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## FRANKLIN TOWNSHIP BOARD OF SUPERVISORS' MINUTES June 21, 2017

### **Call to Order:**

Chairman Auerbach called the meeting to order at 7:04 p.m. Present were Supervisors Dea, Schenk, and Torres. Mr. Snyder arrived just prior to the Pledge of Allegiance. Also present were Township Solicitor Mark Thompson, Manager/Treasurer Joan McVaugh, and Secretary Sharon Norris. There were approximately 16 members of the public in attendance.

**Announcements:** There will be an Executive Session after the meeting to discuss legal issues. Also Agenda Item (e) under Business – *Flood Plain Ordinance* – is moved to the last position under Business.

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

**Public Comment:** There was no public comment. Chairman Auerbach advised that public comment will be permitted when each issue is discussed.

### **Approval of Minutes:**

- a. *BOS Minutes of May 17, 2017:* Mr. Auerbach moved, seconded by Mr. Snyder, that the Board approve the May 17, 2017, v1 Minutes, as presented by the Township Secretary. Motion passed 5-0.
- b. *Disposition of Records – Resolution 2017-12:* Mr. Snyder moved, seconded by Mr. Auerbach, that the Board approve Resolution 2017-12 regarding the Disposition of Records for the Board of Supervisors' meeting of May 17, 2017 and the PC meeting of May 4, 2017. Motion passed 5-0.

### **Reports:**

- a. *Treasurer's Report for May 2017:* Mr. Torres moved, seconded by Mr. Snyder, that the Board approve the May 2017 Treasurer's Report which includes the following disbursements: The General Fund with disbursements and transfers of \$179,800.65; the Park & Recreation Fund with disbursements of \$10,526.95; the Open Space Fund with disbursements of \$6,974.10; the Capital Reserve Fund with disbursements of \$18,949.35; the Emergency Services Fund with disbursements of \$735.99; the Fire Hydrant Fund with disbursements of \$580.80; leaving a balance in all funds totaling \$1,310,610.44. Motion passed 5-0.
- b. *Zoning Officer's Report:* Supervisor Dea reported that during the month of May, 8 permits were issued and 13 building inspections took place. Building Fees collected were \$3,717.35. Recreation, Open Space & Impact Fees collected were \$5,290.19; Miscellaneous Fees collected were \$1,360.00. There are several ongoing zoning issues. Mrs. McVaugh advised that 308 Heather Hills has been mowed, the trailers have been removed and the property is in foreclosure; 6 Meadow Wood Dr. has been mowed; and the Township has filed a complaint with DEP regarding the burning at 1006 Wickerton. The entire report is available on the website at [www.franklintownship.us](http://www.franklintownship.us).
- c. *Planning Commission Report(PC):* Supervisor and PC Alternate Schenk summarized the June 1 meeting which included the PC's recommendation for the Board's approval of the

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Appleton Glen Lot Line Adjustment Plan; review of the Avon Grove Charter School's expansion plan; and, review of the Flood Plain Ordinance. The details of these discussions may be found in the approved minutes of this meeting.

- d. HARB/HC Report: Neither of these commissions met in June. Chairman Lagasse reported on a program sponsored by the Township Historical Commission and the New London Historical Society on May 11, 2017 that featured George Miller, a local historian and postcard photographer.

### **Business:**

- a. 1620 New London Road Conditional Use (CU) Hearing: Solicitor Thompson opened the Public Hearing on the Conditional Use Application of Heritage Properties, LLC for CU approval pursuant to Sections 1202.3(B) of the Franklin Township Code to permit "Truck Parking and/or Maintenance Areas and Facilities", and Section 1202.3(C) to permit "Multiple Permitted Uses on the Same Lot". The subject property consists of 1.36 acres located at 1620 New London Road (Tax Parcel #72-05-84.3). The property is located in the Special Use District (SU) and is improved with a residential dwelling and accessory garage. The Solicitor named the following Board Exhibits:

- B1 – Conditional Use Application;
- B2 – Conditional Use Existing Conditions Site Plan;
- B3 – List of parcels within 1,000 ft. that received the Public Notice;
- B4 – Public Notice;
- B5 – Proof of Publication of the Public Notice in the Daily Local News.

No one requested party status. The Solicitor turned the hearing over to Mr. Gary Bryde, representing the applicant, who summarized the actions taken to satisfy the conditions recommended by the Planning Commission and respectfully requested Board approval of the CU application. The Solicitor confirmed for the record, the following three uses being requested: 1) single family residence; 2) existing portable storage buildings for tool and equipment storage; and 3) storage of up to six large trucks used for utility repair, intermittently parked on gravel at the back of the site, no maintenance or mechanical work on the trucks to occur at this site. The Solicitor also noted that there is an existing garage and shed on the property which are part of the existing residential site. The Board confirmed that trucks requiring a commercial driver's license (CDL), including trash trucks, may only be operated between the hours of 7 a.m. to 8 p.m.; that vegetative buffering has been installed between the applicant's property and adjacent properties; and, that no other noisy vehicles are stored on site. Mr. Dan Salvaterra of 12 Good Hope Rd. asked for an explanation of a CDL license and confirmed where the trucks are parked. Solicitor Thompson closed the hearing and called for a motion. Chairman Auerbach moved, seconded by Supervisor Torres, that the Board of Supervisors grant Conditional Use Approval for the following uses at 1620 New London Road: Tool and equipment storage; truck storage on gravel only; and a single family residence. The use of any vehicle requiring a commercial driver's license is limited to 7 a.m. to 8 p.m. Any additional uses will require conditional use approval. Motion passed 5-0.

- b. Appleton Glen Lot Line Change: The owners of the Appleton Glen Subdivision Plan, which was conditionally approved on March 18, 2009, submitted the subject lot line adjustment plan in order to sell the property identified as Lot 5 on the approved plan. The PC recommended approval of this plan at their June 1, 2017 meeting. Mr. Tom Schreier of

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Hillcrest Associates, summarized the plan on behalf of the applicants. He advised the Board that 3 easement documents are being written and will be submitted to the Township Solicitor for review and approval. Mr. Snyder moved, seconded by Mrs. Dea, that the Board approve the Appleton Glen Preliminary/Final Lot Line Adjustment Plan dated May 18, 2017, granting a waiver to Section 22-204, allowing for a preliminary/final plan submission and with the condition that the comments in LTL's letter dated June 14, 2017 be addressed to the satisfaction of the Township Engineer and Solicitor. Motion passed 5-0.

- c. MS4 Collaboration: The MS4 is a DEP mandated program to reduce nitrates, phosphates and sediments in our water over the next 5 years. The Township is participating in a collaborative effort with neighboring municipalities to accomplish these goals. Ms. Ellen Kohler, Leader of the White Clay Creek Pilot Team, reported on the status of the Collaboration program. Ms. Kohler announced that all municipalities have completed their sewershed mapping and she provided a copy of the combined map to the Township. She further announced that, based on the preliminary engineering calculations of the various municipalities, all municipalities have met their load reduction goals for this permit cycle. This surprising finding has caused the pilot team to conclude that this was the result of the land use changes between 1995 and 2012 when the building of new residential areas began to require the management of stormwater. The Township still needs to submit a permit application by September 2017 and the application needs to be advertised by mid-July to start the required 30-day public comment period. Linda Cluck, the Township's Stormwater Engineer, is handling this for the Township. Ms. Kohler provided information on other collaboration opportunities for the Township's consideration.
- d. Wyndemere Phase I Maintenance Bond Release: The 18 month maintenance bond period is coming to an end and the builder has requested that the Township release the Phase 1 Bond. Mr. Torres moved, seconded by Mrs. Schenk, that the Board, based on the recommendation of the Township Engineer in his letter dated June 14, 2017, release Maintenance Bond No. 1103038 for Phase 1 of the Wyndemere Subdivision. Motion passed 5-0.
- e. Resolution 2017-13 – Addition to the Township's Agricultural Security Area (ASA): The Chester County Agricultural Board is purchasing the development rights to a 55.3 acre property located near Pennock Bridge and Guernsey Roads, consisting of two parcels, #72-2-3 and 72-2-21. In order to do so, the property must be a part of the Township's ASA. The appropriate 180 days have passed since the owners submitted their ASA Application and by passing the Resolution, having it recorded and reported to the PA Secretary of Agriculture, the sale can be finalized. Mrs. Dea moved, seconded by Mr. Torres, that the Board adopt Resolution 2017-13, adding tax parcels 72-2-3 and 72-2-21 into the Township's Agricultural Security Area. Motion passed 5-0.
- f. Agricultural Conservation Easement Discussion: The Brandywine Conservancy (BC) contacted the Township on behalf of the Stoltzfus Family regarding financial support of an agricultural conservation easement on their farm (the former Vannoy farm) located at Appleton and Strickersville Roads. The property consists of 3 adjoining parcels totaling 108 acres, and is currently being operated as an organic dairy farm by the Stoltzfus Family. Chairman Auerbach noted that this farm contributes to the rural character of the Township and, from an open space standpoint, preserving approximately 80 acres of it into perpetuity, interdicts a substantial number of new homes. He provided the details of BC's offer and preliminarily calculated the Township's financial contribution for the easement to be in the neighborhood of \$144,000. The County allows the Township to make interest free payments

