

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, March 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
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, March 4, 2010 was called to order by Chairman Kirkner at 7:30 A.M. at the East Brandywine Township Municipal Complex. Also in attendance was George Holmes, the Milemarker Editor and three visitors.

Public Comment for Non-Agenda Items

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

Lisa Van Houten correspondence dated February 2010 – Mid-Atlantic Express Natural Gas Pipeline

Mr. Piersol reported that Ms. Van Houten is a Board Member of the Victoria Crossing Development in West Bradford Township. She is concerned about construction and maintenance on the gas pipeline in her development and possible incorrect information on the NPDES permit that was submitted to PADEP. Mr. Piersol said that the Township hasn't had any significant issues with Mid-Atlantic. The pipeline goes through a portion of the Tunbridge Development, the Whittaker Tract and Rt. 282 and then into Uwchlan and Upper Uwchlan Townships. He asked if the Board wished to respond to Ms. Van Houten's letter. After review of the information, the Board declined to respond at this time.

Pending Amendment to Chapter 399, Zoning, Article IV, Off-Street Parking and Loading, Subsection 105, Standards, revising size of parking space

Mr. Piersol requested authorization to advertise this amendment of the zoning ordinance. The County Planning Commission's comments are due by March 5, 2010. Township Solicitor Stacey Fuller, Esq. recommended this in order to require any new land development plans being submitted prior to the Board's consideration to comply with these revised parking space sizes. This change is the same as previously done for the Mobile Home Park Ordinance. Chairman Kirkner asked if there were any questions. There were no questions or comments. Vice-Chairman Fischer made a motion to advertise this amendment for adoption. Mr. Voltz seconded the motion, with all voting Aye.

MU District – Proposed revision to tax parcel 30 05 00820400 to R-2 Residential District

Chairman Kirkner recused himself from the discussion because he has a professional relationship with the Plank family.

This proposed Ordinance changes 24.2 acres in the MU District near Corner Ketch Road to the R-2 Zoning District. After many discussions the Task Force determined that rather than having commercial districts in different areas along the Rt. 322 corridor they prefer to see it concentrated in the Village of Guthriesville and near the Brandywine Village Shopping Center. This parcel was previously designed as R-2 until 1989. A portion of it was changed back to R-2 several years ago to make way for the HeatherWynd West development. The Planning Commission is recommending that the Board of Supervisors forward this amendment to the Chester County Planning Commission for their Act 247 review.

Mr. William Plank, one of the property owners, attended the meeting and informed the Supervisors that he did not want this change to occur. According to Mr. Plank, several years ago there had been discussions about changing the parcel to R-2 and the Township wasn't interested in pursuing that. Vice-Chairman Fischer recalled that the Township didn't reject the proposal out of hand. He remembers that a developer inquired about it, but the request didn't go any further. He asked Mr. Plank if there was interest in developing the property now. Mr. Plank said he didn't want the zoning changed because the property could possibly lose value. As discussed at last night's Planning Commission meeting with Mr. Plank's mother, Mr. Piersol said that he previously asked the Plank family attorney to provide supporting documentation about possible loss in value or the property. Mr. Piersol said that if documentation is provided that supports the Plank's claim the Township may consider some higher density for the property but, would need to see a proposal before that could be considered. Mr. Plank said that he thought one of the reasons higher density wasn't supported in the past was because the parcel wasn't served by public sewer. He was told that circumstances have changed and public sewer service may be available.

Mr. Plank said that there are other commercial areas in the Township, rather than the Village and the Brandywine Village Shopping Center. Vice-Chairman Fischer said that there are small pockets of commercial areas, but the Township has determined that they want to see most of the commercial activity concentrated in the Guthriesville VC District or the western MU District.

Before making a final decision, Mr. Voltz said that he would like to see what the Plank's attorney provides. Vice-Chairman Fischer said that sending the amendment to the County Planning Commission in no way obligates the Township to adopt it, but simply allows them to review the Ordinance, which is one of the steps prior to adoption.

Vice-Chairman Fischer made a motion to submit the proposed amendment to the Chester County Planning Commission for their Act 247 review and advertise it for adoption. Mr. Voltz seconded the motion, with all both voting Aye. Chairman Kirkner recused himself from voting.

Proposed Village Extension District Revision

This proposed Ordinance fixes the boundaries for the Village overlay and adds a portion of the Applecross development at the southwest quadrant of Bollinger Road and East Reeceville Road. It also eliminates the provision whereby contiguous parcels could be included as part of the overlay district. The Planning Commission is recommending that the Board of Supervisors forward this amendment to the Chester County Planning Commission for their Act 247 review.

Mr. Voltz asked if Pulte Homes was agreeable to this change. Mr. Piersol said that it had been reviewed by them and they support the zoning amendment. Mr. Voltz made a motion to forward the amendment to the Chester County Planning Commission for their Act 247 review and advertise it for adoption. Vice-Chairman Fischer seconded the motion, with all voting Aye.

At 8:00 A.M. the Board of Supervisors adjourned the Regular Session to hold a public hearing on Ordinance 02 of 2010.

ORDINANCE 02 OF 2010 - AN ORDINANCE OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING VARIOUS PROVISIONS OF THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE, INCLUDING CHAPTER 350, SUBDIVISION AND LAND DEVELOPMENT, CONCERNING CONSERVATION AND THE FOUR-STEP DESIGN PROCESS; AND CHAPTER 399, ZONING, CONCERNING CONSERVATION AND CLUSTER DEVELOPMENT.

Chairman Kirkner opened the hearing and entered the following exhibits into the record:

- B-1 Copy of the Board of Supervisors minutes dated December 3, 2009 in which the Board authorized the Ordinance to be advertised.
- B-2 Copy of the letter dated October 5, 2009 from Scott T. Piersol to the Chester County Planning Commission requesting the Act 247 Review.
- B-3 Copy of the letter dated November 4, 2009 from the Chester County Planning Commission to Scott T. Piersol with their comments.
- B-4 Letter dated February 16, 2010 from Patrick McKenna, Esq. to the Chester County Law Library.
- B-5 Public Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since February 16, 2010.

Mr. Piersol said that this ordinance had previously been considered, but was tabled during discussions about acquiring a conservation easement on the White Acres Farm. Vice-Chairman Fischer said this Ordinance encourages developers to protect natural features during the land development process, hopefully, resulting in a better design.

Chairman Kirkner asked if there was any public comment. Mr. Robert Long, Chairman of the Township Open Space Committee thanked the Supervisors and said that he and the other Open Space Committee members appreciated their efforts. He feels passage of this Ordinance will be a great benefit to the Township.

The Hearing closed at 8:05 A.M.

Mr. Voltz made a motion to adopt Ordinance 02 of 2010. Vice-Chairman Fischer seconded the motion, with all voting Aye.

The Regular Session adjourned at 8:06 A.M. to hold a public hearing on Ordinance 03 of 2010.

ORDINANCE 03 OF 2010 - AN ORDINANCE OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 399, ZONING, ARTICLE IV, NATURAL FEATURES PROTECTION STANDARDS, SECTION 14, STEEP SLOPE CONSERVATION DISTRICT, OF THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE.

Chairman Kirkner opened the hearing and entered the following exhibits into the record:

- B-1 Copy of the Board of Supervisors minutes dated December 3, 2009 in which the Board authorized the Ordinance to be advertised.
- B-2 Copy of the letter dated October 5, 2009 from Scott T. Piersol to the Chester County Planning Commission requesting the Act 247 Review.
- B-3 Copy of the letter dated November 4, 2009 from the Chester County Planning Commission to Scott T. Piersol with their comments.
- B-4 Letter dated February 16, 2010 from Patrick McKenna, Esq., to the Chester County Law Library.
- B-5 Public Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since February 16, 2010.

Vice-Chairman Fischer said now a lot of "marginal" properties are being developed and this Ordinance affords protection to natural features such as steep slopes.

Chairman Kirkner asked if there was any public comment. There were no comments.

The public hearing closed at 8:09 A.M.

Vice-Chairman Kirkner made a motion to adopt Ordinance 03 of 2010. Mr. Voltz seconded the motion, with all voting Aye.

The Regular Session adjourned at 8:10 A.M. to hold a public hearing Ordinance 04 of 2010.

ORDINANCE 04 OF 2010 – AN ORDINANCE OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 350, SUBDIVISION AND LAND USE, ARTICLE V, PLAN CONTENT REQUIREMENTS, SECTION 24, PRELIMINARY PLAN, OF THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE.

Chairman Kirkner opened the hearing and entered the following exhibits into the record:

- B-1 Copy of the Board of Supervisors minutes dated December 3, 2009 in which the Board authorized the Ordinance to be advertised.
- B-2 Copy of the letter dated October 23, 2009 from Scott T. Piersol to the Chester County Planning Commission requesting the Act 247 Review.
- B-3 Copy of the letter dated November 24, 2009 from the Chester County Planning Commission to Scott T. Piersol with their comments.
- B-4 Public Notice and Proof of Publication from the Daily Local News.

Proposed Ordinance has been available for public review since February 16, 2010.

This Ordinance requires applicant to identify steep slope areas on preliminary plan submissions.

Chairman Kirkner asked if there were comments from the audience. There were no comments.

The public hearing closed at 8:14 A.M.

Mr. Voltz made a motion to adopt Ordinance 04 of 2010. Vice-Chairman Fischer seconded the motion, with all voting Aye.

The Regular Session adjourned at 8:15 A.M. to hold a public hearing on Ordinance 05 of 2010.

ORDINANCE 05 OF 2010 - AN ORDINANCE OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 399, ZONING, ARTICLE VIII, VC VILLAGE COMMERCIAL DISTRICT, SECTION 39, USE REGULATIONS, AND AMENDING CHAPTER 399, ZONING, ARTICLE XIV, SUPPLEMENTAL REGULATIONS, SECTION 102a, DAY-CARE FACILITY, OF THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE.

Chairman Kirkner opened the hearing and entered the following exhibits into the record:

- B-1 Copy of the Board of Supervisors minutes dated December 3, 2009 in which the Board authorized the Ordinance to be advertised.

- B-2 Copy of the letter dated October 23, 2009 from Scott T. Piersol to the Chester County Planning Commission requesting the Act 247 Review.
- B-3 Copy of the letter dated November 24, 2009 from the Chester County Planning Commission to Scott T. Piersol with their comments.
- B-4 Public Notice and Proof of Publication from the Daily Local News.

The proposed Ordinance has been available for public review since February 16, 2010.

Mr. Piersol said that this Ordinance removes the daycare use from the Village Commercial zoning district. The Ordinance Task Force and Planning Commission felt that as it is currently configured it was not an appropriate use, but may be considered again in the future.

Chairman Kirkner asked if there were questions or comments from the audience. There were no questions.

The public hearing closed at 8:18 A.M.

Vice-Chairman Fischer made a motion to adopt Ordinance 05 of 2010. 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.

Announcements

Caspar Zoning Hearing

The Caspar Zoning Hearing, originally scheduled for Tuesday, March 2nd, has been rescheduled for Tuesday, May 4th to allow the applicant time to have a stormwater management plan prepared.

DVRPC Meeting

The DVRPC will conduct a final meeting to discuss their project "Guiding Transportation Investments and Land Use Decisions Along US 322" on Friday, April 23, 2010 from 9 A.M. to 11 A.M. here in the Township meeting Room. Township Officials and Board members are encouraged to attend. The meeting was originally scheduled for April 9th.

Lyme Disease Program

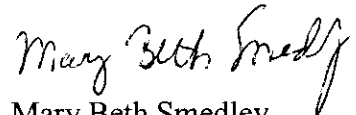
The Pennsylvania Lyme Disease Awareness Committee will show a documentary on Lyme disease on Thursday, March 11, 2010 at 7:00 A.M. at the East Brandywine Township Municipal Complex. All are invited and encouraged to attend.

Members of the Board and Municipal Authority will meet with representatives of Aqua Pennsylvania to discuss their comments to the proposed Act 537 Special Study directly after this meeting.

Adjournment

There being no further business, Mr. Voltz made a motion to adjourn the meeting at 8:25 A.M. Chairman Kirkner seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer