

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, August 3, 2005 - 7:30 PM**

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. Charles Jackson, 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.

Planning Commission Minutes – June 1, 2005

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

Mullray Builders Subdivision

The plans propose the creation of two lots from a single 6.0319-acre tract on the west side of Bondsville Road, and have been revised to address the comments of the May 31, 2005 Yerkes review letter. The plan was originally submitted as a sketch plan. The property is owned by Stacey Porter and Charles Petroff. Mr. William Mullray is the equitable owner of the property. The applicant proposes to subdivide the six acre property into two lots in the R-2 Zoning District. Lot #1 has an existing dwelling, swimming pool and stone deck. Lot #2 has a stable that the applicant plans to demolish.

Mr. John Smirga, engineer for the applicant discussed the Yerkes August 2, 2005 review letter.

4. The plan is a subdivision plan and a surveyor registered in Pennsylvania must seal future submissions. Mr. Smirga agreed to have all further submitted plans sealed by a registered surveyor.

10. The perc test locations should be shown for both the septic system and the SWM system. In his letter Mr. Giannantonio commented that the perc test locations

have been shown, but only 3 holes are indicated for the proposed septic disposal system, and they are not evenly distributed within the septic field outline. Six are required and they must be evenly distributed. The field testing for the proposed lot is unacceptable. The Township cannot approve this plan without adequate field testing. Mr. Smirga will revise the plan accordingly.

10. The construction on Lot #2 will exceed one acre of land disturbance and will require an NPDES permit. This permit has been submitted and a copy will be provided to the Township once approval is received.

General Comments

The applicant's engineer has provided a plan showing the surrounding properties and structures within a radius of 300 feet. There are two historic structures to the north of the site on the left side of the plan. While this plan is not part of the numbered set, it does depict the structures that exist near the proposed subdivision, as was requested by the Planning Commission. Mr. Giannattonio asked that a north arrow be added to the plan.

The Chester County Health Department has provided comments to the applicant. He has submitted the requested revisions and is waiting for their final review.

The applicant has applied for a PennDOT permit. This permit is required for final plan approval.

Mrs. Moser was concerned about stormwater runoff from the property onto Bondsville Road. Mr. Smirga stated that a planting berm will be constructed for most of the length of the property. Mr. Jackson stated that the grading plan is acceptable as submitted.

The Chester County Planning Commission has provided comments for the Planning Commission's review.

The Planning Commission asked that Mr. Smirga add all of the requested information and submit separate preliminary and final plans for review at the September meeting.

Heather Wynd

The applicant is proposing a 20 lot single family home development, each lot to be at least 45,000 SF net as allowed in the R-2 cluster zoning. Homes will be 3,500 to 5,000 SF. Public water and septic systems will serve the property. The plan depicts a 20-lot subdivision on 59.1540 acres on Corner Ketch Road. The development will be accessed by a boulevard type street with an 18 feet wide, tree-lined center island and each of the boulevard roads will be 18 feet wide.

Mr. Ross Unruh, attorney for the applicant, Mr. Richard Burke from the Gambone Development Company and Mr. Michael Bowker from Momenee and Associates discussed the Yerkes review letter of July 29, 2005 review letter.

The plans were revised in response to the Yerkes review letter dated June 30, 2004 and per the NPDES review. Changes made on the revised final subdivision plan include the following items:

- A list of requested waivers is included on Sheet 3 of 16;
- The proposed inlet #32 has been moved into an existing easement;
- The proposed trail has been removed since there is no viable connection with the adjacent property;
- The plant schedule has been revised to include multiple species within the large planting areas;
- Details have been added to clarify the proposed lighting fixtures.

Mr. Unruh stated that the applicant agrees to call the conditions outlined in the Yerkes review letter.

It was noted that the trail connection was eliminated from the last submission. The applicant explained that this was done because it was their understanding that an agreement couldn't be reached with the Hopewell Homeowners' Association regarding a trail connection. The Planning Commission asked that the easement for the trail be put back on the plan for a possible future interconnection with the Hopewell Subdivision. The applicant agreed to do this.

The NPDES permit has been revised according to previous comments.

The boulevard street will be aligned with the street entering the proposed Lyndell Point subdivision. The applicant has worked out an arrangement with Southdown Homes to do improvements to Corner Ketch Road that will include straightening of the roadway. Mr. Piersol stated that the Township was satisfied with these improvements

After review of the plan Mr. Corbin made a motion to recommend the Board of Supervisors grant final plan approval subject to returning the trail easement to the plan, approval of the NPDES permit, satisfaction of all outstanding items in the Yerkes July 29, 2005 review letter, PennDOT approval for the Highway Occupancy Permit, payment of \$40,000 fee-in-lieu of open space and payment of \$70,150.80 in traffic impact fees. Mrs. Marshman seconded the motion, with all voting Aye.

Rothman Sketch Plan

The owner of the property is Allen and Patricia Rothman and the applicant is Stirling Property Management, Inc. The property is 32.8361 acres gross, 22.6807 acres net, and is in the R-2 Residential District. The property is located at the northeast corner of the

intersection of Bondsville Road with Hadfield and North Bailey Roads. The site contains an existing farmhouse, two garages, a barn, driveway, bridge, woodlands, steep slopes, floodplain, water hazards soils, wetlands, pond, dam, stream and Beaver Creek. The plan proposes to subdivide the property into eleven residential lots. The proposed Lot 11 shows the existing farmhouse, driveway and accessory structures which are to be razed. Lot 11 will also have private open space included, as currently allowed by Ordinance as a Conditional Use; however, the Planning Commission will recommend later this evening that the Board of Supervisors remove this section of the Ordinance. Access to the subdivision will be via a proposed 990 feet long cul-de-sac road off of Bondsville Road. Each lot will be provided with an individual on-site well, septic and stormwater management.

Mr. Dennis O'Neill from Herbert E. MacCombie discussed the Yerkes review letter of July 25, 2005. He stated this was the latest revision of the sketch plan. The plan has been modified to address most of the Planning Commission's previous requests.

The riparian buffer needs to be delineated on the plan. Mr. O'Neill stated that the plan proposes 15.12 acres of open space including the pond and the stream. The applicant plans to construct a new bridge across the stream and leave the old bridge as a walking bridge only. The bridge is likely to be made of pre-cast concrete similar to the one installed on Hadfield Road and the bridge currently being installed on Buck Road.

There is some confusion about a historic structure on the property. Mr. O'Neill stated that there is a historic structure shown as number 30.10 on the Township's Historic Resource map. When he researched this number with the State, it showed 30.10 as a structure on Marshall Road. He isn't sure if the historic structure on the property is the house, barn or possibly the bridge. Mr. Giordano, who is the Planning Commission's liaison with the Historical Commission, will investigate this.

The applicant plans to serve the properties with onsite wells and septic systems. Mr. O'Neill expects the testing to begin within the next two weeks. There will be a stormwater basin on each lot. The full stormwater management plan isn't engineered yet.

Mr. O'Neill stated that there were no plans to construct a trail on the site since it would probably have to go through environmentally sensitive areas such as the wetlands. The Planning Commission suggested he consider installing a trail that would connect to the Mill property, which was recently purchased by the Township. A boardwalk trail might be constructed in the wetland areas. Open space on the property will be maintained by a Homeowner's Association.

Section 350-48.I of the Subdivision Ordinance stated that any subdivision that proposes more than 5 lots is to provide underground storage reservoirs for fire protection. Mr. O'Neill would rather install a dry stand pipe rather than installing an underground reservoir. The applicant must demonstrate that there is a reliable source of water for fire protection. Any fire protection plan must be approved by the Township Fire Marshall.

It was asked if there was sufficient room to construct a second bridge between the existing bridge and the dam. Mr. O'Neill said there was sufficient room. The Planning Commission raised questions about access to the Butler property, which is landlocked, but does have an access easement. It was strongly suggested that the applicant determine if there is any mention of the access provided to the Butler property on their deed that may have any bearing on the proposed plan. Mr. O'Neill will research this.

Section 350-23.H – Mr. Jackson stated that the existing topography in the vicinity of the dam, bridge, and proposed road entrance does not appear to be correctly shown and should be more accurately depicted. The design drawings should include the pond and watercourse elevations.

Mr. Rawlings asked that Mr. O'Neill submit a yield plan. Mr. O'Neill has agreed to provide this.

Mrs. Moser stated that the Planning Commission has seen several sketch plans for this property. The last plan showed 8 homes. She is concerned about the length of the cul-de-sac that has two very long driveways at the end because of access by emergency vehicles. The Planning Commission had previously recommended the applicant consider a second access through the Locust Knoll Development. Mrs. Moser also wondered how the pond could be considered part of the open space. Mr. O'Neill said that it might be used for active recreation. Mrs. Moser thought this unlikely since it would be part of the private open space on Lot #11.

The Planning Commission is very concerned that the house and barn on the site have been neglected to the point where they are falling down. Although the barn and garage may be salvageable, the house is in a state of near collapse. There is also an ice house that is collapsing and according to Mr. Butler, very dangerous. They asked Mr. Barkon to look at stabilizing the existing structures. He agreed to do this.

There are concerns about the safety of residents who will live on close proximity to the pond and the dam. Mr. O'Neill was asked how he plans to keep children away from this area. There are no Ordinance requirements to fence these areas.

Section 399-13 – The FEMA Floodplain FIRM shows both undetermined and determined floodplain elevations. The floodplain where elevations are provided should be accurately mapped on the plan with the floor elevations provided. Floodplain limit designations should be shown on the plan. A Jurisdictional Determination will be submitted to the Army Corp of Engineers.

Mr. Cushman asked that the applicant make sure the plan is in compliance with the Ordinances as they pertain to test wells.

The Planning Commission stated the following issues were important to resolve as this plan moves forward:

1. Preserving the existing bridge.
2. Preserving the older structures on the site.
3. Determining if the increased number of lots now shown on the site complies with the Township ordinances.
4. The Planning Commission objects to the pond and creek being part of the private open space.
5. Maintenance and liability for the dam. If the dam were to fail the Homeowners Association may be liable for costly repairs. Mr. Corbin suggested that the State Bureau of Dam Safety be contacted determine the stability of the existing dam.
6. Stormwater management.

Mr. and Mrs. Don Butler, owners of the property that has an access easement through the Rothman tract, discussed their concerns about the proposed subdivision. In addition to their concerns about access to their property, they are also concerned about how this subdivision might affect their pond or springs on their property. They were also concerned with possible water runoff from the Rothman tract. The Planning Commission asked that the applicant try and resolve these issues with the Butlers and keep them up-to-date on their discussions.

Mr. O'Neill was asked if the applicant intended to submit another sketch plan or a preliminary plan. He wasn't sure at this time, but does plan to resubmit shortly.

Forge Hill Subdivision

The owner and applicant is Pine Hill Associates, Inc. The property is located at the southwest corner of Creek Road and Dowlin Forge Road and has a gross area of 37.0692 acres and a net area of 26.3798 acres. The tract is in the R-1 Residential Zoning District. The plan has been prepared using the Cluster Residential Development regulations. The plan proposes development of 13 lots based on the yield plan methodology with designated open space areas. The site contains an existing dwelling, barn, shed, driveway, woodlands, steep slopes, floodplain, water hazard soils, wetlands and a stream. The existing dwelling is to remain on Lot #13, which also shows private open space, requiring a Conditional Use Hearing. The existing driveway, shed and barn are to be razed. Access to the subdivision will be by a proposed 987 foot long cul-de-sac road intersecting with Creek Road. Each lot will be provided with an individual on-site well, septic system and stormwater management system. The applicant may request public water as part of a previously submitted Conditional Use application. The hearing has been temporarily postponed at the applicant's request. The plan also shows an easement that can be used to bring water from the Hillendale Development. Three additional stormwater basins are also proposed.

Mr. Dennis O'Neill, engineer for the applicant, discussed the preliminary plan. He stated he had just received the Yerkes review letter dated August 1st and was still reviewing those comments. He will schedule a meeting with the Township engineer to discuss outstanding issues prior to the next Planning Commission meeting.

Mr. O'Neill recently met with the Conservation District to discuss the stormwater management design. A stream crossing though the property will be required. This stream is designated as a high quality stream. The applicant has applied for an NPDES permit and will need a Highway Occupancy Permit from PennDOT. The applicant's traffic consultant, Traffic Planning and Design, is currently reviewing the sight distance requirements and will be conducting a speed survey of the property. The Planning Commission is very concerned about access to the property since the proposed location is on a very dangerous section of Rt. 282 (Creek Road). Mr. Corbin stated he was particularly concerned because there were generally several accidents every winter in the vicinity of the entrance that may block access to the development. It was recommended that the applicant consider constructing some sort of bus stop shelter that is off the road for the safety of children attending school. In addition, the Planning Commission would like to see the applicant exceed PennDOT safety regulations since they think the road as shown will create a very dangerous intersection. Since the Clayton's driveway is approximately 45 feet from the proposed intersection, it was recommended that the applicant contact Mr. Clayton about any improvements to the area. Mr. O'Neill will contact the Township so that a representative can be present during any meetings with PennDOT to discuss the road for this subdivision.

It is the opinion of Mr. Jackson and the Planning Commission that there are 4 driveways on the cul-de-sac. Mr. O'Neill disagrees. The Ordinance allows only three driveways on a cul-de-sac bulb. This will be discussed further with the applicant.

The revised plan should show existing features such as well and septic systems within 300 feet of the property line.

Street trees shown on the plan need to be moved from the road right-of-way. Replacement trees are needed if the applicant disturbs more than 25% of the trees. Mr. O'Neill says the applicant does not plan to exceed the 25% threshold, including the trees already removed. Mr. Rawlings thinks they are close to the threshold and wants to make sure they don't exceed it. Although the applicant does not propose street lighting, there will be a lamppost at the end of each driveway.

The applicant has agreed to show a trail on the plan. Since there are wetlands that will need to be crossed, the applicant may construct some sort of footbridge. The Planning Commission would like to see a trail system that connects the property to the proposed Hillendale subdivision and in close proximity to the Struble trail. The Commission agreed that sidewalks could be constructed as part of the trail interconnection. It will be

the responsibility of the individual homeowners to maintain the sidewalks in front of their homes.

The Planning Commission asked Mr. O'Neill whether he could investigate keeping the house and barn on the same lot. He agreed to look into this, but thinks it might be difficult to do.

Mr. Jackson was asked to review the previously-submitted Yerkes letter related to the type of soils on the property.

Mrs. Kate Okie stated that there are several roads on the Wayne/Stafford area that use bumps to control speed. This might be something for PennDOT or the applicant to consider helping with the safety issue of their proposed intersection.

Mr. O'Neill expects to revise the plan in time to attend the October Planning Commission meeting.

Ordinance Task Force Items

At their July 27, 2005 meeting, the Ordinance Task Force discussed the Common Space standards contained in Section 399-58. The Task Force has recommended the Planning Commission consider deleting the section on private open space, Sub-section 399-58 C (j)(5), in its entirety. After review, Mrs. Moser made a motion to recommend the Board of Supervisors delete Sub-section 399-58 C (j)(5) of the Zoning Ordinance, in its entirety. Mr. Giordano seconded the motion, with all voting Aye.

The Task Force is in the process of revising the regulations related to keeping of small domestic animals. This issue has intermittently been a problem from an enforcement aspect, since the regulations mention primarily dogs and cats, and are not sufficiently specific to be easily enforceable.

The Ordinance Task Force has proposed additions to the day care standards in the Zoning Ordinance for facilities providing care for more than 6 persons, in particular children. The Task Force has suggested the Township consider permitting these facilities in Village Commercial and Mixed Use Commercial Districts.

Brandywine Heights Subdivision

Messrs. Rawlings, Cushman and Piersol met with representatives of Dewey Homes to discuss the proposed Brandywine Heights Subdivision. The applicant now plans to construct 94 units in Caln Township, with access through East Brandywine Township. Since this plan is substantially different from the plan originally submitted to the Township, the applicant has agreed to formally withdraw the original plan. Discussions will continue with the applicant regarding the 17 acres in East Brandywine Township. The Township would prefer that the East Brandywine Township portion of the property

be maintained as open space. There may also be discussions about emergency access through the Brandywine Hunt development. Questions remain about who would maintain the portion of the road that would go through East Brandywine Township. Mr. Piersol wasn't sure who would maintain it, and will need to discuss this with the Township Solicitor. The road as shown on the new plan does not show construction of a traffic light, but does show that no left turns will be allowed. The Planning Commission is concerned about a "No Left Turn" lane since the "No Left Turn" signs at the Delaware County Community College and at Margil Farm Drive in the Cumberland Ridge Development are virtually ignored by motorists.

Other Business

The Planning Commission remains concerned about the fencing that was to be installed around the basin at Hopewell United Methodist Church. Mr. Piersol stated they have installed some sort of fence in the basin that is not acceptable to the Township. He has been trying to contact someone at the Church regarding this, but so far has been unable to do so. The Planning Commission unanimously recommended that the Township cease approving permits for special events at the Church until the fencing is installed to the satisfaction of the Township Engineer.

Mrs. Moser stated that there is a garden and a swing set in what appears to be the open space in the Hopewell Development. The Planning Commission will discuss what is allowed in common open space at the next Ordinance Task Force meeting.

Comment from the Audience

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

Adjournment

There being no further business Mrs. Moser made a recommendation to adjourn the meeting. Mr. Corbin seconded the motion, with all voting Aye. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township