

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
CONDITIONAL USE HEARING AND PUBLIC HEARING MINUTES
September 19, 2018**

CALL TO ORDER:

The September 19, 2018 **Conditional Use Hearing #CUH2018-2 for Stephen K. Hughes, 210 Stone Head Rd, Dillsburg, PA** was called to order at 6:30 p.m. by Chairman Kevin Cummings. The Township stenographer, Roxy Cressler was present to record testimony for the hearing.

ROLL CALL

PRESENT:

Chairman Kevin Cummings
Vice Chairman David Sprigg
Supervisor Naomi Decker
Supervisor Eric Stonesifer
Supervisor Michael Ryan

Solicitor Bret Shaffer
Engineer Phillip Brath
Secretary Teresa Adams
Treasurer Pam Williams

ABSENT:

None

The meetings were held at the Franklin Township Municipal Building, 150 Century Lane, Dillsburg, York County, PA. Visitors please refer to attached sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

Pledge of allegiance was led by Chairman Cummings and prayer led by Supervisor Decker to open the Public Hearing.

CONDITIONAL USE HEARING

At this time Resident Stephen K. Hughes, 210 Stonehead Road, Dillsburg, PA and Zoning Officer Brian Fahey, 490 Capitol Hill Road, Dillsburg, PA were sworn in to give testimony.

Chairman Cummings said this is a continuation from the conditional use hearing held the previous week. Chairman Cummings asked Zoning Officer Fahey if the property was properly posted prior to the hearing and the Zoning Officer said yes, that it was properly posted.

Chairman Cummings said he had several questions regarding the applications submitted, one was regarding Section 500.D, side and rear property set-backs. Chairman Cummings asked if the measurements were taken from the front of the property going to the rear of the property, or how were the measurements taken. Zoning Officer Fahey asked permission to explain the measurements. Zoning Officer explained the plan is for the continuation of a nonconforming structure and in section 500.D it reads "the following requirements shall apply to the extension or alteration of structures. Zoning officer Fahey said section 500.D basically says it can continue the error, placement, **but not anything** beyond that. Chairman Cummings clarified that his question pertains to section D line 2 regarding the setbacks, is it correct that the plan does not meet the required setbacks.

Chairman Cummings said his other question is in section 502. Zoning officer Fahey said this section deals with the use which is not what is before the Board of Supervisors, what is before the Board of Supervisors is for storm water management. Chairman Cummings asked the engineer, if the roofline connects to the existing roof line does the storm water consider the existing roof line, the current dwelling is 1248 square feet, proposed addition is 1880 square feet, so the total square footage of both comes to 3128 square feet. Does the current storm water management plan consider the proposed addition? Engineer Brath said yes, it does. Chairman Cummings said there are 3 options available. Engineer Brath said that to use the pond Mr. Hughes would have to demonstrate the new impervious is consistent with the design of the pond, which means it was designed to handle an additional 1880 square feet of impervious area beyond what is installed on the site currently. Engineer Brath said he wasn't sure if that information could be found unless the previous design could be located. Engineer Brath said it is not likely the existing **pond** could be used; therefore, a new storm water management plan would be needed. Chairman Cummings asked Mr. Hughes if he would be willing to continue the hearing to a later date to allow time to consult

with the engineer on what the engineer needs for the storm water management plan or does Mr. Hughes want an answer at this meeting.

Engineer Brath went over the options at this time. Engineer Brath said option 1 is to put in a new stormwater management facility, which is the stone. Option 2 is pipe to the existing retention pond, Mr. Hughes would have to prove to Engineer Brath how this would be piped, it may mean providing the old stormwater management plan and would have to consider all the existing impervious on the site. Engineer Brath said option 3, pipe into the stream is not acceptable at all, can not be done. Mr. Hughes said he plans to do stormwater management on the whole building, new and old.

Solicitor Shaffer clarified that when supervisor Ryan was speaking, he was talking about the last page of the application and that shows options 1, 2 and 3. Supervisor Ryan was worried about the setbacks, specifically for option 1. The engineer said that option 3 on the same page wouldn't work because it has to discharge into the stream, and for the question that just came up, counting back 4 pages from the last page it says site plan for Mumper construction, lot 19, Foxwood Estates, there is a large label in the middle stating greater than 15% which is the question Chairman Cummings was asking. Solicitor Shaffer asked Sec. Adams if the hearing was advertised properly. Sec. Adams said the hearing was advertised in the Dillsburg banner on August 16 and August 23, 2018.

Motion was made by Chairman Cumming with the applicant's approval, to continue the hearing until October 10, 2018 at 6:00 p.m.

Second by Supervisor Stonesifer.

The motion carried.

Conditional Use Hearing adjourned at 6:45 p.m.

PUBLIC HEARING

The September 19, 2018 **Public Hearing pertaining to Steep Slope Ordinance 205** was called to order at 7:00 p.m. by Chairman Kevin Cummings.

Chairman Cummings opened the public hearing by asking the audience if everyone had a copy of the proposed ordinance that was in the vestibule inside the front door of the municipal building and if not please get a copy, he also asked the audience to sign the sign in sheet for the hearing. Chairman Cummings said the way the meeting will run is that each member of the audience that would like to speak will have 5 minutes to do so for the 1st round until everyone has had the opportunity to speak, if the members of the audience don't get to say everything they wanted in the 1st round they will be given another opportunity in a 2nd round. Chairman Cummings said this will ensure that everyone has the opportunity to voice their concerns.

Chairman Cummings said between the conditional use hearing and the public hearing there was an executive session to discuss the legal process of the public hearing. Chairman Cummings asked Sec. Adams if the meeting was published correctly. Sec. Adams answered yes, 2 times in the Dillsburg banner. Solicitor Shaffer said just to note that the ordinance had gone before the Franklin Township planning commission outside of the 30-day requirement of the municipalities planning code. Solicitor Shaffer said the ordinance has gone before the York County planning commission, outside of the 30 days required, they recommend approval and that he personally would be sure the York County Law Library had a copy of the text by the 30 days required by law and as confirmation of the mailing and delivery that is to be put in the records by secretary Adams.

Chairman Cummings said there may be times where questions may be answered, or they may be held off. Chairman Cummings said the board will do their best to answer questions.

7:03 PM-Kathleen Gingrich 1150 S. Mountain Rd., Dillsburg. Mrs. Gingrich said she had a procedural objection to start the hearing. Mrs. Gingrich said with all due respect to solicitor Shaffer, she believes the meeting has not yet the procedural guidelines of the municipalities planning code, specifically Section 609.D.1 and 2.I that require the posting of the property conspicuously at points as seen by the municipality along tracts of potentially interested citizens because this is definitely a change to the zoning map as well as the fact that section 2.I indicates that the Township should notify all impacted residents within 30 days. I understand that with my discussions with solicitor Shaffer that he believes this requirement does not apply because what is being done here constitutes as a

comprehensive rezoning, there is no definition of that in the **Municipal planning code**, my research and conclusions are different than solicitor Shaffer's, so, I believe this does not qualify for the redemption and the Township **has** not made the required notices and since this has not been done the notices **are** procedurally deficient. Mrs. Gingrich asked for her comments to be placed on the record as official.

Solicitor Shaffer said he would also like to add to the record, the discussion that he had with attorney Gingrich for the hearing is that he did look at municipalities planning code section 609 and what it states is that notice needs to be made by mail when there is a partial zoning but then there is an exception where there does not need to be an individualized notice provided to residents where there is a comprehensive rezoning the ordinance before the board at this hearing is going to be applied across the board to every residence in the Township, so it did not make sense from a legal or fiscal point of view to do a mailing to every resident of the Township. Solicitor Shaffer said there are Commonwealth court cases to this extent, David Hawes versus Exidor Township Zoning Hearing Board, Ritcher versus Latimore Township Board of Supervisors, and a Lancaster case where they did not recognize that a mailing was needed for this type of ordinance amendment, should it go through. Solicitor Schaefer said that attorney Gingrich did not say it but he knows that she had a concern about the stenographer who was present for the previous hearing did not stay for the public hearing, there is no requirement in the municipalities planning code that a stenographer be present for a public hearing where a zoning ordinance amendment is being discussed and there is an appellate court case stating the same, which is Heron versus Board of Supervisors Washington Township, that is a 1989 case, but it did not say that a stenographer is necessary to observe that a person's due process rights are observed. Solicitor Schaefer said the intent of the code is that the public has the ability to an open and public right to speak which doesn't mean it has to be transcribed concurrently with **the** meeting.

Attorney Gingrich asked to respond to solicitor Shaffer's comments. Attorney Gingrich said she did not say the municipalities planning code required it but rather that it has been such a hot topic for the past 2 ½ years that there is a probability, one way or the other, that this issue is going to end up in court then the only way to have a complete **and** adequate record for the court to examine is to have the procedure transcribed. Attorney Gingrich said you had a **recorder** right here and yet **the** board elected to let her go and she just **wants** the record to reflect that.

7:06 PM-Steve Boyer 31 Bel Aire Dr., Dillsburg owns property on South Mountain Road in the Township. Mr. Boyer said when the ordinance was put into effect he was never notified and during all the hearings he went through, he was made fun of that he should have known. Mr. Boyer said go back in the records and you can see where it clearly states where this all comes from.

7:07 PM-Bruce Sheaffer 135 Chainsaw Road, Dillsburg. Mr. Sheaffer said he does not want slope change and explained about the water issues he has experienced as a landowner and the lengths he has gone to contouring his land to compensate for the water runoff.

7:14 PM-Dave Christenson, 485 Capitol Hill Road, Dillsburg. Mr. Christenson is opposed to the ordinance. He said he's done everything required by the Township to make his property compliant and now he must abide by the same rules as someone living on the mountain and doesn't think that's fair.

7:16 PM-Wayne Kober, 65 Brittany Lane, Dillsburg. Mr. Kober read a statement he had prepared for the meeting. He spoke about 2 cases against Franklin Township relating to Section 205, Steep Slope and said both cases were decided in favor of the Township. He sited that there have been repeated requests to eliminate Section 205 pertaining to Steep Slope and particularly regarding plateaus. Mr. Kober said he has 7 concerns he would like to address. Chairman Cummings said the Board would come back to him in the second round as he had questions for Mr. Kober.

7:22 PM-Brenda Sheaffer, 135 Chainsaw Road, Dillsburg. Mrs. Sheaffer opposes the percent of slope, she asked the BOS to compromise and take it case by case and meet in the middle.

Chairman Cummings said he wasn't sure of how many residents in the audience read the amendment and asked Secretary Adams handout copies. Chairman Cummings explained to Mrs. Sheaffer prior to the passing of Zoning residents were allowed to build on areas of 15% but didn't do prohibition until 25%, meaning you were still allowed to build on areas with up to 25% slope. Chairman Cummings talked about the size of a building requiring SWM plans and that the new amendment gives residents the opportunity to build on areas from 15% to 25% but they

must attend a Conditional Use Hearing prior to building. Chairman Cummings said the proposed amendment is to try to protect those properties/residents downstream from stormwater damages.

Chairman Cummings talked about Use by Right not recommended by YCPC, he used the example of not allowing a garage to be constructed but approving a golf course to be constructed. Chairman Cummings said the amendment to the ordinance is about giving the applicant due process and finding a balance but including protection to the adjoining properties downstream. Chairman Cummings said these protections were never part of the prior ordinance but are now included.

7:32 PM-Nancy Rohrbaugh, 30 Ken-Lin Drive, Dillsburg. Mrs. Rohrbaugh is opposed to the ordinance. Mrs. Rohrbaugh said she has 2 concerns, 1) Top soil not very deep along the mountain causing issues. Mrs. Rohrbaugh is concerned about environmental issues as well as water runoff into her neighbors' yard and 2) Mrs. Rohrbaugh said she is concerned about future supervisor's decisions/interpretations.

Solicitor Shaffer said he is able to comment on these concerns. He said one of the conditions that were put in place when the hearings are operation maintenance agreement and that does go in perpetuity with the property so that somebody who creates a drainage issue has to re-mediate it. Solicitor Shaffer said that people are going to be able to have a way to use their property where they may not have been able to use it before. Solicitor Shaffer said the amendment as safeguards for future. Solicitor Shaffer said the amendment is not a one size fits all.

7:40 PM-Ken Swomley 4 Franklinton Road, Dillsburg. Mr. Swomley is in favor of the ordinance. Mr. Swomley said he feels the amendment provides a fair compromise to the entire Township. Mr. Swomley compared issues in surrounding areas such as Carroll Valley and said that he is pleased the ordinance will provide a compromise and allow to be able to utilize their land.

Chairman Cummings said he wanted to clarify that the 25% slope is across the Township and not just the mountain, that there is land above 25% on the mountain. Chairman Cummings said that at one time a former Board of Supervisors wanted to declare an A Zone and a B Zone. Chairman Cummings said that slope is slope no matter where you live, the same standard applies to everybody.

7:44 PM-Loraine Cummings 109 Chainsaw Road, Dillsburg. Mrs. Cummings is in favor of the ordinance. Mrs. Cummings said that 15% slope is too restrictive and was put into place by individuals who did not want anyone to build anywhere. Mrs. Cummings said that 15% slope is not fair and is not doable, but that 25% slope is not a free-for-all that you have to come before the Board of Supervisors and show what you want to do and how you will manage stormwater. Mrs. Cummings said she feels the amendment is a fair solution.

7:47 PM-Ted Grove property owner of 79 Chainsaw Rd., Dillsburg. Mr. Grove had several points to make, 1) Stormwater management is possible on the mountain with proper engineering. 2) Steep Slope, Mr. Grove said to clarify what steep slope looks like, the wheelchair ramp at the entrance to the Municipal Office is 8% which is approximately half of the 15% being talked about. 3) geology study of South Mountain, an expert witness, Mr. Balsavage, testified some Township meetings ago who did some testing but when he was questioned on where he took his samples from, he said he took samples from the roadside which led to the conclusion that there is sediment. Mr. Grove said therefore the testings are obscured or opinionated. Mr. Grove said there is case study available that if someone does something to a property to devalue it that the Township or municipality has to purchase it, this is not eminent domain because the deed is still retained by the property owner. Mr. Grove asked where the Township would get the money to purchase properties that have been devalued. Mr. Grove said he doubts the state, federal government, or insurance would cover it. Mr. Grove said the taxpayer would cover the cost. 4) building permits will only be approved on a case-by-case basis. Mr. Grove said that before he can get a building permit, he has to have a storm water management plan designed by an engineer. Mr. Grove said we trust Engineer to design a septic system that works why not a design to manage stormwater.

7:52 PM-Kathleen Gingrich 1150 S. Mountain Rd., Dillsburg. Mrs. Gingrich is in opposition of the proposed ordinance amendment. Mrs. Gingrich said she is speaking on behalf of herself her husband and over 100 residents have signed a petition of opposition. Mrs. Gingrich said she would like to respond to several comments that were made,

1) slopes maybe slopes but what you slope it on is a totally different subject, for example the diagram in the handout is defined as grade over distance.

2) with all due respect to the board, they have been on a crusade where they believe they are implementing a fair and equitable solution but, in this situation, Mr. Swomley made a point as to who represents the other people in the Township. Mrs. Gingrich talked about an A Zone and a B Zone around the base of the mountain.

3) Mrs. Gingrich said a geological study was completed by an expert engineer and the conclusions of the study were founded on his expert opinion and no other engineers have done any other studies.

4) Mrs. Gingrich said there is another issue that has not been dealt with at all, she said the Township emergency management coordinator as testified that he has grave concerns about providing emergency service to those that live on the mountain. Mrs. Gingrich said that supervisor Decker expressed concern about getting a fire truck up the mountain to help someone. Mrs. Gingrich said the Township is at risk of not being able to provide emergency service when needed to those that build up the mountain.

5) Mrs. Gingrich cited Commonwealth court findings on how health, safety and welfare of the public are at risk due to slope issues. 6) Mrs. Gingrich said she will submit a written testimony to secretary Adams to be filed as public record and 7) Mrs. Gingrich said she would like board to consider putting the steep slope ordinance out for referendum just as chairman Cummings had suggested would be done with the trash ordinance when it is due for renewal.

7:59 PM-Mrs. G. Thomas Miller 108 Warrick Rd, Dillsburg, owns 300-acre farm on Water Street in the Township. Mrs. Miller said she is aware her property will get water from the mountain. Mrs. Miller said she would like to see the mountain put into a conservation area to preserve it. Mrs. Miller said anyone knows that any unnatural disturbance of the land causes issues. Mrs. Miller said take care of the mountain and preserve it.

8:03 PM-Steve Boyer 31 Bel Aire Dr., Dillsburg. Mr. Boyer said he has 110 acres of land on the mountain and he is free to clear cut as much of it as he wants. Mr. Boyer said the ordinance is stupid, water runs downhill, the solution is to contain or manage the water runoff. Mr. Boyer said he has no problem putting in a sizable retention pond to be able to build a home.

8:09 PM-Lon Strayer 60 Pine Street, Dillsburg, owns property in Franklin Township. Mr. Strayer said the ordinance was impacted to benefit a select few people in the Township. Mr. Strayer said he used to fight fires on the top of the mountain and fire equipment can be moved up the mountain. Mr. Strayer said the solution is to manage the water.

8:11 PM -Wayne Kober, 65 Brittany Lane, Dillsburg. Mr. Kober said he'd like to point out several concerns he has,

1) stormwater impact is being blatantly disregarded by the Board of Supervisors,

2) Commonwealth court found that Franklin Township is justified in adopting section 205 pertaining to steep slope to address the geological assessments of South Mountain affecting the health safety and welfare of its residents, began blatantly disregarded by the Board of Supervisors is proposing the amendment of the Franklin Township zoning ordinance,

3) the amount of public support or opposition to the proposed amendment is not well-known or well-documented, there has been minimal public information about the proposed amendments except at the Board of Supervisors meetings and Planning Commissions meetings and brief newspaper reports,

4) the Board of Supervisors has failed to provide any written documentation, studies, expert reports or testimony to justify the purpose for need for subject amendment particularly in light of the extensive contrary testimony from prior expert Township engineers and other geological experts each of whom have expressed concerns about the adverse consequences of building on steep slope, the Board of Supervisors is acting on the contrary to its own emergency management manager who has expressed grave concerns about the ability to provide emergency services located on steep slope,

5) Board of Supervisors is not provided any engineering or scientific studies to clearly show the known geological hazards the steep slope portion of Franklin Township known as South Mountain,

6) There's nothing short of prohibiting development on steep slopes in Franklin Township and other areas of steep slope in the Township to avoid litigation of steep slope impacts,

7) In addition to the adverse erosion and sediment solution due to stormwater impact by building roads and residential structures on steep slope areas and associated plateaus, permanent clearing of the forest vegetation may accelerate stormwater runoff and reduce water infiltration this will reduce groundwater recharge needed by the wells and streams at the base of South Mountain.

Mr. Kober said he had several requests to make to the board,

- 1) Board of Supervisors should table the adoption of subject ordinance pertaining to steep slopes,
- 2) Board of Supervisors should carefully read and discuss the documentation from the court cases pertaining to the steep slope ordinance to enhance their understanding of the science and engineering basis on safety, health and welfare justification before implementation of the ordinance,
- 3) Board of Supervisors should have an independent Geo technical engineering consultant firm assess changes, if any, of geologic hazards in Franklin Township portion of South mountain and other steep slope areas of the Township as mentioned, and prepare a report and advertise the availability of the report for follow-up review,
- 4) Board of Supervisors should, a) have the Township emergency management services conduct a review for the townships ability to provide emergency services to residents located on areas of steep slope 15% or greater, prepare a report and advertise the availability of the report for follow-up review,
- 5) Board of Supervisors should have an independent environmental engineering consultant conduct a verbal assessment of potential impacts if development is not restricted for residents living on South mountain, prepare a report and advertise the availability of the report for follow-up review,
- 6) Board of Supervisors should have the Franklin Township engineer **develop** a report of any and all **purposes** of the changes to the steep slope zoning ordinance and advertise the availability of the report for follow-up review,
- 7) Board of Supervisors should proceed with the adoption of the ordinance only if, the following conditions are met;
 - a) there is well-documented changes in geological hazards of the Franklin Township portion of South Mountain and other steep slope areas of the Township which justifies no longer prohibiting development,
 - b) there is a well-documented change in the ability to provide emergency services to Franklin Township portion of South mountain and other steep slope areas of the Township
 - c) environmental impacts of likely development on steep slopes portion of Franklin Township are well-documented and are able to be avoided minimizing mitigation by engineering services,
 - d) all residents of the Township are given the opportunity to review the geological hazard, emergency services and environmental documents and vote on a referendum on the adoption of the ordinance and the majority of the votes cast are in favor of the ordinance. Mr. Kober submitted a memo for the record.

8:19 PM-Ken Swomley 4 Franklinton Road, Dillsburg made some closing remarks, he said he believes that the ordinance is solving most of the problems that he's heard in the meeting.

8:24 PM-Kathleen Gingrich 1150 S. Mountain Rd., Dillsburg made closing remarks, she said testimony was previously heard from experts in the area of emergency management services, geological studies, Mrs. Gingrich said the experts have given their opinions and Board of Supervisors should consider those opinions when deciding. Mrs. Gingrich said the ordinance should be put to a vote by the residents of the Township and let the majority decide rather than 5 people.

8:28 PM-Dana Taylor 1034 S. Mountain Rd., Dillsburg Mrs. Taylor said she is a member of the Township planning commission and the committee has spent countless hours reviewing the ordinance. Mrs. Taylor said she has heard numerous times that there has been no engineering assist with the storm water runoff, she said this is not true. Mrs. Taylor named several types of options to managing storm water runoff. Mrs. Taylor said there are some simple options such as switchbacks and crowns, as well as options for porous conditions. Mrs. Taylor said that trap bags have been used for many years in places like Louisiana and Alabama where the bags have been used to hold back levees. Mrs. Taylor said that trap bag is no more than a burlap bag with sand and some stone inside it. This Taylor said all that is trying to be done is to level the playing field.

8:30 PM-Steve Boyer 31 Bel Aire Dr., Dillsburg Mr. Boyer said all he wants to do is build a home on his 110 acres on South Mountain and help other property owners. Mr. Boyer said he believes there should be a tax imposed on new builds and the money used to help residents living on chainsaw Road with storm water management, so they don't get washed out.

8:34 PM-at this time Chairman Cummings closed the public comment session of the meeting.

Motion was made by Chairman Cummings to close the public comment portion of the meeting.

Second by supervisor Ryan.

Discussion: there wasn't any discussion.

The motion carried.

Motion was made by supervisor Stonesifer to adopt ordinance 2018 – 3.

Second by supervisor Ryan.

Discussion ensued: Chairman Cummings said he has been working on this ordinance for over 2 years and has found some inconsistencies and some contradictions, in regard to the comment to emergency vehicles, part of this would be addressed through a conditional use hearing when the applicant comes before the board. Chairman Cummings said regarding the Boyer case where testimony was given in regard to emergency vehicle access not being able to aid due to depth and width of Lot access, he found there to be contradictory testimony. Chairman Cummings said regarding to the Belsavage testimony on the geology he found cases in surrounding areas on the subject. Chairman Cummings said he feels confident that the issues of storm water runoff on chainsaw Road were created before there was zoning under the SALDO. In regard to the **Balsavage** report there is no mention of silt or clay in his report, it's blank, the only thing it shows is gravel and sand, and based on where the samples were taken which is Welty Lane and Chainsaw Road. Chairman Cummings said samples that were taken from the washout on one report shows 71% sand and 28% gravel and on the other 82% sand and 18% gravel. Chairman Cummings said no one dug a hole to come up with that study.

Chairman Cummings said he made a comment regarding waste management being put to a referendum. Chairman Cummings said what he was getting at was that residents could come before the board to seek due process.

Chairman Cummings said regarding Mr. Kober's comments particularly pertaining to due process in the Boyer case at the variance hearing Mr. Kober's testimony reads, proposed construction of a residential dwelling and typical development will substantially change the scenic views of the forest Mountain land for several square miles, Chairman Cummings said it then goes on to say, climate change and global warming, the proposed construction of the residential dwelling and typical development will decrease the amount of Mountain Forest will decrease the amount of carbon dioxide taken by plants, Chairman Cummings said that it goes on to say, light pollution, the proposed construction of residential dwelling and typical development would generate nightlight in undeveloped Mountain forest area which is dark which will fundamentally alter the view of the mountain at night, and also alter the astronomical observations in the area. Chairman Cummings said he would like to know where any of what he read is in section 205 of the zoning ordinance. Chairman Cummings said what bothers him is that in the decision under item 13 it reads, if a variance is granted thereby allowing the construction of a residence the essential character of the Vista, neighborhood and characteristic of the district would be altered. Nowhere in the ordinance does it say anything about the view. Chairman Cummings said he finds this unfair to use in a decision when it's not part of the ordinance.

Chairman Cummings said YCPC has commented the ordinance is too restrictive but that he feels it's the fairest attempt yet.

Supervisor Ryan said he had no comments pertaining to the Ordinance.

Vice chairman Sprigg said he had concerns about certain verbiage not being adequate.

Supervisor Stonesifer said he had no comments.

Supervisor Decker said that Chairman Cummings and the planning commission have worked very hard on amending the ordinance. Supervisor Decker said the ordinance is site-specific which means it's also individual specific. Supervisor Decker said **she** had concerns pertaining to conditions set by a conditional use hearing may vary from one individual to another even though they may have similarities. Supervisor Decker said she would like to think that they would be across the board fair, but this doesn't always happen. Supervisor Decker said she feels everyone should get a fair shake, but it is her opinion that there is not enough documentation, she said the ordinance is subjective and not objective. She said the ordinance needs to say if you do 1, 2, 3, meet the requirements, then **you** can get approval.

Supervisor Ryan said you need to know who you're voting into office, vote on the individual's character and values when electing new officials in the coming years. Supervisor Ryan said hold these elected officials to the fire when they are making decisions make them follow the rules. Supervisor Ryan said the rules in the book need to be adhered to and if you're not going to follow and obey what's written in the book then do away with the book.

Chairman Cummings this vote is to adopt ordinance amending the Franklin Township ordinance 2018 – 3 to replace section 205 pertaining to steep slopes to eliminate the steep slope conservation overlay and replace it with site specific regulations to provide a definition of slope and steep slope to amend cross references to any zoning district to steep slope and to amend the zoning map to eliminate steep slope conservation overlay

Second by

Motion carried 3 to 2. Vice Chairman Sprigg and Supervisor Decker were the opposing votes.

OTHER BUSINESS

There was no other business.

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

A motion to adjourn was made by Supervisor Stonesifer at 9:14 p.m.

Second by Vice Chairman Sprigg.

The motion carried.

Respectfully submitted,

Teresa Adams,
Franklin Township Secretary