

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
CONDITIONAL USE HEARING
& REGULAR MEETING
May 12, 2010**

ROLL CALL

Present were Supervisors Donald Lerew, John Shambaugh, Gary Brown, Edward Campbell, and Naomi Decker. Also present were Solicitor Stacey MacNeal, Engineer Timothy Knoebel, Treasurer Phyllis Emlet, and Secretary Nancy Zentmeyer. The meeting was held at the Franklin Township Municipal Building, 150 Century Lane, York County, PA. Guests and visitors are on the attached sign-in sheet.

CONDITIONAL USE HEARING – ROY & AMY DERR

The Conditional Use Hearing opened at 6:30 p.m. Solicitor MacNeal noted that this hearing is being stenographic recorded and explained the procedure for this hearing and the Board of Supervisors will make their determination after testimony has been given. This is a Conditional Use under Section 603 of the Zoning Ordinance. Solicitor MacNeal asked Zoning Officer Brian Fahey if the property has been posted and advertised. It was so noted. The Planning Commission reviewed this application and recommended approval.

Mrs. Amy Derr of 718A Range End Road, Dillsburg was present and sworn-in to give testimony. Mrs. Derr indicated that she has one horse and is requesting a building for her to ride her horse during inclement weather. Mrs. Derr presented photos and a diagram of the property which is attached to the application. Mrs. Derr noted photos showing the properties of neighbors #1, #2 and #3 with their visibility of her property. Mrs. Derr is proposing to construct a pole building with the dimensions of 40' x 80' x 14' and this is for personal use only. Mr. Fahey indicated that he had visited the site and that there are no issues with storm water and the property is naturally screened on 3 sides. The character of the neighborhood would not be changed. There was no one from the audience to give testimony.

The Supervisors were asked if they had any questions as follows: Supervisor Decker indicated that she has no problem or questions; Supervisor Campbell indicated that a land development plan would be needed for the storm water management but Solicitor MacNeal noted that no land development plan is needed but possibility a storm water management plan. It was questioned if this would be a commercial use and it was noted that it would not; Supervisor Brown asked if this would be an indoor arena. Mrs. Derr noted that the building would have 3 sliding doors; Chairman Lerew asked if there would be storage of hay in the building and it was noted there would be none; Vice Chairman Shambaugh indicated his questions were already answered. Solicitor MacNeal asked if there would be any restrooms facilities. It was noted there would be no restrooms or water. The pole building would have clear panels for sunlight. Chairman Lerew asked if anyone had testimony either in favor or against this conditional use and it was noted that there was none.

Motion: Vice Chairman Shambaugh made a motion to approve the Conditional Use Request for Roy & Amy Derr conditioned that a storm water management plan is to the satisfaction of the Township Engineer. **Seconded** by Chairman Lerew. The motion carried.

Motion: Supervisor Brown made a motion to close the hearing at 6:44 p.m.. **Seconded** by Vice Chairman Shambaugh. The motion carried.

The Regular Meeting was called to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE AND PRAYER

Chairman Lerew led the Pledge of Allegiance and Supervisor Brown gave the opening prayer.

APPROVAL OF MINUTES

Board of Supervisors Regular Meeting – April 14, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Regular Meeting of April 14, 2010. **Seconded** by Chairman Lerew. The motion carried.

Board of Supervisors Special Meeting – April 19, 2010

Motion: Vice Chairman Shambaugh made a motion to approve the minutes of the Board of Supervisors Special Meeting of April 19, 2010. **Seconded** by Supervisor Decker. The motion carried.

PUBLIC COMMENT

1. Peter Cirafici, Chainsaw Road – Comcast Agreement

Mr. Cirafici expressed his concern with the Comcast service. He felt Comcast has a monopoly and the quality of service has been reduced. He indicated that in August Comcast customers will have a limited signal if they do not have a converter box. Without a box channels #1-#20 are the only channels that would be available. It was noted that every time Mr. Cirafici would call Comcast he would get a different answer. It was also noted that these boxes would be needed of all recording equipment a customer has. He felt that Comcast is taking advantage with having to pay more to use their service.

Solicitor MacNeal indicated the Township has a non-exclusive agreement and they can change if another provider comes into the Township with the same services provided. It was suggested to approach other companies. Supervisor Brown stated that it may be hard to get another cable company to go to the rural areas of the Township. Other members of the audience noted what type of service they use. It was suggested to get a group of residents together and research this. It was also suggested to go to Bureau of Consumer Protection or the Attorney General with this complaint.

