

June 25, 2015

The Codorus Township Planning Commission met on June 25, 2015 at 7:00 P.M. Board members present were: Rick Sechrist, Lamar Glatfelter, Richard Masimore, Brenda Miller and Jim Morris. Others present were: Attorney Gilbert Malone, Bob Gladfelter.

The meeting opened with the pledge to the flag.

The minutes were approved as written.

Brian Kaltreider suggested the Board consider some changes to the proposed ordinance. Brian wanted to know why the special exception for processing center was taken out. Attorney stated that the York County Planning Commission has not yet reviewed the ordinance and has not gotten back to Codorus Township with their comments. No changes can be made to the proposed ordinance after it has been sent to York County Planning Commission. If changes are made it would need to be resubmitted to YCPC.

Brian requested clarification as to why, under the proposed ordinance, the wording was changed that would allow CAFOS to build on prime farm ground. Brian said that his Attorney just used that argument last week in a case.

Attorney Malone commented that he had spoken to Brian's Attorney and the cases are very different with much different circumstances. He said that CAFOs, under state law are designed to go on flat ground, generally because of size and accessibility, and thereby the state has determined that CAFOs can be constructed on good quality ground, meaning that argument would just get thrown out anyway.

Jim Morris stated that the Township can enforce certain things but the state has really put a grip on local Townships from being able to enforce a number of things concerning CAFOs. The Townships are prevented from controlling things like wetlands and air quality. The state assumes the responsibility for these things.

Resident Marion Daron voiced complaint about the condition of her water. Jim told her that DEP and the state have jurisdiction regarding that. The Township doesn't have the tools to fight it.

Brian stated that Hillandale has had arsenic in the water at their Gettysburg location since 2006. The state has fined them several times, a meager amount, but doesn't seem to make them fix the problem. With all the residents living by Hillandale's operation in this Township, there is great concern of that happening here resulting in water contamination.

Brian also had concerns as to why the food processing requiring a special exception was taken out.

Paul Veillon loudly expressed his displeasure with a CAFO the size of Hillandale going in his backyard. He voiced his displeasure with the large quantities of chicken manure currently being dumped in the fields beside his house.

Attorney Malone commented that the Township is trying to get a new ordinance that will be better, but it can't change what is now happening under the current ordinance.

Carolyn Bupp commented on the proposed ordinance not allowing charging people for hayrides.

Brian also asked the Board to consider the Health Ordinance.

Attorney Malone commented that it will never hold up in court. He stated that section 3.2 and 3.3 would stand up but the Acre Law concern him that it has been litigated and lost.

Maria Payan informed the Board that the Health Ordinance is a health permit. The acre law as well as the MPC, clearly states that it gives rights to the Township to regulate health. Lynne County, Missouri had their ordinance challenged and it held up in court. Attorney Malone requested a copy of the challenge and Maria said she would get it to him. She stated that the current state laws are very lacking concerning health.

Jim Morris commented that he liked the health ordinance. He thought it should be considered. There was discussion about this. Attorney Malone said he was concerned about Section 4 and 5. Jim said he wasn't sure about the setbacks in the health ordinance. If someone in the setback wanted to start a CAFO, they wouldn't be able to because of the setback. These results are unfair controlling of an individuals property. Jim also said that the township can respond to residents concerning pollution. Fees were briefly discussed with no outcome. Attorney Malone said that they could be charged reasonable fees in order to review the plans.

Maria Payan commented that the health ordinance regulates ammonia concentrates. Currently the DEP has no regulation on health. York County has no health Dept. She also stated that any CAFOs already in place would have to be grandfathered in. Only new CAFOs or an expansion of a current one would require regulation. This would result in not a lot of cost for Township.

The setbacks were discussed concerning CAFOs. The setbacks would control noise, odor, flies, gases, water quality, and arsenic problem. Maria said that the setbacks control the density of CAFOs in a given area.

Attorney discussed the rollback of acreage needed for a CAFO. The state has already determined that a CAFO can't have a minimum lot size requirement therefore it was removed from the old ordinance. Gil stated that airborne pathogens, water quality and flies are dealt with in the new ordinance. They must demonstrate that their facility will not cause the township these problems. Jim asked if there could be ground water monitoring wells. Gil said he would check into this.

Lamar said that we could look at the Health Ordinance. Maybe make a few changes and consider it later. Gil said he would contact Brian's lawyer to discuss this.

Carolyn Bupp would like to see the new ordinance be changed. She was concerned with the farm market not being able to charge for some of the accessory and agriculture promotion events. She felt this wasn't fair that the township could regulate this. Attorney Malone said he couldn't recollect how those words got put into there. The concept was to promote the farm market itself. She could require a minimum charge for products. Carolyn thought she should be the one who should determine this. She asked if Steve Forbes charging for hayrides to take people over to Spoutwood farm during the Fairy festival would be allowed. She was told that the township didn't know about this. Bupp also asked if Spoutwood, not being a farm market, can continue to keep doing the Fairy Festival. The board told her that he was grandfathered in on this. She also questioned the percentages concerning how much must be grown. Attorney Malone said if the township believes someone is not in compliance, they can ask for records proving you are in compliance. Carolyn asked what the definition of growing is. She said she grows everything from plugs and seeds. She also wanted a guarantee that the board would make these changes. The board issued no guarantee but said they will strongly consider it.

Bill Fogle wants to transfer about 40 acres of land from one farm to the other. They are contiguous and will not create a problem on either such as landlocked areas. No building lots will be transferred. He was told he has to have it surveyed and was offered steps to take in order to do this.

The meeting adjourned at 9:15 P.M.