

**FRANKLIN TOWNSHIP
PLANNING COMMISSION MEETING
June 1, 2006**

Call to Order:

Planning Commission Chairman Eric Brindle called the meeting to order at 7:00 p.m. Present were Vice Chairman Ralph Olivier and Commission members Dr. David Hoffman and Dr. Mark Harris. Mr. Richard Squadron arrived at 7:34 p.m. Others officials in attendance included Township Engineer Grant Hitchens and Township Manager Stephen Ross. There were seven other people present including residents and developers' representatives.

Public Comment: There was no public comment

Approval of Minutes – May 4, 2006:

Dr. Hoffman moved, seconded by Dr. Harris to approve the minutes as presented. Motion carried by a 4-0 vote.

Final Plans – Godfrey Subdivision:

Mr. Godfrey and Mr. Barry Stingel of Hillcrest Associates presented the final plan (dated April 7, 2006) and reviewed the consultant letters. The Godfrey Subdivision is a 20.77 acre tract located on the south side of Hess Mill Road west of Route 841 which includes a 2 lot subdivision. Mr. Stingel advised that the Planning Commission reviewed the plan on November 3, 2005 and following review there was a sense from the Planning Commission that both waivers being requested were likely to be found acceptable. At the time the review comments from Grant Hitchens included 17 items requiring correction. The Planning Commission reviewed the comments from Surrender Kohli dated May 22, 2006, Stan Corbett of URS dated May 1, 2006, and the Chester County Planning Commission dated October 6, 2005. Mr. Stingel was asked to provide information that would support his position.

Mr. Stingel identified the two waivers being requested as a waiver from the requirement to provide contours for the entire tract and from the requirement that a driveway be at least 16 feet in width (to allow the applicant to maintain the current width of driveway of approximately 10 feet). Other discussion included the following:

- Amend the plan to add screens that will remove sediment.
- Surrender Kohli, Township engineer, recommended that the existing culvert be replaced with a size that is required by the Township Subdivision and Land Development Ordinance. Mr. Stingel argued that the current sized culvert provides water retention and if it were replaced there is a possibility of down stream flooding. The two engineers would meet and try to work out a compromise.
- The applicant shall provide the Township Manager with the wording of the deed restriction preventing further subdivision of property for review by the Township Solicitor. Mr. Olivier requested that the Manager

investigate whether a 3rd party could be retained in order to enforce the deed restrictions.

- The Township Solicitor will review the access agreement for the private driveway.
- Mr. Stingel advised that he would do a field survey to verify the size of trees that could be impacted by future building and report back to the Planning Commission.
- Mr. Stingel advised that he will satisfy the issues raised in the URS letter within 30 days.

The applicant agreed to provide further study and resolve the issues raised by the Township's consultants.

Sardo Sketch Plan:

Mr. Stingel presented the various issues regarding a proposed private cul-de-sac street off of Appleton Road in Franklin Township and terminating in London Britain Township. The development plan proposes a total of 13 lots in both Franklin and London Britain Townships, including a church on one of the lots in London Britain. Mr. John Spangler, counsel to the applicant, stated that the Planning Commission posed the following questions at its January 2006 meeting: 1) may a cul-de-sac be private? and 2) can a non-residential lot located in another township be accessed by a cul-de-sac under the Township's Subdivision and Land Development Ordinance? Legal counsel to the applicant and to the Township agreed that both questions would be answered in the affirmative under the Township's ordinances.

The Planning Commission questioned whether Mr. Spangler's statement of the questions posed by the Planning Commission at its January meeting was complete. The Township Manager agreed to review the January minutes and provide a response to the Planning Commission.

Mr. Stingel indicated that his client required further study of the options and likely would return with a plan that would comply with the objections previously raised by the Township.

Amendment to the SALDO:

Mr. Ross, the Township Manager, presented a letter from the offices of the Township Solicitor dated July 25, 2005 regarding stipulated penalties for erosion and sedimentation control violations and storm water violations during the land disturbance phase of the development process. The letter included proposed language for an ordinance amendment to add a new subsection E to Section 411. The ordinance would provide maximum penalty of \$500 per day for non-compliance with the requirements of the NPDES permit for a project.

The Planning Commission was in agreement with the proposal and recommended that an ordinance amendment be prepared by the Solicitor with the condition that the following points be addressed:

APPROVED

- The ordinance language be clarified to insure that the penalty applies to each occurrence of each violation even if there are multiple violations on a particular day.
- If appropriate, language be added to explicitly provide that injunctive relief be available to the Township in connection with the Township's authority to require the developer to "immediately stop all development and site work for the project."

Mr. Ross advised that he would have both points clarified with the Solicitor.

Public Comment: There was none.

Adjourn: Meeting adjourned at 8:03 pm.

Respectfully submitted,

Richard J. Squadron
Planning Commission Secretary