deviations from that of the Hostetter lot which refer to the rear yard setback. To extend back twenty feet into the thirty-five rear yard would only leave fifteen feet. That is a substantial change from what the zoning ordinance would allow. He also asked to turn attention to Exhibit C in the record, and the diagram prepared. There is a triangular piece through that right-of-way. As it approaches the rear of both 1222 and 1228, the parallel lines of the edge of the private drive right-of-way, they both veer to the west, and the easterly line of that right-of-way terminates at the common line between the Alecxih and Hostetter line. The use of that right-of-way would be limited to the Hostetter lot, and not provided to the rear of the 1228 Alecxih lot. Mr. Johnston questioned that interpretation. He then asked for a recommendation from staff of the setback, which Mr. Crème indicated he could not ask for. After speaking with his applicant, Mr. Johnston formally withdrew the request to put the larger house in there, and indicated they will fit it in the setback line.

A question was asked by a resident if he had amended his application, and Mr. Crème stated he withdrew a request for the setback for the rear of the house. That is no longer before the board for consideration. Another resident asked if they had to submit another

application for a different size home. Mr. Crème explained that if the board were to approve the application, they would need to submit construction plans, showing the house within the required setbacks. Another resident asked if the construction plans would require a survey. Mr. Crème stated no.

Testimony was closed. Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously voted to close the testimony on LTPC 282 – 1228 Wheatland Avenue Rear.

The board adjourned into executive session at 9:48PM to deliberate with the township solicitor before making a decision on the conditional use hearings.

The conditional use hearings were reopened at 10:04PM. The board of supervisors stated to Mr. Crème that after judicial deliberation they had made a decision on the applications.

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously denied approval on the conditional use application for LTPC 281 – 1234 Wheatland Avenue based on the applicant’s failure to carry burden of proof as set forth in the township zoning ordinance.

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously denied approval on the conditional use application for LTPC 282 – 1228 Wheatland Avenue Rear based on the applicant’s failure to carry burden of proof as set forth in the township zoning ordinance.

Mr. Crème stated that written decisions will be available for the board of supervisors meeting on Monday, May 13, 2019, and can be adopted at that meeting.

Mr. Elliott moved, Mr. Schaller seconded, and the board unanimously closed the conditional use hearings, and reconvened the regular meeting of the board of supervisors at 10:07PM.

III. PUBLIC COMMENT ON AGENDA ITEMS

No public comment on agenda items.

IV. SECRETARY'S REPORT

The minutes of the March 11, 2019 board meeting were approved by general consent.

V. TREASURER'S REPORT

Mr. Elliott presented the treasurer’s report as of April 8, 2019:

General Fund.....	\$6,802,710.37
Highway Aid Fund.....	964,255.23
Capital Reserve Fund.....	434,161.59
TOTAL	\$8,201,127.19

Mr. Schaller stated the treasurer’s report would be filed for audit.

VI. PAYMENT OF BILLS

On a motion by Mr. Elliott, seconded by Mr. Schaller, the board unanimously approved the payment of bills (03/12/2019–04/08/2019):

General Fund.....	\$333,352.80
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Escrow Fund	1,988.22
State Highway Fund.....	14,980.68
Capital Reserve Fund.....	-0-
TOTAL	\$350,321.70

VII. REPORTS

- A. Lancaster Township Fire Department** (west side): There were thirty-one calls in the township, with nine calls for mutual aid, during the month of March 2019, making a year-to-date total of 128 calls.
- B. Lafayette Fire Company** (east side): There were eight calls answered on the east side of Lancaster Township during the month of March 2019.
- C. Police:** Lt. Michael Piacentino gave an overview of the March 2019 police report.
- D. Recycling Report:** March 2019: 16.91%
- E. Sewer/Other Reports:** Reports are available for public inspection at the meeting and during regular business hours.

VIII. ANNOUNCEMENTS

- A.** Curbside collection of yard waste began today, April 8, 2019. Collection is every other week, ending October 7.
- B.** Large Appliance/Tire Collection week is Monday, April 15 through Thursday, April 18, 2019. Tags are required, and may be purchased at the township office.
- C.** Office closed on Friday, April 19, 2019.
- D.** Trash/Recycling payment is due Tuesday, April 30, 2019. Online payment by credit card or check is available on the township website.
- E.** Next Board of Supervisors Meeting is Monday, May 13, 2019, 7:00pm; workshop at 6:00pm, Lancaster Township.

IX. OLD BUSINESS

No old business.

X. PLANNING AND ZONING BUSINESS

A. LTPC 279 – 640 Bean Hill Road (C-B Tool Co.) – Extension of Time

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously approved a request from Grant Smith, Advanced GeoServices Corp., on behalf of Wenzel Holdings, for a 90-day extension of time for the approval of the Land Development Plan for C-B Tool Co., LTPC 279 - 690 Bean Hill Road. This request was submitted in a letter dated March 11, 2019.

B. LTPC 283 – 1004 Willow Street Pike – Land Development Plan Deferral Request

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously approved a request from Michael Hartman, dH Enterprises, to defer Land Development Approval from Lancaster Township to West Lampeter Township for KFG Trucking, 1004 Willow Street Pike. At their March 19, 2019, meeting, the LTPC recommended approval of this request conditioned on the satisfaction of the items listed in township engineer Ben Webber’s review letter dated March 7, 2019. This request was submitted via a letter dated February 21, 2019.

XI. NEW BUSINESS

A. Lancaster Township Fire Department – 2018 Financial Review

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously agreed to sign the Stambaugh Ness scope of service agreement to perform a 2018 financial review of the Lancaster Township Fire Department. Once the agreement has been signed by the fire department, the township will release 25% of their money. When Stambaugh Ness informs the township they have the information necessary to complete the review, another 25% will be released to the fire department.

B. 2019 Street/Alley Paving Contract

Mr. Elliott moved, and Mr. Schaller seconded, and the board unanimously awarded the 2019 Street and Alley Paving Contract to Pennsy Supply, Inc. in the amount of \$346,430.25.

XII. GUEST RECOGNITION AND PARTICIPATION

Paul Groff, Waypoint Drive (Southern Village): Some home owners on Waypoint are concerned about water runoff coming from construction along the field is going to flood them out. It is in the stormwater management plan, but they just want it to be known it is their concern. Mr. Laudien and Mr. Schaller said we will go out and take a look at it.

XIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15PM.

Respectfully submitted,



William M. Laudien, Secretary