

**CONDITIONAL USE REPORT  
BEFORE THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS**

**In the matter:**

Application of **Adams County PA S3, LLC**. Property located at 2408 Chambersburg Road, Biglerville, PA 17307. The Applicant seeks a conditional use under Article VI Section 175-9 (O)(1) permitted use, for the construction of a Ground Mounted Principal Solar energy System. The property is located in the Agricultural (A) Zoning District.

**PROCEDURAL BACKGROUND**

The application for a conditional use was filed with the Township. It was dated April 16, 2024. It was received by the Zoning Officer and the Zoning Officer determined that the request warranted being presented to the Board of Supervisors for decision regarding the conditional use. The application was set for a hearing and a public hearing was scheduled and conducted on the application on March 6, 2025 at 5:00 p.m. The public notice for the hearing was advertised in The Gettysburg Times on two separate occasions, as required. The property itself was posted regarding the application for conditional use. Additionally, all adjoining property owners affected by the request for conditional use were notified of the time and date of the hearing as well as the subject matter thereto by regular mail.

All necessary fees were received for the hearing and the hearing was conducted at the Franklin Township Municipal Building, 55 Scott School Road, Orrtanna, Pennsylvania. Present at the hearing were Supervisors; Henry "JR" Crushong, Chris Santay and Matt Williams; Bernard A. Yannetti, Jr., Esq. Solicitor; Linda Beckwith, Zoning Officer; and Susan Plank, Township Secretary. Present on behalf of the applicant was Michael Kissinger, PE, as well as Thomas Norman, property owner. Also present were a number of neighboring property owners. One of the adjoining property owners, Douglas Bradley, requested to be recognized to have standing or to participate in the hearing. A number of the residents did, however offer comments or ask questions about the variance requests. The Supervisors adjourned the March 6, 2025 meeting and went into executive session where they determined that they would hold another executive session to make a decision on the application. The next meeting was held April 3, 2025 at the regular Supervisors' meeting, where the Township previously advertised that a decision on the conditional use application would be rendered. A vote was taken and the approval of the conditional use, with conditions, was unanimously approved.





### SUMMARY OF TESTIMONY

The meeting was opened by Bernard A. Yannetti, Solicitor for Franklin Township. Testimony was provided by Michael Kissinger, PE, regarding the project. Also presenting testimony was Thomas Norman. Testimony was provided, which satisfied the criteria for a conditional use in Franklin Township. A transcribed copy of the testimony is contained in the transcript of the hearing. That transcript is referred to as Exhibit A and made part hereof by reference for the record.

The Board of Supervisors accepted the incorporation of the statements contained in the application as evidence supporting their decision. Additionally, all exhibits were considered part of the record and aided in the decision by the Township. There was no objection from audience members as to the project, only concerns and comments. Quite frankly, neighbors where there in support thereof.

### FINDINGS OF FACT

1. It was determined that a conditional use to allow a Ground Mounted Principal Solar energy System to be constructed on this property was appropriate.
2. The health, safety, and welfare of residents of the Township would not be jeopardized by the allowing of such use.
3. Testimony by neighbors indicated certain concerns about the project; however, there was no outright objection to the use of the property as a solar facility.
4. There was no testimony presented in opposition to the request.
5. The Township Supervisors were in favor of granting the request with appropriate conditions.
6. The Township Planning Commission recommended approval of the conditional use.
7. The meeting was properly advertised.
8. There was sufficient testimony presented that addressed all sections of the Franklin Township Zoning Ordinance and other ordinances that were relevant to the grant of a conditional use.
9. The Township Supervisors relied upon the testimony provided at the hearing, the exhibits that were entered into evidence, and the recommendation of the Township Planning Commission when making their decision.



## DECISION

The Franklin Township Board of Supervisors granted the conditional use with certain conditions attached to the approval. They are as follows:

1. This project shall comply with all requirements of §175-73.1(B) where variances have not been obtained from the Zoning Hearing Board.
2. 175-73.1(B)(2)(h)(1) A variance is required for access to be less than a 25' wide paved access. An alternate location will be required if a Variance is not granted for the narrower proposed entrance.
3. §175-73.1(B)(2)(h)(2) A variance is required from this section to allow a cartway less than 25' between the bottom edge of a solar panel to the top edge of the solar panel directly across, measured at its greatest parallel width. **If failure to obtain a variance requires the site to be expanded beyond the proposed footprint, this conditional approval is null. A new, revised application may be submitted.**
4. §175-16(G) A variance is required to allow two principal uses occupying the same lot unless the portion of the solar facility can be shown as subdividable, meeting all applicable zoning district dimensional requirements.
5. Construction and Operation of the site shall comply with Chapter 110 of the Franklin Township Code of Ordinances (Noise Nuisances). Any noise generated shall not impact neighboring properties. If noise complaints are received, the owner or developer must remediate them.
6. Noise evaluation study required. The noise evaluation study shall include the noise created by the operation of any and all equipment, including but not limited to inverters, fans, and mechanical equipment at peak operating times. Noise at any point of the fence perimeter may not exceed 40 dB and shall not be audible at the property line perimeter.
7. There shall be no lighting, equipment indicator lights, beacons, or other lighting visible from beyond the property line.
8. Any damage to the access lane or any adjacent properties resulting from construction activities shall be repaired by the applicant or developer to the satisfaction of the affected parties and property owner(s).
9. A Subdivision and Land Development plan shall be submitted and meet all requirements of the SALDO chapter to the satisfaction of the Township Engineer and Board of Supervisors.



10. Subdivision and Land Development plan shall be submitted and meet all requirements of the Zoning chapter to the satisfaction of the Township Zoning Officer and Board of Supervisors.
11. Stormwater management plans shall be submitted and meet all requirements of the Stormwater management Chapter 136 and Stormwater requirements in the Zoning Chapter under §175-73.1(B)(2)(d) to the satisfaction of the Township Engineer, the Zoning Officer, and the Board of Supervisors.
12. Any proposed easements, rights of way, and agreements shall be submitted for Township Solicitor review.
13. Access to Chambersburg Road shall receive a PennDOT Highway Occupancy Permit prior to construction.
14. The glare study must receive review by the Township engineer, or their recommended professional and any concerns shall be addressed to the satisfaction of the review professional and Board of Supervisors.
15. An emergency response plan must be in writing, readily available at the main site entrance and made available to local first responders. It shall contain contact information and clear procedures and instructions for emergency situations that may occur.
16. §175-73.1(B)(2)(e) The Landscaping plan shall be reviewed by a Landscape architect or Certified arborist for compliance with this section. A Certified Arborist or other qualified professional should verify that the proposed plantings will all reach the expected size within three years (36 months) to comply with the requirements of §175-73.1(B)(2)(e)(7) Visibility. If trees should die, contractor has 30 days to replace them with in-kind.
17. A maintenance bond or other form of financial security acceptable to the Board of Supervisors shall be provided to cover the replacement of screening and buffering landscaping for a minimum of three years. Expiration of the maintenance bond does not relieve the applicant and owner of the responsibility of screening and buffering replacement for the life of the solar facility, should disease or death of plantings occur. Facility Owner to provide an Operation and Maintenance agreement to ensure the screening and buffering landscape would be maintained for the life of the facility.
18. Any future proposals to expand this Principal Solar Energy Facility will require a new conditional use application.



19. An appropriate bond will be put in place at the time of application for any permits to construct the facility and will become a requirement under the land development plan. The bond amount shall be determined at a later time; however, in no instance will it be less than One Million Dollars (\$1,000,000.00). Independent party shall review the bond every five (5) years to determine whether the bond needs to increase or decrease. All fees are to be paid by Facility Owner.

20. All other ordinances, laws, rules, etc., governing Franklin Township, Adams County, Pennsylvania must be followed and adhered to.

21. Contractor/Owner shall pay all Township fees and costs.

22. Continued Agricultural operations shall continue for the duration of the lease, to include renewal of the lease.

23. The entire perimeter shall be screened with a minimum of two (2) rows of trees.

24. Any erosion caused by panels shall be repaired by the Landowner and/or facility owner.

25. Facility Owner and/or property owner shall maintain the leased area.

26. Construction shall commence no later than 180 days after all required permits are obtained.

27. An appropriate bond will be put in place at the time of the application for decommissioning of the solar site at the expiration of the lease or sooner if the site is abandoned by the operator and/or owner. The bond will be at least One Million Dollars (\$1,000,000.00) and will be adjusted at least every five (5) years to ensure there are sufficient funds to pay for the decommissioning, removal, and return the land to the original condition once the use is no longer in place. This is to ensure that if the owner/operator does not disassemble all equipment and return the land to its original condition, there are sufficient funds available to pay an independent contractor to do so.

It is understood that Applicant will be seeking certain waiver, variances, and other relief from the Township; however, that was not addressed at this hearing and should be addressed at a later time after review by the Planning Commission.

**FRANKLIN TOWNSHIP BOARD OF SUPERVISORS**

By: \_\_\_\_\_

**Bernard A. Yannetti, Jr., Esq., Solicitor**



**CONDITIONAL USE REPORT  
BEFORE THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS**

**In the matter:**

Application of **Adams County PA S3, LLC**. Property located at 2408 Chambersburg Road, Biglerville, PA 17307. The Applicant seeks a conditional use under Article VI Section 175-9 (O)(1) permitted use, for the construction of a Ground Mounted Principal Solar energy System. The property is located in the Agricultural (A) Zoning District.

**AND NOW**, the foregoing opinion and decision of the Board in the above-captioned matter is adopted or defeated by a vote of the Board as follows:

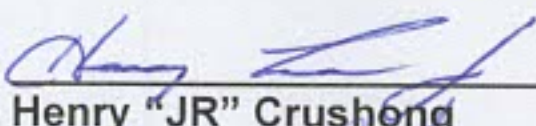
	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Not Present</u>
Henry "JR" Crushong	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Santay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

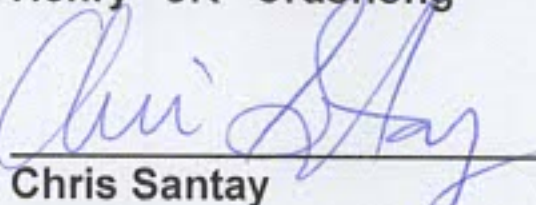
**ADOPTED**, this 3<sup>rd</sup> day of April, 2025.

**FRANKLIN TOWNSHIP BOARD OF SUPERVISORS**

By:   
Bernard A. Yannetti, Jr., Esq., Solicitor

**FRANKLIN TOWNSHIP SUPERVISORS:**

  
Henry "JR" Crushong

  
Chris Santay

  
Matt Williams



**CONDITIONAL USE REPORT  
BEFORE THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS**

**In the matter:**

Application of **Adams County PA S3, LLC**. Property located at 2408 Chambersburg Road, Biglerville, PA 17307. The Applicant seeks a conditional use under Article VI Section 175-9 (O)(1) permitted use, for the construction of a Ground Mounted Principal Solar energy System. The property is located in the Agricultural (A) Zoning District.

**CERTIFICATE OF SERVICE**

I certify a true and correct copy of the Report of the Franklin Township Board of Supervisors, in the above-referenced matter, was delivered to Applicant and others by U.S. First-Class mail, postage prepaid, unless noted otherwise, on April 28th, 2025, addressed as follows:

Adams Count PA S3, LLC  
190 Ottley Drive  
Studio H  
Atlanta, GA 30324

Thomas F. Norman  
2408 Chambersburg Road  
Biglerville, PA 17307

Michael Kissinger, PE  
158 West Gay Street,  
Suite 300  
West Chester, PA 19382

Original to:  
Franklin Township Board of Supervisors  
55 Scott School Road  
Orrtanna, PA 17353

  
\_\_\_\_\_  
**Bernard A. Yannetti, Board Solicitor**