

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION**

**Wednesday, December 5, 2007 – 7:30 P.M.**

**Those in Attendance:**

Mr. Bruce Rawlings, Chairman  
Mr. Stephen Cushman, Vice-Chairman  
Mr. Charles Giordano, Member  
Mrs. Sandra Moser, Member  
Mr. Mervin Thomas, Member  
Mr. Scott T. Piersol, Township Manager  
Mr. Michael Mayhew, Township Engineer  
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

**Absent:**

Michael Corbin, Member  
Deborah Marshman, Member

Mr. Rawlings opened the meeting at 7:35 P.M.

**Planning Commission Minutes – November 7, 2007**

Mr. Rawlings asked if there were additions or corrections to the November 7, 2007 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mr. Corbin seconded the motion, with all voting Aye.

**Wawa Land Development Plan**

The plans depict the development of three tax parcels into a 5,873 square foot Wawa Food Market with 6 fuel dispensers (12 fueling positions). The site is located in the Village Commercial District. The existing parcels total 3.98 acres. Three commercial structures and a springhouse are present on the site. The site contains wetlands, steep slopes and water hazard soils.

Public water and sewer are proposed to service the site. A detention basin is proposed for stormwater management. The plan notes that the Wawa will operate 24 hours a day.

The Board of Supervisors granted preliminary plan approval for this subdivision on December 19, 2001.

Mr. Joseph Brion, Esq., discussed the plan. Final Land Development approval was granted by the Board of Supervisors on November 27, 2007, subject to the following conditions:

1. Satisfaction of all outstanding comments in the Yerkes October 17, 2007 and November 1, 2007 letters.
2. The applicant will provide handicapped parking spaces in the front of the building (this action is complete).
3. The Township will have final approval on the color of the retaining walls.
4. Receipt of the Yerkes review of the retaining walls. The applicant will comply with Yerkes recommendations.
5. The word "parallel" in note 21 will be changed to "perpendicular" (this action is complete).
6. Receipt of the Army Corps of Engineers' Section 404 Permit.
7. Satisfaction of all the agreed-upon conditions for the Mama Lena's demolition permit including proper historical cataloguing of the property, removing and preserving all historic artifacts and performing a historic dig of the property as outlined in the Grafton Report and in the approved demolition permit.
8. The following note shall be added to the plan:  
"Wawa agrees to secure all applicable sign variances prior to issuance of any building permits" (this action is complete).
9. The applicant's agreement to restrict deliveries if the applicant is unable to ameliorate the impact of noise due to deliveries from 10 P.M. to 6 A.M.
10. Satisfaction of items #3 and #4 in CMX November 27, 2007 review letter.

The Planning Commission thanked for Mr. Brion for providing the update.

### **Hopewell United Methodist Church**

The owner and applicant is the Hopewell United Methodist Church. The plan proposes two additional parking lots with accompanying stormwater management facilities. The tract is located within the R-1 Residential District and is located on Hopewell Road just west of Crawford Road. Ms. Melissa Kelly from Rettew & Associate and Mr. David Cloetingh, a member of the Church, discussed the revised preliminary plan and Yerkes November 19, 2007 review letter.

9. Erosion control fencing should be shown around the Limits of Disturbance boundary surrounding the west parking lot. The existing basin also needs to be protected on its south side from sediment during construction. In his review letter, Mr. Giannantonio stated that the silt fence shown for the western parking lot is satisfactory. The silt fence along the eastern parking lot should be extended to the eastern most part of the limit of disturbance to protect the existing basin from sediment.
24. Since Hopewell Road is a State Highway, a PennDOT permit will be required for modifications to the western entrance. The applicant will submit a copy of the Highway Occupancy permit once it is received.

Mr. Cloetingh stated the Church has been cutting fallen trees and moving trees that have concentrated stormwater runoff. He will continue to provide updates on the tree removal activities.

Mr. Cloetingh also said that he spoke to PennDOT about installing a fence near Hopewell Road. He was told that although PennDOT could not approve the fence, they would not oppose its construction.

The Church will install erosion matting and re-establish lawn cover on the Healy property. Mr. Cloetingh stated the Church would leave it up to the Healys to decide when they want this done.

As discussed in a previous meeting, an adjustable orifice plate will be installed on the discharge basin outlet structure. Mr. Cloetingh thinks this will probably be done in January of 2008.

As a condition of the applicant's October 23, 2007 zoning hearing the applicant agreed that all surrounding property owners' issues will be resolved to the satisfaction of the Township prior to commencement of work. Mr. Barry Gastrock asked who in the Township would make sure these issues are resolved. The Planning Commission would like Mr. Giannantonio, as Township Engineer, to do this.

Mrs. Marjorie Gastrock asked about tree removal on the site. In reviewing the plans it appears that twelve trees will be removed and will be replaced by six evergreens. She asked if there were alternatives to removing the twelve trees. Ms. Kelly stated that the evergreens would be five to six feet high and would be spaced to allow them to spread out. When the trees are taken down they will be removed from the site. Mr. Rawlings stated evergreens planted at the end of the woods may not survive. He went on to say that the landscaping plan would be reviewed as part of the final plan submission.

Mrs. Gastrock said that in the past the Church made a verbal commitment that they would not add more impervious surface to the site. Mr. Cloetingh said that the Church has no plans for additional impervious cover after the parking lot is completed. He stated that they recognize that if additional expansion is needed it will have to be on another site.

The Gastrocks asked who they should contact if there are runoff problems between now and final plan approval. Mr. Rawlings suggested they contact Mr. Piersol.

At an earlier Planning Commission meeting the surrounding property owners asked that there be a point person from the Church with whom they can communicate their questions or concerns. They also asked that the applicant forward information to the surrounding property owners as they receive it. The Planning Commission suggested that the Church try to keep in contact with the property owners on a regular basis so they are up-to-date on how the plan is progressing.

Mr. Rawlings made a motion to recommend the Board of Supervisors grant preliminary plan approval for this land development application with the following conditions:

1. Satisfaction of all conditions outlined in the October 23, 2007 Zoning Hearing Board Decision.
2. All surrounding property owners' issues are resolved to the satisfaction of the Township and Al Giannantonio, P.E. prior to commencement of work.
3. An adjustable orifice be installed on the basin outlet structure by the end of January, 2008
4. Satisfaction of all outstanding items in the Yerkes November 19, 2007 review letter

Mr. Thomas seconded the motion, with all voting Aye.

### **AWI Croppers**

In a letter dated November 27, 2007, Deborah Shulski, Esq., attorney for Brandywine Village Associates, stated that there have been discussions with Gambone Development regarding coordination of a unified plan between the Watters tract and the shopping center. According to Ms. Shulski, Brandywine Village has a commitment with Gambone Development Company that parking associated with the proposed addition to the Brandywine Village Shopping Center can be placed on Gambone's property. A sketch plan showing the parking and easement was submitted to the Township. Ms. Shulski stated this plan has been agreed to by both parties. An easement agreement is being drawn up and should be executed in the near future.

Mr. Richard Blair from Brandywine Village Associates and Mr. Adam Brower, of E.B. Walsh and Associates attended the meeting on behalf of the applicant.

Mr. Adam Brower, engineer for AWI/Croppers reviewed the sketch plan with the Planning Commission. The plan shows additional parking to the west of the store. Mr. Brower stated that he kept the parking away from the proposed interconnecting road. The plan also shows a 12,045.43 SF addition on the Croppers store. The plan proposed 54 additional parking spaces plus 6 reserve spaces.

Mr. Rawlings stated that the additional parking spaces shown on the sketch plan are in Gambone's Development Company's basin. Mr. Brower said that he would speak to Mr. Ted Kochen from Gambone about this. According to Mr. Brower, the attorneys for Gambone and Brandywine Village have had discussions about the parking. Mrs. Moser stated that the Watters land development application has been fully engineered. She wanted to make sure that Mr. Brower didn't think something was going to be eliminated because the plan that is being reviewed has been engineered so that the Township engineer is satisfied with the stormwater management plan and the Open Space Committee is satisfied that the viewshed is being protected. Mr. Rawlings asked about

the size of the proposed parking spaces. Mr. Brower stated they would be 9' x 18', as required by the Township Ordinance.

Mr. Brower stated that the side yard setback from the property line would be 27'. Since the Ordinance requires at least a 50' setback, the applicant would need to apply for a variance. The applicant may also need to apply for a variance for increased impervious cover. Mr. Brower stated that since there is additional impervious cover proposed, he may use porous paving to offset the increase. Mr. Rawlings stated that another applicant recently proposed porous paving, but the Planning Commission and Township Engineer would not support its use without a maintenance program that is acceptable to the Township.

Mr. Giordano entered the meeting at 8:10 P.M.

Subsurface stormwater basins will be constructed under the parking lot. Mr. Brower was asked if any exploratory perc tests have been done. Mr. Brower said that they still need to do the testing.

Trucks will enter the shopping center by the proposed Brandywine Village Drive or via North Guthriesville Road. There will be two loading docks to the rear of the building. It was noted that signage may be needed to direct truck traffic. The Planning Commission asked that Mr. Brower submit a plan for truck circulation to the Township and the Township's traffic consultant.

Mr. Rawlings stressed that there needs to be more communication between Croppers and Gambone development. The Watters tract is close to receiving a recommendation for preliminary plan approval and this could affect the Croppers sketch plan.

#### Extension

The applicant is granting an extension to review the land development plan until March 31, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension. Mr. Cushman seconded the motion, with all voting Aye.

***It was noted that once a preliminary plan is resubmitted the applicant may need to withdraw their original plan if it is determined that it is substantially changed from the original submission.***

#### **Guthriesville Plaza**

The owner and applicant is Guthriesville Plaza Associates. The plan proposes a subdivision of parcel 30-5-70.4 into two separate lots in the Village Commercial Zoning District and is situated between Horseshoe Pike and Hopewell Road with frontage on both roads. Present access to the site is from Horseshoe Pike. The site contains a strip commercial center on Lot #2 and no new improvements are proposed by this plan. The

applicant, Mr. James Worrell and Mr. Adam Brower, the applicant's engineer, discussed the Yerkes November 30, 2007 review letter.

6. Section 350.24.B(2)(i): All existing features on or within 300 feet should be shown on the plan.
  - a. General Note #6 on the plan indicated that public sanitary sewer and on-lot water is proposed for the new lot. The location of the public sewer, to be accessed on Hopewell Road, should be shown and identified. Mr. Piersol said that the sewer line runs down Hopewell Road to Ferndale Lane. The sewer connection would likely take place at the manhole near Ferndale Lane. This will be further discussed when a land development application is submitted.
  - f. A waiver has been granted by the Board of Supervisors from Section 350-24.B(2)(i) which requires the plan to show all existing features within 300 feet of the subdivision.
5. The Sewage Facilities Planning Module has been submitted to PADEP and is currently being reviewed. The applicant has requested 3 EDUs.
6. Mr. Giannantonio recommends that the applicant consider providing public water and fire protection to the commercial development. Plan Note #6 indicated that the lots will utilize public sewer and on-site well. Note #25 has been added which proposed that future Lot #1 will utilize both public water and public sewer. Note #6 should be corrected.

#### Recommendation for Final Plan Approval

Mr. Rawlings made a motion to recommend final plan approval with the following conditions:

1. Payment of \$2,000 fee-in-lieu of open space.
2. Satisfaction of all outstanding items in the Yerkes November 30, 2007 review letter.
3. A note should be added to the plans that the traffic impact fee will be addressed when a building permit is submitted for the property.

Mr. Thomas seconded the motion, with all voting Aye.

#### **Brandywine Ponds – Proposed Phasing Plan**

A 25-lot subdivision is proposed for an existing 89.211 acre parcel located on the north side of Dowlin Forge Road. The parcel contains an existing farmhouse and farmstead buildings, wooded steep slopes, ponds, wetlands and a tributary stream to the East Branch of Brandywine Creek. The parcel is situated within the R-1 Zoning district and each lot is to be served by on-site water supply and sewage disposal.

The revisions include a phasing plan and a note on the erosion and control sheets stating "Prior to any site disturbance following the phasing schedule a revised construction sequence must be submitted to the Conservation District for review and approval."

Phase I is to include lots 18, 21, 22, and 23 that are located near Dowlin Forge Road and are proposed to have access from Dowlin Forge Road via private driveways. Phase II will consist of the eastern portion of Ryan's Way and all of Sidney Circle and include 10 lots. Phase III will complete Ryan's Way and includes 6 lots. Phase IV is located at the northern end of the tract and will include the remaining 5 lots. An escrow fund will be established for all 4 phases prior to commencing of work on Phase I.

The Planning Commission was concerned about construction of the trail since it is not scheduled to be done right away. The applicant agreed to constructing the portion of the trail that will traverse any lots in conjunction with construction on that lot.

Fire protection will be provided with two underground storage tanks and one pond dry hydrant. The dry hydrant located in the pond will be installed prior to the issuance of any building permits.

After review of the plan Mr. Rawlings made a motion to recommend acceptance of the phasing plan with the conditions that the applicant comply with all items in the Yerkes November 30, 2007 review letter and that the trail is constructed on any lot at the time the homes are built. Mr. Cushman seconded the motion, with all voting Aye.

### **Watters Tract**

The plan depicts a commercial and residential land development plan located on the north side of Horseshoe Pike adjacent to the Brandywine Village Shopping Center. Development is planned in two phases, with Phase 1 being the development of the commercial tract. The commercial portion is zoned MU – Mixed Use Commercial District, and three free-standing commercial buildings are proposed.

The commercial tract is approximately 10.645 acres in size. A road is proposed which subdivides the commercial tract into two parcels. The development of this road was requested by the Township to facilitate traffic flow between North Guthriesville Road and Horseshoe Pike. The lot areas for the two resulting lots are 7.258 acres and 1.985 acres in size.

Four zoning variances were granted in a Zoning Hearing decision on April 10, 2007. The variances were for a reduction in front yard setback from the bank from 85 feet to 50 feet, reduction in side yard setback from 50 feet to 17 feet, exceeding 50% for areas devoted to surface parking in the front yard along the proposed public road and the side yard adjacent to the shopping center, and to allow use in the MU District for the parcels after they are separated by the proposed public road.

There are several conditions associated with the zoning variances. The trash receptacle locations are to be approved by the Board of Supervisors, the existing package sewage treatment plant shall be decommissioned and sewage from the site shall be treated at the Applecross treatment plant as soon as treatment capacity and conveyance is available and permitted. The sewage disposal area in the area north of the bank shall be restricted from further development except for additional parking as approved by the Board of Supervisors.

The main residential tract consists of 41.311 acres and is proposed to become 39.602 acres in size after a parcel of 1.709 acres corresponding to the Watters home, barn and other structures is created. The R-3 tract located behind the commercial tract is approximately 10.049 acres in size and is proposed to become two parcels. The lot areas for the two resulting parcels are 7.63 acres and 1.50 acres. These parcels will be joined with the revised Watters tract, resulting in residential tract acreage of 29.651 acres.

The property is generally sloping to the north and sparsely wooded and there is a pond on proposed parcel No. 3. There is an existing sewage disposal area located at the rear of the commercial tract that will be decommissioned. Public water and public sewer are proposed.

Mr. Ted Kochen from Gambone Development, Ross Unruh, Esq., Mr. Chris Williams from McMahan Associates and Mr. Matthew Chartrand from Bohler Engineering discussed the Yerkes November 30<sup>th</sup> review letter and the Heinrich and Klein December 4<sup>th</sup> review letter. The applicant is requesting a recommendation from the Planning Commission for preliminary plan approval.

Mr. Unruh said that he just learned about the revised Croppers plan. He said that Gambone will try to cooperate with Croppers, but they do not want it to delay approvals of the Watters plans. Hopefully, coordination of the plans can be done between preliminary and final plan approval for the Watters tract. Mr. Rawlings stated he was concerned that the Croppers sketch plan shows parking in the Watters basin. Mr. Kochen stated that they may be able to move the basin to accommodate the Croppers parking lot.

Mr. Unruh stated that the applicant would comply with the items outlined in the Yerkes review letter, but pointed out that no fee-in-lieu of open space is required for the commercial development.

The Planning Commission asked if the applicant has heard from the Conservation District yet. To date, a letter hasn't been received.

The applicant has made the following three waiver requests, as discussed in the Yerkes review letter.

44. A waiver is requested from Section 350.52.F(2) to allow corrugated smooth interior high density polyethylene (HDPE) piping for all the stormwater piping (excluding reinforced concrete pipe (RCP) basin outlet barrels. Mr. Mayhew stated that this waiver request should be included on the plans. He does not have an objection to HDPE piping being used for stormwater piping if it is installed according to the manufacturer's recommendations. Typically, manufacturer's recommendations are four feet of cover for heavy equipment. This equates to four feet of cover measured from the bottom of road excavations.
45. A waiver is requested from Section 350-33.B(2) to allow collector street centerline radius of 500' instead of 750'. Mr. Mayhew suggested that Mr. Heinrich comment on this waiver request.
46. A waiver is requested from Section 350-34.C(1)(b) to allow collector street vertical curves with a design speed of 35 mph instead of 50 mph. Mr. Mayhew suggested that Mr. Heinrich comment on this request.

Heinrich and Klein December 4, 2007 review letter

1. Traffic Impact Study Review:

- f. Based on Mr. Heinrich's calculation of the trip generation for the proposed development, the commercial portion of the property can be expected to generate 147 new trips per hour during the PM peak hour. The resultant Traffic Impact Fee calculation is \$515,608.38. A separate calculation will be made for the future development of the town houses at such time as Land Development Plans are filed with the Township for review. The applicant will have further discussions with Mr. Heinrich about this calculation.

The Planning Commission would like Mr. Heinrich to review and comment on turning templates for truck traffic circulation. There are concerns about how trucks will safely enter and exit the site using the existing entrance from North Guthriesville Road that intersects the proposed Brandywine Village Drive and then proposed Road B.

Mr. Rawlings and Mr. Thomas expressed concern regarding the layout of the small connector loop road from Brandywine Village Drive to the Brandywine Village Shopping Center, just north of the proposed bank. On the April 23, 2007 plan the connector loop road curved directly from Brandywine Village Drive into the Brandywine Village parking lot. In the October 10, 2007 plan the loop road curves to just north of the proposed bank and then traffic must make a 90° left hand turn into the parking lot. The Planning Commission feels that this new configuration is awkward and unsafe, not only for traffic at both shopping centers, but also for vehicles exiting and entering the bank parking lot. Mr. Kochen explained that this change was done at the request of Mr. Heinrich. He stated that stop signs at the intersection would have a traffic calming effect. Mr. Piersol pointed out that stop signs should not be used for speed control. It was suggested that the loop could possibly have a wider sweeping curve to make it safer although one to two parking stalls in the Croppers parking lot may need to be sacrificed.

There may need to be some concessions between Gambone and Brandywine Village in order to have a unified plan that is satisfactory to both applicants and the Township. Mr. Kochen was frustrated that revising the plan will cause further delays. Mr. Thomas suggested that a meeting be scheduled with representatives from Gambone and the Township to try and resolve this issue. Mrs. Smedley was asked to schedule the meeting prior to the next Planning Commission meeting.

#### Extension

Mr. Rawlings made a motion to recommend the Board of Supervisors accept an extension to review this land development plan until January 17, 2008. Mr. Cushman seconded the motion, with all voting Aye.

#### **Weaver Tract**

#### Extension

The applicant is granting an extension to review the land development application until January 31, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mr. Thomas seconded the motion, with all voting Aye.

#### **Hillendale**

#### Extension

The applicant is granting an extension to review the land development application until February 29, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mrs. Moser seconded the motion, with all voting Aye.

#### **HeatherWynd East Dump Remediation**

Mr. Rawlings thanked Mr. Mayhew, Mr. Corbin and Mr. Thomas for their work to ensure that the dump remediation is completed according to the Township specifications. Mr. Thomas said that work is still going slowly and at times the developer needs to be reminded of certain procedures. The Planning Commission would like the building inspector and Yerkes to keep a close eye on this project and provide the Planning Commission with periodic updates.

#### **Ordinance Task Force**

#### Convenience Store Standards revisions dated November 30, 2007

Mr. Piersol stated that the Ordinance Task Force has been working on several changes to the Convenience Store Standards that include deleting the convenience store use from the VC District and adding it as a use in the CS/LI District, defining retail use, and

reducing the size of a convenience store. Mr. Rawlings asked if there were any questions. There were no questions. Mr. Rawlings made a motion to recommend the Board of Supervisors forward the suggested amendments to the Convenience Store Standards to the Chester County Planning Commission for their Act 247 review. Mr. Giordano seconded the motion, with all voting Aye.

### **Smokehouse Farm Fire Protection Issues**

Mr. Piersol stated that the dry hydrant suction fitting was installed on the water tank two weeks ago. Mr. Piersol and Mr. VanLew inspected the hydrant and are satisfied that the proper suction connection has been installed as requested. The fire protection reservoir is operational for the fire department in an emergency situation. An adapter has been ordered by Mr. Bates to allow the fire department to connect directly to the refill tank. Once this refill connection fitting has been installed a draft test will be performed by the East Brandywine Fire Company. Hopefully, this test will occur within the next week.

### **William Moore House**

Mr. John Curtin attended the November 27<sup>th</sup> Board of Supervisors meeting to discuss the William Moore Farm on behalf of Pulte Homes to update the Supervisors on the status of the house.

Mr. Curtin provided a rendering of the community center that was originally approved and a rendering of what Pulte is now proposing. Mr. Curtin also provided pictures of the William Moore House, which was apparently constructed with three different types of stone. Mr. Curtin suggested placing a historic placard at the site that would provide information about the original William Moore House, similar to the Thomas Buchanan Read sign on Horseshoe Pike near Corner Ketch/Lyndell Road.

Mr. Curtin presented a plan to reuse the original building stone on the prominent north facing wall as you enter along the main road so that it will be the front of the community center. The sides will be of cultured veneer stone since there isn't enough stone to face the whole building. After review of the information, the Supervisors approved the proposed design and agreed that a permit using the proposed building design could be submitted to Yerkes for review. Mr. Thomas expressed his disappointment with the Board's decision; he thought that the house should be rebuilt to its original specification.

### **Applecross Landscaping**

At the request of the Planning Commission, Mr. Kummer sent a letter to Lisa Thomas from Glackin Thomas Panzak regarding certain requests on behalf of Pulte. The Planning Commission decided the following:

1. Conversion of all deciduous trees to be planted at one common size which would be 3 to 3.25 inch caliper has been approved by the Planning Commission.
2. The Planning Commission did not approve the request to plant one size smaller in advance of final project inspection and acceptance.
3. Request to plant larger caliper trees at locations to be determined by the applicant. The Planning Commission approved this request with the proviso that after a given tree expires it will be replaced with an equal large size tree.

### **Reappointments**

Mr. Thomas made a motion to recommend the Board of Supervisors reappoint Bruce Rawlings to another five year term on the Planning Commission. Mr. Giordano seconded the motion, with all voting Aye.

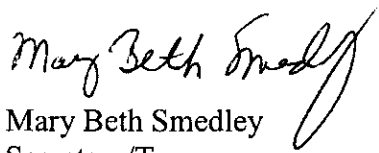
Mr. Thomas made a motion to reappoint Mr. Rawlings as Chairman of the Planning Commission. Mrs. Moser seconded the motion with all voting Aye.

Mr. Rawlings made a motion to reappoint Mr. Cushman as Vice-Chairman of the Planning Commission. Mr. Giordano seconded the motion, with all voting Aye.

### **Adjournment**

There being no further business Mr. Giordano made a motion to adjourn the meeting. Mr. Thomas seconded the motion, with all voting Aye. The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

  
Mary Beth Smedley  
Secretary/Treasurer