

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

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

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
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:

Mr. Michael Corbin, Member
Mr. Charles Giordano, Member
Mrs. Deborah Marshman, 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 – March 5, 2008

Mr. Rawlings asked if there were additions or corrections to the March 5, 2008 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

Brain Zoning Hearing – May 8, 2008

The East Brandywine Township Zoning Hearing Board will meet May 8, 2008 at 7:30 P.M. to consider the application of Simon and Rebecca Brain. Mr. and Mrs. Brain are requesting relief from Section 399-28A(5) of the Zoning Ordinance that allows no more than 12% impervious surface in the R-2 Zoning District. Mr. and Mrs. Brain and their contractor Bob Bracchio discussed the proposed addition to the property.

The applicants propose to add an entrance hall to the rear of the property and construct a sunroom, laundry room, bathroom and patio at the rear of the property. The percent of the lot area occupied by existing buildings and other impervious surfaces is 14.3%. The addition planned by Mr. and Mrs. Brain would increase the impervious coverage to 16.5% of the lot area.

Mrs. Brain stated that the exterior of the proposed addition would be made of the same materials and will look architecturally similar to the existing home. Mr. and Mrs. Brain provided documentation that the adjoining property owners have no objection to the plan.

It was also noted that there is a swimming pool on the property that has been installed with a drain. The water goes directly into the ground if it reaches a certain level. The patio will be constructed of interlocking concrete with stone. Mr. Rawlings noted that these materials do become impervious over time.

Mr. Brain stated that the improvements to the property will help minimize energy loss and also provide additional living space and a laundry room.

Mr Giannantonio offered the following comments:

1. The lot is in the R-2 Zoning District, which allows 12% impervious coverage.
2. The existing lot has 14.3% impervious coverage, which makes the lot existing, non-conforming with regard to coverage.
3. The minimum lot area in the R-2 Zoning District is 1.5 acres, with 45,000 SF net lot area. The existing lot has a total area of 43,560 SF, which makes the lot existing, non-conforming with regard to area.
4. Zoning Ordinance Section 399-123.B allows a 25% expansion of a non-conformity that existed at the date of the adoption of the Ordinance. If the lot contained 14.3% impervious coverage at the time the Ordinance was adopted, the 25% increase can be based on that percentage of cover as the basis for the 25% increase. If the Brain lot had an impervious cover expansion above 12% after adoption of the current Ordinance, the 25% must be based on the original lot coverage before any expansion of the coverage. The total new impervious area proposed is 948 SF, which is a 15% increase over the existing impervious coverage, so it complies with the 25% allowable expansion of the non-conformity.
5. The plan shows a runoff management area, but there are no details indicating what form of control structure is proposed. Mr. Giannantonio stated that compliance cannot be determined.
6. The application should note whether or not the lot is served by public sewer and water. The lot does have public sewer, but is served by an on-lot well for water.
7. Mr. Giannantonio recommends that groundwater infiltration be provided as a Best Management Practice for all impervious surfaces that exceed 12%. Mr. Bracchio stated that Commonwealth Engineers would be reviewing the plan so that the appropriate detention system can be installed.

After review of the information, the Planning Commission unanimously supported the application with the following conditions:

1. The applicant should provide a stormwater management system that is acceptable to the Township Engineer prior to the commencement of any construction or permits approved.

2. The applicant should sign a "Memorandum of Zoning Hearing Board Decision" not to add any future additional impervious cover to the property above the requested relief. The Memorandum should be recorded against the deed of the property at the Chester County Recorder of Deeds. In addition, a note should be added to the plans that will be submitted with the building permit application.

Applecross Development (AKA Overlook Road Farm)

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road. The plan also shows an 18-hole Jack Nicholas-designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion of the proposed development is a 310 acre tract located in the R-2 Zoning District and proposes single family homes on individual lots and approximately half of the golf course. The portion of the property north of East Reeceville Road was granted preliminary plan approval in March of 2004.

The "North Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The "South Tract" is being reviewed under the "Clustered Residential Development" regulations of the R-2 Residential Zoning District. The project is proposed to be constructed in four phases. The applicant received final plan approval, with conditions, for Phase 1 of the development on November 2, 2006. Plans for Phases II through IV were recently submitted. A formal review letter will be issued prior to the May Planning Commission Meeting. Mr. John Curtin and Mr. Jeremy Madaras attended the meeting on behalf of Pulte Homes.

Mr. Curtin stated that initially the development was to be completed in six phases that have now been consolidated to four phases. The phasing of the plan will not accelerate the build-out times for the property. Mr. Curtin explained that this was essentially a paperwork exercise so that the phasing matches what is being done with the E & S plan.

The applicant has submitted an amendment to the NPDES Permit and has resubmitted the stormwater management plan to the Chester County Conservation District. A Highway Occupancy Permit will be submitted to PennDOT for road construction that will include improvements to intersections at Rt. 322 and Bollinger Road, Rt. 322 and Bondsville Road and to East Reeceville Road. That will include bridge work and overlaying a section of the road.

Mr. Mayhew asked if Pulte's Sewage Facilities Planning Module included information on the Weaver Tract. Mr. Curtin stated that K Hovnanian was required to submit a separate revision to the Act 537 plan, but that Pulte's Planning Module does reflect that the treatment plant is designed for other connections.

Mr. Thomas asked when the traffic light would be installed at the Rt. 322/Bollinger Road intersection in relation to build-out of the development. Mr. Curtin said that PennDOT is requiring that the traffic light be installed by the completion of Phase II. At that point there will be approximately 250 house settlements.

Mr. Rawlings stated he would like to see trail connections in certain areas of the development, including near Bondsville Road so that the development can connect to the Village of Guthriesville. Mr. Curtin has had discussions with Mr. Piersol and the Board of Supervisors about trail connections. They have also asked for a trail connection to the Village as part of the overall Master Plan for Guthriesville. Mr. Rawlings also said that as part of the Master Plan there will likely be additional road improvements that could include a roundabout at the East Reeceville Road/Bondsville Road intersection and possibly construction of a loop road sometime in the future and possible additional wetlands mitigation for the Village of Guthriesville.

The Planning Commission asked Mr. Madaras where the proposed pump station would be located. He stated it would be approximately 75 ft. south of the East Reeceville Road/Bondsville Road intersection.

Mr. Curtin stated that Pulte hopes to have nine holes of the golf course completed by June. There is a possibility that all eighteen holes will be completed by September. The clubhouse should be completed in 2009. The community center has no scheduled date for completion.

Mr. Madaras reviewed the phasing plan with the Planning Commission. In addition to the phasing being driven by the E & S plan it will also be driven by a certain mix of houses.

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 and Yerkes March 11, 2008 review letter.

Mr. Brower provided a revised drawing of the shopping center layout that shows the proposed location for the basin on the Watters' tract. From the edge of the curb to the

berm is 20 ft. Mr. Brower stated that the basin is approximately 9 ft. feet deep. The Planning Commission wants the basin to be fenced for safety reasons and is concerned with the aesthetics and location of this basin.

At Mr. Piersol's request, the propane tanks have been moved to the rear of the property.

The proposed trail was not shown on the revised sketch plan. Mr. Brower said that the trail would be shown when the preliminary plan is resubmitted. At the Planning Commissions recommendation rather than having buffering to the west of the proposed expansion the applicant might show a more finished façade than is usually seen on the side of a building.

Mr. Brower was asked how the applicant would handle stormwater. Porous paving is proposed for a portion of the parking lot. Also, the plans show an inlet that will transfer water to an underground system. The applicant should demonstrate how the porous paving will be maintained. This plan will be reviewed by Yerkes.

The parking schedule provided shows that 377 parking spaces currently exist and 415 parking spaces, with 5 additional reserve spaces are proposed. The plan notes that "reserve spaces" have been determined to be unnecessary. Mr. Mayhew stated that the Planning Commission should confirm that the reserve spaces remain unnecessary. The Planning Commission wants to make sure there is adequate parking. During peak times such as holidays and prior to inclement weather, there have been parking problems in the past. The Planning Commission will need to determine if the 5 reserve spaces are needed, but at this point think that the applicant needs to be creative in providing more parking spaces. This is of particular concern since with all of the proposed development in the area new residents will likely patronize the store. Although representatives for Cropper's indicate that they are not looking to increase their customer base, only their sales, it is inevitable that their customer base will increase. The Planning Commission still believes that the shopping center parking design as currently shown does not and will not handle the future needs of the community.

Mr. Thomas remains concerned about the pharmacy drive-thru plan. He and the other Planning Commission members believe the plan as proposed will create an unsafe situation. In addition to motorists accessing the drive-thru, employees will be parking in that area and there will be traffic from trucks making deliveries to the store. It was suggested that the drive-thru lane be one way only and that it not be opened to any other traffic. Trucks will then be routed around the rear of the building only. Appropriate signage will need to be provided so that motorists don't become confused. The applicant should provide another sketch plan to review. Parking to the west of the drive-thru will be for employees only with possible expanded subsurface basins and porous paving in that area.

The Planning Commission wanted to know if a sprinkler system will be installed in the building. Mr. Brower confirmed that one would be installed.

At last month's meeting, the Planning Commission asked that a note be added to the plan regarding decommissioning of the existing sewer treatment plant and connection to

the Applecross Wastewater Treatment Plant. Ms. Shulski stated that Sean O'Neill, Esq., attorney for Brandywine Village Shopping Center suggested the following language:

Cross Easement Agreement dated June 24, 1994, between Frank E. Watters et ux and Brandywine Village Associates, Bk 3776, p. 1126 provides: " The owner of Parcel A [Brandywine Village Associates] agrees that if a publicly operated sewer system becomes available to service Parcel A hereafter, the owner of Parcel A shall file for the appropriate permits to connect Parcel A to the public sewer system. If parcel A does receive such a permit, then upon connection, the owner of Parcel A agrees to cease using any portion of the sewer system which has been constructed by the owner of Parcel A on Parcel B [parcel 30-05-227] to the extent that the owner of Parcel A is permitted to tie into the public system in terms of capacity."

This language will be sent to Thomas Oeste, Esq., Municipal Authority Solicitor, for his review and comments.

Dilworth Tract

Extension

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

Ordinance Task Force Items

Guthriesville Master Plan

Mr. Piersol stated that the Master Plan has been reviewed by the Ordinance Task Force and is now ready to be submitted to the Vision Partnership Program and the Chester County Planning Commission. Mrs. Moser made a motion to recommend the Board of Supervisors submit the Guthriesville Master plan to the County Planning Commission for the Vision Partnership review and then to the County Planning Commission for the Act 247 review, pending comments from Jeanine Speirs, the County Vision Partnership Program liaison. Mr. Cushman seconded the motion, with all voting Aye.

All Terrain Vehicle Ordinance

A meeting to discuss revisions to the All Terrain Vehicle Ordinance will be held Thursday, April 10, 2008 at 7:30 P.M. at the Township Municipal Complex.

HeatherWynd Dump Remediation – Update

At last month's meeting 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. Mr. Mayhew sent 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 has reviewed Southdown's plan to provide interceptor swales that will divert the stormwater to the inlets that are located in the swales in order to minimize the length of the travel path for stormwater along roads. The applicant also proposed to stabilize the interceptor swales with permanent matter in order to prevent further erosion. Mr. Mayhew found the revisions acceptable, but asked that the grading and seeding be completed by May 15, 2008. If this can't be done the applicant should contact the Township to discuss this.

Hopewell Methodist Church – Fencing Issue

The Planning Commission would like the Church to install some type of fencing along Hopewell Road. Although PennDOT will not allow a guide rail in the right-of-way, it was suggested that they might be able to install a fence just outside the PennDOT ROW. Mr. Piersol will discuss this with Ken Cavanaugh.

Logging Permit for McQueen property

Mr. Rawlings expressed concern about a logging operation at the McQueen property on Rt. 282. He stated there did not appear to be silt fence or stabilization in place and a roadway was cut going through the steep slopes of the hillside. The applicant does have a logging permit for a portion of the property. Mr. Piersol will have Building Inspector Jeff Cantlin discuss this with Adam Sauers of the Chester County Conservation District.

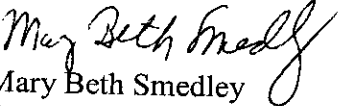
Other Business

It was noted that some structures that may be considered historic are falling into a state of disrepair and may meet the Township standards for "demolition by neglect". These buildings include some older barns and the Wissahickon Water Building.

Adjournment

There being no further business Mr. Thomas made a motion to adjourn the meeting. Mr. Rawlings seconded the motion, with all voting Aye. The meeting was adjourned at 9:10 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer