



FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS/PLANNING COMMISSION  
JOINT WORKSHOP MEETING  
April 29, 2015

CALL TO ORDER

Present were Supervisors Donald Lerew, John Shambaugh, John Holder, and David Sprigg. Also present were Secretary Nancy Zentmeyer, Solicitor Bret Shaffer and Engineer Fred Heerbrandt. The meeting was called to order at 7:00 p.m. at the Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

REVIEW OF STEEP SLOPE CONSERVATION OVERLAY – ZONING ORDINANCE

Solicitor Shaffer noted that a revised proposed draft was submitted regarding the steep slope overlay with minor changes. There was discussion with the Planning Commission members and members of the audience as follows.

Charles Bowers indicated that the steep slope overlay should stay the same but to clarify the language.

Robert Yerger noted concerns with the steep slope language. If a landowner bought property prior to zoning and the amendments there is no grandfathering. Mr. Yerger discussed the issue with the mountain and the soils controlling the mountain, but was concerned with the rest of the township other than the mountain, as this could be an extra expense for homeowners. Mr. Yerger felt that land in the township other than the mountain could be built on without the soil issue. Notes from former Supervisor Gary Brown from the commission committee meetings were read regarding the steep slope.

It was suggested to clarify Zone A, the mountain, first. Mr. Yerger asked what is the overlay? Kathleen Gingrich stated that the overlay is a description of additional requirements that lays over the Open Space zoning district.

Solicitor Shaffer reviewed Section 205 which is to conserve the steep slope. Section A and C have been modified. For hardships a landowner can apply for a Variance. To determine who is in the steep slope area there are guild posts such as having a survey done. Discussed ensued. A copy of the revised draft is attached.

Under Section A - General Standards the word “any” should be replaced with “an identifiable area”. Kevin Cummings noted concern and asked for clarification on the 15%. In the current zoning ordinance Section B.3 indicates that any dispute concerning

nservation overly area that a topographical survey  
oly to all residents.

Wayne Kober noted that plans that are before the Boards have the steep slope delineations. It was suggested to contract with someone to delineate all the steep slopes or a meter that could be purchased to read the slopes.

The new language in the proposed draft would allow the Boyer's to build since they do have access to their property. It was noted that the determination of the 15% slope is because of the sandy soil. There was discussion on plateaus.

Vice Chairman Holder indicated that there is an aquafer under the mountain that feeds this area and was compared to the size of the Susquehanna River.

Kathleen Gingrich stated that in Section C.4 of the proposed draft that it could subject the township to litigation. Mrs. Gingrich also stated that from Bob Eichelberger's memorandum it states that the York County Planning Commission has LIDAR data which generates contours at 2' intervals which can be accessed on an individual lot size level which would be more than adequate for the township's purpose.

Phil Garland stated that he owns a farm with over 15% steep slope and he cannot build.

Other point of interest is the stormwater run-off/erosion on the mountain that is a major problem because of the type of soil.

Wayne Kober suggested to leave the steep slope alone as it has stood up in the courts.

There was discussion regarding roads already in place prior to 2006, before zoning when into effect. There are also issues with health, safety and welfare of the townships citizens. Kevin Cummings noted with the statement of blanket prohibition that a landowner should be allowed to build in an area 14% or less. There is some confusion with which parcels are in the steep slope area. There was discussion regarding emergency vehicles having access to those areas over 15%.

Solicitor Shaffer will revise the draft to omit Section 205.C.4 and to change the language in Section 205.C.2 to say prohibition applies to an area that has 15% or greater and applies to an area less than 15% if crossing 15% or greater.

There was more discussion on grandfathering on other areas other than the mountain, to draft wording indicating those areas with conditions i.e. the soil type, the slope percentage and to demonstrate no run-off. The township engineer would determine the soils. It was proposed to have a member of the BOS to chair a series of workshops to discuss the areas other than mountain. Members from YCPC would attend also. With



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apply but a Conditional Use could be applied for as  
The conditions should come from the engineer along  
with the impacts on a lot. Density could also be a consideration.

OTHER BUSINESS

1. Tire Issue – S. Mountain Road

Mrs. Gingrich noted that her client, Mr. Calaman, had received a notice regarding the tire issue on his property citing Ordinance #7-1985. Mrs. Gingrich feels that this ordinance is not applicable and again noted the issues between the neighbors. Mrs. Gingrich asked the Board of Supervisors to rescind the notice of violation, if this is not done the enforcement notice will be appealed to the District Magistrate.

2. Burn Ban

It was suggested to lift the burn ban, but after a brief discussion it was noted that it is still dry and the decision will be made at the next regular meeting of the BOS.

3. Definition in Zoning Ordinance

Mr. Yerger brought up the issue of the definition in the zoning ordinance of cottage industries vs. home occupation. That will be discussed at a later date.

4. 11 Franklin Church Road

There was brief discussion on the property at 11 Franklin Church Road with questions on what could be done with the property i.e. subdividing etc. It was suggested to bring this issue to the Planning Commission for their recommendation. It was noted that this property is currently vacant.

EXECUTIVE SESSION

The Supervisor went into executive session at 9:38 p.m. with no action to be taken. The Board of Supervisors then adjourned the meeting.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary