

# MINUTES

## Franklin Township Planning Commission

May 15, 2019

### In attendance:

Dennis Robinson, Pat Schindel, Gary Deardorff, Bicky Redman, JR Crushong, James McDannell & Mary Lower  
Also present: Dominic Picarelli from KPI Technology Inc.

The meeting was called to order by Dennis Robinson at 7 pm.

### Approval of April 2019 Planning Commission Minutes

**MOTION** by Redman, seconded by Deardorff to approve the April minutes. Motion carried.

### Guests & New Business:

#### **Darren and Meagen Hartzell** – (Preliminary/Final) - Church Rd. – Residential Zone

Subdivision of an 8.695 +/- acre parcel of land into two lots (Lot 5, 1.494 +/- acres & Lot 1, 3.259 +/- acres) and three lot additions (Parcel A, 1.882 +/- acres added to the Sanborn property) (Parcel B, 1.056 +/- acres added to the Holt property) (Parcel C, 1.004 +/- acres added to the Topper property).

At the March meeting, we tabled the plan in order to get clarification from our Solicitor regarding recorded notes on plans referencing *no further development* and the effect on changes to zoning districts. At the April meeting after discussion the consensus was that we should stand firm with abiding to the note that was on the previous plan regarding no further development being allowed in the future for this plan or for any other plan that may come into the township under similar circumstances, i.e., with a *note of no further development* and then the zoning being changed after the fact.

Robinson read an email dated 4/12/2019 from our solicitor, Bernard Yannetti, to John Murphy (Hartzell's solicitor). Excerpts are the following, "*It is my understanding that Note 8 on a prior 2006 plan is still in full force and effect. That plan can be amended and further subdivided if chosen to do so. I do not believe that the current zoning allows subdivision to take place on a new subdivision plan. It does not override prior approvals or plan notes. You must amend the prior plan. That being said, it would be my suggestion to the Planning Commission that they may want to consider it in light of the new zoning.*"

We discussed this issue again and it is still our desire to stand firm with abiding to the note on the previous plan regarding no further development being allowed in the future for this plan or for any other plan that may come into the township under similar circumstances. We need to set a precedence for future plans coming in under similar circumstances. Our concern is not about the zoning change, our concern is that the original intention of the note was to preserve the land against further development.

**MOTION** by Redman, seconded by Deardorff recommend the Supervisors honor the note that was on the prior plan regarding no further development for this plan or for any other plan that may come into the township under similar circumstances. Motion carried with Robinson abstaining.

**MOTION** by Deardorff, seconded by McDannell to table the plan. Motion carried with Robinson abstaining.

#### **Kenneth & Marilyn Kettermann** – Preliminary/Final Subdivision – Cashtown Road – Ag Zone

The subdivision is for 13.119 +/- acres from an existing 84.24 +/- acre lot to be conveyed to an adjoining lot owner. This plan was previously subdivided in 2012. This proposed subdivision is treating this as a new plan based on the current 60/40 split, without regard to the previous 70/30 split or notes. There is now a question about how much developable land Kettermann has left to subdivide. On the 2012 plan it states he has 14.212 +/- acres left for subdivision. With all that being said, Kettermann still has enough development rights for this plan to go through. We briefly reviewed KPI Technology's comments dated 5/8/2019. There were no Adams County comments available for review.

**MOTION** by Schindel, seconded by Redman to table the plan due to Adams County comments not being received for review. Motion carried.

## **Old Business:**

**Alan Mahone** – Sewage Facilities Planning Module – 3465 Old Route 30 – Residential zone

The sewage planning module is for a single family residential land development on 6.18 +/- acres. A privately owned small flow treatment facility with stream discharge (Clear Creek) is proposed and consists of a dual chambered septic tank, Ax20RTUV with a UV disinfection unit. The plan proposes the construction of a 3-bedroom single family home and the removal of two (out of four) existing mobile homes.

Mahone will have two adjoining tracts of land. One tract will have an existing trailer, the proposed house and the small flow treatment facility. The adjoining tract which he does not plan to hookup to the small flow, will have an existing trailer and existing holding tank. To connect this tract to the small flow treatment facility would require a stream crossing for the pipe, which the homeowner views as too costly. Dominic has spoken to DEP regarding this plan. If the township chooses we could recommend denial of the module due to not hooking up both tracts to the small flow. Mahone can then apply to DEP for a permit and they will issue him a permit.

KPI Technology has not had time to review the revised plan since it was just finished yesterday.

## **Subdivision & Land Development Plan Completeness Review Checklist**

Dominic presented a draft copy of a checklist form for the township to use. This form can be easily modified to suit our needs. Crushong will give a copy to the township office for review.

## **Noise Ordinance**

We received a draft copy of the ordinance for us to take home to review at the last meeting.

Some issues raised were discrepancies in the hours which have already been corrected and standards being shown in the Unreasonable Noise definition. We gave copies of our recommended changes to Crushong to take to the solicitor for his review.

Meeting adjourned at 7:52 PM.

Respectfully submitted,  
Mary Lower  
Planning Commission Secretary