Lancaster County Agricultural Preserve Board
Meeting Minutes
Thursday, May 26, 2016

Present: Mr. Gene Garber
Commissioner Dennis Stuckey
Mr. Richard Hurst
Mr. Gary Landis
Mr. Daniel Zimmerman
Mr. Edward Goodhart, III

Absent: Mr. Roger Rohrer
Mr. Matthew Young
Mr. Jeffrey Frey

Staff: Mr. Matthew Knepper, Director
Mrs. Nancy Ambler, Farmland Preservation Specialist
Ms. June Mengel, Farmland Preservation Specialist
Ms. Christine Le, Administrative Coordinator, Recording Secretary

Guests: Mrs. Joella Neff, Lancaster Farmland Trust
Mr. Timothy G. Strosser, Studio 810 Design, Owner
Mrs. Judy Grillo, Landowner, Penn Township

I. Call to Order

Mr. Gene Garber called the meeting to order at 8:04 a.m.

II. Review of Mission Statement

"To forever preserve the beautiful farmland and productive soils in Lancaster County and its agricultural heritage; and to create a healthy environment for the long-term sustainability of the agricultural economy and farming as a way of life."

III. Executive Session

The Agricultural Preserve Board met in executive session on May 26, 2016, at 7:15 a.m. to discuss real estate transactions.

IV. Approval of Minutes

Motion to approve the April 28, 2016 meeting minutes made by Mr. Edward Goodhart, III and seconded by Mr. Daniel Zimmerman. Approved unanimously.

MOTION CARRIED

V. Announcements

A. Pennsylvania Farmland Preservation Association (PFPA) Meeting – Spring 2016

Mr. Matthew Knepper informed the Board that the Pennsylvania Farmland Preservation Association (PFPA) held their spring meeting last week in State College, Pennsylvania. The next PFPA spring meeting will be held in Lancaster, Pennsylvania. The Pennsylvania Land Trust Association (PALTA) will have their annual meeting in Lancaster as well. PFPA typically meets the day before the PALTA conference because members like to attend both events.

A venue for the fall PFPA meeting is being considered. A local hero will also be recognized for the Local Hero Award. Last year's award was presented to Mr. Roger Rohrer.

Mr. Knepper was re-elected as president of PFPA for another term.

PFPA also reviewed legislative items that Mr. Knepper will bring to next month's Board meeting.

B. Agricultural Preserve Board (APB) Re-Appointments

Commissioner Dennis Stuckey announced that on May 25, 2016, Mr. Gene Garber, Mr. Jeffrey Frey and Mr. Roger Rohrer were re-appointed as members of the Lancaster County Agricultural Preserve Board. Mr. Garber is Chairman. And Mr. Frey is Vice Chairman.

VI. Business from Guests

None

VII. Old Business

None

VIII. New Business

A. Requests for Subdivision/Land Development

1) Home, Driveway, Barn Construction: PA Property Investors, LLC
Scott and Judy Grillo
Penn Township

Landowners, Scott and Judy Grillo of PA Investors, LLC, are requesting permission to construct a custom single family home (+/- 3,500 sq. ft.), an access driveway (576 sq. ft.), patio (400 sq. ft.), pool and deck (540 sq. ft.), as well as a 24' x 35' utility shed (1,280 sq. ft.), on their 61.910 acre preserved farm. Mr. Timothy Strosser, owner of Studio 810 Design, is working with the Grillos to design and construct their home.

- Farm was originally preserved by Bruce L. and Patricia Lefever
- Site of APB's 100,000 acre preserved farm
- Township approval has not yet been granted
- Right to construct an additional house on the farm is permitted by the easement
- New impervious area from proposed construction: 6, 296 sq. ft./ 0.14 acres
- Total impervious available after proposed construction: 111, 022 sq. ft./ 2.55 acres
- House footprint is within the permitted 2 acre maximum for a residential structure

Mr. Tim Strosser's comments

- Site location of home is to utilize the existing farm lane located in-between two major fields; avoids creating driveway down middle of farm
- Home to be in-field, away from the road
- Location of home would provide privacy, away from Fruitville Pike
- Penn Township Zoning approval was not needed – sewage is main concern
- Landowners are hoping to re-purpose existing farmhouse into a Bed and Breakfast
- Does not believe location of custom home will impede farming
- Location of home should not block view of proposed special events venue
- Small excluded parcel is a wooded, 25 sq. ft. area that a neighbor converted into lawn; extends to Sego Sago Road

- Can the negative agricultural impact of the home be minimalized through blueprint reshaping?
- A new septic field will be required for the new home

