

FRANKLIN TOWNSHIP  
PLANNING COMMISSION MEETING  
JANUARY 5, 2006

**Call to Order:**

Planning Commission (Planning Commission) Chairman Ralph Olivier called the meeting to order at 7:12 p.m. Present were Vice Chairman Eric Brindle and Commission member Richard Squadron. Commission members Dr. Mark Harris and Dr. David Hoffman arrived at 7:19 p.m. and 7:20 p.m., respectively. Township Manager Stephen J. Ross, Township Engineer John Theisen and several residents and developers' representatives were also present.

**Public Comment:** There was no public comment.

**Reorganization of Planning Commission:**

Township Manager Stephen J. Ross advised the Commission that the first order of business was to appoint one of its members as Chairman for 2006. Mr. Richard Squadron nominated Eric Brindle as Chairman of the Planning Commission for 2006. There being no further nominations, Mr. Eric Brindle seconded his nomination and election to the position of Chairman. The vote was unanimous and the motion passed.

Mr. Olivier turned the meeting over to Mr. Brindle.

Chairman Brindle asked for nominations for Vice Chair. Mr. Squadron nominated Mr. Olivier as Vice Chair of the Planning Commission for 2006. There being no further nominations, Mr. Olivier seconded his nomination and election to the position of Vice Chairman. The vote was unanimous and the motion passed.

Chairman Brindle asked for nominations for the Secretary of the Planning Commission. Mr. Olivier nominated Mr. Squadron for Secretary of the Planning Commission for 2006. There being no further nominations, Mr. Squadron seconded his nomination and election to the position of Secretary. The vote was unanimous and the motion passed.

**Approval of Minutes – December 1, 2005:**

Mr. Olivier moved that the minutes of the December 1, 2005 meeting of the Planning Commission be approved as submitted. Mr. Squadron seconded the motion and the motion carried unanimously.

**Acceptance of Plans for Review – Christens Property, Preliminary Plan:**

**APPROVED**

Mr. Barry Stingel was present on behalf of the applicant. Mr. Olivier moved that the preliminary plans for the Christens Property as prepared by Hillcrest Associates, dated 8/3/05 and delivered 12/22/05 be accepted for review by Franklin Township. Mr. Squadron seconded the motion.

Mr. Squadron asked about the access to Lot 7. Mr. Stingel directed the Planning Commission members to page 2A of the plan which shows the access point. The motion passed unanimously.

**Sketch Plan – Sardo:**

Mr. Barry Stingel presented the plan on behalf of the applicant. Mr. David Sardo and Mr. Bruce Latshaw, who are parties to the Plan, were also present. Mr. Stingel summarized for the Commission that in 2004 a sketch plan was presented to the Township which involved three contiguous properties owned by three property owners, Mr. Sardo, Mr. Latshaw and Mr. Jung. Mr. Sardo and Mr. Latshaw are interested in subdividing their properties and Mr. Jung, although not interested in developing his 8 acre property, had agreed to have the stormwater management facility located on his property. Mr. Jung subsequently rescinded his offer and no longer wishes to be involved in the development plans.

Mr. Jung's property was the lowest point on the previous site. Since it is no longer available for stormwater management, the low point is now the eastern third of the proposed street running from Appleton Road to the Franklin Township boundary line and into London Britain. Such a street would normally be dedicated to the Township. Mr. Stingel proposed that the stormwater management run under the roadbed. Township Engineer John Theisen recommends against the Township accepting dedication of a street that has a stormwater facility under it.

Mr. Stingel offered two resolutions of this issue. The first would be to make the entire road private and have all four lots accessed from the private street. The second proposal is that the road be public to a turn-around with 3 lots on the public section and the 4<sup>th</sup> lot coming off a private section of the street which would begin just beyond the turn-around and would be private the rest of the length in Franklin Township and on into London Britain, where it would access Mr. Latshaw's property. Mr. Sardo and Mr. Latshaw are agreeable to either solution and Mr. Stingel is looking for direction from the Commission.

Mr. Stingel went on to describe Mr. Latshaw's proposal for subdividing his 19 acre property in London Britain which involves an expanded church facility and associated parking and possibly at some future point, subdividing a few lots for his family. The right-of-way through Franklin Township and into London Britain has to be established prior to London Britain approving the subdivision of the church parcel. Mr. Stingel's main concern is that he does not want to be in a situation where Franklin Township insists that the road must be public but also insists that they will not allow stormwater under it. He further explained that the stormwater for the lots

will be handled on the lots, so that the only stormwater that would run under the street would be the water from the street.

Some soil testing has been done in the area and Mr. Sardo has had a hydrogeological study done.

Mr. Squadron asked Engineer Theisen to state his primary concerns if the Township were to take dedication of a road with a stormwater facility underneath it. Mr. Theisen's two main concerns are: 1) potential damage to the road if the soil erodes under the road due to the stormwater and 2) the maintenance problem it would present for the Township.

Other options for the stormwater retention were discussed and Mr. Stingel indicated that the applicants are continuing to pursue other options. Chairman Brindle stated that the commission will need to consult the Township Solicitor regarding the private vs. public road. Manager Ross suggested that the applicant's attorney provide his recommendation and supporting theory to the Township's Solicitor for his review and comment.

A recap of the primary issues includes 1) private vs. public street; 2) requested waiver of the cul-de-sac ordinance; 3) the stormwater issue and 4) arrangements for access for Mr. Jung if the road ends up being private to avoid the need for another entrance from / onto Appleton Road.

**Final Plan – David Marshall:**

Mr. Marshall addressed the Commission and stated that he and his partner, Mr. McKeown, are in the process of getting a Component 2 Sewage Planning Module through DEP as well as seeking preliminary plan approval from the Township. He stated that the plan is for a two-lot subdivision with no construction in Franklin Township. He referenced Township Manager Ross's letter dated January 4, 2006 in which he recommends that the applicant consider deed restricting lot #2 from further development as recommended by Chester County Planning Commission. Mr. Marshall indicated that lot #2 is a 17-acre lot with a partially finished structure on it. In answer to Mr. Olivier's question, Mr. Marshall indicated that the portion of the parcel in Franklin Township cannot be subdivided primarily due bog turtle habitat and wetlands issues. There is also an access issue. Mr. Marshall stated that the portion in Franklin Township is basically untouchable from a construction standpoint. Lot #1 will be deed restricted from further subdivision.

Mr. Olivier pointed out on the plan that testing has been done on the Franklin land which might indicate plans for future development. Mr. Marshall indicated that those perc areas were exclusively set up as reserve systems for homes on Connard Mill Road that might be part of a future subdivision in New London Township.

**APPROVED**

Mr. Squadron asked if it is known if under the Township's ordinances we could be required to approve sewage systems on a property when those systems are only supporting development in another Township. Manager Ross will get the answer.

An issue arose regarding the date of the plan being discussed and whether the Township Engineer (Kohli & Associates) was working from the most recent submission. The correct plan is dated October 18, 2005.

There was discussion regarding two recommendations made by Stan Corbett to change the language in the notes on the plan. The applicant objects to these changes on the basis that they are restrictive. After discussion and further review of the notes on the plan vs. Mr. Corbett's recommendations, Mr. Squadron stated that the differences are substantive and the Planning Commission therefore needs to find out what the actual language is that DEP requires and why Mr. Corbett is suggesting something different. The applicant agreed to provide their reasons for objecting to the proposed the language.

Township Manager Ross expressed concern regarding the timing of resolving this issue because the plan expires at the end of January. Mr. Marshall indicated that he will provide another extension. The Planning Commission will invite Mr. Corbett to attend the next Planning Commission meeting on February 2<sup>nd</sup>.

**Ordinances – Mushroom Amendment:**

Township Manager Ross advised that the Board of Supervisors approved Ordinance 2005-04 which regulates mushroom substrate processing with the understanding that the ordinance would be amended to cover the frontage requirement issue and the elimination of the provision regarding storage and passive composting of spent mushroom compost. The proposed amendment, which reduces the frontage requirement from 1500 feet to 500 feet, was distributed to the Planning Commission for their review and comment. The amendment has been advertised for consideration by the Board at their January 18<sup>th</sup> meeting. Township Engineer Theisen explained the basis for reducing the frontage requirement from a minimum of 1,500 ft. to a minimum of 500 ft.

Mr. Olivier moved that the Planning Commission recommend to the Board of Supervisors that Ordinance 2005-04 be amended with language as presented to the Planning Commission on this date whereby Section 2502D be amended to create a minimum lot width of not less than 500 ft. and Section 2503 be deleted in its entirety. Mr. Squadron seconded the motion. The motion passed unanimously.

**Other/Miscellaneous – Meeting Dates 2006:**

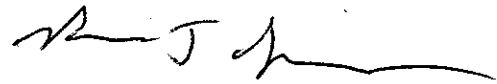
Mr. Brindle suggested that the Planning Commission continue meeting on the first Thursday of each month during the year 2006. The Commission members agreed to this day and to a time of 7:00 pm to begin the meetings.

APPROVED

Adjourn:

With no other business of the Commission the meeting adjourned at 8:45 p.m.

Respectfully submitted,



Richard J. Squadron  
Planning Commission Secretary