

West Sadsbury Township Planning Commission
Meeting Minutes April 24, 2024
West Sadsbury Township Building

Members present: Ed Haas, Diedre Hosier, Ken Umble (C) , Chuck Eggen, Ashley Melasecca (VC), Benuel Stoltzfus, and Arthur Wright

Additional attendees: Casey Kerschner of Becker Engineering.

Public attendees: Robert Hosier, Samuel Glick, Aaron Zook, Frank Haas, Trudy Haas, Allen S. Fisher, Aaron King, Evan Hershey, T. J. Acosta, Doug Smoker, Jason Smoker and Nate Dienner.

Meeting opened by Ken Umble called the meeting to order at 7:32 pm with pledge of allegiance.

Minutes of the March 26, 2024, meeting, were read by Art Wright. It was noted that these DRAFT meeting minutes had been on the website for a little less than a month. A correction was made to the spelling of Chuck Eggen's last name. Diedre Hosier motioned to accept the minutes with the correction, seconded by Ken Umble. Motion carried unanimously.

Ken stated he has spoken to people about their concerns about potential zoning changes, as outlined in the Future Land Use Map in the current DRAFT Comprehensive Plan. Some feel they will be at a disadvantage when selling their property at lower cost or value. Ed explained the difference of the vision within the new Comprehensive Plan and specific steps for actual Zoning changes by the Board of Supervisors.

New Business

5791 Lincoln Highway

Casey presented the Motion Document for New Hope Properties. At the meeting, Samuel Glick asked the Planning Commission to conditionally approve the project and move all decisions to the Board of Supervisors meeting of May 14, 2024.

Diedre Hosier stated concern about getting a request from the owner at the meeting, and not allowing the PC to have time to evaluate the request. Ed stated the PC cannot recommend that the plan be conditionally approved because "Conditional Approval" was not one of the items under 5791 W. Lincoln Highway on the agenda, and by voting on conditional approval, it could reasonably have been seen as adding an item to the agenda, of which the public and members in attendance would not have been aware, and could be a violation of the Sunshine Act. Casey explained remaining outstanding items in the review letter, noting that the comments in Review Letter No. 4 are basically the same as the comments from Review Letter No. 1, dated January 23, 2023, and remain to be addressed. Casey explained that it was the applicant's consultants' team's desire to skip over the PC with some of the "bigger" design decisions, before returning back to the PC with any potential design modifications, and to proceed with the requested waivers/modifications/deferrals.

Ken stated we have discussed these items at length during several meetings. Diedre Hosier stated she acknowledged the repeat discussions, but we still need to be thorough in detail to avoid open items not addressed in proper order.

Ashley asked Casey about the remaining items in the recent review letter and conditional approval. Casey noted, that conditional plan approval vest rights in developers and therefore should typically only be granted if only administrative items remain. Casey noted that the majority of the remaining items to be addressed are the “bigger” pieces, and that a process was outlined to Sam and his team in an email dated March 14, 2024, by the Township Solicitor. Casey respectfully requested that any owner/applicant requests for meeting action, or to be placed on the agenda, is requested a full week in advance of the meeting, not during the meeting. Casey noted that this project is very unique, and that is rare that the plans bypass the PC and go straight to the BOS for design considerations and answers like this project. Casey noted that the project will likely be discussed again at the May 28, 2024, PC meeting, and no action tonight relative to Conditional Approval would not affect the applicant’s timeline and processes, considering the outstanding items listed in Becker’s April 24, 2024, Review Letter No. 4 (*i.e. ROW discussions, TPD Review Letter, PennDOT Access HOP, PennDOT drainage HOP, Opinion of Probable Cost, Sanitary Sewer Approval, Minor adjustments to the plans, etc.*).

Ken solicited motions for the Motion Document Items.

Ed Haas made a motion to recommend the Township accept the future time extension, when submitted by the applicant. Seconded by Ashley Melasecca. Motion carried unanimously.

Art Wright made a motion to recommend the Township sign the M-950AA form, to allow the applicant to apply for a Highway Occupancy Permit, with the understanding that any potential future maintenance of the stormwater conveyance system will not be the responsibility of the Township. Seconded by Chuck Eggen. Motion carried unanimously.

Ashley Melasecca made a motion to sign Sewage Facilities Planning Module Component 4A – Municipal Planning Agency Review. Seconded by Benuel Stoltzfus. Motion carried unanimously.

Art questioned the legal status of advertising specific agenda items PLUS a clause which would state the possibility of adding last minute documents received after publication of said agenda. This would help to keep the project moving along without another 30-day meeting interval.

M21 Capital Development (400 Zook Road – SALDO)

Casey explained some details of the project along with T. J. Acosta of Lancaster Civil Engineering Company (applicant’s engineer). Drawings were shown which had the 30’ Right of Way and revised driveway alignment.

Ed recalled a “deal” with PENNDOT and DEP regarding the corner of Zook and Zion Hill Road with something to do with wetlands and drainage. Casey noted that there is only one recorded agreement that had been found as part of the title search and in Becker’s records, which had been reviewed with the project, and was related to the drainage improvements about 10-years ago.

T. J. Acosta stated that the property has 10.3-acres in West Sadsbury Township and 15.08-acres in Lancaster County. T. J. stated 10-acres can have up to nine horses with waste contained in the barn. Application includes a horse barn being built.

Casey discussed the different options of ROW acquisition with the Planning Commission, and asked what the Township wanted to do with the fence (if anything) at this time, if the Township was going to accept the

dedication of the ROW, 30' from center, etc. The PC recommend the Township legally take the additional ROW at this time, but that the fence is not required to be relocated at this time.

Ken solicited motions for the Motion Document Items.

Ashley Melasecca made a motion to recommend approval of waiver/modification Section 22-305 related to Preliminary processing and allow the plan to be processed as a Preliminary/Final Plan. Seconded by Ed Haas. Motion carried unanimously.

Diedre Hosier made a motion to recommend accepting the written time extension dated April 23, 2024, extending the date of action an additional 90-days until August 16, 2024. Seconded by Ed Haas. Motion carried unanimously.

T. J. Acosta expects to be back at the May 24, 2024, meeting, for potential conditional approval recommendation.

Other New Business

Ken Umble received a letter from Aaron King stating he is resigning as a Planning Commission Alternate Member to become a potential candidate for the current vacancy on the Zoning Hearing Board.

Nate Dienner expressed interest in a position on the Planning Commission.

Ken Umble will forward these names to the Board of Supervisors.

Ed Haas motioned to adjourn the meeting at 9:48 pm. Ashley Melasecca seconded. Motion carried unanimously.

Next regular meeting is May 28, 2024, at 7:30 pm.

Submitted by, Art Wright, Secretary