Mrs. Judy Grillo's comments

- Site location was also chosen to keep back of farm clear of construction
- Discussed site location of custom home with tenant farmer – he approved location
- Made sense to build home near existing farm structures
- Wouldn't feel connected to farm if house was sitting on edge or corner of farm
- Would like to preserve the existing farmhouse and existing barn

APB staff comments

- Opposite side of Fruitville Pike has small area excluded from easement; had numerous encroachments and is far from majority of farm
- Declaration of Restriction for farm prohibits the excluded 25 sq. ft. area from being subdivided for future residential purposes
- Proposal meets criteria, but agricultural impact of proposed home location is debatable
- Many farmers will likely bring up similar requests regarding placing a home in the middle of the field – Board needs to consider how their decision for this request will affect similar requests in the future
- Proposal needs to finalize Township approval
- APB staff can grant final approval after verifying Township approval does not conflict with APB criteria

Board comments

- Does Penn Township have any conditional criteria for new residential structures in its approval process?
- Why is the proposed custom home site placed in the middle of the most productive part of the farm?
- Based on existing easement criteria, the house is "to be located in a such a way that it will not negatively impact the use of the remainder of the farm for agricultural production"
- Concerned approving home location goes against APB's mission statement
- Concerned farm equipment will be difficult to navigate around custom home; may reduce farmland value
- Proposed numerous location alternatives to build home
- Did the initial subdivision plan include the small, now excluded, parcel as a possible access area to the back of the farm?
- Requested data that supports reason proposed home site is the most viable location
- Cannot concretely determine the potential monetary damage home would create as an adverse effect
- Corner location would have a less negative impact on the economic value of farm
- Are you able to utilize the existing septic field?
- Reminded the landowners that this preserved farm should stay as a preserved farm – easement is enforceable in court

Motion to grant preliminary approval of the Scott and Judy Grillo land development request as presented made by Mr. Richard Hurst and seconded by Mr. Daniel Zimmerman. Motion approved by a total of four Board members. Motion opposed by a total of two Board members, Mr. Gene Garber and Mr. Gary Landis.

MOTION CARRIED

B. Request for Rural Enterprise

1) Preliminary Review: Bed and Breakfast in: Existing Farmhouse

PA Property Investors, LLC
Scott and Judy Grillo
Penn Township

Landowners, Scott and Judy Grillo, are requesting the Board's feedback regarding their request to renovate their existing farmhouse and utilize it as a Bed and Breakfast on their 61.910 acre preserved farm.

- Township approval has not yet been granted
- Farmhouse has 4-5 bedrooms to be utilized for Bed and Breakfast guests
- Parking is available on existing macadam/and or gravel
- Low impact lighting and signage will be dictated by Township Zoning
- Septic system for existing farmhouse was recently updated
- Landowners will not be residing in same house and may/may not be directly preparing breakfast for guests

Mr. Tim Strosser's comments

- Need for mainly interior renovations (wiring, plumbing, etc.)
- Exterior remains the same
- Existing sidewalk
- Front parking lot (5 cars) – shared parking for nearby barn
- Penn Township considers compact gravel an impervious surface
- Field lane will be made up of double-rut stones
- Many townships consider crushed, packed-down gravel the same as concrete
- Astroturf to be removed
- Backdoors to be replaced with glass
- Need for some stone restoration
- Proposed drivable grass for parking
- Drivable grass was recommended by Penn Township
- Septic system depends on number of rooms approved; additional rooms may require additional tank – needs testing

Mr. Matthew Knepper's comments

- Request falls under the Agritourism and Agritainment Guidelines, specifically for Bed and Breakfast
- Has to remain incidental to the agricultural use and character of the farm
- Does not render any portion of the land incapable of being immediately converted back to agricultural use
- Uses existing structures – nothing new to be constructed
- Building is located within the curtilage
- Should utilize the existing septic system

Board comments

- How will you address stormwater issues?
- Farmhouse is integral part of farm
- Supports Bed and Breakfast proposal so long as exterior remains the same
- Emphasized importance of site being the 100,000 acre preserved farm
- Would like farm to retain character of a farm
- Septic system should not encroach farmland area
- Proposed Bed and Breakfast meets Agritourism and Agritainment criteria

2) Preliminary Review: Special Events Venue: PA Property Investors, LLC
Scott and Judy Grillo
Penn Township

Landowners, Scott and Judy Grillo, are requesting the Board's feedback regarding their request to repurpose their existing barn for a special events venue on their 61.910 acre preserved farm.

- Special events would be primarily weddings, but also for other events: retirement parties, holiday gatherings, reunions, graduations, etc.
- Owners will be managers and coordinators
- Anticipates small team of 3 to 5 employees
- Barn exterior will retain agricultural structure appearance
- Back portion of barn to be removed for parking
- Existing macadam and/or gravel to be used for ingress and egress to barn and parking
- Limited off-site parking secured
- Proposal to create "green parking" – drivable grass
- Low impact lighting and signage to be dictated by Township Zoning
- Venue classified as commercial establishment; must meet commercial code
- Septic system for existing farmhouse was recently updated
- Likely to need holding tanks for venue according to Township
- PennDOT requested potential improvements and curbing to entrance driveway
- Seeking feedback regarding parking and excavation concerns

Mr. Tim Strosser's comments

- Barn improvements: new back windows, commercial door, insulation and flooring replacements; one structural post may be removed
- Will pave all existing gravel areas
- New paving needed for handicap accessibility to the barn; required by Penn Township (472 sq. ft.) – currently is grassy area for bank barn
- Parking would not exceed the 2 acres permitted for additional dwelling
- Estimates about 52-55 parking spaces needed
- Another 40 parking spaces are on separate satellite lot
- Still needs Township approval for number of parking spaces
- Estimates 150-200 guests will occupy barn for large gatherings; 75-100 guests for small gatherings
- Zoning requires a certain number of parking spots on-site (approx. 50)
- Available right-turn only lane meets all site-line criteria
- Suggested potential area to store topsoil onsite
- Suggested incorporating a topsoil redistribution area in a follow-up plan
- Does not believe Township has a frequency of use limitation
- Township mainly concerned with parking, size, and maximum occupancy limits
- Only met with Penn Township Zoning Officer and Director of the Planning Commission in preliminary meetings

Proposed drivable grass parking:

- Pervious
- Graded for firetrucks
- Gravel sub-bed, prepped with sand, covered with soil; allows root system to remain healthy and grow
- Can be converted back into farmland

- Will cover driveway access to new dwelling – width of 20-25'
- Proposed parking area is grass; has never been used for farming
- Asked Board to consider overall intent of drivable grass – sustains green and natural appearance; aids stormwater management
- Driveway is for low density – has yet to be approved by PennDOT

Mrs. Grillo's comments:

- The modified barn can be converted back into a barn for agricultural use
- Believes venue proposal is a good way to preserve the barn
- Variety of events to be determined (weddings, church retreats, proms)
- Plans to use venue Fridays, Saturdays and Sundays
- Currently has large APB 100,000 acre farm sign on property
- Predicts venue sign would not indicate "wedding venue"; may simply state name

Mr. Matthew Knepper's comments:

- Currently no restrictions for ability to construct a gravel or paved driveway to permitted dwelling
- Guidelines prohibit excavation, paving, graveling or construction of permanent non-agricultural structures and other activity that would diminish the capacity of the soils
- Creation of drivable grass parking lot is form of excavation
- Board has previously told other applicants parking is permitted on grass, but parking lot construction is prohibited – drivable grass lot is in grey area
- Entire farm is preserved and each area is subject to the same rules
- Does the Board accept drivable grass as an acceptable parking solution in conjunction with a rural enterprise?
- Decision would be different if driveway was needed to access an ag. structure
- Parking lot is incidental to agriculture on a preserved farm
- In initial discussion, driveway was originally to be realigned with Sego Sago road – work-around was by restricting nearby exit to a right-turn only
- By criteria, the drivable grass area should be able to be immediately converted back into ag. use
- Are the landowners planning to host events other than weddings?
- What is the estimated frequency of use?
- Does the Township have frequency of use limitations once proposal is permitted?

Board comments:

- Concerned proposed driveway will encroach into fields
- Wants Mr. Strosser to specifically identify where driveway will be placed
- Will the barn be modified in such a way that it can be immediately converted back into a barn for agricultural use?
- Can the drivable grass lot be converted back to farmland?
- What is the maximum occupancy for the barn?
- Can you eliminate the back parking spots by relocating them to the satellite parking area?
- Seeks to know minimum number of on-site parking spaces the Township requires
- Do the landowners have a High Occupancy Permit (HOP) permitted by PennDOT?
- One Board member favors drivable parking lot solution over traditional gravel – particularly on land not currently being farmed
- Drivable parking lots are increasingly being promoted
- Drivable parking lots can be removed fairly quickly within one day
- Drivable parking preserves the farmland and the productive soils
- Should focus on whether proposal fits overall Ag. Preserve Board mission statement

- Agritourism opportunities could help sustain farming operations – would support and help sustain agricultural economy
- Concerned about topsoil relocation – wants to ensure topsoil will stay onsite
- Requested the topsoil redistribution area be added onto a follow-up plan
- Requested the topsoil storage and redistribution plan to be noted on the Deed
- Increasing demand for farm wedding venues may reach a saturation point
- Did Mr. Strosser discuss proposal with the Penn Township Planning Commission?
- Did Penn Township consider drivable parking lot a reasonable alternative?
- Will the wedding venue have signage?
- Concerned commercial use on an agriculturally-zone area, particularly on the site of the 100,000th acre farm, would send conflicting message
- Thanked Mrs. Judy Grillo and Mr. Tim Strosser for presenting to the Board

C. Rural Enterprise Guidelines: Review

Mr. Matthew Knepper asked the Board to review their current Rural Enterprise Guidelines, particularly focusing on clarifying the term "similar farm lodging." Mr. Knepper reminded the Board that the Board discussion regarding a prior request to have 7 lodging units in a barn suggested the request was outside of what the Board felt should be permitted on a preserved farm.

Mr. Matthew Knepper's comments

- What is "similar farm lodging" that is not a Bed and Breakfast?
- How would the APB staff and Board describe lodging restrictions to an applicant?
- Board cannot deny a request if Guideline language does not support denial
- Board needs to define farm lodging exclusions
- Recent Guideline changes included permitting owner of the preserved farm, or a farmer that lives on the farm, to own a rural enterprise on such farm
- Would the Board prefer to only permit the farmer to be the owner of the rural enterprise?
- Next person to buy farm will likely buy it for its commercial operation, not to farm – hurts overall mission statement
- Once demand for barn wedding venues slows, venues will likely be used for other purposes (e.g. conference center)
- APB staff will discuss new language needed to add to current Guidelines

APB Staff comments

- Rural enterprise restrictions should focus on land use – not owner/farmer
- Scrutinizing between owner and farmer criteria may create difficulties for monitoring visits
- Wants to see productive farmland being used for farming
- Likely to see more commercial requests from non-farmer owners in future
- Commercial use in non-commercial land becomes a zoning issue
- How do intrusive excavation activities occurring in existing curtilage compare to such activities occurring in productive farmland?

Board comments

- Only permit limited commercial based on scale and sustainability
- Current Guidelines do not have specific criteria on scale of allowable parking
- Should not change character of the farm so that prevents it from being immediately converted back for agricultural use
- Commercial usage should be in commercially-designated land, not agricultural land

- Owners of commercial properties are now competing against commercial businesses on agricultural land
- Approving site of the proposed custom home opened the doors for permitting commercial use on agricultural land – existing farmhouse will now become a Bed and Breakfast
- Public disapproves of farmers being subsidized to buy, own and farm land
- Public disapproves of subsidizing farms that are becoming commercial businesses
- Guidelines need to allow flexibility, ensure quality of life
- Supplemental businesses are to supplement income of the farmer
- If rural enterprise cannot fit all required parking on farm, then rural enterprise is too big
- Full-blown commercial operation should not be permitted on a farm – one that requires HOP permits, septic field enlargement
- Backup septic fields take agricultural land out of production
- Limited commercial usage should be complementary; should not interfere with farm
- More concerned about custom home location; likely to have landscaping on property
- No problems with Bed and Breakfast or wedding venue so long as at a small scale
- Decision is going to be scrutinized because farm is 100,000 acre farm
- Suggests striking out "and similar farm lodging" in Guidelines; keep "Bed and Breakfast"

Proposed rural enterprise restrictions:

- Utilize existing buildings
- Utilize existing septic system
- Utilize existing impervious surfaces in and around existing buildings
- Rural enterprise to accommodate all parking on farm
- Prohibit off-site parking and creation of new parking, paving or excavating

D. Wedding Venue Discussion – June 1, 2016

Stuart Herr, owner of a preserved farm and a wedding venue, offered to have his engineer from ELA Group, Inc. come in and discuss the process and impact of having such a venue on a farm. The portion of land where the wedding venue sits was not preserved. The meeting will feature Stuart Herr, homeowner, Jeff Sweater, PE, SEO, and Director of Water Resource Engineering at ELA Group, Inc., and Mark Deimler, Zoning Officer. The meeting will be at 9:45 a.m., on Wednesday, June 1, 2016, in the County HR conference room.

IX. Adjourn

The meeting adjourned at 9:44 a.m.

The next schedule meeting of the Agricultural Preserve Board:

Thursday, June 23, 2016, at 8:00 a.m.
Lancaster County Government Center
150 North Queen Street, Room 104
Lancaster, Pennsylvania 17603