

# APPROVED

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## FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES March 3, 2016

**Call to Order:** Planning Commission Chairman Dave Hoffman called the meeting to order at 7:05 p.m. Present were Planning Commission members Chuck Phillips and Brent Van Lith. Mark Harris arrived at 7:08 p.m. prior to the first vote. John Gontarz was absent. Planning Commission Alternates in attendance were Penny Schenk and Paul Lagasse. Zach Elwyn arrived at 7:50 p.m. Also present were Township Mgr. Joan McVaugh, Secretary Sharon Norris and Township Engineer Pete Eisenbrown. There was 1 member of the public in attendance.

**Public Comment:** No public comment.

### **Approval of Minutes:**

- a. February 4, 2016 Minutes: Chairman Hoffman corrected the section cited for sidewalks on page 2 of the minutes to 22-710. Mr. Phillips moved, seconded by Mr. Van Lith, that the minutes of the February 4, 2016 meeting be approved as corrected. Motion passed 4-0.

**Planning & Zoning:** *Note: The agenda order was circumvented to insure that urgent items were completed and to permit the discussion of an important non-agenda item.*

### a. Ordinance Revisions:

1. AG Districts: Dr. Hoffman explained that the Township's Zoning Ordinance allows agriculture as a use by right in all zoning districts except the TND, Light Industrial and the Village. Since the TND has an agriculture easement on it and the Township is an agricultural community, Dr. Hoffman suggested revising the ordinance to allow agriculture in all districts. It was confirmed that mushroom farming is an agricultural use and would be permitted in all districts. Mr. Phillips moved, seconded by Dr. Harris, that the Planning Commission (PC) recommend to the Board that agriculture be allowed by right in all zoning districts. Motion passed 4-0.
2. Ordinance 2016-02: Dr. Hoffman referenced the Attorney General's letter of 3.3.16 to the Solicitor regarding the ACRE action against the Township. He stated that regardless of the ordinance review process followed by the Township in the past, the Planning Commission will not have the opportunity to recommend any revisions to the Board on this ordinance. Mr. Phillips expressed a desire to review the ordinance as revised by the Attorney General and to have a discussion at the next PC meeting regarding its provisions and the Township's obligations under it. Mr. Phillips moved, seconded by Dr. Harris, that the Planning Commission recommend to the Board of Supervisors that they adopt Ordinance 2016-02 as documented. Motion passed 4-0.
3. Keen 3-lot Plan: The applicant's representative was not present at the beginning of this discussion. The original Subdivision Plan was approved on December 19, 2012 with the provision that the applicant submit a land development plan to the Township for approval when ready to build. On the recommendation of the PC, the Board of Supervisors, at their February meeting, waived Section 401.3B requiring separate preliminary and final plans and due to the rural nature of the project, did not require sidewalks and street lighting. The applicant's revised Plan has been reviewed by Township Engineer Eisenbrown per his letter of February 26, 2016. Mr. Eisenbrown stated that the applicant has addressed all the issues with the exception of obtaining an NPDES permit. The common driveway issue was discussed again and although individual driveways are preferred by the Township, Mr. Eisenbrown stated that, due to the fact that common driveways

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reduce impervious surface, they are applauded by the County. It was noted that the grading of a flat area in the right-of-way in lieu of sidewalks is shown on pg. 2 of the plan. There was a general agreement that similar grading might be considered going forward on plans where sidewalks are not required, for the safety of pedestrians. Mr. Alan Hill of Hillcrest Associates, representing the applicant, arrived at this point in the discussion. Mr. Hill addressed the issues in Mr. Eisenbrown's letter and answered the questions of the PC members regarding the grading in lieu of sidewalks, the timing of obtaining the NPDES Permit and concerns regarding the pipes in the stormwater infiltration system. The applicant requested the PC's recommendation to the Board for conditional final plan approval. Mr. Van Lith moved, seconded by Mr. Phillips, that the Planning Commission recommend to the Board of Supervisors that they approve the final plan conditioned on the satisfaction of all notes in LTL's review letter of February 26, 2016, obtaining the NPDES Permit and the payment of all outstanding fees to the Township. Motion passed 4-0.

*Note: Alternate member Zach Elwyn arrived at this point in the meeting.*

4. Ordinance Revisions - Definitions: Reference Engineer Eisenbrown's "Prioritized" Zoning Outline dated March 2016 which has been revised to exclude the following agriculture related definitions approved by the Attorney General's office and made part of Ordinance 2016-02: Agriculture, Commercial Compost, Fertilizer or Mulch Operation, and Normal Agricultural Operations.

*Exotic Pets*: The PC decided to go with the state/federal definition of Exotic Pets.

*Kennel*: Was not discussed.

*Animal Rescue*: Was not discussed.

Chairman Hoffman chose to move on to the Zoning Ordinance discussion and return to the definitions if time permits.

### Zoning Ordinance Update – Keeping of Pets:

**I. Noise Pollution:** Reference Engineer Eisenbrown's Zoning Ordinance Update Draft dated February 2016. The discussion of this section highlighted how difficult it is to determine what is considered "noise pollution" and when it becomes a "nuisance". The general feeling was that the language in paragraph "A" under "Noise Pollution" is too restrictive regarding the length of time that the noise occurs and the distance that it travels. The use of a decibel meter was determined to be unrealistic based on the need to have someone certified and available to use it on a 24/7 basis. Enforcement was seen as an issue. Engineer Eisenbrown outlined possible steps in the enforcement process. Paragraph "B" was discussed and the general feeling was that the ten acre requirement was excessive. Paragraphs "A" and "B" under Noise Control, with the PC's suggested revisions, shall read as follows:

*A. It shall be illegal within Franklin Township for any person to own, possess, harbor or control any pet which makes any noise continuously and/or incessantly for a period of one-half hour or more to the disturbance of any person at any time of the day or night. Such noise is determined to be noise pollution when it is considered a nuisance.*

*B. Peacocks, guinea hens, and other loud fowl that crow, screech or squawk may only be kept on lots that exceed five (5) acres in size.*

Engineer Eisenbrown will do additional research and this section will be discussed again next month.

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### **II. Animal Control:**

Section "A" will be revised by Engineer Eisenbrown to better reflect the requirement that animals must be controlled/contained by the responsible party, both on and off their property.

Section B – Disposal of Animal Feces was discussed as it applies to service animals. It was determined that legally, even a handicapped person is responsible to properly remove feces. Mr. Elwyn explained that service animals are specifically trained when and where to defecate/urinate.

In Section "C", the comment was that "Service Animals" are not considered "Pets" and it should be made clear that the ordinance does not apply to them.

Based on the discussion, Mr. Eisenbrown will revise the language in this section for discussion at next month's meeting.

**III. Animal Maintenance and Care:** The discussion included questions as to the purpose of this section and whether or not it is within the Township's purview to control. Mr. Eisenbrown will reconsider the entire section and determine if some of the items should be included in other sections of the ordinance.

**IV. Keeping Exotic Wildlife:** Will be in accordance with state and/or federal laws and probably should be Exotic Pet rather than wildlife.

**V. Keeping of dogs (all types of kennels):** Deleted. Perhaps will be covered in "Kennels".

**VI. Quantity of pets:** After discussion it was decided that since horses and chickens are covered elsewhere, this section will be deleted at this time. It may be necessary to address other categories of animals at a later date if issues/complaints arise

**VII. Poisonous/venomous pets:** After significant discussion, it was decided to eliminate this section at this time.

Discussion returned to pg. 3 of Definitions on the Prioritized Zoning Outline. The decision was to delete "Kennel", "Kennel, Commercial" and "Animal Rescue" and to approve pages 1 & 2 for advertising and adoption. Chairman Hoffman moved, seconded by Dr. Harris, to recommend to the Board of Supervisors to advertise and enact the definitions for Livestock; Pets household outdoor; Equestrian Use; Outdoor shelter for pets; Manure storage area; Manure storage structure; and Exotic Pets. Definitions eliminated are: Pets, household indoor; Stable; and Stable Commercial. Motion passed 4-0.

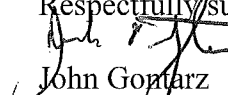
**Public Comment:** John Auerbach made a statement about the ordinance discussions and expressed concern about the enforceability of some of the items covered in tonight's discussion.

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**Adjourn:** Dr. Hoffman adjourned the meeting at 9:14 p.m.

Respectfully submitted,

  
John Gontarz  
Planning Commission Secretary

PC Mtg. 03.03.16.v.2.er