

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, July 2, 2008 - 7:30 P.M.**

**Those in Attendance:**

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

**Absent:**

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

**Opening of Meeting**

Mr. Rawlings opened the meeting at 7:40 P.M. with a Salute to the Flag. There were five visitors present.

**Planning Commission Minutes – June 4, 2008**

Mr. Rawlings asked if there were additions or corrections to the June 4, 2008 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mrs. Marshman seconded the motion, with all voting Aye.

**DeCarli Zoning Hearing Application**

The Zoning Hearing Board is scheduled to meet on Tuesday July 29, 2008 at 7:30 P.M. to hear the application of Robert and Kathleen DeCarli. The applicants are requesting a variance from the minimum rear yard requirements in connection with a proposal to construct a sun room. The subject property is located at 15 Windemere Court, East Brandywine Township.

Mr. Piersol reported that Zoning Hearing Board Solicitor Thomas Oeste, Esq. contacted him regarding the zoning application. This property is in the Hedgerow/Culbertson Run development, approved as a Planning Residential Development (PRD) in 1974. Mr. Oeste stated that the Township Zoning regulations technically do not apply to this land use application, in accordance with the Municipalities Planning Code regulations under Article VII-Planned Residential Development. Section 703(3)(ii) of the MPC states “no modifications of the development plan may occur except upon findings by the governing body or planning agency following a public hearing”.

The Board of Supervisors may choose to treat this application as an appeal from the Zoning Officer's decision and allow the Zoning Hearing Board to hear the case or the Board may choose to hear the request to modify the original PRD standards. This will be discussed with the Board of Supervisors at their July 3<sup>rd</sup> meeting.

Mr. DeCarli stated that the proposed sunroom will be located 62 feet from the dwelling at 7 Highland Court and 60 feet from 8 Highland Court. Common open space is directly to the rear of the property, with the community swimming pool being located approximately 600 ft. from their home.

The applicants provided affidavits signed by neighbors who indicated that they have no objection to the proposal. Mr. Piersol suggested that these neighbors be invited to the hearing to testify on behalf of the Mr. and Mrs. DeCarli. Mrs. Marshman pointed out that two of the affidavits had the same address. Mr. DeCarli will correct this. Mr. Piersol also recommended that the affidavits be notarized.

Mr. Rawlings encouraged the applicant to provide a plan to control stormwater from leaving the property for the additional impervious surface created.

Mr. Mayhew asked if the applicant planned to provide any landscape buffering. Mr. DeCarli stated that he only planned to plant flowers and bushes, but not provide buffering. Mrs. DeCarli stated that there was a hedgerow on one side of the property and trees on the other side. It was suggested that the applicant show this on a plan.

After review of the application the Planning Commission unanimously supported this application, in part because the rear of the property abuts the common open space. They did recommend that the applicant provide side-yard buffering that is acceptable to the Township Engineer and they encouraged the applicant to mitigate stormwater runoff from the property.

### **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 in March of 2008. Mr. John Curtin and Mr. Jeremy Madaras attended the meeting to discuss April 25, 2008 Yerkes review letter.

#### Stormwater Management

11. §350-52.F.(4) – The maximum extent of flood waters should not cover more than one-half of the through travel lane during the 100-year storm. Several inlets, by themselves, exceed this maximum width of water spread and should be modified. Also, a plan view map of the 100-year storm street inundation boundaries should be provided. The goal is to have a 10-foot or, if feasible, a 12-foot travel lane down the center of each road to provide safe ingress/egress during a 100 year storm.

As discussed in past meetings, Mr. Madaras stated the applicant would like the Planning Commission to consider recommending a waiver that would relax this requirement. Mr. Mayhew and Mr. Piersol wanted a clear path in the event of a 100 year storm down the middle of the road. There are a handful of areas throughout Phases II through IV where the encroachment would be less than 12 ft. and in approximately 10% of the road areas about 8 ft. Mr. Madaras stated they can achieve 8 ft. across the board. Mr. Madaras stated that they would add more inlets and provide revised plans and profiles for Mr. Mayhew to review. The Planning Commission will support the waiver request as long as not more than 10% of the travel lanes can only achieve 8 ft down the center of the road during a 100 year storm. Mr. Curtin stated that they are revising some infiltration facilities and increasing the size of some existing beds, but are not changing lot layouts. Mr. Mayhew will review this information once the revised plans are submitted.

#### Proposed Trail

Mr. Rawlings remarked that the proposed trail additions are not shown on the plan. Mr. Curtin explained that the proposed trail locations are a separate approval that is outlined in the Second Amendment to the Settlement Agreement. This Agreement will be considered for execution by the Board of Supervisors at their July 3<sup>rd</sup> meeting. The trail will then be added to the final plan.

Developer Agreements

Mr. Curtin stated that once the final plan is completed he will update the escrow figures and submit the Developer's Agreement to the Township Solicitor to review.

Irrigation Pump Building

27. Acceptable noise levels and odor levels should be demonstrated for the proposed irrigation pump building. Mr. Mayhew noted that the building will be tested for noise levels once construction is completed and should be attenuated if unacceptable. Until the pump station is built you can't test for noise. If it is too noisy insulation can be added to the building. The Planning Commission wants to know what acceptable decibel levels would be. Mr. Piersol stated that he read a copy of Upper Uwchlan Township's noise ordinance. They recommend that the noise level at the receiving land space shouldn't be more than 55 decibels. The applicant will provide a method to testing the noise and further information on acceptable decibels from the receiving land owners.

Mrs. Marshman asked where the proposed irrigation pump building would be located. Mr. Curtin stated that it was in the middle of the golf course near Lagoon #3.

Construction Site

Mrs. Moser stated that there was a massive dust cloud coming from the Pulte property today. Mr. Piersol will discuss this with Brad Eldred, Yerkes representative at the construction site.

Wastewater Treatment Plant

Mr. Mayhew asked if Pulte had plans to downsize the treatment plant. Mr. Curtin stated that the treatment capacity remains unchanged. They are in the process of getting the shop drawings approved by Municipal Authority Engineer Joseph Boldaz.

**Dilworth Tract**

Extension

The applicant is granting an extension to review the land development application until November 1, 2008. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension. Mr. Giordano seconded the motion. Mr. Rawlings, Mr. Giordano and Mrs. Marshman voted Aye. Mrs. Moser voted No.

### **Ordinance Task Force Item - All Terrain Vehicle Ordinance**

Mr. Rawlings stated that the proposed Ordinance has been reviewed by Ordinance Task Force and Board of Supervisors. A meeting with all interested parties will be scheduled in August.

### **Village of Guthriesville Master Plan**

Mr. Piersol reported that the public meeting to discuss the Guthriesville Master Plan this past Tuesday was very well attended and many positive responses were received.

### **HeatherWynd Dump Remediation**

Mr. Mayhew and Mr. Michael Welsh had a meeting at the site today and reviewed soil boring results. Mr. Welsh explained that in most areas Gambone can provide 24 inches of fill and 6 inches topsoil, but there is a small area near the stream where it will be difficult to accomplish this and maintain 3 to 1 slopes. The applicant will request that the remediation plan be modified so that 24 inches of soil, rather than 30 inches can be placed in that small area. This plan needs to be approved by East Brandywine Township and PADEP. Mr. Welsh will contact PADEP to discuss this in the next several weeks and will provide a report for Mr. Mayhew and the Township Planning Commission to review. Mr. Welsh was reminded that if this modified plan is approved the areas will need to be graded and seeded immediately and will need to be reseeded in the fall.

### **Corner Ketch Landing Landscaping**

Mr. Rawlings and Mr. Piersol will meet with the developer in September and this item will be discussed at the October Planning Commission Meeting.

### **Watters Tract**

Mr. Piersol stated that he, Mr. Fischer, Mr. Rawlings and Mr. Cushman met with representatives of the Watters family to discuss their plans for the property. Although the Watters family owns the rights to the preliminary plan approval, they don't have a plan to develop the property at the present time. In addition, the plan approval also includes part of the Spence property, which is owned by Gambone Development Company. When the Watters family decides what they want to do, they will contact the Township.

### **Joe Burns Beverage**

Mr. Steven Ulrich, owner of Joe Burns Beverage contacted the Township to discuss plans to relocate the beverage store at the Best Specialty Food site, demolish the beverage store building and possibly construct a bank at the site. Mr. Ulrich will attend the August Planning Commission meeting to discuss this and provide a sketch plan for review.

### **Guthriesville General Store**

The marketing period for Wawa began on June 26<sup>th</sup>. Mr. Piersol attended two meetings this week to discuss financial opportunities and available incentives to attract buyers to the Guthriesville General Store property, including the greater potential provided with the conceptual master development plan for the Village of Guthriesville. Discussions also included nominating the building to be placed on the National Register of Historic Places.

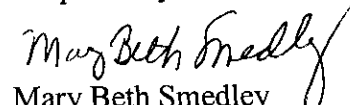
### **Other Business**

Mrs. Marshman suggested the Supervisors consider a noise ordinance in addition to the ATV ordinance. She mentioned that the televisions above the gas pumps at the Sunoco Convenience Store are very loud and could be heard from the street, and probably from adjoining properties. Mr. Piersol advised he had addressed this issue with Sunoco previously. Mrs. Marshman noted that the installation and use of televisions was not shown or agreed upon on the Sunoco land development plan.

### **Adjournment**

There being no further business Mr. Rawlings made a motion to adjourn the meeting. Mrs. Moser seconded the motion, with all voting Aye. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

  
Mary Beth Smedley  
Secretary/Treasurer