

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 10, 2007

Call to Order: Chairperson Juanita Bennett called the meeting to order at 7:03 p.m. Present were Supervisors Dick Whipple, Norman Hughes, Teddy Price (arriving at 7:09 pm) and Roger Wilson. Also present were Solicitor Mark Thompson, John Theisen of LTL, Eric Brindle, Chairman of the Planning Commission, and Stephen Ross, Interim Township Manager. There were 7 members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes: The Minutes of the September 11, 2007 meeting were approved on motion by Mr. Hughes, seconded by Mr. Wilson, subject to a correction on page 2, first full paragraph, where it should read "On motion by Mr. Whipple, seconded by Mr. Hughes, the Board conveys to the owners of the Ford Farm the decision as required under the Stipulation, regarding the demolition of buildings. The Board of Supervisors authorized the Manager to send a letter to the owner advising of the Board's decision regarding demolition of the buildings." The motion to approve the minutes as corrected carried by a vote of 5-0.

Plans:

- a. *Abel Property:* The proposed two-lot subdivision plan contains 9.516 acres and is located on Hunt View Lane as shown on a plan dated March 13, 2007 and last revised July 10, 2007. The proposed plan is to be served with on-lot sewer and water. Review letters were submitted by Chester County Planning Commission, URS, DEP, Chester County Conservation District, LTL, Franklin Township Planning Commission, and the Township Solicitor, and are summarized as follows:
- URS and DEP: The DEP approved the exemption from planning requirements under the PA Sewage Facilities Act. URS advises that all sewage related issues have been addressed to their satisfaction.
 - Chester County Planning Commission: All issues raised in their May 22, 2007 letter have been resolved.
 - Chester County Conservation District: Reviewed the Erosion and Sedimentation Control Plan and has found it be adequate.
 - John Theisen letter dated August 24, 2007 included the following comments relative to waiving certain provisions of the SALDO:
 - a. Financial security is required for certain improvements including storm water retention and driveways. (Section 412.A)
 - b. Topography to be shown along Hunt View Lane. (Section 502.M.1)
 - c. On Lot 2, the flag lot, the required 50 ft. fee simple access strip has been created to a point where it meets the existing 25 ft. right-of-way. The Township Engineer recommended that it be accepted as a pre-existing condition. (Section 604.H).
 - d. Community Facilities should be waived because of the small number of lots. (Section 607.A)

APPROVED

- Township Planning Commission recommended the following:
 - a. Waive the need for financial security and place a note on the plan and in the deed requiring financial security at the time of building permit issuance.
 - b. Provide waivers as per the recommendations of the Township Engineer.

The Township Manager recommended that with the exception of the issue of posting financial security, all other requested waivers be approved.

Mr. James Fritsch, of Regester Associates, Inc., representing Mr. and Mrs. Abel, provided a presentation of the plan. Mr. Fritsch advised that the remaining single issue is the posting of the financial security. The proposed escrow has been set at approximately \$44,000 to cover improvements to both lots including stormwater infiltration basins, landscaping and concrete monuments. The MPC requires that all improvements be completed prior to approval of the final plan. However, since this is difficult for most people, the MPC provides the ability to post financial security to cover those improvements to avoid a future burden to the Township. Mr. & Mrs. Abel consider it a hardship to post security at this time since the property will not be developed for years, if ever. They are requesting that financial security be deferred until the issuance of a building permit. Solicitor Thompson advised that there is no legal requirement that the Township permit the developer to postpone posting the financial security until the issuance of a building permit and recommended against approval of the plan until this issue is resolved. Mr. Thompson advised that four options were proposed to the applicants as required by the Municipalities Planning Code. A discussion was held among all of the parties in an attempt to find a resolution to satisfy both the owners and the Township. Mr. Thompson suggested a fifth option which appeared to be acceptable to both the Board and applicant. Mr. and Mrs. Abel are going to consult with their attorney and if the 5th option is found acceptable an agreement will be prepared and presented to the Township Solicitor for his review and recommendation to the Board.

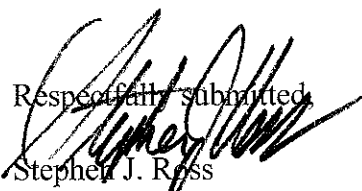
- b. Godfrey Subdivision Plan: Mr. Ross advised that it was pulled from the agenda because the Township Solicitor is continuing to review several legal documents in conjunction with the plan. The Board deferred further discussion until the Solicitor concludes his review.

Extensions:

Dolores Morris – December 20, 2007: On motion by Mr. Whipple, seconded by Mr. Hughes, the Board accepted the extension submitted by Dolores Morris. Motion carried by a vote of 5-0.

Public Comment: No public comment.

Adjourn: The meeting adjourned at 7:40 pm.

Respectfully submitted,

Stephen J. Ross
Township Mgr./Sect.