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TRANSCRIPT OF PROCEEDINGS  
OF MINUTES OF BOROUGH COUNCIL PUBLIC HEARING  
ON A CURATIVE AMENDMENT

BEFORE: Waynesboro Borough Council  
C. Harold Mumma, Chairman  
Delmos Oldham  
Patrick Fleagle  
Niccole Rolls  
Chad Rooney  
Michael Cermak  
Richard Starliper, Mayor  
Jason Stains, Borough Manager

DATE: November 1, 2017, 6:30 p.m.

PLACE: The Borough of Waynesboro  
57 East Main Street  
Waynesboro, PA. 17268

APPEARANCES:

Samuel E. Wiser, Esquire, appears on behalf of  
Waynesboro Borough Council.

1 COUNCIL PRESIDENT MUMMA: The purpose of this  
2 hearing is to receive comments on the proposed curative  
3 amendment submitted by Hardcore Custom Archery.

4 The proposed curative amendment will include as a  
5 use by right indoor archery ranges in the general commercial  
6 district.

7 Those in attendance will be given the opportunity  
8 to present testimony and evidence at the hearing. The full  
9 text of the proposed curative amendment may be examined  
10 without charge in the Borough Office, 55 East Main,  
11 Waynesboro, PA during the regular business hours from Monday  
12 through Friday 8 a.m. to 5 p.m.

13 At this time is there anyone out here that would  
14 dare to make any comments? If you do, state your name and  
15 address and go from there

16 ATTORNEY WISER: Mr. President, before we go to  
17 testimony from the applicant could we have Mr. Grubbs offer  
18 some testimony regarding the advertisement?

19 COUNCIL PRESIDENT MUMMA: Kevin, go ahead.

20 MR. GRUBBS: Thank you.

21 On October 10th of 2017 Mr. James Weaver of  
22 Hardcore Custom Archery submitted a curative amendment to the  
23 Borough of Waynesboro.

24 October 11, 2017 borough staff delivered copies of  
25 the curative amendment and the floor plan drawing to the

1 Franklin County Planing Commission for their review and any  
2 comments.

3           October 12, 2017 the notice of the special meeting  
4 by the Waynesboro Planning Commission and notice of public  
5 hearing by the Waynesboro Borough Council was sent to the  
6 Record Herald Newspaper for publication as follows.

7           One, the Waynesboro Planning Commission special  
8 meeting scheduled on October 23, 2017 at 7 p.m. was  
9 advertised on October 14, 2017.

10           Secondly, the Waynesboro Council public hearing for  
11 this evening scheduled for November 1, 2017 at 6:30 p.m. was  
12 advertised on October 16th and the 23rd of 2017.

13           On October 14, 2017 notice of special meeting of  
14 the Waynesboro Planning Commission to be held on October 23,  
15 at 7 p.m. to review the curative amendment was published in  
16 the Record Herald Newspaper.

17           On October 16th the first advertisement for the  
18 notice of public hearing by Waynesboro Council to review  
19 curative amendment. On November 1, 2017 at 6:30 p.m. was  
20 published in the Record Herald Newspaper as well.

21           October 20, 2017 a special meeting and public  
22 hearing notices were mailed to Mr. James Weaver and Ms.  
23 Alexander Sipe.

24           On October 23, 2017 the borough received proof of  
25 publication for special meeting held by the Waynesboro

1 Planning Commission from the Record Herald Newspaper.

2 On the same date the second advertisement for the  
3 notice of public hearing by Waynesboro Council was published  
4 in the Record Herald Newspaper as well.

5 Additionally, notice of public hearing was posted  
6 on the property located at 230 South Potomac Street which is  
7 the location of Hardcore Custom Archery, and also on October  
8 23rd the Waynesboro Planning Commission held their special  
9 meeting to review the curative amendment at 7 p.m. and their  
10 recommendations were as follows:

11 Upon that review, one, their recommendation was  
12 under Article 7, use requirements as indicated in the  
13 curative amendment to remove Paragraph 2 b that states for  
14 existing indoor archery ranges any indoor archery range  
15 constructed prior to December 7, 2016 for military or upgrade  
16 that may be required by the Pennsylvania Uniform Construction  
17 Code, and that language is to be removed which it has been  
18 and will be.

19 Two, include requirements for off street parking to  
20 state off street parking facilities shall be provided with a  
21 ratio of one and one half spaces per firing station or lane.

22 On October 24th the borough received proof of  
23 publication for tonight's public hearing by Waynesboro  
24 Council from the Record Herald Newspaper.

25 On October 27th I delivered curative amendment

1 information including recommendations by the Waynesboro  
2 Planning Commission for review by Borough Council, Mayor  
3 Starliper, junior council members, borough manager and the  
4 borough solicitor for tonight's public hearing.

5           On November 1, 2017 the borough received a review  
6 comment letter from Franklin County Planning Commission, and  
7 you have a copy of it in front of you for this evening, and  
8 basically what it states under the review the zoning  
9 amendment for review of the curative amendment, this type of  
10 curative amendment can be found in Section 609.1 of the MPC.  
11 The curative amendment proposed is indoor archery range to be  
12 included within the borough zoning ordinance as a conditional  
13 use in the general commercial zoning district, similar to  
14 provisions regarding indoor shooting ranges.

15           The Franklin County Planning Commission's  
16 recommendations are the curative amendment that which has  
17 been proposed seems reasonable and compatible to the  
18 borough's regulations regarding firearms. We have no  
19 recommendations with regards to what was reviewed, and that's  
20 all I have to submit.

21           ATTORNEY WISER: Mr. President, with that  
22 testimony being offered I would recommend that Council  
23 authorize the application to be admitted as Exhibit A, that  
24 the collective proofs of publications of the various meetings  
25 and hearings be admitted as Exhibit B, the Waynesboro Borough

1 Planning Commission comments be admitted as Borough Exhibit C  
2 and the Franklin County Planning Commission comments be  
3 admitted as Borough Exhibit D.

4 MR. STAINS: So moved.

5 MRS. ROLLS: Second.

6 COUNCIL PRESIDENT MUMMA: It's moved and second.  
7 Any further discussion? Hearing none, all those in favor  
8 signify by saying aye.

9 (Thereupon, all members voted aye.)

10 COUNCIL PRESIDENT MUMMA: Any no's? Motion  
11 passes.

12 ATTORNEY WISER: With the background testimony  
13 being provided, Mr. President, I think now is the appropriate  
14 time to see if the applicant is interested in providing any  
15 testimony in support of their application.

16 MS. SIPE: Good evening Council members, Alexander  
17 Sipe, 20 East 6th Street, Waynesboro, PA.

18 As you've already heard we're here for a curative  
19 amendment, the conditional use for an indoor archery range.  
20 Having reviewed the requirements it's a viable business plan  
21 and not only would it include a place for individuals to  
22 enhance their archery skills but also learn safety techniques  
23 and is able to provide a recreational area for archery  
24 leagues which is a service no other business provides in the  
25 borough, and so we would ask that it be taken under

1 consideration that this would be an enhancement to the  
2 borough through a service that's not provided and a  
3 recreational phase that would be helpful for borough  
4 residents to be able to take advantage of.

5           There would be no additional stresses on any water,  
6 sewer, parking. All of that has been in existence already  
7 and adding this business to the location would not add an  
8 additional stress to that.

9           At the planning commission level we discussed the  
10 one and a half parking space requirement and there's more  
11 than adequate space to accommodate that.

12           There's no loud noises that would be done through  
13 the use of the archery facility, so noise requirements would  
14 not be an issue, and the plans that have been submitted show  
15 how all of the arrows would be contained within the facility,  
16 so we wouldn't have to be -- there would be no safety issue  
17 for any unbeknownst passerby. Any questions?

18           COUNCIL PRESIDENT MUMMA: Council, any questions?

19           Thank you for your presentation.

20           ATTORNEY WISER: Mr. President, if I may, there  
21 are five factors that Council is to consider in the curative  
22 amendment process.

23           One is not applicable because it deals with the  
24 residential use, and this is not residential, and I think the  
25 first factor was just addressed by Ms. Sipe and that is the

1 impact to the proposed use on roads, sewer facilities, water  
2 supplies, schools and other public service facilities. Ms.  
3 Sipe mentioned that those utility facilities are already in  
4 existence and this should not further burden them from the  
5 previously existing uses.

6 I do think we should cover factors three, four and  
7 five and just have some testimony from the applicant on  
8 these.

9 The first is the suitability of the site for the  
10 intensity of the use proposed by the site soils, slopes,  
11 woodlands, wetlands, flood plains, aquifers, natural  
12 resources and other natural features, and I guess what this  
13 really comes down to is will there be any further development  
14 on the site or is it simply the existing use of the -- the  
15 use of the existing structure?

16 A. The use of the existing structure.

17 Q. So there will be no further development of  
18 woodlands, wetlands, slopes or aquifers?

19 A. Correct.

20 Q. The fourth factor is the impact of the proposed use  
21 on the site's soil slopes, woodlands, wetlands, flood plans,  
22 natural resources, very similar to the prior factors and the  
23 tolerance of the resources to develop any adverse  
24 environmental impacts. Will this proposed use have any  
25 adverse environmental impacts on the subject location?



1 A. No.

2 Q. And the impact of the proposal on the preservation  
3 of agriculture or other lands uses which are essential to the  
4 public health and welfare, will the proposed use at the  
5 specific site we're speaking about tonight impact agriculture  
6 in any way?

7 A. No.

8 ATTORNEY WISER: I think I've heard what I need to  
9 to satisfy Council's consideration of those factors.

10 COUNCIL PRESIDENT MUMMA: Okay, thank you. Any  
11 other comments, questions? Okay, I'll call the hearing over.

12 ATTORNEY WISER: Mr. President, I think we should  
13 see if there's anyone in attendance from the public who  
14 wishes to offer any testimony in support of or objection to  
15 the application.

16 COUNCIL PRESIDENT MUMMA: Is there anyone in the  
17 public? Hearing none, the hearing is closed.

18 The second public hearing that's scheduled for 7  
19 o'clock we have to postpone that to the November 15th  
20 meeting, so we'll have to re-advertise and do it. One of the  
21 main reasons being there were too many changes made and we  
22 just can't do it at a public hearing this evening, so it will  
23 be rescheduled to the 15th at the advise of legal counsel.

24 ATTORNEY WISER: Mr. President, if I may, I'm  
25 sorry I keep jumping in. Mr. Grubbs and I were just

1 speaking. Since it does have to be advertised twice in  
2 advance of the meeting we're not going to make the cutoff for  
3 the 15th so it will have to be the December 1st --

4 COUNCIL PRESIDENT MUMMA: First meeting of  
5 December.

6 ATTORNEY WISER: First meeting in December so it's  
7 December 6th I believe.

8 COUNCIL PRESIDENT MUMMA: December 6th.

9 ATTORNEY WISER: And in regards to the application  
10 for the curative amendment since testimony has been closed  
11 Council does have the ability to consider the curative  
12 amendment and you can make a decision at any upcoming  
13 advertised public meeting whether it's tonight or in December  
14 as long as that decision is made within 45 days.

15 The official decision will be by written decision  
16 of this board very similar to the process that we went  
17 through for the indoor shooting range uses. Ultimately then  
18 Council will have to determine whether or not it will accept  
19 the curative amendment as proposed by the applicant or  
20 whether there are some additional factors that Council would  
21 like to see.

22 I think that the applicant has done an admiral job  
23 with trying to list potential conditions that Council would  
24 consider and working with the planning commission in trying  
25 to make sure that they were satisfied with those conditions.

1 COUNCIL PRESIDENT MUMMA: It will be brought up  
2 under unfinished business where we'll call for a vote on it.

3 (Thereupon, the public hearing was adjourned at  
4 6:43 p.m.)

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1 \_\_\_\_\_ I hereby certify that the  
2 foregoing is a true and correct transcript of testimony taken  
3 by me in the above-entitled matter.  
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6 Diana L. Sydnor  
7 Official Court Reporter  
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Diana L. Sydnor  
Official Court Reporter