

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION**

**Wednesday, November 4, 2009- 7:30 P.M.**

**Those in Attendance:**

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

**Absent:**

Mr. Ray Crossan, Member

**Opening of Meeting**

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

**Planning Commission Minutes – October 7, 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 October 7, 2009 minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

**Guthriesville General Store**

At last month's meeting Planning Commission members expressed concern about the amount of earth disturbance to the rear of the General Store Building and the lack of silt fence. Mrs. Smedley said that Building Inspector Jeff Cantlin inspected the site and reported that the silt fence on the site was sufficient and no silt or sediment was entering the stream. Mr. Thomas remains concerned that the silt fence provided isn't adequate on the western portion of the property. Mr. Rawlings asked that Mr. Cantlin inspect the site once again to make sure the area is stabilized. Mr. Corbin suggested that photographs be taken of the site. According to Mr. Mayhew, Mr. Cantlin has indicated that grading of the site slopes away from the stream but he will ask him to take another look at this.

**Corner Ketch Landing**

Mr. Piersol spoke with Dean Meyer from M & Z Builders last week. Mr. Meyer said that the required trees are ordered, and should be planted within the next two weeks.

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### **Hillendale**

Mr. Tim Townes from Southdown Homes attended the meeting to request an extension of the five-year clock for the preliminary plan approval. Southdown Homes is still in the process of obtaining all necessary State permits for the project and is requesting the Board of Supervisors extend the five year period to January 31, 2010.

The Municipal Authority has been trying to schedule a meeting to walk the water routing line. Mr. Townes will try to schedule this site visit within the next several weeks. Municipal Authority Engineer, Joseph Boldaz, has recently reviewed information provided to him on the sewer treatment plant. Mr. Boldaz will continue to work with Southdown's engineering firm to resolve all outstanding issues.

PennDOT is still reviewing Southdown's Highway Occupancy Permit. The Planning Commission continues to be concerned about the entrance to the development from Rt. 282. Mr. Townes reported that they will be raising the road at the entrance to alleviate those concerns. He said that PennDOT is more concerned with how traffic from the development might affect Rt. 282 near Norwood Road. Mr. Townes will continue to keep the Planning Commission and Municipal Authority up-to-date on developments with this project as they arise.

Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension until December 31, 2010. Mrs. Moser seconded the motion, with all voting Aye

### **Manley Zoning Hearing**

The East Brandywine Township Zoning Hearing Board is scheduled to meet on Monday, November 16, 2009 at 7:30 P.M. to hear the application of Gerald and Rebecca Manley and Jennifer Guy requesting a variance from Section 399-28A(1)(a) of the Zoning Ordinance. The applicant wishes to subdivide a three acre lot into two lots, 1.39 acres and 1.61 acres respectively. The property is located on Osborne Road in the R-2 Zoning District, which requires a minimum gross acreage of 1 ½ acres gross and a net acreage of 45,000 square feet. In addition, at least two waivers are needed; one from Section 350-29.F(2) and the other from Section 29.F(3) of the Subdivision and Land Development Ordinance. Mr. Manley previously attended the October 7<sup>th</sup> Planning Commission meeting and the October 21st Board of Supervisors meeting to discuss this application.

The 3.022 acre parcel in question was carved out of the Locust Knoll subdivision in the 1970's. Most of the land for that development was owned by Mr. Manley's father, who deeded that parcel to him. The majority of lots in the Locust Knoll subdivision are at least one acre in size, or slightly larger. According to Mr. Manley, it was always the intention to subdivide the 3 acre parcel at some point; why it wasn't done at the time of the original subdivision isn't certain.

The Board of Supervisors supported the variance request for creating two lots, one of which will be less than the required 1.5 acres and for relocating the property line for Lot #1. They also supported creation of a 48 ft. access strip, with the condition that there be a

single access driveway shared by Lot #2 and Lot #3 for a minimum length of 20 ft., which can be split into two separate driveways.

Mr. Manley would prefer to have two separate driveways for Lots #2 and #3. He said that the existing driveway is only 8 ft. wide, which isn't wide enough to accommodate his motor home. He had hoped to construct a stone driveway for Lot #3. Planning Commission members suggested that Mr. Manley could construct one driveway that would serve both lots. The driveway could be located on the property line and extend back to the proposed Lot #3. Mr. Manley said that at this point in time he plans to install a garage on Lot #3 for his motor home. He is concerned that construction vehicles will damage the existing driveway. Mr. Manley could install a temporary construction driveway. Also, it was pointed out that eventually the lot will likely be used as another residence, not just a garage. Mr. Manley said that the driveway that serves Lot #2 was just recently repaved and he is concerned that it may be damaged. Mr. Rawlings said that it is up to Mr. Manley to show a hardship for this variance requests; a hardship cannot be financial in nature.

Mr. Thomas stated that this subdivision would create two interior lots that would access from Osborne Road. Section 350-29.(2) of the Subdivision and Land Development ordinance stated that not more than two lots in depth shall be created along a new or existing street; access to any other lots shall be directly from a new street. The proposed plan would require a waiver from this section of the Ordinance.

The majority of Planning Commission members support the single access driveway concept. Mr Croft said that he didn't have a problem with two driveways, but was more concerned with the 48 foot access strip. He thought the access strip should be 50 ft. for its entire depth.

Mr. Manley was asked if he could relocate the driveway. He said that it would be very expensive to do that and it would be too close to the septic system.

The Planning Commission would like to see a 50 ft. access strip, rather than the 48 ft. strip. Also, they do not support creating two separate driveways and are concerned about creating non-conforming lots. Although the Locust Knoll Subdivision does not meet the current lot size required by Ordinance, it did meet the Ordinance requirements at the time of the subdivision.

Mr. Mayhew provided a November 4<sup>th</sup> review of the zoning application. Mr. Corbin said that after review he counted at least eight variances and/or waivers needed for this plan. He suggested that Mr. Manley try to revise his application so that he asks for less relief.

An additional variance may be needed from Section 399-29.A(1)(b) because Lot #1 is being reconfigured into a new non-conforming lot of 1 acre and will also have a net lot area of less than 43,560 s.f., which is less than the required 45,000 s.f.

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Mr. Mayhew suggested that Mr. Manley revise the plan to scale. He said a more accurately drawn plan should be provided in order to readily determine zoning compliance. If the applicant doesn't ask for all the relief needed he may need to apply for additional variances at a later date. He agreed with Mr. Corbin that Mr. Manley should consider revising the application.

Mr. Rawlings made a motion to recommend the applicant provide a 50 ft. access strip, enter the lots via single access driveway for at least 40 feet, and comply with the comments in the November 4, 2009 Yerkes Review letter. He further recommended that Mr. Manley revise the plan and attend a future Planning Commission meeting to discuss his application. Mrs. Moser seconded the motion, with all voting Aye. As submitted, the Planning Commission did not support the application.

### **Verma Zoning Hearing**

The East Brandywine Township Zoning Hearing Board is scheduled to hear the application of Lalit Verma who is requesting variances from Section 399-14.C(1), Sections 399-99.A(2), 399-40.B, 399-104, 399-123.B and 399-108 A(2) of the Zoning Ordinance. The applicant wishes to demolish a structure on the property and construct a four unit residential building. The property is located southeast of the intersection of Horseshoe Pike and Hopewell Road and is in the Village Commercial District. The property contains two Class II Historic structures, driveway access from Horseshoe Pike, lawn area and trees. Each building currently contains two residential dwelling units for a total of 4 units. The plan proposes a total of six dwelling units where four presently exist. Mr. William Steimer, architect for the applicant, attended the October 7, 2009 Planning Commission meeting to discuss the application and the October 7, 2009 Yerkes Associates' review letter.

At the last Planning Commission meeting, the Planning Commission determined that they didn't have enough information to comment either positively or negatively on the application. There were concerns that in addition to the variances discussed at that meeting, there might be other zoning relief needed. Mr. Steimer met with Township Engineer Mike Mayhew to review the information and subsequently submitted an amended application. Mr. Rawlings stated that the applicant should submit revised plans, as well as the application, and attend the December 2<sup>nd</sup> Planning Commission meeting to discuss the revisions

### **Downingtown Area School District Zoning Hearing**

The Downingtown Area School District has submitted a zoning application and is requesting special exceptions from Sections 399-27.B(1) and 399-33.B(1) of the zoning ordinance to build a school facility in the R-2 and R-3 Zoning Districts and a variance from Section 399-28.A to construct a building in excess of 35 feet in height.

The plan consists of a middle school, two parking lots, three multi-purpose sports fields, a football, and track and field area, a baseball field, a softball field, a maintenance shed and three stormwater management facilities. Mr. Lee Snodgrass and Joe Fraim from the School District, Greg Newell and Keith Marshall from Nave-Newell, Chris Williams

from McMahon Transportation Engineers and Planners, and Guy Donatelli, Esq., the School District's Solicitor attended the meeting to discuss the application and the Yerkes November 4, 2009 review letter. Mr. Donatelli indicated that he read the letter and the School District can either satisfy most of the comments or they are willing to work on an agreeable resolution.

The property is approximately 140 acres, of which 13 acres will be retained by the Weaver family, and is surrounded by three major roadways (Rt. 322, Bollinger Road and East Reeceville Road. Natural features included a pond, a stream and a wooded area in the southwestern corner of the property. Currently the site is actively farmed by the Weaver family. The school will be located in the southwestern corner of the property.

The building will be LEED certified. Mr. Snodgrass stated that he expects to meet the requirements for Silver certification. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED promoted a whole-building approach to sustainability by recognizing performance in areas of human and environmental health, sustainable site development, water savings, emergency efficiency, materials selection and indoor environmental quality.

The site will be served by public water and sewer. Mr. Donatelli stated that at this time the School District is proposing to keep the disposal areas as they were located on the K. Hovnanian plans.

Landscaping plans will be provided during land development. Mr. Newell will discuss the plan and the Ordinance requirements with Yerkes Landscape Architect, Tom Kummer.

There will be two distinct parking lots, one for parent pick-ups and drop-offs and one for bus traffic, teachers and administrative staff.

In order to take advantage of the natural topography, which has a significant grade, the school building is proposed to be three stories on one side and two stories on the other. The side facing the entrance (Bollinger Road) will be two stories in height. Mr. Snodgrass stated that this fits well with daylight orientation. He described it as similar to a home with a daylight basement. The roof line is the same for the entire building. The predominant side of the building of 24 ft. and the lower side is 58 ft. The mean average height is 40 ft. The building will be outfitted with sprinklers, as required by the International Building Code. Mr. Piersol was asked if the Fire Company has a vehicle large enough to safely handle a fire at the school. Mr. Piersol said they did, but that the School District still needs to provide access so the apparatus can get close enough to the building, possibly with grass pavers. In addition, Downingtown has a ladder truck with a 100 ft. access. One concern is that if buses are parking along the back of the building there would be no break for the fire truck apparatus. The buses are not left unattended, so the drivers should be able to move them in case of a fire or other emergency. Mr. Donatelli stated the School District will satisfy the Fire Marshall's concerns. They will also provide an end elevation of the building for review. It was suggested that the application specify that the maximum height will be 58 ft. The building will be 170,000

S.F.; three floors will minimize the footprint and create less impervious cover on the property. Mr. Snodgrass anticipates that the construction period will be twenty-two months. The building design is 90% complete.

Mr. Donatelli stated that the School District has no obvious concerns about the required sewer and traffic contributions.

At present, the Downingtown Area School District covers eight municipalities with a population of 80,000 residents. There are currently two high schools, two middle schools and ten elementary schools. Mr. Snodgrass expects there to be 900 students in this middle school on opening day, but at full capacity the school is being built for 1,350 students.

Mr. Fraim was asked about the auditorium capacity. He said that he wasn't sure, but would provide that information. Mr. Snodgrass stated that the School District's policy allows the auditorium, gymnasium and athletic fields to be used by outside non-profit agencies, if they are available.

School begins at 7:50 A.M. and ends at 2:40 P.M. Mr. Snodgrass stated that custodial staff and teachers arrive as early as 6:30 A.M. Most of the staff leaves by 4 P.M., although there is some custodial staff on duty until 11 P.M. Activities are generally done by 5:30 P.M.

The proposed outdoor lighting can be controlled by a timer system. Lights go off or are to be dimmed around 10:30 P.M.

The School District plans to allow the open areas of the property to be farmed.

The plan shows 444 parking stalls. Parking will not be allowed along Bollinger Road. In fact, there will be a swale along the road that makes parking difficult. The School District recognizes that within the school roadways and parking areas and property there will some parking on grass and other areas during special events, but they have tried to minimize this. The proposed plan will minimize impervious surface and maximize water infiltration. Although the School District wants an adequate number of parking spaces, they don't want to create spaces that are rarely used.

Traffic Engineer Chris Williams prepared a traffic impact study that has been reviewed by the Township's traffic consultant. He said that he evaluated traffic conditions now and through 2017, when the school could be at maximum capacity. He said that he used numbers from the Downingtown Middle School and looked at traffic conditions during peak hours and in good and inclement weather. Mr. Williams discussed that in 2012, when the school is scheduled to open, a turning lane isn't warranted for either proposed access. In 2017, the southern-most access will warrant a turning lane. The Planning Commission would like turning lanes provided for both intersections.

The Township's traffic consultant, Andy Heinrich has indicated that a traffic light must be installed and working prior to the school opening. Mr. Snodgrass said that meetings have taken place with Pulte and he has assured the Planning Commission that the light will be installed and working at that time.

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The Planning Commission wants to see Bollinger Road widened across the street from the four existing homes. This should be discussed and coordinated with Pulte Homes.

Mr. Corbin was concerned about motorists entering and exiting the School at the same time that Pulte residents are trying to access Bollinger Road. Mr. Williams didn't see this as a problem. He said that there would be sufficient gaps for motorists to safely enter the road from both developments. Traffic issues will be discussed in further detail during the land development process.

The Township asked that the School District provide an easement for an emergency access road from the Township Municipal Complex to East Reeceville Road. Mr. Donatelli said the School District was agreeable to that as long as it didn't count against the net lot area calculation. In addition, the School District expressed no reservations about a possible Township compost site on the property.

At one point the School District was approached about using a portion of the property as a solar farm. Although the School District initially expressed some interest, it was determined that the panels couldn't be installed over the drip field area. Mr. Rawlings said that it could easily be placed directly south of the Township building.

Mr. Rawlings stated that he would like to see where the walking trails will be constructed and how they will interconnect with the Applecross development and other surrounding areas.

Mr. Corbin said that he would like to see calculations for stormwater recharge vs. water runoff. Mr. Newell said that he is working on this and will provide it with the land development submittal.

The Planning Commission and Municipal Authority remain concerned about finalizing the School District's contribution to the Applecross Sewage Treatment Plant and execution of the Sewage Reservation Agreement. Mrs. Smedley said that the Municipal Authority Solicitor will send a draft agreement to Mr. Donatelli to review tomorrow.

There is an historic barn on the property that will be retained by the Weaver family.

Mr. Wagner asked if utilities on the roof would be visible. Mr. Snodgrass said that they will not be seen. Mr. Newell will provide an artist's rendering of the building and property so that the Planning Commission can see how the building will fit on the site from Rt. 322 and Bollinger Road.

Mr. Croft mentioned that the School District or their engineer might be able to receive a tax credit or reimbursement for the LEED certification and suggested they investigate this.

Mr. Weaver asked about the slope of the parking lots. Mr. Newell said the parking lots would have no more than a 5% slope.

Mr. Fraim said that the School District will provide an end detail of the building, showing exterior features, and will also provide top floor elevations for review. In addition, they will provide artist's renderings of what the building will look like from Rt. 322 and Bollinger Road, and will show how they plan to screen utilities.

The Planning Commission supported the special exception request for the school. They would like School District representatives to attend the December 2<sup>nd</sup> Planning Commission meeting to provide additional information on the building elevation drawings, specific information on the mean elevation of the building, and ensure the Fire Marshall's concerns regarding fire suppression and emergency management are satisfactorily addressed. Once this information is provided they will make a final recommendation for the Zoning Hearing Board's consideration.

Mr. Newell expected to submit the land development application no later than November 11<sup>th</sup>. The zoning hearing will likely be scheduled for later in December.

**Ordinance Task Force**

The next Ordinance Task Force meeting will be held Tuesday, November 10, 2009 at 7:30 P.M.

**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. Cushman made a motion to adjourn the meeting. Mrs. Moser seconded the motion, with all voting Aye. The meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Mary Beth Smedley,  
Secretary/Treasurer