2. Wayne Kober, South Mountain Partnership

Mr. Kober stated that there is another workshop which is being held on May 26 between 1:00 and 5:00 p.m. This will be held near Newville at a conference complex. The Supervisors had received this information. Mr. Kober also noted that a grant program is to follow.

APPROVAL & PAYMENT OF BILLS

Supervisor Campbell questioned Chemung Supply Company. It was noted that the Road master uses them to purchase pipe and guiderail. Vice Chairman Shambaugh asked about the YCPC bill for the transportation study. Mrs. Emler indicated that \$4,250.00 has been paid from the \$7,330.00 authorized with a balance of \$3,080.00.

Motion: Vice Chairman Shambaugh made a motion to approve the payment of the bills as submitted but first questioned in the Recreation Fund the bill for Stover Engineering. This was for work done on the bridge at Ponderosa Park. Vice Chairman Shambaugh asked why the Township did not use KPI. Supervisor Campbell stated that this should have been authorized. **Motion:** Vice Chairman Shambaugh made a motion to approve the bills with the exception of Stover Engineering until they receive more information. **Seconded** by Supervisor Campbell. The motion carried.

TREASURER'S REPORT

Motion: Vice Chairman Shambaugh made a motion to approve the Treasurer's Report as submitted. **Seconded** by Supervisor Campbell. The motion carried.

ORGANIZATION REPORTS

Police – Chairman Lerew reported that he has a booklet from the police regarding their auditors report dated December 31, 2009.

Fire – Chief Tony Baker from Citizens Hose Co. #1 reported the following during the month of April: there were 38 calls with 6 in Franklin Township. This brings the total calls in the Township for the year to 16. There were 4 failed calls for the month. There was an average of 7 personnel per incident. Training is continuing with 755 hours year to date.

There was no one present from Franklinton Fire Company but a report had been submitted.

EMS - Josh Wolf presented the report as follows: for the month of April there were 24 incidents in Franklin Township with a total of 112 calls for the month for all municipalities served.

DAA - A copy of the minutes was submitted.

Emergency Management – Mr. Yerger stated that the monthly meeting will be held next Wednesday. A field exercise is being planned. Vice Chairman Shambaugh asked to have Laurin Fleming look at the NIMS Program and see if the Supervisors are up to date or if they need to take more classes.

NYCRCP Transportation – Supervisor Brown reported there was a meeting held today to review the report from the contractor and to make sure that the comments from the Township are in the document. There was discussion on what action is to be taken before public comment. Once he receives the new report Engineer Knoebel should look at it with the Planning Commission. It also needs to be given to the Supervisors and Solicitor to review. This will then be approved and then it will go out for public comment and then adopt by Resolution. Chairman Lerew asked if the work is being done on Route 15 is tied in with this. It was noted yes and no as there is stimulus money being used. Mr. Kober talked on the safety on Route 15. On June 15 there will be a press conference and a new campaign on Route 15 the same as last year.

Building Committee – It was noted that this is still on hold.

SUBDIVISION AND LAND DEVELOPMENT

Engineer Knoebel stated that both projects to be discussed were requested by the applicants to give updates and the status on their plans.

1. Highland Park Land Development Plan, Update

Mr. Glenn Worgan presented this development to the Supervisors. The property is located at S. Mountain and Rocky Ridge Roads and is a parcel of 19 acres. This plan has been before the Planning Commission. There are 82 apartments units and a community building being proposed. An architectural drawing of what the building will look like was presented to the Supervisors. Mr. Worgan indicated that he has a management company that will manage this complex. The reason for this update is to ask the Supervisors to consider the acceptance of a preliminary/final plan at the next meeting. Mr. Worgan has a commitment with stimulus funding for this project. Mr. Andrew DeFonzo, the civil engineer was also present to represent this plan. The units will be placed on 5-acres on this tract with single access from South Mountain Road. The Planning Commission did give preliminary approval of this plan. There are outside agencies that are needed such as PennDOT for the highway occupancy permit, DAA approval and the York County Conservation District approval. This plan is not asking for any relief.

Engineer Knoebel stated that this plan was submitted approximately 6 months ago to the Planning Commission as a preliminary land development plan and the Commission did recommend approval of the preliminary plan with comments. This plan will be revised before it goes to the Supervisors. Again it was asked if the applicant can submit with revisions the plan as a preliminary/final. The plan would need to go back to the Planning Commission. With a final plan it was noted that everything has to be done including the outside agencies. A traffic study has been done. The applicant did submit the signed agreement and fees to DAA. There will be a private pump station on the tract but public sewer. Supervisor Brown questioned if this plan has a cul-de-sac but it was noted it is a parking lot. This development is on one lot and not on individual lots. Engineer Knoebel stated that planning module approval would be needed.

Supervisor Decker asked the applicant to show the plan to the members of the audience. Mr. Kober indicated the applicant has not addressed the transportation problems and this will be adding another burden to Route 15 and he wishes there was an impact fee ordinance in place.

2. Kings Kids Camp Presentation/Overview

Eric Johnston is requesting feedback on what is being proposed. Handouts were given showing the tract and the proposed uses. The E&S issues have been addressed. Kings Kids Camp is on a parcel of 84-acres on Glenwood Road that has a campground and open space. Parking, ball fields and a 25,000 s.f. building is being considered. Mr. Kerry Miller was introduced and is part of the Colston Starz Baseball Team and these fields would be used for tournaments. Mr. Miller also stated that he is part of the "What If" Volunteer Advisory Committee and they do fundraisers and has been productive the last couple of years which helps the youth get to play ball. It was noted that they are looking for guidance from the Supervisors. This would be a phased approach and the fields would be used during the weekdays with tournaments on the weekends. It was noted that there is a need for ball fields for the youth.

Supervisor Brown noted that this property is located along Glenwood Road and there is a transportation problem. There was discussion on the possibility of a road being linked to Golf Course Road that would run parallel to Route 15 or an access road. Glenwood Road and Route 15 are one of the most dangerous intersections in the Township and the possibility of closing the intersection. Sewer and water was discussed.

Solicitor MacNeal noted with zoning what category would this fall within the public park definition. A public park is a permitted use. The 25,000 s.f. building is allowed in the Mixed Use zoning district but not in Open Space. There was discussion on either applying for a variance or text amendment which would be used in conjunction with a campground. The definitions were looked at. It was suggested to work together on the traffic problem and that details are needed. Solicitor MacNeal noted with the criteria for a variance, can it be met. This property is located beside the Industrial zone. An amusement area with a variance there is no hardship. If the training facility is omitted and the fields permitted it would fit. Chairman Lerew questioned if this would compete with the Dillsburg Little League and it was noted it would not. A land development plan would be needed. Mr. Johnston asked about a continuance on the submission of the plan as noted from the Supervisors. Engineer Knoebel indicated that Mr. Johnston should come back at the end of the time frame to show the progress and then ask for a continuance if needed. Solicitor MacNeal noted that a sketch plan should be submitted by the July date.

REPORTS

Engineer

1. Dry Hydrants

Engineer Knoebel stated that this was discussed last month and they are still waiting for the fire company to prioritize and that they will be meeting with the owners of the greenhouse. It was noted that this will be for the meeting in June.

2. Construction Specifications

Engineer Knoebel stated that this was discussed last month. Comments have been received from Vice Chairman Shambaugh. These are minor comments but will be incorporated into the specifications. The next step is to adopt this by Resolution.

Motion: Supervisor Brown made a motion to adopt Resolution #7-2010 to adopt with the changes from Vice Chairman Shambaugh. **Seconded** by Chairman Lerew. The motion carried.

3. Lost Hollow Road Driveway, Site Distance

Engineer Knoebel stated that a driveway has been put in on Lost Hollow Road and there is not the appropriate site distance. The access is to be used for agricultural uses. This driveway has not been paved. The property owner wants to waive the site distance. The Township has not received any waivers. If the driveway is left where it is it could possibly be a liability issue. It was noted that the driveway would have to be relocated if not waived. There is enough road frontage to move the driveway. The required site distance is 250' and this driveway has 147'.

Motion: Vice Chairman Shambaugh made a motion to reject the application. **Seconded** by Supervisor Campbell. Supervisor Decker asked about an indemnification and it was noted that there is no hardship here but it was self created. The motion carried.

4. Tuckahoe Road

Engineer Knoebel indicated that Vice Chairman Shambaugh and he met with representatives from the Boy Scouts to improve the road back to where the Township maintains and to dedicate it to the Township. There was discussion with making the improvements with minor grading work and a cross section with grading work to do only what can be done at this time and then later come back to the Township for dedication. This road is

used by several property owners. There was also discussion on stabilizing what they have with 11" stone base and then tar and chip but they will need to do some type of blacktop. This will not alter the drainage.

5. Chainsaw Road

Engineer Knoebel stated that the work on Chainsaw Road has been completed and now the Township needs to see how it will work. The property owners did meet the deadline and the work was inspected by the Road master and himself.

6. MS4 Notice

Engineer Knoebel noted that he had attended a seminar last week. This is in regards to the storm water annual report that is filed with EPA and the seminar provided the information that is needed in the annual report. This report will be ready in June and the issues will be addressed.

Solicitor

1. Conditional Use Applications – Brookshire MHP Continuance

Solicitor MacNeal noted that correspondence was received May 5, 2010 from Attorney David Getz requesting a continuance of the May 17 hearing. It was noted that a continuance date could not be agreed upon so the hearing will move forward on the May 17 date. Solicitor MacNeal reviewed with the Board of Supervisors some of the items in Mr. Getz's letter for reasons of request for continuance as follows. #2 notes that By-Pass Road regarding sufficient access with access either onto By-Pass Road or the construction of an access directly to Route 194. It was noted that alternatives were discussed and access to Route 194 is an concerned option. #3 does the Township require a traffic study as part of the conditional use application process. What level of information are the Supervisors looking for? Engineer Knoebel stated that the criteria is in the ordinance. Off site traffic issues were discussed at the Planning Commission meeting. It was noted that a traffic study was done for Lexington Fields. It was also noted that the Supervisors do not believe a traffic study needs to be presented at the conditional use but indicated negative impacts on surrounding roadways and intersection, and that the applicant should be prepared to address those concerns. #4 is there anything else that the Township would like the applicant to prepare to demonstrate that they can provide access? Details are needed and to conform to the SALDO. Glenwood Road is "less than desired width and condition to accept such traffic volumes". Glenwood Road is a township road and is it the Township's position that the applicant not plan for vehicular access to this public road? The Board would like to see construction details that show that the Glenwood entrance drive can be constructed without impacts on steep slopes. #5 the applicant is hoping that the Township will reciprocate by asking DAA to respond fully to our letter of February 22, 2010. The Board does not believe that it has any ability to influence DAA to waiver from its policies and procedures. Solicitor MacNeal will provide to counsel the Township's discussion on these issues.

2. Zoning Appeal

Solicitor MacNeal noted that this has to do with Tom Keefer and the cycle sign issue. The permit had been revoked by Mr. Fahey, Building Permit Officer. The property is residential with a non-conforming use. Mr. Fahey had sent a letter of April 16 stating that the owner could file an appeal to the Zoning Hearing Board. There was discussion if the sign is permitted under the ordinance. Mr. Robert Walker, attorney for Mr. Keefer was present. There are sign provisions in the zoning ordinance along with tables regarding the types and sizes. There was discussion regarding this residential area with an occupation and permitted business signs. The sign currently is in excess of 6' in height. It was noted that from the ground to the top it is 8' and from the ground to the top of the sign it is 7'. The sign is currently 6 s.f. It is noted that the sign is also illuminated. The sign attached to the building was removed. Mr. Walker stated that with the sign being illuminated it is a safety issue

during the winter months. There was discussion on having the lights on only during certain times. Supervisor Campbell stated that there is no reason to have the sign illuminated. Supervisor Decker stated that there are some civil issues as the subdivision has restrictions and she is familiar with the subdivision. Solicitor MacNeal stated that you cannot take a non-conforming attached sign to a freestanding sign. The home occupation meets the definition but not the criteria. It was suggested that either the property owner submit an application or move forward with the zoning appeal. It was noted that there are restrictions on the recorded subdivision plan for no in-home business except for professional but does not specify what type of professional businesses. It was suggested to remove the lights from the sign for the home occupation. Mr. Walker indicated that Mr. Keefer does not want to give up the right to appeal in the time period allowed. It was noted that the owner could file an application for the sign and if there are problems Mr. Fahey could issue a new notice of violation which would give them another time period to appeal. Supervisor Campbell suggested that Mr. Fahey be given extra hours on Friday to resolve this issue. Mr. Fahey indicated that there was a gentlemen's agreement to lower the sign.

3. Twin Hills Survey

Solicitor MacNeal reported that the Park & Recreation Board brought up a concern of the adjoining property owners using the recreation area in the Twin Hills Development. It was noted that a property owner cannot adversely possess land that a municipality or the Commonwealth owns. There was discussion on having a survey done to indicate the property corners and to send letters to the property owners. It was suggested that the letters should indicate trespassing on municipal property. After more discussion it was decided not to send letters.

