

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, January 7, 2009- 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mrs. Deborah Marshman, Vice-Chairman
Mr. Michael Corbin, Member
Mr. Stephen Cushman, Member
Mr. Charles Giordano, Member
Mrs. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Ray Crossan, Ex-Officio Member
Mr. Carl Croft, Ex-Officio Member
Mr. Michael Wagoner, Ex-Officio Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew, Yerkes Associates Inc.
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 no visitors present.

Planning Commission Minutes – December 3, 2008

Mr. Rawlings asked if there were additions or corrections to the December 3, 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.

Dilworth Tract – Extension

Mrs. Smedley reported that Rouse/Chamberlin Homes is granting an extension to review their subdivision application until May 1, 2009. Mr. Stephen Gallo, Project Manager sent correspondence dated January 6, 2009 which said that the Dilworth project is not planned for construction in 2009. Due to current market conditions Rouse Chamberlin plans to focus their energy on communities where they are actively selling and building.

Mr. Rawlings noted that the applicant has been given numerous extensions. He suggested that the Planning Commission recommend the Board grant this extension, but unless Rouse/Chamberlin submits a revised plan or provides other documentation showing progress towards gaining preliminary plan approval, they may recommend the Board impose conditions on the plan or deny further extensions.

Mr. Thomas stated that he thought denial of the plan would be overly harsh in light of current housing market conditions. He went on to say that most developers are waiting for the market to take an upturn before they proceed with development.

Mr. Rawlings stated that certain ordinances are awaiting approval since this plan was submitted, namely the Growing Greener ordinance, and the Planning Commission might consider asking the applicant to comply with that ordinance before recommending additional extensions. Mr. Rawlings also stated that there are several other applications with similar circumstances. The Planning Commission will also have to look at extension requests from those developers very carefully and possibly recommend conditions or denial of extensions for them as well.

Mr. Corbin also raised concerns about recommending extensions for subdivisions or land developments when the Township has no assurances that these applications will move forward within a reasonable time-frame. He was particularly concerned that there are unresolved sewer and water issues related to the Dilworth Tract.

Mr. Wagoner suggested that applicants be encouraged to move towards preliminary plan approval. Then the developer has a 5-year time-frame to submit a final plan.

Mrs. Moser also thought that the Planning Commission shouldn't recommend extensions for an indefinite period of time. She stated that ordinances have changed and would like those ordinances to apply to these applications.

Mr. Croft, who is also a member of the East Brandywine Township Open Space Committee, stated that the current plan submitted by Rouse/Chamberlin protects the viewshed along Dilworth Road. Although he understands other members concerns, if this plan is denied, there are no guarantees that another developer would be willing to protect the viewshed.

Mr. Cushman stated that the Municipalities Planning Code allows for a 90 day time-frame to approve or disapprove a land development application, so it is within the Board of Supervisor's Authority to deny the plan at the end of that period of time. It is his opinion that the applicant should be encouraged to actively move towards gaining preliminary plan approval. Mr. Giordano agreed with Mr. Cushman.

Mr. Rawlings made a motion to recommend the Board of Supervisors accept a 90 day extension until May 1, 2009 to review this subdivision application, but unless there is some progress made towards gaining preliminary plan approval, the Planning Commission may not recommend acceptance of further extensions. Mrs. Marshman seconded the motion. Mr. Rawlings, Mrs. Marshman, Mr. Corbin, Mr. Cushman, Mr. Giordano, and Mrs. Moser voted Aye. Mr. Thomas voted No.

Rothman Tract

At last month's meeting the Planning Commission discussed their concern that the house and barn continue to deteriorate. Mr. Piersol contacted the Township's Building Code Official, Russell Yerkes, and asked him to contact the developer and inform him that the buildings 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. Mr. Piersol has followed up with Neil Barkon who stated that the house was secured with a tarp last week and the barn will be secured by early next week. Mr. Piersol or Building Inspector Jeff Cantlin will inspect the property to make sure this has been done. Mrs. Marshman confirmed that the house has been secured with a tarp, but she remains concerned because the tarp isn't that substantial and will likely not last through the winter. She also reported that the barn doors are open and windows are broken. Mrs. Moser said she was frustrated because this issue has been discussed by the Planning Commission for the past year and a half. Mr. Piersol will provide an update at the next Planning Commission meeting.

Mr. Piersol hasn't heard anything more from PADEP, the applicant or the applicant's engineer about the inspection of the dam that was done on July 30th.

Cumberland Ridge

At a previous 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 there is resolution, the Township will not accept dedication of Phase I of the development. Mr. VanLew will continue to monitor this situation, at the present time survey stakes are in place, but no trees have been cleared and the embankment hasn't been cut back, both of which probably need to happen to achieve adequate sight distance. The Planning Commission asked that the plan be reviewed to see if the road entrance was approved as it is currently configured, or whether improvements requested by the Planning Commission are actually shown on the plan.

HeatherWynd West

At last month's meeting, 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. PennDOT is aware that the curbing hasn't been installed and have approved this so that the contractor can complete utility work. The Planning Commission has asked that Mr. Mayhew inspect the site and give his recommendation as to whether the entrance poses a safety issue.

Wawa

At the December, 2008 meeting there were questions about ownership of the Wawa land development plan. Mrs. Smedley reported that Township Engineer and the applicant's attorney agree that Wawa retains ownership of the plan.

At their January 5, 2009 meeting, the Board of Supervisors granted an extension for the Guthriesville General Store and General Rental Store demolition permits until August 15, 2009. This will allow the Township an opportunity to finalize the list of artifacts they wish to receive and also allow interested parties to discuss purchase of the property.

All Terrain Vehicle Ordinance/Noise Standards

The next meeting to discuss the ATV/Noise Ordinances will be held Monday, February 2, 2009 at 7:30 P.M. Although their regularly scheduled meeting is the next evening, the Planning Commission hopes to have a draft of the ordinances so they can review them and make a recommendation to the Board of Supervisors. Mrs. Marshman stated that discussions have been very lengthy and she feels the ordinances need to be finalized as soon as possible. Mrs. Marshman also singled out Mr. Bill King for help with providing data for the Committee to review and consider.

Ordinance Task Force Items

The East Brandywine Township Board of Supervisors and the Ordinance Task Force will hold a public meeting Tuesday, February 17, 2009 at 7:30 P.M. to discuss the revised Comprehensive Plan and the Guthriesville Master Plan.

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. After review of the document Mr. Rawlings made a motion to recommend the Board of Supervisors approve and forward the amendments to Section 350-14-B-3, 350-14-B-4, 350-16-B-2 and Section 350-16-B-3 to the Chester County Planning Commission for their Act 247 review. Mr. Corbin seconded the motion, with all voting Aye.

Subdivision and Land Development Amendment Proposals – Section 350-50 –
Recreation Lands and Facilities

This amendment addresses the fee-in-lieu of open space issue with respect to non-residential subdivision and land development applications and provides a formula based on size of the property and gross floor area. This fee shall be calculated and paid at the time a building permit is issued. In addition, the language in Resolution 01-06 will be modified to reflect the change in the Ordinance. Mr. Rawlings made a motion to recommend the Board of Supervisors approve this amendment and forward it to the Chester County Planning Commission for their Act 247 review. Mr. Corbin 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. Mr. Thomas asked if the Hide-A-Way Farm Road issue has been resolved. Mr. Rawlings and Mr. Piersol said that it has been resolved. The Township will not accept dedication of the road until vegetation is growing along the edge of the road. Six to eight inches of top soil will need to be placed prior to final paving of the road in order to achieve this.

Mr. Thomas asked about activity at the Mottershead property at the corner of Rt. 322 and Old Horseshoe Pike. Mr. Piersol stated that a culvert collapsed several years ago. Since that time the Township sponsored a Federal Grant to have the culvert repaired. There has recently been an issue with a contractor not completing work according to the approved plans. Currently, the plans are being redrawn and will be reviewed by NRCS and the Chester County Conservation District prior to completion of work

Mr. Rawlings welcomed the new Ex-Officio members and thanked them for attending the meeting.

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 8:20 P.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer