

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, June 2, 2005
7:30 AM

Those in Attendance:

David A. Kirkner, Chairman
Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, Member
Scott T. Piersol, Township Manager
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Norann King, Secretary
John Halsted, Esq., Township Solicitor
Stacey Fuller, Esq., Township Solicitor
Mary Beth Smedley, Secretary/Treasurer

The Board of Supervisors met in Work Session on Thursday, June 2, 2005.

Opening of Meeting

Chairman Kirkner opened the Meeting at 7:30 A.M.

Public Comment for Non-Agenda Items

Chairman Kirkner asked if there were any comments on non-agenda items. There were none.

Ripley Conditional Use Decision

Richard Scott Ripley and Christine Michelle Schofield filed an application for conditional use to operate a home chiropractic office pursuant to the home occupation provisions of the East Brandywine Township Zoning Ordinance. The property is located at 1230 Osborne Road, located in the R-2 Zoning District.

The original hearing was held on April 7th, 2004 at the Township Building. At the request of certain neighbors of the subject property, an additional hearing was held on May 5, 2005.

Decision

The application of Richard Scott Ripley and Christine Michelle Schofield, owners of the property, for a conditional use to operate a home chiropractic office is granted subject to the following conditions:

1. The use of the premises shall be in strict conformity with the testimony, exhibits and representations made by or on behalf of the Applicants.
2. No use shall be made of the common driveway in connection with the conditional use hereby grants, and such use shall be prohibited by the installation and maintenance of appropriate traffic barriers of a kind and nature to be approved by the Township Zoning Officer.

3. The proposed home occupation use and parking related thereto shall be screened from affected neighboring properties, generally in accordance with the provisions of a letter from Yerkes Associates, Inc., dated May 11, 2005 addressed to the Township. The final screening plan and installation is to be approved by the Zoning Officer.
4. The parking area shall provide parking spaces for the six (6) vehicles, with each space being not less than nine (9) feet wide by eighteen (18) feet deep.
5. All outdoor lighting shall be properly screened to prevent the same from intruding on neighboring properties and shall be controlled by motion sensors and dimmers as proposed by the Applicants at the hearing and approved by the Township Zoning Officer.
6. The subject premises and the permitted conditional use shall at all times be in conformity with all applicable laws, ordinances and regulations of any governmental entity having jurisdiction.

After review of the above, Mr. Voltz made a motion for the Supervisors to approve and execute the above decision. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Hide-A-Way Farms – Fee-in-Lieu of Open Space

Mr. Piersol provided a copy of a letter dated May 31, 2005 from Wilkinson Builder's attorney Jonathan Jordan summarizing their understanding of the fee-in-lieu of open space with respect to the Hide-A-Way Farms subdivision. Essentially, if the proposed trails cost \$300,000 or more to construct, Wilkinson Builders will have satisfied their fee-in-lieu of open space obligation. If construction costs less, Wilkinson has agreed to pay the Township the difference up to \$300,000. Invoices will be supplied to the Township for review. After review of the letter, the Board of Supervisors agreed that it accurately reflected their understanding of the agreement and authorized Mr. Piersol to sign the letter on their behalf.

Ambleside Down Subdivision

Developer Stephen Cushman requested Township approval of the following waivers from our Subdivision Ordinance: 350-45, which requires a street light at the entrance to the development, as there is no HOA formed, and 350-54 B. which requires street trees be planted outside of the road right-of-way. Mr. Cushman was responding to various issues from the Yerkes Associates' review letter of June 10, 2004, and determined the street trees were planted 5 feet inside the Patterdale Place road right-of-way instead of outside the ROW as required by the Subdivision and Land Development Ordinance. This section may be waived by the Board, but makes the Township responsible for the future maintenance of these streets, since they are located within the street ROW. Mr. VanLew was concerned about allowing the trees to remain in the road right-of-way since this would be a maintenance problem for the Township.

Vice-Chairman Fischer made a motion grant a waiver from Section 350-45 of the SALDO, which requires a street light at the entrance to the development. Mr. Voltz seconded the motion, with all voting Aye.

The Board declined to grant a waiver from 350-54 B which would allow street trees in the road right-of-way. They suggested that Mr. Cushman send a letter to residents of the Ambleside Down development to inform them that the trees would be moved.

Resolution 05-09 – Vacating Special School Road

This Resolution allows East Brandywine Township to vacate Special School Road and authorized Chairman Kirkner to execute the agreement to do so. Special School Road is within the proposed Hide-A-Way Farms subdivision and is not needed to serve the development. New streets in other locations will serve the development and will be dedicated to the Township. Vice-Chairman Fischer made a motion to adopt Resolution 05-09 and authorize Chairman Kirkner to sign the agreement on behalf of the Board of Supervisors. Mr. Voltz seconded the motion, with all voting Aye.

Sotheran/Barnett Zoning Hearing

The Zoning Hearing Board of East Brandywine Township will meet on Thursday, June 2, 2005 at 7:30 P.M. in McCausland Hall, 1214 Horseshoe Pike, to hear the application of George Barnett and Annette Sotheran for permission to use the first floor of the building known as the Lyndell Country Store for the purpose of infant and toddler care. The applicants propose to live on the second floor of the property. The property is owned by TCGW Limited Partnership and is located at 1081 Creek Road, Lyndell, Pa. The property is located in the VC Village Commercial Zoning District. The applicant is requesting a special exception pursuant to Section 399-390.B(1) of the Zoning Ordinance which allows the Zoning Hearing Board to permit uses of the same general character as uses specifically permitted by Section 399-39A of the Zoning Ordinance.

At the Zoning Hearing the applicant intends to make a formal request to amend the application to include the following:

1. A request for a variance under 399-124 C of the Zoning Ordinance (Extension of a non-conforming structure). The applicant would like to extend a deck that will be used as a playground for the proposed daycare.
2. A request for a variance under 399-75A of the Zoning Ordinance (Projections into required yards). The applicant would like to construct a handicapped ramp that will project 15 feet into the front yard.

Ms. Sotheran, who will be joint owner of the daycare, stated that, if approved, she plans to initially accept up to six children in the daycare and eventually accept twelve children after all proper permits and licenses are received from the State. The daycare will not be expanded beyond accepting twelve children. Initially, the daycare will employ Ms. Sotheran and a part-time aide. As the daycare grows, she plans to also employ a full-time teacher. The outdoor play area is an elevated deck.

There will be three parking spaces available for staff, which includes one owner space, on the side yard next to Creek Road. It is expected that parents will only park briefly to drop off or pick up their children. There are also designated parking spaces for patrons using the Lyndell Post

Office, which is open from 8 A.M. to 5 P.M. Monday through Friday. In addition, Ms. Sotheran stated that she has the permission of the owners of Lyndell Landscape and Supply to use their property for additional parking, if needed.

At their last meeting, the Planning Commission members supported the concept of a daycare in the Village Commercial District, but were very concerned about parking. The area of Creek Road and Highspire Road is heavily traveled and is considered a very hazardous stretch of road. They thought that ingress and egress might be difficult. It was suggested that the applicant consider segregating the daycare parking from the Post Office Parking or possibly have cars pull off on the Lyndell Road side of the property, rather than Creek Road.

Ms. Sotheran provided a drawing showing a proposed traffic pattern for the property. The plan shows four parking spaces; one handicapped space, one space reserved for child care, one space reserved for the post office and one unreserved space. Cars will enter from Creek Road and exit from Lyndell Road. Staff will not be allowed to park in this area.

Parking will be provided for personal vehicles on the Creek Road side of the property. Signs will be erected so that patrons of the post office and daycare will be aware of the traffic circulation. The parking spaces will be lined and marked. The applicant has agreed to construct some sort of barrier between the road and the property as a safety measure.

