

1 Re: Conewago Township, Adams County, PA  
2 Public Hearing on Proposed Ordinance No. 2020-C

3  
4 Transcript of the testimony at the  
5 hearing held Wednesday, August 12, 2020  
6 at 6:30 p.m.  
7 (Via Zoom Telemeeting)

8  
9 BEFORE

10 CONEWAGO TOWNSHIP BOARD OF SUPERVISORS

11 Charlotte Shaffer, Chair  
12 Thomas Weaver, Vice Chair  
13 Louann Boyer, Supervisor  
14 Don Knight, Supervisor  
15 Thomas Klunk, Supervisor  
16 David W. Arndt, Jr., Code Enforcement Officer

17 APPEARANCES:

18 SAMUEL WISER, ESQUIRE  
19 KURT WILLIAMS, ESQUIRE  
20 TIMOTHY SHULTIS, ESQUIRE  
21 SALZMANN HUGHES, P.C.  
22 112 Baltimore Street  
23 Gettysburg, PA 17325  
24 Solicitor for the Board

25 CORRIE L. ONDRIZEK, RPR  
OFFICIAL COURT REPORTER  
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1 (Beginning at 6:30 p.m.)

2 ATTORNEY WISER: For those who are in the process of  
3 joining us, we ask that you bear with us as folks connect to  
4 the audio. We will begin the hearing shortly and we will make  
5 sure that everyone identifies themselves and everyone is able  
6 to hear us and we can hear you. So bear with us, please.

7 We have one guest still connecting to audio. We'll  
8 give him a moment. Again, if you're joining us, we are giving  
9 a moment for everyone to be able to connect to their audio  
10 feed. Shortly after that occurs, we will begin the meeting  
11 this evening and we will, through that process, everyone  
12 identify themselves and we will make sure that you are able to  
13 hear us and we are able to hear you. So please bear with us.

14 It appears that participant Popovich is having  
15 difficulty connecting to audio. We will give them a moment  
16 here to try and get connected. I will send them a chat message  
17 to see if they're having --

18 MR. POPOVICH: Yeah, Mr. Popovich here. I'm on two  
19 computers and the one named Ryan, that's the one we're using  
20 primary and there's four of us here. So whenever you're ready,  
21 I'll -- we'll check in.

22 A VOICE: -- here -- Fred Wilke is here. Ellen Ryan  
23 is here and William Popovich is here.

24 ATTORNEY WISER: Okay. We'll have you identify  
25 yourselves. I'm glad you've got an audio feed. I'll turn it

1 over to the Chair to begin the hearing this evening. Then  
2 through kind of initiation process we'll check in with  
3 everybody to make sure that you can hear us and you have been  
4 identified.

5 So Madam Chair, with that, it appears that everyone  
6 who was in the waiting room has been admitted and anyone who  
7 desires to connect to audio does have a sufficient connection  
8 and we can begin.

9 CHAIRWOMAN SHAFFER: Okay. I call the August 12,  
10 2020 Public Hearing to order. Welcome to the Conewago Township  
11 Public Hearing conducted via telemeeting. This is a  
12 continuation of the Public Hearing held on July 23rd, 2020  
13 (sic) regarding the Proposed Ordinance 2020-C. This hearing is  
14 being recorded and transcribed by a Court Reporter. We  
15 appreciate your patience with this virtual forum.

16 Before we get started, I'm going to ask a member of  
17 the Solicitor's Office to review the best practices and decorum  
18 considerations for the telemeeting.

19 ATTORNEY WISER: Thank you, Madam Chair. My name is  
20 Sam Wiser. I'm with the Solicitor's Office and I am  
21 facilitating the meeting this evening. In addition to the  
22 Board Members and staff participation, staff -- participation  
23 information has been provided to persons who requested to  
24 participate in the public hearing this evening. Written public  
25 comment has been invited and responses will be acknowledged

1 during the hearing and I will note that we did receive some  
2 additional written comments since the last hearing.

3 To minimize background noise, participants who are  
4 not Board members should mute their microphone until the time  
5 for public comment. So if you do desire to offer public  
6 comment, you will have an opportunity, but I ask that you mute  
7 your microphone until that time unless you are a Board member.  
8 Participants will be automatically muted by the host to reduce  
9 background noise.

10 If a member of the public desires to offer comment  
11 during the public comment period and they are participating via  
12 computer, you can request to do so by virtually raising your  
13 hand and this can be accomplished by clicking on the icon  
14 labeled participants at the bottom center of your screen, at  
15 the bottom of the window on the right side of the screen. Then  
16 you would click on the button labeled raise hand and that  
17 virtual hand can be lowered in the same way.

18 So if you hit that button raise hand, we'll see a  
19 hand waiving on the screen. We'll know that you would like to  
20 offer comment. After you offered your comment, you can lower  
21 your hand or I can lower it for you after your comment has been  
22 offered. Please do not, though, virtually raise your hand  
23 until the floor is open to public comment. We'll make sure we  
24 get to you and you have that opportunity.

25 If you are participating via telephone only, and I

1 believe we do have a few folks who are doing that this evening,  
2 you can unmute yourself by pressing star six on the phone  
3 keypad and then once you've completed your comments, please  
4 press star six again to mute yourself. If that's not working  
5 out for you, then I will attempt to assist with muting and  
6 unmuting participants to facilitate orderly participation.

7           So at this time I'm gonna ask that each participant  
8 identify themselves. So I will identify the participant in the  
9 way in which their identity appears on my screen or I will  
10 identify them by the telephone number in which it appears on  
11 the screen and after we've identified you, I will update your  
12 participant information so that everyone who is participating  
13 in the meeting this evening on the computer is able to see who  
14 is offering comment.

15           So I am going to begin with that process. We do have  
16 -- I'm gonna start with Mr. Andrews. Mr. Andrews, can you just  
17 let us know that we've got a good audio feed from you and that  
18 you can hear us?

19           ATTORNEY ANDREWS: Thank you, Mr. Wiser. Can you  
20 hear me?

21           ATTORNEY WISER: We can. Thank you, Mr. Andrews. I  
22 appreciate it.

23           The next name I have is Mary and Bob. Would you  
24 please tell us your last name and unmute your feed so we can  
25 make sure that we can hear you. If you could unmute your feed

1 there, Mary and Bob. It's currently muted. There you go.

2 A VOICE: Robert Donnelly and Mary Gangaway.

3 ATTORNEY WISER: Let me place the name then. What  
4 was Mary's last name?

5 MR. DONNELLY: Gangaway. Just the way --

6 ATTORNEY WISER: Can you spell that for me?

7 MR. DONNELLY: G-A-N-G-A-W-A-Y.

8 ATTORNEY WISER: Great. And your last name, Robert?

9 MR. DONNELLY: Donnelly. It's spelled  
10 D-O-N-N-E-L-L-Y.

11 ATTORNEY WISER: Got it. Thank you and we can hear  
12 you loud and clear.

13 MR. DONNELLY: Thank you.

14 ATTORNEY WISER: Thank you. The next participant  
15 that I have says Owner's iPad. If you could unmute your feed  
16 and identify yourselves.

17 A VOICE: I'm Jackie Barham.

18 ATTORNEY WISER: And how do you spell your last name,  
19 Jackie?

20 MS. BARHAM: It's B-A-R-H-A-M.

21 ATTORNEY WISER: Great. And the other guest that is  
22 with you this evening?

23 MS. BARHAM: My sister, Gainell Glascoe.

24 ATTORNEY WISER: And how do you spell your first  
25 name?

1 MS. GLASCOE: G-A-I-N-E-L-L.

2 ATTORNEY WISER: And your last name, please, ma'am?

3 MS. GLASCOE: G-L-A-S-C-O-E.

4 ATTORNEY WISER: Great. And we can hear you loud and  
5 clear. I'm going to place your feed on mute and I am going to  
6 go to the participant identified as Ryan. I believe we may  
7 have multiple participants here. I believe that's Mr. Popovich  
8 and company. If you could unmute your feed and we'll make sure  
9 we have your names.

10 A VOICE: (Inaudible) we're actually on the Ryan  
11 circuit. We have William Popovich, Ellen Ryan, Judy Wilke, and  
12 Fred Wilke.

13 ATTORNEY WISER: Okay. We're going to slow down a  
14 little bit. I got William Popovich. I believe I heard Ellen  
15 Ryan. Is that R-Y-A-N?

16 MR. POPOVICH: Yes, sir.

17 ATTORNEY WISER: And then the last two participants,  
18 please?

19 MR. POPOVICH: We have Judy Wilke, W-I-L-K-E.

20 ATTORNEY WISER: And the last person?

21 MR. POPOVICH: Fred Wilke.

22 ATTORNEY WISER: Great. So I've got William  
23 Popovich, Ellen Ryan, Judy Wilke, and Fred Wilke; is that  
24 correct?

25 MR. POPOVICH: Yes.



1 MS. RYAN: Fred, F-R-E-D, Wilke.

2 ATTORNEY WISER: Yep, Fred Wilke. Got it. Thank you  
3 very much and we will move on to the next participant. It's --  
4 on my screen it's Ted Evgeniadis. And Ted, feel free to  
5 correct my pronunciation, please.

6 MR. EVGENIADIS: Yeah, sure. So it's first name is  
7 Ted. Last name's pronounced Evgeniadis and it's spelled  
8 E-V-G-E-N-I-A-D-I-S and I serve as Lower Susquehanna  
9 Riverkeeper.

10 ATTORNEY WISER: Thank you and you've got a strong  
11 audio feed. So I'll put you on mute and move onto the next  
12 participant. Zoning. I believe that is Dave. Dave, can you  
13 confirm that's also your feed?

14 MR. ARNDT: That's correct.

15 ATTORNEY WISER: Great. So I've put Dave back on  
16 mute and now I'm moving onto John Mike. Could you unmute  
17 yourself and identify yourself?

18 A VOICE: Yes. John and Mike and Kathy Murren are  
19 here.

20 ATTORNEY WISER: Great. And we can hear you loud and  
21 clear. Next I've got Barb Carbaugh. Barb, could you make sure  
22 that we can hear you?

23 MS. CARBAUGH: Hi. Barb Carbaugh, Bare Development.

24 ATTORNEY WISER: Do you have anyone else with you  
25 this evening, Barbara, or just you?

1 MS. CARBAUGH: Just me.

2 ATTORNEY WISER: Great. And we can hear you loud and  
3 clear.

4 Next we got Joan's iPad. Joan, could you identify  
5 yourself?

6 A VOICE: Yes. Joan Mcanall, Bare Development.

7 ATTORNEY WISER: Joan, could you spell your last name  
8 again for me, please?

9 MS. MCANALL: Yes. It's M-C-A-N-A-L-L.

10 ATTORNEY WISER: Got it. Thank you.

11 MS. MCANALL: Sure.

12 ATTORNEY WISER: Next I've got Samsung SM. If you  
13 could unmute yourself and identify yourself. Once again, I'm  
14 asking participant Samsung SM to identify themselves. We will  
15 move on from Samsung SM and give them a moment. We'll come  
16 back.

17 Next we've got G8ThinQ. Can you please unmute  
18 yourself and identify yourself.

19 A VOICE: This is Jeff and Bill, Rittase,  
20 R-I-T-T-A-S-E.

21 ATTORNEY WISER: Jeff and Bill. Great. Thank you.

22 Next I've got a telephone number. It's 77883622639.  
23 Can you unmute yourself and identify yourself?

24 A VOICE: Sheila Laughlin.

25 ATTORNEY WISER: And how do you spell your last name,

1 Sheila?

2 MS. LAUGHLIN: L-A-U-G-H-L-I-N.

3 ATTORNEY WISER: Great. Is there anyone else with  
4 you this evening or is it just you?

5 MS. LAUGHLIN: Just me.

6 ATTORNEY WISER: Great. Thank you.

7 The next participant that we have is Angie. Angie,  
8 could you unmute yourself and identify yourself? Angie, could  
9 you -- there we go.

10 A VOICE: -- inaudible -- Secretary Treasurer.

11 ATTORNEY WISER: Secretary Treasurer Angie. Thank  
12 you.

13 We've got the Popoviches participating via another  
14 line. So we're good there.

15 Mr. Knarr, would you please unmute yourself and  
16 confirm your identify?

17 A VOICE: Yes, this is Christopher Knarr, K-N-A-R-R.

18 ATTORNEY WISER: And Chris, are you joining us via  
19 telephone as well?

20 MR. KNARR: Yeah, I wasn't able to get on the video  
21 component.

22 ATTORNEY WISER: Okay. Then I will put your name in  
23 with the telephone number as well.

24 MR. KNARR: Thank you.

25 ATTORNEY WISER: Great. Samsung SM, if you can

1 unmute yourself and identify yourself. If your participant  
2 name is Samsung SM.

3 A VOICE: I believe that's me.

4 ATTORNEY WISER: Yes. And who are we speaking with?

5 A VOICE: My name's William Laughlin.

6 ATTORNEY WISER: I saw you just popped up in the  
7 waiting room as well, Mr. Laughlin?

8 MR. LAUGHLIN: Yeah, I was trying to use a different  
9 device. I'm just going to leave the meeting on that one.

10 ATTORNEY WISER: We'll just let it set on the one we  
11 have now.

12 MR. LAUGHLIN: Yeah, the Samsung one would be great.

13 ATTORNEY WISER: I got you appropriately identified,  
14 Mr. Laughlin.

15 MR. LAUGHLIN: Thank you.

16 ATTORNEY WISER: The next on my screen is Robert  
17 Miller. If you can unmute yourself so we can hear you?

18 A VOICE: Yes. Robert Miller here. Do you hear me?

19 ATTORNEY WISER: We can hear you loud and clear,  
20 Mr. Miller.

21 MR. MILLER: Thank you.

22 ATTORNEY WISER: Thank you.

23 And Madam Chair, I'm just taking a quick survey to  
24 make sure I've got everyone identified. I believe we do. So  
25 we will move on to the rules of decorum. I will also confirm

1 there are no participants in the waiting room.

2           So the rules of decorum that we ask all participants  
3 to abide by this evening are to direct all public comments to  
4 the Board and the Board may elect to respond or not respond to  
5 the comment that's provided. The public comment time is an  
6 opportunity for the public to provide their comments to the  
7 Board not a time during which the Board or staff is required to  
8 engage in dialogue with commenters. In the event the Board  
9 desires to respond in some manner to the comments offered, the  
10 Chair, which is Ms. Shaffer, may designate who will provide  
11 response or recognize persons to offer a response as may be  
12 appropriate.

13           Number two, the public and members of the Board are  
14 at all times to demonstrate mutual respect and decorum.  
15 Members of the public are not to speak out audibly or through  
16 texts outside of the public comment period or engage one  
17 another in argument.

18           Number three, comments, displays, or texts that are  
19 unrelated to the business of the Township or that are personal  
20 attacks regarding any participant are not permitted either.

21           Number four, comments displayed or texts that are  
22 patently offensive or of a sexually explicit nature are not  
23 permitted.

24           And number five, all participants are welcome to  
25 offer comment, but we ask members of the public to be cognizant

1 of the desire of other members of the public to provide  
2 comment. And with that, Madam Chair, I believe that we can  
3 proceed with the meeting.

4 CHAIRWOMAN SHAFFER: Okay. At this time I would like  
5 for Mr. Williams to review background information regarding  
6 procedural requirements and other information.

7 ATTORNEY WILLIAMS: Thank you, Madam Chair. This is  
8 Kurt Williams from the Solicitor's Office. We posted on the  
9 Township website earlier today a list of exhibits for tonight's  
10 hearing. They include the legal notice for tonight's hearing  
11 as published in the newspaper, which was also posted on the  
12 Township website on or about July 29th; the proof of  
13 publication as it appeared in the newspaper for tonight's  
14 hearing; property posting legal notice; the property posting  
15 information; the Ordinance letter that was sent to the County  
16 Planning Department and the newspaper; the landowner letters  
17 that went out that included the copy of the Ordinance; public  
18 comment received from Mr. Rittase; public comment from Hess,  
19 proof of publication of the July 23rd (sic) public hearing,  
20 which was not available at the last public hearing; and the  
21 transcript from the July 23rd (sic) hearing. We posted a link  
22 to view that transcript.

23 I'd like to have Mr. Arndt sworn at this time so that  
24 he can provide brief testimony regarding the posting of the  
25 properties.

1  
2           **DAVID ARNDT, JR.**, called as a witness, being duly  
3 sworn, testified as follows:

4                           **DIRECT EXAMINATION**

5 BY ATTORNEY WILLIAMS:

6           Q       Mr. Arndt, Exhibits C and D that were part of the  
7 index of exhibits for tonight's hearing included legal notice  
8 posting, did you post this notice at the locations that we will  
9 look at in Exhibit D?

10          A       That's correct.

11          Q       And Exhibit D, does that represent the locations  
12 where you posted the properties in advance of tonight's  
13 hearing?

14          A       That's correct also.

15          Q       And the following pages in Exhibit D show photos of  
16 those property postings, correct?

17          A       Correct.

18                ATTORNEY WILLIAMS: All right. Thank you very much.

19                We did receive three pieces of public comment in  
20 addition to the ones that were posted earlier today that were  
21 received late this afternoon. Just recognize that we've  
22 received them. They can be testified or given public comment  
23 on later. We received comment from the Lower Susquehanna  
24 Riverkeepers Association, public comment from Ellen Ryan, and a  
25 report from Chris Knarr, a Planning and Zoning Report from

1 Chris Knarr. I believe he will be discussing that later.

2 With that, I believe we can proceed to the public  
3 comment portion of the hearing.

4 ATTORNEY WISER: Madam Chair, if you're okay, I will  
5 go down the list of the participants as they appear on my  
6 screen and see if they have any public comment to offer. I  
7 will note that we have a number of participants who were  
8 present last time that did have the opportunity to offer public  
9 comment.

