

The Board of Supervisors met at the Township Office Building for their regular meeting on March 21, 2019, 7:30PM with Lowell Fry & Duane Martin present. The meeting was called to order by the Chairman and followed with the Pledge of Allegiance.

The minutes of the March 7<sup>th</sup> Meeting were distributed. Mr. Martin made a motion to approve the Minutes as presented; second by Mr. Fry. All voted in favor.

### **POLICE REPORT**

Chief Joe Stauffer reported on the statistics for February 2019 that included 58 traffic tickets, 4 non-traffic tickets, 8 criminal arrests, 20 warnings, 4,883 vehicle miles, 173 incident reports and 36 traffic accidents. He reported on a large heroin arrest that occurred in Manheim Borough where 420 bags of heroin were recovered thanks to Officer Colwell and K9 Casper. On April 10<sup>th</sup> the Manheim Borough Police Department will participate in "Coffee With a Cop" at 2019 Mill 72, 45 North Main Street Manheim as part of their community outreach programs. They will also participate in "Popsicles With the Police" later in the year. On January 26, 2019 the police responded to a fatal overdose on Willow Creek Drive that resulted in the arrests of two individuals for drug delivery resulting in death. Chief Stauffer will give his year-end report at the April meeting. Mr. Fry encouraged the public to attend the community outreach programs that the police department is participating in. He said the chief and officers that serve our community are accessible and willing to carry on conversations with the residents.

Norman Deck of 125 East Mill Street, Manheim was sworn in as a Mastersonville Fire Police Officer by Mr. Fry. Mr. Fry reported that Mastersonville has one of the largest fire police forces in the county. He thanked Mr. Deck for his willingness to serve.

### **CONDITIONAL USE HEARING**

#### **PA Property Investors LLC Conditional Use Plan #2019-34**

#### **4753 Elizabethtown Road**

#### **Harbor Engineering, consultant**

The property comprises 55 acres and is currently improved with a residential dwelling and a bank barn. The applicants propose to convert the barn into a special events venue, which will be operated by Promise Farm LLC. The applicants are requesting conditional use approval to permit an "Agri-tainment/Agritourism" in the Agricultural Zoning District. The barn has a building footprint of 2,856 square feet and is intended to accommodate a maximum of 225 guests. A 65-space parking lot is proposed to serve the barn facility.

Mr. Fry reviewed the procedures of a Conditional Use Hearing and the responsibilities of all the parties involved. Mr. Fry called the hearing to order. Township Manager Sara Gibson reported that the hearing had been properly advertised and the property was posted. A court stenographer recorded the hearing. When Mr. Fry asked if anyone in attendance would like to be a party to the hearing the following responded:

Cindy & Scott Geib - 1061 Rife Run Road

Karen Hudick - 1032 Rife Run Road

Tom & Connie Hershey - 4667 Elizabethtown Road

Gary & Chris Myer - 1025 Rife Run Road

Claudia Shank, attorney for the applicants, objected to Karen Hudick becoming a party to the hearing since her property is not directly adjoining 4753 Elizabethtown Road. **Mr. Martin made a motion to overrule Ms. Shank's objection; seconded by Mr. Fry. All voted in favor. Mr. Martin made a motion to list the above residents as parties to the hearing; second by Mr. Fry. All voted in favor.**

Ms. Shank presented the application for converting the existing barn at 4753 Elizabethtown Road into a special events venue. She said the existing driveway would be extended to the parking area. The hours of operation are planned for Friday 4PM - 11PM, Saturday 9AM - 11PM and Sunday 12PM - 11PM. There would only be one event at a time and there would be no amplification outside the barn. The food for these events would come from outside vendors. Ms. Shank said the Rapho Township Planning Commission recommended approval of this conditional use with a few suggestions. They suggested some bump-outs along the driveway to accommodate traffic from both directions which the applicant plans to now do, add additional parking which the applicant now shows and expand their hours of operation which the applicant has chosen not to do but would like the option of having another conditional use hearing if changed in the future.

**Steve Gergley** of Harbor Engineers reviewed the site plan with the Board. He pointed out that there are 20 paved parking spaces on the plan and 80 parking spaces on re-enforced turf. He also pointed out the bump-outs along the driveway. Mr. Gergley reviewed the stormwater management facilities and said the site was perc and probed for an in-ground septic system. Mr. Martin asked what material is on the driveway. The drive is gravel but will be paved 100' back from the road and around the barn. Mr. Martin asked if there could be a landscape buffer along the drive to protect the neighboring properties from dust and headlights. Mr. Gergley said his clients would be willing to pave the driveway in further from the road and would consider placing a landscape buffer and making slight adjustments to the driveway.

**Mark Shillaci** of Shillaci Architects reviewed the architectural drawing of the barn's outside view, lower level and upper level. A canopy entrance will be added to the existing barn along with a covered porch. A heating and air conditioning system will be installed. Restrooms will be installed on the upper level and lower level. Mr. Martin asked if fire suppression is needed and Mr. Shillaci said it is not because the occupancy is not over 300. Mr. Fry asked how the Board knows that the barn can hold 225 people safely. Mr. Shillaci said a structural engineer will design the facility.

**Jared Neal** is a traffic consultant and reviewed the Transportation Impact Study that was completed on February 18, 2019. According to his study the approximate new trips during peak hours would be 42 on Friday, 117 on Saturday and 120 on Sunday. He said the study did not meet warrants for an auxiliary turn lane. He said the existing driveway meets site distance requirements and that the driveway would need to be upgraded to a low volume driveway. Mr. Martin asked Mr. Neal how far out Elizabethtown Road he did the study and if the study showed most of the traffic for this facility coming from Lebanon Road (Route 72). Mr. Neil said the traffic flow was pretty evenly split between the directions.

The applicant **Judy Grillo** testified that she feels they have a beautiful property and would like to open their home for others to have a quiet farm experience. She said she had talked to several neighbors and received positive feedback from them. She said the farming operation would continue as a primary use. When asked by Mr. Martin what animals they have she said heifers, sheep and chickens.

Mrs. Gibson, representing township staff, asked Mrs. Grillo who would be in charge of the operations of events. Mrs. Grillo said she would be. Mrs. Gibson asked how the traffic would know where the pervious pavers are to park. Mrs. Grillo said she would like to put small subtle signs up but the details have not been worked out yet. She also said she may need some employees to direct the traffic. Mrs. Grillo said there would be no food prep on site when asked by Mrs. Gibson. Mrs. Gibson asked how long the grass pavers take to get established and verified that they would be established before allowing parking on them. Mrs. Gibson asked how the site will be identified for those attending the special event. Mrs. Grillo said she would possibly put balloons at the mailbox. Mrs. Gibson asked if the amplification will be confined to inside the barn or if it will also be on the proposed porch area. Mrs. Grillo said it will be confined to inside the barn.

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Mrs. Grillo said she had talked to the pastor and a board member of the church across the road from her property and they did not feel that this use would impact them.

Ms. Hudick asked questions concerning whether the farm use is the primary use or whether this proposed conditional use would be the primary one. Mrs. Grillo said the farm land is leased and the meadows are leased for the animals and she considers farming the primary use of this property. Ms. Hudick has a concern about the traffic on Elizabethtown and Rife Run Roads. She is also concerned about the noise and would like to see the agricultural character maintained.

Mrs. Geib said she heard Mrs. Grillo use the past tense when talking about the animals and asked how many animals are currently on the property. Mrs. Grillo said the animals come to the pastures in the spring and are there until mid-November. She only has some chickens at this time. Mrs. Grillo said there is an area in the barn that will store their feed and farm supplies. Mrs. Geib questioned the proposed septic system which was answered by Mr. Gergley. She also asked how many lights would be installed for this proposed use. Mrs. Grillo said there would only be lights at the parking area and not along the driveway. Mrs. Geib asked Mr. Neal some questions about the Traffic Impact Study and the Elizabethtown Road/Lebanon Road intersection. She asked if the study took into consideration the number of trips by employees along with the number of guests. Mr. Neal said it did. Mrs. Grillo said she would have less than 5 employees. She said the renters will be responsible to set up and clean up. Mrs. Geib has a lot of concerns because of the vague information she feels she received at this meeting. She is concerned about the traffic impact on Rife Run Road and Elizabethtown Road, the lights that may or may not be installed and the noise since her property is adjacent to this one.

