

### **Conditional Use Hearing Held Wednesday November 5, 2003**

A Conditional Use Hearing of the Board of Supervisors was held on Wednesday November 5, 2003 commencing at 7:00 p.m. Chairman Mr. Garris called the meeting to order. Present were Supervisors Mr. Doratt and Mr. Franciscus, Mr. Pompo Township Solicitor, Mr. Lowry Township Zoning Officer/Building Inspector, Mr. MacCombie Township Engineer and members of the community.

Mr. Garris motioned to dispense of the pledge of allegiance, moment of silence along with the reading of any previous meetings minutes. With the Board in favor the motion carried.

Mr. Pompo stated that Mr. Carr is seeking not to reduce the height of the berm as this was a condition of the original Conditional Use Hearing. Mr. Pompo marked exhibits A1 as the application, A2 as the public notice, A3 as the certification of Tom Lowry posting the property, A4 is a copy of the past Conditional Use decision and order.

The applicant Mr. Carr stated that he is seeking an amendment to a previously issued Conditional Use Decision and Order dated November 6, 2000, in order to allow the height of the berm of the storm water management basin to remain at eight feet. Condition number 2 of the Decision and Order requires that the height of the berm be reduced to no more than six feet. Mr. Carr is the developer of the 19 single-family dwelling.

Mr. Carr stated his desire is to leave the height of the berm at 8 feet; Mr. Carr claims that there is not sight restriction within the 19 home development. Mr. Carr presented a picture, which was marked as exhibit A-5 to show no sight restriction. Mr. Pompo questioned Mr. Carr for the reason why he doesn't want to remove the 2 feet off the berm? Mr. Carr replied that it would tear up the ground to take heavy equipment in and he sees no benefit of taking it down.

Mr. MacCombie stated he has received numerous complaints regarding West Nile Virus, and he also stated that there currently exists a fore bay detention basin that was used for erosion and sedimentation control and collects standing water which creates a hazard to the community with West Nile Virus. Mr. MacCombie recommended removal of the fore bay, stabilization of the ground to allow the water to drain properly. Mr. MacCombie also stated that the water in the basin is not currently draining properly.

Mr. Buddy Rhoades stated his daughter resides at lot 19 and that equipment can go in to take down the berm without tearing up the ground. He added he has safety concerns with the children within the neighborhood. Mr. Rhoades stated he has seen five nice days and dry weather and the basin remained full.

Mr. Stokes a resident of the development stated that he has lived at his home for 1 year and the basin has never been dry, Mr. Stokes also stated he doesn't see the berm from his house.

The Board concluded the meeting by telling Mr. Carr that they have 45 days to order their decision.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers  
Secretary/Treasurer