

**RAPHO TOWNSHIP
PLANNING COMMISSION MINUTES
MARCH 4, 2019 7:00 p.m.**

The meeting was called to order at the Rapho Township office by Chairman Jay Gainer at 7:00 p.m., followed by the Pledge of Allegiance. In attendance were Dennis Shellenberger, Darwin Nissley, Howard Boyd, Carrol Ehrhart, Jay Gainer, Jim Caldwell, RETTEW, and Sara Gibson.

The minutes of the February 4, 2019 meeting were approved on a motion by Mr. Nissley, seconded by Mr. Boyd. All in favor.

ACTION ITEM:

**Ivan S., Rebecca S., and Eli S. Fisher Final Land Development Plan #18-367
239 Hossler Road**

RAV Associates, Inc., consultant

Mr. Caldwell presented the plan. The property is comprised of 49.7 acres. The applicants wish to develop 33,865 of impervious coverage, including a residential dwelling, carriage barn, and driveway, for a total land disturbance of 3.4 acres. The plan incorporates a proposed lot add-on to add 2,435 square feet to the driveway from the adjacent lot owned by David and Catherine Greenly. Mr. Caldwell noted that an easement would be needed to accommodate the driveway because the frontage of the property is so narrow. Stormwater would be managed with various infiltration trenches along the length of the driveway and adjacent to the buildings. The property would be served by on-lot water and septic systems. The property is located in the Agricultural Zoning District.

Mr. Caldwell said that the applicant had worked out details with the Lancaster Conservation District to allow for the driveway to cross the stream. Mr. Rob Visniski was in attendance and spoke on behalf of the applicants.

Ms. Ehrhart made a motion, seconded by Mr. Shellenberger, to recommend approval of the plan, contingent on the conditions and modifications listed in the Rettew letter of March 4, 2019, with the addition of a modification of the loading ratio for stormwater, addressing stormwater management comment #7 in the letter. All in favor. The conditions and modifications are listed in abbreviated format as follows:

Modifications:

Subdivision and land development

1. *Section 403.1.B – Profile Scale (New request with this submission)*
The applicant is requesting a waiver to draw all profiles at a horizontal scale of one (1) inch equals fifty (50) feet. In the alternative, the applicant is requesting the horizontal plan scale to be one (1) inch equals forty (40) feet to match the plan scale.
We recommend approval of this modification based upon the justification and alternative provided.
2. *Section 602.5.E – Additional Right-of-Way (New request with this submission)*
The applicant is requesting a waiver of the requirement to provide additional right-of-way along Hossler Road. Hossler Road is a state road, and the applicant has a very limited amount of frontage along the road.
We recommend approval of this modification based upon the justification and alternative provided.

Stormwater management

1. *Section 404.4.D – Easements and Rights-of-Way (New request with this submission)*
The applicant is requesting a waiver of the requirement to provide a minimum twenty (20) foot wide access easement. In the alternative, the applicant is proposing a minimum width of ten (10) feet. The applicant's property is less than twenty (20) feet wide in some areas. In those areas, they are requesting the minimum width be ten (10) feet.
We recommend approval of this modification based upon the justification and alternative provided.

Conditions:

SUBDIVISION AND LAND DEVELOPMENT

1. A wetlands study needs to be provided (§ 403.3.C.5, 403.7.E, 408.4). The applicant indicates that a wetlands study was included with this submission, but it still needs to be provided.
2. All certificates need to be completed prior to recording the plan (§ 403.5, 405.3).
3. Evidence of review by emergency service providers needs to be provided (§ 403.6.A).
4. Evidence of an approved planning module, exemption request, or notice that a planning module is not required needs to be provided (§ 405.4.A).
5. A signed and sealed cost estimate, financial security, and a financial security agreement need to be provided (§ 405.4.E, 405.4.F, 501).
6. The applicant needs to satisfy the park and recreational land dedication requirements prior to plan recording (§ 612).

STORMWATER MANAGEMENT

1. Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit by the Lancaster County Conservation District needs to be provided (§ 405.1).
2. The applicant needs to verify that the riparian corridor is of sufficient width to serve as the drainage easement to contain the unimpeded flow from a one hundred (100) year design rainfall. (§ 501.4).
3. An ownership and maintenance program, in recordable form suitable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities needs to be provided (§ 501.1.C, 601).
4. The existing culvert under the driveway needs to be upgraded to safely convey the runoff from the fifty (50) year storm through and over the driveway (§ 502.13, 504.2).
5. The stability check for Swale B2 needs to be provided (§ 504.4.d.2).
6. The embankment fill material note "The embankment fill material shall be free of top soil, organic material, roots, stumps, wood, rubbish, stone greater than six inches, frozen, or other objectionable materials" needs to be provided (§ 505.14).
7. Unless a waiver request is made, the maximum overall drainage area to infiltration area ratio needs to be 8:1 (§ 506.1.b.3.b).
8. A copy of the User and Maintenance Agreement for the shared access easement in a recordable form acceptable to the Township needs to be provided.
9. Construction sequencing for the infiltration beds needs to be provided.

ACTION ITEM:

**B.C. Desai Holiday Inn Preliminary/Final Land Development Plan #18-368
Southwest corner of East Main Street and Esbenshade Road, Mount Joy
ELA Group, Inc., consultant**

Mr. Caldwell presented the plan. The property is comprised of 4.619 acres near the intersection of Route 230 (Main Street) and Esbenshade Road. The applicants propose to construct a 4-story, 85-room hotel. A provision has been made for a future Phase 2 with an additional retail/restaurant building, which would require a separate land development plan. The project has several driveways, one of which would access Authority Drive on south side of the lot. The project was approved by conditional use by the Board of Supervisors on January 17, 2019. The driveway configurations have precipitated a number of waiver requests. The property is located in the Mixed Use Commercial Zoning District.

Mr. Caldwell noted that the plan had changed somewhat since the conditional use hearing, since the Board of Supervisors had set as a condition that visitors to the facility must be able to exit the site from at least one driveway to turn west toward Mount Joy. As a result, the applicants had created an exit onto Authority Drive. Mr. Caldwell said that the applicants had subsequently found that the stacking distance heading north on Esbenshade Road would not accommodate a left turn into the site from Esbenshade Road. The revised design presented to the Commission now could not accommodate traffic driving west on Old Harrisburg Pike from the Landisville area.

Mr. Sandy Kime of ELA was in attendance and spoke on behalf of the applicants. Mr. Kime said that during the traffic study they had found that the scope of improvements that would be required at the intersection of Esbenshade and Old Harrisburg Pike would cost much more than anticipated for the project. Mr. Kime said that the applicants were proposing to eliminate any commercial building on the site other than the hotel. The commercial building that was proposed during the conditional use hearing

increased the traffic count significantly. Mr. Kime said that he planned to ask for this amendment to the conditional use approval at the upcoming Supervisors' meeting, arguing that the applicants would be reducing the intensity of the previously approved use.

Ms. Ehrhart felt if the applicants were willing to restrict themselves to one building, the Township should not find a problem with that. Mr. Gainer agreed.

Mr. Caldwell said the reduction in intensity was not the issue. Rather, he said, staff felt that the Board had made clear at the hearing that access to the site was important, so he wanted the Board to make the determination about whether the lack of access from Landisville would matter.

Mr. Nissley and Mr. Boyd asked about whether a connection to Maibach Road could be made. Mr. Caldwell said the driveway would join Maibach Road very close to the intersection of Maibach and SR 230. Mr. Kime said there would be floodplain issues involved in extending Authority Drive as well.

Mr. Gainer felt that this is a good use for the site and felt the access challenges should not preclude the developers from being able to develop the site.

Mr. Caldwell suggested that the Holiday Inn could install wayfinding signage to assist drivers.

Mr. Kime said his client felt that visitors to the hotel would be unlikely to enter from Landisville. He felt it did not warrant the cost of the improvements that would be necessary to accommodate that.

Mr. Nissley felt this is a very busy intersection and he was concerned about the traffic flow.

Ms. Ehrhart noted that in the Rettew letter of March 4, there was one modification that was recommended for denial. Mr. Kime said that modification request had been withdrawn.

Ms. Ehrhart made a motion to recommend conditional approval of the application, subject to the conditions of the Rettew March 4 letter, acknowledging the withdrawal of modification request C. under Stormwater modifications. Mr. Nissley seconded the motion. All in favor. The conditions and modifications are listed in abbreviated format as follows:

Modifications:

Subdivision and Land Development

A. *Section 305.A – Preliminary Plan Application*

The applicant has requested a modification of the requirement to provide a preliminary plan application. The land development plan is consistent with the conditional use application and plans.

