

**FRANKLIN TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
December 7, 2006**

Call to Order:

Planning Commission Chairman Eric Brindle called the meeting to order at 7:04 p.m. Present were Dr. David Hoffman, Dr. Mark Harris, Mr. Richard Squadron and Mr. Ralph Olivier. Other officials in attendance were Township Engineers Mr. John Theisen of LTL Associates and Mr. Grant Hitchins of Kohli & Associates, and Mr. Stephen Ross, Interim Township Manager. Approximately 7 residents and developers' representatives were also in attendance.

Public Comment: No public comment.

Approval of Minutes – November 2, 2006:

The minutes of the Planning Commission meeting of November 2, 2006 were approved as presented on motion by Mr. Hoffman, seconded by Mr. Harris. Motion carried by a unanimous vote of 4-0 with Ralph Olivier abstaining because he did not attend the November 2, 2006 meeting.

Sketch Plans:

The Davis Plan: This Plan is for a 4-lot subdivision plan on 83.175 acres, with two houses being planned on each lot. Ordinance 2006-05, Section 1510, provides an option to property owners that allows Open Space Conventional Development on sites of ten acres or more. Mr. Neil Meisel and Mr. Barry Stingel of Hillcrest Associates presented the plan on behalf of Mr. Davis, the owner. The proposal includes 4 lots with an accessory dwelling on each of the lots. Mr. Meisel read a statement making it clear that the conservation easement is voluntary. Mr. Squadron requested that the Township Solicitor be contacted to explore whether the Township can structure its ordinance in a way that would not create or would reduce the tax issues identified by Mr. Meisel for a property owner interested in offering to have a conservation easement placed upon their land. The major features of the plan include the following:

- Two driveways fronting Route 841. One driveway for two dwellings and the other driveway for four dwellings.
- On-site water and sewer service for each dwelling.
- The plan provides for 34.587 open space, or 80% of the total acreage.
- The open space is limited and was not intended for public use.
- HOP from PennDot will be required.

Waivers to be considered:

- The interior side lot lines are not fully perpendicular to State Road 841 as required under Section 604.D.
- All the lots have depth-to-width ratios that exceed the 2 ½ to 1 limit that is set forth under Section 604.F.
- Two flag lots are shown and Section 604.I allows only 1 flag lot.
- A 40 foot buffer is required along existing roads under Section 610.B.5.a.
- A 30 foot buffer is required along other perimeters as required under section 610.B.5.b. The east side of lot 4 would require a buffer. A waiver is to be considered.

Mr. Brindle stated that he thought it was in the best interest of the Township to grant the above waivers. In discussion regarding the waivers of the buffer requirements, the possibility of a partial waiver for perimeter areas (a) not located near structures or (b) to enhance and retain view sheds was discussed. Mr. Olivier stated concern about coordination of the plan for the property with the developing Township trail plan, and suggested that the coordination should be addressed at the preliminary plan stage.

The Sardo plan: This a 3-lot single-family subdivision on a 9.5 acre parcel on the east side of Appleton Road south of Chisel Creek Drive. A portion of the lot is located in London Britain Township (LBT). The applicant is contemplating location of a 20-foot wide road that will connect into the Vineyards Christian Fellowship Church (Church) in London Britain Township. Mr. Stingel presented the plan on behalf of the owners, Mr. Sardo and Mr. Latshaw.

Features of the plan include the following:

- Three lots with on-site septic systems and wells. The smallest lot is approximately 1.7 acres, a larger central lot just over 2.5 acres and a third lot that crosses into LBT has 1.6 acres in Franklin Township and a total lot size of 2.4 acres.
- The roadway being proposed is an 18-foot private road with roll curb and with maintenance responsibility between the three lots and the church. Mr. Stingel indicated that his client is now thinking that maybe a 24-foot wide street can be built for both townships. He is going to go back to London Britain and attempt to resolve this issue with their Planning Commission.
- On-site water and sewer service is being provided.
- A dry pond being 400 feet long and 4 feet deep to collect storm water from the 3 lots and the road.
- The storm water pond maintenance has not been determined.

Waivers to be potentially requested:

- The storm water infiltration basin is less than 50 feet from the street right-of-way line and the Jung property (section 404.A.2).
- A 400-foot long spillway is proposed for the basin to act as a level spreader and to avoid a concentrated storm water discharge onto the Jung

property. (Section 404.B). The Planning Commission (PC) indicated that it finds this acceptable.

- Lot 3 is shown 2/3 in Franklin Township and the balance in London Britain Township. The applicant is proposing to build the house entirely in Franklin Township. (Section 604E) The PC indicated it would support the waiver request.
- Open Space dedication requires 0.18 acres of parkland or a fee of \$7,200. (Section 607.D)
- The cul-de-sac street will exceed the maximum allowable length of 600 feet (Section 607.D). There will be 1140 feet in Franklin Township. The PC noted that a road way is necessary to provide access to Church, that the plan only calls for 4 houses, that a turnaround can be required to allow emergency vehicles space to turn around if necessary, and that it was good to limit outlets onto Appleton Road. Therefore, the PC would support a waiver.
- The cartway of the street is proposed to be only 18 feet. The applicant is considering a full 24-foot width being public.
- Sidewalks may be required at the discretion of the Supervisors. The PC is in favor of concrete sidewalks on the house side of the road.

PC Concerns:

- Mr. Olivier was dissatisfied with the storm water basin and berm. He suggested that the applicant think outside of the box and develop a more visually pleasing structure.

The applicant will make the changes to the plan as suggested by the Planning Commission and will return with a preliminary plan.

Final Plans:

Woods Edge Subdivision Plan: The Final Plan is for a 22 lot single-family residential plan on 44.9 acres located in the northwest quadrant of the Township. Access is from Blair Road in New London Township. Lots 1-8 and 18-22 comprise Phase 1 (13 lots). The remaining 9 lots will not be built until a second access is provided by completing the connection of the roadway to a public road in the adjacent London Grove Township. Mr. Smiley was present to discuss the final planning issues referring to the letters from LTL dated November 28, 2006 and URS dated November 28, 2006. Discussion about the planning issues in the letters occurred.

On motion by Mr. Squadron, seconded by Mr. Olivier, the Planning Commission recommends that the Board of Supervisors approve the Final Plan for the Woods Edge Subdivision dated September 21, 2006, last revised November 8, 2006, subject to satisfaction of the following conditions:

- Payment of an open space fee-in-lieu in the amount of \$39,600.
- Payment of a Traffic Impact Fee in the amount of \$28,755.

- Completion of financial security agreements providing proper security and subject to approval by the Township Solicitor and Township Engineer.
- Execution of a Land Development/Subdivision Agreement acceptable to the Township.
- Completion of a phasing agreement to be prepared and executed by the applicant and approved by the Township Solicitor.
- Revision of the plan to satisfy the comments of the Township Engineer as outlined in the letter from LTL dated November 28, 2006 and execution of the various certificates outlined in that letter.
- Final approval of the sewage land planning module by the CCHD and DEP.

Motion carried by a vote of 5-0.

Paradocx Land Development: This is the Final Plan for Paradocx Vineyards. The proposal includes construction of an agricultural building used for the purpose of processing materials from the vineyards on a parcel of 17.722 acres. The plan was reviewed by Surrender Kohli of Kohli & Associates. Mr. Stingel made a presentation on behalf of the applicant. It appears that all of the previous comments from the engineer have been satisfactorily addressed with exception of the following waiver requests and other issues:

1. A waiver of SALDO Section 502.M.1 to allow a partial topographic survey of the tract. Since construction and disturbance is to occur only on a very small portion of the property, there was no objection.
2. A waiver of SALDO Section 502.M.8 is being requested to allow an approximate location of the wetlands instead of a field surveyed wetland delineation. Since no disturbance is proposed within 100 feet of the approximate wetland limit, there was no objection.
3. A waiver from Ordinance 2005-03 regarding storm water management with the exception of entering into and performing the Ownership and Maintenance Agreements. It has been verified by the Township Solicitor that the applicant has a vested right in the previous ordinance. Therefore, there were no objections except that an ownership and maintenance agreement be put in place.
4. A waiver from Section 717 of SALDO that the applicants not be required to install concrete monuments and pins at property corners. There are iron pins on three corners. It appears there is no pin on the South East corner.
5. There is a need to waive the preliminary plan requirements since all provisions of the final plan have been met by the applicant. No objections.

APPROVED

The following issues must be addressed by the applicant prior to the plan being presented to the Board of Supervisors for approval:

1. The plan reflects the requirement to deed restrict the property in accordance with Article XXIV. The Township Solicitor and the applicant's attorney must meet and resolve both this issue and the Storm Water Management Agreement. These issues must be resolved before the Board of Supervisors takes final action.
2. The sight distance shown on the plan appears to be below the minimum required sight distance for the posted speed limit of 35 mph. A letter from McCormack Taylor approving the sight distance is expected.

Mr. Squadron moved, seconded by Mr. Olivier, that the Planning Commission recommend to the BOS that it approve the Final Land Development Plan of Paradox Vineyard dated June 7, 2006, last revised November 17, 2006, subject to the following conditions, completion of items, and recommendations for waivers.

With respect to recommending to the Board approval of waivers:

1. A waiver of SALDO section 502.M.1 to allow a partial topographical survey of the tract given that the actual development and disturbance on the tract is to only occur on a very small portion of the property and that the topographical survey will adequately cover that portion of the tract.
2. A waiver of SALDO section 502.M.8 to allow the location of the wetlands to be approximated rather than to require a field survey to delineate the wetlands since no disturbance is proposed within approximately 150 feet of the nearest approximated wetland limit.
3. A waiver from Ordinance 2005-03 regarding storm water management to allow the plan to comply with the prior storm water management ordinance and requirements except for a requirement that an Ownership and Maintenance Agreement in compliance with Ordinance 2005-03 be put in place that is acceptable to the Township with the advice and recommendation of the Township Solicitor. This waiver is recommended based on the level of disturbance and activity proposed for the property and due to the fact that the initial development of the property was primarily approved without a land development plan prior to the enactment of ordinance 2005-03 and only later identified as requiring an approved land development plan.
4. A waiver from Section 717 of the SALDO to permit the developer to not install concrete monuments at all of the corners of the property given the fact that existing pins are in place at the southwest, northwest and northeast corners, that the title line for the eastern boundary of the property runs along the bed of Flint

Hill Road, and that the portion of the property that is not to have concrete monuments is far removed from the area of the property being developed.

5. If determined by the Township Solicitor to be required, a waiver with respect to the Plan being presented initially as a Final Plan and not requiring presentation and approval of the plan as a Preliminary Plan.

The recommendation of approval of the plan is subject to the following:

1. Addition of a Note to the Plan, which would also appear on any deeds of transfer for the property, that reads as follows, subject to approval by the Township Solicitor:

“Except as preempted by county, state, and federal statute and regulation, it shall be a violation of the Franklin Township Zoning Ordinance to re-grade, fill, pipe, divert, channel, build upon or otherwise disturb resources identified on this site except as illustrated and described on this plan. Any proposed disturbance not shown on this plan shall require the submission, review and approval pursuant to any or all of the applicable items listed below:

- a. Applications for zoning or building permits;
- b. Conditional use or special exception approval;
- c. Zoning variances;
- d. Submission of plans for subdivision or land development.

Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of Article XXIV of the Franklin Township Zoning Ordinance. Restrictions to the disturbance of resources shall apply before, during and after construction on the site.” (End of Note)

2. Pursuant to evaluation and recommendation by McCormick Taylor, the Township traffic consultants, the determination of whether a traffic impact fee would be due and the amount of such traffic impact fee, if any.

8. Based on the advice of the Township Solicitor as provided to the Township Manager, the payment of an open space fee in the amount of \$3,600.

9. Receipt from McCormick Taylor of their final letter confirming that the sight distance at Flint Hill Road and the access point of the property is adequate.

The motion carried unanimously.

Old Business:

Mr. Squadron raised the issue of the *Avignon Development* that has been previously reviewed and approved by the Planning Commission. He understands that the conservation easement has not been finalized and approved between the Developer and Brandywine Conservancy. It was noted that the PC recommendation for approval and the Board of Supervisors approval were both based on an understanding and representation that this agreement was completed and final. The Manager was instructed to find out what the problems are with the parties.

Public Comment: Mr. Olivier commented that, based on the previous discussion regarding Paradocx Vineyards, the issues raised indicate that perhaps our ordinances may not address agricultural uses and in some cases may be a hindrance to agricultural uses. He suggested that this should be looked at in order to make it easier for agricultural uses to be considered in the Township.

Mr. Olivier questioned the status of the codification and what zoning ordinance changes are being considered. Mr. Ross explained that the changes to the zoning ordinance will be part of the project which will begin in 2007 with the retention of a consultant to prepare the zoning ordinance amendments.

Adjourn: Meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Richard J. Squadron
Planning Commission Secretary