

**FINAL**

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS (BOS)  
CONDITIONAL USE HEARING #2022-5 MINUTES  
August 10, 2022 6:00 PM**

**ROLL CALL:**

**PRESENT: All Present**

Chairman Mark Wenrich, Vice Chairman Dave Buckwash, Supervisor Duane Anthony, Supervisor Naomi Decker, Supervisor Dave Christensen, Treasurer/Asst. Secretary Pamela Williams, Engineer Phil Brath, Solicitor Bret Shaffer, Zoning Officer Wayne Smith, Secretary Traci Kauffman

**ABSENT:** Stenographer Roxy Cressler

Solicitor Brett Shaffer asked before the proceeding if it would be okay to use the Zoom recording as the record due to the fact that the stenographer was not present. Mr. Guiher agreed.

**CALL TO ORDER:**

The August 10, 2022, Conditional Use Hearing, CUH2022-5 for Shawn Anderson and Brittany Stouffer for the property at 153 Chainsaw Road, Dillsburg, PA, was called to order at 6:06 pm by Chairman Mark Wenrich. The meeting was held at 150 Century Lane, Dillsburg, PA and via Zoom. For visitors attending via in-person attendance, please see the attached sign-in sheet. The application was submitted under Zoning Ordinance Section 205 Steep Slope.

Solicitor Bret Shaffer gave an overview of the hearing rules.

Treasurer/Notary Pam Williams swore in all parties who would be testifying. She swore in Secretary Traci Kauffman, Zoning Officer Wayne Smith, Engineer Phil Brath, Secretary, Shawn Anderson and Brittany Stouffer-4 Stoney Run Road, Brandon Guiher-KPI Technology, John Prato-120 Chainsaw Road, Craig and Linda Warner-129 Chainsaw Road, Kevin Anderson-553 Saw Mill Road, Mechanicsburg, PA, Scott Emerson 155 Chainsaw Road, Bruce and Brenda Sheaffer-135 Chainsaw Road, Kevin Cummings-109 Chainsaw Road, Fred Bruno-146 Chainsaw Road, John Myers-600 Laurel Run Road, and Wilmer Price-157 Chainsaw Road.

Secretary Traci Kauffman presented Exhibit 1, the first advertisement placed in *The Dillsburg Banner* on July 21, 2022; Exhibit 2, the second advertisement placed in *The Dillsburg Banner* on July 28, 2022; Exhibit 3, picture of the posting on August 3, 2022, provided by Zoning Officer Wayne Smith; and Exhibit 4, the application and any paperwork attached to it at the time it was submitted to the Township; Exhibit 5, certified letters to the Adjacent Property Owners, Exhibit 6 the Township Zoning Ordinance as amended by Exhibit 7 which is the steep slope provision, Exhibit 8 all parties in attendance and Exhibit 9 the sign-in sheet.

Brandon Guiher, Consulting Engineer spoke on behalf of Shawn Anderson and Brittany Stouffer who would like to build a new residence on a little less than 8 1/2 acres located on the South side of Chainsaw Road. Mr. Guiher presented an updated plan to place in the record-Applicant 1. The lot was created by subdivision in 2004. The revised plan was created to minimize the impact on the Steep Slope areas. Tentatively approved septic system will be moved closer to the road and staying completely out of the 25% steep slope. The layout shows the house location, driveway, stormwater area, infiltration

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berm and the well. Total proposed impervious surface is 4,215 square feet for the driveway and the house. Proposed limited disturbance of approximately 13,000 square feet, which is well under an acre as far as NPDES. The property would require a Miner Stormwater Management Plan. The red areas are the 25% steep slope, and the yellow areas are the 15 to 25% steep slope. Discussion ensued regarding the amended plan.

Kevin Anderson explained that they applied for a septic permit to relocate the system. After conferring with Dillsburg Septic and Gary Morrow this system was approved. Leonard Sizer, LLC designed a system and measured from where it was staked out and the location of the system on the plan may not be in the exact location because this was still being worked on. The packet of information from Leonard Sizer, LLC will be Applicant Exhibit 2. There are three areas that are approved for a septic system on this property. Discussion ensued.

Engineer Brath stated several observations and concerns he had regarding the plan that was provided with the application. The location of the driveway is going through the steep slope. The location of the Stormwater has an area going through the steep slope. On the plan the house is sitting back and not as close to the road as it could be. Several of the issues were addressed with the amended plan provided. The Stormwater must go through the standard process, not the simplified approach, because of the steep slopes. The driveway does go through 25% steep slope and in the past we have made other residents apply for a Zoning Variance. Discussion ensued regarding where the house was to be built and if it would be built into the slopes. There is no grading around the house indicated on the plan. The grading is needed on the plan to show that no additional slopes will be recreated beyond 15% or 25%. Mr. Guiher indicated any slopes created would be less than 4 to 1.

A question was raised as to where the well was in regard to any other properties. The property to the East is vacant. The sand mound will be more than one hundred feet from the neighboring property on the West. Discussion ensued.

Zoning Officer Wayne Smith had no concerns regarding the setbacks and the frontage of 203 feet for the driveway.

Solicitor Brett Shaffer indicated he asked before the proceeding if it would be okay to use the Zoom recording as the record due to the fact that the stenographer was not present. Mr. Guiher agreed.

### **PUBLIC COMMENTS:**

Mr. Bruce Sheaffer from 135 Chainsaw Road commented that there is sand mound on that corner, and he is not sure what has been designed for the run off. To the left the creek is located. His inground pool is located near his sand mound and right next to that is his house. His property has five drains built in the ground and a swale for water drainage. He is requesting that the run off is not be directed toward his property. Mrs. Brenda Sheaffer reiterated the comments her husband made regarding their property. Mr. Guiher responded to Mr. Sheaffer by indicating there is a 50-foot front set back from the front of the house and is why the house is placed where it is. The intent is to bring the drainage over to the berm that is proposed for management of the stormwater. Discussion ensued.

It was noted that there was no Erosion and Sediment Plan, Stormwater Management Plan with supporting evidence or proposed modification to existing topography and existing vegetative cover. These items are the applicants responsibility and are required with a Conditional Use for Steep Slope. A decision cannot be voted on and will need to be denied. It was suggested that the fee of having another hearing could be waived but that would be up to the BOS upon submission of another application.

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Kevin Cummings of 109 Chainsaw Road spoke regarding the steep slope ordinance and notifying the adjoining property owners so everyone can have their day in court. He indicated that steep slope used to be 25% and he helped change it to 15% so more individuals could build in areas that might otherwise be unbuildable.

Wilmer Price of 157 Chainsaw Road indicated he has lived on that land since 1996. He indicated where the sign is that announced the hearing is a channel and when it rains that channel flows for days after and that should be taken into consideration.

Fred Bruno of 146 Chainsaw Road questioned where the driveway would be because he indicated he owns a pie shaped piece of land, and the driveway would be going through his land. The BOS indicated that Mr. Bruno should check his deed and it would be between him and the KPI Surveyor.

John Myers of 600 Laurel Run Road indicated that the area to be built in is very unusual. He thanked the BOS for reviewing everything so carefully and indicated that the surrounding neighbors are willing to collaborate with the applicants and welcome any good neighbors.

**A motion was made** by Chairman Mark Wenrich to deny CUH2022-5 based on the lack of information provided.

**Second** by Supervisor Dave Buckwash.

**Discussion:** There was no discussion.

**The motion passed.**

**A motion was made** by Chairman Mark Wenrich to adjourn at 7:05pm.

**Second** by Supervisor Duane Anthony.

**Discussion:** There was no discussion.

**The motion passed.**

Respectfully submitted,

*Traci R. Kauffman*

Traci R. Kauffman, Secretary  
Franklin Township York County