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FRANKLIN TOWNSHIP **PLANNING COMMISSION MEETING MINUTES** **AUGUST 7, 2008**

Call to Order: Planning Commission Chairman Ralph Olivier called the meeting to order at 7:07 p.m. Present were Mr. Eric Brindle, Dr. Dave Hoffman, Dr. Mark Harris and Mr. Richard Squadron. Others in attendance included Mr. John Theisen of LTL Associates, Mr. Stan Corbett of URS Inc., and Stephen Ross, Interim Township Manager. There were 7 members of the public in attendance.

Public Comment: No public comment.

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

Plan Review:

Brothers Subdivision: This is a Preliminary Subdivision Plan dated November 6, 2007, revised June 19, 2008. The property is located on the east side of South Guernsey Road, approximately 1,000 ft. north of Hess Mill Road in the AR Agricultural Residential District. There is an existing house, which would remain on the property, and two new lots. The plan was previously discussed with the Planning Commission on at least three occasions. The planning issue that has been discussed is whether to construct a public road and a fourth lot or permit two flag lots enabling a total of three lots to be subdivided on the property. The Chester County Planning Commission reviewed the plan in December 2007 and most of their comments are not relevant because the plan has been revised subsequent to their review with corrections to satisfy their comments. Mr. Ken Crossan of Crossan-Ramato presented the plan on behalf of the applicant. Mr. Squadron moved, seconded by Mr. Brindle, to recommend to the Board of Supervisors that they approve the Brothers Preliminary Subdivision Plan dated November 6, 2007, last revised June 19, 2008, and grant waivers in connection with such plan noted below, subject to and upon satisfaction of the conditions and actions noted below:

1. Due to the rural nature of the property, the Planning Commission recommends that the Board of Supervisors not require any sidewalks, lights and school bus stops in the development under ZO Sections 1505 and 1506 and SALDO Sections 710 and 711.
2. In accordance with SALDO Section 2403.C., the applicant shall have included on the final plan, and shall have agreed to include in the deed for Lot 3, deed restrictions for the protection of wetlands and woodlands as approved by the Township Solicitor.
3. Granting a waiver of SALDO Section 604.I permitting two flag lots due to the benefit to the Township that such approval provides by removing the

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- need for a public road and given the low overall density and development occurring on the property.
4. Granting a waiver of Ordinance 2005-03, Section 401.A.2, pertaining to the peak rate reduction standards for site development for 10-year to 2-year rate reduction requirements due to the fact that the current storm water management proposals for the property satisfy the intent of the ordinance and to avoid the placement of facilities in wetland and natural areas of the property causing intrusion and disturbance to such areas.
 5. The notarized signature of the owner is to be on the plan at the time the Board of Supervisors approves the preliminary plan.
 6. At the time of final plan submission the applicant should indicate house numbers as assigned by the Township.
 7. The final plan shall include all the items required by Ordinance 2005-03, Section 405 such as inlet flow channels, inlet material requirements, inlet adjustment rings and inlet steps. The inlet detail added to the plans should be modified to show the inlet flow channel extending up the side of the inlet for a minimum distance of 12 inches from the pipe invert.
 8. The final plan shall have all inlet tops depressed twelve inches in landscaped areas in accordance with Ordinance 2005-03, Section 405.N. Inlet #5 in the Preliminary Plan does not meet the requirements of this section and must be modified to bring it into compliance with the ordinance.
 9. A rain garden shall be identified on the plan to be installed in lieu of an infiltration facility, with details of the facility set forth in the final plan.
 10. The applicant shall provide as part of the final plan submission sufficient detail to the Township regarding proposed grades, maintenance and prevention of run-off from entering South Guernsey Road, including spot elevations and a cross-section detail on the plans.
 11. The applicant shall provide as part of the final plan submission forms of deeds of the effected parcels to include detail of the location, use restrictions and maintenance responsibilities related to the driveway easement. The deeds must be reviewed and approved by the Township Solicitor.

Motion carried by a vote of 5-0.

Sarana (Davis) Subdivision: This is a Preliminary Subdivision Plan dated February 29, 2008, last revised July 2, 2008. The plan proposes four lots on 83.175 acres, with two houses on each lot. The property is located on the north side of Route 841 across from Hidden Fox Drive in the AR Agricultural Residential District. The development is being proposed under Open Space Conservation Conventional Development rules. The plan has been viewed on various occasions over a two year period. A detailed report entitled Davis Family Conservation Area was prepared by North American Land Trust and recorded on December 18, 2007. The report includes Baseline Documentation in its entirety and provides the physical condition of the Conservation Area. Vehicular access to the site, from Lewisville-Chesterville Road, will be via a private driveway to service lot 1, and a common driveway to service lots 2, 3,

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and 4. The plans were reviewed by LTL Consultants, URS Corp., Tetrahedron Consultants Inc, McCormick Taylor and Chester County Planning Commission. A previous version of the plan was reviewed by the Planning Commission on June 5, 2008 and the Planning Commission indicated it was inclined to recommend to the Board of Supervisors that the Board grant the following waivers:

1. The side lot lines on lots 3 and 4 are not perpendicular to State Route 841 (SALDO, Section 604.D). In previous review by the PC, the PC indicated that it would recommend to the BOS that a waiver be granted.
2. Lots 2, 3 and 4 have depth-to-width ratios that exceed 2 ½ to 1 (SALDO, Section 604.F). In previous review by the PC, the PC indicated that it would recommend to the BOS that a waiver be granted.
3. Consideration for the need for community facilities, including schools (SALDO, Section 607.A). The PC indicated that it would recommend to the BOS that a waiver be granted.
4. The dedication of 0.36 acres of parkland to Franklin Township, or a fee-in-lieu of \$14,400 (SALDO 607.D). The PC indicated that it would recommend to the BOS that a waiver be granted.
5. Sidewalks may be required at the discretion of the BOS (SALDO, Section 710). The PC indicated that it would recommend to the BOS that sidewalks not be required.
6. Street lighting could be required in accordance with the Zoning Ordinance and SALDO, Section 711. The PC indicated that it would recommend to the BOS that street lighting not be required.

