

**FRANKLIN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
June 5, 2017**

PRESENT

Jennifer Kuntz
Mark Wenrich
Rob Edwards
Dana Taylor
Engineer Phillip Brath
Secretary Nancy Zentmeyer

GUESTS

See attached sign-in sheet

CALL TO ORDER

Vice Chairperson Taylor called the meeting to order at 7:01 p.m.

APPROVAL OF MINUTES

Motion: Mr. Wenrich made a motion to accept the minutes of May 1, 2017.
Seconded by Mr. Edwards. The motion carried.

DEADLINE FOR PLAN SUBMISSION

The deadline for plan submission for the July 3, 2017 meeting is June 12, 2017.

PLAN REVIEWS

Old Business

There was no old business to discuss.

New Business

Lamar Hess, Final Subdivision Plan, File #2017-04-06

Mr. David Hoffman, surveyor, was present to represent this plan. The applicant proposes to subdivide into 2 lots from the existing 147.17 acre lot located along County Line Road and Ridge Drive. The plan proposes to separate an existing dwelling and chicken barns from the main farm creating a separate lot. Each proposed lot contains an existing single family home and farm buildings. Mr. Lamar Hess lives on lot 2 which is creating an 18 acre lot.

The following are comments from the township engineer:

Zoning Ordinance – no comments

SALDO

1. Owner's acknowledgement and related certifications by the surveyor are required prior to final approval (306.D.1).
2. Sewage Facilities Planning for the proposed lots must be approved prior to final plan approval. The request for a planning waiver has been submitted to the township for review and approval of the municipal planning body and SEO. Approval is recommended by the township upon concurrence of the SEO (316.A.6).
3. Provide dedication of suitable land for parks and recreation or an agreed fee in lieu of recreation area prior to final plan approval (415).
4. Property corner markers and monuments shall be installed or bonded prior to final plan approval (500.A).
5. When the land development (subdivisions) fronts an existing public road of improper right-of-way width, the developer shall provide any required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards, which shall be measured from the centerline of the existing roadway. The subdivision fronts on a township road, County Line Road and Ridge Drive.
 - a. County Line Road is a collector which has a right-of-way requirement of 60'. The required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards should be provided.
 - b. Ridge Drive is a collector which has a right-of-way requirement of 60'. The required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards should be provided.
6. When the land development (subdivisions) fronts a public road, the township shall require the developer to improve the roadway to meet minimum cartway requirements. The subdivision fronts a township road, County Line Road and contains Ridge Drive. Both streets are classified as a collector road, with a minimum cartway width of 28'. The plan shows the roads as having a cartway width of 19'. Additional cartway, or a fee in lieu of, is required prior to final plan approval.

Stormwater Management – no stormwater management is required with this plan.

Mr. Hoffman noted that they are submitting waiver requests for 5.a & b plus road improvement fees and recreation fees as this is a pre-existing condition. There are already existing dwellings on the property. The engineer's comments are administrative and will be addressed. There was discussion with building on the lots at a later date with waiving the fees.

Motion: Mr. Wenrich made a motion to recommend the waiver requests for the road improvement fees and recreation fees but to deny the right-of-way waiver. **Seconded** by Mr. Edwards. The motion carried.

Motion: Mr. Wenrich made a motion to recommend approval of the Lamar Hess Final Subdivision Plan with the waivers approved and denied and the satisfaction of the engineer comments. **Seconded** by Mr. Edwards. The motion carried.

Ronald & Kathleen Gingrich, Final Subdivision Plan, File #2017-05-03

Mr. Todd Lyons, surveyor, and Mrs. Gingrich were present to represent the plan. The plan consists of 22.5222 acres and is located at 1150 S. Mountain Road. The applicant proposes to divide the land into 3 lots – 2 new SFD lots 3.0778 acres and 13.7962 acres. The residual tract of land with 5.6482 acres will remain with the existing SFD. The new lots have been tested for primary and secondary septic sites and the existing lot has been tested for a secondary septic site. All new construction will occur within the open areas or meadows. This is a homestead plus creating 2 new lots.

The following are comments from the township engineer:

Zoning

1. Buffer areas adjacent to proposed development should be shown on the plans. The spring fed watercourse through Lot 2 should be depicted on the plan. Buffer areas shall include the areas adjacent to the outer bank or edge of all watercourses, springs and seeps, and the edge of all floodplains, wetlands, and steep slopes (314).

SALDO

1. Plan approval shall not be granted prior to review by the zoning officer and receipt of proof of conformance to the zoning ordinance (304.A/311.A).
2. Locate all easements and rights-of-way. None are shown, but there is a driveway on the eastern edge of the property. Confirm no easements exist within or adjacent to the tract (306.D.10).
3. Locate spring fed drainage feature through lot 2 (306.D.30).
4. A HOP for driveway accesses to S. Mountain Road shall be provided prior to final plan approval (306.D.34/4.101.A.9).
5. A review letter from YCPC reviewing and commenting on the proposed subdivision shall be provided prior to approval of the final plan (306.A.26).
6. A plan for the surface drainage of the land development prepared by a qualified professional in accordance with the Franklin Township SWM ordinance shall be provided (307.A.9).
7. An offer of dedication of land for the widening of existing streets shall be provided (315.A.6).
8. Locate culvert on S. Mountain Road that is between lot 2 and lot 1, next to proposed driveway. Include inverts and size. Confirm no other culverts cross S. Mountain Road within the boundary of this project (315.A.9).
9. A copy of the approved sewage planning module shall be provided prior to final plan approval (316.A.6/409).
10. Offers of dedication and/or reservation of land for public purposes and recreation or an offer of payment in lieu of such offer shall be finalized prior to final plan approval (316.A.8/415).

11. Land shall not be disturbed unless provisions for minimizing erosion and sedimentation are provided as required. Applicant should confirm the amount of disturbed surfaces planned (401.C).
12. The applicant should confirm they will not encroach on the existing spring fed drainage feature through the property. Any plan for the encroachment of a watercourse shall be incorporated into the design plans and subject to approval by the township, or where necessary, the USACE and/or DEP (401.E).
13. When the development fronts a public road or improper right-of-way width, the developer shall provide any required dedication of land for widening the existing right-of-way. S. Mountain Road is classified as a collector, with a minimum required right-of-way of 60'. The plan shows a right-of-way of 40'. Dedication of additional right-of-way shall be provided (4.101.C.2.a).
14. When the development fronts a public road, the township shall require the developer to improve the roadway to meet minimum cartway requirements. The subdivision fronts S. Mountain Road, classified as a collector, with a minimum required cartway width of 32'. The plan shows a cartway width of 22'. Additional cartway, or a fee in lieu of, is required for the property frontage prior to final plan approval. A waiver is being requested (4.101.C.2.b).
15. Applicant shall provide correspondence regarding approval of wells for the properties from the appropriate jurisdiction of a water resource impact study in accordance with Section 411. Final plan approval will not be granted until all permits are obtained (410.A/410.E).
16. Property corner marks shall be installed or bonded prior to final plan approval (500.A).

Stormwater

1. For all regulated activities, unless exempt by Section 302, shall prepare and implement an approved stormwater management plan in accordance with this ordinance. This subdivision is not exempt and requires a plan prior to approval. The applicant should confirm the amount of impervious and disturbed surfaces planned and submit a stormwater management plan. Comments will be provided upon receipt and review of the plan (301.A).

Waivers

1. In the case of a land development fronting on an existing public road of improper cartway width, the developer shall improve the roadway to meet the minimum requirements or provide a fee to be placed in a road improvement fund (4.101.C.2.b). **The applicant is requesting a waiver from a portion of this ordinance requirement.**

General Comment

1. The applicant should confirm the demolition timeframe for the structure crossing the proposed drive and proposed property lines prior to final plan approval.

An HOP acknowledgement letter is needed from the township. Mr. Lyons commented on the following comments from the engineer's letter:

#6 – a note has been placed on the plan. This is usually done at the time of applying for a building permit. It was noted that this needs to be done now. There is signification disturbance.

#7 – since this is a State road the applicant must get a letter from PennDOT indicating they do not want the right-of-way dedication.

#10 – the applicant will pay this.

#11 – there is no list of disturbance being proposed as the existing driveway is already a gravel lane that goes up through without disturbance. This needs to be noted on the plan. There is an easement that is recorded. It was suggested to take the proposed driveway off the plan. It was noted that there are already stormwater issues with the lane. The utilities are already in place.

#15 – a note will be placed on the plan. Permits are not needed for wells.

The waterway needs to be verified from the State.

Motion: Mrs. Taylor made a motion to table the Gingrich Final Subdivision Plan until it is revised. **Seconded** by Mr. Edwards. The motion carried.

Sturbridge Place (Revised) Preliminary Subdivision Plan

The applicant proposes to subdivide and develop a 61.92 acre lot into 224 lots. Proposed are 18 single family detached residential lots and 199 single family attached (townhouse) lots. There are also one stormwater management lot, one pump station lot and 5 open space/water supply/recreation lots that will be owned by the proposed homeowners association. This plan was originally filed prior to the enactment of the zoning ordinance. Mr. Phil Garland was present representing this plan and noted that a street was re-aligned and one lot was removed. These changes were done from the originally submitted subdivision plan.

The following are comments from the township engineer:

SALDO

1. The following waivers have been requested (letters coincide with previous submission):
 - a. For this project, there is no record of action by the Board on the below waiver requests:
 - a) 515.A.3 – to permit installation of sanitary sewer within the cartway. The past planning commission recommended this waiver.
 - b) 508.A.2 – to permit the use of slant curb. The past planning commission recommended this waiver.
 - c) 511.b.4 – to permit driveways of rowhomes to be within 3' of a common property line. The past planning commission recommended this waiver.

- b. The following waiver has been withdrawn and the plan revised to comply with the ordinance:
 - d) 506.e – to permit intersections of internal streets to be less than 500’ apart was withdrawn by the applicant.
- c. The following waiver has been permitted by Court Order to be provided prior to approval of the final plan:
 - e) 402.A.20 8. 402.A.21 – to the requirement to provide documentation of available sanitary sewer and public water capacity at the preliminary plan stage.
- 2. The owner’s acknowledgement and related certifications by the surveyor must be executed prior to the township signing the plan (402.826).
- 3. Comment satisfied – sewage planning approval is required. In addition concurrence of layout, design and plan approval by the DAA is required for the sewer system. This shall include written acknowledgement that capacity is available (402.a.20, 402.a.21, 402.b. 403, 515, 305.g). The plan indicates the requirement for capacity approval prior to approval of the final plan under waiver for 402.20 approved by the Court.
- 4. Comment satisfied – approval of the Franklinton Borough Water authority is required. This shall include written acknowledgement that water capacity is available. The plan indicates the requirement for capacity approval prior to approval of the final plan under waiver for 402.20 approved by the Court.
- 5. A HOP from PennDOT is required for connection to SR 194 at both Chadwick Way and Wakefield Drive. The approved HOP plan set should be incorporated into the construction drawings (402.A.20, 402.34) prior to approval of the final plan as ordered by the Court.
- 6. Regarding the traffic impact study (TIS) dated October 2006, the developer has addressed the technical comments and has added the recommended improvements to the plan. It is noted however that the traffic count data is greater than 11 years old and will likely require updating when submitted to PennDOT.
- 7. Comment satisfied.
- 8. Comment satisfied – the developer’s agent has submitted Water and Sewer feasibility reports (402.320, 402.321, 404, 515). KPI performed a cursory review of these reports and noted comments in their April 2, 2009 letter. The comments have been removed in this letter and are as ordered by the Court, not relevant to approval of the preliminary plan. Capacity and design approval is required prior to approval of the final plan.

Previously Satisfied Comment

- 1. It is the township’s understanding that NPDES Permit PAG2006705119, authorized November 19, 2007, for Sturbridge Place/Stoneford Group, LLC, prepared by Johnston & Associates is expired. Approval of erosion control plan and NPDES permit is required (402.b.13). It should be noted that the new regulations that are applicable to this site could have a significant effect on the preliminary plan. The applicant is cautioned that if the preliminary plan is approved, changes in public improvements required by NPDES permit required revisions may require a plan

revision or new plan. The preliminary plan approval binds the applicant to the general scheme and arrangement along with dimensions of streets, lots and other planned features of the subdivision shown.

General Comment

1. The applicant should clearly indicate all revisions to the plan since the last submittal. The entire plan set has not been reviewed for consistency with previous plan sets. The applicable sections noted in this comment review letter have been reviewed. Any changes to the plans that has not been clearly identified by the applicant is considered an un-approved change and is subject to additional review and comment when found and possible rejection of the plan by the reviewing engineer and township.

It was noted that this plan was denied in 2009 which was appealed to the Courts. In January the presiding judge agreed with the applicant. The water, sewer and HOP will be needed at the final plan stage, as these are outside agencies but is not needed for preliminary plan.

Engineer Brath noted that comment #7 is for the property corner markers although it is not stated in the comment letter.

There is an issue with the NPDES permit since it is old and has expired. This could cause a problem but the applicant's engineer will need to address this.

Motion: Vice Chairperson Taylor made a motion to recommend approval of #1.a waiver request and that the township find the previous approval by the PC or BOS. **Seconded** by Mr. Wenrich. The motion carried.

Motion: Vice Chairperson Taylor made a motion to recommend preliminary approval subject to the NPDES permit and the traffic impact study. **Seconded** by Mr. Edwards. The motion carried.

QUESTIONS FROM THE FLOOR

There were no questions from the floor at this time.

OTHER BUSINESS

PA Medical Marijuana Act

Engineer Brath reviewed the information he had received from PSATS. It was noted that this needs to be included in the zoning ordinance. There are 2 zones: Industrial for growers/processors and Mixed Use for dispensaries. There is a grower/processor going in York. This is an indoor operation and is well protected. These operations need to be a permitted use in zoning. There was discussion on the dispensaries and the growers/processors with the number of permits allowed. York County is considered to be

in Region 3 which allows for 4 dispensary permits and 2 grower/processor permits. The general restrictions are that it must be indoors, enclosed and secured; dispensaries and growers/processors cannot operate from the same site; cannot employ minors; and must have commercial-grade professionally monitored security systems. It was questioned what is mandated by the State. It was suggested that this be a conditional use in the zoning. It was discussed who would come up the language for this ordinance change.

Motion: Vice Chairperson Taylor made a motion to have this go before the Board of Supervisors to start the process. **Seconded** by Mr. Wenrich. The motion carried.

ADJOURNMENT

Motion: Vice Chairperson Taylor made a motion to adjourn the meeting at 8:50 p.m. **Seconded** by Mr. Edwards. The motion carried.

Respectfully submitted,

Nancy Zentmeyer
Township Secretary