

Manor Township Planning Commission Minutes

Monday, July 11, 2016

7:00 P.M.

The Manor Township Planning Commission meeting was called to order by Chairman Jay Provanzo at the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, Pennsylvania on Monday, July 11 at 7:00 pm. Mr. Provanzo asked all to rise for the Pledge of Allegiance to the Flag.

Members Present: Keith Hoover, Donald Witmer, Pamela Shellenberger, Jay Provanzo, James Henke and Mark Harman

Members Absent: Don Mann

Township Officials Present: Ryan Strohecker and Nick Ebersole

Visitors: See Sign-In Sheet

Public Comment

Jay Provanzo invited the public to make comments that pertain to what is not on the agenda tonight.

Debra McClain of 380 Ironstone Ridge Road reported that there was another accident at the intersection of 999 and Ironstone Ridge Road and was wondering if a traffic light is in the works due to the amount of accidents.

Ryan Strohecker reported that 999 is a state road and we are not aware of any plans of a traffic light. Mr. Strohecker said if a light is needed it would go on 999. No light would go on Ironstone Ridge Road.

Approval of Minutes from March 14, 2016 and May 9, 2016 Meetings

Pamela Shellenberger made a motion to approve the March 14, 2016 Meeting Minutes as presented and Keith Hoover seconded. Jay Provanzo and Donald Witmer approved and James Henke and Mark Harman abstained.

Pamela Shellenberger made a correction to the May 9, 2016 Meeting Minutes that Steve should be Dean and that the day of the meeting was on a Monday instead of Wednesday. Ms. Shellenberger made a motion to approve the minutes with those changes and James Henke seconded. Donald Witmer, Mark Harman and Keith Hoover abstained the minutes.

New Business

Dombach Mill Project – Requesting a Waiver of Land Development.

Bill Swiernik with David Miller Associates, presented a proposal to develop a special events venue within the existing mill that is on the property. The intent of the project is to allow for the establishment of some parking, they need to provide storm water management for that, but to use the mill generally as it exists. There will be some interior renovations that will need to be made to allow for it to be used for special events. The reason for his attendance this evening is to request that the Planning Commission recommend approval of the modification to allow them to process this as a storm water management plan as opposed to going through the whole subdivision of land development ordinance process. Mr.

Swiernik provided some justifications in lieu of going through the full land development process. They would process a storm water plan in accordance with the requirements of the ordinance. They do not feel that it constitutes a land development because there is no increase in the size of the building or otherwise dividing the land with this proposal. They will adaptively reuse the building and provide evidence to the Township that they would have met the criteria for a special events venue and not have greater than 175 persons and no events later than 11:00 pm and other requirements that are identified within the zoning ordinance. So that will be part of the building permit application that they would make. There are no additions to the building. The parking for the use would be accomplished through the establishment of grass parking areas. He noted in Rettew's review, the recommendation is for them to be reinforced and they would like to discuss this with the staff or in general. Proposing a gravel driveway to allow for the main route thoroughfare to be gravel and stabilized. Other than that, those are really the only extent of improvements to the property. They would provide storm water management to address the change from grass to the gravel pavement. The proposed parking areas would be greater than 25 foot separation from the adjacently used or zoned land and any lighting would be presented to the township for their review of consideration. As previously mentioned, a review was completed by Rettew, the conditions have been identified and they did recommend that modifications be approved based on justification. They would agree to the storm water management plan being prepared. Mr. Swiernik noted that this was previously used as a restaurant years ago, so this is not out of line to be used. Intent is not to have a large water and bathroom use. Just bathroom use, not a huge kitchen preparation space. Intent to improve the condition at the end of the road to allow for turning movements. The lighting plan will provide information in accordance with the requirements of the ordinance that would demonstrate the lights, exterior lights would not pass light onto the neighbor's property. Based on the location of the parking spaces proposed, they feel that it is unnecessary to reinforce it. It was asked that it they evaluate the conditions that are in field and determine if providing reinforcing is actually a benefit. The concern with putting in a grid system or what is available does present a maintenance issue. They are trying to minimize that, however, if the soil conditions do not allow for establishing a stable condition, then they would need to pursue some other alternative such as a grass paver. This area would not be used on a daily basis. Use would be weekly. Asking for that consideration.

Jay Provanzo asked for a recommendation to grant the modification for Section 103 Processing a Land Development Plan and James Henke made the motion and Donald Witmer seconded. The recommendation passed unanimously.

Jay Provanzo received a motion to recommend the plan approval with subject to the comment letter from Rettew on July 8, 2016 with a discussion regarding item #6 to be handled at staff level from James Henke. Pam Shellenberger seconded and the motion was passed unanimously.

16-001 – W. Frantz Herr Jr. Final Minor Subdivision Plan

Brian Cooley of DC Gohn Associates representing the applicant/owner, Frantz Herr, made a presentation for a project located at 746 Hershey Mill Road. Currently, the property is approximately 64 acres. Mr. and Mrs. Herr live at the existing residence. The proposal is to subdivide the existing parcel into two lots. The lot with the existing house would be approximately 17.5 acres. The remaining lands would be approximately 46.5 acres. There are no proposed improvements as part of this subdivision plan. As noted, there was a zoning hearing board decision which was approved a couple months ago. The reason for the decision was a variance was needed because the lots are over 2 acres. As noted there are three waivers relating to a plan scale, curbing (which in the Rettew letter they did note that the curbing is not

required so that waiver can be withdrawn) and sidewalks on the property. He said Rettew did note that they are recommending a deferral sidewalk along the frontage of lot one and is a complete waiver for lot two.

James Henke made a motion to elevate the plan to an action plan and Mark Harman seconded. The motion passed unanimously.

James Henke made a motion to grant 403.1 A plan scale as requested and Pamela Shellenberger seconded. The motion passed unanimously.

James Henke made a motion to approve 502.12.B.5 with a recommendation that the applicant enter into agreement with Manor Township for the deferral of the sidewalk on lot one and coupled with the recommendation for modification of lot two for sidewalks. The motion passed unanimously.

Keith Hoover made a motion to approve the Final Minor Subdivision Plan for Herr subject to the June 28, 2016 letter from Rettew and Pamela Shellenberger seconded and the motion passed unanimously.

16-002 – Horn Revised Subdivision Plan

Kevin Werner presented the Horn revised subdivision plan. What they are proposing to do is revise the center lot line to avoid encroachment of the existing geothermal well system and the dog fence. This allows for an equal swap of land matching the original lot sizes. Comments that have been received by Rettew are all based on revising plan notes, zoning information and municipal boundary line. Draft comments were also received from the Lancaster Planning Commission which noted showing the existing location of the driveway at the time of the survey. Markers were located showing the proposed driveway and the dwelling located on lot 6B at the time, so the driveway will have to be completed to the house.

Mark Harman made a recommendation for the plan to be advanced to an action item and Jim Henke seconded. The recommendation was passed unanimously.

Mark Harman made a recommendation for the revised final plan approval based on the Rettew letter dated July 8, 2016 being satisfied and Pamela Shellenberger seconded and the action carried unanimously.

16-003 – 300 Oakridge Drive Preliminary Land Development Plan

Chris Venarchick of RGS Associates made the presentation for project 300 Oakridge Drive. This was a briefing item where feedback is needed on the vacant property that is about 2.4 acres and is an infill project. It is zoned for development, so they are looking to essentially fill in the property with 32 proposed residential apartment units that will be in two buildings, with 16 units per building as reflected on the plan. David Charles added that these units will be 50/50 one and two bedroom apartments and will have two parking spaces per unit. They are proposing a single point of connection to Oakridge Drive coming up to a parking lot to provide adequate parking per the zoning ordinance for the number of units that are proposed. Existing condition of the site essentially drains from the southern end of the project towards the north towards Oakridge Drive. There are some existing structures on Oakridge Drive that they would connect a proposed storm water management system to manage and control the storm water runoff that would be generated by the proposed improvements. Sewer and water connections

are available by connecting to existing facilities as served by LASA for sanitary sewer and Columbia Water for water service. At this time, it is a preliminary plan application that is being presented. They have a request for modifications with a review letter from the Township engineer both from a storm water management perspective as well as subdivision land development. They also have a letter from the LCPC that had a single comment in regards to lighting which they intend to address and make sure it is in accordance with the ordinance requirements. This is a summary of the project and really the purpose of attending this evening's meeting is to receive some initial feedback from the Planning Commission and then return in the future with a cleaner plan to consider action.

Jay Provanzo thanked Chris for his presentation.

Proposed Text Amendment and Rezoning Request from Lancaster County Solid Waste Management Authority – Ordinance 4-2016

Jim Warner, Chief Executive Officer for the Lancaster County Solid Waste Management Authority (LCSWMA), would like to provide some background first on the text amendment as well as purposes for it. The team for the evening consists of Alex Henderson and Bernadette Hohenadel from the law firm of Nikolaus & Hohenadel, LLP and also Katie Sandoe who is part of the executive team at LCSWMA.

Katie Sandoe made a presentation to give some background information about the projects and about the Lancaster County Solid Waste Management Authority. LCSWMA is a corporate government body within the Commonwealth. The Commonwealth of Pennsylvania dictates to each county that they are responsible for development and implementation of a plan to manage the solid waste for the community. So under a 50 year agreement between the County of Lancaster and LCSWMA, they delegated the powers to LCSWMA to plan for and manage the current capacity for solid waste but also into the future as well. LCSWMA's accountability as a government authority is for design, financing, construction, ownership and operation of what is called Lancaster County's Integrated System. That is the system for which LCSWMA manages the waste. Additionally, they are responsible for preparing for the future needs of Lancaster County as well as Manor Township in regards to waste. LCSWMA needs to examine the future needs and think about what that will do for the integrated system, what capacity will be needed, whenever we need to expand in order to handle the waste that comes from our community. As they look at what the Lancaster County Planning Commission says in regards to the population over the next 20 years, it is foreseen that the population will grow an extensive amount of anywhere between 100,000-130,000 people. Over the years, LCSWMA has seen consistently that for every one person they generate around one ton of waste. That is what it takes from a social perspective to support our standard of living so such things as hospital waste, institutional waste, food waste from going out to restaurants, so collectively that averages about one ton per person. As LCSWMA projects 10-20 years in the future, they see that 100,000 to 130,000 tons will need to be managed. LCSWMA plans to do that through their integrated system which is running and implementing now. That handles the solid waste for residents, businesses and institutions throughout Lancaster County. It does so in a way that is environmentally responsible so it minimizes the amount of environmental impact as well as it being cost effective. The figure that is spoken to is that fees are 20 cents less now than they were 20 years ago. So that demonstrates over the last 20 years that this system has been able to manage growing waste in an economically viable manner as well as looking at the social impacts anytime looking into expanding and dealing with waste. Looking into the future, there are four key areas to the integrated system that they look to as they plan. The first one is County Wide Municipal Recycling. That happens on the local municipal level. Over the last 25 years the recycling rate has grown 5% in 1990 to just last year 43.4%. Continued efforts are being made to how can LCSWMA help people and

institutions and businesses recycle more, as well as help with hazardous waste, offering residents and small businesses the opportunity to recycle things and dispose of them in a responsible manner. Waste Energy Capacity is being used to make electricity but the primary focus of Waste Energy is volume reduction. The volume of waste is trying to be reduced so that less goes to the landfill. The ash needs landfilled as well as other types of waste that the only environmentally responsible means is to landfill. LCSWMA showed a picture of the transfer station complex, which is located in the middle of Lancaster County, where the main office is located and where the hazardous waste facility. The majority of waste haulers bring the trash there for which most of it is transferred to the Lancaster Waste Energy Facility in Bainbridge. Last year 53% of the municipal solid waste was combusted.

In 2013, LCSWMA acquired the Susquehanna Resource Management Complex (SRMC). The reason for acquiring the SRMC is that in the next 20 years there is a need for more ability to burn waste and that plant has about 100,000 tons of available capacity Lancaster County can grow into. Finally the Frey Farm Landfill, which is the subject of this project, opened in 1989. The majority of what comes to the landfill is construction demolition waste, ash residue and industrial and manufacturing waste. One of the things being emphasized is the fact that the Frey Farm Landfill is the only municipal landfill in the state of Pennsylvania to have not received violations from DEP in 23 years. Landfills run out of space and so this landfill is going to reach capacity in 2019 which is the reason for the presentation. The landfill has lasted 18 years longer than originally expected due to aggressive recycling and waste to energy capacity. So recycling as much as possible and reducing the volume of waste has allowed the landfill to last 18 years longer. But there is a need to expand, more landfill capacity is needed. The plan is to do this vertically, utilizing a mechanically stabilized earthen berm (MSE) which allows fill to go over top of the existing landfill. The landfill will go from 782 feet which is current permitted height above sea level to 832 feet. Also needed is a slight lateral expansion to build to the MSE Berm. The need is to expand latterly 9 acres. That will remain on the existing landfill parcel. That will give 6.4 million cubic yards of additional capacity. That translates to about 18-20 years of additional landfill disposal.

After the slides were shown, Ms. Sandoe turned it over to Bernadette M. Hohenadel, an attorney with Nikolaus & Hohenadel, LLP.

Bernadette Hohenadel stated she will present what is being proposed in terms of the text amendment to the ordinance. That is all they are here for. They are not here on the expansion itself or here on how that will all take place except for requesting certain amendments to the zoning ordinance. When looking there might be some inconsistency in how things were described or how things were referred to and also that it may not have incorporated what are really nuances in the industry as to what is a landfill and what might be a solid waste processing facility. This is the primary request, that the definitional section in Section 111 in the ordinance be amended so as to add a definition for a landfill and to add a definition for a solid waste processing facility. Neither of which were defined in the current ordinance. A summary was given with a request being made and also a comparison chart was given which shows current and what is being requested. The next section looked at is Section 213 of the ordinance which is the section dealing with the excavation zone. As it currently stands, the Frey Landfill and some of the other parcels located there, are in the excavation zone. Therefore, requesting that the ordinance be amended in this section to make a landfill and solid waste processing facility permitted uses within the excavation zone. In the current ordinance, these uses are referred to as a special exception in Section 213.2. Also, looking at the ordinance, those uses that are permitted and those uses include public uses and public utilities. The definition for public utilities was looked at and that is a use which is operated or maintained by a municipal authority. Examples are sewer facilities and water treatment facilities, fire stations, police stations and things of that nature. And when this was looked at it was thought with

talking about those kind of uses as a basic infrastructure for a community, the landfill is the same kind of thing. Solid waste processing facilities are the basic essential infrastructure of the community. So to LCSWMA, making of the same permitted use as the other basic infrastructure items seem to be the way to handle it. There are multiple ordinances and regulations that are required to be complied with. Any proposed activities would come before the township for review. Review would also be needed by the zoning officer if any permits would be required. In addition, this is the only Excavation Zone in the Township, so while any amendments being proposed to the ordinance would apply to any other efforts made for any solid waste management facilities or landfill in the Township. In order to do that, whatever entity would be interested in doing that would have to come into the township and request a rezoning in order to get an excavation zone.

Section 458 is the current section dealing with solid waste. LCSWMA is proposing revisions to several sections of this but not all of the criteria that is listed. LCSWMA is requesting revisions to certain criteria and asking that certain criteria be added so that there are additional requirements. As it currently stands, there are several terms that are used; solid waste, waste and refuse. The request is that everything be referred to by the one term, solid waste. There are other sections with inconsistency or things that are unclear, Section 458.2 as it currently stands references any processing of solid waste has to be within an enclosed building. That would not make sense for a landfill or composting facility if there were to be one proposed. There needs to be some clarification in that is needed in that regard. In Section 458.3, LCSWMA is requesting that the ordinance be changed to allow the depositing to solid waste no closer than 85 feet to any property line. This would refer to the landfill itself and only the landfill, not any other activities that may occur on the property. The adjoining parcels to the landfill, other than the side that is on the river side, which is property owned by the township, are all owned by the authority. In Section 458.17, this is the section that has to do with height and setbacks. As previously stated, the current height is 782 feet above sea level and LCSWMA is requesting 832 feet to be listed as the maximum height for landfills. That dimension has been agreed to by the Township and has also been agreed to by the PALE group. In the same section, it is also being requested that the MSE Berm that was referred to recently, be permitted to be at least 65 feet in height and that it have a setback of 15 feet. As it will appear on the plans, there is only one small section where that is an issue. The rest of that will be in well in excess of that dimension.

Also being requested is that the maximum height of any structures in the excavation zone be set at 75 feet and all structures within the excavation zone would be required to be setback at least equal to their height, which is what the current requirement is. Section 458.20, in the current ordinance, requires a 100 foot landscaping barrier or area along all property lines. It is being requested that given the current state of the property being all within authority's ownership, that the requirement for landscaping border only be along any public road or any property that is either zoned residential or used for residential purposes.

Finally, the last two criteria are being added to the ordinance. The first being, for purposes of getting into the ordinance, one of the conditions that was imposed by the 1986 Zoning Hearing Board decision which was that the landfill not expand beyond the Frey Landfill Tract. Any new landfill that would be established in the community and any expansion they would attempt to do in the future would be limited by what their proposed landfill site was at the time they applied for that landfill. There is no intent for the landfill to expand beyond the tract in which it currently exists. The final section is 458.22 and that is adding another requirement that at the time any expansion would be proposed or that any land development plan would come before the township, a plan of the current situation or the current

conditions on the property has to be provided to the Township. That gives a benchmark for any new uses if any new use should be intended or a benchmark for in the future.

Alexander Henderson of Nikolaus & Hohenadel, LLP added that they had to write the ordinance generally as if there could be another landfill coming. Mr. Henderson added that it needed to be written in general terms which in turn made it very dense.

Ms. Hohenadel continued with a proposal to rezone four parcels. Parcels one and two are currently zoned Rural and three and four are currently zoned Industrial. Parcel two is in fact part of the larger tract on which the landfill is currently located, but for some reason that end of it was zoned Industrial. So requesting that those two rural parcels be rezoned to Excavation. This cannot be used for the landfill expanding onto them but they could be utilized for other ancillary uses. On parcel one is a proposed location for a truck wash and the purpose of that is so that as the trucks are coming out of the landfill the tires get rinsed. The parcels zoned Industrial are being requested to be zoned Excavation. On those would be located ancillary facilities for the solid waste processing, proposed at this point of time would be a maintenance facility, storage tanks for leachate and an office for operations. Also a potential location of the ash processing facility. All of these would be located on what is now being requested to be zoned Excavation as well the uses that are proposed to be on those parcels would fit within the permitted use of what is requested. It just consolidates all of the authority properties that are utilized for the solid waste and the landfill under one zoning category and just seemed to make sense. This would be the only Excavation zone in the Township. In order for there to be any other Excavation zone, there would have to be rezoning done somewhere else in the Township.

The proposal was informally presented to the Township and comment was taken at that time from the Township and public and revised the initial proposal. That is what is being presented and asking for recommendation. LCSWMA's recommendation is for approval of the text amendment or that you make a recommendation to the Supervisors in favor of the text amendment.

Donald Witmer had a question about the powerline parcel zoning. Jim Warner answered that the powerlines were gone and it is all industrial. All haulers will enter in the same place. There will be new capacity going on top of existing capacity and Katie mentioned 9 acres of horizontal expansion that is just a skinny sliver all the way around where you have new liner. Mr. Warner added that he understands that there is concern for the community and mentioned that he has not had a complaint in well over a decade. Mr. Warner noted that people here tonight want to put LCSWMA out of business. They do not want the landfill at all. As far as the day to day impact at the landfill, LCSWMA thinks it's very minimal, they have no complaints and manage it judiciously to make sure they are in 100 percent compliance with not only DEP requirements, but with the expectations that are upon them from Manor Township. LCSWMA offers free yard waste disposal for anyone in Manor Township. There are 34,000 visits made per year, for free, from Manor Township residents. Jim explained that there is a waste acceptance agreement with the Township decided by the Township Supervisors that there are certain exceptions. What is prohibited from bringing into this landfill is trash. Trash from institutions, commercial establishments or residential. It is called refuse in the industry. LCSWMA is not allowed to bring refuse in from any place outside of Lancaster County. Nor have they ever. However, it is allowed to bring in certain other types of waste from outside Lancaster County and they do. Specifically, the waste plant that is in Harrisburg known as the SRMC, which produces ash. The volume is reduced by 90 percent. LCSWMA is still left with 30 percent, by weight, of the trash that was burned. They bring that ash, 15 trucks per day, 300 tons, along with their Lancaster County ash, so they bring in about 650 tons everyday of ash. That ash was produced from waste from mostly Dauphin County.

LCSWMA also gets construction/demolition debris. This year they will get about 20,000 tons transferred to this landfill. And under agreement with the Township Supervisors, we pay the Township an additional \$3.00 per ton for every ton that comes from there. That was agreed to by the Supervisors. The only other waste that is brought in to the landfill from out of the area would be a very few close foundry's like DONSCO, located in York County. This is all in the 1986 zoning hearing board decision. The condition was no raw waste from outside of Lancaster County. It was concluded that raw meant garbage from outside other counties. Now the role of LCSWMA, as an authority, has changed in the last 30 years. In 1986 you didn't even need liners for landfills. They have had to become a regional authority where LCSWMA now services Dauphin County like they do Lancaster County.

The purpose for buying the waste energy plant in Dauphin was because several years before they had initiated to expand the plant in Lancaster, but they knew that the Harrisburg incinerator was a distressed asset. That plant, now that it is fixed up and working under LCSWMA's ownership, can process 300,000 tons of waste a year. The county and the city of Harrisburg only generate 200,000. So that left 100,000 tons a year of capacity. In other words, as Lancaster County grows, rather than landfill the extra waste or expand the plant, LCSWMA could buy that and have that available capacity for the next 20-30 years. What is now being done is LCSWMA brings in the SRMC ash with the Lancaster ash. In the future, LCSWMA will be coming before Manor Township for an ash processing facility. We want to take 8,000 tons of additional metal out of the ash before it goes into the landfill but our bet is that we will be using the Harrisburg Waste Energy Plant to burn upwards of 50-100 thousand tons of Lancaster County trash so that it is not put in the landfill. They think it was the best way to expand waste energy capacity which is consistent with the goal here, not to bury organic raw trash in this landfill. This has not had to be done.

The final point is that the reason that works is because of the transfer station that was built on Harrisburg Pike. LCSWMA is already seeing that this year the trash for the first quarter went up 15 percent over last year and 5 percent in the second quarter. This is the first time they have seen this growth since the recession. Eventually that growth will come and then they transfer it right up 283 with their transfer trailers. LCSWMA does take waste from outside Lancaster County, but it is absolutely consistent with agreements that are in place with this Township's leadership.

Jay Provanzo asked what the alternative would be to the landfill expansion. Mr. Warner responded that there really is not an alternative. Jim replied with what they have invested, which if added up, is about \$25 million already in this expansion and there is a big pile of dirt ready for the berms. They would have to ship waste out to some other community. The ash and all the construction demolition waste if we which is probably about 12 million dollars in disposal fees, that now would have to be paid to somebody else rather than internalize it for free. It will totally turn upside down the system and LCSWMA will have no choice but to raise rates considerably for anybody in Lancaster County. Jay also asked if the MSE Berm is new or old technology are there other landfills locally inside of Pennsylvania that use these. Jim responded with MSE Berms have been used for 50 years by Penn Dot to build highways and Pennsylvania has not permitted a new landfill, a greenfield landfill, since 1995. They have encouraged landfill operators to figure out ways to expand vertically and the way all landfills are doing that is by MSE Berms.

Lanchester Landfill in Honey Brook, on the border of Chester County and Lancaster County, has done it now three times. Photos show that these are proven technology, very stable and this is what the DEP is encouraging them to do. That is the way you get capacity but use very little perimeter support and that

slope has to be 3 to 1. But having the MSE wall come up allows you to get overtop and still have the 3 to 1 slope.

Bernadette Hohenadel mentioned that issues pertaining to geology and transportation are part of the extensive review process that goes on the DEP. Jim Warner added that they put in their application to DEP on February 5, 2015. This is a very extensive procedure, with having had public hearings and municipal involvement. The process is in two phases. There is an environmental assessment phase, which is towards its end, and then there is a very technical phase, which actually looks at leachate collection liners for the internals of the operation of the landfill.

Jay Provanzo dismissed everyone for a five minute break before moving onto public comment.

Public Comment

Dwight Yoder, an attorney for Gibbel, Kraybill & Hess LLP, had a handout for the Planning Commission. Mr. Yoder stated he would try to pull back and look at this from a big picture standpoint first and then get into some concerns regarding the specific text amendment. Dwight recognized that this is the Manor Township Planning Commission and that they are to do what planning commissions do which is in some ways state big picture. In this case, in order to think big picture you need to know the history of what has transpired with the landfill in Manor Township. In 1968 Creswell Landfill was originally established and if you look at exhibit one, which was provided to the board, it can be seen that Creswell Landfill is now closed. It was there from 1968 for about 20 years. In 1986, the Lancaster Area Refuse Authority the LCSWMA's predecessor, came before the Township and went through a zoning special exception proceeding and at that time said they would like to expand Creswell Landfill. This was 20 years later and there were a number of hearings and at that time essentially the Township said they would allow an expansion but that it was the last one. The Creswell Landfill and the Frey Farm Landfill, when looking at the property boundaries as of 2002, and what is labelled parcel 61, that was the area where the landfill could expand. Dwight stated that when you look at the conditions that were placed upon the 1986 zoning condition, it is very clear LARA (Lancaster Area Refuse Authority) and its successors signed and shall not:

- A. Expand the Creswell Landfill beyond the tract known as the Frey Dairy Farm.
- B. Construct or operate any other refuse disposal facility within Manor Township.
- C. Cause any leachate collection or treatment facility to be constructed on any other site within Manor Township or deconstruct and or operate any facility for the incineration of refuse.

Mr. Yoder continues with adding that the citizens of Manor Township relied upon that promise. That was a key condition for their expansion and three years ago the Lancaster County Solid Waste Management Authority completely changed what it does and became a regional authority. So it is no longer handling just Lancaster County waste. They amended their bylaws in their articles to become a regional waste authority. Mr. Yoder stated that now you have a regional waste authority that wants to deposit a lot of out of county trash and ash into the Frey Farm landfill when there was an agreement that it would never expand. Three years ago, they also acquired adjoining parcels that were never part of land they owned and they did a lot of add on and merged them together.

If you look at exhibit 2, Mr. Yoder provided a zoning map that shows the parcels as they existed before LCSWMA purchased the adjoining remainder of Frey Farm and those two rural tracts that are seen. Mr. Yoder showed on the map, where they could have the solid waste disposal operation. They want to

essentially rewrite the ordinance to have a landfill definition and a solid waste disposal definition and they are going to say that landfilling is only where you put the waste but solid waste disposal is all the other things you do to operate a landfill. When you look at the definition for municipal landfill, it includes the whole operation. Mr. Yoder said that they are trying to expand the landfill by changing the definitions in the ordinance and that when you look at the text amendment it is very difficult to follow. The last section Mr. Yoder could not even understand what is being said. Mr. Yoder stated that it is so convoluted and confusing.

