

# MINUTES

## Franklin Township Planning Commission

April 17, 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 March 2019 Planning Commission Minutes

**MOTION** by Redman, seconded by McDannell to approve the March minutes. Motion carried.

### Guests & Old 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. Dominic spoke to the solicitor and reported he agreed they should not do it because of the note on the plan. They may challenge this and it could wind up in court. The solicitor then went on to state that they might want to try to get the previous plan amended that they submitted in 2004 to remove the note, but this would be at the discretion of the township. They would also need to get input from their neighbors to make sure they are okay with doing so because they may have bought those lots with the impression that there would be no further development.

After much 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. The Commission also discussed having these notes recorded on the deeds.

We also had a question regarding the Luke Parr property that the solicitor was asked to check on and according to the solicitor who checked the deed, he does not feel that this is a similar situation because there were no notes on Parr's plan about further development.

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

#### 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.

At the March meeting there was a question if the remaining mobile homes (currently with holding tanks) should be connected to the proposed small flow treatment facility or if they will also need to be removed.

Mr. Mahone read an email response from DEP stating if Mahone has two separate parcels, DEP will not force him to connect the two parcels at this time and will address each parcel separately. As long as the parcel with the mobile home has a functional holding tank, it does not need to be connected at this time. Mr. Mahone will send Dominic a copy of the DEP email for his records.

Mr. Mahone is having the plan updated to show the final revisions but it is not completed at this time.

**Greg Naugle** – Sketch plan – Mt Carmel United Methodist Church – 1455 Mt Carmel Rd – Ag Zone  
They would like to purchase a 1 +/- acre lot from an adjoining lot owner, Jeff Spence, for an expansion to their cemetery. We need to know if the land is on a separate deed since it's on the opposite side of the road from Spence's house because there is questions regarding soil testing, etc., if the remaining lot after such a subdivision were to be developed. We suggested he contact an engineer to start the process. There was also a question about whether adding acreage to an existing cemetery is allowed in the Ag Zone since cemeteries are a Special Exception. We suggested he discuss this with the zoning officer.

**Noise Ordinance –**

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

**Zoning Hearing Request** – 2747 Chambersburg Road – Randy Misner, owner – Village Overlay  
ZHB19-04, 12D.00056-000 - Corner of US Rte. 30 and Fairview Fruit Road

The applicant requests a variance for new and used horse/livestock trailers to go with the retail sales inside. Annette Delaplaine, lessee, would like to sell horse, livestock trailers and possibly flatbed & cargo trailers in addition to selling inside the store animal & pet food and supplies. May also sell western clothing as well.

**MOTION** by Redman, seconded by Schindel to recommend the zoning hearing board approve the request because we support that type of a use at that location. Motion carried.

Meeting adjourned at 7:52 PM.

Respectfully submitted,  
Mary Lower  
Planning Commission Secretary