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**FRANKLIN TOWNSHIP YORK COUNTY PA
BOARD OF SUPERVISORS (BOS)
CONDITIONAL USE HEARING #2023-1 MINUTES
February 8, 2023 5:30PM**

ROLL CALL:

PRESENT: Chairman Mark Wenrich, Vice Chairman Dave Buckwash, Supervisor Naomi Decker, Supervisor Duane Anthony, Supervisor Kevin Cummings, Stenographer Roxy Cressler, Treasurer/Asst. Secretary Pamela Williams, Engineer Phil Brath, Solicitor Bret Shaffer, Zoning Officer Wayne Smith, Secretary Traci Kauffman

CALL TO ORDER:

The February 8, 2023, Conditional Use Hearing 2023-1 for applicant Todd & Lori Mainhart for their property at 300 Stephanie Drive, Dillsburg, PA, was called to order at 5:30 pm by Chairman Mark Wenrich. The meeting was held at 150 Century Lane, Dillsburg, PA. For in person visitors, please see the attached sign-in sheet. The application was submitted under Zoning Ordinance 2018-3, Section 205.B.7 Steep Slope and 202.C.1 construction of an accessory building 1,000 square feet or larger.

Solicitor Bret Shaffer gave an overview of the hearing rules.

Stenographer Roxy Cressler swore in Secretary Traci Kauffman, Engineer Phil Brath, Todd & Lori Mainhart-property owners, Barbara Cobb & Steve Cobb-408 Little John Road, Alison Madison-123 St. George Drive, Zoning Officer Wayne Smith, Joshua Hertzberger-406 Little John Drive, Deloris Wetzell-402 Little John Drive, Joe Burget, Jr.-Burget & Associates-Consultant.

Secretary Traci Kauffman presented Exhibit 1, the first advertisement placed in *The Dillsburg Banner* on January 19, 2023; Exhibit 2, the second advertisement placed in *The Dillsburg Banner* on January 26, 2023; Exhibit 3, picture of the posting on January 30, 2023, provided by Zoning Officer Wayne Smith; and Exhibit 4-two applications: one application is dated January 3, 2023 and the revised one is dated January 6, 2023, the application and any paperwork attached to it at the time it was submitted to the Township; Exhibit 5 Zoning Ordinance, Exhibit 6 certified letters to the Adjacent Property Owners.

Consultant Joe Burget from Burget and Associates submitted the original application for steep slope, and the Township staff informed them of the necessity of the conditional use for the accessory building thus creating the revised application. Two different items will be considered at this meeting.

The first item is steep slope disturbances within 30 feet of a steep slope and the second item will be an accessory pole barn over 1,000 square feet in size. It will be 40 feet by 80 feet.

Applicant Exhibit 1 is a tax map indicating where the property is and that it is about 24 acres in size. Applicant Exhibit 2 is the same map just enlarged. Applicant Exhibit 3 is the Township Zoning map and shows that it is Open Space. All properties going up (West) Stephanie Drive and throughout Sherwood Forest development are zoned residential (R). Above (Northwest of) the development including 300 Stephanie Drive becomes Open Space zone (O). A Steep Slope exhibit is within the packet as Exhibit 4 and shows the proposed driveway. There are two shaded areas and to the left (West), the larger yellow shaded area will be the house and to the right (North) the orange shaded area will be the pole building. All red outlined areas represent the steep slope, and the blue dashed-line represents the 30-foot

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required buffer from the steep slope area. In trying to stay out of the blue area (slope buffer) the house has been moved forward (Southeast) on the property. However, the house is on a small hill that is steep slope and is about 25 feet x 25 feet. The proposal is to put a swale between the house and neighboring properties to catch the stormwater and send it down to the stormwater berm (small basin) to capture it. The run off from the pole building water will be sent to the same place. In trying to stay away from the hillside steep slope, the house was moved Southeast, however, a majority of the house is still in the buffer. That is because of the 25 x 25 area that is a knob that is nearly centered on the house is steep slope, too. Discussion ensued regarding what the knob or depression is. Mr. Burget indicated the area is a depression and is likely a leftover from the previous grading performed in the area. A portion of the pole barn is also in the buffer. The septic system is shown on the plan and the well will need to be more than 100 feet from the septic. Engineer Phil Brath commented to the East of the house and pole building the slopes are 3:1 by the house which creates a 10 feet rise and creates a 33% steep slope in that area. The pole barn is also a 3:1 or 33% slope which creates 12 feet rise. Discussion ensued regarding the creation of steep slopes and allowed grading of 3:1 up to the point it becomes defined steep slope. Retaining walls will be needed to comply with our zoning ordinance. Stormwater planning appears to be satisfactory but is not approved yet. It appears consistent with the requirements but will need to be approved prior to issuance of a permit. The only issue is the change of a slope near a property line. Within 25 feet of a property line there is to be no slope change, therefore the toe of the stormwater berm will have to be moved to 25-feet from the East-Southeast property line. Proposed slope protection will be matting on anything greater than 3:1, the rest will be grass. This will be an NPDES permit, and the Conservation District will need to approve the plan. Discussion ensued. ZO Wayne Smith indicated everything for the zoning is correct. Discussion ensued regarding that there used to be mines and shafts on that property. The property owners are aware of the mines. A study, named *Apple Blossom Estates Report on Mining and Exploration* dated November 2005 was done for Johnston & Associates {by GEO-Technology Associates, Inc.}. The applicants acknowledged they were aware of the study. At the North end of the house, the mountain side will drain South down to the driveway and be diverted to the East going down toward the stormwater facility. Discussion ensued.

Questions were taken from the public. Steven Cobb raised concerns about the size of the pole barn, the water run-off and if property values would decrease. The zoning map that is part of the Township ordinance was presented to clarify his concerns. Deloris Wetzel voiced concerns regarding the run-off with the stormwater management plan and how well it will work. Discussion ensued. Deloris Wetzel asked what "Open Space" means. It was explained. Joshua Hertzberger inquired regarding the sand mound placement due to where it will be placed. There will be a swale placed for the run-off. Discussion ensued. Barbara Cobb inquired if, upon the excavation, if there will be further erosion. The applicant indicated the swale will direct all of the run-off away from the already eroded areas. She also asked if due to the logging will there be mudslides and more erosion? Applicant stated the E & S plan should take care of that and if it doesn't, the Conservation District and the Township will require the property owner to improve the situation. Alison Madison inquired if the well was drilled yet and how it would affect anyone downhill. The well has not been drilled. Discussion ensued. The Township has no control over wells. The accessory structure will have electric but no water or sewer. It will be one story with no loft, the height is 14 feet to the peak. The applicant stated the building will not be used for business and will be for personal use only.

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Comments were taken from the public. Barbara Cobb wished to express her concerns of what issues could come up from this property being above theirs. Deloris Wetzel commented on her concern of the steep slope and the stormwater system not working. The Solicitor indicated it depended on if it created a danger to the health, welfare, and safety of the residents, or did not comply with an ordinance. If it is a dispute between neighbors, the Township does not get involved. Mr. Burget indicated that there will be a DEP NPDES permit that will require them to maintain their stormwater facilities according to that permit. Engineer Brath indicated that is true.

Executive Session

The BOS entered into Executive Session at 6:38 p.m. and returned at 6:51 p.m..

A motion was made by Supervisor Kevin Cummings to approve Conditional Use Hearing 2023-1 for 300 Stephanie Drive with the conditions that no new steep slope is created downslope of the proposed pole building and home, that no step slope is created above 15% slope, and whatever corrective measure need to be done, either by grading or building retaining walls, that would be required.

Second by Vice Chair Dave Buckwash.

Discussion: There was no discussion.

Opposed: Supervisor Naomi Decker due to the water issues.

The motion passed.

The transcript is available, and you would need to put in a request to our Stenographer.

A motion was made by Chairman Mark Wenrich to adjourn at 6:53p.m.

Second by Vice Chair Dave Buckwash.

Discussion: There was no discussion.

The motion passed.

Respectfully submitted,

Traci R. Kauffman

Traci R. Kauffman, Secretary
Franklin Township York County