

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, May 6, 2009- 7:30 P.M.**

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Member
Mr. Charles Giordano, Member
Mrs. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Michael Corbin, Member
Mr. Carl Croft, Ex-Officio Member
Mr. Ray Crossan, Ex-Officio Member
Mr. Michael Wagoner, Ex-Officio Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew, Yerkes Associates Inc.

Absent:

Mrs. Deborah Marshman, Vice-Chairman
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Opening of Meeting

Mr. Rawlings opened the meeting at 7:30 P.M. and led the Salute to the Flag. There were five visitors present.

Planning Commission Minutes – April 1, 2009

Mr. Rawlings asked if there were additions or corrections to the April 1, 2009 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

Calvaresi Zoning Hearing

Ms. Kristin Camp appeared, representing David Calvaresi and his wife, who are the equitable owners of the property located at 918 Horseshoe Pike. This property is currently owned by F. Patrick and Gretchen Szustak. The Szustaks were previously granted three variances to restore the historic dwelling as a professional office for Mr. Szustak's architectural firm without the Szustak family living in the dwelling, which is a requirement of Section 399-93 of the Township Zoning Ordinance, and create an apartment on the third floor. The Zoning Hearing Board granted these variances subject to a condition that any future applicant would need to return to the Zoning Hearing Board for approval of a similar business use should the property be sold.

Ms. Camp explained that Zoning Ordinance has changed slightly since the Zoning Hearing Board approved the Szustak variances. She indicated the Calvaresis will need two variances from 399-93, being the issue of the Calvaresis not living in the dwelling, and the area dedicated to the business use exceeding the currently-allowed area. These issues have not changed since the Szustak variances were approved. There are seven (7) parking spaces provided, which meets the ordinance requirements.

Calvaresi Zoning Hearing (continued)

Mr. Rawlings asked about the number of employees who would work from this location. Mr. David Calvaresi explained that Val-Source, the company he works for, has similar offices located in other areas. He explained that he would work from this location on occasion; there would be one full-time employee, an accountant, who would work from this location Monday through Friday each week between 9 AM and 3 PM daily. The previous zoning decision allowed for up to three (3) non-resident employees. It was suggested to Mr. Calvaresi that he request up to three non-resident employees to allow for future flexibility. Ms. Camp will amend the application.

Mr. Piersol asked about the sign which Mr. Szustak erected to identify the historic resource (the Lewis Richter House), and his architectural firm. Mr. Calvaresi said he really does not need a sign for the business, as he would get little walk-in traffic, mostly meeting with an occasional client in the office. Mr. Calvaresi was agreeable to either modifying the existing sign, or installing a new sign at the site, identifying the historic resource.

After some additional discussion, Mr. Cushman recommended the Planning Commission support the Calveresi application with the understanding that there be no further impact from this business use, and that the applicant research either modification of the existing identification sign, or a replacement sign, to identify the historic resource.

Applecross Development

Fencing Issue – Mr. Mayhew had provided a letter to Pulte Homes on the Commission's concerns regarding the Applecross lagoon no. 1 wall and golf path retaining wall. Pulte Homes had installed the fencing as per the land development plan. Mr. Thomas suggested that one additional fence panel should be installed at each end of the lagoon fencing. Mr. Mayhew will contact Pulte Homes about this issue.

Corner Ketch Landing landscape issue

Mr. Piersol provided an update. He has sent e-mail messages to M & Z Builders to ask for a status update and has received no response to date. Codes Official Jeff Cantlin also contacted the builder and was told this issue would be resolved in the spring, rather than in the winter. Mr. Croft indicated he recently witnessed one dead tree being replaced on the south side of the property. It was indicated there were other issues where trees needed to be planted, and some were not in the correct location.

Gwen & Ellis Brown IV property – 458 Dilworth Road

Mr. Cushman spoke on behalf of the Open Space Committee, indicating the Committee was not interested in funding the acquisition of the farmhouse, the barn and other outbuildings. Mr. Croft and Mr. Piersol spoke recently about some other ideas for acquiring a conservation easement on this property. Mr. Croft will present these ideas to the Open Space Committee at their May 11th meeting. Mr. Mayhew mentioned his knowledge of a property in West Pikeland Township that he had some familiarity with that has a somewhat similar situation to this property and would be glad to provide information, if requested.

George Holmes suggested investigating whether the Quail Hill Springs Homeowner's Association might be interested in the potential purchase of some portion of the property.

ATV/Noise Ordinance

Mr. Rawlings recused himself because of his involvement with the ATV issue, to speak as a private citizen. Mr. Cushman indicated the Supervisors discussed the latest drafts of the ATV and Noise Standard ordinances on April 7th. Mr. Cushman reported that the County Planning Commission comments on both proposed ordinances were received on May 5th, and circulated by e-mail. There were some comments in their review letter that could be worthwhile considering, although the members did not wish to delay enactment of these regulations any longer. Changes could be considered at some future time, but the majority felt it was important to get the regulations in place, and see how they work to address the problem.

Mr. Rawlings indicated the noise standards apply to all uses, not just ATV users. He stated that other townships have reduced the decibel levels. He asked that the Board of Supervisors reconsider their position on setting the noise standards at 70 dBA, and reduce the high limit at least 65 dBA.

After some additional discussion, the Commission recommended the Board consider enacting the regulations as originally proposed in previous Planning Commission meetings. All voted aye.

Downingtown Area School District – Middle School project

Mr. Piersol reported the School District has hired a traffic engineer, who is in the process of compiling background information. It was discussed and agreed that, should the District have any concept of a future use or uses for this property, such as an additional magnet high school or other use, their traffic engineer should consider those potential traffic impacts in the preparation of their traffic study.

Ordinance Task Force

The Commission discussed the delay in receiving the Vision Partnership comments. Mr. Piersol indicated Jeanine Speirs, the County Planning Commission member who is responsible for oversight on our Comprehensive Plan, was pulled from this assignment temporarily to assist with the completion of the County's Landscapes 2 plans.

Sentinel Pipeline Expansion Project

Mr. Corbin questioned the letters from PA DEP which were recently received. Some discussion of the project occurred. The project proposed an open cut of the Brandywine Creek to conduct repairs to this pipeline. It was agreed that Mr. Mayhew contact PA DEP to request copies of the permits and plans. Mr. Rawlings asked Mr. Piersol to mention the Planning Commission's desire to be informed as the project proceeds.

Comments from the Audience

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

Adjournment

There being no further business, Mr. Rawlings made a motion to adjourn the meeting at 8:50 PM. Mr. Thomas seconded the motion, with all voting Aye. Mr. Rawlings announced the Planning Commission would meet in Executive Session at the conclusion of this meeting to discuss options to the Pulte Homes settlement agreement.

Respectfully submitted,


Scott T. Piersol, Township Manager