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November 23, 2024

VIA EMAIL

Justin S. Evans, AICP, Community
Development Director/Zoning Officer
Mount Joy Township
8853 Elizabethtown Road
Elizabethtown, PA 17022

Re: Minor Land Development Plan for Bob Brubaker Ag Operation
Our File No. 10221-1

Dear Justin:

I reviewed the Minor Land Development Plan for Bob Brubaker Ag Operation (the "Plan") prepared by Nye Consulting Services, Inc., together with the submitted supporting information. This letter will set forth comments on the Plan and related information, including the Storm Water Management Agreement submitted.

The Plan relates to 2205 Camp Road (the "Property"), Lancaster County Tax Account No. 460-92122-0-0000, held by Robert L. Brubaker, Jr., and Andrea R. Brubaker ("Landowners"). The Property is bisected by Camp Road and was created in its present configuration by the Final Subdivision Plan for Evan N. & Sharon R. Cargill recorded at Subdivision Plan Book J-218, Page 6 (the "2003 Plan"). The 2003 Plan at Note 14 stated that no further rights of subdivision or land development for non-agricultural uses remain. The Plan proposes the development of a fifth poultry house on the portion of the Property on the south side of Camp Road together with associated gravel pads and storm water management facilities. The erection of agricultural buildings does not violate the limitations on development.

There are existing storm water management facilities on the Property serving the four existing poultry houses. I could not find a recorded storm water management agreement on the Office of the Recorder of Deeds website. The Storm Water Management Agreement for the Plan should include a requirement to maintain both the preexisting storm water management facilities and the storm water management facilities to be installed in accordance with the Plan. I did review the Storm Water Management Agreement submitted with the Plan. It is unacceptable for numerous reasons. First, it is the form from the storm water management agreement with only the blanks on Page 1 partially completed. The only named party is "Robert Brubaker", but storm water management agreements must be executed by all record owners. Paragraph 2 of the Storm Water

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Management Agreement form has not been revised to address specific operations and maintenance requirements. Paragraph 8 has not been completed.

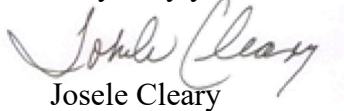
Landowners granted a mortgage to EDC Finance Corporation which has been recorded at Document No. 20246799197. They also previously granted a mortgage to First Citizens Community Bank recorded at Document No. 20246792407. The Storm Water Management Agreement must include joinders from both mortgage holders. Please let me know if I should prepare the required Storm Water Management Agreement with Joinders for the mortgage holders.

The Plan states that no sewage disposal is proposed by the Plan. Is there an existing holding tank or any sewage disposal for employees on the Property? If there is a holding tank, it should be addressed. At a minimum there would have to be a holding tank agreement.

The Township Engineer's review letter indicated that the Plan did not show improvements along Camp Road. Please let me know if I should prepare a deferred improvements agreement.

If you have any questions concerning these comments, please contact me.

Very truly yours,



Josele Cleary

JC:sle
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cc: Kimberly Kaufman, Township Manager (via email)
Patricia J. Bailey, Secretary (via email)
Benjamin S. Craddock, P.E. (via email)
Bert Nye, P.E. (via email)