

APPROVED

FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES June 7, 2018

Call to Order: Chairman Dave Hoffman called the meeting to order at 7:02 p.m. Present were Planning Commission (PC) members Brent Van Lith, and Chuck Phillips. Mark Harris arrived at 7:05 p.m. and John Gontarz was absent. Also in attendance were PC Alternates Donna Dea, Zach Elwyn and Paul Lagasse. Township Zoning Officer Jeff Vogels, Mgr. Joan McVaugh, Secretary Sharon Norris and one member of the public were also in attendance

Public Comment: There was no public comment.

Approval of Minutes:

- a. April 5, 2018 PC Minutes: Chairman Hoffman moved, seconded by Mr. Van Lith that the April 5, 2018 minutes be approved. Motion passed 4-0.

Planning & Zoning:

- a. Bowwood Subdivision: Mr. Ken Crossan was present on behalf of the applicant. As detailed in Mr. Crossan's letter of May 24, 2018, the plan consists of 3 existing parcels almost entirely in New London Township. The property is located on Walnut Glen Road with a small triangular portion of one parcel, approximately 1 acre, in Franklin Township. None of the land in Franklin is buildable due to the location of an existing stream and its required buffers. Since it is a sketch plan with no proposed building, Township Engineer Pete Eisenbrown has issued an informal review dated May 30, 2018. Solicitor Thompson's opinion is included in Mrs. McVaugh's memo to the Board dated June 1, 2018. Both Engineer Eisenbrown and Solicitor Thompson suggest placing a note on the plan restricting any disturbance or structure being built or placed on the land in Franklin Township which Mr. Crossan agreed to do. Mr. Crossan's question is whether any formal action, such as a waiver of Franklin's formal review process, needs to be taken by Franklin and is the Board required to sign the final plan, even though the portion of the parcel in Franklin Township is identified by a New London UPI. Mrs. McVaugh will check with the Solicitor regarding these questions. Mr. Crossan will provide copies of the preliminary plan to the Township for review.

- b. Zoning Ordinance Discussion:

i) Continuation of Apartments and In-Law Suites:

At their March 1 meeting, the PC recommended that the Board enact an Ordinance amending the Township's Zoning Ordinance by deleting Section 27-1712 and adding Section 27-1721 governing additional dwelling units. The PC's goal was to take what they found to be an ambiguous, inconsistent ordinance and add detailed restrictions which would make it less ambiguous and more consistent with governing regulations. The new section allows an accessory dwelling unit to be constructed on a parcel that has an existing dwelling unit, either within or attached to the existing unit or as a detached unit. Upon review, the Board felt that, although it may be assumed that a land development plan is required for a detached additional dwelling unit, the requirement needs to be spelled out in the revised ordinance. In addition, there were other concerns raised by the Supervisors and the Township's Zoning Officer. As a result of these concerns, the revised ordinance was sent back to the PC for further review and revision. Mr. Jeff Vogels, the Township's Zoning Officer and Code Official led the detailed discussion. He advised the PC of his discussions with the Chester County Health Department (CCHD) regarding the Township's desire to revise this ordinance and

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they provided him with the following information regarding their involvement in projects of this nature:

- Any project proposing additional sleeping areas or an additional kitchen requires a CCHD review for added flows;
- The CCHD considers that an additional kitchen constitutes a separate dwelling unit;
- The CCHD generally requires that two dwelling units on a single parcel require two separate sewage systems. Enlargement of the existing system often has problems and is generally not cost effective;
- CCHD has parameters requiring them to contact DEP for testing before approving a second sewage system on a single parcel;
- Per CCHD, two systems on 2 acres or less is virtually impossible; 2-3 acres works occasionally; 4 acres is usually adequate to accommodate two systems.

In the past, CCHD based their approval of a proposed septic system on the number of proposed bedrooms. Their new regulations requiring the inclusion of how many kitchens are proposed is new information. The CCHD considers a functional kitchen as one having a range for cooking. Therefore any addition that provides independent cooking, sleeping and sanitation is an additional dwelling unit and requires a separate septic system. This information greatly impacted the PC's thinking and influenced the discussion. It became obvious that the total acreage of a parcel becomes a deciding factor in determining whether a resident can have an additional dwelling unit, whether detached or within the existing dwelling. After discussion, the PC decided to include the following requirements: For properties less than 3.5 acres, only an attached ADU is allowable. For properties 3.5 acres to less than 10 acres, either an attached or detached ADU is allowable. For parcels 10 acres and over, both an attached and detached ADU are allowable. The importance of making sure that such a project is done properly and fully compliant with all regulations and codes was emphasized, noting that residents should consider it as an investment, the cost of which will be recouped when the property is sold. Mr. Vogels' recommendations for revisions included the following:

- Use the IRC's (International Residential Code) and UCC's (Uniform Construction Code) definition of Dwelling Units and Dwelling, and change the wording throughout the ordinance from Living Unit(s) to Dwelling Unit(s);
- Under Section 27-1721, Additional Dwelling Unit, on page 2 of the ordinance add the following provision as #3 "*A detached Additional Dwelling Unit shall require a Land Development Plan as defined in Section 22-202.*" Renumber the remaining provisions #4-16.
- #16 is revised as follows: "*Additional Dwelling Units shall obtain a building permit and comply with all applicable building code requirements. Additional Dwelling Units (within or attached to the existing structure) shall comply with the current UCC as adopted by the Commonwealth of PA.*"

The Ordinance will return to the PC for review.

ii) Zoning Ordinance Updates: Mr. Vogels stated that when the Zoning Ordinance was revised to add agriculture to all districts, several omissions occurred inadvertently that need to be corrected. The changes that need to be made are detailed in Mrs. McVaugh's memo to the PC dated June 1, 2018. There was extended discussion regarding item "G" under Section 27-1718 requiring a variance under certain circumstances for winery/brewery applications. Mr. Vogels explained why it needs to be included. Mrs. McVaugh will discuss it with the Solicitor. The PC requested that the Solicitor craft a revised ordinance and bring it back to the PC next month for review.

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Public Comment: John Auerbach commented on the talent and contributions of the Planning Commission.

Adjourn: Chairman Hoffman adjourned the meeting at 8:58 p.m.

Respectfully submitted,

John Gontarz
Planning Commission Secretary

PC Mtg. 06.07.18.v.2.er