

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, February 4, 2010

Those in Attendance:

David A. Kirkner, Chairman
Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, Member
Scott T. Piersol, Township Manager
Mark Kocsi, Chief of Police
Stacey Fuller, Esq., Township Solicitor
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, February 4, 2010 was called to order by Chairman Kirkner at 7:30 A.M. at the East Brandywine Township Municipal Complex. Also in attendance were George Holmes, the Milemarker Editor, John Black and Jim Buczala from the Historical Commission, and three other visitors.

Public Comment for Non-Agenda Items

Chairman Kirkner asked if there were comments on non-agenda items. There were no comments.

Historic Resource Map Revisions and Discussion

Mr. Black and Mr. Buczala attended the meeting on behalf of the Historical Commission. Mr. Buczala said that the Historical Commission is concerned about the procedures the Board of Supervisors will follow if there is opposition from the public about the Historic Resource Map Revisions. The revisions were previously considered by the Supervisors, but because of questions and concerns raised by several property owners, passage of the Ordinance to adopt the map was postponed. After that meeting, the Historical Commission reviewed the list, made changes, and now feels confident that it is accurate. Although each property has been posted, and the property owners have been informed of the map revisions in writing, the Historical Commission remains concerned that objections may not be raised until February 17th and the Ordinance won't get passed again. Mrs. Fuller said that the Ordinance will have to be adopted in its entirety or not at all. She went on to say that there is a procedure within the Ordinance so property owners can petition to have a building removed from the inventory. The Supervisors can't commit to making a decision prior to February 17th so they will have to consider any objections at that time.

Trego Barn Discussion

Mr. Piersol added this to be on the agenda based on a discussion at the January 6, 2010 Planning Commission meeting last evening. At their February 3rd meeting, Planning Commission members had asked Mr. Carlo from Pulte Homes what will happen to the barn. Mr. Sam Carlo said that the barn would be conveyed to the new golf course operator and he wasn't certain how it would be used, although the Settlement Agreement indicates that the second floor will be used

for an indoor basketball court and the ground floor will be used to store golf carts. In the meantime, Pulte continues to inspect it regularly and maintain it.

The Planning Commission is concerned that once the building is transferred to the golf course operator they will not be aware of the representations made by Pulte and the barn will be in jeopardy of "demolition by neglect". Mr. Colagreco assured the Board that the Settlement Agreement has been provided to the golf course operator and it clearly spells out that the all heirs, assigns and successors are legally bound by the Agreement. The new golf course operator will be asked to meet with both the Supervisors and Planning Commission when the golf course is transferred to them. Mr. Colagreco has agreed to provide a redacted copy of the agreement between Pulte homes and the golf course operator that spells out their responsibilities with regard to the Settlement Agreement.

Mr. Black asked if there was a professional assessment of the condition of the barn. Mr. Carlo said that he thought there was and would provide a copy to the Township for review.

Pulte Homes – Third Amendment to the Settlement Agreement – North Tract Revisions

The revised North Tract plans propose a revision to the originally submitted Subdivision and Land Development Phases II through IV, due to changing real estate market conditions. The original North Tract plans consisted of 95 single-family detached dwellings, 38 twin dwellings and 399 townhouse dwellings, totaling 532 dwelling units with an overall density of 1.96 dwelling units. The revised plans proposes 306 single family homes, 129 townhouses and no twins, totaling 435 dwelling units with an overall density of 1.61 dwelling units. Sam Carlo from Pulte Homes, Jeremy Madaras from Wilkinson & Associates, Inc., and Lou Colagreco, Esq. attended the meeting on behalf of the applicant.

Mr. Piersol reported that the Planning Commission recommended conditional approval of the Settlement Agreement and the North Tract Revisions at their February 3, 2010 meeting. The following conditions were recommended for the Board's consideration:

1. Satisfaction of all outstanding items in the February 1, 2010 Yerkes review letter.
2. Approval of all applicable permits from outside agencies including the Chester County Health Department, the Chester County Planning Commission, the Chester County Conservation District, the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection.
3. Approval of all applicable escrows and financial security.
4. Approval of the landscape and signage plans.
5. The fire lanes are labeled to the satisfaction of the Emergency Management Coordinator.
6. Traffic and sidewalk improvements are coordinated with the Downingtown Area School District and are completed to the satisfaction of the Township and Planning Commission so that the proposed middle school can open in the fall of 2012.

Mr. Colagreco said that the applicant is agreeable to all those conditions. A few revisions need to be made to the plan and Settlement Agreement and they will be re-submitted next week.

Several years ago Pulte Homes and the Township reached a court approved settlement agreement for the Applecross North Tract. Since that time there have been several amendments to that agreement and because of current market conditions they would like to amend the agreement once again.

According to Mr. Colagreco, changes in the plan will result in a net decrease of 100 units on the North Tract. The original road network and the stormwater management system will remain the same. The plan has been reviewed by the Settlement Committee and Pulte has integrated those comments into the plan, which includes revising the trail system.

Pulte plans to offer several different styles of single-family homes. These range from 30 ft. wide, with a first floor master bedroom, to 40 ft. wide. The square footage will range from 1,400 S.F. to 2,500 S.F. The small homes will have two bedrooms, with the option for a loft. All single homes will have 2-car garages. Side-yard setbacks for the smaller homes will be as close as 5 ft. These homes will need to have sprinklers installed. The original Settlement Agreement requires all homes to have sprinklers if the separation distance is less than 15 ft., roof top to roof top. All townhouses will be installed with sprinklers. The base price for the smallest homes will be in the low \$200,000's. The base price for the 40 ft. wide homes will be in the \$300,000's.

The Supervisors are tentatively scheduled to consider approval of the amendment to the Settlement Agreement at their February 17th meeting.

Temporary Clubhouse Discussion

Pulte has submitted plans for a maintenance facility and temporary clubhouse. There was some question as to whether this requires a land development plan. Mr. Colagreco discussed this with Township Solicitor Stacey Fuller and agreed to submit it as a land development plan.

This building is temporary only until the permanent building is constructed. There should be no additional impervious cover since this building will not co-exist with the permanent structure. Mr. Colagreco said that if the building isn't torn down it will require an amendment to the Settlement Agreement. Mr. Carlo was asked about the life expectancy of the building. He said that he wasn't sure at this point. The structure does comply with area and bulk regulation requirements. The clubhouse will have a restaurant, bar and pro shop that will eventually move to the permanent structure.

At their February 3rd meeting, the Planning Commission recommended approval of this land development plan, but did ask that Mr. Colagreco and Mrs. Fuller review the language in Note #3 so that it is clear that the temporary clubhouse and the permanent one can't co-exist without a further amendment to the Settlement Agreement and submission of a land development plan.

Mr. Piersol said that the fire lanes and crosswalks need to have appropriate striping and signage and that the applicant must satisfy all comments in the Yerkes January 19, 2010 review letter. The roadways must be able to accommodate an 80,000 lb load and Mr. Piersol asked Pulte to review fire flow information to determine whether sprinklers need to be installed. One additional fire hydrant needs to be located closer to the temporary clubhouse.

CCATO Resolutions for Spring Convention on March 11th; County Voting Delegate Nominee to PSATS Convention April 18th and 21st

Mr. Piersol asked the Supervisors whether there were any resolutions they want CCATO to consider or whether they wanted to nominate a voting delegate to the PSATS Convention. The Supervisors don't have any resolutions to consider. Since Mr. Piersol is already the Township's voting delegate, they declined to nominate another delegate to the PSATS Convention.

Article IV Off-Street Parking and Loading, Section 399-105

This amendment increases the depth of 90° parking spaces from 18 to 20 feet, and increases all parking space widths from 9 feet to 10 feet. Mr. Piersol said that the amendment brings the Zoning Ordinance section on parking in line with revisions made to the Mobile Home Park section of the Land Use Code in 2005. The Planning Commission is recommending that the Supervisors forward this amendment to the County Planning Commission for their Act 247 review and advertise it for adoption. Vice-Chairman Fischer made a motion to advertise the amendment and forward it to the Chester County Planning Commission for their Act 247 review. Mr. Voltz seconded the motion, with all voting Aye.

Proposed Amendment to the Eastern Mixed Use District

This amendment, which changes a portion of the Mixed Use District to the R-2 Zoning District, will be considered at the March 4th Work Session so that the legal description can be prepared.

Land Use Code Amendments

The following Land Use Code amendments will be advertised for consideration at the March 4, 2010 Work Session:

1. Plan Content
2. Growing Greener; 4-step design process
3. Steep slope standards
4. Day care revisions

Roadmaster Report

Lyndell Bridge

Mr. Piersol and Mr. VanLew are to meet on February 19th with PennDOT representatives Chuck Davies and Tim Stephenson to discuss funding for repairs to the Lyndell Bridge. Ms. Sandy Martin from McCormick Taylor and representatives from Upper Uwchlan Township are expected to attend as well.

On the agenda is a discussion of the 80/20 retro-reimbursement program and PennDOT's expectations for revitalizing the bridge. Mr. VanLew will keep the Supervisors apprised as to the results of the meeting.

MS4 Program

On January 27th Mr. VanLew attended a meeting at West Bradford Township to discuss the County assisting municipalities with the new round of NPDES Municipal Separate Storm Sewer System (MS4) Permits. Jan Bowers from the Chester County Water Resources Authority, along

with the Brandywine Valley Association conducted the meeting. The new permit round would involve reducing the Total Maximum Daily Load (TMDL), which is a measurement of sediment that is discharged into the Waters of the Commonwealth. This not only includes erosion from the land, but also erosion from stream and river banks. In fact, it is determined that the majority of TMDLs is from river banks. It is anticipated that municipalities will be required to map the entire storm sewer system, not just the outfalls that are currently required.

In order to reduce TMDLs, municipalities may be mandated to install certain Best Management Practices at key locations to reduce the sediment discharged and reduce the velocity of stormwater that causes stream bank erosion. It isn't clear if East Brandywine Township will be subject to the TMDLs as we are not currently listed on Map 7 provided by PADEP. The Township is however an MS4 community since it is located within an urbanized area, which is based on the last census. The TMDL is based on sediment impairments measured in 1996 and 1998. Ms. Bowers mentioned that DEP isn't sure if the Best Management Practices installed since then can be "points" toward the TMDL. All municipalities were very interested in improving water quality, but after six years of providing NPDES reports and receiving Notices of Violations, all municipalities agree that there haven't been any measurable improvements.

Chester County is offering to assist municipalities with the planning needed for TMDL reduction. It was asked if the County was willing to accept the MS4 permit on a watershed basis, but it isn't likely since each municipality will still be required to be permitted. Ms. Bower offered to apply for a grant to do the work but, when the grant expires, the Chester County Water Resources Authority would be requesting reimbursement from the municipalities to continue the program. She was asked for a scope of work and estimated costs prior to final agreement. The advantage of having County assistance is one source to communicate with DEP rather than each municipality getting a different response. One example mentioned is the definition of an outfall.

East Brandywine Township, along with 26 other municipalities, has an agreement with BVA for Minimum Control Measure 1 and 2, so Mr. VanLew anticipates that the agreement with the County could be similar.

Mr. VanLew recommended that the Supervisors write a response letter to BVA and the Chester County Water Resources Authority so we may continue discussions on plan implementation for the next level of NPDES MS4 permits.

Vice-Chairman Fischer made a motion to send a written response to BVA, the Chester County Conservation District and the Chester County Water Resources Authority indicating our interest in participating in a municipal/county partnership to management the MS4 and TMDL program. Mr. Voltz seconded the motion, with all voting Aye.

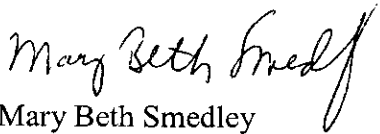
Comments from the Audience

Chairman Kirkner asked if there were questions or comments from the audience. There were none.

Adjournment

There being no further business, Mr. Voltz made a motion to adjourn the meeting. Chairman Kirkner seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer