

February 11, 1998

The Board of Supervisors of Codorus Township met in regular session on February 11, 198 at 7:30 P.M. in the Township office. Board members present were: Lamar Glatfelter, Brian Baer and Goldie Day. Others present were Solicitor John Herrold, Irvin Rappoldt, Tim Markle, Lavern Markle, Titus & Betty Geesey, Mr. & Mrs. Robert Lasher, Mr. & Mrs. Charles W. Van Scoyoc, Roy Lovell, Dean Glatfelter, Mr. & Mrs. Douglas Breese, Dalone Swartz, Debra Swaim, Jamie & Charles S. Van Scoyoc, Gary Masimore, Charles Aiken, Deborah Lego, Michael Bentley, David Aiken, Harry Stamer, Reverend Richard Weaver & Son, Barry Berlin, Troy Snyder, Ron & Lyn McCullough, Mr. & Mrs. Monroe Busch, Mr. & Mrs. Dennis Coster, Paige Reed and April Frederici, Jerry Caslow, John Kovach, Robert Finke & Roy Steinberg.

Chairman Glatfelter opened the meeting with Pledge.

The minutes were reviewed by some persons in attendance at the February 5th meeting. Charles S. Van Scoyoc wanted paragraph 5 on Page 2 to read: Paige Reed said that the Fireworks buildings were 490 ft. from the Charles Van Scoyoc home.

Debra Swaim also wanted the minutes of February 5th to state that when the Board was asked why a commercial business was allowed in an Agricultural Zone, the Chairman replied that the business was started before the Township knew what was happening and also that dynamite was being stored by another business in the Township. The Board then adopted an ordinance making the Storage of Black powder, low and high explosives a permitted use in the Agricultural District.

The February 5th minutes were approved subject to the above changes.

Jerry Caslow presented the final subdivision plan of the Roy Caslow Estate property.

This plan has been revised to meet the approval of Solicitor Herrold and Solicitor Malone.

Jerry will get the road right-of-way agreement signed and notarized before providing the Township with a copy.

Brian Baer made a motion to approve the Caslow plan seconded by Lamar Glatfelter. This motion carried.

On the Fireworks concern, Charles S. Van Scoyoc stated that his property is adjacent to the Fireworks Production property. His only concern is safety. He has measured the distance from his house to the nearest container. The distance is 405 ft.

Mr. Van Scoyoc stated that according to the copy of a license faxed to Representative Mike Waugh's office by Mike Getto, Explosive Section, Pennsylvania Department of Environmental Protection, the last inspection date was 8/21/90. Mr. Paige Reed said there had been four inspections since the business started, and that the containers are down over the hill a distance of 800 ft. from the buildings & highway.

Mr. Van Scoyoc said that the block building was the only building on the property in 1990.

On the question of Arthur Hufnagel being approached about selling some property to Fireworks Production, Paige Reed stated that his partner, Dennis Coster had been the person involved. Mr. Reed stated that he had no knowledge of this until he brought the matter up with Mr. Coster after the February 5th meeting. While waiting for Dale Peters to give an answer regarding leasing the acre to the business, Mr. Coster had approached Arthur Hufnagel.

According to Mr. Reed, the only reason for leasing an acre of land from the Chilcoat & Peters farm was to comply with the ATF distance between containers.

There are eight containers on the property, one is empty. Mr. Reed invited everyone present to visit the business to look it over.

When Mr. Reed erected the Morton building he obtained a building permit from the Township Zoning Officer, but he was not aware that he needed building permits for the containers. He had never been told by any Township official that he needed a permit for these.

Mr. Reed said he heard a complaint about the truck traffic on Catholic Valley Road. He will re-route the traffic from Agway (Shrewsbury) to Greenmount Church Road by having the trucks use Shaffer's Church Road and S.R. 216. Some residents also told him that Cherry Run and Snyder Roads would be better to use than Catholic Valley Road. These roads are not as curvy.

Mr. Reed said that he has 4 or 5 tractor trailers a year bringing in supplies, but that he cannot regulate the commercial carriers.

Troy Snyder, Jefferson Fire Company Chief and Ron McCullough, Ass.t Fire Chief of the Glen Rock Fire Company both stated that the fire companies were aware of the fireworks business. There is a verbal evacuation plan among the fire companies in case of a fire or explosion at this property.

Mr. Reed stated that State and Federal Regulations are different. Every location needs a different license. A magazine is a licensed location and needs to be 300 ft. apart. The ATF only licenses the premises, but the State requires a license for each container. He has done exactly what DEP tells him to do.

Mr. Reed reported that a Mr. Hensley, a State inspector will be at the premises on Tuesday morning, February 17th at 9:00 A.M. to inspect the business. Charles S. Van Scoyoc said he will be present for this inspection.

Solicitor Herrold stated that the property does not need to be zoned commercially since the storage of black powder, high & low explosives is a permitted use in the Agricultural Zone at this

time. He went on to explain that the proposed ordinance would change this use to a use by Special Exception for any future applicants. The applicant would go before the Zoning Hearing Board. It would be up to the Zoning Hearing Board to grant or deny the Special Exception and the Zoning Hearing Board could place conditions on the use, if granted.

Debra Swaim asked what could be done to get the Ordinance revoked. Solicitor Herrold told her a petition could be presented to the Board of Supervisors.

One resident said she feels that the recent explosion at York International in York, PA has caused more fear in Township residents about the fireworks stored here.

Dalone Swartz stated that the Fireworks business started small but has been getting bigger. Mr. Reed said 48,500 lbs of black powder is now stored at the property. Dalone said the Township keeps issuing permits and how can the Township be sure of the amount stored there. He doesn't want the business to get any bigger.

When asked if sprinkler systems were required for this business, Mr. Reed stated that sprinkler systems are required for consumer fireworks but are forbidden in storage facilities by State & Federal laws.

Mr. Reed also said that fireworks do not detonate. Any accident would not cause any damage more than 300 ft. from the premises and that an evacuation plan is not required.

Resident Roy Lovall wanted to know why William Harman had to have a special exception hearing to place a mobile home on his property as a hardship case for his mother, and that he had to have a zoning hearing for his woodworking business. He asked how this business got in without a zoning hearing.

Chairman Glatfelter explained that this business and also the storage of dynamite were already in the Township before the Board was aware of these storage facilities, and that until the permitted use was allowed in the Agricultural Zone, there were no regulations.

Dalone Swartz said that he had family and friends at his house for a gathering and the Township wanted to know if he was running a business.

Charles Aiken said it looks like we are stuck, but the Township should not let the Fireworks business expand; if there is 50,000 lbs. there today there could be another 50,000 lbs. tomorrow.

Troy Snyder, Jefferson Fire Co. Chief, said that if there should be a fire at the Fireworks property, the fire company would just stay on Greenmount Church Road and let the buildings burn.

Dalone Swartz asked Mr. Reed if his trucks carry a MSPS sheet. Every truck that goes out from Harley Davidson has one.

Mr. Reed said safety lessons are held for all his employees.

Someone suggested that the Township should research enacting a building code.

Dalone Swartz said he is concerned about closed in tractor trailers since they can get very hot. Mr. Reed stated that the commercial haulers have strict rules to abide by and that all the tractor trailers are vented.

When asked about fences or signs, Mr. Reed reported that ATF & DEP prefer that they don't do this since it would be an attractive nuisance, drawing more attention to the property.

Debra Swaim said she hopes the Township does not issue a renewal license to Mr. Reed.

Dalone Swartz asked Goldie Day a real estate question since she worked in real estate. She answered that she has not been involved in real estate for almost 10 years and would not answer this question about property values.

The residents were told that the license for storage of fireworks is for the property of Mr. Reed only and doesn't permit the business to move onto some else's property. The only way for the business to be on the Chilcoat & Peters property would be for a zoning hearing for a special exception. The Zoning Hearing Board would have to render the decision which would be from testimony relevant to the issue and a question of law.

There was a discussion regarding the street recently opened up on the Chilcoat & Peters property. Was a permit required for this street? Zoning Officer, Irvin Rappoldt, sent a cease & desist order to both Mr. Reed and Chilcoat & Peters. Tom Moore stated that he would like to see the stones removed and the property put back the way it was before the road and concrete pads were put in. The Board will find out if Mr. Peters of Chilcoat & Peters wants to keep the road for access to the farm fields, but the Board feels that the pads and the road down next to the woods can be taken out.

Charles Van Scoyoc asked if the Township is going to require that Mr. Reed go back to 4 containers on the property. Lamar Glatfelter said he would like to see only four containers.

Mr. Reed said that if the ATF changes its regulations, all the containers could be taken out and a building put up.

Roy Lovell asked if a building permit application could be turned down. Irvin Rappoldt told him yes.

Debra Swaim said she votes against the license being renewed for Fireworks Productions. Solicitor Herrold told her that her vote doesn't count, that if all provisions of the ordinance are met, the license would have to be renewed.

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Mrs. Robert Lasher asked if the business could get any bigger. She is also concerned about all the traffic on Catholic Valley Road.

Dalone Swartz said he would like for the three neighboring fire companies to get together and lay out some type of plan. The secretary will ask the Township EMA, Randy Sterner to get together with the fireman to work out something.

Troy Snyder, Jefferson Fire Co. Chief said that the biggest threat are fuel trucks and tractor trailer trucks on the roads hauling hazardous materials.

Solicitor Herrold announce that an amendment to the Zoning Ordinance has been advertised for a public hearing on March 11th with adoption to follow. He explained that this ordinance will require a Zoning Hearing for a Special Exception to store black powder, low and high explosives.

Debbie Lego wanted to know what is needed to have an ordinance revoked. Solicitor Herrold told her that a petition would have to be presented to the Board of Supervisors.

Lamar Glatfelter made a motion to issue a road occupancy permit to GTE North to install buried cable along Roser Road. Goldie Day seconded this motion. The motion carried.

The Board will contact William Peters regarding the road and pads put on the Chilcoat & Peters property. The Township never issued building permits for the pads which are structures. Tom Moore thinks the Township should get the pads removed.

A site inspection will be set up with Paige Reed and William Peters at the Chilcoat & Peters farm to discuss the road and pads.

Fireworks Productions had paid the fee for a license renewal for 1998 and also furnished copies of all required State & Federal Permits/ Licenses and Insurance policy.

Lamar Glatfelter made a motion to issue a renewal license for 1998 to Fireworks Productions, seconded by Goldie Day. Supervisor Brian Baer abstained from voting. The motion passed by majority vote and the license was signed by all three supervisors.

The bills were presented to the Board. Brian Baer made a motion to pay the bills, seconded by Lamar Glatfelter. Motion carried.

The meeting adjourned at 10:45 P.M. on motion by Goldie Day and seconded by Lamar Glatfelter.

Respectfully submitted,

Goldie Day
Goldie Day, Secretary