

WEST HEMPFIELD TOWNSHIP SUPERVISORS' SPECIAL MEETING
Minutes of January 21, 2015

The Special Meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Wednesday, January 21, 2015. Chairman David Dumeyer, Vice Chairman Edward Fisher and Board members Frank Burkhart, Kent Gardner and Naomi Martin were present. Also in attendance were: Township Manager Ron Youtz, Township Solicitor Josele Cleary, Zoning Officer Jodi Heffner, and Finance/Personnel Director Brenda Baumbach, serving as Recording Secretary.

I. CALL TO ORDER

Chairman David Dumeyer called the meeting to order at 7:00 p.m. and led with the Pledge of Allegiance. He also announced that the Board will adjourn the meeting and will go into Executive Session to discuss a personnel issue.

II. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Kent Gardner informed the Board that he met with Land Studies Engineer to discuss the possibility of two rain gardens being constructed in the area of Kayo Avenue. He felt that this project will help with the Township's MS4 permit.
2. Edward Fisher informed the Board that he and Township Manager Ron Youtz attended the Intermunicipal meeting that was held in the City of Lancaster. He stated that District Attorney Craig Stedman spoke about the possibility of a county wide police department.

B. TOWNSHIP MANAGER – No Report

C. RESIDENTS – No Comments or Reports

II. COMMUNICATIONS

A. CONSIDER APPROVAL OF STIPULATION AND SETTLEMENT AGREEMENT WITH ST. ANNE'S RETIREMENT COMMUNITY REGARDING A DECISION OF THE ZONING HEARING BOARD

Township Solicitor Josele Cleary explained to the Board that on July 25, 2014, the West Hempfield Township Zoning Hearing Board issued a decision that granted in part and denied in part, St. Anne's Application for zoning relief.

Ms. Cleary stated that shortly after, St. Anne's filed a Land Use Appeal which disputes the denial of variances from certain setback provisions of the Township's Zoning Ordinance and certain construction completion periods and approval periods beyond that stated in the Township Zoning Ordinance. She explained that the Township Supervisors

on September 3, 2014 filed a notice of intervention. She continued saying that since the date of the decision, St. Anne's has entered into an Agreement to acquire neighboring properties and the need for dimensional variances will be negated through the acquisition of said property. After the date of the decision, errors were discovered in the calculation of the amount of open space and density.

Township Solicitor Josele Cleary informed the Board that all parties want to resolve the issue involving approval and renewal periods and the error in calculations through this Agreement.

Josele Cleary informed the Board that she reviewed the Agreement and it has been signed by their attorney and she is recommending the Board of Supervisors authorize her to sign the Stipulation and Settlement Agreement.

Motion: Motion made by Edward Fisher, seconded by Kent Gardner, to approve and authorize the Township Solicitor to sign the Stipulation and Settlement Agreement with St. Anne's Retirement Community.

IV. OLD BUSINESS

A. CONDITIONAL USE APPLICATION – ST. ANNE'S RETIREMENT COMMUNITY AT 3952 COLUMBIA AVENUE – CONTINUANCE OF PUBLIC HEARING

Chairman Dumeyer opened the Conditional Use Hearing for St. Anne's Retirement Community and announced that the Board will conduct the Hearing in accordance with the requirements of the Pennsylvania Municipalities Planning Code. He further stated that in conducting the Conditional Use Hearing, the Board of Supervisors must function like a court. State laws requires a stenographer record the proceedings. A court reporter is present this evening for that purpose. He also stated that if anyone wants to speak, they will be recognized, and at that time they will need to speak clearly and give their name and address. Only one (1) person will be permitted to speak at a time.

The Chairman stated that once all evidence and public comments are received, the Board will close the record. The Board has forty-five (45) days after the close of the hearing to issue a written decision which will be made at a public meeting. He also made known that the Board cannot consider information presented outside of the hearing.

Chairman Dumeyer explained the procedure for requesting party status.

Chairman Dumeyer asked if anyone in the audience wished to be recognized as a party to this hearing. No one requested party status.

The Chairman called Jodi Heffner, Township Zoning Officer, to be sworn in and to give testimony on behalf of the Township.

Zoning Officer Jodi Heffner presented seven (7) exhibits:

Township Exhibit #1 – Confirms that the legal notice was posted at the Township office.

Township Exhibit #2 – Confirms that the legal notice for the continuance was posted at the Township office.

Township Exhibit #3 – Confirms that the property was posted on December 10, 2014 and the posting of the continuation on January 14, 2015 were at two places along Columbia Avenue.

Township Exhibit #4 – Provide proof of publication confirming the legal notice was published in the Lancaster Newspaper on Monday, December 1, 2014 and Monday, December 8, 2014. The notice of the continuance of the public hearing was advertised on Wednesday, January 14, 2015 edition of the Lancaster Newspaper.

Township Exhibit #5 – Provide minutes from the November 20, 2014 meeting of the West Hempfield Planning Commission.

Township Exhibit #6 – Provide the review letter from Rettew Associates, Township Engineer, dated November 20, 2014.

Josele Cleary, Township Solicitor stated there is one additional exhibit to be documented on record:

Township Exhibit #7 – Received letter dated December 16, 2014 from Michael Grab, Attorney for St. Anne's Retirement Community, acknowledging request for the continuance of the Conditional Use Hearing.

The Chairman called upon the applicants and their representatives to make their presentation/case.

Attorney Michael Grab of Nikolaus and Hohenadel, LLP, stated that he is representing the applicant, St. Anne's Retirement Community. He stated that this meeting is to consider a Conditional Use application for the proposed expansion of the St. Anne's facility, located at 3952 Columbia Avenue, Columbia, PA, in the R3 zoning district. The current and continuing use is a care/retirement community. Attorney Grab stated that the property and use have been in existence since 1928.

He stated that St. Anne's plans to expand property onto existing land and to acquire and incorporate 9.32 acres from the Adorers of the Blood of Christ, which is currently under agreement to purchase.

Attorney Grab called Michele Bard to provide evidence. Ms. Bard stated that she is the Chief Finance Officer for St. Anne's. Her statement is as follows:

1. Has worked as the Chief Finance Officer for 12 years.

2. Oversees the financial planning, involved with the strategic planning along with the Management team and involved with the account receivable purchases and expenses.
3. The retirement community currently has 245 beds which offers all levels of care, including skilled nursing and independent living and a recently added memory support facility.
4. The property currently consists of independent living cottages, 34 apartments within the main building and 53 personal care beds. The skilled nursing component is 112 beds with 61 beds for regular skilled nursing and 51 beds for memory support.
5. The current facility is 50/50 with both skilled and independent living. The expansion is needed to meet current community needs and to offer more independent living facilities.
6. St. Anne's is currently under agreement with adjoining property owner Adorers of the Blood of Christ to purchase 9.32 acres.

Attorney Grab stated that the first item to be marked as Applicant's Exhibit #1 - Agreement of Sale for Real Estate.

Attorney Grab called Cheryl Love to provide evidence. Ms. Love stated that she is a Principal and Landscape Architect with ELA Group located at 743 South Broad Street, Lititz, PA 17543. Her statement is as follows:

1. She has worked with St. Anne's through the design and the preparation of the documentation and engineering as stated on the Conditional Use plan.
2. Appeared and testified on behalf of St. Anne's at the Zoning Hearing Board hearing.
3. There have been some minor modifications made to the original Conditional Use Plan. There are two maps that have been updated.

Attorney Grab asked that the amended plan be marked as Applicant's Exhibit #2 - Updated Conditional Use Plan.

Attorney Grab asked that the 8 ½ x 11 color plan be marked as Applicant's Exhibit #3 - Conditional Use Exhibit Overall Site Plan.

4. There was a narrative that has been updated along with the plans.

Attorney Grab asked for Applicant's Exhibit #4 - Saint Anne's Campus Expansion Project Conditional Use Request dated October 21, 2014 with revised date of January 21, 2015 be marked and entered into record.

5. The existing conditions and facilities are marked in the light brown color on Exhibit #3 as stipulated in Ms. Bard's testimony. The rear portion of the property is currently undeveloped. Ms. Love referred to sheet 6 of 9 of

- Applicant's Exhibit #2 which shows the grading and the sites restraints. There is a steep ridge and along the ridge there are steep slopes. There is also a 42 inch city water line with a 30 foot right-of-way that runs through portion of the property. There are also wetlands and a stream that goes around the ridge.
6. The 9.32 parcel of land that is under agreement with the Adorers of the Blood of Christ is zoned Rural Agricultural. It is undevelopable as it consists of sewer easements along with wetlands, streams, flood plains and steep ridges and slopes. The parcel is being added as green area/open space. These are all components with restrictions that must be incorporated into the design. Ms. Love stated that the existing property has numerous unique physical characteristics within the project area which makes the development of the site challenging.
 7. The purchase of the 9.32 acres of Rural Agricultural area will result in a total site area of 62.071 gross acres.
 8. The add-on of the 9.32 acres from Adorers of the Blood of Christ will require a final subdivision and land development plan.
 9. There are private access drives proposed. The access road will link directly to the street stubs at Maria Lane and Merlini Drive. This provides a natural vehicular connection to the existing independent living area of the retirement community and extends this area to the remaining lands of the property.
 10. There is one cottage that will be demolished, located near Maria Drive.
 11. Expansion project proposes 72 new multiple family dwelling units (apartments) within 3 buildings and 34 new two family dwellings (single-family, semi-detached dwelling units or "Duplex" cottages).
 12. Exceed required number of parking spaces. 142 spaces required, 230 spaces provided.
 13. Existing parking also exceeds the required number. 251 spaces required, 299 spaces provided.
 15. New sidewalks and walking paths are integrated within the project area to provide pedestrian linkage throughout the community and connect with the existing sidewalks.
 16. A traffic impact study has been performed at the 3 access points connecting with Columbia Avenue. The results found indicated that there were no impacts created by the proposed project, therefore, no physical improvements were recommended at any of these locations.
 17. The plan (Applicant's Exhibit #2) shows improved and revised acreage numbers for open space. The existing site and project site can provide 13.02 acres as open space which is based only on the area of property located within the R-3 Zone. Corrected numbers have been shown on the plan.
 18. The proposed density was calculated based upon the 50.59 acre area located within the R-3 Zone. This calculation results in a Gross Density of 3.34 Dwelling Units/Acre, which exceeds the maximum permitted density. The maximum density in Township Ordinance, Section 703.8.C.5 permits density of 3.0 Dwelling Units/Acre. This has been addressed by the Zoning Hearing Board in its original decision, and in the subsequent Stipulation for resolution of the Land Use Appeal.

19. Felt that the items addressed in the Rettew Associates letter (Township's Exhibit #6) could be addressed, but there is one additional clarification to the letter regarding parking lot B, which is located outside of Phase 3 apartment. In relationship to the 5% green space of the interior green space for the parking lots, there are two additional parking islands that have been added and are included on the Applicant's Exhibit #2 and Applicant's Exhibit #3. Rettew Associates has stated through emails that they are in agreement and in compliance with the addition of the two islands.

Attorney Grab asked for Applicant's Exhibit #5 – Proposed Conditions if Board of Supervisors Grants Conditional Approval for Expansion be marked and entered into record.

20. The Applicant's Exhibit #5 is a two page document and the 13 conditions listed have been discussed with Township staff.

The Chairman asked the Board members for any questions and/or clarifications of the information that was presented.

Vice Chairman Edward Fisher:

- Knowing the steep ridge and all the infrastructure that had to be addressed, felt the use and design of the project was excellent.
- Eight duplexes and the grading from the driveway and back, there is approximately 24 foot difference in the grade. How are they constructed? *Cheryl Love stated that those units foundations walls will expand down, but the unit itself will sit on the grade.*
- The islands being installed, were they a zoning issue? Ms. Love explained that it was a zoning clarification.

Member Kent Gardner:

- Knowing that this is a retirement community and the steep grades, has safety concern for the residents and also the fire and ambulance personnel access to those residents. *Ms. Love explained that the upper floor level is intended use for the residents - all the access is from the front and there is also level grassy areas adjacent to each building.*
- What are the slopes going to be stabilized with? *Ms. Love stated that the ground will be stabilized with grass.*
- Compliance with storm water. *Ms. Love explained that they will submit all the documents required to Lancaster County Conservation District, and will comply with all their regulations. She also stated that St. Anne's will be responsible for all maintenance and upkeep of the grounds. The residents will not be responsible for any maintenance or repair of the grounds.*

Member Frank Burkhart:

- Commended Ms. Love for a plan that makes good use of the space and for the clarity

- and presentation of the plan was a job well done.
- Any reference to the agricultural land going into preservation? Ms. Love stated that St. Anne's leases the land. She is not aware of either St. Anne's or the Adorers of the Blood of the Christ going into agricultural preservation.

Josele Cleary stated that if the Board wishes to make a decision tonight, when the Stipulation and Agreement is signed and recorded that it be made part of the record of this hearing. Mr. Grab, Attorney representing St. Anne's, stated that they would have no issues with that being added as part of the record.

Chairman David Dumeyer entertained a motion to close the record except for the pending recording of the Stipulation and Agreement.

Motion: Motion made by Edward Fisher, seconded by Kent Gardner, to close at 8:45 p.m. the Conditional Use Hearing for St. Anne's Retirement Community and pending the recording of the Stipulation and Agreement, that said document being made part of the record for this hearing. Motion carried, 5-0.

Motion: Motion made by Edward Fisher, seconded by Kent Gardner, to approve the Conditional Use Application of St. Anne's Retirement Community with the stipulation that the 13 items that are listed in the Proposed Conditions in Applicant's Exhibit #5 are met. Motion carried, 5-0.

B. BUILDING COMMITTEE UPDATE

Ron Youtz, Township Manager, expressed to the Board that the building committee met on Thursday, January 8, 2015 and during discussion, the Committee agreed that the property owned by the fire company which consists of five (5) acres would be the best location for the Municipal Service Complex.

He stated that the Committee recognizes that the facility should be approximately 33,000 square feet. There is a concern that there could be storm water issues with that piece of property, so the Committee is recommending to the Board of Supervisors to engage the services of a storm water engineer to determine the feasibility for the construction of the facility, along with the necessary impervious area to develop the site into the Municipal complex. He is asking the Board if they would like him to contact various firms to obtain storm water quotes or if the Board has other thoughts.

Edward Fisher felt that the adjoining property owner should be contacted and asked to consider allowing the storm water to flow to the natural draw towards the back of his property.

He feels if the property owner does not consent to continue to let the water flow towards the back of his property, then we should stop the project. He stated the project could be done without the property owner's consent, but it would be costly.

Kent Gardner stated that he feels that there are creative ways that the project could be done that would make it less costly and less maintenance in the future. He feels it should be looked into.

David Dumeyer stated that the building committee has recommended to the Board to engage the services of a storm water engineer to determine the feasibility. He feels there needs to be discussions with the property owner and assuming the property owner does not want to cooperate with the plans, then we need to look at other options.

Ron Youtz asked if there was a particular firm that the Board would like to receive a quote from. Kent Gardner suggested Lands Studies, stating that he has seen their plans and designs and feels they would be a good fit for the project. Edward Fisher suggested obtaining proposals from Rettew Associates, David Miller and ELA Group.

Frank Burkhart said that when heavy rains start the water flows down onto the adjoining neighbor's property by natural course and connects to the stream that is part of his property and it floods. With the new facility and the storm water that would be generated, he felt that there would have to be some type of system to help control the amount of water that is dispersed onto the neighboring property.

Edward Fisher stated that we could not convey a 100 year storm through any size pipe onto the neighboring property. The intention would be to pipe underground, but an outlet for a large rain storm would have to be constructed as to not flood the natural flow and the land that would be affected.

Motion: Motion made by Kent Gardner, seconded by Edward Fisher, to authorize the Township Manager to have an open dialogue with the adjoining property owner to get a feel for his support and to obtain a minimum of three feasibility study proposals. Motion carried, 5-0.

David Dumeyer stated that the building committee is scheduled to meet tomorrow Thursday, January 22, 2015.

C. ADJOURNMENT TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTER

Motion: Motioned by Edward Fisher, seconded by Frank Burkhart, to adjourn the meeting at 8:20 p.m., and to convene into executive session. Motion carried, 5-0.

Respectively submitted,

Ron Youtz
Township Manager