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## **FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES FEBRUARY 5, 2009**

**Call to Order:** Planning Commission Chairman Ralph Olivier called the meeting to order at 7:03 p.m. Present were Mr. Brindle, Dr. Harris, Dr. Hoffman and Mr. Squadron arrived prior to the 1<sup>st</sup> public comment. Others present included Township Engineer Grant Hitchens, Township Engineer John Theisen, Township Secretary Sharon Norris, and Jeff Eastburn, Asst. Township Manager. Ray Ott, Township Planner, was also present. There were 10 members of the public in attendance.

**Organization:** The first order of business was the selection of Commission Officers for the year.

On motion by Mr. Brindle, seconded by Dr. Harris, Ralph Olivier was nominated for the position of Chairman. Motion carried unanimously.

On motion by Mr. Brindle, seconded by Dr. Hoffman, Mark Harris was nominated for the position of Vice Chairman. Motion carried unanimously.

On motion by Dr. Hoffman, seconded by Dr. Harris, Richard Squadron was nominated for the position of Secretary. Motion carried unanimously.

**Public Comment:** No public comment.

**Approval of Minutes – December 4, 2008:** On motion by Mr. Squadron, seconded by Mr. Brindle, the Minutes of the Planning Commission Meeting of December 4, 2008 were approved as submitted. Motion carried 4-0. Mr. Olivier abstained because he was not present at the 12/4/08 meeting.

### **Old Business:**

*Trail Feasibility Study – Ray Ott:* After Mr. Ott's presentation of the Trail Feasibility Study, Mr. Olivier led a thorough review and discussion of the document. Mr. Ott will incorporate the corrections and recommendations provided by the Commission and the Study will be resubmitted to the PC for their review prior to making a recommendation to the Board for adoption.

### **Planning & Zoning:**

*Insinga Plan Review – aka Appleton Glen:* Mr. Barry Stingel was present on behalf of the applicant and provided an update on the status of the various reviews conducted by the Township consultants. The applicant is seeking a recommendation from the PC to the BOS for final approval of the plan.

After extensive discussion, Mr. Squadron moved, seconded by Dr. Harris, that the Planning Commission recommend to the Board of Supervisors that the final subdivision plan for Insinga/Appleton Glen, dated September 22, 2008, last revised January 8, 2009, be approved with the granting of the following waivers and upon satisfaction of the following conditions:

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## **Waivers:**

- The waivers listed on page 1B of the Plan that were previously approved as part of the preliminary plan approval with respect to Sections 502.1.14, 604.D, 604.F, 604.G, 610.B.5.(a), 610.B.5.(c), and 611.D of the SALDO.
- Section 401.A.2, Standard 2 of the Stormwater Management Ordinance.
- A new waiver request from the requirements of Section 714.A of the SALDO with respect to the location of private driveways being located not less than 40 ft. from the end of the ultimate or proposed right-of-way line curve of the intersection of streets or directly across the intersection in the case of a 3-Way intersection. This waiver is recommended for reasons comparable to those recommended by the PC in the approval of the waiver of Section 611.D in the preliminary plan.

## **Conditions:**

- Receipt of the Developers Agreement and Financial Securities Agreement which have been reviewed and approved by the Township Solicitor.
- Construction cost estimates shall be provided to the Township for review and approval.
- A fee-in-lieu of constructing a sidewalk on Appleton Rd., in the amount of \$1,845 shall be deposited in the Open Space Fund at the time of final plan approval.
- A fee-in-lieu of recreational land dedication of \$1,800/bldg. lot, (a total of \$5,400) shall be paid to the Township in two installments, one-half at the issuance of a bldg. permit and one-half at the issuance of a Certificate of Occupancy.
- Payment by the developer of an impact fee pursuant to the Township Traffic Impact Fee Ordinance in the total amount of \$17,553 to be paid as specified by the Ordinance at such time as building permits are issued.
- The Declaration of Covenants be received, reviewed and approved by the Township Solicitor.
- The Stormwater Management Agreement be received, reviewed and approved by the Township Solicitor.
- Review and approval by the Township Solicitor of the fact that the Kemblesville West right-of-way has been relinquished.
- The private driveway declaration filed in connection with the plan is approved by the Township Solicitor and Engineer.
- The approval of the Township Solicitor and Engineer of the language regarding the details of location and use restrictions that are associated with stormwater management and/or access easements that will be incorporated into the deeds for the property.
- The developer's agreement and the Solicitor's approval of the placement on the plan of a Note providing that no construction shall be commenced and no building permit issued for lot #3 until such time as the Township HARB has recommended the issuance of a Certificate of Appropriateness for the structure to be built on that lot.

The motion passed unanimously.

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Charlton Preliminary Plan: Mr. James Fritsch from Regester Associates and the applicant, Vaughn Charlton, were present to discuss Tax Parcel 72-5-81.3 which is located on the south side of New London Rd./Rt. 896. It is a 2-acre parcel and is zoned limited industrial. There is currently an existing house, driveway and swimming pool on the site. The Plan proposes a 56 x 80 ft. motor vehicle service building with 4 service bays inside. It also proposes a relocated driveway to access the site and 13 parking spaces. The applicant is proposing an underground stormwater management basin. The Plan has been reviewed by LTL, McCormick Taylor, Tetrahedron and URS as well as the Chester County Planning Commission. The applicant wishes to obtain input from the PC regarding some of the major issues cited in consultants' review letters. The following issues were discussed:

## **LTL Review Letter Dated 1/9/09**

- Zoning Ordinance Conformance, Section 1703, Item #5: Establishing a new access point along Rt. 896. A representative of PennDOT recommended that the applicant create a new driveway instead of using the existing one. To do so would require a variance from the Zoning Hearing Board. The Commission recommended that the applicant ask the Township Solicitor for an opinion, emphasizing that the intent is to move the access point, not add another access point.
- SALDO Conformance, Section 610.A.14, Item #21: Additional screening on the east, west and south sides to screen adjacent residential and agricultural uses. The applicant asked for clarification on the intent of the ordinance as applied to the east side of the property. Is it to screen the two buildings or the entire boundary? Mr. Olivier said the intent was to screen the entire boundary. After further discussion, the PC suggested that the screening could serve its intended purpose and still lie outside the wetlands."
- SALDO Conformance, Sections 610.B.5.a and b, and Section 705.B, Item Nos. 22, 23 & 26, all having to do with buffering along Rt. 896 and the right-of-way. Due to issues with the existing sewage disposal system, the required setbacks and the proximity of the wetlands margin, the applicant asked if the PC would be willing to recommend a waiver of the 40 ft. buffer off 896 and allow the use of holding tanks for the sewage collection. The applicant would screen 896 with trees and shrubs and dedicate to the Township a 40 ft. right-of-way from the center line. Mr. Olivier raised the issue of fairness to previous & future applicants and suggested that the best way to justify waivers is to show the Township a fully compliant plan and to define the impacts of that compliance and then see what waivers are required to create a better plan that benefits the Township.
- Compliance with the MS4 Stormwater Ordinance No. 2005-03, Sections 404.A.1 & 2, Item #4: The applicant is requesting two waivers from the 50 ft. setback requirement because of the wetlands margin.

## **McCormick Taylor Review Ltr. Dated 1/16/09:**

- Compliance with SALDO Section 22-705.1, the ultimate right of way, the requirement to obtain a PennDOT HOP for the driveway location and the Traffic Impact Fee: The applicant believes the required impact fee of \$52,659 is excessive and suggested that other recent applicants have not been assessed an impact fee. Mr. Olivier suggested that the applicant come up

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with a trip generation number that can be supported and present it for discussion at a future meeting when the traffic engineer is present.

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

**Adjourn:** Mr. Olivier adjourned the meeting at 10.27 p.m.

Respectfully submitted,

Richard J. Squadron  
Planning Commission Secretary

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