Mr. Geib has concerns about the noise and how it will be controlled. He is also concerned about the impact on the intersection of Elizabethtown Road and Lebanon Road because he feels it is already a dangerous intersection.

Mrs. Hershey also asked Mr. Neal questions about the Traffic Impact Study and the impact on the Elizabethtown Road/Lebanon Road intersection. She feels this is a dangerous intersection and it should be included in the study. She asked if there will be sound absorbing materials used in the barn. Mrs. Grillo said they will be putting various materials inside the barn when installing the HVAC and feels the noise will be contained. Mrs. Hershey is concerned about the impact this use will have on the Elizabethtown Road/Lebanon Road intersection, noise and the car lights leaving the events.

Mr. Myer also has a concern about the noise and asked if there is anything in the Zoning Ordinance that addresses his concern. Mrs. Gibson said there could be a condition made stipulating noise control. Mr. Myer is concerned because of the proximity of the barn to his house. He said the Sportsman's Club located near him has been mandated by the township to stop all noise by 8PM and wondered why this property would be able to go until 11PM. He feels that the proposed conditional use would become the primary use of this property.

Mrs. Myer said she lives across the stream from Mrs. Grillo and has a concern that if the barn was built for agricultural purposes would it be safe to hold 225 people. She also questioned the farm use. Mrs. Myer asked if renters could come before noon on Sunday. Mrs. Grillo said she would allow family, bridal party, etc. to come early. Mrs. Myer asked if everyone needs to be gone by 11PM or if that is when the event needs to end. Mrs. Grillo said everyone needs to be out by 11PM. Mrs. Myer asked if lights will be placed on the steps of the covered porch. Mrs. Grillo said there will be in order to make it safe. Mrs. Myer asked what the vision is for the covered porch area. Mrs. Grillo said it will be used for relaxation and pre-gathering. Mrs. Myer asked if there will be alcohol allowed at the events and if the doors leading to the covered porch will be open or shut. Mrs. Grillo said she is not obtaining a liquor license but if someone wants to bring champagne she would allow it. She said the doors will be kept shut. Mrs. Myer has a concern about the noise. She feels

that Mrs. Grillo will need a lot of employees to run this special events use. She also has a concern about the structure of the barn and whether it was built for commercial uses.

**Joe Blowers** of 4640 Elizabethtown Road questioned Mr. Neal on the number of trips generated by this use and how the traffic may flow. He is also concerned about the number of buggies that use Elizabethtown and Rife Run Roads and if that was taken into consideration when doing the Traffic Impact Study. Mr. Blowers does not have a huge problem with this use but feels the parking has been extended close to his property. He is concerned about the buggies and what he feels is a dangerous intersection at Elizabethtown Road and Lebanon Road. He does have a fear of the encroachment of business in his neighborhood.

Ms. Shank distributed proposed conditions that have been agreed upon between the township staff and the applicant. She said in her closing comments that she feels the applicant has satisfied all the conditional use criteria for this type of use. She also feels this use is permitted and consistent with the zoning plan. Mrs. Gibson asked Mrs. Grillo if she would be willing to put a limit on the number of employees that do not reside on the property. Mrs. Gillo said she would like to have no more than 10 non-resident employees. Mrs. Gibson said she would appreciate the Board's guidance as staff moves through the review process on Condition #2 concerning lighting.

**Mr. Martin made a motion to close the testimony; second by Mr. Fry. All voted in favor.** Mr. Martin said he would like to take some time to work through the conditions. Mr. Fry said the Board has 45 days to render a decision during which time they can confer with the attorney. Mr. Fry said the Board will render a decision at the April 18<sup>th</sup> meeting.

**PUBLIC COMMENTS** - None

**CHAIRMAN'S COMMENTS** - Mr. Martin reported that he attended his first Rapho Township Fire Council Meeting as ex officio supervisor member.

**PLANNING**

**FINAL APPROVAL:**

**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**

The property comprises 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. The project has several driveways, one of which would exit onto Authority Drive on south side of the lot. The project was approved by conditional use by the Board of Supervisors on January 17, 2019, with an amended approval on March 7, 2019 acknowledging the removal of a secondary commercial building from the plan. The property is located in the Mixed Use Commercial Zoning District.

**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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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*

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*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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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”.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended 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.*

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*The Planning Commission, at their March 4, 2019 meeting, recommended approval of this modification based upon the justification and alternative provided, 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.*

**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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended approval of this request based upon the justification and alternative provided.*

**C. 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.*

*The Planning Commission, at their March 4, 2019 meeting, recommended approval of this modification request subject to the following conditions: 1) the applicant shall design water quality measures using Worksheets 12 and 13 (these have been provided); and 2) as per Section 304.7, evidence of NPDES permit approval shall be provided (this is pending).*

### CONDITIONS:

#### **ZONING**

1. *General Note 1, Sheet 2, and the conditional use decision notes need to be reviewed and approved by the Township's solicitor prior to recording the plan.*

#### **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. *A detailed inspection schedule, separating facilities to be dedicated and facilities to remain private needs to be provided on a plan sheet to be recorded (§ 405.2.L, 504*
3. *All certificates need to be completed prior to recording the plan (§ 405.3).*
4. *Evidence of review by emergency service providers needs to be provided (§ 403.6.A).*
5. *Evidence of an approved planning module, exemption request, or notice that a planning module is not required needs to be provided (§ 405.4.A).*
6. *Financial security, in the amount of \$685,189.00, which includes the required ten (10) percent contingency, and a financial security agreement needs to be provided (§ 405.4.E, 405.4.F, 501).*

#### **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). The applicant's attorney will provide the agreement.*
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. A copy of the approval will be provided by the applicant upon receipt. The applicant's attorney will provide the reciprocal agreement.*

#### **TRAFFIC IMPACT STUDY**

1. *We concur with the methodology, findings and recommendations presented in the report.*
2. *The applicant will need to satisfactorily address any PennDOT and/or LCPC TIS review comments.*
3. *Additional Township comments relating to the proposed access and adjacent intersection improvements may occur because of the submission of the PennDOT HOP and Traffic Signal Permit plans by the applicant.*

**Mr. Martin made a motion to approve the B.C. Desai Holiday Inn Preliminary/Final Land Development Plan #18-368 located at the southwest corner of East Main Street and Esbenshade Road in Mount Joy with the modifications and conditions as listed; second by Mr. Fry. All voted in favor.**

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**Mr. Martin made a motion to approve the release of financial security in the amount of \$27,400.00 for Crowwoods Homestead (Sam Zook) #17-338 at 1687 Old Line Road; second by Mr. Fry. All voted in favor.**

**Mr. Martin made a motion to approve Resolution #2019-5 the Planning Module for Ivan Fisher at 239 Hossler Road; second by Mr. Fry. All voted in favor.**

**Mr. Martin made a motion to approve the Zoning Officer's February 2019 Report; second by Mr. Fry. All voted in favor.**

**OLD BUSINESS** - None

**NEW BUSINESS**

**Mr. Martin made a motion to accept the Auditor's Report; second by Mr. Fry. All voted in favor.**

**Mr. Martin made a motion to authorize the sale of a hydraulic tow-behind street broom for \$2,273.00 as advertised on Municibid; second by Mr. Fry. All voted in favor.**

**CORRESPONDENCE**

*LCPC – Receipt of Plan Review for MJ Twp – Amendment to Zoning Ordinance for High Tunnels  
Northwest EMS monthly report*

*LCPC – Advisory plan review comments – 239 Hossler Rd*

*LCPC – Rezoning East Hempfield Twp – 2701 State Rd*

*LCPC – Amendment to Zoning Ordinance – MV Fueling Stations – East Hempfield Twp.*

*Milano-Schock Library monthly report*

*Lancaster County Economic Development Company – annual report*

*LCPC – Receipt of Request for Plan Review – Elm Tree Properties Phase 5A*

**APPROVAL OF THE DISBURSEMENT LIST - Mr. Martin made a motion to approve the disbursement list and pay the bills; second by Mr. Fry. All voted in favor.**

**Mr. Martin made a motion to approve the transfer of \$76,500 from the General Fund to the Fire Capital Fund and to transfer \$50,000 from the General Fund to the Capital Reserve Fund; second by Mr. Fry. All voted in favor.**

Mrs. Gibson announced that the township has been awarded a PennDOT Safety Award for the improvements to North Colebrook Road.

There being no further public business or public comments the meeting adjourned at 10:04PM.

Respectfully Submitted,

Melva J. Kready  
Recording Secretary