

May 13, 1998

The Codorus Township Board of Supervisors met in regular session on May 13, 1998 at 7:30 P.M. in the Township building. Board members present were: Lamar Glatfelter, Brian Baer and Goldie Day. Others present were Solicitor John Herrold, Attorney Gerard King Stevens, Paige Reed, April Frederici, Dennis Coster, Mr. & Mrs. Charles S. Van Scoyoc, Debra Swaim, Charles W. Van Scoyoc, Roy Lovell, Mrs. Lasher, Warren & Sadie Forbes, Pat Buhl, and Robert Finke of the York Daily Record.

Chairman Glatfelter called the meeting with the Pledge.

The minutes were approved as written.

Pat Buhl of Worley Surveying presented the 2-lot subdivision plan of the Warren & Sadie Forbes property. A letter from the Department of Environmental Protection was received stating that the plan was adequate for a septic system.

Goldie Day made a motion to approve the Warren & Sadie Forbes subdivision plan, seconded by Brian Baer. This motion carried.

The Chairman asked for any public comments. There were none.

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

Solicitor John Herrold arrived and began the discussion on the Fireworks Production, Inc. concern with the adjoining neighbors. Solicitor Herrold reported that the Codorus Township Planning Commission feels that since the enactment of Ordinance 98-1, the Fireworks Production business would now become a non-conforming use. He has spoken to Solicitor Malone of the Township Planning Commission also. Attorney Malone understands that any expansion of buildings would require approval by the Township Zoning Hearing Board.

Attorney Stevens asked if a new building would be an expansion of use.

Solicitor Herrold said the present use can continue forever but the question is does an expansion require a Special Exception and it is the position of the Township Planning Commission that if Firework Productions wishes to expand the building they would be entitled to expand pursuant to the Zoning Ordinance up to 35% by having this Special Exception granted by the Zoning Hearing Board. The expansion would be 35% of all buildings now in operation. Solicitor Herrold doesn't feel that the Board of Supervisors has the authority to allow this expansion.

The expansion would not be applicable to poundage but would be measured in square footage of floor area. Square footage would be of all the buildings now being used by Fireworks Productions.

Attorney Gerard Stevens stated that Fireworks Productions, Inc. would withdraw the Utilization Plan

presented and would continue to operate as is, the Fireworks will stay in the containers on the property. An unsigned copy of this proposed Utilization Plan is on file.

Solicitor Herrold told Paige Reed that they now are in compliance with the Zoning Ordinance and the Board of Supervisors has no power to tell them they can't continue as a permitted use, and that they can put up a new building to replace the containers as long as they don't expand, based on the square footage of the containers now in use.

Attorney Stevens thanked the Board for its decision.

Debra Swaim had questions about any expansion after the ordinance adopted March 11, 1998 became effective. Solicitor Herrold told her that as long as Fireworks Productions keeps the business like it is, it doesn't have to do anything.

Debra Swaim wanted to know something about the Zoning Hearing Board, that one of the problems has been with the facts in this case. Attorney Herrold explained that the Zoning Hearing Board is a Quasi-Judicial body that, under sworn statements, could find out the facts.

Charles S. Van Scoyoc wanted to know what will happen now and was told by Solicitor Herrold that the business can operate as it has been by making no changes.

Jami Van Scoyoc asked if Attorney Stevens could testify at a Zoning Hearing for the Fireworks Productions since he is not licensed to practice law in Pennsylvania. She was told by Solicitor Herrold that as far as he knows there is nothing to prevent this. Attorney Stevens did remark that he has been in touch with a lawyer in Gettysburg.

Roy Lovell asked if the 35% expansion is based on existing structures on the property at the time the Ordinance was adopted and was told that this would be how the expansion would be calculated.

When asked by one of the residents if the 2 containers placed on the hill for this season only would be allowed to stay. Solicitor Herrold said that nothing will happen if a Zoning Hearing is not held.

Mrs. Lasher wanted to know if Solicitor Herrold would advise the concerned residents of their legal rights. Solicitor Herrold told her that he is hired by the Board to give legal advice and that he can only offer procedural advice, not legal advice.

Mr. & Mrs. Charles Van Scoyoc and Debra Swaim presented the Board with a list of seven concerns they have with the Fireworks Production business. These comments are on file in the Fireworks Productions, Inc. office file.

The secretary reported that since Waste Management received the letter from Solicitor Herrold that

the service has been much better.

There were some questions about the tax collector not turning over the April tax receipts by May 10th. She asked the County for an extension due to her commuter being down and was granted a two-week extension. The Board will go along with this extension, but if no payment has been received by May 24th, the Solicitor will be notified.

The meeting adjourned at 9:00 P.M. on motion by Brian Baer and seconded by Goldie Day.

Respectfully submitted,



Goldie Day, Secretary