

MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
DATE AND TIME: Monday, June 14, 2010, 3:00p.m.

I. Call to Order: Chair Groff opened the Public Meeting @ 3:00 p.m., beginning with roll call of the LCPC Members.

Members: Commissioners Dennis Groff, Leo Lutz, David Kratzer, Jr., Thomas McDermott, Kathy Wasong, Matthew Young, and David Zimmerman were present.

Commissioners Ray D'Agostino and Tim Roschel were not present.

STAFF: James Cowhey, Frank Behlau, Jane Pugliese, Dave Royer, Justin Evans, Mary Gattis-Schell, Randall Heilman, Tara Hitchens, Pat Kadel, Gwen Newell, Dean Severson, Brad Stewart, Andy Weaver, Danny Whittle, and Carol Youtz were present.

Others: Bruce Clark New Holland Borough
Jim Huber Manor Township
Brooks Norris Lancaster Co Solid Waste Management Authority

II. Call to Audience

No one addressed the Commission.

III. Approval of the Minutes of Prior Meetings – May 24, 2010: Ms. Wasong made a motion to approve said minutes. The motion was seconded by Mr. McDermott. The motion carried unanimously (*Mr. Kratzer abstained since he was not present at the meeting*).

IV. Appointments, Presentations and Reports:

A. Scheduled Public Presentations: **None.**

B. Committees and Task Forces: **None.**

C. Reports and Presentations From LCPC Staff:

1. Mr. Cowhey, Executive Director, announced and congratulated Ms. Harriet Parcells, Senior Transportation Planner, and Ms. Patricia Kadel, Senior Planning Analyst, in receipt of their AICP Certifications.
2. Ms. Pugliese, Director for Housing and Economic Development Planning Division reported brief updates as follows: (1) Friday, June 4th was the deadline to submit applications for the 2010 Lancaster County UEF (*Urban Enhance Funding*) Program; and (2) The Economic Development & Sustainability Plan is near end, and she is hopeful by August that the plan will be presented before the LCPC. This plan will come before the Lancaster County Commissioners within the next couple of weeks.
3. Mr. Royer, Director for the Transportation Planning Division reported brief updates as follows: (1) There will be a MPO Meeting on **Monday, June 28th at 12:00 NOON**; (2) A recommendation was made to adopt the 2011 TIP at today's TTAC Meeting; (3) He stated that the MPO and TTAC Retreat will be held on **Thursday, August 5th**; and (4) The LED traffic signal conversion project notice to proceed will be issued next week.

V. Previously Postponed Planning Matters for Discussion and Action:

- A. Lancaster County Comprehensive Planning Items: **None.**
- B. Community Planning Reviews: **None.**
- C. Subdivision and Land Development Plan Items – Approvals: **None.**
- D. Subdivision and Land Development Plan Items – Advisory Reviews: **None.**
- E. Other Planning Matters: **None.**
- F. Additions to the Agenda (with 24-hour Public Notice): **None.**

VI. New Planning Matters for Discussion and Action:

- A. Lancaster County Comprehensive Planning Items: **None.**

B. Community Planning Reviews:

1. **#30-130**, West Hempfield Township, Proposed Amendment to the Zoning Ordinance to Revise regulations governing co-location of communications facilities and dimensionally nonconforming dwellings and to Add regulations governing alternative energy facilities and outdoor hydronic heaters.

Mr. Cowhey informed the Commission that East Drumore Township did adopt their Zoning Ordinance proposal on June 3rd regarding solar energy facilities. He added that the Township has hired special Counsel to develop a more comprehensive Ordinance with input from the LCPC Staff.

Ms. Hitchens respectfully addressed the Commission and gave a brief synopsis of the plan's history stating that that both Rapho and West Hempfield Townships collaborated in the beginning stages; however, Rapho Township decided that they wanted to have further dialogue amongst their officials. The energy facilities regulation plan is only at a draft stage for Rapho Township.

Mr. Clark, of New Holland, respectfully addressed the Commission regarding same proposal, and encouraged the Commission to keep an open mind for how alternative energy plans could be beneficial as well.

Mr. Kratzer made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI.B.1. The motion was seconded by Ms. Wasong. The motion carried unanimously.

2. **#41-130**, Manor Township, Proposed Rezoning of two (2) tracts of land located on the west side of Chestnut Grove Road and on the east side on the Pennsylvania Lines, LLC, and containing a total of approximately 151 acres from (R) Rural Zone to (E) Excavation Zone.

Mr. Norris spoke in support of the proposed rezoning.

Mr. Zimmerman made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI.B.2. The motion was seconded by Mr. McDermott. The motion carried unanimously.

3. **#43-44**, Martic Township, Proposed Amendment to the Zoning Ordinance to Add regulations governing windmills as accessory uses.

The Commission discussed revisions encouraging Martic Township to review subsections A & B of the proposed amendment to consider multiple windmills for agricultural users in a separate Ordinance section, and to ensure that accessory windmill owners would not be in violation when selling excess energy back to the power grid.

Mr. Zimmerman made a motion to approve with the above text revisions and to forward the Staff Review for the item listed under Roman Numeral VI.B.3. The motion was seconded by Ms. Wasong. The motion carried unanimously.

4. **#43-45**, Martic Township, Proposed Amendment to the Zoning Ordinance to Revise regulations governing agricultural uses.

The Commission recommended that Martic Township revisit the proposed change to the permitted agricultural use in the RLD District to determine if crop production on lots smaller than ten acres would be allowed without violating the Right to Farm Act.

Mr. Young made a motion to approve with the above added comment and to forward the Staff Review for the item listed under Roman Numeral VI.B.4. The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

5. **#45-84**, Mount Joy Borough, Proposed Amendment to the Zoning Ordinance to Revise regulations governing replacement of mobile homes in existing mobile home parks.

Mr. Young made a motion to approve and forward the above Staff Review for the item listed under Roman Numeral VI.B.5. The motion was seconded by Mr. McDermott. The motion carried unanimously.

6. **#54-90**, Rapho Township, Proposed Application of KH Wastewater Treatment Company, LLC, for approval of a certificate of public convenience and necessity to acquire the wastewater service assets of Model Enterprise, Inc., and to Begin to offer render, furnish & supply wastewater utility service to portions of Rapho Township.

The Commission had a lengthy discussion about the KH Wastewater Treatment Co. application which would result in public sewer services being provided to an existing mobile home park as well as a 23 acre undeveloped tract (*Millbrook Estates*) and the adjacent Kirk Jenne property which presently contains a five unit apartment building but is proposed to be developed for a total of 9 equivalent dwelling units. The entire area is zoned agricultural and has been identified as a Needs Area in the Township's Act 537 Sewage Facilities Plan. The Commission expressed concerns about the groundwater conditions as identified in the Act 537 Plan and raised questions about the Township's plans to address the existing sewer needs. Staff reported that the Act 537 Plan states that the existing sewer needs are not "immediate" needs but that service may be reconsidered at a later time. The Commission also raised the question of including the Kirk Jenne property in the proposed service area given that the tract is zoned Agriculture and the Township has not identified this area as a growth area. The Millbrook Estates development received preliminary approval under the previous Rural zoning.

Staff reported that they held a meeting with the applicant and the Township Manager and Engineer to discuss the sewer needs of the area. The applicant and Township Manager agreed to continue to discuss alternatives for serving the larger area in the future. However, because the Township Supervisors have not discussed this application yet, the Commission questioned whether there would be a commitment on the part of the Township to pursue these discussions.

Mr. Lutz made a motion that the Commission offers no comments regarding the above Staff Review; however, Staff was directed to forward a letter to the Township expressing concern about the infrastructure issues within the Newtown area. In addition, Staff was directed to forward Staff comments to the PUC (*Public Utility Commission*) for the item listed under Roman Numeral VI.B.6. The motion was seconded by Mr. Young. The motion carried unanimously.

C. Subdivision and Land Development Plan Items – Approvals:

1. **#92-286-1A**, Benuel Fisher, Sadsbury Township, (*Postponed Until July 12, 2010 Meeting*)

Mr. Young made a motion to approve Postponement until the **July 12, 2010 Meeting** at the request of the applicant for the above Staff Review listed under Roman Numeral VI., **C.1.**, The motion was seconded by Ms. Wasong. The motion carried unanimously.

2. **#09-72A**, Willis M. & Martha H. Martin, Little Britain Township, (*Conditionally Approved*)

Ms. Wasong made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI., **C.2.**, conditioned upon adequately satisfying the comments of the respective review memorandum, and further motioned to approve the requested waivers and / or modifications as recommended in said memorandum. The motion was seconded by Mr. Lutz. The motion carried unanimously.

3. **#10-21**, Chester Water Authority, Octoraro Water Treatment Plant – Alum Storage and Feed System Improvements, Little Britain Township, (*Conditionally Approved*)

Mr. Zimmerman made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral VI., **C.3.**, conditioned upon adequately satisfying the comments of the respective review memorandum, and further motioned to approve the requested waivers and / or modifications as recommended in said memorandum. The motion was seconded by Mr. McDermott. The motion carried unanimously.

D. Subdivision and Land Development Plan Items – Advisory Review:

1. **#70-62-1A**, Warrington – Phase 1A, East Lampeter and Upper Leacock Townships
2. **#76-347F**, Paul W. Wenger, Ephrata Township
3. **#79-113-2B**, Mill Creek Square, East Lampeter Township
4. **#79-263-3H**, Phase 4 of Eagles View, West Hempfield Township
5. **#79-526-2**, Amos K. Stoltzfus, Salisbury Township
6. **#83-320A**, Abner G. Zook, Upper Leacock and West Earl Townships
7. **#97-111-2**, Luther Acres – Hershey Wing Expansion, Lititz Borough
8. **#02-69-1A**, Benjamin B. Fisher, Leacock and Upper Leacock Townships
9. **#02-138A**, Vertex Internet, Inc., Lititz Borough
10. **#08-1-1A**, Home Ownership Choice, SACA Development Corporation – North / Locust Streets, Lancaster City
11. **#10-1A**, The Paradise & Leaman Place Fire Company, Paradise Township
12. **#10-22**, The Lyndon Mennonite Church, West Lampeter Township
13. **#10-24**, Kleinsasser Subdivision, Manheim Township
14. **#10-25**, Mervin R. Zook, Salisbury Township
15. **#10-27**, Amos S. & Malinda K. Smucker, Earl and Leacock Townships

Mr. Zimmerman made a motion to approve and forward the above Staff Reviews for the plans listed under Roman Numeral **VI.D.1 thru D.15**. The motion was seconded by Mr. Kratzer. The motion carried unanimously.

E. Other Planning Matters:

- 1) Requests for Waivers:
 - a. **#78-383A**, Robert L. Trout, Bart Township, Section 310.01.D Separation Distance, (*Conditionally Approved*)

Ms. Wasong made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral **VI.E.1)a**. The motion was seconded by Mr. Zimmerman. The motion carried unanimously.

- b. **#93-199-2A**, Villas at Georgetown, Bart Township, 120-Day Extension of Time, (*Approval*)

Mr. Zimmerman made a motion to approve and forward the above Staff Review for the plan listed under Roman Numeral **VI.E.1)b**. The motion was seconded by Mr. McDermott. The motion carried unanimously.

- 2) Requests for Time Extensions: **None**.
- 3) Unconditional Preliminary Plan Approvals: **None**.

F. Additions to the Agenda (with 24-hour Public Notice): **None.**

VII. Old Business: **None.**

VIII. New Business and Discussion Items:

A. Commission discussion

Mr. Young made a motion to approve a Postponement for Commission discussion of the response letter from the PA Dept of Agriculture dated May 28, 2010 regarding proposed Solar Farm, East Drumore Township until the **July 12, 2010** Meeting due to time constraints for the above item listed under Roman Numeral VIII., A., The motion was seconded by Mr. McDermott. The motion carried unanimously.

B. Ms. Gattis respectively addressed the Commission and informed them of an FYI (*for your information*) item, a scoping document for Eastern Shore Natural Gas Company which is a proposed mainline extension interconnect project in Salisbury Township. She noted that the Environmental Assessment will be published by July 6, 2010., and offered to answer any questions if needed.

IX. Adjournment: Chair Groff made declaration to adjourn the meeting at 5:17 p.m.

PLEASE NOTE: The next scheduled meeting of the Lancaster County Planning Commission will be held on Monday, June 28, 2010.