

# APPROVED

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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES February 21, 2018

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:03 p.m. Present were Supervisors Dea, Morris, Snyder and Torres. Also present were Township Solicitor Mark Thompson, Historical Commission and HARB Chairman Paul Lagasse, Planning Commission (PC) Chairman Dave Hoffman, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. Corporal Louis Robinson of the Avondale State Police was also in attendance. There were approximately 7 members of the public in attendance.

The meeting was commenced with the Pledge of Allegiance to the Flag.

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

### **Approval of Minutes:**

- a. BOS Minutes of January 2, 2018: Mrs. Morris moved, seconded by Mrs. Dea, that the Board approve the January 2, 2018, v2 Minutes, as presented by the Township Secretary. Motion passed 4-0-1. Supervisor Snyder abstained.
- b. BOS Minutes of January 17, 2018: Mrs. Dea moved, seconded by Mr. Auerbach, that the Board approve the January 17, 2018, v2 Minutes, as presented by the Township Secretary. Motion passed 4-0-1. Supervisor Snyder abstained due to his absence from the meeting.
- c. Disposition of Records – Resolution 2018-09: Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve Resolution 2018-09 regarding the Disposition of Records for the December 7, 2017 PC meeting and the BOS meetings of January 2, 2018 and January 17, 2018. Motion passed 5-0.

### **Reports:**

- a. Corporal Louis Robinson – Avondale State Police: Corporal Robinson reported that the year-to-date police activity in the Township is 77 incidents. Each call generates an incident number, including traffic stops, disabled motorists, even 911 hang-ups. There were no burglaries or break-ins or other serious incidents and the Corporal stated that a total of 77 is relatively low compared to surrounding townships. Chairman Auerbach inquired about the change in format of the current reports compared with prior reports that provided more detail. The expanded detail was helpful in assuring residents that the Township does not have a high incidence of serious crime. Corporal Robinson assumed that it relates to the need to protect information that is not public record. However he will discuss the Chairman's request with his superiors to see if the type of incident could be provided if sensitive information is redacted. Chairman Auerbach expressed satisfaction with the services of the Avondale State Police saying that his experience has shown them to always be respectful and helpful.
- b. Treasurer's Report for January 2018: Supervisor Snyder moved, seconded by Mr. Torres, that the Board approve the January Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$163,330.43; the Park & Recreation Fund with disbursements of \$1,409.75; the Open Space Fund with disbursements of \$92,974.10; and the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$479,101.05. Motion passed 5-0.

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- c. Zoning Officer's Report: Mr. Torres reported that during the month of January, 1 permit was issued and 35 building inspections were completed. Building fees collected were \$200.00; Recreation, Open Space & Impact Fees collected were -0-; and miscellaneous fees were \$75.00. There is one ongoing zoning issue at 308 Heather Hills Dr. Mrs. McVaugh reported that the property has now been posted and the Zoning Officer will follow up with appropriate action. Supervisor Dea commented on the significant progress that has been made in reducing the number of zoning issues. The entire report is on the Township website at [www.franklintownship.us](http://www.franklintownship.us).
- d. Planning Commission Report(PC): PC Chairman Hoffman summarized the February 1, 2018 meeting at which the PC reorganized. The officers remain the same. In addition, the PC recommended approval of the 1723 Winery Conditional Use Application and the Preliminary/Final Plan with waivers. The PC continued their discussion regarding allowing in-law suites wherever single family houses are allowed. Complete details are available in the approved minutes of this meeting.
- e. HARB/HC Report: Chairman Lagasse reported that these committees met on February 7th. Both Commissions reorganized and he continues to be the Chairman of each. Nan Latimer is the Vice Chair of the HC and Sara Beth Kohut is the Secretary. Chuck Phillips is the Vice Chair of the HARB and Tracey Schreiner is the Secretary. The HC is co-hosting a program entitled "Edgar Allan Poe in Newark: Fact or Legend" on March 8, 2018 at the New London Twp. Building. Mary Torbey is the guest speaker. In May, the HC will be co-hosting a program with Old Stone Cider on the history of cider. Complete details of these meetings may be found in the approved minutes of these meetings.
- f. Franklin Sportsman's Association (FSA): Mr. Jim German of the FSA presented the final report for the season. The total harvest total is 13 doe and 1 buck from the Franklin Preserve and 1 buck from Banffshire. Community Service projects include the rescheduled clean-up of Chesterville Rd. and on March 3<sup>rd</sup>, a tree clean-up at Goodwin Preserve. The FSA is requesting a Resolution to grant the FSA permission to hunt the preserves for the 2018-19 season.