At the May Board of Supervisor's meeting, it was suggested that the applicant consider installing a guardrail as a means of protecting the parking lot from traffic along Creek Road and Highspire Road. Ms. Sotheran agreed to do this. At the Board's request, Chief Kocsi provided a report pertaining to the parking issues at the Lyndell Country Store. He and Ms. Sotheran met to discuss those issues and he suggested she meet with representatives of PennDOT to discuss the guardrail issue. She will be working with representatives of PennDOT so that a guardrail can be installed that will meet their specifications and standards. Chief Kocsi remained concerned there are still outstanding safety issues including those related to parking, and ingress and egress at the store.

Mr. Halsted stated that he was concerned about proceeding with the hearing this evening because the Notice placed in the paper and sent to residents within 1,000 feet of the property was defective; it did not include the items on the amended application. It was his opinion that the hearing should be continued until such time as Ms. Sotheran can provide all of the additional information requested by the Board of Supervisors and Planning Commission and the zoning hearing can be properly readvertised. Information that should be provided includes a full site plan of the property showing the building, the proposed deck size with dimensions and setbacks from the road and adjoining properties, the proposed ramp with dimensions and setbacks from the road, and a plan to answer all of the outstanding safety issues. To proceed at this point would risk a negative decision by the Zoning Hearing Board, and any decision may be challenged because of the defective notice.

Ms. Sotheran stated that she would discuss the above concerns with her attorney. The Board did not give an opinion about the use issues.

Township Municipal Complex

Discussion of bulletproof glass

It is Chief Kocsi's recommendation that ballistic glass be provided for two windows in the Township and Police reception areas, and for the bookkeeping and Municipal Authority office. In an informal survey of other Police Department, 95% of the respondents stated they have installed ballistic glass. In addition, most Police Departments have a solid block wall in their lobbies as an added safety measure. The price difference between regular and ballistic glass would be between \$1,000 and \$1,500 per pane. The Board of Supervisors agreed that ballistic glass should be installed in all three areas.

Building Demolition

The Board discussed the benefits of Township personnel demolishing the building on the property vs. hiring a contractor to perform the demolition. Mr. VanLew stated that he and the other public works employees could take care of the demolition project. He stated it took approximately one week to demolish the Hash building. He would expect it to take two to three days to demolish each of the buildings and that the project could be completed within two weeks. Chairman Kirkner suggested that we get bids for the project before a decision is made. Mrs. King stated that professional demolition crews have the equipment and insurance to get a job such as this done quickly. In addition, demolition companies know the most economical way of disposing of the materials. The Supervisors agreed that the Township should accept bids before a final decision is made.

Proposal from B.L. Myers

Mr. VanLew stated he received a proposal from B.L. Myers for abandoning four wells on the property. The cost is \$500 per well, plus \$100 to remove the pump. Vice-Chairman Fischer made a motion to accept the proposal from B.L. Myers. Mr. Voltz seconded the motion, with all voting Aye.

Proposal from Safety Kleen

A proposal was received by Safety Kleen to remove four fuel oil tanks from the property. Mr. VanLew stated it would cost \$1,622.40 to pump out the material and remove the tanks. Mr. Voltz made a motion to accept the proposal contingent upon Safety Kleen following specific procedures in the Waste Handling Agreement. Vice-Chairman Fischer seconded the motion, with all voting Aye.

EIFS Evaluation

At last month's meeting, the Planning Commission expressed concern about the proposed use of EIFS to clad the outside of the building. They asked Mr. Giannantonio to investigate the use of the material. In a letter dated May 16, 2005, Mr. Giannantonio outlined several concerns from builders and local architects he has contacted.

The main problem with using EIFS is that when not properly installed, there were many problems with moisture seepage. Once moisture gets behind the surface, there is no way for it to escape. This can result in deteriorating of the sub-layers and the need for replacement of the EIFS materials, and many times the building structure in the area of the seepage. This is of particular concern near windows.

Mr. Szustak provided a response letter dated May 27, 2005 discussing the use of this material, as well as the use of stucco. He stated that he was confident that the EIFS system offers the best value for the East Brandywine Township building. He recommended that, in the interest of accurately weighting the cost differential of traditional stucco veneer vs. EIFS, an alternate bid format for the traditional stucco be designed.

At last evening's meeting, the Planning Commission remained concerned about using EIFS on the exterior of the building. They asked that the Board of Supervisors consider cladding the exterior of the building with stucco and take into account the comments raised by Mr. Giannantonio in his May 26, 2005 letter regarding the use of this product.

The Supervisors agreed that the building project should be bid both using traditional stucco veneer and EIFS

Township Municipal Complex Final Plan Approval

Mr. Piersol reported that the Planning Commission is recommending the Board of Supervisors grant final plan approval for this land development application contingent upon satisfaction of the outstanding items in the May 26, 2005 Yerkes review letter.

The applicant for the land development plan is East Brandywine Township. The property is located on the south side of Horseshoe Pike between North Guthriesville Road and Bondsville Road and is located in the Village Commercial Zoning District. Access to the site is from two driveway entrances on Horseshoe Pike.

The existing property is Lot #2 of a recently approved and recorded subdivision and has a net size of 10.487 acres. The site currently contains two paved driveway entrances, three stucco buildings, a garage, an aluminum shed, a block shed, lawn and sidewalk areas. The property will be served by public sewer and water.

All of the existing buildings on the site are to be demolished except the Township office building labeled "McCausland Hall". The plan proposed to construct a new Municipal Building incorporating "McCausland Hall" and a new seven-bay garage and salt shed toward the western end of the property. There is provision on the plan for an additional salt shed and garage. The site will have access from a proposed single two-way driveway entrance intersection on Horseshoe Pike opposite Guthriesville Road. A 135-space parking lot is proposed. A stormwater management forebay/detention basin and a smaller sub-basin are proposed to control runoff. A sanitary sewer main extension is to be installed from an existing stub.

Vice-Chairman Fischer made a motion to grant final plan approval for this land development application contingent upon resolving the outstanding issues in the Yerkes May 26th review letter. Mr. Voltz seconded the motion, with all voting Aye.

The Board adjourned at 8:30 A.M. to hold the Rouse/Chamberlin Conditional Use Hearing and reconvened at 10:30 A.M.

Mr. Voltz left the meeting at 10:30 A.M.

Buck Road Bridge – Discussion of Invoices

Mr. VanLew asked that the invoices for the Buck Road Bridge Project be reviewed by Yerkes Associates since the cost of the initial bid was very high and the cost to re-bid the project was higher than he expected. Mr. Giannantonio stated he would review the invoices and report back to the Supervisors in order to reach some sort of resolution.

Letter to County Commissioners – Mutual Aid Agreement

The Board reviewed a letter that will be sent to the County Commissioners outlining why East Brandywine Township has not signed the Mutual Aid Agreement at this time. There have been ongoing discussions with West Brandywine Township regarding their annual donation to the East Brandywine Fire Company. Until that issue is resolved, a decision regarding signing the Mutual Aid Agreement will be postponed.

East Brandywine Township and the East Brandywine Fire Company are continuing their negotiations with West Brandywine Township regarding funding for the Fire Company. A contract has been sent to West Brandywine Township for their review that asks for a donation of over \$50,000 for 2005.

Brandywine Wallace Elementary School

Mr. Gil Lappano, on behalf of the Downingtown Area School District, has again asked that the Township continue reviews of their proposed land development application. The Board of Supervisors once again determined that reviews will only continue once a complete, formal land development application is submitted to the Township for review. Until the formal application is received, further reviews of the School's plans are premature. Another letter will be sent to the School District regarding the Board's decision.

Public Comment

Chairman Kirkner asked if there were any comments from the audience. There were none.

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Adjournment

There being no further business, Chairman Kirkner moved to adjourn the meeting. Vice-Chairman Fischer seconded the motion, with both voting Aye. The meeting was adjourned at 11:00 A.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township