

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS  
WORKSHOP MEETING  
July 20, 2016**

**CALL TO ORDER**

Present were Supervisors David Sprigg, Kevin Cummings, Michael Ryan and Naomi Decker. Also present was Secretary Nancy Zentmeyer. The meeting was called to order at 7:00 p.m. at the Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA.

**PLEDGE OF ALLEGIANCE AND PRAYER**

Vice Chairman Cummings led the pledge of allegiance and Supervisor Decker gave the opening prayer.

Vice Chairman Cummings indicated that he would like for the workshop to adjourn by 9:00 p.m.

**STEEP SLOPE CONSERVATION OVERLAY – PUBLIC COMMENT**

Vice Chairman Cummings stated that the meeting would start with public comment from the audience and asked that anyone who wishes to speak give their name, address and to limit themselves to 5 minutes. It was announced that the tapes from recording this meeting will be held until further notice.

**Kathleen Gingrich, 1150 S. Mountain Road**

Mrs. Gingrich noted that she is opposed to the steep slope overlay and the effects it has on other properties, the roads and culverts. A petition was submitted in favor of the 15% steep slope and asked that this be added to the website and attached to the minutes. Mrs. Gingrich also submitted a memorandum to the BOS. It was noted that the former SALDO allowed for homeowners to construct on the mountain. The residents in Sherwood Forest, Chainsaw Road and Laurel Run Road have to deal with the problems. Stormwater Management to control the run-off is not helping. Mr. Laurin Fleming had testified on how difficult it is to get fire, ambulance etc. equipment up on the mountain.

There is sandy soil 250'-350' before hitting rock.

**Ken Swomley, Franklinton Road**

Mr. Swomley stated that this does affect the entire township and asked why punish people for the 15% when someone wants to put on an addition to their home. He also

indicated that he is speaking for the people not on the mountain and that there is a problem here.

**Wilmer Price, 151 Chainsaw Road**

Mr. Price indicated that Mr. Leer had developed the area on Chainsaw Road and a hydraulic engineer did a plan. It was suggested to look at the right-of-way of 30’.

**Doug Sebestyen, 125 St. George Drive**

Mr. Sebestyen stated that the last time someone decided to develop and have work done behind Sherwood Forest the residents had to deal with the water run-off.

**John Peterson. 170 Laurel Run Road**

Mr. Peterson noted that the document says it was already studied, what new study if any has been done. He also noted that there is no solution regarding the 15%.

**Roger Davis, 963 S. Mountain Road**

Mr. Davis stated that last year S. Mountain Road was re-built and he has had water run-off in his house, garage and all along his property. The State will not return his calls. Vice Chairman Cummings indicated that he will contact PennDOT.

**Mike Krempasky, 11 Stone Head Road**

Mr. Krempasky stated that he opposes any changes to the steep slope. The mountain area is important and change to the aquifer should not be allowed. Putting in roads, impervious areas would eliminate the groundwater.

At this time Supervisor Ryan asked the audience if anyone knows of a landslide either on their property or anyplace else. Supervisor Ryan indicated that he knows of 4 in the township.

**Steve Cobb, 408 Little John Drive**

Mr. Cobb indicated that he lives in Sherwood Forest and has a long history of property damage and asked what does the Board see that they need to do. He also stated that the Board of Supervisors needs to look out for the needs and freedoms of all the residents.

**Dave Young, 941 S. Mountain Road**

Mr. Young stated that he wants clarification of the document, zoning, banning the 15% or greater slope.

**Ken Swomley, Franklinton Road**

Mr. Swomley asked if there is a proposal to increase the 15%. Vice Chairman Cummings indicated there is no proposal now – need to address the concerns from both sides in order to have a new proposal.

It was noted that the public comment period will go until 8:00 p.m.

At this time Vice Chairman Cummings gave his thought process – for 2 years he has attended the BOS meetings and questioned them about the steep slope and did not receive any answers so he decided to run for Supervisor.

**Kathleen Gingrich, 1150 S. Mountain Road**

Mrs. Gingrich stated that there was evidence on the mountain itself and that the township had discussed previously of making the township into 2 zones. Consideration only in the steep slope overlay on the zoning map. If a landowner can demonstrate to the township and then meet requirements.

**Ted Grove, Chainsaw Road**

Mr. Grove indicated that he owns land on Chainsaw Road and put a driveway in, in 2002. It was noted that each property needs to be looked at.

Public Comment concluded at 7:35 p.m.

**BOARD OF SUPERVISORS COMMENTS**

**Kevin Cummings**

It was noted that there are inconsistencies regarding the administration of Section 205 (SSCO). He lives in the middle of the mountain and there are homes above and below him. There are 4 landowners that have been treated differently since the zoning went into effect. Discrepancies have been witnessed. There needs to be a balance of individual property rights and due process. Everyone needs to be treated fairly and to look at things individually and the property rights. At this time Vice Chairman Cummings read what Supervisor Decker had stated 10 years ago in the November 16, 2006 minutes regarding the zoning planning process having questionable procedure. Zoning was voted in on a motion by Supervisor Shambaugh and seconded by Supervisor Brown. Comments were made by the YCPC on September 6, 2006 (comment letter) and October 26, 2006 (public hearing) with YCPC recommending to omit the 15% slope and the plateaus which are in subsection C, prohibition regulation should be deleted (Section 205). Citizens both verbally and in writing asked the Supervisors to take time to amend the ordinance prior to adoption. Vice Chairman Cummings asked for the property file for 155 Chainsaw Road and also will address Mrs. Gingrich's comments on the A&B zones and her letter to the Banner. There was discussion on case law. The Boyer's on October 12, 2007 applied for a building permit but as per case law could not build. Two months later on December 21, 2007 the residents at 155 Chainsaw Road (Emerson's) applied for a building permit and received that permit. There is a plan in their property file that shows the slopes at 18%. There are concerns with erosion. It was stated that everything has to be fair. It was questioned why with the same supervisors, solicitor, and zoning officer did the Emerson's get their building permit and the Boyer's did not. With due process how did someone get to build and another didn't. This needs to be looked at and addressed.

**Naomi Decker**

Supervisor Decker thanked Vice Chairman Cummings for his presentation. This is an issue for anyone who applies for a building permit. Subdivisions that were approved but have been disappointed because they cannot be built on because of the criteria in the zoning ordinance. It was noted that this is not fair and that the township is not flat. The concerns are valid and maybe a second opinion on the soils on the mountain is needed. There are serious issues.

**David Sprigg**

Supervisor Sprigg stated that he has no comment at this time.

**Michael Ryan**

Supervisor Ryan stated that he has facts on this at the present time to explain since some people do not have the correct facts. The courts look at it as if it was handled fairly. It was noted that homework was not done with looking at the facts and looking at the number of residential, commercial etc. It was noted that he is here as a Supervisor for everyone. There was mention of property rights, the process of how things were done etc. A control build with a slope was also discussed. The rules need to be applied correctly and to do it properly and legally.

Vice Chairman Cummings noted that they are trying to have 2 BOS members meet with 2 PC members and the township engineer to come up with some ideas. Due process needs to be looked at. Additional meetings will be needed and everything will go through the public. The Supervisors cannot leave this section of the ordinance the way it is.

Supervisor Ryan noted with slopes and landslides he needs any factual information to be presented to the BOS with the source of the factual information.

**David Sprigg**

Supervisor Sprigg stated that due process and property rights are mostly applied to 15% but what about the people who live downstream who also have property rights without the affects of floodways. It was noted that the only time a restriction was put on plans were on the 15% slope or greater, with no disturbance to the 15%. Those plans were passed on and approved.

**PUBLIC COMMENT**

**Steve Cobb, 408 Little John Drive**

Mr. Cobb noted that inconsistencies are not the reason to change the ordinance.

**Kathleen Gingrich, 1150 S. Mountain Road**

Mrs. Gingrich stated that subdivision plan have legally vested rights. With the procedure of due process there were public workshops, meetings, and hearings. YCPC has the right to comment but they are advisory only. The BOS knew about the problems but didn't know why. There were not independent studies done. Vice Chairman Cummings noted sworn testimony from Mr. Eichelberger with issues since 1990, but also sited his father's book of 1942. There were 3 separate comments from YCPC on way not to adopt the zoning ordinance and there are valid concerns.

**Steve Boyer**

Mr. Boyer noted that water does run downhill but if you put stormwater ponds in less water would run. It was suggested to contact Carroll Township as they had a geological study done on the mountain. Mr. Boyer noted that the road to his property was already in and that he has spent \$80,000 in attorney fees.

**Ted Grove, Chainsaw Road**

Mr. Grove asked if nothing is done and he cannot build on his lot is the township going to pay fair market value for it.

Vice Chairman Cummings commented on the different slopes and the building on a 14%. It was noted that even on a 1% slope water runs downhill. It was noted what do the engineers say. It was noted that Mr. Eichelberger had the township put in a culvert pipe on his property, and not holding the township liable and that is where the silt is coming from.

**Don Lerew, 1124 S. Mountain Road**

Mr. Lerew asked what is the answer to Brian Fahey issuing the permit in steep slopes in regards to the other person in the steep slope overlay.

It was noted that Solicitor MacNeal advised Mr. Fahey to revoke the Boyer's permit but not the Emerson's permit . Mr. Lerew noted that he was not aware of the permit being issued.

**Barbara Cobb, 408 Little John Drive**

Mrs. Cobb noted that the issue with the snow on the sidewalks was a safety issue, so what about the quality of life with the water issue, this is also a safety issue.

**Doug Sebestyen, 125 St. George Drive**

Mr. Sebestyen asked if there is a proposal. Vice Chairman Cummings noted that there has been a lot of dialogue. If the Supervisors are looking to raise the percentage there has to be restrictions.

**Supervisor David Sprigg**

Supervisor Sprigg stated that not everyone on the Board is looking to change the 15%.

It was noted that at the August 10 Supervisors meeting another workshop meeting will be scheduled to discuss the steep slopes.

**Ken Swomley, Franklintown Road**

Mr. Swomley stated that the homeowner needs to take responsibility for what they build.

**Supervisor Michael Ryan**

Supervisor Ryan stated that there needs to be fines and penalties for building without a permit.

**ADJOURNMENT**

**Motion:** Supervisor Decker made a motion to adjourn the meeting at 8:50 p.m.

**Seconded** by Supervisor Sprigg. The motion carried.

Respectfully submitted,

Nancy Zentmeyer  
Township Secretary