

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, February 3, 2010- 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mrs. Sandra Moser, Vice-Chairman
Mr. Michael Corbin, Member
Mr. Ray Crossan, Member
Mr. Stephen Cushman, 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. Charles Giordano, 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 were five visitors present.

Planning Commission Minutes – January 6, 2010

Mr. Rawlings asked if there were any additions or corrections to the above minutes. There were no changes. Mr. Rawlings made a motion to approve the January 6, 2010 minutes as presented. Mr. Cushman seconded the motion, with all voting Aye.

Guthriesville General Store

Mr. Piersol reported that Building Inspector Jeff Cantlin met with Mr. DiGiamberardino regarding stabilizing the site. Straw mulch was put down, but according to Mr. Cantlin, it wasn't sufficient and he asked Mr. DiGiamberardino to spread additional straw on the site. Mr. Cantlin will continue to monitor this situation. Mr. Rawlings asked if the Township had an ordinance that regulates stabilizing the site. Mr. Piersol said that the work being done on the property is regulated by the Chester County Conservation District. The Township's regulations don't speak to this, but Mr. Piersol said that in the past the Township has used 5,000 SF because it is the guideline used by PADEP and the Conservation District. The Ordinance Task Force may want to address this in the future.

Caspar Zoning Hearing

The East Brandywine Township Zoning Hearing Board is scheduled to meet on Tuesday, March 2, 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. The deck in question has already been constructed, without the necessary permit. 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 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 already constructed 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 and show all new and/or proposed improvements.

Mr. Piersol and Mrs. Smedley both spoke to Ken Cavanaugh from PennDOT who visited the site and took no exception to placement of the fence. Mr. Piersol will ask Mr. Cavanaugh to put this in writing so that it can become part of the permanent record.

Mr. Caspar is in the process of having the property surveyed and will provide a copy to the Township so Mr. Mayhew can review it. If results from the survey confirm that the impervious cover on the property doesn't exceed what is allowed in the R-2 Zoning District and satisfies items #1 through #4, the Planning Commission will support approval of the zoning application.

Verma Zoning Hearing

Mrs. Smedley said that the applicant will be withdrawing their zoning application. According to Mr. Verma's architect, Bill Steimer, the costs for improving the site don't make it economically feasible. He said that Mr. Verma will be putting the property up for sale in the near future.

Applecross Development

Status of Final Plan Approval for Phases II through IV – Record Plans

Lou Colagreco, Esq., attorney for Pulte Homes said that the Board of Supervisors granted conditional final plan approval for Phases II through IV in August of 2008. Pulte Homes plans to record those plans within the next several weeks. Several lots are scheduled for settlement later in February and the plan needs to be recorded before the settlements can occur. Mr. Mayhew is reviewing the plans and the escrow and should have a review letter for the Board's consideration later in the month. Mr. Mayhew noted that trail easements have been added to the plan, as well as the location of BMPs, steep slopes and the temporary clubhouse.

Temporary Clubhouse

Pulte has submitted plans for a maintenance facility and temporary clubhouse, to be henceforth known as Clubhouse #1 and Clubhouse #2. There was some question as to whether this requires a land development plan. Mr. Colagreco spoke to Township Solicitor Stacey Fuller, Esq., and they agreed that it would be submitted as a land development plan. Signature lines have been added so it can be recorded.

Clubhouse #1 only until Clubhouse #2 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 Clubhouse #1 isn't torn down it will require an amendment to the Settlement Agreement and submission of a land development plan. Mr. Carlo was asked about the life expectancy of the Clubhouse #1 and he wasn't sure. 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. Piersol said that the fire lanes and crosswalks need to have appropriate striping and signage and that the applicant must satisfy all comments in the Yerkes January 5, 2010 review letter. The roadways must be able to accommodate an 80,000 lb. load and Mr. Piersol asked Pulte to review fire flow information to determine whether sprinklers need to be installed. One additional fire hydrant needs to be located closer to the temporary clubhouse.

Several Planning Commission members were concerned that language on the recorded plan needs to specify that Clubhouse #1 must be demolished prior to a final Use and Occupation Permit being issued for Clubhouse #2 unless there is an amendment to the Settlement Agreement and a new land development plan. Note #3 on the plan references this and Mr. Colagreco will review the language with Mrs. Fuller to ensure it is satisfactory to the Township.

Mr. Corbin made a motion to recommended the Board of Supervisors approve this land development plan for Clubhouse #1 with the condition that all outstanding comments in the January 5, 2010 Yerkes review letter are satisfied and that note #3 on the plan is satisfactory to the Board of Supervisors and Township Solicitor. Mrs. Moser seconded the motion, with all voting Aye.

Status of Barn and Demolition by Neglect Issues

At last month's meeting, the Planning Commission wanted to know where the barn trusses from the structure on Bollinger Road would be used. Mr. Carlo said that they would be used in the maintenance facility.

Mr. Carlo also said that the barn near the clubhouse (on Zynn Road) is inspected periodically. He isn't sure about the final use for the barn since it will be transferred to the golf course operator, but the Settlement Agreement indicates it will be used for an indoor basketball court and for golf cart storage. It was suggesting that Pulte show curbing near the second story entrance so that it can be reached by vehicles, if necessary. At present, the plan shows pedestrian access only.

The Planning Commission is concerned that once the building is transferred to the golf course operator they will not be aware of the representations made by Pulte and the barn will be in jeopardy of "demolition by neglect". Per the Settlement Agreement the Zynn Road Barn will be used for maintenance and is not to be demolished. Mr. Colagreco said that the Settlement Agreement has been provided to the golf course operator and it clearly spells out that all heirs, assigns and successors are legally bound by the Agreement. The new golf course operator will be asked to meet with the Planning Commission when the golf course is transferred to them. Mr. Colagreco has agreed to provide a redacted copy of the agreement between Pulte homes and the golf course operator that spells out their responsibilities with regard to the Settlement Agreement.

The Planning Commission 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. Thomas had 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. Carlo has tried to contact someone from this company several times, and will let the Planning Commission know when he does. Pulte should make sure that all barns on the property are properly secured and maintained. Mr. Thomas suggested that all barn doors need to be shut and that windows, if broken, should be replaced.

Third Amendment to Settlement Agreement

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 and Bill Creeger

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 approximately 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, which will be owned and maintained by the Homeowner's Association.

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. (with a 10 ft. combined minimum aggregate roof eave to roof eave). 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 eave to roof eave (this was a requirement of the original Settlement Agreement that is still in force). 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.

Mr. Rawlings said that the fire lanes should be labeled on the plan and he will confirm this with Yerkes. Mr. Madaras said that he thought it was labeled on the sanitary sewer plans.

Pulte has been working with the Downingtown Area School District on the location of crosswalks, roadway widening, installation of a traffic light at the intersection of Rt. 322 and Bollinger Road, and sewer issues. The road improvements will be completed prior to the opening of the new middle school, which is scheduled for September of 2012. Sidewalks are constructed throughout the development and extend to Bollinger Road, near the parent drop-off entrance, where the School District can connect, if they chose to do so. Mr. Lee Snodgrass Director of Facilities for the School District will discuss this with the School Board.

Final landscape plans will be submitted towards the end of the week and copies will be provided to the Planning Commission and Board of Supervisors. The Planning Commission will still have the right to comment on these plans after their review.

Revisions have been discussed with the Township's landscape architect, and revised plans will be submitted to him as well for his final review and comments.

Mr. Ron Pitcherella, an Applecross resident, asked if parking has been addressed on the plan. Mr. Carlo said that the landscape plans show "No Parking" signage on one side of each street. The restriction on parking is addressed in the Settlement Agreement. Mr. Carlo will ensure this is enforced through signage and the Homeowner's Association documents.

Mr. Corbin asked about the stormwater infiltration basins. Mr. Madaras said that an engineer will be on site to review the stormwater Best Management Practices so that they can be relocated, if necessary. Every location planned for use has been tested in the past year. Long-term maintenance will be spelled out during the pre-construction meeting and in the Homeowner's Association documents. The engineer on-site will ensure that the basins are constructed according to plans and are installed correctly. The Chester County Conservation District will also be on-site periodically. Mr. Mayhew said that he is comfortable with the infiltration system. There is a 10% to 15% reduction in total impervious for the north tract and basins are still to be constructed to their original specifications. The engineer on-site will provide certification that the basins were properly installed.

Mr. Rawlings made a motion to recommend the Board of Supervisors grant approval of the Settlement Agreement and the North Tract Revisions with the following conditions:

1. Satisfaction of all outstanding items in the February 1, 2010 Yerkes review letter.
2. Approval of all applicable permits from outside agencies including the Chester County Health Department, the Chester County Planning Commission, the Chester County Conservation District, the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection.
3. Approval of all applicable escrows and financial security.
4. Approval of the landscape and signage plans.
5. The fire lanes are labeled to the satisfaction of the Emergency Management Coordinator.
6. Traffic and sidewalk improvements are coordinated with the Downingtown Area School District and are completed to the satisfaction of the Township and Planning Commission so that the proposed middle school can open in the fall of 2012.

Mr. Corbin seconded the motion, with all voting Aye.

Downingtown Area School District

The proposed middle school location is in the southeastern portion of the Weaver Tract, which is located in both the R-2 and R-3 Zoning Districts. The plan generally consists of the following proposed features: The middle school building, two parking lots, 3 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. Most of the proposed improvements are located within the R-2 Zoning District, with the exception of a portion

of one multi-purpose sports field, a portion of the football and track and field area, and a portion of the sewer disposal fields. Utility service to the proposed middle school is not shown. Mr. Lee Snodgrass and Mr. Joseph Fraim from Downingtown Area School District and Mr. Greg Newell and Mr. Keith Marshall from Nave Newell attended the meeting on behalf of the applicant.

Mr. Marshall said that the School District is getting ready to resubmit plans but wanted to discuss some of the proposed changes. A trail connection has been added to the plan from Bollinger Road back to the proposed athletic fields. The trail connection along Bollinger Road is shown in close proximity to the sidewalks in the Pulte Development so that pedestrians will be able cross Bollinger Road in a marked/painted crosswalk between the School and the development. The trails will be 6 ft. wide, constructed of asphalt and will be ADA accessible.

The plan shows an easement for the proposed emergency access road from the Township Municipal Complex to East Reeceville Road.

The landscape plan has been revised with additional plantings along the riparian corridor, shade trees and buffering near four properties along Bollinger Road and a landscape buffer near the Giardini property. A certified arborist has looked at the wood lot near Bollinger and East Reeceville Roads and has identified which trees are to be removed. The plan still doesn't show the required number of plantings per the Township Ordinance, and this will be discussed with landscape architect Tom Kummer. Formal plans still need to be submitted for Mr. Kummer's and the Township's review.

Basins shown on the plan will be fenced and the fencing style will be shown on the landscape plan. Fencing is required by the School District's insurance company. Infiltration basins have been tested for percolation rates.

Mr. Piersol has reviewed the emergency access plan for the three story wing, as well as fire load information and access points. He still needs to make sure that the paver load is adequate to handle fire apparatus.

Mr. Snodgrass said that he has calculated the fee-in-lieu of open space to be \$28,750, and thinks the fee should be off-set by allowing residents to use the athletic fields. Mr. Rawlings said that the athletic fields aren't always available and there may be a cost to use them, so he doesn't agree that the fee should necessarily be reduced or waived. Mr. Snodgrass was asked to provide the School District's Facility Use Agreement for the Township to review.

The revised plan will show "No Parking Signs" on Bollinger Road, along with an event parking plan. It was noted that the plan doesn't show an upright curb along Bollinger Road. Mr. Thomas is very concerned and thinks raised curbing is appropriate in this setting. Mr. Snodgrass said that the previous developer didn't plan on installing an upright curb and that the School District will have staff to help with parking during special events, as well as additional parking in the bus lanes. The Planning Commission's main concern is that motorists don't park along Bollinger Road (either side).

Bollards have been added to the front of the building, as was requested at a previous Planning Commission meeting, and the locations will be added to the revised plan.

Drip fields and replacement fields, will be located in the northwestern corner of the property unless other areas can be located and are approved by the East Brandywine Township Municipal Authority.

The School District has filed a protective appeal from the recent Zoning Hearing Board decision. Mr. Snodgrass said that this appeal allows them time to work on outstanding issues with regard with the Sewer Reservation Agreement and the drip fields.

A portion of the property will continue to be farmed. Since the School District is a public entity they may have to advertise this and allow the land to be farmed by the highest bidder. Mr. Snodgrass will keep the Township apprised of this situation.

Ordinance Task Force

Article IV Off-Street Parking and Loading, Section 399-105

This amendment increases the depth of 90° parking spaces from 18 to 20 feet, and increases all parking space widths from 9 feet to 10 feet. Mr. Piersol said that the amendment brings the Zoning Ordinance section on parking in line with revisions made to the Mobile Home Park section of the Land Use Code in 2005. Mr. Cushman made a motion to recommend that the Board of Supervisors forward this amendment to the County Planning Commission for their Act 247 review and advertise it for adoption. Mrs. Moser seconded the motion, with all voting Aye.

Act 537 Plan

At last month's meeting, Mr. Rawlings asked Mr. Crossan if he could review the Township's draft Act 537 Plan on behalf of the Planning Commission and provide questions or comments for discussion. Mr. Crossan did review the plan and commended the Municipal Authority and their engineer on a fine job. He said that two things stood out in the plan. The first was the overall impact of development on the Township and the second was moving sewage from the Little Washington Wastewater Treatment Plant to the Applecross Treatment Plant. He wondered what additional costs may be incurred by users. Mr. Corbin said that the Municipal Authority is working to minimize cost increases. He also said that rerouting the sewage flows will likely minimize odor complaints and maintenance issues since the Applecross Treatment Plant is a state-of-the-art system. The Planning Commission thanked the Municipal Authority for their work on the plan and unanimously recommended the Board of Supervisors adopt the revised 537 Plan as presented.

Watters Tract

Mr. Piersol reported that Carlino Development is proposing to construct a Giant grocery store and other retail space on the Watter's property. This will be discussed at later meetings.

Lyme Disease Program

Mrs. Moser said that the Pennsylvania Lyme Disease Awareness Committee will show a documentary on Lyme disease on Thursday, March 11, 2010 at 7:00 P.M. at the East Brandywine Township Municipal Complex. All are invited to attend.

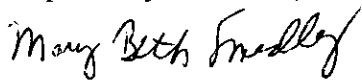
Comments from the Audience

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

Adjournment

There being no further business Mrs. Moser made a motion to adjourn the meeting. Mr. Rawlings seconded the motion, with all voting Aye. The meeting was adjourned at 9:40 P.M.

Respectfully submitted,



Mary Beth Smedley, Secretary/Treasurer