

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, December 3, 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
Deborah Marshman, Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mrs. Sandra Moser Member
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 four visitors present. Mr. Rawlings reported that Mr. Thomas recently had an accident and would be absent for this meeting. The Planning Commission offered their wishes to Mr. Thomas for a speedy recovery.

Planning Commission Minutes -- November 5, 2008

Mr. Rawlings asked if there were additions or corrections to the November 5, 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.

Corner Ketch Landing

Mr. Piersol and Mr. Rawlings met with Mr. Philip Zalkind of M & Z Builders on November 24th to review the additional landscape plantings that were agreed upon when this issue was last discussed. These additional plantings were memorialized in a draft November 26th letter to be sent to the developer. Once the additional trees are installed and the other issues resolved, Mr. Piersol and Mr. Rawlings will meet one final time with Mr. Zalkind to close this issue. A copy of this letter was forwarded to the Planning Commission members for their review.

All Terrain Vehicle Ordinance/Noise Standards

Mr. Rawlings stepped down from the Planning Commission for this discussion since he is a concerned resident. Mr. Piersol, Mr. Rawlings, Mr. Bates, his two sons and Mr. Pongia

met on November 24th for a second site meeting at the Delaney Drive cul-de-sac, and at the adjacent properties common driveway on Reeds Road to measure the decibel levels of ATV's in use at a variety of distances. From that meeting, and in reviewing Ordinances adopted by other municipalities, Mr. Piersol revised the decibel limits in the draft Land Use Code Noise Standards in an attempt to allow for reasonable sound limits that will not cause undue annoyance to surrounding property owners. He provided a grid for the Planning Commission that explained the decibel levels at the measured distances. Mrs. Marshman did note that when the decibel levels used by ATV's were measured, there was only one in use. Often times when ATV's are used, there is more than one rider at a time which will likely amplify the noise.

Mr. Corbin remarked that it appears ATV's can still be operated on Sundays and holidays. Mr. Piersol stated that the Board of Supervisors weren't willing to preclude their use on those days, but would rather regulate their use by decibel levels and time (not before sunrise or after sunset).

It was mentioned that Board of Supervisors Chairman Mr. Voltz was only able to attend the first decibel meter reading when the reading were taken from the cul-de-sac on Delany Drive. He was not in attendance the second time when decibel levels were measured from the receiving properties.

The Planning Commission unanimously made the following recommendations to the Board of Supervisors:

1. The ATV Ordinance and the Noise Standards should be passed concurrently.
2. Operation of ATVs should be prohibited on Sundays.
3. Operation of ATVs should be prohibited on certain holidays such as Easter, Memorial Day, the 4th of July and Labor Day.
4. If the ordinances aren't passed concurrently, the nighttime hours outlined in the noise standards should be lowered.

Mr. Piersol stated that there will be at least one more meeting of the group reviewing the ordinance prior to adoption.

Rothman Tract

The applicant received a letter from the Department of Environmental Protection regarding an inspection of the dam that was done on July 30th. They found that the dam was overgrown with vegetation cover, the root system of the surrounding trees was potentially hazardous, and the stone masonry was deteriorated. Although it is unclear from the letter whether DEP will require any improvements to the dam, it is the responsibility of the owner of the dam to maintain and operate it in a safe condition.

At last month's meeting Mr. Piersol stated he attempted to contact the applicant, Neal Barkon, about the letter, but to date hasn't received a reply. He then contacted Mr. Abdel Nassani, who wrote the letter on behalf of PADEP. They discussed what steps need to be taken to resolve the concerns raised in his letter. Mr. Nassani didn't provide specifics, but did say that PADEP will initiate enforcement action if the problems aren't remedied. Mr. Piersol also contacted the applicant's engineer, Dennis O'Neill, to update him on the issue. Mr. O'Neill said he was unaware of the PADEP correspondence, but will follow-up with his client. Mr. O'Neil was provided with a copy of the PADEP letter by email. To date Mr. Piersol hasn't heard anything further from the developer or his engineer.

The Planning Commission remains concerned that the house and barn continue to deteriorate. Mr. Piersol has contacted the Township's Building Code Official, Russell Yerkes, so he can contact Mr. Barkon. He will follow-up with Mr. Yerkes to see if this has been done. The Planning Commission recommended that Mr. Yerkes be instructed to inform the developer that the building must be secured within thirty days or the Township plans to take legal action to ensure that the Township ordinance regarding "Demolition by Neglect" is strictly enforced. The Planning Commission also noted that as part of their subdivision plan approval the applicant has agreed to repair the dam.

Cumberland Ridge

At the September Planning Commission meeting, there were concerns that there isn't adequate sight distance at the Cumberland Drive entrance closest to Rock Raymond Road. Roadmaster Matthew VanLew is aware of this concern and has discussed this with Mr. Cantlin who has made the developer aware that this issue must be resolved. Until this issue is resolved the Township will not accept dedication of Phase I of the development. The Planning Commission suggested that a letter be sent to the developer stating that there are safety concerns about this and requesting they take corrective measures as soon as possible.

HeatherWynd West

Mr. Rawlings said that the curbing at the HeatherWynd West entrance hasn't been installed and he thought this might be a safety issue. Mr. Piersol stated that curbing isn't required until dedication of the roadway. The Planning Commission is recommending that a letter be sent to the developer requesting that the curbing be installed as a safety measure as soon as possible.

HeatherWynd East

The Planning Commission is satisfied that the former dump has been covered according to specifications. Mr. Corbin stated that he is very happy with the results and that all involved deserved to be complimented. The monuments still need to be placed and Mr. Rawlings noticed that some of the silt fence was down at the end of the cul-de-sac. Building Inspector Jeff Cantlin will address these issues with the developer.

Wawa

A letter was received dated December 3, 2008 from Wawa's solicitor stating that Wawa intends to formally terminate its equitable interest in the DiGiamberardino property, although this has not occurred yet. Questions remain about ownership of the final plan and whether there are time limits to the plan approval. The Planning Commission recommended that the Board of Supervisors review this letter to ensure that the Township's interests are adequately protected.

AWI/Croppers

The applicant is granting an extension to review this land development application until March 30, 2009. In a letter dated November 21, 2008 the applicant's attorney stated they are having discussions with Earth Companies, a new prospective purchaser of the Watters Tract. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension, but did ask that the applicant attend the March 2009 meeting to discuss any progress that is made. Mr. Corbin seconded the motion, with all voting Aye.

Hillendale

The applicant is granting an extension to review this subdivision application until March 31, 2009. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension and asked that the applicant attend the March 2009 meeting to update the Planning Commission on their progress. Mr. Giordano seconded the motion, with all voting Aye.

Ordinance Task Force Items

Notices

Mr. Piersol reported that the December 24th Ordinance Task Force meeting has been cancelled. The Task Force will meet December 9th at 7:30 P.M. and January 6, 2009.

The East Brandywine Township Board of Supervisors and the Ordinance Task Force will hold a public meeting Tuesday, January 6, 2009 at 7:30 P.M. to discuss the revised Comprehensive Plan and the Guthriesville Master Plan. Planning Commission members were asked to forward their comments to David Sweet as soon as possible so that this process can move forward.

Subdivision and Land Development Amendment Proposals – Sections 350-14 and 350-16 – Preliminary and Final Plan Approvals

Planning Commission Solicitor Tom Oeste noted certain inconsistencies in Section 350-14 with regard to the Municipalities Planning Code. Mr. Piersol asked Mr. Sweet to provide a revised draft of both Section 350-14 on preliminary plan approvals, and 350-16 on final plan approvals to make both consistent with the Municipalities Planning Code.

Mr. Oeste has reviewed Mr. Sweet's revision, which Mr. Piersol provided for the Planning Commission's review and comments. This will be discussed at the next Ordinance Task Force meeting.

Rt. 322 Corridor Study

Mr. Piersol, Mr. VanLew and Mr. Sweet attended a meeting on November 6th at Honeybrook Borough to discuss ways to integrate land use planning and infrastructure. Representatives of several area Townships attended the meeting in order to compile information that may be used in planning documents and make recommendations for improvements that PennDOT should consider for future funding. The final document with recommendations is scheduled to be published in June. The areas to be considered in the study include the Rt. 322 corridor from the Lancaster County line to business Rt. 30 in Downingtown Borough.

Recommendations Members and Officers for 2009

The Planning Commission unanimously recommended that Stephen Cushman, Deborah Marshman and Sandra Moser be appointed to additional five year terms on the Planning Commission

Mr. Rawlings stated that at Mr. Cushman's request, he will step down as the Planning Commission Vice-Chairman for 2009. Mr. Rawlings thanked Mr. Cushman for his invaluable service to the Planning Commission and Township.

Mr. Cushman made a motion to recommend the Board of Supervisors appoint Bruce Rawlings as Chairman of the Planning Commission for 2009. Mr. Corbin seconded the motion, with all voting Aye.

Mr. Rawlings made a motion to recommend the Board of Supervisors appoint Deborah Marshman as Vice-Chairman of the Planning Commission for 2009. Mr. Cushman seconded the motion, with all voting Aye.

Mr. Rawlings introduced Carl Croft, Ray Crossan and Michael Wagoner to the Planning Commission members. Mr. Rawlings, Mr. Cushman and the Board of Supervisors recently interviewed candidates to be non-voting Ex-Officio members to the Commission and have invited these individuals to join the Planning Commission. Each new member briefly discussed their background and reasons for volunteering for these positions. They were welcomed by the other members. They were also asked to attend the Ordinance Task Force meetings, held the fourth Wednesday of every month at 7:30 P.M.

Mr. Rawlings made a motion to recommend the Board of Supervisors appoint Carl Croft, Ray Crossan and Michael Wagoner as Ex-Officio members of the Planning Commission for 2009. Mr. Giordano seconded the motion, with all voting Aye.

Old Business/New Business

Mr. Rawlings asked if there were any old or new business items to be discussed. There were none.

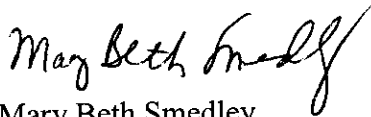
Comments from the Audience

Mr. Rawlings asked if there were additional comments from the audience. There were no comments.

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 8:45 P.M.

Respectfully submitted,



Mary Beth Smedley,
Secretary/Treasurer