

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, January 2, 2008 - 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Michael Corbin, Member
Mr. Charles Giordano, Member
Mrs. Deborah Marshman, Member
Mrs. Sandra Moser, Member
Mr. Scott T. Piersol, Township Manager
Mr. Albert Giannantonio, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mr. Stephen Cushman, Vice-Chairman
Mr. Mervin Thomas, Member

Opening of Meeting

Mr. Rawlings opened the meeting at 7:30 P.M. with a Salute to the Flag. There were eight visitors present.

Planning Commission Minutes – December 5, 2007

Mr. Rawlings asked if there were additions or corrections to the December 5, 2007 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mr. Giordano 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 for the bank building 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 30th review letter and the Heinrich and Klein December 4th review letter. The applicant is requesting a recommendation from the Planning Commission for preliminary plan approval.

At last month's meeting the Planning Commission suggested that a meeting be scheduled with representatives from Gambone and the Township to try and resolve the issue with the connector roads to the Brandywine Village Shopping Center. Mr. Unruh provided the Planning Commission with a plan showing the road configurations that was discussed at that meeting. The connector road near the proposed bank will have a more gradual entry into the shopping center than was shown on the last plan. The lower entry road also shows an increased radius so that trucks can travel in and out more easily.

Mr. Piersol stated that Mr. Heinrich's preference was to create a one-way counter-clockwise circulation pattern around the bank. His concern is that the right turn entry movement is almost a U-turn. It would not be unusual for a right turn entering vehicle to encroach upon the outbound vehicle traffic lane. Mr. Heinrich suggested that with some

adjustments this could be corrected, but at this point he believes the one-way pattern is the best solution. Mr. Kochen stated that turning templates will be provided for Mr. Heinrich to review. If they can't provide the proper turning radius, he agreed that the plan would be changed to provide a one-way pattern.

Mr. Rawlings stated that the bank location needs to be relocated if there is to be two-way traffic. The applicant agreed that this issue will be addressed to the satisfaction of the Township, but it was noted that it could be done prior to final plan approval.

Mr. Richard Blair from Blair Associates asked for clarification about when the road will be installed. He wanted assurances that there would be no disruption of services to the Brandywine Village Shopping Center. Mr. Kochen said that the construction sequence still needs to be planned, but he did acknowledge that the customers will still need to enter and exit the shopping center with as little disruption as possible.

Mr. Rawlings said that in the meeting regarding the road configuration it was stated that stormwater management for the proposed parking lot on the Watters tract will be constructed on the Brandywine Village property. It was suggested that the plan just show an easement where the parking lot will be constructed, and a note added to the plan stating that stormwater for the parking lot will be shown on the Brandywine Village property.

Recommendation for Preliminary Plan Approval

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

1. The plan will show an easement for the proposed parking lot to be used by the Croppers store, but the parking lot layout will be removed from the plan.
2. A note will be added to the plan stating that stormwater for the proposed parking lot will be handled on the Brandywine Village Shopping center property.
3. Resolution of traffic circulation issues near the bank to the satisfaction of the Planning Commission, Township Engineer and Township Traffic Engineer prior to final plan approval.
4. The applicant will provide a construction sequence for the road construction prior to final plan approval so as to cause the least amount of interference with traffic ingress and egress to the Brandywine Village Shopping Center for the western entrance drive.
5. The existing package sewer 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.
6. The tapping fee will be resolved to the satisfaction of the East Brandywine Township Municipal Authority.

7. The final plan shall address the outstanding issues set forth in the Yerkes Associates Inc., November 30, 2007 review letter.
8. The final plans shall address the outstanding issues in the Heinrich and Klein Associates Inc., December 4, 2007 review letter in paragraph 3 through and including twenty-nine. However, the traffic signal permit plans relating to the Route 322 and Bollinger Road intersection referenced in paragraph twenty shall be addressed at the time of application for the townhouse development. Furthermore, regarding paragraph 2, any widening of Rt. 322 along the property frontage will be deferred to the townhouse development.
9. Prior to final plan approval the Township Traffic Engineer and the applicant's Traffic Engineer shall resolve the issues set forth in paragraph 1a through 1e of the Heinrich & Klein Associates Inc. December 4, 2007 review letter. Paragraph 1f shall be resolved with the Board of Supervisors.
10. The final plans shall delineate the following easement on the applicant's property for the Brandywine Village Shopping Center:
 - a. The parking area along the southern boundary.
 - b. The truck delivery access located at the northeast corner of the property which connects the Brandywine Village Shopping Center with Brandywine Village Drive.
 - c. The applicant will provide an easement for the upper entry connecting Brandywine Village Center on Brandywine Village Drive.
11. The final plans shall depict the geometric design of the vehicle connection driveway between Brandywine Village Drive and the Brandywine Village Shopping Center as depicted on the January 2, 2008 sketch plan.
12. The final plans shall depict the geometric design for the truck delivery connection driveway between the Brandywine Village Drive and the Brandywine Village Shopping Center as generally depicted on the January 2, 2008 sketch plan.

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

Waiver Requests

The Planning Commission unanimously recommended that the Board of Supervisors grant the following waivers:

1. Section 350-52.F(2) – To allow corrugated smooth interior high density polyethylene (HDPE) piping for all stormwater piping (excluding reinforced concrete pipe (RCP) basin outlet barrels).
2. Section 350-33.B(2) – To allow collector street centerline radius of 500 feet instead of 750 feet.
3. Section 350-34.C (1)(b) – To allow collector street vertical curves with a design speed of 35 mph instead of 50 mph.

Extension

Mr. Rawlings made a motion to recommend the Board of Supervisors accept an extension to review this land development plan until February 21, 2008. Mr. Giordano seconded the motion, with all voting Aye.

Weaver Tract

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.

Dilworth Tract

Extension

The applicant is granting an extension to review the land development application until May 1, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mrs. Marshman seconded the motion, with all voting Aye.

Whittaker Property

Mr. Rawlings asked Mr. Piersol to provide an update on discussions with the Whittaker family with regard to acquiring open space easements. Mr. Piersol reported that the Open Space Committee has been in discussions with the Whittaker family for the past 3 ½ years. A meeting is scheduled on January 11th with Township personnel and representatives from the Brandywine Conservancy and National Lands Trust to discuss issues related to the acquisition and a possible future utility easement. Mr. Piersol will provide additional information to the Planning Commission as it becomes available.

Ordinance Task Force

Regulating the Operation of All Terrain Vehicles on Private or Public Property, Other than Public Highways; Prescribing Remedies and Penalties for Violation of Such Regulations, Including the Imposition of Fines and Penalties, the Seizure of Vehicles Violating Such Regulations and Enforcement by Actions in Equity

Mr. Piersol stated that the Ordinance Task Force has been working on defining when and for how long all terrain vehicles can operate within the Township. Mrs. Marshman asked if there were any questions. There were no questions. Mrs. Marshman made a motion to recommend the Board of Supervisors forward the proposed Ordinance to the Chester

County Planning Commission for their Act 247 review and advertise it for adoption.
Mrs. Moser seconded the motion, with all voting Aye.

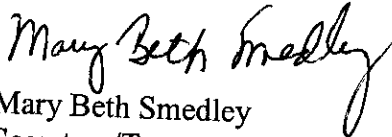
Other Business

Mr. Rawlings said that neither he nor Mr. Cushman would be attending the February Planning Commission meeting. Mrs. Marshman will be Acting Chairperson for the meeting in their absence.

Adjournment

There being no further business Mr. Rawlings made a motion to adjourn the meeting.
Mr. Giordano seconded the motion, with all voting Aye. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer