

FRANKLIN TOWNSHIP
Planning Commission MEETING
May 4, 2006

Call to Order:

Planning Commission (Planning Commission) Chairman Eric Brindle called the meeting to order at 7:10 p.m. Present were Vice Chairman Ralph Olivier and Commission member Richard Squadron. Commission members Dr. David Hoffman and Dr. Mark Harrison arrived at 7:12 p.m. and 7:14 p.m., respectively. Township Engineer John Theisen, Township Solicitor Mark Thompson, Township Manager Stephen Ross and several residents and developers' representatives were also present.

Public Comment: There was no public comment.

Approval of Minutes – April 6, 2006:

Vice Chairman Ralph Olivier had one correction to the minutes on page 2, penultimate paragraph #6d – change the second word “rate” to “rings”.

Vice Chairman Olivier moved to approve the minutes as corrected. Mr. Squadron seconded the motion and it carried unanimously.

Final Plans – Fox Hunt Farms:

Attorney John Jaros and Barry Stingel of Hillcrest Associates were present on behalf of the applicant. Mr. Jaros stated that he had no objection to the conditions as listed in Mr. Ross's memo dated April 28, 2006.

The waiver requests were discussed. Mr. Stingel said that all four waivers were approved as part of the preliminary plan approval and there are no new waivers requested.

The issues as stated in Manager Ross's memo were discussed as follows:

- #1 Sewage recommendations: It was agreed that the resolution of the sewer and water issues are linked to on-going discussions in the Township and the Board has recommended that the Planning Commission proceed with conditional approvals until such time as the more global issue has been resolved.
- #2 Historical recommendations: The applicant has agreed to allow a two-year period for the Township to make decisions regarding the existing buildings on the parcel.
- #3 Off-site road improvements: Mr. Squadron said he is prepared to recommend to the Board that the Township Manager be authorized to execute the Condition Statement, but was concerned about two comments in a letter to the applicant

from DOT dated May 2, 2005 and wanted assurance that if something happens in satisfying those conditions that causes the plan to substantially change the applicant would come back to the Planning Commission rather than handle it at the Board level. Attorney Jaros assured Mr. Squadron that if there is a substantial change they would bring it before the Commission.

- #4 Water: This is part of the on-going Township discussions on sewer and water. No new information is available from Artesian. The Planning Commission is looking for specifics regarding the service to the development, e.g. flows, pressures, etc. There was discussion regarding the history of Artesian's efforts to be approved as a public water source in the Township and Mr. Squadron recalled that the PUC approved Artesian with a franchise to serve certain identified proposed developments in the Township and advised that the Township now has an interest in how Artesian plans to make that happen. It was agreed that some of the information the Planning Commission seeks is caught up in the on-going discussions/negotiations in the Township.

Attorney Jaros advised that once the plans involved receive Board approval he envisions a presentation to the Township which will include the details of water and sewer service to all the developments involved to provide the Township with the information it requires to review the proposed service and arrangements.

Mr. Mark Elser of Wilkinson Builders provided information that was included in the PennDOT permit regarding the planned route of the Artesian main and stated that Chester Water Authority (CWA) will have their main to the Township line by the end of 2006.

- #5 John Theisen's Letter of 3/17/06: Discussion included a review of all the issues mentioned in Mr. Theisen's letter and agreement that almost all have been resolved. Approval of legal descriptions prior to recordation and approval of the Home Owners Documents and the Open Space Plan for Avignon will be included as conditions.

Solicitor Thompson read into the record the suggested language regarding the existing buildings' issue as follows:

The individual parcel labeled "Township Open Space" on the subdivision plan containing 4.5 acres with existing improvements including but not limited to four framed barns and two two-story dwellings shall be subject to a continuous offer of dedication to the Township for a two-year period following the date of recordation of the subdivision plan. In the event the Township accepts dedication, the declarant or its successors shall convey the above described parcel to the Township. During the two-year period the declarant shall not demolish any existing improvement on the parcel unless due to an Act of God or as directed by the Township or another governmental agency, such demolition is necessary to preserve the public health, safety and welfare.

Mr. Squadron moved that the Planning Commission recommend to the Board of Supervisors that it approve the Final Subdivision Plan of Fox Hunt Farm dated March 28, 2002, last revised August 5, 2005 subject to certain conditions and with certain waivers as follows:

Waivers: Waivers as noted on the Plan in the General Notes Nos. 15-18 for a waiver from §703A of the Franklin Township Subdivision and Land Development Ordinance (SALDO) with respect to length of cul-de-sac; a waiver from §704.C.2 of the SALDO with respect to vertical curb and grade and rolled curb; a waiver from §706.B of the SALDO with respect to tangents of at least 100 feet between horizontal reverse curves; and a waiver from §705A of the SALDO with respect to minimum street right-of-way width. All such waivers are recommended for approval for the reasons previously stated by the Planning Commission in their recommendation to the Board for approval of these waivers with respect to the Preliminary Plan for this subdivision.

Conditions: Such approval by the Board to occur only upon satisfaction of the following conditions by the applicant:

1. Resolution of sewage treatment issues, potentially offsite, to the satisfaction of the Township including receipt from DEP of an approved Land Planning Module for such facilities.
2. The treatment of the 4.5 acre portion of the property in the manner just stated by the Township Solicitor prior to making this motion.
3. The issuance of a highway occupancy permit by PennDOT following the Township's execution of the Condition Statement and the forwarding of that Condition Statement to PennDOT, and applicant's compliance with the conditions of that Highway Occupancy Permit.
4. The submittal and review by Township consultants of information from the water purveyor/supplier with respect to the adequacy and source of water supply flows and pressure both into the Township and into the development and sufficient evidence of an agreement with the water company, all of which are satisfactory to the Township.
5. Compliance with the remaining issues raised by Township Engineering Consultants, LTL Associates and John Theisen in a letter dated March 17, 2006.
6. Satisfactory review, resolution and acknowledgement by the Township Solicitor of all Home Owners Association Open Space Documents and that such documents are acceptable to the Township.
7. Final receipt of an approved NPDES Permit from DEP.

Vice Chairman Olivier seconded the motion.

Mr. Olivier brought up the issue of the fence. Mr. Stingel stated that there would be a two-rail split rail fence around the 4.5 acres as shown on the Plan. Regarding trails, Mr. Stingel said there are both a mulch trail and a paved trail that links the two sections of the development and an open space pedestrian/equestrian link that runs from Walker Road along the western and southern boundary of the property that connects to the sidewalk on Morrison Farm Lane and continues down to the Logan property. Also for a short distance in Crossan Estates there is an additional width that provides a link from Crossan Estates to the sidewalk on Morrison Farm Lane. The trails will be offered for dedication to the Township.

Mr. Squadron amended his motion to include the following:

8. That the equestrian and walking paths be available for continuous dedication to the Township.

Mr. Olivier accepted the amendment. The motion passed unanimously.

A ninth condition was added later in the meeting by the Commission with a motion by Mr. Squadron, second by Vice Chairman Olivier and unanimous approval as follows:

9. The Board require a fee-in-lieu of active recreational area for that property consistent with the standard Township calculation which is believed to be \$180,000, and that the Township also apply the standard Traffic Impact Fee.

Final Plan – Mackie/Avignon:

Attorney John Jaros addressed the Commission on behalf of the applicant Wilkinson Builders for Mackie, currently known as Avignon. He asked for Final Plan approval. He advised that he had no objections to the conditions as listed in Township Manager Ross's April 28, 2006 memo.

The issues listed in Mr. Ross's memo were discussed as follows:

Mr. Ross stated that the Walker Road Bridge issue was satisfied via a letter received yesterday from the Engineer. An issue remains with the building design of the pump station. The larger issue is the legal documents that have been under review by the Solicitor and he asked the Solicitor. Solicitor Thompson advised that after review of all four documents, letters have been sent to the applicant regarding the location of septic systems in the open space.

Issues No. 1 & 2: Regarding the Open Space Management Plan and the Endangered Species Habitat Restoration Plan, the comments provided are acceptable. With

respect to the issue requiring the applicant to deal with the Brandywine Conservancy (BC), the Solicitor recommended a Note on the Plan indicating that the Township should not be obligated to take dedication of any of the proposed improvements or release any of the escrow funds until the applicant has made a bona fide good faith offer to grant the conservation easement in the areas indicated on the Open Space Management Plan, as a conservation easement to an approved conservation easement organization.

After discussion, the Planning Commission members were in favor of conditioning approval on an easement being put in place rather than a good faith offer having been made.

Mr. Jaros had an issue to the extent that the Ordinance does not require that the open space be turned over to a conservation easement organization. The applicant is willing to take whatever steps are necessary to try to convey that acreage to a conservation district but it's not a requirement that it be accomplished.

Issue No. 3: The design of the pump station was discussed. Vice Chair Olivier referred to the architect's drawings and questioned the exterior siding being recommended. Mark Elser advised that the siding being proposed is outside vertical siding in "Tuscan Gray". Mr. Olivier asked for a sample but one was not available. Mr. Olivier asked if there would be an objection to providing wooden siding, specifically red wood. Mr. Elser said that would be a question for Artesian since the applicant will not be the owner of that building.

He then asked for an explanation of the mechanics of the pump station. Mr. Elser advised that it is an 110,000 gallon clear well concrete vault under ground and the structure is built on the top one-half portion. Water comes in, resides in the clear well and is pumped out.

Issue No. 4 – Walker Road Bridge: Mr. Olivier asked for the elevations showing the guide rails for the proposed bridge. Township Engineer Hitchens indicated that the guide rails span the entire bridge and are approximately 30-36" high as required by the PennDOT standard. Mr. Hitchens stated that there are no issues with the Bridge.

Issue No. 5: Improvement cost estimates are acceptable.

Delineation of the grassland trails was discussed. Mr. Stingel put the plan on the easel and located the trail system. Mr. Stingel described a 4" x 4" post which will be placed 3' in the ground, 4' above the ground with a sign on either side of the post that can be read from either direction. The proposed maximum distance between posts is 300 feet; however the markers appear approximately every 200 feet. The posts are all on the same side of the trail and the trail is 10 feet wide.

Mr. Squadron asked about the fencing during construction and the disturbance to the conservation area. Mr. Elser met with the Brandywine Conservancy and worked out a mutually agreeable arrangement for inspections and the limits of disturbance.

Vice Chair Olivier moved that the Planning Commission recommend to the Board of Supervisors that they grant Conditional Final Approval for the Avignon Final Subdivision Plan originally dated 5/20/05, last revised 11/14/05 and the Landscape/Open Space Plan dated 5/20/05, last revised 4/21/06 as prepared by Hillcrest Associates with the following conditions:

1. That the outstanding conditions of approval recommended under the Preliminary Plan Approval be included.
2. That a Note be added to the subdivision plan providing the following:
 - The Township shall not be obligated to take dedication of any of the proposed improvements or release any escrow funds associated with the land development of the property until Wilkinson has granted a conservation easement covering the area delineated on the Open Space Management Plan as subject to a conservation easement to an approved conservation organization.
3. Subject to an agreement being executed between the Township and the applicant concerning the construction and permitting of the Walker Road Bridge improvements.
4. That the Brandywine Conservancy's Conservation Construction and Easement Endowment be included in the public improvement escrow in the amounts of \$4,000 and \$23,350 for a total of \$27,350 and that such amount would be conveyed to the Brandywine Conservancy, or another approved conservation organization, if applicable, upon recordation of the conservation easement.

Mr. Squadron seconded the motion.

Mr. Squadron offered a friendly clarification to the motion. He suggested that the motion recommend approval by the Board at such time as the conditions suggested by the Planning Commission are satisfied.

After discussion, Mr. Olivier accepted the clarification.

The motion passed unanimously.

Final Plans – Godfrey:

Township Manager Ross advised that Component 4A for the Godfrey Plan has to be acted upon within 60 days following their filing. It was a last minute addition to the agenda because Township Manager Ross received the information late the day of the meeting.

Vice Chair Olivier moved that the Planning Commission authorize the Chairman of the Planning Commission to sign and forward Component 4A of the sewage facilities planning module for Godfrey. Mr. Harris seconded the motion. The motion carried unanimously.

Final Plan – Mill Farm: An extension request was received.

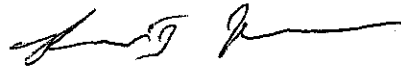
Public Comment: There was no public comment.

Other Misc.:

Mr. Olivier objected to the late e-mail regarding the Godfrey Component 4A. Township Manager Ross apologized, but as he stated earlier, he did not receive the information from Stan Corbett until late in the afternoon on the day of the meeting.

Adjournment: The Chairman adjourned the meeting at 9:24 p.m.

Respectfully submitted,



Richard J. Squadron
Planning Commission Secretary