

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, April 5, 2006 – 7:30 P.M.**

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
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:

Mr. Michael Corbin, Member
Mrs. Beth Valocchi, Ex Officio Member

Mr. Rawlings opened the meeting at 7:30 P.M.

Planning Commission Minutes – March 1, 2006

Mr. Rawlings asked if there were additions or corrections to the above minutes. There were none. Mr. Thomas made a motion to approve the March 1, 2006 minutes as presented. Mr. Giordano seconded the motion, with all voting Aye.

Applecross AKA Overlook Road Farm

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road. The plan also shows an 18-hole Jack Nicholas-designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion is a 310 acre tract located in the R-2 Zoning district and proposes single family homes on individual lots and approximately half of the golf course. The portion of the property north of East Reeceville Road was part of a settlement agreement that concluded in April of 2004. The applicant submitted a subdivision plan for the south side of East Reeceville Road based on the requirements of the R-2 Zoning District and was granted preliminary plan approval in March of 2004.

The “North Tract” is being reviewed under the “Clustered Residential Development” regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The “South Tract” is being reviewed under the “Clustered Residential Development” regulations of the R-2 Residential Zoning District. The project is proposed to be constructed in five phases.

Louis Colagreco, Esq. and Theresa Lemley, Esq. attended the meeting on behalf of Pulte Homes.

Mr. Colagreco said that the applicant is in the process of revising the final plans for Phase I of the Applecross Development. Phase I includes the proposed golf course and approximately 150 residential units. It is the applicant's intention to ask for final plan approval within the next several months since they would like to begin grading and seeding of the golf course as soon as possible. Messrs. Giannantonio, Mayhew and Jackson from Yerkes Associates are reviewing the plan on behalf of East Brandywine Township.

There are several permits that are not approved yet. These include the Highway Occupancy Permit, the letter of adequacy from the Chester County Conservation District, the NPDES permit and the Sewage Facilities Planning Module. The Part II permit for construction of the sewage treatment plant will be submitted to PADEP for their review within the next week. DEP has agreed to review the Part II permit concurrently with the Sewage Facilities Planning Module,

The Settlement Agreement will need to be amended to reflect that certain lot numbers have changed, although the number of lots to be constructed will remain the same, and the scope of relief needed for the project will also remain the same.

Pulte Homes is working with the Chester County Water Resources Authority (CCWRA) with regard to dam issues since the Water Resources Authority and Pulte Homes will be exchanging land in the vicinity of the dam. CCWRA currently has an existing easement over a portion of the property. No activity will be permitted within the easement until all approvals are received, including the permit from the DEP Office of Dam Safety. One of the golf course holes may be relocated at CCWRA's request since they feel it is too close to the easement area. Mr. Colagreco stated he does not expect any of the outstanding issues with CCWRA to affect the final plan approval for Phase I of the project. Mr. Piersol stated that issues regarding the dam are between Pulte Homes and CCWRA to resolve.

Extension –Applecross Development

The applicant is granting an extension to review this subdivision until May 18, 2006. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension. Mr. Thomas seconded the motion, with all voting Aye.

Lorimer Sketch Plan

Mr. Stephen Campbell from Wilkinson and Associates, Inc. discussed the above sketch plan. The plans depict the proposed 2-lot subdivision of a 10+ acre parcel on Corner Ketch/Lyndell Road. The applicant plans to subdivide off a 2.16 acre parcel and retain 8.07 acres that contains the existing house, outbuilding, pool and pond. Both lots will be served by on-site water and sewer. According to Mr. Campbell, both lots can meet the area and bulk regulations for the R-2 Zoning District.

At last month's Planning Commission meeting, Mr. Campbell stated the applicant probably needs a waiver from Section 350-29.F of the East Brandywine Township Land Use Code regarding interior lots. There are currently two interior lots shown on the plan, and the proposed subdivision would create a third interior lot. The Land Use Code also states that only three contiguous lots can be accessed through a common driveway. The sketch plan shows four lots on the common driveway, although it appears that the lot with frontage on Corner Ketch/Lyndell Road also has another means to access that property.

The Planning Commission asked about the width of the access strip. Mr. Campbell stated it is 31.2 feet wide. Section 350-29.F.3 states that an interior lot shall have an access strip which connects to a street and which has a minimum width of 50 feet for its entire depth. Mr. Campbell stated that the applicant would ask that the width of the access strip be allowed as "grandfathered". The creation of a second lot would remove the "grandfathered" status of the driveway, so it is likely the applicant would have to obtain an access that is 50 feet wide. Mrs. Leigh Ann Fry, one of the residents who shares the common driveway stated that she would not agree to sell any portion of her land in order to widen the driveway, and in fact, the driveway already encroaches on part of her property.

At their last meeting, the Planning Commission felt they didn't have enough information to make a recommendation regarding the lot feasibility. They asked the applicant to provide the following information for them to consider:

1. Provide information about the other property owners who access the driveway and show the locations of driveways. Mr. Campbell provided a revised sketch plan for the Planning Commission to review and stated only the Fry's had an easement for the common driveway. Mrs. Fry said that was incorrect, Mrs. Ruth Lammey also owns property that has an easement for access to the common driveway. Mr. Campbell stated he wasn't aware of that, but would investigate. The property was not shown on the County tax parcel map. In addition, it is still unclear who has access to this driveway because in addition to the Lorimer residence and the Fry and Lammey properties, there is a rental property and a business on the Lorimer property.

2. Determine if the 10 acre parcel has conservation easements or any other deed restrictions. According to Mr. Campbell there are no conservation easements or deed restrictions on the property.
3. Provide information about the current driveway easement including ownership, and information on maintenance. It appears that Mr. Lorimer owns the driveway and the Frys and Lammey's have an easement permitting access. Mr. Campbell did not provide information on the maintenance of the driveway.
4. The Planning Commission would like to know more about the kennel business operating on the property in front of the Lorimer tract as that may affect their recommendation. Mr. and Mrs. Fry expressed concern about creating another lot from the Lorimer property.
5. It appears there is another common driveway that is parallel to the common driveway that will be used for this proposed subdivision. The applicant should provide a plan showing those properties and who has rights to use the driveway and/or easement. According to Mrs. Evelyn McClure, that is a private driveway that provides access to property owned by Elizabeth and Kevin Cetroni, her daughter and son-in-law.

Mrs. Phyllis Matson stated she would be concerned about further subdivision of the property. It had been her understanding that it had been determined sometime in the past that nothing else could be built on this 10 acre parcel

Mrs. Evelyn McClure said there are many springs in the vicinity of the driveway. She was concerned that creation of a new lot, or changes to the existing driveway, could cause stormwater problems or impact existing features.

Mr. Rawlings asked Mr. Mayhew if he had any comments on the property. Mr. Mayhew stated he did visit the property and there is an existing pond, wetlands and riparian buffer. Water is provided by a spring box in the creek. He wasn't sure that would be a suitable water supply if the property were subdivided. The proposed lot #2 is sloping, with some steep slopes in the northwestern portion of the lot and it is heavily wooded. The plan does not indicate whether a perc test has been done or where a house would be located.

Mr. Campbell wanted an opinion from the Planning Commission about whether they could support the plan. The Planning Commission again stated that not enough information was provided to give an opinion. They would like to see a plan showing who lives where, the correct property lines, and what is physically on the Lorimer property. Mr. Campbell stated he didn't think his client wanted to do any in-depth studies of the property until it would be determined whether the Planning Commission would support the plan. The Planning Commission and Mr. Mayhew didn't feel that the applicant needed to provide a fully engineered plan, but would like to see more detail than was provided.

Mr. Thomas discussed the width for a private road. He was concerned that with an 18 foot cartway and 31-foot right-of-way, there would not be sufficient area room to handle the stormwater. Mr. Campbell conceded that might be an insurmountable problem.

Mr. Rawlings asked Mr. Campbell to let the Planning Commission know if his client is still interested in pursuing this subdivision.

Watters/Spence Property Sketch Plan

Ross Unruh, Esq., attorney for the applicant, Richard Burke, Ted Kochen, from Gambone Development Company, Angelo Capuzzi from Chester Valley Engineers, Jamie Sundermier from DelVal Soils and John Mahoney, Esq., on behalf of the Watters family, discussed a proposed sketch for the Watters and Spence property. The properties will be merged together and the applicant is proposing 115 town homes and development of a 10 acre commercial area. There is open space and a trail system shown on the plan. Since the applicant is proposing to develop the commercial area first, the land development plan for the commercial area will be submitted to the Planning Commission prior to submission of the proposed town home community. Mr. Unruh provided the Planning Commission with a reduced version of the sketch plan, showing the revisions based on Township comments. He said the applicant would review these changes with the Municipal Authority at their April 11, 2006 meeting.

The revised sketch proposes to relocate the entrance roadway opposite to Bollinger Road. In order to accomplish this, there will need to be a land swap with the adjacent property owner, Joseph Amann. Mr. Piersol said that he left messages to discuss this issue with Mr. Amann, but has not heard from him yet. Mr. Piersol will continue to try and schedule a meeting with Mr. Amann to discuss this. According to Mr. Unruh, moving the Amann driveway so that it enters off the proposed road into the Watters development will allow for safer ingress and egress from the Amann property.

East Brandywine Township would like the developer to construct a road through the commercial portion of the property to connect North Guthriesville Road and Route 322. Mr. Unruh has written a letter dated March 27, 2006 to Township Solicitor Stacy Fuller to discuss this issue. In the letter Mr. Unruh stated that the developer was willing to consider this request, provided certain problems related to it can be resolved. One problem is the effect the road will have on building setbacks and the ability to develop the commercial piece of the property. The developer's engineer, Angelo Capuzzi has suggested that if the connector road is dedicated to the Township as an easement, as opposed to in fee, there will not be a setback problem. Creation of this road will create a subdivision in the opinion of Township Engineer Al Giannantonio. Mr. Unruh is waiting for Mrs. Fuller's response. Mr. Piersol stated that he, Mrs. Fuller and Mr. Giannantonio will be discussing this issue.

Section 350-33.B of the Land Use Code stated that to insure adequate sight distance, minimum center line radii for horizontal curve shall be 750 feet for collector streets. The

center line radius for the proposed street is 500 feet, although Mr. Unruh stated the road achieves adequate sight distance. Mr. Unruh also pointed out that the road through the development will connect with the reconfigured North Guthriesville Road, thereby creating two points of access through the development, as requested by the Planning Commission. The developer plans to dedicate the road to the Township.

In order to construct the road system as shown, there may be some zoning relief needed. Mr. Unruh asked for the Planning Commission's support in the event that the applicant needs waivers from the Board of Supervisors or variances from the Zoning Hearing Board. Prior to giving an opinion, the Planning Commission needs to know the specific relief that will be needed.

The Municipal Authority's preference is for the sewage to be treated at the Applecross treatment plant and disposed of on the Watters/Spence properties. Although the applicant would like to initially treat the sewage from the commercial portion of the property at the existing treatment plant serving Brandywine Village, the Township and Municipal Authority would like this to be temporary. They would like to eventually see the treatment plant decommissioned and the sewage from the Watters property and the Brandywine Village shopping center treated exclusively at the Applecross treatment plant and disposed of on the Watters/Spence property. Again, Mr. Unruh stated that the developer could not speak for the owners of the Brandywine Village Shopping Center. The Planning Commission realizes this, but is aware that AWI/Croppers is still interested in expanding the store and possibly purchasing land from Gambone in order to do this.

The existing house and barn will be retained by the Watters family on a 1.7 acre parcel. There are no plans to demolish those structures. At the last Planning Commission meeting, it was suggested that the applicant investigate whether these structures are listed on the Township's Historic Resource map. The Watters house is a Class II Historic Resource, but there are no plans to demolish the building. There is no documentation that the Spence house is a historic structure. Mrs. Marshman stated that she didn't think it was an historic structure, but thought the house might be a Sears home, which may have some historical significance. The developer isn't sure whether the Spence house will be demolished, or will be used for some other purpose. The Planning Commission suggested the house could be used for a clubhouse for the Homeowner's Association, or possibly be retained as a residence.

Currently, there are livestock in the Watters barn. The Planning Commission wanted Mr. Mahoney to make sure Mrs. Watters was aware that if she only retains 1.7 acres with the barn, she would not be permitted to keep livestock on the property. Mr. Mahoney made the Watters family aware of this issue.

The Planning Commission asked that the applicant make sure that lighting from the proposed development does not spill onto the remaining Watters property and suggested that the property be buffered with landscaping. There will be minimal lighting near the townhouses and intersections installed for security reasons.

Each townhouse unit will have a driveway that will allow off-street parking for two cars, and one or two car garages. The building setback will be thirty feet from the road although it is allowed to be twenty feet by ordinance.

Mr. George Holmes asked if the connector road will go to the existing traffic light. The road will connect to that traffic light.

Mrs. Louise Walker stated that there were water problems in the Timbers development near the back of the Watters/Spence property. She wants to make sure that problem was taking into consideration. She was also concerned about the appearance of the basin, and pump house and lighting that might spill into the Timbers development.

Mr. Dennis McCool from Quail Hill Lane stated that he will be looking at the back end of the property and hoped that the developer would do some landscaping to buffer the property. The developer did agree to do some landscaping. He was also concerned about the number of cars and the speed on North Guthriesville Road. Discussions regarding North Guthriesville Road and the road configuration will be discussed further.

The applicant will need to pay a traffic impact fee to the Township. Whether that fee will be off-set by the road improvements will also be discussed at a later date.

Mrs. Kate Okie asked if the sewage disposal areas would be counted as part of the overall required open space. Those areas are not counted in the open space calculations. She also stated that the Open Space Committee is interested in protecting viewsheds. She asked whether a small group of townhouses in the northern portion of the property could be relocated. The developer didn't think they could be moved, but did say that with the existing natural features, they shouldn't be easily seen from the road.

Mr. Chris Saello stated there was a small creek and two or three springs on the Spence property. He was concerned that construction on the property could either dry up the springs or make the area wetter. Mr. Unruh stated that this area is to remain undisturbed.

Mr. Carl Walker stated that when the Brandywine Village Shopping Center was built there was a drainage area constructed under the parking lot. He was concerned that the area might be on top of an aquifer and that development might add substantial water to the aquifer. He suggested that a geologic study be done. Ms. Sundermier stated that a hydrogeologic study will be done as part of the land development process and it will be submitted to PADEP for their review and approval.

The Planning Commission asked that the applicant pay particular attention to traffic circulation, and consider a connector road near the existing sewage treatment plant and the Croppers store for truck deliveries. There were some concerns that this could be used as a cut-through road. The applicant will look into this as part of the overall road system.

AWI/Croppers Extension

The applicant provided a letter granting an extension to review this land development plan until October 31, 2006. In a letter dated March 29, 2006, Debra Shulski, attorney for the applicant said that they have had discussions with the equitable owner of the Watters property about a possible purchase of a portion of the property. They are asking for this extension in order to continue those discussions. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension. Mrs. Marshman seconded the motion, with all voting Aye.

CMR Development Corporation Extension

The applicant provided a letter dated April 4, 2006 granting an extension of time to review this subdivision until June 30, 2006. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Moser seconded the motion, with all voting Aye.

Rothman Tract Subdivision

The applicant is proposing to construct an 11 lot subdivision on 32 acres off of Bondsville Road in the south central portion of East Brandywine Township. The property is in the R-2 zoning district. Mr. Sean O'Neill, attorney for the applicant and Mr. Dennis O'Neill, engineer for the applicant represent Stirling Property Management. Mr. Neal Barkon, one of the principals of Stirling Property Management, also attended the meeting.

According to Mr. Dennis O'Neill, Project Engineer, there is a net tract area of 22.41 acres which would allow 12.55 units. There are 13.4 acres of open space or 41% of the property. There will be a homeowners association that will maintain the open space and dam area. In addition there is private open space shown on lot #11 that will be maintained by the homeowners association. The lots range in size from one acre to 9 acres. All lots will be served with on-site water and septic systems. Nine of the lots will have standard septic systems. Lots #2 and #7 are proposed to have sand mounds, although deeper perc tests will be done to see if they can also have standard septic systems.

Mr. Dennis O'Neill stated that he has been investigating the historic nature of the property. Although the existing house has a designation of 30-10 on East Brandywine Township's Historic Resource Inventory, in doing further research this number appears to be the designation for a property on Marshall Road. He will continue to investigate this, but would like the help of the Historic Commission in trying to straighten this out. Mr. Giordano will discuss it with the Historic Commission at their next meeting. Mrs. Marshman stated that she would investigate this at the Chester County Historical Society.

It is the applicant's intention to demolish the house, but they will retain the garage, springhouse and barn on lot #1. In order to demolish a Class II Historic Structure,

the applicant will need to comply with Section 399-65 of the Zoning Ordinance related to demolition of historic resources.

Section 399-58.C. (5) (b) states that no individual segment of open space shall be less than 100 feet in width at any point. Open Space "A" has a width of approximately 75 feet, but is limited by the adjacent properties to the north and south sides. Mr. Mayhew said that variance approval by the Zoning Hearing Board will be required for the narrower width to be included in the open space. Mr. O'Neill stated that the Zoning Ordinance allows for some discretion for the location of the trail within the strip, as is shown on the plan. He thinks this satisfies the intent of the ordinance.

Two tanks will be constructed to provide fire protection for the 11 lots, and the house and rental property on the Butler property. Mr. Sean O'Neill asked for clarification about providing fire protection to the Butler property and rental property. It is not required by ordinance, but those two homes are on a common driveway going through the property and they have no other means of fire protection.

The plan shows a 990 ft. long cul-de-sac with a bulb. There will be a 20 ft. cartway with curbs. There are no proposed sidewalks or street lights. The road will be dedicated to East Brandywine Township.

The plan shows a new bridge will be constructed to the west side of the existing bridge. The existing bridge will remain as a pedestrian crossing. The Planning Commission wanted to know if the placement of the bridge would affect the dam. Mr. Dennis O'Neill stated that soil bearing analysis has been done that indicates the dam won't be affected. In addition, the dam will be brought up to PADEP Bureau of Dam Safety standards. Mr. Cushman raised concerns about the liability issue concerning the dam. Mr. Sean O'Neill will investigate whether insurance is available for the dam and determine how much insurance would cost the homeowners' association. This will also need to be spelled out in the covenants. There are concerns that the homeowners' association may find maintenance of the dam burdensome. The Planning Commission would like to have penalties such as liens on lots spelled out if the homeowners' association failed to maintain the dam. Mrs. Moser reminded the Planning Commission that the Medford Lakes Community in New Jersey had problems when their dam was breached. Mrs. Marshman stated that she has seen pictures of flooding in the area of the Rothman Tract from the 1940's, although there have been a number of improvements to the dam since then.

There is an existing millrace that is shown in the wetlands. Mr. O'Neill stated the only disturbance allowed by a Joint Permit will be done in the wetlands. This area will be deed restricted, and this will be spelled out in the covenants. The Joint Permit with the Army Corps of Engineers will trigger a historic review of the property under Section 106

of the Federal Historic Preservation Act. Mr. O'Neill will meet with Mr. Mayhew to address all stormwater management issues.

There is an easement on the property that provides access to the Butler property and a rental property owned by Mr. Butler. He has several concerns about his access. He is concerned that once construction begins the existing bridge may not be usable and because the woman living in his rental property is elderly and not in good health, if a problem arose, those properties may not be accessible to emergency vehicles. Mr. Dennis O'Neill stated that the applicant would take this into consideration; the existing bridge would remain open until the new one was constructed. The Planning Commission would like to make access to those properties a condition of any plan approvals. Mr. O'Neill will discuss any changes in the driveway placement with Mr. Butler.

Mr. Butler also stated that the driveway was in a state of disrepair. In fact, it was so bad that he spent over \$7,000 of his own money to make repairs to the driveway because Mr. Rothman would not return his numerous phone calls regarding this. It was noted that Mr. Rothman is not part of Stirling Management Property. Also, on the Rothman property there are electric lines that are nearly falling on the ground. According to PECO, the maintenance of these lines is the responsibility of the Rothmans. All utilities on the Butler property are underground. Again, Mr. Rothman has not returned phone calls about this problem on his property. Mr. Butler asked if he needed to belong to the homeowner's association. He does not. The Planning Commission suggested Mr. Butler address his concerns with Mr. O'Neill after the meeting.

The Planning Commission wanted to know how many lots the applicant could have with a yield plan. Mr. O'Neill stated that he believes they could have nine lots, but noted that it is not a requirement in the Ordinance to provide this information since the applicant is constructing a by-right cluster plan.

Mr. Mayhew said that the wells and septic systems of adjacent property owners need to be shown on the plan. Mr. O'Neill said he would provide this and also said that hydrologic studies would need to be done because of existing nitrite conditions.

Specimen trees will be identified and provided with a later submission.

Mrs. Kate Okie asked Mr. O'Neill to review the net tract area and total tract area for the property. Mr. O'Neill explained how the number of lots was determined. Using the cluster option in the R-2 District each net lot area must be a minimum of 30,000 ft. Mrs. Okie asked about placing conservation easements on some of the larger lots. The applicant is not prepared to do that and in any event, although the gross lot area is larger than 30,000 sq. ft. there wouldn't be sufficient net area to subdivide any of the proposed lots in the future.

Mr. Rawlings stated that the placement of the trail should connect with the Township property known as the Bondsville Mill.

Mr. Carl Walker was concerned about the view of the existing dam and wanted to make sure the viewshed was protected. He wanted to make sure that the millrace remains open

and flowing. Mr. Walker also mentioned that the applicant might consider a trail connection to the McCausland property.

Wawa

Mr. Piersol stated that the Board of Supervisors has received a letter from Joseph Brion, attorney for the Wawa Development requesting “an extension of time in accordance with Section 508 of the Pennsylvania Municipalities Planning Code with regard to the language which states “substantially complete the required improvements as depicted upon the plats within a five year time limit. The Pennsylvania Municipalities Planning Code permits that an extension be granted by the governing body from Article 508 (4)(iv) and would request the extension for a period of three years from December 19, 2006 up to and including December 19, 2009”. This letter is being reviewed by Township Solicitor, Stacey Fuller to determine if this extension is needed.

Mama Lena’s Update

Wawa and Pulte Homes met on March 13, 2006 to discuss the off-site improvements that are being considered for the road system and the Act 105 permit related to the demolition of the Mama Lena’s building. According to PADEP, Wawa and the owner of the Mama Lena’s property must follow the process for obtaining the Section 106 permit prior to demolishing the building.

Ordinance Task Force

Mr. Rawlings stated that work is progressing with reviewing the Comprehensive Plan. Results of the recently completed Township survey should be available on the East Brandywine Township web site within the next several days.

Mrs. Marshman has compiled information on Ordinances related to “demolition by neglect”. This will be discussed at the next Ordinance Task Force meeting.

The next Ordinance Task Force meeting will be held Wednesday, April 25, 2006 at 7:30 P.M. at the Delaware County Community College in Room 238.

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 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 remains very concerned about traffic circulation throughout the site. Mr. Cushman made a motion to recommend that the Board of Supervisors not approve the proposed changes until a representative from Sunoco attends a Planning Commission meeting to discuss this issue and they have an opportunity to make a formal recommendation to the Board. Mr. Rawlings seconded the motion, with all voting Aye.

K. Hovnanian

Mr. Piersol stated that Yerkes is in the process of reviewing the engineered plan recently submitted for the Weaver tract. Once a review letter is completed, a meeting will be scheduled with the Township Settlement team, then a meeting with representatives of K. Hovnanian will be scheduled to continue discussions regarding the settlement agreement.

Hopewell Methodist Church

Mr. Piersol has been working with one of the Church trustees on the 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 is very 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. Piersol is following up with this matter and should have an answer by next month.

Toth Property

At the last Planning Commission meeting Mr. Piersol was asked to investigate whether there were any deed restrictions on the Toth property. Mr. Piersol wasn't able to find anything that would indicate there were deed restrictions although he said that plans for

an early subdivision of this property could not be located. It was suggested that Jack Stapleton from Stapleton and Lacey might have access to those plans.

AES Sparrows Point LNG Project Information

Michelle Wingenwroth from Martin Associates contacted Mr. Piersol in January to discuss a natural gas pipeline project proposed to run through East Brandywine Township. Mr. Piersol attended a meeting, along with other Township Managers, to discuss this proposed project on Tuesday, April 4th.

AES Corporation is a large power company, running 26 power plants worldwide. They have formed AES Sparrows Point LLC to construct, own and operate a large Liquid Natural Gas (LNG) import and re-gasification facility at the Sparrows Point Industrial Complex near Baltimore, Maryland.

AES Sparrows Point LLC will import LNG from overseas via ship at this port facility. The terminal will offload the liquid from the ships, and store the LNG in three 160,000 cubic meter containers. The facility will then vaporize the liquid into a gas, and transmit the gas through a newly-constructed pipeline to the Texas Eastern Eagle storage and terminal facility in West Vincent Township.

Mid-Atlantic Express LLC will own and operate the pipeline. Mid-Atlantic Express is a subsidiary of AES Corporation. This venture is proposed to meet the increasing demand for energy in the northeast region. It is expected to control the cost of providing fuel gas in the region, which now gets its fuel through pipelines originating in Texas and Canada.

The project proposes to construct a 28" diameter pipeline which follows to the greatest degree possible the existing Columbia Gas Pipeline over its 85 mile route. This facility was upgraded two years ago; three years prior, a subcontractor installed three underground fiber-optic cable trunks along this route, which caused a huge public relations problem due to poor communication with property owners, and construction problems. AES Corporation desires to avoid similar problems with this project.

Public outreach will begin shortly to the property owners along the anticipated pipeline route. Mailers are expected to be sent the week of April 13th.

Other Business

Dee Durham from the Save Route 41 group will attend the April 6th Board of Supervisor's meeting at 8:15 A.M. to give a presentation on Roundabouts. Members of the Planning Commission are invited to attend and participate.

Comments from the Audience

Mr. Rawlings asked if there were comments from the audience. There were none.

Adjournment

There being no further business Mr. Giordano made a motion to adjourn the meeting. Mr. Thomas seconded the motion, with all voting Aye. The meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer