

March 19, 2001

THESE NOTES ARE ONLY A SUMMARY OF PROCEEDINGS HELD AT A CONDITIONAL USE HEARING AND ARE NOT A TRANSCRIPT OF ANY STATEMENT OR TESTIMONY PRESENTED AT THE HEARING.

The Board of Supervisors of Strasburg Township held a conditional use hearing at its regular meeting on Monday evening, March 19, 2001, at 8:00, at the Township Municipal Building. Present were Ruth Ann Harnish, Daniel Herr, Thomas Willig, and a court reporter.

Application of Gregory Strausser, engineer, agent for **Alan L. and Diane E. Labelle** and Deryl R. and Hollee R. Stoltzfus, to construct a single family detached dwelling on property with a steep slope, known as Lot #3, located on the south side of former Reservoir Road (T471) +/- 600 feet east of present Reservoir Road in the Rural Residential zone.

Strausser presented testimony from the application and narrative as follows:

Applicant proposed to construct a single family dwelling on an existing lot with over 15% slopes and some slopes over 25%. The lot is 80% wooded and the Labelles wish to keep the woods. The house is 2200 square feet and fits into the existing grades. There will be on-lot water and sewer. Perc and probe tests were done in 1988 at the time of the subdivision in the flattest part of the lot at the bottom of the slope. These tests expire after 5 years. Now an alternate sewer site has been located also on slightly steeper land. There are two 25-foot Borough utility easements for water pipes on the property. All grading would be done above these easements.

The 1988 plan, for which a stormwater management plan was done, proposed a short, straight driveway with the house on the building set-back line and with leach trenches. The new plan proposes 3000 square feet of driveway and the house farther down the slope. A new and revised stormwater plan is needed. The new calculations are for a bigger home and driveway with appropriately sized leach trenches. These provide more aquifer recharge and disturb less area that detention basins would.

On questioning by Willig, testimony was submitted that the easement is in use by the Borough. Strausser would run solid sewer lines at least 18 inches under the water pipes. The perc and probe for the primary sewer will be done on the same site as the original tests. The 'French drain' will be a trench 45 feet long by 2 feet wide by 4 feet deep and will run along the contour of the land. A filter fabric will line the trench and then it will be filled with #4 stone, allowing 40% voids. A perforated pipe runs through the trench and percolates out into the soil. These are sized to hold water from a 100 year storm; there is also an overflow cap. There is a trap before the drain where debris may be cleaned out. These trenches should be good for 40 to 50 years.

Strausser reviewed the requirements for a steep slope and the general requirements for a conditional use as presented in the written narrative and concluded that all requirements have been met.

Tom Long, Zoning Officer, noted that the well has not been established as is now required in the

Zoning Ordinance before a subdivision is done or a building permit issued. The well must be 100 feet from the septic system. Strausser said that will not present a problem as most of the lot is 100 feet from the sewage drainfield. Long said that the new stormwater plans should be approved by the Township engineer to determine that there is no more of a problem than the original plans. He suggested that a pipe could be used to catch stormwater rather than a rock-filled trench. Strausser said that a pipe would result in concentrated outflow which they were trying to avoid. He also said a single house generally is no longer required by the County to have a stormwater plan because it does not cause problems for a neighbor.

On a motion by Herr/Willig the Supervisor approved the conditional use with the following conditions:

1. The stormwater management plan shall be submitted to the Township engineer for final approval; the applicant to pay the costs.
2. Final inspection and approval of stormwater improvements shall be done by the Township engineer; the applicant to pay the costs.
3. The property shall conform to current perc and probe test standards.
4. A well shall be dug and tested before a building permit is issued as required by the Zoning Ordinance.

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Application of **Metzler-Hess Partnership**, 405 Hilltop Road, to construct a single-family detached non-farm dwelling on a pre-existing non-conforming lot known as Lot #2, located along White Oak Road, in the Agriculture zone.

Herr stated that in his legal practice he had worked on a partnership between a Dan Metzler and Don Herr. He had never met the Metzler involved but believed that it was the same as the one appearing in this application. Metzler said that it was the same, but that the partnership with Don Herr was not involved in this matter. All parties agreed that Herr did not have to recuse himself from this hearing.

Matt Creme, counsel for the applicant partnership, stated that the lot existed under the prior Zoning Ordinance and was not developed. The new Ordinance requires a conditional use for a non-farm use on ag land. Two variances have been obtained from the Zoning Hearing Board from the minimum lot size and width. The Township Planning Commission has recommended approval. In 1994, when the lot was subdivided, a stormwater proposal was approved. Metzler-Hess has agreed to construct all stormwater facilities as shown on the original plan although today no stormwater facilities would be required.

Metzler testified to the following:

The current plan submitted with the application delineates a building envelope which observes all setbacks. The actual house will be built to a client's design. The well has been located and dug and preliminary testing has been done. The well has a volume of 5 gallons per minute and the tests will be submitted to the Zoning Officer.

There are no adjoining residential lots, so it is not possible to cluster. There are no flag lot accesses. There are no trees on the lot. No trees will be planted within 30 feet of cultivated land. No other uses are proposed on the lot. A macadam driveway will be the only access to the lot. There are no visibility concerns. The approved stormwater systems will be installed according to plan.

Harnish asked if there is a alternate sewer site. It is shown on the plan and both sites have been tested.

On a motion by Herr/Harnish, the supervisors approved the conditional use with the following conditions:

1. Applicant shall install all storm water management facilities required as part of the approval of the 1994 subdivision plan creating the property. Applicant shall install such facilities prior to the issuance of a zoning permit to enable construction of a dwelling on the property. Applicant shall reimburse the Township for the costs of the Township Engineer to inspect installation of the stormwater management facilities prior to the issuance of a zoning permit.
2. Applicant shall obtain a sewage permit from the Sewage Enforcement Officer prior to the issuance of a zoning permit. Applicant shall comply with all requirements of Ordinance #43 of the Township, including but not limited to the provision of a replacement location for an on-lot sewage disposal system and testing to identify the on-lot sewage disposal system replacement location.
3. Applicant shall obtain all other permits and approvals necessary for the development of the property.
4. Applicant shall at all times comply with and adhere to the representations contained in its application and the evidence presented to the Board at the hearing held on March 19, 2001.
5. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Municipalities Planning Code.
6. The foregoing Decision shall be binding upon the Applicant and the Landowners and their respective heirs, personal representatives, successors and assigns.

The hearing was adjourned at 9:20 p.m.

Caroline D. Herr  
Township Secretary