

**Franklin Township, Adams County  
Board of Supervisors Workshop Meeting  
April 18, 2019**

**SUPERVISORS PRESENT:** Chris Santay, Henry Crushong, Jr., and Matt Williams

**OTHERS PRESENT:** Bernie Yannetti, Solicitor, Gil Picarelli, KPI Technologies, Wilbur Slothour, Land and Sea Services, LLC, Susan Plank, Secretary/Treasurer and Curtis MacBeth, Roadmaster

The workshop, held at the Franklin Township Municipal Building, was called to order at 7:00 p.m. by Supervisor Crushong.

**Mr. Jeff Richards – 2730 Chambersburg Road**

Mr. Richards was represented by his Attorney, Mr. John Murphy and Bob Sharrah from Sharrah Designs. Mr. Murphy addressed the Board of Supervisors noting that they were here concerning the Land Development plan for Mr. Richards and they were looking for some guidance concerning the Land Development Plan. There was much discussion about the impervious surface in Village Overlay. One option is to go before the Zoning Hearing Board and ask for a variance, which is unlikely to be obtainable. The second option is to purchase another property which is adjacent to 2730 Chambersburg Road that would allow Jeff Richards to use the green space on this property. With purchasing this property Mr. Richards would now have two tracts of land that the impervious surface could be calculated to get under the Village Overlay requirements. Supervisor Santay asked Mr. Richards how big the parcel was. Mr. Richards thought it was an acre half to two acres. Mr. Richards also informed the Board that it is nothing but grass with house and a little patio. Mr. Murphy said that this is one option that could work but would the two parcels need to be combined. Supervisor Santay informed Mr. Murphy that his opinion was that yes, they would but he would ask the Township Engineer and Solicitor for their expertise on the matter. Gil Picarelli, KPI Technologies informed Mr. Murphy and Mr. Richards that they would need to be combined or there would need to be an agreement that the parcels could not be sold separately and then there would not need to be consolidation subdivision of the two parcels. Mr. Murphy informed the Board that they could have two (2) tracts on one deed and then an agreement that neither tract could be sold separately without the Township approval. Supervisor Williams asked Bob Sharrah what calculation does he come up with for the impervious surface if the Township agrees to such an agreement? Mr. Sharrah informed the Board that he has not checked it exactly. Supervisor Santay questioned that Mr. Richards was at 78% impervious surface at this time and needed to be at 45% for Village Overlay. Mr. Richards informed the Board that it would more than double his coverage. Mr. Sharrah said it would get it a lot closer to the 45%. Supervisor Williams informed Mr. Jeff Richards that they needed the calculations before Mr. Richards goes and buys something that is not going to get him close to where he should be. Mr. Richards asked the Board for their okay and Supervisor Williams informed Mr. Richards that they cannot give the okay without the calculations. Supervisor Williams informed Bob Sharrah that the Board would need his numbers and would need Gil Picarelli of KPI Technologies to confirm those numbers, which Bob Sharrah said that he understood. The parcel behind 2730 Chambersburg Road is zoned Village Overlay. Mr. Richards asked why he could not be grandfathered in as commercial from years ago. Solicitor Murphy asked that if they go before the Zoning Hearing Board and ask for a variance is that something that the Board would support. Township Solicitor, Bernie Yannetti, informed Mr. Murphy that the Supervisors can send their Solicitor to participate on behalf of the Township but they have no say at the Zoning Hearing. Mr. Battersby is the Solicitor for the Zoning Hearing Board, the burden that was previously mention exist; Solicitor Yannetti thinks that it will be

tough to overcome, the hardship was brought on by Mr. Richards, himself. In Solicitor Yannetti's opinion he does not think that they would have any success in going before the Zoning Hearing Board. Solicitor Yannetti informed Mr. Richards that if the commercial use has lapsed for over a year then the grandfather clause is lost. Solicitor Yannetti informed Jeff Richards and his Council to have Bob Sharrah work the calculations and if they are close then his thoughts are the Township will work with Mr. Richards as long as he is close to the percentages. Wilbur Slothour, Land & Sea informed the Board that on the previous Zoning Map the parcel was Zoned Residential. Supervisor Williams asked Susan Plank, Secretary to pull the previous map to show that it was zoned commercial. Susan Plank pulled the map but it shows that it was zoned residential. Wilbur informed everyone that it is a non-conforming use and that in the Zoning Ordinance Section 175-78 E which reads "Extension or enlargements of 2,000 square feet or greater to an existing nonconforming use or structure must be approved by the Zoning Hearing Board in the form of a Special Exception application. Wilbur Slothour commented that he did not know whether this would help or not. Solicitor Yannetti informed Mr. Richards that his attorney, Mr. Murphy, could explain the nonconforming use and that this may be a way to get it to go through. Mr. Richards informed everyone that he did not feel he should go before the Zoning Hearing Board and that he thought that everyone could come to some kind of agreement this evening. Solicitor Yannetti informed Mr. Richards that that was not going to happen without the necessary information needed for the impervious surface. There was much discussion about the percentage of impervious surface in Village Overlay which is defined as having a residence on top of a building and a little shop below (mom and pop store). Mr. Murphy informed the Board that they have some options and ideas from the Board that they will take under advisement. They will look at some calculations and other options and get back with the Township. Jeff Richards asked the Board what was the possibility of changing to Commercial and the Board told him that there was no chance of changing the zoning. Mr. Richards informed the Board that the parcel in front of him was talking about opening a convenience store. Supervisor Santay asked Wilbur Slothour if he has received a permit for this and Wilbur's reply was "no". Jeff Richards wanted to go over the letter that he received from the Township, the impervious surface and driveway permit. The driveway permit was tabled since the impervious surface item came up in September 2018. Supervisors agreed that the existing pipe could stay to see how it would handle the water but the permit was never issued. Mr. Richards asked if he bought the property and combined them would he be able to subdivide the parcels in the future. Solicitor Yannetti informed him that he would not be able to do this. Mr. Richards asked "why not". Solicitor Yannetti informed him that there would more than likely be a note on the plan that the properties could not be subdivided. Gil Picarelli, KPI Technologies informed Mr. Richards that Bob Sharrah is going to have to make sure that purchasing the other property would indeed meet the impervious surface requirements. Solicitor Yannetti informed Mr. Richards that roadblocks come up depending on what is on the plans and what Mr. Richards intends to do with the property. Supervisor Crushong informed Mr. Richards that he could buy the parcel with a purchase agreement saying that as long as the use gets approved through the Township; the sale would be contingent upon this. Supervisor Crushong also informed Mr. Richards to make sure that when the drawings are drawn that all future building/sheds are taken into consideration.

## **18 Edward Court**

Ms. Kim Scalio was present and she showed some pictures to Gil Picarelli, KPI Technologies about the water issue at 18 Edward Court. She said a lot of the water is coming from the school and not 18 Edward Court. Supervisor Crushong said there are a couple of things that need to be sent out to the Contractor and Owner and then everything should be taken care of.

#### **481 Church Road**

Gil Picarelli, KPI Technologies informed everyone that he has talked to Ms. Shelton-Hill and she has turned in the application and the fee for the permit. Susan Plank, Secretary/Treasurer informed everyone that Ms. Shelton-Hill called on April 11<sup>th</sup> to let her know that as soon as Mr. Allen calls her with a date, she is going to have the septic pumped. Ms. Shelton-Hill informed Susan that the tank is not full at the present time. Supervisor Santay wants everyone to keep up on this and make sure everything is taken care of.

#### **400 Church Road**

Susan Plank, Secretary/Treasurer informed the Board that Mr. Wagaman is up to eight (8) citation and the Magistrate is putting him on a payment plan. Supervisor Crushong asked Solicitor Yannetti what other options that Township has to get this cleaned up. Solicitor Yannetti informed the Board that their next step is to get a Court Order for the Township to go in and clean it up and put a lien on the property for fees associated with the process. Supervisor Santay mentioned that he thought that the Township put a hold on the citations until the Township receives some Request for Proposals for cleaning the parcel up. Supervisor Williams asked if Wagaman's owned the property. Susan Plank, checked with the tax records and the property is owned by Thomas and Laura Wagaman, 400 Church Road. Supervisor Santay suggested that the Township proceed with getting a Request for Proposal to clean the parcel up and ask Solicitor Yannetti if he could put together the steps needed to get a Court order to clean the place up.

#### **Pleasant Valley Road Bid**

Supervisor Crushong asked Solicitor Yannetti his opinion on a matter that came up at the Board of Supervisor meeting on April 4, 2019. A resident informed the Board that they could not accept Wilson Paving's bid because they did not bid the entire project. The Project was bid on an hourly basis. Solicitor Yannetti looked at the bid form and said that the Township could accept bids as partials if they so desired.

Susan Plank, Secretary/Treasurer gave the Supervisors the breakdown of the bids. Curt MacBeth, Roadmaster informed the Board that the bid from Wilson Paving excludes moving their equipment in and out, paint, and any extra cost. Curt MacBeth, Roadmaster calculated all the extras from last year and it came out that the milling machine's cost last year was \$505.00 per hour. AAA paving came in at \$478 per hour. Curt MacBeth, Roadmaster suggested that the Township give the entire contract to AAA Paving. Supervisor Santay asked what was budgeted for the road project. Susan Plank, Secretary/Treasurer informed the Board that \$325K was budgeted for the road project. She also reminded the Board that the Township had to reimburse the State Fund from the General fund approximate 24K for stone purchased paid out of the State Fund after the Audit was done last year. The Township has 401K in the State fund minus the 40K that is put away for the Bottom Road project, which will leave an approximate \$6,500 shortfall. Curt MacBeth, Roadmaster informed everyone that AAA Paving is willing to allow the Township to help haul the blacktop and there is some cost savings in the timeframe for the project. Curt MacBeth and Susan Plank feel that the project will come under the bid amount.

**MOTION by Supervisor Santay, seconded by Supervisor Williams to award AAA Paving the contract for the Pleasant Valley Road project in the amount of \$136,761.20. Motion carried, 3-0.**

## Digital Record Keeping

Supervisor Crushong informed everyone that he and Susan Plank, Secretary/Treasurer was talking about how to keep records digitally. Susan Plank informed everyone that she sent a mass email to Townships and Boroughs asking about Digital Record Keeping. There are not many Townships or Boroughs that have the digital record keep in their offices. Carroll Valley Borough has done this at a cost of 10K and Conewago Township uses 3<sup>rd</sup> Element out of Mechanicsburg. Susan Plank, Secretary/Treasurer is going to do some more research in this matter. Supervisor Williams asked how much room is left for record keeping. Susan informed Matt that the vault is getting full but there is a lot of records that can be shredded that are beyond their save date.

## Guest comments:

Boy Scouts Troop 162 were here to attend the meeting for their Citizenship to the community. This is a requirement for the Boy Scouts and it was very helpful for the boys who attended.

The Workshop was adjourned at 8:20 p.m.

Susan J. Plank  
Secretary/Treasurer

Chairman \_\_\_\_\_

Supervisor \_\_\_\_\_

Supervisor \_\_\_\_\_