Mr. Yoder continued that the zoning map already limits landfills to the Excavation zone which consisted with the 1986 zoning decision. LCSWMA wants to rezone 90 acres to Excavation, but they are not going to use it for landfill. But they are going to use it for solid waste disposal processing which has a portion of landfilling but not where you really deposit the waste. Mr. Yoder stated that once the changes are allowed, the Township will lose control.

Mr. Yoder stated he feels that there are a few other disturbing issues about this proposed zoning amendment. When you look at what the purpose of zoning is, township set back and height requirements relate to land views and promote the public health property values and aesthetics. The other fundamental building block for the ordinances is when there are more intensive uses, you have an additional level of review and that is either through a special exception or conditional use. The bottom line is, when you look at the ordinance right now, it requires a special exception approval. The County Planning Commission said it thinks it should be conditional use. Mr. Yoder feels the last thing it should be is permitted by right, which would allow them to completely bypass any municipal oversight by the Supervisors to impose conditions for a public hearing for an opportunity for the public to ask questions.

When you look at the Township ordinances, at some of the other uses that are permitted by special exception, they include things as agricultural support business, animal hospitals, conversion apartments, echo housing, farm related businesses and the list goes on. These are relatively minor uses that have very little impact. Mr. Yoder highly suggests that the Planning Commission follow the County Planning Commissions lead and not allow this to be a use permitted by right. Special exception or conditional use has to be included and that how it is now. Mr. Yoder feels that there is no good reason to change it other than it allows the authority to bypass municipal oversight and that is critical.

One of the things heard is the facility is here so it should be expanded. The problem is over the years this facility and the authority have changed. Mr. Yoder feels that the location is probably the worst location that could have been picked in Manor Township for a vertical expansion. Mr. Yoder feels that this is located at the top of Turkey Hill Point, on a mound of trash and they want to put another mound of trash on top of it and this will be seen for miles and miles around. Exhibit 3 shows pictures from both sides, York and Lancaster. Mr. Yoder feels the visual impact will be unprecedented. There will be 50-60 foot high MSE Berms. Mr. Yoder continued with the 15 foot setback. Exhibit 4 in the handout shows a plan sheet from the submission that the waste authority made to DEP. Mr. Yoder talked a bit about the rezoning of the 90 acres, again this definitional section is very confusing and that the rezoning of the 90 acres is opening up 90 additional acres to landfill type uses. Mr. Yoder feels this is like a pretzel, the whole thing has been so amended to get to a specific purpose that is it ends up being something that could come back and bite the township.

Mr. Yoder is concerned about the truck traffic and the condition of the road, there are certain times of the day where there is a lot of truck traffic going to the waste authority and part of what the waste authority is requesting is a significant expansion of how much waste they are going to be disposing. Mr.

Yoder feels that there is going to be a 66 percent increase in the average daily volume of waste and a 50 percent increase in the daily maximum volume of waste. Mr. Yoder feels that at the end of the day, it is just the wrong location for a regional landfill or trash mound. This is a massive expansion both in the scope and the amount of waste that is coming in because they are now a regional waste authority. Mr. Yoder is asking the planning commission members to recommend to the Supervisors not to adopt this amendment as it is written. Mr. Yoder feels that at a minimum, it should include special exception as it is now or conditional use as recommended by the county and that the setback should be maintained 200 feet and that the language dealing with landfilling and solid waste operations and the rezoning, need to be worked out so that it is crystal clear in terms to exactly what that means. Mr. Yoder stated that otherwise once it is adopted, there is no going back.

Lori Borys of 1129 Letort Road, purchased a farm in 2003 under the assumption that the 1986 agreement with Manor Township and LCSWMA was valid and held effective. Ms. Borys claims it is an eyesore, and that ash blows over to her property, her horses come in with ash covered on their face in the morning. Comments from people who have visited the farm tell her about the eyesore. Ms. Borys recognizes that the committee is there to protect the community's best interest and thinks that the landfill and the statements they want to put in their rezoning is not in the best interest.

Jay Provanzo questioned Lori about the ash blowing and asked if she had ever contacted LCSWMA. Lori responded by saying that she was not even sure what it was, to tell you the truth, until she sat in on the plans for the new ash recovery. She mentioned that the ash is on the ground. That there is grey residue and soot on the horses. Ms. Borys never really thought about it, but it makes perfect sense.

Pat LeMay, 78 Sun Lane is concerned that LCSWMA has rewritten the Manor Township ordinance proposing amendments that would essentially change all operations pertaining to solid waste disposal by use of special exception to permitted use. Ms. LeMay would like to see LCSWMA's request to change usage from special exception to permitted use be denied. In addition, Ms. LeMay does not want to put them out of business.

Mary Glazier, 269 Chestnut Grove Road just wanted to make a couple points. Ms. Glazier stated that Mr. Warner said that DEP is engaged in a very extensive process of oversight. Ms. Glazier feels that DEP will not look out for the interest of the citizens of Manor Township. It is not their job. That is the job of the Planning Commission and the job of the Township Supervisors. So in light of that, Ms. Glazier would like the Planning Commission to make the same recommendation that the Lancaster County Planning Commission did that afternoon and that is conditional use. Ms. Glazier would like to see that same recommendation be made to the Supervisors. Mary thanked the Planning Commission and asked them to think seriously about the needs of the people of Manor Township.

