

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
December 2, 2010**

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, Ed Campbell, Gary Brown and Naomi Decker. Also present were Solicitor Stacey MacNeal, Special Counsel Guy Beneventano, and Secretary Nancy Zentmeyer. The meeting was held at the Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

CONDITIONAL USE HEARING – JAMES LUPOLD

Chairman Lerew opened the hearing at 6:35 p.m. Mr. David Lupold was present representing his brother James Lupold. Mr. Lupold and Mr. Fahey, Zoning Officer, were sworn-in.

Mr. Lupold indicated that he had prepared the plan and reviewed it with the Board. There will be a new stone driveway going to the proposed metal garage. The garage will be 30' x 40' which is 1,200 s.f. Grading information has been provided on the slopes. The garage will be 108'4" back of the existing residence and 46' from the property line. It will be 15' in height which is within the requirements. The detached garage will be matching in color with the existing house. Mr. Fahey stated that will not be used for commercial purposes. Supervisor Campbell questioned the nature of the personal vehicles and it was noted it will be for Mr. Lupold's cars and trucks only with some possible woodworking. Mr. Lupold will be working on his vehicles only. Supervisor Brown questioned the utilities and there will only be electric. Vice Chairman Shambaugh asked about the storm water infiltration because of the new impervious area as a condition of approval. There was discussion on infiltration pits being installed or a French drain. The applicant would have no problem with installing either the pits or drain.

Motion: Vice Chairman Shambaugh made a motion to approve the conditional use for James and Deb Lupold on the condition of the installation of the infiltration pits and there is no commercial use of the building. **Seconded** by Supervisor Campbell. The motion carried.

Motion: Supervisor Brown adjourned the conditional use hearing at 6:44 p.m. **Seconded** by Supervisor Campbell. The motion carried.

CONDITIONAL USE HEARING – BROOKSHIRE MOBILE HOME PARK

Chairman Lerew opened the hearing at 7:02 p.m. The hearing is for the Brookshire Mobile Home Park and the applicant is Bennington Investment Group. This is a continuation from the November 4, 2010 hearing.

Mr. Guy Beneventano is Special Counsel for the Township and Mr. David Getz is counsel for the applicant.

At this time Mr. Todd Lyons, still being under oath, was cross-examined by Mr. Beneventano. There were no questions from the opposing parties or the Board of Supervisors. There was re-direct by Mr.

Getz. Mr. Getz offered applicant's exhibits #59 through #70 at this time. Mr. Eric Johnston was called to testify and it was noted that he is still under oath. Applicant's exhibit #70 is the lighting plan for Highland Park and questioned the intersection illumination. Mr. Beneventano objected and Mr. Getz withdrew the question.

There was a brief recess at 8:40 p.m. The hearing reconvened at 8:50 p.m.

Mr. Beneventano cross-examined Mr. Johnston. Township exhibit #21 was offered at this time which is a letter from DAA regarding the water and wastewater services. Mr. Beneventano asked about bonding for the indemnification or a letter of credit. Mr. Getz objected. It was questioned how this would be fulfilled. How it will be done is what is relevant. Mr. Beneventano stated that if the Board is to consider the indemnification it needs to be explored. Solicitor MacNeal noted maybe instead of an indemnification it could be a hold harmless.

Motion: Supervisor Campbell made a motion to end the line of questioning. This is to uphold the objection. Vice Chairman Shambaugh this is a note on the plan, which keeps getting revised. **Seconded** by Supervisor Brown. Mr. Getz stated they not considering any bonding. Solicitor MacNeal stated that there is no need for the objection.

Mr. Beneventano had no further questions. There were no questions from the opposing parties. Vice Chairman Shambaugh, Chairman Lerew, Supervisor Campbell and Supervisor Decker had questions for the witness.

There was re-direct by Mr. Getz. Mr. Getz added the submission of the exhibits. Mr. Beneventano indicated the additional comments be entered into the record as part of the exhibits along with Township exhibits #21 and #22.

The next hearing in this continuation hearing will be held on January 13, 2011 at 7:00 p.m.

Motion: Supervisor Campbell recessed the meeting at 10:25 p.m. **Seconded** by Supervisor Brown. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary