

April 8, 1998

The Codorus Township Board of Supervisors met in regular session on April 8, 1998 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, Attorney Nathaniel Boyd, Charles W. Van Scoyoc, Charles S. & Jami Van Scoyoc, Debra Swaim, Mr. & Mrs. Robert Lasher, Dalone Swartz, Roy Lovell, Rick Lego, Bob Glatfelter, Paige Reed, April Frederici, Dennis Coster, Attorney Gerard Stevens, Irvin Rappoldt, Rick Sechrist, Marsha McKnight, Charles Wheat, Charles Aiken, Tony & Denise Revels and Robert Finke.

Chairman Glatfelter opened the meeting with the Pledge.

The minutes were approved as written.

The treasurer's report was given to the Board members.

Attorney Nathaniel Boyd was first to speak. He said he is here on behalf of Charles S. & Jami Van Scoyoc, and that he doesn't know all the Federal law regulating fireworks. He asked why building permits were issued to Fireworks Productions, Inc. after the March 11<sup>th</sup> meeting for a non-conforming use. Solicitor Herrold interrupted Attorney Boyd by saying that Fireworks Productions was operating under a permitted use, not a non-conforming use. Since the ordinance was changed on March 12, 1998 the storage of black powder would be a non-conforming use.

Attorney Boyd referred to a letter from Fireworks Productions, Inc. dated April 3<sup>rd</sup> regarding the two plans for changing the storage buildings/containers at the property. Attorney Boyd stated that putting explosives in a block building would be better than the present storage and that Plan A of the draft appears better than Plan B. The Van Scoyocs would like to know the location of the proposed block building. He along with the Van Scoyocs need some more time to look at the sketch plan.

A copy of the proposed A & B drafts from Attorney Gerard Stevens, Counsel for Fireworks was received today by Attorney Boyd.

Attorney Stevens stated that the regulatory agencies will have to approve anything they do and that they will also comply with any local ordinances.

Attorney Boyd asked if Fireworks Productions would need a variance to put up a building.

Solicitor Herrold told him that since Fireworks Productions was operating under a Permitted use that he didn't feel a variance was necessary.

Dalone Swartz wanted to know if the Fireworks business was operating under a Special Exception and if there was a time limit to this. Solicitor Herrold told him that the business never operated under a Special Exception, only a permitted use which has no expiration date.

Solicitor Herrold told those present that before the Ordinance was adopted in 1992, there were no regulations for this business.

Debra Swaim wanted to know if Solicitor Herrold was going to answer the questions she had posed at the April 2<sup>nd</sup> meeting. He replied that he is asking the Board to advise him. The Board made no comment.

Lamar Glatfelter said that the Board needs to address the proposed agreement and take some time to study it since it was only presented to the Board at this meeting.

Attorney Boyd asked if any definite date has been set for the completion of the changes on Plan A of the sketch plan.

Solicitor Herrold said the agreement as proposed would be circulated between those involved to see if something can be resolved, otherwise litigation could take years.

Attorney Stevens stated that the Reeds wanted the Agreement, based on their March 23<sup>rd</sup> letter to the Board of Supervisors. They would like to do the work proposed in the next 4-5 years if Plan A is approved. This will depend on ATF approval and their ability to obtain building permits from the Township. Within the next five years Fireworks Productions would like to build the cinder block building and empty the containers and put up screening. Approval may also be needed from ATF for the screening proposed.

Attorney Boyd will take a look at the Utilization Plan Agreement (he was given a copy ) and get back to the Board.

Chairman Glatfelter told those present that the Board will look at the proposed agreement and have a decision at the May 13, 1998 meeting.

Paige Reed reported that two containers are too close to the cinder block building by 4 ft. He will have these 2 containers moved to 6 ft. ATF measured these distances by a laser measuring device.

Chairman Glatfelter made a motion that building permits be issued to Fireworks Productions to move the above containers to distances in compliance with ATF regulations, Goldie Day seconded this motion. This motion carried.

Debra Swaim questioned why building permits had not been issued for some of the containers on the Fireworks Productions property. Irvin Rappoldt, Zoning Officer, replied that he could add all the permits for the containers on the same permit he issued on March 12<sup>th</sup>.

Attorney Boyd told the Board that he represents Charles S. and Jami Van Scoyoc only and no other residents.

Irvin Rappoldt gave the report of building permits issued during the month of March.

Irvin had questions about the recreation fees for new development. He was told that the Township



collects this fee before a subdivision is approved. He was given a copy of the ordinance setting these fees.

Marsha Mcknight had a copy of the comments from the York County Planning Commission on the James Bailey land development plan. She wanted to know if comment #3 of the comments had been addressed. She was told that since this house referred to is owned by the Baileys, that a variance was not necessary.

Marsha also wanted to know the procedure used in plans going from the Township Planning Commission to the Board of Supervisors. She asked that if, when the Planning Commission asks for changes to the plan, shouldn't it go back to the Planning Commission to be checked for changes recommended before being sent to the Board of Supervisors. She referred to a subdivision plan of James Bailey that was approved a couple of years ago that had the driveway changed between the meeting the plan was signed by the Planning Commission and the Supervisors meeting. She said the position of the road had been changed.

Marsha was told that the Planning Commission reports to the Board of Supervisors and sometimes approves a plan subject to some changes being made before the plan goes to the Supervisors.

A private road maintenance and right-of-way agreement by Jerry Caslow was reviewed by Solicitor Herrold and the Board. The agreement meets the approval of both. The secretary will return the agreement to Mr. Caslow and ask him to have it recorded, with original being returned to the Township.

Brian Baer made a motion that Solicitor Herrold send a letter to Waste Management asking that problems with the trash collection be corrected. Lamar Glatfelter seconded this motion. Motion carried.

The secretary will send a list of the concerns over the collection of trash to the solicitor.


Solicitor Herrold asked the Board to get back to him by April 27<sup>th</sup> with its decision on the Fireworks Productions Plan Agreement.

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

Mr. & Mrs. Revels of Chadwick Court were present just to observe as newcomers to the Township.

The meeting adjourned at 9:30 P.M. on motion by Goldie Day and seconded by Lamar Glatfelter.

Respectfully submitted,

  
Goldie Day, Secretary