

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, August 5, 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. Ray Crossan, Ex-Officio Member  
Mr. Scott T. Piersol, Township Manager  
Mr. Michael Mayhew, Yerkes Associates Inc.  
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

**Absent:**

Mrs. Deborah Marshman, Vice-Chairman  
Mr. Michael Corbin, Member  
Mr. Mervin Thomas, Member  
Mr. Carl Croft, Ex-Officio Member  
Mr. Michael Wagoner, Ex-Officio Member

**Opening of Meeting**

Mr. Rawlings opened the meeting at 7:30 P.M. with a Salute to the Flag. There was one visitor present.

**Planning Commission Minutes – June 3, 2009**

Mr. Rawlings asked if there were any additions or corrections to the above minutes. There were none. Mr. Rawlings then made a motion to approve the June 3, 2009 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

**HeatherWynd Dump Remediation**

Mr. Piersol reported that one prospective homebuyer and one homeowner in the HeatherWynd East development have indicated to him that the presence of the old farm dump was not disclosed to them although the realtor has said that its presence is being disclosed. Mr. Piersol attempted to contact Gambone Development's attorney to discuss this, but his phone calls haven't been returned. The Planning Commission wondered what recourse the Township has to ensure that the information is communicated to all prospective homebuyers. Mr. Piersol said that the Township could inquire as to when disclosure was made when a building permit is issued or when the permit is approved. Mr. Rawlings suggested that the Township could require the Developer to put in their secondary emergency road now if they don't comply with the disclosure. Mr. Piersol said he wasn't sure the Township could require this, but that the money to complete this improvement is escrowed.

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Mr. Rawlings asked Mr. Mayhew whether he was satisfied with the remediation. Mr. Mayhew said that he was, but is waiting for the monuments to be placed before issuing a final letter. Michael Welsh, P.E. from Applied Environmental Management, Inc., will place a legal notice in the Daily Local News, as is required by PADEP, that the remediation is completed. Once this is done the Final Report will be sent to PADEP, with a copy forwarded to the Township. Mr. Piersol said that Mr. Corbin and Mr. Welsh met at the site to review the project and Mr. Corbin believes the job has been completed to the Township's satisfaction and specifications.

#### **Buckeye Pipeline Project**

Mr. Mayhew received a copy of the Buckeye Partners, LP General Permit today. The permits indicates that there will be three crossings of the Brandywine Creek and indicates that the method to be used is attached to the permit although a copy of that attachment wasn't received. Buckeye plans to check several anomalies, or weak sections of the pipe. Mr. Mayhew will contact the Buckeye representative in order to obtain a copy of the attachment, as well as determine whether any of the stream crossings or work will occur within East Brandywine Township. In the meantime, Mr. Mayhew will ask Building Inspector Jeff Cantlin to inspect the area and contact Adam Sauers from the Chester County Conservation District to discuss the project.

#### **Corner Ketch Landing Landscape Issues**

Mr. Piersol said that he hasn't heard from Mr. Philip Zalkind or Mr. Dean Myer from M & Z Builders regarding unresolved landscaping issues at the site. The landscaping was scheduled to be finished by the end of March, but this remains an open issue. Mr. Cantlin had a conversation with Mr. Zalkind in July regarding water crossing onto 410 Corner Ketch Road. Mr. Cantlin and Mr. Sauers from the Conservation District met with him to discuss grading and water flow from the development.

#### **Guthriesville General Store/Brandywine General Rental**

Mr. DiGiamberardino is renovating the Guthriesville General Store for possible retail and apartment use. He is filing a demolition permit application in order to obtain approval to demolish the porch/shed structure on the rear of the General Store. The Historical Commission will review the application at their August 12, 2009 meeting in order to make a recommendation to the Township Zoning Officer Al Giannantonio.

Mr. Piersol and Mr. Cantlin have met with Mr. DiGiamberardino on several occasions about the renovations. Until the Township receives, and approves a permit for the improvements, all work will be halted. Mr. Piersol stated that Mr. DiGiamberardino will need to submit a permit to PennDOT once uses for the building are finalized. Also, Municipal Authority Engineer Joseph Boldaz will need to determine a tap-in fee for the sewer connections.

Mr. Rawlings said that a large yard sale was held on the property several Sundays ago. He asked if a permit was needed to do this. Mr. Piersol said that a permit is needed and asked Mr. Rawlings to call him if it happened again.

**Caln Township Zoning Hearing – 1100 Horseshoe Pike**

Diana Darlington and Sai Temple by and through Kulray Singh, seek a special exception pursuant to Section 155-21.D(4) of the Caln Township Zoning Ordinance to use the property located at 1100 Osborne Road as a religious use. The Applicants also seek a variance from Section 155.91.D(2) which requires a religious use to have public water and sewer.

The East Brandywine Township Planning Commission reviewed the above application and offers the following comments.

The Applicant hasn't provided enough information in order to make an informed decision regarding either the religious use or the use of an on-site well and septic system. The East Brandywine Township Planning Commission recommended that the Zoning Hearing Board consider whether the Applicant can demonstrate that a hardship exists if they choose to grant the requested special exception or variance.

The Planning Commission is concerned about increased traffic on this rural Township-owned road, as well as the affect on the Osborne Road Bridge located in Caln Township, which is already in need of repair. Although it is recognized that if the variances are granted traffic issues will be addressed in the land development process, they recommended that the condition of Osborne Road, as well as that of Bondsville Road, and the Rt. 322 and Osborne Road intersection be taken into account. Additionally, another means of ingress and egress to the property should be considered.

The subject property is heavily wooded and portions are steeply sloped. The Planning Commission is concerned about the environmental impacts this use will have on the property and surrounding area.

The Beaver Creek, a high quality stream as designated by the Pennsylvania Department of Environmental Protection, is in close proximity to the property. The Planning Commission wants to make sure that this use doesn't negatively impact the stream.

Mrs. Smedley will draft a letter to be sent to the Caln Township Zoning Hearing Board outlining the Planning Commissions questions and concerns.

**Proposed Daycare – 1165 Horseshoe Pike**

Mr. Frank Berkey of Marquis Realty Management, L.L.C. attended the July 14, 2009 Municipal Authority meeting to discuss his firm's interests in a commercial property located at 1165 Horseshoe Pike. Mr. Berkey and investors are interested in purchasing

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the property for an 11,000 square foot daycare center and want to determine if sewer capacity is available.

The daycare franchise is called The Learning Experience and there is another location in Exton. According to Mr. Berkey, most Learning Experience daycares have a maximum capacity of 181 persons, including children. Typically, 25% of those children are 6 months to 2 years old. He also said that most of the daycares run at 80% of their full capacity.

The East Brandywine Township Zoning Ordinance does not specify a daycare as a permitted use in the Village Commercial (VC) District. The Planning Commission discussed whether daycares should be permitted in the VC District and whether this specific property is appropriate because of the limited acreage, the sloped terrain and traffic. Mr. Rawlings asked that this issue be added to the next Ordinance Task Force Agenda.

#### **Ordinance Task Force – Comprehensive Plan**

Mr. Rawlings asked that the members read through the draft Master Plan and Comprehensive Plan so that a recommendation can be made to the Board of Supervisors at the September 2<sup>nd</sup> Planning Commission meeting.

Mr. Piersol sent out information on the Growing Greener program. This ordinance was tabled several years ago, but will be revisited, along with revisions to the steep slope ordinance at the next Task Force meeting. Since these draft ordinances have previously been reviewed by the Chester County Planning Commission Mr. Piersol and Mr. Sweet will determine whether they have to be resubmitted for the Act 247 review.

Another item for discussion at the next Task Force meeting will be to revisit the definition list in the Land Use Code so that they are consistent throughout.

#### **Notices**

The Planning Commission will hold a public hearing during their regularly scheduled September 2, 2009 meeting to discuss the draft Comprehensive Plan.

The next Ordinance Task Force meeting will be held Tuesday, August 25, 2009 at 7:30 P.M.; the August 26, 2009 meeting has been cancelled.

#### **New Business**

Mr. Rawlings asked if there was any new business to discuss. There was no new business.

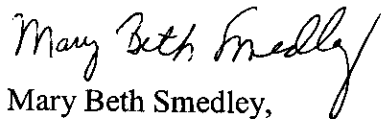
**Comments from the Audience**

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. Mr. Giordano seconded the motion, with all voting Aye. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,



Mary Beth Smedley,  
Secretary/Treasurer