

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, January 6, 2010- 7:30 P.M.

Those in Attendance:

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

Absent:

Mrs. Sandra Moser, Vice-Chairman
Mr. Michael Corbin, Member

Opening of Meeting

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

Moment of Silence – Warren Moser

Mr. Rawlings asked all present to stand for a moment of silence in memory of Warren Moser, a long-time East Brandywine Township resident and husband of Planning Commission Vice-Chairman Sandra Moser.

Planning Commission Minutes – December 2, 2009

Mr. Rawlings asked if there were any additions or corrections to the above minutes. Mr. Croft mentioned that Mr. Wagoner was present at the December meeting, which was omitted from the minutes. With that change, Mr. Rawlings then made a motion to approve the December 2, 2009 minutes as presented. Mr. Cushman seconded the motion, with all voting Aye.

Guthriesville General Store

Mrs. Smedley and Mr. Cantlin both reminded Mr. DiGiamberardino that the site should be stabilized with straw mulch, with final stabilization to be completed by early spring. Mr. DiGiamberardino said that he will have the straw mulch put down immediately. Mrs. Smedley will ask Mr. Cantlin to schedule a site-inspection next week to make sure this is done.

Corner Ketch Landing

Mr. Rawlings reported that the replacement trees have been planted to the satisfaction of the Township. This issue is resolved.

Hillendale

Mr. Rawlings, Mr. Piersol, Mr. VanLew, Mr. Corbin and Mr. Boldaz walked the route of the proposed water line for the Hillendale Development on December 14th. They suggested that the applicant make some minor changes in order to protect specimen trees. Mr. Cooke from Southdown Homes will submit a revised plan for the Municipal Authority's review and approval.

It was noted that the property owner where the water line easement is located has removed several from his property. This situation is being monitored by the Township Building Inspector, as well as PADEP and the Chester County Conservation District.

Caspar Zoning Hearing

The East Brandywine Township Zoning Hearing Board is scheduled to meet on Monday, January 18, 2010 at 7:30 P.M. to hear the application of John Caspar. The Application is for relief necessary to construct a deck to be attached to an existing house located at 525 Hopewell Road in the R-2 Residential District. A variance is required from the requirements of the Township Zoning Ordinance applicable to minimum front yard setback and for a special exception and a variance to enlarge and extend a nonconforming structure on a nonconforming lot.

The owner of the parcel is Sarah Caspar. The property is located at the southeast corner of the intersection of Hopewell Road and Corner-Ketch Road. The property currently contains a single family dwelling with a detached garage with driveway access from Hopewell Road, a new deck with privacy fencing, a lawn area and trees.

The corner of the property at Hopewell Road and Corner-Ketch Road contains an embankment with trees, lawn cover, the new deck and privacy fencing and traffic control signage. The deck is situated approximately in the center of the front porch and the privacy fence extends along the width of the dwelling. The Hopewell Road cartway measures approximately 22 ft. wide with no shoulder. The Corner Ketch Road cartway also measures approximately 22 ft. with no shoulder. The posted speed limit is 35 mph along both roadways. The intersection is controlled by a 4-way stop sign.

At last month's meeting the Planning Commission had the following comments.

1. Mr. Caspar should obtain approval for placement of the fence and deck and obtain a Highway Occupancy Permit, if required.
2. Commission members supported the overall fence design of the plans.
3. Mr. Caspar will need to determine if a permit is needed for the fence, or if it needs to be reconfigured.

4. The plan should be shown to scale and should include calculations for impervious cover.
5. The applicant should provide a topographic plan for review by the Township Engineer.
6. Mrs. Moser, Mr. Cushman, Mr. Corbin, Mr. Giordano supported the placement of the deck. Mr. Rawlings and Mr. Thomas opposed its placement. Mr. Crossan abstained.

Mr. Caspar said that he checked with PennDOT regarding the fence and deck. According to the records department, the fence does not obstruct sight distance. Mr. Caspar was asked if someone from PennDOT actually visited the property. He said there was not a site visit and in fact, the engineer he spoke to at PennDOT didn't discuss that as an option. Mr. Caspar did provide a report from PennDOT, which indicates that the fence will not encroach in the road right-of-way or affect sight distance.

Mr. Crossan said that the sight triangle has to be satisfied. In order to ensure this is done properly, a PennDOT representative should visit the site. Mr. Caspar did inquire as to whether a Highway Occupancy Permit is needed and he was told it wasn't required. Mr. Crossan said that four-way controlled stop intersections must meet certain criteria and he thought it was interesting that someone from PennDOT doesn't want to field check the information. Mr. Caspar said that since PennDOT determined that the fence wasn't in the road right-of-way they didn't think there was an issue.

Mr. Caspar asked if a survey was still necessary. The Planning Commission's opinion is that the survey should be done. This will help resolve the PennDOT issues and also resolve questions regarding impervious cover.

Mr. Caspar asked for clarification about the fence. He said that he purchased a 6-foot fence. Mr. Mayhew measured the fence at 6 ft. 4 inches in height. If that is the case, Mr. Piersol said that a permit is required. Mr. Caspar believes that once grading is complete, the fence will meet the Township requirements without obtaining a permit. The fence will need to be measured by the Township Building Inspector to determine whether or not a permit is needed.

At last month's meeting four members supported the application, two opposed the application and one member abstained from voting. Mr. Rawlings asked if any of the members wanted to change their vote. Mr. Crossan, who previously abstained, said he now supported the application. He noted that it was a challenging property, but the improvements were being done in the spirit of maintaining its integrity.

The Planning Commission made the following recommendations for the Zoning Hearing Board's consideration:

1. Mr. Caspar should obtain approval for placement of the fence and deck from PennDOT. The Planning Commission asked that a PennDOT official actually visit the property to make a recommendation.

2. Mr. Caspar will need to apply for a permit for the fence per Mr. Piersol.
3. The applicant should provide a survey of the property.
4. The plan should be shown to scale and should include calculations for impervious cover.

Applecross Development

The applicant has submitted a draft Third Amendment to the Settlement Agreement as it relates to the Revised North Tract Subdivision and Land Development Phase II to IV. The Zoning is under the "Clustered Residential Development" regulations of the R-3 Residential Zoning District". The revised North Tract plans propose a revision to the originally submitted Subdivision and Land Development Phases II through IV, due to changing real estate market conditions. The original North Tract plans consisted of 95 single-family detached dwellings, 38 twin dwellings and 399 townhouse dwellings, totaling 532 dwelling units with an overall density of 1.96 dwelling units. The revised plans proposes 306 single family homes, 129 townhouses and no twins, totaling 435 dwelling units with an overall density of 1.61 dwelling units. Sam Carlo from Pulte Homes, Jeremy Madaras from Wilkinson & Associates, Inc., and Lou Colagreco, Esq. attended the meeting on behalf of the applicant.

Mr. Colagreco said that several years ago Pulte Homes and the Township reached a court approved settlement agreement for the Applecross North Tract. Since that time there have been several amendments to that agreement and because of current market conditions they would like to amend the agreement once again. They are attending the meeting to hear the Planning Commission's comments, although approval of the amendment to the Settlement Agreement will ultimately lie with the Board of Supervisors.

According to Mr. Colagreco, changes in the plan will result in a net decrease of 100 units on the North Tract. The original road network and the stormwater management system will remain the same. He said that the townhouses are not selling in this market. The plan has been reviewed by the Settlement Committee and Pulte is integrating those comments into the plan, which includes revising the trail system.

Pulte plans to offer several different styles of single-family homes. These range from 30 ft. wide, with a first floor master bedroom, to 40 ft. wide. The square footage will range from 1,400 S.F. to 2,500 S.F. The small homes will have two bedrooms, with the option for a loft. All single homes will have 2-car garages. Setbacks for the smaller homes will be as close as 5 ft. These homes will need to have sprinklers installed. The original Settlement Agreement requires all homes to have sprinklers if the separation distance is less than 15 ft., roof top to roof top. Mr. Madaras said he thought the distance was originally based on the width of a piece of fire equipment. All townhouses will be installed with sprinklers. The base price for the smallest homes will be in the low \$200,000's. The base price for the 40 ft. wide homes will be in the \$300,000's.

In addition to garage parking, all homes will have room for 2 cars to park in the driveway. Mr. Madaras said that a parking analysis was complete. Parking has been configured so that it will not block the sidewalks. All roads within the North Tract are private and will be maintained by the Homeowner's Association.

Mr. Ron Pitcherella, an Applecross resident, said that parking is already a problem. He has noticed cars parking along both sides of the street. Because of the street widths, when this happens emergency vehicles would probably not be able to get through. He stressed the need for adequate off-street parking. Mr. Carlo said that there should be parking along one side of the street only and he will look into making sure this is enforced through signage and the Homeowner's Association documents.

Mr. Thomas said that he too was concerned about parking and also about the isolation distance in the event of a fire. He thinks the houses are too close and they all should be sprinkled.

Mr. Madaras showed additional trail connections that Pulte will provide, which include trails close to the School property. In addition, there is already a sidewalk connection along Bollinger Road. In order to provide the trail connections Pulte has adjusted the unit layout. Mr. Madaras reviewed the trail connections near Hallman Court and Empire Court. The area that is proving to be most challenging is near Prizer Court. The Planning Commission discussed moving two of the units in order to provide trail easements and also to help break up the repetition of homes. Mr. Wagner suggested that there be more separation between the buildings and that the front of the buildings not all be the same distance from the front of the property in order to create more visual interest. Mr. Carlo said that some of the homes along Prizer Court will be on slab, with no basements.

Mr. Croft wondered how much space was being lost in total square footage. He recognized that 100 units would be lost, but since some of the townhouses will be replaced with single homes he thought the total square foot might not change. Mr. Carlo said that some of the single homes are smaller than the townhouses that were originally proposed.

Mr. Mayhew issued a draft January 6, 2010 letter, which reviewed the proposed changes. Mr. Colagreco said that the first 14 comments weren't problematic, but did want to discuss several of the other items.

15. Basement drain details will be added for homes located in Worsham soils.
16. Mr. Mayhew suggested that Pulte provide elevations of models or 3-D renderings, including simulated views from Rt. 322. Mr. Mayhew added this as a comment because it was suggested in a previous meeting. After discussion, the Planning Commission said that this wasn't necessary.
17. Walking trail connections will be added to the plan.
18. Relocation of the proposed walking trail further away from Route 322 should be considered. Mr. Madaras will investigate whether this can be done.

19. Consideration should be given to adding tot lots to dense residential areas. Mr. Colagreco said that a decision had been made during discussion of the original Settlement Agreement that there would be no tot lots, although there are green space areas provided throughout the development.
20. The Township does not want to own or maintain trails. The applicant agreed to this, but asked that the Township obtain all necessary permits. Mr. Mayhew should investigate what permits may be needed. The trails will be open to the general public; the golf cart paths will not.
21. Add Applecross sidewalk to school crossing areas. Pulte is in discussions with the School District about the school crossing areas and other shared road improvements. The School District cannot open the middle school until the road improvements are complete.

The Planning Commission continues to be concerned about parking. Mr. Colagreco said that the parking ratio does not deviate from the Zoning Ordinance. Mr. Pitcherella again asked Pulte to be mindful of the need for additional parking and proper signage through the development. Mr. Madaras said that each home should have four parking spaces, two in the garage and 2 in the driveway. It was pointed out that the homes on slab wouldn't have any place for storage and would likely use their garages for that purpose. It was suggested that Pulte consider the addition of attached storage spaces for those homes.

Mr. Crossan asked if the impervious cover would increase. Mr. Madaras said that there would be a net decrease in impervious coverage by 15% to 20%. The plan has been presented to PADEP and the Conservation District. The infiltration system will remain the same.

Mr. Rawlings asked for the Planning Commission members opinions about the plan. Mr. Crossan said that he understands that the changes are market driven, but sometimes these changes don't work. Mr. Carlo said that studies shows that the new products will be the most marketable in the economy. Mr. Thomas said that he supports the changes, but remains concerned that the homes with no basement won't have any storage. Mr. Cushman thought that the Planning Commission should allow Pulte to decide what types of homes to build on the property since this was their area of expertise. Mr. Rawlings said that overall, he thought Pulte presented a good plan. Mr. Giordano would like to see Pulte provide some sort of storage sheds for homes without basements. Mr. Croft said that that he supports the project. Mr. Wagoner supports the development, but would like to see more breaks in the buildings and more green space. Mr. Mayhew said that he has no opinion.

Mr. Pitcherella said that if the smaller single homes were available when he bought his townhouse he would have considered purchasing one, although he is very happy with his home. He thinks from a marketability standpoint that Pulte is moving in the right direction.

Pulte has submitted plans for a maintenance facility and temporary clubhouse. There is some question as to whether this requires a land development plan. Mr. Colagreco said that he didn't see this as a land development issue, but he will speak to the Township

This building is temporary only until the permanent building is constructed. There should be no additional impervious cover since this building will not co-exist with the permanent structure. Mr. Colagreco said that if the building isn't torn down it will require an amendment to the Settlement Agreement. Mr. Carlo was asked about the life expectancy of the building. He said that he wasn't sure at this point. The structure does comply with area and bulk regulation requirements. Mr. Madaras will provide an elevation for review. This clubhouse will also have a restaurant, bar and pro shop that will eventually move to the permanent structure. The structure will have a look that is similar to the old sales center.

Mr. Thomas said that he thought roof rafters from the barn structure on Bollinger Road were going to be used at the maintenance facility. The Planning Commission asked where those rafters were being stored and how they will be used in the future. Mr. Thomas also questioned what is going to be the use of the barn on Zynn Road and how it will be protected from demolition by neglect. Mr. Carlo said that their engineer determined that they weren't structurally sound. Mr. Thomas suggested that an engineer familiar with barns determine its structural integrity. He mentioned one firm by the name of Timber Tech out of Lancaster. Mr. Thomas thought use of those materials might be part of the Settlement Agreement. Mr. Colagreco will research this.

Changes to the southern tract will be discussed at a later date as part of possible zoning ordinance changes. Mr. Colagreco hopes to come back to the February Planning Commission meeting for a final review of the plan and would like to attend the February 17th Board of Supervisors meeting to finalize the amendment to the Settlement Agreement. The Planning Commission will need to receive revised plans no later than January 13, 2010 in order to review them at the February Planning Commission meeting and adhere to the applicant's self-imposed time-table.

Ordinance Task Force

The next Ordinance Task Force meeting will be held Wednesday, January 27, 2010 at 7:30 P.M.

Act 537 Plan

The Municipal Authority provided a copy of the draft Act 537 Plan for the Planning Commission to review. Mr. Rawlings asked Mr. Crossan if he could review it on behalf of the Planning Commission and provide questions or comments for discussion.

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. Thomas made a motion to adjourn the meeting. Mr. Crossan seconded the motion, with all voting Aye. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,


Mary Beth Smedley, Secretary/Treasurer