

# APPROVED

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## FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES DECEMBER 1, 2011

**Call to Order:** Chairman Ralph Olivier called the meeting to order at 7:08 p.m. Present were Planning Commission members Richard Squadron, Eric Brindle and Mark Harris. Dr. Dave Hoffman was absent. There were 4 members of the public in attendance.

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

**Approval of Minutes – November 3, 2011:** On motion by Mr. Squadron, seconded by Mr. Brindle, the Minutes of the November 3, 2011 Planning Commission Meeting were approved with the following changes:

- Top of page 2, "sight" be corrected to "site".
- #4 in that section the word "however" be deleted and the words "planning and approval for home construction on each parcel", be inserted.
- #5 in that section, the last word "surveyor" be deleted and replaced with "Township Engineer".

Motion carried unanimously.

### **Planning & Zoning**

a. *Keen Preliminary Subdivision Plan:* This is the revised Preliminary Plan for the Keen Estate. The Plan proposes six lots, including four new building lots, one lot for the existing house and one lot for the barn. The property is located on Auburn Road and is comprised of two separate tax parcels. Mr. Aiken, representing the applicant, referenced the review letter of LTL Consultants, Ltd., the Township's engineer, dated November 23, 2011, and provided the following information:

#### **Conformance with the Zoning Ordinance:**

§27-1615.6: Note regarding conservation easement – The Solicitor has suggested language for a Note on the Plan which is being reviewed by applicant's attorney and will be finalized.

#### **Conformance with Subdivision and Land Development Ordinance:**

1. §22-502.F: Signatures will be notarized.
2. §22-502.L.2: Monuments missing along Creek Road – The Township Engineer supports a waiver for certain locations along Auburn Road. Monuments will be placed where it is feasible.
3. §22-502.L.15: Driveway locations – See review by Township Engineer Scott Allen dated November 23, 2011. Conformance will be demonstrated at Final Plan.
4. §22-502.M.8: Wetland Delineation – Based on the language in Note 11 on the Plan, the Township Engineer supports a waiver from this section. The Planning Commission requested the following corrections to Note 11: (a) "planed" be corrected to "planned" and (b) in the last sentence of the Note, replace "these areas" with "lots 4 and 1A."
5. §22-502.Q, §22-502.T, §22-502.U: Sediment and Erosion Control, Lighting and Landscaping – Mr. Aiken directed the Planning Commission to Engineer Eisenbrown's letter, page 3, comment No. 2 under General, which includes a suggestion for modifying the language in the large box of bold text located under the location map on Sheet 1 of the Plan. Mr. Aiken read into the record the suggested language as follows:

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"Each lot owner will be required to prepare and submit a Land Development Plan (LDP) prior to performing any earth moving activities/application for a building permit. The LDP will address all the listed design elements, including and not limited to stormwater management and erosion and sedimentation control. The LDP will need to be reviewed and approved in accordance with Chapter 22 of the Code of Ordinances of Franklin Township."

Mr. Olivier questioned why "lighting" was included stating that the Commission had previously indicated that they would consider a waiver of street lighting for this project. Township Engineer Eisenbrown reviewed §22-502.T of the Ordinance and reported that it refers to site lighting and not street lighting which is covered by §22-711. Therefore the reference to §22-502.T will remain in the suggested revised language of the Plan Note. The Engineer's suggested language was further discussed relating to what is considered an earth moving activity and whether all such activities require a building permit. No further revisions were suggested and it was agreed that the Note on the Plan will be revised to reflect the Engineer's suggested language quoted above.

### **Conformance with Site Design Standards:**

1. §22-604.3: Lot Lines are not at right angles nor radial. After discussion regarding this non-conformance and procedural matters, the Planning Commission concluded that it agreed with the applicant that requiring the lot lines for this plan to be at right angles was not practical, but recommended that the most appropriate procedure would be for the applicant to request a waiver of this section.
2. §22-604.11: House numbers have to be provided – Mr. Aiken advised that the office staff is looking into what needs to be done to coordinate with the post office in this regard. Mr. Olivier said it can be delayed until the final plan is submitted.
3. §22-607.3: Size of proposed dwellings – This item is included in #2 under "General" of Mr. Eisenbrown's review letter and will be addressed by an appropriate applicant through submittal to the Township for approval of plans at the time of planning of any construction or development on the lots.
4. §22-717: Monumentation – was addressed in #2 under SLDO.
5. §22-718: Erosion & Sedimentation – see General Comment #2.
6. §22-719: Stormwater Management – see General Comment #2.
7. §22-721: Legal Descriptions for easements – these will be provided.
8. §22-722: Sewage Disposal – working with DEP on this and hope to have information to the Township next week.
9. §22-723: Water Supply – See memo from Walt Leis dated 11/23/11 which states that the revised plan is in compliance and does not require a water impact study.
10. §22-724: Trail Planning – A trail easement document will be provided to the Township.

