

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, May 3, 2006 – 7:30 P.M.**

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
Mr. Michael Corbin, Member
Mr. Charles Giordano, Member
Mrs. Deborah Marshman, Member
Mrs. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Scott T. Piersol, Township Manager
Mr. Albert Giannantonio, Township Engineer
Mr. Michael Mayhew, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mrs. Beth Valocchi, Ex Officio Member

Mr. Rawlings opened the meeting at 7:30 P.M. There were fifteen visitors present.

Planning Commission Minutes – April 5, 2006

Mr. Rawlings asked if there were additions or corrections to the above minutes. There were none. Mrs. Moser made a motion to approve the April 5, 2006 minutes as presented. Mr. Thomas seconded the motion, with all voting Aye.

Smokehouse Farms

Mr. Piersol stated that he and Russell Yerkes met with Mr. Bates on April 19th to discuss the status of the dry hydrant installation for the development and other issues. At the meeting, Mr. Bates asked whether the Township would have a problem if he did not dedicate Delaney Drive to the Township as is shown on the final plan. . There apparently is some discussion among some of the property owners to keep the roadway in private ownership. Of the eleven lots, six homes have been built. Mr. Piersol suggested that, should he decide to keep the roadway private, Mr. Bates would have to submit draft Homeowner's Association documents for the Township Solicitor to review, and all the property owners would have to sign the document. Mr. Piersol thinks Mr. Bates would need to record a deed restriction against the deed of each existing property indicating the ownership of the roadway being privately held with each of the property owners being responsible for some agreed-upon percentage for maintenance of the roadway and other infrastructure. Mr. Piersol discussed this with Roadmaster Matthew VanLew, who doesn't have an objection to the road not being dedicated to the Township as long as it is built to the specifications outlined on the subdivision plan.

Mr. Bates also asked about the parking areas designed into the site plan at the bridge and above the cul-de-sac. He wanted to know if the Township would agree to allow him not to install these, which the current homeowners feel have not been necessary in the four years some have lived on this street.

Mr. Piersol suggested that Mr. Bates put all of the above information into a letter requesting a change to the recorded plan, and submit this to his attention, and the Township would decide how to proceed. Mr. Piersol did say that he believed the off-street parking was a requirement due to the steepness of the roadway and the desire to provide parking should the roadway be inaccessible due to an icy road surface.

It was pointed out that Mr. Bates will need a waiver for the number of lots allowed on a private road. Mr. Thomas was concerned that although current homeowners would like this to be a private road, future homeowners might not. Mr. Corbin agreed and stated there were numerous discussions about the length and slope of the road during the planning progress. He stated that to maintain this road would be a big responsibility for the homeowners. The Planning Commission feels there are a lot of issues to be resolved if the road is to remain private. They would like the road built to the specifications agreed upon in the final plan, including the emergency parking areas. The developer will continue to be responsible for maintenance of the road until it is either dedicated or a decision is made for it to be a private road. The final topping has not been put on the road. Mr. Giannantonio stated that it didn't need to be done until 75% of the homes are occupied.

Hillendale

Mr. Townes submitted a plan that shows some changes to the limit of disturbance on the proposed development of Creek Road. He reviewed the areas that deviate from the settlement. Those areas include:

1. Making changes in the vicinity of Rt. 282 (Creek Road) to meet PennDOT road embankment requirements for sight distance. He moved the centerline of the intersection to accommodate turn lanes.
2. A large retaining wall that was to be at least nine feet in height has been removed because of maintenance and safety considerations.
3. Several infiltration beds were relocated.
4. Several basins were relocated.
5. The sewage treatment facility was moved to a better suited sight.

No wetlands or historic structures will be affected by these changes to the plan. According to Mr. Townes, the total reduced disturbed area will be 8.16 acres and the total additional woodlands saved will be 6.17 acres.

The Planning Commission's initial reaction was that this revised plan appears to be an improvement from the original plan, but they would like to make sure that the trees being saved are of the same quality as those in areas now proposed to be disturbed. Mr. Townes stated that he would provide that information for the Planning Commission to review. The Planning Commission would also like additional information about the road entrance. Mr. Townes stated that he will provide this design for PennDOT and the Township to review once it is completed.

Although Mr. Giannantonio didn't address the quality of the woodlands, his review of the plan indicates that a substantial reduction of the overall disturbed area has resulted from the refined site grading and relocation of the sewage treatment system and its access drive. It is his opinion that the revised plan is much more desirable than the original plan of disturbance that was submitted.

Mr. Townes will call Mr. Giannantonio next week to arrange for Mr. Rawlings and Mr. Giannantonio to do a field walk of the property.

Sunoco Convenience Store Proposed Site Development Plan Modifications to Canopy and Parking Lot

The plans propose modifications to the fueling area canopy, fuel pumps, underground fuel storage tanks, seven parking spaces, sidewalk and grading to the northeast side of the site. The fueling area canopy is lengthened approximately six feet and the two northerly sets of fuel pumps have been shifted northeast. The set of fuel pumps closest to Horseshoe Pike is in the same location as originally approved. The underground fuel tanks have been enlarged and extended underground toward the south. The seven parking spaces and sidewalk on the northern boundary of the site have been shifted approximately five feet toward the northern property line. The dividing island to the west of those seven spaces has been modified somewhat and minor grading modifications have been made. Mr. Giannantonio reviewed and commented on these changes in his review letter of November 23, 2005.

At April's Planning Commission meeting, Mr. Giannantonio brought a copy of the proposed changes for the Planning Commission to review. The Planning Commission had several concerns including:

1. How the change will affect vehicle circulation, including tractor-trailer deliveries.
2. How fueling of the diesel tanks will occur.
3. The Planning Commission would like to restrict traffic exiting onto Rt. 322 to right turn only.

The Planning Commission was very concerned about traffic circulation throughout the site and asked that a representative from Sunoco attend a Planning Commission meeting to discuss this issue so that a formal recommendation to the Board of Supervisors can be made. Sam Peters, Jeffrey Bauer, Terry Hall, Clayton McCain and Kim Brown from

Sunoco, Dan Weese, from CEI Engineering and Michael Shiring, Esq. attorney for the applicant attended this meeting to discuss the Planning Commission's concerns.

Mr. Shiring thanked the Planning Commission for their time and stated they would try to answer any questions regarding the new proposal. He stated that he understood that a major concern of the Planning Commission was vehicular circulation and safety on the site. The two existing fuel tanks on the western portion of the property will be converted for diesel fuel. Two new fuel tanks will be installed southeast of the proposed canopy. Mr. Shiring doesn't think that this change should affect vehicle circulation or deliveries. In fact, with the large fuel tanks there should be fewer deliveries, probably four to five times a week as opposed to seven times a week, that currently takes place at the existing Sunoco. The Planning Commission was concerned that with the additional fueling pumps, there might actually be more deliveries. In addition, the Planning Commission is concerned about where the fueling truck will be parked during gasoline deliveries since the truck will block several parking spaces for approximately one-half hour while the delivery takes place. They were assured that the truck will wait until all vehicles are moved and that these spaces would generally be used by Sunoco employees. Currently 35,000 to 40,000 gallons of fuel is delivered every week. The new store will have 50,000 to 60,000 gallons of fuel delivered every week.

During the planning process the applicant agreed to certain limitation regarding when deliveries would take place. The agreed upon times were during the day, but would not take place during rush hour period. Ideally, deliveries would take place between 11:00 P.M. and 6:00 A.M. when the store is closed. When deliveries take place, the trucks are turned off, so that the amount of noise should be minimal. Deliveries during these times are prohibited by the following sections of the Zoning Ordinance.

399-84. Noise Standards

- A. Except as noted in Subsection B below, the following shall apply to specified uses and properties within the Township, between the hours of 10:00 P.M. and 6:00 A.M., plus all day Sunday and legal holidays.
 - 1. There shall be no nonresidential off-street loading operation.
 - 2. There shall be no operation of a vehicle in excess of 8,600 pounds on the property, nor idling of any motor of such vehicle.

Representatives of Sunoco were agreeable to applying for a variance from this section of the Zoning Ordinance, but were concerned that this might delay construction of the new Sunoco. It was suggested that deliveries could take place between 8:00 P.M. and 10:00 P.M. until such time that a variance was granted. The applicant agreed that they would adhere to these times except with the permission of the Township. They were instructed to contact Mr. Piersol if this occurred.

The standard size canopy used by Sunoco has changed. The revised plans showed the size increased 6 feet to the north. Mr. Weese explained where the canopy would be located and how this would affect the location of the fuel pumps.

The Planning Commission wanted to make sure that the exit from the western portion of the property would not allow for left turns. All traffic must turn right out of that exit and there will be signage stating that. In addition, the site design shows a raised concrete “pork chop” island directly existing traffic in a westerly direction.

Mr. Cushman made a motion to recommend approval of fuel deliveries for the proposed Sunoco Convenience Store during the hours of 8:00 P.M. to 10:00 P.M. until such time that the representatives apply for a variance from Section 399.84.B of the Zoning Ordinance to allow for fuel deliveries between the hours of 11:00 P.M. and 6:00 A.M. Furthermore, the Planning Commission will support the applicants zoning request for the above relief from the Zoning Ordinance. Mr. Thomas seconded the motion, with all voting Aye.

Applecross AKA Overlook Road Farm

Extension –Applecross Development

The applicant is granting an extension to review this subdivision until June 22, 2006. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mr. Thomas seconded the motion, with all voting Aye.

Hopewell Methodist Church

Mr. Glenn Wadel and Mr. Jerry Wercholuk attended the Planning Commission meeting to discuss fencing around the basin. This has been an outstanding issue since the land development application was approved. They have temporarily secured the two openings in the fence material. The trustees originally thought this would be a temporary barrier, due to their plans for additional parking, which would include creation of a large underground storage basin. Once the actual cost to construct this stormwater facility was determined, they decided to pursue other parking areas on the site. The Planning Commission has been concerned that this matter isn't being adequately addressed by the Church. They would like to see a secure fence on three sides of the basin as was agreed upon in the land development approval.

Mr. Wadel and Mr. Wercholuk apologized for the delay of resolving this problem. They stated they have been trying to find solutions to the parking problem for some time. There were recent discussions with the Brandywine Conservancy about using a portion of their property for over-flow parking. Unfortunately, the Conservancy has decided this was not in keeping with management goals of the farm.

The Church Trustees would like 60 days to try and resolve this problem. The Planning Commission is agreeable to this, but did ask that the temporary fence be secured and be placed around three sides of the basin, as was agreed upon during review of the land development application. The permanent fence will be post and rail with a green plastic coated metal fence on the outside. The biggest concern of the Planning Commission is safety for the children. Although there has been a recent drought, if there were rain, this could cause a very unsafe condition. Mr Rawlings also suggested that the applicant might want to look at installing fencing along Hopewell Road. Having church and school members crossing the street along Hopewell Road has become very dangerous.

Mr. Giordano asked about lighting in the parking lot. It was explained that the lights are on for security purposes because of some recent vandalism. Mr. Wadel and Mr. Wercholuk agreed to discuss either just keeping the lights on near the building after 10:00 P.M., or installing timers.

Trash is being picked up between 3:50 and 4:00 A.M. This is a violation of the Zoning Ordinance and will be addressed with the waste hauler.

Ordinance Task Force

Mr. Rawlings stated that work is progressing with reviewing the Comprehensive Plan and that the Task Force is working on Historic Resource Protection standards.

The next Ordinance Task Force meeting will be held Wednesday, May 24, 2006, at 7:30 P.M. at the Delaware County Community College in Room 238.

Other Business

Mrs. Moser discussed an ordinance passed by Londonderry Township that shortens setbacks for buildings and encourages parking in the back, to create a more village-like atmosphere. Mr. Rawlings stated he would like to review the Village Commercial Ordinance and what the Township's goal is for how the Village of Guthriesville should look. Mr. Piersol stated that Bob Wise of Wise Preservation Planning and David Sweet would be attending the June 1st Board of Supervisor's Work Session to discuss the creation of a master plan for Guthriesville. Mrs. Moser also showed the Planning Commission a book that shows how buildings are designed so that they retain historic characteristics of the surrounding area. She also congratulated the Township on receiving a sizable grant for to use toward purchase of easements on the Whitaker property.

Mr. Piersol was asked why the Struble Trail is chained off near the former Shyrock Paper Mill. This is not located in East Brandywine Township, but has been purchased by John Shelton who has blocked access to pedestrians using the trail.

Hide-A-Way Farms

The trail that was to be constructed on the small southern property was omitted from the final plan. Mr. Piersol and Mr. VanLew met with Mr. Cooke to rectify this. A trail will be located along lots 49 and 50. Mr. Cooke will create a plan and record the easements.

Mr. Rawlings stated that special care needed to be taken in reviewing final plans to make sure that nothing is missed prior to granting final plan approval.

Cushman Subdivision Sketch Plan

Mr. Cushman stepped down from the Planning Commission to discuss this subdivision.

The owners and applicants of the subdivision are Stephen Cushman and Vernon MacIntyre. The project site is located on the north side of Hopewell Road and the west side of Corner Ketch/Lyndell Road between Rolling Glen Lane and Hopewell Road in the R-2 Residential District. The site currently consists of two existing properties, parcels 30-05-49 and 52. The total combined property area is 8.128 acres gross and 7.868 acres net. The properties contain an existing two-story dwelling, driveway, detached block garage, sheds, ruins and a mostly wooded area. The existing driveway has access from Corner Ketch/Lyndell Road.

The plans propose to combine the two parcels and re-subdivide the property into five new lots. Lot 1 retains the existing dwelling and proposes no new improvements. The remaining 4 lots propose new single family dwellings. Lots 2, 3 and 4 propose access from Hopewell Road via a common driveway. Lot 5 will also have a separate access from Hopewell Road. Each lot proposes on-lot stormwater management, on-site septic and on-site water.

Mr. Cushman stated that the plans would be revised in accordance with the Yerkes May 1, 2006 review letter.

Mr. Corbin asked if there would be a trail system. Mr. Cushman stated he is willing to install a trail, but there are is not any place to connect the trail with any other parcel.

Driveways

20. Section 350-40 – The following section of the driveway ordinance should be addressed:

- f. Section 350-40-M – Proposed clear sight distance values have not been provided on the plans. Distances are to be determined in accordance with the geometry of PADOT title 67, Chapter 441 – Access to and Occupancy of Highways by Driveways and Local Roads.

Mr. Giannantonio stated that the plan indicates desirable sight distance values, but should also provide actual sight distance values to show they meet desirable values. This will be provided on the final plan.

32. A level spreader detail should be provided for the outlets of the detention berms. Level spreader calculations have been provided and are satisfactory. The level spreader detail should be revised to indicate the size of the spreader outflow pipe and the length for each perforated pipe per the spreader design calculations. Also the detail should indicate the elevation for each row of perforations. This will be provided on the final plan.

Recommendation for Preliminary Plan Approval

Mr. Corbin made a motion to recommend the Board of Supervisors grant preliminary plan approval for this subdivision with the condition that items #20, #32 and all other issues outlined in the May 1, 2006 Yerkes review letter be resolved with the final plan. Mr. Rawlings seconded the motion, with all voting Aye.

Comments from the Audience

Mr. Rawlings asked if there were comments from the audience. Mr. George Holmes commented that there was a lot of heavy earth moving at the Hide-A-Way Farms development. In fact, it appeared that a great deal of the ridge has been removed. He wasn't sure if this was the intent, but had hoped that homes and other infrastructure would have been placed to save as much of the ridge as possible. Excavation that is incorporated into a plan is inspected in the field by the Township Building Inspector. It was explained that developers try to minimize cuts and fills. Mr. Piersol will speak to Building Inspector Jeff Cantlin to discuss this and ensure the development is following the approved plan.

Adjournment

There being no further business Mr. Rawlings made a motion to adjourn the meeting. Mrs. Moser seconded the motion, with all voting Aye. The meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer