

FINAL

FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS
CONDITIONAL USE HEARING #2020-2 MINUTES
May 14, 2020 6:00 PM

ROLL CALL

PRESENT:

Chairman Kevin Cummings
Supervisor Mark Wenrich
Supervisor Brian Galbraith
Supervisor David Buckwash

Solicitor Bret Shaffer
Treasurer/Asst. Sec.
Pam Williams

ABSENT:

Supervisor Naomi Decker

CALL TO ORDER:

The May 14, 2020 Conditional Use Hearing (CUH) #2020-2 was called to order at 6:00 PM by Chairman Kevin Cummings. Mr. James Morrison, 610 Franklin Church Rd., Dillsburg, PA 17019 is applying for a Conditional Use under the Franklin Township Zoning Ordinance, Animal Husbandry, Section 202. The meeting was held at 150 Century Lane, Dillsburg, PA. For visitors in attendance, please see sign-in sheet.

PLEDGE OF ALLEGIANCE AND PRAYER

The Pledge of allegiance was led by Chairman Cummings.

CONDITIONAL USE HEARING (CUH) #2020-2 James Morrison, 610 Franklin Church Rd. for a cattle farm

Solicitor Bret Shaffer referred to the participant list of Engineer Phillip Brath, Pamela Williams, Treasurer/Assistant Secretary, Mr. Passano, Mr. Tim Stuffle, Mr. Wayne Kober, Mr. James Morrison and Mr. Wilbur Slothour from Land and Sea. Roxy Cressler, Stenographer, proceeded to swear in the above listed participants.

Pam Williams was sworn in and confirmed she placed the meeting advertisement on April 30, 2020 and May 7, 2020 and presented the advertisements as Exhibit #1 and Exhibit #2. Wilbur confirmed the property was posted on 4/30/2020 in accordance with the law. The Proof of Posting was Exhibit #3 and Exhibit #4 was the CUH Application as submitted by James Morrison. Solicitor Bret Shaffer gave the instructions for the meeting.

Attorney Alex Snyder is representing James Morrison who is requesting to raise beef cattle on the property at 610 Franklin Church Rd., Dillsburg, PA 17019 and is to be housed outdoors. He stated this use falls under Animal Husbandry. Attorney Snyder called James Morrison to the stand and he stated the following:

- He is requesting the use of the property to raise 20-25 Angus or Hereford beef cattle
- The cattle will be in the back of the house in one large and one small field. The small field is fenced.
- He will buy calves, fattened, and sold at market and will resell
- There will be no slaughtering or processing, breeding or housed in any of the buildings
- The water is adequate; there are two wells and there will be more than available feed
- The use is consistent with what is in the neighborhood. There is a horse stable, beef cattle and a dairy farm next to him.

Mr. Morrison said any changes to the property would be fencing in the large field and making it two fields to transfer cattle back and forth. Bret said if the use is approved and Mr. Morrison proposes to put up accessory structures and/or fencing, those would go through the Building Permit process. There is not a specific limit placed on the number of cattle because Animal Husbandry is looked at as to what the intensity of the operation is. There is a point that it becomes Agri-Business and that is handled through enforcement. Mr. Morrison said his intent is not to go into Agri-Business.

Applicant's Conditional Use Exhibit #1 was submitted as the engineer's drawing showing the shape, size, dimensions, etc. and was prepared by Site Design Concepts. It also addresses where the pastures are. It was noted to ignore any references to kennels.

Bret asked if there were any questions from the Board of Supervisors. Chairman Kevin Cummings answered no. Supervisor Mark Wenrich asked about breeding and asked if there is any intent to do that in the future. Mark also asked if Mr. Morrison needs a manure removal plan.

Supervisor David Buckwash noted in the ordinance under 416.C, it discusses management of manure and said he thought a manure removal plan was needed. Bret said that section addresses Commercial Livestock Operations and the application was submitted for Animal Husbandry. Alex responded that Commercial Livestock Operations references Agri-Business. With the intensity of 25 beef cattle on that size property all being housed outdoors, he stated he doesn't believe there are specific requirements for manure management under Animal Husbandry. Bret said the state of PA is pretty lenient with farming and rather than looking at policing a certain number of cattle as a condition, it would be on the applicant to make sure it doesn't become Agri-Business. The definitions of both were reviewed.

Discussion ensued on the acreage for the property. Mr. Morrison responded that the two adjoining farms are approximately 35 acres and there is a nearby dairy farm that has approximately 50 dairy cows. Supervisor Galbraith had no questions and Supervisor Decker was not present.

Phil stated every farm is to have a manure management plan and the County Conservation District deals with that. Wilbur from Land and Sea said he has been to the property and there were horses and cattle there previously so this use wouldn't be an issue. There are pastures common to both parcels. Mr. Morrison stated that no structure crosses the border of both parcels. Discussion ensued on using both parcels for pasturing. Bret stated it is out of the ordinary with two parcels being used. Alex said if that is an issue, a condition could be entered that the use is permitted as long as the parcels were kept together.

Mr. Morrison said one lot is oddly shaped (approximately 150 x 10) and it would be difficult to sell it as one lot. Bret said the difficulty is between both parcels being used by one owner for the cattle use vs. two owners allowing roaming between the two properties. Mr. Morrison said he has no intent to sell.

Chairman Cummings addressed and reviewed Zoning Ordinance Section 405, B.2 of Animal Husbandry and asked if the setbacks are met. Alex said the setbacks referred to are for buildings if the Animal Husbandry were indoors. Kevin withdrew his question. David addressed Section 416.B about Commercial Livestock Operations setbacks. It was noted it is not a Commercial Livestock operation as defined in our ordinance.

The audience of Mr. Wayne Kober, Mr. Passano and Mr. Stuffle were polled for questions for the applicant and there were no responses. The remaining audience was polled for questions and there were none. Wayne asked if there were any wetlands or streams on the property being used for cattle grazing. Mr. Morrison replied yes, it is the same stream used by the neighbors who have cattle on their properties. Wayne asked if Mr. Morrison was aware there was a stream at the eastern edge of the property which is the stream by the Stuffle property.

Wayne stated pasturing cattle on/in wetlands has a negative effect on them and Bog Turtles, known to be on the endangered list, are in wet pastures. Mr. Morrison stated the cattle will be fenced so they're pastured on dry land. Wayne asked if there is a fence row between the two parcels and Mr. Morrison stated there is not. It was stated this discussion was leaning more towards land development. Wayne said he was looking at the Flood Plan usage, Greenways, Wood Ducks, Deer, etc.

Mr. Passano who lives at 440 Franklin Church Road stated if crops are raised on this property and there are dairy farms and horse farms in the neighborhood as well as open fields, this use doesn't seem to him to be an unordinary request. He recommends that the applicant be allowed to use it as he is requesting. Kevin confirmed that Mr. Passano did not give input for the previous requested use of kennels.

Mr. Tim Stuffle at 625 Franklin Church Road lives directly across the street from the property and is in favor of the use and stated appropriate wetlands should be protected. The request was made for any other resident who wanted to participate by asking questions or presenting testimony. Mr. Keith Mitchell, 190 Lost Hollow Road was sworn in and stated he lives as the back of the property and Mr. Morrison's property adjoins his. He stated there are a lot of wetlands but is in favor of the use.

Engineer Phil Brath noted there are issues with that but there are limits to what the township can do. If wetlands are involved and if there is a problem, the York County Conservation District will become involved. Alex said that wetlands are not addressed in the Zoning ordinance when it talks about Animal Husbandry. Wilbur stated he had no concerns regarding floodplains when it deals with agricultural.

Kevin referred to Section III of the Zoning Ordinance which addresses Agribusiness vs. Animal Husbandry. He read the definition of Animal Husbandry and reviewed Mr. Morrison's intended use. He stated it meets the criteria for Animal Husbandry and the condition if a lot is not sold.

Chairman Cummings made a motion to grant the Conditional Use #2020-02 for Mr. James Morrison at 610 Franklin Church Road, York County Tax Parcel Numbers 29000LC0007C00000 and 29000LC0007000000 for Animal Husbandry, Section 202, Open Space zoning contingent on both parcels being owned by the same owner. He stated he is favor of the use for the site as a whole.

Second by Supervisor Buckwash

Discussion-discussion ensued on the fencing surrounding both parcels and it was questioned as to whether it would be a non-conforming use that was grandfathered in. Attorney Snyder said it is not a use and it has been grandfathered. Wilbur from Land and Sea said it was currently fenced.

The motion carried

A poll was taken on the votes: Chairman Cummings-yes; Supervisor Wenrich-yes; Supervisor Buckwash-yes and Supervisor Galbraith-yes.

A motion was made by Chairman Cummings to adjourn the Conditional Use Hearing #2020-02 at meeting at 7:57PM

Second by Supervisor Galbraith

Discussion-none

The motion carried

A poll was taken on the votes: Chairman Cummings-yes; Supervisor Wenrich-yes; Supervisor Buckwash-yes and Supervisor Galbraith-yes.

The meeting adjourned at 7:57 PM

Respectfully submitted,

Pamela Williams

Pamela Williams, Asst. Secretary