

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, July 5, 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  
Mrs. Sandra Moser, Member  
Mr. Scott T. Piersol, Township Manager  
Mr. Albert Giannantonio, Township Engineer  
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

**Absent:**

Mr. Mervin Thomas, Member  
Mrs. Beth Valocchi, Ex Officio Member

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

**Planning Commission Minutes – June 7, 2006**

Mr. Rawlings asked if there were additions or corrections to the June 7, 2006 minutes as presented. There were none. Mr. Cushman made a motion to approve the minutes as presented. Mr. Giordano seconded the motion, with all voting Aye.

**Notices**

The Sunoco Zoning Hearing will be held Thursday, August 3, 2006 at 7:30 P.M. at the East Brandywine Fire House.

The Eldridge/Shanaman Zoning Hearing will be held Thursday, August 3, 2006 directly following the Sunoco Zoning Hearing at the East Brandywine Fire House.

**Sunoco Zoning Hearing Discussion**

Mr. Giannantonio provided a letter dated July 5<sup>th</sup> regarding the zoning relief requested by the applicant. He had the following comments.

1. The hours of fuel delivery should be clearly defined. There are discrepancies within the application and between the application and the Planning Commission's Meeting Minutes. The front page of the application for zoning relief indicates a request to permit fuel deliveries between the hours of 8:00 P.M. and 7:00 A.M. Exhibit "A" in the application requests fuel deliveries between the hours of 10:00 P.M. and 6:00 A.M. In the Planning Commission Meeting Minutes, the Planning Commission supported fuel deliveries

between the hours of 11:00 P.M. and 6:00 A.M. **As outlined in the May 3, 2006 Planning Commission Minutes, the Commission supports delivery hours between 11:00 P.M. and 6:00 A.M.**

2. There appears to have been no discussion of fuel deliveries on Sundays and legal holidays, which should be addressed. **The Planning Commission will not support deliveries on Sundays or legal holidays.**
3. If the decision of the Board is positive, the plans should be revised prior to the recording or re-recording of the plans, to note the zoning variance granted and any conditions that are a part of the decision. A final revised set of sealed plans should be forwarded to the Township and Yerkes Associates.
4. All remaining details discussed in the Exhibit "A" appear to be acceptable.

### **Applecross AKA Overlook Road Farm**

#### Extension

The applicant is granting an extension to review this subdivision until August 17, 2006. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Marshman seconded the motion, with all voting Aye.

### **Dilworth Tract**

The owner of the property is the Dilworth Family Limited Partnership and the applicant/equitable owner is Rouse/Chamberlin Homes. The property is located west of Dilworth Road, south of its intersection with Jefferis Road. The gross area is 70.884 acres and the net area is 66.50 areas. The tract is in the R-2 Residential Zoning District. The plan has been prepared using the Cluster Residential Development regulations. The plan proposes development of 38 lots with designated open space areas and 4,000 linear feet of roadway. The site's existing use is agricultural with grazing area for livestock. The existing site is accessed via the adjacent Okie property or from a gate off of Dilworth Road. The property contains a barn, shed, driveway, and pastureland, woodlands, steep slopes, a Mobil Pipe Line, water hazard /alluvial soils, wetlands and a stream. The existing barn is to remain in an area designated as Private Open Space Lot #28. Access to the subdivision will be from Dilworth Road and a connection with Evergreen Drive. There are two internal cul-de-sac roads proposed. Each lot will be provided with an individual on-site well. All lots will be served with a community septic system with a gravity sanitary sewer line. Three basins and a storm sewer collection system are proposed for stormwater management.

The Planning Commission reviewed the Yerkes review letter of June 30, 2006 and the Chester County Planning Commission letter of June 6, 2006. Messrs. David Englund, Jonathan Penders and Stephen Gallo attended on behalf of the applicant.

Chester County Planning Commission Comments

27. The Chester County Planning Commission recommended that the applicant consider eliminating the Dilworth Road access and access the site from Elmwood and Evergreen Drives. This idea had been discussed in previous Planning Commission meetings and the Planning Commission preferred to keep the primary access from Dilworth Road because of better traffic circulation, emergency access and access during construction of the property.

Mr. Gallo stated that Rouse/Chamberlin is getting ready to send the General Permit application to PADEP for the stream crossing. He went on to say there should only be 5/100ths of an acre disturbance at the stream.

Although Dilworth Road was not under water during the last series of storms, Mr. Gallo reported that the pipe on the property is in need of replacement. The pipe is currently 30" in diameter. He expects the new pipe to be 36" in diameter

Zoning Ordinance

1. Section 399-13.1.B (2) (a) [2] & B (2) (b) [2] – The Riparian Corridor Conservation District (RCCD) Setback Zone Line should be shown measured 75 feet from the centerline of the stream from the southern property line in a northerly direction until it intersects with a common point on the RCCD Setback Zone Line measured from the wetlands. With the line shown, the Proposed Community Septic System and easement area may need to be adjusted outside the RCCD Zone Setback Line. Mr. Gallo will review the Army Corps of Engineers Jurisdictional Determination and follow-up with Mr. Giannantonio.

Acceleration, Deceleration and Turning Lanes

53. Section 350-36.A – Deceleration or turning lanes may be provided for all new developments whether or not determined by a traffic impact study or PennDOT and designed in accordance with Section 350-36.B. Deceleration or turning lanes are to be provided for the entrance from Dilworth Road.
54. Section 350-36C – Acceleration lanes or paved tapers may be provided when required. Mr. Giannantonio recommends a paved taper acceleration lane be provided at the proposed exit onto Dilworth Road.
56. Section 350-38.B. (3) – Encroachment into wetland areas or the floodplain district, where unavoidable, shall be done only after all required permits for such encroachment are obtained from the DEP, FEMA, the US Army Corps of Engineers or other such agency having jurisdiction over such areas. The proposed methods of subgrade preparation for such areas shall be detailed on the subdivision plan. The plan proposed a portion of Road "A" to be constructed

across wetlands, the stream and through alluvial soils. The Road "A" crossing should be detailed on separate Wetland and Stream crossing Plans. Additional details and suitable notes should be provided regarding the road subgrade in these areas where the subgrade has the potential for underlying wet conditions. A note should be placed on the plan that all subgrades are to be observed by the Township Field Representative prior to paving and installation. All wetland and floodplain crossings must be approved by the appropriate agency for final plan approval.

Mr. Gallo discussed the above items. He stated that Dilworth Road was a low impact road and asked whether the Planning Commission would prefer highly engineered deceleration and acceleration lanes or would like to see something with less impact. Mr. Giannantonio thinks that a deceleration lane should be constructed. Mr. Giannantonio will discuss this with Mr. Gallo and a copy of the plan will be sent to Mr. Andy Heinrich, the Township's Traffic Consultant so he can provide an opinion about the above issues. Although Dilworth Road isn't heavily traveled at this time, it is expected that many more motorists will be using it because of the amount of development planned in the vicinity.

51. Section 350-35.H – Stop signs are to be provided at all intersections. Mr. Giannantonio recommends that the intersection of Road "A" with Evergreen Drive be provided with 3-way Stop Signs in order to reduce potential traffic speeds along Road "A". Again, Mr. Gallo will send information on this to Mr. Heinrich for his opinion.

#### Open Space and Sewage Absorption Beds

Mr. Corbin asked that the open space along the perimeter of the property be clearly delineated so that property owners don't use it for swing sets, gardens, etc. In addition, the sewage absorption beds should be clearly marked with protective fencing during construction. Mr. Gallo will attempt to do this with a combination of landscaping and permanent markers. He will submit this for review by the Township Engineer.

#### Connection with Elmwood Drive

A connection with Elmwood Drive is not shown on the plan. The applicant was asked to show an easement going from the proposed cul-de-sac to Elmwood Drive for a possible future connection.

#### Limits of Clearing

Mr. Gallo was asked to mark the limits of clearing near the south wooded lots prior to clearing them.

### Landscaping Comments

Mr. Rawlings asked the applicant to provide additional buffering at some of the basins. In addition, he stated that the plan shows the use of Mountain Laurel. He said that plant doesn't do well in this area because of the deer population.

### Existing Features

It was noted that the plan doesn't show wells within 300 feet of the property. Mr. Gallo stated that there were no wells within 300 feet of the property.

### Miscellaneous Comments

A Phase II and Phase III Trapping Study showed no bog turtles on the site.

A mounding analysis shows that there should be no significant change in the water table. The water drawn from the aquifer should be returned to it.

It was asked if residents from Evergreen Drive are aware that the road will be open to the new subdivision. Some residents are aware of this. It has been discussed in several meetings and the Planning Commission Minutes are posted on the Township's web site at [www.ebrandywine.org](http://www.ebrandywine.org).

### R-2 Zoning Regulations for Clustered Residential Development

9. f. iv. Section 399-58.C (5) (i) – Private Open Space – In accordance with this section and Section 399-137, a Conditional Use has been granted to allow the area of Private Open Space. Note #12 on the plan should be expanded to indicate that Conditional Use has been granted by the Board of Supervisors and include the Conclusions of Law, Conditions and Decision per Section III of the Conditional Use Order.
  1. Section III.5.a – The private open space shall be restricted and maintained. Note #12 indicates the private open space is restricted from subdivision and is to be owned and maintained by the Homeowner's Association. Mr. Giannantonio thought that the use of the existing driveway that traverses the adjacent Okie property and barn would possibly be used by the new owner of Private Open Space Lot #28. Mr. Gallo stated that the access easement will be used for the barn only, not for the proposed residence, as is Mrs. Okie's agreement with the current property owner. If an access agreement, easement or other documentation already exists that will apply to Lot #28, then it should be shown and noted on the plan. Documentation for restrictions and maintenance of the private open space is to be approved by the Township Solicitor for Final Plan Approval.

### Driveways

62. Section 350-40.O – In order to provide adequate turn-around maneuverability from residential streets, all new driveways are to be provided with a minimum “L”-shaped back-up area as described in this section and illustrated on the Township Standard Residential Driveway Maneuvering Details for Side and Front Entrance Driveways, Sheets 7 and 8 in Appendix A. Mr. Gallo stated the applicant will comply with this section.

### Fire Protection Reservoirs

69. Sections 350-48.I (1) through (10) – Fire Protection Reservoirs are required to be provided for all subdivisions of more than five lots. The locations and details for the installation of Fire Protection Reservoirs are to be provided on the plans in accordance with the provisions of this section. Mr. Piersol asked that details for the Reservoirs be forwarded to him for this review. Three to four Reservoirs will be needed for this development. The dwellings need to be no more than 600 to 700 feet from the nearest reservoir, when possible.

### Landscaping

75. Section 399-79 Buffering and Screening of Visual Impacts  
This section requires landscape compliance with Table I, Minimum Planting Guidelines.
  - a. Per 1,000 SF paved area: The applicant has not included any plantings for this requirement.
  - b. Per 100 LF of existing road frontage: The applicant has referenced existing road frontage as “filtered view”, yet a site inspection indicates mostly, if not all, “unobstructed view.”
  - c. Per 100 LF of property boundary along residential properties: The applicant indicates 1,684 LF, yet take-off of applicant derived lengths is 1,848 LF.

Mr. Gallo stated that the landscape architect will address this section.

75. Sheet 21 of 23: The applicant provided a note which references a 100’ riparian corridor management plan per conditional use order dates July 20, 2005. Section III.5.i of the order required that the 100’ buffer be “protected and restored”; however, the plans offer no response to this requirement. The applicant should prepare a detailed protection and restoration plan to satisfy the requirements of the conditional use order.

Subdivision and Land Development Ordinance

1. Section 350-53.C Conservation of Woodlands and Other Vegetation

This section limits woodland disturbance to 25% of total woodlands. Sheet 5 of 23, Existing Features Plan, utilized two symbols for wooded areas on the plan drawing, yet does not identify these symbols in a legend column. It is assumed that the solid "tree line" represents true wooded areas and the "interrupted tree line" represents overgrown areas, but not true wooded areas. Mr. Giannantonio has determined that the property features approximately 225,500 SF of true wooded areas (not including the pipeline right-of-way), of which approximately 28.6% is proposed for removal. This is 3% to 6% above that which is permitted. The applicant should clarify the wooded area discrepancy.

Mr. Gallo will revise the plans and resubmit for additional review.

**Eldridge/Shanaman Zoning Hearing**

The applicant has applied for a variance from Section 399-28.A.4 of the Zoning Ordinance to construct an attached garage 13 feet from the side yard property line. Ms. Eldridge and Mr. Shanaman reside at 123 Ridgewood Circle, which is located within the R-2 Zoning District. In order to comply with the above section of the ordinance the structure should not be less than 40 feet from the side property line. Ms. Eldridge explained that since they purchased the property nearly a year ago they have done extensive renovations of the property. They would like to convert the existing garage into a family room, open up the existing dining room and kitchen to the proposed family room and construct a garage with a breezeway that will connect to the existing home. Along with the application, Ms. Eldridge and Mr. Shanaman provided letters from adjoining property owners who all expressed their support for the zoning relief request. The proposed garage would be situated approximately 120 feet from the residence closest to the side property line.

Mr. Giannantonio reviewed the application and has the following comments:

1. The lot is in the R-2 Residential Zoning District which required a 40-foot setback for attached dwelling additions that are in side or rear yards areas. The proposed garage is to be within 13 feet of the side lot line.
2. A detached garage of the same size proposed can be constructed in the side or rear yards and can be as close as 15 feet to the lot line.
3. The application for variance is for Section 399-A.4 which requires a 40-foot setback for any part of the principal structure. The proposed attached garage would become part of the principal structure. The variance requested is for a 13-foot setback, a difference of 27 feet.

4. The variance requested appears excessive when the same structure at the same location could be done as an unattached garage with only a 2-foot variance required at its present location. If the garage remained detached and was shifted slightly toward the rear yard and 2-feet further from the side property line, it might not need any variance at all. There doesn't appear to be a true hardship in this instance to relocate the garage to comply with the Zoning Ordinance.

Ms. Eldridge explained that because of where the house is situated and the sloping terrain of the property on the other side yard, it wouldn't be practical to have the garage moved there. In addition, the septic system is in the backyard and would likely be too close to move the garage toward the back. In fact, the current garage doesn't meet with setback requirements for the R-2 zoning District, it is between 37 and 39 feet from the property line.

Although less of a variance would be required if the garage were detached, Ms. Eldridge and Mr. Shanaman would like to have the breezeway/mudroom attached because they have five children who will be using it to enter the house.

After this discussion, Mr. Giannantonio stated that he didn't see a problem with the plan, but did point out that it was a substantial request.

Mr. Corbin stated that the location of the proposed garage makes sense for the plan. He pointed out that one of the neighbors constructed a tennis court right on the property line.

Mr. Piersol explain that one reason an accessory structure can be 15 feet of the property line, where an attached garage must be 40 feet from the property line is because then the structure won't be used as living space. Ms. Eldridge explained that the garage would only be one story with rafters above. At one point they had planned to have living space above, but knowing this might be a concern of the Zoning Hearing Board, decided to only build the garage.

Mrs. Marshman suggested that the applicant provide more pictures for the Zoning Hearing Board to see at the time of the hearing.

Mr. Corbin suggested that the applicant simplify the breezeway and the description of it.

Mr. Rawlings polled the Planning Commission regarding the application. Mrs. Moser, Mrs. Marshman and Mr. Corbin supported the plan. Mr. Rawlings stated that he didn't support the application. Mr. Cushman and Mr. Giordano suggested that the applicant move the garage back and detach it. It was suggested that a breezeway could be constructed that would not be attached to the garage.

Ms. Eldridge and Mr. Shanaman thanked the Planning Commission for their time.

### **Corner Ketch Landing**

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 and driveway, 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 reviewed the Yerkes letter dated June 19, 2006

#### Stormwater Management and Erosion and Sedimentation Control

27. Section 350-52.D (4) – All plans for erosion and sedimentation and stormwater management shall conform to the plan content requirements of the Pennsylvania Department of Environmental Protection’s Soil and Erosion and Sedimentation Control Manual. The plans will disturb more than one acre and will require submission to the Chester County Conservation District and PADEP for review. A letter of adequacy from the Chester County Conservation District and an NPDES Permit from PADEP will be required before final plan approval can be granted. Mr. Cushman stated that he is waiting for approvals from PADOT, the Chester County Conservation District and PADEP.
19. Sections 350-29.F (3) (a) & 350-40 G
  - e. Terms of the driveway access easement and of a required declaration for the common driveway are subject to review and approval by the Township Solicitor for Lots #2, #3 and #4. The access strip for Lots #2 and #3 is shown as an easement across Lot #4. It would normally be required to be a fee-single strip owned by one of the rear lots in accordance with Section 350-29.F (3) (a). The applicant has requested a waiver of this section and the Planning Commission agreed to recommend approval of the waiver at its meeting of February 1, 2006. A use and maintenance agreement for the common drive

has been sent to the Township Solicitor for review and approval. To date this review has not been received.

33. A stormwater maintenance agreement should be prepared and forwarded to the Township Solicitor for approval. Approval will be required prior to Final Plan approval by the Board.

Once the outstanding items in the Yerkes June 19, 2006 review letter are addressed, the applicant will approach the Planning Commission for a recommendation for Final Plan approval for the subdivision.

### **Hopewell Methodist Church**

Mr. Piersol asked Chairman Rawlings to stop at the Church during the week of June 19<sup>th</sup> to review this installation to make certain he was in agreement. The post-and-rail fence installation began the previous weekend, with all post holes dug and a majority of the fence installation completed. Mr. Rawlings stopped at the Church, noting the post holes were dug, but not all the posts were in place. Mr. Piersol advised that the Church Trustees were hoping to complete the project the following weekend.

Mr. Piersol had previously reviewed the construction with Mr. Wercholuk on site. He had suggested installing one additional fence post and railing section closer to a tree near the basin outlet and the rip-rap channel located there. Due to the rocky ground in this area, and due to the post holes attempted, another post was not practical. Mr. Piersol then recommended they continue the fence green wire from the last fencepost, and attach it the tree, or drive a green metal post into the ground behind the tree, attaching the wire mesh to the metal fencepost. He asked Mr. Wercholuk to keep him apprised of their progress.

Mr. Piersol met with Jerry Wercholuk, Tom Rhoades and Gary Emmanuel, on Saturday, June 24<sup>th</sup> at the Hopewell Church basin. Mr. Wercholuk was hoping to complete the fence post and rail installation that Saturday during their work day. They were also hoping additional manpower would arrive to assist with this construction project, and possibly complete the entire project that day.

Mr. Piersol checked the site late last week, and noted all fence posts were installed. The 2-section swinging access gate and green wire mesh had not yet been installed.

Mr. Piersol received an e-mail Friday, June 30<sup>th</sup> from Trustee President David Cloetingh. He stated he expects the installation of the 2-section gate and the green wire mesh to be completed by this weekend (July 8<sup>th</sup>), which will complete this project.

Mr. Piersol will continue to monitor this issue. He expects the gate and wire mesh will be installed this weekend as promised.

### **Rothman Tract**

Mr. Rawlings met with the applicant's engineer, Dennis O'Neill, to discuss the barn, bridge and trail system on the property.

To date, the barn is not secured. Mr. O'Neill agreed to discuss this with the applicant so it can be secured immediately. Mrs. Marshman stated that she thought someone was at the barn yesterday and that possibly they were working on securing it.

The Planning Commission and Bondsville Mill Committee would like to see only one bridge on the property, rather than two bridges proposed on the preliminary plan. Mr. O'Neill will look at ways to reconstruct and expand the existing bridge to make this possible.

The applicant will construct a sidewalk down to and along the millrace. A trail to the Bondsville Mill property will be shown on the plan.

### **Smokehouse Farms**

Mr. Rawlings noted that silt fence has been installed on the property.

Mr. Bates has ordered a dry hydrant and storage reservoir for the property. Mr. Piersol stated it should take approximately 6 weeks to deliver. A Use and Occupancy Certificate will not be issued for the house being constructed on Lot 10 until the dry hydrant issue is resolved.

### **Stormwater Management Issues**

Mr. Rawlings asked if there were any stormwater problems with Township developments during the recent storms. It was noted that a pipe caved in near Old Horseshoe Pike. There were some problems with a swale at the Hide-A-Way Farms property. A meeting took place this morning about E & S problems at the HeatherWynd site. Mr. VanLew, Mr. Russell Yerkes and Mr. Jeff Cantlin would follow-up with these issues.

### **Hillendale**

Mr. Rawlings, Mr. Giannantonio and Mr. Townes toured the property to review proposed changes to the limits of disturbance in the proposed development on Creek Road. It was the opinion of Mr. Rawlings and Mr. Giannantonio that the proposed changes improved the site. A number of the septic test pits were still open. Mr. Townes stated that he would make sure they were closed and secured.

### **Bondsville Mill**

Mr. Rawlings stated that the site needs to be further secured. Mr. VanLew will post additional signs and make sure the site is secure, to the extent possible.

### **Brandywine Creek Campground**

Mr. Piersol spoke to Mrs. Carmen Garber about the campground. He was assured that the campground is only open from April 1<sup>st</sup> to October 31<sup>st</sup> and that this is spelled out in a lease agreement signed by the owners of the campsite and the campsite occupants. A new campsite lease is required every year.

### **Signs**

Mr. Rawlings stated that he has not seen real estate signs along Rt. 322 since the Township contacted the firm that placed them along the roadway each weekend. Mr. Piersol stated the Township would continue to monitor this situation.

### **HeatherWynd Development**

The developer is changing the design of one of the stormwater basins because of problems with the original design. They are working with representatives of the Township and the Chester County Conservation District to ensure the basins work properly.

### **Comments from the Audience**

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

### **Adjournment**

There being no further business Mr. Cushman made a motion to adjourn the meeting. Mr. Rawlings seconded the motion, with all voting Aye. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer