

**FRANKLIN TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
MAY 1, 2008**

Call to Order: Planning Commission Chairman Ralph Olivier called the meeting to order at 7:05 p.m. Present were Mr. Eric Brindle, Dr. Dave Hoffman, Dr. Mark Harris and Mr. Richard Squadron. Others in attendance included Mr. Grant Hitchens of Kohli & Associates, Mr. Stan Corbett of URS and Mr. Stephen Ross, Interim Township Manager. Dr. Hoffman was not present at the beginning of the meeting but arrived later. There were seven members of the public in attendance.

Public Comment: No public comment.

Approval of Minutes – April 3, 2008: On motion by Mr. Squadron, seconded by Mr. Brindle, the minutes of the Planning Commission Meeting of April 3, 2008 were approved as submitted by the Planning Commission Secretary. Motion carried by a vote of 4-0.

Mr. Hoffman arrived at 7:12 pm.

Plan Review:

- **Insinga Preliminary Subdivision Plan:** Mr. Bill Romanelli from Wilkinson Builders and Mr. Barry Stingel of Hillcrest Associates were present to discuss the 14.10 acre parcel. The parcel is situated on the west side of Appleton Road and extends west to Peacedale Road. The plan involves the creation of three new lots and reconfiguration of two existing lots. The lots are situated in the C-Commercial, V-Village and LDR-Low Density Residential Zoning Districts. The following consultants or agencies provided written comments:
 1. URS
 2. Kohli and Associates
 3. McCormick Taylor

Mr. Stingel presented his letter dated April 1, 2008 and referenced the Kohli letter of April 22, 2008 that included the following points for discussion:

1. Regarding Item 4 of the Kohli letter concerning landscape screening, Mr. Stingel discussed the landscaping material that is being added to the plan. The applicant is seeking a partial waiver of the landscaping requirements on the northwest side of the property by reducing the number of trees (item 7 of the conditional use decision). Mr. Olivier suggested that photographs be provided to the Commission that would support the waiver request by demonstrating the benefit to the Township and/or lack of negative effect impact on accomplishing the intent of the landscaping requirements by granting the requested waiver.
2. The applicant is seeking a waiver from Section 604.D regarding the use of radial side lot lines.
3. Items 7, 8 and 9 of the Kohli letter are waiver issues. SALDO Section 604.G. prohibits the use of flag lots to avoid the construction of a street and Section 604.I. limits the number of flag lots to one. Mr. Stingel explained that the applicant is seeking a

waiver to Section 604, not to avoid constructing a street but because of circumstances dictated by the configuration of the site. There was extensive discussion regarding the pros and cons of the current plan, which requires waivers vs. the previously submitted plan which was legally conforming. Mr. Stingel stated that the new plan will benefit both the Township and the applicant because it reduces the number of new lots and eliminates the street which thus reduces the impermeable surface and environmental impact on the site. Mr. Olivier did not agree and indicated that the applicant needs to demonstrate the benefit to the Township in greater detail.

4. Item 11 of the Kohli letter refers to the requirement of sidewalks. The applicant previously agreed to install a paved trail in lieu of sidewalks. The Planning Commission was of the opinion that sidewalks should be installed on Appleton Road.

The McCormick Taylor letter of April 21 was discussed and the following issues were raised by Mr. Stingel:

1. The slope of the driveway is usually the maximum of 15% and the plan provides for 13.3% slope. The consultant believes that 8% is the desired slope. The Commission indicated that it would support the plan with a 13.3% slope.
 2. The slope is proposed at 12% slope grade for lots 1 and 2. The Commission concurred with the position of the applicant.
 3. The distance from the proposed driveway where it intersects with Appleton Road is less than the required 100' minimum. The Planning Commission is in favor of recommending a waiver as suggested by McCormick Taylor.
 4. The SALDO Section 714.E provides that no more than two properties shall share a private driveway. The applicant is proposing three lots to access a private driveway. The Commission indicated it would favor recommendation of a waiver to allow the three lots to access a private driveway.
 5. The applicant discussed whether the Peacedale access should be widened. The Conditional Use decision of the Zoning Hearing Board required road improvements to be constructed. Private property would need to be secured to facilitate intersection improvements. The Planning Commission expressed its view that the public interest should prevail over the private interest in making the road improvements.
- Brothers Property: Mr. Ken Crossan, representing the applicant, presented background information on the 3-lot subdivision plan that has been discussed by the Planning Commission on several occasions. Mr. Todd Edwards the developer of the site was also present. The proposed residential development is located on a 9.8827 acre parcel and is within the AR-Agricultural Residential Zoning District on South Guernsey Road. Mr. Kevin Crossan was present at the last Planning Commission meeting substituting for Mr. Ken Crossan and was unable (a) to present the history of the plans for the subdivision presented and discussed in prior Planning Commission meetings and (2) to adequately address concerns of the members of the Commission regarding certain requested waivers. No specific action was taken. The applicant has extended the plan for Township consideration until August 11, 2008. Mr. Ken

Crossan provided the Commission with the history of submitting alternative plans since October of 2006. After considering the past history and the current information, Dr. Hoffman proposed the theory that by going from 4 lots to 3 lots, the applicant could present a by-right plan with a public street and asked the Commission whether they would prefer a 3-lot by-right plan with a public road or a 3-lot flag lot plan with driveways. Initially Mr. Olivier requested that Mr. Theisen attend the next meeting so that he can explain the pros and cons of the two alternative plans. However, after further consideration, the consensus of the Commission was that since the plan with a public street would have more impervious surface and place a greater burden on the Township, they would recommend the necessary waivers to pursue a 3-lot plan showing two flag lots and a shared driveway accessing the two rear lots. Mr. Crossan must revise the flag lot plan and return with review letters from the Township consultants.

- McCleary Final Subdivision Plan: The residential subdivision plan dated December 26, 2007, revised April 11, 2008 was presented by Mr. Ken Crossan, Engineer for the owners. The 91.2 acre parcel includes three reconfigured existing parcels on the north side of Hess Mill Road and the west side of Conard Mill Road. The lots are situated in the AR-Agricultural-Residential Zoning District. Mr. Crossan provided a summary of the plans that were reviewed by various agencies and consultants including the Chester County Planning Commission, Kohli Associates, URS, McCormick Taylor, and the Township Manager.

On motion by Mr. Squadron, seconded by Mr. Brindle, the Planning Commission recommends to the Board of Supervisors that it approve the McCleary minor subdivision plan dated March 25, 2008, subject to satisfaction of the following and with approvals, terms and conditions as follows:

- A. The applicant replace the last sentence of the current plan note, designated Sewage Facilities Note, and add to the end of the next to last sentence of such note the following:

Add at the end of the next to last sentence the words:
"and any applicable ordinances of the municipality."

Replace the last sentence with the following:

"Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact the appropriate officials of Franklin Township and/or New London Township, as applicable, who are charged with administering the Sewage Facilities Act and applicable municipal ordinances to determine the form of sewage facilities planning required and the procedure and requirements for obtaining appropriate permits or approvals."

- B. The following waivers of the Franklin Township Subdivision and Land Development Ordinances have been requested by the applicant and the Planning Commission finds the waivers to be appropriate to this specific plan since no development or earth disturbance is proposed and the intent and purpose of these ordinances is therefore not impacted by this plan.

APPROVED

- Section 502.L.14 requiring location of all wells and septic systems.
 - Section 502.M.1 requiring existing contour lines at vertical intervals of 2 feet.
 - Section 502.M.2 requiring identification of soil types and their boundaries.
 - Section 502.M.5 requiring the identification of steep slopes.
 - Section 502.M.8 requiring all non-tidal wetlands to be identified by field survey.
 - Section 722.K.4 requiring the identification of replacement sewage system absorption areas.
 - Section 202 providing a definition of a Minor Subdivision to allow this application to be considered under the Minor Subdivision procedure.
 - Sections 502.Q and 718 as required by Section 410 relative to a Sedimentation and Erosion Control Plan being prepared.
- C. The Planning Commission further recommends that the Township approve and take necessary action to complete the Request for Planning Waiver and Non-Building Declaration form that has been completed by the Applicant and the CCHD Enforcement Officer by having (1) Section (D) completed by the Chairman of the Planning Commission and (2) Section (E) completed by the designated representative of the Board of Supervisors.
- D. That the Board of Supervisors solicit from the Township Solicitor his opinion as to the viability of the easement and access right to parcel UPI No. 72-4-1.3 as set forth in Note 12 on the plan.
- E. Resolution #2002-15 provides for a Public Facilities Open Space fee-in-lieu payment of \$1,800 per residential unit. Whereas the applicant does not intend to develop the parcel but the Resolution provides for an additional charge of 5% per year compounded annually from the date of the final plan approval, the Planning Commission recommends if in the future a building permit is pulled for one of the lots within an approved subdivision plan relevant to this property that the applicant would be responsible for this fee and that a note to that effect be required to be shown on the plan.

After discussion, Mr. Squadron amended his motion by removing Item "E". Mr. Brindle seconded the amendment.

Dr. Harris moved, seconded by Dr. Hoffman, to remove the language regarding the Solicitor review of Note 12 on the plan (Item D). Motion carried by a vote of 4-1 with Mr. Squadron voting no.

The motion to recommend to the BOS that they approve the plan as set forth above, but without Items D and E, carried by a vote of 5-0.

Public Comment: No public comment.

Adjourn: The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

APPROVED

Richard J. Squadron
Planning Commission Secretary

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