

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 3, 2008

The meeting of the Board of Supervisors was held at the Township Municipal Building. The meeting was called to order by the Acting Chairman, at 7:00 P. M. Those in attendance were Mark Jordan (Vice Chairman), Robert Hahn (Supervisor), Nicole Ehrhart (Solicitor), Jeff Shue (Engineer) and Lou Anne Bostic, (Secretary).

Pledge of Allegiance:

Approval of Agenda: Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to approve the agenda as prepared.

Approval of Minutes:

Motion by Mr. Hahn, second by Mr. Jordan, motion carried, to approve the previous minutes.

-RECOGNITION OF PUBLIC REQUESTS:

-Jane Deamer, Northeastern Senior Center was present to offer thanks to the board for their donation to the center and to ask for volunteers for the program. The center currently delivers meals to 170 residents per month. The deliveries have risen from 64 to 170 in one year, she also told the board that approximately 100 residents attend the center monthly.

-Charlie Daczka, Zion View Athletic Association President was present to request that the association be allowed to retain one building key to the community center building. Mr. Jordan and Mr. Hahn do not have a problem with this request and approved the request providing that any building use needs prior township approval.

PUBLIC HEARING, ORDINANCE # 317

Attorney Ehrhart opened the public hearing

Testimony was presented by the applicant, Joseph Clark co-partner requested a rezone for Aikon Conewago L.P. of property located along Locust Point Road. (Tax map NH, Parcel 71G) The applicant is requesting the property be rezoned from agricultural to industrial. Mr. Clark explained that the operation would create jobs and would be an asset to the township and the county. Insurance Auto Auctions proposes to operate a whole wrecked car auction on the property. No parts will be distributed only complete cars will be sold. IAA currently operates 140 auctions in the United States and they are very environmentally aware. They have a global environmental insurance policy and work very closely with the Department of Environmental Protection. The property owner will be conducting base line soil testing and ground water testing on the property prior to operations. Monitoring ground water wells will be on-going after the auction is operating Mr. Clark informed the board that the rezoning request is in conformity with the new comprehensive plan. The York County Planning Commission is not in favor stating that this request constitutes a "spot zone". Attorney Clark presented a Commonwealth case law and he feels they addressed this matter by including other factors and not just an area on the actual zoning map. Mr. Hahn and Mr. Jordan asked questions about the insurance policy. Mr. Clark explained that the policy protects them from environmental liability risks.

No further board comments were presented.

At this time Attorney Ehrhart asked for public comments. Teresa Walters, 40 East Andes Road stated her concern about the operation being a "junk yard" and the effect on surrounding residential properties. She is also concerned about the condition of Locust Point Road.

Vicki Wilt, 585 Locust Point Road asked if the board considered the surrounding residential properties.

No other public comments were presented.

Attorney Ehrhart told the board that she can address any legal concerns they may have. Mr. Hahn asked what the minimum industrial zone lot size currently is. Mr. Shue informed him that the minimum lot size is based on what public services are available. (20,000 sq. ft. to 1 acre) Mr. Hahn states that even though the York County Planning Commission was not in favor of the request due to the "spot zone" he feels that Attorney Clark has explained the situation. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to adopt Ordinance # 317, rezoning the property from agricultural to industrial.

PLANNING & ZONING:

- Dover Township Sewer Authority Wastewater Treatment Facility Upgrade , requesting the following waivers:

Waiver of SALDO, Section 303. Applicant requests that a preliminary plan submission be waived.

Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to grant the waiver.

Waiver of SALDO, Section 505.d. Applicant requests that road widening requirements and fee in lieu of be waived. Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to deny the waiver request.

Waiver of SALDO, Section 302.c- storm water and peak flow retention calculations be waived. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to grant the waiver.

-Northern York County Game & Fish request waiver of SALDO, Section 406.1.18, existing contours for property. Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to grant the waiver.

-Northern York County Game & Fish Final Land Development Plan. All comments have been addressed per Jeff Shue. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to approve the Final Land Development Plan.

-ES3, LLC requesting a waiver of SALDO, Section 402, Preliminary Plan submission. Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to grant the waiver.

-ES3, LLC Final Subdivision Plan. All comments have been addressed per Jeff Shue. This plan combines three lots into one lot. Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to approve the Final Subdivision Plan.

-Charles Eckenrode, appeal Cease & Desist Order, campground/mining operation located at 100 Hykes Mill Road, York Haven, PA.. (Tax Map OH, Parcel 219) Brain Bennett representing the Eastern Gold Prospectors Association was present to appeal the zoning officer's determination concerning mining operations. Mr. Bennett presented a DEP Fact sheet to the board that explains they are not mining. They are panning and dredging for gold within the waterways of the Commonwealth. Mr. Bennett states that the cease and desist order also listed a campground operation. The association will be applying for a Special Exception for private club grounds. Their association is limited to members only and they do not allow any other camping on the property except for their own "hobby" outings. Mr. Hahn requested to see a copy of the lease with Mr. Eckenrode for the property. Mr. Hahn reviewed the document. Mr. Hahn also asked if all parking for the association is provided on the "island". Mr. Bennett informed the board that they have an agreement with Mr. Eckenrode for overflow parking. The association currently has 50 members and their families. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to extend the cease and desist order until December 9, 2008, in order to allow the applicants to apply for a special exception.

REPORTS: Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to approve all reports.

-Motion by Mr. Jordan, second by Mr. Hahn, unanimously carried, to approve the accounts payable report.

SOLICITOR'S REPORT: Attorney Ehrhart had nothing to report. The road work change order request will be discussed during an executive session immediately following the meeting.

-ENGINEER'S REPORT: Copy attached.

-Mr. Shue reports that the improvements to the Susquehanna/Canal intersection have been completed.

-UNFINISHED BUSINESS:

- Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to enter the agreement with the SPCA for animal care and disposal for 2009 at a cost of \$2,639.00.

NEW BUSINESS:

--Hunter Creek Homeowners Association Traffic Study request. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to request YCPC to conduct a traffic study within the development to address speed limits and stop intersections.

-South Central Penn Historic Lifestyle & Power Society "Old Tyme Days" request to use the Zion View Community Center for monthly meetings. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to authorize the use of the Zion View Community Center for the organizations monthly meetings. Meetings to be held the third Tuesday of each month, no fees will be charged for rental.

-Boy Scout request for display area at the Zion View Community Center. Mr. Jordan and Mr. Hahn do not have a problem with the request and authorized the township public works department to repair the corner cabinet for their use.

-Resolution 2008-20, establishing exemptions for the 2009 township per capita tax. Motion by Mr. Hahn, second by Mr. Jordan, unanimously carried, to adopt Resolution 2008-20.

- OTHER BUSINESS: None

- ADJOURNMENT: Mr. Jordan adjourned the meeting at 8:16 p.m.

Respectfully submitted,
Lou Anne Bostic