**Conewago Township Board of Supervisors**

June 24, 2024

**-Call to Order & Pledge of Allegiance**:

A special meeting of the Board of Supervisors was held at 490 Copenhaffer Rd. York, PA 17404. The meeting was called to order by the Chairperson Wilhide at 4:00pm.  Those in attendance were Lorreta Wilhide (Chairperson), Brian Klinger (Supervisor), John MacDonald (Supervisor), Derek Rinaldo (Engineer), Steve McDonald (Solicitor), Josh Kopp (PWD/Manager), Fritz Neufeld (Zoning Officer), Bethany Inman (Zoning Officer).

**-Public Requests:**

-Chairperson Wilhide asked for public comments not related to the agenda, there were none.

**-Freedom Square Final Phase One:**

-Township engineer Derek Rinaldo explained the purpose of the meeting, i.e. per the MPC (Municipal Planning Code) the township has 90 days to act upon a Subdivision and Land Development submission and the 90 day deadline for the Freedom Square Phase One Final Plan was expiring today. The Township did receive a request for a time extension from Tim Pasch’s representative earlier this day. This meeting is to accept the time extension to Wednesday August 7th, 2024, which will delay the Township’s need to act on the plan until that date.

-Sharon Beck, 1605 Copenhaffer Rd, asked why none of this came before the Zoning Hearing Board. Zoning Officer Fritz Neufeld answered that as a Conditional Use it was not within Zoning Hearding Board jurisdiction. Ms. Beck then asked why it was put on the agenda on Saturday. Township Solicitor McDonald clarified that we were aware of the deadline and had been communicating with Freedom Square about an extension. Freedom Square’s failure to respond in a timely manner made the meeting necessary to avoid a deemed approval. Ms. Beck asked what would have happened if Freedom Square had not sent the extension request. Solicitor MacDonald explained that the Board would have had to act, either to accept or deny the plans. Ms. Beck asked if it could have been done at the regular meeting next week. Solicitor MacDonald clarified that the next meeting would have been too late. Township Manager Joshua Kopp stressed that the meeting was advertised in the paper on Sunday and was on the Township website and electronic sign since Thursday 20th, 2024. Chairperson Wilhide explained that the meeting was scheduled for 4pm due to a Planning Commission meeting already being held at 6pm. Ms. Beck asked about seeing the plans. Engineer Rinaldo explained the plans are public documents and available for viewing at the Township Office.

-Elaine Resser, 690 Bowers Bridge Rd, questioned why a representative from Freedom Square did not show at the last meeting although they were on the agenda.

-Keith Sweitzer, 4710 Lewisberry Rd, Mr. Sweitzer made comments about Mr. Pasch’s behavior. Chairperson Wilhide reiterated that any applicant that meets the requirements of the Township cannot be denied. She then stressed some key differences between the Master Plan Conditional Use and other likely alternatives for the property such as warehousing or a more traditional development which would place a larger burden on the school system. Mr. Sweitzer asked about the roads that would need to be adopted and the manpower that would be required for maintenance. Supervisor Klinger and Manager Kopp clarified that only certain roads were slated to be adopted.

-Mary Ann Albright, 775 Greenspring Rd, as a longtime resident, commented on the changes in the Township that she has noted over time.

-Tom Gracey, 50 Conewago Creek Rd, asked about the impact Freedom Square would have on the Sewer Authority on Locust Point Rd. Chairperson Wilhide stated that Phase One of Freedom Square had coverage with the Sewer Authority in place. She clarified that the Sewer Authority is a separate entity.

-Lynn Kann of the Conewago Sewer Authority Board and Kim Thomas Vice Chairman of the Conewago Sewer Authority spoke of not being able to obtain grants for the current year. They spoke about the efforts of the Sewer Authority to plan for potential changes in the Township and the associated costs. Some estimates for needed upgrades to the sewer plant fall between 17 and 20 million dollars. The Sewer Authority has a portion of the funds currently available, but the total cost would require alternate sources of funds, such as grants. Upgrades to the Sewer Plant are inevitable but Freedom Square would be a significant driver of needed upgrades. There are connections reserved for Freedom Square Phase One, but no new connections would be available for Pasch’s development for approximately three years.

-Nikki Collins, 811 Bremer Rd, asked what exactly the board was voting on today. Solicitor MacDonald reiterated that it was just agreeing to an August 7th, 2024, extension of time on the Freedom Square Phase One Final Plan. He clarified that the initial scheduling of this meeting was because the Township had received no request for an extension from Freedom Square and could not wait for a request that may or may not come. However, since the request for an extension came a few hours before the meeting, the outcome today was simply granting the extension.

-Mary Ann Albright, 775 Greenspring Rd, wanted to know what the Township was planning regarding Freedom Square. Solicitor McDonald explained that the basic process is a two-way street. The Township communicates with the developer about the requirements still unmet and the developer submits plans and documents in an effort to meet those requirements, which must then be reviewed for compliance and action taken accordingly. The process is designed to move toward an application that meets all requirements. Ms. Albright opined that land is valuable and should be protected. Solicitor McDonald agreed that land is valuable and stressed that Mr Pasch owns the land in question and has every right to develop the land as he sees fit in accordance with Township regulations. The law protects his rights to do so.

-Elaine Resser, 690 Bowers Bridge Rd, asked what is meant by rec fees. Engineer Rinaldo explained that the Township Subdivision and Land Development Ordinance requires that whenever a property owner is adding new residential parcels, they must either dedicate a portion of land for recreation purposes or pay a fee in lieu of dedication to the Township to provide for the recreational needs of the residents that the newly created residential parcels would add to the Township’s population. These fees are set by resolution and are assessed per added residential lot. Currently there are no recreational dedications as part of Freedom Square Phase One and the Township is in negotiations with Mr Pasch regarding how he will meet his obligations to provide the rec fees or land dedications. The developer’s agreement is not ready and must be hashed out before the Township can act on the plan.

-Betsy Leppo, 2450 Bremer Rd, asked what information is publicly available. Engineer Rinaldo discussed the recent Zoning text amendment for a Conditional Use called a Master Plan which is what Mr. Pasch used to submit his plans. The Conditional Use comes with a set of requirements that must be met for approval. The Conditional Use section of the Ordinance and the studies and documents that were submitted as part of the Freedom Square Plan submission are public documents and are available from the Township. Preliminary Phase One Plans have been conditionally approved and we are currently in the midst of the Final Phase One Plan submission and review process. Ms. Leppo then commented on the importance of the Comprehensive Plan update that is ongoing and the inherent difficulties of meeting the goals of a Comprehensive Plan. She then commented on the public’s role in the process.

-Catherine Bobb, 380 Copenhaffer Rd, asked when the most recent version of the plans were submitted, and asked if they were available online. Engineer Rinaldo responded that they were not available online, only at the Township office. He stated the latest version was March 26th, 2024. She questioned whether they would include the most up to date wetland information. Engineer Rinaldo responded that Freedom Square is bound to DEP authority.

-Danika Dallam, 4915 Lewisberry Rd, asked when traffic studies need to be done on such a project. Engineer Rinaldo clarified that traffic impact assessments are required at every phase and as certain thresholds are triggered.

-Kathy Emenheiser, 4180 Lewisberry Rd, questioned the readiness of the Fire Department to handle a development as big as Freedom Square. Supervisor Klinger responded that the Fire Department is Volunteer and cannot require Pasch to donate to their expenses. Most warehouses have been willing to donate at a rate of 0.50 cents per square foot but there is no way to legally require them or Pasch to donate to the Fire Department.

-Chairperson Wilhide reminded those in attendance that if a developer meets all the requirements and a governing board denies the plan, the developer will sue the municipality. The result of such a lawsuit for the Municipality would be legal expenses and a lost lawsuit that would uphold the developers right to use the land in a legally protected manner.

-Supervisor MacDonald updated the public on the upcoming dates for meeting for the Comprehensive Plan. One more public meeting will be held in August in North York Borough, date to be determined. The dates will be made public once they are decided upon.

-Supervisor MacDonald made a motion to accept the Time Extension for Freedom Square Phase One Final Subdivision and Land Development Plan, Supervisor Klinger seconded the motion. The motion was passed on a vote of 3-0.

-Chairperson Wilhide announced that an executive session was held at 3:30, prior to the public meeting concerning a possible legal matter.

**Adjournment:** Meeting adjourned at 4:40 PM

Respectfully submitted,

Bethany Inman

Zoning Officer