

Brecknock Township
Board of Supervisors Meeting
February 14, 2017

The regular meeting of the Brecknock Township Board of Supervisors, Lancaster County that was held on February 14, 2017 was held at the Brecknock Township Building, 1026 Dry Tavern Road, Fivepointville. The meeting was called to order by Chairman Jerry Long at 7:00 p.m.

At this time the Pledge of Allegiance took place followed by Roll Call of Officials.

Present were Melvin Boyd, Arthur Zerbe, Jerry Long, William Cassidy, Mike Reinert & Carol Martin.

Community Open Session – Ron Funk inquired about two real estate transfers to the township that were in the newspaper (Road dedication).

Nelson Shirk – presented a copy of the 2016 yearend report for Fivepointville Fire Company.

Tom Martin – present representing Adamstown Library wanted to thank the board for their support.

A motion was made by Zerbe, seconded by Long to accept the January 3, 2017 & January 10, 2017 Board of Supervisors meeting minutes as presented. All in favor, motion approved.

A motion was made by Zerbe and seconded by Boyd to approve the bills as presented. All in favor, motion was approved.

At this time the Board reviewed the Roadmaster's report. In the roadmaster's report was a request of roads in which he wishes to have included in the Coop bidding process for the 2017 paving season. Also included is a request to put out for Bid the base repair and patching of two other roads (Bowmansville Rd between Malsnee & Twp Line & East Black Creek Rd between 625 and Laurel Road). Arthur stated that as everyone knows he doesn't care for oil and chip application. He also feels that S. Muddy Creek Road (which is included in the list of roads for rut-fill & single application sealcoat) should be considered for widening approx. 2 feet before doing any repair or paving work. He feels that the road gets used by a lot more truck traffic than it used to to places like the Acme Distribution Center. He also feels that even for snow removal it would be good to have it widened. Andy stated that if the road crew were to do the work it would need to be done when they have time. Zerbe feels we should consider getting a contractor to do the widening as they would do it and be in and out of there in 2 days. After some more discussion a motion was made by Long and seconded by Boyd to authorize the list provided by Andy Baum excluding S. Muddy Creek Road to be forwarded to the Co-Op to be included in the joint bidding process and to adopt resolution 2017-5 authorizing our participation. Motion approved by Long & Boyd, Zerbe voted no. Motion was made by Boyd and seconded by Long to authorize bids to be prepared for Bowmansville Rd between Malsnee & Twp Line & East Black Creek Rd between 625 and Laurel Road for multiple areas for base repair/patching. All in favor, motion approved.

At this time the board reviewed the items that needed action on Michael Reinert's Engineers report

At this time Mike discussed a waiver request from Maple Ridge North. The applicant had applied for and received zoning relief to allow installation of patios to the rear of the apartment units with conditions. One of the conditions was the installation of a privacy fence along Route 625. The applicant is requesting to eliminate the sidewalk along the entire front and side of unit 12 as shown on the approved plan since the privacy fence would impede anyone from using the sidewalk. It was also mentioned the sidewalk does not connect with any existing pathway or pedestrian access way, therefore would not serve a viable purpose. The Brecknock Township Planning Commission has approved the modification request at their January Planning Commission meeting. Motion was made by Long and seconded by Boyd to grant the modification request as presented. All in favor, motion approved.

Board of Supervisors

Page 2 of 3

February 14, 2017

A motion was made by Boyd and seconded by Zerbe to accept the Road master, Engineer, SEO & Zoning reports as presented. All in favor, motion approved.

PARK & RECREATION At this time a discussion took place regarding the most recent incident of a vehicle driving on the baseball fields at Brubaker Park. It was concluded that they felt that more lighting would allow for more security camera and with more lighting it may deter them from even trying to drive on the field. It was decided to ask the Park & Recreation board should take a look at and make a recommendation to the Board of Supervisors as soon as possible on where more lighting will may help with security and vandalism.

The Brubaker's have move out of the home located at Brubaker Park. Levi Hoover has prepared a list of items that will need board action. The list is prioritized with immediate needs and then other items down the road that will need consideration that the board should begin thinking about. Items that need immediate attention are the roof, heating system, electrical, security cameras. It's also been recommended that Levi Hoover be the point of contact regarding the items still left in the home to determine the possible values and where they should be disposed of or sold. Motion was made by Long and seconded by Boyd to authorize the immediate need to be taken care of as well as appointing Levi Hoover as the point of contact regarding the organization of the work that needs done as well as the items left in the house. All in favor, motion was approved.

OLD BUSINESS - Proposed rezoning. Chairman Long allowed public comments at this time. Jerry stated that the Brecknock Township Planning Commission made a recommendation to the Board of Supervisors and the next step would be to have the recommendation forwarded to the Lancaster County Planning Commission for their official review and comment prior to the Board of Supervisors holding a public hearing. Ron Funk handed out typed submission of questions/statements and asked that it be included with these meeting minutes.

Cindy Speace asked several questions/statements. Including would like to know some of these people are that their land will be part of this possible rezoning, concerned with possible personal gain of certain individuals; would like to know what type of research has been done; EDU'S; where are we going to get the resources; how many acres are we talking about.

Gene Martini asked what the debate is all about. Stated that most property owners that are being affected were at that Planning Commission meeting and asked their questions and none of them stated their opposition, he's confused as to what all this debate is about.

At this time Jerry Long gave some statistics regarding the Joint Comp plan and the #'s in the plan regarding the number of acres that will be needed in different zoning districts in the future seems unrealistic and explained why.

Jared Artus mentioned that it makes sense to provide for places for people to work to create revenue or taxes will need to be raised.

Bill Cassidy mentioned that if rezoned the current uses set forth in the Zoning Ordinance would be the allowable uses in those districts.

Arthur Zerbe stated he talked to some of the people who are going to be affected by the possible rezoning no one expressed their opposition.

Jerry Long stated that with PPL also has two lots that have to keep for their green space that surrounds their property that is currently zoned AG. He recommends that we include those in the HC zoning also. He stated that if the proposed rezoning goes through it will make so many already business operating in this area conforming instead of non-conforming. The locals need addition businesses to sustain an income, farming isn't enough. He mentioned Nathan Brubaker's property

Board of Supervisors

Page 3 of 3

February 14, 2017

who makes trusses (this parcel would only be rezoned 750' from the road the rest would remain AG), Sauder's Garage.

Tom Martin stated that you are going to force more traffic past his home, a traffic study should be done since there is already so many trucks going by his home (Bowmansville Road).

Levi Hoover stated that changing these property's zoning classification would not change the traffic, it's happening already. Doing a traffic study and that there is PennDot criteria that would need to be met in order to prevent trucks from using Bowmansville Road and the study would not support that.

Motion was made by Long and seconded by Boyd to forward the recommendation from the Brecknock Township Planning Commission to the Lancaster County Planning Commission for official review & comment, with the addition of all PPL properties to be rezoned to HC. With the addition of the PPL properties this will also be forwarded to the Brecknock Township Planning Commission again as well, then a possible public hearing at the April Board of Supervisors meeting. All in favor, motion approved.

Motion was made by Boyd and seconded by Long to accept the extension request from Sun Valley Campground for the Land Development review to May 9, 2017. All in favor, motion approved.

NEW BUSINESS

A motion was made by Boyd and seconded by Zerbe to approve the Real Estate Tax Duplicate for 2017. All in favor, motion approved.

A motion was made by Boyd and seconded by Zerbe to approve the Street Light Duplicate for 2017. All in favor, motion approved.

A motion was made by Boyd and seconded by Zerbe approving the appointment of Greg & Mary Evans to the Park & Recreation Board. All in favor, motion approved.

A motion was made by Boyd to appoint Garth Wise to the Brecknock Township Planning Commission hearing no second the motion dies.

At this time the board reviewed a zoning violation. Zoning officer recently spoke to the resident with the violation and he has asked for an extension to clean things up till March 31, 2017, the zoning officer is recommending granting the extension. A motion was made by Long and seconded by Zerbe to grant the requested extension to clean up. All in favor, motion approved.

Long delivered a message to the public from Rep. Mark Gillian. He stated that he is opposed to the proposed tax for municipalities who have state police coverage. He said each time you pump gas you are paying for state police. Rep Gillian stated that the money that is collected for the PSP should be given to them.

Being no further business, meeting was adjourned by a motion made by Zerbe and seconded by Long at 8.42 pm.

Respectfully Submitted,
Carol L. Martin
Secretary/Treasurer

Brecknock Township Supervisors Meeting, 14 February 2017

At the January 2017 Planning Commission Meeting a list was distributed with concerns about rezoning land on route 625 north of the PA Turnpike from agricultural to highway commercial. The list is attached. At the meeting a resident commented that as long as the land is agricultural you know something about your neighbor because they are farmers or have small businesses. If the land is zoned commercial you have little control of who will be your neighbor. To determine if this is a real concern the people whose property is affected by rezoning were contacted and given lists of allowed uses for agricultural and highway commercial land. Following are some observations from those visits:

- All of the residents had heard something about rezoning and some believe they had received a notice. No one had a copy of the notice. Were notices posted in yards as has been done with previous zoning actions?
- No one knew the reason for rezoning and no one knew what development is allowed on commercial land. All expressed some concern about how the land might be developed.
- No one could name a Township Supervisor. Several said they know Arthur and believe he is still the road master. They will talk with him about their concerns. The residents also said Arthur has always supported protecting natural and agricultural land. They believe Arthur and the supervisors would act in their best interests and would never allow development like gas stations, restaurants, motels or convenience stores. They were very surprised to hear that once the land is zoned commercial the supervisors cannot stop development as long as the property owner satisfies all zoning and land development ordinances.
- Other topics discussed with residents;
 - Residents want to know why so much land, approximately 120 acres, is proposed for rezoning. They want to know what businesses are interested in developing the land.
 - Residents pay property taxes on their farm land and were surprised to hear that PPL does not pay property tax on the land used for the substation. Those close to the substation are not happy with PPL because how much land was used and the appearance of the substation.
 - All residents are aware of the controversy between PPL and Lawrence Martin. PPL would not let the Martin boy cross PPL land to get to school. Neighbors also know PPL placed a power pole in the center of the Martin drive violating his right of way. Residents believe they have been treated badly by PPL and are concerned they will have the same problems with commercial developers including being forced to put in new driveways.
 - Some property owners believe their businesses are nonconforming and will be cited if the land is not rezoned. Residents where light commercial zoning is proposed believe they will benefit by increasing their property value.
- Other observations on the proposed rezoning;
 - The MPC and ELANCO Comprehensive Plan say zoning priority is to protect agricultural land. The only documents describing the proposed rezoning are the 9/26/16 one page Zoning Analysis and the Lancaster Newspaper list of affected properties. There has not

been any discussion or documentation on the loss of agricultural land or alternative locations for commercial development.

- There is not a requirement in the MPC or ELANCO Plan for a certain number of commercial acres. The Brecknock Township Comprehensive Plan of 2008 says 20 acres of additional commercial/industrial land is required by 2030. The Brecknock Zoning Ordinance and Zoning Map were amended in December 2011 to rezone approximately 60 acres of land owned by PPL to commercial. The amended zoning map did not affect commercial land identified on the 2008 Official and Zoning Maps. If the demand for commercial development has changed since 2008 then the Comprehensive Plan and Official Map should be updated to reflect the demand.
- A person or business who own land can petition the Supervisors to change the zoning ordinance and zoning map. Section 10 of the petition requests specific statements on the reasons for the rezoning. The supervisors, planning commission and zoning hearing board control review of the petition to assure rezoning of land complies with the zoning ordinance and the comprehensive plan. If a single lot or many lots are rezoned to commercial the supervisors have lost control of how the land is developed. As long as the property owner meets the conditions of the zoning ordinance and the land development plan the supervisors cannot deny the permit.
- A reason given for the proposed zoning was to prevent any property owner from filing a curative amendment to the zoning ordinance. The Brecknock ordinance does allow for commercial zoning so filing for curative amendment has no validity.
- High voltage power lines cross parcels #1 and #2. Depending on the power transmitted there is a 40 to 80 yard distance on each side of the centerline where no construction is permitted. This prevents building on large portions of parcels #1 and #2.
- The 1984 County survey of historic buildings identified three structures on lots to be rezoned. The survey documents are on file with the state. Removal or construction around these structures requires consultation with the PHMC. The PHMC review has stopped commercial development in other Lancaster Municipalities.
- There has not been any discussion or documentation of the impact of development on the health and welfare of residents including new jobs, increased revenue, available housing, police protection, water quality, water capacity, traffic congestion and sewer capacity.

Residents of Brecknock Township seldom engage in public debate but they do express themselves in private. Before continuing this proposed rezoning all Township residents should receive relevant information so they know the reasons for the rezoning, the potential impact on the community and give them the opportunity for informed participation.

These questions are for the Brecknock Planning Commission to consider for the proposed rezoning on Route 625 North of the PA Turnpike. The questions were prepared by reviewing the PA Municipalities Planning Code (MPC), ELANCO Regional Comprehensive Plan and Brecknock Official Map.

PA MPC Article VI Zoning

Section 603 (g)(1) Municipal Zoning Ordinance shall protect prime agricultural land.

In addition to protecting public health, safety and morals the Brecknock zoning ordinance says its' purpose is to preserve prime agricultural land.

Q: How does the rezoning proposal satisfy the zoning ordinance objective of preserving prime agricultural land?

Section 603 (h) Zoning ordinances shall encourage continuity, development and viability of agricultural operations.

Q: What agricultural operations are on the land proposed for rezoning?

Q: If zoning is changed to commercial what is the impact on current businesses that are allowed in agricultural zoning?

Q: What other locations in the Township have been considered for commercial zoning or multiple use zoning that do not involve agricultural land?

Section 603(l) Zoning ordinances shall permit no-impact home-based business in all residential zones as a right.

Q: What businesses are currently operating on the land considered for rezoning?

Q: Are any of the current businesses non-compliant with residential zoning? Are they permitted in commercial or light industrial zoning?

Section 604 Zoning Purposes (1) Promote public health, safety and morals.

Q: What is the demand for commercial development in the Township?

Q: What is the expected impact of commercial activities on the health, safety and morals of the community?

Section 604 Zoning Purposes (2) Prevent blight, danger, overcrowding and traffic congestion.

Q: What is the expected increase in traffic from commercial business?

Q: What is the expected requirement for services (water, sewer, and police)?

Q: What is the current tax revenue from these properties and what can be expected from commercial business?

Q: How many jobs are expected with the new business and where are the employees expected to live?

Section 604 Zoning Purposes (3) Preserve prime agricultural farmland considering soil quality and current use.

Q: How much of the land zoned for agriculture is used for agriculture?

Q: What is the soil quality and what crops are raised?

PA MPC Article III Comprehensive Plan

Section 301 Preparation (a)(7)(iii) Identify a plan for the preservation and enhancement of prime agricultural land.

The ELANCO Comprehensive Plan has a goal of protecting valued agricultural land and rural landscapes by preserving land shown on the Future Land Use Map through transfer of development rights, purchase of development rights, conservation easements and stronger zoning in agricultural security areas.

Q: Is any of the land proposed for rezoning in an agricultural security area?

Section 301 (b) Comprehensive plan shall include a plan for the reliable supply of water.

All township water is from wells and the aquifer originates in the hills northeast and under the land to be re-zoned.

Q: What consideration has been given to the impact commercial development on the water supply including the quantity used and the potential for contamination?

ELANCO Regional Comprehensive Plan 2008

Table 2.9 Projected Industrial/Commercial growth and Land Consumption.

The Table shows an additional 20 acres of land required by 2030 to support industrial and commercial employment in Brecknock Township.

Q: What has changed since 2008 to increase the number of acres to 120 acres? If conditions have changed then the ELANCO Comprehensive Plan should be revised.

Q: Is there a plan to discuss the proposed zoning changes with the other ELANCO municipalities?

Section 5.3 Land Use Goals for 25 years

- Protect valued open spaces
- Productive farmland
- Sustainable agricultural economy
- Development where (water, sewer, transportation) best support
- Community development and tax base

Q: What is the expected increase in employment, taxes and other revenue from the rezoned land?

Q: Who will bear the cost for services expected or required for commercial development?

Section 5.4 Future Land Use

According to the future land use map commercial zoning is only on the east side of Route 625 and extends to Trostle Lane. Commercial and industrial development should be located in Urban Growth Areas (UGA) to minimize impact on traffic and rural landscape.

Q: Does the Township plan to identify an UGA to accommodate industrial and commercial development?

Section 9 Implementation

9.1 Brecknock Township

An issue raised in the plan is that residential and commercial development has occurred in AG and AG-2 zoned areas. Actions to address this issue include restricting non-agricultural development on prime agricultural soil.

Q: The plan for rezoning is not consistent with the actions in the ELANCO Comprehensive Plan. Where can zoning be changed that follows the ELANCO Comprehensive Plan?

Q: How does the plan for rezoning address TDR's, transportation, housing, police, municipal services and water supply that are included in the Municipalities Cooperative Implementation Agreement?