

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS  
CONDITIONAL USE HEARING MINUTES  
CUH2019-5  
October 24, 2019**

**ROLL CALL**

**PRESENT:**

Chairman Eric Stonesifer  
Supervisor Mark Wenrich  
Supervisor Michael Ryan

Engineer Andrew Reese  
Solicitor Bret Shaffer  
Secretary Teresa Adams  
Treas./Asst. Secretary Pamela Williams

**ABSENT:**

Vice Chairman Kevin Cummings  
Supervisor Naomi Decker

**CALL TO ORDER:**

**The October 24, 2019** Continuation of Conditional Use Hearing for Neil Weaver, 136 Twin Hills Road, Dillsburg, Pennsylvania.

**Conditional Use Hearing Case CUH2019- 5;** Franklin Township Zoning Ordinance 2016-1 Article 2 section 205 as amended by ordinance 2018-3 the applicant is requesting to develop in areas of “steep slopes” as defined in section 205.B.2.7 a slope fifteen percent or greater within 30’.

**Sworn in to give testimony were:**

Township Engineer Andrew Reese  
Barton & Loguidice  
3901 Hartzdale Drive, Suite 101, Camp Hill, PA 17011

Teresa Adams, Franklin Township Secretary  
10 East South Street, PO Box 82, Franklinton, PA 17323

Kathleen Gingrich, Resident  
1150 South Mountain Road  
Dillsburg, PA 17019

Wilbur Slothour and Janelle Slothour, Township Zoning Officer  
Land and Sea Services LLC  
1837 Heidlersburg Road, Aspers, PA 17304

Terry Sheldon, Applicant's Engineer

Neil Weaver, Applicant  
136 Twin Hills Road  
Dillsburg, PA 17019

**Entering of evidence:**

- Conditional Use Hearing Application CUH#2019-5 was submitted as **Twp. Exhibit 1.**
- Copies of the advertisements dated September 26, 2019 and October 3, 2019 were submitted as **Twp. Exhibit 2.**
- Copies of 4 photos of the property posting were submitted collectively as **Twp. Exhibit 3.**
- A copy of the Conditional Use Hearing Notice to appear which was mailed to the Applicant was submitted as **Twp. Exhibit 4.**
- A copy of the Conditional Use Hearing Notice mailed to adjoining property owners and a copy of the certified mail receipts were submitted collectively as **Twp. Exhibit 5.**

### **Opening remarks from the Twp. Solicitor:**

After requesting and receiving the evidence Solicitor Shaffer asked Zoning Officer Wilbur Slothour if he posted the property properly. Zoning Officer Slothour said yes, he posted the property correctly. Kathleen Gingrich asked if the photos of the property posting were time stamped and if so what date was on them. Solicitor Shaffer said they were time stamped with a date of October 17, 2019.

### **Testimony from the Applicant:**

- Engineer Terry Sheldon spoke on behalf of the Applicant, Neil Weaver
- The applicant would like to build an 839 sq. ft. garage addition and expand the current driveway by 829 sq. ft. , the project will be completed within 30 ft. of an area considered to be steep slope
- A copy of the building/site plan was entered as **Applicant's Exhibit 1.**
- Engineer Sheldon testified all plans and documents have been submitted showing the requirements of the ordinance have been met, including steep slope.
- Engineer Sheldon testified he completed the application submitted
- Mr. Weaver testified that he reviewed the application prior to it being submitted to the Twp., everything in the application was true and correct, the property conditions and the plans have not changed since the application was submitted to the Twp.

### **Questions from the Twp. Solicitor:**

- The Solicitor asked if the Zoning Officer had the opportunity to review the application, and as part of his review of the application, did he visit the site to perform an inspection of the proposed project, the Zoning Officer said, yes he did review and inspect the property.
- The Solicitor asked if the Zoning Officer found the application and site inspection to be in compliance with the Zoning Ordinance or did the Zoning Officer have concerns. The Zoning Officer said the application and inspection has addressed the requirements of the ordinance.
- The Solicitor asked if the application should be approved, is there anything additional the Zoning Officer would have a concern about. The Zoning Officer said no, there was nothing.

### **Questions from the Supervisors and others attending:**

- The Supervisors asked a question pertaining to the impervious area of SWM, if the 429 feet was sq. ft, Engineer Sheldon said it was cubic feet and included the existing area as well as the new area and there would be an infiltration pit that would be more than adequate to hold stormwater runoff.
- The Supervisors asked if the SWM area was to be a berm or pit, Engineer Sheldon said it was to be both. The pit will have a berm around it. Engineer Sheldon said the pit will have a stone filled bottom with a berm around it. Twp. Engineer Reese was filling in for Twp. Engineer Brath, Engineer Reese said the SWM plan has been reviewed and the plan is more than adequate to meet the requirements to contain stormwater runoff. Twp. Engineer Reese submitted a review letter from Engineer Brath which was entered as **Twp. Exhibit 6.**

### **Twp. Engineer remarks:**

- Pertaining to the infiltration berm, a silt sock should be installed to help with sedimentation control per the E&S plan requirements.
- Placement of the BMP is within the property setbacks and the Twp. Engineer would prefer to see it moved away from the setbacks approximately 5 to 10 feet or shaped differently so as not to interfere with the setbacks.
- A condition of the plan should be the placement of a note on the plan and in the Operations and Maintenance Agreement of the SWM "If the measures fail to maintain their designed intent, it is the property owner's responsibility to fix the issue within thirty (30) days"...
- Try to have work completed or stabilized prior to winter.

### **Additional Testimony from those attending:**

- There were no adjacent property owners present to testify.

- Testimony was given pertaining to section 205.E and 205.G.10 of the zoning ordinance, both state that the building design criteria will be addressed and all specific information will be provided, this information should have been provided with the building permit but upon her review she did not see that it was submitted.
- Testimony was also given pertaining to section 205.H.3 provides that “no change in existing topography which results in a slope greater than the predevelopment condition may be located within 25 feet of a neighboring property.” The testimony included that the plan does not comply with this requirement as it is indicated on the plan that the slope is located less than 25 feet from the property boundaries.
- More Testimony was given pertaining to section 205.G.3 “that the abutting property shall not be adversely affected by run-off or erosion from the proposed use and measured by existing conditions including rate, quality, volume and dissipation of water.” Testimony included that the plan does not show measures are being taken to uphold this section of the ordinance.
- Testimony was given pertaining to the advertising of the hearing not properly being done and the posting of the property was not properly done as the signs indicated the wrong type of hearing was being held.
- A copy of a photo of the “Zoning” sign was submitted as **Exhibit 1**, a copy of the newspaper advertisement dated 9/26/19 was submitted as **Exhibit 2**, a copy of the newspaper advertisement dated 9/26/19 was submitted as **Exhibit 3**, email to Twp. Solicitor dated 10/15/19 was submitted as **Exhibit 4** and a second email from the Twp. Solicitor dated 10/15/19 was submitted as **Exhibit 5**, the Twp. Solicitor said these exhibits would be labeled as **Gingrich Exhibits 1-5**.

#### **Executive Session:**

The BOS went into Executive Session at 6:35 p.m.

The purpose of the session was to deliberate on CUH case 2019-5

The BOS reconvened at 6:48 p.m. with a decision.

#### **Decision:**

##### **Chairman of the BOS comments:**

Prior to rendering the decision Chairman Stonesifer said the Exhibits submitted as Gingrich Exhibits 1-5 will not be accepted into record as Mrs. Gingrich is not an adjoining property owner.

**A motion was made by Chairman Stonesifer** to grant the conditional use for CUH#2019-5 with 4 conditions:

**Condition 1** the applicant shall get approval from the Township engineer for final placement of the BMP prior to issuing the stormwater permit.

**Condition 2** the applicant shall complete all work within one construction season which shall not include the winter and shall maintain all E&S controls during the construction process.

**Condition 3** regarding the operations and maintenance agreement, if the measures fail to maintain their designed intent, it is the property owner’s responsibility to fix the issue within 30 days. If the property owner fails to correct the issue within 30 days, Township may make the repair and bill property owner.

**Condition 4** pertains to section 205.H.3, “no change in existing topography which results in a slope greater than the predevelopment condition may be located within 25 feet of a neighboring property.” This needs to be adhered to.

**Second by** supervisor Michael Ryan.

**Discussion:** a discussion ensued on the construction season not including over the winter. It was discussed that the 1<sup>st</sup> day of winter falls on December 21<sup>st</sup>.

**The motion carried.**

#### **Adjournment:**

The record for CUH2019-5 was closed by Chairman Stonesifer at 6:51 p.m.

Respectfully submitted,

Teresa M. Adams, Secretary  
Franklin Township York County