

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION**

**Wednesday, September 2, 2009- 7:30 P.M.**

**Those in Attendance:**

Mr. Bruce Rawlings, Chairman  
Mr. Michael Corbin, Member  
Mr. Stephen Cushman, Member  
Mr. Charles Giordano Member  
Mrs. Sandra Moser, Member  
Mr. Carl Croft, Ex-Officio Member  
Mr. Ray Crossan, Ex-Officio Member  
Mr. Michael Wagner, Ex-Officio Member  
Mr. Scott T. Piersol, Township Manager  
Mr. Michael Mayhew, Yerkes Associates Inc.  
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

**Absent:**

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 approximately 18 visitors present.

**Planning Commission Minutes – August 5, 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 August 5, 2009 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

**HeatherWynd Dump Remediation**

Mr. Mayhew stated that he has received the closure report on the old farm dump and it has been forwarded to PADEP. They have issued a deficiency notice because of the lack of an environmental covenant. According to Michael Welsh at Applied Environmental Management, Inc. the covenant actually was submitted, but needs to be approved by PADEP, which could take up to four months. Mr. Corbin commented that the report accurately reflects the scope of the remediation job and that Applied Environmental did a good job in completing the project.

Mr. Corbin asked if the applicant has recorded the monument locations. Mr. Mayhew will make sure this has been done. Mr. Corbin also asked if the Homeowners' Association (HOA) has been formed and if they were aware that they would have certain maintenance responsibilities for this lot. Mr. Piersol said that the maintenance responsibilities were outlined in the approved HOA documents.

Mr. Rawlings mentioned that there were several areas in the development where silt fence is down and there is gravel in the streets. There is also a water valve that is visible in the street. Building Inspector Jeff Cantlin has contacted Gambone about these issues. In addition, he has contacted the Chester County Conservation District who will conduct a site visit within the next several weeks.

### **Buckeye Pipeline Project**

Mr. Cantlin inspected the work area as requested at the last Planning Commission meeting. He reported that excavation is taking place on the side of the stream bank that is in Uwchlan Township and there is no work in East Brandywine Township. According to Mr. Cantlin, there have been no known problems with the maintenance 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 although he has attempted to contact them several times. This issue remains open.

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

Mr. Piersol reported that the Caln Township Zoning Hearing Board heard the application of Diana Darlington and Sai Temple by and through Kulray Singh, to 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. A decision on the application will be given tomorrow evening. Supervisor David Kirkner will attend the meeting on behalf of the Township.

The house on the property hasn't been occupied for over five years. At the hearing, the applicant wasn't forthcoming with a great deal of information, which is of concern to both Townships. Caln Township's engineer provided the Zoning Hearing Board with a list of concerns and suggestions to consider, if indeed the application is approved. The suggestions included widening the driveway and upgrading the existing building so that it meets ADA requirements. There are also concerns regarding how many members will attend services on the property, as well as questions pertaining to water, sewer, ingress, egress and steep slopes.

Mr. Corbin said that he has reviewed the proposed conditions for approval of the application and found the provisions relating to water and sewer to be too vague. Mr. Piersol said that it is difficult to be more specific since the applicant hasn't provided enough information, although they did testify that they would connect to public water and sewer once it becomes available. Mr. Corbin said that depending upon the number of

members, this could trigger PADEP's public water supply requirements. He would like to see an opportunity for further public comment. Since East Brandywine Township has party status they can appeal the decision to the Court of Common Pleas if they choose to do so.

#### **Hopewell United Methodist Church Basin Fence**

Mr. Rawlings stated that a portion of the post and rail fence surrounding the basin hasn't been reinstalled since the parking lot construction. Mrs. Smedley reported that Mr. Cantlin is scheduled to inspect the site and will ask that the fence be reinstalled as soon as possible. Mr. Rawlings also commented about his ongoing concerns with parking along Hopewell Road without any fence or guardrail in place to protect children from running into the roadway.

#### **Basin Maintenance for Undedicated Developments**

Mr. Rawlings has noticed that there are maintenance issues with several undedicated basins in the Township. He is concerned that there is overgrown brush and trees in the basins and they may not be working properly and may compromise the structural integrity of the basin in the future. In addition, he is concerned that these basins may not work properly once they are dedicated to the Township. Mrs. Smedley asked Mr. Rawlings to provide a list of the problem basins so that Mr. Cantlin can investigate. It was suggested that the Township may require developers to rebuild basins prior to dedication if they were not properly maintained.

#### **Hillendale Extension**

Southdown Homes is granting an extension to review this subdivision application until December 31, 2009. Mr. Corbin said that the Municipal Authority's Engineer will schedule a meeting for Authority members to visit the site for the water routing line. A representative for the Chester County Conservation District will also be in attendance. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Moser seconded the motion, with all voting Aye.

#### **Gryger Zoning Hearing**

The East Brandywine Township Zoning Hearing Board is scheduled to meet Monday October 5, 2009 at 7:30 P.M. to hear the application of Dana A. Gryger to construct a detached two-car garage within 5 feet of the property line, which will require a variance from Section 399-75(D) of the Zoning Ordinance.

Mr. Gryger explained that there isn't a garage on the property. He said that the heavily wooded nature of the site, and the location of a stream, sanitary sewage easement and seepage beds make this the best location for the garage. Mr. Gryger was asked about placing the garage on the other side of the house. He said that he would have to relocate his driveway, which would be an issue with the sanitary sewer easement. In addition, it would mean that he would have to remove eight to ten trees and increase the impervious surface on the property.

The Planning Commission discussed some of their concerns about placement of the garage. Although relocating the driveway would increase the impervious surface on the lot, it most likely would not increase it to the point where it exceeded the 12% that is allowed in the R-2 Zoning District. Also, Mr. Cushman suggested that if Mr. Gryger were to move the proposed location towards the back of the property, it would meet the required 15 ft. setback. Mr. Corbin remarked that Mr. Gryger provided no photographs of the property and didn't provide a plan for screening or buffering of the garage. Mr. Mayhew commented that the 5 ft. setback may not allow for proper grading without encroaching on the adjoining property.

After review of the application the Planning Commission felt that there wasn't enough information provided in order to support the plan. They suggested that Mr. Gryger provide additional information and attend the October Planning Commission meeting if he chooses to go forward with the hearing. Mrs. Smedley asked Mr. Gryger if he would agree to postpone his zoning hearing until November and he was agreeable to that. Tentatively, he is scheduled to attend the October 7, 2009 Planning Commission meeting and the October 21, 2009 Board of Supervisors meeting.

#### **Ordinance Task Force Issues**

Future agendas and goals for the Ordinance Task Force include reviewing outdoor lighting, daycare centers in the Townships, definitions, the Village Commercial District, the Mixed Use Commercial District east of Guthriesville, the master plan implementation, finalizing the Growing Greener amendments, steep slope amendments and basin maintenance.

Mr. Robert Supplee, attorney for the McCausland/Plank family stated that the family is planning to continue farming their land. They are concerned that any change to the Mixed Use designation of their property on the north side of Rt. 322 could negatively impact their ability to continue their farming operation and could substantially take away from the value of the property. Mr. Rawlings stated that he recognizes their concerns. He invited Mr. Supplee and interested members of the family to attend future Ordinance Task Force meetings where they will be discussed. Mr. Rawlings also said that the Township remains interested in discussing conservation easements on the south side of the property.

#### **Public Hearing – Comprehensive Plan**

Mr. Rawlings explained that the Ordinance Task Force and their many consultants have worked diligently over the past three years to update the Township's Comprehensive Plan, with the help of Chester County's Vision Partnership Program. Also included in this Comprehensive Plan is the Guthriesville Master Plan. At the present time the plan has been reviewed by the County Planning Commission, the Downingtown Area School District and surrounding municipalities. The Comprehensive Plan is only a guideline to be used by the Township and although not enforceable, is a key element used in future planning and zoning. The last update to the Plan was done in 1987. The Planning Commission is now prepared to make a recommendation to the Board of Supervisors. Mr. Rawlings asked if there were comments from the audience.

Mr. David Dangle and Mr. Sam Byrd, residents from East Reeceville Road, questioned how residents were notified about information of the Comprehensive Plan and Village Master Plan. Mr. Piersol said that there was information in the Milemarker. In addition, residents in the Village of Guthriesville and nearby areas were sent information by mail in February. Mr. Dangle and Mr. Byrd said they didn't receive the information. Mr. Piersol said he wasn't sure why they didn't receive the letter, but will make sure they are included in future correspondence.

Mr. Dangle and Mr. Byrd were particularly interested in plans for East Reeceville Road and any improvements to that area. Currently, the concept includes an extension of East Reeceville Road in order to create an area where residents can park and shop. It is hoped that this will attract businesses to the Village. Although the original concept plan showed a roundabout at the Bondsville Road/East Reeceville Road intersection, the primary plan now shows a more traditional intersection with the roundabout being an alternative. Mr. Dangle suggested that residents along East Reeceville Road, up to Bollinger Road, should be notified of these discussions.

Traffic concerns are of primary importance in the Comprehensive Plan. In addition to the East Reeceville Road Extension the plan discussed a possible loop road to the south of Rt. 322. Several years ago an ordinance was enacted that allowed the Township to charge developers traffic impact fees. These funds, which are kept separately from the General Fund, may be used to assist in traffic planning and design. The Township could feasibly create an engineered plan that could be presented to PennDOT for their consideration and approval.

Mr. Wade Walton from East Reeceville Road said that with the slow economy the Township may want to reconsider the plan since it was based on a certain population. He said we may want to rethink how the Village is structured and also consider speaking to the County about mass transit. Mr. Piersol said that there was a great deal of consideration in creating the Comprehensive Plan and Village Master plan. In addition, the Township approached the Delaware Valley Regional Planning Commission on three separate instances about having a mass transit hub at the Municipal Complex and was turned down for funding on each occasion because they didn't feel there was sufficient ridership in this area. Although the Township can try again in the future, there is no funding for this year.

Ms. Martha Dalrymple from East Reeceville Road said her primary concern was that Guthriesville doesn't turn into an anonymous community. She would like to see the Village maintain its rural characteristics and also be pedestrian friendly. She would not like to see Guthriesville become a regional center. Mr. Piersol explained that part of the Village Master Plan was to create a plan to make Guthriesville more pedestrian friendly.

Mr. John Wright said that he is confused about the East Reeceville Road extension. He said the plan shown to him indicates that the road will go either very near or through the Wright Agency. Mr. Rawlings said that the plan is only a concept. There has been no engineering done so no one is really sure where the exact location of the road will be.

Mr. Wright was under the impression that the Township may take his property by eminent domain to construct the road. Mr. Piersol said that he didn't mention eminent domain; he simply stated that the Township would be required to pay fair market value if a portion of the Wright property were affected. It was reiterated that this plan was a concept only. Mr. Wright asked what would be the timeline to carry out the plan. Mr. Rawlings said that it could be ten to twenty years. Mr. Bob McCue said that the proposed location is in close proximity to a stream and steep slopes, so it wouldn't be an ideal site for the road. Mr. Rawlings said if the plan moves forward it will be engineered so that the road can be constructed in the most logical area.

Mr. Alan Popjoy from Horseshoe Pike asked about the loop road and its location. If the loop road is constructed it isn't likely to be completed for many years. The equitable owner, K. Hovnanian, and the Downingtown Area School District are aware of the plan.

Mr. Chris Sharp, a resident from Bondsville Road, asked if the loop road would go through his property. Mr. Piersol said that it might be located further south than his property.

Mrs. Ann Trethewey asked why waste money on a roundabout if it isn't going to correct traffic. She thought that a better way to slow traffic would be by using traffic signals. She also doesn't think that widening the road will help. Mr. Piersol explained that PennDOT doesn't allow the use of numerous traffic signals to artificially lower vehicle traveling speed. The Township has to meet certain criteria when constructing roads. Mr. Piersol said that traffic congestion isn't just a problem in Guthriesville, but is a regional problem. Any improvements to the road system will be thoroughly reviewed by the Township's and PennDOT's traffic engineers. Mr. Rawlings said that he would recommend the Board of Supervisors appoint a sub-committee to assist with on-going traffic issues

Mr. Bill Inslee, who owns an antique shop in Guthriesville, asked if the Comprehensive Plan was a final draft. Mr. Rawlings said that it was in final draft, but even when the Comprehensive Plan is adopted it will be a guideline only.

Mrs. Trethewey wanted to know if there was any way to ensure a large retail business wouldn't be constructed in Guthriesville. Mr. Rawlings said that there isn't enough room in the Village for such a business and that this type of use would be a permitted use in the Mixed Use District rather than the Village Commercial District.

Mr. Rawlings made a motion to recommend the Board of Supervisors adopt the Comprehensive Plan as written with the condition that the Board considers appointing a committee to assist with on-going traffic issues and that future zoning issues are adequately communicated to residents specifically affected by any changes. Mrs. Moser seconded the motion, with all voting Aye.

**Appointments**

Vice-Chairman of Planning Commission – Mr. Rawlings made a motion to appoint Sandra Moser as Vice-Chairman of the Planning Commission. Mr. Cushman seconded the motion, with all voting Aye.

Mr. Rawlings made a motion to recommend the Board of Supervisors appoint Ray Crossan to replace Mrs. Marshman whose term expires in 2012. Mrs. Moser seconded the motion, with all voting Aye.

**New Business**

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

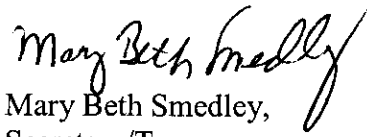
**Comments from the Audience**

Mr. Rawlings asked if there were 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. Corbin seconded the motion, with all voting Aye. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

  
Mary Beth Smedley,  
Secretary/Treasurer