

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, March 5, 2008 - 7:30 P.M.

Those in Attendance:

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

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 – February 6, 2008

Mr. Rawlings asked if there were additions or corrections to the February 6, 2008 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mr. Corbin seconded the motion, with all voting Aye.

AWI/Croppers

AWI/Croppers Shurfine Market proposes to build an 8,340 S.F. addition to the western side of the existing Croppers Store. The current submission is an amendment to the plan submitted in 2004. In addition to the store expansion, the applicant plans to construct a new drive aisle for circulation. According to the applicant, the size of the proposed expansion is very close in area to the previous plan and the parking requirements and impacts are consistent with the approved plan. The Brandywine Village Shopping Center is to be served by public water and the Croppers Market will have sprinklers installed. Once the Applecross Sewer Treatment plant is constructed the existing package plant on the Watters tract will be decommissioned and the effluent will be sent to the Applecross Wastewater Treatment Plant. Ms. Deborah Shulski from Riley, Riper, Hollin and Colagreco and Mr. Adam Brower from E.B. Walsh & Associates, Inc. discussed the revised submission.

Mr. Brower stated that the original submission showed an 8,279 S.F. building, but he stated that the impervious surface has remained relatively the same at 67%. This impervious surface includes the porous paving that will be used in the parking

easement on the Watters property. The applicant will need to submit information on how the porous paving will be maintained.

Mr. Rawlings stated that one of the conditions for preliminary plan approval for the Gambone land development plan was that 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. Mr. Brower stated he thought that meant that stormwater wouldn't be conveyed to the Gambone system and that it would not go beyond the easement. This item will need to be discussed further. Mr. Brower stated that perc tests have been completed and the infiltration rate is acceptable. He said that any water that doesn't infiltrate will go to the underground system that is tied into the existing conveyance system. There may be a small conveyance system to the back of the store. Mr. Brower will confirm exactly where the overflow is going.

It was pointed out that Gambone's basin still needs to be shifted because it is shown in the Croppers' parking lot easement. There will also need to be an isolation distance from the parking lot. Mr. Brower agreed that this needed to be done.

Mr. Rawlings stated that the next plan needed to show the basin, trails, screening and open space. The Planning Commission would like to see how the plan is going to work. Mr. Brower will also need to provide Mr. Rawlings with a full sized copy of the landscape plan.

There are three large propane tanks in the front of the building. Mr. Piersol suggested the tanks be moved to the back of the property near the proposed location of the emergency generator. This may add a few additional parking spots. Mr. Brower will communicate this to the owners of the shopping center.

Another condition for preliminary plan approval for the Watters' tract was that 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. A similar note should be added to the Croppers plan.

The Planning Commission asked for additional information to make sure that parking is adequate for the site. Mr. Brower showed the original plan and it appears that the new parking configuration will work better than the original plan. The plan provides additional parking close to the store. Mr. Brower stated that truck circulation will improve with the new road construction.

Ms. Shulski stated that the applicant may want to construct a pharmacy drive-thru lane at the western end of the store. In order to do this a certain amount of parking stalls would be lost and others would be moved. Mr. Barry Kriebel from Shurfine stated that in order for small independent grocery stores like Croppers to continue to complete they must

provide additional services such as a pharmacy. The applicant was asked to provide an overlay of the pharmacy drive-thru plan to review. With this proposal, there would only be one entrance, not two as depicted on the current plan. Mr. Thomas was concerned that providing a drive-thru would cause confusion for motorists. Mrs. Marshman also expressed her concern that the addition of the drive-thru may be excessive for that area. Mr. Cushman also said he wasn't sure that the pharmacy would work in the proposed location.

Mrs. Moser stated that she thought that the expansion was to allow additional room for food products, not a pharmacy. Mr. Rawlings continues to remind the applicant that they should consider the Rite-Aide building as additional space for the Croppers market. Mr. Kriebel stated that the pharmacy area would be small, only about 12' x 20'. Mr. Kriebel also said that Croppers might construct a small coffee café and would like to add more natural and organic foods.

Mr. Mayhew will provide his comments on the latest Croppers submission within the next several weeks.

Extension

The applicant is granting an extension to review the land development application until June 30, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mrs. Moser seconded the motion, with all voting Aye.

Weaver Tract

The applicant is proposing to build 273 units (184 – 35 foot wide units and 89- 40 foot wide units). The subdivision is on a 140.458 acre lot located at the southeast corner of Bollinger Road and Horseshoe Pike. The lot is being developed under the R-3 Zoning District requirements per a settlement agreement. The Settlement Agreement with the Township was approved on November 2, 2006.

Sewage will be treated offsite in an SBR treatment plant and the treated effluent will either be disposed of on-site in subsurface disposal systems or off-site where the sewage is treated at the Applecross Wastewater Treatment Plant. Hydraterra Professionals and CMX Engineers are reviewing the sanitary sewer design.

Michael Macaninch, Esq. and Ms. Patricia Bunn attended the meeting to provide an update on the status of the project.

Mr. Macaninch stated they are still waiting for several State-wide agency permits from PennDOT, PADEP and the Chester County Conservation District. Additional information must be submitted to the Conservation District on the stream corridor. Approval has been received for Part I of the Sewage Facilities Planning Module. K. Hovnanian hopes to resubmit a final plan for the project within the next week.

According to Mr. Macaninch, he and Municipal Authority Solicitor John Spangler have been working on the Sewer Reservation Agreement. This should be finalized shortly. Mr. Corbin suggested that a deadline be set for executing the Agreement and asked that a representative from K. Hovnanian attend the March 11, 1008 Municipal Authority meeting. Mr. Corbin stated that he would like to see the Agreement signed quickly. He said that if K. Hovnanian decided not to execute the agreement in a timely manner, the proposed sewer treatment plant would need to be downsized. Mr. Macaninch will attend the next Municipal Authority meeting to discuss this issue.

Mr. Macaninch assured the Planning Commission that K. Hovnanian plans to move forward with the project and also plans to build the community themselves. Once all approvals are received he will provide a surety bond for their portion of the sewage treatment plant cost. This item will need further discussion with the Municipal Authority.

It was also noted that the naturalized landscape plan has been abandoned in favor of a plan that meets the Ordinance requirements.

Extension

The applicant is granting an extension to review the land development application until May 30, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mr. Cushman seconded the motion, with all voting Aye.

HeatherWynd Dump Remediation – Update

Mr. Mayhew reported that it appears that the silt fence is properly installed and the geotextile fabric is protected under one of the site trucks. He also said that the riser from the inlet is not in place. The grading will be done as soon as there is a dry spell. Both Mr. Cantlin from Yerkes and a representative from the Chester County Conservation District have inspected the site and are satisfied with the progress. The Planning Commission asked that Mr. Mayhew send a letter to the applicant stating that if the area isn't graded and seeded by May 15, 2008 they would need to contact the Township.

Hide-A-Way Farms

Mr. Mayhew sent a letter to Southdown homes regarding the main road roadside swales. The letter noted the following concerns:

1. The roadside swales appear to be too high in elevation to collect the road runoff.
2. The inlets for the same roadside swales appear to be very low in the roadside swales.
3. The current stormwater travel path appears to be along the edge of the cartway and is eroding the cartway pavement and base course.

Similar concerns were documented in the February 21, 2008 Conservation District Earth Disturbance Inspection Report.

To date a response has not been received by Southdown. Mr. Mayhew will contact Mr. Earl Cooke and Mr. Tim Townes again and ask for a response and a plan for corrective action prior to the April 2, 2008 Planning Commission meeting.

Ordinance Task Force Items – All Terrain Vehicle Ordinance

Mr. Rawlings stated that a group of residents attended the February 20, 2008 Board of Supervisors meeting to express their concerns about the All Terrain Vehicle Ordinance that the Supervisors were considering for adoption that evening. The group asked that the Supervisors postpone any action on the Ordinance for a period of at least 30 days in order to allow for comments and suggestions. Some of the objections include the restrictive riding hours, the provision where ATV's cannot be operated within 25 feet of a property line and the maximum number of ATV's allowed to be operated. The group was also concerned about the provision concerning "environmentally-sensitive" areas and felt this needed to be defined.

Chairman Voltz suggested that a committee be formed of Township representatives and some of the concerned citizens to discuss this issue. He asked that residents provide the Supervisors with their concerns and suggestions prior to scheduling the meeting.

Mr. Corbin stated that he read through some of the resident concerns and feels strongly that some of the major points should remain in the Ordinance, especially as they relate to environmentally sensitive areas. He stated that he would be able to help with the definition that would include steep slopes, wetlands and stream corridors. Mrs. Marshman agreed that some restrictions need to be in place. Mr. Corbin stated that most ATV use was for recreation purposes. This should be treated differently from equipment or machinery used for farming, agriculture or business. Mrs. Moser also stated she would like the restrictions to remain in place. Mr. Cushman stated that there needed to be some kind of regulation. He likened it to when ranchers in the Old West would have cattle drives. Eventually restrictions had to be placed on having the cattle go through towns or populated areas. Mr. Rawlings stated that he hoped there could be a compromise. He stated that residents should be able to use their land, but not hurt the quality of life of other residents. Mr. Thomas stated that he thought the Ordinance was over-regulated and that it should be controlled by a noise ordinance. Mr. Rawlings stated that there were also environmental issues to consider. Mr. Mayhew stated he would provide a copy of West Nantmeal's ATV Ordinance for the Township to review.

Mr. Rick Bates stated that he and other concerned citizens agreed with the noise regulation. He will check to see if the resident's concerns have been forwarded to the Township. Mr. Bates also stated that there are other recreational activities that can cause environmental issues, such as horse riding. He said that ideally more residents should participate in the public meetings, but that isn't always possible.

Mrs. Moser said that regulations are being considered at the State and Federal levels because use of these vehicles has become such a big problem.

Mr. Piersol said that he hopes the meeting between Township officials and residents can be scheduled prior to the next Board of Supervisors meeting. This issue is also scheduled to be addressed at the March 19, 2008 Board meeting.

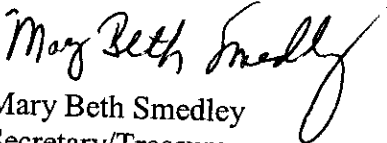
Notice

An additional Ordinance Task Force meeting will be held Thursday, March 13, 2008 at 7:30 P.M. at the Township Municipal Complex. Mr. Piersol stated that regular business on the Comprehensive Plan will be conducted at the March 13th meeting and that Jim Hartman from Urban Planners will discuss the revised Guthriesville Master Plan and the wetlands issue at the March 26th meeting.

Adjournment

There being no further business Mr. Rawlings made a motion to adjourn the meeting. Mrs. Marshman seconded the motion, with all voting Aye. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer