

NOVEMBER 9, 2006 SUPERVISORS' PUBLIC HEARING - PROPOSED ZONING TEXT AMENDMENT FOR CHANGE OF PERMITTED USES IN VILLAGE DISTRICT:

The Mount Joy Township Board of Supervisors met this date for a public hearing, as publicly advertised, at 10:00 a.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; News Reporter Aaron Young (*The Gettysburg Times*); and Brenda Constable, Secretary. Supervisor not in attendance was George Scott.

Others in attendance were: Thomas Dunchack; Jack McLatchy; Roger Steele; Pam Roman representing the Watchdog Group; Carol Newhart; Robert Lynch; Jerry Althoff representing the Planning Commission; Elsie D. Morey; Marlene Lufriu; Dean A. Shultz; Audrey Weiland representing the Planning Commission; Lynn Ann Sukeena; Kellie D. Hurst; Barbara Steele; and Emily Shoey.

Mr. Waybright: Call this public hearing to order. This public hearing concerns an amendment to the township zoning ordinance. At this time, we'll ask Mr. Davis to conduct the hearing.

Mr. Davis: Thank you. This public hearing is being tape recorded, by more than one, apparently, but in any event if you chose to speak please speak loud enough that our tape recorder can pick you up. Give us your name and your address and tell us what you would like to tell us about the proposed amendment to the zoning ordinance. This is a proposal, which, in essence will take out amusements parks, paint ball games, and closely similar uses from the Village District and from the Village Historic District as uses which are permitted. The hearing has been advertised according to a proof of publication that we have received from the *Gettysburg Times* on October 11 and October 18, 2006, and that is going to be put in the file with this matter. Comments have been received from the Mount Joy Township Planning Commission and motion made and seconded to support the text amendment to eliminate amusement parks in the current zoning allowed in the Village and Village Historic Districts. Motion carried, four in favor and one abstention. I am told that we have received no comments from the Adams County Office of Planning and Development, although the amendment was sent to them in a timely fashion so that they could review and comment upon it. So the Supervisors will now entertain comments from taxpayers and residents of Mount Joy Township who wish to tell them what they think about whether this amendment should be adopted or not. Remember to please give us your name and your address prior to making your comments. Who would like to speak? Mr. Dunchack.

Mr. Dunchack: My name is Thomas Dunchack. I live at 450 Mud College Road and currently a resident of Mount Joy Township. A lot has been said previously about this zoning amendment, specifically in regard to a potential water park. The affects of such a development in the township is a no brainer. The roads won't handle it; we'll have the noise problem, just a high rate of problems involved in something of this size in the area where it is proposed. Therefore, I fully support the text amendment, the change to the zoning, and that's about it.

Mr. Davis: Thank you. Who else would like to speak? Mrs. Newhart.

Mrs. Newhart: Carol Newhart, 720 Plunkert Road. I'm here representing over 200 residents that signed a petition protesting the implementation of a water

park on Plunkert Road and Route 97. All of the justification that supports the protest of this facility being put there at that location has been submitted to the Supervisors and the recommendation that they received over a month ago. We feel that the recommendation is complete and that it should display without doubt to the Supervisors, that this is not an accepted use for that location. Therefore, we are asking you to make the change in the zoning to allow the water park only in Planned Commercial. It's all in the recommendation, including the impact on roads as Mr. Dunchack just said, and we did have a very large response of residents signing the petition that are in the immediate area. I think that the residents would be pleased if you passed this. Thank you.

Mr. Davis: Is there someone else who wishes to speak?

Mr. McLatchy: Jack McLatchy, Mud College Road. I'm in favor of you passing this as the two speakers said before, it is not feasible and is not good for us. Again, I strongly urge you to consider all of the recommendations that have been made and act favorably on this. Thank you.

Mr. Davis: Another speaker? Yes sir.

Mr. Lynch: My name is Robert Lynch, I live at 3289 Baltimore Pike which is Route 97, lived there for 32 years and I'm very familiar with the road traffic patterns, volumes, and speed. I spoke last night at the Planning Commission and referred to a previous situation where we were considering an Adams County youth soccer league field down there and I was informed that those were under different specifications or different guidelines or something of that nature. But I argued back then when we voted that down, I think we voted it down, was because of the volume of traffic that would lend to the roads that were already, in my opinion, overloaded and that would have been only two or three days of the week. This proposal, or the idea of having a water park there would be a six or seven day event, I think on that road, and that would just not be acceptable to the area or everyone that lives within this township.

Mr. Davis: Another speaker?

Mrs. Roman: Pam Roman. I live at 48 Updyke Road and I was a very strong opponent of the soccer fields a few years ago because of the traffic and I agree and concur with everyone here today that I do not believe that that place, that property on Plunkert Road and 97 is an appropriate place for a water park. But I want to ask you a question also. If you pass, if you adopt this, does that mean that there will be no loopholes that anyone could come in and try to put something in, in the Village District like this? Would there be any kind of legal loopholes where they could come in and protest it? Or will it be definitely that it would never happen?

Mr. Davis: Well, are you telling us that that's a concern that you have?

Mrs. Roman: Yes.

Mr. Davis: That the way it's written there are legal loopholes?

Mrs. Roman: I'm just asking you, yes.

Mr. Davis: Okay, well we're here to take comments, not to answer questions. We are entertaining an ordinance that was written by someone else, and so I don't, we have your comment, we understand what your concern is.

Mrs. Roman: Okay. Thank you.

Mr. Davis: Anyone else wish to speak? Mr. Shultz.

Mr. Shultz: Dean Shultz, 1610 Baltimore Pike, resident and taxpayer. With regards to your ordinance amendment, I fully support it. The one thing that I also suggest that you may wish to do is, you've seen what happens when in your best attempts that you think you have something covered substantially to what you proposed but then you find out you do not. Amusement parks can be anything from very small half acre to what you've just seen, maybe a hundred to two hundred acres. You are permitting them in other districts too. Now, I don't recommend that you get involved in this right now, but in the future, you may wish to look at this ordinance a little closer and establish maybe a lot area requirement and so forth when it not just becomes a permitted use that becomes a use either by a special exception or conditional use so you have some more input in it, beg right now and you see what happened. And that would also, maybe something that you wish to consider for some of your other uses along your historic corridor and village district. You have them written, they're somewhat gray, so if you see that maybe you need to get in your ordinance the provisions that you need to make sure what you propose in the comprehensive plan and it can, will happen.

Mr. Davis: Thank you. Ma'am, have you been trying to speak, and I've not...?

Mrs. Hurst: That's okay, I'm patient. Kelly Hurst, 172 Miller Road. I support the proposed amendment so that we can assure that this kind of entertainment does not come around here. I mentioned it before when I spoke in another meeting. I moved out here to be in a rural community and I think an amusement park at such a huge size would destroy that. One of the first things my husband and I said was we would move if it came and we are hoping that it doesn't. We support the amendment.

Mr. Davis: Thank you. Other speakers? Anyone else who has not spoken wish to speak?

Mrs. Newhart: I would like to say one other thing, real quick since no one else is speaking. As a former member of the comprehensive planning committee, this was not a use that we have envisioned for Village zoning district. So I think that the recommendations, again, support that and the other thing that supports it is, as comprehensive planning members, we had even put a caveat on the word amusement park, like stating that it was paint ball and closely related uses, which I think displayed that our thinking was it would be a facility that would utilize the natural geographic landscape. So a high density water park was never envisioned for that district. Thank you.

Mr. Davis: Mr. Chairman, I think we've heard from everyone who wanted to speak.

Mr. Waybright: Thank you. Hearing is closed at 10:15 a.m.

Respectfully submitted,

Brenda J. Constable
Recording Secretary