

EPHRATA TOWNSHIP SUPERVISORS' MEETING

July 18, 2017

The Ephrata Township Supervisors met this date at 7:00 a.m. at the Ephrata Township Office Building, 265 Akron Rd., Ephrata, Pennsylvania.

Present were Supervisors: Clark Stauffer
John Weber
Ty Zerbe
Manager: Steve Sawyer
Admin. Asst.: Jennifer Carvell
Police: Lieutenant Shumaker
Engineer: Jim Caldwell

The meeting was called to order by Chairman Clark Stauffer followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS NON-AGENDA ITEMS

Mr. O. Howard Mummau of 990 Newswanger Road was present to discuss the manner in which the road crew cuts the gutters throughout the Township. Mr. Mummau stated that he is a new resident of Ephrata Township but that he spoke to some of his local neighbors and they feel that the procedure currently being done by the Township is a destruction to the natural growth of the shoulder of the road and may also be a violation of the Township's current Storm Water Ordinance. He stated that it also makes it very difficult for the residents to maintain their banks in front of their homes. Mr. Mummau asked if the Township has requested their engineer to research the proper practice of cutting gutters to meet all of the Storm Water Ordinance requirements. Clark Stauffer stated that cutting the gutters along rural roadways is necessary to maintain the road and that in the past he has been notified by residents that the gutters should be cut deeper. The road crew also stated that the property owner that lived at Mr. Mummau's residence prior was one of the people who wanted the gutters cut deeper to ensure that the water can drain off of the roadway. Clark Stauffer requested that the road crew and Mr. Mummau discuss the Township's current procedure and that Manager Sawyer should also look at Mr. Mummau's property when the work has been completed if requested.

A motion to close the public comment period was made by Ty Zerbe. The motion was seconded by John Weber and carried unanimously.

APPROVAL OF MINUTES

John Weber stated that a correction to the June 20, 2017 minutes should be made to the motion made for the Approval of Bills on page 4. John did not attend the June 20th meeting. The motion should be as follows: "A motion was made by Ty Zerbe to accept the list of checks written and to pay any bills pending. The motion was seconded by Clark Stauffer and carried unanimously."

A motion was made by John Weber to dispense with the reading of the June 20, 2017 Supervisors' minutes and to approve them as corrected. The motion was seconded by Ty Zerbe and carried unanimously.

MATTHEW M. LANDIS – REVISED FINAL LAND DEVELOPMENT PLAN

Tom Matteson from Diehm and Sons was present to present the revised Final Land Development Plan for Matthew M. Landis along Division Highway. A Land Development Plan was approved by the Township in 2001. Matthew Landis is proposing to remove the existing building containing a guest house and office and to expand the remaining office building and reconfigure the parking lot to create additional parking. The proposed building footprint will be 6,275 SF with a total gross floor area of 9,590 SF. Approximately 9,490 SF of the building will be offices dedicated to Landis Technologies and 100 SF will be an office dedicated to the auto sales use. The existing auto sales use will have a maximum of four (4) vehicles for sale at any one time. The Lancaster County Planning Commission and the Ephrata Township Planning Commission has reviewed the proposed revised Land Development Plan and their recommendations were provided to the Supervisors for their review prior to the meeting. In addition, Rettew Associates' review letter dated June 26, 2017 was also provided. Tom Matteson reviewed with the Supervisors six (6) different waiver requests. Jim Caldwell gave the Board of Supervisors his recommendations.

A motion was made by Ty Zerbe to approve the requested Waivers to Section 407 – Wetland Study; Section 603.A.3 – Interior Parking Lot Landscaping; Section 603.A.5 - Interior Parking Area Radii; Section 609.B – Landscaping Screen; and Section 609.E.8 – Street Trees as per the justification provided and subject to the condition that the existing privacy fence located on the sides of the property be inspected and maintained if and when the Township deems necessary. The motion was seconded by John Weber and carried unanimously.

A motion was made by John Weber to deny the Waiver request Section 602.A.7 – Improvement of Existing Street but to allow the applicant to defer the street improvements until such time the Township, at its sole discretion, determines that the improvements are necessary. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve the Revised Final Land Development Plan for Matthew M. Landis conditional upon Rettew's Letter dated June 26, 2017. The motion was seconded by John Weber and carried unanimously.

SIGNATURE CUSTOM CABINETRY – REVISED FINAL LAND DEVELOPMENT PLAN

Tom Matteson from Diehm and Sons was present to present the plan on behalf of Signature Custom Cabinetry. The Township approved a Land Development Plan in 2004 for an expansion of the cabinetry business. All of the site work required by that plan was completed but a portion of the building addition was not completed. The proposed addition of 13,000 SF is basically the same footprint shown on the 2004 plan. There are

minor upgrades proposed to the existing storm water facilities to comply with current regulations. The Ephrata Township Planning Commission has reviewed the plan and their recommendations were provided to the Board of Supervisors along with Rettew's letter dated July 17, 2017.

A motion was made by Ty Zerbe to deny the Waiver request to Section 603.B – Sidewalks, but to allow the applicant to defer the improvement until such time as the Township, at its sole discretion, determines that the improvements are necessary in the area. The motion was seconded by John Weber and carried unanimously.

A motion was made by John Weber to approve the Revised Land Development Plan conditional upon Rettew's review letter dated July 17, 2017. The motion was seconded by Ty Zerbe and carried unanimously.

EPHRATA TOWNSHIP POLLUTION REDUCTION PLAN

Jim Caldwell of Rettew Associates presented a draft for public review of the Township's Pollutant Reduction Plan for Impaired Waters of the Commonwealth and the Chesapeake Bay that will be submitted to DEP by the September 16, 2017 deadline. Mr. Caldwell gave a brief summary of the plan. Ephrata Township completed a series of maps that show the location of the municipal boundary, impaired and non-impaired streams, the 2010 urbanized area, storm water system facilities, aerial imagery to identify land use and associated impervious and pervious areas, the storm sewer drainage area associated with each regulated MS4 outfall, and the location of proposed structural BMPs that will be implemented to achieve the required pollutant load reductions. An impairment listing provided in the MS4 Requirements Table provided by PA DEP was completed and a minimum of 10% sediment reduction, 5% nitrogen reductions and 5% phosphorus reduction are required and must be achieved over the 5-year period. Jim Caldwell stated that the Township is proposing a 1,600-foot stream rehabilitation project along the Cocalico Creek next to the Autumn Hills development to meet the required reductions.

STAFF REPORTS

Police Report - Lieutenant Shumaker

- **Report.** Lt. Shumaker gave a summary of the calls for service within Ephrata Township for the month of June. There were 145 total police incidents in the Township in June. The monthly report was provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **Evangel Assembly of God Church – Time Extension to Act on Plan.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from Robert Gabriel & Associates on behalf of the Evangel Assembly of God Church dated June 30, 2017 granting an extension of time of 91 days for action on the plan by the Township. The new deadline for the Township to act on the plan is October 17, 2017. The additional time is needed to satisfactorily address the PennDOT comments regarding the Highway Occupancy Permit.

A motion was made by John Weber to accept the 91-day time extension granted by Evangel Assembly of God for the Township to act on the plan. The new deadline for the Township to act on the plan will be October 17, 2017. The motion was seconded by Ty Zerbe and carried unanimously.

- **Evangel Assembly of God Church – Agreement for Storm Sewer Facilities.** Evangel Assembly of God is the owner of a tract of land along Hahnstown Road and as part of their Land Development Plan will need to install certain storm sewer facilities within the right-of-way of Hahnstown Road which is a state highway. PennDOT has informed the developer and the Township that a Highway Occupancy Permit is required and that the Township needs to be the permittee and assume responsibilities and potential future liabilities relating to the improvements. An Agreement has been prepared by Morgan, Hallgren, Crosswell & Kane on behalf of Ephrata Township to be executed by Evangel Assembly of God Church and Ephrata Township stating that Ephrata Township is willing to be the permittee of the HOP if the Developer agrees to indemnify and hold harmless the Township against all claims which may relate to the Improvements and to reimburse the Township for all costs which the Township may be required to expend for the use, location, installation, maintenance or repair of the improvements. Evangel Assembly of God has agreed to the terms and has executed the Agreement.

A motion was made by Ty Zerbe approving the execution of the Agreement for Storm Sewer Facilities between Evangel Assembly of God and Ephrata Township as presented. The motion was seconded by John Weber and carried unanimously.

- **Martin Energy – Trail Easement Agreement.** Manager Sawyer presented to the Board of Supervisors two (2) separate Trail Easement Agreements prepared by J. Dwight Yoder, Esquire of Gibbel Kraybill & Hess on behalf of Martin Energy. The Easements are with two (2) different property owners along Mohler Church Road. Harlan W. Martin and Esther E. Martin of 34 W. Mohler Church Road and Lidia Martin and Anna Burkholder 35 W. Mohler Church Road for the purposes of obtaining a right-of-way to continue the current Warwick to Ephrata Rail Trail in the future.

A motion was made by Ty Zerbe to approve the execution of the Trail Easement Agreements between Ephrata Township and Harlan W. Martin and Esther E. Martin and the Trail Easement Agreement between Ephrata Township and Lydia Martin and Anna Burkholder as presented. The motion was seconded by John Weber and carried unanimously.

- **William Zimmerman – Road Crew Employee.** Tom Huber and Randy Groome of the Road Crew requested that the Board of Supervisors consider a pay increase for William Zimmerman. Will is a college student that works for the Township over the summer and college breaks throughout the year. Tom and Randy stated that Will has learned a lot this summer and is a hard worker. Will has stated to

the Road Crew that he would be interested in working full-time for the Township when he completes college. Will is a sophomore at Lebanon Valley College. Will is able to come home weekends, holidays, and school breaks and is interested in helping plow over the winter when possible. The Board of Supervisors stated that they will consider the request and discuss this matter at the next meeting.

- **Creek Corner – Time Extension to Act on Plan.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from Pioneer Management, LLC on behalf of Creek Corner Heights, LLC dated July 11, 2017 granting an extension of time of 90 days for the Township to act on the preliminary plan. The new deadline would be November 19, 2017.

A motion was made by John Weber to accept the 90-day time extension granted by Creek Corner Heights, LLC for the Township to act on the preliminary plan. The new deadline for the Township to act on the plan will be November 19, 2017. The motion was seconded by Ty Zerbe and carried unanimously.

- **Creek Corner – Meeting to Discuss Traffic Improvements.** Manager Sawyer notified the Board of Supervisors that a meeting was held to discuss traffic improvements at the intersection of Meadow Valley Road and Route 272 as part of the Creek Corner Heights Development. When the Zoning Board approved a Special Exception to allow apartments on this property the sketch plan provided showed a new dedicated right turn at the signalized intersection. A traffic study was performed since that time and it was determined that the traffic generated by the development would not meet PennDOT warrants to require improvements at the intersection. The Township was hoping that PennDOT would require left turn lanes at the intersection as part of the development. At the meeting, Creek Corner agreed to improving the intersection as it was originally shown with a dedicated right turn lane on Meadow Valley Road. Manager Sawyer and Jim Caldwell of Rettew requested direction from the Board so that Rettew Associates can complete their plan review letter for the Creek Corner Preliminary Plan.

A motion was made by John Weber directing staff to notify Creek Corner that the Board is in agreement that the developer will install a right turn lane at the intersection as part of the development. The improvements shall be located so that the improvements installed by the developer will not have to be redone when left turn lanes are installed in the future. The motion was seconded by Ty Zerbe and carried unanimously.

- **Storm Water Management Ordinance Amendment.** It was decided due to time constraints that this would be discussed at a future meeting.
- **Zoning Hearing – Organic Poultry Partners – 501 Alexander Drive.** Manager Sawyer reviewed with the Board of Supervisors a zoning hearing application for the July Hearing. Organic Poultry Partners are proposing a chicken processing facility at 501 Alexander Drive which is currently zoned Industrial. The

expectations are for the business to be a five (5) day two (2) shift operation from 5:00 am to midnight. The company intends to employ 140 people with about 75% being first shift. The company intends to control the potential of any unpleasant conditions by containing all aspects of the operations within the building. The Supervisors biggest concern was in regards to odor, noise and adequate parking which will be questioned at the hearing. Manager Sawyer also stated that he sent the public notice to residents in the immediate area so that anyone with concerns would be able to attend the hearing. After discussion, the Board of Supervisors did not feel that the Township should take a position or present testimony at the hearing.

- **Lakeside Villas Sketch Plan.** Manager Sawyer and Jim Caldwell presented a sketch plan of a proposed single-family housing development located off of Fulton Street near the Ephrata Township Park. The sketch plan shows 39 lots and a proposed roadway to an undeveloped commercial site along Pleasant Valley Road. This roadway would be part of the commercial project if and when the property would be developed. Both properties are owned by the same developer. The Supervisors discussed requiring the developer to install a fence along the property line adjoining the Township park and also requiring the proposed roadway be shown on the subdivision plan so that future buyers have knowledge of the possibility of the through street to Pleasant Valley Road. Until such time the roadway is constructed an emergency access will be required. The Board also indicated that they would consider a waiver of the required 60 foot right of way width for the street.
- **Ephrata Youth Soccer – Fall Season.** Manager Sawyer notified the Board of Supervisors that Ephrata Youth Soccer would like to use the soccer field area at the Ephrata Township Park for their 4-8 age group this fall. The grass at the park is in good condition.

A motion was made by Ty Zerbe to approve the use of the Ephrata Township Park to the Ephrata Youth Soccer 4-8 age group this fall. The motion was seconded by John Weber and carried unanimously.

- **Denver Whole Sale Foods – Time Extension to Act on Plan.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from Diehm and Sons on behalf of Denver Wholesale Foods dated July 14, 2017 granting a 90-day extension of time to record the revised final plan. The additional time is needed to address the refrigeration equipment discharge water. Denver Whole Sale Foods is considering hooking up to public sewer and is trying to determine the number of edu's they need to purchase.

A motion was made by Ty Zerbe to approve a 90-day time extension to record the Denver Wholesale Foods final plan. The motion was seconded by John Weber and carried unanimously.

Township Engineer – Jim Caldwell reported the following plans are being reviewed:

Creek Corner Heights – Preliminary Plan
Autumn Hills Phase 3 – Construction on-site inspections
Melvyn Wenger – Final Subdivision Plan
Lloyd Zimmerman – Storm Water Management Plan
Signature Customer Cabinetry – Revised Final Plan
Aldi – Construction on-site inspections
Lakeside Villas – Sketch Plan
Summerlyn Green – As-builts
Martin David & Rhoda Martin – Final Plan

Rettew Associates continues to work on the Township's MS4 Plan.

APPROVAL OF BILLS

A motion was made by John Weber to accept the list of checks written and to pay any bills pending. The motion was seconded by Ty Zerbe and carried unanimously.

CORRESPONDENCE

John Weber reported that there was no additional correspondence to report at this time.

A motion was made by John Weber to adjourn the meeting at 8:48 a.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

John L. Weber

J. Tyler Zerbe