We recommend the approval of this request based upon the justification and alternative provided.

B. *Section 602.5.C – Reconstruction of Existing Streets*

The applicant has requested a modification of the requirement to install a new wearing course along East Main Street and Esbenshade Road. Both East Main Street and Esbenshade Road are state highways. There is a single inlet proposed along East Main Street, and there is a storm pipe proposed parallel to the west side of Esbenshade Road. In the alternative, the applicant proposes to provide improvements within the highway rights of way as mandated by PennDOT.

We recommend the approval of this request based upon the justification and alternative provided.

C. *Section 602.9.C – Vertical Alignment*

Due to the limited length of the access drives, the applicant has requested a modification of the requirement to provide vertical curves with a minimum length of seventy-five (75) feet for Access Drives "A" and "C" and to waive the leveling area for Access Drive "C". In the alternative, the applicant is proposing a vertical curve length of forty (40) feet for Access Drive "A" and forty-one (41) feet for Access Drive "C".

We recommend the approval of this request based upon the justification and alternative provided.

- D. *Section 602.11.A, 602.12.A.1 – Curbing and Sidewalks*
The applicant has requested a modification of the requirement to install curb and sidewalk along East Main Street and Esbenshade Road. In the alternative, the applicant proposes to install a sidewalk connection from the hotel and the commercial retail building to the edge of the highway cartway at the intersection of East Main Street and Esbenshade Road.
Additionally, as a requirement of the conditional use, the applicant has corresponded with the South Central Transit Authority to install a bus stop at this location. The South Central Transit Authority has agreed with the applicant's plan to provide a non-sheltered bus stop.
We recommend the approval of this request based upon the justification and alternative provided subject to the applicant installing curb and sidewalk for the bus stop as agreed to with the South Central Transit Authority.
- E. *Section 603.1.A – Access Drives Construction Standards (Request modified this submission)*
The applicant has requested a modification of the requirement to construct the access drives to collector street standards. In the alternative the applicant is proposing to construct the access drives to PennDOT standards.
Because a majority of Access Drives "A" and "B" are located within the right-of-way of the adjoining PennDOT rights-of-way, we recommend the approval of this request, including Access Drive "C" based upon the justification and alternative provided.
- F. *Section 605.B, 605.E – Vehicular Parking Facilities*
The applicant has requested a modification of the requirement to provide a parking lot aisle width of twenty-five (25) feet and a minimum parking lot radius of five (5) feet. In the alternative, the applicant is proposing a parking lot aisle width of twenty-four (24) feet and radii of four and one half (4½) feet, both of which exceed the Zoning Ordinance minimums.
We recommend the approval of this request based upon the justifications and alternatives provided.
- G. *Section 609.5.A.10 – Street Trees*
The applicant has requested a modification of the requirement to space street trees between 40 and 60 feet. In the alternative, the applicant proposes 17 street trees planted in groupings. This number and spacing is consistent with the conditional use plans and Section 303.D.2.j(3)(b) and (d) of the Township Zoning Ordinance.
We recommend the approval of this requirement based upon the justification and alternative provided.

STORMWATER MANAGEMENT

- A. *Section 504.4.a.3 – Minimum Pipe Cover*
The applicant has requested a modification of the requirement to provide a minimum of one (1) foot of cover to stone subgrade for the pipe from I-16 to EW-17. In the alternative, the applicant proposes to meet the minimum cover of one (1) foot to the surface in non-vehicular loading.
Because the pipe is located within the right-of-way of East Main Street and will be reviewed and approved by PennDOT and will not, under normal conditions, be subject to vehicular loading we recommend the approval of this request based upon the justification and alternative provided.
- B. *Section 504.4.a.4 – Minimum Pipe Diameter*
The applicant has requested a modification of the eighteen (18) inch minimum storm sewer pipe diameter. In the alternative the applicant proposes pipe with diameters of twelve (12) and fifteen (15) inches, all of which have been designed to convey the 100-year peak flow and will be privately owned.
We recommend the approval of this request based upon the justification and alternative provided.
- C. *Section 504.14 – Protective Barrier for Endwalls*
The applicant has requested a modification of the requirement that headwalls and endwalls be provided with a protective barrier to prevent unauthorized entry. In the alternative, the applicant proposes no trash racks on the endwalls.
We recommend denial of this request.
- D. *Section 506 – Volume Control*
The applicant has requested a modification of the requirement that the post-development runoff volume shall not increase for all storms equal to or less than the 2-year 24-hour event. In the alternative, the applicant proposes to treat stormwater runoff for water quality with a series of bio-retention areas prior to discharging to the basin.
We recommend approval of this modification request subject to the applicant designing water quality measures using Worksheets 12 and 13.

Conditions:

ZONING

1. *After this submission and by letter dated February 26, 2019, the applicant proposed deleting the site access for west-bound Old Harrisburg Pike/north-bound Esbenshade Road traffic and waiving any approvals and rights related to the conditional use approval of the commercial retail use and building included on the approved conditional use plan. Zoning Ordinance Section 303.D.2.p states “Revisions to Approved Development. The plan presented in support of the Conditional Use is an official part of the record for said Conditional Use. Such plan may be changed as part of approval under the SLDO, without the need to obtain Conditional Use approval of the plan change” subject to meeting the six (6) criteria provided. The Supervisors need to determine if the site access revision meets the criteria or requires conditional use approval.*
2. *The pedestrian walkway from SR 230 needs to maintain an average illumination level of two (2) foot-candles at the entire length (§ 303.D.2.l.(4).(c)).*
3. *Sign type G needs to be added to the Traffic Signage Legend. Also, a stop sign needs to be provided at the intersection of Access Drive “C” and Authority Drive (§ 582).*
4. *The location of the gas line extension indicated in the Conditional Use Narrative needs to be shown on the utility plan (§ 906.B.5).*
5. *The width of the access drive needs to be provided. We note that the minimum width for one-way traffic is twelve (12) feet.*

SUBDIVISION AND LAND DEVELOPMENT

1. *The date, final action and conditions of approval by the Board of Supervisors on any approved conditional use modification requests needs to be included on the plan (§ 403.2.I).*
2. *The applicant will need to obtain a PennDOT Highway Occupancy Permit approval for the proposed development (§ 602.10.C, 603.1.E).*
3. *The applicant needs to verify that all utility services, curb stops, valves, hydrants, utility poles, etc. will be located outside of all sidewalks and pedestrian facilities (§ 602.12.A.6).*
4. *The available and required safe stopping sight distances will need to be provided for the access drive intersections with East Main Street (S.R. 230) and Esbenshade Road (S.R. 4020) (§ 603.1.E, 602.10.G).*
5. *In accordance with the plan note on Sheet 7 of 17 of the Maibach, LLC land development plan, recorded in Plan Book J-214, page 146 in the Office of the Recorder of Deeds for Lancaster County, the Old Harrisburg Pike/Esbenshade Road intersection is “to be reconfigured per PennDOT standards when Emanuel E. Murry Tract is developed”. The applicant will need to provide credible evidence from PennDOT that the intersection meets applicable PennDOT standards.*

STORMWATER MANAGEMENT

1. *An ownership and maintenance program, in recordable form suitable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent stormwater management facilities and erosion control facilities will need to be provided (§ 501.1.C, 601).*
2. *Evidence of approval from the Pennsylvania Department of Transportation will need to be provided for all stormwater management facilities which involve a State Highway. A reciprocal maintenance agreement, in a recordable form acceptable to the Township, assigning all maintenance responsibilities and liability to the applicant for any stormwater facilities within the PennDOT rights-of-way (§ 501.10) needs to be provided.*
4. *Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit by the Lancaster County Conservation District will need to be provided (§ 405.1).*

Some discussion was held on a recommendation to the Supervisors regarding the access issue. Ms. Ehrhart considered whether the driveway onto Route 230 was necessary. Mr. Kime felt that driveway would help to alleviate congestion at Esbenshade and 230.

Ms. Ehrhart said any applicant is going to have the same access problem at this property. Mr. Gainer felt the hotel use was as ideal as it could be.

Mr. Kime said the applicants were willing to formally document that there would be no additional commercial building at the site.

Mrs. Gibson agreed to share the Commission’s recommendations with the Board of Supervisors.

ACTION ITEM:

Guardian Barrier Services Conditional Use Plan #2019-33

Lot 4 of KRM Ventures subdivision, Strickler Road

D.C. Gohn, consultant

Mr. Brian Cooley from D.C. Gohn was in attendance and spoke on behalf of the applicants. He described the buildings that had been proposed during the approval of the land development/subdivision for KRM Ventures (formerly Mount Joy Industrial Park Lot F7). He noted that this use would be proposed on the property comprising 7.176 acres and is located at Lot 4 of the KRM Ventures subdivision

Mr. Cooley explained that the applicants rent and distribute barrier systems for festivals and tours. The barrier systems are manufactured in North Carolina. Structures to be stored and distributed at this site include stage decking, bike rack style barricades, ramps including ADA ramps, and turn protection products. He said the hours for the business would be 8:00 a.m.-5:00 p.m. weekdays. He said there would be no manufacturing at the building.

Mr. Cooley said the applicants seek to relocate their operational headquarters to this lot, with a 30,000 square foot warehouse (including 5,000 square feet of office space) in Phase 1. He said the applicants also intend to construct two additional phases of 30,000 square feet each. He explained that Phase 3 also proposed future outdoor paving.

Mr. Cooley said the plan being presented at this time has very minimal changes from the KRM subdivision as approved. He said stormwater would be managed by a regional basin. The property is located in the Industrial Zoning District and is served by public water and sewer.

Mr. Cooley said a traffic assessment had been completed to update the initial traffic study done for the Rapho Triangle by HRG.

Ms. Ehrhart asked about how much parking would be included in the future phases. Mr. Cooley said the Phase 3 paved area could be parking or it could be outdoor storage.

J.B. Dolphin of Guardian Barriers was in attendance and spoke to the Commission. He felt the parking shown on the original plan was adequate for them, so they didn't want to change it. Mr. Caldwell said there was a provision in the ordinance that would allow for parking to be held in reserve.

Ms. Ehrhart made a motion, seconded by Mr. Boyd, to recommend approval of the conditional use application, subject to the conditions listed in the March 4, 2019 RETTEW review letter. All in favor. The recommended conditions are listed in abbreviated format as follows:

ZONING

1. *The dimensions of the loading spaces need to be provided (§ 519.G).*
2. *Parking spaces need to be at least five (5) feet from the proposed building (§ 520.D).*
3. *A phasing schedule needs to be provided (§ 906.A.2.q).*
4. *Strickler Road needs to be labeled as Township Road (§ 906.A.3.i.1).*
5. *The configuration of the paving indicates a future parking lot in phase 3. This needs to be clarified. If a future parking area is proposed the vehicular traffic accessing the parking area will need to be separated to avoid interference with loading area traffic (§ 519.D).*
6. *If the Township determines the project meets the criteria and grants conditional use approval, we recommend the following conditions be included in the decision:*
 - a. *Applicant shall obtain all permits and approvals required by the Rapho Township Zoning Ordinance and any other applicable Township ordinances, regulations and specifications, except to the extent specifically modified by the Decision of the Board of Supervisors on the conditional use application, and as required by all county, state and federal laws and regulations applicable to the development of Guardian Barrier Services. Applicant shall perform all work at Guardian Barrier Services in accordance with all applicable state and municipal statutes, ordinances, and regulations.*

- b. *Applicant shall reimburse the Township for all engineering and legal fees incurred in the processing and review of the Conditional Use Application and the conduct of the hearing on the Conditional Use Application, review or preparation of documentation required in connection with the conditional use hearing, and for other costs as set forth in these conditions within forty-five days after receiving an invoice for the same from the Township. If any party other than Applicant files an appeal from the decision of the Board of Supervisors, these fees are to be paid 45 days after the final disposition of all appeals. If Applicant fails to pay such costs within such period, Applicant shall be in violation of this condition.*
- c. *Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Township may refuse to issue any permit or grant any approval necessary to further improve or develop the Property in the event of the violation of or failure to comply with any condition contained in this Decision.*
- d. *The conditions set forth in this Decision shall be binding upon the Applicant, its legal representatives, successors and assigns, and any other entity having an interest in the Property now or at any time in the future.*
- e. *Applicant, its successors and assigns, shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the public hearing, except to the extent modified by these conditions or as may be modified as part of the land development process.*
- f. *The conditions contained in this Decision shall not be deemed to limit, restrict, diminish, impair or otherwise affect any statutory, administrative or common law rights or remedies either at law or in equity which any person or entity, including the Township, may have as a result of the development or use of the Property.*

ACTION ITEM:

PA Property Investors LLC Conditional use plan #2019-34

4753 Elizabethtown Road

Harbor Engineering, consultant

Ms. Claudia Shank of McNees Wallace and Nurick was in attendance and spoke on behalf of the applicants. Ms. Shank introduced Judy and Scott Grillo, owners of PA Property Investors LLC. She explained that the Grillos' property comprises 55 acres and is currently improved with a residential dwelling and a bank barn. The Grillos had removed several dilapidated structures.

Ms. Shank said the applicants propose to convert the barn into a special events venue, which would be operated by Promise Farm LLC. The applicants are requesting conditional use approval to permit an "Agri-tainment/Agritourism" use in the Agricultural Zoning District. The barn has a building footprint of 2,856 square feet and would include restrooms and a small kitchen. Ms. Shank explained future outdoor gathering areas. Ms. Shank described the general operations proposed. She said that there would be no amplified sound outside the building. The property is served by on-lot water and sewage systems.

Amanda Groff of Harbor Engineering was in attendance and spoke on behalf of the applicants. She explained that the parking lot is proposed to be partially constructed of pervious structures to allow for stormwater infiltration. She said that the driveway would be paved back 100 feet from Elizabethtown Road to allow for stacking.

Mr. Gainer asked about how the 65 total proposed parking spaces would accommodate the number of guests for the facility, which were proposed to be 225 maximum. Mr. Gainer felt it was unlikely that number of spaces would work for a wedding that size. Mrs. Grillo said she felt many guests would travel to the site with four guests per vehicle. Mr. Shellenberger disagreed and felt that most visitors would not come four to a vehicle.

Mr. Gainer asked about the long driveway with a width of only about ten feet. He felt there should be "bumpouts" to allow drivers to pull over if traffic was coming from the opposite direction. Mr. Mark Stanley of McNees Wallace and Nurick spoke on behalf of the applicants and agreed that bumpouts could be accommodated. He wanted to avoid adding too much additional impervious coverage to the site.

Mr. Shellenberger noted that some guests might come from a hotel in a shuttle bus, so the applicants should figure out how to accommodate buses turning around. The group agreed that bringing shuttles would help limit parking cars.

Mrs. Grillo said their architects had advised that there would be no need for elevators or sprinklers under current building code requirements.

Mr. Gainer felt that the Township in the past had required wedding barns to install sprinklers. Mrs. Gibson and Mr. Caldwell said if this building warranted sprinklers under the current building code, this applicant would be required to install them.

Ms. Shank said the applicants wanted to limit the amount of lighting in the parking lot. Mr. Caldwell felt it would be important to have a good lighting plan given that there would be many pedestrians and vehicles moving at once.

Mr. Shellenberger said he thought this is a good location for this use. He said he liked that the Sunday hours that would not conflict with Ruhl's United Methodist Church across the street.

There was some discussion as to whether the applicants should request use of the building on days other than weekend days. Mr. Nissley suggested that they ask for the whole week instead of limiting themselves and then having to come back and ask for more days. Mrs. Grillo and Mr. Stanley said they would take the Commission's comments into consideration before the Board hearing.

Ms. Ehrhart reiterated that the group felt there was not enough parking. She said they felt there should be reinforced turf to prevent vehicles from getting stuck in the mud if there was overflow parking.

Ms. Ehrhart made a motion to recommend approval of the conditional use, subject to the conditions of the March 4 RETTEW review letter, with the additional comments that:

- 1. There would be bumpouts along the driveway.**
- 2. Lighting would be designed for safety without over lighting the site.**
- 3. The applicants would be seeking a waiver of land development.**
- 4. The applicants would consider adding more parking area.**
- 5. The applicants would consider requesting additional weekday events.**

Mr. Caldwell said he would amend their letter to add these comments. Mr. Nissley seconded Ms. Ehrhart's motion. All in favor. The conditions of the RETTEW review letter are listed in abbreviated format as follows:

ZONING

- 1. The minimum setback lines need to be provided on the plan (§ 302.C.a). Also, the existing and proposed lot coverages need to be provided in the Zoning Data Table.*
- 2. The municipal boundary needs to be shown on the location map (§ 906.A.3.d).*
- 3. The recorded plan name and record book number need to be provided for land owners across Elizabethtown Road (§ 906.A.3.f).*
- 4. The narrative states the property is ± 55 acres, but the plan states ± 53.76 acres. This needs to be clarified (§ 906.A.3.h.(1)).*
- 5. The dark dashed line running around the structures needs to be identified (§ 906.A.3).*
- 6. The cover crop, livestock, and flower planting areas referenced in the narrative need to be shown on the plan (§ 906.A.3.h.(3)).*
- 7. The lot line bearings and distances need to be provided (§ 906.A.3.e).*
- 8. The square footages of the existing and proposed buildings need to be provided on the plan sheets (§ 906.A.3.i).*
- 9. The narrative states that there will be an additional forty-five (45) parking spaces in the overflow parking area, but the plan states ± 45 spaces. This needs to be clarified (§ 906.C.3.c).*
- 10. If the Township determines the project meets the criteria and grants conditional use approval, we recommend the following conditions be included in the decision:*

- a. *Applicant shall comply with all applicable ordinances and regulations in designing, constructing and maintaining the stormwater management system on the site.*
- b. *Applicant shall submit a lighting plan, including photometrics, pole, fixture, and footer details for the site during the land development process and shall install the lighting as shown on the lighting plan submitted during the land development process.*
- c. *Applicant shall obtain all permits and approvals required by the Rapho Township Zoning Ordinance and any other applicable Township ordinances, regulations and specifications, except to the extent specifically modified by the Decision of the Board of Supervisors on the conditional use application, and as required by all county, state and federal laws and regulations applicable to the development of 4753 Elizabethtown Road. Applicant shall perform all work at 4753 Elizabethtown Road in accordance with all applicable state and municipal statutes, ordinances, and regulations.*
- d. *4753 Elizabethtown Road shall be developed substantially in compliance with the Plans submitted for review by the Township as part of the conditional use application and other materials presented to the Board, including but not limited to the conceptual architectural elevations of the buildings, except as modified by these conditions. The building locations and dimensions depicted on the Plans are conceptual and may be modified during final design and land development provided that: the buildings shall not be increased in number, or floor area by more than 10 percent or exceed any of the height limitations, setbacks or dimensional requirements of the Ordinance; impervious coverage shall not be increased beyond that proposed on the conditional use plans; or such other changes are made as significantly alter the approved conditional use plan. The building dimensions and layout may be modified based upon tenant requirements, but the location of the buildings shall be substantially as depicted on the conditional use plan.*
- e. *Applicant shall reimburse the Township for all engineering and legal fees incurred in the processing and review of the Conditional Use Application and the conduct of the hearing on the Conditional Use Application, review or preparation of documentation required in connection with the conditional use hearing, and for other costs as set forth in these conditions within forty-five days after receiving an invoice for the same from the Township. If any party other than Applicant files an appeal from the decision of the Board of Supervisors, these fees are to be paid 45 days after the final disposition of all appeals. If Applicant fails to pay such costs within such period, Applicant shall be in violation of this condition.*
- f. *Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Township may refuse to issue any permit or grant any approval necessary to further improve or develop the Property in the event of the violation of or failure to comply with any condition contained in this Decision.*
- g. *The conditions set forth in this Decision shall be binding upon the Applicant, its legal representatives, successors and assigns, and any other entity having an interest in the Property now or at any time in the future.*
- h. *Applicant, its successors and assigns, shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the public hearing, except to the extent modified by these conditions or as may be modified as part of the land development process.*
- i. *The conditions contained in this Decision shall not be deemed to limit, restrict, diminish, impair or otherwise affect any statutory, administrative or common law rights or remedies either at law or in equity which any person or entity, including the Township, may have as a result of the development or use of the Property.*

OTHER BUSINESS:

Mrs. Gibson updated the Commission on the current status of the PADEP order issued to the Township to amend the Act 537 plan. The order had been issued to require compliant sewage facilities to the Hampton Inn property at 2764 Lebanon Road. She said that staff had met with DEP staff members, and had found them to be determined to require the Township to evaluate the entire area, rather than just the Hampton Inn property, which is currently the only site known to be in violation of the Act 537 plan. DEP wants the Township to provide a TAR (Task Activity Report) advising that the area to be evaluated extends along the State Route 72 corridor from the Turnpike crossing south to Cider Press Road.

Mrs. Gibson said that as a result of this conversation, the Board determined that it would be wise to appeal the order to preserve the Township's rights.

Mrs. Gibson updated the group on the MS4 permitting process. MS4 permits have still not been issued to the municipalities of the Chiques, but we have received comments on our Pollution Reduction Plans (PRPs).

Respectfully submitted,
Sara M. Gibson
Township Manager