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over a 5-year period. A favorable consensus from the Board allows for the Stoltzfus application to receive a higher rating and a better chance of being selected. It was noted that the soils on this farmland are good and it is surrounded by eased properties which makes the application even more attractive. Chairman Auerbach explained that this opportunity comes at a time that coincides with the end of the park loan and therefore payments on the Stoltzfus easement would be manageable. He explained further, in response to public comment, that the Township is not able at this time to have an open space program similar to what previously existed. The open space fund was overspent in the past and is currently subsidized by the General Fund until the year 2040. He sees the Stoltzfus easement as a good opportunity that is manageable due to the expiration of the park loan. The majority of the Board was generally in support of the application. Mr. Snyder needs more information before he decides. Members of the public who participated in this discussion were Nancy Morris, Suzie Harris, James Tilton and Nan Latimer.

- g. Proposed 4-Way Stop at Strickersville and Appleton Roads: Resident and former supervisor, Nan Latimer requested that this topic be on the agenda. She has joined with the Township, and other concerned residents, in their efforts to have a 4-way stop sign installed at the Appleton and Strickersville intersection. The farm, (formerly the Vannoy farm) that occupies three corners of the intersection is now owned by several Amish families who are operating an organic dairy farm. This operation creates a need for children, animals, and horses with buggies and carts, to cross the roads multiple times during a day. Both Appleton and Strickersville roads are PennDOT owned roads and PennDOT states that the intersection does not meet their criteria for a 4-way stop, which is basically 5 reportable accidents and poor sight distances. This criteria is the same throughout the state of Pennsylvania regardless of location or other unique circumstances. PennDOT could become vulnerable to litigation if they are not consistent. Ms. Latimer recently spoke with PA Senator Dinniman who indicated that the increase in pedestrian traffic might cause PennDOT to reconsider. In this regard, Ms. Latimer made him aware that a group of residents are working together to clear trails in the adjacent White Clay Creek Park area which will further increase pedestrian traffic via walkers, hikers, bikers and horseback. Senator Dinniman offered to work together with the Township and suggested that the first step should be a letter to PennDOT which he will help to draft. Several members of the public commented on the hazards of the intersection including the increase in traffic on Appleton Rd., which includes tractor trailers and heavy equipment, and the excessive speed at which people drive. Another contributing factor is that people assume it's already a 4-way stop (because most intersections in the Township are 4-way) and drivers on Strickersville Rd. proceed into the intersection expecting oncoming traffic on Appleton to stop. This creates accidents which do not always meet the criteria of a reportable accident, but nevertheless are expensive and dangerous. Ms. Latimer shared her daughter's experience recently where the driver on Strickersville assumed it was a 4-way stop. The plan going forward is to continue a dialogue with PA elected officials beginning immediately with a call to Senator Dinniman and a letter to PennDOT, and to collect signatures on an online petition in support of the 4-way to submit to PennDOT. The Township also plans to have a traffic study conducted, independent of PennDOT and to use social media to spread the word regarding the online petition. Once established, the link to the online petition will be available on the Township's Facebook page and website. The following members of the public participated in this discussion: Nan Latimer, Nancy Morris,

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Suzie Harris, Wayne Hunter, Lynn Ford, James Tilton, Mr. & Mrs. Fontaine and Andrew Duckworth.

- h. *Flood Plain Ordinance*: FEMA has revised their Flood Maps and municipalities are required to update their Flood Plain Ordinances accordingly. PSATS enlisted the services of Leslie Rhoads to assist with the revisions. The Board is required to adopt the revised ordinance no later than September 29, 2017 to allow residents who live within a FEMA designated flood hazard zone to obtain flood insurance. The ordinance has been reviewed by the PC and the Board needs to authorize the Solicitor to advertise it for adoption at a future meeting. Supervisor Dea led the discussion, noting revisions that have been made and several sections in which other documents are referenced but not properly identified and statements are made that appear to be contradictory. The Board agreed that the Solicitor should review the ordinance thoroughly and work with Supervisor Dea and Mgr. McVaugh to arrive at a document that is acceptable to the Board. The Board will review the revised ordinance at the July Meeting.

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

**Adjourn**: The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Sharon Norris  
Township Secretary

BOS Mtg. 06.21.17.v.2.ER