

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS (BOS)
CONDITIONAL USE HEARING #2021-04 MINUTES
August 11, 2021 6:00 PM**

ROLL CALL:

PRESENT:

Chairman Mark Wenrich
Vice Chairman Brian Galbraith
Supervisor David Buckwash
Supervisor Naomi Decker
Supervisor David Christensen

ABSENT:

Engineer Phil Brath
Solicitor Bret Shaffer
Treasurer/Asst. Secretary Pamela Williams
Zoning Officer Jeff Gardner

CALL TO ORDER:

The August 11, 2021, Conditional Use Hearing, CUH2021-04 for James Natale for the property at 207 Stone Head Road, Dillsburg, PA, was called to order at 6:15 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. Zoom participants were Jeffrey and Melissa Devine, 216 Stone Head Rd. and Lois Natale from 227 Stone Head Rd.

The Stenographer was not present due to a township notification omission. Solicitor Bret Shaffer stated if the applicants are available and consent to proceed without a Stenographer, the hearing can take place. Solicitor Shaffer inquired if anyone had a problem with not having a Stenographer and nobody objected. He stated if there is an issue in the future, the Stenographer can transcribe from the Zoom recording which will serve as the official record and everyone in attendance agreed.

Treasurer/Asst. Secretary Pam Williams is a Notary and is authorized to swear in all parties who would be testifying since the Stenographer was not in attendance. The following were sworn in: Engineer Phillip Brath, Zoning Officer (ZO) Jeff Gardner, Treasurer/Asst. Sec. Pamela Williams, Jim Natale, Lois Natale and Jeffrey and Melissa Devine.

Treasurer/Asst. Secretary Williams presented Exhibit 1, the first advertisement placed in The Sentinel for CUH2021-04 on July 28, 2021; Exhibit 2, the second advertisement placed in The Sentinel on August 3, 2021; Exhibit 3, pictures of the posting on August 7, 2021, of CUH2021-04 provided by Jeff Gardner, ZO; Exhibit 4, being the application and any exhibits attached to it at the time it was submitted to the Township office and Exhibit 5, Township Zoning Ordinance all provisions thereof as amended.

Mr. James Natale is proposing to put up a 40 x 64 accessory structure to be used for storage of antiques/car collection.

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Solicitor Shaffer asked if it's a garage for personal use and will not be used for a commercial operation or a business; Mr. Natale responded that the intended use is personal. Solicitor Shaffer inquired as to how many stories the structure would be, and Mr. Natale indicated it will be one story with a loft. Solicitor Shaffer questioned what the dimensions would be and Mr. Natale replied it would be 64 feet in width and 40 foot in length. He stated the garage door will be on the long side and the height is approximately ten feet for the first story and another nine feet to the peak of the roof for a total of 19 feet. There will be three garage doors however the number of bays were not clarified. Solicitor Shaffer inquired if there would be electric, septic or water. Mr. Natale indicated currently there are no plans for water or septic but could be a possibility in the future and there will be electricity.

Solicitor Shaffer questioned Zoning Officer (ZO) Jeff Gardner regarding setbacks. ZO Gardner stated he completed all inspections regarding setbacks, perimeters, and the stake out and said all perimeters are okay and the setbacks meet the zoning requirements. Solicitor Shaffer inquired about the impervious surface. ZO Gardner indicated the lot is three acres, about 132,000 square feet, and 7,700 odd square feet. He verified existing and proposed impervious areas and the total equals 6% with the allowable being 25%. Solicitor Shaffer asked if his observations demonstrated this accessory building is consistent with the community and surrounding use and ZO Gardner indicated it is. Solicitor Bret Shaffer asked Mr. Natale if there were any other structures besides the residence on the property and Mr. Natale indicated there wasn't. Solicitor Shaffer inquired about the existing detention basin on the lot and Mr. Natale said that is for stormwater for the development; it's like a pond because it is always filled with water. Solicitor Shaffer questioned if the new structure would need a new driveway and Mr. Natale indicated it would not. Mr. Natale said the new structure will be used as a display area.

Mr. Jeff Devine inquired about the five other structures housing animals and indicated the satellite photo provided was out of date. Solicitor Shaffer asked Mr. Natale about the number of other structures on the property. Mr. Natale verified there is a one chicken coop and fencing for other animals. He stated the enclosed portion of the chicken coop is approximately 6 x 10. Solicitor Shaffer asked ZO Gardner if he had any concerns regarding any of the other structures and the effect on impervious area. ZO Gardner indicated that he is not concerned about the other structures changing the amount of impervious surface and is aware of other agricultural structures at the rear of the lot. He stated those structures are on a separate lot at the back of the home. Mr. Devine indicated confusion with the 6% impervious zoning due to there being two lots. The lot behind them is three acres and wooded. He indicated there are four structures alongside the detention pond and they are right behind the house. Solicitor Shaffer indicated that he was not aware of the other structures and if there are other structures and the proper approvals haven't been obtained, they could be subject to zoning enforcement. This hearing is on the application for this use. Solicitor Shaffer inquired if the applicant had any other comments in support of this application; Mr. Natale had none.

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Supervisor Wenrich inquired where the water run-off for the new building would go. Mr. Natale indicated depending on each corner, the water run-off would be on top of a hill, with the swale to the right on the proposed photo. The downspouts would be to the rear of the lot and some along the backside of the house towards the detention pond. Supervisor Christensen inquired what is to be stored in the building and Mr. Natale indicated it would be cars and antiques. Chairman Wenrich inquired asked about additional traffic, commercial value, and if it would be retail or resale, or just private use. Mr. Natale indicated it was for private use only. Supervisor Naomi Decker asked about the hill and what the slope is on the property is. Mr. Natale indicated it's relatively flat and is a hill that was put in when they graded the property. This was to create a swale to keep the water flowing towards the creek and woods and also, for the street water runoff to flow towards the detention pond. Chairman Wenrich asked ZO Gardner if he had concerns regarding any other structures. ZO Gardner indicated the only structure he saw was the chicken coop, but he could return to the property to check for other structures to confirm. The satellite photo was deemed an old photo. Supervisor David Buckwash inquired as to where the chicken coop was located. Mr. Natale indicated it was located along the edge of the basin, at 19C on the photo. Supervisor Buckwash stated he was referring to another satellite picture. Mr. Natale indicated there is the old chicken coop right next to the new one, but it is not used.

Mr. Devine indicated there are three other structures next to the chicken coop housing cows, ducks, and some other animals and are in a line near the detention pond. Solicitor Shaffer indicated there is no limit to accessory structures. However, if there are not permits for those other structures that is another issue. Mr. Devine said according to their deeds, that when you have an accessory building in this community the covenant indicates they are to blend in with other structures. Mr. Devine stated he was confused as to the proposed location of the accessory building and Solicitor Shaffer indicated there is a sketch plan attached to the application. Solicitor Shaffer indicated to Mr. Devine that the reason for the hearing was to determine whether it fits the township Zoning Ordinance, and the BOS will not approve or disapprove it based on violations of the Homeowners Association covenant or restrictions on the property. The restrictions from the covenants aren't enforced by the township.

Mr. Jeff Devine indicated that when the township took ownership from Mr. Fox it became the township's responsibility to enforce those covenants. Engineer Phil Brath indicated that is not the case. Solicitor Shaffer indicated it would be Mr. Jeff Devine's responsibility to enforce the covenant. Solicitor Shaffer said if Mr. Devine is interested in pursuing the covenant rules or violation of the covenant, he should seek advice from an attorney. Mr. Jeff Devine brought up several other concerns. Supervisor Buckwash reiterated the issues Mr. Devine is raising are not enforced by the township. Mr. Devine then inquired about other issues and Solicitor Shaffer indicated that this specific application was only to determine if it complies with zoning and any other environmental, state, or federal regulations are not part of this process. Mr. Devine inquired about the location of the garage and the effect on drainage.

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Engineer Brath Indicated that placement of the garage has been adjusted and the drainage issue was already discussed. Engineer Brath explained it to Mr. Devine again and informed Mr. Devine that the building is proposed for the back of the property. Chairman Wenrich inquired if Mr. Natale has, pigs, ducks, and goats and Mr. Natale indicated he does, they are for personal use and will not be housed in the accessory building. Engineer Phillip Brath indicated he submitted a stormwater plan and that he has one concern that eventually a driveway may need to be put in. He indicated that another stormwater plan would need to be filed if a driveway is put in.

There were no further questions from the BOS, or other neighbors or residents asked any questions.

A motion was made by Supervisor Christensen to approve the conditional use CUH2021-04 application with all evidence as presented at this meeting.

Second by Supervisor Buckwash

Discussion: Supervisor Decker inquired if there should be a condition on this conditional use if there is any other stormwater to be done. Solicitor Bret Shaffer said they would need to comply with the Stormwater Ordinance, and he would have to comply whether there is a condition added to this use or not. It does not have to be stated per Solicitor Shaffer.

The motion passed.

A motion was made by Supervisor Buckwash to close the CUH2021-04 hearing.

Second by Supervisor Christensen.

The motion passed.

The hearing adjourned at 6:40 PM

Respectfully submitted,

Pamela Williams

Pamela Williams, Treasurer/Asst. Secretary
Franklin Township York County