

Conewago Township Board of Supervisors

September 4, 2018

-Call to Order & Pledge of Allegiance:

The regular meeting of the Board of Supervisors was held at the Township Municipal Building. The meeting was called to order by the Chairperson, at 7:00pm. Those in attendance were, Lorreta Wilhide (Chairperson), Brian Klinger (Vice Chairman), Daryl Hull (Supervisor), Timothy Bupp (Solicitor), Terry Myers (Engineer), Todd Smith (Public Works Director), and Lou Anne Bostic, (Manager).

-Recognition of Public Requests:

-Vicki Smith, 5245 Bull Road requested to be placed on the agenda to appeal the zoning violations that have been cited on the property. No one in attendance to present the appeal.

-Approval of Agenda: Motion by Mr. Klinger, second by Mr. Hull, unanimously carried to approve the agenda as prepared. Vote: 3-0

-Approval of Previous Minutes: Motion by Mr. Hull, second by Ms Wilhide, unanimously carried to approve the previous minutes of August 8, 2018. Vote: 2-0. Mr. Klinger was not in attendance at the August meeting.

-Public Hearing: Ordinance #360, an ordinance to rezone property located at 619 Greenspring Road from Agricultural to Industrial. All in attendance planning to provide testimony were sworn in by Attorney Bupp.

-Attorney Cortney from Mc Nees Law and numerous other representatives from GNAP (Goodman) presented the request to amend the zoning ordinance and map to allow construction of a warehouse. The various representatives explained why they think rezoning the property located at 619 Greenspring is warranted and they briefly addressed traffic, potential tax income and jobs, buffers and sensitivities regarding the construction of a warehouse.

Upon completion of the Power Point presentation comments from the public were presented mostly in opposition to the rezoning request. Several residents were not identified and comments were spoken over others. Comments heard, that could be recorded, consisted of the following:

-Todd Gross, 693 E. Butter Rd., stormwater and site concerns for the surrounding residents.

Attorney Cortney explained that they plan to lower their buildings and stormwater will be contained on their own lot.

-George Herman, 960 E. Butter Rd., traffic concerns. PennDOT has been talking about a new interchange for about 20 to 30 years and nothing has happened. Mr. Herman said the Cloverleaf and Trail intersection has horrendous traffic problems.

-Charles Zitnick, 2020 Bremer Rd., Planning Commission Chairman, informed the Board that the Conewago Township Planning Commission recommended denial by a 4 to 1 vote at their meeting.

Mr. Zitnick said that this would be a major traffic and land character change, this property does not have public road frontage and this area has been a long standing boundary issue in the township.

Mr. Zitnick stated that traffic will be a major problem and it does not make sense to add more traffic. The character of the land created a natural ridge line and provides a site and sound barrier.

He does not feel that rezoning the property to industrial is a good idea. Attorney Cortney stated that the development indicator for the property is consistent with what goes with a growth boundary. The agricultural zone in Conewago Township is not a preservation district.

-Gina Krout, 80 Kern Road, asked the Board how many residents usually attend a meeting and the room full of people in opposition tonight should provide the Board with the public's feelings.

-Bucholtz, 699 E. Butter Rd, asked why individual notices were not mailed to the residents. Ms Wilhide explained that public notice was provided as required by law.

-Jody Newcomer, 390 Cloverleaf Rd is not in favor of rezoning the property to industrial and feels that the respect and quality of life of the residents are not considered in the request. Ms Newcomer spoke with the police and asked for a 5 year accident report but was told that the request must be made by the township. Ms Wilhide told her that she will obtain the report. Ms Newcomer is concerned with traffic, transportation, surrounding property devaluation, noise pollution, buffers, the resident's quality of life and the disruption of natural resources. She requests that the Board please consider not adopting the rezoning of the property. Ms Newcomer asked the Board to remember that we are all neighbors. Attorney Cortney clarified that the special exception requirements in the zoning ordinance would be met.

-Kim Gross, 693 E. Butter Rd. asked the Board to vote No and leave the property to continue to be a natural beauty. Ms Gross has concerns with noise, traffic and the environmental impact that an industrial zone would have on the area. She asked the Board to make this matter an environmental priority.

-Nate McCarty, 220 Cloverleaf Rd stated that grading the property will not protect him and his children from seeing the trucks or the building. Mr. McCarty states that this use will create more traffic.

-Yvette McCarty, 220 Cloverleaf Rd has concerns for the safety of the people that live in the area. She stated that she did not receive a notification for the hearing.

-Jody Newcomer, 390 Cloverleaf Rd also stated concern with additional fire services that would be needed.

-Hank Bryner, 350 Cloverleaf Rd stated that he feels a vote should not happen tonight. Mr. Bryner stated that the property does not have public road frontage as required by ordinance. Attorney Cortney clarified that the property is preexisting without road frontage now and the addition of the lot located in front of the property along Cloverleaf Road would make it a conforming lot.

-Charles Zitnick, 2020 Bremer Road asked why a vote would be taken tonight without York County Planning Commission comments. The YCPC meeting is scheduled for September 18th.

-Steve Stoner, 910 Copenhaffer Rd addressed the public and told them to attend all meetings to be aware of all matters discussed at every monthly meeting.

-Ms Wilhide agreed with Mr. Stoner's statement and thanked him.

-George Stemple, 60 Butter Road stated that PennDOT has been talking about a new interchange at Canal Road since he was driving truck in 1983.

-Mr. Shultz, E. Butter Road asked how many employees would be hired. Attorney Cortney stated that 500 jobs would be created.

-----Ms Wilhide closed the testimony at this time-----

-Mr. Hull informed the public that they should be aware that York County Planning Commission is currently holding meetings to discuss the creation of a York County Stormwater Authority which will require every resident in the county to pay an additional tax. The meetings are open to the public.

-Ms Wilhide asked Attorney Cortney for time frames that were required for PennDOT to approve traffic improvements at some of their other locations. Mr. Cortney told her that it took approximately 18 months for the project in Newberry Township.

-Mr. Klinger asked about electric service availability for the location and was told yes it is available.

-Mr. Klinger asked the public if anyone present was not opposed to the request, Aaron Rice was the only person to answer that he is not opposed.

-Mr. Klinger asked the public if the developer showed how they would fix traffic if it would make a difference to them for the rezoning request. The public answered no.

-Mr. Hull and Mr. Klinger both stated that they are not prepared to vote tonight. Mr. Klinger wants to visit the site and the surrounding areas.

-Brad Baublitz, stated that he has traffic concerns.

-Theresa, 689 E. Butter Rd. informed the Board that the ridge line is beautiful and is home to wildlife, it's not just about traffic.

-Ms Wilhide closed testimony and the public hearing is continued until the October 2nd. Meeting.

-Ms. Wilhide announced that a 5 minute recess will be held at this time 8:55 pm.

-Ms. Wilhide resumed the meeting at 9:00 pm.

-Planning & Zoning:

-Rutter's Store Fuel Tank Relocation Final Land Development Plan waivers were presented by Tim Bieber, P.E.

-Waiver of the SALDO, Section 505.a. Street Width. The plan will not impact Cloverleaf Road. The developer is requesting that widening and/or paying a fee in lieu of be waived. Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant a waiver request for the roadway width improvements but the fee in lieu of the improvements must be paid in the amount of \$6,612.00.

Vote: 3-0.

-Waiver of the SALDO, Section 402 Preliminary Plan. Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant the waiver of the submission of a preliminary plan.

Vote: 3-0.

-Waiver of SALDO 406.a Plan Scale. Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to grant the waiver of the required 1inch equals 50 feet scale to 1 inch equals 30 feet scale as presented. Vote: 3-0.

-Rutter's Store, Fuel Tank Relocation, Final Land Development Plan, was presented by Tim Bieber, P.E. Mr. Myers, township engineer, stated that conditions are still outstanding on a few items. Terry stated that the comment relating to financial security to guarantee the proper installation of required improvements (SALDO Section 406.d.8 and 602) is not necessary. Motion by Mr. Hull, second by Ms Wilhide, unanimously carried, to grant a waiver for the requirement. Vote: 3-0.

Motion by Mr. Hull, second by Ms Wilhide, unanimously carried, to approve the Rutter's Fuel Tank Relocation Final Land Development Plan with the following conditions:

-Certificates of legal ownership and plan acknowledgement shall be signed by the property owners and notarized.

-Applicant shall pay fees in lieu of road widening for Cloverleaf Road in the amount of \$6,612.00.

-Applicant shall provide a copy of the plans to the Fire Chief for comments.

Vote: 3-0.

Mr. Hull requests that a standard letter be created to send along with plan submission to the fire company for their written comments.

-Reports:

- Police Report, Building Permit Report for August. Ms Wilhide commented on the reduced police call volume for the last month. Motion by Mr. Hull, second by Mr. Klinger, unanimously carried, to approve the reports. Vote: 3-0.

-Treasurers Report:

-Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to approve the July 2018 Treasurers Report. Vote: 3-0.

-Motion by Mr. Klinger, second by Mr. Hull, unanimously carried, to approve the August 2018 Treasurers Report. Ms Wilhide commented that income numbers look good. Vote: 3-0.

-Road Report:

-Todd Smith, Public Works Director reported that a change order for the culvert replacement on Jug Road will be discussed under the engineers report.

-Solicitors Report: Attorney Bupp discussed the following:

- Three zoning violations have been filed with the District Justice as instructed.

- The Dermody Land Development Agreement has been forwarded to the developer for their signature.

- Attorney Bupp reported that he has reached out to the NRA for comments and has not received a call back as of this date. Mr. Klinger would like to see a draft ordinance be drafted by the Solicitor for review.

-Mr. Reigart, 40 Buck Road, commented that he is against any Bow restrictions to be included in a target practice safety zone. Mr. Klinger said that he suggests that a 50 yard distance from the shooter, the target and neighboring occupied dwellings be adopted as a target practice safety zone and only address center and rim fire weapons. Mr. Klinger stated that he and Mr. Hull had met with the Northern York County Regional Police and that was their suggestion also.

-Bill, 685 Butter Rd, questioned projectiles leaving your own property, Mr. Klinger stated that this is why the township is considering the adoption of an ordinance to address this.

-James Zander, 830 Bremer Road, stated that he feels adopting a target practice safety zone is taking away others rights. He feels that existing codes and statutes already exist and should cover this matter. Mr. Zander stated that 80% of the people will be affected by this and he requested that Mr. Klinger's comments be included in the minutes for open transparency.

Mr. Klinger disagrees that 80% of the people will be affected and would like to see Attorney Bupp prepare a draft ordinance. The Board should provide their comments directly to Attorney Bupp by email.

-James Zander, 830 Bremer Road, requested that the web page be changed to remove the originally posted copy of Newberry Township's Safety Zone Ordinance.

-Mr. Reigart, 40 Buck Road, reported that his email is still being rejected by the township's website. Ms Bostic informed the Board that the webmaster had been contacted regarding this matter and everything is working on our end.

-Engineers Report: Terry Myers reported on the following:

-Butter Road culvert rehab project, change order #1 in the amount of \$14,576.00 was presented and approved on a motion by Mr. Klinger, second by Mr. Hull, unanimously carried. Vote: 3-0.

-Butter Road culvert rehab project application for payment #3, in the amount of \$18,019.02 was presented and approved for payment on a motion by Mr. Klinger, second by Mr. Hull, unanimously carried. Vote: 3-0.

-The Board requested that the engineer write a letter to PennDOT asking them to consider taking back the Susquehanna Trail, from the Manchester Township boundary to near Poplar Run where the Trail becomes a PennDOT highway currently. Mr. Myers reported that the letter has been sent.

-Mill Creek Park, Mr. Myers reported that the storm water basin conversion has been completed. The Board commented that they would like to include additional tree plantings in the next phase.

-Mr. Myers reported that the Autumnwood Development completion is working ahead and the developer has been working with Mr. Do to regrade his property to eliminate the swale with the seepage pit bottom at the rear of his property. Todd informed the Board that he is working with the developer to address the stormwater runoff from Millcreek Road. Mr. Klinger asked why the current swale could not continue along Millcreek Road to the new house.

-Unfinished Business: None

-New Business:

-2019 Animal Control Services Agreement was presented to the Board for action. Motion by Ms Wilhide, second by Mr. Klinger, unanimously carried, to sign the agreement. Vote: 3-0.

-102nd. Annual York County Association Convention will be held on November 15th. The Board will notify the manager if they plan to attend.

-Other Business:

-Ms Wilhide would like to have information in place for anyone interested in purchasing a “remembrance plaque” for Millcreek Park be available for comment at the Bicentennial Celebration.

-James Zander, 830 Bremer Road, would like the Board to consider planting trees that attract butterflies and moths that are original to this area.

-Ms Wilhide reminded everyone that the Bicentennial Celebration is scheduled for September 15th. Representatives from the Penn State Cooperative Extension will be attending.

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Lou Anne Bostic - Manager