

FRANKLIN TOWNSHIP
PLANNING COMMISSION MEETING
MARCH 2, 2006

Call to Order:

Planning Commission (PC) Chairman Eric Brindle called the meeting to order at 7:05 p.m. Present were Vice Chairman Ralph Olivier and Commission members Richard Squadron, Dr. David Hoffman, and Dr. Mark Harrison. Township Engineer Grant Hitchens and several residents and developers' representatives were also present. Township Manager Stephen Ross was not present at the meeting.

Public Comment: There was no public comment.

Approval of Minutes – February 2, 2006 Meeting:

Vice Chairman Ralph Olivier moved that the minutes of the February 2, 2006 PC meeting be approved as submitted. Mr. Squadron seconded the motion. The motion carried unanimously.

Sketch Plan – Joe Neuman: The applicant was not present.

Final Plans – Extensions:

The following extensions were received by the PC:

Banffshire – 12 lot Plan	– Extended to April 26, 2006
Crossan Creek	– Extended to May 24, 2006
Fox Hunt Farm	– Extended to May 24, 2006

Final Plan – Mackie (Avignon):

Jack Wuerstle, attorney for the applicant and Barry Stingel of Hillcrest Associates were present on behalf of the applicant. Mr. Wuerstle referenced a review letter from Township Engineer Kohli dated February 22, 2006 regarding the Mackie Plan dated November 14, 2005.

Mr. Wuerstle referred to the six (6) comments contained in Mr. Kohli's letter, as follows:

1. *Restoration of the Walker Road Bridge.* Previous discussions included the stipulation that Wilkinson Builders will contribute either \$115,000 toward the ultimate replacement of the bridge or 25% of the cost of that replacement. It is Mr. Wuerstle's understanding that Engineer Kohli will be providing guidance to the Board regarding the short-term repairs, the overall life span of the bridge and

the ultimate cost of replacing it. Traffic Planning and Design (TP&D) will also be providing advice to the Board.

2. Fire Hydrants: The second item has to do with the spacing and location of fire hydrants. The Fire Marshall has approved the location and spacing.

3. The Home Owners Association Documents. According to Mr. Wuerstle, these documents were provided to the Township Solicitor quite some time ago. Several questions and concerns were voiced by Vice Chairman Olivier regarding many of the provisions of the documents before him (dated sometime in 2004). Mr. Squadron suggested that Township Manager Ross provide an updated copy of the documents to Township Solicitor Donahue for his review and comments, and follow-up with the Township Solicitor to make sure the review is done promptly.

4. Open Space Management Plan: Mr. Olivier recalled from previous discussions that the PC wanted to have the issue of the ownership of the trail solved prior to making a recommendation to the Board. Mr. Wuerstle recalled that the Board had differing opinions on how the trails would be held and for that reason the trail was treated as a separate parcel which can be transferred "fee simple". Mr. Stingel stated that there is a note on the plan stating that the trail across the open space shall be subject to a continuing offer of dedication to Franklin Township. The PC wanted this approach reviewed by the Township Solicitor.

There was also concern expressed about certain language in the Open Space Management Plan that seemed out of date and incorrect, and the need to make sure the Plan had appropriate language to be consistent with the arrangements with the Brandywine Conservancy for the bog turtle habitat area on the parcel.

5. Jurisdictional Determination: No further comment from the Engineer.

6. Improvement Costs: Will be reviewed as part of the normal process.

Mr. Squadron asked about an outstanding TP&D review letter. Mr. Barry Stingel indicated that the only action required by that letter was a change in the wording of a Note on the Plan regarding guide rails. Mr. Wuerstle said the wording suggested by TP&D was added verbatim.

Mr. Squadron asked about item #3 on the TP&D review letter regarding the widening of Walker Road.

Mark Elser of Wilkinson Builders stated that the HOA documents had been previously approved by Brandywine Conservancy (BC) and provided to the Township at that time and again on February 2, 2006. Mr. Olivier stated that he believed there may have been a "meeting of the minds" but he has not seen the documentation to support that.

Mr. Squadron suggested that since so much time has passed since this project was previously discussed, that the Township Manager be asked to have all the various consultants available at next months meeting so that a final review of all the documentation can be held in order that the PC can feel comfortable making a recommendation to the Board.

Mr. Elser indicated that four (4) packets of documentation (all permits and all supporting correspondence) were provided to the Township on February 2, 2006 for the purpose of allowing the PC to make an informed decision. However, it was later determined that the packets of information provided to the five (5) PC members did not include all the information submitted by the applicant.

Mr. Hoffman stated that even if the documents before the Commission are the most recent documents and have been reviewed and approved by the Township's consultants, it is still the right of the Commission to request that the documents be reviewed again by the Township consultants on a different level, or to disagree with the conclusions of the consultants and request that more attention be given to certain concerns.

Mr. Elser, referring back to the six items in Mr. Kohli's review letter, identified items #3 & #4, HOA Documents and the Open Space Management Plan, as the items of concern to the PC. The PC will direct the Township Manager to provide the most recent versions of those two documents to the Commission members in time for the next meeting, and if there is a need to have the consultants attend that meeting, the Township Manager will so advise them.

Mr. Elser was concerned that Mr. Kohli is the Township consultant that has been involved in all the meetings regarding the Walker Road Bridge, but the Township is requiring a review by TP&D of the design of the bridge. Mr. Squadron stated that, although TP&D may do a quick review of the proposed design, the PC will depend largely on the review by Mr. Kohli's team.

Mr. Elser said there will not be an extension of time granted by the applicant and that the applicant expects to go before the Board on March 15, 2006. Mr. Squadron said that the PC therefore needs to provide their recommendation to the Board at this meeting.

Mr. Olivier moved that:

WHEREAS, the Open Space Management Plan for the Mackie/Avignon subdivision is incomplete and is in need of further review; and

WHEREAS, the PC has not had the opportunity to receive comments from the Township Solicitor regarding the Home Owners Association Documents; and

WHEREAS, the Brandywine Conservancy has not completed their final review and sign off of the Open Space Management Plan; and

WHEREAS, the PC has not received advice from the Township Solicitor regarding the suitability of the language for the dedication of trails as proposed by the applicant.

The PC therefore finds the Plan to be incomplete at this time and recommends to the Board of Supervisors that they reject the Final Plan of the Mackie/Avignon subdivision. The motion was seconded by Richard Squadron.

Mr. Squadron made a friendly amendment to say that the PC's recommendation to reject the Plan is only if the Board is required to act on the Plan due to there not being any further extension forthcoming from the developer.

There was discussion regarding whether it is necessary that the PC, although not in a position to recommend approval of the Plan, actually should recommend "rejection" of the Plan.

The Chairman called for the vote. Messrs. Harrison, Olivier and Squadron voted aye and Messrs. Brindle and Hoffman voted nay. The motion carried by a vote of 3 – 2.

Preliminary Plans – Extensions:

The following extensions were received by the Commission:

Christens Major	- June 21, 2006
Cornerstone Presbyterian	- June 23, 2006
Lang	- June 23, 2006
Woods Edge	- April 20, 2006
Miller	- April 6, 2006

Mr. Squadron expressed concern regarding the extension on the Miller project which does not provide enough time to get to the next Board meeting. However, no action was taken.

Proposed Ordinance – Open Space and Conservation:

Chairman Brindle indicated that the purpose of this discussion is to recommend that the Board adopt this Ordinance at their next meeting.

Mr. Olivier moved that the PC recommend to the BOS that the Open Space and Conservation Conventional Development Ordinance be passed by the Board of Supervisors. Mr. Squadron seconded the motion.

There was discussion regarding the overall goal of the ordinance with respect to options for large landowners and the Township, and the preservation of farmland. It

APPROVED

was decided during discussion that efforts to preserve farmland might be better attempted after the adoption of the Comprehensive Plan.

The vote was unanimous and the motion carried.

Public Comment: There was no public comment.

Adjourn: The meeting was adjourned at 8:34 p.m.

Respectfully submitted,



Richard J. Squadron
Planning Commission Secretary