4. Resolution Regulating Actual Values of Buildings

Solicitor MacNeal stated that there were questions regarding the chart with the Resolution that was adopted last month, so a new resolution is being submitted. There is language in this resolution showing how the building permit officer calculates to arrive at the final number to be provided to the York County Tax Assessment Office. There are two different number with 0.71 for new construction and 0.75 for additions to already existing structures. If this is not ready tonight to act on this the previous Resolution needs to be repealed. It was questioned if this is industry standard and it is not.

Vice Chairman Shambaugh indicated adopting this Resolution with the 0.71 and not the 0.75. The UCC does not provide a cost chart.

Motion: Supervisor Campbell made a motion to adopt Resolution #8-2010 for the new scale for new construction and additions. Supervisor Campbell indicated that this is not accurate. Solicitor MacNeal indicated that what was adopted is a straight cost for the Commonwealth and that the Board of Supervisors can set the formula. **Seconded** by Supervisor Campbell. Supervisor Campbell also noted that the Supervisors really need to take another look at this. The motion carried with Vice Chairman Shambaugh and Supervisor Decker opposing.

At this time a 5 minutes break was taken.

Building Permit & Zoning Officer

Mr. Fahey presented his report. A letter was received from the Conservation District on a concern with the earth disturbance at the Rowbottom residence. There was an e-mail received from a neighbor of Mr. Rowbottom's complaining about the unfinished swimming pool. Supervisor Campbell suggested that Mr.

Fahey should check this out. Mr. Rowbottom was taken to the District Justice before to clean up his property. This property is a re-occurring problem. Mr. Fahey is to check to see if there are any violations. Mr. Fahey indicated that Mr. Rowbottom's permits are up for renewal and it was suggested not to renew them. Supervisor Campbell suggested authorizing Mr. Fahey to do this. Vice Chairman Shambaugh questioned why in the first sentence of his report he states that codes enforcement has been discontinued by a directive of the Township Supervisors. It was noted that code enforcement is his third priority. It was noted that Mr. Fahey cannot tell people that code enforcement has been discontinued when it has not.

Mr. Fahey stated that there is a new business sign at a business adjoining the Ken-Lin Development on Coffeetown Road. It was noted that this should be done in the time allocated. It was noted that Mr. Fahey should send the property owner a letter.

Mr. Fahey has in his report a list of the items he has done. Mr. Fahey requested that the zoning map be added to the website.

Road master

1. Stone/Oil & Rubber Seal Bids – Authorization to Advertise

Motion: Vice Chairman Shambaugh made a motion to authorize the advertisement for Stone/Oil and Rubber Seal bids. **Seconded** by Supervisor Campbell. The motion carried.

2. PA One Call Safety Days

Motion: Vice Chairman Shambaugh made a motion to allow the road crew to attend the PA One Call Safety Days. **Seconded** by Supervisor Campbell. The motion carried.

The Road Report was submitted.

Parks & Recreation

1. Ponderosa Park - Trees

Chairman Lerew indicated that the Park & Recreation Board have planted trees at Ponderosa Park and are offering to sell them. The price will be \$150.00 which will include the tree and a plaque.

2. Park & Recreation Policies

There was discussion regarding the individual who was going to hold a "fitness bootcamp" at the Century Lane Park and what would prevent a resident from using the park for this type of activity. It was suggested that this could be put in the regulations since it was not a township program. The Park & Recreation Board should review their policies.

OLD BUSINESS

1. Roof Painting Quotes

It was noted that there was an attempt to get 3 bids for this project but only 2 were received.

Motion: Chairman Lerew made a motion to award the bid to Dillsburg Sheet Metal. There was discussion on the painting or replacing the roof. This is to be delayed until next month. No action was taken.

2. Burning Ordinance

It was noted that this ordinance needs some adjustments and that Mr. Yerger's comments are being looked at. Section 5.D was looked at and it was suggested this not be taken out of the ordinance. This section deals with the protection of agricultural commodities. Section 4.F dealing with the burning of recyclables was addressed. This is tabled until next month.

Supervisor Brown stated that he did attend classes on trash and recycling at the PSATS Convention.

NEW BUSINESS

1. National Association of State Agencies for Surplus Property, Program Application

The Supervisors looked at this and no action was taken.

CORRESPONDENCE

There was no correspondence discussed at this time.

PUBLIC COMMENT

There was no public comment at this time.

EXECUTIVE SESSION

The Board of Supervisors when into Executive Session at 10:45 p.m. to discuss a personnel matter with no action to be taken.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary