

## Manor Township Supervisors Organizational Meeting

Monday, January 3, 2011

Time: 7:30 P.M

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 p.m. Chairman May stated that the four Supervisors present as well as Mr. Bauder had an Executive Session before this meeting regarding personnel issues. Chairman May led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John May, Allan Herr, Jay Breneman and L. Allen Kreider

Member Absent: Richard Bauder

Staff Present: Barry Smith, Mark Harris, Ryan Strohecker, Chief Graeff and Evelyn Rineer

Visitors Present: See attached.

Mr. May turned the Chair over to Mr. Kreider for the election of the Chairman.

Vice Chairman Kreider opened up the floor for nominations for Chairman.

Mr. Breneman nominated John May for Chairman. Mr. Herr seconded the nomination and the nomination passed with Mr. May abstaining.

Mr. Herr nominated Jay Breneman as Vice Chairman. Mr. Kreider seconded the nomination and the nomination passed with Mr. Breneman abstaining.

Mr. Breneman made a motion to appointed Barry Smith Secretary-Treasurer. Mr. Herr seconded the motion and the motion carried unanimously.

Mr. May stated the Treasurer's Bond in the past was \$1,500,000 and Mr. Smith advised they are satisfied with that amount. Mr. May made a motion that they establish the bond at \$1,500,000. Mr. Kreider seconded the motion and the motion passed unanimously.

Mr. May stated the areas of responsibility for the past year were as follows: Mr. Bauder and Mr. May worked on planning and zoning, Mr. Herr and Mr. Kreider worked on public works, Mr. Breneman and Mr. Herr worked on protection to persons and property, Mr. Breneman and Mr. May worked on fire and emergency services, and Mr. Bauder and Mr. Kreider worked on parks and recreation. Mr. Breneman made a motion to continue the positions for the Supervisors as stated. Mr. Herr seconded the motion and the motion carried unanimously.

### Appointments

Planning Commission - Mr. May stated Mr. Scott Haverstick has been serving on the Planning Commission and Mr. May made a motion to reappoint Mr. Haverstick for a four year term. Mr. Kreider seconded the motion and the motion carried unanimously.

Zoning Hearing Board - Mr. Walter Schlemmer declined reappointment to the Zoning Hearing Board and Brandon Clark is an alternate who is willing to serve on a full time basis. Mr. May made a motion to adopt Resolution #1-2011 that the Board of Supervisors of Manor Township appoints resident Brandon Clark to the Manor Township Zoning Hearing Board for a three year term of office that begins January 3, 2011 and expiring December 21, 2013. Mr. Breneman seconded the motion and the motion carried unanimously. Mr. Breneman stated the alternate position needs to be filled and everyone was in agreement.

Park & Recreation Board – Mr. Herr made a motion to reappoint Ed Rand and Maria Carttell for five year terms. Mr. Kreider seconded the motion and the motion carried unanimously.

Solicitor – Mr. May made a motion to appoint Goodman and Kenneff as the Township Solicitor for the year 2011. Mr. Breneman seconded the motion and the motion carried unanimously.

Special Counsel - Mr. May recommended the appointment of Matthew Creme as Special Counsel for the year. Mr. Breneman made a motion to appoint Matthew Crème. Mr. Herr seconded the motion and the motion carried unanimously.

Labor and Personnel Counsel - Mr. May made a motion to reappoint the Firm of Ballard Spahr for Labor and Personnel issues. Mr. Kreider seconded the motion and the motion carried unanimously.

General Engineer - Mr. Kreider made a motion reappoint Rettew Associates as the general engineer. Mr. Herr seconded the motion and the motion carried unanimously.

Subdivision Land Development Engineer - Mr. Breneman made a motion to reappoint Rettew Associates as engineer for subdivision land development. Mr. Herr seconded the motion and the motion carried unanimously.

Alternate Subdivision Land Development Engineer - Mr. May made a motion to reappoint Buchart Horn as an alternate subdivision land development engineer. Mr. Kreider seconded the motion and the motion carried unanimously.

Storm water Engineer – Mr. Kreider made a motion to reappoint Rettew Associates as Storm Water Engineer. Mr. Breneman seconded the motion and the motion carried unanimously.

Alternate Storm Water Engineer – Mr. May made a motion to reappoint Buchart Horn as the alternate storm water engineer. Mr. Herr seconded the motion and the motion carried unanimously.

Traffic Engineer – Mr. May made a motion to reappoint Rettew Associates as the traffic engineer for the year 2011. Mr. Breneman seconded the motion and the motion carried unanimously.

Select Planning Engineer – Mr. May made a motion to reappoint Hanover Engineers as planning engineer for the year 2011. Mr. Herr seconded the motion and the motion carried unanimously.

Vacancy Board - Mr. May advised Donna Taylor agreed to continue on the Vacancy Board. Mr. May made a motion to reappoint Donna Taylor to the Vacancy Board for 2011. Mr. Kreider seconded the motion and the motion carried unanimously.

Manager - Mr. May made a motion to reappoint Barry Smith as the Township Manager for the year 2011. Mr. Herr seconded the motion and the motion carried unanimously.

Assistant Manager – Mr. May made a motion to reappoint Ryan Strohecker as Assistant Manager for the year 2011. Mr. Breneman seconded the motion and the motion carried unanimously.

Public Works Director – Mr. May made a motion to reappoint Mark Harris as Public Works Director. Mr. Kreider seconded the motion and the motion carried unanimously.

Assistant Public Works Director – Mr. Breneman made a motion to appoint Henry Hank as Assistant Public Works Director. Mr. Herr seconded the motion and the motion carried unanimously.

Zoning Officer – Mr. May made a motion to reappoint Bruce Ott as Zoning Officer. Mr. Kreider seconded the motion and the motion carried unanimously.

Assistant Zoning Officer – Mr. May made a motion to appoint Craig Underwood from Rettew Associates as Assistant Zoning Officer for 2011. Mr. Herr seconded the motion and the motion carried unanimously.

Delegate to the State Convention – Mr. May made a motion to reappoint Al Kreider as the Delegate to the State Convention. Mr. Herr seconded the motion and the motion carried unanimously.

LIMC Land Use Advisory Board Member – Mr. May made a motion to reappoint Scott Haverstick as the Township Representative to the LIMC Land Use Advisory Board. Mr. Breneman seconded the motion and the motion carried unanimously.

LIMC Greenway Park Advisory Board – Mr. Smith stated he was informed that the LIMC Greenway Park Advisory Board representative term expired. Christine Brubaker was the representative. Mr. Kreider made a motion to reappoint Christine Brubaker as the representative to the LIMC Greenway Park Advisory Board. Mr. May seconded the motion and the motion carried unanimously.

Auditor - Mr. May stated Hess & Hess has merged with Bertz & Company; therefore, the name is Bertz Hess & Company. Mr. Smith advised the draft resolution was based on what was presented in December. Mr. Smith stated they are now officially Bertz Hess & Company, therefore, Mr. Smith has written that in the new resolution which is Resolution #2-2011. Mr. Kreider made a motion to appoint Bertz Hess & Company as the Auditors for the year 2011. Mr. Breneman seconded the motion and the motion carried unanimously.

LASA Board Representative - Mr. May made a motion to appoint Barry Smith as the LASA Board representative for the term. Mr. Herr seconded the motion and the motion carried unanimously.

Traffic Commission - Mr. May made a motion that Chief Graeff, Jay Breneman and Mark Harris continue on the Traffic Commission for the year 2011. Mr. Kreider seconded the motion and the motion passed with Mr. Breneman abstaining.

Mr. Herr made a motion to adjourn the Organization Meeting. Mr. Kreider seconded the motion and the motion carried unanimously.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, January 3, 2011

Time: 7:30 P.M.

Chairman John May called the regularly scheduled Supervisor's Meeting to order.

Minutes - Mr. Herr made a motion to approve the minutes from December 6, 2010. Mr. Kreider seconded the motion and the motion carried unanimously.

Bills - Mr. May made a motion to approve the payment of the bills. Mr. Breneman seconded the motion. Mr. Kreider questioned an amount and what it was for. Mr. Strohecker advised the amount is the payment for Mr. May's bond that was renewed. Mr. May called for the vote and the motion passed unanimously.

Financial Report - Mr. Breneman had a question on the category Winter Maintenance and Contract Service and asked if that includes the people who plow in the winter. Mr. Harris advised that category includes snow removal, heating and ventilation service, restrooms in the parks and numerous other items. Mr. Harris advised the report does not reflect the \$41,000 that was received back. Mr. Strohecker stated that is reflected in a different area. Mr. Herr made a motion to approve the financial report. Mr. Breneman seconded the motion and the motion passed unanimously.

Solicitor's Report – There was no solicitor's report.

### Business from the Floor

Ed Shane, 104 Velma Lane, asked who was appointed as LASA Board representative. Mr. May advised Mr. Smith was appointed. Mr. Shane asked if the Supervisors considered that a conflict of interest? Mr. May stated they did not consider that a conflict of interest.

Carol Shane, 104 Velma Lane, stated that she, Ed Shane and Doris Chickering met with Mike Kyle from LASA on December 15<sup>th</sup>. Ms. Shane stated Mr. Kyle could not support amending the township ordinance regarding hook up to sewer for Letort Manor and Perth Hills, but he indicated it was up to the Township and not his decision to make. Ms. Shane talked about LASA's budget and indicated she did not feel delaying hook up for residents would seriously damage LASA. Ms. Shane questioned Mr. Kyle regarding LASA's loans and whether LASA could foreclose on homeowners who defaulted on their loan payments. Mr. Kyle stated LASA could foreclose on homes without Township approval should LASA need the funds but that has not happened in the past. Ms. Shane asked the Supervisors to amend the Township Ordinance and permit residents with working septic systems to hook up either when their systems fail or when they sell their property. Ms. Shane requested action be taken on this proposal at the February Meeting.

Ruth Rielly, 152 Kent Road, asked why the County will be collecting the Township taxes. Mr. Smith advised the current employee who is the Tax Collector is both an employee in Administration and also as the elected tax collector has indicated she is resigning from the Tax Collector position effective in approximately two weeks. She is retired as a full time employee. Mr. May stated there will be a tax collector for the Township but their duties will largely be taken over by the County. Ms. Rielly questioned if this will save or cost money and she was advised it should save money.

### Old Business

There was no old business.

### New Business

Resolution 3-2011 – Meeting Dates - The dates will be the first Monday of each month at 7:30 during 2011 except July when the meeting will be held Tuesday, July 5, September when the meeting will be held Tuesday, September 6 and Thursday, November 10 because of Election Day. Mr. Herr made a motion to adopt Resolution 3-2011. Mr. Breneman seconded the motion and the motion passed unanimously.

Resolution 4-2011 – Police Pension – The continuance of the Police Pension Fund with an employee contribution of 5% of salary via payroll deduction as stipulated by 2009 Act 111 Interest Arbitration Award. Mr. Breneman made a motion to adopt Resolution 4-2011. Mr. Kreider seconded the motion and the motion carried unanimously.

Resolution 5-2011 – Bank Depositories – Is resolved that the Board of Supervisors of Manor Township designate the attached depositories for the Township funds for the year 2011. The bulk of the depositories are Fulton Bank, as well as Hometowne Heritage, Susquehanna bank, Metro Bank and PNC. Mr. Kreider made a motion to adopt Resolution 5-2011. Mr. Herr seconded the motion and the motion carried unanimously.

Resolution 6-2011 – Sewage Enforcement - Mr. Smith noted that Resolution 6-2011 in addition to naming Dave Lockard as the primary Sewage Enforcement Officer the resolution also names Marvin Stoner as the substitute. Mr. May stated the fees are set forth for sewage permit fees \$85.00 single family residential and multi residential sewage system, \$85.00 Multi-family residential sewage systems, \$130.00 Commercial, recreational and institutional sewage systems and \$130.00 holding tanks and hourly rates for various soil profile tests, percolation tests and planning modules for land development and mileage. Mr. Kreider made a motion to adopt Resolution 6-2011. Mr. Herr seconded the motion and the motion carried unanimously.

Resolution 7-2011 – Setting Fees for 2011 – The fees cover pavilion and meeting room rentals, range of permits, and fees for advertisements and hearings. Mr. Breneman made a motion to adopt Resolution 7-2011. Mr. Kreider seconded the motion and the motion carried unanimously. Mr. Kreider had questions on the lost dog charges. Chief Graeff advised Mr. Strohecker bills the dog owner. Chief Graeff stated they must hold dogs for 48 hours and have been holding them about 72 hours to give individuals extra time. After the 72 hours, the State Dog Warden is called and he transports the dog to a County Shelter in Berks County where hopefully they are eventually adopted. Chief Graeff stated they have had a good year and only had to have three dogs picked up by the State Dog Warden.

Resolution 8-2011 – Managers Salary – Mr. Herr made a motion to adopt Resolution 8-2011 setting Mr. Smith's salary at \$84,350.00 for the coming year. Mr. Breneman seconded the motion and the motion carried unanimously.

SALDO – Wayne & Fannie E. Shaw/Theodore & Jacqueline Shaw Final Subdivision Plan, Briefing Item - Mr. Smith advised this was a plan moved from a briefing item to an action item by the Planning Commission. Tom Matteson from Diehm & Son was representing the plan and Mark & Melissa Sigman who are potential buyers of one of the lots were present. Mr. Matteson stated the existing site is 17 acres in size and straddles Rock Hill Road. There are existing farm dwelling, several shed and garages near the Conestoga River. The rest of the property is currently farmed up to the road and the other side of Rock Hill Road the property is very steep and wooded going downhill to the Conestoga Creek. The proposal is to subdivide two lots from the property east of Rock Hill Road. Lot #3 would be a conventional lot and have frontage on Rock Hill Road, the remaining lands identified as Lots 1 and 2 would both be flag lots with their flag pole going out on the north end of the property. The existing farm is served by a driveway coming in along the southern end of the property and proposing that be left in place and expanded as necessary to provide access to the two new lots. The modifications have been recommended for approval by the Engineer and Planning Commission. Mr. Smith advised letters are provided from the Planning Commission as well as from Rettew Associates. Mr. Breneman made a motion to move this plan from a briefing item to an action item. Mr. Herr seconded the motion and the motion carried unanimously. Mr. May made a motion to approve the subdivision plan based upon the conditions set forth in the December 10, 2010 Rettew letter addressed to Mr. Smith regarding this subdivision project #10-01104-006 and the modifications requested that have been recommended for approval. Mr. Herr seconded the motion and the motion passed unanimously.

Resolution 9-2011 – Sewage Facilities Planning Module Wayne & Fannie E. Shaw/Theodore & Jacqueline Shaw – Mr. Smith advised this is the Planning Module for the project that was just approved. This was reviewed by staff and found to be adequate. Mr. Smith recommends approval of Resolution 9-2011. Mr. Herr made a motion to recommend approval of Resolution 9-2011. Mr. Breneman seconded the motion and the motion carries unanimously.

Resolution 10-2011 Sewage Facilities Planning Module for Steven Shertzer - Mr. Smith stated this is a project that was previously approved as recently as the last meeting. Staff has reviewed this and found it to

be adequate. Mr. Kreider made a motion to approve Resolution 10-2011. Mr. Breneman seconded the motion and the motion carried unanimously.

Manor Oaks Lot 146 Improvement Guarantee Agreement and Letter of Credit – Mr. Smith advised these documents have been reviewed by the Solicitor as well as staff and they are found to be in the appropriate format and acceptable. Mr. Smith advised they also have declarations of reciprocal easements that they were required to provide. The action this evening is to approve the Improvement Guarantee Agreement as well as accepting the Letter of Credit from Integrity Bank. Mr. May made a motion to accept the Improvement Guarantee Agreement and the Letter of Credit in the amount of \$15,636.50. Mr. Breneman seconded the motion and the motion carried unanimously.

Millersville Fire Company request to release Letter of Credit – Mr. Smith stated the fire company is acknowledging that they do not intend to exercise the completion of an approved land development plan and would like the Township to release their Letter of Credit. Mr. Smith advised there is an MPC process that needs to be put into place. Mr. Smith is asking this to be approved contingent upon the following conditions: 1) The land owner provides notice to the Recorder of Deeds to withdraw the recording of the plan. 2) Contingent upon the Solicitor and Managers review of that document. Mr. May made a motion to release the Letter of Credit in the amount of \$111,000.00 conditioned upon the withdrawal of the plan from the Office of Recorder of Deeds of Lancaster County and upon approval by the Solicitor of what was done to satisfy that. Mr. Herr seconded the motion. Mr. Kreider asked if there were any improvements to that property. Mr. Breneman advised the building was removed and some brush removed. The motion passed unanimously.

Petition for Front Street – Mr. Smith advised there is a property dispute on the use of a corridor behind several properties. One property owner is claiming adverse possession because the alley “was never opened” and that person has since put “No Trespassing” up. The petitioners wish it to be as it always was. Mr. Smith advised if directed he would spend time with the solicitor to find out who has what rights. Mr. Smith stated the administration position is that until someone shows him a deed that they own that it is not theirs. There are numerous calls asking the Police Department to respond and to intervene. The Police Department is at a disadvantage if no one can prove ownership and, therefore, how is trespassing enforced. Mr. May does not feel this is a viable petition. Mr. Smith stated it is not whether the petition is viable it is whether the property owner adjacent to this corridor has the right to claim it. Attorney Dwight Yoder is representing one of the property owners and Mr. Smith has talked to Mr. Yoder indicating what the Township would like to see in declaration that they actually have the ownership of it. In the past, the Township has done some vacating of allies and there is a process, ordinance and deeds that become issues. Mr. Herr asked if this would limit access to anyone of these properties. Mr. Smith stated probably not but a convenience issue of what they have always done to walk from one property to the next. Mr. Smith advised the Township has many alleys that are not improved and some that do not have stone on them but considered a public access. Mr. Kreider feels there is not enough information. Mr. Smith asked if the Board is comfortable with his position of challenging Mr. Yoder to provide the proof and the ownership other than a statute somewhere in time that says there is the law of adverse possession. There was agreement with Mr. Smith regarding the position he would take.

Lancaster County Tax Collection Bureau Municipal Representatives - Mr. Smith advised the primary representative has been Ed Arnold and Ryan Strohecker has been the alternate. The municipalities that make up the Penn Manor School District has agreed to the two representative and Mr. Arnold would continue to be the representative and Mr. Strohecker would be the alternate. Mr. May made a motion that Mr. Arnold would be the representative and Mr. Stohecker the alternate. Mr. Herr seconded the motion and the motion carried unanimously.

Turkey Hill Dairy Wastewater Treatment Facility - Act 67/68 and Act 127 MPC required an entity to give notice regarding a DEP Permit. This is for Turkey Hill Dairy water supply system. These are ongoing renewals of permits and this is for the Board's information.

Approve Purchase of 2011 Dump Truck – Mr. Smith advised in the adoption of the budget it was authorized to purchase a 2011 dump truck. Mr. Harris is proposing to purchase for the Township a International 7400 SFA 4x2 Dump Truck that would be purchased from Five Star International. The pricing Mr. Harris submitted for the budget is good until January 16<sup>th</sup>. It is replacing a 1996 International Dump Truck. They are proposing the truck come equipped with a snow plow and salt spreader. Mr. Harris received a trade

in price from Five Star on the current model. Mr. Smith and Mr. Harris like the option of putting the truck out for bid and the Supervisors are able to exercise the trade in or the sale of the truck to a private organization. Mr. Harris advised that it appears the price of the truck will come in under budget. Mr. Smith stated this is off the cooperative purchasing agreement and not something that was put out for bid spec. Mr. Herr made a motion to give Mr. Harris authority to proceed with the purchase so they can lock in the pricing before January 26<sup>th</sup>. Mr. Breneman seconded the motion and the motion carried unanimously.

#### Correspondence

PSATS Annual Educational Conference – Mr. Smith stated in the past the Supervisors had authorized themselves and appropriate staff to attend the conference. Mr. Smith asked that if approved he is informed of any additional training opportunities in the conference so when he does registration he can include those in the registration and any housing that would be required. Mr. May, Mr. Breneman and Mr. Herr advised they would attend the conference but will commute. Mr. Herr asked Mr. Harris if it would be an advantage to have Mr. Hank attend the conference. Mr. Harris advised Mr. Hank attended the April Convention in 2010.

APMM Winter Workshop – This is the annual winter conference and Mr. Smith is asking for authorization for himself and Mr. Strohecker to attend.

Mr. Breneman made a motion to authorize the appropriate staff as well as the Supervisors to attend both of these workshops. Mr. May seconded the motion and the motion carried unanimously.

#### Traffic Commission

Chief Graeff stated the Traffic Commission met December 29<sup>th</sup> with all members present. At the direction of the Board of Supervisors the Traffic Commission meetings will be held as needed in 2011. The Commission set the deadline for business the Friday before the meeting and any cancellation will be placed on the web site and posted in the lobby bulletin board. Mr. Knob, President of Manor Oaks Homeowners Association, was at the meeting. He had sent an e-mail requesting no parking signs be placed on Knollwood Road off Letort Road to the second intersection of Cartledge Lane. A motion was made by Mr. Harris to place “No Parking” signs along Knollwood Road off Letort Road to the second intersection of Cartledge Lane and the motion was passed with an amendment to place on the second part of Cartledge Lane indicating “No Parking Here to Corner”. Mr. Harris asked Mr. Knob to advise the contractor who plows snow for the Homeowners Association that it is illegal to put snow onto the street.

#### Police Report

Chief Graeff stated the police report stands as submitted and gave some of the statistics from the report.

#### Public Works

Mr. Harris noted several items in his report. Mr. Harris stated they had spent a considerable amount of time working on the MS-4 Illicit Discharge Inspection. They held in house training with the Public Works Department specifically taking from the MS-4 protocol where they looked at their fueling, washing and maintenance operation in the maintenance building. Mr. Harris stated they are taking the MS-4 seriously and doing everything possible to educate their people. Mr. Harris explained they mow the Woods Edge Wetlands annually when the ground is frozen which allows easier access in early spring to spray the loosestrife and try to control it.

Mr. Harris asked the Board for permission to obtain prices on a waste oil burner for the K.L. Building to submit at the February meeting for the Supervisors approval. Mr. Harris stated they have waste oil that they could be using rather than purchasing oil. Mr. Herr stated this was a budgeted item and the Board was in agreement to allow Mr. Harris to obtain prices for a waste oil burner.

#### Manager’s Report

Mr. Smith advised the activities he was involved in are listed in his report. Mr. Smith stated they are waiting to receive something from NorFolk Southern within the next several days. They continue to do work on the MS-4 to be in compliance with the EPA.

Building Permit Report

Mr. Kreider read the report stating permits issued in December 2010 were 33 compared to 11 last year, 292 year to date 2010, 219 year to date 2009. The dollar value of permits issued in December 2010 is \$4,052,392, dollar value year to date 2010 is \$38,586,577 compared to year to date in 2009 of \$9,482,906.

Mr. Smith pointed out that in terms of the number of permits issued, projects such as Manor Oaks and Woods Edge that are already on the books as approved subdivision has had some activity. Mr. Smith stated he is not encouraged there will be a lot of new activity because there is no new subdivision land development processes.

Mr. Breneman stated the new fire district came on line Saturday and everything went well. The Fire Commission Meetings are the first Thursday of the month at 6:00 p.m. at the Millersville Municipal Building and the meetings are open to the public.

Mr. Herr talked about the MS-4 and what is involved to be compliant. Mr. Herr advised Manor Township was the first Township in Lancaster County to come under this inspection. Ms. Rielly questioned what MS-4 represents. Mr. Smith advised it is Municipal Separate Storm Water Systems and is a stormwater regulation based on the President's edict on the Chesapeake Bay Initiative.

There being no further business Mr. Kreider made a motion to adjourn the meeting at 8:40 p.m. Mr. Breneman seconded the motion and the motion carried unanimously.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, February 7, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Mark Harris, Ryan Strohecker, Chief Graeff and Evie Rineer  
Visitors Present: See attached.

Minutes - Mr. Smith indicated that there is a minor change to the minutes of the January 3, 2011 regular meeting. Under the SALDO section, the individual's name representing the Shaws should be Mr. Matteson not Mr. Madison. Mr. Breneman made a motion to approve the January 3, 2011 Organizational Meeting Minutes as presented. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Kreider made a motion to approve the January 3, 2011 regular meeting minutes with the correction. Mr. Breneman seconded the motion and the motion carried unanimously.

Bills – Mr. Herr made a motion to approve payment of the bills as listed. Mr. Kreider seconded the motion and the motion carried unanimously.

Financial Report – Mr. Bauder made a motion to approve the Financial Report as submitted. Mr. Breneman seconded the motion and the motion carried unanimously.

Solicitor's Report – There was no Solicitor's Report.

### Business from the Floor

Bryan Gerlach, 2059 Franklin Road, Washington Boro, advised he has worked with the Police Department several times in the last six months and stated that in every instance the Police Department has been prompt, courteous, and professional. Mr. Gerlach stated it is something to be proud of as a Township and wanted to pass along his thanks to the Police Department as well as the Board of Supervisors.

### Old Business

Letort Manor/Perth Hills Public Sewer Update – Mr. May noted there will be a meeting with the residents scheduled by LASA on Wednesday, February 16, 2011 at 7:00 pm at the Manor Middle School to fully explain the connection procedures. The Authority Board at its meeting adopted a Special Purpose Fee of \$4,138, which is less than the previously projected maximum amount of \$4,660. Mr. Smith advised he included a number of documents in the packet. A copy of the letter was provided that LASA mailed to the area residents and a copy of the Ordinance put in place specifically Article 2 regarding connection provisions of property within 150' of subject to be connected and the Ordinance provides for 90 days after the date of official notice from Manor Township. Mr. Smith believes it is LASA's intent with this letter to notify the Township that the system is ready and it is the Township's decision when they wish a notice to be sent to establish the 90 day period. Mr. Kreider would like discussion on the possibility of a grant by the Township to match Lancaster County Redevelopment Authority's grant for low income people. There were several people who applied for the grant. Mr. May advised he had spoken with Mr. Smith regarding the applications that were submitted. Those

applications were denied based on household income, which is a graduated household income. There was some discussion on what qualifies as a hardship and Mr. Kreider felt it would be a problem for them to evaluate who had a hardship and that is why he felt using the County's guide lines would be the way to proceed. Mr. May stated in terms of hookup he is not in favor of addressing that issue now but possibly in March or April and it would give them the summer months to connect. Mr. Herr pointed out it is the understanding that the Township can pick the date for the start of the 90 day period. Mr. Smith stated he is just making them aware the Township is now on notice the system is available. The time frame for hookup can be discussed and anyone who needs to connect because of their current circumstance will be issued a permit by LASA to connect. Mr. Bauder had a technical question on Item 701 from Ordinance #3-2002 stating it was his understanding that the municipality is the agency that specifies requirement for hookup and do they forfeit that per this Article. Mr. Smith advised the Township over the years has designated LASA as the Sewer Agent and the Township does not forfeit any authority. This Ordinance prevails. Mr. Bauder discussed with some residents and Board Members an exception to hookup for hardship cases and he does not know how that would be managed. Mr. Kreider asked Mr. Bauder if he would be in favor of a citizen's group look at the hardship issues and report back to the Supervisors to which Mr. Bauder was in agreement. Mr. Herr questioned where the line would be drawn regarding income level. Mr. Breneman stated they will be talking about mandatory pump out of systems per Act 537 and would this reach into that area. Mr. Breneman stated those people could end up having to replace systems that could cost them \$10,000 to \$20,000. Mr. Kreider stated there is a great concern with residents losing their homes in Perth Hills/Letort Manor and would hope LASA would agree not to exercise a lien until the property is sold. Mr. Breneman stated he does not think LASA has ever foreclosed on anyone. Mr. Herr stated for every situation that develops in Letort/Perth Hill area how do they give equal treatment to someone who has their system pumped out and needs to replace their system.

Ed Shane, 104 Velma Lane, talked about the costs involved with the public sewer hookup and what will be involved for people to complete their hookup. Mr. Shane supports the concept of delayed hookup for people with financial hardship. Mr. Shane is not in favor of a citizen's group determining hardships but feel that should be handled by the Supervisors and Staff. Mr. May stated he had one concern regarding the email sent to him by Mr. Shane. Mr. May stated there is not a \$300 up front charge and that was verified with LASA. The \$300 is part of the special purpose fee.

Mr. Herr stated a concern he has with the hardship issue is how that line will be established. Mr. Kreider stated the County has established a guideline for determining a hardship. Mr. Bauder stated it is unfortunate they cannot get funding with this being a Public Health issue.

Tom Ecker, 2 Dublin Drive, read a letter requesting Manor Township Supervisors take action on behalf of the welfare of Stone Mill Manor residents to influence LASA to retain permanent ownership of all grinder pump equipment and structures. Mr. Ecker read supporting information for his request.

Mr. Kreider stated they also found major problems and omissions. LASA has Code Administrators as their inspection company and it is his understanding they have not been on the sites. Mr. Kreider asked how Code Administrators could inspect what is covered up. Mr. Smith stated Code Administrators will be inspecting from the Public Entity end into the residence. LASA's regulations require the lateral to be inspected. LASA is not required to have the type of code inspections that the Township requires of their residents. What is put in as a public entity, the State does not require them to have an inspection. Mr. Smith stated regarding Mr. Ecker's request it is reasonable for the Township to take a position and request LASA own that part of the public system. There was discussion as to whether LASA maintained grinder pumps in any other municipalities. Mr. May talked about the meeting that was held at Rettew with LASA and what was discussed at that meeting.

Clair Becker, 18 Money Hill Road, stated there were no inspections regarding the trenching.

Mr. Bauder asked if they request LASA take the responsibility does that involve the step tank and pump. Mr. Smith explained what would be covered by LASA.

Mr. Herr reported on information he obtained from Paradise Township who has their own system and how they handle the grinder pump maintenance.

Mr. Kreider questioned the area of responsibility by LASA. Mr. Smith gave details of the areas that would be the resident's responsibility and what would be LASA's responsibility. Mr. Kreider feels any inspections required should be done by Commonwealth Code Inspection Service who is the Township's Inspector. Mr. Smith explained the inspection process.

Mr. Breneman made a motion to draft a letter to LASA to ask them to take ownership of the grinder pump system. Mr. May seconded the motion and the motion carried unanimously.

Joe Bucek, 228 Bender Road, stated he witnessed the installation of the grinder pump on his property and felt there was inferior work.

Dennis Griffith, 111 Money Hill Road, noted it is not just Stone Mill Manor that has grinder pumps. He wanted the Supervisors to make sure all 50 property owners get the same treatment.

Clair Becker, 18 Money Hill Road, asked if hookups could be phased due to the amount of homes involved. Mr. Smith advised the connection is an ordinance. There is only one way to change the ordinance and that is to go through an amendment process.

Carol Shane, 104 Velma Lane, did not feel the discussion of hardship was completed and proceeded to talk about the cost that is involved in the hookup and how it will affect residents with hardships. Mr. May advised he would keep an open mind and explore possibilities but he is not optimistic that anything can be done that would be workable. Ms. Shane asked Mr. Bauder if he was willing to make a motion that the Supervisors consider hardship when requiring hookup to the sewer system.

Mr. Bauder made a generic motion that they will consider hardship when requiring hookup. Mr. May asked Mr. Bauder if he was making a motion and Mr. Bauder stated it was a motion. Mr. May stated he cannot second the motion because he does know the definition of hardship.

Ken Asche, 116 Spring Meadow Lane, stated people are unable to hear what is being discussed and he would like the speakers turned on. Mr. Asche talked about hardship cases and what he would like to see occur to help residents with hardships. Mr. Kreider asked why the people with hardships are not contacting the Township.

#### New Business

Appointment of Tax Collector – Mr. Smith indicated there is a letter from Rita Young dated January 11, 2011 indicating her resignation from the elected position of Tax Collector that needs to be accepted by motion. Mr. Smith suggests for the remainder of her term which is to the end of the year that Lancaster County be appointed as the Tax Collector until such time the issue is put on the ballot for the election process. Mr. Bauder made a motion to accept with regret Ms. Young's resignation as tax collector and they appoint Lancaster County as Tax Collector until that person is elected and takes office. Mr. Breneman suggested a letter be drafted thanking Ms. Young for her service and all the Supervisors sign the letter. Mr. May stated he would be happy to draft the letter. Mr. May seconded the motion and the motion carried unanimously.

On Lot Septic management Program – Mr. Smith stated Act 537 had a draft ordinance for their consideration. Mr. Smith provided ordinances that have been in place since 2005 and 2007 for East and West Hempfield and West Lampeter. Mr. Smith advised there will be choices on the program management but Mr. Smith suggested that they do not deviate from the heart of the ordinance as it must meet DEP approval. Mr. Smith stated they need to make a decision on whether they have the market place to do the hauling or chose to bid out to a single hauler. Mr. May would like to have this on next month's agenda. Mr. Kreider asked for a list of haulers and he was advised they do not have a

list. Mr. Smith stated the ordinance would require the haulers meet DEP Certification and liability. Mr. Kreider asked for a list of certified haulers. Mr. Bauder suggested a committee be appointed and report back to the Board. Mr. Herr advised there was a committee that consisted of himself, Mr. May and Mr. Smith. Mr. May advised they would have the same committee members. Mr. Smith suggested Dave Lockard, Sewage Enforcement Officer be included.

Approve Purchase of Police Vehicles - Chief Graeff provided documentation and this was part of the Capital Fund Budget. Chief Graeff is requesting permission to purchase a Ford AWD Edge priced at \$26,600 and a Chevrolet Impala priced at \$22,100. Mr. Smith and Chief Graeff feel it would be beneficial to purchase an extended 5 year/100,000 mile power-train warranty on the Ford Edge at a cost of \$1,887. Mr. Kreider had questions on the warranty provided. Chief Graeff explained the warranty that is with the vehicle and provided justification for the extended warranty. Mr. Bauder made a motion to approve the purchase of the two vehicles including the purchase of the 5 year extended warranty. Mr. Herr seconded the motion. Mr. Breneman asked the additional cost involved to get them ready for the street. Chief Graeff did not have the exact figures. Mr. May called for the vote and the motion passed unanimously.

Approve Purchase of Waste Oil Burner - Mr. Smith advised this was talked about in the budget process. Before the Board is Mr. Harris's recommendation to buy the model "Saturn 140" from Clean Burn in the amount of \$6,800 which includes the storage tanks. Mr. Kreider thought there was grant money available. Mr. Harris stated he was not aware of that but would look into it. Ken Asche indicated with waste oil burner you must be aware of air quality and emissions and need a guarantee that the manufactures will meet air quality standards. Mr. Breneman made a motion to purchase the recommended waste oil burner. Mr. Kreider seconded the motion and the motion carried unanimously.

Act 14 Notification West Charlotte Street – Mr. Smith advised the next three items all relate to one project that is a small subdivision land development on West Charlotte Street. The first is a notification the applicant will be securing a MPDES permit and this is only for their information.

145 West Charlotte Street Storm Water Financial Security – Mr. Smith stated the check has been received and deposited in anticipation they will enter into the Improvement Guarantee Agreement. This is for the storm water portion on a single lot which was reviewed by Mr. Smith and the engineer. It is their recommendation they enter into the Improvement Guarantee Agreement and an escrow fund will be set up for \$6,099.60. Mr. Kreider made a motion to accept the Improvement Guarantee Agreement. Mr. Herr seconded the motion and the motion carried unanimously. Mr. May questioned whether wording was missing from the Improvement Guarantee Agreement. Mr. Smith advised he would verify the wording in the Agreement.

Storm Water Management Agreement and Declaration of Easement - Mr. Smith advised this is for the same property and the standard agreement. Mr. Breneman made a motion to enter into the Storm Water Management Agreement and Declaration of Easement. Mr. Kreider seconded the motion and the motion carried unanimously.

Mr. Smith advised he had three items to bring before the Board. The first thing is to replace the copier. Mr. Strohecker advised he received estimates for four copy machines and he recommends purchasing the Konica Minolta at a cost of \$8,127.32. Mr. Kreider made a motion to purchase the recommended copier. Mr. Herr seconded the motion and the motion carried unanimously.

Mr. Smith provided a cover letter as well as a petition from Murry Development Corporation for an amendment to the zoning ordinance that would permit maximum height of 70' within the High Density Residential Flex (RH1) Zoning District. The current height is 35'. Mr. May stated due to the fact it will apply to the entire High Density Residential Flex Zoning District Mr. May made a motion it be sent to the Planning Commission and the Lancaster County Planning Commission for their recommendation. Mr. Bauder stated it is his opinion this should not be approved. A letter was included from the

Millersville Fire Company with their recommendation. Mr. Bauder seconded the motion and the motion carried unanimously.

Mr. Smith stated the developer for the project on West Charlotte Street has submitted an application for consideration of modifications of the Subdivision Land Development Ordinance which are reconstruction of existing street, curbing requirements and sidewalk requirements. A description has been provided and a plan for consideration. Mr. Smith suggests that staff be allowed to consider this and it be forwarded to the Planning Commission for the recommendation. Mr. May made a motion to forward the modification request to the Planning Commission for their recommendation. Mr. Bauder seconded the motion. Mr. Bauder asked the number of units involved and if the fee in lieu of has been negotiated. Mr. Smith stated there are six units and the fee in lieu of has not been discussed at this time. Mr. May called for the vote and the motion passed unanimously.

#### Correspondence

Mr. Smith advised under the Administration there are several conferences for consideration. Mr. Smith requested that he and Mr. Strohecker attend the Eastern and Western Municipal Managers Workshop in Hershey on February 10 and 11. The second one is 63<sup>rd</sup> Annual Managers Conference May 17-19 in Cumberland County.

Public Works- Mr. Harris has submitted for a five of his employees attend the Professional Pest Managers School where they will obtain the necessary credits.

Police- Chief Graeff is requesting permission for Officer Brian Liddick to attend the PA Gang Conference being held April 20 & 21 at the Lancaster County Convention Center. In addition, the Chief would like to send Cpl. Geyer and Off. Snyder to Standardized Field Sobriety Testing on April 4,5 & 6 at a cost of \$100 per officer being held at the Training Center in Lancaster County.

Mr. Breneman made a motion to approve the appropriate people attend the conferences. Mr. May seconded the motion. Mr. Bauder asked who would be attending the management conferences and questioned if they would be beneficial. Mr. Smith advised both he and Mr. Strohecker would be attending and they would be beneficial to both of them. Mr. May called for the vote and the motion carried unanimously.

#### Traffic Commission

Chief Graeff advised the Traffic Commission met on January 26<sup>th</sup> with all members present along with Mr. Smith. They held their reorganization. Under Old Business Mr. Harris advised "No Parking" signs were placed on Knollwood Road from Letort Road to the second intersection of Cartledge Lane with Knollwood Road. Also "No Parking From here to Corner" sign on the second Cartledge Lane 30' west of the intersection. An email was received from John Pfyer requesting no parking on Richmond Road between Stratford Road and Hawley Drive. All three Commission Members drove through the area at different times and were in agreement that there is not a need for parking restrictions in that area. Chief Graeff informed Mr. Pfyer of their decision and since that time Chief Graeff received another email and photograph regarding a vehicle that was parked on the street. Sgt. Gundel talked to the car owner and asked them to park on the same side as everyone else. Chief Graeff felt the problem could have been due to snow.

#### Police Report

Chief Graeff stated the report for the month of January has been submitted and noted statistics that were given in the report.

#### Public Works

Mr. Harris stated they have spent considerable amount of time in snow removal in the month of January. They will continue with trimming, crack sealing and will start storm water pipe replacement for the upcoming season.

#### Township Manager

Mr. Smith stated his written reported has been submitted and there is nothing he needed to add.

#### Blue Rock Fire Rescue Update

Mr. Breneman stated they meet the first Thursday of the month at the Millersville Boro Office. They have received 11 applications for the Administrator Position from all over the United States. They must find a place for the Administrator to work from. They are looking at July 1 for the target date for the new 5013c and dissolution of the four former ones. Mr. Bauder had questions on the job description and salary advertised. Mr. Smith stated he could supply Mr. Bauder with a copy of what was advertised.

#### Building Permit Report

Mr. Kreider read the building permit report noting the number of permits issued January 2011 is 7 and last year the same month is 15. The dollar value of permits issued in January 2011 is \$3,256,964 and the value year to date in 2010 is 1,141,420.

Mr. May commented to Mr. Asche that he understood his complaint regarding the volume. They would try to get people to project their voice or make other arrangements to resolve the problem.

Mr. Breneman made a motion to adjourn. Mr. Herr seconded the motion and the meeting was adjourned at 9:10 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, March 7, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Mark Harris, Chief Graeff and Evie Rineer  
Visitors Present: See attached.

Minutes – Mr. Kreider made a motion to approve the minutes as presented. Mr. Herr seconded the motion and the motion carried unanimously.

Bills - Mr. Breneman made a motion to approve payment of the bills as listed. Mr. Kreider seconded the motion and the motion carried unanimously.

Financial Report – Mr. Bauder made a motion to approve the Financial Report as submitted. Mr. Herr seconded the motion. Mr. Breneman questioned line item Educational Reimbursement figure asking if the figure should be up one line and Mr. Strohecker indicated he was correct. The motion carried unanimously.

Solicitor's Report - There was no Solicitor report.

Lancaster County Conservation District – Mr. McNutt, Executive Director of the Lancaster County Conservation District, indicated he was presenting an informational item but was also asking for the Township's support. The Conservation District wants to have a conservation plan and manure management plan on every farm in Manor Township. The Conservation District Board of Directors has passed a plan to have all farms in Lancaster County have a conservation plan by 2015. Mr. McNutt had available an Act Compliance Brochure and brochure encouraging all farmers to fence cattle out. Three areas they will look at as they work with each farmer is 1) their conservation plan, 2) manure management plan and 3) issue of bare earth areas. The Conservation District is asking for Township support with providing a map that shows the parcels over ten acres with the name and address so they can start contacting the farmers, and looking for assistance from Mr. Smith with his knowledge of the community and possibility working with the Township Zoning Officer. Mr. McNutt is putting forth a challenge to complete this by June 2014. Mr. May made a motion to move ahead on this project in conjunction with and in cooperation with the Conservation District. Mr. Kreider seconded the motion and the motion passed unanimously.

### Business from the Floor

John Wenzel, 690 Indian Run Road, Millersville, expressed his thanks for bank mowing. Mr. Wenzel stated bank mowing makes the Township look nicer and is effective for the land owner. Mr. Wenzel thanks the Supervisors for funding this, thank the manager for allocating the appropriate time and the individuals who actually mow the banks.

### Old Business

Letort Manor/Perth Hills Public Sewer Update - Mr. Smith advised they have been informed by LASA that the system is ready to connect. Mr. Kreider asked if any decision was made by LASA to take over responsibility and ownership of the grinder pumps. Mr. Smith advised no decision has been made to date. Mr. Kreider feels LASA should take over the ownership of the grinder pumps. Mr. Bauder indicated he has a report from Paradise Township pertaining to their sewer system and the maintenance of that system.

Mr. Bauder pointed out the process of determining hardship by Paradise Township. Mr. May feels they should not sign anything asking for hookup before May. After discussion, Mr. Herr made a motion to set May 1 as the notice to connect with a 90 day window for completion. Mr. May seconded the motion and the motion carried unanimously.

SALDO – West Charlotte Street Application for Modification – Mr. Smith advised the application was presented to the Planning Commission for their consideration and at this point the Planning Commission has tabled it. Rob Gabriel who represented the plan for Pete Alexich advised the project is located on the north side of West Charlotte Street between Duke Street and Applewood Lane. The property is zoned Medium Density Residential and is 1.91 acre. It is surrounded by existing development and is an infill project. There is an existing dwelling on the site that will remain. They are proposing four duplexes and one single family dwelling. There is a very steep embankment that comes off Charlotte Street that also extends towards Duke Street. The widening required would be 13 ½' from the edge of the existing pavement. This would be a major disturbance for a project this small. The sidewalk would not connect to any other sidewalk and they are doubtful that in the future the Township would want to extend this widening towards Duke Street because the same problems exist as well as several driveways would be affected. The Planning Commission did not seem to have a problem with the project but wanted the Township to have some dialogue with Millersville Borough about the Borough cooperating in an effort to make these improvements on the south side of Charlotte Street which would be much easier and make more sense. They are offering to pay a few in lieu of these improvements. With existing problems in the area, Mr. Kreider expressed concern with storm water runoff. Mr. Gabriel advised they are taking care of the storm water from the site as most of it will be infiltrated and they have designed a system that will connect to Duke Street. Mr. Smith stated it would be expected that the Township Engineer will determine a system that would include a catch basin and piping down to the corner of Charlotte and Duke Street. It then goes at an angle across to the western side. As a Township, they would make upgrades to the existing pipe system with the fee in lieu of. Mr. Smith advised that the Storm Water Ordinance requires a reduction in water runoff.

Karen McLellan, 1 Applewood Lane, Millersville, stated she is one of the properties that have problems with water and each year it gets worse. She is concerned with increased water runoff from the proposed project.

Barry Kauffman, 180 West Charlotte Street, indicated this is the first he has seen the plan but knows they have water problems now and is concerned with increased water problem. Mr. Smith stated they will be looking at whether it is feasible to put curb in and curb would make a big difference in the storm water management. Mr. Kauffman is also concerned with any blasting that may take place do to the rock in the area.

Mr. Kreider questioned whether the buildings will have basements due to the rock and Mr. Alexich advised there will be basements. Mr. Alexich stated he has dug five probe holes in various locations on the site digging down 8-10 feet and did not hit any rock. The Supervisors decided to wait for the Planning Commission's recommendation before acting on the modification request. Mr. Smith stated if they were inclined to consider a fee in lieu of it may be worthwhile for the applicant's engineer and Township Engineer to discuss the amount. Mr. Smith stated if they would like to direct the owner and engineer to precede it would be at their choice. The Supervisors agreed for the engineers to discuss the fee in lieu of.

SALDO – 233 Seitz Road Final Subdivision Plan & Modification Request - Mr. Smith advised that this is a final minor subdivision plan for Shertzers. Mr. Smith advised there is a letter from Rettew addressing requested modifications, the Subdivision Land Development comments, and Storm water review as well as a letter from the Planning Commission from the February 18<sup>th</sup> meeting and a comment letter from LCPC. John Weese represented the plan informing the Supervisors that the Planning Commission recommended approval of the three modification requests and the plan. It is basically a 24 acre parcel and they are subdividing off a two acre parcel for their residence. They are prepared to have everything on the plan that has been recommended in the review letter. Mr. Bauder questioned if the comment from the

County regarding the well was resolved. Mr. Weese advised it was a comment only. Mr. Bauder made a motion to approve subdivision plan for 233 Seitz Road subject to meeting the conditions of the March 4<sup>th</sup> Rettew Letter and granting the requested modifications. Mr. May seconded the motion and the motion carried unanimously.

Manor Oaks III Modification Request - Mr. Smith advised that Mike Manning was present to represent the project. Mr. Manning advised this is the last phase of the Manor Oaks townhouse project. They bought the remaining lots from Integrity Bank who obtained them when Gemcraft defaulted. They began construction based on the Gemcraft plans that were approved by Commonwealth Code Inspection Service. The plans show the H Tract Shaft Liner System as being the firewall system so they did their framing, put in the firewall system, requested a framing inspection and found out Manor Township has a different code for firewalls. They are before the Supervisors asking for a modification so that in this one building they are allowed to keep the firewalls they installed and going forward go with the masonry walls. Mr. Bauder questioned if Gemcraft was not building according to specifications. Mr. Manning stated it is his understanding that Gemcraft built many townhouses in the area and knew what was required. Mr. Manning did not know why their plans did not reflect what was required even though Gemcraft was doing it right. Mr. Smith advised that Mr. Nelson will say he did not approve this particular type of firewall for installation, however, Mr. Nelson has indicated that is the standard firewall in the Statewide Building Code and it is his opinion that it is adequate. Mr. Nelson understands why the Township has the masonry wall as their standard but was very clear he is convinced that what has been installed meets the Statewide Building Code. Mr. Bauder questioned if the Township Ordinance should be looked at. Mr. Smith feels it is something that should be reviewed. Mr. Smith indicated he would be more comfortable with sprinklers but did not know if that would be practical. Mr. Herr questioned the rating and Mr. Smith advised it is equal to the masonry. Mr. Kreider questioned the Township's regulations on the masonry wall and Mr. Smith advised it is a two hour rating. Mr. Breneman made a motion to grant a waiver regarding the firewall. Mr. Kreider seconded the motion. Mr. Smith suggested the motion be clarified that it is based on some construction spec. Mr. Breneman modified the motion that in this particular case they waive the masonry in the code to the H Stud Area Separation Wall System. Mr. Kreider seconded the modified motion that carried unanimously.

David Charles Rezoning Request - Mr. Smith stated they had been presented with a petition that was forwarded to the LCPC, Manor Township Planning Commission and Land Use Advisory Board. The petition was requesting said property be rezoned from Industrial to High Density Residential Flex. Chris Venarchick from RGS Associates presented the petition along with Dave Charles and Rich Shoemaker. Parcels 2 and 3 are located on the south side of Charlestown Road. The Applicant was in December to talk about whether or not the Township this proposed rezoning had merit and after their brief discussion with the Supervisors it seemed like it was something worth pursuing. The parcels are vacant and water and sewer are available. The property is zoned Industrial and they are requesting rezoning to High Density Residential Flex. There was concern that removing these two parcels from Industrial would leave the Township with very little Industrial Zoned land. Mr. Venarchick pointed out that the entire property on the north side of Charlestown Road is zoned Industrial. The Manor Township Planning Commission recommended denial of the request. Mr. Venarchick stated there is existing infrastructure in place and Woodgate to the south is a good transition area. Mr. Venarchick feels if rezoned it would be complimentary to the existing Industrial lands that flank the site. It is within the Urban Growth Boundary. They feel what they are proposing is not only consistent with what the Township's direction could be but also the County as a whole. There is a concern with traffic but with the multi-family use proposed the traffic will be distributed due to the fact there will be people of various ages living there. There was a significant attempt by the owners to market these parcels for Industrial use over the past 20 years. Some of the negative comments given to the Applicant were it is too far from Route 30 and do not want to be against residential. There was concern with impact to schools and it was pointed out they will be one and two bedroom apartments. Mr. Smith stated for information purposes it is pertinent that the Supervisors

recognize the Stauffer tract is Industrial as well as Turkey Hill complex. Mr. Smith pointed out that the Supervisors are not approving a rezoning tonight, if they choose to move forward. They would be directing Mr. Smith and Mr. Goodman to prepare an ordinance for a rezoning that would be approved at some point in time. Mr. Kreider stated his concern is traffic and in that area no matter is constructed there will be a problem. He would like to be sure that they understand where the Township Planning Commission is coming from when they say they would like to look at the whole area. Mr. Kreider would like to send the petition back to the Planning Commission.

David Charles, 350 Letort Road, Millersville, stated there was a lot of discussion at the Planning Commission in regards to residential zoning. They mentioned maybe this is not an ideal industrial area but what should it be. Mr. Charles stated they do not believe this to be a retail site as retail sites are driven by residential people. Mr. Charles asked if the Supervisors could picture a drive thru or bank on these parcels. They believe this was zoned industrial because it was part of a larger parcel of land and when it was purchased by Armstrong it was blanket zoned. Mr. Charles said if you look at it today is it industrial parcel or retail commercial spot. He does not feel it is today but possibly in 20 years from now if 1700 homes are built. Backing up to medium density residential and flanked by some light industrial this rezoning makes sense. Mr. Charles advised concerning the increase in students they are proposing one and two bedroom apartments which you will get about one student for every ten units. Mr. Charles talked about the tax base that was expressed as a concern at the Planning Commission meeting. They would build a private community as luxury apartments with no maintenance required by the Township on the streets and these are proposed three story buildings.

Ruth Rielly, 152 Kent Road, indicated she is against this housing project because taxes will be raised and there will be an increase in traffic.

Mr. Venarchick stated if they were fortunate to go forward with this project they would go through the land development stage and would have to adhere to all the rules and regulations regarding traffic. They would have to do a traffic impact study and any impact the development would have they would be obligated to mitigate. Mr. Kreider stated he is not in a position to make a decision until he hears from the Planning Commission. Mr. Smith clarified procedurally what the Supervisors could do regarding this petition. Mr. Smith stated relative to this petition if they are looking at something similar to what was done with rural/agriculture a broader look other than site specific to this plan that is there prerogative. Mr. Smith stated looking at these two lots individually there has been an exhaustive approach to what has been presented that is a staff position. There is conflicting opinions on this petition. Mr. May referred to the LCPC's comments. Mr. Smith stated if this is returned to the Planning Commission they need to be given clear direction what the Planning Commission should be looking at. Mr. Bauder would like the former Wal-Mart site looked at when looking at this area. After discussion, Mr. Breneman made a motion to table a decision on this petition. Mr. Bauder seconded the motion. Mr. May would like the Planning Commission advised why the Supervisors have tabled a decision on this petition. Mr. Smith clarified that he and Mr. Ott is communicating to the Planning Commission to evaluate the amount of industrial and residential and see if both of those components are sound or needs to be alterations. Mr. May called for the vote on the motion which was unanimous.

Resolution 11-2011 – 233 Seitz Road Planning Module – Mr. Smith stated the planning module has been reviewed and found to be in order. Mr. Smith recommended he be authorized to sign the planning module. Mr. May made a motion to authorize Mr. Smith to sign this module and to approve Resolution 11-2011. Mr. Herr seconded the motion and the motion carried unanimously.

Resolution 12-2011 – Escalator Clause – Mr. Smith advised this is relative to the procurement of material that needs to be adopted before entering into any contracts. Mr. Harris advised the escalator clause is based off the liquid asphalt index and helps in the bidding process. Mr. Herr made a motion to approve Resolution 12-2011. Mr. Breneman seconded the motion and the motion carried unanimously.

On Lot Septic Management Program - A Committee was put together to begin the process of evaluating potential programs, the impact and ultimate resolution to this. Mr. Smith advised the

Committee had one initial meeting and assembled a number of documents. At the end of the initial meeting it was agreed there needs to be more research and Mr. Lockard is going to provide additional input from his standpoint. The Committee is scheduled to meet on Wednesday to begin further evaluation of the process. There was a question on the drop dead date in terms of having the ordinance in place and it is the end of 2011. When the ordinance is in place they must be prepared for the management of the program in 2012. Mr. Lockard will provide a chart advising the time frame in which systems should be pumped out based on number of residents in a household.

Approve Purchase of Automated External Defibrillators - Mr. May asked Mr. Smith to contact the citizen who had previously indicated interest in contributing to the purchase of a defibrillator and determine if he was still interested. Mr. Smith advised this has been budgeted but if that gift is available it would be beneficial. Mr. Herr made a motion to allow Staff to proceed with the purchase of the AEDs as outlined and use the discounted price that is available through the Lancaster Heart and Stroke Foundation Purchase Plan. Mr. Kreider seconded the motion and the motion carried unanimously. Mr. Breneman would like a plan to keep the defibrillators updated. Chief Graeff informed the Supervisors that the defibrillators have a four year replacement battery. Chief Graeff stated with the AED purchased last year they have had two rescue attempts.

Creek Road Bridge Update – Mr. May noted a letter from Mr. Douts inviting dialogue with the Township that the Supervisors felt they have already had. Mr. Herr noted that he and Mr. Breneman had forwarded proposals regarding the bridge. Mr. Smith indicated the Township went on record that they wanted the bridge replaced. Mr. May noted interest in keeping the bridge to be used for hiking/pedestrian crossing and bicycling. Mr. May indicated there is a cost for that. Mr. Smith advised options for the bridge are the bridge can be put in place to meet the State standards using Liquid Fuels, removed or give to the Township who can decide what to do with it. The County would forward the demolition cost as a contribution but Mr. Smith believes that is contingent on putting it back as a vehicular bridge. Mr. Herr had suggested when the County replaces the Rock Hill Bridge they put a section of that bridge on the Creek Road Bridge. The County indicated they would respond to Mr. Herr's suggestion but they have not responded to date. Scott Haverstick, Washington Boro, asked if it would be possible to have Rettew Associates provide an estimate what it may cost to rehab the bridge for pedestrian use. Mr. Smith felt something could be done on a preliminary basis with Rettew Associates as a service to the Township. Mr. Smith advised they would need to be clear as to whether there were stipulations on the money that would come from the County. Mr. Bauder feels you would want that clarification before the engineer was assigned. Mr. Smith advised he would talk to Mr. Douts regarding the suggestions discussed.

Zoning Hearing Board Alternate – Mr. May advised Bradley Singer expressed a desire to be an alternate on the Zoning Hearing Board. Mr. Breneman made a motion that they appoint Bradley Singer as the alternate to the Zoning Hearing Board. Mr. Herr seconded the motion and the motion carried unanimously.

Shaw Improvement Guarantee Agreement and Cash Escrow – Mr. Smith advised he received the Improvement Guarantee from the Applicant that is private improvement. Mr. Smith recommended they enter into this Improvement Guarantee Agreement and be advised the Applicant has provided a cash escrow. The Exhibit provided by the Engineer is \$18,889.75 and that is the amount of the check forwarded to us in spite of Mr. Caldwell's recommendation to round the figure to \$18,890.00. Mr. Smith recommends they accept the amount of \$18,889.75. If agreeable, Mr. Smith will write that amount into the Improvement Guarantee Agreement. Mr. May made a motion they approve entering into the Improvement Guarantee Agreement and accept the cash deposit in the amount of \$18,889.75. Mr. Breneman seconded the motion and the motion carried unanimously.

PELRAS Conference – Mr. Smith advised this is the Labor Relations Advisory Service and ask that he as well as Mr. Strohecker attend.

MAGLOCLLEN – Chief Graeff is requesting that Det. Mazur attend the 2011 MAGLOCLLEN Information Sharing Conference & Annual Business meeting.

Memorial Death Scene Awareness Symposium - Chief Graeff is requesting Det. Phenneger and Off. Wolf attend the Memorial Death Scene Awareness Symposium.

Mr. Herr made a motion for the appropriate individuals to attend the conferences. Mr. Kreider seconded the motion and the motion carried unanimously.

#### Traffic Commission

Chief Graeff stated the Traffic Commission met on February 23 with him and Mark Harris present. Mr. Breneman was absent. The “No Parking Signs” that were removed or knocked down on the west side of Millersville Road are to be replaced. Mr. Harris advised the signs were replaced last week. There was discussion on the Mardi Gras Party that may be occurring on the weekend of March 25<sup>th</sup>. They received information from Millersville Police Department that Millersville University Students were planning on holding a Mardi Gras Party with an indication of possibility 2,000 students attending. Chief Graeff advised they are trying to be proactive and discussed placing “No Parking” signs in the Manor Oaks area and possibility closing off streets from Letort Road into Manor Oaks to prevent congregation of people driving and parking there. Chief Graeff has contacted the Homeowner’s Association and advised them of what may occur. The placement of signs will be on an on call basis depending how information is received. It will be done the day of the event.

#### Police Report

Chief Graeff stated the report stands as submitted noting some statistics in the report.

#### Public Works

Mr. Harris stated they began the Agility Mowing Program in February. They owed PennDot over \$1,000 in mowing that has been satisfied. They are starting to work to gain for their Agility Program. They have not planned to do any cooperative work with PennDot this year using their services but project in 2012 doing some base repair on Donnerville Road using PennDot’s milling machine. Mr. Harris indicated he is banking time for that project. Mr. Harris noted they have made some enhancements to the parks. Weather permitting, they will look for the leak in the water line in Greider Park and make that repair so the facilities are open by April 1.

#### Township Manager

Mr. Smith stated he has nothing to add to his written report unless there were questions from the Board.

#### Blue Rock Fire Rescue Update

Mr. Breneman advised they have begun interviewing candidates for the Administrator Position. They have the By-Laws for the Fire Commission. They are targeting July 1 as the date when the 5013c will come together and form one. Mr. Breneman presented to the Board a Certificate of Appreciation from the Highville Volunteer Fire Company in appreciation of the Township’s work over the years.

At 9:30 pm, Mr. May advised they were going into an Executive Session for a personnel matter and a legal matter relative to the Union. Mr. Harris and Mr. Strohecker were asked to join the session. The meeting reconvened at 9:43 pm.

Building Permit Report

Mr. Kreider read the building permit report noting the number of permits issued February 2011 is 15 compared to 16 in 2010. The value of the permits issued in February is \$129,912; year to date 2011 is \$3,386,876 compared to year to date in 2010 was \$2,922,542.

Mr. Kreider made a motion to adjourn. Mr. May seconded the motion and the meeting was adjourned at 9:45 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, April 4, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll Call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Mark Harris, Chief Graeff and Evie Rineer  
Visitors Present: See attached.

Minutes – Mr. Kreider made a motion to approve the minutes as submitted. Mr. Bauder seconded the motion and the motion carried unanimously.

Bills – Mr. Herr made a motion to approve the bills as submitted. Mr. Breneman seconded the motion and the motion carried unanimously.

Financial Report – Mr. Breneman made a motion to approve the Financial Report as submitted. Mr. Herr seconded the motion and the motion carried unanimously.

Solicitor's Report – There was no Solicitor Report.

### Business from the Floor

Jim Quinn, 33 Dublin Drive, Millersville, had questions on the status regarding the water lines that are being installed. Mr. Smith advised the water company has installed lines just north of Route 999 and they anticipate this calendar year they will be able to get from that point into the development area. Mr. Smith advised based on the Water Company's projection at the earliest the end of this year probably in 2012. Mr. Quinn questioned if there will be plans for residents to look at and Mr. Smith advised they will be available to the public as soon as the Township receives the plans.

Mr. Kreider noted that Columbia Water Company did a fantastic job with the installation to this point.

Ken Asche, 116 Spring Meadow Lane, Washington Boro, verified they are not mandated to hook up to public water. Mr. Asche asked who had the rights to supply the development with water. Mr. Smith advised that Columbia Water Company has the franchise area as filed with the PUC.

### Old Business

Letort Manor/Perth Hills Public Sewer Update – Mr. Smith advised at this point LASA is strongly looking at ownership of the grinder pumps. The LASA Board asked Staff at LASA to provide information to them and as soon as that information is received it will be shared with the Supervisors. LASA would have the ownership of what has been installed. Beyond that the Homeowners responsibility would be the plumbing and electrical work in the basement as well as to get it to where LASA and the contractor stopped. Mr. Kreider asked if there is a scheduled meeting with the residents affected by this with LASA. Mr. Smith advised there would not be a meeting until the Board has received additional information from the staff at LASA. Mr. Smith advised to date there have been approximately 50 permits issued. The notice to connect was sent out Friday indicating May 1 as the effective date to connect. Mr. Smith advised in 2009/2010 they had received three specific requests for exemptions from Jim Quinn, Jonathan Forrester and Richard Mylin. Mr. Smith advised the Supervisors they could act on those request at their May meeting. The Supervisors requested the exemption requests be put on the agenda for their May meeting.

On Lot Septic Management Program – Mr. May stated that he, Allan Herr, Dave Lockard and Barry Smith have been meeting regarding a proposed ordinance to deal with the Act 537 obligations regarding the on lot septic management program. Mr. May stated there will be a program and everybody will be subject to it that has an on lot system. Mr. Smith indicated they had several ordinances as well as an additional one from Rapho Township that Mr. Lockard supplied. Mr. Smith advised that the Sewage Enforcement Officer,

Dave Lockard, has provided insight into what exists as well as how the mechanisms are working in the communities he deals with. Mr. Smith stated he and Mr. Strohecker would take the information and provide the Supervisors with a draft ordinance giving the Supervisors opportunity to give their input. Mr. Bauder had questions on the schedules for pumping out tanks. Mr. Kreider requested they have an opportunity to review what the Committee is working on and evaluate the progress that has been made. Mr. Smith advised that the draft ordinance that would be provided to them would give the Supervisors the options for their input. Mr. Smith stated he would provide the notes that got them to the point of the draft ordinance. Mr. Strohecker stated that with all the options available they felt if they did not have something to critique it would just be a brainstorming session.

#### New Business

West Charlotte Street Application for Modification – Mr. Smith stated before the Supervisors this evening is request for the modification of Section 502.5.B.1, Section 502.11.A.1, and Section 502.12.A. Mr. Smith summarized the recommendation from the Planning Commission stating they are recommending waiving Section 502.5.B.1 but not waive the Installation of Curb and Sidewalk for the subject property. The developer would be required to provide a fee in lieu of what that street widening process would have been and the amount be negotiated by staff and engineer with the applicant. Mr. Smith stated he would recommend that their motion would include the following language regarding the fee in lieu of. The required improvements will be in the amount that would be acceptable to the Township and the Applicant would agree that the fee in lieu of the required improvements may be deposited in the Township's General Fund Account and dispersed at the Township's discretion. Mr. Breneman stated that the Planning Commission recommended that the sidewalk be next to the curb instead of the buffer area. Mr. Smith advised the Township would want some buffer area for the placement of signs as well as an added safety issue. Mr. Kreider complimented the Planning Commission on the recommendations they made regarding this application. Mr. Bauder asked if Mr. Kauffman's concerns with water runoff have been addressed. Mr. Smith advised that issue would be addressed at the stormwater phase of the project. Mr. Smith suggested the motion state the granting of waiver request for Section 501.5.B.1 and denying the waiver request of Section 502.11.A.1 and Section 502.12.A. Mr. May made the motion as stated by Mr. Smith with regards to the waivers strictly. Mr. Breneman seconded the motion. Mr. May did not feel there was any need to have in the motion anything about Mr. Smith negotiating a fee in lieu of. The motion carried unanimously. Mr. Breneman made a motion to grant the applicant their 79 days extension as per their letter. Mr. May seconded the motion and the motion carried unanimously.

Resolution #13-2011 – Appointment of Zoning Hearing Board Alternate - Mr. May questioned the date on the Resolution and it was determined the date should be 2014. Mr. May made a motion to adopt Resolution #13-2011. Mr. Kreider seconded the motion and the motion carried unanimously.

Award Bids – Mr. Smith advised this was properly advertised and a public bid opening was held today at 10:00 am. Mr. Smith and Mr. Harris opened the bids, announced them and read them to those who were in attendance. The compilation is a result of the bids submitted. The highlighted portions are the low bids that Mr. Smith recommends be accepted. Mr. Smith pointed out under materials the price to deliver was not highlighted. They have decided not to exercise that. For the Superpave product they are only going to authorize the unit price to pick up at the plant. The 2A Stone bid was \$5.25 at the plant by both vendors. They decided to include the delivery price which shows Pennsy Supply the low overall bid.

Award Seal Coat – Mr. May made a motion to approve Martin Paving's bid of 32,537 and 410 respectively of the CRS-2PM @ .35 gal per sq yd and unit price of .997 for both. Mr. Breneman questioned why the two are separated. Mr. Harris advised that the alleys cannot be paid out of Liquid Fuel Fund. Mr. Bauder seconded the motion and the motion carried unanimously.

Award In-Place Paving – Mr. Bauder made a motion to approve Highway Materials for In-Place Paving quantities 1,652 tons for Superpave 9.5 mm at 65.20 per unit and 1,200 tons for Superpave 19 mm at 55.20 per unit. Mr. Breneman seconded the motion and the motion carried unanimously.

Award Micro Surfacing – Mr. Kreider made a motion to approve Stewart & Tate at 28,815 sq yd Double Application Type A at 1.945 for a total of \$56,045.18. Mr. May seconded the motion and the motion carried unanimously.

Award Materials – Mr. Herr made a motion to approve the bids as submitted from Highway Materials for a quantity of 150 tons of Superpave 9.5mm at per unit cost of 51.50 per ton Fob and also for additional tons from Highway Materials of Superpave 19mm at unit price of 45.80 per ton Fob. Also for Pennsy Supply as vendor of record with the low bid for 1930 tons of Superpave 25mm at unit price of 43.00 per ton Fob at the plant. Pennsy Supply as a vendor of 1457 tons of 2A Stone unit price of 5.25 per ton Fob at the plant and also option to take their bid of 8.00 per unit ton delivered to Manor Township. Mr. May seconded the motion and the motion carried unanimously.

Mr. Breneman questioned how the bids compared to last year and Mr. Harris advised they were actually less than last year.

#### Correspondences

Mr. Herr gave an update regarding a letter sent to PennDot asking the status for a bridge on Walnut Hill Road. Mr. Herr contacted an individual from PennDot who advised the bridge is being considered and referred Mr. Herr to someone with the Bridge Department for District 8. Mr. Herr was advised it is on the agenda for discussion this week. They are trying to put it into an improvement program and will keep Mr. Herr informed. Mr. Herr stated he called Representative Bryan Cutler's Office and spoke with Mr. Stewart Nelson asking him to make a call to District 8. Mr. Herr was informed that PennDot plans to replace the bridge and not close it.

#### Traffic Commission

There was no Traffic Commission report.

#### Police Report

Chief Graeff stated the report stands as submitted noting some statistics in the report. Chief Graeff stated with the nicer weather the Officers were more aggressive with traffic enforcement. Chief Graeff noted that there were five letters of accommodations given to Officers. Mr. May complimented Sgt. Gundel on her Platoon Report and asked Chief Graeff to pass the compliment on to her.

#### Public Works

Mr. Harris stated they are being aggressive in preparing the streets for oil and chip and paving. They turned on the water to the park facilities and feel confident they have found the leak in Greider Park. Mr. Bauder advised Mr. Harris that Owl Bridge Road on the west side of the County Bridge has some bad cracks. Mr. Harris informed Mr. Bauder that he is aware of the cracks and listed several other roads that are in the same condition. Mr. Harris stated they are in the process of crack sealing roads.

#### Township Manager

Mr. Smith noted the ongoing efforts in stormwater management efforts relative to the MS4 Program. Mr. Smith advised he is continuing to correspond with Mr. McNutt and working through developing a strategy to deal with agricultural storm water runoff. Mr. Smith understands his strategy and emphasis is to work on primarily the agriculture runoff as opposed to expanding into more of a global stormwater plan. Mr. May pointed out it is the Conservation Districts Program and they are only cooperating to make it happen. Mr. Bauder asked what additional work may be involved besides having a conservation plan in place for farmers. Mr. Smith stated it will be Mr. McNutt and his group's responsibility to enforce compliance. Mr. Herr stated this applies to small farms that did not necessarily have conservation and nutrient management plans before. Mr. May stated their obligation is to furnish the Conservation District with the names and addresses of the farmers who will be approached by Mr. Smith as well as possibly Supervisors. It will also be an educational

process with meetings for the farmers to attend. Mr. May talked about a Supervisor in Lebanon County who is also a dairy farmer and the results they had with the implementation of the program.

Blue Rock Fire & Rescue Update – Mr. Breneman advised the Commission has selected someone for the Administrative Position who will be a retired Lancaster City Fire person and has experience. He also teaches at Millersville University part time. He may begin work May 5. Mr. Bauder had questions regarding salary, housing, and obligation. There was discussion regarding the benefits that will be provided for the Administrative Position. Mr. Kreider asked if an office location has been established. Mr. Smith stated it is being discussed but has not been resolved.

Mr. Smith noted they are approaching the start of second quarter. At the end of last year, there were serious discussions about the ultimate funding and whether fire tax or any other assessment needs to be made to take care of what will be the Township's obligation. Mr. Smith stated if they are going to move forward with a fire tax it needs to be kept in the forefront because it is a lengthy process. Mr. Strohecker advised that the Newsletter will contain an article about the Fire Services Update, information on the fire tax and soliciting input from the residents and a briefing article regarding the on-lot septic system program. Mr. Bauder questioned if there was any information in the Newsletter regarding the Conservation District Program for the farmers and Mr. Strohecker advised that was not included in the Newsletter. Mr. May notified the Board that there is a meeting Friday at 2:00 pm with Mr. McNutt and others involved in the program if they would like to attend.

#### Building Permit Report

Mr. Kreider read the Building Permit Report noting the number of permits issued in March 2011 is 36 compared to 25 in 2010 and year to date 58 compared to 56 in 2010. The dollar value permits issued in March 2011 was \$2,119,852.00; dollar value of permits issued year to date in 2011 was \$4,506,728.00 compared to last year \$3,829,528.00.

Mr. Kreider made a motion to adjourn. Mr. Herr seconded the motion and the meeting adjourned at 8:30 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, May 2, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Mark Harris, Chief Graeff and Evie Rineer  
Visitors Present: See Attached Sheet

Minutes – Mr. Breneman made a motion to approve the minutes as submitted. Mr. Kreider seconded the motion and the motion carried unanimously.

Bills – Mr. Kreider made a motion to approve the bills as submitted. Mr. Herr seconded the motion and the motion carried unanimously.

Financial Report – Mr. Bauder made a motion to approve the Financial Report as submitted. Mr. Breneman seconded the motion and the motion carried unanimously.

Solicitor's Report – There was no Solicitor's Report.

### Business from the Floor

Beverly Hibbitts, 205 Silverwind Court, stated she lives in Pheasant Ridge and is concerned that there is no specific location for individuals to go when there is tornado or severe weather warnings. Ms. Hibbitts stated she was told to go to Park City but that is only available during their business hours. Mr. Smith advised the current plan does call for Park City to be the evacuation site. Mr. Smith stated there are entities that do define locations for the groups they are responsible for and stated he did not know if Pheasant Ridge has done anything. Ms. Hibbitts advised they were told they could not use the Community Building. Mr. Breneman advised that the Administrator for the Blue Rock Fire & Rescue who has been hired will be the Emergency Management Director and he will be looking at that issue.

Ruth Rielly, 152 Kent Road, stated Park City has 24 hour security that may be able to open the mall to individuals for shelter during emergency situations. She felt that was an option to pursue. Ms. Rielly also offered her help to the Emergency Management Director.

Joan Matterness, , 213 Sutherland Road, advised the Health Campus is open 24 hours a day and they would allow people to seek shelter at their location.

### Old Business

#### Letort Manor/Perth Hills Public Sewer

Request for Exemption: 233 Bender Road, 33 Dublin Drive, 643 Letort Road – Mr. Smith noted the requests for exemptions are Richard & Miriam Mylin at 233 Bender Road; Jonathan & N. Jane Forrester at 643 Letort Road and Jim Quinn at 33 Dublin Drive. They are requesting relief from the Ordinance that requires connection.

Mr. Smith advised Mr. Mylin had asked if sewer would be available to his property and at that time the information available was that sewer was not available and Mr. Mylin was directed to go through the process with the SEO, whereby, he installed a new septic system. Mr. Bauder made a motion to exempt Richard and Miriam Mylin from the sewer hookup and included in the motion if their system fails they are required to hook up. Mr. May seconded the motion and the motion passed unanimously.

Jim Quinn from 33 Dublin Drive, detailed the amount of money and the sequence of when he put his particular system in. Mr. Quinn provided a copy of the permit from David Lockard. Mr. Kreider questioned if there were other properties with similar circumstances and Mr. Smith advised he was not aware of any. Mr. Smith stated no one else in the area has asked for any relief. Mr. Quinn replaced his system in 2005. Mr. Quinn stated he is in Stone Mill Manor and that area was not listed for public sewer. If he knew public sewer was coming, he would have maintained his existing system until public sewer would have been available. There was discussion regarding the public notices and letters that were sent pertaining to the public sewer. Mr. Kreider made a motion to table Mr. Quinn's exemption request until the next meeting giving Mr. Smith a chance to research if there are other properties that would fall under the same criteria. Mr. May seconded the motion. Mr. Smith asked the Board to define it more than the criteria of what Mr. Quinn has. Mr. Bauder and Mr. Herr feel it needs to be a replacement system. Mr. Smith feels the issue has come to the time frame. If others have a compelling argument, Mr. Smith contends it is for the property owners to bring that argument to them. Mr. May called for the vote on the motion and the motion failed. Mr. Breneman made a motion to grant Mr. Quinn's exemption request with the addition that if there is any problem he must hook up. Mr. Breneman amended his motion stating if the septic system fails or if the home is sold it must be hooked up to public sewer. Mr. Bauder seconded the motion and the motion carried unanimously.

Mr. Smith stated Mr. Forrester's exemption request speaks for itself. Mr. Smith advised it is an issue over distance and the manner in which he would be compelled to connect. Mr. Bauder stated he has visited the property and there is no basement. In order to bring the pipes out the front, Mr. Forrester would have to dig up the floor of the house. Mr. Forrester provided information on the construction of his house and the problems that would be involved in connecting with public sewer. Mr. Smith stated what an exemption is provided for is the dwelling itself. Mr. Bauder made a motion to grant the exemption. Mr. Breneman seconded the motion and the motion carried unanimously.

Update – Mr. Smith informed the Supervisors that more than 80 permits have been secured and multiple inspections have been done for septic tank closures. Mr. Smith advised most contractors are giving 24 hours notice regarding the septic tank inspections but there is one contractor expecting inspections immediately upon his call. Mr. Smith was making the Supervisors aware of the situation in case any comments are made and asking for their support. Regarding grinder pumps, LASA is currently working with staff and attorney to finalize an agreement with the intention of owning the grinder pumps. Mr. Smith advised LASA will need easements to get to the grinder pumps and hopefully the residents will work with LASA to accommodate that.

Request for reimbursement of grant applications – Mr. May stated this is something the Township promised to do more than a year ago and even though the grant applications were unsuccessful the Township owes LASA the money. Staff was directed to proceed with the reimbursement to LASA.

#### New Business

Final Subdivision Plan for Barley Farms – Indian Marker Road Site – Mr. Smith advised this is a briefing item. The Planning Commission did not move this to an action item and Mr. Smith does not see a need to do anymore than make the Supervisors aware the Planning Commission will be reviewing this at their next scheduled meeting. The Planning Commission authorized signing the Planning Module and Mr. Smith was asking for the Supervisors concurrence for him to sign the module. Mr. Bauder made a motion that Mr. Smith sign the planning module. Mr. Kreider seconded the motion and the motion carried unanimously.

Withdraw of Petition to Amend Ordinance for Maximum Permitted Height in RH-1 – The attached letter is formally withdrawing the petition. Mr. Breneman made a motion to accept their

letter to withdraw their maximum height petition. Mr. May seconded the motion and the motion carried unanimously.

Petition for Ordinance Amendment adding Flexible Design Overlay District – Mr. Smith advised Staff has had several meetings with the developer having general discussions about this particular issue. Mr. Smith advised they are making the Supervisors aware of the proposal and suggest they accept the petition and forward it to the Planning Commission for their review and comment. Mr. May made a motion to forward the petition to the Planning Commission for their review and comment. Mr. Bauder seconded the motion and the motion carried unanimously.

Petition to Rezone Frey Dairy Farms Tracts – Mr. Smith advised Mr. Frey wanted to preserve his farm and at the time the County had changed the stipulation on what would qualify. Rural did not qualify and it had to be agriculture zone. Mr. Smith suggested the Township was in the process of changing properties from rural to agriculture and Mr. Frey may want to wait until that process was completed. Mr. Frey has decided to move forward with his request to rezone. Dwight Yoder was present on behalf of Frey Farm and stated Mr. Smith had summarized the request. Mr. Yoder stated the money has been approved and they have wanted to do this for eighteen months. The two parcels in question are in the agriculture security area but are zoned rural. They are asking the Board to take action to receive it tonight and send on to the Planning Commission but to keep it moving they would like to get it on the July Supervisors Meeting for a public hearing and action. Mr. Yoder stated this request is consistent with what Manor Township wants to see as well as the MPC, and the Comprehensive Plan. The reason they are not waiting for the other rezoning to play out is the longer it goes they are worried the funds may dry up and disappear. Mr. Smith was hoping this evening the Board would receive the petition and direct him to have Tom Goodman officially prepare the ordinance and advertise it. Mr. Yoder advised it is statutory requirement for the Planning Commission to review it. Mr. Yoder reviewed the parcels involved in the rezoning petition. Mr. Bauder made a motion to accept the petition and forward to the Manor Township Planning Commission and LCPC and for Mr. Goodman to begin to prepare the ordinance. Mr. Breneman seconded the motion and the motion carried unanimously.

Request to Vacate Washington Boro Alley - Mr. Yoder stated that Steve and Sandra Eck own property at 1848 Water Street. Mr. Yoder noted there are alleys and streets within the Township that have existed on paper and never been opened. There is a statutory authority that says if those paper streets are not opened within 21 years they revert automatically by operation of law back to the property owners, half and half, which is essentially outlined in the ordinance. Mr. Yoder referred to the maps that were part of his handout that shows Front Street. Even though Front Street is laid out in the Township Road Map as 50' wide it was never opened with trees growing in the alley and sheds placed in it. Mr. Yoder would submit from a legal standpoint that Front Street from Market Street to behind the Eck's property was never opened and it has already reverted back. The purpose of the proposed ordinance is to request that the Supervisors remove the street from the official road map. If the Supervisors have no objections, Mr. Yoder would like to talk to Mr. Goodman, explain the situation and work with Mr. Smith to be sure everyone is in agreement to start the process to remove that portion of Front Street from Market Street to the back of Steve and Sandra Eck's property from the Township road map. Mr. Smith advised if it is agreeable Mr. Goodman, Mr. Yoder and himself will work through the issue and if in that process they deem it is reasonable to look at the remaining section they will do so. Mr. May stated he feels this should be looked at and decide what to do.

Consider Bids for Sale of 1996 International Dump Truck – Mr. Smith advised they had a bid opening this afternoon and informed the Supervisors they had the appropriate legal advertisements in place to notify the public that the 1996 International Dump Truck was available for purchase. Seven bids were received in the following amounts: Chavis 12,050; Walter 5,000; Woody's 6,250; Raia 5,500; Lee 1,176; 5,500, Bleacher 9,500; and based on the bid opening Mr. Smith recommended that Chavis be

awarded the dump truck for \$12,050.00 which is excess of the guaranteed \$10,000 on a trade-in. Mr. May made a motion to award the dump truck to Chavis in the bid amount of \$12,050.00. Mr. Kreider seconded the motion and the motion carried unanimously.

Request to release Star Rock Farm Letter of Credit - Mr. Smith advised they have met their requirements and he recommends release of the Letter of Credit. Mr. Breneman made a motion to release the Letter of Credit. Mr. Herr seconded the motion and the motion carried unanimously.

Act 14 Notice for Columbia Water Company Treatment Plant - Mr. Smith advised the Water Company is informing the public and Municipality that they intend to expand their treatment facility from 3.0 MGD to 6.0 MGD operation.

2011/2012 MOU Lancaster County Conservation District & Manor Township - Mr. Smith advised every Municipality in Lancaster County has a long standing Memorandum of Understanding with Lancaster County Conservation District that they jointly work together regarding E&S Plans. They asked it be brought to the Board for official action to direct Mr. Smith to sign the Memorandum of Understanding. Mr. Bauder made a motion to authorize the Manager to sign the Memorandum of Understanding between Lancaster County Conservation District and Manor Township. Mr. May seconded the motion. Mr. May asked if there was a previous MOU of understanding and is there any significant difference. Mr. Smith advised there was one previously and there is no difference. The motion carried unanimously.

#### Correspondence

There was no correspondence.

#### Traffic Commission

Chief Graeff stated Traffic Commission met on April 27<sup>th</sup> with all members present. They received a letter from Mr. Knepp, Maintenance Director for LASA, regarding placement of Deer Crossing Signs on Blue Rock Road near the LASA Treatment Plant. After discussion, it was decided not to post the Deer Crossing Signs and Chief Graeff informed Mr. Knepp of their decision. An e-mail was received from Andy Boxleitner informing Manor Township that Millersville Boro is planning a total reconstruction of West Frederick Street between Shenks Lane and S. Prince Street. They are proposing a detour from Shenks Lane to Crossland Pass to S. Duke Street. Sections of Shenks Lane and Crossland Pass are in Manor Township, therefore, they are requesting use of these roads for detour. The anticipated dates for the closure are July through November 2011. There were no objections and the Commission appreciated Millersville Boro notifying them.

#### Police Report

Chief Graeff advised they had a truck detail and ten citations were issued for various safety violations. They had a Department meeting on April 14<sup>th</sup> and today and yesterday the Department had their annual firearms qualifications. Chief Graeff further noted statistics that were in the report.

#### Public Works

Mr. Harris stated an issue they deal with in public works in regards to soil conservation is that often when waterways are completed and they are brought out perpendicular to the road no provisions are made for stormwater. They installed a headwall and extended storm water pipe on Chestnut Grove Road because the plan done by Soil Conservation had no involvement of the Township. Mr. Harris was called regarding a drop off at the edge of the road and was asked what they would do about it. Mr. Harris requested if Supervisors see this type of work being done to let him know. Mr. Harris noted other projects and work that was completed by the Public Works Department. Mr. May commented on a letter received from a resident expressing their appreciation of the work done by the

Public Works Department and Mr. May asked that Mr. Harris pass this appreciation on to the Public Works employees.

#### Township Manager

Mr. Smith stated beyond his written report the Staff was asked to come up with information relative to the Industrial Zone and to Residential Zone specifically tied into the original petition to rezone by Charles. Rettew Associates is putting together a report and Mr. Smith will forward it to the Supervisors as soon as he receives it. Mr. Smith feels they need to seriously look at what they call the Wal-Mart tract as to whether it is the appropriately zoned. In addition, Penn Manor School District has made a decision to build an elementary school at the complex at Manor Middle which means vacating the Hambright Elementary School. Mr. Leichter, Superintendent of the Penn Manor School District, would like the Supervisors to be aware they are going to look at a request for changing the zoning at some point.

Blue Rock Fire & Rescue Update – Mr. Breneman stated they have hired Duane Hagelgans who started this date and he will be giving a weekly schedule to the Chairman. Mr. Hagelgans will be present at the next Township Meeting. Mr. Breneman stated the Newsletter that went out talked about possibility of a fire tax that will have to be discussed in more detail. Mr. Smith advised there is statutory time frame in which a new tax can be enacted so it is something they must address over the summer months in preparation for the budget season. Bob Barber, 2749 Chapel Road stated he is in favor of a fire tax.

#### Building Permit Report

Mr. Kreider read the Building Permit Report noting the permits issued in April 2011 is 30 compared to 42 in 2010, permits issued year to date in 2011 is 88 compared to 98 in 2010, dollar value of permits issued in April 2011 is \$565,57 and dollar value year to date is \$6,072,306 compared to last year \$16,046,674. Mr. May pointed out the dollar value is almost the same as last year except for the school who is tax exempt.

Mr. Kreider made a motion to adjourn. Mr. May seconded the motion and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, June 6, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Mark Harris, Chief Graeff and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Kreider made a motion to approve the minutes as presented. Mr. Breneman seconded the motion and the motion carried unanimously.

Bills – Mr. Herr made a motion to approve the bills as presented. Mr. Bauder seconded the motion and the motion carried unanimously.

Financial Report - Mr. Breneman made a motion to approve the Finance Report as submitted. Mr. Kreider seconded the motion and the motion carried unanimously. Mr. Kreider expressed concern with the amount spent on seminars and they are only in the first half of the year. Mr. Strohecker advised the majority of the seminar costs occur in the first quarter of the year. Mr. Bauder pointed out this also includes fees such as the PSAT fees. Mr. Bauder questioned if the Real Estate Transfer Taxes are under budget. Mr. Strohecker informed Mr. Bauder it is too early to tell if they are going to be under budget.

Solicitors Report – There was no Solicitor's Report.

Mr. Breneman introduced Duane Hagelgans who is the individual hired as the Administrator of the Blue Rock Fire & Rescue. Mr. Hagelgans gave an update on what he has been working on since he has been in the Administrator position. Mr. Smith advised there has been discussion regarding the Emergency Management Coordinator and asked if that is under consideration. Mr. Hagelgans advised there is an agreement being worked on that will be one district wide plan with Mr. Hagelgans as the Coordinator. Mr. Breneman stated Saturday was the Lancaster County Fire convention held at Millersville and it was their 100<sup>th</sup> year held in conjunction with Millersville Borough's 250<sup>th</sup> year. Mr. Breneman advised that the Blue Rock Fire and Rescue lead the event because Millersville was the host.

### Business from the floor

Peter O'Donaghue, 388 Hershey Mill Road, wanted to bring to the Supervisors attention the water debris gathering at the bridge on Rohrer Road. Mr. O'Donaghue asked for an update regarding work that was talked about for the bridge. Mr. Smith advised the budget for this year is to do the engineering with the intent actual construction begins in the subsequent year. Mr. Smith stated they have budgeted this year to do the engineering on the bridge next to O'Donaghues property as well as the open bridge at the corner.

Dana Edsall, 3064 Miller Road, expressed his thanks for the help given the Millersville group on a class project they did.

Beverly Hibbitts, 205 Silverwind Court North, wanted to remind everyone that Pheasant Ridge needed a safe place for the residents to go to under extreme disaster.

Courtney Barry, 2521 Valley Drive, presented the Supervisors with a gift. Ms. Barry is on the Manor Township Park and Recreation Board and is also a member of Lighten Up Lancaster County Coalition sponsored through Lancaster General Hospital. They want to draw attention to the walk ability issue within townships and boroughs and ask that they keep in mind when planning communities that they are connected to parks and schools. Mr. Bauder expressed concerns with roads and especially intersections that have no where for bicycles and asked that those concerns be passed on to the County.

Jim Seiple, 201 Ironstone Ridge Road, is having problems with water in his basement and he is certain he is having this problem due to the fact his neighbor has removed a sand mound and the grading from the removal of the sand mound is causing Mr. Seiple problems with water in his basement. Mr. Seiple stated Mr. Smith was out to look at the situation and agreed there was damage but Mr. Smith stated he is unable to stipulate what caused the damage. Mr. Smith confirmed that a permit is not needed to remove a sand mound but would be needed if stormwater is being altered. Mr. Bauder expressed his opinion that in this type of situation it should be looked at to see if stormwater will be affected before anything is done. Mr. Seiple did not feel he should be responsible for the damage to his basement and Mr. May advised the damages are between Mr. Seiple and his neighbor. Mr. May stated from now on it is the Township's responsibility to make sure the proper grading is completed to take care of the problem. Mr. Smith advised Mr. Campbell has been required to submit a grading permit application, but the adequate drawings have not been received to date and they are working through that process. Mr. Smith advised he will address what Mr. Campbell is doing on his property regarding the stormwater. Mr. Bauder advised Mr. Seiple to have an expert in stormwater issues involved in any civil action Mr. Seiple takes. Mr. Kreider feels a professional engineer should be involved in this type of situation. Mr. Bauder stated you cannot send out an engineer in every case but someone needs to look at each situation and advised if a stormwater plan is needed.

Pat Weidinger, 2025 Manor Ridge Drive, followed up on Mr. Seiple's comments stating he and Mr. Bauder had looked at Seiple's situation. Mr. Weidinger expressed concerns with what Mr. Campbell is doing to remedy the water runoff situation. Mr. Weidinger questioned the permitting process and what Mr. Campbell would need to provide to acquire a permit. Mr. Smith explained the process required to obtain a grading permit. Mr. Bauder asked if Mr. Campbell would have to pay for any engineering that the Township would engage and Mr. Smith advised if the Township could require it. Mr. Herr stated from what he saw in pictures and read in e-mails it sounds like the location of the sand mound somehow worked as a diversion so something must be put in place to handle that diversion. Mr. Weidinger expressed his appreciation with the appointment of Mr. Hagelgans as the Administrator of the Blue Rock Fire & Rescue.

#### Old Business

Public Sewer Request for Exemption 1 Dublin Drive – Mr. Smith stated a request for an exemption was received from Mr. & Mrs. Adam Harnish, 1 Dublin Drive and the Supervisors had the information provided by Mr. & Mrs. Harnish. Mr. Smith suggested based on their letter and Mr. Quinn's exemption that was granted to him that careful consideration be given to this request. Mr. Bauder questioned whether these people were informed of the potential of the sewer and Mr. Smith stated the only thing he could say was that letters did not go around at that particular time. Mr. Breneman made a motion to grant an exemption to Mr. & Mrs. Harnish with the stipulation that if their system fails or the property is sold then they must hook up to public sewer. Mr. Bauder seconded the motion and the motion carried unanimously.

Letort Manor/Perth Hills Public Sewer Update - Mr. Smith advised the LASA Board has approved owning and operating the grinder pumps. The draft agreements were circulated to residents and LASA held a meeting to review different components of the agreement. Based on the timing of that

agreement, Mr. Smith recommends that the household with grinder pumps be given an extension effective 90 days from tonight. Mr. Bauder made a motion to extend notice to connect for those with grinder pumps starting tonight have 90 days to connect. Mr. Kreider seconded the motion and the motion carried unanimously. Mr. Smith advised there is still some end of project matters being dealt with such as restoration issues and several faulty connections that have occurred.

Clair Becker, 18 Money Hill Road, stated he is representing Dennis Griffith who could not be present. Mr. Becker advised after Mr. Griffith was connected and started the operation water started coming back into the ditch. It was discovered the pipe had broken. Mr. Becker advised he had made a recommendation to Rettew that a flexible discharge pipe be put in place. Mr. Becker stated the same situation exists across the street and he wanted it on record a suggestion was made that could be a remedy if any breakages occurred. Mr. Kreider stated he holds the paid engineers responsible.

Fire Tax – Mr. Smith advised they will be developing the municipal budget and Mr. Hagelgans will be developing the budget for the fire company. If the fire tax is a legitimate means of raising funding, there is a time sequence in which certain filings and actions by the Township need to be completed. Mr. Strohecker advised they have had very little feedback on the fire tax. They are keeping it on the agenda to solicit comment from the public. Mr. Smith stated some of the feedback they received gave suggestions. Mr. Smith advised there is concrete narrow ways in which they can raise the funds. There was discussion regarding the budget that is needed from the Fire Company before they can determine what the Fire Tax should be. Mr. Smith advised they need the decision to proceed with the fire tax and then determine what the value needs to be. Mr. Breneman would like to see a decision made at their next meeting and Mr. Smith advised the decision should be by August. Mr. Smith advised that he and Mr. Strohecker can provide the technical information of what can and cannot be done but the decision as to whether this is the direction they want to go is critical. Mr. May asked Mr. Smith to provide them with the options to look at before the next meeting. Mr. Herr suggested that by July they decide on the mechanism and by September 1 have the figure Mr. Strohecker can put in the budget. Mr. Smith advised the decision in August is when they must determine that the fire tax is going to happen and decide what the millage will be.

Jim Quinn, 33 Dublin Drive, had questions and comments regarding the fire tax. There was discussion on how the fire tax will affect the residents in Manor Township and Millersville Borough.

#### New Business

SALDO – Final Subdivision Plan, Barley Farms – Indian Marker Rod Site – Bill Swiernik with David Miller Associates along with Rob Barley were representing Barley Farms. Mr. Smith advised the Supervisors have the recommendation regarding the plan and modifications from the Planning Commission and the review letter submitted by Rettew Associates. Mr. Swiernik stated this is a subdivision plan located north and south of Indian Marker Road. The land to the north of the road is zoned Agricultural and the land to the south is zoned Rural. They are proposing two lots to the north of the roadway and three lots to the south of the roadway. All the lots will be served by on lot sewer and water. They have been to the Zoning Hearing Board to increase the size of Lot 1 above the maximum permitted by the Ordinance to permit an area of approximately 3 ½ acres versus the 2 acre maximum allowed. There is a dwelling on Lot 1 as well as a cemetery associated with the lot and that is the primary reason for the increase in lot size. The other lots in the Rural Zoning District will come off Indian Marker Road and the testing for on lot drain fields have come back suitable. There is an Agriculturally zoned lot shown on the north tract but it is Mr. Barley's intention to establish and allows for Lot 5 to be constructed down the road. There are a number of modifications requested and the Applicant is proposing to address conditions of approval in Rettew's review letter. Mr. Kreider asked who is maintaining the cemetery. Mr. Barley advised it is the Breneman Cemetery and is currently maintained by Tom Breneman who they have given permission to access the cemetery. Mr. Barley advised it is their intent to make sure there

is always access to the cemetery. Mr. Harris noted that the lot to the west on the south side of the road has drain tile that bisects Indian Marker Road that comes from the field on the north side of the road. Mr. Harris just wanted to make them aware of it. Mr. Swiernik advised after lengthy discussions with the Planning Commission the plan has been modified. There was discussion regarding the area of the drain tile. Mr. Swiernik advised they can identify on their plan regarding the drain tile that there is an existing element that needs to remain. Mr. Smith advised they may want to write it in the ownership maintenance program so it is understood. Mr. May made a motion they approve the Barley Farms Final Subdivision Plan and modification requests pursuant to the May 9, 2011 Rettew Letter approving all modifications listed A thru H and the conditions as set forth in that letter with the proper notation regarding the drainage problem just discussed and it be included in an owner maintenance program with a note it is not to be disturbed. Mr. Herr seconded the motion and the motion carried unanimously.

#### Old Business Continued

On Lot Sewage System Management Program - Mr. Smith provided the Supervisors with a draft ordinance and a guide for septic tank pumping. Mr. Smith referred to Page 14, Section 16 stating he deleted "maintenance districts". Mr. Smith believes they have the ability to do this in a way that does not have districts where you could run into problems with properties on different sides of the road and subdivisions. Page 15, Section D, is relative to the handout from DEP that Mr. Smith had provided and has to do with the time frame to require a pump out. DEP standard is a three year program. Mr. Smith referred to a chart on Page 2 of the Penn State handout that DEP refers to and reviewed items on the chart. Mr. Smith suggested the pump out period would be set by the number of persons in a household. Mr. Strohecker stated they had asked LASA to provide numbers and with almost 100 percent accuracy they came up with 1,479 on lot systems. Mr. Strohecker referred to a chart showing the locations of the on lot systems. Mr. Strohecker advised they had just received the information this week and they will look at it for any missing properties. Mr. Strohecker encouraged the Supervisors to check the chart for properties they are familiar with to make sure they are on the chart. Mr. Strohecker stated he and Mr. Smith came up with the 3, 4, or 5 year pump out. Everyone on the system would default to a 3 year pump out unless they notify the Township they would be a 4 or 5 year that is derived by the number of people in the household. Mr. Breneman asked if there is any provision for someone who has recently had their systems pumped. Mr. Smith advised they have considered that and the year of the pump out will trigger the next pump out year. Mr. Bauder asked if individuals with cesspools will be required to replace their systems. Mr. Bauder was advised those systems will not pass inspection and the individuals will be required to install a system. Mr. Strohecker stated they are looking at a time line of first step getting a basis point with the numbers, take the summer to work on the program and then taking the last quarter of the year to do the resident notifications giving residents an opportunity to respond back if they are already on a public sewer system and also if resident wants to go to a 4 or 5 year pump out with everything up and running in January of 2012. Mr. Kreider questioned the basis that will be used for business and Mr. Smith replied that he did not have an answer at this time. Mr. Smith advised they would probably look to Dave Lockard or DEP for guidance. Mr. Smith advised the critical point in the next month is the ordinance, what they want and a couple stipulations.

Rail Trail Update – Mr. May reported that we are set on the easement agreements between Manor Township, Norfolk Southern, Frey Dairy Farms and the Lancaster County Conservancy. Mr. Smith will proceed to distribute them for signatures. Mr. Smith advised that one of the points from day one was who has responsibility for what environmental catastrophes past, present and future. Norfolk is adamant that they will not be responsible for any future environmental issues except for what they cause. Mr. Bauder questioned erosion control responsibility. Mr. Smith advised Norfolk Southern will

have responsibilities for certain facilities and the Township will have responsibility for the bulk of it. Mr. Bauder questioned who is determining what the functions on the trail will be. Mr. May advised there is a Steering Committee who will report to the Supervisors. Mr. Becker asked if there are any transformers that could cause problems in the future.

#### New Business Continued

Resolution 15-2011 Destruction of Certain Records – Mr. Smith stated this is something they need to be more conscious of as space in the Municipal Facilities becomes an issue. Mr. Strohecker approached Mr. Smith with a request to clean out records. Mr. Strohecker listed the five different types of records he is requesting for destruction. Mr. Breneman made a motion to approve Resolution 15-2011 for the authorization of destruction of specific records of Manor Township. Mr. Bauder seconded the motion and the motion carried unanimously.

Act 14 Notification of James Charles CAFO Permit Renewal Application – Mr. Smith noted this is a requirement for the renewal. There are no expansions or changes in the operation occurring and is for review and comment if the Supervisors choose.

Assistant Zoning Officer – Mr. Smith advised the appointment from 2011 has been relocated and not readily available if needed. Mr. Smith and Mr. Ott would like to have Lauren Zumbrun appointed as the Assistant Zoning Officer who is a Rettew employee. Mr. Bauder made a motion to appoint Lauren Zumbrun Assistant Zoning Officer. Mr. May seconded the motion and the motion carried unanimously.

Mr. Smith stated he received a request from Kimmel Schaefer of Schaefer Pyrotechnics who had received a call from a resident at 127 Ridge Road, Robert Evertt. Mr. Evertt would like to have a fireworks display as part of a celebration of a wedding ceremony. The Ordinance requires 90 day notification and a waiver is needed by the Supervisors. Mr. May made a motion to grant a waiver for the 90 day notification for fireworks. Mr. Bauder seconded the motion and the motion carried unanimously.

Ruth Rielly indicated she has stated before that she believes it should be required to have an ambulance on standby in case of an injury when having fireworks.

#### Correspondence

Mr. Smith indicated the Chief Graeff has requested to attend the Pennsylvania Chief of Police Association Annual Conference being held in Lancaster at a cost of \$200.00. The second request is to have Bruce Ott attend the Code Official Course that is something he attends to keep his credits and accreditations in line that has a registration fee of \$75.00. Mr. Bauder made a motion to approve these two requests. Mr. Herr seconded the motion and the motion carried unanimously.

#### Traffic Commission

Chief Graeff advised there was no Traffic Commission Meeting in May.

#### Police Report

Chief Graeff stated the Police Report has been submitted and noted statistics in the report. Chief Graeff informed the Supervisors that Cpl. Geyer received a Community Service Award, Mark Burkholder recently graduated with Bachelors in Science and Criminal Justice and named Student of the Year from Central Penn College and Officer Liddick was in a parade on Saturday representing the Department on the Police motorcycle. Mr. May asked Chief Graeff to pass on the Supervisors congratulations to Kim Geyer and Mark Burkholder. Mr. Smith stated it speaks well for Officer Burkholder to obtain his award and the Supervisors participation in allowing him to do that. It is one of the provisions within the contract that here are certain educational opportunities the Supervisors fund

for employees. Mr. Bauder questioned the number of stolen vehicles that are recovered and Chief Graeff explained the numbers to him.

#### Public Works

Mr. Harris commented on his report indicating he has finished the MS4 Discharge Survey last week and they are in compliance for another six months. Mr. Harris stated he has spent a lot of time in Letort/Perth Hills inspecting closure of septic tanks. During these inspections, Mr. Harris has found a large number of tanks that more gallons are pumped out than what the tanks can hold. Mr. Harris advised that they are scheduled to pave Conley Lane, Louxmout Drive, Little Brook and Hawley on Wednesday. The crew has spent a lot of time on Redwood Drive prepping that for paving.

#### Township Manager

Mr. Smith advised they have his written report. Mr. Smith felt there was an issue for discussion under "Development Project Inspection and Issues" that pertained to 12 Rapho Street. Mr. Smith stated the property is deplorable and a series of letters have been sent with the last being an actual Enforcement Notice. The reason for discussion of the next steps is that this will go before the District Justice for adjudication. Mr. Smith advised that the resident will have so many days to comply and it is their intent if they have the support of the Board to file action before the District Justice and be in a mode of cleaning it up. Mr. Bauder questioned the circumstances of the resident and Mr. Smith advised they have not responded to the Township so there is no way to know. The Supervisors were in agreement to proceed with the legal process.

#### Blue Rock Fire & Rescue Update

Mr. Breneman had nothing to add to the previous discussion that took place.

#### Building Permit Report

Mr. Kreider read the Building Permit Report noting the permits issued in May 2011 is 38 compared to 30 in 2010, permits issued Year to Date in 2011 is 126 compared to 128 in 2010, dollar value of permits issued in May \$651,235 and dollar value year to date is \$6,723,542 compared to \$18,096,621 in 2010.

Mr. May stated they were going onto an Executive Session for a personnel matter and when they came back it would only be to adjourn. They returned from the Executive Session and Mr. Breneman made a motion to adjourn the meeting. Mr. Herr seconded the motion and the meeting was adjourned at 9:47 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer



## Manor Township Supervisors Meeting

Tuesday, July 5, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Mark Harris, Chief Graeff and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Kreider made a motion to approve the minutes as presented. Mr. Bauder seconded and the motion carried unanimously.

Bills – Mr. Herr made a motion to approve the bills as presented. Mr. Breneman seconded the motion and the motion carried unanimously.

Financial Report – Mr. Breneman made a motion to approve the Financial Report. Mr. Bauder seconded the motion and the motion carried unanimously.

Solicitors Report – There was no Solicitor's Report.

East Hempfield Township Presentation Centerville Road – Mr. Krimmel, Manager of East Hempfield Township, stated they were there for a brief presentation to request a letter of recommendation to reconstruct and widen Centerville Road. Scott Russell, East Hempfield Township Supervisor and Cindy McCormick from McCormick Taylor who was doing the presentation were also present. Ms. McCormick indicated location of the project is Centerville Road from Marietta Avenue to Columbia Avenue which is a three lane section, 35mph, with traffic volume in the range of 16,000 to 23,000 vehicles per day. The present issues on Centerville Road are safety, congestion and the queuing of vehicles that queue up onto the main line of Route 30, single mode corridor meaning it only accommodates vehicles and does not have sidewalks or bicycle lanes, and numerous intersections with failing movement. East Hempfield Township has commissioned a Regional Traffic Study that is looking at Centerville Road as well as Rohrerstown Road from Marietta Avenue to Columbia Avenue at existing traffic as well as the growth areas that have been identified in the Comprehensive Plan that projects the traffic into the future to determine what kind of improvements will be needed. East Hempfield has acquired 80-85% of the right-of-way that is needed. Being proposed is a five lane section that will include travel lanes, bike lanes and sidewalks. This will enhance the infrastructure for the existing development and provide opportunity for growth to occur, reduce congested related accidents and is consistent with the Multi Municipal Comprehensive Plan and the Lancaster County Bicycle and Pedestrian Transportation Plan. Ms. McCormick talked about funding for the project. Mr. Breneman made a motion to instruct Mr. Smith to draft a letter in their support of this project. Mr. May seconded the motion and the motion carried unanimously. Mr. Krimmel thanked the Supervisors on behalf of East Hempfield Township and indicated they look forward to many more years of cooperation.

### Business from the Floor

Ruth Rielly, 152 Kent Road, stated she has problems placing cardboard into the dumpster due to the height of the dumpster and would like the opening to be lower. Ms. Rielly expressed a desire to have signs placed on Centerville Road warning of Geese Crossing. Mr. Breneman advised the request was made at the Traffic Commission meeting and they would act on it next month.

Pat Weidinger, 2025 Manor Ridge Drive, thanked the Township and Road Crew for the nice job that was done paving Redwood Drive and Stonemill Road. Mr. Weidinger asked if East Hempfield was requesting funding from Manor Township for the project they presented. Mr. Weidinger asked the status of the situation regarding Mr. Seiple's house. Mr. Smith advised they have suspended Mr. Campbell's grading permit pending submission of a new drawing or a letter from Mr. Seiple indicating Mr. Campbell could do additional work on Mr. Seiple's property. There was discussion that Mr. Seiple's heat pump must be raised or Mr. Campbell would have to provide another proposal showing the swale on his property. Mr. Bauder stated his position is the Township made a mistake in not issuing a permit to remove the sand mound and the Township is somewhat culpable because of that. Mr. Weidinger stated Mr. Seiple is asking the Township to pay to raise the heat pump but the Board of Supervisors has not discussed that request.

Jim Seiple, 201 Ironstone Ridge Road, advised the only thing holding up the plan Mr. Campbell submitted to the Township is the movement of his heat pump. Mr. Seiple stated in removing the sand mound Mr. Campbell changed the topography of the land and altered the runoff of the water. Mr. Seiple asked if the Supervisors would entertain paying for moving the heat pump that would make this a done deal and Mr. Seiple would not pursue this matter any further. Mr. Bauder made a motion to pay Mr. Seiple to move the pump so they can proceed with the current plan. Mr. Herr did not want to set precedence and does not feel an explanation was given as to the extent of work Mr. Campbell was doing. Mr. Kreider stated there are stormwater problems in other parts of the Township and are they going to start paying for every stormwater problem in the Township. Mr. Kreider stated if they pay for one they will have to pay for another. Mr. May stated it is against the law for a neighbor to divert water onto someone else's land. There was no second to Mr. Bauder's motion and Mr. May advised the motion died for lack of a second. Mr. Strohecker advised when discussing issues of culpability in situations like this they can always be turned over to their insurance company for investigation and potential coverage of damage as a result of the Township's actions. Mr. Smith asked if it is the consensus of the Board to contact the insurance company and they stated yes.

Mr. Weidinger asked what the penalty is for someone who diverts water onto another property. Mr. May advised it would be a civil action. Mr. Weidinger referred to the comment made that the Township may not have been given enough information regarding whether a permit was needed and Mr. Weidinger stated it is the Township's responsibility to ask questions. Mr. Bauder referred to a section of the Ordinance regarding the moving of dirt indicating a grading permit was needed. Mr. Smith pointed out the criteria for a permit is not the volume it is the footprint.

Scott Haverstick, 1970 Water Street, questioned if there has been follow up with the County relative to the bridge on South Creek Road being deeded to the Township and turned into a walking bridge. Mr. May advised they have decided they do not want the liability or the expense involved with the bridge. Mr. Smith stated the County could turn the bridge into a pedestrian bridge. Mr. May advised he would inquire if the County would consider turning the bridge into a pedestrian bridge.

#### Old Business

Zoning Ordinance Update - Steve Gabriel provided the draft for the Supervisors that is the document that will be forwarded to the various Commissions and Agencies for their review and comment. Mr. Gabriel advised the document provided reflects the discussions that the Board of Supervisors along with the Planning Commission have had over the past several months. Since that time the modifications that were discussed in those meetings were incorporated within the existing Zoning Ordinance and the modifications are represented in the colored text. The Planning Commission took a final look at the Ordinance with the modifications inserted, directed a few additional changes be made and those changes have been inserted into this document that is now ready for the Supervisors consideration. The next step in the process is to forward it onto for review and comment to the Land

Use Advisory Board of the Lancaster Inter-Municipal Committee. Mr. Gabriel pointed out that the Ordinance in its form in February of this year was referred to the County Planning Staff for an informal review and comment. There has been some involvement of the County in the process. There was discussion on the review process. Mr. Bauder made a motion to forward the Draft Ordinance to the Lancaster County Planning Commission and the Land Use Advisory Board. Mr. Breneman seconded the motion and the motion carried unanimously. Mr. May asked if a synopsis could be given to Land Use Advisory Board. Mr. Haverstick advised the synopsis could be provided electronically.

Letort Manor/Perth – Mr. Smith advised this is on the agenda as an ongoing item because the project is not totally complete. There is nothing new to report.

David Milisock, 102 Spring Meadow Lane, gave an update on his pool problem. Mr. Milisock feels there is a change in the area with the installation of the sewer system. He has noticed the spring no longer has a smell. Mr. Milisock advised he has been treated well by the agencies he has dealt with.

Fire Tax – Mr. Smith stated Mr. Strohecker has done adequate research on the fire tax and has discussed it with Tom Goodman. Mr. Strohecker informed the Supervisors if they decide to institute the fire tax it can be done in conjunction with the budgetary process. As they get closer to budget time, they will probably spend more in depth time talking about what the numbers actually are if the tax is instituted. A separate resolution will probably be recommended. There would be a resolution for the budget and a separate resolution for the institution of a fire tax. As far as time line, the normal budget process will be followed.

Ron Matterness, 107 Eagle Path, advised he is not against a fire tax but is against the way it may be instituted. Mr. Matterness is in favor of a per capita tax. Mr. May advised that they agree with Mr. Matterness but they cannot legally institute a per capita tax.

On Lot Sewage System Management Program - Mr. Smith advised this is a reoccurring agenda item and they are continuing to look for input and direction from the Supervisors. Mr. Smith advised they will not move forward until they receive consensus from the Board that what they have as a draft ordinance and what is proposed as a management program will meet the Supervisors expectations. The Supervisors are in agreement with the pump out schedule that is proposed. Mr. Strohecker advised they are at the point if they want the program in place by January 1, 2012 they must either stop or incur expenses in developing the program. Mr. Strohecker advised they have a submission for the access program to be developed for a cost of \$7,400. There was agreement to move forward. Mr. May had questions on the software company who has given a quote on the program. Mr. Strohecker advised the individual has worked on other programs for the Township. Mr. May made a motion to continue on without pausing and be willing to spend the money needed. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Herr made a motion to authorize staff to proceed with finalization of the Draft Ordinance for the on lot septic pump out schedule. Mr. Breneman seconded the motion. Mr. Kreider advised he had some notes he made on the ordinance that he will provide to Mr. Smith. Mr. May called for the vote on the motion and the motion carried unanimously.

Rail Trail Update – Mr. May advised he and Mr. Smith took the Secretary of the Department of Conservation and Natural Resources and some of his staff to the rail trail. Mr. May advised the individual was appreciative of seeing the rail trail and Mr. May feels they have the individual's full support. Mr. May advised the agreement is completed and they are working on a fence exhibit that is included. Mr. May advised the easement agreement submitted to the Conservancy did not indicate who was building the easement and Attorney Gonick contacted Mr. Caldwell requesting that information. Mr. May stated he would call Ms. Gonick tomorrow and advise that the Township will be responsible for the construction of the easement for access. Mr. May stated Mr. Bauder raised a concern regarding the cost of an equestrian trail and Mr. May advised it is in the realm \$400,000. Mr. Bauder stated he is concerned with the cost benefit with the number of people it benefits versus the cost.

Steve Rice, 3028 Miller Road, asked where the money is coming from for the trail and who is paying to maintain it. Mr. May advised they have grants for the construction and he is hopeful there will be money as a reserve to maintain the trail.

Mr. May advised the maintenance is ongoing. Mr. Bauder stated the money from the landfill is not earmarked for the trail and he would hope they can control the construction cost so some of that is reserved for the maintenance. Mr. Smith stated in fairness to the task force working on the trail if the Board, based on cost benefit is unwilling to install a horse trail, he would appreciate that direction be given to the task force so they do not spend a lot of time in recommending that if it is already determined that a horse trail is not going to be approved by the Board of Supervisors. Mr. Bauder stated he is also concerned with the ongoing maintenance of a horse trail. Mr. Bauder made a motion that they do not include an equestrian trail. Mr. May seconded the motion and the motion carried unanimously. Mr. May advised that if the area is scored and planted in a few years it would be suitable for horses. There was discussion on other proposed uses for the trail. Mr. Smith advised a large cost in an equestrian trail would be parking and the mobilization for trucks and trailers. Mr. Herr asked if any of the grant funding is in jeopardy if they do not put in an equestrian trail. Mr. Smith stated the funding is not contingent upon that. The grant is for the development pending however they choose to develop it. Mr. May called for the vote and the motion carried unanimously.

#### New Business

SALDO – West Charlotte Street Project Request for Time Extension – Mr. Smith advised they had a letter from Rob Gabriel representing the developer requesting a 98 day time extension that would make the deadline for their submission November 7, 2011. Mr. Bauder made a motion to grant the 98 day time extension. Mr. Kreider seconded the motion and the motion carried unanimously.

Public Hearing Ordinance 1-2011 Rezoning Frey Farm 133+ acres from Rural to Agricultural – Mr. Smith advised they have a petition for the rezoning for the Frey Farm. A Public Hearing is required and Mr. Smith recognized Attorney Dwight Yoder was present to answer any questions. Mr. Smith advised this has been properly advertised, the property has been posted, they have a letter from the Manor Township Planning Commission and a LCPC comments were received today recommending the adoption of this Ordinance. Mr. May advised this is the Public Hearing on Ordinance 1-2011 Rezoning Frey Farm 133+ acres. Mr. Yoder asked that the Board consider adopting the Ordinance. The reason for the zoning change is to take the property from Rural to Agricultural is that the Agricultural Preserve Board has allocated funds to preserve the Frey and McKonly farms. Part of the criteria to preserve the farms is that they be zoned Agricultural. Mr. Bauder made a motion to adopt Ordinance 1-2011. Mr. Herr seconded the motion and the motion carried unanimously.

Public Hearing Ordinance 2-2011 Rezoning McKonly 75+ acres from Rural to Agricultural – Mr. Smith stated the petition has been properly advertised, the property has been posted in accordance with State Law, they have the Manor Township Planning Commission letter and the LCPC comment letter was received today recommending adoption of the Ordinance. Mr. May stated this will be a Public Hearing on this Ordinance to rezone the McKonly tract. Mr. Yoder encouraged the Board to adopt this Ordinance for the same reasons as stated for the Frey Dairy Farm tract. Mr. Breneman made a motion to adopt Ordinance 2-2011. Mr. May seconded the motion and the motion carried unanimously.

Resolution 16-2011 Authorizing Participation in Lackawana County Automotive and Equipment Contract – Mr. Smith advised this has been done on prior occasions where they were able to piggyback with other cooperative purchasing agreements. Mr. Smith recommends the Supervisors enter into this Resolution which will give them the ability to purchase the Sweepster. Mr. Bauder made a motion to adopt Resolution 16-2011. Mr. Kreider seconded the motion and the motion carried with Mr. Herr abstaining.

Addition to Agricultural Security Area Elmer and Grace Sensenig - Mr. Smith advised the Sensenig farm is located on Habecker Church Road. Mr. Smith recommends the Supervisors accept this petition and proceed with the 180 day procedure. Mr. May made a motion to accept this petition subject to the 180 day procedure to approve it. Mr. Breneman seconded the motion and the motion carried unanimously.

Police Officer Letter of Resignation – Mr. Smith stated Officer Paul Almodovar has submitted his letter of resignation. Mr. Almodovar has taken another position and is leaving on good terms. Mr. Smith stated they wish Mr. Almodovar the best. Mr. May made a motion to regretfully accept the resignation of Paul Almodovar. Mr. Bauder seconded the motion and the motion carried unanimously. Mr. Breneman asked if it would be appropriate for Mr. May to send a letter thanking him for his service and Mr. May agreed to send a letter. Mr. Smith asked if the Board wanted to have discussion tonight on where they proceed relative to his resignation. It was agreed that Chief Graeff, Mr. Smith and Mr. Strohecker provide background on what their recommendation would be. Chief Graeff pointed out the Police Force is down two officers and Mr. May stated if it is called for they can have a special meeting.

Request to Evaluate Right of Way between Temple Avenue and Manor Ridge Drive – Mr. Smith advised he was contacted by Craig Hohman regarding issues in his neighborhood specifically the alley adjoining his property. Mr. Smith stated Mr. Homan provided a letter for the Supervisors so they could understand his concerns and if the Supervisors would like Mr. Smith to do any further evaluation he could do it on their behalf. Mr. Bauder questioned if signage could be considered. Mr. Smith stated that was an option or they could go through a cumbersome process where they go through an official process with the alley being turned back to the property owners and the property owner on their own accord could choose to make agreements between themselves to allow access back and forth. After discussion, the Supervisors asked Mr. Smith to get a cost to proceed with turning the alley back to the homeowners.

EPA Letter – Mr. Smith stated they went through an audit process in August 2010 and Mr. Smith stated they took exception to their review and application of the regulations. They have gone on record stating that and they turned it over to compliance. Today they received from Region 3 US Environmental Protection Agency a Clean Water Act Administrative Order Show of Cause Letter regarding the MS4 Permit violations. Mr. Smith stated they are proposing a penalty to the Township in the amount of \$177,500. They are offering the Township an opportunity to enter into a Consent Agreement agreeing with their order and only paying \$52,000 in penalty. Mr. Smith felt that this is excessive and the Township pursue to challenge this order to the point where they authorize the manager to contact Representative Pitts as well as Senators Casey and Toomey to ask them to intervene on their behalf. Mr. Smith asked if they would also be willing to give consideration to bringing on Environmental Counsel from Ballard Spahr who is their special counsel. Mr. May noted the letter is signed by Director of Water Protection Division and there was no water pollution and any violations found were minimal. Mr. Smith briefly reviewed the original findings by the EPA. Mr. Smith pointed out there is a 30 day time frame to respond or sign the order. After discussion, as a Board Mr. May made a motion to authorize Staff to proceed to whatever extent necessary to resolve this which includes writing to our Legislators and contacting Ballard Spahr. Mr. Herr seconded the motion and the motion carried unanimously.

#### Correspondence

Mr. Smith advised there was no correspondence.

#### Traffic Commission

Mr. Harris reported that he and Mr. Breneman were present at the Traffic Commission. There was discussion on an issue on Ursinus Avenue between Columbia Avenue and Dickinson Avenue. There

is difficulty with on street parking when Tobias Frogg parking lot is overflowing onto Ursinus Avenue creating a hardship for some of the residents. The Traffic Commission recommended that the west side of Dickinson Avenue be posted with "No Parking This Side of Street" so the Police Department is able to enforce parking issues that are occurring at that location. They had correspondence with regards to the geese crossing South Centerville Road and they will be looking at that issue at their next scheduled meeting. Mr. May made a motion to post the west side of Dickinson Avenue with no parking. Mr. Bauder seconded the motion and the motion carried unanimously.

#### Police Report

Chief Graeff stated the Police Report was submitted and proceeded to highlight several items in the report. Chief Graeff invited everyone to National Night Out being held August 2<sup>nd</sup> in conjunction with Millersville Borough and Millersville University on the parking lot and surrounding area of John Herr's from 6 – 9 pm.

#### Public Works

Mr. Harris noted that paving was completed on Redwood Drive and Stonemill Road and seal coating completed by Martin Paving. Mr. Harris advised he and Mr. Smith met with representatives from Columbia Water Company concerning the Columbia Water line extension. Mr. Harris was pleased with the Water Company's willingness to work with them. Mr. May asked Mr. Harris to inform the crew that they did a nice job on Redwood and Stonemill Road.

#### Manager's Report

Mr. Smith advised Columbia Water indicated they were hoping to start work sometime later this month. Mr. Smith stated they are trying to coordinate with Columbia Water the start date to minimize the overall impact on restoration. Mr. Smith noted in his report when they talked about Campbell/Seiple stormwater there are six additional types of complaints some of which are ongoing. Mr. Smith advised that is one reason he is apprehensive in spending any of Township dollars on those private sector issues. Mr. Smith indicated he wanted to continue to comply with the MS4 protocol and put on record he would like the Supervisors to continue to encourage residents to report any illicit discharges, encourage the elimination of those illicit discharges, continue their commitment to monitor stormwater construction on various projects within the Township post and during, and their commitment for Mr. Harris to continue to do his semiannual and ongoing tailgate communication with public works in order to continue to facilitate meeting requirements of the MS4 protocol. Mr. Kreider asked if cleanup is continuing on Rapho Street. Mr. Smith advised it is better than it was and they will continue to monitor the cleanup process.

#### Blue Rock Fire Rescue Update

Mr. Breneman advised their meetings are Thursday night. Mr. Hagelgans reported they are working on the operational agreement and the budget. Mr. Hagelgans advised that July 12<sup>th</sup> at 7:30 pm at the Millersville Station they will be swearing in the first official Board of Directors of the Blue Rock Fire Rescue who was elected last month.

Steve Rice, 3028 Miller Road, had questions on how the Board Members for the Blue Rock Fire Rescue are elected, who owns the fire company, and the buildings and equipment.

Beverly Hibbitts, 205 Silver Wind Court North, asked if the Fire Commissioners will be elected every year and can anyone run for the position. An explanation was given as to whom the Fire Commissioners were and their terms of office.

Building Permit Report

Mr. Kreider read the Building Permit Report noting the permits issued in June 2011 is 24 compared to 24 last year, number of permits issued year to date is 150 compared to last year of 152, dollar value of permits issued in June 2011 is \$816,671 and dollar value of permits issued year to date is \$7,540,212 compared to last year of \$25,516,680 of which \$10,000,000 was tax exempt.

Mr. Breneman made a motion to adjourn the meeting. Mr. May seconded the motion and the meeting was adjourned at 9:25 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Special Supervisors Meeting

Thursday, July 14, 2011

Time: 8:30 A.M.

The Manor Township Supervisors held a special meeting on July 14, 2011 at 8:30 a.m. and Chairman May opened the meeting with the Pledge of Allegiance to the Flag. Mr. May advised Allen Kreider would not be present due to illness.

Members Present: John May, Richard Bauder, Allan Herr, and Jay Breneman  
Member Absent: Allan Kreider  
Staff Present: Barry Smith, Ryan Strohecker, Chief Graeff and Evelyn Rineer  
Visitors Present: Joan Matterness, 213 Sutherland Rd.  
Mark Burkholder  
Becky Reeve, 120 Stonewyck Dr., Lancaster  
Brian Liddick

Mr. May turned the meeting over to Mr. Smith. Mr. Smith reported at the last regular Supervisor's Meeting the Supervisors indicated they wanted to take a look at replacing the position now vacant due to the resignation of Paul Almodovar. Mr. Smith, Chief Graeff and Mr. Strohecker met and looked at options for the Supervisors to consideration such as considering part time employees, out sourcing and anything else that may be viable as well as the option of bringing back one of the terminated officers. Based on those discussions, there are issues to be considered; providing the level of service desired for police protection and issues of financial ramifications as they move forward. There is also the long term obligation such as post medical. Based on discussions, Mr. Smith is recommending they replace Officer Almodovar with a full time officer. Based on the Police Tender Act, the way the replacement would take place is the position would be first offered to Chuck Snyder and if he would decline it would be offered to Clay Smoker and after him Justin Kinard. Mr. Smith advised he would present an appropriate motion if they were ready for that. Mr. Smith advised the motion should be to authorize the replacement of the officer who has resigned pending an agreement on condition of return for any one of the three former officers listed and that agreement would include a resolution to the benefit levels as discussed with the Union and Management and they authorize Mr. Smith to do that pending that agreement and offering it to former Officer Snyder. Mr. May made the motion that they offer the position in the order suggested by Mr. Smith first to Officer Snyder then to Officer Smoker and if not accepted by them then Officer Kinard contingent upon negotiation of a return agreement resolving benefits and other open items during their absence to the satisfaction of everyone. Mr. Herr seconded the motion and the motion carried unanimously.

Mr. May advised they would be adjourning to an Executive Session to consider the legal matter relative to EPA.

At 9:09 a.m., the Board returned from their Executive Session. Mr. Smith recommended the Board make a motion to authorize the Manager to engage with Paul Bruder of Rhoades and Sinon to represent them in a case before the USEPA and Mr. Bauder so moved. Mr. May seconded the motion and the motion carried unanimously.

On motion by Mr. May and seconded by Mr. Breneman the meeting was adjourned at 9:10 a.m.

Respectfully submitted

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, August 1, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603 at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Ryan Strohecker , Chief Graeff and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Kreider made a motion to approve the minutes as presented. Mr. Herr seconded the motion and the motion carried unanimously.

Bills – Mr. Breneman made a motion to approve the bills as presented. Mr. Bauder seconded the motion and the motion carried unanimously.

Financial Report – Mr. Herr made a motion to approve the Financial Report. Mr. Kreider seconded the motion and the motion carried unanimously.

Solicitors Report – There was no Solicitor's Report.

### Business from the Floor

Ruth Rielly, 152 Kent Road, commended the Police Department on their quick response and apprehension of the robber of the Hess Gas Station.

### Old Business

Letort Manor/Perth Hills Public Sewer Request for Extension – Mr. Strohecker gave a brief history stating in September of 2010 the connections of Letort Manor/Perth Hills to the LASA system were ready to go. In the October 2010 meeting, it was decided by the Board not to require mandatory hookup based on the fact it was close to winter. The issue was brought up again in February 2011 and at that time decided to postpone hookup due to all the rain. In March 2011, the required hookup date was set for May 1<sup>st</sup>. Residents of Letort/Perth Hills had 90 days to connect to the LASA system and as of July 30, 2011 they have hit the 90 day mark. There are two issues before the Board 1) five specific requests for extension of the deadline and 2) the compliance of enforcing the Ordinance for mandatory connection. Mr. Strohecker advised there are 36 residences that have not hooked up to the system with five of them before the Board today as formal requests for extension. Staff is asking the Board to act individually on each request for extension and direct the Staff how the Board would like them to move forward with enforcing the Ordinance. Mr. Strohecker pointed out that what is before the Board has nothing to do with the grinder pump hookups. Their deadline is September 3<sup>rd</sup> and is a separate issue. Mr. Kreider requested they address the extension request by address rather than names.

1320 Central Manor Road advised they have their permit but due to financial issues will not be hooked up until the second week of August. Mr. May stated he is sympathetic with these situations but is also concerned about everyone who has not applied for an extension who they are going to have to refer for legal action. Mr. Kreider feels these five requests should be treated differently from the ones who have not requested extensions. Mr. Bauder stated someone defiant regarding hookup should be treated differently than a hardship case. Mr. Bauder made a motion to grant an extension to August 15<sup>th</sup>. Mr. Kreider seconded the motion and the motion carried unanimously.

124 Spring Meadow Lane stated they needed both owners' signatures and one of the owners is out of town. Mr. May felt the documents could be sent to the individual and Mr. Breneman pointed out it could be sent by overnight mail. Mr. Kreider stated they should take into consideration that the owner requested an extension. Mr. May made a motion they allow 124 Spring Meadow Lane to complete their hookup by August 15, 2011. Mr. Herr seconded the motion and the motion carried unanimously.

132 Carol Drive advised due to the heavy workload of their excavator they are unable to be hooked up by July 30. Mr. Breneman made a motion to allow 132 Carol Drive to be hooked up by August 6, 2011. Mr. Bauder seconded the motion and the motion carried unanimously.

129 Bender Mill Road advised for financial reasons they cannot be hooked up by the deadline. Ken Asche, 116 Spring Meadow Lane, advised some people are having problems coming up plumbing fees and asked if LASA would be willing to pick up the installation fees. Mr. May advised they cannot answer that question they would have to make that request to LASA. Mr. Breneman made a motion to grant 129 Bender Mill Road an extension of time to August 15. Mr. May seconded the motion and the motion carried unanimously.

625 Letort Road advised due to numerous problems they are unable to hook up by the deadline. Mr. Herr made a motion to grant 625 Letort Road an extension for hookup to August 15. Mr. Kreider seconded the motion and the motion carried unanimously.

Ordinance Compliance Update – Mr. Strohecker stated that the second issue is compliance with enforcing the Ordinance for hookup. The mandatory expiration date has been reached and Mr. Strohecker feels the first step is to determine the exact number of hookups that have not occurred. As of Wednesday the number was 36 and some granted extensions tonight may have already been hooked up or in the process by the end of the week. Mr. Strohecker advised Staff would then recommend enforcement of the Ordinance going forward. They would work with the Solicitor regarding the process involved in the enforcement for hookup. Mr. Strohecker pointed out that the enforcement process will be a lengthy process and every case will be different. Mr. May stated when the names and addresses are ascertained maybe a letter should be sent advising them the Township is commencing with enforcement process. Mr. Kreider agreed the individuals should have an opportunity to respond so the Board has an idea whether they are defiant or which should be treated different than a hardship. Mr. Herr feels that the letter should be sent certified so they know it has been received and the Board was in agreement. Mr. Breneman would like the Board to have the final number of residents that are not hooked up at the next Supervisors meeting.

Tom Ecker, 2 Dublin Drive, advised they met with LASA Board and requested they remove the 80% requirement on their agreement which they did. The residents with grinder pumps requested amendments to the agreement that is under legal advisement. Mr. Ecker stated there is concern with the functioning of the grinder pumps and indicated their concerns and listed several things that have been done by LASA to alleviate the concerns. Mr. Ecker stated those with grinder pumps are requesting an extension without a date until LASA repairs the ones installed and proves the system works. Mr. May suggested waiting until September 2 when the deadline would expire. Mr. Bauder stated technical issues have been well documented by residents and there is no satisfactory solution ahead. Mr. Bauder stated wells may become contaminated due to the broken pipe with sewage back flowing through the pressure main. Mr. Bauder does not feel they can require a hookup date with all the uncertainties. Mr. May made a motion they not require a hookup until LASA and the Township are satisfied the job has been completed properly.

Mr. Griffith, 111 Bender Mill Rd., stated he was the first one hooked up and no one would know there was a problem if he had not told them. He asked what help will be given to the ones who are hooked up and paying an electric bill for a faulty pump. Mr. Griffith stated a motion is made for the

ones not hooked up to be excluded meanwhile they are suffering with it and stated that is not fair. Mr. Kreider questioned what is being replaced regarding the pump.

Clair Becker, 18 Money Hill Road, indicated he was informed at the LASA meeting parts are in order from the manufacturer for repair to the pump and he shares concerns regarding the proposed repairs.

Mr. Griffith feels he should not be charged for the use of the system if the other individuals are being excluded. There was question on the increase in Mr. Griffith's electric bill and he stated he did not know what the increase was. Mr. May stated he would call Mr. Kyle to ask what will be done with this problem. Mr. Bauder asked how many grinder pumps are hooked up.

Sean Callahan, 14 Money Hill Road, stated LASA did a test in December on Mr. Becker's house pumped water out and the water ended up in Mr. Callahan's tank. Mr. Callahan pointed out there was a problem back then.

Mr. Strohecker stated they recognize there are issues to work through and when the September 2 deadline hits at the next meeting they will anticipate how they will handle enforcement of the deadline. Mr. Strohecker did not feel a motion was needed this evening. Mr. May noted their September meeting will be Tuesday, September 6.

Fire Tax – Mr. Strohecker advised they have been keeping this and the next item on the agenda for updates and discussion. Mr. Strohecker stated nothing has changed regarding fire tax since the last meeting. Jimmy Knapp, 40 Penn Street, commended the Board on the work they are doing and to speak on his support of the fire tax versus a line item tax. Mr. May advised it is very limited what can be done under the Second Class Township Code. Glenn Hess, 4262 River Road, President of the Blue Fire Rescue stated he and the members are behind the Board if they decide to go with a fire tax

On Lot Sewage System Management Program - Mr. Strohecker advised they are continuing to move forward with developing the program. They anticipate by next meeting they should have the access program up and running with letters going out to the approximate 1400 people who will be part of the program. Mr. Kreider thanked Mr. Strohecker for answers to several questions Mr. Kreider asked.

Rail Trail Update – Mr. May stated they completed a final agreement between the Conservancy, Manor Township and Frey Farm regarding access easement into the property. Mr. May hopes the agreement will be presented to the Board for approval by their next meeting.

#### New Business

SALDO – Revised Subdivision Plan & Modification Requests J. Anthony and Judy Haverstick – Mr. Strohecker advised Staff recommends they follow the recommendations of the Planning Commission on this particular issue. The recommendation is to move this to an action item and approval of the request. Mr. May made a motion to move the plan to an action item and approve their request subject to the conditions set forth in Rettew Letter dated June 20, 2011 and with agricultural setback shown on the cover sheet of the plan. Mr. Herr seconded the motion. Mr. Crouch from Weber Surveyors advised they have addressed the comments from Jim Caldwell and Mr. Strohecker stated they have received a letter today. Mr. May called for a vote on the motion and the motion passed unanimously.

Zoning Ordinance Petition for Flexible Design Overlay District - Mr. Strohecker introduced Stacey Morgan and Bill Murry. Ms. Morgan gave some background on the petition indicating the Planning Commission did not like a blank check in going up 70 feet and wanted to have more controls or conditions. The Draft Ordinance is what they came up with that is an Overlay Zoning District. The underlying Zoning District must be RH1 to support the purposes and intent. The party using the overlay district must be using a cluster development, set aside 40% of open space and the site area must be 50 acres with public water and sewer. There was a request to limit the habitable living space to four stories. Architectural renderings were shown to the Board of the type of buildings that could be built by

Mr. Murry along with descriptions of the buildings. Mr. Bauder questioned how they would control where the buildings are built. Ms. Morgan stated the 70 feet height would have to be part of a cluster development which is a special exception. The applicant would have to show where they are going to building the buildings and have to fit in with design scheme for the cluster development. Mr. Strohecker advised Mr. Bauder that the Planning Commission had the same concerns he has brought up and that is why the Planning Commission asked that the Supervisors read their minutes. The Planning Commission provided a letter to recommend approval of the petition but requested the Supervisors note the Planning Commission concerns that are in the minutes. The Planning Commission was less concerned with this particular project but more concerned this could happen in other places specifically the Eshelman Tract. Mr. Strohecker advised Staff would be asking them to approve this project specifically to prepare the Ordinance to move forward with it with noted concerns. Mr. May advised this is text amendment to the overlay. Mr. Kreider stated that over three stories different building codes come into play and he questioned if Mr. Murry has considered all that. Mr. Kreider also questioned if the Township is sure that the Township's present code enforcement officers are aware and will enforce the codes with this kind of construction. There was discussion on the density. Ms. Morgan pointed out that in the RH1 Zone a medical community development can be built with a height limitation of 60 feet. Mr. Murry advised the Fire Company did not have a problem with the proposed height.

Ted Gingrich, 110 Bent Tree Drive, questioned the number of stories that can be built in 70 feet.

Don Tyrrell, 109 Foxgate Court, presented the Board with questions regarding the increased height and Mr. Tyrrell asked that the Board consider his questions before making a decision. Mr. Strohecker advised Mr. Tyrrell that some of his questions would have to go to the Zoning Officer for an answer. Mr. Strohecker advised he could answer the density question and advised that the density does not change.

Richard Moxley, 115 Foxgate Court, verified that the density will not increase. Mr. Moxley talked about the approval process of the Crossgates Development. Mr. Moxley talked about the original use of the land, what was shown to them when they purchased their homes and asked what would happen if the property was sold by the developer after this is approved.

Mr. Herr asked Mr. Murry to point out on the map the area he proposed to build the buildings with the increased height.

Benton Leinster, 100 Creekgate Court, stated he knew nothing about this petition until they read it in the paper. Mr. Leinster asked if this request was for a specific parcel of land or approval for anywhere. Mr. Leinster felt there are enough issues for the Board to look at this for a longer time to allow residents to look this over. Mr. May advised that each overlay must be approved.

Mr. Breneman stated he finds it hard to go against the Planning Commission's recommendation. They spent a lot of time looking at this petition. Mr. Bauder stated the recommendation from the Planning Commission was not a strong recommendation and they had reservations. Mr. Breneman pointed out it was a unanimous recommendation even though they had reservations.

Steffany McCurdy, 124 Creekgate Court, questioned who would be living in the proposed structure. Mr. Murry advised there has been no decision relative to the form of ownership at this time. Ms. McCurdy expressed concerns as to whether Manor Township had regulations regarding how many unrelated people may live at one address.

Carson Frost, 1729 Lititz Pike, stated he is representing clients and friends who live at Crossgates. Mr. Frost indicated the residents have only recently become aware of this petition and asked that the Board table any decision for a minimum of six months for a review. Mr. Frost expressed concerns regarding the value of properties if this petition was approved. Mr. Frost referred to the minutes from Planning Commission regarding density comparing those comments to comments made at the Supervisors meeting. Mr. Frost stated this project has been going on over 40 years and Mr. Murry

stated that comment was not accurate this project was not underway until 1978 in Millersville Boro. Mr. May asked Mr. Frost who he was representing and Mr. Frost asked for a show of hands showing who he was representing. Mr. Frost asked that the views and comments of individuals present would be considered.

Mr. Bauder read Ms. Shellenberger's comments from the Planning Commission minutes. Mr. Bauder feels with the new issues that have come to light he would be in favor of tabling a decision until these issues are resolved. Mr. Breneman asked if Mr. Bauder was suggesting they send this back to the Planning Commission and Mr. Bauder advised that was his suggestion. Mr. Bauder made a motion to table this recommendation. Mr. Kreider seconded the motion. Mr. Breneman asked if the motion included sending this back to the Planning Commission and Mr. Bauder stated yes and he could add it to the motion. Mr. May stated he does not feel it should be tabled until all the issues are resolved because there will always be issues. Mr. Bauder stated he is making a motion to table it and send it back to the Planning Commission. Mr. May verified Mr. Kreider seconded the motion and the motion carried unanimously. Mr. May advised the next Planning Commission meeting is next Monday at this location.

Mr. Bauder excused himself from the meeting.

Kathy Frost, 114 Creekgate Court, thanked the Board for tabling the decision on the petition.

#### Correspondence

Mr. Strohecker stated there is one request to send Officer Tatara to the Pennsylvania District Attorneys Institute on September 11, 12 & 13. Mr. May made a motion for Off. Tatara to attend the seminar. Mr. Breneman asked if the cost included the lodging. Chief Graeff advised lodging is included. Mr. Breneman seconded the motion and the motion carried unanimously.

#### Traffic Commission

Chief Graeff advised Traffic Commission met Wednesday with all members present. Mr. Harris advised "No Parking This Side of Street" signs have been erected on Dickinson Avenue between Columbia Avenue and Ursinus Avenue. There was a request for Goose Warning signs to be placed on South Centerville Road which the Commission denied. There was a request to move a handicap parking space from 905 to 907 W. Fairway Drive which was denied. There was a request from Manor Oaks Homeowners Association requesting speed bumps on Knollwood Road and Mr. Harris informed them the Township does not install speed bumps. Rob Muschiltz, 1105 Williamsburg Road, asked if anything can be done regarding the geese in regards to traffic stopping when they are crossing the road and is it illegal to run over a goose. Chief Graeff advised it is not illegal to hit a goose. Mr. Breneman stated the answer to the first question is a way needs to be found to limit the number of geese. Mr. Breneman advised it was the opinion of the Commission it would not make a difference to erect signs. Chief Graeff advised tomorrow night is National Night Out and provided information on the events indicating it started at 6:00 pm.

#### Police Report

Chief Graeff stated his report has been submitted indicating a busy month. Chief Graeff advised Officer Snyder starts on the schedule on Wednesday and thanked everyone with their help in bringing Officer Snyder back.

#### Public Works

Mr. Harris was not present but had submitted his report.

#### Township Manager's Report

There was no report from the Township Manager.

Mr. Strohecker indicated that the Chief is pleased to have Chuck Snyder return to work and is working through the process.

#### Blue Rock Fire Rescue Update

Mr. Breneman advised the meetings are the first Thursday of the month and they will probably be finalizing the operating agreement and the budget is still being worked on. Mr. Breneman advised there is a situation with fire hydrants with the firemen needing four or five different adaptors to hook up to a fire hydrant. They are looking into the possibility of grant money to be able to have all the fire hydrants in Millersville Boro and Manor Township to have a uniform connection. Mr. Breneman would like to try to have Columbia Water Company place the proper size connector on the new hydrants they will be installing. Jimmy Knapp, 40 Penn Street, and Fire Commission member stated they would like to see new hydrants installed with five inch Stortz connection on the steamer connection of the hydrant. Mr. Herr asked if adapters are made for existing hydrants and Mr. Knapp advised there are adapters that can be installed permanently. Mr. Knapp noted that within fairly close proximity there are four different adaptors used.

#### Building Permit Report

Mr. Kreider read the Building Permit Report noting the permits issued in July 2011 is 41 compared to 17 last year, number of permits issued year to date is 191 compared to last year of 169, dollar value of permits issued in July 2011 is \$966,982 and dollar value of permits issued year to date is \$8,507,194 compared to last year of \$25,940,302.

Mr. Breneman made a motion to adjourn the meeting. Mr. May seconded the motion and the meeting was adjourned at 9:15 pm.

Respectfully submitted,

Barry L. Smith  
Secretary- Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Tuesday, September 6, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603 at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Chief Graeff, Mark Harris and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Breneman made a motion to approve the minutes as presented. Mr. Kreider seconded the motion and the motion carried unanimously.

Bills – Mr. Kreider questioned the large expenditure for attorney fees. Mr. Strohecker advised the expenditures were to Paul Bruder for his representation with EPA. Mr. Herr made a motion to approve the bills as presented. Mr. Bauder seconded the motion and the motion carried unanimously.

Financial Report – Mr. Bauder made a motion to approve the Financial Report. Mr. Herr seconded the motion and the motion carried unanimously.

Solicitors Report – There was no Solicitor's Report.

### Business from the Floor

Jim Quinn, 33 Dublin Drive, asked if there were plans available for review from the Columbia Water Company. Mr. Smith advised there are plans available for the area that Road Opening Permits were issued. Mr. Quinn was advised that Columbia Water Company may have an overall plan for the water lines but they are not available at the Township Office.

Mr. Breneman questioned if anyone has talked to Columbia Water Company regarding placing five inch Stortz connections on new fire hydrants that will be installed. Mr. Smith stated he has not had any conversation with the Water Company. Mr. Breneman would like a request made to the Columbia Water Company to install the size adaptor that is needed by the Fire Company on the on the new hydrants.

### Old Business

#### Letort Manor/Perth Hills Public Sewer –

Request for Extensions - Mr. Smith advised at this point on the gravity portion of the project six letters have been issued to residents who have not complied with the seventh being the pending exemption for the Penn Manor School District. Regarding grinder pump connections, records show there are eight remaining to be connected and in addition four that are in a process. Mr. Smith stated at LASA's Board meeting on August 25 he advised them he wanted a resolution to the back flow problem. Mr. Kyle sent notice to Rettew Associates that the various resolutions they were seeking are no longer acceptable and they wanted a final resolution which is the installation of secondary check valves on the system to be installed under LASA's jurisdiction. There will be a bidding process, at LASA's September meeting the contract will be awarded and the secondary check valves will be installed.

Mr. Smith advised they have exemption requests from the Penn Manor School District, Tom Ecker, and Charles & Sharon Doolittle.

Penn Manor School District is requesting a time extension and has provided a time line. There are additional issues generated by LASA indicating several components that need to be added to their plan regarding manholes, clean outs and a water meter.

Tom Ecker, 2 Dublin Drive, is requesting a time extension until September 7<sup>th</sup> weather permitting. Mr. Ecker stated due to the weather his hook up is now scheduled for next Wednesday. Mr. Smith stated if the Board would agree regarding the scheduling issue to grant the extension until at least the 15<sup>th</sup> of September.

Charles E. & Sharon L. Doolittle, 21 Money Hill Road, is requesting an indefinite extension. Mr. Bauder questioned whether with the remedies for the check valve Mr. Smith referred to earlier if that would satisfy the Doolittle's concern. Mr. Smith stated he cannot speak for the Doolittle's. Mr. Bauder pointed out 30 people have already hooked up even with the problem.

Mr. Bauder made a motion to approve Penn Manor School District's request for extension of time until November 30, 2011. Mr. May seconded the motion and the motion carried unanimously.

Mr. May made a motion to approve Mr. Ecker's request to extend the deadline for his hookup to November 15, 2011. Mr. Breneman seconded the motion and the motion carried unanimously.

Mr. Kreider made a motion to grant an extension for the Doolittles until November 30, 2011. Mr. May seconded the motion and the motion carried unanimously.

Ordinance Compliance Update - Mr. Smith advised Goodman and Kenneff has sent official letter of notices. Mr. Smith stated they have started the process and the six homeowners with the gravity systems still have an opportunity for installation prior to going to court. Mr. Smith stated there are twelve residences with grinder pumps that have not complied with the Ordinance. Mr. Smith advised the hook up date expired over the weekend. There are two requests for extension but a decision must be made regarding the ten remaining as to whether extensions are given or enforcement process started.

Clair Becker, 18 Money Hill Road, advised that several people who had not connected had contracts with Kline who has not honored the contracts. Mr. Becker indicated he has a letter in his file indicating he would comply if he was assured a check valve was being installed. Mr. Becker indicated Callahan, Appleton, Charles and Vera had planned on their work being done by Kline.

Tom Ecker, 2 Dublin Drive, had a contract signed with Kline a year ago and when he called Kline in August regarding the installation they did not reply. When Mr. Ecker called them again he was told they had sold all their equipment and laid off their employees and were out of the business. Mr. Ecker has contracted with someone else.

Mr. May made a motion to extend the hook up date to November 30, 2011 for the grinder pumps. Mr. Breneman seconded the motion and the motion carried unanimously.

Dennis Griffith, 111 Bender Mill Road, advised last month he asked the Supervisors to look into a reimbursement for the ones who did hook up. If there is a problem, he does not feel they should be paying a monthly or quarterly fee for a system that is not correct. Mr. May stated he had not talked to Mr. Kyle but he will talk to him. Mr. May asked if Mr. Griffith's system was operating and Mr. Griffith stated his has been in three months and is working but it is not correct. Mr. Kreider asked if Mr. Griffith is indicating his pump is running more than it should, therefore, his electric bills are higher than normal. Mr. Griffith stated it is a malfunctioning system and he is paying for a malfunctioning system. Mr. Griffith is upset with paying a monthly and quarterly fee for a system that is not functioning properly. Mr. Kreider and Mr. May feel Mr. Griffith's problem must be resolved with LASA.

On Lot Sewage System Management Program – Mr. Smith asked if the Supervisors wished them to advertise the Ordinance. Mr. May stated he thought that was their decision to advertise the Ordinance for adoption. Mr. Bauder stated his issue with the Ordinance is that people put their laundry water in a separate drain field and there are suggestions to use your laundry water for irrigation. Mr. Bauder stated we require all water be put into the sewer and he feels his septic system works better with his laundry water in a separate drain field. Mr. Smith stated these are DEP regulations which the Township must comply with. Mr. Strohecker advised that early September there will be notification going to the residents in the next week or two. Mr. Smith advised this is being featured as an article in the Newsletter.

Rail Trail Update – Mr. Smith gave an update stating regarding the easements they have verbal agreements from Frey Farms as well as for the agreement of purchase and the same thing is indicative with the Conservancy. It is a matter of Mr. Smith and Mr. Goodman having the formal documents printed and getting them signed that is critical to the purchase agreement with Norfolk Southern. Mr. May stated the

Conservancy wanted a separate agreement of easement because they wanted to know who is building it and maintaining it. Mr. Smith advised the issue is that Norfolk Southern does not have ownership of the land up to Rt. 441 and for them to use the Township must acquire the easements for access for the public and the Township on land that is owned in several spots by Frey Farms and the Conservancy. Mr. May made a motion that upon execution of these agreements by Frey Dairy Farms Inc. and the Lancaster County Conservancy they have authority to execute the agreements on behalf of the Township. Mr. Kreider seconded the motion and the motion carried unanimously.

Act 32 Update Proposed Ordinance for Out-of-County Earned Income – Mr. Smith advised this is a pending Ordinance that has been drafted. Mr. Strohecker advised they wanted to move forward with the advertising and the Ordinance adoption in October.

#### New Business

SALDO – Briefing for 1<sup>st</sup> Federal Credit Union/Final Land Development Plan and Modification Requests - Aaron Navarro from J. Michael Brill & Associates, Inc. made a presentation on behalf of Members 1<sup>st</sup> Federal Credit Union. Members 1<sup>st</sup> are looking to develop the property to the south of Columbia Avenue at the intersection of Hawthorn Drive and Ursinus Avenue. The lot has an approximate 15,000 sq.ft. building with parking that covers about 70% of the lot. There are two access points on Columbia Avenue, access point on Hawthorn and two access points on Ursinus Avenue. Members 1<sup>st</sup> is proposing to develop a 3,400 sq.ft. facility with the front of the building located along Columbia Avenue, parking located along Hawthorn, employee parking to the rear that is Ursinus located about 100 feet towards the inside of the property, with three drive thru lanes, an ATM lane and a through lane located adjacent to the CVS property. Members 1<sup>st</sup> will be closing off the two access points located on Columbia Avenue, relocating the current access on Hawthorn pushing it down about 100' away from the intersection and closing off access points to Ursinus Avenue. The only access will be located on Hawthorn Drive which will give full movement throughout the site. There will be public utilities. The lot coverage will go from 70% to 40% and there will be much more green area with landscaping along residential lots located to the south of the property. Stormwater will be a subsurface system. They will be requesting five waivers and a modification. They are proposing public sidewalk along Columbia Avenue that will be outside of the Penn Dot right-of-way as well as sidewalk along Hawthorn and Ursinus. Mr. Navarro advised the plan has been reviewed by the LCPC and Township Staff and Engineer. The plans are the current revised plan that was submitted. Mr. Kreider expressed concern with additional traffic on Hawthorn and asked if there is a possibility of a traffic light. Mr. Navarro advised there was a traffic study completed and a traffic light is not warranted at this time. Mr. Smith advised Penn Dot has reviewed the plan, made several comments one of which the staff and engineer disagreed with. Penn Dot wanted a "No Left Hand Turn" at Hawthorn which Staff and Engineer do not support. Mr. Smith stated it is difficult to enforce and become problematic. Mr. Smith advised that at various times of the day you can have very little traffic and would have no problem making the left hand turn. Ruth Rielly, 152 Kent Road, asked if this property would connect with Good Drive and he was advised it did not.

Regional Police Study – Mr. Smith advised Supervisors Kreider and May have attended a number of meetings over time with various potential participants. When the study questionnaire was received from DCED, Mr. Smith instructed Chief Graeff and Mr. Strohecker to begin processing the information which was an extensive period of time for Chief Graeff. Mr. Smith stated after seeing the article in the paper of the proposed regionalization of Manor Township, Columbia Borough and Mountville Borough since Mountville does not have a police department it would be Columbia and Manor he questioned if the Supervisors wished to proceed with the study. Mr. Smith felt before additional work is done he wanted to know how the Supervisors felt about the regionalization. There was agreement no additional time should be spent. There was a letter of intent signed, therefore, Mr. Breneman made a motion to withdraw from the former letter. Mr. Herr seconded the motion and the motion carried unanimously.

Accept Proposal for Engineering and Environmental Services for Rohrer Road – Mr. Smith stated an RFP was put out for proposals to be sent back to the Township for the engineering and environmental services for the replacement of the two culverts/small bridges on Rohrer Road. It was a budgeted process to do the

engineering this year. After they take a look at the reports it will be their decision as they move into 2012 whether they have the capital or funding to actually do the construction. Today they are considering the proposals submitted. Mr. Smith believes the two lower proposals were competitive and reasonable with the lowest being Rettew Associates in the amount for the first seven phases is \$74,150. The ultimate contract could be for \$84,100 when you add the additional services and they will be as needed. The next bid would be Larson Design Group \$108,000 and they listed some miscellaneous expenses that would be incurred if there are additional meetings estimated as another \$5,000. Buchart-Horn is \$172,000 plus potential additional services and McCormick Taylor at \$175,350 plus potential additional \$5,000 in services. Mr. Smith recommends they award the engineering and design to Rettew Engineers as proposed. Mr. May asked if the Township would have to go to Buchart Horn if anything needed to be reviewed. Mr. Smith stated yes but he does not think that is necessary. Mr. Bauder made a motion accept Rettew bid for the sum of \$74,150 plus the cost of the additional services as necessary. Mr. May seconded the motion and the motion carried unanimously.

Authorize transfer of budgeted amounts \$700,000 from Capital Fund and \$40,000 from Sewer Fund to the General Fund – Mr. Smith advised these are the budgeted items that they do. Mr. Bauder made a motion that they transfer the funds as listed. Mr. Breneman seconded the motion and the motion carried unanimously.

Minimum Monthly Obligation for Pension Plans – Mr. Smith advised they had the prepared minimum municipal obligation forms they are required to present to them. Mr. Strohecker stated they are about \$20,000 lower than the 2011 LMO. Mr. Strohecker advised he will have to adjust them and will be amended at the next meeting or some later date in the year. Mr. May made a motion that they accept the calculations for the minimum municipal obligation for the Uniform Employees Pension Fund \$202,750 and Non-Uniform Employees Pension Plan for \$224,302. Mr. Herr seconded the motion and the motion carried unanimously.

Public Works Letter of Resignation – Rick Falk has given his notification and he has resigned from Manor Township Public Works. There was no dissatisfaction by him or the Township and Mr. Falk was wished well. Mr. Smith advised he and Mr. Harris had discussions regarding the future of Public Works and analyzing how to continue providing the excellent services the department provides relative to manpower and some other issues. Mr. Smith and Mr. Harris are comfortable that they can maintain their services. Mr. May made a motion that they acknowledge receipt of the resignation and write him a letter of thanks. Mr. Kreider seconded the motion and the motion carried unanimously.

Barley Farms Storm Water Management Agreement and Declaration of Easement – Mr. Smith advised this is a standard agreement. The land development plan was previously approved for the Barley Farms Project. This Storm Water Agreement is from the Township SALSO and is compliance. Mr. Smith recommends the Board Authorize the Chair to sign this easement agreement. Mr. Bauder made a motion to sign the easement agreement. Mr. Breneman seconded the motion and the motion carried unanimously.

Accept Quote for Pre-Emption Installation at 462 and Donerville Road – Mr. Harris advised they put the work out for bid to three vendors after they received the permit approval from Penn Dot. A low bid was received from C.M.High at \$8,288. Mr. Harris recommends the work be awarded to C.M.High. Mr. Harris stated the second quote was from Signal Service at \$8,797 and third price from Herr Signal and Lighting Company at \$9,500. Mr. May made a motion to accept the bid of C.M.High, Inc. for \$8,288. Mr. Herr seconded the motion and the motion carried unanimously.

Mr. Smith stated he received a letter by certified mail from PPL regarding the renewable energy at the Frey Farm Creswell Landfill for an approval for their submittal. They are meeting their required notification. They talk about their existing facility and emissions relative to formaldehyde from their two existing engines. This gives a 30 day time frame if they wish to make comments to PA DEP. The Supervisors asked Mr. Smith to contact PPL to obtain additional information.

Mr. Smith stated another issue is Chief Graeff's replacement cars have been delivered and there are two cars to dispose of. They are coming to the Supervisors for their concurrence to provide Car 3 by donation to the Blue Rock Fire Rescue and Car 6 will be put in the County Auction. Mr. Breneman made a motion to

donate Car 3 to Blue Rock Fire Rescue and put Car 6 in the County Auction. Mr. Herr seconded the motion and the motion carried unanimously.

#### Traffic Commission

There was no Traffic Commission Meeting.

#### Police Report

Chief Graeff stated his report has been submitted for review and highlighted some of the statistics in the report. Mr. May stated he had talked to some Officers and Chief Graeff at National Night out and he would like to know how Chief Graeff feels regarding the manpower situation. Chief Graeff advised they do have some overtime but not as bad as it was in June, July and August. Mr. May advised he is not looking for anything formal but some general figures.

Donna Bare, 107 Chestnut Grove Road, wanted to compliment Chief Graeff for the information in the police log in the newspaper.

#### Public Works Department

Mr. Harris indicated after the flooding of Hurricane Irene they are responsible to check some of bridges identified as bridges with scouring conditions of which there are two. They must make sure that the footings have not changed by going underneath and taking pictures and documentation. Mr. Harris advised a request will be made for dedication of Stone Mill Road in the Woods Edge part of the Township west of South Centerville Road. That is expected to be paved and prepared for dedication. Mr. Harris has walked the streets, checked the sidewalks and curb. There will be a baseball field dedication on Saturday, September 10 at Creswell Field at 10:00 am. The Solid Waste Authority has asked the Township to move the ball field that was formerly located beside the Reiber House and a new field has been constructed by the Solid Waste Authority in Creswell Park.

Mr. Breneman advised that at the County meeting it was announced the time line has been suspended on the new reflective signs. Mr. Harris stated he was not aware of that. Mr. Harris indicated they are 65% to 70% of upgrading their inventory.

#### Township Manager Report

Mr. Smith mentioned that there are five existing stormwater complaints and does not look like it will decrease over the next couple of days. Mr. Smith stated these complaints are taken seriously and it has become an issue that is prominent in land owner's minds. Regarding MS4 issues Mr. Smith advise they continue to upgrade the planning process and identification on maps, various programs are being enhanced in education and some changes have been made in the process of receiving phone calls and responses. Mr. Smith listed the various meetings he has been involved in regarding the EPA issue relative to the MS4 program.

Mr. Smith advised they are close to completion of a County Wide Act 167 that is a regional project relative to the Susquehanna River. Act 167 study will be the driving forces to whether we have to change the current Stormwater Management Ordinance. Act 167 has been in place for the Little Conestoga for a long time.

#### Blue Rock Fire Rescue Update

Mr. Breneman advised the budget process is complete and they met with Mr. Smith and Mr. Strohecker. The Operating Agreement is almost completed.

Donna Bare, 107 Chestnut Grove Road, asked who made the decision not to have bingo and Good Old Days. Mr. Breneman advised that those decisions were made by the fire fighters themselves. They wanted out of the fund raising business. Mr. Breneman advised there is a support group that will be meeting Wednesday night at the Washington Boro Civic Center. Mr. Hagelgans advised that some things came to a

stop until they can get better organized. When the support group gets up and running bingo may take place again as well as some of the other events.

#### Building Permit Report

Mr. Kreider read the Building Permit Report noting the permits issued in August 2011 was 23 compared to 24 last year, number of permits issued year to date is 214 compared to 193 last year, dollar value of permits issued in August 2011 was \$570,395 and dollar value of permits issued year to date is \$9,077,589 compared to last year of \$28,623,310.

Mr. May advised they would be going into an Executive Session regarding litigation and when they came back they would be adjourning.

They returned from the Executive Session at 9:30 p.m. and on motion of Mr. Herr and seconded by Mr. Breneman the meeting was adjourned.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Tuesday, October 3, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA, at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken showing all Supervisors present.

Members Present: John May, Allan Herr, Richard Bauder, L. Allen Kreider and Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Chief Graeff, Mark Harris and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Herr made a motion to approve the minutes from September 6, 2011 meeting. Mr. Bauder seconded the motion and the motion carried unanimously.

Bills – Mr. Breneman made a motion to approve the bills as submitted. Mr. Kreider seconded the motion and the motion carried unanimously

Financial Report – Mr. Herr made a motion to approve the financial report. Mr. Breneman seconded the motion and the motion carried unanimously.

Solicitor's Report – There was no Solicitor's Report.

### Business from the Floor

Tom Ecker, 2 Dublin Drive, stated he coaches Cross Country at Penn Manor High School and uses Charlestown Park to run as well as Herr Park. Mr. Ecker expressed his appreciation for how well the parks are maintained. Mr. May asked that Mr. Harris pass along Mr. Ecker's comments to the Public Works Department.

### Old Business

Letort Manor/Perth Hills Public Sewer Update – Mr. Smith stated there is no update since the last meeting. They are going through the process regarding the properties not in compliance with connection on the gravity side of the system.

Fire Tax Update – Mr. Smith stated there is a budget hearing coming up regarding fire services and this item was on the agenda for purpose of discussion if the Supervisors desired to do so.

### New Business

SALDO – 1<sup>st</sup> Federal Credit Union/Final Land Development Plan and Modifications Request – Mr. Smith stated Mr. Navarro was at last month's meeting to give a briefing on the plan. Mr. Smith distributed a letter from the Planning Commission with their recommendation and Review Letter #3 dated September 30 provided by Mr. Caldwell from Rettew Associates. Mr. Navarro with J. Michael Brill and Associates was present on behalf Members 1<sup>st</sup> Credit Union. Mr. Navarro briefly reviewed the plan stating Members 1<sup>st</sup> is proposing to construct a 3400 sq. ft. facility located on Columbia Avenue. The site is currently 75-80% covered with macadam and building and Members 1<sup>st</sup> is proposing to reduce the impervious by half. The entrances located on Columbia Avenue will be removed; the entrance on Hawthorne Drive will be relocated approximately 150' and the entrances on Ursinus Avenue will be removed. Parking for the facility will be located along Hawthorne; there will be three drive thru lanes and an ATM lane with a through lane to provide access around the entire site. Employee parking will be located along Ursinus Avenue about 100' from the roadway. There will be a large buffer area to screen off the residences and storm water will be a subsurface facility that will tie into the Township facility located on Hawthorne Drive. Mr. Smith stated Rettew's Review letter of September 30<sup>th</sup> listed the various modifications and they are dealing with seven items of land development. The three items of storm water have been deferred to Mr. Smith by the Supervisors as the Storm water Management Administrator. The Supervisors will be dealing with Modifications A thru E as listed in the September 30<sup>th</sup> review letter and each one is recommended for approval by the Planning Commission, Engineer and Staff. Mr. Smith pointed out that in Section E regarding sidewalk there is a note pertaining to the six foot wide pedestrian easement that Mr. Smith wanted the Supervisors to take note of. Mr. Bauder referred to a

previous letter regarding a fee in lieu of instead of sidewalks. Mr. Smith advised the Applicant will be working with the Township regarding a fee in lieu of for a number of improvements. Mr. Bauder asked if the fee in lieu of has been established and Mr. Smith advised it has been discussed and Mr. Navarro advised it is their understanding \$30,000 is what was discussed. Mr. Navarro requested that the Township advise them in what way they would like to receive the fee in lieu of. Mr. Smith stated the Township believes the amount stated is fair and adequate from the Township's standpoint. Mr. Bauder made a motion that they approve the Members 1<sup>st</sup> Credit Union plan subject to the requested modifications in the September 30<sup>th</sup> Rettew Letter and meeting the requirements of the subdivision and land development on Page 3 and Storm water Management issue on Page 3 and they accept the \$30,000 fee in lieu of. Mr. Breneman questioned the width of the driveway and if the width was sufficient for emergency vehicles. Mr. Breneman was advised a review letter was provided by the fire company as well as a letter from Chief Graeff. Mr. May seconded the motion and the motion carried unanimously.

Zoning Amendment Flexible Design Overlay District direction for advertisement – Mr. Smith advised there was an application presented to the Township Supervisors and forwarded to various Commissions and reviewed by Smart Growth Coalition. Mr. Smith is asking for the Supervisors direction to formally advertise the Zoning Amendment Flexible Design Overlay District for the formal public hearing to be held November 10<sup>th</sup> as part of the Supervisors Meeting. Mr. May made a motion to advertise this Amendment for a public hearing on November 10<sup>th</sup> for the regular monthly Supervisors meeting. Mr. Breneman seconded the motion. Skip Leinster, 100 Creekgate Court, had questions regarding the public hearing for the amendment. Mr. May called for the vote and the motion passed unanimously.

Ordinance Number 3-2011 Earned Income Tax Ordinance Levying a Tax on Earned Income and Net Profits: Requiring Tax Returns; Requiring Employers to Withhold and Remit Tax; and Related Provisions – Mr. Smith advised this was before the Supervisors as a draft and direction was given to properly advertise the Ordinance. The Ordinance was jointly prepared with many of the LIMC members and Mr. Smith had Proof of Publication. Mr. Smith recommended the Ordinance be adopted. Mr. Bauder made a motion to adopt Ordinance #3-2011. Mr. May seconded the motion and the motion carried unanimously.

Ordinance Number 4-2011 Regulations Governing Individual On Lot and Community Sewage Systems - This ordinance is an element out of the Act 537 and a program mandated by the State Department of Environmental Protection. This was before the Supervisors as a draft ordinance and Mr. Smith was directed to have the Solicitor prepare and advertise this Ordinance. Mr. Smith noted that a majority of the Ordinance is symbolic of what the State requires for definition and the focus of the Ordinance from the Township standpoint is the on lot system management program. Mr. Smith feels they have developed a fair system and this Ordinance is before the Supervisors for their consideration. Mr. Herr stated they had numerous inquiries as to the scheduling and how it pertains to the number of residents in a household which is addressed in Section 16 of the Ordinance. There was discussion regarding the schedule for pumping out systems. Mr. Kreider asked if there is an appeals cost for making an appeal. Mr. Smith advised any possible problem would be investigated by the Sewage Enforcement Officer who would handle the compliance issue. An appeal for the Sewage Enforcement Officer's determination would go before the District Justice. Mr. May pointed out that Section 24 of the Ordinance deals with the Appeal. Mr. Herr made a motion to adopt Ordinance #4-2011 for Governing On Lot Sewage Disposal Systems pursuant to Act 537 as addressed. Mr. Kreider seconded the motion and the motion carried unanimously.

Mr. May introduced Michael LaSala who has been hired as the new Executive Director of the LIMC. Mr. LaSalle has accepted the position held by John Ahlfeld.

Resolution Number 17-2011 Accepting Dedication of Right-of-Way of Stone Mill Road – Mr. Smith advised Stone Mill Road is a very short stub that goes into the Woods Edge Project on the extreme southern part of that parent tract. Mr. Harris has inspected the project and found it in order. Mr. Goodman and Mr. Smith have reviewed the necessary documents that accompany it and recommend to the Supervisors they adopt Resolution #17-2011 and that authorizes them to execute the deed. Mr. Bauder moved to adopt Resolution #17-2011. Mr. Herr seconded the motion and the motion carried unanimously.

Letter of Credit Murry for Stone Mill Road – Woods Edge Development – Mr. Murry has chosen to secure a Letter of Credit and the calculations are based on the quantity and cost of the original cost estimate. They are required to provide 15% of the original cost estimate which is in the Fulton Bank Letter of Credit in the amount of \$27,804. Mr. Smith recommends the Letter of Credit be accepted. Mr. Breneman made a

motion to accept the Letter of Credit from Murry Company /Sher Wal for \$27,804. Mr. May seconded the motion and the motion carried unanimously.

Request to Reduce Woods Edge Phase II Section 4 Letter of Credit – Mr. Smith advised the Applicant has provided a graph showing the remaining work and that which has been completed. Mr. Smith reviewed the graph and verified all the components are in place. The original Letter of Credit was \$857,287.35. Mr. Murry's request is to have the Letter of Credit reduced to \$310,438.44 and Mr. Smith recommends the motion be to approve a reduction of \$546,848.91. Mr. May made a motion to reduce the Letter of Credit by the sum of \$546,848.91 from \$857,287.35 to \$310,438.44. Mr. Kreider seconded the motion and the motion carried unanimously.

Request to Release Letter of Credit Number D0005711 for 3020 Associates – Mr. Smith stated 3020 Associates is better known as Rettew Associates who has an office facility just completed on Centerville Road. Mr. Smith reviewed various components of the Letter of Credit; there are no public improvements, only improvements that are relative to the site. Mr. Smith pointed out they have used some very innovative storm water best management practices in line with our initiative to provide storm water quality and be in compliance with both EPA and DEP and they have achieved that on this site. Mr. Smith recommends the Letter of Credit be released. Mr. Bauder moved to release 3020 Associates Letter of Credit No. D005711. Mr. May seconded the motion and the motion carried unanimously.

Easement Agreement between Lancaster County Conservancy, Frey Dairy Farms (grantors) and Norfolk Southern and Manor Township (grantees) - Mr. May advised they have been working on the Rail Trail for three years and everyone has worked well with them. Mr. May stated this is preliminary to having enough to finish the subdivision work after which they can settle. The trail extends one-quarter of a mile into Conestoga Township to Brenner Hollow Road and begins around the base of Turkey Hill (Creswell Station). Norfolk Southern has an interest in having access due to the fact they have equipment and signal shacks they have to maintain, therefore, easements had to be worked out. There were also easements required from Frey Dairy Farms and a small section of the Conservancy land. Mr. Smith stated they have acquired the necessary signed easement agreements that Norfolk will accept for the Township to sign the contract for the purchase sale agreement. The first document is the easement agreement between the Lancaster Conservancy, Frey Dairy Farms (grantors) and grantees are Norfolk Southern and Manor Township allowing the Township to have that corridor from the base of Turkey Hill on River Road to what is the inactive rail line. Mr. Smith is recommending the Supervisors enter into the agreement. Mr. Breneman made a motion to enter into the agreement. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Breneman thanked Staff and Mr. May for all they have done to make this happen.

Installation and Maintenance Agreement for Stone Drive and Related Storm water/Drainage Facilities between Lancaster County Conservancy, Frey Dairy Farms and Manor Township - Mr. Smith stated this agreement pertains to the stone drive to be widened and the future maintenance of it as well as any storm water facilities which would be swales or pipes that are a result of the land development they must submit. That agreement is between the Conservancy, Frey Dairy Farms, and Manor Township. Mr. Smith recommends they enter into the agreement. Mr. Bauder made a motion to execute the easement agreement between the three parties, Manor Township, Frey Dairy Farms, and Lancaster Conservancy. Mr. Kreider seconded the motion and the motion carried unanimously.

Purchase and Sale Agreement between Norfolk Southern Railway Company, Consolidated Rail Corporation and Manor Township – Mr. Smith advised they will be acquiring 211.6 acres which includes the abandoned line, the trestle bridge and the rock facing and some of the highland that is part of the current Norfolk property. This contract has all the specifics regarding closing and settlement and does contain exhibits that have just been authorized and executed. The motion to enter into the purchase and sale should include authorization by the Chairman of the Board to execute the document. Mr. May stated the purchase price is \$452,000 and at settlement they should get back one and a quarter million dollars from Conrail. Mr. Kreider made a motion to enter into the purchase and sale and authorize the Chairman of the Board to execute the document. Mr. Breneman seconded the motion and the motion carried unanimously.

Authorize Funding Transfer of up to \$100,000 for Operations to Blue Rock Fire Rescue - Mr. Smith stated going through the budget process for 2011 they did not include any donation to what were then still several fire companies they supported who were regionalizing. In coming to that agreement to have the consolidation of the fire companies, they still have operating needs that Millersville did budget for and Manor

Township did not. What they are requesting from the Board is up to \$100,000. They will require Blue Rock Fire Rescue to provide updates to provide the funds as necessary. Mr. Breneman pointed out there are restrictions on fire money in that the money cannot be used for general operating expenses but must be used for training and certain equipment. Mr. Kreider made a motion that they give Staff the ability to give up to \$100,000 to the Blue Rock Fire Rescue. Mr. May seconded the motion. Mr. Breneman pointed out this amount is only until the end of the year. Mr. Bauder questioned the cost of setting up the office for the Fire Commission. Mr. Strohecker advised the money they are asking for permission to spend this evening is unbudgeted. The money asked for this evening are the projections they have been given by Millersville for the cost the majority of which will go towards salary and related cost for the Fire Administrator and the construction of his office. Ted Gingrich, 110 Bent Tree Drive, pointed out the money being allocated is going to the Blue Rock Fire Rescue District not the fire companies. Mr. May called for the vote and the motion passed 4 – 1 with Mr. Bauder opposing the motion.

Resolution Number 18-2011 Support Renewing Growing Greener Fund – Mr. Smith advised the State Agencies that deal with the Growing Greener Program funds allocated to significant environmental projects or enhancements one of which we have funding for the rail trail may not be available. The Township is being asked to support asking the Governor and the various legislators to support renewing the Growing Greener Fund. Mr. May made a motion to pass Resolution #18-2011. Mr. Kreider seconded the motion and the motion carried unanimously.

#### Correspondence

Annual Township Supervisors Convention to be held November 7<sup>th</sup>. - Mr. Smith suggested the Supervisors allow themselves and the appropriate staff to attend. Mr. Smith asked the Supervisors to confirm with Ms. Rineer their intentions so that one reservation for the group is submitted.

2011 APMM Fall Managers Meetings – Mr. Smith suggested the Supervisors allow Mr. Smith and Mr. Strohecker to attend the meetings to be held October 14<sup>th</sup> in Lancaster.

National Playground Safety Inspector Certification & Exam – Mr. Harris would like permission to have Mike Dickert attend. Mr. Dickert is certified to do the inspections in the playgrounds.

Mossberg Shotgun Armorer Course – Chief Graeff is requesting Tom Moser to attend the course to be held November 17 & 18 in Lancaster.

Mr. May made a motion to accept and authorize the four different programs for the various staff involved. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Breneman asked Chief how often shotguns need to be repaired. Chief Graeff advised it is not often repairs need to be made.

#### Traffic Commission

Chief Graeff advised the Traffic Commission met September 28<sup>th</sup> with all members present. Mr. Harris had placed a traffic counter on Manor Oaks and Eagle Path and Rohrer Road. The counter showed that there is some speeding on Eagle Path and Rohrer Road. There was a traffic study completed for White Chapel and Stone Creek Roads that resulted in recommendation that all streets identified in the study be posted with speed limit consistent with the current speed limit throughout the development. Chief Graeff listed the roads that were studied. It was recommended that the 28' roadway width of White Chapel Road be reduced to parking on only one side as well as Stone Creek Road. More information was required for several items on the agenda and they were postponed until next month.

Mr. Breneman stated they do have residents who feel there is speeding and after setting up the traffic counter it is determined there is not a problem with speeding. Mr. Haverstick, 1970 Water Street, asked if it is fair to say the presence of the device probably alters the results. Chief Graeff stated for some people but not all of them.

#### Police Report

Chief Graeff stated his report has been submitted and noted statics pertaining to complaints, calls, traffic accidents, traffic and criminal arrests.

Joan Matterness, 213 Sutherland Road, stated their development received a letter from the School District regarding a suspicious vehicle and wanted to thank the Manor Township Police for their presence.

#### Public Works

Mr. Harris stated they had spent a lot of time cleaning up from the storm. They anticipate starting leaf collection October 17<sup>th</sup>. Mr. Breneman questioned the two barrels of waste on Mr. Harris's report. Mr. Harris indicated the barrels were sealed and came down as a result of the flooding. Mr. Harris advised that the label indicated some type of chloride and the Lancaster County Solid Waste Management Authority took them at no charge. Mr. Smith stated for the record this is relative to the MS4 Program. A resident called, they went through the appropriate process, notified the necessary staff, property disposed of the items, filed it and recorded it.

#### Township Manager's Report

Mr. Smith provided a written report and mentioned that as part of what he is required to do with the MS4 regulations he has established an official Resident Complaint Form as suggested by EPA and that form is on the web site. Mr. Smith encourages the residents to report any activities that would impair the integrity of the storm water system and they will take appropriate action on any of those complaints.

Blue Rock Fire Rescue Update – Mr. Breneman advised things are moving along regarding the office area, etc. Mr. Smith asked if it is necessary to continue to have this continue as an agenda item or as needed. Mr. May feels only as needed. Mr. Breneman asked the Supervisors if they would like to have the minutes from the Fire Commission meetings e-mailed to them and all the Supervisors stated they would appreciate receiving the minutes.

Mr. May asked if they were going into an Executive Session. Mr. Smith stated he does not feel it is necessary. It is listed dependent upon any response from EPA in their discussions over the Consent Order and there is nothing new to report.

#### Building Permit Report

Mr. Kreider read the building permit report noting number of permits issued in September of this year is 27, compared to last year 22, permits issued year to date is 241 compared to 2010 is 215, dollar value permits issued in September 2011 was \$897,951 and the dollar value of permits issued year to date in 2011 is \$9,975,540 and the dollar value last year was \$31,379,870.

Mr. Smith stated going back to the Consent Order he reminded the Supervisors they need to be flexible. He may need to come to them as a group and may have to call a meeting in relative short notice as an Executive Session to deal with any potential litigation resolution.

On motion of Mr. Herr and seconded by Mr. May the meeting was adjourned.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Thursday, November 10, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll Call was taken. Mr. May indicated Mr. Breneman had surgery several weeks ago and would not be present this evening.

Members Present: John May, Allan Herr, Richard Bauder, and L. Allen Kreider  
Member Absent: Jay Breneman  
Staff Present: Barry Smith, Ryan Strohecker, Chief Graeff, Mark Harris and Evelyn Rineer  
Visitors Present: See Attached List

Minutes- Mr. Bauder made a motion to approve the October 3, 2011 minutes. Mr. Herr seconded the motion. Mr. Kreider had a question on Page 4 regarding the two sentences that began with "Mr. Breneman" indicating there was a contradiction in the sentences. Mr. Smith clarified the use of the funds. Mr. May amended the motion to strike the sentence "Mr. Breneman advised this money will be used for operating expenses and renovation of the office and meeting rooms as well as salary". The vote was called for the approval of the minutes as amended and the motion passed unanimously.

Bills-Mr. Kreider made a motion to approve the bills as submitted. Mr. Herr seconded the motion and the motion carried unanimously.

Financial Report-Mr. Herr made a motion to approve the financial report as submitted. Mr. May seconded the motion and the motion carried unanimously.

Solicitors Report – Mr. Smith advised for special counsel Matt Crème they are currently active in the zoning case filed by Jay Clark that is still in the court system. Mr. Smith arranged to have a meeting with Matt Crème to review the existing Consent Order between Manor Township, LCSWMA, and PALE.

### Business from the Floor

Pat Lemay, 78 Sun Lane, questioned the status of the zoning of the lot where Wal Mart was interested in building. Mr. Smith advised there is no change in the status at this time.

Herb Landau, Executive Director of the Lancaster Public Library, stated he is joined by Alyssia Holland who is the Manager of the Mountville Branch Lancaster Public Library West and they were present to thank the Board for their current support of the Public Library and ask that they continue the support into 2012. Mr. Landau provided a hand out showing approximately one-third of the Township population is active card holders. Mr. Landau listed their sources of revenue and asked the Board for their continued support in the coming year with an increase if possible.

Bill Heidig, 1756 Columbia Avenue, advised he has a business at this location and would like to add another business. Mr. Heidig was advised by Mr. Ott, the Township Zoning Officer, that he did not have the area to have an additional business on the property. Mr. Heidig feels he will have to close his current business if he is not allowed to add the second business. Mr. Heidig stated he would do whatever he must to have two businesses. Mr. May stated they would look at the situation and see what could be done. Mr. Smith advised the Board if they wish to allow for the type use Mr. Heidig is asking for they need to prepare something to change the Zoning Ordinance. Mr. May advised they will look at the situation to see if anything can be done. Mr. May stated when you change zoning there are unintended consequences somewhere else.

### Old Business

Letort Manor/Perth Hills Public Sewer Update – Mr. Smith advised there remains six properties on the gravity portion of the system who have not complied that are in process and in another 40-45 days they will have to determine the next step. In the grinder pump portion of the project, there are only five properties that have not connected and the deadline for that connection is November 30. Mr. Smith stated they are hopeful the remaining five will have connected by the deadline, but if not, they will come to the Board in

December for further action. Mr. Bauder asked if the technical problems been resolved and Mr. Smith advised it is his understanding they have been resolved.

Mr. May advised they have a request from a resident for an exception to close his septic system and not backfill the tank. Mr. Smith advised the Ordinance is straight forward and he understands the residents proposed logic. Mr. Kreider asked if LASA has required a Hold Harmless Clause if there is a failure and Mr. Smith stated he does not know if that was included in the agreement. There was general agreement that other residents were required to close their system and it is in the Ordinance they feel they cannot grant the exception. Mr. May made a motion that this request regretfully be denied. Mr. Kreider seconded the motion and the motion carried unanimously.

SALDO – Time Extension Request for the West Charlotte Street Project - Mr. Smith stated this is initiated by the project owner and recommend they grant the 90 day time extension with the new deadline being February 10, 2012. Mr. Kreider questioned what the time extension is being granted for. Mr. Smith stated the MPC allows the owner to request this extension. Mr. Kreider asked if construction is underway and he was advised no construction has started on this project and this extension request is for the plan. Mr. Bauder moved to grant this extension to February 10, 2012. The motion was seconded by Mr. Herr and the motion carried unanimously.

#### New Business

Public Hearing for the Zoning Amendment Flexible Design Overlay District –Mr. Smith advised they are now in a Public Hearing process. The hearing has been properly advertised. This was before the Planning Commission two times and their letters have been provided. This has been reviewed by LCPC and their comments have been received. Mr. Smith stated he has two letters from residents that he distributed to the Board. Ms. Morgan and Mr. Murry were representing the petition. Ms. Morgan advised they were requesting that the text of the Manor Township Zoning Ordinance be amended. Ms. Morgan’s power point presentation included a map showing the RH1 Zoning Districts in the Township as well as photographs of the areas in Crossgates where the proposed increased building height would be used and prototypes of what could be constructed with the 35 foot height and with an increased height. Ms. Morgan explained the overlay district indicating the property must be in the RH1 Zoning District, 50 acres, served by public water and sewer, at least 40 percent of the development must be devoted to common open space. In order to qualify as a development site under this overlay zone you must be developing cluster development. Ms. Morgan reviewed the legal justification from the Municipalities Planning Code. Mr. Morgan stated if the Ordinance Amendment would be adopted a developer would have to go before the Zoning Hearing Board and request a special exception in connection with a cluster development following which they would go through the land development process. Ms. Morgan stated the Township has RH1 Zoning District which provides for high density development but the terms of that section of the Ordinance makes it close to impossible to achieve the density that has been prescribed. By using this tool endorsed by the County’s Smart Growth Principles you are allowing the property owner to achieve the density by getting closer to the numbers legislated when the Zoning Ordinance was put together. The County has recommended the text amendment be adopted and the Coalition for Smart Growth suggested the text amendment be adopted. Mr. Bauder asked if this same presentation was made to the Planning Commission and Ms. Morgan advised it was not made to them. Scott Haverstick, Manor Township Planning Commission, advised when this amendment was before the Planning Commission there was no specific information provided as to the areas the increased height would be used. Mr. Kreider asked why the golf course is classified as open space. Mr. Murry stated when the Conditional Use was approved for Crossgates the golf course was utilized as part of the open space requirement. Mr. Smith clarified the definition of open space. There was discussion about the number of tracts in the Township that would meet the qualifications for the Flexible Design Overlay District. Mr. Kreider stated he had a problem with a developer coming in, telling them how to rewrite the Ordinance and he does not think that is the right way to go about it.

Paul Reinhart, 115 Creekgate Court, had questions on the first slide shown in the power point presentation.

Stephanie Carnahan-McCurdy, 124 Creekgate Court, indicated she represented the people from Crossgates in attendance as well as the petitions presented to the Supervisors at their August meeting. Ms. McCurdy reiterated previously presented concerns and talked about the open space areas. Ms. McCurdy stated they are asking the Supervisors to vote no to the new amendment titled "Flexible Design Overlay District".

Bonnie Miller, 113 Bent Tree Drive, advised she has been a resident for 22 years. Ms. Miller is also in real estate and when people buy a home in a community they perceive what the community is going to look like. They do not understand that a builder can make some changes to an approved plan. Ms. Miller pointed out that the Township now has a SALDO to protect residents. People buy into a community and by the time the community is built out there are things added to comply with what can be there but the original homeowners are part of something they did not buy into. Ms. Miller stated the resale of the community is tested.

Marc Frampton, 112 Linger Street, stated at the Manor Township Planning Commission they presented such an argument against this overlay some Commission members visited the site and based on their visit they rejected the overlay proposal. The Planning Commission was asked if they wanted to wait for the Smart Growth letter and they said they did not need it to make their decision. Mr. Frampton advised due to their groups' arguments the Planning Commission recognized flaws in the zoning plan. They helped the Planning Commission in their work. Mr. Frampton stated they like where they live and 35 feet is okay but anymore than 35' destroys the aesthetics of the Crossgates community.

John Kerlish, 660 Crestgate Place, referred to a statement in the Planning Commission minutes indicating the Planning Commission asked the Supervisors to consider directing them to look at the overall density issue in the total Urban Growth Area and Mr. Kerlish asked if that has occurred. Mr. May advised that will be looked at later on the agenda. Mr. Kerlish feels the study is connected with the overlay request. Mr. May read the letter from the Planning Commission regarding the Overlay Amendment request. Mr. Kerlish stated when they bought their properties they were given brochures describing an environment that enticed them to spend their life savings and that environment can be completely decimated as a result of this overlay change. Mr. Kerlish stated most of them will be retiring here. They will be paying a lot of tax money and will not be happy if the type of environment they bought into changes. Mr. Kerlish expressed concern with the increase in traffic, the devaluation of their properties and decimation of their park like setting they were promised when they bought their properties. Mr. Kerlish requested that the Supervisors do not approve this proposal.

Mark Hackenburg, current President of the Coalition for Smart Growth, along with Carolyn French and Jim Shultz were present. Mr. Hackenburg stated the Coalition for Smart Growth was asked to consider the zoning amendment petition before the Township. Mr. Hackenburg gave background information on the Coalition for Smart Growth and stated their function. A task force was convened to hear the proposal and concerns presented by Murry Development Corporation to Manor Township who brought a recommendation back to the Coalition Board. The Board debated the matter and provided their letter to the Township on September 29<sup>th</sup>. Mr. Hackenburg stated the bases for their evaluations in any matter are founded in the principles of Smart Growth. The principles that were represented in the petition before the Township were listed in the September 29<sup>th</sup> letter to the Township. Mr. Hackenburg talked about the density in the Township Ordinance and that there is no way anyone could achieve the densities set forth in the current Township Ordinance. Referring to the 35 foot building height, Mr. Hackenburg stated it is a building height that had been established prior to modern firefighting equipment. Mr. Hackenburg talked about the building height as it is defined in the Township Ordinance. This particular site and all other RH1 Zoning District are the places where higher density housing should occur. Infrastructure exists, transportation systems exist, municipal services exist within close proximity to these uses and this community had made a decision earlier this year to rezone 208 acres of agricultural land within this community from rural to agricultural zoning. The Coalition of Smart Growth believes it is incumbent upon a Municipality to accommodate the growth intended by its zoning ordinance and by making a change in one particular portion of its community to accommodate and facilitate growth in other areas to provide the financial tax base and support the infrastructure and municipal services that are required to be provided by the Municipality. The site is located within an Urban Growth Boundary, has open space, infrastructure, public water and sewer, the ability to accommodate buildings of a higher

building height is counter balanced by the requirement for the percentage of open space. They still believe it is reasonable for the Township to understand the potential impacts on surrounding street networks, infrastructure systems and community services to support the added demands by creating additional housing but every community should understand those impacts before taking action to amend their zoning. They believe they should not be used as a reason to deny such a request rather should be understood so appropriate accommodations can be made to facilitate the growth that is otherwise anticipated by the current Ordinances. On behalf of the Coalition for Smart Growth they ask the Supervisors to consider supporting this request based on the premises presented.

Mr. Bauder asked who Mr. Hackenburg represents and how he is appointed. After Mr. Hackenburg explained how individuals became members of the Coalition, Mr. Bauder pointed out there is no elected positions or appointment from a governing body. Mr. Bauder disagreed with Mr. Hackenburg's statement that growth promotes a tax base. Mr. Bauder stated if the community was planned with certain metrics in place, he does not think they should change those metrics after these people had invested most of their resources in this area.

Mr. May asked Mr. Hackenburg to list the five principles he had referred to. Mr. May asked if any of the members of the Coalition looked at the site and they felt the overlay would work well in the proposed locations in light of what the people opposed have said. Mr. Hackenburg believes it is appropriate location for higher density development and impact on neighboring property owners are personal impact matters.

Florence Sisler, 316 Stone Creek Road, asked for the address of the Coalition for Smart Growth.

Mark Frampton, 112 Linger Street, refuted Mr. Hackenburg's statements regarding sufficient roadway and transportation in the area. He also reiterated that the Planning Commission when they rejected the overlay request stated the best area for this type of growth would be the Columbia Avenue corridor.

Joan Matterness, 213 Sutherland Road, advised that the decision made on this petition will not only impact Crossgates but eventually will impact other areas that in the next ten years will start to evolve. Ms. Matterness feels smart growth can be achieved without going 70 feet.

Ruth Rielly, 152 Kent Road, stated to her knowledge the Blue Rock Fire Rescue does not have a tower that can handle 70 feet. Ms. Rielly feels traffic could be a problem. She asked if these would be apartments or condos.

Scott Haverstick, 1970 Water Street and Chair of the Manor Township Planning Commission, stated the Planning Commission spent considerable time looking at this issue and is an advocate for smart growth and sensitive to the residents who live in the area. The thought of the Board was 70 feet was excessive but realistically to incorporate architectural features that would be needed there may be room for a compromise and in his mind he thought 55 feet.

Ms. Morgan asked to clarify several points stating they are not asking to increase the density. They are asking the Ordinance be amended via height to allow a property owner to get closer to the density that the Township determined is appropriate for the RH1 Zoning District. Multi family structures are currently permitted only restricted by the height limit. Regarding the height, Ms. Morgan advised they reviewed this request with the Township Fire Company and they said that 70 feet was not an issue for them based on current building codes.

John Kerlish read from the covenant they were required to sign when they purchased their properties.

Mr. May stated they have been thoroughly briefed on both sides of the case and it was very well presented. Mr. May does not want to go against the Planning Commission and if they feel there is a way possibly this can be done without going up 70 feet he would like to let them do it. Mr. Bauder advised two months ago the Planning Commission had approved this but they had not heard sufficient testimony from the residents and subsequently residents had an opportunity to give testimony to the Planning Commission and the Planning Commission rejected the petition after they heard the testimony from the residents. Mr. Kreider felt it should go back to the Planning Commission for an evaluation based on what is in the minutes tonight to see if there is a compromise position everyone can live with. Mr. Herr appreciates Mr. Murry's position and referred to the new building built by Rettew Associates where 70 feet was granted to them when they constructed their building. Mr. Herr feels the Planning Commission needs to look at this. Mr. May pointed out there is enough barrack like buildings in the Township and no more is needed. Mr. May would like to look at a compromise. Mr. Smith stated before them is consideration of Ordinance 5-2011 for their consideration.

Mr. May made a motion they do not adopt Ordinance 5-2011 at the present time and refer the matter back to the Planning Commission to look at alternatives or possibilities that might be more suited to what they and Mr. Murry want to accomplish. Mr. Bauder seconded the motion commenting there was another development with controversy between the builder and the neighbors and they got together in meetings and resolved the issue. Mr. Bauder feels that is what should be done rather than have a combative situation. Mr. May stated his motion is they do not adopt Ordinance 5-2011 and refer back to the Planning Commission. Mr. Bauder seconded the motion. Mr. Smith suggested they reconsider in the motion not forwarding this petition back to the Planning Commission. Mr. May amended the motion to say they do not approve Ordinance 5-2011 at this time. Mr. Bauder seconded the motion and the motion carried unanimously.

Receive Manor Township Planning Commission recommendation to adopt Draft Township Zoning Ordinance and Township Zoning Map changes – Mr. Smith this is two years of work that was done in conjunction with the Planning Commission looking at rural and agricultural zoning. There was some text changes, changes to airport safety zone, etc. that are also part of the summary that was provided by Steve Gabriel. This is presented by way of letter and Ordinance from the Planning Commission asking them to direct Mr. Smith to work with Mr. Goodman to start the official process of advertisement and potential adoption of the Ordinance. Robert McLane, 206 Manor Avenue, feels this is short changing Manor Township's resources dramatically and as result presented petition with approximately 75 signatures who would not like to see this proceed as presented. Mr. McLane read the petition he presented to the Board. Mr. Herr abstained from any vote on this issue because he has a property that is directly affected. Bonnie Miller, 113 Bent Tree Drive, replied to Mr. McLane informing him the County has over 1,100 preserved farms and their goal is 2,000. Ted Gingrich, 110 Bent Tree Drive, asked if the land owners affected by the change have been notified. Mr. May advised the change has not occurred. Mr. Smith advised it is risky making an attempt to send a mailing to every property owner that could be affected in the event someone would be missed. Mr. Kreider made a motion to instruct Mr. Smith to meet with the Solicitor to begin the process of changing the Township Zoning Ordinance and the map as recommended by the joint Planning Commission and Supervisors. Mr. Bauder seconded the motion and the motion carried 3-0 with Mr. Herr abstaining.

Lancaster County Request for Application to United States Environmental Protection Agency for funding through Brownfields Assessment, Cleanup and Revolving Loan Fund Grant – Mary Gattis, Environmental Planner with the Lancaster County Planning Commission, was present because the last grant application supported by the Supervisors was unsuccessful. They will reapply for Brownfields Assessment Program Funding. Ms. Gattis gave background information and talked about the grant they would be applying for proposing to use a portion to stimulate the redevelopment along the Columbia Avenue corridor that encompasses area in both Manor and East Hempfield Townships that goes from the Little Conestoga River to the edge of Mountville Boro. They are looking for a letter of support from the Supervisors and a commitment they will support the project and provide whatever residents who would be interested in serving on committees. Mr. Bauder stated he observed improvements along the corridor without assistance from tax payers. He does not believe tax money should be used where it is not necessary. Ms. Gattis advised the projects they work on are the ones that will not be addressed by the private sector without something to help get it going. Mr. Bauder stated it is incumbent on them to make rules that encourage uses. Mr. Herr had questions on the study that would be completed for sites. Mr. Kreider made a motion to support the LCPC application for funding for Brownfields Assessment Cleanup and Revolving Loan Fund Grant program. Mr. May seconded the motion and the motion carried 3-1 with Mr. Bauder voting against a letter of support.

Zoning Districts and Land Use Discussion – Mr. Smith advised one of the properties as a Staff they are concerned about is the property on Centerville Road which was once an application for Wal Mart. Mr. May made a motion to refer this to the Planning Commission to assess and review the zoning as it exists on the east side of South Centerville Road. Mr. Bauder would like the motion to be restricted to the Wal Mart property due to the fact he feels it is urgent to get the property rezoned to something they can accept. Mr. Haverstick informed the Supervisors that the Planning Commission suggested the Supervisors ask them to explore the northeastern quadron of the Township that contains most of the Industrial that was relevant to the tract off Charlestown Road. Mr. Kreider asked what is being looked at for the tract as it is not for sale. Mr. Smith advised if changes are made we should let them know we are considering changes and if they chose to submit ideas and comments through process would be valuable. Mr. Smith advised from Staff

standpoint they would encourage them to focus specifically on the Wal Mart Realty tract as to whether it is appropriate zoning and whether it remains as it is or changes. Mr. Murry stated whatever changes happen to the Wal Mart tract affect him also because Wal Mart does not own the entire area. Mr. Murry stated he finds it a little disconcerting after the previous hearing that all of a sudden they want to change something that has been like this for the last 25 years and in one instance you do not want to change it because it has been that way for the last 25 years and now all of a sudden 25 years later because it is Wal Mart you want to change it. Mr. Murry advised he is the adjacent property owner on both sides of the Wal Mart tract and whatever modifications occur there will affect them. Mr. Murry stated philosophically going back to the hearing why is it that we keep it one way for 25 years and will be that way moving forward and yet all of a sudden because Wal Mart owns this piece of ground you are talking about changing the zoning. Mr. Murry has difficulty with it and does not mind making himself known that this is not going to go easily. Mr. May does not feel time consideration has anything to do with any decision in his opinion. Mr. Kreider understands Mr. Murry's point and since an adjoiner does have the opportunity to express his feelings about it. Mr. Smith pointed out there were road improvements that are part and parcel to the overall area. Mr. Smith stated from his standpoint anything done should include those parcels and should include dialogue. From a Staff standpoint, Mr. Smith stated it would be difficult if it was expanded at this time with the volume of issues and resources they are dealing with. Mr. Smith advised they look at what is the Wal Mart Realty tract and those that were part of that parent tract which are easily identified makes sense to look at jointly. Mr. Herr made a motion to refer to the Planning Commission to consider the Wal Mart tract and adjoining properties. Mr. May seconded the motion and the motion carried unanimously.

2012 Budget Presentation - The presentation is a result of a number of work sessions held by the Board of Supervisors in conjunction with Staff and various departments including fire services. Mr. Strohecker advised tonight is a summary of what has been talked about to date. They plan to advertise the Budget as it is presented tonight and hopefully adopt it in the December meeting. The 2012 Budget presentation included Causes and/or Symptoms of Fiscal Pressure, various charts showing Foundation for 2012 Budget, provided the projected revenues and expenditures for all of the funds. Mr. Strohecker went over the 2012 Highlights indicating the Real Estate Millage at .78, proposed Fire Tax millage .48, Real Estate Transfer Tax one-half percent, Earned Income is one-half percent, Sewer Fees are \$55.00, Crossgate Sewer Fees are \$152.75, the Outstanding Debt is \$0 and the Balanced Budget equals Use of Reserves & Transfers. Mr. Bauder commented that the Administration has controlled cost. Pam Neidig, 137 Carol Drive, stated she saw a large tractor plowing snow on her street asking if there are volunteers doing work that would normally be done by a paid person. Ms. Neidig was advised they are paid. Mr. Smith advised in trying to maintain employee costs, costs of equipment and liability they have been able to sign an agreement with some of the local farmers and contractors to provide snow plowing for the Township. There was discussion on the fire tax and the process that occurred to reach the proposed millage. Mr. May noted he does not want to lose sight that they encouraged the fire companies to undergo the consolidation and it is important that it does not break up or have it fall apart because of divisions between Millersville Boro and Manor Township. Mr. Kreider expressed his displeasure with some areas of the budget presented by the Fire Commission. The Supervisors authorized Staff to proceed with advertisement of the 2012 proposed budget.

Improvement Guarantee Agreement and Cash for Barley Farms – Mr. Smith advised this is a result of a previous improved plan and the necessary improvement guarantee agreement has been submitted in the amount of \$11,077.00 and Mr. Smith recommended entering into the agreement. Mr. Herr recommends they enter into agreement. Mr. Bauder seconded the motion and the motion carried unanimously.

Improvement Guarantee Agreement and Letter of Credit for Members 1<sup>st</sup> Federal Credit Union - Mr. Smith advised this is a recently approved project and they are now securing the necessary documents to record the plan. The Improvement Guarantee Agreement is before the Board but they do not have the Letter of Credit. Mr. Smith recommends authorization of the execution of the Improvement Guarantee Agreement that will be sent back to Members 1<sup>st</sup> Federal Credit and based on that, issue the Letter of Credit. Mr. Smith recommended the motion is to approve executing the Improvement Guarantee and the signing of the mylars is contingent on receiving Letter of Credit that is satisfactory to the Solicitor and Mr. Smith. Mr. May made a motion to approve the execution of the Agreement contingent upon the mylar not being signed until receipt of the Letter of Credit. Mr. Kreider seconded the motion and the motion carried unanimously.

Storm Water Management Agreement and Declaration of Easement for Members 1<sup>st</sup> Credit Union - The Storm Water Agreement has been reviewed and meets the Township's Storm Water requirements. Mr. May acknowledged the execution of the Storm Water Agreement for the purposes therein contained. Mr. Bauder made a motion to approve the Storm Water Management Agreement and Declaration of Easement between the Township and the Members 1<sup>st</sup> Federal Credit Union. Mr. Herr seconded the motion and the motion carried unanimously.

Bertz Hess & Company LLP Engagement Letter for 2011 Audit and Services – Mr. Smith noted this is a standard letter and not for action tonight. Authorization is needed for Mr. Smith and Mr. Goodman to prepare the necessary documents. Mr. Herr made a motion to authorize Mr. Smith and Mr. Goodman to review and enter into an engagement letter. Mr. Kreider seconded the motion and the motion carried unanimously.

Act 14 Notification for Creswell Landfill Leachate Treatment Facility renewal of NPDES Permit – Mr. Smith advised this is standard process and the Creswell Landfill is due to renew the permit. This is just a notification.

Act 14 Notification for Columbia Water Treatment Plant Upgrade – Mr. May noted this is just a notification and no action required.

Amendments to Minimum Monthly Obligation for Pension Plans - Mr. Smith advised the original met the statute and the statute allows them to amend it until the end of the year. Mr. Strohecker advised upon review they felt they could adjust some of the numbers that actually went down but it was less than \$15,000 it went down. Mr. Bauder made a motion to accept the amendments to the minimum monthly obligation for the two plans. Mr. Kreider seconded the motion and the motion carried unanimously.

Letter of Resignation from Barbara Shopf – Mr. Smith advised Ms. Shopf is leaving for a full time position in the Manheim Township Police Department. They are working toward replacing Ms. Shopf. Mr. May moved to accept the letter of resignation with regret. Mr. Herr seconded the motion and the motion carried unanimously.

#### Correspondence

Mr. Smith stated he had an addition and felt it would be appropriate to authorize the appropriate staff to take advantage of an On Lot Training Seminar made available relative to a series of workshops on MS4. It is appropriate training on illicit discharge, construction inspection and good housekeeping. Mr. May made a motion to approve the appropriate people attends the seminar and the motion carried unanimously.

#### Traffic Commission

Traffic Commission met on October 26<sup>th</sup> with two members in attendance. Traffic Study was completed for several intersections in Woods Edge with a recommendation of stop sign at Stone Mill Road and Stone Creek Road at Whitechapel Road and Stone Mill Road at Whitechapel Road and Stone Creek Road. Due to reduced roadway width there was a recommendation of No Parking Zone which was approved. There were several new requests that were tabled until further information is received. There was a request for No Parking at several locations in Woods Edge and those requests were denied because the Commission did not feel there was a problem. There was a request for 4-way Stop Sign at Manor Ridge and Hawthorn Drive and the traffic counter will be placed at that location to determine the speed in the area. The next day the Police started enforcement action in the area and numerous citations were issued for stop sign violations and several for speeding.

#### Police Report

Chief Graeff highlighted statics that were in the report. Chief Graeff asked that Mr. Strohecker's pie chart be changed to separate fire and police as he feels it gives misrepresentation of overall expenditures for the police when fire is included.

#### Public Works

Mr. Harris submitted his report and advised they are spending a considerable amount of time on finding inlets and making observations and notes which are being recorded by Office Staff. During the process

they have detected some illegal connections and sent numerous letters who are not managing their detention basins in accordance to EPA regulations.

#### Managers Report

Mr. Smith encourages the Supervisors and public if any illicit discharge is seen to report it to the office and the appropriate response will be made. Mr. Smith stated it is apparent that Brandon Clark has won the seat of Allan Herr. Mr. Clark is a member of the Zoning Hearing Board and will be required to resign. Mr. Smith suggested Brad Singer be moved from the alternate to the full time position and the alternate position will need to be filled. Several resumes have been received and the appointment will be on the December Agenda for alternate to Zoning Hearing Board. Jay Clark did not seek another term as Auditor and in the event there was not a write in who would have won the election in January they should be looking to appoint someone to that position. Mr. May questioned the Tax Collector position and Mr. Smith advised he has not seen the write ins.

#### Building Permits Report

Mr. Kreider reported that the number of permits issued October 2011 is 27 compares to 10 in 2010, permits issued year to date is 268 compared to 225 last year, dollar value of permits issued in October is \$1,132,647.00 and dollar value of permits issued year to date is \$11,108,187.00 compared to \$32,030.929 in 2010.

Mr. Kreider made a motion to adjourn the meeting. Mr. Herr seconded the motion and the motion carried unanimously. The meeting was adjourned at 10:47 p.m.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer

## Manor Township Supervisors Meeting

Monday, December 5, 2011

Time: 7:30 P.M.

Chairman John May called the meeting to order in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA at 7:30 pm. He led those in attendance in the Pledge of Allegiance to the Flag. Roll call was taken.

Members Present: John May, Allan Herr, Richard Bauder, Jay Breneman and L. Allen Kreider  
Staff Present: Barry Smith, Ryan Strohecker, Chief Graeff, Mark Harris and Evelyn Rineer  
Visitors Present: See Attached List

Minutes – Mr. Kreider made a motion to approve the minutes. Mr. Herr seconded the motion. Mr. Bauder stated there are several typos but it does not change the contents. The motion carried with Mr. Breneman abstaining.

Financial Report – Mr. Herr made a motion to approve the financial report as submitted. Mr. Kreider seconded the motion and the motion carried unanimously. Mr. Bauder complimented the Finance Director and Assistant Manager for the extra revenue from the Cable TV Franchise.

Solicitor's Report – There was no solicitor's report.

Bills – Mr. Breneman made a motion to approve the bills. Mr. Bauder seconded the motion and the motion carried unanimously.

### Business from the Floor

Bill Heidig, 1756 Columbia Avenue, asked if anything was done concerning his request for a second business at his address. Mr. May advised him that if anything would be done with the zoning they must be careful they do not have unintended consequences somewhere else in the zoning. Mr. Smith has met with Mr. Ott and they have looked at the various sections of the Ordinance that would be applicable to Mr. Heidig's request. Mr. Smith stated they are trying to determine what the ultimate effect might be on multiple properties. Mr. Kreider expressed concerns with the vacancies along Columbia Avenue and does not want to see anymore. Mr. Kreider would like to do everything possible to preserve Mr. Heidig as an owner of the property along Columbia Avenue. Mr. Bauder would like a report from the Administration with the metrics that are a problem and what can be done about it. Mr. Kreider asked if Mr. Heidig's neighbors had any concerns with his request and Mr. Heidig advised that his neighbors have no objections to a second business.

### Old Business

Letort Manor/Perth Hills Public Sewer Ordinance Compliance Update – Mr. Smith advised that November 30<sup>th</sup> was the deadline for grinder pumps to be connected. There are five properties that are not connected and Mr. Smith is requesting direction to take the next step. Mr. May made a motion that Mr. Smith speak to Mr. Goodman regarding taking the next step regarding the homeowners. Mr. Herr seconded the motion. Mr. Bauder asked what the next step would be. Mr. Smith advised Mr. Goodman would send a certified letter indicating the process that will take place. The process would be if the homeowner does not comply within the specified time frame, the Township will have the right to go in and/or contract to have the work done and lien the property. The motion carried unanimously.

### SALDO

Wayne and Fannie Shaw & Theodore and Jacqueline Shaw Revised Final Subdivision Plan Briefing Item – Mr. Smith provided Rettew's recent review letter indicating this is a previous subdivision that ran into some issues with Clean and Green. Mr. Matteson from Diehm & Sons presented the plan and stated that they were at a

meeting earlier in the year with a subdivision of this property on Rock Hill Road at which time two lots were taken off. The Shaw's daughter has purchased the flag lot to build a house and after the deed was recorded, the Clean and Green Office sent a roll back tax bill for the entire farm because the lot exceeded the allowed percentage for the total area. Mr. Matteson stated they are coming back with a revised final plan that moves lot lines so the lot complies with Clean and Green and the applicant will only pay roll back taxes for the lot. Mr. Smith advised the Board of Supervisors that the Planning Commission moved this plan from a briefing item to an action item and it is recommended the Board do the same. There were two comments in Rettew's review letter which Mr. Matteson stated they have complied with. Mr. May made a motion to move this plan from a briefing item to an action item. Mr. Breneman seconded the motion and the motion carried unanimously. Mr. Bauder made a motion to approve project #11-007A the revised final subdivision plan of Wayne and Fannie Shaw and Theodore and Jacqueline Shaw on condition of meeting requirements of the Rettew review letter dated November 11, 2011. Mr. Herr seconded the motion and the motion carried unanimously.

Chesapeake Crab Connection Final Land Development Plan Briefing Item - Mr. Smith stated the Planning Commission did not recommend moving this plan to an action item; therefore, it is before the Board as a briefing item. Mr. Williams from Strausser Surveying Engineering presented the plan stating the property is on Columbia Avenue and is a restaurant. It consists of two tracts and Mr. Williams pointed out the existing buildings and parking areas located on the two tracts. The owners would like to combine the two tracts into one and make the parking so there would be one way into the complex, sweep through the parking area and exit at another location which should improve the traffic flow. Mr. Williams described the proposed changes that would take place on the tract. Mr. Williams advised them that they had no objections to any of the comments in Rettew's review letter. Mr. Bauder asked if a stormwater plan is required. Mr. Bauder was advised stormwater management was required. Mr. Bauder questioned which storage building would be removed. Mr. Williams advised that the Planning Commission had asked for a sheet that shows clearly what is remaining on the lot and what is being removed.

#### New Business

Lancaster Inter-Municipal Committee Update – Mike LaSala, Executive Director of LIMC, stated he wanted to give a brief update on the implementation process with the Regional Plan. Mr. LaSala advised the implementation is a four step process that included Implementation Groups, Task Force, LIMC Review & Acceptance and Municipal Review and Acceptance. Mr. LaSala gave a brief explanation on each step. Mr. Bauder had questions pertaining to private property that interferes with the goal of the establishment of an inter-connected park, trails and greenways system within the LIMC region. Mr. LaSala informed the Board there is a LIMC Work Session on January 26<sup>th</sup> at Millersville University and all Officials are invited.

Resolution 19-2011 Setting Fire Tax Millage – Mr. Smith advised this is the resolution establishing what is called the Fire Tax. Mr. May made a motion to approve Resolution 19-2011. Mr. Breneman seconded the motion. Ron Matterness, 107 Eagle Path, asked what the tax would cost each homeowner. Mr. Matterness was advised it is based on the assessment of the property. Steve Rice, 3028 Miller Road, asked if he had to pay fire tax on an empty lot. Mr. Rice was advised the fire tax had to be a millage on the assessed value of the property according to the MPC. Mr. Rice had questions on the funding for the fire company. Mr. Breneman explained how the fire companies were previously funded and the changes that have occurred since there is one fire company. Mr. Rice had questions regarding the Fire Commission and Mr. Breneman advised him that the Fire Commission meetings are open to the public. Mr. May called for the vote and the motion carried unanimously.

Resolution 20-2011 – Mr. Smith stated that the millage was always embedded in the budget and wanting to be more formal they have drafted a resolution. The millage remains at .78 and this is a format that is more appropriate. Mr. Breneman asked if the fire tax and municipal tax will be separated. Mr. Breneman was advised that the resident will see 1.26 on their tax bills. Mr. Kreider made a motion to approve Resolution 20-2011 for the .78 mills to continue from the past. Mr. Breneman seconded the motion. Mr. Smith noted that this tax rate has been in effect since 1998. Mr. May called for the vote and the motion passed unanimously.

2012 Blue Rock Fire Rescue Budget Adoption - Mr. Smith pointed out that the Fire Commission and Millersville Borough have approved this budget. Mr. Bauder asked if the red line items are in or out and Mr. Hagelgans stated red is out. Mr. May noted the proposed budget showed the red lined items under the column "K Unfunded". Mr. Bauder asked if that means if the funding is found the items will go back in. Mr. Smith stated it means if they find the funding it will be spent. Mr. Bauder asked if it means it is conditional and Mr. Bauder was advised that was correct. Mr. Breneman made a motion to approve the Blue Rock Fire Rescue Budget for 2012. Mr. May seconded the motion. Mr. Herr advised them that a citizen asked him about the status of the property along Rt. 999. Mr. Breneman advised they decided as a Commission at this point they needed to operate for a little while with what they needed to do and that question will be considered in a couple of months. The assets of all four fire companies will come to the Blue Rock Fire District. Mr. Bauder asked if the funding the Supervisors gave earmarked for the property along Rt. 999 was placed in escrow. Mr. May advised that the property was purchased by Millersville Fire Company. Mr. Kreider stated he does not like unfunded mandates and that is basically what they have before them. Mr. Breneman advised them that the Fire Commission Board is conservative and will not spend money just because it is in the budget. Mr. May called for the vote and the motion passed unanimously. Mr. May thanked Mr. Breneman for the hours spent in helping put the budget together.

2012 Budget Adoption - Mr. May made a motion for the adoption of the proposed 2012 budget. Mr. Bauder seconded the motion and the motion carried unanimously. Mr. Breneman commented he appreciated the department heads and administration being as fiscally responsible as they have been.

Resolution 21-2011 Budget Certification – Mr. Smith stated this is something the Auditor recommended they do and this is a Resolution certifying the copy Mr. Smith has is the actual budget. Mr. Bauder made a motion to adopt Resolution 21-2011 the Manor Township Budget Certification. Mr. May seconded the motion and the motion carried unanimously.

Amendment to Minimum Monthly Obligation for Non-Uniform Pension Plan – Mr. Smith stated in their review of the last document before the Supervisors there was a typo and this must be correct when submitted to the consultant and inclusion in the State document. Mr. May made a motion to adopt the Minimum Monthly Obligation for Non-Uniform Employees as amended presented in their packets. Mr. Kreider seconded the motion and the motion carried unanimously.

Letter of Resignation for Brandon Clark - Mr. Smith advised they have received Official Certification that Brandon Clark has been elected as the new Supervisor in Allan Herr's vacancy. Since they have that Certificate, Mr. Smith asked Mr. Clark to provide a letter of resignation from the Zoning Hearing Board. Mr. May made a motion to accept the resignation of Brandon Clark from the Zoning Hearing Board. Mr. Bauder seconded the motion and the motion carried unanimously.

Resolution 22-2011 Appointing Brad Singer to fill the unexpired term of Brandon Clark – Mr. Smith noted this Resolution will have Brad Singer in until expiration of Mr. Clark's current term which is December 31, 2013. Mr. Breneman made a motion to adopt Resolution 22-2011. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Smith distributed two resumes from individuals interested in the alternate position on the Zoning Hearing Board.

Resolution 23-2011 Setting Fees – Mr. Smith pointed out the proposed changes that are in red. From a timing standpoint, the most important to the Township is pavilion rental which will begin upon answering the phones on January 3. Mr. May asked the number of nonresident applications and was advised the nonresident are overwhelming. Mr. Breneman made a motion to adopt Resolution 23-2011 Setting Fees. Mr. Herr seconded the motion and the motion carried unanimously. Mr. Herr questioned the fees set for use of equipment and whether they were new fees. Mr. Smith advised him they are only being upgraded. Mr. Strohecker pointed out that the last step of the OLDS System implementation is included in the fees of \$5.00 for the Township.

Mr. May thanked Mr. Herr for his term of service as Supervisors and everything he has done for the Township on behalf of all the Supervisors as well as the residents who have appreciated his availability, being easy to talk to,

easy to get along with and that he would be missed. Mr. Herr stated he appreciated being a part of the Board and helping the Township. Mr. Herr indicated sitting on the Board has been a rewarding experience.

Act 14 Notification for Turkey Hill Waste Water Treatment Filter Replacement – This notification is for the existing waste water project. This is a replacement of plant filter and they are required to give notification.

Act 14 Notification for Turkey Hill Waste Water NPDES Renewal Application – This is a stormwater treatment facility renewal for information purposes.

Employee Benefits Update – Mr. Smith passed out paperwork stating the goal was to make the benefits for Uniform and Non-Uniform consistent. The first sheet is a summary of benefits proposed for non-uniformed that would be consistent with what is in the contract currently for the police. The sheets behind are highlight sheets that are produced by the carrier as well as their administrator. Mr. Bauder asked what a health reimbursement account is. Mr. Strohecker advised him that it is set at \$250 for uniform employees and any out of pocket cost they have towards their health insurance needs can be reimbursed by the Township for up to that amount. Mr. Herr verified that the contributions stay the same but the benefit level goes up to what the uniform are. Mr. Smith talked about the change in co-pay for prescriptions and advised them they would see significant savings just in that category. Mr. Strohecker anticipated the institution of the HRA for the non-uniform employees will cost about \$3,500 a year. What they get back by mirroring the police plan will be in the thousands. Mr. Strohecker stated they should see a significant savings in the health plan by doing this. Mr. Strohecker stated currently there are no co-pays and this will institute co-pays, there is no tier program for drugs and this will institute that, no disincentive to go to the emergency room and this will institute a co-pay for that. Mr. May made a motion to bring Non-Uniform Employee Benefit changes that parallel the Uniform Benefit to adopt these changes. Mr. Kreider seconded the motion and the motion carried unanimously.

Regional Emergency Management Agency – Draft Ordinance & Draft Agreement – Mr. Smith stated there are two drafts of documentation relative to the Emergency Management Coordinator. Mr. Schock held that position at the Township and he has resigned from the position leaving it vacant. The position has been covered by Randy Gockley as the County Coordinator when in fact Mr. Hagelgans has been filling the position but not in an official capacity. When talking about the Blue Rock Fire, one of the components between Ed Arnold and Mr. Smith was to seek to have a joint emergency management coordinator. Millersville Borough has prepared this particular ordinance and the only thing changed is the name. This is the Ordinance Millersville Borough has passed and they are waiting for the Township's action. If adopted, they will then go into the next document which is the draft of the Intergovernmental Cooperative Agreement. Mr. Smith advised if the Supervisors wish to go in the direction that Ed Arnold and Mr. Smith would like to take them Mr. Smith would give the draft to Mr. Goodman to prepare it officially as an ordinance for advertisement and adoption. After discussion, Mr. Herr made a motion to refer the draft ordinance to Mr. Goodman for the Township Ordinance. Mr. Kreider seconded the motion and the motion carried unanimously.

Mr. Smith advised he had two additions to the agenda one being a notice that their Representative for the Penn Manor Municipal Lancaster County Tax Collection Bureau, who is currently Ed Arnold, and his term is up at the end of 2011. Mr. Arnold would like Mr. Strohecker who is now the alternate to assume the Representative position for 2012. Mr. Bauder made a motion to appoint Ryan Strohecker as Penn Manor Municipal Representative to the Lancaster County Tax Collection Bureau. Mr. May seconded the motion and the motion carried unanimously.

Mr. Smith advised them that they are recommending that Jay Breneman be appointed to the Fire Commission for another two year term beginning 2012. Mr. May made a motion to appoint Mr. Breneman to a two year term commencing January 1, 2012 to the Fire Commission. Mr. Kreider seconded the motion and the motion carried unanimously.

#### Correspondence

Administrative – Mr. Smith asked for permission to have Mr. Harris and himself attend the Right Way to Apply for or Renew Municipal Separate Storm Sewer System Permits. There is no registration fee but Mr. Harris and

Mr. Smith will be out of the office for the day. Mr. Herr made a motion to grant approval for both Mr. Smith and Mr. Harris to attend. Mr. May seconded the motion and the motion carried unanimously.

#### Traffic Commission

Chief Graeff advised there was no Traffic Commission meeting in November.

#### Police Report

Chief Graeff advised the report stands as submitted and highlighted some statistics that were in the report. Chief Graeff advised them that they did some proactive enforcement in Manor Ridge Dr. and Hawthorn area. There were 24 stop sign citations and 12 written warnings. There was a complaint on South Centerville Road and they issued 25 speeding citations and also 5 warnings in that area. Mr. Herr asked that Chief Graeff pass along to Det. Alexander that they find his reports interesting.

Ruth Rielly, 152 Kent Road, thanked the Chief for taking care of the problem on Centerville Road.

#### Public Works Director Report

Mr. Harris noted they are finishing the last week of leaf collection this week. Mr. Harris pointed out an ongoing project at the traffic light at the intersection of Donerville Road and Columbia Avenue. In September it was authorized for the installation of preemption for that intersection and the last communication with CMI it was indicated the work will be finished this week.

#### Township Manager's Report

Mr. Smith noted that he did receive official notification from Pennsylvania Department of Conservation and Natural Resources that their acquisition grant has been extended to December 31, 2012. They anticipate settling on the property sometime in May or June which is the projected time frame. They asked for an entire year in the event things get bogged down. Mr. Breneman pointed out the Rails to Trails was highlighted in a national news report. Mr. May gave an update regarding the subdivision plans. Mr. Bauder asked the status of MS4 EPA response. Mr. Smith advised the Township has responded and when the Township receives a reply back the Supervisors will be notified.

#### Building Permit Report

Mr. Kreider indicated the number of permits issued in November 2011 is 19 compared to 34 last year, number of permits issued year to date is 287 compared to 259 last year, dollar value of permits issued in November 2011 is \$2,990,281, dollar value permits issued year to date \$14,098,468 compared to \$34,534,185 last year.

Mr. Herr made a motion to adjourn the meeting. Mr. May seconded the motion and the meeting was adjourned at 8:53 pm.

Respectfully submitted,

Barry L. Smith  
Secretary-Treasurer

Recording Secretary  
Evelyn Rineer



## Manor Township Planning Commission Minutes

Monday, January 10, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, January 10, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. The Chairperson, Scott Haverstick, opened the meeting with the Pledge of Allegiance to the Flag and introduced the members of the Planning Commission.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger  
Don Witmer and Mary Glazier

Visitors Present: David Charles, 350 Letort Road  
Rich Shoemaker, 11 W. State Street, Quarryville  
Justin Evans, LCPC

### Public Comment

There was no public comment.

### Appointments by Board of Supervisors

Mr. Ott advised the Commission that the Board of Supervisors reappointed Scott Haverstick for another four year term.

### Re-organization Meeting

Mr. Henke made a motion to keep the same officers with Chairperson Scott Haverstick, Vice Chairperson Pamela Shellenberger and Secretary Mary Glazier. Mr. Witmer seconded the motion and the motion carried unanimously.

Set Meeting Dates – The meeting dates will remain the second Monday of the month with the exception of October when the meeting will be the second Tuesday.

### Minutes

Ms. Shellenberger made a motion to approve December 13, 2010 minutes as presented. Mr. Haverstick seconded the motion and the motion carried unanimously.

### New Business

Petition for Rezoning Charlestown Road Properties – David Charles/Risco Partners – Chris Venarchick with RGS Associates presented the petition for rezoning of two parcels along Charlestown Road. Mr. Venarchick identified the two parcels being discussed as parcels 2 and 3 along the south side of Charlestown Road. Lot 2 is approximately 8 acres and Lot 3 is approximately 7 acres. The Applicants proposal is to take the two tracts that are zoned Industrial (I) and rezone them to High Density Residential Flex (RH1) Zoning. Public sewer and water does exist along Charlestown Road, the land is vacant and slopes approximately 3-5%. Charlestown Road is a collector road with a speed limit of 35 mph. Woodgate Development is an existing residential use that is located to the south of these parcels and to the east and west of the tract is existing commercial use. The Applicant stated that these uses compliment what they are proposing. There is an existing storm water basin on the site that is part of the overall corporate center storm water management and this basin was designed to accommodate a 70% impervious coverage. A small portion of the site drains towards Charlestown Road and the remainder goes into the retention facility. A sketch plan was provided showing what could occur on these two parcels, if they were rezoned to Residential High Density Flex (RH1). In summary, Mr.

Venarchick stated that Lots 2 and 3 are ideally situated for rezoning from Industrial (I) to the High Density Residential Flex (RH1). As the zoning exists today, the Applicant does not feel an adequate transition is provided from residential to industrial zoning and the proposed rezoning will allow that transition to take place with Charlestown Road as the defining zoning change. The infrastructure is in place and there is both public water and sewer available. The site is within the Urban Growth Boundary (UGB) and the High Density Residential Flex Zoning (RH1) is consistent with the objectives of the Smart Growth within the Comprehensive Plan. The proposed zoning would provide for a housing mix of apartments or something with lesser density; the Applicant's proposal would be for apartments. If the rezoning would be approved, during land development process the Applicant would have to do a traffic impact study. Mr. Venarchick stated that they feel the proposed rezoning addresses the demand in the Township for apartment housing. The scenario shown on the sketch plan works out to be approximately 208 potential apartments and that would be the maximum density allowed for the 15 acre tract of land. The current industrial zoning has been in place for quite some time. The two concerns received from prospective buyers of the tracts has been the distance to a major highway and the residential housing that is to the rear of the tracts.

Mr. Haverstick asked how long the entities have owned the parcels and he was advised by the owners that they have owned the properties for 20 years and it was zoned industrial when it was purchased.

Ms. Shellenberger questioned if the owners of the parcels have been marketing these parcels for other uses and not just industrial uses. Ms. Shellenberger pointed out that there is an array of uses under that classification. The owners stated that they have marketed the parcels under uses other than industrial. Mr. Charles stated that there is a demand for luxury apartments. Both the streets and grounds would be maintained by the property owner.

Mr. Haverstick questioned the number of industrial parcels in the Township.

Ms. Shellenberger expressed concern that the Township has adopted the Growing Together Comprehensive Plan and that Comprehensive Plan does identify these properties for industrial use. The Municipalities Planning Code requires any zoning change be consistent with that Comprehensive Plan. Ms. Shellenberger stated that this would not be consistent with Growing Together which would require an amendment to the Growing Together Plan to create that consistency. Industrial use is one of the zoning districts that are needed on a regional basis. What is shown on the Growing Together Comprehensive Plan as industrial is adequate. If industrial land is pulled out from that plan, this not only impacts Manor Township but the entire Growing Together Plan that this Township and other Townships have adopted.

Mr. Haverstick stated that this request was discussed at the Land Use Advisory Board meeting. The Land Use Advisory Board is an advisory board to the County Planning Commission and there was a unanimous rejection to this request. The Penn Manor School District also expressed concern because additional students would be added.

Ms. Glazier stated that there is quite a bit of property already approved for residential development that has not yet been developed due to the economy. Mr. Ott listed some developments that still have sections to be built out.

There was general discussion regarding the industrial zoning and further discussion pertaining to the two parcels proposed for rezoning. It was the consensus of the Commission to table this petition until they have comments from the Lancaster County Planning Commission. Ms. Shellenberger made a motion to table the rezoning request for the Charlestown Road property until this Commission receives the Lancaster County Planning Commission comments in time for the Manor Township February 14<sup>th</sup> Planning Commission Meeting. Ms. Glazier seconded the motion and the motion carried unanimously.

Correspondence

Ms Glazier stated that a letter was received from the LCPC dated December 17, 2010 regarding the proposed rezoning indicating that it will be reviewed on January 24th at 3:00 pm.

A letter was received from the LCPC dated December 17, 2010 regarding the proposed purchase of 44.48 acres on the south side of Charlestown Road by the Penn Manor School District and was scheduled for review on January 10, 2011.

A memo was received from the LCPC dated December 20, 2010 noting that there is a new subdivision/ land development application form that the LCPC will be using.

Mr. Mann had some questions on the Armstrong property and the PRD Zoning was explained to him. There was some general discussion on PRD overlay. There was a continuation of the discussion regarding the rezoning petition. There was also a request for a list of remaining recorded undeveloped parcels in the Township. It was suggested that the GIS would probably be the best tool to use for information on residential properties that are subdivided and not developed.

Ms. Shellenberger advised the Commission that the York County Planning Commission is amending the York County Comprehensive Plan and the MPC requires that this be distributed for review to all adjacent municipalities which includes every Township along the river. It entails revisions to the Growth Management Plan component. The second part of the amended plan is an Integrated Water Resources Plan for the County and this plan is a pilot project funded by DEP. That plan will be their plan for a reliable supply of water required by the Planning Code and will also be the Countywide Act 167 Storm Water Management Plan required by DEP. When that plan is adopted and approved, all the municipalities in York County will have to adopt a Storm Water Management Ordinance within six months that is consistent with the model ordinance. Ms. Shellenberger explained a unique component to the Integrated Water Resources Plan. Ms. Shellenberger stated that this will probably be going to DEP in March. She stated that DEP is looking to them to take the concept that they developed to other areas of the State as a model for other counties to adopt.

There being no further business the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, February 14, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, February 14, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag and introduced the members of the Planning Commission.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger, Don Witmer and Mary Glazier

Visitors Present: Wilmer Shertzer, 3755 Locust Grove Rd.  
Steve Gergely, Harbor Engineering  
David Charles, Letort Rd.  
Rob Gabriel, RGA  
Joan Matterness, 213 Sutherland Rd.  
Richard Bauder, Manor Township  
Rick Shoemaker, PRA  
Justin Evans, LCPC

### Public Comment

There was no public comment.

### Minutes

Ms. Shellenberger advised the Commission that there was one correction. The last paragraph that begins Ms. Shellenberger in the fifth line from the bottom of that paragraph where it reads "the Storm Water Management Plan", the word "Plan" should be "Ordinance". Mr. Henke made a motion to adopt the minutes as corrected. Mr. Harman seconded the motion and the motion carried unanimously.

### Old Business

Petition for Rezoning – Charlestown Road Properties – David Charles/Risco Partners - Mr. Haverstick stated they are in receipt of the Land Use Advisory Board's comments and the LCPC's memorandum with their recommendation that the rezoning request be approved.

Chris Venarchick from RGS Associates presented the petition for rezoning of two parcels along Charlestown Road. Mr. Venarchick advised the Commission that since the last Planning Commission meeting, they have been before the LCPC and presented items that support the rezoning and they wanted to revisit those items this evening. Mr. Venarchick wanted to respond to concerns that were raised at the last Planning Commission meeting. Mr. Venarchick reviewed the parcels as to location and size. He stated that they have discussed this request with the Township Staff, Land Use Advisory Board, LCPC, Supervisors and Planning Commission. They discussed why these parcels were zoned Industrial and concluded when it was zoned, it was a convenience factor to bring that zoning on the south side of Charlestown Road. He stated that if it was revisited today, the planning principles would have Charlestown Road as a boundary where you would transition zoning. Mr. Venarchick reviewed the reasons that they gave at the last meeting to rezone the parcels and he stated that they feel those reasons to rezone remain. Mr. Venarchick stated that he felt that it is consistent with the Growing Together Plan in terms of residential growth in the County. Mr. Venarchick reviewed sections in the Growing Together Plan and gave reasons why the applicant felt that they were complying with the Growing Together Plan. The property is zoned industrial and there may be reasons that it remains

industrial but when weighed against the pros, it may be found that the facts stack up in favor of the rezoning.

Joan Matterness, 213 Sutherland Road, expressed concerns that this may be spot zoning. She stated that she does not believe there is enough industrial land in Manor Township and is concerned about taxes.

Ms. Shellenberger stated that she has concerns with looking at the Comprehensive Plan. High Density Residential use is promoted in an effort to accommodate the greatest amount of development in identified areas so you do not have to have it scattered about in the rural areas. The Township wants to maintain the growth boundary as long as they can and it will be viable longer with high density zoning. Manor Township has a substantial amount of residential zoned land that takes away from Township's tax base. It takes more to provide services to residential uses than they pay in taxes; where industrial, commercial and agricultural the Township makes money off those because you do not have to provide as much services to them. As far as the access, it is a collector road but any of the other industrial zoning in Manor Township has the same issues as far as access. If this property is pulled out of industrial, what happens if someone else wants to come in to rezone more industrial to another category? You will have the exact same issues and what will they use as a basis to consider that request.

Ms. Glazier stated if the Armstrong property were developed as industrial or some mixed use fashion, that may very well change the dynamics with regard to the property on the south side of the road. Part of the issue is there is nothing else on that property other than the Armstrong buildings on Columbia Avenue, but if that entire tract would be developed, that might change the marketability of these parcels. Ms. Glazier asked for an explanation of a Growth Opportunity Area. Ms. Shellenberger explained that they are areas identified in the Comprehensive Plan as opportune sites that might be able to accommodate mixed use development.

Mr. Venarchick stated that they are trying to remove themselves from the subjectiveness and look at it objectively. The LCPC said that they made compelling arguments and gave the recommendation to approve the rezoning. Mr. Venarchick stated if you would look at the 15 acres today as a planning group would you really bring industrial zoning south of Charlestown Road to include these parcels. Mr. Venarchick stated that they do not believe this could be considered spot zoning because there is residential zoning that can serve as a transition.

Ms. Shellenberger stated if they would be looking at it today, they would look at what exists there. She stated that if she were looking at it, it may not be ideal for industrial but there are other zoning classifications that may be a little more appropriate for it than changing it to residential. Ms. Shellenberger stated that she does not feel more residential zoning is what Manor Township needs.

Mr. Haverstick stated his overriding concern is what could happen with the Armstrong Property and if that is not developed with an industrial use, what is left industrial is the Stauffer property as the remaining industrial property. The industrial property at Turkey Hill is obviously going to be consumed by Turkey Hill. Mr. Venarchick asked if it would be possible if they sense that they were losing the availability of industrial land, to see what is on the fringe and zone it to industrial if the need is there. Mr. Haverstick pointed out that these parcels are on the fringe. Mr. Venarchick talked about the different ways the parcels being discussed were marketed.

Mr. Mann stated if the Armstrong property is developed than there becomes a need for the type of services that are allowed in industrial zoning.

Ms. Glazier stated the marketability would change if there was any development on the Armstrong tract. If it is rezoned residential, they would be eliminating the possibility of uses that could be placed on industrially zoned property. Ms. Glazier stated that she feels they should be looking at what is the best use of that area in the future. She would not rule out that some commercial or mixed use down the road would be appropriate. Ms. Glazier would like to look at a bigger picture and not just look at these two parcels.

Dave Charles referred to the comment regarding services. He stated that he wanted them to keep in mind that these would be private streets maintained by the owner. Mr. Mann indicated he was

referring to such things as dental offices, etc. that would serve the surrounding community if the Armstrong property would be developed. Mr. Charles stated that the comments come back to what if the Armstrong property is developed and that is a huge if.

After further discussion, Ms. Shellenberger made a motion that they recommend to the Manor Township Supervisors the rezoning not be approved. Instead, they suggested that the Planning Commission revisit the entire area to look at the larger picture as to what would be the most appropriate land uses for the area in terms of the Growing Together, Zoning Ordinance, and the tax base so if they do amend the Growing Together Plan, they have done it on a bigger picture and not by just looking at the two small parcels. Mr. Bauder questioned the statement looking at the whole area. Does that only include the Armstrong property? Mr. Bauder asked the Planning Commission to look at the Wal-Mart tract and see if they want to keep that commercial. Mr. Haverstick stated that they have a motion on the table and he asked if there was a second to the motion. Ms. Glazier seconded the motion and the motion carried unanimously.

### New Business

Briefing Item Modification Request – West Charlotte Street - Rob Gabriel indicated that he was representing the West Charlotte Street Plan. Mr. Gabriel stated that the site is on the north side of West Charlotte Street between Duke Street and Applewood Lane. It is 1.91 acres, zoned Medium Density Residential (RM), with an existing dwelling that will be preserved and an old barn that will be removed. The applicant is proposing four duplex units and a single family dwelling. The topography of the site is steep especially towards the rear. There is a steep embankment along Charlotte Street that is approximately four to six feet in height that extends off the site towards Duke Street. The applicant is requesting modifications of requirements to widen Charlotte Street and add curb and sidewalk. Charlotte Street has a cartway of approximately 19 1/2 feet total width. The Township's requirement is widening of seven feet; however, when you add the curb, sidewalk and beauty strip it ends up 13 1/2 feet. The requirements would require a large amount of soil to be removed from the site and the relocation of four poles. The applicant is proposing to pay a fee in lieu of these improvements to the Township. The Township could use these funds at their discretion. Mr. Haverstick questioned the boundaries of the Township in the area and asked where the existing sidewalks are in proximity to this property.

Ms. Glazier asked why not just put in the sidewalk and not widen the road? Mr. Caldwell advised her that they came up with a compromise where the seven feet plus the curb and sidewalk widening is less than what it should be but it works if they were to do that. Mr. Caldwell stated that there is no room to place a curb and sidewalk and it would be a lot of work to put curb and sidewalk along this property. Mr. Gabriel stated that it was their thought that their fee in lieu of could be used to put sidewalk on the south side of the street. There was extensive discussion regarding putting sidewalks on the south side of Charlotte Street and how to proceed to accomplish having sidewalks there. It was also pointed out that only part of the south side is in Manor Township and the remainder is in Millersville Borough who would have to be in agreement. Mr. Haverstick recommended this be moved to an action item and approve the modification request with the stipulation the Township takes the money in lieu of which would be equal to the cost of the project and dedicate it to a sidewalk program on the south side of the street in conjunction with Millersville Borough. Mr. Strohecker pointed out in Mr. Haverstick's motion the word intent was used as far as money is concerned and Mr. Strohecker cautioned that neither the Planning Commission nor the Board of Supervisors can encumber monies going forward. The money can be set aside for that project but cannot be encumbered for that particular project. Mr. Strohecker explained how the fee in lieu of is handled by the Township. Ms. Glazier stated that she feels moving this to an action item when they do not know what is feasible seems a move in the wrong direction. Ms. Shellenberger stated if sidewalks are not possible or economically feasible why they would want to hold this project up. Ms. Glazier stated that she is not convinced that sidewalks are not possible and questioned why the street must be widened.

Mr. Strohecker was asked to make contact with Millersville Borough regarding their interest in constructing sidewalks on the south side of Charlotte Street on the portion that is in Millersville Borough for next month's meeting. Mr. Strohecker stated he understands they are asked for two things: 1) the exact location of the property line in regards to the south side of West Charlotte and 2) finding out whether Millersville Borough is interested in installing sidewalks that would make the sidewalk continuous from one side to the other and what our role would be in making that happen. Mr. Caldwell pointed out the question on the Borough/Township line may not be very easy to answer so he would recommend that they do not ask that question. Mr. Bauder asked if this could be an action item on the condition that this is resolved. Mr. Haverstick stated that there is no interest in making this an action item.

After a lengthy discussion, the Modification Request for West Charlotte Street remained a briefing item.

Briefing Item – Final Subdivision Plan – 233 Seitz Road & Modification Request - Steve Gergely from Harbor Engineering represented the plan. Mr. Gergely stated that this is a 24 acre parcel in the Agricultural Zoning District that is bordered on the west by Seitz Road and on the south by Manor Church Road. There are several existing structures on the property off Seitz Road. There are two rental units and an existing dwelling and another building that has a seasonal produce shop in the first floor and a rental unit on the second. Mr. Shertzer is proposing to subdivide one lot for residential purposes that lot will be located at the intersection of Manor Church Road and Seitz Road with vehicular access off Manor Church Road. The site has been perked and probed by the Sewage Enforcement Officer and passed with a primary replacement system. There will be an on lot well. A Storm Water Management plan was submitted that involves a very shallow retention basin at the northwestern corner of the property and a small infiltration facility near the house. The applicant is asking for a waiver of providing a street light at the intersection of Manor Church and Seitz Road.

Ms. Glazier made a motion to move this plan to an action item and recommend to the Supervisors approval of the waiver of the street light and approval of the plan taking into account Rettew's comments. Mr. Witmer seconded the motion and the motion carried unanimously. Ms. Shellenberger asked if the owner's names of the entire site are required. Ms. Shellenberger was advised that the owners' names could be provided if they are required.

#### Correspondence

A memorandum dated January 11, 2011 from the LCPC regarding the Penn Manor School District's purchase of land from Christian Willis Herr and indicating that the LCPC finds it to be generally consistent with the Comprehensive Plan and Growing Together.

A letter from the LCPC dated January 28, 2011 regarding the notice of receipt of plan for review for West Charlotte Street project scheduled February 14, 2011. Mr. Evans stated for the record that this review has been postponed until March 28<sup>th</sup>.

A memorandum from the LCPC dated January 25, 2011 regarding the Risco Partners/David Charles request for rezoning. The LCPC recommends approval and suggests that the Township should revisit its industrial strategy and residential land allocations to offset the changes.

A memorandum from the LCPC dated January 31, 2011 indicating that they would like to know the outcome of the request to proposed amendments that they had looked at on August 11, 2008, March 22, 2010 and proposed rezoning of two tracts on west side of Chestnut Grove Road they reviewed on June 14, 2010.

A memorandum from the LCPC dated January 31, 2011 with their comments regarding Final Subdivision Plan for Wayne & Fannie E. Shaw and Theodore W. & Jacqueline Ann Shaw.

A letter from the LCPC dated February 8, 2011 indicating the receipt of the Component 4B Sewer Module for 233 Seitz Road Plan scheduled for action on March 26, 2011.

A copy of a Letter of Transmittal from the LCPC dated February 10, 2011 regarding the Component 4B Sewage Planning Module for 233 Seitz Road.

Mr. Haverstick advised the Commission that the LCPC meetings are now available on line. They are taped and recorded.

Mr. Mann questioned if there was any updates on the park area at the Landfill. Ms. Glazier advised him that there will be another meeting on Wednesday with the consultant. Mr. Mann questioned the progress on the rail trail. Mr. Caldwell gave him an update.

Mr. Caldwell handed out the draft Zoning Ordinance to the Planning Commission members for their review with the request for them to provide any comments at the March 14<sup>th</sup> Planning Commission Meeting. The staff will go through the comments and report back at the April meeting.

Mr. Strohecker handed out a petition received from Murry Development Corporation requesting the building height in the High Density Residential Zoning District be changed from 35' to 70'. The Planning Commission should be ready to give their comments at next month's meeting.

There being no further business the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, March 14, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, March 14, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag and introduced the members of the Planning Commission.

Members Present: Scott Haverstick, James Henke, Mark Harman, Pamela Shellenberger, Don Witmer, Mary Glazier and Don Mann

Visitors Present: Kasey Voges, 1704 Hillview Ave., Millersville  
Carol A Thomas, 170 W. Charlotte St., Millersville  
Clair & Geraldine Kendig, 160 W. Charlotte St., Millersville  
Joan Matterness, 213 Sutherland Rd., Lancaster  
Rob Gabriel, RGA  
Justin Evans, LCPC  
Guy Eshelman, 289 Donnerville Rd., Lancaster  
Al Kreider, 141 Supervisors Rd., Lancaster

### Public Comment

There was no public comment.

### Minutes

Mr. Henke made a motion that the February 14, 2011 minutes be approved as drafted. Mr. Witmer seconded the motion and the motion carried unanimously.

Mr. Haverstick noted that the Petition for Amendment to Zoning Ordinance has been postponed until the April 11<sup>th</sup> meeting.

### Old Business

Modification Request – West Charlotte Street - Mr. Gabriel advised the Commission that he did not have any additional information to present. Mr. Haverstick advised the Commission that they had asked the Township to contact Millersville Borough and inquire if they would be interested in pursuing sidewalk on the south section of West Charlotte Street in Millersville Borough and Manor Township with the understanding that it would be reimbursed to them. Mr. Haverstick stated that it is his understanding the Township has made contact with Millersville Borough and there is progress with the discussion but no guarantee that the sidewalk will actually be constructed. The Supervisors did not make a decision and they will wait for the Planning Commission recommendation before they decide to make a decision. Ms. Glazier asked if Mr. Ott was able to elaborate on the discussion with Millersville Borough and Mr. Ott stated that he did not know anything other than Mr. Smith has talked with Mr. Arnold from Millersville Borough.

Carol Thomas, 170 W. Charlotte Street, advised the Commission that she is speaking for herself as well as her neighbors who live at 165, 170, and 176 W. Charlotte Street in stating that they do not want sidewalks. They have talked to the Millersville Borough Office informing them of their objections regarding sidewalks. Ms. Thomas stated that their reasons are as follows: 1) the improvements could raise their taxes, 2) they would be responsible for the maintenance of the sidewalks and 3) their sewer

lines run in the area. Several of the properties are located very close to the road and they do not want to lose more property along the road.

Geraldine Kendig, 160 W. Charlotte Street advised the Commission that the sidewalk to the east stops at her property. Ms. Kendig stated that they do not want sidewalks due to the fact that they have a sewer easement through their front lawn and their property is situated very close to the road.

Clair Kendig, 160 W. Charlotte Street, asked why Mr. Alecxih did not want to put sidewalks along his property. Mr. Gabriel reviewed the reasons for the modification request.

Mr. Gabriel advised the Commission that they do not feel sidewalk along Mr. Alecxih's property would ever connect with anything and they were offering a fee in lieu of for the Township to do whatever they want with the funds. Mr. Gabriel stated that they felt that it would be a better use of funds to use them for improvements somewhere in the Township rather than having an isolated stretch of sidewalk and road widening. Ms. Glazier questioned why the sidewalk would not connect to Applewood Lane and to the west when those properties change hands. Mr. Gabriel pointed out that to the west are existing driveways that would become much steeper if the road would be widened and that would increase the stormwater. Ms. Glazier suggested that with a different design for the site possibly it would not present as much of a challenge for the placement of sidewalks. Mr. Gabriel asked Ms. Glazier what she may be suggesting. Ms. Glazier stated that she is not an engineer but possibly reducing the number of units on the acreage, setting the units back further, etc., there might be a different picture in terms of what the sidewalks look like and how it would eventually tie in.

Joan Matterness, 213 Sutherland Road, questioned how the Planning Commission can make a recommendation without knowing Millersville Borough's thoughts on the sidewalk issue.

Ms. Glazier stated from her prospective there is an Ordinance that requires curbs and sidewalks and they should be provided. Ms. Glazier stated that she traveled the street and if the sewer prohibits the sidewalk then she feels the burden goes back on the person who wants to develop the property to figure out a way to make it work in conformance with the Ordinance.

Mr. Kreider, 141 Supervisors Road, stated that until the Township and Millersville Borough make a decision regarding the sidewalk issue, he does not know how the Planning Commission can make a recommendation.

Mr. Ott advised the Commission that a recommendation could be made based on sidewalks being looked at on either side of the street looking at where it makes the most sense.

After extensive discussion regarding sidewalks, Mr. Henke made a motion that the modification request for the West Charlotte Street Plan Section 501.5.B.1-The Reconstruction of Existing Streets be recommended for approval with the condition that the financial cost to widen the street in accordance with the Manor Township Subdivision Land Development Ordinance that money be applied to the extension of the curb and sidewalk system going east of the project site and connect into the terminus of the existing sidewalk that is currently located on the north side of West Charlotte Street. As it relates to the other two sections, which is the waiver of the curb and sidewalk, Mr. Henke recommended that those waivers be denied and the curb and sidewalk would be installed in a manner that allows the design of the sidewalk to come forward or south along the client's frontage to help minimize the amount of earth disturbance and earth work that it would take in order to make the sidewalk and curb accessible for pedestrian travel. Mr. Gabriel asked for a clarification as to whether Mr. Henke was talking about the beauty strip. Mr. Henke stated that the sidewalk be brought forward to where it is adjacent to the curb line. Ms. Glazier seconded the motion. Mr. Haverstick mentioned it was his understanding from last month's meeting that you cannot legally specify the use of funding. Mr. Haverstick stated their intent is to describe what it is they are trying to achieve. Mr. Haverstick called for a vote on the motion and the motion carried unanimously.

Mr. Evans from the LCPC advised the Commission that last month this plan was submitted for review but was postponed until March 28<sup>th</sup> and he asked if the Planning Commission would like the plan

to be reviewed as submitted or postpone it again. Mr. Haverstick advised him that he would like it to be postponed. Mr. Gabriel will write another letter to have the review postponed by the LCPC.

Mr. Ott collected the comments on the Draft Zoning Ordinance that had not been e-mailed to him. Mr. Ott advised the Planning Commission that the Draft Zoning Ordinance comments will be addressed and the consultant will be at the April meeting to discuss them.

#### Correspondence

Ms. Glazier indicated she has received the following correspondence from the LCPC:

A memorandum dated February 15, 2011 from the LCPC indicating that they postponed action on the West Charlotte Street Final Subdivision Plan until March 28<sup>th</sup>.

Ms. Glazier received a copy of a letter dated February 18, 2011 from the LCPC and addressed to Barry Smith asking if the Manor Corporate Center Plan submitted to the County was still active. Mr. Ott advised her that he has taken care of that request.

A memorandum dated February 24<sup>th</sup> was received from the LCPC regarding the project at 233 Seitz Road Final Minor Subdivision Plan with comments.

A letter dated February 28<sup>th</sup> was received from the LCPC regarding the proposed amendment to the Zoning Ordinance by amending Section 219.7 the maximum permitted height within the High Density Residential Flex Zone (RH-1) from 35 to 70 feet. It is scheduled for review on March 28<sup>th</sup>.

Ms. Glazier noted the receipt of a letter from Barry L. Kauffman, 180 West Charlotte Street expressing concerns regarding water runoff and blasting that would be involved with the West Charlotte Street project.

Mr. Haverstick advised the Planning Commission that the Board of Supervisors tabled the request for the rezoning of the Charlestown Tract with the understanding that they would at some point in time request the Planning Commission to look at the zoning areas in their totality and try to make sense of what the Township has and does not have.

Mr. Haverstick also advised the Planning Commission that Manor Township has received a workable agreement of sale from Norfolk Southern for the Rails to Trail property.

Ms. Glazier gave an update regarding the Barley Property.

Ms. Thomas expressed her appreciation that the Planning Commission listened to their concerns and looked at other options.

There being no further business the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Mary A. Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, April 11, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, April 11, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag and introduced the members of the Planning Commission.

Members Present: Scott Haverstick, James Henke, Mark Harman, Pamela Shellenberger, Don Witmer, Mary Glazier and Don Mann

Visitors Present: Steve Gabriel, Rettew Associates  
Brian Eshbach, 2966 Safe Harbor Rd., Millersville  
Bill Swiernik, 1016 Centerville Rd.  
Justin Evans, 150 N. Queen St.  
Penn Glazier, 269 Chestnut Grove Rd.

### Public Comment

There was no public comment.

### Minutes

Ms. Shellenberger made a motion to approve minutes as presented. Mr. Witmer seconded the motion and the motion carried unanimously.

### New Business

Briefing Item – Final Subdivision Plan for Barley Farms & Modification Request – Mr. Haverstick advised the Commission that he would recuse himself from voting on this issue but would take part in the discussion. Bill Swiernik, from David Miller Associates, represented the plan for the Barley Farms. Mr. Swiernik stated the plan is a subdivision of a parcel of land into five lots bisected by Indian Marker Road with agriculture zoning to the north and rural zoning to the south. On the north side of the road are two lots, one of which received approval from the Zoning Hearing Board to increase the lot size to above the two acre minimum. Lot 1 is approximately 3 ½ acres, Lot 2 is roughly 42 acres, Lot 3 within the rural zoning district is 22 acres, Lot 4 is 48 acres and Lot 5 is 3 ½ acres. The intention is to create a subdivision to allow for the development of Lot 5. Lot 1 will encompass the existing house, cemetery and remnants of building construction on the north part of the lot. The remaining area on the north side will remain as agriculture land and continue to farm it as is. Potential dwellings have been shown on the other 3 lots but in reality Mr. Barley's intention is to development on Lot 5. Properties will be served with on lot wells and drain fields. Field testing has taken place to determine suitability of the soils for the initial and replacement drain fields. Access to all the lots will be from Indian Marker Road with new driveways with exception of Lot 1, which will utilize existing driveway. Mr. Swiernik listed the following modification requests: Section 403.1.A – Plan Scale, Section 407.4.A-Wetland Study, Section 502.5.G-Dedication of Additional Right-of-Way, Section 702.A-Cost Opinions & financial Security, Section 407.1.C.1e.-Water Budget Computer Model, Section 402.13.A.1.a.1-Street Lighting at Intersection, Section 502.11B.1-Curbing at Intersection.

Mr. Harman asked if there are any mapped wetlands on the property and Mr. Swiernik stated no. Mr. Witmer asked what the qualifications are for a wetland. Mr. Swiernik stated that they have not studied the entire site but there are no wetlands in the area of the proposed development. Mr. Witmer disagreed stating that he is familiar with the area and knows that there are very wet areas on

Lot 5. Brian Eshbach, 2966 Safe Harbor Road, also disagreed that there are no wetlands on the property. Mr. Henke asked what the zoning relief granted was for and Mr. Swiernik advised him that it enabled them to have more than a two acre lot to include areas around the house; the area would include the cemetery and remnants of improvements and encompass the areas not farmed. Mr. Henke asked if nitrate studies were done and Mr. Swiernik advise Mr. Henke that the minimum lot areas were set at 2 ¼ acres. The lots are larger than the minimum required. Mr. Swiernik advised Mr. Witmer that the criteria for wetlands has not been met but does not mean there are not wet areas. Mr. Witmer stated that he felt that the driveway needs to be moved to the other side. There was discussion on the definition of wetlands. Mr. Swiernik stated that he will share the Commission's discussion with Mr. Barley. Ms. Glazier questioned the marked failed areas and asked why they failed. Ms. Glazier had questions on the application regarding the usage listed for the five lots. Ms. Glazier expressed concern that someone purchasing the lot would be aware of any issues with the lot. Ms. Glazier was informed that there are notes on the plans. There was discussion on the possibility of creating more lots. Mr. Swiernik read Note #9. Mr. Henke asked if there was a seepage test done for stormwater and Mr. Swiernik indicated that there was a test done. There was discussion on the taxes pertaining to Clean and Green.

Mr. Eshbach asked when the Township will help fund Land Preservation. Mr. Haverstick stated that it has been proposed and the Supervisors do not seem interested in helping to fund it. Mr. Henke pointed out that the step taken to down zoning rural zoned land to agriculture speaks volumes where the Township is at.

Mr. Henke verified that the applicant is going to enlarge the grading plans and resubmit. Mr. Swiernik advised him that they will address the comments in the review letter. Mr. Henke stated that he would like to see the applicant consider an alternative driveway plan. Mr. Swiernik stated that they will agree to rework Lot 5 as it relates to the Commission's concern relative to the wet area. The Commission was in agreement to review the plan again next month.

#### Other Business

Mr. Haverstick made note of a letter from Stacey Morgan from Hartman Underhill and Brubaker formally withdrawing their Petition for an Amendment of Manor Township Zoning Ordinance Maximum Permitted Height in the RH-1 Zoning District.

Discussion of the Planning Commission comments given to Rettew Associates at the March meeting- Mr. Gabriel from Rettew Associates advised the Commission that there would be some changes based on the comments from Planning Commission and Justin Evans. He stated that they are looking for feedback on two comments and Mr. Gabriel stated that he missed two comments from Ms. Glazier.

Mr. Gabriel referred to Page 9 of the Memorandum from Rettew Associates. The second open bullet on Page 9 reads "Especially because a large portion of Manor Township is agricultural, standards and allowances for manure digesters are prudent." Mr. Gabriel advised the Commission that in talking with Mr. Ott, there have not been any requests to this point for manure digesters to be located. After discussion, Mr. Gabriel advised them that he would bring back standards for the Commission to review.

Mr. Gabriel continued on Page 10, relating to Section 404 and going back to Section 201.4 in the Agricultural Zoning District that restricts the number of permitted subdivision rights for residential use. It does not in the current language of the current ordinance relate to a subdivided lot used for non-residential use such as agriculture support business counting against the allotment. Mr. Evans raised the issue that currently the Ordinance talks about one lot per 25 acres for residential use. Does the Township also want to count lots created for non-residential purposes that are subdivided off against the same allotment. After discussion, there was agreement that a lot is a lot regardless of the use.

Mr. Gabriel stated that Ms. Glazier had two comments that were not included in the memo. They were as follows: 1) Ms. Glazier asked why the PRD was deleted. Mr. Gabriel advised her that it was not deleted and is listed under Article 4 titled Manor Township PRD Ordinance and 2) Ms. Glazier commented relating to riding stables and questioned the sentence that required a minimum lot area of at least one acre per animal dedicated solely to stabling, raising, pasturing. Mr. Gabriel advised her that the riding stable language is in the current Ordinance. Ms. Glazier stated that she felt that two horses per acre are more reasonable. After discussion, Mr. Gabriel stated that the language in the Township Ordinance is similar language as in other ordinances. He stated that they will look at other ordinances and see if there are distinctions. There must be lot size criteria that take in consideration of residential lots. Mr. Gabriel advised them that if they are comfortable with riding stables having 2 animals per acre, then he will make that change. Mr. Witmer suggested that they just use the term animal units rather than a number.

Ms. Glazier raised the issue that the farm definition is any parcel of land ten or more acres used for gain or raising of livestock and she asked why does ten acres equals a farm. What is the purpose of having a definition of a farm? Mr. Gabriel suggested that the ability of a farm occupation is limited to someone with a parcel of at least ten acres and you have to have a farm to have a farm occupation. Mr. Evans advised the Commission that by having a ten acre minimum it does restrict the number of agricultural subdivisions that can occur. Ms. Glazier questioned parcels less than ten acres engaged in agricultural activities and questioned why they are not a farm. Ms. Shellenberger stated that for subdivision, there is a reason for having that acreage so that the larger parcels do not become divided into small parcels. Ms. Glazier stated that she did not agree that it would be bad to cut a farm into small parcels for agriculture purposes. Ms. Shellenberger stated that they are trying to preserve viable pieces of land for farm operations. Mr. Ott advised the Commission that if you have a subdivided lot you could put a house on it. Ms. Glazier asked if a definition of a farm is so you cannot have five acres with a house on it where you grow things. Mr. Evans suggested if you go that route, then you add that type of subdivisions to the number of what you are allowed. You can split off a three or five acre farm but it cost you one of your subdivision rights. Mr. Evans advised the Commission that individuals who have smaller parcels are not at a disadvantage. A common discussion in Lancaster County is that there is a certain size farm or parcel of land that is viable for farming and it ties into State and County programs of preservation of farm land. Ten acres are set as an absolute minimum but in programs actually look towards much larger parcels. Ms. Glazier stated that the smaller farms are bought and houses are occupied by tenants who have no interest in the community. Ms. Glazier stated that having smaller farmettes where people engage in agricultural activities, live there and care about the community will enhance the health of Manor Township. After extensive discussion, Mr. Gabriel asked what the Commission consensus was on the current definition in the Ordinance. The majority of the Commission members were in agreement to leave the definition as it is.

Ms. Glazier questioned why woodworking shops are signaled out. Mr. Ott advised her that this section was added in 2000 but he does not know the reason behind why it was added. Mr. Haverstick and Ms. Glazier stated that they felt it should be removed. Mr. Gabriel advised them that he would remove it.

Mr. Haverstick stated that he felt Rettew's work reflected what has been discussed in the last year and one-half. Mr. Haverstick questioned the section regarding airports asking what the intent of it is. Mr. Gabriel advised him that there was an airport overlay zone and there is new development at the State and Federal level relating to regulations for airport overlay zones. This is merely bringing the Ordinance in compliance.

Ms. Glazier referred to Page 2; Article 2 and stated that there was no comment on her question regarding animal hospitals, veterinary facilities and kennels in Agricultural Zone. They are permitted by special exception in Rural Zone but there is no mention of them in the Agricultural Zone. Ms. Glazier

pointed out that farmers have non-farm animals. The Commission was in agreement to have them added to the Agricultural Zone and Mr. Gabriel advised them that he would have it added.

Mr. Gabriel informed the Commission that they will have a chance to see the changes that were recommended before they go to the Land Use Advisory Board of the Lancaster Inter-Municipal Committee. The Planning Commission will be able to work through the comments from the Land Use Advisory Board and direct any further changes to the Ordinance per those comments. When those comments are incorporated, then the Planning Commission will have a draft and have their required public meeting on the Ordinance. The Commission's final draft will be presented to the Board of Supervisors after public comment from Planning Commission meeting. The Supervisors will have a public hearing and then they can deliberate and possibly direct further revisions to the draft Ordinance in which case there would have to be another public hearing and review by the County.

Ms. Glazier indicated that she received the following correspondence from the LCPC:

- A memorandum dated March 29, 2011 indicating that the West Charlotte Street Subdivision was postponed.
- A memorandum dated March 29, 2011 indicating that the Zoning Text Amendment was postponed.
- There was three pieces of correspondence relative to the Barley Subdivision 1) pertaining to the Component 4B Sewage Planning Module form, 2) County's receipt of Sewage Planning Module, and 3) Notice of plan receipt of Barley Farms which is scheduled for review on April 11, 2011.

There being no further business the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, May 9, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, May 9, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger and Donald Witmer  
Member Absent: Mary Glazier  
Visitors Present: M.H. Hess, 41 E. Orange Street, Lancaster  
Steve Gabriel, 3020 Columbia Avenue  
Bill Swiernik, 1076 Centerville Rd.  
Richard Bauder, 130 Sheep Lane  
Justin Evans, 150 N. Queen St.  
Stacey Morgan, 221 E. Orange St.  
Bill Murry, 1899 Lititz Pike

### Minutes

Ms. Shellenberger made a motion the minutes be approved as presented. Mr. Witmer seconded the motion and the motion carried unanimously.

### Old Business

Final Subdivision Plan for Barley Farms & Modification Requests - Bill Swiernik from David Miller Associates advised the Commission that he was present to answer any further questions regarding the proposed subdivision. He stated that they have made revisions to address the previous review comments. There are several note changes that remain to be done relative to the review comments received today. Mr. Swiernik stated that they take no exceptions to the comments in the review letter and they will address those comments. There was some concern at the previous meeting regarding the location of the driveway and he stated that they have moved the driveway further from the property boundary. Mr. Witmer stated that he still had concerns regarding the location of the driveway. Ms. Shellenberger had questions on the plan note regarding carbonate geology.

Mr. Henke made a motion to recommend the Barley Farm Final Subdivision Plan requested modifications : Section 403.1.A - Plan Scale; Section 502.5.G - Dedication of Additional Right-of-Way; Section 407.4.A - Wetland Study; Section 403.3.C.1 – Capacity and Condition of Existing Stormwater Facilities; Section 702.A – Cost Opinion and Financial Security; Section 407.1.C.1.e - Water Budget Computer Model; Section 402.13.A.1.a.1 - Street Lighting at Intersection; and Section 502.11.B.1 – Curbing at Intersection be recommended for approval based on the information provided as well as conditions outlined in Rettew Associate’s review letter #2 dated May 9, 2011. Ms. Shellenberger seconded the motion. Mr. Haverstick advised the Commission that he would be recusing himself from voting on this for reasons stated last month. The motion carried 5-0.

Regarding the Final Subdivision Plan for the Barley Farms, Mr. Henke made a motion to recommend conditional approval based upon the comments that remain on the Rettew letter dated May 9, 2011 letter No. 2. In addition, Mr. Witmer’s comments regarding the driveway on Lot #5 are considered and if there is an opportunity to shift it further away in effort to provide the homeowner with a drier situation then that should be considered. Mr. Harman seconded the motion and the motion carried 5-0 with Mr. Haverstick recusing himself.

## New Business

Rezoning Petition – Petitioners Frey Dairy Farms, Inc. & Michael & Patricia McKonly - Melvin Hess was present on behalf of the Frey Dairy Farms and the McKonly's. Mr. Hess advised the Commission that this was submitted to the Board of Supervisors on May 2<sup>nd</sup>. This petition is proposing an amendment to the map to rezone two parcels of land. The one parcel on the Frey Farm is just a part of the farm set forth in Exhibit B and the McKonly Farm is set forth in Exhibit C. Both farms are in the Ag Security and if they waited for the zoning revisions to go forward both of these parcels would be rezoned to Agricultural. The reason the applicants are moving ahead is because the Ag Preserve Board is very interested in both farms and eager to move forward. There was discussion regarding the time that would be saved with this petition moving ahead verses waiting for the Township Rural/Agriculture rezoning since these parcels are included in the rezoning that is being worked on at this time by the Township. Ms. Shellenberger asked if the two parcels were contiguous to Agricultural Zoning and she was advised that they are. Mr. Henke made a motion that the Petition to rezone the Frey Dairy Farm and Michael and Patricia McKonly parcels as presented in the petition packet be recommended for approval as described. Mr. Mann seconded the motion and the motion carried unanimously.

Zoning Ordinance Amendment - The petitioner is Murry Development Corporation. Stacey Morgan presented the petition along with Bill Murry. Ms. Morgan stated that they have a petition to amend the Zoning Ordinance which was submitted to the Supervisors at their May 2<sup>nd</sup> meeting. Ms. Morgan advised the Commission that after meeting with Staff, they indicated that they were not opposed to building up but they wanted to have more control over the properties on which they are building up on. The applicant came up with the concept of an overlay zone that is only applicable in the RH1 Zoning District. In order to apply for the overlay zone, you must have a minimum of 50 acres and agree to set aside 40% of the property for open space. Under that situation, you may take certain buildings up to 70 feet. This is in line with the intention of the RH1 Zoning District as that is the densest residential zoning district and has the highest variety of housing types. An applicant who would qualify must still satisfy all the RH1 Zoning Requirements. In working with the County Planning Commission, they said that they would like to see it restricted to four livable floor spaces. There was a rendering for the Commission to look at. Ms. Morgan advised them that the Fire Chief, Keith Eshelman, did not have an issue with this because the building code requirements call for sprinklers. There was a discussion on the type of apartments proposed and the layout of the inside of the buildings. Ms. Shellenberger stated that looking at the proposed revisions for the overlay zone, what is the basis for the 50 acres and is there anywhere else in the Township this could be done or is it a provision solely for Crossgates. Mr. Ott advised the Commission that there is one other parcel that has more than 50 acres and it is not developed. Ms. Morgan stated that the concern with the Township when looking at infill developments was what tracts are developed and if this is passed, would a developer come in and demolishes existing buildings and put in taller buildings. Ms. Morgan advised the Commission that there are some properties along Columbia Avenue that are zoned RH1. The idea was if this is going to be used it must be facilitated so that where you get the height you are also trading off by giving more open space. Mr. Caldwell stated that it was a concern with Staff if added to the Ordinance that it is applicable across the board and they shared that concern with Mr. Murry and Ms. Morgan. Mr. Henke asked if the County has given their comments and Mr. Evans advised him that they were provided a courtesy copy of the draft at the end of April. Mr. Evans did not know if the Township has forwarded it officially for review. The Commission was in agreement to wait for the County comments and Mr. Goodman's comments before making a recommendation.

## Other Business

Draft Zoning Ordinance - Mr. Gabriel advised the Commission that at the last meeting the draft Ordinance was reviewed and there were several items that the Commission asked for some modifications on. Rettew put those requests together and they are listed on the cover memo dated April 27<sup>th</sup> and attached are the pages from the draft ordinance where the information was contained. The changes are highlighted.

Non Commercial Keeping of Livestock – Changes were clarification that the non- commercial keeping of livestock is to be permitted only in the agricultural and rural zoning district. The number of horses at a riding stable was moved from 1 large animal per acre to 2 per acre clarifying that the area used must focus the area dedicated solely to the stable, grazing and pasturing of those animals and no other use.

No. 4 deals with the concern about the sustainability of this activity on smaller parcels and making sure that the pasturing areas are kept in grass cover.

No. 5 deals with the protecting of any locations that have been identified for individual or community sewage system, including replacement locations for on lot septic, protected with fencing so animals are kept from those areas.

No. 8 deals with reinforcing the fact that this is a non- commercial activity and is clearly incidental to the principal use primarily of a residential home.

The second one had to do with number of animals per acre and riding stables. The Commission wanted to go to two (2) horses per acre so that is the change shown under riding stables.

Third item is the allocation of subdividable rights for parcels within the Ag Zone. We inserted the phrase “for other non agricultural use” and would suggest one other word be put in so it reads “or other principal non agricultural use”.

The Board has directed adding animal hospitals, veterinarian facilities and kennels as a special exception use in the agricultural zone since it is already that way in the current ordinance for the rural zone. It is shown in the list of special exception uses under the Agricultural Zoning District and modified the specific criteria under Section 407 Article IV so that it says within the “A” and “R” Zones.

Under the non- commercial keeping of livestock it is noted that it is only permitted in the Agricultural and Rural Zones. This was added to Section 201 and will be added to Section 202.

Manure Digesters were talked about last month. The County had made a suggestion in its informal review of the draft ordinance that those might be added as uses within the Ag and Rural Zoning Districts reflecting two sizes. One size would be an accessory use on an owned farm and the other would be a principal use on property within those two zoning districts. Mr. Gabriel advised the Commission that there are four pages of regulations divided up among the accessory manure digester systems and the principal use digester system. Mr. Witmer questioned the determination of whether it is a small or big digester system and the definition of a farm. There was discussion on what is an accessory use or a principal digester use. Mr. Caldwell stated that he feels manure digesters should be by special exception and not conditional use for the principal ones. Mr. Caldwell informed the Commission that if this is a conditional use the Supervisors cannot be party to the proceedings in either support or oppose of an application. Mr. Gabriel advised the Commission that they would confirm if the Lancaster Conservation District will review the application on manure digesters.

Ms. Shellenberger asked what the main difference was between Point 5 and Point 6 other than Point 6 has the word “Federal”. She felt that they may be two provisions that could be combined. There was agreement that the two could be combined.

Ms. Shellenberger had a question on non agricultural uses “Section 201.4, Letter “E” stating that there was no minimum lot size indicated. If requirements of the ordinance can be met, why wouldn’t you allow a use on less than an acre?

Woodworking shops – The Board felt limitations on existing structures as September 6, 2000 was not necessary. That has been eliminated from the provision. Mr. Haverstick asked if it is feasible regarding woodworking shop that there is a requirement for no outdoor storage. Mr. Caldwell pointed out that it is consistent with the other storage requirements in the ordinance.

Ms. Shellenberger made a motion that Rettew incorporate the final changes that were made tonight into the Draft Zoning Ordinance and forward it to the Board of Supervisors for their consideration and hopefully begin the formal review process. Mr. Mann seconded the motion and the motion carried unanimously.

#### Correspondence

Mr. Haverstick noted that he had received correspondence from Stephanie Smith, introducing herself as the Outreach Coordinator for the Farmland Trust.

Ms. Shellenberger asked Mr. Ott if the Township has been involved in the relocation of PPL line at the Creswell Landfill. Mr. Ott advised her that he did not know if the Township was aware of the relocation but Mr. Ott himself was not aware of the project.

There being no further business the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Evelyn Rineer  
Recording Secretary

Manor Township Planning Commission Minutes

Monday, June 13, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, June 13, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman and Pamela Shellenberger  
Members Absent: Mary Glazier, Donald Witmer and Don Mann  
Visitors Present: Justin Evans, LCPC  
Joan Matterness, 213 Sutherland Road

Minutes

Ms. Shellenberger made a motion to approve the minutes as written. Mr. Henke seconded the motion and the motion carried unanimously.

Rezoning Ordinance – Petitioners Frey Dairy Farms, Inc. & Michael & Patricia McKonly - Mr. Haverstick advised this is a formality to approve the language of the petition itself. There was no discussion and Mr. Harman made a motion to recommend approval of the Rezoning Ordinance of the Frey Dairy Farms and McKonly property as written. Mr. Haverstick seconded the motion and the motion carried unanimously.

Zoning Ordinance Amendment - Petitioner is Murry Development Corporation. Mr. Haverstick advised the Commission that they are in receipt of a letter from Attorney Morgan that the Applicant wishes the Planning Commission withhold any comments until they receive the County Planning Commission comments. The Lancaster County Planning Commission has the Zoning Ordinance Amendment scheduled for review on July 11<sup>th</sup>. Mr. Evans provided the Planning Commission with an informal review memo of the height amendment in RH1 District. Mr. Ott advised the Planning Commission that he had shared with Ms. Morgan comments from the staff. Mr. Ott stated that he asked Ms. Morgan to put a sketch or map together of Crossgates showing where this height amendment would be used. Mr. Ott expressed concern that there is one other parcel where this height amendment would apply to. Ms. Shellenberger asked if an additional setback has been considered if the increased height is approved. Mr. Ott advised her that here is no additional setback required.

Correspondence

Mr. Ott stated that Steve Gabriel has sent an e-mail giving a schedule for the Draft Ordinance.

Mr. Ott advised the Commission that there is a letter from LCPC scheduling the Murry Development Corp. Zoning Ordinance Amendment for review on July 11<sup>th</sup>.

Joan Matterness, 213 Sutherland Road, expressed concern as to where the overlay district would be allowed.

There being no further business the meeting was adjourned at 7:53 pm.

Respectfully submitted,

Evelyn Rineer  
Recording Secretary



## Manor Township Planning Commission Minutes

Monday, July 11, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, July 11, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick opened the meeting with the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman, Pamela Shellenberger, Don Witmer and Mary Glazier

Member Absent: Don Mann

Visitors: Ken Asche, 116 Spring Meadow Lane  
Randy Schappel, Weber Surveyors  
Ed Saylor, 532 Thorngate Place,  
Justin Evans, LCPC  
Bill Murry, 1899 Lititz Pike  
Stacey Morgan, 221 E. Chestnut Street

### Public Comment

There was no public comment.

### Minutes

Ms. Shellenberger made a motion to approve the minutes as presented. Mr. Henke seconded the motion and the motion carried with Don Witmer abstaining.

### New Business

Briefing Item – Revised Subdivision Plan Anthony & Judy Haverstick - Mr. Haverstick stated that he is related to the applicant and would be recusing himself from voting. Randy Schappel from Weber Surveyors presented the plan. The property is located at Breneman & Highville Roads. The revised Lot #1 will contain 15.9875 acres and the revised Lot #3 will contain 34.4356 acres. The property is located in the Agricultural (A) Zoning District. Mr. Schappel stated that the tillable acreage is being added to Frey property and the remaining acreage will be added to the Haverstick tract. Scott Haverstick advised the Commission that these parcels are in the process of being preserved so to his knowledge there are no plans for any construction; the applicant is merely changing lot lines. Ms. Shellenberger commented that the notes on the plan are only addressing it as a residential lot. Lot 3 is for agricultural use so setbacks should be 50' from the front, side and rear property lines which should be added on the plan notes. Mr. Schappel was provided with a copy of Rettew's review letter and he indicated that there would be no problem complying with their comments. Mr. Henke made a motion that the requested modifications for Section 403.1.8 – Plan Scale and Section 502.5.G – Dedication of Additional Right-of-Way be recommended for approval based on the Rettew letter dated June 20, 2011. Ms. Shellenberger seconded the motion and the motion carried with Mr. Haverstick recusing himself. Mr. Henke made a recommendation to move along the briefing item to an agenda item and further recommend approval of the Revised Subdivision Plan for the Anthony and Judy Haverstick tract based on the Rettew letter dated June 20, 2011 and with the addition by the Applicant to add the appropriate agricultural setback language and text to the cover sheet as well as to show on the lot that is being used for agricultural purposes. Ms. Shellenberger seconded the motion and the motion carried with Mr. Haverstick recusing himself.

## Old Business

Zoning Ordinance Amendment Flexible Design Overlay District - Stacey Morgan indicated that she had attended the County Planning Commission meeting earlier today and reviewed their recommendation which was positive. The LCPC suggested the Applicant consider looking at creating a district specifically for placing buildings that would be 70 feet or less. Ms. Morgan feels this brings up concerns of spot zoning. Ms. Morgan indicated that they have talked about this and created an overlay zone in the RH1 Zoning District, which is suppose to have the most density. It is being placed in the zone it should be located in accordance with the purposes and objectives of the Zoning Ordinance. That coupled with the underlying criteria that must be satisfied will make sure that the Township will get a mixed use development getting a variety of housing types and it will fit from a planning perspective. Ms. Morgan stated that she feels that the overlay zone is much more effective than creating a separate zoning district. Mr. Evans from the LCPC gave an overview of the LCPC's comments on the zoning ordinance amendment. There was discussion on creating a zoning district and what possibly could occur if a new zoning district was created instead of the overlay zone. Mr. Haverstick asked if they were to create a new RH1 zoning district that permitted the increased height, could that trigger legal problems and Ms. Morgan stated yes. Ms. Glazier questioned if the Township wanted to have other areas in the Township which would permit what they are being asked to approve at Crossgates. Ms. Glazier asked what are the applicant's objectives? Ms. Shellenberger pointed out the height increase is a design tool because it is not increasing the density but could lessen the density because of the increase in open space that must be provided. Mr. Ott stated that he feels that they need to look at it to make sure that it makes sense against the different developments existing. Mr. Henke stated that he would not like to see a four story building next to a single family detached home. Mr. Murry pointed out that when the UGB was developed part of the process of zoning districts was to provide for certain intensity of development within the UGB that would last for a certain period of time. Over time, we have found that we are not getting that density factor from the RH1 Flex. With the increase in height, it would help to get closer to the allowable density. There was discussion on what other parcels could be affected by the amendment. Ms. Glazier stated that it makes more sense for a taller building with higher density to be close to transportation. Mr. Ott pointed out that cluster development would require a special exception. Mr. Henke noted that conditions could then be put on a development that would keep a developer from placing a 70' building next to single family homes. Ms. Shellenberger stated that she favors the overlay zone and she would not support creating another residential zone. Mr. Haverstick stated that he would like to present to the Board of Supervisors their concerns that adding a new zone is most likely going to be deemed spot zoning. The Planning Commission sees pitfalls with adding the overlay zone given the other property where this flexible overlay could apply (Eshelman Tract) and the concerns that it may be developed in an inappropriate manner. Ms. Shellenberger pointed out that you can get additional height in the industrial zones which abut right against single family dwellings also. Ms. Morgan pointed out that in the RH1 Flex Zone you could put in a medical residential campus so that the other tract could be developed as a medical residential campus and the maximum height is sixty (60) feet. Ms. Shellenberger made a recommendation that they recommend to the Board of Supervisors to consider approving the amendment but at the same time make them aware of the issues and concerns they discussed tonight. Mr. Witmer seconded the motion and the motion carried unanimously. Mr. Haverstick wanted to emphasize how difficult it was for the Planning Commission to come to this conclusion so that the Supervisors should take that into consideration in their deliberation.

## Other Business

There was no other business.

Correspondence

Ms. Glazier stated that she had several months of correspondence from the LCPC and would not be listing them individually since many of them have been concluded.

Mr. Ott advised the Commission that the Draft Zoning Ordinance will be sent to LUAB. Ms. Glazier asked about the time frame involved in the process. Mr. Ott advised the Commission that he would guess it would be before the Supervisors for adoption not before October.

Mr. Ott stated that the Supervisors had requested Rettew to provide information on what residential land is available in the Township. This was in regards to the rezoning petition on the Charlestown Road lot. This Commission had voted not to recommend the rezoning of the property. Mr. Ott advised them that the handout was for their information only at this point.

There being no further business the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, August 8, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, August 8, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance to the Flag. Mr. Haverstick advised that he was expecting Mr. Witmer and Ms. Glazier and would start without them.

Members Present: Scott Haverstick, James Henke, Mark Harman, Pamela Shellenberger, Don Mann, Donald Witmer and Mary Glazier

Visitors: See Attached

### Public Comment

There was no public comment.

### Minutes

Mr. Henke made a motion the meeting minutes from July 6, 2011 be approved as written. Ms. Shellenberger seconded the motion and the motion carried unanimously.

### New Business

Briefing Item – Final Land Development Plan for Members 1<sup>st</sup> Federal Credit Union & Modification Requests – Aaron Navarro, Project Manager with J. Michael Brill & Associates, Inc. presented the plan. Mr. Navarro advised the Commission that the project is located on Columbia Avenue. Mr. Navarro stated that the present property is a commercial use building that takes up three-quarters of the property at the corner of Hawthorn Drive and Ursinus Avenue near Good Drive which is a signalized intersection. Members 1<sup>st</sup> Federal Credit Union is planning on tearing down the existing structure as well as the macadam parking lot and will construct an 3400 square foot building with three drive through lanes and an ATM lane and parking lot along Hawthorn Drive. There will be employee parking along Ursinus Avenue. The existing lot has 85 percent impervious covered and Members 1<sup>st</sup> is planning on reducing the coverage of the tract by 50 percent. They are proposing to close off the existing access off Columbia Avenue and Ursinus Avenue and relocate the existing drive approximately 100' from Columbia Avenue with one access on Hawthorn Drive. Stormwater will be a subsurface facility. They will be upgrading the intersection of Ursinus Avenue and Hawthorn Drive and provide sidewalks along Columbia Avenue, Hawthorn Drive and Ursinus Avenue. A substantial amount of landscaping is proposed to buffer the residential area. They will be utilizing public utilities.

Mr. Henke asked about hours of operation and he was advised that the drive through would probably open at 7:30 a.m. and on weekends Friday evenings and maybe Thursday evening they may be open until 7- 7:30 p.m. There are no Sunday hours and ATM will be 24/7. Mr. Haverstick questioned the percentage of people who would be using the drive through and he was advised that they had no statistics but would guess about 50 percent of the people would use the drive through. Mr. Henke questioned if when you turn off Hawthorn Drive into the Credit Union, would you be able to make an immediate left into the parking area or would you have to go around the building. Mr. Navarro advised him that you should be able to make the turn.

There was reference made to Rettew's review letter and Mr. Navarro advised them that he had just received the letter that night. There was some discussion regarding one of the comments from the review letter pertaining to the school traffic. Mr. Henke advised the Commission that he would like to see the applicant address the comments in the review letter. The Planning Commission was in agreement to keep the application as a briefing item.

## Old Business

Zoning Ordinance Amendment - Mr. Haverstick stated that the Supervisors requested the Planning Commission revisit this petition. Ms. Morgan gave a brief synopsis regarding the petition stating the purpose of the petition was to allow a developer in Manor Township to build up. The LCPC recommends this in the County Plan in order to achieve the density and take pressure off the farmland. They started looking in the RH1 Zoning District that is the zoning district in Manor Township that has the highest density. They looked at the 35' maximum and considered taking it to 70'. Ms. Morgan stated in talking with County and Staff they wanted more protection built in. Ms. Morgan advised the Commission that they then created an overlay zone where the underlying zoning must be RH1 flex, must use cluster development overlay zone and if you then have a minimum of 50 acres and set aside 40% open space, they would be allowed to go up to 70 feet. The applicant changed nothing in the Zoning Ordinance. They looked at other properties in the Township where this could be used and looked at properties adjacent to General Commercial that currently can go up to 70'. The applicant also considered being adjacent to Millersville Borough where buildings can be 100 feet.

Don Tyrrell, 10 Foxgate Court, provided a handout and a petition signed by a vast number of residents in Crossgates. Mr. Tyrrell read his hand out that listed concerns he had regarding the increased height request. Mr. Tyrrell had a brochure that was given to him when he purchased his home and he read from that brochure. Mr. Tyrrell requested the Commission deny the requested change. Mr. Henke and Mr. Haverstick commented on several points in Mr. Tyrrell's statements.

Mr. Haverstick asked Mr. Murry to address the issue of the extension of Crossland Pass. Mr. Murry informed them that the extension is dead and will not happen. Mr. Murry reviewed the vacant areas in Crossgates and addressed several comments Mr. Tyrrell made. There was discussion on whether the streets would be dedicated or private and Mr. Murry said he was unable to answer if the proposed streets would be dedicated. There was also discussion regarding the density. Ms. Glazier questioned if there would be any commercial development and if Mr. Murry ever considered giving up commercial property to do something residential.

Richard Moxley, 115 Foxgate Court, clarified this petition pertained to RH1 Flex Zoning District and not RH1 Zoning District. Mr. Moxley stated that this is about planning and referred to the history of Crossgates. Mr. Moxley asked if there are any significant changes in the community since the adoption of the original plan that would justify this. Mr. Moxley stated there is no change. Mr. Moxley referred to taking from farmland and stated this is already planned and they are not taking anything from farmland. Mr. Moxley stated that this is about what is right, appropriate and good planning.

Carson Frost, 114 Creekgate Court, referred to minutes from the last meeting and the last Supervisors meeting indicating that he did not feel the Supervisors knew what was going on. Mr. Frost stated there is no need to push this through. The development has already been planned and they do not need another change.

John Kerlish, 660 Crestgate Place, provided a brochure that was given to people considering homes in Crossgates and referred to statements that were printed in the brochure.

Diane McGarrgle, 670 Crestgate Place, expressed concerns regarding the 20 year plan with sewer. She stated that the road she lives on was to be dedicated but a petition came through and now the Township does not plow it. She is concerned there will be higher density if streets are not dedicated. Mr. Haverstick advised her that the cost of sewer is not under Mr. Murry's jurisdiction. Mr. Strohecker advised them that the Township owns the sewer system. Mr. Murry responded to Ms. McGarrgle regarding the private road.

Ms. Glazier asked when the original plan began and Mr. Murry advised her that it was in 1968 in the Millersville Borough. The first building in Manor Township was 11 years ago. Ms. Glazier stated that the residents are indicating there was a plan that showed single family houses and not apartments.

Mr. Murry pointed out that there was an area that originally was going to be multi-family. Mr. Murry stated that there is a section that is planned for apartments in the Borough. Ms. Glazier asked the allowed height in Millersville Borough and Mr. Murry advised her that he did not know. Ms. Shellenberger asked if there was an approved preliminary plan for the cluster development for the entire site. There was discussion on the original plan.

Carl Reigle, 117 Crestgate Place, stated he would like to know what is planned for the 70 foot height.

John Kerlish read from a brochure pertaining to the proposed homes for Crossgates.

Carson Frost had comments on the brochures that had been handed out for the Crossgates Development.

Richard Moxley had questions on how this petition was advertised.

Mr. Leinster, 100 Creekgate Court, stated that if this petition would have been handled as a zoning matter and not administrative the residents would have been aware of the petition. Mr. Leinster talked about the private streets stating it limits police enforcement regarding parking issues. Mr. Leinster pointed out that the Township is getting taxes but the residents are not getting the benefit of services.

Ms. Morgan replied to Mr. Leinster's statement indicating multi-story buildings are currently permitted. Under the current Ordinance Mr. Murry can build three story multi-apartment buildings up to 35'. Mr. Haverstick noted given that height, they have limited architectural choices. Ms. Morgan referred to the comment regarding administrative action stating that this is legislative in nature and the only way to do this is to come to the Township and ask them to look at the Ordinance, the planning tools and if it is a good idea to implement them. Ms. Morgan stated that they did not do anything under cover but it was the only way they could do it. Mr. Haverstick indicated that they are basically looking at adding another story. Mr. Murry showed the renderings for the 3 and 4 story buildings and gave a brief description.

Mr. Moxley stated that he does not want apartments at all. He wants Mr. Murry to come back with plans of what they are planning to do. Ms. Shellenberger advised him that they cannot legally do that.

Mr. Tyrrell said in this particular project they will not be saving agricultural land. Ms. Morgan explained that ultimately you are saving agricultural land and explained how that is accomplished.

Jim Murphy, 103 Garrity Road, said he came from Philadelphia and this proposal is like housing projects. He does not want apartment complexes.

Ms. Shellenberger stated that the dilemma is regardless of the change this can still be multi-family housing. The overlay cluster development does not impact the uses or the densities of uses.

Ms. Glazier stated another issues is whether they make this change in response to some requests from a particular entity and it does not make the most sense in terms of planning for the other tracts like that. There was discussion and Ms. Glazier stated they were not particularly comfortable with what was presented and with the community concern it changes the dynamics of the discussion. Ms. Glazier stated that you can end up with multi-family buildings but a 70 foot building is quite a difference. Ms. Glazier stated she went along with sending it to the Supervisors but without a lot of enthusiasm and she has less now. Ms. Shellenberger asked if this would be rentals or condominiums. Mr. Murry advised her that they have not made that decision. Mr. Murry stated the 55 and older age range do not want the responsibility of the upkeep. Mr. Murry advised them that they have very few college students and the ones they have are a result of renting from absentee landlords. Mr. Witmer gave a description of the site indicating that there are a lot of differences in the tracts and stated he feels he must drive out to the site to look at it. Mr. Henke stated that the County has endorsed growing up and he has taken that responsibility on as well. Mr. Henke stated his position has not changed on the way he stands on this proposal.

After discussion, Mr. Henke made a motion that the proposal for the overlay be recommended for approval to the Board of Supervisors. Mr. Harman seconded the motion. The vote for the motion was 4 – 3 and the motion did not pass. Mr. Haverstick stated that he feels they need to think about this and come back next month. Ms. Shellenberger asked if maybe there could be a compromise and keep the three stories but allow flexibility for the roof architecture. There was discussion on the possibility of three stories. Ms. Glazier read the comment from the LCPC review letter regarding the petition stating that they identified an alternative approach to be considered by Manor Township.

Mr. Haverstick made a motion to table a decision until the September meeting. Mr. Witmer seconded the motion and the motion carried unanimously. Mr. Haverstick asked if there was any further discussion on this petition.

#### Other Business

Draft Zoning Ordinance Update – Mr. Haverstick advised the Commission that LUAB will be discussing the Ordinance at their next meeting.

#### Correspondence

Ms. Glazier advised them that she has three pieces of correspondence from the LCPC pertaining to Final Subdivision Plan for J. Anthony & Judy Haverstick, Notice Plan Receipt for Members 1st Federal Credit Union and the Zoning Ordinance Amendment comments.

Mr. Henke questioned if another petition would have to be filed if they came down to three stories. Mr. Caldwell reviewed the process used by the Township stating that this is still in the draft stage. There was additional discussion on the petition. Mr. Haverstick asked if there was an interest in limiting it to three stories. There was general discussion regarding residents' objections to the amendment and what type building could occur in Millersville Borough adjacent to the parcels. Mr. Strohecker pointed out that even though it is still a public meeting everyone with interest in the amendment has left and he advised them that the discussion should not continue. Mr. Haverstick stated that it is a public meeting and he had no problem with what was being discussed. Mr. Evans advised them that Mr. Ott had asked him about the preliminary plan for the development and Mr. Evans did some research going back to 1978. He indicated that he did not find much information but had the overall plan showing the lot configuration. Mr. Evans stated from what he could tell this was not phased like it would be required today. There was discussion on the plan, the approval process at that time and what was required during the process. Mr. Evans stated density and what is placed on the tracts is what the Township current zoning dictates. Regarding the residents claim of misrepresentation, it was the opinion they would need to pursue civil action.

Meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer



## Manor Township Planning Commission Minutes

Monday, September 12, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, September 12, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick called the meeting to order at 7:30 p.m. indicating Ms. Glazier would be arriving a little late. Chairperson Scott Haverstick led the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Don Mann, Pamela Shellenberger, Donald Witmer and Mary Glazier

Member Absent: Mark Harman

Visitors: See Attached List

### Public Comment

There was no public comment.

### Minutes

Ms. Shellenberger indicated a typo error on Page 2, third paragraph; next to last line the word "every" should be "ever". Mr. Henke recommended approval of the minutes as amended. Mr. Mann seconded the motion and the motion carried 5-0 with Ms. Glazier not present.

### Old Business

Action Item -Final Land Development Plan for Members 1<sup>st</sup> Federal Credit Union & Modification Requests - Aaron Navarro, Project Manager with J. Michael Brill & Associates, Inc. gave a brief review of the plan. Mr. Navarro stated that he had introduced the Members 1<sup>st</sup> Federal Credit Union plan last month and briefly reviewed the plans indicating demolition of the existing building and macadam area, building a 3400 square foot building, removal and relocation of the access drives, reduction in impervious surface coverage, listed the drive through lanes and indicated that the stormwater management would be a subsurface system. Mr. Navarro stated that they received the latest set of comments from Rettew dated September 12, 2011 and they do not have any issues with the comments. Jim Caldwell stated as a point of formality, that the modification having to do with stormwater management falls under the purview of the Ordinance Administrator, who is the Township Manager. It is set up that there is no formal review by this Commission or action by the Board of Supervisors. Ms. Shellenberger had a question on the County comment regarding the consideration of placing a concrete pad or shelter for the bus stop and to whether that was given any consideration. Mr. Navarro advised her that they have discussed it and their concern is any installation of a concrete pad located within PennDot right-of-way would require an HOP permit. They will definitely work with Red Rose Transit or the County to donate cash towards it but Members 1<sup>st</sup> is not interested in installing a bus stop or pad. Mr. Henke made a recommendation to the Board of Supervisors that in accordance with the Rettew letter dated September 12, 2011, the requested modifications Section 305-Preliminary Plan Processing Procedures, Section 502.05.A.1-Reconstruction of Existing Streets, Section 502.10(f)-Minimum Intersection Distance, Section 502.11-Providing Curbing, Section 502.12(c)2-Sidewalk Location be recommended for approval based on the justifications and conditions outlined in Rettew letter dated September 12, 2011. Ms. Shellenberger seconded the motion and the motion carried 5-0 with Ms. Glazier not present. Mr. Henke recommended to the Board of Supervisors to approve the Preliminary/Final Land Development Plan for the Members 1<sup>st</sup> Federal Credit Union subject to the remaining comments as outlined in Rettew September 12, 2011 review letter and subject to the

Applicant working with the County towards any efforts on the bus stop issue. Ms. Shellenberger seconded the motion and the motion carried 5-0 with Ms. Glazier not present. Mr. Haverstick questioned the reason for a Transportation Impact Assessment due to the fact that Hambright Elementary School will be relocated. Mr. Henke pointed out that it was talked about last month that there is possibility of a private school moving in.

Zoning Ordinance Amendment – Petitioner is Murry Development Corporation. Ms. Morgan stated that they do not have any further presentation but since the last Planning Commission she reached out to the Coalition for Smart Growth. They have looked at text amendments and commented on whether they thought they were appropriate and further the goals of the Smart Growth Coalition for other municipalities. She met with the Committee of the Smart Growth Coalition who reviewed the Ordinance, the Lancaster County's Comprehensive Plan and Tools and are taking a recommendation tomorrow morning to the Board of Smart Growth Coalition. They will issue a formal recommendation to the Township as to whether they think this height amendment is appropriate from their perspective. Ms. Morgan advised the Commission that they would be open to tabling this amendment if they would like to see the comments from the Smart Growth Coalition. Ms. Morgan advised the Commission that one of the topics talked about with the Committee was the potential for finding a different mechanism for measuring height. One idea was instead of measuring height to the highest point of the roof, measure the height to the eaves. Ms. Morgan advised the Commission that they had entertained that idea when they started the process and at that point they did not think the Township had looked at measuring height from a different prospective in any other overlay zones.

Richard Moxley, 115 Foxgate Court, expressed his opinion that this is not an issue about the developer; the issue it is about land use and conveying rights to property that may not be exercised today but in the future. Mr. Moxley referred to the original concept for Crossgates stating that it was appropriately planned for regarding the overall use of the land. Mr. Moxley stated that he feels Crossgates is an overlay and looking at three parcels in his opinion is spot zoning. Mr. Moxley feels the proper planning has been done for Crossgates.

Justin Evans, from the LCPC, stated that from the plans he has been able to research, the original plan set forth the different phases. Each phase as it was submitted brought in the type of housing, density, etc. for the phase. The undeveloped lands have yet to be planned; therefore, what guides what future development of the remaining tracts will be is the zoning. The Zoning now allows for multi-family housing at a density of 14 units per acre. The challenge is that the Township wants to preserve the rural/agricultural heritage, natural lands, and etc. but on the flip side there is a growing population that continues to grow. The challenge is where the people go to live. Where are the services and jobs that the growing population is going to need and the answer has been the Urban Growth Area. This portion of Manor Township is in the Urban Growth Area and the LCPC have challenged the municipalities who have embraced the idea to take on their fair share and meet the County's goal of 7 ½ units of housing per acre in the Urban Growth Area. Knowing that multi-family housing is allowed and is permitted at a density of 14 units per acre, what is a way to find that common bond between what can be done and accommodating it on a smaller piece of ground. The bigger picture is this is not just for this tract of land. If this type of thing is not allowed in the High Density Residential Zone in Manor Township, where is it suitable for? If it is not suitable anywhere, is it really feasible that the undeveloped lands in the Urban Growth Area are truly going to meet the targets set forth. Is there a way to accommodate this sort of thing that maybe has less of a visual impact? Several municipalities have taken the direction for measuring height in a different way. The function of height not being just the ground level to the top of any structure but in a way that accommodates less mass. The County Planning Commission hopes that there is room for growing up in Manor Township and if it is not in the High Density Residential District then where will it be.

Don Tyrrell, 109 Foxgate Court, stated that it was indicated that there would be no increase in density and if there is no increase in density why do they need to go up. Mr. Tyrrell stated that no one has answered his question. Mr. Murry advised him that he could answer the question. Mr. Murry stated that if you look at the details embodied in the current Zoning Ordinance there is no conceivable way without going with three story buildings with no roof to ever achieve the 14 units to the acre. Mr. Murry referred to the Villas at Sutherland in Wood's Edge indicating that section of Wood's Edge is built with 14 units to the acre but has no stormwater management, no open space requirements, etc. This project was part of an overall development plan and not under the current Ordinance. It would have been impossible to achieve the density under the current Ordinance. Mr. Murry stated that in Crossgates they have never been able to get near 14 units per acre unless they would go with a three story flat roof and he stated that he does not know if they could even do that. They have other challenges at Crossgates such as topography and stormwater issues to deal with. Mr. Murry stated that the overall density of Crossgates would not even be 3 units to the gross acre. Mr. Tyrrell was still not sure he understood Mr. Murry's explanation.

Ms. Shellenberger pointed out that the Zoning Ordinance sets a maximum density and it is typically the optimal density under perfect conditions.

Ms. Glazier stated that one way to meet density is to go up in height but would another way be to address some of the other constraints in terms of setbacks, minimum road size, how much open space you are setting aside, etc. If there were more permissive sighting guidelines, could more density be achieved? Mr. Murry advised her that you could pick up some density, but the detention basin must be able to drain and depending on topography of site you may have a very shallow retention facility and the SALDO will require the developer to meet the 100 year storm hold back. Ms. Glazier pointed out that there could be less open space on the site and lower building height. Mr. Murry pointed out that there are other issues. Ms. Glazier stated that she felt you can achieve density more efficiently by addressing the other issues. Ms. Glazier asked if the open space is because the area is not developable anyway and Mr. Murry advised her that is not quite true.

Ms. Shellenberger asked if the Commission could consider a three story building and not a four story building, which are being asked for, but not cap the height at 35' to allow for some additional height to make it more architecturally pleasing while keeping the building at three stories. Mr. Murry pointed out that the fourth story helps reduce the unit cost which will save the consumer dollars.

Ms. Glazier stated that the ordinance change is not permitting a certain design but a building height. Unless it is written in the Ordinance that the building must have a peaked roof, the change being made to the zoning ordinance is in terms of shear building height on the property. The property could be sold and a four story box building be built. Maybe the residents would rather see two or three story buildings closer together than a larger four story building. Maybe the Planning Commission would see that type of building more in keeping with the design in that area. Ms. Glazier pointed out that no one knows the impact the increased height would have on the Eshelman tract. Mr. Murry stated that the application includes the need for a zoning hearing for a special exception. When you go through the hearing, conditions can be placed on the applicant as part of the decision.

Mr. Witmer pointed out that 35 feet is not very high but when you go to 70 feet that is high. Mr. Witmer stated that he feels there should be a height in between. Ms. Shellenberger advised the Commission that is why she suggested keeping it at the three stories and allowing for the differences in the roof peaks.

Don Tyrrell talked about the aesthetics and the opinion on aesthetics would be different from one person to another. Mr. Tyrrell advised them against the measuring of height to the eaves unless there are very strict restrictions that would apply even if the property were sold.

Carlton Rintz, 658 Crestgate Place, stated that he felt that the Planning Commission meeting last month ended strangely. The proposal was voted down and then they Commission immediately voted to table the matter.

Carson Frost, 114 Creekgate Court, referred to the Supervisor's meeting, talked about the aesthetics of the building and pointed out ways to make a building look pleasing while keeping the height at 35'. Mr. Frost provided a copy of Declaration of Covenant & Restrictions and read excerpts from the Declaration indicating that they are still governed by this document. Ms. Morgan stated this is the Master Declaration that applies to all portions of Crossgates that has been developed and as each phase is developed that phase is entered into a subsequent Homeowners Association. She stated that they are talking about modifying the zoning ordinance to affect future development affecting tracts of land currently not part of this Master Association. Ms. Morgan stated that she was having trouble connecting the relevance of this document in a planning discussion. Mr. Haverstick stated that he understood what Ms. Morgan was saying but he wanted Mr. Frost to continue. Mr. Haverstick stated that this is beyond the Planning Commission's scope but he allowed Mr. Frost to finish. Mr. Frost stated that he feels the document controls and protects the community.

John Kerlish, 660 Crestgate Place, stated that at the last meeting he passed out a brochure that described the marketing that enticed them to purchase their property at Crossgates. Mr. Kerlish referred to the Covenant indicating it was to retain the beautiful property described to them and that they agreed to purchase. Mr. Kerlish stated that he feels that the height overlay undermines the desirability of their properties and interferes with the covenant they signed. Mr. Kerlish referred to the density issue and indicated that he did not feel that would be accomplished.

Ms. Glazier stated that the height of the University buildings was brought up at one point in the meetings and she said that it is important to realize that the University intends to tear down those buildings and replace them with lower housing buildings. Ms. Morgan advised the Commission that she represents Student Lodging and in working with them there has been some discussion to build five story buildings.

Mr. Moxley stated that this is a density issue not an aesthetics issue. Mr. Moxley stated this should not be an economic issue.

Ms. Morgan referred to the Township Zoning Map. She stated one of the major goals is to preserve farm land and that has been accomplished. In order to do that, areas had to be created in the Township that has higher densities. The RH1 Flex Zoning District areas that the Township designated, was the area appropriate for the highest densities with the highest varieties of housing types. What the proposed amendment is aiming to do is accomplish the directives of your own planning principles.

Mr. Haverstick advised everyone that the Board is acutely aware of the density issue and the Commission needs to do as good a job as possible. Mr. Evans made a good point that if you are going to do this kind of development where are they going to do it and if you eliminate every conceivable place to do it, what is the point of even talking about it. Mr. Haverstick stated that he still feels that 70 feet is too high. He stated that he had hoped to look at something considerably lower, like three stories buildings, which would aesthetically fit into the neighborhood. Mr. Haverstick stated that he is aware of how the residents feel. It is part of the decision that they will make but unfortunately not the entire part of the decision they will make; the residents' statements will be taken into consideration. There are numerous considerations and one of which is not accommodating Mr. Murry but accommodating their desire to have density where they can do it. Ms. Shellenberger stated that talking about meeting the overall big picture of meeting density; she stated that she does not feel this amendment does that. This amendment is for certain special cases. You must be approved for cluster development even for the height change to be considered and then it is an overlay. Ms. Shellenberger talked about the process and that Mr. Murry would have to go through the process for a cluster development and get approval. Mr. Murry stated that he has approval for cluster development. Mr. Murry stated the

development of Crossgates was approved by the LCPC and it was never before the Planning Commission other than a notification prospective. Mr. Murry talked about his approval for cluster development. Mr. Murry ask where in the community is this type of development going to occur because if it is not possible to obtain 14 units per acre mandated in the Comprehensive Plan and Zoning Ordinance and the Township has not made provisions within the Zoning Ordinance to provide an area for achieving 14 units per acre, all that planning was for naught. Ms. Glazier stated that maybe the Zoning Ordinance needs to be looked at as a whole.

Mr. Evans agreed that a look at the urban portion of the Zoning Ordinance should be done at beyond this height and density in the RH1 zoning district issue. Mr. Evans indicated that the Ordinance should be looked at to see if the goals are achievable under the current Ordinance.

Ms. Shellenberger made a motion to recommend to the Supervisors that the Flexible Design Overlay District not be approved and that they ask the Supervisors to consider directing the Planning Commission to look at the overall density issue in the urban growth area, along with what can be done in terms of the other rezoning issue that the Commission has been directed to look at along Charlestown Road; that parcel of land the applicant wanted to rezoned for high density development from industrial zoning should all be part of the next thing that the Commission looks at. Ms. Glazier seconded the motion. Mr. Henke stated that he is still of the opinion that the alternative, if they wanted to build a three story flat roof building is going to be worse than a four story building with a peak that is architecturally pleasing. He stated that is his position and has been his position all along. He supports what the Board is saying and also had hoped there would have been a compromise. Since there has not been a compromise, he is still on the other side of the fence. Ms. Shellenberger stated that she would support a compromise to go three stories in height, but she stated that she was not certain that even with the compromise that it should be limited to those areas within this flex overlay. You can build up to 35 feet in the regular RH zoning district without having to go through a cluster development special exception. You should not have to go through a special exception to have a cluster development and be in a flex overlay area to get the architectural design which would be beneficial everywhere not just here. Mr. Henke stated that going the extra step of special exception, there is still an opportunity to put additional safe guards on the approval. Mr. Shellenberger stated that there could be a special exception in the basic zone without having to go for cluster development and an overlay. Ms. Shellenberger stated that she feels the opportunity should be allowed for every developer within the RH Zone not just someone with special cases. Mr. Haverstick called for the vote and the motion carried 5-1.

#### Other Business

Draft Zoning Ordinance Update – Mr. Haverstick and Ms. Shellenberger presented the draft Zoning Ordinance to LUAB. It was the general feeling that the Ordinance is in keeping with Growing Together and it was recommended by LUAB that the Ordinance be accepted. The Township will receive a letter from LUAB supporting the draft Zoning Ordinance and Zoning Map. There was discussion regarding the procedure for the adoption of the ordinance and map. There was agreement to have the Planning Commission's public meeting on the draft zoning ordinance and map advertised by the Township Solicitor for next month's meeting which is scheduled for Tuesday, October 11, 2011 and the meeting would begin at 7:00 p.m. Mr. Haverstick asked Mr. Caldwell to provide a project summary at the next meeting regarding the amendment.

Mr. Ott advised the Commission that there is a property in Wilshire Hills that is zoned Medium Density Residential and in 1989 they did a lot add on plan; the land added on to the property came from a General Commercial zoned lot. The property owner now has a portion of the lot zoned General Commercial and a portion of the lot zoned Medium Density Residential all on the same lot. The

individual's accessory structure is on the General Commercial portion. Mr. Ott suggested that a change be made to the map so the whole property is zoned Medium Residential. The Planning Commission had no problem with Mr. Ott's recommendation and the change will be made.

#### Correspondence

Ms. Glazier stated that she received a memorandum from the LCPC dated September 1, 2011 that included the LCPC 2012 Meeting and Submission Deadline Dates.

Also, a Memorandum dated August 23, 2011 was received from the LCPC with the review comments regarding Final Land Development Plan for Members 1<sup>st</sup> Federal Credit Union.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Tuesday, October 11, 2011

Time: 7:00 P.M.

The Manor Township Planning Commission met on Tuesday, October 11, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger  
Donald Witmer and Mary Glazier

Visitors: See Attached List

### Minutes

There were no additions or corrections; therefore, Mr. Haverstick called for a vote on the adoption of the minutes. The minutes were approved with Mr. Harman abstaining.

### Public Comment

Leslie Wireback, a member of Lighten Up Lancaster County and a resident of Manor Township, made a presentation stating that Lighten Up Lancaster is a coalition of individuals whose goal is to increase the number of people in Lancaster County with a healthy weight. Ms. Wireback talked about the need for sidewalks for people to walk. Ms. Wireback advised the Planning Commission that they would appreciate being informed if there is anything the coalition can do to work with the Planning Commission. Mr. Henke asked how many individuals comprise Lighten Up Lancaster. Ms. Wireback stated that they have approximately 400 on their distribution list and they meet monthly. Ms. Wireback explained the organization and the ways they get their information out to people. Mr. Haverstick requested that they be put on the Lighten Up Lancaster mailing list. Ms. Glazier referred to a copy of the Township Planner which talks about getting connected and steps that the Township can take to create a walkable community. Mr. Haverstick asked how Lighten Up Lancaster is funded. Ms. Wireback advised him that it is in partnership with Lancaster General Health. Ms. Wireback advised the Commission that they had just received the Community Transformation Grant.

Ken Charles, 2475 Gamber Road, passed out copies of minutes indicating that he would be referring to the minutes in his presentation. Mr. Charles stated that he has been a lifelong resident of Manor Township stating that the property he wanted to discuss was a farm located across from the Manor Middle School. This property is 37 acres and has been in his family for five generations. Mr. Charles stated that things regarding zoning of his property happened that he was not aware of until recently. Mr. Charles gave background information stating that in 1998 his farm was zoned rural (R) as well as the adjoining relatives' farms. Mr. Charles stated that he feels as a result of a request to have several farms rezoned in order to be placed in Agricultural Security; his farm may have been mistakenly included in the rezoning. Mr. Charles read excerpts from meeting minutes that pertained to the rezoning requests. Mr. Charles stated that there was a request from a Kenneth Charles but it was not himself as he is Kenneth W. Charles and the family requesting the zoning change was Kenneth E. Charles. Mr. Charles stated that he was only aware of his property being rezoned several weeks ago when he looked at the zoning map in the Township Office. Mr. Charles requested that his property be put back to Rural (R) Zoning due to the fact that he did not want his farm to be zoned to Agriculture (A). Ms. Glazier stated that it is possible that the area was looked at and it was the feeling that it would make sense to include the entire area in Agricultural Zoning. The Commission was in agreement that Mr. Charles should petition the Supervisors to have his farm rezoned back to Rural (R) Zoning if that was his desire.

Justin Evans, LCPC, gave a presentation asking for a letter of support from the Township regarding an application for funding for Brownfields Assessment Cleanup and a Revolving Loan Fund Grant. The application will include a corridor revitalization plan as an integral part of the grant program's overarching objective to facilitate the Brownfield assessment and redevelopment throughout Lancaster County. The plan will focus on a segment of the Columbia Avenue corridor that encompasses both Manor and East Hempfield Townships. It is understood that East Hempfield Township Board of Supervisors will be providing a similar letter of support for the County and that the Lancaster County Board of Commissioners approval will also be necessary to apply for the grant. Mr. Haverstick made a motion to recommend to the Supervisors that they support the Lancaster County Planning Commission's effort for funding through the Brownfields Assessment, Cleanup and Revolving Loan Fund Grant. Mr. Witmer seconded the motion. Mr. Caldwell asked if there was a reason that they are stopping the project at Donnerville Road and not going into Mountville Borough. Mr. Evans stated that the majority of the commercial properties perceived actual Brownfields properties were concentrated more or less from Lancaster Township to Donnerville Road. Mr. Haverstick called for the vote and the motion passed unanimously.

#### Public Meeting – Draft Zoning Ordinance & Map

Mr. Haverstick stated that they would now move into the Public Meeting portion of the meeting for the Comprehensive Draft Zoning Ordinance and Map.

Present were Mr. Caldwell and Sam Meckley, who is with Rettew's Community Development Group, to assist Mr. Caldwell with the GIS Portion of the program regarding the presentation of the Draft Zoning Ordinance & Map. Mr. Caldwell stated that he has been working with the Planning Commission for over two years on this project. Tonight is the presentation of the Final Draft of the Manor Township Zoning Ordinance update which is a comprehensive Township wide update. Because Manor Township is part of the Lancaster Inter-Municipal Committee, they are required to submit this proposed Zoning Update to the Land Use Advisory Board which was done. They reviewed it last month and had no comments on the update. Mr. Caldwell advised everyone that this is the first step in the formal adoption process, which is a public meeting with the Planning Commission followed by a formal review by LCPC and then public hearing before the Board of Supervisors. Mr. Caldwell reviewed the entire process for the adoption of the Comprehensive Update. Mr. Caldwell gave a summary of changes that included mapping and zoning changes as well as text updates.

Mapping Changes- There are three primary areas where there are changes proposed to the zoning map. 1) Southeast side of Township that is bordered by Letort Road to the north, on the west by the Little Conestoga River, on the east by the Conestoga River, and from Letort Road down to the confluence of the Little Conestoga River with the Conestoga River. The entire recommendation of this area is to change this from Rural (R) to Agricultural (A) Zoning. 2) Southwest corner of the Township extends from Turkey Hill Dairy through Pittsburg Valley area follows Indian Marker Road to Safe Harbor Road down into Safe Harbor. The most significant change in this area is that the Rural (R) zoning will be changed to Agricultural (A) zoning. Also, the small area owned by Safe Harbor Power that is opened for public use is proposed to change to Conservation (C) zoning as well as the area of the Conservancy's property to the north of Turkey Hill. 3) Along Washington Boro generally to the east and parallel to Washington Boro is recommended to change from Rural (R) to Agricultural (A) Zoning; small area of existing General Commercial (GC) on the east side of River Road south of Herr Street is proposed to change to Rural (R). There is currently some Residential High Density (RH) zoning in an area of Washington Boro that is being recommended to be changed to Village (V) zoning and an area that is currently Rural (R) is proposed to be changed to Village (V) zoning.

Text Changes – Purpose statements for the Agricultural (A) and Rural (R) zoning districts were revised to better reflect existing land use and the future desire of land use pertaining to those districts.

Recognizing some commercial uses that are coming on line, there are now provisions for agri-tainment as well as alternative energy systems including wind turbine power, solar as well as manure digesters. The provisions for low impact home businesses were revised to match the requirements of the MPC. Provisions for farm occupations were updated to address administrative issues that the Township was having as well as define parking requirements, street access and signage requirements. A new use added to the Agricultural (A) district by special exception includes animal hospitals, veterinarian facilities, and kennels. The building requirements, primarily for agricultural buildings within the Rural (R) zoning district, were revised to match the building height requirements within the Agricultural (A) zoning district. Provisions for lawn care were added as a permitted use in the Agricultural (A) zoning district; the non-commercial keeping of livestock and horses changed to go from one large animal or horse per acre to two large animals or horses per acre. The subdivision potential in the Agricultural (A) zoning district, which is currently one unit per 25 acres, was revised to include other nonfarm principle uses. Provisions for shared parking within the Village (V), Mixed Residential/Commercial (MRC) and Limited Commercial (LC) districts were added. A portion of Donnerville Road was added to the list of streets in the Township considered as collector streets which updates the status of that street to recognize the level of traffic it is now conveying. Open space development provisions within the Ordinance were revised to require that someone proposing a project inventory and map the cultural and environmental features and provide them for review. Regulations have been updated to include the latest recommendations for airport safety zone, cell site antenna requirements were modified, mobile home parks previously allowed in the Rural (R) zoning district moved to Residential High Density (RH) zoning district and regulations for public and private schools were revised so that they apply equally to both a private and public school. Mr. McLane, 206 Manor Avenue, expressed his opinion that there should be more acreage put into agriculture zoning. Jim Murphy, 103 Garrity Road, asked for a definition for Village Zoning. Mr. Henke made a motion to recommend to the Board of Supervisors to proceed with the adoption of the comprehensive map changes as well as text changes to the Ordinance as described by consultants tonight. Ms. Glazier seconded the motion and the motion carried unanimously.

#### Correspondence

There was no correspondence

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, November 14, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, November 14, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger and Mary Glazier  
Member Absent: Donald Witmer  
Visitors Present: Justin Evans, LCPC  
Tom Matteson, Diehm & Sons

Mr. Haverstick noted at the Supervisors meeting they voted unanimously to forward the Zoning Ordinance to the Solicitor. The Supervisors also accepted the Planning Commission's recommendation that the Ordinance prepared by Murry Companies not be approved.

### Minutes

There were no corrections or additions; therefore, Ms. Shellenberger made a motion to approve the minutes. Mr. Henke seconded the motion and the motion carried unanimously.

### New Business

Briefing Item – Revised Final Subdivision Plan for Theodore W. & Jacqueline Ann Shaw - Tom Matteson from Diehm and Son represented the plan. Mr. Matteson was present earlier in the year with a subdivision of an approximate 17 acre property. Two lots were taken from the main tract and the one lot was intended to be held by the owner for the foreseeable future but their daughter and son-in-law have purchased the lot, and in purchasing it, the owners of the farm received a real estate tax bill from the Assessment Office for Clean and Green that was a tax roll back for the entire farm. They now have a revised plan showing small areas that will come off the lot so they can comply with Clean and Green. Everything that was set in place by what was done previously is unaffected with this revised plan. Mr. Henke made a motion that the Theodore W. & Jacqueline Ann Shaw Plan be advanced from briefing to an action item and further the motion by recommending approval conditioned on the November 11, 2011 Rettew Associates letter subject to satisfying the two comments Mr. Henke recommends the plan be approved. Ms. Shellenberger questioned the names that appear on the plan. Ms. Glazier seconded the motion and the motion carried unanimously.

### Briefing Item – Final Land Development Plan & Modification Requests for Chesapeake Crab Connection –

Mr. Caldwell advised the Commission that this is a briefing item indicating that the site is on the south side of Columbia Avenue. The Applicant is proposing to abandon their outdoor seating area and build a restaurant with indoor seating that will include a small outdoor dining area. Mr. Caldwell advised the Commission that there could be more modifications required of the Zoning and/or Subdivision Ordinance. Mr. Caldwell advised the Commission that the Applicant was before the Zoning Hearing Board and was granted five variances of criteria of the Zoning Ordinance and in addition have asked for seven modifications of the Subdivision Ordinance. During the review, Mr. Caldwell advised the Commission that they noted an eighth modification that will be required which was not included in the original submission. Mr. Caldwell listed the requested waivers/modifications along with the Rettew Associates recommendations. Mr. Caldwell indicated that there was also a review completed of the

Zoning, Subdivision/Land Development Ordinance and Stormwater Ordinance. Mr. Caldwell advised them that they recommended that the two tracts be combined. There was discussion on the parking spaces, landscaping, sidewalks and liquor license. Ms. Shellenberger questioned the buildings being removed commenting that the only thing labeled as being removed is the deck area. Ms. Shellenberger felt for consistency purposes that everything being removed should be labeled. Mr. Haverstick asked for a definition of an access drive.

#### Correspondence

Ms. Glazier did not have any correspondence.

Ms. Shellenberger indicated that there is a Land and Use Forum Thursday evening sponsored by the Smart Growth Coalition at the Farm and Home Center.

Ms. Shellenberger indicated that the Department of Interior had a press release concerning a study of the 50 states and prominent recreational and conservation things occurring in the states and as part of their press release, they picked Pennsylvania as the State to include in their press release. One of the projects recognized was the Conservation Landscape Initiative along the lower Susquehanna River and they pointed out the Manor Township Rail Trail Project and the Columbia Borough Park. There was additional discussion on the Rail Trail.

The Planning Commission noted that they would like to have a more active role in park and recreation matters.

There being no further business the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Planning Commission Minutes

Monday, December 12, 2011

Time: 7:30 P.M.

The Manor Township Planning Commission met on Monday, December 12, 2011, at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairperson Scott Haverstick called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance to the Flag.

Members Present: Scott Haverstick, James Henke, Mark Harman, Don Mann, Pamela Shellenberger, Don Witmer and Mary Glazier

Visitors Present: Clair A. Kendig, 160 W. Charlotte St., Millersville  
Justin Evans, LCPC  
Chris Paul, 1756 Columbia Ave.  
Vince Wayne, Buchart-Horn Associates  
Grant Smith, Rettew Associates  
Carol A. Thomas, 170 W. Charlotte St., Millersville  
Richard Bauder

### Public Comment

There was no public comment.

### Minutes

Mr. Henke made a motion to approve the minutes as written. Ms. Shellenberger seconded the motion and the motion passed with Mr. Witmer abstaining.

### Old Business

Action Item – Final Land Development Plan & Modification Request for Chesapeake Crab Connection –  
Mr. Haverstick advised the Commission has received a request that action on this plan be postponed until the January meeting.

Action Item-Preliminary/Final Subdivision Plan & Modification Request-West Charlotte Street - Rob Gabriel from Robert Gabriel Associates stated that this project was discussed last spring. They are proposing four duplex lots and one single family detached lot on 1.91 acres. The existing dwelling on the site will remain. The site is zoned (RM) Medium Density Residential. The Board of Supervisors approved their modification request for street widening per the Planning Commission's recommendation; however, the Board of Supervisors wanted the applicant to keep the two foot grass strip between the curb and the sidewalk. Mr. Gabriel advised the Commission that he had Rettew's comment letter with mostly housekeeping items and a few minor comments. The applicant is requesting the following three modifications: 1) Preliminary Plan Processing; 2) Curbing – Where the current location of the curb is located there is a manhole in front of Lot 2 and it is recommended that they can stop the curbing at that location. There is the existing embankment and gutter line that will remain to control stormwater and traffic; and 3) Lighting-They are proposing post lighting. The Ordinance requires them to be two feet off the sidewalk and five feet from the driveways. This would put the lights in the right-of-way and it is Mr. Gabriel understanding that the Township wants the lights out of the right-of-way. The plan is showing the lights ten feet from the sidewalk, two feet from the driveway and Mr. Gabriel would like to keep them within the five feet requirement from the driveway. Mr. Henke had questions on the distance of lights from the sidewalk and cut/fill work. Mr. Henke made a motion that Section 305-Preliminary Plan Processing Procedures, Section 502.11.A.11-Curbing and

Section 502.3.B.1.d-Lighting be recommended for approval subject to the light post being five feet off the driveway versus the two feet as drafted. Mr. Haverstick called for the vote which passed unanimously. Mr. Henke made another motion recommending that the waivers as on record be approved subject to the lighting request being that the post lamp be set five feet off the driveway and recommendation would be to approve all the waivers subject to that condition. Mr. Haverstick seconded the motion and the motion passed unanimously. Mr. Henke made a recommendation that the West Charlotte Street Preliminary/Final Subdivision Plan be recommended for approval subject to the Rettew Associates letter dated December 9, 2011 for the Applicant to address those comments to the satisfaction of the Township and the Township Engineer. Mr. Witmer seconded the motion and the motion carried unanimously.

#### New Business

Briefing Item-Subdivision/Lot Add-On Plan for Robert & Marita Charles & Modification Requests - Mr. Smith from Rettew Associates advised the Commission that this is a lot add-on lot reconfiguration plan at 2937 and 2939 Charlestown Road just west of Ironstone Ridge Road. The existing Lot 1 is an approximately 20,000 square foot lot and the proposed new lot would be approximately three-quarters of an acre. The plan was before the Zoning Hearing Board and received variances in October. The variances received were for minimum lot area under Section 202.5.1 of the Zoning Ordinance and minimum lot width Section 202.6. The remaining acreage of the larger lot goes back to Lot 1; therefore, Lot 1 is 1.801 acres. Proposed Lot 2 is .745 of an acre. There are no other improvements to the site and the houses remain the same as well as driveways. Mr. Witmer had questions regarding the right-of-way and expressed concerns that whoever would buy the lot is made aware of the heavy use of the right-of-way driveway. Mr. Witmer was advised that a note can be placed on the plan regarding the use. Mr. Smith advised the Commission that he received Mr. Wayne's review letter and have made the corrections under the six comments. Mr. Henke asked, as related to the right-of-way, should there be a clear sight line on it if the driveway is heavily used. Mr. Smith advised him that the clear sight triangle line can be added. Ms. Shellenberger made a motion that the waiver request from Section 403.3 dealing with Existing Features be approved for the Bob Charles Plan. Ms. Glazier seconded the motion and the motion carried unanimously. Ms. Glazier made a motion that they recommend this lot add-on plan be regarded as an action item and recommend that the Supervisors approve the plan based on the letter from Bucharth-Horn. Also, a note is to be added to the plan regarding use and maintenance of the right-of-way as per the County's comments. Ms. Shellenberger seconded the motion and the motion carried unanimously.

#### Other Business

Mr. Bauder advised the Commission that the Supervisors would like the Planning Commission to look at what is called the Wal-Mart lot and asked if it is on the agenda. Mr. Haverstick advised Mr. Bauder that it is not on tonight's agenda. Mr. Haverstick informed Mr. Bauder that the Planning Commission has other issues in that entire section of the Township that they would like to address at some point.

Mr. Haverstick noted that this is Justin Evans last meeting he will be attending as he is leaving the LCPC. The Planning Commission expressed their appreciation and wished Mr. Evans well in his new position.

#### Correspondence

Ms. Glazier advised the Commission that she received a memo from the LCPC dated November 29, 2011 regarding an advisory plan review for the Revised Final Subdivision Plan for Theodore W. & Jacqueline Ann Shaw and Mark D. & Melissa A. Sigman with their recommendations.

Ms. Glazier stated that she received a Memo from the LCPC dated November 29, 2011 regarding the advisory Plan review for the Final Land Development Plan for James L. & Holly A. Sample Norton listing their recommendations.

Ms. Glazier stated that she received a Memo from LCPC dated December 1, 2011 in acknowledging the receipt of a Community Planning Review for the proposed Manor Township Zoning Ordinance & Map that is scheduled for review on December 27, 2011.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Mary Glazier  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Zoning Hearing Board Minutes

Wednesday, January 5, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, January 5, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Vice Chairman Barbara Douglas called the meeting to order, introduced the Board Members and led in the Pledge of Allegiance to the Flag.

Members Present: Barbara Douglas and John D. Wenzel, Jr.  
Member Absent: Brandon Clark  
Visitors Present: Brian Eshbach, 2966 Safe Harbor Rd., Millersville  
Bill Swiernik, 1076 Centerville Rd., Lancaster  
Rob Barley, 801 Walnut Hill Rd., Millersville  
Donald Witmer, 2484 Gamber Rd., Washington Boro  
Seth & Tiffanie Perry, 2884 Safe Harbor Rd., Millersville  
Randy Clugston, 2916 Safe Harbor Rd., Millersville  
Larry & Missy Eshbach, 2965 Safe Harbor Rd., Millersville

### Minutes

Ms. Douglas stated that the members received copies of the minutes from the December 1, 2010 meeting and asked if there are any corrections. There were no corrections or additions and the minutes of the December 1, 2010 meeting were approved.

### Re-organizational

Ms. Douglas stated that the Manor Township Supervisors appointed Brandon Clark to the Zoning Hearing Board for a three year term.

### Election of Officers

Mr. Wenzel nominated himself for president, Barbara Douglas for Vice President and Brandon Clark for Secretary. Ms. Douglas stated there are no objections and the nominations will be the Board of Officers for the Manor Township Zoning Hearing Board for the year 2011.

### Meeting Dates

Ms. Douglas stated that the Manor Township Zoning Hearing meetings will be held on the first Wednesday of every month as needed.

### Selection of solicitor for Zoning Hearing Board for the year 2011

Mr. Wenzel made a motion to nominate James McManus for solicitor of the Zoning Hearing Board. Ms. Douglas seconded the motion and the motion carried.

Ms. Douglas turned the meeting over to Chairman John Wenzel. Mr. McManus asked if the motion was to appoint President, Vice President, Secretary and not Chairman, Vice Chairman and Secretary. Ms. Douglas stated yes and Mr. McManus asked the motion be amended. Ms. Douglas stated the motion is amended to Chairman, Vice Chairman and Secretary of the Zoning Hearing Board rather than President, Vice President and Secretary.

Mr. Wenzel then advised the Board that they will begin with new business Case #3-10.

## New Business

Case #3-10 – The application of Robert Barley/Barley Farms property located at 949 Indian Marker Road, Conestoga, PA 17516, Account No. 410-74609-0-0000 for a variance of Section 201.4.2.A – Lot Area Requirements. The Applicant wishes to subdivide more than a two acre tract from the parent tract to be utilized for a single family detached dwelling. The property is in the Agricultural (A) and Rural (R) Zoning Districts. Mr. Wenzel advised the applicant that there are only two Board members present this evening and in order for the Applicant to be successful the vote must be unanimous. Mr. Wenzel asked the Applicant if that condition is agreeable and the Applicant replied yes. Mr. Wenzel turned the meeting over to Mr. McManus.

Mr. McManus stated preliminarily that the application on the form submitted to the Township indicates the Applicant is Rob Barley but Mr. McManus stated that he assumes the Applicant is technically and accurately Barley Farms, a Pennsylvania General Partnership. Mr. McManus asked who was present on behalf of that entity. Robert Barley stated that he was present on behalf of the partnership. Mr. McManus asked how many partners were in the partnership. Robert Barley stated that there are three partners who include Robert N. Barley, Thomas J. Barley and Abraham G. Barley, Jr. Mr. McManus asked that anyone testifying or making a presentation on behalf of the Applicant be sworn in. Bruce Ott was also sworn in.

Mr. McManus asked Mr. Barley if he was authorized to appear on behalf of the General Partnership and Mr. Barley stated yes. Mr. McManus asked if there was any objection to amending the name of the applicant to Barley Farms. Mr. Barley had no objection.

Bruce Ott stated that he is employed as the Manor Township Zoning Officer and in that capacity administers applications that come before the Zoning Hearing Board. Mr. Ott stated that he received Application #3-10 of the Barley Farms. The application was prepared on a standard Township application form. The application received included a completed Application Form together with additional accompanying documents listed as a Project Narrative, List of Adjoining Property Owners, two page set of plans listed as Applicant's Exhibit A1 and A2, and a Zoning Exhibit Photograph listed and labeled as Zoning Exhibit A3. Mr. Ott stated that he published notice of the time, date, place and subject matter of the hearing in the Lancaster Newspaper on December 22 and 29, 2010. Mr. Ott provided Proof of Publication. The property that is the subject of this application was posted with the time, date, place and subject matter on December 17, 2010. The notice was posted to one side of the driveway going into the farm off the road where it was visible. Notice of the time, date, place and subject matter was posted on the bulletin board in the main lobby of the office which is visible from the outside. The notices placed on the tract and in the lobby are the same as published in the Lancaster Newspapers. Notice was mailed to the adjoining property owners indicating the time, date, place and subject matter of the application.

Mr. McManus marked the Application Exhibit A, Proof of Publication Exhibit B, and indicated when the applicant presents testimony they will be referred to numerically as presented. There were no questions regarding the advertisement of the hearing and notices provided.

William Swiernik who is a registered landscape architect employed by David Miller Associates represented the Applicant. Mr. Swiernik stated that they were before the Board for a variance of Section 201.4.2.A as it pertains to maximum lot size. The property is separated by Indian Marker Road. It is a 119 acre tract of land within the Agriculture Zoning District to the north and the Rural Zoning District to the south. The Agricultural Zoning District to the north is 44 acres with 75 acres south of the roadway. The property generally slopes from north to south with the center portion of the site being the part of the site of interest. The Applicant is proposing to create a subdivision that would be inclusive of the dwelling and cemetery. Mr. Swiernik referred to Exhibit #3 pointing out the area of the

proposed subdivision. The subdivision would be inclusive of the cemetery on the northern part of the tract providing some space around the cemetery for maintenance and separation from the remaining agriculture use of the northern property. To be consistent with the requirements of a variance, the Applicant has requested a variance of 1.5 acres to allow for the establishment of a 3 ½ acre tract of land because, according to Ordinance, the maximum lot size can be two acres. The configuration of the existing lot, specifically the location of the dwelling, the farm buildings, the cemetery, steep slopes and plantings around the dwelling result in need to propose a lot that is in excess of the two acres maximum. These specific physical conditions are particular to the property. Subdividing the dwelling onto a tract that is two acres in size would result in less suitable agricultural uses. The cemetery, other steeply sloping areas and the wooded portion of the lot would be potentially excluded from that two acre tract of land. The establishment of a the two acre lot would impact the character of the dwelling and put a burden on the agricultural lot by the establishment of obstacles that would have to be farmed around as they are now. Authorization of the variance is necessary to enable reasonable use of the property and to provide continued use of the house and cemetery lot. The location of the improvements on the property existed prior to the establishment of the Ordinance. The house is dated in the 1700's and the cemetery dates back to 1830. There are no proposed improvements to the site with the establishment of this separate lot. The property lines are close to 900' from the nearest adjacent dwellings. This subdivision would not have an impact on the adjoining properties and the proposed subdivision would allow for the character of this area to be maintained. The larger lot has been proposed based on the minimum area to allow for the house and the cemetery to co-exist. This would be a variance that would be the minimum allowed to allow for these two uses of the property to occupy the space. Mr. Swiernik noted a dashed line on Exhibit A2 that is roughly the extent of the agricultural fields. The proposed lot is not in a flood plain zone and the Applicant understands that if the variance is granted, there are reasonable conditions or other safeguards that may be necessary to be established as part of this subdivision. Mr. Swiernik noted that following successful consideration of this application there would be a need to go through the subdivision process in order for this lot to be subdivided from the parent tract. Mr. Swiernik provided photographs of the site that were marked Exhibits 4 through 8. Photo Exhibit #4 is a view to the northwest looking across the front of the dwelling that shows the drain field in the front yard and trees on either side of the dwelling. Exhibit #5 is a view of the northwest portion of the property to the west of the driveway. Exhibit #6 is looking from the east side of the driveway toward the dwelling noting the mature trees on the property in front of the dwelling. Exhibit #7 is a view from the southeast corner of the property looking to the northeast showing mature plants and in the distance are a tree and the base of a tree that is encompassing the cemetery and a utility line that cuts diagonally across the property and comes in on the eastern side of the dwelling. Exhibit #8 is a view to the northeast showing some of the mature plant material incorporated into the 3 ½ acre lot. Mr. McManus asked if they had a photograph of the cemetery and Mr. Swiernik replied from a distance and it is shown on Exhibit #7. Mr. Wenzel stated that there are approximately 45 headstones.

Mr. Wenzel had a question on the referenced dashed line and asked if that is what is being farmed now. Mr. Swiernik stated that is the extent of the unfarmed area. Mr. Wenzel asked what a 2 acre parcel would look like. Mr. Swiernik stated it would be approximately half the distance between the dwelling and the proposed property lines and provided a plan marked Exhibit #9 which was a plan that was used as a working drawing of what the 2 acre parcel would look like. Mr. Swiernik explained that they would like to keep the uses and establishing a 2 acre lot would result in the cemetery being on the agricultural used lot that is not residential in character and has the potential to be impacted by the continued agricultural use. Aesthetically, if you drive by the property, you would appreciate them as one use. Placing the cemetery onto a separate lot is a hardship in the fact it would result on an impact of the use of the cemetery or appearance and access to the cemetery would have to come along the edge of the residential lot. Mr. Wenzel questioned if there were any other reasons besides the

cemetery for the proposed subdivision. Mr. Swiernik explained that with the set back of the dwelling from the road, they feel the proposed subdivision helps manage the residential character for this type of dwelling in this setting. Mr. Barley stated that with regard to the septic system, to subdivide two acres would probably provide somewhat of a hardship in that they would have to do a different type of system. With the 3 ½ acre lot, we would be able to use the current system.

Ms. Douglas had questions regarding selling the subdivision and how would the cemetery be part of that parcel and she was advised it would be sold as part of that tract.

Mr. McManus referred to Exhibit A1 and asked Mr. Swiernik if that included topographic features and he was advised it did. Mr. Swiernik advised him that the contours around the dwelling area are field topography and as you get further away, the topography is taken from the Lancaster County GIS Department. Mr. McManus asked within the proposed 3 ½ acres lot what the average grade through the proposed subdivided lot is. Mr. Swiernik measured diagonally from the cemetery to across the front of the building and stated that the distance is approximately 300' and the topography drops approximately 30'. Mr. McManus asked if that is characteristic of the existing dwelling area and the proposed lot and Mr. Swiernik stated yes. Mr. McManus asked if this is an area that would be generally unsuitable for agricultural purposes. Mr. Swiernik stated that there are areas farmed on the tract that are steeper. Mr. McManus asked if this portion of the 44 acre northern portion of the tract experience the most severe slopes of that 44 acre tract. Mr. Swiernik stated there are steeper areas to the north and to the northwest but relative to the drainage; this would be one of the steepest areas. The property drains to the midpoint of this property and runs across Indian Marker Road. These areas are stable now and if they were farmed you might have more erosion as a result of loose soil. Mr. McManus asked if it is fair to say that the proposed 3 ½ acre tract does not substantially remove any productive agricultural land from usage and Mr. Swiernik stated that is correct. Mr. McManus had questions regarding the improvements on the property. Mr. Swiernik advised him that the barn has been removed. Mr. McManus stated that the only thing that exists on the tract is the dwelling and Mr. Swiernik stated the dwelling, the cemetery and the vegetation. Mr. McManus asked if it is a single family detached dwelling and Mr. Swiernik replied that it was. Mr. McManus asked if there is a historic connection between the cemetery and the dwelling on the tract. Mr. Barley stated that the family name is Breneman and there is a gentleman named Breneman who actually maintains the cemetery. Mr. McManus asked if at one time this would have been the Breneman Farm, the Breneman house, or Breneman plot. Mr. Barley said apparently it was Breneman at one time. Mr. McManus asked the size of the cemetery and Mr. Swiernik stated that the cemetery is approximately 50' x 50' enclosed. Mr. McManus asked how many headstones are in the cemetery and he was advised that there are between 40 and 45. Mr. McManus asked when the cemetery was last used for burial and he was advised it was quite some time. Mr. McManus asked if there is a plan to alter the dwelling on the tract to any other use other than a single family unit and Mr. Barley replied no. Mr. McManus asked if there are plans to restore or rebuild any of the out buildings that have been removed and Mr. Barley answered not at this time. Mr. McManus stated that he assumed that the lot as presently configured was part of the larger tract and as proposed would rely on onsite water and sewer facilities and the answer was yes. Mr. McManus asked if the proposed subdivision has any negative impact on the agricultural district or the farmland in the area. Mr. Barley stated it will not have a negative impact. Mr. McManus asked if it is their intention to incorporate existing and historic residential and accessory uses into one tract that is distinct from the agriculture area that surrounds it and Mr. Barley answered yes. Mr. McManus asked if the access to the tract will change in any way off of Indian Marker Road and Mr. Barley answered no. Mr. McManus asked how the cemetery will be maintained in the future if the subdivision were to be realized. Mr. Barley stated that it is his understanding that it would be the responsibility of whoever owns the house. Mr. McManus asked if the individual who maintains the cemetery now is by agreement or by custom and Mr. Barley replied by custom. Mr. McManus stated that Mr. Barley as

owner of the tract could prohibit at this point in time anybody from entering the tract for purposes of maintaining the cemetery and Mr. Barley stated that to his knowledge there is nothing in writing. Mr. McManus stated to the extent that there is a connection between persons living now and their ancestors buried there, would Mr. Barley envision entering into any agreement by which they could visit, have access to the cemetery, and maintain any portion of it and Mr. Barley replied yes.

Don Witmer, 2484 Gamber Road, was sworn in and he stated that he was questioning the address of the property. He believed it was Millersville and not a Conestoga address. The correct address is 949 Indian Marker Road, Millersville. Mr. Witmer asked what the nitrates were on the property and Mr. Swiernik advised him that the nitrates were 3.4.

Ryan Eshbach, 2966 Safe Harbor Road, stated that this proposal is on the north side of the road and the property is on both sides. Mr. Eshbach questioned if anything was going to occur on the other side of the road. Mr. McManus advised Mr. Eshbach that any other proposals are not part of this application. Mr. Barley did briefly provide information on what was planned for the south side of the road. Mr. Barley stated the other plans they had for the property would not require a zoning hearing.

Mr. Wenzel stated that the testimony was closed and a decision would be rendered February 2, 2011. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Zoning Hearing Board Minutes

Wednesday, February 2, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, February 2, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA Chairman John Wenzel called the meeting to order, led the Pledge of Allegiance to the Flag and introduced the Board Members.

Members Present: John D. Wenzel, Jr., Barbara Douglas and Brandon Clark  
Township Officials Present: Bruce Ott and James McManus  
Visitors Present: Dana Edsall, 3064 Miller Road, Washington Boro  
Sherry Getz, 3064 Miller Road, Washington Boro  
Rob Barley, 801 Walnut Hill Road, Millersville

### Minutes

Mr. Wenzel advised the Board that they have received a copy of the January 5, 2011 minutes and asked if there were any corrections or additions. There were no corrections or additions and Mr. Wenzel stated the minutes are approved as distributed.

### Old Business

Case #3-10 – The application of Robert Barley/Barley Farms property located at 949 Indian Marker Road, Millersville, PA 17551, Account No. 410-74609-0-0000 for a variance of Section 201.4.2.A – Lot Area Requirements. The Applicant wishes to subdivide more than a two acre tract from the parent tract to be utilized for a single family detached dwelling. The property is in the Agricultural (A) and Rural (R) Zoning Districts. A decision will be rendered.

Mr. Wenzel stated that Mr. McManus polled the Board individually and provided the Board with a draft decision this evening that they will discuss at this time. There was no discussion. Ms. Douglas made a motion that in accordance with the Decision prepared in this matter, I move that the application of Robert N. Barley, on behalf of Barley Farms, Application No. 1-11, for a variance to the provisions of Section 201.4.2.A of the Zoning Ordinance to allow the subdivision of a 3.5 acre lot from the Property located at Indian marker Road (T-479), Millersville, Pennsylvania, Account No. 410-74609-0-0000 be granted subject to the following conditions: 1) The Applicant shall at all times comply with an adhere to the plans, Exhibits and all other evidence presented to the Board by Applicant or on its behalf at the hearing held on January 5, 2011. 2) The Applicant shall provide appropriate public access to the cemetery on the proposed lot from Indian Marker Road. 3) The Applicant shall comply with all other applicable governmental rules, ordinances and regulations regulating the uses on the proposed lot. Mr. Wenzel seconded the motion. Mr. Ott stated for clarification the Decision had a 1-11 date and the Application was #3-10 because it was taken in December. Mr. McManus stated technically it is Case #3-10 and asked that the change be written on the Decision. Mr. Wenzel called for the vote. The motion carried unanimously.

The hearing was adjourned at 7:10 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer



## Zoning Hearing Board Minutes

Wednesday, April 6, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, April 6, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603. Chairman John Wenzel introduced the Board members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Brandon Clark

Township Officials Present: Bruce Ott and James McManus

Visitors Present: Harry Roth, 901 Pleasure Road, Lancaster  
Jill & Jay Clark, 1055 Hearthstone Road, Lancaster  
Ed & Bev Rand, 1041 Hearthstone Road, Lancaster  
Bryan Lehman, 1043 Hearthstone Road, Lancaster  
Bob & Melanie Weir, 3100 Blue Rock Road  
Peter Kerekgyarto

### Minutes

Mr. Wenzel stated there are no additions or corrections and the minutes are approved as distributed.

### New Business

Case #1-11 – The application of James R. and Jill M. Clark property located at 1055 Hearthstone Road, Lancaster, PA 17603, Account No. 410-34111-0-0000 for a variance of Section 203.2.2 – Permitted Uses – The Applicant requests a variance from the requirement that single family detached dwellings require the use of public water. The Applicant wishes to subdivide 3 lots from the parent tract to be utilized for single family detached dwellings in the Low Density Residential (RL) Zoning District. The property is located in both the Low Density Residential (RL) and the Low Density Residential Flex (RL1) Zoning Districts. Mr. Wenzel turned the meeting over to Mr. McManus.

Mr. McManus asked the Applicants to identify themselves and anyone appearing on the Applicant's behalf. James and Jill Clark identified themselves as the Applicant and advised Mr. McManus that Harry Roth would be appearing on their behalf. Mr. McManus verified that the individuals present were Township Residents who lived in close proximity to the tract of land that is the subject of the hearing and were present for information purposes. Mr. McManus asked that Mr. Ott be sworn in. Bruce Ott stated that he is employed as the Zoning Officer of Manor Township and in that capacity administers the application for variances that come before the Board. Mr. Ott indicated that he had the application that is the subject of the hearing this evening indexed at #1-11 Application of James R. and Jill M. Clark. The application consists of a standard Township form, appended to that a narrative captioned "Statement of Justification" consisting of four pages, a zoning sketch map, a public water service area and a list of adjoining property owners in accordance with the provisions of the ordinance. Also attached is an aerial sketch map. Mr. Ott stated the date, time, place and subject matter of this hearing was published in the Lancaster Newspapers on March 23 and 30, 2011. Mr. Ott provided the proof of publication. Mr. McManus asked that the application be marked Board Exhibit #1 and the Proof of Publication Board Exhibit #2. Mr. Ott posted notice of the time, place, date and subject matter of the hearing on the tract that is the subject of this hearing on March 17, 2011. The posting is was readily visible from public thoroughfares and adjoining properties. Notice of the time, place, date and subject matter of this hearing was posted at the Township Office in an area that is

available to the general public to advertise municipal events on March 17, 2011. There were no questions regarding the advertisement of the hearing.

Mr. McManus requested that Mr. Roth as well as Mr. & Mrs. Clark be sworn in. Mr. McManus explained the procedure for the hearing.

Harry Roth advised he is a Community Planning Consultant in Lancaster and asked the Board to qualify him as an expert in Community and Land Use Planning. Mr. Roth provided copies of his resume and municipal client list. Mr. Roth listed his qualifications and reviewed his work history. Mr. Roth's resume was marked Applicant's Exhibit #1. Mr. McManus asked Mr. Roth his scope of the expert testimony that he believes he is qualified to give. Mr. Roth stated his testimony is about the facts of this case and how they relate to the provisions of the Zoning Ordinance and the Municipalities Planning Code. Mr. McManus asked if the Ordinance before the Board is one that Mr. Roth drafted and Mr. Roth stated the overall frame work is his. There have been several changes made since it was originally drafted. Mr. McManus asked Mr. Roth if it is correct that in his business he prepares a model ordinance that is distributed among his clients and there are many municipalities with an ordinance that is substantially the same as Manor Township's Zoning Ordinance. Mr. Roth stated he would characterize it as a custom made ordinance on each municipality's behalf. Mr. Roth stated the fact that they use common terminology and common design standards is because they have learned many lessons over the years and many of the designs and settings of neighborhoods within this County has similar characteristics. Mr. McManus asked Mr. Roth if he prepared the Ordinance containing the Low Density Residential Zone District regulations as the Board sees it in the present Zoning Ordinance and Mr. Roth stated yes. Mr. McManus asked if it has changed since the time Mr. Roth prepared the draft and Mr. Roth replied not to his knowledge. Mr. McManus asked if Mr. Roth in preparing the draft followed what is commonly called a community planning process and Mr. Roth replied yes. Mr. McManus asked if Mr. Roth consulted with the Township's Planning Commission, formulated a plan and then produced a draft of a zoning ordinance which ultimately is reflected in what the Board has in front them and Mr. Roth replied yes. Mr. McManus stated that zoning ordinance and plan was reviewed by the local Planning Commission and Mr. Roth replied yes. Mr. McManus stated that plan and zoning ordinance including the exact provisions of Section 203 the (RL) Low density Residential Zoning District was additionally reviewed by the Lancaster County Planning Commission and Mr. Roth replied yes as part of the overall ordinance. Mr. McManus stated as a result of that the governing body of Manor Township embraced your recommendations as contained in this draft and Mr. Roth replied yes. Mr. McManus stated these same provisions occur in other ordinances that Mr. Roth is familiar with and Mr. Roth replied yes. Mr. McManus asked if Mr. Roth was present to provide the Board with any legal opinion on any matters and Mr. Roth replied no. Mr. McManus asked if the Board accepted Mr. Roth as an expert for the purposes he has stated. The Board accepted Mr. Roth.

Mr. Roth referred to Pages 5, 6 and 7 the three maps that are part of the Application. Mr. McManus advised they will refer to Board Exhibit #1 as Applicant's Exhibit for purposes of identifying the contents and the maps contained therein. Mr. Roth advised the Applicant is requesting this variance to construct three lots located on the north side of Stone manor Drive. Mr. Roth referred to the aerial sketch map pointing out the proposed lots located on the southwest corner of the Applicant's overall property. The property contains 13 ½ acres and is located between Hearthstone Road which terminates on both the north and the south end of the Applicant's property. However, in the southwest corner there is about 350 feet of lot frontage on the north side of Stone manor Drive and the Applicants hope to subdivide three residential lots along that frontage. Section 203.2.2 of the Zoning Ordinance requires that single family detached dwellings have public sewer and public water. Public sewer is available but there is no public water within the vicinity of this property. The Applicants are one of the last land owners in this area to develop their property. Mr. Roth referred to the aerial sketch map Page 6 that shows homes constructed in the area with public sewer but without public water. Mr.

Roth stated that when writing comprehensive plans and zoning ordinances you need to look to make sure new neighborhoods have public services and utilities needed to function properly. In planning, it has become critical that you use as little area as possible to develop communities to save farmland and protect the rural character. Mr. Roth stated that the problem here is the subdivisions that have already been approved were able to be implemented and carried through without the use of public water. Mr. Roth stated that the Applicant has kept vacant property in a rural area until today and is now left with a situation with the property owners having a fairly large property with no public water and cannot do anything with their property without public water. Mr. Roth stated that it is impractical for an individual land owner to extend public water along properties that have already been built for several thousand feet to serve a few homes. Mr. Roth referred to the Statement of Justification stating: 1) there needs to be unique physical characteristics or conditions including irregularity, narrowness, or shallowness of lot size or shape. Mr. Roth stated the property is long and narrow and located across the Little Conestoga Creek which has public water service. It is located approximately 2150 feet from a planned water main extension of the Columbia Water Company that is coming down Donnerville Road this summer. The location and distance of the subject property from existing water lines makes it cost prohibitive and that is a unique condition to this property that is not the same for all the other properties within the community because they were already built. 2) Because of such physical circumstances or conditions it is not possible that the property can be developed in strict conformity with the provisions. To extend the public water from Donnerville Road once Columbia Water Company extends their lines, will cost between \$100,000 and \$150,000 and that is an economic hardship that would really not allow the applicant to make reasonable use of their property. 3) Such unnecessary hardship has not been created by the Applicant. 4) The Variance if authorized would not alter the essential character of the Zone or neighborhood in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property and not be detrimental to the public welfare. If you look at the Aerial Sketch Map, you see what they want to do is what everyone else has done. There would be no adverse impact. The area sets over the Conestoga geologic formation which is a carbonate geology that has a medium yield of 25 gallons per minute. In order to support one peak demand use for one house you need to get 5 gallons per minute. This is evidenced by the fact that there are hundreds of homes built on the same geologic formation with their wells that are functioning today. 6) Variances within the Floodplain Zone must meet special criteria. This is not located in the Floodplain Zone. 7) This criteria allows the Board to grant reasonable conditions on the granting of any variance and the applicant is not opposed to any reasonable conditions.

Mr. Wenzel asked what the approximate size of the proposed lots would be. Mr. Roth stated that the lots would be what are required by Zoning Ordinance. Mr. McManus advised him that is 15,000 square feet. Mr. Wenzel asked how the expense to supply water was determined. Mr. Roth advised him that it was supplied by the Columbia Water Company. Mr. Wenzel verified that the specific hardships are the physical characteristics of the lot, the location and the fact they are 2150 feet away from where a municipal water line will be coming sometime this summer.

Mr. McManus asked when the Clarks purchased this tract and Mr. Clark advised him that they purchased the lot in 1999. Mr. McManus asked if it is not true the Ordinance that is in effect that requires both public water and sewer was part of the 1990 Zoning Ordinance that Mr. Roth drafted. Mr. Roth was not sure of the date. Mr. Ott advised him that the Ordinance they were looking at was first adopted in September 1990. Mr. McManus asked if the (RL) provisions have changed since 1990. Mr. Ott advised him that the public water requirement has not changed. Mr. McManus asked what the width of the tract was and it was determined to be approximately 400 feet. Mr. McManus asked what the present use is and Mr. Roth advised him that it is a single family residence with a historic structure on it. Mr. McManus asked if any portion of the tract is in agricultural production and Mr. Clark advised him that there are three fields in agricultural production. Referring to the Aerial Sketch Map, Mr.

McManus referred to the purple outline and verified that it identifies the 13.5 acre tract. Mr. McManus asked if to the left of the center is the farm house, barn and other improvements. Mr. Roth replied yes. Mr. McManus stated that the area to the west and east appeared to be portions of the tract in agricultural use and Mr. Roth replied correct. Mr. McManus verified that the tract also includes the three lots they wish to subdivide from this tract. Mr. McManus asked if agricultural uses are permitted in the (RL) district and Mr. Roth replied yes. Mr. Roth offered his opinion that if Mr. McManus expected the property to be an operating farm with the homes around it that is not a sound assumption. Mr. McManus asked if the tract has been continually in use for agricultural purpose for some time. Mr. Clark stated that he presumed for a couple of hundred years that the property has been farmed. Mr. McManus asked if the eastern most portions is in a woodland condition and Mr. Roth replied yes. Mr. Roth stated that there are some steep slopes and floodplain. Mr. McManus asked if that would be consistent with forestry related uses and Mr. Roth replied yes. Mr. McManus stated that with respect to looking at the aerial sketch map, it is only a relatively small portion of the tract that is devoted to neither agricultural or forestry related uses that being the farmhouse and accompanying improvements and Mr. Roth replied yes. Mr. McManus asked Mr. Roth if he was not suggesting to the Board that public water will never be available to this area or the development that adjoins the Clark tract. Mr. Roth stated that he was not suggesting that but that he was suggesting that it is very unlikely that public water will be in that area in any foreseeable future. Mr. McManus asked Mr. Roth what he based that statement upon. Mr. Roth advised Mr. McManus that the extension of public utilities into an area where the area is functioning properly with on lot utilities is a difficult decision for local governments to make. Mr. McManus asked Mr. Roth if he has worked with municipalities that have made difficult decisions and Mr. Roth stated yes.

Peter Kerekgyarto, 1028 Stonemanor Drive, advised the Board that he lives in the last house on the left that adjoins the property in question. Mr. Kerekgyarto was sworn in. Mr. Kerekgyarto asked why is Columbia Water Company is bringing a water line to the front of the development without the intention of bringing it down into the development at some point in time. Mr. Roth stated that he believes they are extending it there because there is additional area planned for growth and development to the south and it is shown in the Municipal Comprehensive Plan as being a future residential growth area. Mr. Kerekgyarto stated the area in question for the three lots is not Low Density Residential Flex; that zoning is at the other end of the lot and Mr. Roth stated that is correct. Mr. Roth advised him that if you took Hearthstone Road and extended it across the applicant's property the center line of that road extension would be the zoning boundary between the flex and the R1 zone. Mr. Kerekgyarto stated there are some wells in the development that test higher than 5 gallons per minute and quite a few that are below that. How will three more wells affect the people's wells in that vicinity? Mr. Roth advised him that he could not answer that. Mr. McManus asked if Mr. Kerekgyarto could identify the areas that have low wells. Mr. Kerekgyarto stated that one of the residents with a low well is present and may want to speak for himself. Mr. Kerekgyarto stated that he believes most of the low wells are on Shadowstone and Stonemanor Drives.

Ed Rand, 1041 Hearthstone Road, was sworn in. Mr. Rand stated that he lives 3 or 4 houses up from the said property on Hearthstone Road. Mr. Rand advised the Board that he was the first person to move into Shadowstone in August of 1987. Mr. Rand said a second well was drilled for his property that has three-quarters of a gallon per minute and is 400 feet deep. He stated that they have run out of water on several occasions over the years. Mr. Rand knows of other neighbors who have wells similar to his and he does have a concern that three more wells could adversely affect his well. Mr. Rand advised the Board that there were deed restrictions on what could be built, size of the unit, and size of the lots. Mr. McManus advised Mr. Rand that the Board has no power to regulate or enforce deed restrictions. Those are private matters. Mr. McManus advised Mr. Rand that if there are deed restrictions that would apply to this particular tract of land, he has another recourse that is a civil action

to enforce the provisions of the deed restrictions. Mr. Rand asked where the access to the lots would be and he was advised by Mr. Roth that the frontage is on Stonemanor Drive. Mr. Roth advised Mr. Rand that these lots are not created yet and cannot be created until they would get the variance. Mr. Rand would like to know as a neighbor what is going to be placed on the proposed lots. Mr. Clark stated that he was not aware there were deed restrictions but will look at them and talk to Mr. Rand about them. Mr. Rand stated that there was no mention of a road and that is another concern. Mr. Clark advised him that they would make use of Stonemanor Drive and they are not interested in putting a road in. Mr. Rand advised Mr. Clark that he has concerns with his well and would like affirmation that if there is a problem with his well due to three more wells that he knows what recourse he would have at that time. Mr. McManus asked Mr. Rand if he had direct knowledge of water supply problems anywhere else in the development. Mr. Rand advised Mr. McManus that he has only by hearing other neighbors talking.

Mr. Wenzel asked if Mr. Roth is familiar with any planned neighborhood to the south. Mr. Roth advised him that he has no knowledge other than what is on the Zoning Map and the Comprehensive Planning Map. Mr. Wenzel asked that he be shown the access point on the map.

Ms. Douglas asked Mr. Kerekgyarto if his lot was the last one in that developed area and this lot subject of the hearing was part of the Kilheffer property. Mr. Kerekgyarto stated yes.

Mr. Clark asked what kind of control will there be on the houses that will be built. Mr. Roth advised him that they have not made that decision. They need the Board's approval before they can move forward.

Mr. McManus asked for clarification regarding the boundaries of the Low Density Residential and Low Density Residential Flex Zoning District. Mr. McManus stated that the site contains 13 ½ acres. Is the variance request for both the RL and the RL Flex area or only the RL? Mr. Roth advised Mr. McManus that it only refers to the RL Zone.

Mr. Wenzel advised the decision will be rendered on Wednesday, May 11, at 7:00 p.m. There being no other business the hearing was adjourned at 8:00 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer

Manor Township Zoning Hearing Board Minutes

Wednesday, May 11, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, May 11, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603. Chairman John Wenzel introduced the Board members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Brandon Clark  
Township Officials Present: Bruce Ott and James McManus  
Visitors Present: Jill Clark, 1055 Hearthstone Road, Lancaster  
B. R. Singer, 246 Coffee Street, Millersville

Minutes

There was no addition or corrections to the minutes and Mr. Wenzel stated they stand approved as distributed.

Old Business

Case #1-11 – The application of James R. and Jill M. Clark property located at 1055 Hearthstone Road, Lancaster, PA 17603, Account No. 410-34111-0-0000 for a variance of Section 203.2.2 – Permitted Uses – The Applicant requests a variance from the requirement that single family detached dwellings require the use of public water. The Applicant wishes to subdivide 3 lots from the parent tract to be utilized for single family detached dwellings in the Low Density Residential (RL) Zoning District. The property is located in both the Low Density Residential (RL) and the Low Density Residential Flex (RL1) Zoning Districts. A decision will be rendered.

Mr. Wenzel advised the Board Members received a copy of the draft decision prepared by Mr. McManus who polled the Board Members individually. The Board had no questions or discussion on the draft Decision. Mr. McManus summarized the Conclusions of Law.

Mr. Clark made a motion that the application of James R. Clark and Jill M. Clark for a variance to the provisions of Section 203.2.2 of the Manor Township Zoning Ordinance to permit the subdivision of three (3) lots without the necessity of providing public water to each on their property located at 1055 Hearthstone Road, Lancaster, Pennsylvania, Account No. 410-34111-0-0000, is denied. Ms. Douglas seconded the motion and the motion carried unanimously. Jill Clark was provided with a copy of the Decision.

Jill Clark asked what they needed to do to demonstrate a hardship. Ms. McManus informed Ms. Clark that her question was a legal question and advised that she should obtain legal help to determine whether a hardship can be shown. Mr. McManus stated he Zoning Hearing Board does not determine hardships.

The hearing was adjourned at 7:10 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer



## Manor Township Zoning Hearing Board Minutes

Wednesday, August 3, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, August 3, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603. Chairman John Wenzel introduced the Board Members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Brandon Clark  
Township Officials Present: Bruce Ott and James McManus  
Visitors Present: Mark Deimler, Strausser Surveyors  
Brad Singer, 246 Coffee Street  
Jim & Holly Norton, 2834 Columbia Avenue

### Minutes

Mr. Wenzel stated there are no additions or corrections to May 11, 2011 minutes, therefore they stand approved as distributed.

### New Business

Case #2-11 – The application of James L. Norton II & Holly A. Sample Norton property located at 2910 & 2934 Columbia Avenue, Lancaster, PA 17603, Account Nos. 410-80031-0-0000 and 410-93067-0-0000 for variances of Section 312.15.1.4-15' Wide Landscape Strip; Section 311.3 – 100' Clear Sight Triangle; Section 207.5.1 – Front Yard Parking Setback; Section 207.5.3 – Rear Yard Parking Setback; and Section 312.15.2.A-Interior Landscaping. The applicant is proposing to remove the existing dwelling, shed, deck area, and a portion of the stone and paved areas. The proposal is to construct a new restaurant, storage building and an additional parking area. The properties are located in the General Commercial (GC) Zoning District. Mr. Wenzel turned the meeting over to Mr. McManus.

Mr. McManus asked if the applicants were present and is the applicant's name Jim L. or James L. Norton. Mr. Norton advised Mr. McManus that it is James L. Norton. Mr. McManus noted the Applicant is listed as Jim L. Norton II and asked if this is more appropriately the application of James L. Norton II and Holly A. Sample Norton as the owners of the property that is the subject of the application. Mr. Norton replied yes. Mr. McManus asked if there was any objection to changing the Application name to both of these individuals. There were no objections. Mr. McManus ask that anyone presenting testimony be sworn.

Mr. Ott stated that he is employed as the Zoning Officer for Manor Township and in that capacity he administers applications that come before the Board. Mr. Ott stated that he received Application #2-11 that has been amended the Application of James L. Norton II and Holly A. Sample Norton. Mr. Ott stated that he published the notice of the time, date, place and subject matter in the Lancaster Newspapers on July 20 and 27, 2011. Mr. Ott provided the Proof of Publication. Mr. McManus asked Mr. Ott if he received the Application that consisted of a two page form provided by the Township for Variance Applications together with a three page narrative and one sheet containing a plan. Mr. Ott stated that he did receive the application and advised Mr. McManus that he also has a list of adjoining property owners that was provided by the Applicant and the Manor Township property owners were sent notices. Mr. Ott posted a notice on the property that is the subject of this application with the time, date, place and subject matter on July 15th. Mr. Ott also posted a notice of the time, date, place and subject matter of this hearing in the lobby of the Township Building that is available for public inspection on July 15th. There were no questions regarding the manner in which

the hearing was advertised or posted. Mr. McManus asked that the Proof of Publication be marked as Board Exhibit #1, Application as Applicant's Exhibit #1, and the list of adjoining as Board Exhibit #2.

Mr. McManus asked that the persons in attendance identify themselves. Mark Deimler, Director of Operations from Strausser Surveying and Engineering identified himself. Mr. Deimler advised the Board that he prepared the Application before the Board this evening and the Applicants are also in attendance. Mr. Deimler stated that he is representing the Norton's in their proposal to do renovations to the existing property which they own at the addresses posted on the notice. The properties they currently own are two parcels of land located on the south side of Columbia Avenue that totals 48,131 square feet, which is the combined area of both parcels of land. The proposal would utilize both parcels of land to construct a parking lot and restaurant on the properties. Currently existing on the property is the applicants current crab business, which is located more or less straddling the property line between the two tracts. Also, in the building there is some storage and a small retail area. The existing dwelling located on the western property owned by the Norton's would be demolished and the new restaurant would be constructed on the property. The other addition that would be added would connect the current structure on the property and would be a storage area for their packing supplies and crab baskets, etc. The applicants have a small retail area with seating around the periphery of it for people who wish to eat any of their products they offer with a large area in the back of the building where they currently steam crabs and ship them. The applicant has a large internet business and crab shipping business. The current proposal would involve the construction of a restaurant which in turn requires the construction of additional parking to accommodate the restaurant business. The tract as identified on Exhibit #A1 is a unique shaped triangular tract of land with a large portion of the tract being within the building setback lines. The triangular shape of this lot is a handicap for development to accommodate additional parking with setbacks from both front and rear yard parking requirements. The applicant is trying to retain as much as the existing parking lot that is centrally located in the tract currently and also provide as many parking spaces as they can to insure there is not a parking issue with the restaurant patrons. Applicants Exhibit #A1 shows the breakdown regarding the parking. The proposed restaurant would be comprised of an indoor seating area and outdoor dining area. The applicants intend to make a small outdoor deck area to the rear and shelter it from the traffic and noise from Columbia Avenue. The parking lot would be reconfigured to provide one way traffic flow to minimize the traffic disruption and utilize the maximum amount of existing parking. Customers would enter on the west side of the existing parking lot and exist to the east side of the property which they feel will allow good traffic flow through the property. They would need a PennDot permit to do the modifications. The variances that the applicant is asking for are related to the same issue dealing with the creation of the parking lot. Mr. Deimler stated that they are asking for a variance of the 15 foot wide landscaping strip along the Columbia Avenue right-of-way. In some areas will be able to provide the landscaping strip and in other areas of the parking lot which touches the road right-of-way we cannot provide the landscape buffer. The applicant is also asking for a variance of the interior landscaping. We met with the staff and Mr. Ott and discussed the project and trying to maximize parking and provide and meet as much of the Ordinance as possible from both the subdivision and land development standpoint and the zoning. The intent was to have islands in the parking lot. In this project, the parking space seems to be more valuable than 200 feet of interior landscaping. Mr. Deimler stated that they have provided between the parking areas 258 square feet of landscaping that they came to the consensus is interior landscaping by definition. They had provided some other landscaping areas by the new entrance which totaled 376 square feet and when the two are added together they meet the interior landscaping. However, we felt that the area at the new entrance did not meet the intent of interior landscaping. Mr. Ott suggested that they ask the Board for a variance of the interior landscaping. The third variance is the 100 foot clear sight triangle. Based on the configuration, we have only 70 feet from the edge of the macadam to the rear property line. The fourth variance

request is the front yard parking setback. The Ordinance requires a 20 foot setback from the right-of-way line which would eliminate parking. The plan is providing 8 feet at a minimum and at some areas 12 feet from the right-of-way line. If the requirements of the sections were applied, it would make the property unusable from a parking standpoint. The variances we are requesting are based on the unique shape of the lot and the hardship is the lot configuration. The construction of this parking lot and proposed use is not detrimental to the community in any way and the variances being requested would not have a negative impact on the adjoining properties.

Mr. Wenzel asked Mr. Deimler to point out the current structures on the plan. Mr. Wenzel had questions on the seating that is provided and asked about the outdoor dining. Mr. Deimler stated that there is seating for 90 people and the outdoor dining area will be a small area. Mr. Deimler advised the Board that there are 66 seats inside the restaurant, 28 seats in the bar area and the outdoor dining area will be for 16 people. Mr. Wenzel asked if they have a liquor license and they replied yes. Mr. Wenzel asked the hours of the restaurant and the number of employees. Their hours of operation are 11 am to 10 pm with a total of 10 employees with 5 on each shift.

Mr. Clark asked Mr. Deimler to point out the bar area on the plan. Mr. Clark asked where the trucks will be parked. Mr. Norton advised him that there will be one truck parked at the property at all times.

Mr. Deimler advised the Board that they are not increasing impervious coverage.

Ms. Douglas asked if the Applicant has talked to PennDot and they stated that they have not. Mr. Deimler verified that the entrance meets all the requirements.

Mr. Wenzel had questions on the setback. Mr. Wenzel asked about the peak hours and they days they are open. Mr. Norton advised him that their winter hours of operation are different. Mr. Wenzel had questions on handicap parking and access.

Ms. Douglas asked if the flow through the parking lot provided enough room for large vehicles and trucks. Mr. Deimler stated there is room. Ms. Douglas questioned the different measurements for parking lot at the exit radius. Mr. Deimler advised that PennDot has a maximum width.

Mr. McManus asked Mr. Deimler to be more specific regarding the 15 foot wide landscape variance and asked Mr. Deimler to show the Board where they are able to meet the 15 foot wide variance and where they cannot meet it. Mr. Deimler pointed out the areas on the plan. Mr. McManus asked if any of the buildings will be demolished as a result of this project. Mr. Deimler advised him that the existing dwelling will be demolished as well as a small shed to the rear of the dwelling and the existing deck area will be removed. Mr. McManus asked if the existing use of the tract conforms to the zoning regulations that are in effect and Mr. Deimler stated yes. Mr. McManus asked if the existing use of the tract violates certain setback requirements because of the building locations and Mr. Deimler stated that was correct. Mr. McManus asked if any of the dimensional non-conformities are being increased by virtue of the new project and Mr. Deimler stated that they are not. Mr. McManus asked what the distance was between the entrance driveway and exit driveway. Mr. Deimler advised him that there is 110 feet from the radius. Mr. McManus asked if that is a PennDot standard and Mr. Deimler advised him that it is a Township Zoning Ordinance standard. Mr. McManus asked if PennDot has separation requirements and Mr. Deimler advised him that generally not for access drives. Mr. McManus asked if there would be any traffic control required and Mr. Deimler advised him that the drive will not meet warrants for any signalization. Mr. McManus referred to the northwest corner of the existing parking lot and asked how someone backs out and proceed out of the lot from that spot. Mr. Deimler advised him that they would have to back into the open area toward Columbia Avenue. Mr. McManus asked if it was conceivable that with a back turning movement a vehicle could back into Columbia Avenue and Mr. Deimler stated it is conceivable someone could error and do that. Mr. McManus referred to the new parking lot and the space that is in the southeast portion of the new lot. He asked Mr. Deimler to demonstrate how someone would exit from that parking spot. Mr. Deimler

explained how someone would maneuver in regards to the parking spot. Mr. McManus asked if Mr. Deimler agreed that the first parking spot Mr. McManus asked about represents potential traffic impediment and hazard and Mr. Deimler agreed. Mr. McManus referred to the plan and based upon the square footage of the proposed use, the number of employees and the bar seating, the applicant is required to have 35 spaces on site and Mr. Deimler stated that that is correct. Mr. McManus stated if 5 parking spaces were eliminated, could the applicant provide more of the setback requirements than presently shown on the plan. Mr. Deimler stated that was a fair statement. Mr. McManus asked Mr. Deimler if they considered angle parking and Mr. Deimler advised him that they did and the dimensional length of angle parking provided less parking. Mr. McManus asked if they looked at the minimal spaces required and did they lay the parking out for 35 spaces with angle parking and determined the traffic flow and the convenience of the entrance and exit. Mr. Deimler stated that they looked at angle parking in a particular area which was not feasible because of the way the buildings were laid out. They looked at the angle parking and the Township wanted the applicant to maximize the parking due to other issues with parking in the Township. Mr. Deimler stated that every other option looked at provided less parking. They had direction from the Township Staff to fit the Ordinance as much as possible but also the key element was providing as much parking as possible. Mr. Ott advised the Board that the Township has had other issues with parking at other sites as well as this one and he wants to make sure that does not happen with this new establishment. Mr. McManus asked about the proposed clear site triangle and Mr. Deimler stated that PennDot requires 10 feet from the edge of the traveled white line back required by the site distance requirement which equates to approximately 300 feet in each direction. Mr. McManus asked if it is his testimony that both of the curb cuts on this proposed plan will meet the clear sight triangle requirements of PennDot and Mr. Deimler stated yes. Mr. McManus asked what is being provided for the front yard setback and Mr. Deimler advised him that at one point zero feet is being provided but not along the entire right-of-way. Mr. McManus asked how much of the proposed development would violate the front yard setback for parking. Mr. Deimler advised him that approximately 100 lineal feet would come into compliance. Mr. McManus asked if Mr. Deimler was referring to the eastern most tract only and he stated yes. Mr. McManus asked him the same question for the rear yard setback. Mr. Deimler advised Mr. McManus that 8 feet is the minimum and no where along the rear property line would there be 20 feet. Mr. McManus asked if the property to the rear marked on the plan as Murry/Sher-Wal Inc. is developed and Mr. Deimler stated no. Mr. McManus asked what that tract is zoned and Mr. Deimler stated that he believes it is zoned some type of commercial. Mr. McManus asked if they are planning any screening or landscaping along the rear property line and Mr. Deimler advised him that there is none proposed at this time. Mr. McManus asked if the plan provides for any loading/unloading spaces for the commercial use. Mr. Deimler stated it is anticipated the end space would be for the purpose of loading/unloading even though it is not marked that way. Mr. McManus asked if that space satisfies the dimensional requirement to the Zoning Ordinance for off street loading space. Mr. Deimler stated that they have not looked into that at this point. Mr. McManus asked if it is fair to say that the elimination of several parking spaces along the Columbia Avenue side of the new parking lot would enable them to meet to a greater extent some of the relief they are asking for by way of the setback for landscaping. Mr. Deimler stated that that is a fair assessment. Mr. McManus pointed out parking spaces on the plan and asked if those spaces were eliminated would that enable them to provide more of a required setback for the landscaping and at the same time reduce the potentially hazardous backing movements from the tract. Mr. Deimler stated that was correct. Mr. McManus asked if it is their testimony that the proposed restaurant use and accessory buildings comply with the use requirements of the Zoning Ordinance and Mr. Deimler indicated that it does. Mr. McManus asked if as proposed they will not violate the maximum impervious requirements of the tract and Mr. Deimler stated that is correct.

Mr. Wenzel asked Mr. Deimler to point out the pedestrian traffic from the parking lot to the entrance. Mr. Deimler advised him that there would probably be some type of walkway and pointed out on the plan where that proposed walkway would be located.

Mr. McManus asked if any thought had been given to removing the property line and incorporating both lots into one deed. Mr. Deimler advised him that issue has been discussed and the land development plan will do that. Mr. Ott asked if it is safe to say the Applicant needs 36 spaces because the truck will take up one of the spaces and Mr. Deimler stated it is safe to say 36 spaces are needed. Mr. Deimler stated that depending on the overlap of employees that was testified to by Mr. Norton, there may not be any extra spaces. Mr. McManus asked if the Ordinance does not require just the number of employees on the maximum shift and Mr. Ott stated it does. Mr. Ott advised him that it is the number of employees on the largest shift. Mr. McManus stated for the purposes of this application, the Board should take a look at five employees even though for a brief amount of time more than five may be on the site.

Mr. McManus asked Mr. Deimler if he was asking for everything that had been submitted and marked as exhibits be submitted for the record and Mr. Deimler stated correct. The Board accepted all the marked exhibits.

Mr. Wenzel stated the decision will be rendered Wednesday, September 7 at 7:00 p.m. The hearing was adjourned at 7:55 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer

## Manor Township Zoning Hearing Board Minutes

Wednesday, September 7, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, September 7, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603. Chairman John Wenzel introduced the Board Members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Brandon Clark

Township Officials Present: Bruce Ott and James McManus

Visitors Present: Grant Smith, Rettew Associates  
Robert & Marita Charles, 2939 Charlestown Rd  
Brad Singer, 246 Coffee Street  
James & Holly Norton, 2834 Columbia Avenue  
Chet & Judy Swanger, 166 Oak Road

### Minutes

Mr. Wenzel stated that there are no additions or corrections to August 3, 2011 minutes; therefore, they stand approved as distributed.

### Old Business

Case #2-11 – The application of James L. Norton II & Holly A. Sample Norton property located at 2910 & 2934 Columbia Avenue, Lancaster, PA 17603, Account Nos. 410-80031-0-0000 and 410-93067-0-0000 for variances of Section 312.15.1.4-15' Wide Landscape Strip; Section 311.3 – 100' Clear Sight Triangle; Section 207.5.1 – Front Yard Parking Setback; Section 207.5.3 – Rear Yard Parking Setback; and Section 312.15.2.A-Interior Landscaping. The applicant is proposing to remove the existing dwelling, shed, deck area, and a portion of the stone and paved areas. The proposal is to construct a new restaurant, storage building and an additional parking area. The properties are located in the General Commercial (GC) Zoning District. Testimony was closed at last month's meeting and the Board will render a decision. Mr. Wenzel advised Mr. McManus polled the Board individually and prepared a decision. Mr. Wenzel advised the Decision is made on an independent basis with no discussion with each other.

Mr. Wenzel asked if there was a motion on the decision. Ms. Douglas stated in accordance with the decision prepared in this matter and the Findings of Fact set forth therein Ms. Douglas moved that the Application of James L. Norton II and Holly A. Sample Norton for variances to the landscape strip width (Section 312.15.1.A), clear sight triangle (Section 311.3), front yard parking setback (Section 207.5.1), rear yard parking setback (Section 207.5.3) and interior landscaping (Section 312.15.2.A) provisions of the Zoning Ordinance to allow the erection of a new restaurant facility and parking lots on the their property consisting of two lots located at 2910 and 2834 Columbia Avenue, Lancaster, Pennsylvania as set forth on a plan prepared by Strausser Surveying and Engineering, Inc. Drawing No. 11010030, dated March 14, 2011, Sheet 1 of 1 (Exhibit A-1) are granted subject to the following conditions: 1) No portion of any off-street parking space within the westernmost parking lot shall be located nearer than 10 feet to the right-of-way line of Columbia Avenue. 2) No off-street parking space shall be located such that any necessary turning or backing movement of a regular full sized passenger vehicle from either parking lot would occur within five feet of the cartway of Columbia Avenue. 3) The Applicants shall provide a landscape screen in accordance with the standards contained in the Zoning Ordinance within the area between the easternmost parking and the adjoining property owned by Murry Companies Sher-Wal, Inc. 4) The Applicants shall at all times comply with and adhere to the plans, Exhibits and all other evidence presented to the Board of Applicant or on her behalf at the

hearing held on August 3, 2011. 5) The Applicants shall comply with the requirements of PennDOT for the design and improvement of all vehicular accesses to the Property. 6) The Applicants shall comply with all other applicable governmental rules, ordinances and regulations regulating the construction, use and occupation of the proposed development. Mr. McManus stated there is a minor typo under Condition #4 is "by Applicants or on their behalf". Brandon Clark seconded the motion and the motion carried unanimously.

#### New Business

Case #3-11 – The application of Robert and Marita Charles property at 2939 and 2937 Charlestown Road, Lancaster, PA, 17603, Account Nos. 410-63450-0-0000 and 410-70919-0-0000 for variances of Section 202.5.1 – Lot Area Requirements and Section 202.6 – Minimum Lot Width (175'). The applicant wishes to do a lot add-on plan but the new lots cannot meet lot area and lot width requirements. The properties are located in the Rural (R) Zoning District. Mr. Wenzel turned the meeting over to Mr. McManus.

The Applicants were present and Grant Smith, Registered Landscape Architect with Rettew, was present on their behalf. Mr. McManus asked that Mr. Ott, the Applicants and their consultant be sworn. Mr. Ott stated that he is employed as the Zoning Officer for Manor Township and in that capacity he administers applications that come before the Zoning Hearing Board. Mr. Ott stated that he received the Application #3-11 of Robert and Marita Charles. Mr. Ott advised the Board that he published the notice of the time, date, place and subject matter in the Lancaster Newspapers on August 24 and 31, 2011. Mr. Ott provided the Proof of Publication. Mr. Ott posted the property that is the subject of this Application with notice of the time, date, place and subject matter on August 19, 2011 that is the same language as the noticed placed in the Lancaster Newspaper. Also on August 19, 2011, Mr. Ott posted notice of the time, date, place and subject matter on the bulletin board in the Township Lobby which is visible from the outside. The Application received by Mr. Ott was submitted on a standard Township Application Form and was accompanied by a 1 page 7 numbered paragraph narrative. A list of adjoiners was attached to the Application and Mr. Ott sent notices to the list of adjoiners. A plan prepared by Rettew Associates entitled Concept Sketch for Bob Charles dated 6/20/11 Sheet #1 of 1 Drawing #10-09090-001 was attached to the Application. The Application was marked Exhibit #1, Proof of Publication marked Exhibit #2 and for reference sake the Sketch Plan was marked Exhibit #1A. There was no questions concerning the manner the hearing was advertised and notice posted.

Grant E. Smith, from Rettew Associates, stated that before the Board is two variance requests for Bob and Marita Charles. Exhibit #1A is the actual Sketch Plan showing two things. The Charles's live on a lot at 2939 Charlestown Road property which contains 20,686 square feet and also own 2937 Charlestown Road property which contains 2.027 acres. The lot they live on has an existing dwelling and shed in the rear yard. The property at 2937 Charlestown Road has an existing dwelling, driveway and a driveway that goes to the farm behind them owned by Ken Charles. The applicant is proposing to extinguish the lot line around the existing lot for 2939 Charlestown Road and in substitution for that create a new lot line around the existing house and capture the existing drain field for the house that is now on 2937 Charlestown Road. The new lot area which would be the old lot for 2939 and the remaining portion of the lot that was part of 2937 to create a new lot area of 1.80 acres. The new lot that would be 2937 would be .75 acres. Mr. Smith stated that we are before the Board for two forms of relief. One is for lot area. Under the Rural Zoning District, there is a requirement that the lot area expand depending on the performance of the soils and the background nitrates that are in the ground water. The other relief is that we are trying to equitably take the limited frontage that they have and break it between the two lots. Mr. McManus asked that the 2937 property be referred to as Lot 2 and 2939 property Lot 1. Mr. Smith stated that they cannot meet the required lot width of 175 feet on either of the two lots but are trying to get close by creating a 136.84 foot width on Lot 1 and 153.72 on

Lot 2. Mr. McManus asked Mr. Smith to trace what the proposed Lot 2 will be. Mr. Smith stated that there is no new construction or driveways proposed. The applicant is trying to better the situation because the lot at 2937 Charlestown Road currently is only .47 acres and this lot now referred to as Lot 2 will be .75 acre. Mr. Smith talked about the nitrates in the area. Mr. Smith presented a table that works the math as far as how large these lots would have to be to in order to meet the Ordinance. The chart was marked Exhibit #3. Mr. Smith gave an explanation of the chart. The existing wells and septic systems on the lots are functioning.

Mr. Wenzel asked Mr. Smith to briefly explain Exhibit #3. Mr. Wenzel asked if they had considered doing a hydro study. Mr. Smith stated that they had considered it, but when they found out how far off the chart that they were they thought it was futile to do it. Mr. Wenzel had questions regarding hydro studies.

Ms. Douglas asked Mr. Smith to explain the right-of-way for the driveway. Mr. Smith advised her that if they are successful with the Zoning Hearing, they will need to go through subdivision and at that point they would need to show that they have a formal right-of-way agreement.

Mr. Clark questioned the drain fields and Mr. Smith pointed out the location of them on the plan.

Mr. McManus clarified that they are proposing no new improvement, maintaining two dwellings on the two lots and just reconfiguring the lots. Mr. McManus asked if the manner in which they are proposing to reconfigure the lots would not adversely affect the disposal of sewage on each lot and Mr. Smith stated that there will be no adverse affect. Mr. McManus asked if it will be improved. Mr. Smith advised him that it improves it to the extent that they know where the systems are and that the systems are captured on their particular lots. Mr. McManus clarified that both sites are served by on site water and questioned if the wells are regularly tested. Mr. Charles advised him that the well was tested recently and there was no problem. Mr. McManus asked when the buildings were constructed. The Charles home was constructed in 1962 and on the other lot, the home was built in approximately 1868. Lot 2 will be reduced in size. Mr. McManus asked if the 1868 home is leased. Mr. Charles stated that it is presently vacant but will be leased. Mr. McManus asked if the sewer system has been permitted for single family dwelling usage. Mr. Charles advised him that the septic system was installed ten years ago on Lot 2. The septic system for Charles home is the original system. Mr. McManus clarified that the larger lot will be the lot with Charles home. Mr. McManus asked with respect to any required setbacks other than the minimum lot width, does the applicant either comply or have a non-conforming status and Mr. Smith stated yes. Mr. Charles pointed out by increasing his lot, it will be more desirable and both lots will be more desirable if he would wish to sell. Mr. McManus noted that he plan shows the Charles lot contains two deeds or portions of deeds. Mr. McManus asked if it is one deed and Mr. Charles stated that it is one deed.

There being no further questions Mr. Wenzel stated a decision will be rendered October 5, 2011 at 7:00 p.m. The hearing was adjourned at 7:45 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer

Manor Township Zoning Hearing Board Minutes

Wednesday, October 5, 2011

Time: 7:00 P.M.

The Manor Township Zoning Hearing Board met on Wednesday, October 5, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA 17603. Chairman John Wenzel introduced the Board Members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Brandon Clark  
Township Officials Present: Bruce Ott and James McManus  
Visitors Present: Grant Smith, Rettew Associates  
Bob & Marita Charles, 2939 Charlestown Road

Minutes

There were no additions or corrections to the September 7, 2011 minutes and Mr. Wenzel stated the minutes stand approved as distributed.

Old Business

Case #3-11 – The application of Robert and Marita Charles property at 2939 and 2937 Charlestown Road, Lancaster, PA, 17603, Account Nos. 410-63450-0-0000 and 410-70919-0-0000 for variances of Section 202.5.1 – Lot Area Requirements and Section 202.6 – Minimum Lot Width (175’). The applicant wishes to do a lot add-on plan but the new lots cannot meet lot area and lot width requirements. The properties are located in the Rural (R) Zoning District. Testimony was closed at last month’s meeting and the Board will render a decision. Mr. Wenzel asked if there was a motion.

Mr. Clark moved that the variances to the minimum lot area (Section 202.5.1) and minimum lot width (Section 202.6) provisions of the Zoning Ordinance to allow for the reconfiguration of two lots in accordance with and as set forth on a plan entitled Concept Sketch for Bob Charles, prepared by Rettew Associates, Inc., Drawing No. 10-09090-001, dated 6/20/11, Sheet 1 of 1(Exhibit 1-A) on the property of Robert Charles and Marita Charles located at 2937 (“Lot 2”) and 2939 (“Lot 1”) Charlestown Road, Lancaster, Pennsylvania are granted subject to the following conditions: 1) The Applicants shall at all times comply with and adhere to the plans, Exhibits and all other evidence presented to the Board by the Applicants or on their behalf at the hearing held on September 7, 2011. 2) The Applicants shall comply with all other applicable governmental rules, ordinances and regulations regulating the use and occupation of the dwellings on the proposed reconfigured lots. Any violation of the conditions contained in this Decision shall be a violation of the Zoning Ordinance and shall be subject to the penalties and remedies as set forth in the Pennsylvania Municipalities Planning Code. The foregoing Decision shall be binding upon the Applicants, their successors in interest and assigns. Mr. Douglas seconded the motion and the motion carried unanimously.

Mr. Wenzel stated that next month’s meeting will be November 9<sup>th</sup>. The meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Brandon Clark  
Secretary

Recording Secretary  
Evelyn Rineer



## Manor Township Zoning Hearing Board Minutes

Wednesday, December 7, 2011

Time: 7:00 P.M.

The Manor Township Zoning hearing Board met on Wednesday, December 7, 2011 at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman John Wenzel introduced the Board Members and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: John Wenzel, Barbara Douglas and Bradley Singer  
Township Officials Present: Bruce Ott and James McManus  
Visitors Present: Steve & Kathryn Opresko, 2733 Sherwood Lane  
Daryel Sensenig, Zephyr Thomas  
Brad Thomas, Zephyr Thomas  
Jessica Thomas, Zephyr Thomas

### Minutes

There were no corrections or additions to the October 5, 2011 minutes; therefore, the minutes were approved as distributed.

### New Business

Case #4-11 – The application of Stephen T. & Kathryn M. Opresko, property located at 2733 Sherwood Lane, Lancaster, PA 17603, Account No. 410-46232-0-0000 for a variance Section 204.4 – Design Standards – Single family detached dwelling minimum rear yard setback of 30 feet. The new addition to the dwelling is not a minimum of 30 feet at all places from the rear property line. The property is located in the Medium Density Residential (RM) Zoning District. Mr. Wenzel turned the meeting over to Mr. McManus.

Mr. McManus asked if the applicants were present along with representatives of Zephyr Home Improvement who were Daryel Sensenig, Brad Thomas and Jessica Thomas. Mr. McManus asked that Mr. Ott, the applicants and the personnel from Zephyr Home Improvement Company be sworn in. Mr. McManus stated for the record other than the applicants and their representatives, there were no other persons in attendance from the public. Mr. McManus asked Mr. Ott to state his name and how he is employed. Mr. Ott stated his name and stated that he is employed by Manor Township as the Zoning Officer and in that capacity receives applications that come before the Zoning Hearing Board. Mr. McManus stated the Application before the Zoning Hearing Board is prepared on a standard Township Application form and Mr. Ott verified that was correct. The name of the Applicants on the form is Zephyr Thomas Home Improvement Company and the actual Applicants are Stephen and Kathryn Opresko, who are also the owners of the property. Mr. McManus advised the Board, unless there is an objection, that the Application will be referred to as the Opresko Application. Mr. Ott stated that the time, date, place and subject matter of this application was advertised in the Lancaster Newspaper on November 23rd and 30th, 2011. Mr. Ott provided the proof of publication. Mr. Ott personally posted the property with notice of the time, date, place and subject matter on November 18<sup>th</sup>. In addition, notice of the time, date, place and subject matter was posted on the bulletin board in the front Lobby. The notice discussed is the same notice included in the Proof of Publication that was referred to. The Application is prepared on a standard application form provided by the Township and as submitted filled out and signed by Jessica Thomas. Mr. McManus stated that the application consisted of 29 pages and asked that each page be numbered starting with the first page with Zephyr Thomas Home Improvements as the heading. Mr. Ott provided notice to the adjoining property owners of the time, date, place and subject matter and the names appear on Page 21 of the application. The Application

was marked Exhibit #1 and Proof of Publication was marked Exhibit #2. Mr. McManus noted the application is not signed by the property owners or the actual applicants but by Jessica Thomas. Mr. McManus asked the Applicants if the application was prepared at their direction and with their consent. Mr. & Mrs. Opresko stated yes. Mr. McManus verified the signature of Jessica Thomas is an authorized signature as their agent and the Opresko's stated yes.

Daryel Sensenig, with Zephyr Thomas Home Improvement Company, presented the plan. Mr. Sensenig advised the Board that there is a correction in Mrs. Opresko's first name indicating it should be Kathryn with a "K". Mr. Sensenig began with Page 3 of the Application stating Mr. & Mrs. Opresko reside in a single family residential home with public sewer and water. They plan to construct a new 13' x 26' room addition and 12' x 10' concrete pad to the rear of their home. We are requesting a variance from Section 204.4 for a minimum of 2.21' that will provide relief to build this addition. The purpose for this addition is to add functionality and ease of use of their home due to some health concerns. Mr. Opresko has had recent knee surgeries and is unable to continue to use the stairs. Mrs. Opresko has several health concerns and is currently on disability. This addition will create a one floor living area to accommodate their needs. The addition will include a bathroom and laundry area to easily access. Mr. & Mrs. Opresko are not creating a hardship, they are only pursuing a way to live more easily and comfortable with their health concerns while being able to remain in their home. In reference to 605.4 of the Zoning Ordinance, we find that the property has unique physical circumstances due to the lot shape that causes the rear corner of the addition to protrude 2.21' into the rear setback line. With observing the attached map of Wilshire Hills, you can see that all of the surrounding properties as well as the other properties in the neighborhood have fairly straight and simple property lines. The property at 2733 Sherwood Lane has a deep triangular cut down into the rear yard line. This cut is the only portion of the lot that affects the setback of the new addition. The exact layout of the addition was determined to try to avoid various obstacles on the rear of the home. The addition needs to be set with the doorway of the rear of the home being used as the entryway into the new addition. The doorway was moved as close to the bathroom wall as possible to keep the addition in the rear setback. This doorway cannot be moved in the rear house wall due to access into the basement. The other obstacle is the electrical meter and post on the rear of the home which protrudes through the roof to avoid costing the customer thousands of additional dollars and from doing major changes to the rear wall of his home. The placement of the bathroom portion of the addition was determined by where the plumbing is located in the existing home, and where we would be able to tie that plumbing into on the addition. We will not be exceeding the 35% lot coverage needed for the Zoning District. We have checked the lot coverage of the property and determined that we will be 25% lot coverage including the new proposed addition. The addition to the home will not alter the essential character of the Zone or neighborhood in which the property is located. The addition will not impair any of the adjacent properties. The addition will tie in with the existing home and "look as though it has always been there". There will be plenty of room between the addition and the neighboring properties that it will not affect them in any way. This property is not located within the Floodplain Zone.

Mr. Wenzel asked if they had looked into moving the electrical pole. Mr. Thomas referred to Page 17 of the application and the top photograph that showed the electric pole and the doorway edge. Mr. Thomas talked about the various scenarios they had looked at. Even with moving the electric pole, they would still have some other problems. Mr. Wenzel had questions on the location of the doorway. Mr. Thomas referred to Page 10. Jessica Thomas added information regarding the doorway. The doorway is lined up and leads directly to the basement door and that is their only way of access to get furniture out of the basement and if the door was moved, they would be unable to move furniture from the basement. The doorways need to be in line with the basement door.

Mr. McManus asked what the size of the lot was. Ms. Thomas stated that the only information she had is from the Lancaster County web site that gives 1.11 taxable acres. Mr. McManus did not

believe the lot was close to an acre. Mr. Ott advised them that the County Assessment Office information looks to be wrong on this lot. Mr. McManus stated taking the dimension of 115' and the largest frontage dimension including all the radii along Sherwood Lane and if the lot was squared off, the dimensions would be something more than what is shown, which is roughly 13,450 square feet and this lot is not that large. Mr. McManus asked if it is fair to say that this lot exceeds 10,000 square feet and Mr. Thomas stated yes. Mr. McManus stated a search of the County records would show the lot area if it is described and recited in a deed of record and Mr. Thomas stated that would be fair to say. Mr. McManus asked if the area that encroaches into the required rear yard setback is really a small corner of the proposed addition and he was informed that was correct. Mr. McManus asked what the measurements were of the triangular piece that encroaches. Mr. Thomas advised Mr. McManus that if you are standing in the rear yard facing the addition, the right side of the proposed addition going back towards the house is 2.47 feet and going across the face of that addition it is 4.99 feet. Mr. McManus stated his calculations tell them that the triangular portion of the encroachment the 2 sides are approximately 2 ½ feet by 5 feet and the actual area within that triangle would be roughly 6 ¼ square feet. Mr. McManus arrived at that by multiplying 5 x 2.5 and that would be equal to a square of that size and then half of that would be the triangular portion. Mr. McManus asked if the lot is served by public water and sewer and he was informed it is. Mr. McManus asked if to Mr. Thomas's knowledge in all the respects, did the use of this lot and the location of all the improvements conform to the requirements of the Zoning Ordinance and Mr. Thomas stated yes. Mr. McManus verified that this was a single family detached dwelling. Mr. McManus stated that the hardship is that this lot is unique in the development because of its irregular rear yard configuration and Mr. Thomas stated yes. Ms. Thomas stated that they did a letter in courtesy to the neighbors shown on Page 24 thru 29 requesting their approval with the addition and that they have every property owner sign off with their approval. Mr. McManus asked if Zephyr Thomas is the general contractor for this proposed addition and they stated yes. Mr. Thomas provided the Board with the last letter of approval that was received from one of the neighbors.

There was no further testimony. Mr. Wenzel stated the decision will be rendered on January 4, 2012 at the same time and place. The hearing was adjourned at 7:35 pm.

Respectfully submitted,

Barbara M. Douglas  
Secretary

Recording Secretary  
Evelyn Rineer

Manor Township Traffic Commission Minutes

Wednesday, January 26, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, January 26, 2011 at 8:35 a.m. in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris called the meeting to order and led the Pledge of Allegiance to the Flag.

Members Present: Mark Harris, Jay Breneman and Todd Graeff

Staff Present: Barry Smith

Reorganization

Mr. Breneman made a motion to retain the same officers for 2011. Chief Graeff seconded the motion and the motion carried unanimously.

Old Business

Mr. Harris advised that the "No Parking" signs were placed on the section of Knollwood Road off Letort Road to the second intersection with Cartledge Lane. Mr. Harris advised that a sign "No Parking Here to Corner" was placed on the second Cartledge Lane 30 feet west of the intersection of the second Cartledge Lane and Knollwood Road.

New Business

Mr. Harris stated that an e-mail was received by the Traffic Commission from John Pyfer requesting that they consider posting Richmond Road with "No Parking" signs in the area between Stratford Road and Hawley Drive. The Traffic Commission members have driven through the area on numerous occasions to look at the situation. After discussion, it was a unanimous decision that there was not a problem with parking in the area and no action would be taken. Chief Graeff will contact Mr. Pyfer and advise him of the Commission's decision.

Chief Graeff commented that when pulling from West Fairway Drive looking to the left there is a visibility problem when vehicles are parked along Millersville Road. The vehicles are parked outside of the "No Parking" area but the vehicles still create a visibility problem. There was general discussion regarding the visibility problem in that area. Mr. Harris stated that is a State Road and he would try to find out the history behind the existing "No Parking" signs.

There being no further business Mr. Breneman made a motion to adjourn the meeting. Chief Graeff seconded the motion and the meeting was adjourned at 8:50 a.m.

Respectfully submitted,

Todd A. Graeff  
Secretary

Recording Secretary  
Evelyn Rineer

## Traffic Commission Minutes

Wednesday, February 23, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, February 23, 2011 in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris called the meeting to order and led the Pledge of Allegiance to the Flag.

Members Present: Mark Harris and Todd Graeff

Member Absent: Jay Breneman

### Old Business

Mr. Harris advised he had reviewed the previous minutes of the Traffic Commission meetings and has not found any reference to the placement of "No Parking" signs along the west side of Millersville Road. Residents who live in the area indicate there were no parking signs in the area but there was no documentation found in the Traffic Commission Meeting minutes indicating authorization to place "No Parking" signs along Millersville Road.

Chief Graeff made a motion to replace "No Parking" signs that are missing between Stonemill Road and Fairway Drive. Mr. Harris seconded the motion. Chief Graeff amended the motion to include the erection of "No Parking" signs on both sides of Millersville Road to Charlestown Road as needed. The motion carried unanimously.

### New Business

Chief Graeff advised that he sent an e-mail to Jon Knaub regarding a Mardi Gras party that is being organized by students from Millersville University to be held on March 25, 26 & 27 in the area of Brookwood, Wellness, E-Courts, Prince Street and everywhere. The attendance at the event is estimated to be 2,000 plus people. There is the possibility the event will flow into Manor Oaks and Westwood Green areas. Chief Graeff is requesting temporary "No Parking" signs or the temporary closing of roads. Chief Graeff will contact Westwood Green Homeowner's Association and advise them there is possibility roads may be temporarily closed

Chief Graeff made a motion to close access points to Manor Oaks and Westwood Green as the situation requires and the Police take it upon themselves to put the signs in place as needed. Mr. Harris seconded the motion and the motion carried unanimously.

Mr. Darrankamp who lives in Manor Oaks expressed a concern regarding vehicles parking too close to the intersection of Cartledge Lane and Bradford Street. After discussion, Chief Graeff made a motion to place "No Parking From Here to Corner" sign on the west side of Bradford Street where it intersects with Cartledge Lane.

The meeting was adjourned at 8:45 a.m.

Respectfully submitted,

Todd A. Graeff  
Secretary

Recording Secretary  
Evelyn Rineer

Manor Township Traffic Commission Minutes

Wednesday, April 27, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, April 27, 2011 at 8:30 a.m. in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris led the Pledge of Allegiance to the Flag.

Members Present: Mark Harris, Jay Breneman, Todd Graeff

New Business

Mr. Harris indicated they have received a request from Albert Knepp, Maintenance Director with LASA for Deer Crossing sign in the area of the LASA Treatment Plant on Blue Rock Road. After discussion, Chief Graeff made a motion that they do not place the requested Deer Crossing sign on Blue Rock Road. Mr. Breneman seconded the motion and the motion carried unanimously. Mr. Harris asked Chief Graeff to contact Mr. Knepp and inform him of their decision.

Mr. Harris advised for information purpose he had received an e-mail from Andy Boxleitner, Millersville Borough, informing them Millersville Borough is planning a total reconstruction of W. Frederick Street between Shenks Lane and S. Prince Street. Millersville Borough is proposing a detour from Shenks Lane to Crossland Pass to S. Duke Street. Traffic entering Millersville from Letort Road would also use the same route. Sections of Shenk Lane and Crossland Pass are in Manor Township, therefore, they are requesting use of these roads for their detour. The anticipated dates for the closure are July – November 2011. The Commission did not have any objections regarding the proposed detour. Mr. Harris expressed appreciation for the notification that was given to them.

There being no further business Mr. Breneman made a motion to adjourn the meeting. Chief Graeff seconded the motion and the meeting was adjourned ad 8:45 a.m.

Respectfully submitted,

Todd A. Graeff  
Secretary

Recording Secretary  
Evelyn Rineer

Traffic Commission Minutes

Wednesday, June 29, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, June 29, 2011 in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris called the meeting to order and led in the Pledge of Allegiance to the Flag.

Members Present: Mark Harris and Jay Breneman

Members Absent: Todd Graeff

Old Business

None.

New Business

Mr. Harris stated that he received an e-mail from Lisa Noguerras of 1801 Ursinus Avenue that asked the Traffic Commission to consider no parking signs on the west side of Dickinson Avenue between Columbia Avenue and Ursinus Avenue. Mr. Harris reported that he made a visit to the site and spoke to the homeowner. Mr. Harris also contacted the Manor Township Police Department and Officer Matthew Wolf confirmed the issue created with parking on both the east and west side of Dickinson Avenue. Mr. Harris made a motion to install and post "No Parking This Side of Street" on the west side of Dickinson Avenue between Columbia Avenue and Ursinus Avenue. Mr. Breneman seconded the motion. The motion carried unanimously.

Mr. Harris stated he received a call from Susan Weaver who lives in Wilshire Hills requesting Goose Warning signs to be posted on South Centerville Road. The discussion was tabled until the next meeting.

The meeting was adjourned at 8:45 A.M.

Respectfully submitted,

Mark A. Harris

Chairman

## Manor Township Traffic Commission Minutes

Wednesday, July 27, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met Wednesday, July 27, 2011 at 8:30 a.m. in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Mark Harris, Jay Breneman and Todd Graeff

### Old Business

Mr. Harris stated as a result of a complaint regarding parking problems on Dickinson Avenue, signs have been erected on the west side of Dickinson Avenue between Columbia Avenue and Ursinus Avenue "No Parking This Side of Street".

Mr. Harris stated last month they had received a request from Susan Weaver for Goose Warning signs to be placed on South Centerville Road. Mr. Harris advised they have also received an e-mail from Ruth Davis, Ironstone Ridge Road, expressing concerns regarding the safety of the geese crossing South Centerville Road and would like to see a Geese Crossing sign in that area. Mr. Harris also advised there was an individual at the Supervisor's meeting who expressed concerns for the geese. After discussion, it was the consensus of the Commission that signs would not be observed by motorist and will not prevent geese from being hit. Mr. Breneman made a motion to deny the request for geese warning signs. Chief Graeff seconded the motion and the motion carried unanimously. Mr. Harris will contact the individuals and advise them of the Commission's decision.

### New Business

A request for a handicap parking space at 905 W. Fairway Drive was made by Mary Snyder who lives at 905 W. Fairway Drive, Apt. B. There is a handicap parking space at 907 W. Fairway Drive and Ms. Snyder is requesting that space be moved to 905 W. Fairway Drive. After discussion, Chief Graeff made a motion to deny the request. Mr. Breneman seconded the motion and the motion carried unanimously.

An e-mail was received from the Manor Oaks Homeowner's Association requesting speed bump on Knollwood Road. Mr. Harris advised he has responded to that e-mail informing the Association that the Township does not place speed bumps on Township Roads. Mr. Harris informed the Homeowner's Association that if he was given an address he would place a traffic counter at that location. To date, Mr. Harris stated he has not received an address.

The Manor Oaks Homeowners Association has also made a request to have permit parking which they feel would help with the parking problem. After discussion, Chief Graeff made a motion to deny the request for permit parking. Mr. Breneman seconded the motion and the motion carried unanimously.

There being no further business Chief Graeff made a motion to adjourn the meeting. Mr. Breneman seconded the motion and the meeting was adjourned at 8:50 a.m.

Respectfully submitted,

Todd A. Graeff  
Secretary

Recording Secretary  
Evelyn Rineer



## Manor Township Traffic Commission Minutes

Wednesday, September 28, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, September 28, 2011 at 8:30 a.m. in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Mark Harris, Todd Graeff and Jay Breneman

Visitor Present: Susan Sheeler, Resident of Woods Edge

### Old Business

Mr. Harris stated at the July meeting there was numerous requests looked at from the Manor Oaks Homeowners Association. Mr. Harris indicated there was a traffic count completed in Manor Oaks from August 22 thru August 28. There is a 25 mph speed limit and the data indicates there is not an issue with speeding in the development. Mr. Harris indicated he would advise the Manor Oaks Homeowner's Association that the data compiled indicates there is not a speeding issue.

In response to an e-mail, Mr. Harris advised he set the traffic counter up between Eagle Path and Rohrer Road from September 9 – 16. The area is posted 35 mph speed limit and Mr. Harris provided the data from that study. Mr. Harris stated Chief Graeff may want to look at that area for enforcement.

Mr. Harris stated he had sent an e-mail to Chief Graeff requesting that Officer Gardner completes a traffic study for White Chapel and Stone Creek Roads. Chief Graeff stated Officer Gardner recommends that all streets identified in his study be posted with 25 MPH Speed Limit that is consistent with the current speed limit throughout the development and based on the current design of the roadways. The following streets were requested to be studied: 1) Stonemill Road from South Centerville Road to dead end; 2) White Chapel Road from Stonemill Road to Stone Creek Road and; 3) Stone Creek Road from Stonemill Road to White Chapel Road. In addition to the posted speed limit Officer Gardner examined the 28 foot roadway width of White Chapel Road. Officer Gardner recommends that due to reduced lane width a "No parking Zone" should be established along the west side of the roadway.

Mr. Harris pointed out that Stone Creek Road is also 28 foot wide and should have the "No Parking Zone" located on the east side and Chief Graeff advised they could make that part of the motion. Mr. Harris advised that they need a study for stop intersections at White Chapel and Stone Mill and Stone Creek Road and Stone Mill.

Susan Sheeler, Woods Edge, expressed concerns regarding parking and Mr. Harris advised he felt it is reasonable for "No Parking" on Stonemill Road to a point to be determined as well as Stone Mill Road and South Centerville Road to White Chapel to be consistent. Mr. Harris is not in favor of no parking on Stone Creek Road. Ms. Sheeler had questions regarding signage on private roads.

Mr. Harris advised they would like Officer Gardner to look at stop intersections at White Chapel and Stone Creek Road and Stone Creek and Rowley Lane.

Mr. Harris made a motion that the new portion of White Chapel be posted 25 MPH, post "No Parking" on the west side of White Chapel and the east side of Stone Creek, stop intersection at Stone Creek and Stone Mill Road, stop intersection at White Chapel and Stone Mill and "No Parking Here to Corner" on the east side of White Chapel and on the west side of White Chapel from Stone Mill to point

to be determined post “No Parking”. Mr. Breneman seconded the motion and the motion carried unanimously.

#### New Business

E-mail from Frank Rizzo regarding a stop intersection at Fieldgate Drive and Farmstead Drive. Mr. Harris stated this is a “T” intersection. It was decided they would table this agenda item until more data is received. Mr. Harris advised he will place a traffic counter in the area and have the data for the next meeting.

Request for a handicap parking – The parking space request is for 1606 Columbia Avenue which is located on the raised portion that runs between Cornell and Princeton Avenue. Mr. Harris described the street and stated parking is very limited. It was agreed to table the matter until they had more information. Chief Graeff will e-mail the resident requesting additional information.

Request for “Watch Children” on Hawthorne Drive – Chief Graeff advised the address is 230 Hawthorne Drive. The request is for a sign at the corner of Manor Ridge and Hawthorne Drive. It was agreed to table the request and they would go out and physically look at the area.

Letter from Woods Edge Homeowner’s Association - Mr. Harris referred to Page 3 of the letter asking if there was any further discussion on restricted parking on Stone Mill Road. Ms. Sheeler expressed concerns with construction trucks and asked if something can be done temporarily. Mr. Harris does not feel there should be any recommendations for temporary parking but would rather have dialogue with Mr. Murry regarding the parking of the construction vehicles off the roads.

Mr. Harris made a recommendation to restrict parking on Stone Mill Road between S. Centerville Road and White Chapel on both sides of the street. Mr. Breneman seconded the motion and the motion carried unanimously.

The letter indicates it is suggested “No Parking” be posted on the pond side of Stone Creek Road starting at the entrance of South Centerville Road and continuing past the Villa’s at Sutherland, and continuing past intersection of White Chapel and Stone Creek Road and to the intersection of Stone Mill and Stone Creek Roads. Pictures attached identify existing no parking from S. Centerville Road to the pond and two vehicles causing hazardous conditions on the corner of Stone Creek by the side of the Farm House. Mr. Harris pointed out that from his perspective there is not a parking issue on Stone Creek Road. If there is an issue where White Chapel comes out to Stone Creek, with parking to close to the intersection, then they need to look at that. Mr. Harris stated he likes the parking on Stone Creek because people can park there and access the wetlands. Mr. Harris asked if the Traffic Commission would like him to look at the three intersections Pine Bridge to South Centerville the sweeping curve, White Chapel at Stone Creek and Stone Creek at Stone Mill Roads and report on them next month. Mr. Harris will report his findings at next month’s meeting.

The meeting was adjourned at 9:10 a.m.

Respectfully submitted,

Todd A Graeff  
Secretary

Recording Secretary  
Evelyn Rineer



## Manor Township Traffic Commission Minutes

Wednesday, October 26, 2011

Time: 8:30 A.M.

The Manor Township Traffic Commission met on Wednesday, October 26, 2011 at 8:30 am in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA. Chairman Mark Harris led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Mark Harris and Todd Graeff  
Member Absent: Jay Breneman  
Visitors Present: Lauren Manelius, 238 Hawthorn Dr  
Kathy Breidenbaugh, 2038 Hemlock Rd  
Quay Hanna, 2033 Manor Ridge Dr.

### Old Business

Mr. Harris advised that last month they requested Officer Gardner to do a traffic study for several intersections in the Woods Edge Development. Chief Graeff presented Officer Gardner's report noting that the study was to examine the streets which have been expanded in the current phase of development and identifies new streets which have recently been constructed. In addition to the recommendations previously submitted for this section of the development, Officer Gardner recommends that Stop Signs be placed at Stonecreek Road at Stonemill Road, White Chapel Road at Stonemill Road and White Chapel Road at Stonecreek Road. Officer Gardner reported that due to the reduced lane width a No Parking Zone should be established along the roadway and the sign locations should be consistent with any existing signs that have been previously posted. Mr. Harris made a motion to accept Officer Gardner's report. Chief Graeff seconded the motion and the motion carried unanimously.

Mr. Harris stated regarding the request for a stop sign at Fieldgate Drive and Farmstead Drive that request will be tabled until a future meeting. The traffic counter is not working and Mr. Harris has been unable to obtain the information needed to make a decision regarding the stop sign.

Regarding the request for handicap parking at 1606 Columbia Avenue, Chief Graeff advised he e-mailed the individual who made the request asking for additional information and he has not received a response from them to date. This request will be tabled until they received the additional information that has been requested.

Request for Watch Children sign on Hawthorn Drive - Lauren Manelius, 238 Hawthorn Drive, advised she is withdrawing the request for Watch Children signs and instead is asking for speed humps. Ms. Manelius was informed that the Township does not install speed humps and Mr. Harris explained the Township's view on speed humps.

Request for No Parking in Woods Edge – Mr. Harris stated there was an additional request for No Parking on Stone Creek between Langley Square and Pine Bridge Lane, White Chapel and Stone Creek and Stone Creek and Stonemill Road. Mr. Harris and Chief Graeff felt that parking was not an issue in these areas. Mr. Harris made a motion to deny the request for No Parking at the three requested intersections. Chief Graeff seconded the motion and the motion carried unanimously.

### New Business

An e-mail was received from Mr. Hanna regarding the intersection of Manor Ridge and Hawthorn Drive requesting a 4 way stop at that intersection. Mr. Hanna stated he is representing four families who are also concerned about the intersection. Mr. Hanna stated that their children wait at

this intersection for the school bus and while waiting for the bus they have observed that it is a dangerous intersection. Ms. Manelius pointed out that speed humps would help slow traffic down that may be a benefit for this intersection. There was discussion on 4 way stop intersections and speed humps after which Mr. Harris stated when the traffic counter is repaired he will place it at that intersection which will give them accurate information for that intersection. Mr. Harris made a motion to do a traffic study at Manor Ridge and Hawthorn Drive regarding a 4 way stop intersection. Chief Graeff stated he will seconded the motion if Mr. Harris would amend it to say they would do a traffic study and place the traffic counter at the intersection. Mr. Harris amended the motion and Chief Graeff seconded the motion. The motion carried unanimously.

The meeting was adjourned at 9:05 a.m.

Respectfully submitted,

Todd A. Graeff  
Secretary

Recording Secretary  
Evelyn Rineer

## Park and Recreation Meeting Minutes

Monday, January 24, 2011

Time: 7:30 P.M.

Chairman Ed Rand called the meeting to order at 7:30 p.m. in the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, PA. He led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Ed Rand, Karla Vinson, Maria Cattell, Elizabeth Leaman and Maher Hattar  
Absent: Kyle Ream and Courtney Barry

### Reorganization

After discussion on the procedure for the reorganization, Mr. Rand turned the meeting over to Secretary Elizabeth Leaman. Ms. Leaman asked for nominations for Chairman. Ms. Vinson nominated Ed Rand for the position of Chairman. Ms. Leaman seconded the nomination and the nomination was unanimous. Ms. Leaman turned the meeting back to Chairman Ed Rand to continue the reorganizational meeting. Mr. Rand asked for nominations for Vice Chairman. Ms. Leaman nominated Courtney Barry. Ms. Cattell seconded the nomination and the nomination was unanimous. Ms. Vinson nominated Elizabeth Leaman for the position of Secretary. Mr. Hattar seconded the nomination and the nomination was unanimous.

### Minutes

Ms. Cattell made a motion to approve the October 25, 2010 minutes. Mr. Hattar seconded the motion and the motion carried unanimously.

### Business from the Floor

There was no business from the floor.

### New Business

Mr. Strohecker introduced Mark Harris who is the Public Works Director stating he will be attending some meetings. This meeting they wanted to share upcoming park items in 2011.

Park Tour – Mr. Strohecker asked if the Board was interested in taking a park tour this year and if there were any suggestions for the parks they wanted to include in the tour. Mr. Strohecker asked if there was interest in visiting neighboring parks. Everyone present expressed interest in taking a park tour of Township Parks and neighboring parks, if the neighboring parks had some distinctive feature. Ms. Cattell stated she had heard that Manheim Township wanted to have a native plant garden and she felt that would be worth looking into. Mr. Strohecker suggested that they could narrow the Township Parks down to certain parks they had questions about and would solicit suggestions for visitation of neighboring parks.

Update on Parks - Mark Harris advised that the Christmas tree program that was started by the Board years ago has grown and to date they have processed 1,500. The mulch from the trees is used in the Township Parks. Mr. Harris brought the Board up to date regarding renovations that have been completed in the parks and things that will be taking place this year. Mr. Harris stated the walking paths are the most popular use of the parks. Trees have been removed in Greider Park and trees have been planted so there will be shade when trees need to be removed in the future. Since the Board toured Manor View Park the Public Works Department has constructed playgrounds, installed benches, and planted numerous trees.

In 2011, some of the things being looked at is Creswell Park bulletin boards will be erected and Greider Park will have bulletin boards constructed at the large parking lot to the east of the park. Greider Park is the oldest park maintained in the Township. The pavilion is in need of repair so the Public Works Department plans maintenance on the pavilion and repair work to the original restrooms. There are some problems being experienced in the aging parks with the water lines specifically at Greider Park. Playground equipment has been purchased to install at Manor Township Community

Park. At Creswell Park the baseball field to the south of the Reiber House is being relocated at the expense of the Landfill to the Creswell Park area. The soccer field is being shifted to accommodate the baseball field. There will be a home run fence installed on the field when it is relocated. The Reiber House is being used as a conference center and there is a very minimal parking. When there are ball games vehicles are parked everywhere.

Greider Park Pavilion - Mr. Harris had the master plan for Greider Park to show the Board where the new pavilion will be located. Mr. Harris stated in 1997 when the park was designed there was an anticipation of putting a pavilion in the area off the large parking lot and this year it has been budgeted and agreed upon by the Board of Supervisors to erect the pavilion. The pavilion will accommodate 15 tables. The cost to build the pavilion is \$27,000 and they are using \$8,000 out of the Deferred Revenue Fund. Mr. Strohecker explained what the Deferred Revenue Fund is and how it operates.

Mr. Rand asked if there is a pavilion at the Reiber House. Mr. Harris stated there is a pavilion that has a board that is solar powered and talks about the wind mills and the different energy source. Mr. Harris informed the Board that from what he read in the newspapers it sounds like picnic tables will be placed in it.

Mr. Strohecker advised the Board that the date for the Turkey Hill Country Classic is Saturday, May 7<sup>th</sup>. Mr. Strohecker highlighted several new things for this year. John Haverstick will continue to oversee the running race and Bill Laudien will oversee the bike race. The K 5 race will be dropped and a women's race will be incorporated. There will be a relay race for men and women and the goal is to get 20 relay teams. Mr. Strohecker hopes they will have the same help from the Board and the possibility of even more Board members helping this year. There will be a mascot race and baby derby again this year. WJTL will be present again and will do the Kids Cookie Break. Mr. Strohecker advised he is stepping back from the bike and running races and focusing more on areas such as the fire police on the course, the marshalling on the course and the parking. They are hoping to use the field next to the Bright Bounces for parking. Ms. Leaman felt there could be an improvement on the medal ceremony. Ms. Leaman suggested getting a professional promo pipe and drop backdrop that says Turkey Hill all over it and the pedestals. Mr. Strohecker thought that was a good suggestion and it would be looked at. Mr. Rand questioned if there were pictures sold and Mr. Strohecker stated they did not sell any pictures. Mr. Strohecker advised they did not look at the photographs as a money generator. The pictures were on the Township web site and could be down loaded by an individual. There was discussion on what improvements could be made to make the event even better than before.

There being no further business the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Elizabeth Leaman  
Secretary

Recording Secretary  
Evelyn Rineer

## Park & Recreation Minutes

Monday, October 24, 2011

Time: 7:30 P.M.

The Manor Township Park and Recreation Commission met on Monday, October 24, 2011 in the Manor Township Municipal Building at 950 West Fairway Drive, Lancaster, PA. Chairman Edward Rand led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Edward Rand, Courtney Barry, Elizabeth Leaman, Karla Vinson, Maria Cattell, Maher Hattar and Kyle Ream.

Visitors Present: Christine Brubaker

### Minutes

A motion was made to approve the minutes from the January meeting. The motion was seconded and the motion passed unanimously.

### Business from the Floor

Christine Brubaker stated she is a resident of Manor Township and also Manor Township's LMIC representative appointed by the Supervisors to attend the monthly LMIC meetings that is a Board of twelve individuals involved in land planning. Ms. Brubaker explained the purpose of the LMIC. Ms. Brubaker stated that Skip Rhoades from Millersville Boro contacted Ms. Brubaker and expressed interest in a connection between Millersville Borough Park and Manor Township Community Park by way of a path asking Ms. Brubaker for her assistance in this endeavor. Ms. Brubaker talked about a several paths she had expressed interest in seeing installed but that never occurred. Ms. Brubaker described the area the path would travel across but also pointed out there was private properties in the area that had no interest in people crossing their property. The idea that Mr. Rhoades and Ms. Brubaker came up with was to start at Millersville Borough Park and proceeded to describe the route that would be taken indicating there were several private properties as well as John Herr's Store that some type of easement would need to be obtained. Ms. Brubaker stated there is a true plan to conserve the greenway on both sides of the creek and she is here to help accomplish that. Ms. Barry stated she is involved in the fitness trail program at the Eshleman Elementary School and the school is not interested in connecting trails because they do not want individuals on the school grounds during the school day. Ms. Barry feels the trail is a good idea and the connections would be a good idea for residents of the area. Ms. Brubaker stated she has been promoting these trails since 1980. Ms. Brubaker talked about other trails and the types of easements that are used as well as who maintains them.

### Business from the Floor

Mr. Strohecker gave an update on the Summer Park Program stating they had a record number of children and it was a good year. Mr. Strohecker advised he had many ideas from Courtney Barry that he used in the program and he appreciated her help.

Mr. Strohecker informed the Board that the new pavilion at Greider Park is almost finished and will have electric and a grill.

Ms. Barry questioned if the Board should meet bi-monthly again. Mr. Strohecker the reason to go to quarterly meetings was there was very little business before the Board. Building involving developments is at a standstill and there is nothing really happening in the Township at present. Permits are way down and the permits pulled are small individual construction projects. There are no developments occurring where advice is needed regarding parkland. There was agreement that the Board continue to meet quarterly.

Mr. Strohecker advised the Township has cut every department and finances are on lockdown, therefore, there is very little happening. Mr. Strohecker advised as it relates to Ms. Brubaker's presentation he would caution the Board to be careful where they go with it. If it cost the Township money, the Township does not have it and they are not spending it. Mr. Strohecker stated personnel have been cut in every department and the resources are spread thin. The resources at this time are focused on the rail to trail project and as finances relate to any other trail project it will not happen.

Mr. Rand had questions on the Country Classic and Mr. Strohecker gave an update on the run.

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Elizabeth N. Leaman  
Secretary

Recording Secretary  
Evelyn Rineer