10 Perhaps you are here this evening just to continue to  
11 participate in the meeting and if so, just please let me know  
12 when I ask if you have comment that you've already offered your  
13 comments and you're just here to listen in.

14 CHAIRWOMAN SHAFFER: If possible, could we allow  
15 Mr. Rittase, I apologize for butchering your last name, speak  
16 first. He is one of the property owners and he did not get a  
17 chance to speak at the other hearing. I would like for him to  
18 have an opportunity to speak before the others.

19 ATTORNEY WISER: Certainly and what was the last name  
20 of that individual, Madam Chair?

21 CHAIRWOMAN SHAFFER: Bill Rittase.

22 ATTORNEY WISER: Okay. Yep. I can do that. I am  
23 unmuting the feed for Jeff Rittase and Bill Rittase.

24 A VOICE: Here he is. Yes.

25 ATTORNEY WISER: If you could, would you identify



1 yourself. We do have the Stenographer who is transcribing the  
2 proceedings. Just so we know who are talking from your end  
3 since there are two participants, if you could say your name,  
4 your address as well, and then offer your comment.

5 WILLIAM RITTASE: William Rittase, 140 Newark Street,  
6 Littlestown, Pennsylvania 17340. Are you ready?

7 ATTORNEY WISER: Please proceed.

8 WILLIAM RITTASE: I'd just like reiterate on some of  
9 the things that were brought out at the first of these meetings  
10 regarding the County Comprehensive Plan dated May 13, 2019.  
11 Rezoning these specific parcels to agriculture would be  
12 inconsistent with the County Use Plan element of the County  
13 Comprehensive Plan. Adams County Planning and Development said  
14 it could not support the adoption of the Proposed Rezoning  
15 Amendment. This was also the finding of the Conewago Township  
16 Planning Commission.

17 There are also four factors that make this setting a  
18 prime location for infill development. Those four factors are  
19 on your web page. People can get in and get those off of that.  
20 These things alone, in my estimation, should be enough to deter  
21 the proposed change in the zoning.

22 If I understand it correctly, the letter that I  
23 dropped off to the Supervisors is already posted. If that's  
24 the case, I won't bother reading that letter and that's  
25 basically my input. I don't know if my son has anything to say

1 or not. We'll see.

2 ATTORNEY WISER: And Jeff, if you have any comment  
3 you would like to offer it, now would be the appropriate time.

4 JEFF RITTASE: Yeah, I'll go ahead. Jeff Rittase, 82  
5 Locust Drive, Littlestown, PA 17340. Rumor on the street that  
6 most of this is going on now because S.A.V.E.S. wants a cell  
7 tower put on their site and they can't do it the way it's rated  
8 now, R-1. Is this correct?

9 ATTORNEY WISER: Mr. Rittase, this is the opportunity  
10 to offer public comment. The Board is not required to respond.  
11 I would conclude your comments and then if the Board feels they  
12 need to respond to the comment, they will do so.

13 JEFF RITTASE: It was just something that I heard on  
14 the street that this is a reason why the vote went out four to  
15 one not in favor of doing this, but we're still here doing  
16 this. I would think that S.A.V.E.S. and Conewago could sit  
17 down and discuss this without all this going on. Thank you.

18 ATTORNEY WISER: Thank you, Mr. Rittase.

19 Madam Chair, is there anyone else that you would like  
20 to afford an opportunity before we go through the general list  
21 of participants this evening?

22 CHAIRWOMAN SHAFFER: I don't believe so. I believe  
23 the other property owners did have an opportunity to speak at  
24 the last hearing.

25 ATTORNEY WISER: Great. And we will proceed down the

1 list. The first participant that appears on my list is  
2 Mr. Andrews.

3 Mr. Andrews, do you have any public comment for the  
4 Board this evening?

5 ATTORNEY ANDREWS: Yes, I do, Mr. Wisner. Thank you.  
6 I'll keep it brief having had an opportunity at the last  
7 hearing to speak. Board members, thank you again for this  
8 opportunity tonight. As you know, we represent Racehorse Road,  
9 LLC, which is one of the property owners. This property is  
10 subject to the Proposed Ordinance.

11 We remain opposed to the Ordinance, which would  
12 rezone our land from R-1 to Ag. I'd like to note for the  
13 record that the correspondence I submitted on July 27th has not  
14 made its way onto the Township website. I'm assuming it's  
15 being treated as an exhibit for that hearing and it's just a  
16 mistake that it's not up on the website, but hopefully that can  
17 be corrected.

18 I want to take a minute to address Mr. Cormany's  
19 report, which was one of the exhibits presented at the first  
20 hearing, and just note for the record a couple things in that  
21 report which actually support the R-1 zoning that's already in  
22 place.

23 Mr. Cormany acknowledges that the Zoning Ordinance  
24 promotes continuation and preservation of Ag activities in  
25 those areas most suitable for such activities. The land that's

1 in question is surrounded by residential and commercial  
2 development on a little more than three sides. Why would you  
3 want to stick agricultural activities up against existing  
4 residential development? Why support the potential for the  
5 existence of a concentrated animal feeding operation right up  
6 against three residential neighborhoods? Those are  
7 incompatible uses.

8 Mr. Cormany's report also acknowledges that the  
9 Township's Comprehensive Plan puts goals of keeping farmland  
10 and natural areas separate from compactly arranged developed  
11 areas. Again, same concept as the last. This land is  
12 surrounded by -- on three sides by residential development,  
13 compactly developed areas. It's a natural place for infill  
14 development.

15 And Mr. Cormany also acknowledges the Township's  
16 Comprehensive Plan supports controlling the expansion and  
17 extension of utilities for balanced development. These tracts  
18 are already served or capable of being served by public sewer  
19 and public water without any extension of those. So the  
20 infrastructure's in place already.

21 Finally, Mr. Cormany's report emphasizes a lot the  
22 existence of prime soils on the land. If you look at the  
23 Township's soils and geology map, which is in their  
24 Comprehensive Plan, nearly the entire Township contains prime  
25 agricultural soils and we recognize that. No one is denying

1 that there's prime soils on this land or anywhere else in the  
2 Township. It's everywhere, but that factor alone is not  
3 determinative for deciding the right zoning classification.

4           Community planning goes way beyond that. It doesn't  
5 have a myopic view like that. They look at everything:  
6 Existing land uses, surrounding land uses, infrastructure,  
7 transportation quarters. All sorts of things go into true  
8 community planning and what you're going to hear later on is a  
9 report that our community planner, Chris Knarr, prepared that  
10 goes into far more depth than Mr. Cormany's report went into  
11 when it comes to evaluating what the proper zoning  
12 classification is for this land.

13           So we remain opposed to the rezoning. We encourage  
14 you to follow the recommendations that you've received from  
15 both the County Planning Commission and your Planning  
16 Commission, which is to not adopt the Ordinance 2020-C. Thank  
17 you.

18           ATTORNEY WISER: Thank you, Mr. Andrews.

19           Next on my screen are Ms. Gangaway and Mr. Donnelly.  
20 Do either of you have public comment you would like to offer  
21 this evening?

22           MR. DONNELLY: Yes. I do have a concern.

23           ATTORNEY WISER: And Mr. Donnelly, could you state  
24 your address, please.

25           MR. DONNELLY: 264 Oxford Avenue, Hanover,

1 Pennsylvania.

2 ATTORNEY WISER: Thank you. Please proceed with your  
3 comment.

4 MR. DONNELLY: Yes. I'm just concerned about the  
5 development going down the road from my property across from  
6 the Township building. I mean, we already have problems with  
7 traffic and everything else and we're talking about a bypass  
8 and is that gonna come through or isn't it? We got to do  
9 something about the traffic. It's dangerous out here for us  
10 and you're going to dump 171 homes on us? That's -- I was  
11 always told that land would never be developed either, but I  
12 know times has changed. That's just my comments there.

13 ATTORNEY WISER: Thank you, Mr. Donnelly. Does  
14 Ms. Gangaway have any comments for us this evening?

15 MR. DONNELLY: No, she does not.

16 ATTORNEY WISER: Thank you, Mr. Donnelly. Thank you,  
17 Ms. Gangaway.

18 Next I will move onto Ms. Barham or Ms. Glascoe. Do  
19 either of you have comments for us this evening?

20 MS. BARHAM: Well, we're against the development for  
21 the farmland. We're at 305 Jonathan Drive and 317 Jonathan  
22 Drive as well. We're in favor of keeping it as farmland.

23 MS. GLASCOE: Yes.

24 ATTORNEY WISER: And I believe the last comment was  
25 from Ms. Glascoe, the yes, she affirmed your comment; is that

1 correct?

2 MS. BARHAM: Right.

3 ATTORNEY WISER: And I'm just identifying her for the  
4 Court Reporter.

5 MS. BARHAM: Okay.

6 ATTORNEY WISER: Do either of you have anything  
7 further for us this evening?

8 MS. BARHAM: Not really, no. It's been said.

9 ATTORNEY WISER: Thank you, Mr. Barham and  
10 Ms. Glascoe, for your comments.

11 I will move on. We've got Mr. Popovich participating  
12 from the other feed. Let me see if this is the correct one.

13 Mr. Popovich, would you unmute your feed and we'll  
14 see if this is the appropriate one?

15 MR. POPOVICH: Yeah, we're open for communications  
16 here. I think all four of us want to make some statements.

17 ATTORNEY WISER: Okay. If you could each identify  
18 yourself prior to making the statement as well as your address,  
19 that would be very helpful.

20 A VOICE: My name is Judy Wilke. I live at 248  
21 Oxford Avenue, Hanover. Can you hear me?

22 ATTORNEY WISER: What is your comment? Yes. We can  
23 hear you.

24 MS. WILKE: Okay. I would like to say that I do not  
25 think a few people should be making decisions of this magnitude

1 that affects the whole community. I think letters should be  
2 mailed to every resident of Conewago Township with all the  
3 proposed zoning, planning, and development requests that are  
4 coming before the Board.

5 Eighty percent or more of the Township residents have  
6 no idea what is taking place in the Township. They are left in  
7 the dark, because they do not have or know how to use a  
8 computer and they do not get the newspapers. No decisions of  
9 this magnitude should be made during a pandemic until the  
10 residents can participate fully and voice their opinions face  
11 to face. Everything else in life was put on hold because of  
12 the pandemic. These requests should also be put on hold.

13 With that said, the issue of zoning for the three  
14 farms in Brushtown should be agriculturally zoned. I attended  
15 an online meeting last week about the development of two  
16 parcels of land along Oxford Avenue. Do you realize that those  
17 two developments will put an additional 1,140 vehicles on our  
18 roads? That's over a thousand additional cars on our roads.  
19 That does not even take into account the three parcels before  
20 the Board tonight. With that traffic added, it brings  
21 pollution, noise, litter and more wear and tear to our already  
22 rundown roads.

23 We in Conewago Township do not at this time have a  
24 huge traffic problem. Hanover Borough, McSherrystown Borough,  
25 and Penn Township have the traffic issues. If these



1 developments are allowed, our Township will have all this  
2 traffic dumped onto our roads. No Eisenhower Drive Extension  
3 will be able to handle the traffic and we will be looking at a  
4 road filled with traffic like the York bypass. It will be a  
5 nightmare getting around town.

6 We will be living in a city like York, Lancaster, or  
7 Baltimore. With that will come crime vandalism, burglaries,  
8 drugs, sex trafficking, and drive-by shootings. We will then  
9 need more police officers, create firefighters, bigger sewer  
10 plants and larger schools, which will increase our water and  
11 sewer bills and our taxes will skyrocket. Families will not be  
12 able to afford to live in Conewago Township. There will no  
13 longer be safe walks or bicycle rides with our families. We  
14 will be living in a concrete jungle life of survival.

15 We have already met our projected growth according to  
16 one of the Supervisors into the year 2035. Why would we want  
17 more housing if we are already that far ahead of the projected  
18 growth? If you can stop this development, the Eisenhower Drive  
19 extension would not be needed and the farmland along our roads  
20 would remain intact. The farmers would be able to raise their  
21 crops and make a living. The wildlife would also remain in our  
22 area. Just imagine going down Oxford Avenue and Route 116 and  
23 there are no open fields anymore, just housing. How sad.

24 I beg you. Please consider the domino effect your  
25 decisions are going to have on our rural safe community as it

1 is now. Once the damage is done, there's no going back.  
2 Please help our residents to keep their wonderful community.  
3 Thank you.

4 ATTORNEY WISER: Thank you, Ms. Wilke.

5 Is there anyone else at that location who would like  
6 to offer public comment?

7 MS. WILKE: Fred Wilke would like to speak.

8 ATTORNEY WISER: Before speaking, I would just  
9 confirm with the Court Reporter that you're getting sufficient  
10 volume and clarity from the participants. Corrie, are you  
11 getting sufficient volume and clarity from our participants?

12 THE COURT REPORTER: Yes, I am. Thanks, Sam.

13 ATTORNEY WISER: Great. Thank you.

14 Sorry to interrupt you there at the Popovich  
15 location. I just wanted to make sure that the Stenographer was  
16 doing okay. The feed is not as clear as would be desirable.  
17 So if you could move closer to whatever device you're speaking  
18 into, that would be helpful.

19 MR. WILKE: All right. How's that?

20 ATTORNEY WISER: That's a bit better.

21 MR. WILKE: Could you hear Judy Wilke okay?

22 ATTORNEY WISER: We did. Just stay close to your  
23 device and I think we'll be okay.

24 MR. WILKE: I would like to say what she said pretty  
25 much says it all, but I would like to add a couple things to

1 that. One of the things that, you know, I have been losing  
2 sleep over this worrying about how this is going to be taken  
3 care of. One of the things that, you know, the gentleman  
4 before said the water and all of that plays, how much water is  
5 that going to take? Has that been considered?

6 Traffic. The schools, Conewago Valley School, is  
7 already overloaded. So without question we're going to need  
8 another school, more taxes. S.A.V.E.S. is going to wind up, I  
9 guess we anticipated that when they built it, gonna wind up  
10 being a paid fire department, and one of the things that really  
11 bothers me where in the world did the Board of Supervisors get  
12 the authority to make decisions of this magnitude?

13 This magnitude of what's being taken place here  
14 should be done as a referendum, people vote on it by --  
15 inaudible -- and they're not affected by it. How many people  
16 on the Board of Supervisors are gonna really be affected by  
17 what's taken place here? I doubt any of them are. So I would  
18 like to know how the Board of Supervisors and the Planning  
19 Commission got the authority to make decisions of this  
20 magnitude. It ought to be looked into and rectified.

21 I don't know what else I can say that hasn't already  
22 been said. What you people are trying to pull off is not good.  
23 This pandemic, everything should be put on hold. What else can  
24 I say? Thank you.

25 ATTORNEY WISER: Thank you, Mr. Wilke.

1 I would ask if Ms. Ryan or Mr. Popovich, if you're  
2 going to offer comment, some of Mr. Wilke's comments were a  
3 little garbled and I believe difficult for the Court Reporter  
4 to pick up. So if you could use your best efforts to stay  
5 close to the device so that we can hear the enunciation of what  
6 you're saying, that would be very helpful. So Ms. Ryan or Mr.  
7 Popovich, if you have comments, now would be the appropriate  
8 time to offer them.

9 A VOICE: This is -- inaudible -- can you hear me?

10 ATTORNEY WISER: I can, Ms. Ryan.

11 MS. RYAN: Okay. I just want to repeat that  
12 continuing to conduct these meetings under these chaotic  
13 circumstances is not reasonable. They are discriminatory and  
14 everyone in the Township is entitled to equal protection under  
15 the law and due process.

16 At this time participation is very burdensome and  
17 many are unable to participate because of other obligations.  
18 The Township website changed while we're doing this and many  
19 citizens still cannot access it. Most citizens are trying to  
20 take care of their families and many have lost employment. As  
21 much as 60 percent of businesses may never open their doors  
22 again and navigating the new abnormal is burdensome.

23 I want to remind people. This is a government for  
24 the people and by the people. In fact, this whole thing  
25 creates a constitutional crisis. The Constitution should never

1 be suspended even in an emergency or crisis and it has. It's  
2 unreasonable to shut down a state for a virus that has fatally  
3 impacted one thousand of one percent of the Commonwealth's  
4 almost 13 million people. Shutting down is not sustainable and  
5 it's suicidal.

6           Essentially the restriction to the right to freely  
7 assemble is paralyzing citizen participation and access to  
8 government. The issue lies with the government's executive  
9 inconsistent ever-changing orders that have created hardships  
10 and handicaps under extraordinary circumstances.

11           I urge you to support planning and zoning ordinances  
12 protecting and preserving all our agricultural lands in the  
13 Township. If that means reversing the erroneous zoning  
14 ordinances, then you must be compelled to do so.

15           "Overdevelopment and urban sprawl can damage our own  
16 lives as much as they damage our cities and countryside." Tony  
17 Hiss.

18           "The soil is the greatest connector of lives the  
19 source and destination of all. It is the healer and restorer  
20 and resurrect or, by which disease passes into health, age into  
21 youth, death into life. Without proper care of it, we can have  
22 no community, because without proper care for it, we have no  
23 life." Wendell Berry. *The Unsettling of American Culture and*  
24 *Agriculture.*

25           Additionally, according to the Pennsylvania

1 Constitution, the people have a right to clean air, pure water,  
2 and to the preservation of the natural, scenic, historic, and  
3 esthetic values of the environment. Article 1, Section 27,  
4 Pennsylvania Constitution. Any and all development of  
5 agricultural lands violates the Pennsylvania Constitution.

6 Every elected official and every appointed one must  
7 protect and defend the United States and the Pennsylvania  
8 Constitution from all enemies; foreign and domestic.

9 Unfortunately, previous Boards gave waivers to property owners  
10 to develop on rich agricultural lands. Those decisions must be  
11 revoked, because the Township has achieved its residential  
12 capacity. Instead of land development, the Township needs to  
13 wholeheartedly embrace land preservation for agriculture and  
14 forest.

15 I respectfully ask the Board of Supervisors to pause,  
16 reflect, the adverse consequences that will -- inaudible --  
17 occur if new residential subdivisions of any kind are  
18 developed. Capacity does matter and COVID demonstrated that  
19 there were more COVID cases in highly populated areas than in  
20 lower populated areas than Conewago.

21 COVID has taught us many things. One, local matters.  
22 Locally grown food from local farms are more critical than  
23 ever. We learned early on that supply trucks were experiencing  
24 all kinds of challenges. So transporting needed supplies long  
25 distances is risky and uncertain. Communities must have

1 emergency plans and local food supply needs to be part of that.

2 Farmlands are disappearing at alarming rates and  
3 farmland is only two percent of the land worldwide and  
4 Pennsylvania is the home to the richest soil of the world.

5 ATTORNEY SHULTIS: Ms. Ryan.

6 MS. RYAN: Yes.

7 ATTORNEY SHULTIS: I'm sorry. This is Tim Shultis  
8 and I'm sorry to interrupt you, but I wanted to ask. The  
9 Township did receive your public comment letter, you know,  
10 which is approximately eight pages.

11 MS. RYAN: Yes, I'm not going to read the whole  
12 thing.

13 ATTORNEY SHULTIS: I'd appreciate it if you could  
14 summarize your comments. The Board has your letter and will  
15 certainly read it carefully and consider it in its  
16 deliberations.

17 MS. RYAN: Thank you, sir.

18 ATTORNEY SHULTIS: Thank you.

19 MS. RYAN: Thank you, sir. I appreciate that.

20 Smart growth was mentioned the last time and that  
21 means urban sprawl. "Growth for the sake of growth is the  
22 ideology of the cancer cell." There are many adverse results  
23 of urban development.

24 Another thing that occurred the last time we spoke is  
25 that someone was asking, why all the changes? One Supervisor

1 had a political agenda and why was there a change? There was a  
2 change of leadership of the Township after the matter was  
3 appealed to the Adams County Court of Common Pleas in March  
4 2020. The Court appointed two new Supervisors based on the  
5 citizens' petitions submitted to the Court. Matters that are  
6 complex and very lengthy to discuss, but after the zoning  
7 changes appeared to be rushed through on the properties being  
8 discussed back in August of 2019, citizens felt betrayed.

9 Township residents in Conewago showed up at meetings  
10 before and after the zoning change, because they adamantly  
11 opposed the zoning changes of large tracts of farmland and  
12 rural agriculture. They voted for change in November 2019  
13 general election because they wanted to preserve the rural  
14 areas and historic sites of the Township. They found two  
15 candidates who were write-ins because citizens wanted to unseat  
16 the two Supervisors appointed by the Board that were more than  
17 willing to change the area to residential.

18 CHAIRWOMAN SHAFFER: Ms. Ellen.

19 MS. RYAN: I want to ask one more thing.

20 CHAIRWOMAN SHAFFER: Okay.

21 MS. RYAN: The citizens wanted change because they  
22 also wanted more accountability. They wanted more transparency  
23 and the Supervisor that brought up the --

24 CHAIRWOMAN SHAFFER: We lost your audio, Ms. Ellen.

25 MS. RYAN: Okay. I'm sorry. Okay. This is why --



1 can you hear me now? Can you hear me now? Can you hear me  
2 now?

3 ATTORNEY WISER: Yes, we can hear you.

4 MS. RYAN: Can you hear me now? We lost the audio.  
5 How convenient.

6 ATTORNEY WISER: We can hear you.

7 MS. RYAN: Okay. All right. Good. The citizens  
8 want more accountability from the elected Board of Supervisors.  
9 They want the elected officials to represent the constituents,  
10 not the out-of-town developers, the builders, the county, the  
11 state bureaucrats, and the companies who make deals behind  
12 closed doors and ignore the wishes of the residents of the  
13 community.

14 Citizens want the elected officials to notice the  
15 erroneous land use development and zoning decisions made by  
16 nearby Hanover and our other neighbors and we don't want to  
17 make the same mistakes, because over there in Hanover there's  
18 blight and -- inaudible -- properties and just look at the  
19 failing Hanover Mall that was once pristine rich farmland. Now  
20 it's empty. We don't want Conewago to make the same erroneous  
21 decisions that were made by these other areas.

22 The Supervisor who won the write-in votes was  
23 eventually appointed by the Court of Common Pleas and he is  
24 trying now to fulfill the requests of the will of the people,  
25 because citizens were asking for why can't we consider a

1 moratorium and they want the local elected officials to  
2 challenge laws that don't give us local authority and local  
3 control and that's what we have.

4           We just had a black swan called the COVID. Recently  
5 there was just another black swan in New York state on  
6 beautiful Long Island that once -- inaudible -- looked like  
7 Conewago Township. Over two million people live there and they  
8 had a storm, a tropical storm, and a half million people have  
9 been out of power for over a week. That is what  
10 overdevelopment looks like when you have too many people living  
11 there. You have no power. It's overwhelming. It's just a  
12 mess.

13           CHAIRWOMAN SHAFFER: Thank you, Ellen.

14           MS. RYAN: Thank you. Please read my -- the rest of  
15 my comments.

16           CHAIRWOMAN SHAFFER: Absolutely. Thank you.

17           ATTORNEY WISER: Mr. Popovich, before you begin, I  
18 would extend that offer to anyone who wishes to provide comment  
19 this evening. If you have submitted written comment to the  
20 Board, that written comment is available to the Board to review  
21 and to study and to consider prior to making its determination  
22 regarding the matter that the Board is considering this  
23 evening.

24           I would ask that participants constrain their  
25 comments to the merits of the Proposed Zoning Ordinance that is

1 being considered. We do have a lot of other folks this evening  
2 that would like to participate, some who have not had the  
3 opportunity to comment yet. Therefore, I'd like you to keep  
4 your comments succinct and as on topic as possible. Thank you.

5 Mr. Popovich, you may proceed.

6 MR. POPOVICH: Very well. You read me?

7 ATTORNEY WISER: Yes, we can hear you, Mr. Popovich.

8 MR. POPOVICH: All right. Well, I have been asked to  
9 be brief too. I'll just say the merits of this we're getting  
10 real tired of running. I have been run out of four different  
11 communities in the last 20 years much like this one. Here's a  
12 beautiful farm. It's got a circle drawn around it and you  
13 didn't know this was going to tear it down and make it into  
14 more residential and we don't have the infrastructure and it  
15 will make everybody miserable. Essentially wreck the town and  
16 we all know that.

17 All I'm saying is thanks a lot. Here we go again.  
18 I've been run out of Montgomery County, Maryland. I got run  
19 out of Prince George's County, Maryland. I got run out of  
20 Nassau County, Florida and my parents got run out of two or  
21 three places just like that. Everywhere I go in this country  
22 there is a whole bunch of backhoes and steamrollers hot on my  
23 heels.

24 So this place was nice. I moved in 20 months ago and  
25 I'm going to use that word investment. I heard somebody

1 complain about, well, we made an investment. Well, guess what?  
2 I made an investment too. So is my investment less important  
3 than your investment? Well, the 7,500 people in the Township  
4 they all made an investment. There's 30,000 in the local area.  
5 They made an investment. I guess I'll leave it there. You  
6 know where I stand. We're very hostile. This is ugly. This  
7 is nasty and we're ticked. Thank you very much.

8 ATTORNEY WISER: Thank you, Mr. Popovich.

9 I will move onto Ted from the Susquehanna  
10 Riverkeepers.

11 MR. EVGENIADIS: Hi. Thank you. So water quality,  
12 right? That's what the Riverkeeper organization is all about  
13 and I serve as Lower Susquehanna Riverkeeper and it's our  
14 mission to protect the ecological integrity of the Lower  
15 Susquehanna River and Chesapeake Bay and we do this through  
16 advocating against pollution and water quality remains to be an  
17 issue for Lower Susquehanna Riverkeeper considering future land  
18 use and designated uses and water quality criteria are the  
19 primary tools states use to achieve the objectives and goals of  
20 the Clean Water Act and antidegradation requirements complement  
21 these tools by providing a framework for maintaining existing  
22 uses, for protecting waters that are of higher quality than  
23 necessary to support the Clean Water Act goals, and for  
24 protecting water as identified by states as Outstanding  
25 National Resource Waters.

1           We do have two local creeks in this area being Plum  
2 Creek and the South Branch Conewago Creek, and both of these  
3 creeks are listed as impaired for not attaining certain  
4 designated uses including aquatic life and recreational uses  
5 and these impairments are heavily attributed to urban runoff  
6 and pathogens. Added development will only exacerbate these  
7 local water quality issues through increased urban runoff and  
8 for those who don't know what that is, urban runoff is surface  
9 runoff of rainwater created by urbanization and this runoff is  
10 a major source of flooding and water pollution in urban and  
11 suburban communities worldwide.

12           Impervious services like roads, parking lots,  
13 sidewalks, these are constructed during land development.  
14 During rainstorms and other precipitation events, these  
15 surfaces, built from materials such as asphalt and concrete  
16 along with rooftops, they carry polluted stormwater to storm  
17 drains, instead of allowing the water to percolate through  
18 soil. So this causes lowering of the water table, because  
19 groundwater recharge is lessened, and flooding since the amount  
20 of water that remains on the surface is greater and most  
21 municipal stormwater systems discharge polluted stormwater,  
22 untreated, to our streams, rivers and eventually the Chesapeake  
23 Bay.

24           And pollution from urban and suburban stormwater  
25 runoff has been increasing up five percent for nitrogen between

1 2009 and 2019 and up three percent for phosphorous and sediment  
2 over this time period too. In 2019, stormwater from developed  
3 land contributed to 40 million pounds of nitrogen to the Bay,  
4 16 percent of the total nitrogen pollution, and 2.6 million  
5 pounds of phosphorous, which was 17 percent of the total and  
6 also 1.7 billion pounds of sediment, again, nine percent of  
7 that total.

8           And one reason for the increase in urban and suburban  
9 runoff pollution is continued real estate development and  
10 suburban sprawl and the failure of states to control this  
11 growth in impervious surfaces is an issue. Since 2009, the  
12 amount of developed land in the Bay Watershed has increased by  
13 about 300,000 acres or about six percent, an area six times the  
14 size of the District of Columbia adding more blacktop, roofs,  
15 and roads that accelerate runoff pollution. But the other  
16 reason is the increase of rainfall from climate change and the  
17 Chesapeake Bay Program projects that climate change will  
18 increase annual nitrogen pollution in the Bay by nine million  
19 pounds between 2018 and 2025 and increase annual phosphorous  
20 loads by 489,000 pounds.

21           Every year a development in suburban sprawl spreads  
22 over an additional roughly 32,000 acres across the Chesapeake  
23 Bay Watershed. This means that every year an area of land  
24 about three quarters of the size of Washington, DC is converted  
25 to parking lots, roofs, roads, lawns, and other buildings and

1 these are coming from our fields and our forests and our Ag  
2 land and that means less rain is being absorbed by the natural  
3 land cover that we have and filtered by trees and more is being  
4 funneled into the Bay's tributaries like Plum Creek, the South  
5 Branch Conewago Creek, and the Lower Susquehanna River.

6           These trends make the goal of the Chesapeake Bay  
7 cleanup for those who know, the TMDL, the pollution diet, more  
8 difficult to attain. The Bay region states will have to adjust  
9 their targets and ramp up their levels of effort and this may  
10 be especially true for the stormwater sector, which is uniquely  
11 vulnerable to changes in precipitation intensity, and everyone  
12 knows that climate change is already causing increased  
13 pollutant loads and everyone knows that the problem is gonna  
14 get worse.

15           In reference to Tim Cormany's report, he states:  
16 Limestone geology, otherwise known as karst or carbonate  
17 geology, is noted as a restrictive factor to Township  
18 development in the 2012 Adams County Greenways Plan. The area  
19 under consideration is underlain by the Conestoga formation and  
20 is, therefore, subject to a high water table, sinkhole  
21 development, and a greater potential for groundwater  
22 contamination. The plan also includes maps which identify the  
23 areas as Standardbred Horse Farms agricultural landscape area  
24 and this same area is also identified as a significant green  
25 space. Both designations qualify the area as a recognized

1 County scenic resource. So given these facts and the presence  
2 of karst geology, it would be absolutely prudent for this  
3 Township to refrain from any large development.

4 In addition, Tim's review also indicates based on the  
5 United States Department of Agricultural soils data that 91  
6 percent of the subject parcels soils are classified as prime  
7 farmland soils and these soils include the Clarksburg and  
8 Conestoga classifications. So given the extremely high value  
9 of the soil, it would be foolish to allow these lands to be  
10 developed. And our future is uncertain and having access to  
11 the prime agricultural lands for following generations is a  
12 wise responsible course of action.

13 And I'll just say I really urge this Board of  
14 Supervisors to enact the Ordinance No. 2020-C to maintain  
15 farming and Ag lands for the benefit of local water quality,  
16 residents and farmers of Conewago Township and it's surrounding  
17 communities and I will state that the creeks that I'm referring  
18 to, the Plum Creek and the South Branch of Conewago Creek, are  
19 in critical condition. You know, these areas and these -- the  
20 area which Conewago Township lies in and where these creeks run  
21 through are impaired and have a high priority for a TMDL plan,  
22 which would be implemented but, again, this is an area where  
23 this farmland should be preserved and the residents of Conewago  
24 Township should enjoy that preservation and land preservation  
25 and not have to feel the burden of their community shrinking



1 and I mean shrinking in that they're losing their land. Thank  
2 you.

3 ATTORNEY WISER: Thank you. The next person who is  
4 asked to provide comment is Mr. Murren.

5 Either one of the participants at the Murren feed,  
6 please identify yourself, your address, and provide us with  
7 your comment.

8 MR. MURREN: Yes. John Murren at 125 Links Drive  
9 here speaking and again speaking on the topic of the five  
10 properties along 116 and Race Horse Road this evening. Earlier  
11 Mr. Andrews had spoken about the land usage is good for housing  
12 and things of that at this time. I would like to remind the  
13 people on this call that that property out there is more than  
14 100 years it's been farmland surrounding by housing and  
15 McSherrystown Borough and Brushtown community. So statements  
16 of saying it's a good idea, good fit, to use this for  
17 residential and not farming is not a justification.

18 In addition to that, the Utz property and the Hanover  
19 Horse Farms both will border these areas that we're about  
20 turning into residential property. Both are prominent  
21 farmlands. I don't foresee in the near future Utz changing  
22 property nor the Hanover Horse Farm. So to say that this would  
23 be a good idea, a good fit, surrounded, it will still be  
24 surrounded by agricultural properties operated by very good  
25 establishments of the Utz organization and the Hanover

1 Horseshoe Farm organization.

2 Also, in addition to that, most recently the Conewago  
3 Township themselves had purchased the old Hanover Airport and  
4 instead of turning that property into homes has turned it into  
5 a recreational facility for the Township to use and if you can  
6 imagine putting homes surrounding the residential, or I'm  
7 sorry, the recreational area providing those people out there,  
8 it would be just devastating to the recreational area that's  
9 been provided by our Township or open land use and with that I  
10 have no further comment and I would like to see us stick to the  
11 topic tonight with any of the further comments and anyone that  
12 has a comment on these five properties. Thank you.

13 ATTORNEY WISER: Thank you, Mr. Murren. Would the  
14 other gentleman at your location like to offer public comment?

15 MR. MURREN: No, we're okay. Thank you.

16 ATTORNEY WISER: Thank you.

17 Ms. Carbaugh, would you like to offer public comment?

18 MS. CARBAUGH: Not at this time. Thank you.

19 ATTORNEY WISER: Thank you, Ms. Carbaugh.

20 Ms. Mcanall, I know you offered some comment last  
21 time. Do you have an additional comment at this time?

22 MS. MCANALL: No, I don't. Thank you.

23 ATTORNEY WISER: Thank you, Ms. Mcanall.

24 We did hear from the Rittase gentlemen.

25 Ms. Laughlin, do you have comment at this time?

1 Sheila Laughlin, do you have comment at this time? One more  
2 offer for public comment. Sheila Laughlin, do you have public  
3 comment at this time?

4 MS. LAUGHLIN: Yes, I do.

5 ATTORNEY WISER: Okay.

6 MS. LAUGHLIN: Can you hear me? I live at 3036  
7 Vincent Drive in McSherrystown. I live next door to a holding  
8 pond and after listening to the gentleman talk about the water  
9 runoff into the creeks, it makes me think that possibly the  
10 water that's being held there, which has never gone over the  
11 top, but if things would change and the runoffs get full, then  
12 there's a chance that that water would come up onto my  
13 property.

14 And also, that I moved here from Pittsburgh years ago  
15 and I lived where there was traffic. I just don't even see  
16 where people around here can consider this traffic that needs a  
17 bypass. Just seems like an awful overexaggerated expense for  
18 me and taxes. Just thinking of putting a bypass around  
19 McSherrystown or Hanover just seems ridiculous.

20 I do wonder why it's being done or even possibly  
21 voted on, if you're voting on it, at this time during a  
22 pandemic when a lot of people just don't have the wits about  
23 them to come in and discuss it or listening to something like  
24 this and I don't know if you're deciding it now or is it going  
25 to be up for a public vote or is it just the Supervisors that

1 would be voting on it and that's going to be it and how soon do  
2 you think it will be up for a vote?

3 ATTORNEY WISER: Ms. Laughlin, this is the public  
4 hearing on the proposed zoning map amendment. This is not a  
5 public hearing on the proposed bypass.

6 MS. LAUGHLIN: Oh, it isn't?

7 ATTORNEY WISER: That's correct. This is the hearing  
8 for the zoning map amendment. We're not here to discuss the  
9 bypass this evening.

10 MS. LAUGHLIN: By zoning map, you mean the farmlands  
11 being opened up for development? Is that what they're saying?

12 ATTORNEY WISER: There is a proposed zoning map  
13 amendment that would change the zoning designation of certain  
14 parcels to agricultural and that is the matter that is being  
15 discussed this evening.

16 MS. LAUGHLIN: Okay. Thank you.

17 ATTORNEY WISER: Thank you.

18 Next on my list is Mr. Knarr. Mr. Knarr, can you  
19 hear us?

20 MR. KNARR: Yes. Good evening. Can you hear me?

21 ATTORNEY WISER: Good evening. Yes, we can hear you.

22 MR. KNARR: Good evening, Board Members. My name is  
23 Christopher Knarr and I'm a Land Planning Specialist with  
24 McNeese, Wallace & Nurick. The address is 100 Pine Street in  
25 Harrisburg, Pennsylvania. I've been retained by Racehorse

1 Road, LLC to opine on Township Ordinance No. 2020-C that  
2 proposes to upzone certain land currently zoned as part of the  
3 Suburban Residential Zone to a more restrictive Agricultural  
4 Zone.

5 Just a brief overview of my background. I'm a  
6 professional planner. I'm a certified planner with the  
7 American Institute of Certified Planners. I'm currently a  
8 building code official through the Pennsylvania Department of  
9 Labor and Industry. I'm a Certified Zoning Officer through the  
10 Pennsylvania Association of Zoning Officials. I have over 23  
11 years of community development, planning, and zoning experience  
12 working with public and private sectors while representing both  
13 municipal and private developer's plans in Pennsylvania,  
14 Maryland, and Oklahoma.

15 I have -- in my experience, I've worked with various  
16 local, county, and regional governments. I have been  
17 responsible for developing a variety plans, design standards,  
18 implementation strategies, and Zoning Development Ordinances.  
19 Involved with funding coordination with the implementation of  
20 projects and managing a variety of community planning and  
21 development projects, administering and enforcing building,  
22 zoning, and development codes and serving as a professional and  
23 technical liaison to planning commissions and governing bodies.

24 I'm a certified instructor with the Pennsylvania  
25 Municipal Planning Education Institute and I'm a trainer with

1 the Pennsylvania State Association of Township Supervisors.

2 In my volunteer time, I have served as the Chairman  
3 and Vice Chairman of the Tri-County Regional Planning  
4 Commission in Harrisburg. I served as the Chairman, Head  
5 Chairman, of the Cumberland County Planning Commission. I  
6 served on the Cumberland County Blighted Properties  
7 Reinvestment Board. I served as the Chairman of the  
8 Mechanicsburg Borough Planning Commission. I served on the  
9 Mechanicsburg Zoning Hearing Board as well as Mechanicsburg  
10 Borough Historic and Architectural Review Board.

11 Over my 23 years, I have drafted several zoning  
12 ordinances and amendments for municipalities as well as  
13 developer clients and I have served as an expert witness and  
14 testified through several dozen hearings and meetings over the  
15 past 23 years.

16 I provided the Township of a copy of my Professional  
17 Planning and Zoning Report that states that in my professional  
18 opinion, the Proposed Rezoning Amendment to rezone land  
19 currently zoned as part of the R-1 zone to the A Zone should  
20 not be adopted and the land should remain as currently zoned as  
21 part of the R-1 zone.

22 It has been alluded to and stated on the record that  
23 this land is prime for residential infill development. For  
24 nearly 30 years this land has been located in approximately  
25 nine-mile path of non-agricultural growth and development

1 spanning from Heidlburg Township in York County west toward  
2 to Mount Pleasant Township in Adams County. There are seven  
3 municipalities and two counties along that Route 116 corridor  
4 that has zoned the majority, the overwhelming amount, of the  
5 land along that corridor there for growth and development.  
6 There's only two small areas or two or three small areas along  
7 that corridor that are zoned Ag and they're very very small  
8 areas.

9 So this area that we're currently looking at as part  
10 of the rezoning amendment is in the area that's surrounded by  
11 non-agricultural growth and development that serve with the  
12 full range of utilities and infrastructure. Indeed, that is  
13 surrounded on three sides by growth and development and zoning.

14 Approximately 70 percent of the border of this land  
15 that's being prepared to be rezoned is zoned or developed for  
16 non-agricultural purposes and the fact that the R zoned -- R-1  
17 zoned land is located immediately adjacent and adjoining land  
18 to the north and to the west, it would be a waste of public and  
19 private investments if this land was not zoned as part of the  
20 R-1 District because of the infrastructure and utilities that  
21 have been improved in this area.

22 Indeed, the County's planning -- the county -- I'm  
23 sorry -- the County Comprehensive Plan has expressly  
24 contemplated residential development on this land for the past  
25 30 years. Although the Township Comprehensive Plan and the

1 future land use designates this as agricultural in the future  
2 land use component, the actual -- the current zoning R-1 zoning  
3 actually is generally consistent compatible and implement  
4 certain elements of that comprehensive plan.

5 I think it's important to point out that in  
6 determining the purposes of the Comprehensive Plan, the future  
7 goals, objectives, and strategies as well as future land use  
8 and other planning components are all considered. It's not  
9 just one. It's not just what the future land use plan map use  
10 says what that use is. It's all the other goals, objectives,  
11 and strategies that factor into it. Therefore, it's important  
12 to note that the specific land use designations that fit a  
13 parcel on a future land use map is not the sole factor that the  
14 community should rely upon in determining consistency of a  
15 Comprehensive Plan. It's only one of the components to be  
16 considered. So in light of the land use components existing in  
17 the future as well as the infrastructure as well as the  
18 utilities as well as the housing component, the current R-1  
19 zoning component of that land is consistent and compatible.

20 The R-1 zoning district or R-1 zoning up for that  
21 specific -- or for that specific area is consistent with the  
22 purposes of the Zoning Ordinance and in terms of -- I heard a  
23 lot of comments regarding Ag preservation tonight. In terms of  
24 agriculture preservation, the majority of the Township as  
25 depicted on the soils map as being prime agricultural soil and



1 karst topography. Yet there are certain areas of the Township  
2 that are zoned residential and zoned for development that are  
3 in those same areas that are identified for prime agricultural  
4 soils.

5 Obviously this area has some prime agricultural soils  
6 on it, but in terms of trying to preserve agricultural soils  
7 and agricultural land, this area that's surrounded by growth  
8 and development on three sides is a better strategy in terms of  
9 preserving agricultural farmland elsewhere in the Township.

10 In fact, the closest preserved farm that's located  
11 south of Hanover Road is over 1.1 mile south of this area. So  
12 in terms of preserving agriculture and preserving the  
13 agricultural aspect of the Township, it's better suited to have  
14 larger tracts of land conglomerated elsewhere where there's  
15 other agricultural lands that are currently preserved.

16 The idea that agricultural preservation and  
17 supporting farms is important, the R-1 -- the current R-1  
18 Zoning District does allow farming by right. It does allow  
19 forestry by right. So in terms of agricultural preservation,  
20 its farm -- if the owners of those properties want to continue  
21 to farm those properties, they're permitted to under the  
22 current Zoning Ordinance.

23 The distinction is, folks were talking about  
24 preserving farm soils, but in terms of if it would be rezoned  
25 back to the A Zone, concentrated animal feeding operations and

1 concentrated animal operations are permitted in the Ag Zone.  
2 Those are not consistent and compatible with the surrounding  
3 residential district and they don't preserve prime soils in  
4 terms of the large buildings that are associated with that.

5           Some of the other components that I've identified in  
6 my 45-page report discusses the nonconforming use aspects. So  
7 there's the S.A.V.E.S. facility, which is currently developed  
8 on one of the properties in that R-1 Zone. If it would be  
9 rezoned to the Ag Zone, it would create a nonconforming use for  
10 that S.A.V.E.S. property cause emergency services are not  
11 permitted in the Ag Zone, but they are specifically permitted  
12 in the R-1 Zone.

13           Rezoning it back to the A Zone would create  
14 peninsulas of the A Zone in terms of the property that would be  
15 abutting Hanover Road and also Race Horse Road. There would be  
16 fingers of agricultural among the developed areas or the  
17 developed zoning districts of the residential districts, and of  
18 course it would create a spot zoning effect if the A Zone would  
19 be included on those lands, because there would be one property  
20 that would be left in the R-1 Zone that currently has a home on  
21 it. So in terms of planning and in terms of zoning aspect, it  
22 would create nonconformities and spot zoning effects.

23           So, in conclusion, it's my professional opinion that  
24 the Proposed Rezoning Amendment to rezone the land that is  
25 currently zoned as part of the R-1 Zone up-zoned to a more

1 restricted A Zone should not be adopted and the land should  
2 remain currently as it is zoned as part of the R-1 Zone. Thank  
3 you.

4 ATTORNEY WISER: Thank you, Mr. Knarr.

5 I believe we have one more individual who has not had  
6 an opportunity yet. I believe that's Mr. Miller.

7 Mr. Miller, do you have public comment for the Board  
8 at this time?

9 MR. MILLER: I do. Thank you very much. Can you  
10 hear me okay?

11 ATTORNEY WISER: We can hear you.

12 MR. MILLER: Okay. First of all, let me say that I  
13 am not pleased with the movement that has been at foot for some  
14 time to convert the Township from a rural community to a  
15 massive urban sprawl and I feel we should take all measures  
16 possible to end the efforts to eliminate our agricultural land.  
17 That's my general premise.

18 But with regard to this specific subject tonight, the  
19 specific Ordinance 2020-C, what has happened here when in 2019,  
20 I think there are many people are aware, there was really only  
21 one of the related property owners that was interested in the  
22 change from Ag to R-1 and, of course, as we've witnessed  
23 through the previous meeting, the previous hearing, and  
24 tonight, that owner has gone to all kinds of efforts to have  
25 the professional folks speak in favor of their objective and

1 that, of course, being Racehorse Road, LLC who wants to develop  
2 the former Klunk property.

3           Unfortunately, when that was done, I feel there was a  
4 massive abuse by the local government to swoop in these other  
5 properties, who at least we heard previous from the Murren  
6 family. They were not interested in being changed. S.A.V.E.S.  
7 I don't think was interested in being changed, but they were  
8 swept into this under -- you know, against their will basically  
9 and so it was an overaggressive movement by the Township  
10 management at that time.

11           Of course, now we're under some new direction that's  
12 really trying to help preserve our Township and so what has  
13 really happened is some of these folks have been victims of  
14 unwanted change where their properties have been changed and I  
15 think that it's really important to take into consideration the  
16 desire of the property owners. However, must be in accordance  
17 with the overall direction of the Township development process.

18           As we've heard, you know, from this testimony, like I  
19 said, several of these property owners did not want to be  
20 changed and I think it was against their will. So there was an  
21 abuse there. To decide this issue without their -- you know,  
22 against these property owner's wishes, particularly as we have  
23 been hearing here from the desires of the Racehorse Road, LLC  
24 folks, the Township is going to incur significant legal cost  
25 and a lot of wasted time and effort and particularly in that

1 property, because they're gonna fight. We've already witnessed  
2 it here. They've got several professional parties speaking on  
3 their behalf. There's gonna be a lot of money and effort spent  
4 by the Township and we will probably lose in that particular  
5 case.

6 So what I really think, you know, unfortunately, as I  
7 said, the original decision was a massive error and  
8 unfortunately we've gotta live with some of this now, but we  
9 got to look forward and what I think we really ought to do in  
10 this particular case with regard to this particular issue is  
11 each property owner of the five of this particular subject  
12 here, and this is limited strictly to this particular issue at  
13 hand, each property owner should be asked to submit in writing  
14 their formal request, how do they want to be zoned, and I think  
15 that's what we should -- that's what the Supervisors should  
16 approve in this particular case and we need to live with it,  
17 because like I said, there's been some errors made in the past,  
18 but we're gonna -- we'll incur an awful lot of legal fees and  
19 expense and that would only benefit the attorneys to fight  
20 this.

21 So that's what I think ought to be done on this  
22 particular case. The five property owners ought to be asked to  
23 submit their specific request what they want to be, how they  
24 want their property to be zoned, and that's what should be  
25 granted. However, going forward, as was mentioned here, there

1 were several other things, I know that's not the subject  
2 tonight, but there are several other things in the Township  
3 that are being considered and I think that we need to implement  
4 all procedures we can to stop the future urbanization of  
5 Conewago Township. Thank you for your time.

6 ATTORNEY WISER: Thank you, Mr. Miller.

7 We did have one person join us a few moments ago.  
8 That is Ms. Murren. Ms. Murren, do you have any public comment  
9 for the Board at this time?

10 MR. MURREN: No. That's the same -- we lost speed  
11 and had to resign back in. That's John, Mike, and Kathleen  
12 here. We have no further comment.

13 ATTORNEY WISER: Okay. Great. Thank you for that.

14 And with that said, Mr. Williams, do you have  
15 anything further to add at this point? Mr. Williams, your feed  
16 is muted. We can't hear you.

17 ATTORNEY WILLIAMS: Thank you. Sorry about that.  
18 We'll be posting the written public comment that was received  
19 for the prior public hearing on the Township website as well as  
20 the three late additions that we received today, late today, in  
21 written form. They'll be posted on the Township website as  
22 well. I thank everyone for the public comment that we received  
23 over the last two public hearings.

24 The Board of Supervisors is planning to review this  
25 matter at their next regular Supervisors' meeting with possibly

1 taking action on it on August 17th, their regular meeting time.

2 ATTORNEY WISER: Thank you, Mr. Williams.

3 I will confirm for the record that throughout the  
4 meeting I did monitor the waiting room and if any folks did  
5 arrive in the waiting room, we did allow them to participate.  
6 So those who have requested the ability to participate have  
7 been afforded the opportunity. All of those that are joining  
8 us or have joined us this evening have also been individually  
9 recognized have been provided with an opportunity to  
10 participate as well.

11 With that said, Madam Chair, I turn it back to you  
12 for any final Board comments and closure.

13 CHAIRWOMAN SHAFFER: In closing, I would like to  
14 reassure all parties that the Board of Supervisors will have at  
15 its disposal to review all of the transcripts from both  
16 July 27th testimony and this evening's testimony as well as all  
17 of the exhibits from both public hearings and, again, a  
18 reminder there is a Board of Supervisors meeting on Monday,  
19 August 17th at 6:30 p.m. and that will be live-streamed via  
20 Facebook.

21 With nothing further to add, could I have a motion to  
22 adjourn this evening's meeting?

23 VICE CHAIR WEAVER: I move. Tom Weaver.

24 SUPERVISOR BOYER: Second to adjourn.

25 ATTORNEY WISER: Madam Chair, I heard a motion from

1 Mr. Weaver to adjourn and a second by Supervisor Boyer.

2 SUPERVISOR BOYER: Yes.

3 ATTORNEY WISER: I'm wondering, Madam Chair, can you  
4 hear us? Did you lose audio feed?

5 CHAIRWOMAN SHAFFER: I lost audio feed.

6 ATTORNEY WISER: Madam Chair, we had a motion to  
7 adjourn by Vice Chair Weaver and a second by Supervisor Boyer  
8 to adjourn.

9 CHAIRWOMAN SHAFFER: Okay. Without any further  
10 comment, could I have a roll call on those in favor of  
11 adjourning the meeting?

12 MR. KLUNK: Yeah, adjourn.

13 ATTORNEY WISER: Supervisor Klunk has indicated in  
14 the affirmative for the motion.

15 Supervisor Boyer?

16 SUPERVISOR BOYER: Affirmative.

17 ATTORNEY WISER: Supervisor Weaver?

18 VICE CHAIR WEAVER: Yes.

19 ATTORNEY WISER: Supervisor Knight?

20 SUPERVISOR KNIGHT: Yes.

21 ATTORNEY WISER: And Madam Chair?

22 CHAIRWOMAN SHAFFER: And with that said, this  
23 evening's meeting is adjourned. Thank you everyone.

24 ATTORNEY WISER: Thank you.

25 CHAIRWOMAN SHAFFER: Thank you, Sam.



1                   ATTORNEY WISER: Thank you. Have a good evening  
2 everybody.

3                   (Proceedings concluded at 7:56 p.m.)

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1 I hereby certify that the proceedings and evidence  
2 are contained fully and accurately in the notes taken by me on  
3 the proceedings of the above cause and that this copy is a  
4 correct transcript of the same.

5  
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7  
8 DATED: August 14, 2020

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9 Corrie L. Ondrizek, RPR  
10 Official Court Reporter  
11 Adams County Courthouse  
12 117 Baltimore Street, 4th Floor  
13 Gettysburg, PA 17325

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