

BOARD OF SUPERVISORS CONDITIONAL USE HEARING FOR WILLOW ACRES (DESMOND), January 13, 2014 AT 7:00 PM

Minutes of the Pequea Township Board of Supervisors hearing held January 13, 2014 at 7:00 p.m. at the Pequea Township Municipal Building, 1028 Millwood Road, Willow Street, PA 17584.

Present at the meeting were:

Board of Supervisors
Harry Lehman, Chairman
Rob Reidenbach, Vice-Chairman
Cynthia Evans-Herr, Supervisor

Others present:

Connie Kauffman, Twp. Secretary
Matthew Crème, Twp. Solicitor
Mark Deimler, Twp. Zoning Officer
Nathan Pipitone, Project Mgr for Applicant
Chris Venarchick, Engineer, RGS Associates
Sign in Sheet Attached

ANNOUNCEMENTS:

This conditional use hearing has been advertised and posted in accordance with the requirements of the Municipalities Planning Code ("MPC") and the Sunshine Act. The property has been properly posted in accordance with Sections 603(c)(2) and 908(1) of the Municipal Planning Code.

PUBLIC HEARING OF THE WILLOW ACRES (DESMOND) CONDITIONAL USE APPLICATION FOR CONDITIONAL USE APPROVAL UNDER THE NEIGHBORHOOD DESIGN OPTION AS SET FORTH IN SECTION 1971 OF THE PEQUEA TOWNSHIP ZONING ORDINANCE OF 1992, AS AMENDED TO CONSTRUCT 160 DWELLING UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF MILLWOOD ROAD AND SHULTZ ROAD WITHIN THE R-2 RESIDENTIAL DISTRICT.

Supervisor Lehman turned the hearing over to Solicitor Matthew Crème who said this hearing is for the application of Millwood Landco, LLC for the property proposed to be developed with the Neighborhood Design Option under the township Zoning Ordinance. The proofs of publication, the affidavit of notice given by the Zoning Officer, and the October 30, 2013 letter from the Applicant's Attorney Jill Nagy, granting an extension are all part of the township files. Mr. Crème explained the proceedings of a Conditional Use Hearing and the requirements to be considered for party status.

Joellyn Warren, Supervisor Barry Hershey, and Supervisor Jim Kalenich from West Lampeter Township, requested party status since a portion of the project is located in West Lampeter Township.

Ms. Nagy said that West Lampeter Township itself does not meet the requirements of party status since the only way to qualify for party status is by property ownership.

Richard Poillon, on behalf of Willow Valley Associates (200 Willow Valley Square, Lancaster) requested party status since Willow Valley Associates owns an adjacent property.

Daniel Kepner, 230 Brenneman Road, requested party status since he owns an adjoining property.

Supervisor Lehman moved that we do not grant West Lampeter Township status at this hearing tonight. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

Supervisor Lehman moved to grant Richard Poillon party status as Willow Valley Associates in tonight's hearing. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

Supervisor Lehman moved to grant Daniel Kepner of 230 Brenneman Road party status in tonight's hearing. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

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Before proceeding with testimony, Ms. Nagy said the applicant applied for several waivers, one involving density if the Board feels it is necessary.

Supervisor Lehman moved to amend the applicant's application modification regarding density. Supervisor Reidenbach seconded the motion. All voted in favor, none opposed.

After a short opening statement of the proposed development by Ms. Nagy, Nathan Pipitone, Project Manager and Development Consultant for Millwood Landco, LLC was sworn in. Mr. Pipitone gave a history of the property referencing Exhibit #1 the May 15, 2011 sketch plan and Exhibit #2 the sketch plan used during the (2012) rezoning. Previously, the Board directed the applicant to change the sketch so the project looked more like townhomes and a new architect was selected.

Mr. Pipitone stated the proposed development is geared toward a fifty-five (55) plus community, but not age restricted. Mr. Pipitone presented housing Exhibits #5-#17 including floor plans, garages, and parking spaces. Mr. Venarchick, Engineer for RGS Associates, gave a further explanation on parking spaces since it was one of the modifications the applicant is requesting. Mr. Pipitone said this property was required to be included in the township's Urban Growth Boundary. Street lighting and security lighting will be provided and be privately owned. Millwood Landco would be the single owner of the development and they are proposing to contribute the \$1,500.00 per unit Rec Fee. The Applicant is willing to enter into agreement with the township to have that fee be used at the township's discretion. Supervisor Lehman clarified this will be the same as the Summerfield Development.

Mr. Pipitone made the Board aware that the Pequea Township Planning Commission took no action on the plan because they never saw a sketch plan. Mr. Pipitone stated he did file the plans and application with the township on September 27, 2013 and the Planning Commission only received it days before the (November) meeting and did not have sufficient time to review it. Mr. Deimler, Township Zoning Officer, clarified that the Pequea Township Planning Commission looked at the request to see if it should be R-2 zoning and did recommend that the Rettew comments be addressed to the Board for consideration. Ms. Nagy added that the Pequea Township Planning Commission comments are a courtesy, not a requirement in the MPC and said she felt the Rettew comments were irrelevant since the Township did not choose to participate as a party.

Mr. Pipitone continued his presentation and said there is an error on Exhibit #6 since there are no three bedroom units. The stormwater situation was explained along with property management, sidewalks, and trash receptacles. Mr. Pipitone explained the financial security for the project and said the improvements could be staged. Ms. Nagy clarified the financial security would be done by agreement with the municipality and Mr. Pipitone added with Lancaster County Planning Commission (LCPC). Mr. Deimler said this is not the normal LCPC process and from a township staff standpoint he has concerns. Mr. Pipitone said the financial guarantee is built in stages and the number of permits pulled is limited before additional financial security must be posted. The financial security has to be reviewed and approved by the township engineer.

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The opportunity was given for cross examination by those with party status.

Mr. Kepner asked where all the water goes and what the guarantee is that it will be a fifty-five (55) plus community. Mr. Crème said we would hold that question for Mr. Venarchick and the development is being marketed as a fifty-five (55) plus community.

Mr. Kepner asked if the properties would be leased. Mr. Pipitone replied they will be 100% rentals.

Mr. Venarchick gave a brief history of the property and explained each modification the applicant is asking the Board to consider.

A brief recess was taken at 8:56 p.m. and the meeting reconvened at 9:06 p.m.

Mr. Venarchick returned to Mr. Kepner's water question and described how the proposed facilities, detention, and plant materials will hold back the water and release less than what is currently being released. Mr. Pipitone clarified it is a government requirement that the amount of water coming off this property will be fifty (50%) percent less.

PUBLIC COMMENT:

West Lampeter Township left a letter in the nature of public comment and was marked BOS Exhibit #1.

Mr. Kepner asked where all the traffic was going. Mr. Crème reminded Mr. Kepner this was to be public comment.

Mr. Brenneman said his concern was traffic.

Attorney Nagy presented a draft Decision to the Board for their consideration.

BOARD QUESTIONS:

Supervisor Lehman asked about consistency with what was done before. Ms. Nagy replied she reviewed Penn Grant Commons and Summerfield developments and will look at those for consistency.

Supervisor Evans-Herr asked about the acreage. Mr. Venarchick replied 35.675 total of which 31.75 is in Pequea Township and 3.92 in West Lampeter Township.

Supervisor Reidenbach asked if the developer has any obligations to make any improvements to Millwood Road since it is a state road. Mr. Venarchick replied that they would if it was deemed necessary by PennDOT who reviewed the Traffic Impact Study. The result of that Study showed no improvements were necessary.

Supervisor Evans-Herr asked if West Lampeter Township could have come to our township to review everything and if the developer was required to submit anything to their Township. Ms. Nagy replied that they were not required to until the time of the land development plan. The developer is asking Pequea Township to consider including the (West Lampeter Township portion of the property) in open space for the property.

Supervisor Lehman asked if Ms. Nagy was confident with case law regarding that tract being on West Lampeter's boundary being included in our (percentage of open space) numbers. Ms. Nagy said she is confident. Regarding density, Ms. Nagy said it is up to the Board if they want to consider the West Lampeter portion or the Board can act on the density as a waiver instead. Mr. Crème clarified that the waiver was added as an addendum and is not part of the written submission.

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The Board of Supervisors went into executive session with Mr. Crème for quasi-judicial deliberation and consultation within the attorney-client privilege at 9:31 p.m. and the meeting reconvened at 9:39 p.m.

Supervisor Lehman moved to close testimony and we will render a decision on Wednesday, February 19, 2014. Supervisor Evans-Herr seconded the motion. All voted in favor, none opposed.

HEARING CLOSED at 9:40 p.m.

Respectfully submitted,



Connie Kauffman, Township Secretary

Sign-in sheet

2013-01-13 Conditional Use Hearing

~~Bob DeLong~~

~~Matt~~

James Krenich

Crest (Zupabe) Trip Sup.

Jim Nagy

Willow Valley Assoc.

Rick Poulton

WILLOW VALLEY ASSOCIATES

Don & Peg Kepner

~~David S. Burn~~

Anthony V. Miller & Kirkling A. Miller

Jellyn Warren

Barry Hensley

W. Lampeter Trip

CHRIS VENARCHUK RGS

Jill Nagy

FRANK Chlebnikow

ZETTEW