Leslie Osborne, 109 Oak Road requested that it be recommended to completely disapprove of LCSWMA's text amendment to the Manor Township zoning ordinance. Ms. Osborne feels that by allowing the waste authority to rewrite the Manor Township excavation zoning ordinance sets dangerous precedence county wide as well as eliminating protections for Manor Township residents. The zoning hearing process allows the Township to protect its residents. Ms. Osborne also has concerns with the potential for other private entities associated with the authority to carry out activities without the Township being able to require conditions to protect the residents. Once the zoning is changed, private companies would have the same rights in the Excavation zone as LCSWMA. Ms. Osborne thinks this is a very dangerous thing to allow them to have this.

Jay Provanzo thanked everyone for their comments and opened it up to the board for their comment or questions.

Alexander Henderson commented that the text amendment was presented to the public and Supervisors at the beginning of April and allowed two months to get comments from the public and from the staff. There was no requirement that this needed done, but they did. After the two month period they then drafted the text amendment and a lot of good comments were received some of which were it was too complex, you have done too much and make it as simple as you can. And so that was done.

Mr. Henderson added, this is a judgement that which ultimately the Supervisors will have to make. But they are going to have to look at the relationship with the solid waste authority over the past 30 years and the Township, and has that been a good government to government relationship that they feel comfortable with. The authority has worked very hard to establish that working relationship and has agreement with the Supervisors, which has benefited both. Mr. Henderson also stated that while the permitted use piece should not only be looked at in terms of the use but also in terms of the operator which is a government agency.

Mr. Henderson commented that the conditions in the 1986 zoning hearing board decision and the subsequent things have been complied with and they have been useful, but the fundamental use here is how the landfill, which is not changing, and although Mr. Yoder certainly is good at trying to tie the pretzel around the fact, is the landfill is where the waste is deposited that is what it is. It's not going to go beyond the additional tract and the language in the ordinance, which he admits was hard to draft, clearly says that when any land subdivision is filed, a map was needed to show exactly where it is so everyone knows. The effort was made very sincerely to make sure it is known where the landfill is and it will not be expanded. So it is being asked for the board's consideration in making a recommendation to the Supervisors that they adopt this text amendment which has taken time with the Supervisors and the public trying to make it a fair and reasonable text amendment for use for the future. One can take away from this that there are people, and their opinions are respected, who do not like the landfill, they do not like how it looks and they would like it to stop. But what is being heard is the wanting to stop the landfill because of the visual impact. A draft amendment has been made that seems fair and reasonable. Although the Supervisors will have to decide and the Planning Commission will have to recommend, this is only a petition, a request and they are not telling anybody what to do.

Brad Stewart made comment that the Lancaster County Planning Commission feels that this project is really a major land use that does affect the immediate vicinity as well as the region. Truck traffic actually enters in 441 off of route 30 that does affect other municipalities as well as Manor Township. Mr. Stewart thinks that the Township should look out for their residents in the process. Brad added that LUAB (Land Use Advisory Board) did make the recommendation that the Township keep this as a special exception.

Pam Shellenberger expressed that she feels that it should either be a Special Exception or Conditional Use to maintain that balance. When you look at other uses, they are required to go through that process in the ordinance that are significant and much less intensive than a landfill or solid waste processing facility. Ms. Shellenberger stated it just doesn't make sense to allow this use even though it is in an Excavation zone and feels strongly that it should not be a use by right. James Henke echoed what Pam said. He tried to read everything that had been forwarded to him by the Township as it relates to the petition and the neighbors and the different letters. Mr. Henke brought up Dwight's

comment about accessory use of a farm and what is required and a special exception if you compare that. He understands the importance of the landfill as well and does not want to see it closed. But there can be some protection for the residents through the use of special exception or conditional use.

Pam Shellenberger had a comment on the setback of 15 feet and there again if you compare to what is required for other uses, isn't nothing compared to what others what have of 50 feet or 100 feet or whatever. You do not know what may come in the future where it is not just being looked at what this is but may happen down the road. Things could be sold and zoning can change again, so it's not locked in.

Brad Stewart added that LCSWMA should clearly explain what kind of impact an MSE Berm setback will have. That should be clarified.

Nick Ebersole added, when asked, that if you are looking at the solid waste processing facility as listed in the current Excavation zone, it is not listed as a permitted use in the existing ordinance Industrial zone.

Mark Harman asked what are the protections that are being talked about, such as what help would a Conditional Use offer. He also asked about what additional safeguards members want to see.

Jim Warner added that there are so many details about permits. This is a landfill in Pennsylvania that has scores and scores of regulation that sets the hours, and how things are built and how they are inspected monthly on 112 different things; dust, liter, record keeping, smell, compliance with how much waste was took, whether the trucks have radioactive waste. It is the most regulated thing in the county. Mr. Warner added, they protect all the property values, 43 different properties around their perimeter. There are 74 different conditions that they currently exist with, most of them, are all about protecting the citizenry. There is not environment harm going on.

Mark Harman was just trying to get a realistic sense of what is being talked about that hasn't been implemented or required before other than a layer of bureaucracy. He was just looking for some ideas that might be the reason to implement the proposal.

Ryan Strohecker commented about the Conditional Use that has come up just in the last several weeks is still very early so Ryan does not necessarily want to be render an opinion of the Township, but there is some concern that procedurally how is the Conditional Use going to play out. This would require the Board of Supervisors to not only be the legislative arm or legislative body of the Township, but also to hear and be the judge. This particular example with the landfill, really makes the Township think about what a Conditional Use would entail because the Township is currently in litigation over this issue. LCSWMA is also currently in litigation over the issue. There are definitely some conflicts that are seen from the opposition that could come down the road that would make it very difficult, from as least Mr. Strohecker's position, for the Supervisors to move forward with some kind of Conditional Use.

Brad Stewart added that this was something that was mentioned at the LUAB meeting on Thursday and this is one of the concerns that Paula Jackson from Lancaster City actually brought up as well and one of the reasons why Lancaster City does not use Conditional Use very often as well. Brad added that there are too many major land use impacts that this particular operation holds with the surrounding neighbors.

Dwight Yoder added that Brad Stewart hit the nail on the head. You can do a Special Exception, which if there are concerns with Conditional Use, that is how it is set up now. Right now the ordinance has a Special Exception and to address Mark's question, the point of having that extra level of review is to be sure you can evaluate it and be sure that you know exactly what is being done. Then if it is appropriate to impose conditions, it is a very common practice to have Special Exceptions throughout the ordinance so it makes sense in this case.

Mary Glazier made an additional comment that a couple of times the consent decree with PALE has been mentioned as imposing burdens on the Authority. She made two points about owners that are residents who are impacted who are not covered by that consent decree that was limited to a certain perimeter and for example, Lori Borys who spoke earlier, is not covered by that. Mary also said that there are individuals who have been bought out and there are a few people who remain that have not yet been bought out. Mary continued to state that needless to say, that those conditions came about because of mistakes that were made in the past. It was appropriate, people reached an agreement and it resulted also in the development of the natural area. Ms. Glazier stated this does not mean that you shouldn't continue to have responsibility and oversight over what is being proposed in the future just as in the past.

Alex Henderson made one final comment that the special exception and conditional uses are essentially being thrown out. Alex followed up on a concept that the reasonable conditions, which mean there is not standard for what those conditions are, maybe that will be hours of operation, maybe widening a road that's a state road, maybe that will be buying people's property. There is no standard for what they are and what that is, is an invitation to endless litigation. Mr. Henderson stated that what is trying to be done is putting those standards right in the ordinance saying this is the criteria and you need to comply with them. There are two sides and pluses and minuses.

Brad Stewart commented that the Lancaster County Planning Commission is definitely not against the vertical expansion, all in all, the main comment that is of concern is that would like to see some sort of conditions in terms of in the future. From research done, the MSE Berm seems like it is a very sturdy structure and is something that may not have as much of an impact as some people think. Brad said they did their homework in terms of the vertical expansion. Again, Lancaster County Planning Commission is not against the vertical expansion.

Keith Hoover commented that he could not buy this hook line and sinker but does struggle with, trash does have to go somewhere, whether it is trash or ash. It has to go somewhere and nobody wants it next to them. But Keith does commend the authority for dealing with that problem of that challenge of trying to make everybody happy. Mr. Hoover struggles a bit with some of the comments that were made and maybe the reality of some things that were presented. He is not quite sure that permitted by right is exactly right, but the Commission was asked to look at the big picture and he feels that a lot of the night was lost in the little picture. Keith feels that the big picture is life will go on in Manor Township and Lancaster County and Pennsylvania and trash has to go somewhere.

Jay Provanzo added that we are producing trash, we all do and it has to go somewhere. Listening to all that has been said, it is hard as a resident and it's hard sitting up front on the board, but we also have to consider that this is where Lancaster County sends all of its trash. The reality is that this is a big part, and we all contribute in some way shape or form to it. Mr. Provanzo is not 100 percent convinced that a special exception is the greatest way to go. Jay prefers conditional use over special exception, but he understands the Township's position.

James Henke commented that he is not opposing the expansion. Just the permitted by right portion.

Pam Shellenberger commented that this is not the just the landfill they are looking at, they are looking at solid waste processing facilities and opening up more land area to that use. It is not known what all that can include. Things change over time and it hard to tell what could come into that site. With a special exception it would give another opportunity for a closer review of those things we don't know. Ms. Shellenberger is not opposed to the landfill expansion. She feels that it is needed because if we don't have it, then it's going to cost the residents of Lancaster County more to send our trash somewhere else.

Jay Provanzo said that the expansion is needed and they all agree to that but it is the issue of how do they get there.

Jay Provanzo asked if there were any closing comments.

Mr. Provanzo spoke and said LCSWMA is asking for the vote on the ordinance as it presented in front of them. Jay also asked that the Commission understand that in the past with other text amendments, they have recommend changes but the applicant may still proceed to the Supervisors.

Katie Sandoe added that in the text amendment the 15 foot setback only pertains to an MSE Berm. Solid waste processing facilities would be equal distance to their height as the way structures are defined currently in the ordinance. .

Pat LeMay added a last comment that the solid waste authority has done a marvelous job in the last 30 years and the Township and the solid waste authority has worked very well together. In her experience that when requests have been made by LCSWMA, the Township has thought about it and has mutually agreed to it. She asked for the same process that already exists and has been so successful and she added that it does not mean that it cannot proceed and be successful as in the past 30 years.

Jay Provanzo asked that out of respect for the process, LCSWMA is asking the Planning Commission to act on the ordinance as presented before them. Jay felt that after being here almost 4 hours a determination should be made on the ordinance.

Pam Shellenberger made a recommendation that the text amendment not be approved as submitted. Ms. Shellenberger made a motion that the Planning Commission does not recommend approval of what was submitted in its present form and it was seconded by Donald Witmer. Keith Hoover, Donald Witmer, Pam Shellenberger and James Henke all voted in favor of that motion. Opposed were Jay Provanzo and Mark Harman.

Jay Provanzo stated the Planning Commission recommended denial to the Supervisors of the proposed ordinance by LCSWMA by a 4-2 vote.

Meeting adjourned at 10:45.

Respectfully Submitted,

Donn Mann

Recording Secretary
Teresa Strubel