

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, August 6, 2008 - 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
Mrs. Deborah Marshman, 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:

Mr. Michael Corbin, Member
Mr. Charles Giordano, Member

Opening of Meeting

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

Planning Commission Minutes – July 2, 2008

Mr. Rawlings asked if there were additions or corrections to the July 2, 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.

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 1, 2008 Yerkes review letter and the additions to the trail system outlined in the Second Amendment to the Settlement Agreement.

Exhibit to the Second Amendment to the Settlement Agreement

Mr. Curtin reviewed the plan showing additional trail connections, which is an exhibit to the Second Amendment to the Settlement Agreement. He explained that in exchange for additional signage in two locations Pulte will construct additional trails or sidewalks in certain locations and will also provide several easements for the Township to construct trails at a later date, if they so choose. In locations where trails are to be constructed they will be eight feet wide and will be covered with asphalt. Mr. Curtin described the locations of the trails connections. They include connections to West Brandywine Township at Sills Lane, a connection near East Reeceville Road, and the proposed East Reeceville Road extension. Sidewalks will be constructed along Bollinger Road up to a point where they can connect with the proposed K. Hovnanian Development on the Weaver Tract, and provide adequate sight distance. The Township will work with K. Hovnanian regarding connection to their property.

Mr. Rawlings asked if there were easements so that the Homeowners' Association could maintain basins on the open space areas marked as H-16 and H-22. He was concerned that the HOA would not be able to access the basins without an easement and the Township may not be able to access these areas for future trail interconnections. Mr. Madaras stated there is an easement over open space H-22. The applicant will make sure there is an easement on open space area H-16 and H-22 so that the open space won't be landlocked.

On open space area H-18 the applicant will construct a timber bridge. Mr. Curtin has already discussed amending the Joint Permit with PADEP.

Mr. Curtin was asked when the golf course path under East Reeceville Road would be constructed. He stated that it should be constructed later this year. Ideally, the road work along East Reeceville Road that is to be completed by PennDOT will be coordinated with the golf course crossing so that the road will only need to be closed one time.

The Planning Commission asked if Pulte could provide a short pierce of rolled curb or equivalent along Bollinger Road at the trail entry. They would like to ensure that water does not jump the curb and cause a water problem along the trail. Mr. Curtin stated they should be able to provide the rolled curb or equivalent.

Mr. Rawlings asked if there was any way the applicant could provide a trail stub along the Lot 613 lot line in order to access Trego Lane. Mr. Curtin stated that it would make it difficult to sell the lots in that area with the trail stub since these lots were already sold.

Mr. Curtin stated that the proposed new entrances would be more manicured than were currently installed. The rubble stone will be removed and the pond filled in. There will be additional stone walls and other landscape features added. Although Mr. Curtin provided a sketch of the entries, the final plans still need to be submitted by the landscape architect and there may be some slight changes. Mr. Curtin does not anticipate any of the construction to take place in the road right-of-way. Pulte Homes will also be making some improvements to the Rt. 322/Bollinger Road intersection and to the turn lane into Applecross Blvd.

The proposed entrances will be lighted. The Planning Commission asked that the lights be on timers so that they can be turned off in the middle of the night. Mr. Curtin had no objection to this.

The applicant was asked what the height of the wall would be at the Rt. 322/Bollinger Road intersection. Mr. Madaras said he thought it was between six and eight feet high.

Yerkes August 1, 2008 Review Letter

1. The proposed escrow amounts for earthmoving and land development for Phases 2 through 4 should be provided to the Township to review. Mr. Curtin stated that the proposed escrow amounts will be updated and provided to the Township.
2. Mr. Mayhew recommended that the Township Solicitor review the Developer Agreement for any modifications that may need to be addressed due to re-phasing of the development. Mr. Curtin stated that they will comply.
3. Evidence of approval from the Chester County Conservation District and PADEP should be provided to the Township. The applicant has indicated that coordination with the Chester County Conservation District and PADEP is ongoing for approval of an amendment to the existing NPDES permit for Phases 2 through 4. The primary adjustments to the plans are the re-phasing and expansion of the stormwater management program. This information is currently under review.
4. Mr. Mayhew noted that per prior Yerkes comments, stormwater collection was adjusted such that, during the 100-year storm, 50% of the Phases 2 through 4 stormwater inlets provide 12-foot or greater clear widths located in the center of the roads, 12% of the Phases 2 through 4 stormwater inlets provide an 8-foot to 9-foot clear width, and the remainder of the clear widths are between 9 and 12 feet. Mr. Madaras clarified that approximately 12% of the inlets had an 8-foot to 9-foot clear width and that approximately 3% achieved only an 8-foot width. With that information, the Planning Commission supported the waiver.
5. Mr. Mayhew stated that the proposed turn-around driveways should be checked against the typical layout details and adjusted as necessary to meet the typical

layout detail dimensions. Mr. Madaras will review this to make sure all of the driveways meet the Township requirements.

6. The plans were reviewed against the prior landscaping plan set. There were no exceptions taken.

Applecross Pump Station

The Planning Commission members were concerned about noise and odors coming from the pump station. They asked how these issues would be measured. Mr. Curtin stated that once the pump station is constructed Pulte will measure odors and decibel levels. Mr. Piersol is currently reviewing sample noise ordinances from other municipalities in order to determine what might be acceptable decibel levels at the "receiving landowners" property line. Mr. Madaras will look at PennDOT criteria for noise and will try to provide some general information for Mr. Piersol to review. The decibel levels will be measured at the receiving land, not at the pump station itself, in order to determine whether the noise will be a nuisance to nearby property owners. Acceptable odor levels will be determined by the East Brandywine Township Municipal Authority.

Waiver Request

The Planning Commission is unanimously recommending the Board of Supervisors grant a waiver from Section 350-52.F.(4) of the Subdivision and Land Use Ordinance that states the maximum extent of flood waters should not cover more than one-half of the through travel lane during the 100-year storm, with the condition that not more than 10% of the travel lanes only achieve 8-feet down the center of a road during a 100-year storm.

Recommendation of Final Plan Approval

Mr. Rawlings made a motion that the Board of Supervisors grants final plan approval for Phases 2 through 4 of the Applecross subdivision with the following conditions:

1. The applicant meet all conditions outlined in the August 1, 2008 Yerkes review letter.
2. The trail plan as proposed in the Second Addendum to the Settlement Agreement is acceptable to the Board of Supervisors and Township Engineer.
3. Maintenance easements are provided on open space areas H-16 and H-22.
4. Noise and odors from the pump station are mitigated to the satisfaction of the Township and the Municipal Authority.
5. The applicant agrees to all other representations made in these minutes.

Mrs. Marshman seconded the motion, with all voting Aye.

AWI/Croppers

Mr. Piersol and Mr. Cushman met with Leonard and Richard Blair to discuss the preliminary plan that has been approved for a portion of the Watters Tract because they may have an interest in developing the property. Several issues were discussed including the Township's desire to see the boulevard road built per the approved preliminary plan and also to protect the viewshed. Blair and Sons may want to submit a revised plan for the Township to consider. At this point they do not want to build the boulevard street and may also propose certain other changes. Mr. Piersol also discussed the need to have a sprinkler system installed in the Cropper's Store. Mr. Richard Blair stated that they need to have a water supply agreement with Aqua Pennsylvania prior to installing the sprinkler system. Mr. Blair was strongly encouraged to do this as soon as possible, and Mr. Piersol offered his assistance so that a timely agreement can be reached. Messrs. Blair were provided a copy of the approved preliminary plan and will contact the Township if they are interested in pursuing development of the property.

Guthriesville Village Plan

Mr. Piersol reported that the Township hosted a meeting on July 31st to discuss the Guthriesville General Store and the Guthriesville Village Plan in order to help attract buyers for the General Store. Approximately 48 people including realtors, developers, and bankers attended. Prior to this meeting, Mr. Piersol had attended several other meetings with Gary Smith and Tom McIntyre from the Chester County Economic Development Council, Karen Marshall, the Chester County Heritage Preservation Coordinator, Jane Davidson and Robert Wise, the Township's consultants on historic matters, David Sweet, the Township's zoning and comprehensive plan consultant, and Chuck Moore from DNB First, in order to lay out the groundwork for this meeting. Mr. Piersol, Mr. Giannantonio and Mr. Sweet will also meet tomorrow to discuss the possible subdivision process for the General Store, should there be a buyer. Mrs. Moser stated that the presentation was very good, well received, and ties in well with the Village Master Plan. After the meeting Jane Davidson noted that this is the first time she can recall a municipality working together with the Chester County Economic Development Council on a project of this type.

HeatherWynd Dump Remediation

Mr. VanLew, Mr. Rawlings, Mr. Corbin, Mr. Thomas, Mr. Mayhew and Mr. Michael Welsh had a meeting on July 31st to discuss the revised dump remediation plan. Mr. Corbin met at the site with Mr. Welsh on July 29th to discuss the plan and tentatively agreed to the modified plan so that 24 inches of soil, rather than 30 inches, can be used to cover one small area. The group agreed to the modification, but asked that Mr. Welsh memorialize this plan in writing. Mr. Mayhew will contact Mr. Welsh to make sure the remediation is done to the satisfaction of the Township Engineer.

Hide-A-Way Farms Swale

Mr. Rawlings and Mr. Thomas continue to notice that there is a problem with the elevation of the road swales in this subdivision. It appears that the swales are higher than the elevation of the road. Mr. Mayhew stated that Mr. Cooke from Southdown homes attempted to repair this problem by sod redirection. Mr. Mayhew stated that he will compare the elevation to the plan and will have Mr. Cantlin discuss this with Mr. Cooke. The Planning Commission remains very concerned about this and would like the problem resolved as soon as possible. Mr. Mayhew will provide an update on this issue at the next Planning Commission meeting.

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. Mr. Piersol noted that Mr. Cantlin has a meeting with Adam Sauers from the Chester County Conservation District to address a water run-off issue that is affecting an adjacent property owner on Corner Ketch Road.

Joe Burns Beverage

Discussion of this issue will be deferred until later this year.

All Terrain Vehicle Ordinance

Mr. Rawlings stated that the proposed Ordinance has been reviewed by the Ordinance Task Force and Board of Supervisors. A meeting with all interested parties will be scheduled in September. Mr. Rawlings stated that unresolved issues include hours of operation and noise levels. He stated that the environmental issues are resolved. He suggested that the Township might consider a partial ordinance until there is an agreement on the other issues.

Subdivision and Land Development Ordinance Recreation Lands and Facilities Standards

A recent inquiry about the applicability of the requirements for fee in lieu of providing recreation lands and facilities for commercial properties led Mr. Piersol and Mr. Sweet to review the current ordinance terms. They discussed a modification of the basis for computing the amount of lands or fee required. Currently, the multiplier is the projected number of employees at any non-residential sites. In several other municipalities where their standards were drafted more recently, the amount of land or fee is based not on the number of employees, but on the square footage or gross leasable area in the proposed buildings. Mr. Sweet also suggested that language in the ordinance might be changed so that fees for active recreation and installation of trails are treated as separate obligations. These items will be discussed at the next Ordinance Task Force Meeting.

Recommendation to Request Extension of the Guthriesville Master Plan Vision Partnership Contract

Jeannine Speirs, from the Chester County Planning Commission, notified Mr. Piersol that the Comprehensive Plan/Master Plan Contract will expire September 30, 2008. Mr. Piersol asked that the Planning Commission recommend the Board of Supervisors request an extension. The length of time will likely be for six months. Mr. Rawlings made a motion to recommend the Board of Supervisors request this extension. Mr. Thomas seconded the motion with all voting Aye.

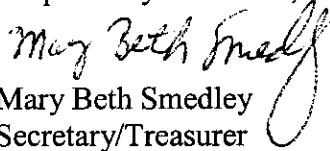
Other Business

Mr. Rawlings congratulated Mr. Holmes on another great issue of the Township Newsletter.

Adjournment

There being no further business Mr. Thomas made a motion to adjourn the meeting. Mrs. Moser seconded the motion, with all voting Aye. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer