

Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, May 27, 2021

Present: Mr. Jeffrey Frey, Chairman
Mr. Gary Landis, Vice Chairman
Mr. Edward C. Goodhart, III, Secretary
Commissioner Ray D'Agostino
Mr. Jered Hess
Mr. Andrew Lehman
Mr. Roger Rohrer
Mr. Matt Young
Mr. Daniel Zimmerman

Absent:

Staff: Mr. Matthew Knepper, Director
Mr. Kevin Baer, Farmland Preservation Specialist
Ms. Jessica Graham, Farmland Preservation Specialist
Ms. June Mengel, Farmland Preservation Specialist
Ms. Noelle Fortna, Farmland Preservation Specialist
Mr. Garland Treese, Administrative Assistant

Guests: Tom Nehilla, Brent Good, Sam S. Stoltzfus, Timothy S. Trostle, William J. Rogers,
Sam M. Stoltzfus, Cheryl Lane

I. Call to Order

Mr. Jeffrey Frey called the meeting to order at 8:35 a.m.

II. Review of Mission Statement

Mr. Jeffrey Frey requested the Board read the Mission Statement: *"To forever preserve the beautiful farmland and productive soils in Lancaster County and its agricultural heritage; and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life."*

III. Announcements

The Agricultural Preserve Board met in Executive Session on May 27, 2021 at 7:15 a.m. to discuss real estate transactions and litigation.

IV. Approval of Minutes

Motion to approve the March 25, 2021 meeting made by Mr. Edward C. Goodhart III and seconded by Mr. Andrew Lehman

MOTION CARRIED UNANIMOUSLY

V. Business from Guests –

Subdivision discussion concerning 1990-027, Acq#0083, 352 Oak Lane, Mount Joy 150-68874-0-0000.

Thomas J. Nehilla, Esquire from Barley Snyder law firm represented two families who would like to purchase and subdivide the 62-acre Farm into two 30+ acre parcels. As part of the presentation, Brent Good from ELA, Sam Stoltzfus, potential owner, and Bill Rodgers from AET all gave testimony to how and why some farms need to be smaller and can be very profitable/economically viable.

Mr. Matthew Young expressed his concerns at creating smaller farms because he believes these smaller farms create “large lot Amish suburbia” and are not really viable farm operations.

Commissioner D’Agostino asked what the minimum lot size is in East Donegal Township. Staff responded that at one time it was 20 acres, but believe it has increased to a larger size.

Mr. Knepper explained that this Agricultural Conservation Easement does not have specific subdivision guidelines associated with it, but rather the Easement itself provides for Board approved subdivisions so long as the subdivision does not harm the economic viability.

After significant discussion, the guests were informed that the Board would not making a decision today but would likely talk more at a future meeting and respond with appropriate instructions on how to proceed more formerly with this request.

Prior to entering the Business section of the meeting, Commissioner D’Agostino recognized June Mengel for 10 years of service to the County, acknowledging that she had a prior 10 years under her belt from 1993 to 2003. He commented that the County is very lucky to have a large number of employees who have decided to make working for County government their career. At this juncture, Mr. Knepper announced that Kevin Baer’s 10 year’s of service anniversary was in 2016 and this year would mark 15 years of service. The Board offered their thanks to both Mr. Baer and Ms. Mengel.

VI. Business

A. Requests for Subdivision/Land Development

i) SUBDIVISION/LOT ADD-ON AND LAND DEVELOPMENT (CONSTRUCTION) BOARD SUMMARY

Meeting Date for Review: May 27th, 2021

APB Staff: Jessica Graham

Acq. No(s): 0099.1

Original Grantor: Frank H. Goodyear/ Goodyear Farm Associates

Grantee: County

Date of Easement(s), recorded: 7/22/1991.

Acres Preserved: 132 ac [ORIGINAL AC 174.09]

Property ID(S): 5509699700000, 1005839800000, 1005249900000, 5506282500000

Property Location(s): 618 Creek Rd, Christiana

Current Owner: Samuel & Anna Stoltzfus

Statute: ___ Act 442, **X** Act 43

Subdivision Details: **X** ACE, ___ 1995 Guidelines, ___ 2009 Guidelines

Impervious Restrictions: ___ Federal, ___ LFT

Land Development / Subdivision Request:

Mr. & Mrs. Stoltzfus are requesting an agricultural subdivision of their 132 acre farm. There are already two separate farmstead curtilage areas, each having their own dwelling (from the time of preservation). Mr. Stoltzfus' original request is to divide the farm basically in half, leaving 63.68 acres to the northern lot and 68.36 acres to the southern lot. The proposed subdividing line would leave the northern lot without any road frontage. They have addressed this by filing a Deed of Access Easement in March of this year, allowing the northern lot to continue sharing the same driveway as the proposed southern lot.

The intended owners for the two subdivided tracts are his son, Elam Stoltzfus (southern tract) & friend, Gideon Esh (northern tract).

Background:

When this farm was originally preserved in 1991, it was 174 acres, spanning 6 separate parcels of land. In 2013, the owner, Tim Brazelton, separated off the two northern tracts and used the additional dwelling right to build his family home.

Applicable Regulations and Policies:

- ACE (Act 43), Deed Restrictions, Paragraph 3. Subdivision

Other pertinent factors:

Because Mr. Brazelton separated the farm by tracts, this farm still technically has a right to a subdivision. The farm is currently made up of four separate parcels (contained within one deed). There is a township line directly through the center of the farm. Sadsbury to the East, Colerain to the West. Because of this, it seems unlikely that the parcels can be merged to form two complete parcels, given the desired subdividing line.

Staff Recommendation:

Staff recommends some using language that prohibits further subdivision or separation by tracts.

After discussion, the Board agreed to the following Conditions of Approval

- All other requirements that may be imposed by the Township or any other regulatory body must be met.
- All provisions of the Application and this approval shall be binding on the applicants, the owner of the land subject to the Agricultural Conservation Easement.
- No restriction limiting agricultural production is permitted.
- Subsequent to Subdivision, two new property deeds shall be prepared and recorded in the Lancaster County Recorder of Deeds Office.
 - Both deeds shall reference and include the ACE language.
 - Both deeds shall reference by recording information the Subdivision Plan
 - Both deeds shall indicate that no further additional residential structures and no further subdivision are permitted.
 - Both deeds shall indicate that no separation of tracts may occur.
- APB Plan Notes should be identified on the plan.
- If and when a new driveway is constructed for Lot 1, the driveway access easement (Lancaster County Recorder of Deeds: 03/05/2021, #6585441) shall be extinguished.
- This approval is contingent on verification by the Lancaster County Conservation District or a certified conservation planner (technical service provider) that the farm is following a Conservation Plan / Ag E&S Plan (inclusive of manure/nutrient management plan) that is being / has been implemented according to schedule.

- All provisions of the Application and this approval shall be binding on the applicants, the owner of the land subject to the Agricultural Conservation Easement.

Motion to Approve made by Mr. Andrew Lehman and seconded by Mr. Andrew Lehman.

MOTION CARRIED UNANIMOUSLY

ii) SUBDIVISION/LOT ADD-ON AND LAND DEVELOPMENT (CONSTRUCTION) BOARD SUMMARY

Meeting Date for Review: May 27, 2021

APB Staff: June L. Mengel

Acq. No(s): **SUBDIVIDED FROM 0251.1**
Original Grantor: Francis L. and Ethel V. Kirk
Grantee: Commonwealth of PA
Date of Easement(s), recorded: April 13, 1998
353.76 (this ACE was then separated by tracts/parcels and split between Thomas Kirk and Robert Kirk), Robert's portion 236 +/- acres, less 2-acre residential subdivision = 234+/- acres
(of this now separated ACE = 2806128800000, 2807452400000 & 2805288100000 (now owned by Elmer C. Fry III residential lot subdivision approved by APB on 5/4/2018)
Property Location(s): 290 Pilottown Road
Current Owner: Robert E. Kirk
Statute: ___ Act 442, X Act 43
Subdivision Details: ___ ACE, X 1995 Guidelines, X 2009 Guidelines (for lot add-ons only)
Impervious Restrictions: ___ Federal, ___ LFT NONE

Acq. No(s): **LOT ADDED ON TO 0166**
Original Grantor: R. Steven Graybeal and Joseph B. Graybeal
Grantee: Commonwealth of PA
Date of Easement(s), recorded: August 17, 1994
Acres Preserved: 397.495
Property ID(S): 2807035400000 & 2804222700000
Property Location(s): 11 Cornwall Ln & Pilottown Rd
Current Owner: Graywood Realty LP
Statute: ___ Act 442, X Act 43
Subdivision Details: X ACE, ___ 1995 Guidelines, ___ 2009 Guidelines
Impervious Restrictions: ___ Federal, ___ LFT

Land Development / Subdivision Request:

Lot add-on of 11.441 acres from the Kirk farm to the Graywood Realty LP farm.

Background:

At this time, the goal of this lot add-on is to capture a small triangular parcel of land owned by Robert Kirk, but separated from the balance of his property by roads. This small parcel is adjacent to the Graywood Realty LP property. Additionally, Graywood Realty LP has been renting the farmhouse on this small triangular piece for farm laborers. However, due to current legislation as well as APB's lot add-on provisions, any lot add-on must be at least 10 acres and must meet minimum criteria as outlined in the Statute (Act 43.) Graywood Realty LP farms the Kirk farmland with Robert Kirk.

Applicable Regulations and Policies:

- ACE (Act 43), Deed Restrictions, Paragraph 2 Construction of Buildings and Other Structures and Paragraph 4, Subdivision
- ACE, Exhibit "B", 1995 Subdivision and Land Development Guidelines for Land Subject to an Agricultural Conservation Easement and 2009 Subdivision and Land Development Guidelines which provide the ability for lot add-ons for a specified group of preserved farms (those with associated subdivision guidelines.)

Other pertinent factors:

The one additional residential structure that was permitted by the Kirk ACE has been utilized by Robert Kirk on a 2 acre residential subdivision for an immediate family member. No further subdivision is permitted other than that of a Lot Add-On as provided for by APB's 2009 Subdivision and Land Development Guidelines. Verification of Implementation of Conservation Practices for both farms was conducted within the past two years and both farms are following their Plans and no resource concerns have been noted.

Staff Recommendation :

Staff recommends approval.

After discussion, the Board agreed to the following Conditions of Approval

- Applicable APB Standard Plan Notes with any modifications should be identified on the Plan.
- Subsequent to Subdivision, two new property deeds shall be prepared and recorded in the Lancaster County Recorder of Deeds Office: One for the newly created 408+/- acre (proposed) farm tract to be owned Graywood Realty LP and one for the residual farm of 222+/- acres to be owned by Robert E. Kirk
 - Both deeds shall reference and include the ACE language.
 - Both deeds shall reference by recording information the Subdivision Plan.
 - Deed for 408+/- acre farm (Graywood Realty LP) shall indicate that the one additional residential structure, as permitted by the ACE, recorded in Deed Book 4425, Page 210 remains with the ACE and is still available for utilization.
 - Deed for residual 222+/- acre farm (Robert E. Kirk) shall indicate that the one additional residential structure, as permitted by the ACE, recorded in Deed Book 5696, Page 538, has already been utilized (Subdivision 2018-218-J, Rec on 5/23/2018) and no further residential construction or subdivision, except that as provided for in the form of a lot add-on as provided for by APB is permitted.
- This approval is contingent on, at all times, verification by the Lancaster County Conservation District or a certified conservation planner (technical service provider) that the farm is following a Conservation Plan / Ag E&S Plan (inclusive of manure/nutrient management plan) that is being / has been implemented according to schedule.
- All other requirements that may be imposed by the Township or any other regulatory body must be met.
- All provisions of the Application and this approval shall be binding on the applicants, the owner of the land subject to the Agricultural Conservation Easement.
- No restriction limiting agricultural production is permitted.
- APB Staff authorized to provide Final Approval after reviewing final Land Development Plan as submitted to Township/County.

Motion to Approve made by Mr. Matthew Young and seconded by Mr. Roger Rohrer.

MOTION CARRIED UNANIMOUSLY

B. Requests for Rural Enterprise – None

C. PA Farmland Preservation Association Spring Meeting Summary - Discussion to be held at a later Board meeting.

VII. Adjourn The meeting adjourned at 9:39 am

The next scheduled meeting of the Agricultural Preserve Board

Thursday, June 24, 2021, at 8:00 a.m.

Lancaster County Public Safety Center

101 Champ Blvd. Manheim, PA 17545