Mr. Barry Stingel of Hillcrest Associates represented the property owner. From the outset Mr. Stingel stated that he wanted to review several of the details of the plan and receive concurrence from the Commission before he revised the preliminary plan and resubmitted it to the Township. The following points were presented on behalf of the property owner by Mr. Stingel:

1. The adequacy of access to the site for emergency vehicles shall be subject to review by the fire marshal or designee. Mr. Stingel advised that he has reviewed the plan with the Fire Marshall and the Fire Marshall's requested changes are to be included on a revised plan. Once the plans are revised, the Fire Marshall will again review the plan prior to issuing a letter.
2. Dwellings shall be configured to be situated below the ridgeline. Mr. Stingel provided the Township with pictures of the ridgeline, depicting the location of the proposed houses within the meadows and providing views from Route 841. The PC felt that the proposed landscaping would adequately meet the intent of the ordinance.
3. The applicant is requesting a waiver of the 40 foot buffer that is required along existing roads.
4. The applicant is requesting a waiver of the 30 foot buffer along the perimeter of the property.

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5. McCormick Taylor's letter of April 21, 2008 was discussed in conjunction with a letter from Mr. Stingel dated July 31, 2008. Certain changes have been made or will be made by the applicant, with the exception of the following:
 - a. The designation of a school bus stop. The Planning Commission felt that the driveways shown on the plan were adequate in lieu of bus stop.
 - b. The zoning ordinance requires a minimum of 100 feet from an intersection. The wording contained in Section 714.A of the SALDO is in conflict with Section 1503.D of the Zoning Ordinance. PennDot has advised that the access to the Davis parcel is acceptable.
 - c. Section 1512.N of the Zoning Ordinance has conflicting information regarding driveway grade. The text references 15% and the chart shows 13%. The applicant complies.
 - d. The consultant requested that guide rails be provided for slopes greater than 3:1. There isn't an ordinance provision requiring guide rails.
 - e. The applicant is seeking an exemption to the Traffic Impact Fee of \$11,715. The Planning Commission advised that the Township does not have the authority to waive the fee.

6. URS's letter of July 28, 2008 was discussed and the applicant agreed to place orange construction tape around the perimeter of the primary and replacement sewage system areas and to place a Note on the plan that forbids installation of fence posts in absorption areas.

Mr. Olivier asked about the pedestrian/equestrian trail that was previously discussed as a community facility requirement. Ms. Latimer expressed an opinion as a member of the Trail Committee advising that the Committee respects the privacy of the owners in not having the trail constructed until the year 2047. She also pointed out that the Township Trail Feasibility Study provides alternative trails that can be pursued in lieu of using the Davis property. After further discussion members of the Commission agreed that although they would prefer having the trail available before 2047, in consideration of the recommendation from the Trail Committee and the benefit to the Township of a low density subdivision they concur with the 2047 availability of the trail.

Insinga: Mr. Bill Romanelli and Mr. Barry Stingel were present representing the applicant, Wilkinson Builders. The Plan dated September 10, 2007, last revised May 21, 2008, received preliminary approval at the July 16, 2008 meeting of the Board of Supervisors. As a condition of preliminary plan approval the applicant is responsible for constructing a sidewalk fronting the Wilkinson Property on Appleton Road. The applicant provided an exhibit and memo dated July 29, 2008 explaining that a 38" silver maple tree is located on the west side of Appleton Road and is 13' from the front porch of the existing house. The

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applicant is concerned that installing the sidewalk could severely damage the roots of the tree. As an alternative, the applicant suggested the possibility of providing funds to the Township for the future installation of a sidewalk in this location should the tree be removed at a later date. On motion by Mr. Brindle, seconded by Dr. Harris, the PC recommended to the Board of Supervisors that the Township accept \$1,000 from the developer and place it in the open space fund. Motion carried by a vote of 4-1 with Mr. Olivier voting No. He stated his opinion that the money should be placed in a newly established sidewalk fund.

Public Comment: No public comment.

Zoning and Subdivision Ordinance Review: Mr. Tom Comitta and his associate, Ms. Jennifer M. Leister, were present at the meeting to review the proposed Zoning Ordinance and the SALDO amendments. Mr. Comitta distributed a memorandum dated June 19, 2008 providing a summary of the zoning ordinance amendments. Mr. Comitta advised that the current proposed zoning ordinance is version #8. For the past year Mr. Comitta has been working with the Vision Partnership Program (VPP) of the Chester County Planning Commission (CCPC) to satisfy their comments and concerns. The VPP group of the CCPC is satisfied with the document but the amendment also requires a review from the Act 247 group of the CCPC. On motion by Mr. Brindle, seconded by Mr. Squadron, the Planning Commission recommended approval to the Board of Supervisors regarding the Proposed Ordinance Amendment as recommended by Thomas Comitta Associates and subject to several minor changes as listed below:

1. 27-2503(A)(2) Zone Two Riparian Buffer: To reorganize numbering for better reading and remove repetitive wording.
2. 27-1514(F) Environmental Impact Assessment and Mitigation Report add "archeologically".
3. 27-1613/22-714 Driveways: Revise sections to reconcile conflicts, remove design standards from Zoning that should only be in the SALDO.

Motion carried by a vote of 5-0.

Adjourn: The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Richard J. Squadron
Planning Commission Secretary