### **Conformance with General Comments:**

1. Mr. Olivier explained that a list of the waivers needs to be included on the next version of the preliminary plan indicating that they have been contemplated and discussed. The final plan will reflect that the waivers were approved by the Board of Supervisors at the time of approval of the final plan listing such waivers.

Mr. Squadron stated that there are a number of revisions that were discussed that need to be made to the Preliminary Plan before the Planning Commission will approve it and recommend proceeding to final plan. Mr. Squadron pointed out other minor language corrections that he had noted as follows: (a) in Note 19, beginning of the second sentence, correct the spelling of "waiver" and (b) in the certification by the surveyor, 4<sup>th</sup> line, 1<sup>st</sup> word,

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correct the spelling of "zoning". Mr. Squadron asked the applicant to have someone thoroughly proof read the Plan to make sure any other such errors are caught and corrected.

The applicant was directed to return again when ready with final documents and a revised plan to receive preliminary plan approval from the Planning Commission.

Regarding the Environmental Impact Report, Mr. Olivier asked that, in the future, the author of the report not include an opinion regarding the economical feasibility of non-developmental alternative uses. The feeling being that economic feasibility of alternative uses is irrelevant to whether or not the plan is acceptable. In addition, Mr. Squadron confirmed that the Township Engineer is responsible for reviewing these types of supplemental reports in a general way for quality and applicability.

- b. Walls Final Subdivision Plan: This Plan proposes the creation of a new 1.89 acre lot for one of Mr. Wall's children. The property is located on the west side of North Creek Road and is in the Low Density Residential District. Mr. Ken Crossan represented the applicant and presented the final version of the Walls Subdivision Plan. Mr. Crossan referenced Township Engineer Eisenbrown's review letter dated November 23, 2011 which indicates that the Plan is in conformance with the Township's ordinances. The only outstanding items noted in Mr. Eisenbrown's letter are the requirement for notarized signatures of the surveyor and the landowner which will be present on the final plan and an expansion of Note #12 which will be placed on the plan that is submitted to the Board of Supervisors for final approval.

Mr. Squadron asked Mr. Crossan to comment on the recommendation of Township Engineer Walt Leis that a maintenance agreement for the proposed stormwater facility on Lot 3 be provided and going back to Mr. Leis's review of July 5, 2011, he asked for confirmation regarding the location of one of the wells. Mr. Crossan stated that an executed maintenance agreement will be provided with the Plan for recording and regarding the issue of the well, the Township Engineer at the time confirmed that the location of the well was more than 100 feet from the septic system.

Mr. Crossan confirmed that the shared driveway easement has been recorded.

Mr. Squadron moved, seconded by Mr. Brindle, that the Planning Commission recommend to the Board of Supervisors that it approve the Final Subdivision Plan for the Harold Walls property dated April 11, 2011, last revised November 10, 2011, with the following changes and approval of the following waivers:

- The change to Note #12 as identified in the letter of November 23, 2011 from LTL Consultants, adding to such Note 12 the following sentence: *"An occupancy permit will not be issued until the Township Engineer has verified the required stormwater improvements have been adequately constructed."*
- That the recommended Operation and Maintenance Agreement regarding Declaration of Covenants, Easements and Restrictions concerning stormwater facilities be completed, found acceptable to the Township Solicitor and Franklin Township and be entered into by the applicant and the Township.
- With the following waivers:

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- (1) Waiver of §22-502.U requiring a landscape plan in accordance with SLDO §22-16 regarding screening and landscaping, due to the rural nature of the area and the recommendation by the Township's consultant, LTL Associates, that a waiver be approved.
- (2) Waiver of the requirements of §22-710 regarding sidewalks, given the rural nature of the area, lack of sidewalks generally in the area and that it would not be in the interest of the Township to require sidewalks at this point.
- (3) Waiver of the requirements of §22-711 regarding street lighting, given the rural nature of the area and the fact that it would not be in the Township's interest to require street lighting at this time.

In addition, that approval be conditioned upon the applicant agreeing to the payment of a Traffic Impact Fee in the amount of \$3,510.60 at the time the building permit is issued and the applicant having paid all outstanding and expected legal and consulting review expenses, and funding any and all appropriate escrows in accordance with Township policies prior to the plans and agreements being released for recording.

Mr. Olivier proposed an amendment to the motion that a correction be made to the section on waivers on the Plan as follows: After §22-502.U, that the note read "which requires a landscaping plan".

Mr. Squadron accepted the amendment. The motion, as amended, passed unanimously.

**Public Comment:** No public comment.

**Adjourn:** The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Richard J. Squadron  
Planning Commission Secretary

PC Mtg. 12.1.11.v.2.er