

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
November 19, 2009**

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Ed Campbell, and Gary Brown. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, and Secretary Nancy Zentmeyer. The meeting was called to order at 6:32 p.m. at the Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

Chairman Lerew noted that this meeting is to hear a presentation from the York County Planning Commission regarding Route 15 and then a Conditional Use hearing immediately following the presentation.

YORK COUNTY PLANNING COMMISSION – TRANSPORTATION ROUTE 15

Supervisor Brown noted that this presentation is to give the Supervisors an idea of what is being worked on for Route 15. There was an information briefing noting that the Transportation Planner consultant for YCPC is Gannett Fleming, with months of work coming together. The County's website was reviewed along with the handout of the upcoming presentation.

The following items were discussed during the presentation: 1) the scope of the work which included the current and in-depth analysis of the transportation element; the main corridor of Route 15, and the development of more specific transportation improvements; 2) traffic data collection including 24 hour traffic volumes with specific intersections, peak hour traffic, gap data, travel time and delay studies, and crash data; 3) travel survey with a web based survey which is available until take until December 31, 2009; 4) existing operational conditions; 5) existing environmental conditions; 6) study growth rate; 7) traffic forecasts; 8) future no-build operational conditions; 9) draft purpose and needs; 10) next step – preliminary alternatives development showing immediate, mid-term and long-term options; and 11) milestones noting the upcoming meetings. It was noted that the study need to be done by June 30, 2010.

Supervisor Brown noted concern that Franklin Township needs to work together with the other municipalities. The growth rate is also important. It was noted that we don't want to make it more unsafe for the citizens traveling these roadways.

The presentation was closed at 7:13 p.m. with a brief recess before the start of the conditional use hearing.

CONDITIONAL USE HEARING – BROOKSHIRE MOBILE HOME PARK

Chairman Lerew open the hearing at 7:22 p.m. The hearing is for the Brookshire Mobile Home Park and the applicant is Bennington Investment Group.

Solicitor MacNeal have a brief explanation of the procedures for the hearing. It was noted that the Board of Supervisors are serving in the quasi-judicial capacity. It was also noted that anyone wishing

to testify or comment in this hearing should sign the sign-in sheet as a party to the proceedings. The applicant needs to show burden of proof and then there will be cross examination. The parties that are opposed will give testimony. Once the testimony is complete no other testimony will be taken. The Board of Supervisors will give their decision at their December 14, 2009 regular meeting. For the record the property has been posted and advertised in accordance with the PA Municipalities Planning Code.

Solicitor MacNeal noted the following exhibits: #1 is the application and plan; #2 is the Planning Commission minutes dated November 2, 2009; and #3 is the letter from Dillsburg Borough. At this time Solicitor MacNeal turned the hearing over to the applicant.

Mr. David Getz, attorney for the applicant introduced Mr. Phil Garland, applicant, and Mr. Eric Johnston, engineer for the applicant.

Mr. Garland was sworn-in giving his address as 336 W. King Street, Lancaster, PA and noted that he is the president of Bennington Investment Group. Attorney Getz noted another exhibit showing alternate plan B and C which is part of exhibit A. Alternates B and C deals with the accesses to the proposed development. Alternate B was discussed noting the change from the cul-de-sac showing more buffering. Units number 2, 3, and 4 have been moved and there is buffering around the total cul-de-sac. With alternate plan C the difference between B and C is that By Pass Road is no longer cut off and is left alone and there is access onto By Pass Road. Exhibit D shows the street dead ends to a neighboring property and the road will go to the cul-de-sac if that property is not developed. The number of units proposed is 178 with plan B and 179 units with plan C. The gross number of acres is 62.57 and 250 units is permitted in this zone. Exhibit E is a narrative in support of the conditional use application which will also address KPI's memorandum. A description of the development is as follows: 2 trees per lot, protected water courses, 50' buffering, an additional 93 parking spaces to the 2 for each unit where the original plan had 73 additional parking spaces, parking for recreational vehicle storage, and the possibility of a third access going to Glenwood Road.

The narrative was reviewed with the questions from Attorney Getz and responses by Mr. Garland. This is attached as part of the minutes.

Attorney Getz stated that if the conditional use is approved this will allow a land development plan be submitted to the Township.

Solicitor MacNeal noted that at this time she will go down the list of names so they may cross examine the applicant and then the Supervisors will cross examine. The testimony will be later in the meeting.

Harold Willis, 736 S. Baltimore Road

Mr. Willis indicated that he owns the adjoining farm. The following is his cross examination:

- Is there PA State Law that a MHP owner provide for trailer owned to the park. This was deferred to Attorney Getz.
- Will a new sewer pumping station be built? If needed.
- Where is the water service coming from? Dillsburg Area Authority.
- Will there be parking on the 18' streets. No.

- By Pass Road was built 50 years ago and has never handled this amount of traffic. If needed this will be done through the land development plan.
- How many other parks do you own? None.
- Water, sewer and electric will they be underground? Yes and maintained within the park.
- Recreation areas will they be mowed, will there be equipment and/or pavilions? It depends on the age group.

David Sprigg, 6 By Pass Road

- What is the size of the yard, the description? The yard will be grass with 2 trees each.
- The setback is 30' and with 30' of yard do you propose to park over the yard? The details meets the ordinance.
- In 1955 were mobile home parks 10 x 5? This was referred to Attorney Getz.
- Screening is there more detail? There will be evergreen planting at a distance of 20' between alternating in rows.
- What about the diameter? This meets the zoning ordinance.
- Who will be controlling the park? There will be a manager through Lebanon Valley Homes.
- What about outdoor pets? This was referred to Attorney Getz.

Deana Weaver, 47 Dogwood Lane (Carroll Township)

Attorney Getz opposed to Ms. Weaver giving testimony. Ms. Weaver noted that correspondence was received from Dillsburg Borough. Solicitor MacNeal noted the law on parties that they need to be effected and that a motion from the Board of Supervisors is needed in order to accept testimony. Solicitor MacNeal asked how far from the site does Ms. Weaver reside. Ms. Weaver noted on the other side of Route 15 but with working travels up and down Route 15 and Baltimore Road. Supervisor Campbell asked to summarize the activity or factor to make Ms. Weaver a party to this. It was noted with traveling Route 15 and to any business in the area.

Motion: Vice Chairman Shambaugh made a motion to allow Ms. Weaver to testify. **Seconded** by Supervisor Campbell. The motion carried.

With the motion Attorney Getz was overruled.

- How long has Bennington Investment Group (BIG) been in business? 7 years.
- Is there a good working relationship with management? Yes.
- Is there a back-up? Comfortable with the company and BIG will be the main owner.
- Is there limit liability? No.
- The diagram of homes with a foundation. This is an option.
- Are these more permanent fixtures and how about additions in the definition of the zoning ordinance? This meets the definition.
- The modular homes, can they be taken apart? They meet the intention of the ordinance.
- Purchasing of a home and will you maintain ownership of the lot? Yes, the homeowner will lease the lot. This was also referred to Attorney Getz.
- Where do you live? In Lancaster.
- What about management? Lebanon Valley Homes will manage the park with snow removal being contracted out.
- What about waterways and water sheds? They are so noted on the plan.

- Are the waterways counted as open space? There is enough coverage to handle both. This was also deferred to Attorney Getz.
- What about the setbacks from the wetlands? This meets Section 438.
- What about the un-named tributary with setbacks and FEMS?
- With the development stage will you meet with emergency personnel, police and EMS? This will be done with the land development plan.
- Are the lots 144' deep? Yes.
- Is this plan drawn to scale? Yes.

Robert McDermitt, 821 Baltimore Road

- What about the access to Franklinton Road since it is on the other side of Franklinton? Access will be to Route 194.

John Thomas, 179 Glenwood Road

- Where is the access? It is adjoining the Miller property and Mrs. Hartman.
- Can this development handle the traffic? This will be dealt with at the land development plan.
- When spreading manure who will they call? They can call BIG.
- Where is this wetland by Glenwood and By Pass Roads and will there be any run-off or disturbance? No.
- With children in the park on his property side what about them harassing his livestock?

ADJOURNMENT

Motion: Supervisor Campbell made a motion to adjourn the meeting at 9:40 p.m. **Seconded** by Supervisor Brown. The motion carried unanimously.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary