

September 9, 1998

The Codorus Township Board of Supervisors met in regular session on September 9, 1998 at 7:30 P.M. in the Township building. Members present were: Lamar Glatfelter, Brian Baer and Goldie Day. Others present were: Solicitor John Herrold, Irvin Rappoldt, Robert Finke, Cecile Feters, Thomas Moore, Deborah Slawson, Leland Snyder and Kay Schreiber.

Chairman Glatfelter opened the meeting with Pledge. The minutes were approved as written.

Solicitor Herrold explained the advertising requirements for ordinances that have changes after the public hearing. According to the Pennsylvania Municipalities Planning Code there must be a public hearing held if significant changes have been made to the ordinance after the first public hearing. The solicitor for the Township Planning Commission does not feel that the changes made since the public hearing held on July 8, 1998 are significant. Cecile Feters had two pages of comments she wanted to read before the Board took action on the open space ordinance proposed for adoption at this meeting. (Cecile Feters comments are attached at the end of the minutes - #A& A-1).

Chairman Glatfelter stated that the changes made to the proposed ordinance were changes that the Township is comfortable with.

Solicitor Herrold told the residents that there is flexibility built into the ordinance. Any open space developments proposed must come before the Supervisors, that there is always a lot of give and take and trade off in most plans, that he has never seen a large plan presented to a municipality that hasn't been changed after initial presentation.

Tom Moore, Chairman of the Planning Commission, explained about the ownership and maintenance of the open space; that any use must be submitted to the Board of Supervisors for approval. Tom also feels that we have a defensible ordinance, should the ordinance ever be challenged. If any part of the Zoning Ordinance is found to be invalid, the entire ordinance would be thrown out and we certainly don't want that.

There were no other public comments regarding the proposed ordinance.

Supervisor Goldie Day made a motion to adopt Ordinance #98-2, seconded by Supervisor Brian Baer. This motion carried.

Kay Schreiber was before the Board again with a complaint about her neighbors chickens. They had erected a fence around their property, but Glenn Hamm's chickens, (roosters, hens & chicks) are all over her place. The noise is unbearable. She also wanted to know if animals (and how many) are allowed in the agricultural district and how much land is needed for a mini farm.

Solicitor Herrold reported that he had sent Glenn Hamm a letter on June 12, 1998 with a copy of the Stray Animal Ordinance. Mr. Hamm has not responded. The next step is for the Zoning Officer to visit the Schreiber property to get a look at the problem. Mr. Rappoldt is to talk to Mr. Hamm. If

Mr. Hamm does nothing to correct the problem, other steps must be taken.

Also, Mrs. Schreiber reported that the septic tank at the Hamm property must be malfunctioning since gray water is running onto Water Tank Road.

The Township secretary was asked to contact the SEO so he can check the Hamm property for any malfunctioning of the septic system.

Leland Snyder was present to talk about the Sewage Planning Module for the proposed Codorus Estates, Inc. subdivision. He said they are running out of time with the Department of Environmental Protection on approval of the module. He feels the Township is concerned about the best location for a sewage treatment plant. Solicitor Malone has asked that all information be turned over to Jeffrey Shue, the Township engineer. Leland said that their planning module stated that the sewage treatment plant they proposed for Codorus Estates would have an expandable system that could be used later. Their proposed treatment plant would be Codorus Township. The treatment plant proposed by Linwood Gray would be in the Borough of Jefferson. He will not talk to Mr. Gray about working together on a single plan for a treatment plant. Any talk with Mr. Gray would have to be by the Township officials.

Leland asked the Township to extend the time necessary for the approval of the plan by DEP. The 60 day time limit will be up Friday, September 11, 1998.

Lamar Glatfelter made a motion to ask the Department of Environmental Protection for an extension on the Codorus Estates, Inc. Sewage Planning Module. Brian Baer seconded this motion. This motion carried. The secretary will send an extension request to D.E.P.

Leland also suggested that the township engineer look at both sites proposed for a sewage treatment plant so he can evaluate the situation.

The Secretary reported that Sally Zellers of the York office of D.E.P. is asking for a meeting with representatives from Codorus Township, Jefferson Borough and North Codorus Township to discuss concerns for regional sewage disposal.

Irvin Rappoldt reported that only one building permit was issued during the month of August.

Regarding the enforcement notices he sent to Michael Dotson and Cleveland Thompson, Dotson has removed the unlicensed vehicles, but Thompson has not started any cleanup of his premises.

Irvin was told to file charges against Cleveland Thompson. Also he was told that Bernard Wiggington has never removed the hardship permitted mobile home from his property along Bonnair Road. The hardship has not existed since his mother moved out more than two years ago. Also, Irvin is to check the former Inners property in Neimans for unlicensed autos.

Solicitor Herrold had the Easement he prepared for the Right-of-Way agreement between the White Rose Motor Cycle Club and Codorus & Manheim Townships. This easement is needed due to replacement of the bridge on Pentland Road.

Brian Baer made a motion to accept the Easement as prepared by Solicitor Herrold, seconded by Goldie Day. This motion carried and the easement was signed by the Chairman.

A letter was read from Dorothy Regan regarding the section of Bosley Road that was abandoned in 1992. She will be told to get an easement from the adjoining property owners if there is a problem over using a driveway.

The Board discussed the resignation of Sandra Hartlaub, Tax Collector. Her records will need to be audited. Goldie Day and Brian Baer said they feel that a CPA firm would have to be called in to do the audit, but Lamar Glatfelter said he wanted to have our elected Township auditors do the work. Chairman Glatfelter will talk to Sandra regarding tax monies that should be turned over to the Township. She has not paid over any tax money since the month of June. Payments are due by the tenth of every month for collections made the previous month.

The Board will need to appoint a tax collector for 1999. If this person wishes to continue to fill the unexpired term of two years, their name must be on the ballot in May.

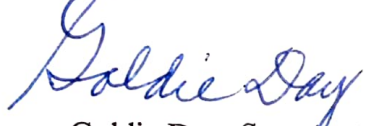
The secretary presented the 1999 Budget figures for the non-uniformed pension plan to the Board for approval.

Brian Baer made a motion to approve the 1999 minimum municipal obligation in the amount of \$13,269.40. Lamar Glatfelter seconded this motion. This motion carried.

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

The meeting was adjourned at 9:15 P.M. on motion by Chairman Glatfelter and seconded by Brian Baer.

Respectfully submitted,


Goldie Day, Secretary

COMMENTS TO THE CODORUS TOWNSHIP SUPERVISORS CONCERNING ORDINANCE
#98-2 BY CECILE H. FETTERS: (September 9, 1998)

On August 27th I presented a petition containing 192 signatures of taxpayers in Codorus Township to the Planning Commission. It was addressed to you, the Supervisors, as well as the Planning Commission. These taxpayers call on you to make changes to proposed Ordinance #98-2 that will protect us from significant tax increases which would be caused if the ordinance were passed in its present form. The Planning Commission chose to ignore the requests of these citizens but I am hoping that you, our elected officials, will **make some changes before passing this Ordinance.**

As reported in the York Dispatch on August 24, a recent study done in Frederick County, Md. showed "that for every tax dollar paid on residential property, about \$1.14 was paid out for needed services," whereas "farmland ... required only 53 cents in municipal services for every tax dollar paid. The fact is, taxes paid on farmland and open spaces are used to subsidize residential development." The Penn State Cooperative Extension Service (York Dispatch 11/24/97) reported that "residential property requires \$1.10 in services for every dollar of tax revenue paid" whereas only "six cents out of every tax dollar collected on agricultural land is required for services."

While some residential development has been expected in the RSR zone, there is no reason to allow higher numbers of dwellings in such development. The PA Municipalities Planning Code states that one purpose of zoning is "to provide ... for residential housing of various dwelling types." (Sec. 604, (4)). **Nowhere does it require a certain number, size, or percentage of each dwelling type.** Furthermore, it states "that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type." Therefore, it would seem unnecessary to **encourage** large-scale residential developments in a township where a primary purpose is to "secure ... the preservation and prudent use of agricultural lands." (Codorus Twp. Zoning Ord. Sec.201 (6)). Every acre of land changed from agricultural to residential use will cost **all taxpayers** in the township higher taxes and thereby make it more difficult for farmers to make a living and keep their land.

Specifically, we ask that you change Item III #12 (a) (2) to read that "the maximum number of two family dwelling units shall be calculated by multiplying the acres of developable ground allocated to that dwelling type by 2.9." instead of 3.9 as is written in the proposed ordinance. This would make the **total number** of two family dwellings per tract the same as under conventional zoning for this zone, rather than **increasing** the total number of dwelling units. There would be "no change in the overall density of development" which is a cardinal principle of "Open Space" zoning. (Open Space Zoning by Randall Arendt) Therefore, there would be no greater impact on our taxes than if all homes were built under conventional zoning for this District.

Secondly, we ask that you change Item III #2 (c) 1. "Minimum Tract Area:" from 5 acres to 10 acres. This is what has been allowed in the current ordinance for cluster development (sec. 625). Ten acres is currently used in York County "as a minimum acreage" "to effectively preserve open space." (YCPC #5) Of the 21 municipalities in York County which have Open Space zoning, 18 require a minimum tract of 10 acres or more, including 3 boroughs. If Codorus Township allows high density development on smaller plots we could soon become a target for a parade of mini-developments (20 dwellings/5 acres), with little 2 acre plots of "open space" scattered around, maintained by many different homeowners's associations. What is the purpose of encouraging this type of development?

Finally, we ask that you **require some portion of the open space be assigned and developed by the developer for active recreation usage.** As written, all "open space" could be set aside for conservation ((#4-b) or agriculture (#3-d & #4-d), thus denying residents of small lots any guaranteed access to any "open space." If no usable land is reserved for them, these residents soon will be demanding that the Township taxes be used to buy land and provide recreational facilities for them in a nearby area, since they cannot use any of the land that adjoins their properties. The current Zoning Ordinance reads: (Sec.615, f.) "fifteen one-hundredth (0.15) times the habitable floor area shall be assigned and developed for active recreation usage. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the owner." But this section is being deleted by the new "Open Space" ordinance. We ask that you re-insert **the wording of this one subsection**, or pick another percentage of usable area that must be set aside for residents of high density developments. Those of us who have 1 or 10 or 20 acres per residence have plenty of room for recreation on our own land. Those who will have a 4875 sq. ft., 20 ft. wide lot, which will include dwelling, driveway, sidewalk, etc. will soon be demanding a nearby recreation area they can use, not just look at.

We know that both the Planning Commission and the Supervisors have put a lot of time and effort into this Ordinance. We are only asking for these changes to protect all taxpayers of this Township from poorly planned developments which will squeeze as many dwellings as possible onto as small a tract of land as possible, with as little cost as possible to the developer. We hope you will make these changes before passing Ordinance #98-2.