

# APPROVED

## FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES OCTOBER 2, 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, and Mr. Richard Squadron. Dr. Mark Harris arrived at 7:14 p.m. Others in attendance included Mr. John Theisen of LTL Associates, Jennifer Leister of Thomas Comitta Associates, Scott Allen, Engineer for McCormack Taylor, Jeff Eastburn, Assistant to the Township Manager and Stephen Ross, Interim Township Manager. There were 5 members of the public in attendance.

**Public Comment:** No public comment.

**Approval of Minutes - August 7, 2008:** On motion by Mr. Brindle, seconded by Mr. Squadron, the Minutes of the Planning Commission Meeting of August 7, 2008 were approved with the following amendment: Page 3, #4, last sentence: "The PC indicated that it would recommend to the BOS that a waiver be granted from the requirements of SALDO §607.D and that no fee in lieu be assessed." Motion carried by a vote of 4-0

Dr. Harris arrived at this point in the meeting.

### **Planning & Zoning:**

**Zoning Ordinance Review:** Ms. Jennifer Leister of Thomas Comitta Associates (TCA) was present to review the proposed zoning ordinance changes and answer questions from the Planning Commission. A letter from TCA dated June 19, 2008, revised September 25, 2008, provided background information including a summary and explanation of the changes under consideration by the Planning Commission. Ms. Leister explained that the major focus of the proposed amendments included the following:

1. **Preamble:** This section has been updated to reflect the purposes stated in the MPC and the Community Development Objectives encompassed in the Township's current Comprehensive Plan.
2. **Scenic Roads:** The amendments provide additional design standards for development along roads designated as "scenic" in the Franklin Township Comprehensive Plan. These design standards closely resemble those required in the Open Space provision of Section 1511.
3. **Steep Slopes:** The amendments modify the names of the steep slope categories to reflect more concise and commonly recognized nomenclature (e.g., "Moderately Steep Slopes" and "Very Steep Slopes") as well as additional standards for permitted development on these areas.

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4. TND: The Zoning Ordinance incorporates the TND Ordinance adopted in November 2007 and includes several “tweaks” to ensure proper cross referencing to other sections of the Ordinance for signs, open space, natural resource protection, etc.
5. Landscaping Standards: The proposed amendments revise the landscaping standards by updating and modernizing the suggested Parking and Shade Tree lists and modifying language to better meet the goals of the Ordinance through more realistic and realizable regulations.
6. Environmental Impact Assessment and Mitigation Report: The Ordinance amendments requires the submission of an Environmental Impact Assessment and Mitigation Report for land development and subdivision plan applications. This type of report is widely used by municipalities throughout Chester County to ascertain, both graphically and in narrative, the impacts and any proposed mitigation for a wide variety of factors, including land use, noise, traffic, and lighting. The Mitigation Report also addresses mitigation measures such as buffering and enhanced landscaping.
7. General: Overall, the Zoning Ordinance has been updated to comply with definitions and regulations in accordance with the MPC, revised to have greater consistency, and modified for greater understanding and readability. As part of this effort, all definitions have been relocated from the individual articles and consolidated in the Definitions section, and a new section entitled “Abbreviations and Acronyms” has been added.

These Amendments were submitted to the Chester County Planning Commission (CCPC) for Act 247 review on August 15, 2008. The CCPC responded with a letter dated August 25, 2008 recommending the Ordinance for adoption. However, CCPC did provide additional comments for consideration. After meeting with the Township Manager and Solicitor, the following changes were incorporated into the current draft:

- The definition for No-Impact Home-Based Business was amended to be in full compliance with the MPC (§ 27-202);
- The Environmental Impact Assessment and Mitigation Report has been amended such that this report is only for nonresidential developments of 5 acres or larger (instead of all nonresidential development) (§27-1514); and,
- Pedestrian Access standards have been expanded to address pedestrian and vehicular cross-access between nonresidential developments (§27-1606).

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The possibility of other amendments was discussed briefly. Ms. Leister advised that making additional amendments at this time would push the adoption of the Ordinance into 2009. She will maintain a list of other amendments discussed by the Planning Commission and/or suggested by the County for future consideration.

There was consensus among the members of the Planning Commission that they are in favor of the changes outlined above. In compliance with the MPC, the amended Zoning Ordinance will be reviewed again by the Planning Commission at their November 6<sup>th</sup> meeting at which time they will move to recommend to the Board that they approve the adoption of the Ordinance at the November meeting of the Board of Supervisors.

*Sarana Preliminary Subdivision Plan:* Mr. Barry Stingel of Hillcrest Associates presented the preliminary plans on behalf of his clients, Mr. Thomas B. and Robert H. Davis. The 83.175 acre property is located on the north side of Route 841 across from Hidden Fox Drive. The plan includes a subdivision of four lots with two structures per lot.

On motion by Mr. Squadron, seconded by Mr. Brindle, the PC recommended to the BOS that they approve the Sarana Preliminary Subdivision Plan dated February 29, 2008, last revised September 5, 2008, subject to the following waivers and conditions:

1. Waivers of the following sections of the SALDO:
  - a. Section 604.D regarding the need for perpendicular lot lines. This waiver is recommended due to the low density and small lot size of the development as well as the low level of non-compliance.
  - b. Section 604.F regarding the depth to width ratios for lots 2, 3 and 4. This waiver is recommended based on low density and small lot sizes of the development.
  - c. Section 607.D requiring the dedication of .36 acres of parkland to the Township. Given the large amount of property being reserved and eased to the Natural Lands Trust from further development, this waiver is recommended. The Planning Commission further recommends that the Township not require a fee-in-lieu of such dedication of land.
  - d. Section 610.B.5.a requiring a 40 foot buffer along existing roads. Given the size of the property and the level of existing woodlands that currently exist and the public benefit of the side yard vistas, this waiver is recommended.
  - e. Section 610.B.5.b requiring a 30 foot buffer along other perimeters. Recommended for the reasons stated in (d) above.
  - f. Section 710, that the requirement for sidewalks be waived given the low density, small lot sizes and rural location of the development.
  - g. Section 711, that the requirement for street lights be waived. Recommended for the reasons stated in (e) above.

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- h. Section 714.E, that upon receipt and approval by the Township Solicitor of appropriate common driveway and access and maintenance agreements, and placement of an appropriate note on the final plan, that the Board of Supervisors approve the driveways as proposed for the property that are intended for the use of two or more families.
2. The applicant shall follow the recommendations of the Chester County Planning Commission as outlined in their letter dated April 16, 2008.
3. Prior to final plan approval, the following will be completed by the applicant and received by the Township:
  - a. Approved driveway permits with all required approvals, including a Highway Occupancy Permit from PennDOT.
  - b. Approved NPDES Permit from the Chester County Conservation District.
  - c. Indicate house numbers on the final plan as assigned by the Township and approved by Chester County 911.
  - d. Subject to having all legal documents in acceptable form approved by the Township Solicitor prior to final plan approval, including the following:
    1. Subdivision Financial Security Agreement
    2. Subdivision and Land Development Agreement
    3. Homeowners Association Documents (if needed)
    4. Common Driveway / Access & Maintenance Agreements.
  - e. The applicant shall revise General Note # 22 on the plans in a manner acceptable to the Township to indicate maintenance responsibility of the newly added emergency access prior to final plan approval.
  - f. The applicant shall add a note to the plan indicating that there will not be a Homeowner's Association.

Motion passed unanimously.

### **New Business:**

*Grant Resolution and Contracts:* The Commission reviewed a grant application where the Township is interested in acquiring open space on a property located on Parsons Road. There is a need for the Chairman of the Planning Commission and Open Space Committee to jointly sign a letter that will be attached to the grant application and forwarded to the Chester County Open Space Preservation Department. On motion by Mr. Squadron, seconded by Dr. Harris, the Commission moved to authorize the Chairman of the Planning Commission to sign a letter to the Chester County Open Space Preservation Department in order for the Township to proceed with filing a grant application to acquire a property on Parsons Road. Motion carried by a vote of 5-0.

**Public Comment:** There was no public comment.

**Adjourn:** The meeting was adjourned at 7:59 p.m. as declared by Chairman Olivier.

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Respectfully submitted,

Richard J. Squadron  
Planning Commission Secretary

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