

Manor Township Supervisors Meeting

Tuesday, September 5, 2017

7:00 p.m.

Chairman John Wenzel called the meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, Pennsylvania on Tuesday, September 5, 2017 at 7:00 p.m. Chairman Wenzel led those in attendance in the Pledge of Allegiance to the Flag. The Board of Supervisors was introduced.

Members Present: Brandon Clark, Jay Breneman, John Wenzel, George Mann, and Mike Julian

Special Counsel: William Crosswell

Staff Present: Ryan Strohecker, Teresa Strubel, Nate Taggart, Mark Harris, and Chief Todd Graeff

Visitors Present: See attached Sign-In Sheet

Previous Month Minutes – Chairman Wenzel entertained a motion to approve the August meeting minutes as they have been submitted. Mike Julian so motioned, Brandon Clark seconded, and the motion carried unanimously.

Financial Report and Accounts Payable – Chairman Wenzel entertained a motion to approve the financial reports and pay invoices on the accounts payable report. George Mann so motioned, Jay Breneman seconded, and the motion carried unanimously.

Public Comment

Christine Brubaker, 22 Birch Court, made several comments from a list. First, she personally thanked Mark and Henry of the Public Works Department for the paving that was done in her neighborhood. Second, was a thank you for the kayak boat launch located in Blue Rock Park. Third, Georgetown Hills and MS4 regulations that are currently not being met. Finally, she voiced her concern for hunting stands using bait and trap methods for deer as a safety and health issue.

Old Business

Briefing Item-LCSWMA Metals Recovery Facility – Alex Henderson, General Counsel for LCSWMA, stated the purpose of attending this evening meeting is for the plan regarding the Metals Recovery Facility to be located on the LCSWMA property. Due to changes in the size of the facility and the additional parking spaces, the original plan has been withdrawn, and a new plan submitted. Tonight's request by LCSWMA is to move the Briefing Item to an Action Item.

Scott Hain, David Miller & Associates, spoke briefly of the changes made to the building size due to changes in technology. Additional parking spaces have been added to be in accordance with the Township's ordinance. The water quality issue raised by Buchart Horn was addressed by LCSWMA agreeing to provide bottled water to all employees.

The board then provided an opportunity for public comment regarding the Metals Recovery Facility.

Chairman Wenzel entertained a motion to move this from a Briefing Item to an Action Item. Brandon Clark so motioned, George Mann seconded, and the motion carried unanimously.

Brandon Clark so motioned that based on the justifications provided by LCSWMA, “I move that the Township grant a waiver of the requirement of Section 388-11 of The Manor Township Subdivision and Land Development Ordinance of 2016 (the “SALDO”) to submit and obtain approval of a preliminary plan; a waiver of the requirement of Section 388-42E(7) of the SALDO to dedicate additional street right-of-way; a waiver of Sections 388-42K(2), 388-42L, and 388-42M(1) of the SALDO relating to curbing, sidewalks, and street lighting, respectively; a waiver of Section 388-19A of the SALDO relating to plan scale; and a waiver of Section 388-51C(2) of the SALDO relating to dedication of parks and recreation areas.

Having granted such waivers, Brandon Clark further moved that the Township grant approval of the Plan with the waivers and the Plan approval being subject to the following conditions:

1. Applicant shall comply with the SALDO, Zoning, and Stormwater comments contained in the Buechart Horn letter to the Township Manager dated September 1, 2017, which comments are incorporated herein and made a part hereof.
2. Applicant shall provide financial security in an amount and form acceptable to the Township for the maintenance of stormwater management BMPs.
3. To the extent not otherwise provided in these Conditions, Applicant shall furnish financial security of the type, in the amount, and at the times required by the MPC.
4. Applicant shall provide evidence of approval of a DEP sewage facilities planning exemption satisfactory to the Township.
5. Applicant shall withdraw its request for a stormwater credit as set forth in Stormwater Management Note 8 of the Plan.
6. Applicant shall include with the Plan and record as a Plan Sheet in compliance with Section 425-105U of the Code of Ordinances of the Township a plan delineating the required landfill boundaries and waste deposit setback lines.
7. The Source of Title/Account Number on Sheet 1 of the Plan shall be corrected to set forth the single Tax Account Number of 410-40015-0-0000 for LCSWMA’s property and to delete the existing Tax Account Numbers.
8. Applicant shall reimburse the Township for all engineering and legal fees incurred in the review of the Plan under the Subdivision and Land Development Ordinance, the Zoning Ordinance, the Stormwater Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; and inspection of improvements within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such fees within 30 days after the date of a written invoice for such fees, Applicant shall be in violation of this Condition.
9. Applicant to provide bottled water to all employees.”

George Mann seconded and the motion carried unanimously.

Ryan Strohecker added that a motion is needed for the Stormwater Agreement.

Brandon Clark so motioned that the Board of Supervisors enter into a Stormwater Facilities and Best Management Practices (BMP) Operations and Maintenance (O&M) Agreement and Declaration of Easement for the Lancaster County Solid Waste Management Authority Metals Recovery Facility and that the Chairman

or Vice Chairman of the Board of Supervisors be authorized to execute and acknowledge and the Township Secretary be authorized to attest that Agreement. George Mann seconded and the motion carried unanimously.

Notice of Intent-MS4 Permit – Ryan Strohecker commented that this is another step in filing for the Townships MS4 permit for the current year. The Notice of Intent along with a \$500.00 check was sent to the EPA for review of the plan to reduce pollutants going into the Chesapeake Bay.

Musselman Withdrawal Letter – Ryan Strohecker commented that this item was presented several months back. Due to the lack of water that Lancaster City can provide at this time and therefore not meeting the requirements of the ordinance, the Applicant has chosen to withdraw the plan until appropriate water can be provided to the site.

New Business

Briefing Item-Frantz Herr – Ryan Strohecker remarked that as of this afternoon, Mr. Herr is requesting a postponement.

Armstrong Property Potential Rezoning – Chairman Wenzel, in summary, gave insight to the discussions the Township has had with Armstrong. The process started over three years ago. The most recent meeting took place six months ago. The meetings were informal with general topics discussed, such as zoning and comprehensive plans, regarding the potential uses of the land. The property consists of ten different parcels. Current zoning for the site is Industrial (I). The Township feels it important to remain in discussion with Armstrong as to the potential uses of the property. The rezoning of the property to an Agricultural Holding Zone allows the Township the ability to appropriately entertain future discussions. The primary purpose of the Agricultural Holding Zone is to provide for the continuation of general farming and related uses on those tracts of land located in the urban growth boundary that are not yet committed to non-agricultural development.

Caroline Hoffer of Barley Snyder, on behalf of Armstrong World Industries, introduced herself. Also in attendance with her were Rhonda Edwards, LingLing Stewart, and Bryon YM Tham of Armstrong World Industries. Ms. Hoffer commented on the disappointment Armstrong felt in regards to the notification they received that the Township plans to take action and change the zoning classification of their property. The property has been zoned Industrial for decades. Ms. Hoffer stated the proposed Agricultural Holding Zone is considered to be a substantial down zoning and basically prohibits any use other than agriculture. As indicated in the opening statement by the Township, it is their wish to plan for the development of the property. Once rezoned to Agricultural Holding, Armstrong has no assurance that any zoning classification would allow for development or in fact be adopted by the Township. In 2015 Armstrong came before the Board requesting to rezone 120 acres to residential. That was denied. At this point, the expectation is that the property would be down zoned and significant value lost with no real opportunity to bring a development plan before the Township. In 2016 the Township adopted a new Zoning Ordinance and a new Zoning Map that continues to show the Armstrong property as Industrial. Ms. Hoffer continued that the tools already in place by the Township, gives them control of the development of the property. Those tools include the Manor Township Zoning Ordinance, which includes specific requirements about uses within the Industrial district. Also in place is the Subdivision Land Development Ordinance which requires extensive planning. Significant and extensive regulations are in place to protect any surrounding properties. Also, traffic impact studies

would need to be done. In place is the Township official map which provides for the extension of Stone Mill Road. Armstrong has been cooperative with the Township. No plans have been brought to the Township that is contrary to what is understood to be the goals of the Township. Armstrong commits that no plan will move forward that is not fully discussed with the Township. Taking this action is significant and severe. This is private property. The concern is that this action may not be able to be taken back. The Township may have every intention of doing so, but a new Board could come forward and decide not to move the property out of Agricultural Holding. It is not fair to the property owner. Again, this property owner has been committed to the Township's welfare. The request tonight is to not take this action. Do not initiate creating a brand new district that does not exist in the Township just to try to control the development of property. The Township has substantial restrictions already in place that would come into play with any plan submitted. To move forward with this is action is seen as unnecessary. Ms. Hoffer requested that Armstrong be allowed to work on their side of potential uses for the property and then they would be brought to the Township for discussion.

Chairman Wenzel responded that the Township has been in discussion with Armstrong for three years. During a meeting in March of 2017, the Township indicated where their thoughts were and that they would like to see some preliminary plan for the property. The objective of the Township is to work with Armstrong. This property is 480 acres. It has tremendous impact on the residents of the Township. In six months, there has been no progress. The Township had no idea what was going on, and it created an issue. Utilizing the Agricultural Holding Zone is perfect for the situation. The Industrial zoning, as far as records show, goes back to 1986. Things have changed dramatically since 1986. The property could be a showpiece for the Township and for Lancaster County. The Township wants to work cooperatively with Armstrong to develop this land.

Mr. Strohecker added that this issue comes down to how to plan for such a large property. The Township does not want to piece out the parcel. The Township would like to work together with Armstrong to come up with a master plan so a goal can be set. In six months, no communication has taken place.

Ms. Hoffer stated Armstrong is not a land developer, they own the land. To require a property owner to pre-plan 480 acres before allowing development to proceed on any part of it seems unfair and unrealistic. The fact that the Township has not heard anything reflects that they do not have anything. Armstrong does not know what the market demands are in real estate, they would need a partner.

Mr. Strohecker commented on the meeting that took place in March of 2017 between the Township and Armstrong. The conversation left off with emphasizing the point of developing a master plan. Six months have passed and the Township is now being informed that there is no possibility of a master sketch plan.

Ms. Hoffer responded that Armstrong is not a land developer.

Mr. Strohecker stated the Township was simply asking for a general plan that would show good planning principles for the entirety of the project. A basic plan could be put together by an engineering firm in a relatively short period of time.

Rhonda Edwards, Armstrong World Industries, commented there is some confusion between what is considered a master plan and a sketch. Ms. Edwards is asking what exactly the Township is looking for.

Mr. Strohecker commented that the request was for a general sketch plan that shows the eight parcels and what possibilities for rezoning could be.

Ms. Edwards stated what she is hearing is if this was provided in years to come, it could be rezoned to what the market is dictating.

Chairman Wenzel responded that her assertion is correct.

Ms. Hoffer commented that if time is given to Armstrong and they come back with a plan, does the Township need to move forward with creating a new zoning district.

Mr. Strohecker recognizes that the land is currently being used for agriculture and this Agricultural Holding Zone is used elsewhere in Lancaster and similar areas. The importance of knowing where the site is going is in the best interest of the residents.

Ms. Hoffer is requesting for some time and the opportunity for Armstrong to come back with a plan. No action has been taken on uses that are not consistent with the Townships goals.

Mary Glazier, 269 Chestnut Grove Road, voiced her concern in regards to the rezoning of the Armstrong property and the agreement she has with Ms. Hoffer.

Mr. Strohecker has presented to the Board a proposed Agricultural Holding Zone amendment to the ordinance. If the Board moves forward, the process takes about 60-90 days. It needs to go before the Townships Planning Commission and the Lancaster County Planning Commission. It also needs to be advertised, go through a public hearing and a public vote.

Chairman Wenzel entertained a motion to move forward with recommended action. George Mann so motioned to authorize staff to prepare a text amendment to create an Agricultural Holding Zone and update the official map to appropriate agricultural areas for that zone. Brandon Clark seconded. Mike Julian added while he would be in favor of moving forward, it is with the understanding that what is being asked is for Armstrong to provide a preliminary master plan sketch. It is important to see Armstrong make a positive move. Mr. Wenzel echoed what Mr. Julian said, Armstrong is being asked to take some initiative and come forward. The motion carried unanimously.

Grace Baptist Church Stormwater Management Agreement – Chairman Wenzel entertained a motion to move forward with Grace Baptist Church Stormwater Management Agreement. Jay Breneman so motioned, George Mann seconded, and the motion carried unanimously.

Financial Security Release-Frey Dairy Farm – Chairman Wenzel entertained a motion to release the full financial security in the amount of \$20,102.20 per the Rettew letter dated August 14, 2017. Mike Julian so motioned, George Mann seconded, and the motion carried unanimously.

2018 Minimum Municipal Obligation – Mr. Strohecker noted the overall cost of the pension plan is going down in 2018 by \$3,000. Chairman Wenzel entertained a motion to approve. Brandon Clark so motioned, George Mann seconded, and the motion carried unanimously.

Training Approvals – Chairman Wenzel entertained a motion to approve all trainings. George Mann so motioned, Brandon Clark seconded, and the motion carried unanimously.

Traffic Commission Report; Police Chief Report; Public Works Director Report; Township Manager Report; Blue Rock Fire Rescue Report; and Building Permit Report – Chairman Wenzel entertained a motion to approve all reports as submitted. Mike Julian so motioned, Jay Breneman seconded, and the motion carried unanimously.

Chairman Wenzel entertained a motion to adjourn the meeting. Mike Julian so motioned, George Mann seconded, and the motion carried unanimously. The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

J. Ryan Strohecker
Secretary-Treasurer

Recording Secretary
Teresa Strubel