

**JANUARY 30, 2006 SUPERVISORS' PUBLIC INFORMATION MEETING – TDRs (Transfer Development Rights):**

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:00 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisor Samuel Dayhoff; Zoning Officer Dave Crouse; Treasurer Robin Crushong; News Reporters Aaron Young (*The Gettysburg Times*); and Brenda Constable, Secretary. Supervisor William Chantelau, George Scott, and Harold Kirschner were not present. Others in attendance were: John Mahoney and Mel Chido, representatives of Keystone Custom Homes.

Citizens in attendance were: Lee & Jean Bentz; LeRoy & Jackie Basehoar; Tracy & Beverly Boyd; Tom Newhart; Gus Fridenvalds, Roger Sowers, and David Boyer representing Huntington Township; Sharon & Robert Martin; Henry L. Gerber; Sabrena Meyerhoff; Robert Spangler; Michael Spangler representing Straban Township; Jerry Althoff representing the Planning Commission; Jay D. Little, Sr.; Chad Yingling; Craig Yingling; Barb Fisher, and James Muhali representing Union Township; Sally Alexander; Tim Beard, and John O'Brien representing Hamilton Township; Bernie Hull; Franklin J. Lowry; Ed & Nancy Reichart; Marcy Hagarman representing Conewago Township; Sharon Hamm, Mary Redding and Riley Redding representing Straban Township; Ellen Dayhoff representing Adams County Ag Land Preservation; Lucy Lott representing Adams County Commissioners; Carol E. Holtz; Tim Brown; Kelly Koch; Bob McIlhenny representing Straban Township; Jack & Betty Myers; Julie & Nancy Barthelme; Roger R. Weaver; Phil Plotica; Dorcas Shelly; Jack McLatchy; Jack Freet representing Union Township; Audrey Weiland; Harold Walker; Gil Clark; Fran Lorenzo representing Land Conservancy of Adams County; Steven Zeigler; Patrick Naugle; and Stephanie Egger representing Hamilton Township.

Mr. Waybright noted that this public information meeting was advertised and is being held to discuss and inform the citizens about Transfer of Development Rights (TDRs), what they are and how to use them. He introduced representatives from Keystone Custom Homes, noting that they would be giving the presentation. Mr. Waybright then asked Walton Davis, Solicitor, to make some brief comments.

Mr. Davis commented that when Mount Joy Township did a comprehensive change to its zoning ordinance, a survey that was previously circulated among the citizens, revealed that the majority of the citizens wanted to keep the rural characteristics of the area. The Supervisors had to decide how to keep the rural open space and how land owners could get value out of their land. There are three ways a Township can do that: a) Agricultural Land Preservation; b) Conservation By Design development; and c) TDRs. Mr. Davis explained how each of these options work.

Mr. John Mahoney of Keystone Custom Homes explained what a TDR is, the procedure of calculating how many TDRs a land owner may have, and how the sending and receiving areas work. He pointed out that using TDRs is a way to direct and control development. He also explained how the conservation easement process works.

Mr. Waybright then opened the floor for questions from the public.

- Q.** Can a property owner convey some of their property and not sell all of it? **A.** Yes.
- Q.** Where will water come from? **A.** Wells and sewer line; the developer must demonstrate they can get water and sewer.
- Q.** Who administers conservation easement? **A.** Board of supervisors approves.

- Q.** Who receives the conservation easement? **A.** Not yet determined; currently in discussion with the Land Conservancy of Adams County.
- Q.** Who pays for sewer for new project? **A.** Developer does.
- Q.** If there are trees on the property, can they be taken down or is a permit needed? **A.** If forestry plan; that would be considered agriculture.
- Q.** Can TDRs be handled like tax exchange? **A.** If paid value for the land it is a taxable event.
- Q.** If TDR is bought, when is the land owner paid? **A.** After final approval.
- Q.** If someone sold one-half of their easements, how is it determined which half is or could be sold?  
**A.** Developer pays for meets and bounds.
- Q.** Land that is donated to the Land Conservancy – would they have any TDRs to sell? **A.** Probably not – would need to determine the donation.
- Q.** If language for agreement is established, would this be the same across the board? **A.** Most likely, but could be different; would be on a case by case basis.
- Q.** Is amount of TDR published? **A.** No.
- Q.** Of the prices paid, are they greater or less than conservation land rights? **A.** Not aware of any studies.
- Q.** How is TDRs correlated with acreage? **A.** They don't. It varies with each zoning district.
- Q.** Is the income on selling TDRs taxable? **A.** Would be subject to capital gains tax.
- Q.** If land owner agrees to TDRs and the property sells in the interim, who gets the money? **A.** Depends on how the agreement is worded.
- Q.** What is minimum acreage to sell TDRs? **A.** Selling property must be a minimum of 10 acres. There are no appraisals on TDRs.
- Q.** How many developers are looking for TDRs in the Township? **A.** Unknown.
- Q.** Can RR transfer to RR? **A.** Yes. Receiving can be in MDR, SFR1, VH or V. Density can be transferred from the AC or RR to RR.

Mr. Mahoney summarized:

- Be careful about the terms of the conservation easement
- Look at ordinance to make it work
- Agreement with Supervisors to discuss terms of agreement
- Need for TDRs and pay for them

With no further discussion, the meeting adjourned at 8:25 p.m. this date.

Respectfully submitted,

Brenda J. Constable  
Secretary