

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, March 1, 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.

**Planning Commission Minutes – February 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 February 1, 2006 minutes as presented. Mr. Giordano 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.

Mr. Campbell stated the applicant probably needs a waiver from Section 350-29.F of the East Brandywine Township Lane Use Code regarding interior lots. There are currently two interior lots shown on the plan, and the proposed subdivision would create three. 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. Mr. Campbell states it is approximately 30 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. Corbin asked Mr. Campbell to explain the rationale for how they configured the proposed Lot #2. Mr. Campbell said there isn't a lot of usable land in the vicinity of the pond. Mr. Corbin suggested that if the subdivision were to be approved the applicant should deed restrict the 8 acre portion of the property from further subdivision.

The Planning Commission felt they didn't have enough information to make a recommendation regarding the lot. They asked that the applicant 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.
2. Determine if the 10 acre parcel has conservation easements or any other deed restrictions.
3. Provide information about the current driveway easement including ownership, and information on maintenance.
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.
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.

Mr. Campbell stated he would provide the above information so that the Planning Commission can make a recommendation regarding the sketch plan.

#### **Pine Hill Associates, Inc.**

The owner and applicant is Pine Hill Associates, Inc. The property is located at the northwest corner of Creek Road and Dowlin Forge Road, has a gross area of 37.0692 acres and net area of 24.6844 acres. The tract is in the R-1 Residential Zoning District. The plan proposed development of 13 lots based on the yield plan methodology with designated open space areas.

Sean O'Neil, Esq., attorney for the applicant, and Dennis O'Neill, engineer for the applicant discussed the revised plan and the Yerkes review letter dated March 1, 2006, and the result of the flow test results on the existing well.

Well Test Results

B.L. Myers Bros. of Pennsylvania performed a flow test on the existing well at 404 Creek Road on February 28, 2006.

| <u>Time</u> | <u>Static Level</u>                   | <u>Gallons Per Minute</u> |
|-------------|---------------------------------------|---------------------------|
| 10:50 A.M.  | 8 ft.                                 | 8                         |
| 11:20 A.M.  | 17 ft.                                | 8                         |
| 11:50 A.M.  | 18 ft.                                | 8                         |
| 12:20 P.M.  | 18 ft.                                | 8                         |
| 12:50 P.M.  | 18 ft.                                | 8                         |
| 1:20 P.M.   | 18 ft.                                | 8                         |
| 1:50 P.M.   | 18 ft.                                | 8                         |
| 2:20 P.M.   | 18 ft.                                | 8                         |
| 2:50 P.M.   | 18 ft.                                | 8                         |
| 4:00 P.M.   | 18 ft. re-measured static water level |                           |

Well Depth – 140 ft.

Casing – 28 ft.

Mr. O’Neill stated that on Friday a well will be drilled for a second pump test. The Township Land Use Code specifies that the applicant must provide two pump tests as part of their conditional use application for public water. Mr. Corbin asked if the Township has a minimum yield for pump tests. Section 350.48.C.2.a states that a test well shall have a production capacity of not less than two gallons per minute, which is potable and suitable for domestic use. A bacterial analysis of the water showed that the water is considered potable bacterially, at this time. The water does meet EPA, DEP and Chester County Health Department standards for Coliform Bacteria. The Planning Commission is satisfied that this item is resolved, but wanted to go on record as stating that no discussions regarding water for this site should be in any way construed as a commitment by the Township to approve providing public water to this site.

Special Exception Requests

Mr. Sean O’Neill noted that the Zoning Hearing Board voted unanimously to grant the applicant’s special exception requests at the February 2, 2006 hearing.

Section 399-14.D(3)(a) - Two special exceptions were granted to permit construction of single-family dwellings on Lots #1 and #2 within the Steep Slope Conservation District.

Section 399-14.D(3)(d) – One special exception was granted to permit construction of a portion of the storm sewer components upon Lot 12 within the Steep Slope Conservation District with the following conditions:

1. No more than 8,000 square feet of steep slope area shall be disturbed upon Lot #1;
2. No more than 6,500 square feet of steep slope area shall be disturbed upon Lot #12.
3. Prior to any earth disturbance upon Lots #1 and #12 the steep slope area to be disturbed shall be delineated to the satisfaction of the Township Engineer.

Although the applicant did withdraw his appeal from the determinations of the Township Engineer with respect to the manner in which steep slopes are delineated, the Zoning Hearing Board determined that they would uphold the Township Engineer's interpretations of the Zoning Ordinance on what constitutes steep slopes within East Brandywine Township.

March 6, 2006 Yerkes Review Letter

8. Section 399-58.C(5) – The ownership and maintenance of the Open Space should be addressed. A conservation easement should be established for the Open Space Areas. The plan note entitled “Open Space” on Sheet #1 describes the ownership and maintenance issues and should be reviewed and approved by the Township Solicitor. This can be done as part of final plan approval.
15. Section 350-24.D(1)(c)[1] – The location and elevation of proposed roads, trails and utilities. Mr. Giannantonio noted that the following information should be provided:
  - a. The proposed road entrance from Creek Road has incomplete information. Additional detail is required regarding grading and spot elevations, deceleration and acceleration lanes. Mr. Giannantonio stated that minor additional grading information was added to the plan, but more is still needed. Plans for submission to PennDOT will contain complete information. The applicant's engineer indicated that Traffic Planning and Design was preparing the PennDOT plans for submission and that a set of those plans would be included with the final submission. Mr. Dennis O'Neill stated that the road configuration on the plans meets PennDOT's regulations concerning sight distance.
39. Section 350-47.D – Approval will be required from DEP and the Chester County Health Department for on-site septic systems. Details for the construction of the various on-site septic systems should be provided on the plan for final plan approval.
40. Section 350-48.B – Approval will be required from DEP and the Health Department for on-site wells if the subdivision is not served by public water. This item will be resolved prior to final plan approval.

41. Section 350-48.I – Any subdivision that proposes more than 5 lots is to provide underground storage reservoirs for fire protection. Note #6 on Sheet #1 appears to address this comment satisfactorily, but Mr. Giannantonio recommends that it be checked by the Township Solicitor. The applicant shows underground storage tanks on the plan and these needs to be approved by the Fire Marshall as part of final plan approval.
  
44. b – Post-development drainage area plans for controlled and uncontrolled runoff should be provided for both stormwater basins and storm sewer conveyance. The path for the time of concentration should be plotted. Mr. Giannantonio noted that the storm water basin drainage area plans have been submitted, but the storm sewer drainage area plans have not. He stated that the applicant needed to demonstrate that the proposed inlets don't drain in an area larger than the stormwater basins can accept. This can be resolved as part of the final plan review.
  
48. Section 350-52.H(4) – Calculations for energy dissipaters and rip-rap aprons should be provided. This is part of the Erosion and Sedimentation Control Plans and is under review by the Chester County Conservation District. This can be resolved as part of the final plan review.
  
51. The following comments regarding infiltration/spread basins should be addressed:
  - a. Calculations for all spread basins and infiltration beds should be reviewed to include the volume from roof runoff and infiltration rates. The volume proposed for each bed must be shown to control the actual amount of runoff determined in the design of each bed. Calculations should be provided to show that the volume difference between the 2-year pre and the 2-year post storms is being infiltrated based on the percolation rates. Since the beds are to infiltrate 100% of the runoff flowing to them, the volume of each bed should be verified based on the storm duration and intensity. Mr. Dennis O'Neill stated that there is room to expand the beds if needed. This item is part of the E & S plans and is under review by the Chester County Conservation District.
  - d. The limiting zone elevation should be noted on the plans for each bed and the plan should indicate that the bottoms of the beds are to be 2 feet above the limiting zone. This item is part of the E & S plans and is under review by the Chester County Conservation District.
  - h. The length and slope of piping should be provided. This information is shown for the bed on Lot #12, but not the others. This item will be corrected by adding a dimension on Sheet #15 to the Overflow Relief Spread Basin.

66. There is a note in the Conservation Narrative that states that stormwater management facilities on individual lots will be maintained by the property owners on those lots. However, Basins #2 and #3 are outside of the lots in the open space and Basin #1 traverses Lots #8 and #9. A homeowner's maintenance agreement for the basins should be prepared and submitted to the Township Solicitor for review and approval.

Section 350-53.E(4) – No topsoil shall be removed from the site unless a sufficient amount is retained to provide at least four inches of topsoil cover over the entire site's exposed earth surfaces. The plan does not provide conservation and stockpiling of removed topsoil during earthmoving activities. Topsoil should be protected and stockpiled on-site in accordance with this section. The location of all topsoil stockpiles should be shown on the Conservation Plan and should be protected from erosion with silt fencing. This item is part of the E & S plans and is under review by the Chester County Conservation District.

Mr. Sean O'Neill and Mr. Dennis O'Neill stated they would go on record that all of the outstanding items in the March 1<sup>st</sup> Yerkes review letter would be addressed to the satisfaction of the Board of Supervisors and Planning Commission as part of the preliminary plan or final plan reviews.

#### Preliminary Plan Approval Recommendation

Mr. Cushman made a motion to recommend the Board of Supervisors grant preliminary plan approval for the Forge Hill Subdivision as shown on the February 17, 2006 plan, subject to the conditions outlined in the Yerkes Engineering review letter of March 1, 2006 and the Planning Commission's recommendations as outlined in the minutes of the March 1, 2006 Planning Commission meeting. The Developer has submitted a conditional use application for public water, but according to the applicant, the subdivision can be constructed using private wells if public water is not available for the site. Mr. Corbin seconded the motion, with all voting Aye.

#### **Watters/Spence Property Sketch Plan**

Ross Unruh, Esq., attorney for the applicant, Richard Burke, Ted Kocken, and David Dratch from Gambone Development Company, Christopher Williams from McMahon and Associates, Angelo Capuzzi from Chester Valley Engineers, Bill Palkovics from DelVal Soils and John Mahoney, Esq. 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.

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. This commercial development

would utilize the existing entrance at the traffic signal, and be provided with a western exit which would be a restricted "right-out only" road.

The Municipal Authority's preference is for the sewage to be treated at the Pulte treatment plant and disposed of on the Watters/Spence properties. Mr. Mahoney stated he has a letter from Pulte Homes stating they will have capacity to treat (not dispose of) the sewage from the Gambone property. He will provide a copy of that letter for the Township's files. The details of allowing the sewage from the Watters/Spence property to be treated at the Pulte plant still needs to be resolved with Pulte Homes, Gambone Development and East Brandywine Township.

The sketch plan presented shows two areas (Open Space A and Open Space B) where the applicant proposes to use drip irrigation for the town home sewer disposal. Mr. Palkovics estimated that 4 to 5 acres of the open space could be used for that purpose. The applicant plans to treat and dispose of the sewage from the newly proposed commercial area using the existing wastewater treatment plant currently serving the Brandywine Village Center. At the February 14, 2006 Municipal Authority meeting Mr. Piersol pointed out that it was his understanding that the package plant was to be decommissioned once public sewage capacity became available. Mr. Unruh stated that the applicant would consider this, but he couldn't speak for the owners of the Brandywine Village Shopping Center. He also stated that his client would not want to incur any additional capital costs to do this. Mr. Corbin suggested that since the line would be run for the townhouses, the costs would likely be small.

Mr. Palkovics stated that an on-site soil testing program had been completed with PADEP coordination to evaluate the suitability of soils in Areas A and B for onsite disposal. PADEP will require the applicant to provide a backup disposal area for the development that could be as high as 100% of the area.

The Applicant is projecting the development will generate sewage flows of 30,000 gpd. Mr. Palkovics stated that they would be looking to lower the projected flow for the townhouses from 250 gpd to between 175 gpd and 210 gpd. Mr. Corbin thought the projected flow numbers were reasonable, but asked the applicant to provide these flow numbers in writing.

The length of the proposed street is well beyond the 1,000 foot limit allowed by Ordinance and the Planning Commission will not support a waiver for such a long road, Mr. Bruce Rawlings, Chairman of the Planning Commission and Mr. Piersol made recommendations with regard to the road system. These recommended changes may interfere with the sewage disposal systems as proposed although the existing drip fields appeared to be to the west of the proposed road. Suggested plan changes included:

1. The entrance roadway should align with Bollinger Road. An easement would need to be obtained from the adjacent property owner to do this. Possibly Gambone could do a "land swap" with the property owner and then the driveway from that property could enter upon the newly created road, rather than Rt. 322.
2. There should be a second entrance to the development from North Guthriesville Road at Firethorn Drive.
3. Re-direct North Guthriesville Road to the existing traffic signal in front of the Brandywine Village Center. This would require the cooperation of the owners of the shopping center.
4. Restrict the North Guthriesville Road intersection to "right in/right out". Some signalization may still be needed at the Township municipal complex for emergency vehicles.

Mr. Unruh stated that his client would not want to see a road connecting the development to North Guthriesville Road because motorists would use this as a short-cut to Rt. 322, but would be willing to provide an emergency access road. The Planning Commission feels there should be a road connecting to North Guthriesville Road, as opposed to the emergency access since the proposed cul-de-sac is approximately ½ mile in length, and showed the applicant a sketch of where that road might be located. Mr. George Holmes stated he is concerned about another development having access to North Guthriesville Road since there are already nine public access and fifteen driveways. He stated this may cause a dangerous situation, especially where the road is proposed to be located, near the crest of a hill. Mr. Thomas stated that the road wasn't at the crest of the hill, but would be in the vicinity of Quail Hill Lane.

The Planning Commission asked about what sort of commercial properties would be on the site. Mr. Unruh stated he wasn't sure at this time, but possibly a pharmacy, bank or restaurant.

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. It was suggested that the applicant investigate whether these structures are listed on the Township's Historic Resource map. 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.

The owners of the Brandywine Village Shopping Center are interested in purchasing a portion of the Gambone property in order to expand the existing Croppers Market. Mr. Unruh wasn't aware of any recent discussions with the owners of the Brandywine Village Shopping Center about the purchase of property. At the Municipal Authority meeting Mr. Gambone stated he is willing to have discussions with the owners of the existing shopping center about this, but needs more information before proceeding.

## **Applecross AKA Overlook Road Farm**

### Extension

The applicant is granting an extension to review this subdivision until April 20, 2006. Mr. Rawlings made a motion to recommend the Board of Supervisors grant this extension. Mr. Thomas seconded the motion, with all voting Aye.

Ms. Pam Fentner, a Bollinger Road resident, discussed several concerns about the Applecross Development. She said that mud is coming off the property when it rains; trash is blowing into her yard from the construction site and construction is starting prior to 6:00 A.M. Mr. Piersol will contact Mr. Tony Sabatini from Pulte Homes to discuss Ms. Fentner's concerns. Mr. Piersol also suggested Ms. Fentner send an email to document these concerns.

Mr. Giannantonio provided a review letter for Phase I of the Applecross Development. This letter does not include a review of the E & S plans. There were no representatives from Pulte Homes in attendance to review the letter. Since the letter was lengthy, it is likely that representatives from Pulte will review it with the Township Engineer prior to attending a Planning Commission meeting.

Mr. Giannantonio stated that he met with Jan Bowers and Alfred Wright from the Chester County Water Resources Authority, and representatives of Pulte Homes, to review concerns the Water Resources Authority had with regard to the dam near the Applecross development. He stated that this was a very worthwhile meeting and that many of the Authority's concerns were addressed.

## **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 will follow up on this matter. He stated that Mr. Gary Emmanuel, with whom he has been dealing, has been out of town, but is expected to return tomorrow. He will contact him again.

### **Rothman Property Update**

On March 1, 2006 Mr. Yerkes sent a letter to Mr. and Mrs. Rothman notifying them they are in violation of Act 45, of the Uniform Construction Code. Under Section 403.84 of the Code, the property owners have been advised that the building at 1651 Bondsville Road is presently in an unsafe condition. As owners of the property, they must take immediate action to secure the building against further demolition by neglect within 30 days of receipt of the letter.

The letter states that due to its present unsafe condition, the building is to be immediately vacated and secured to prevent unauthorized entry. Securing the building against further damage by the weather or other causes, and against entry, must be completed to the satisfaction of the Township.

### **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. 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 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 proposed 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. The application has not been accepted as a formal subdivision at this time. Mr. Cushman agrees that the 90-day clock to review this application has not started.

Mr. Cushman stated that the plans would be revised in accordance with the February 28, 2006 review letter.

Mr. Rawlings asked that the easement from Keller Way that is currently shown on the plan be removed since it has been determined that the easement was never recorded.

The Planning Commission asked Mr. Cushman for the following information:

1. They would like to see landscape buffering around the perimeter of the property to protect the existing neighbors.

2. Provide information on the Highway Occupancy Permit. Mr. Cushman stated that his engineer is working on this.
3. Show the existing wells on the next plan.

### **Ordinance Task Force Items**

Mr. Rawlings stated that the Public Meeting to discuss the results of the Township Survey was very successful. He especially thanked Board of Supervisor Chairman, Jay Fischer, Mr. Piersol and Mr. David Sweet for all of their efforts in preparing for this meeting.

**The next Ordinance Task Force meeting will be held Wednesday, March 29, 2006 at 7:30 P.M. at the Delaware County Community College.**

### **Other Business**

Mrs. Moser stated she agreed with Mr. Holmes and is concerned about a thru-road connecting the proposed Gambone Development to North Guthriesville Road since it will add more traffic to a very heavily traveled road.

Dee Durham from the Save Route 41 group will attend the April 6<sup>th</sup> 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.

Mr. Thomas suggested that the Township consider an ordinance that would prohibit "demolition by neglect". In addition to the Rothman house, he reported that the buildings on the Nace/McFarland property are also collapsing. Mrs. Marshman will investigate whether other Townships have passed ordinances regarding this.

### **Toth Property**

Mr. Piersol stated that he has been asked to provide information on subdivisions by an interested buyer of the Toth property. Mr. Piersol provided this information. The Planning Commission asked Mr. Piersol to investigate whether there was anything in the Township files regarding whether this property is deed restricted from further subdivision.

### **Comments from the Audience**

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

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**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 9:30 P.M.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer