

## **EPHRATA TOWNSHIP SUPERVISORS' MEETING**

**January 16, 2024**

The Ephrata Township Supervisors met this date at 7:00 a.m. at the Ephrata Township Office Building, 265 Akron Road, Ephrata, Pennsylvania.

Present were Supervisors: Clark Stauffer  
Tony Haws  
Ty Zerbe  
Manager: Steve Sawyer  
Admin Assist: Jennifer Carvell

The meeting was called to order by Chairman Clark Stauffer followed by the Pledge of Allegiance to the Flag.

### PUBLIC COMMENTS NON-AGENDA ITEMS

There was no one in attendance to provide public comment on an item that was not on the agenda.

A motion was made by Tony Haws to close the Public Comment Period. The motion was seconded by Clark Stauffer and carried unanimously.

### APPROVAL OF MINUTES

A motion was made by Tony Haws to dispense with the reading of the January 2, 2024 Supervisors' minutes and to approve them as presented. The motion was seconded by Clark Stauffer and carried unanimously.

### LITTLE COCALICO – REQUEST FOR MODIFICATION OF LAND DEVELOPMENT PLAN PROCESSING

Neal Weiler, CEO of Little Cocalico, was present to request a waiver of land development plan processing for property that they are purchasing, the former CB Burkholder property located at 898 North State Street. Little Cocalico is in the business of custom printing fabric and wallpaper and is currently operating in Reinholds. Little Cocalico is owned by Neal and his son-in-law, Jon Boll. Jon and his daughter will be moving into the residence on the property and propose to operate the printing shop in the existing barn on the property. The barn was formerly used as a contractor's office and storage. The property is zoned Industrial and a printing shop is a permitted use in the zoning district.

Little Cocalico is proposing to remove a 939 SF lean-to on the northern end of the barn and build a 44' x 54' addition (2,376 SF) in the same area. The addition will be located on an existing impervious area with the exception of a 403 SF grass area. Jon Boll currently works full-time for Little Cocalico and has two part-time employees working in

the office and taking care of shipping. Their goal would be to add another employee in the next year or so as their growth allows. Little Cocalico will utilize the current office space beside the dwelling for the business.

A motion was made by Tony Haws to approve a waiver of plan processing for the Little Cocalico project based on the Township Engineer's letter dated December 29, 2023 and with the condition that the applicant remove 403 SF of the existing stone parking lot on the northern side of the property so that there will be no increase in impervious area. The motion as seconded by Ty Zerbe and carried unanimously.

ATTORNEY DWIGHT YODER – DISCUSSION ON THE TOWNSHIP  
CONSIDERING A RURAL BUSINESS OVERLAY ZONING DISTRICT

Attorney Dwight Yoder from Gibble Kraybill & Hess and Corey Zimmerman, owner of Zimmerman Auto Body Supplies, Inc. were present to discuss potential changes to the Ephrata Township Zoning Ordinance that would allow their existing business to expand.

Zimmerman Auto Body Supplies is located at 730 Glenwood Drive and was started in 1979 by Corey's father. A second family business, LH Zimmerman Auto / Lawn and Garden is also located on the same property. These businesses have been at this location for generations and have grown steadily over the years. Each business requires additional space to accommodate its continued growth. It is the strong preference of the Zimmerman family to remain in Ephrata Township at their present location if at all possible.

Attorney Yoder explained a concept of an overlay zoning district that would not affect or change the current zoning but would create an "overlay" district that would provide certain properties with existing rural businesses a limited right for additional expansion. Specific requirements would be in place to limit which properties would fall within the overlay district. This overlay zoning district would provide the Township with a high level of control as to where existing rural businesses should, or should not, be allowed to expand and how much additional area could be used.

Chairman Stauffer stated that he was not opposed to discussing ways to allow the Zimmerman businesses to expand at their current location but there are other businesses in rural areas that could create issues if they are allowed to expand. Rural land is much cheaper than Commercial or Industrial land so these businesses want to expand at their current location. Manager Sawyer stated that he has some concerns over creating an overlay district that would help some businesses but not others. There are numerous existing rural businesses in Ephrata Township and it could be very difficult to set up regulations that would allow some to expand, but others not to expand. Supervisor Zerbe stated that he is willing to consider the concept, but we also need to protect the Township and neighboring properties from negative impacts of rural business expansion.

Manager Sawyer suggested that it may be better to consider other ways to allow a limited expansion of the Zimmerman businesses. The adjoining property is a farm owned by the Zimmerman family. The Township may want to consider ways to allow the Zimmerman

businesses to expand onto this property without negatively impacting the agricultural land. The Board discussed the possibility of redevelopment of the existing Zimmerman business property and utilizing a portion of the farm tract adjoining the property that is currently not used for agricultural production. This would require the removal of existing buildings and more extensive site work but this option would still be cheaper than purchasing vacant Commercial or Industrial land.

Attorney Yoder thanked the Board for the input. They will investigate the alternative that was discussed to determine if it would be feasible. Attorney Yoder will also investigate what zoning issues and other approvals would be required for an expansion based on the direction that was provided.

**DECISION – SUN VAPE & SMOKE SHOP INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE**

Manager Sawyer stated that the Public Hearing was held at the January 2<sup>nd</sup> Board of Supervisors meeting on the request for a transfer of a liquor license for the Sun Vape & Smoke shop located at 887 East Main Street, Ephrata, PA. The Board tabled action on the request until this meeting.

Chairman Stauffer stated that he is opposed to the transfer due to the applicant not providing sufficient testimony at the hearing. The applicant did not provide adequate testimony regarding compliance with the requirements of the PA Liquor Control Board. Chairman Stauffer also stated that he has safety concerns with increased traffic at this location. Supervisor Zerbe stated that he does not believe that the transfer is good for Ephrata Township. However, based on the legal advice of the Township Solicitor and the Lancaster County Court decision provided by the Solicitor, the Township does not have legal grounds to disapprove the transfer. Supervisor Haws agreed with the other Supervisors concerns about the transfer, but stated that after reading the 2020 Weis Markets, Inc. v. Lancaster Township court decision, the concerns raised by the Supervisors are the same concerns raised by Lancaster Township and the court overturned the Lancaster Township disapproval. Therefore, he does not feel the Township should waste taxpayer money going to court over this issue.

A motion was made by Tony Haws to approve a Resolution approving the request of Sun Vape & Smoke Shop, Inc. for an intermunicipal transfer of a liquor license. The motion was seconded by Ty Zerbe. Tony Haws and Ty Zerbe voted in favor of the motion and Clark Stauffer was opposed.

**STAFF REPORTS**

**Police Department – Sgt. Matt Randolph.**

Sgt. Matt Randolph was not able to attend the meeting. Manager Sawyer provided the Board with a summary of the calls for service within Ephrata Township for the month of December totaling 395 incidents. There were 17 arrests and 12 traffic citations. The monthly report will be kept on file in the office. Manager Sawyer stated that if there are any questions regarding the monthly report, the Board should notify him and he will contact Sgt. Randolph.

**Manager Steve Sawyer**

- **New Dump Truck Purchase Proposals.** Manager Sawyer and Road Superintendent Randy Groome provided the Board with information for the purchase of a new dump truck. The proposals were for a 2025 International truck from Ascendance Truck Centers (formerly Five Star), a 2025 Western Star truck from Rivers Truck Center, Inc. and a proposal from Lancaster Truck Bodies for a stainless steel dump body, hydraulics, lights, plow and salt spreader. All of the quotes are COSTARS proposals. Randy reviewed the two truck options and recommended that the Township purchase a Western Star truck. He also requested that the Board approve adding two additional work lights on a separate switch for the rear of the truck. Manager Sawyer agreed with this recommendation.

A motion was made by Ty Zerbe to approve the purchase of a 2025 Western Star truck from Rivers Truck Center and the dump body, hydraulics, lights plow and salt spreader and two additional work lights for the rear of the truck from Lancaster Truck Bodies for a total cost of \$208,669 plus the cost for the two additional rear work lights. The motion was seconded by Tony Haws and carried unanimously.

- **Charity Gardens – Request for Crosswalk.** Manager Sawyer provided the Board with an email he received from a resident of Charity Gardens requesting that a crosswalk be installed on Hoover Drive. Manager Sawyer notified the resident that the Board reviewed the same request from a different resident in April of 2023 and did not approve the request because the Township does not require crosswalks as part of the Subdivision Ordinance, and the Township does not paint crosswalks in any of our other developments.

A motion was made Ty Zerbe to deny the request for the Township to paint a crosswalk on Hoover Drive, but to have staff notify the resident and the Charity Gardens HOA that the Township would consider approving a crosswalk on Hoover Drive if the crosswalk was designed, installed and maintained by the Charity Gardens Home Owners Association. The motion was seconded by Tony Haws and carried unanimously.

- **Ephrata Youth Soccer Club – Spring Field Reservation Request.** The Township received a request from the Ephrata Youth Soccer Club to reserve the soccer field at the Ephrata Township Community Park for their U14 and U18 teams from March 1st through August 9th 2024. A Certificate of Insurance was also provided.

A motion was made by Ty Zerbe to approve the request from Ephrata Youth Soccer Club to reserve the Ephrata Township Community Park Soccer Field from March 1st through August 9th 2024 for the EYSC U14 and U18 teams and to notify the EYSC that the Township will evaluate the condition of the soccer field at the end of the season to determine whether requests for the same age groups

will be approved in the future. The motion was seconded by Tony Haws and carried unanimously.

- **Planning Commission resignation – Appoint New Member.** Manager Sawyer provided staff with a resignation letter from Marvin Sauder. Marvin Sauder has served on the Planning Commission since February of 1987. The Board of Supervisors directed staff to send a letter to Marvin Sauder thanking him for his 36 years of service. Manager Sawyer also provided the Board of Supervisors with a resume from resident Daniel Redcay who has expressed interest in serving as an Ephrata Township Planning Commission Member. The Board directed Manager Sawyer to contact the Planning Commission members to see if any member has anyone that they would like to recommend as a replacement. The Board will consider an appointment to replace Marvin Sauder at a future meeting.

A motion was made by Ty Zerbe accepting Marvin Sauder's resignation from the Planning Commission. The motion was seconded by Tony Haws and carried unanimously.

- **2024 Pavilion Rental Rates.** Manager Sawyer notified the Board of Supervisors that he researched the pavilion rental rates for neighboring municipalities and based on the results, he recommended keeping the Ephrata Township 2024 rate the same as 2023, which is \$100.00 for residents and \$150.00 for non-residents.

A motion was made by Tony Haws to set the 2024 Pavilion Rates at the Ephrata Township Community Park the same as 2023, which is \$100.00 for residents of Ephrata Township and \$150.00 for non-residents. The motion was seconded by Ty Zerbe and carried unanimously.

**Township Engineer – Jim Caldwell** was not in attendance.

#### APPROVAL OF BILLS

A motion was made by Ty Zerbe to accept the list of checks written and to pay any bills pending. The motion was seconded by Tony Haws and carried unanimously.

#### CORRESPONDENCE

There was no additional information to add to the meeting.

*January 16, 2024 Supervisors' Meeting minutes continued*

A motion was made by Tony Haws to adjourn the meeting at 9:52 A.M. The motion was seconded by Ty Zerbe and carried unanimously.

---

Clark R. Stauffer

---

Anthony K. Haws

---

J. Tyler Zerbe