### **Business:**

- a. Conditional Use (CU) Hearing for 1723 Winery: This is a 36.38 acre property located at 5 McMaster Boulevard in the TND Zoning District. The owners, Ben Cody and Sarah Dailey, have submitted an application for CU for a winery use accessory to agriculture. Solicitor Thompson opened the Public Hearing on the CU application pursuant to the Municipality's Planning Code (MPC), and named the following exhibits:
- Exh. T1: The CU Application;
  - Exh. T2: The Public Notice of the public hearing;
  - Exh. T3: The Proof of Publication;
  - Exh. T4: The list of people whose residences are within 500 ft. of the property who were sent notices of this hearing by the Township;
  - Exh. T5: LTL's review letter dated January 25, 2018;
  - Exh. T6: Crossan/Raimato response letter dated January 30, 2018;
  - Exh. T7: AECOM's review letter dated February 7, 2018;
  - Exh. T8: Chester County Planning Commission (CCPC) review letter dated February 15, 2018.

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No one requested party status. Solicitor Thompson called on the applicants' representative, Attorney Joe Riper, who provided an exhibit package to the Board, summarized as follows:

- Exh. A1: The CU Application;
- Exh. A2: The Deed to the property that is the subject of the application;
- Exh. A3: A copy of the CU Plan;
- Exh. A4: A copy of the vicinity map;
- Exh. A5: Crossan/Raimato's response to the LTL review letter dated January 28, 2018;
- Exh. A6: Crossan/Raimato's response to the AECOM review letter dated January 26, 2018;
- Exh. A7: CCPC review letter dated February 15, 2018;
- Exh. A8: PADEP no sewage planning module requirement letter dated January 1, 2018;
- Exh. A9: Fiscal Impact Statement;
- Exh. A10: Ken Crossan's CV.

Applicant Ben Cody was sworn in and gave testimony in answer to Attorney Riper's questions regarding their plans to establish a winery on the property at 5 McMaster Blvd. Mr. Riper called for questions from the Board and the public. Supervisor Torres had questions regarding the septic system and the parking facilities which were answered by Mr. Ken Crossan. Attorney Riper requested that Mr. Crossan be accepted as an expert witness as a land planner. Mr. Crossan was sworn in and gave testimony, led by specific questions from Mr. Riper, regarding the details of the development plans which he produced. Attorney Riper concluded his presentation. Solicitor Thompson closed the hearing.

Supervisor Morris moved, seconded by Supervisor Dea, that the Board of Supervisors approve the Conditional Use Application of 1723 Winery with no conditions. The motion passed 5-0.

- b. Preliminary/Final Plan Review for 1723 Winery: Supervisor Dea moved, seconded by Supervisor Snyder, that the Board of Supervisors approve the Preliminary/Final Land Development Plan for 1723 Vineyards dated January 15, 2018, last revised January 30, 2018\*\*, with the following waivers and comments:

1. A waiver of §22-401.3.B to allow a combined preliminary/final plan submission;
2. A waiver of §22-502.1.L.2 that due to the agricultural nature of the property, concrete perimeter monuments are not required but should be placed along the public right-of-way;
3. A waiver of §22-502.1.M.i that a detailed field survey of contours be required only in the limited development area and not over the entire tract;
4. A waiver of §22-502.1.M.8 which requires a detailed wetland delineation due to the distance of greater than 700 ft. of any potential wetlands from the area of disturbance;
5. A waiver of §22-502.B which requires an EIAM report due to the limited disturbance to the proposed tract;
6. A waiver of §22-722.11.d for a replacement area for the septic system due to the large remaining bulk of the tract, subject to DEP approval;
7. Subject to the payment of any outstanding fees.

**\*\*The "last revised" date of the Plan is February 7, 2018, not January 30, 2018 which was written on the motion sheet in error.**

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**Discussion:** Mrs. Dea commented, for the benefit of anyone who might think that all of the waivers and other issues were summarily approved by the Board without question, that all of the waivers, and the reasons for each, were reviewed in detail by the Planning Commission at their February 1, 2018 meeting. Chairman Auerbach confirmed the Board's acceptance of the PC's recommendation for approval. Motion carried 5-0.

Mr. Cody thanked the Board and the staff for their assistance.

**Public Comment:** Mr. Matt Goin asked about the status of the Basic Gas Station.

**Adjourn:** The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

Mtg. 02.21.18.v.2.ER