

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, November 3, 2004 - 7:30 PM**

Those in Attendance:

Mr. Stephen Cushman, Vice-Chairman
Mr. Michael Corbin, Member
Mr. Charles Giordano, Member
Mrs. Deborah Marshman, Member
Mr. Mervin Thomas, Member
Mrs. Beth Valocchi, Ex Officio Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mr. Bruce Rawlings, Chairman
Mrs. Sandra Moser, Member

Mr. Rawlings opened the meeting at 7:35 P.M.

Planning Commission Minutes – October 6, 2004

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. Corbin seconded the motion, with all voting Aye.

Zoning Hearing: Donia Hearing, December 2, 2004

The Zoning Hearing Board will meet on Thursday, December 2, 2004 at 7:30 P.M. to hear the application of Peter and Valerie Donia to construct a mother-in-law suite on their property for Mrs. Donia's parents. The plan is to add a third garage bay to the existing garage, and construct an in-law suite above the garage. Access to the suite would be either from the second-floor deck or through the new garage bay. Mr. Donia has contacted the Chester County Health Department regarding the septic system. Since the plan is to turn one of the existing bedrooms into a study, the applicant does not need to obtain a septic certification. After review of the plan, the Planning Commission took no position on this application.

Zoning Hearing: Grubb Hearing, December 2, 2004

The Zoning Hearing Board will meet on Thursday, December 2, 2004, directly following the Donia Hearing, to hear the application of Joseph and Sandra Grubb to construct a retaining wall and shed. The location of the shed does not meet the front-yard setback in the R-2 Zoning District. It is located 33' from the centerline of the road. To meet right-of-way requirements and zoning setback requirements the shed should be located 66 ½' feet from the centerline of the road. Mr. Grubb began construction of the retaining

**East Brandywine Township
Planning Commission Meeting
November 3, 2004
Page 2**

wall because of erosion problems in that portion of the property. He is constructing the shed to store lawn and garden equipment. The property does not have a garage. There are no plans to ever expand the size of the shed. Mr. Grubb provided pictures of the shed from different locations on the property and from the road. He pointed out that the shed is barely visible from the road.

According to Mr. Grubb, there are constraints on the property as to where the shed can be placed because the location of the driveway, steep slopes and placement of his well and septic system. It was suggested that the applicant provide another plan for the Zoning Hearing Board to review that shows how far the shed is from the centerline of the road, and also shows contours of the property so the Board can get of sense of the steepness of the slopes.

Zoning Hearing: Sciandra Hearing, December 2, 2004

The Zoning Hearing Board will meet on Thursday, December 2, 2004, directly following the Donia and Grubb Hearings, to hear the application of James and Aleen Sciandra to construct a first floor addition that will include a bedroom, bathroom, walk-in closet and laundry room. Mr. Sciandra also plans to add an additional 1 car garage that will be used as a storage area for lawn equipment. Mr. Sciandra stated that all bedrooms and the main bathroom are located on the second floor. Since he and his wife are getting older they would like to have a bedroom and other amenities on the first floor. The proposed addition will not meet the requirements for side yard setback lines in the R-2 Zoning District. Mr. Sciandra provided a plot plan showing the proposed addition being 25' from the side yard lot line rather than the 40' required by Ordinance. The Planning Commission asked if the applicant had applied for a septic certification since he would be adding a bedroom. Mr. Sciandra has contacted the Chester County Health Department and was told that his septic system is large enough to accommodate a fifth bedroom. His septic system was upgraded five years ago; he has a 950 feet of seepage bed in two separate locations and a 1,500 gallon tank. Mr. Cushman asked Mr. Sciandra to check once again with the Health Department to make sure they will approve a fifth bedroom using his existing septic system since future owners are likely to use all or most of the bedrooms in the house, rather than just the one bedroom downstairs.

CMR Development Corporation – Sketch Plan

Mr. Thomas McGrady approached the Planning Commission with a sketch plan for a subdivision in the 500 block of Corner Ketch Road, adjacent to Clover Lane. The applicant is proposing 4 lots in the R-1 Zoning District. There is an existing dwelling and barn on the property. Mr. McGrady is uncertain if the applicant will maintain the existing house; the barn will likely be demolished. The subdivision is to be served by a

**East Brandywine Township
Planning Commission Meeting
November 3, 2004
Page 3**

private drive. The plan shows the private drive with a 50 foot right of way. Mr. McGrady was asked to confirm that the right-of-way was indeed 50 feet wide. The length of the private road will be between 820 feet long and 1,020 feet long. Mr. Cushman stated that the road could be no longer than 1,000 feet in length and that the Planning Commission would recommend that road have a cul-de-sac. Mr. McGrady stated that shouldn't be a problem. It appears from the plan that Lots 3 and 4 are undersized. There is no way the Planning Commission can determine if the applicant will be able to have 4 lots until after the plan is fully engineered. Mr. McGrady will need to check his calculations to make sure they meet the minimum lot size. Perc tests have not been completed. Mr. Cushman stated that DEP may require a sewage management plan for the subdivision. Mr. Piersol stated that the Township does have a sewage management plan, but is still in the process of working with the Chester County Health Department to implement it. Mr. Cushman will provide the information he has from DEP regarding this requirement.

Update on Lyndell Pointe 2-Lot Subdivision

Mr. Piersol stated that Mr. Tim Townes from Southdown Homes asked to meet with the Board of Supervisors at their October 20, 2004 public meeting to discuss the Keats Glen/Lyndell Pointe Subdivision. The agreement of sale for this property required that Southdown close on the property by November 5th. The Board of Supervisors has granted preliminary plan approval for this subdivision, but the applicant is waiting for several approvals from PA DEP prior to requesting final plan approval. In order to complete the sales transaction, Mr. Townes requested the Board of Supervisors consider approval of a phasing plan that subdivides the three-acre parcel to be retained by the current owner from the property that will be the Lyndell Pointe subdivision. No disturbance or other improvements are proposed for this parcel through the land development plan. Mr. Piersol discussed this issue with both Township Solicitor John Halsted and Township Engineer Al Giannantonio. They both reviewed the proposed subdivision and saw no problems with the Board granting preliminary/final plan approval for this 2-lot subdivision. Mr. Townes stated that the Chester County Planning Commission has reviewed the plan and will sign it prior to recording. Phase II and the plans for that portion of the project will not be presented for the Board of Supervisor's consideration until the applicant receives all required approvals. After review of the plan, the Board of Supervisors granted preliminary and final plan approval for this 2-Lot subdivision.

**East Brandywine Township
Planning Commission Meeting
November 3, 2004
Page 4**

Lyndell Point (Blosinski Farm Remedial Investigation Report)

The Planning Commission remains very concerned about approving the second phase of the subdivision if it allows building to occur in the area formerly used as a dump site. They strongly feel that corrective measures need to be taken using DEP guidelines and it should remain as open space. There are continued concerns that any restrictions put on the property may not be adequately communicated to future homeowners and that if real or imagined problems related to the property arise, the expectation from the property owners would likely be that the Township should rectify them. Mr. Cushman will contact Planning Commission Solicitor John Spangler to discuss this issue.

Decovny Subdivision

Mrs. Smedley reported that the applicant is granting an extension to review this subdivision application until December 31, 2004. The applicant has submitted a revised preliminary plan that will be discussed at the December 1, 2004 meeting. Mr. Cushman made a motion to recommend the Board of Supervisors accept this extension. Mr. Thomas seconded the motion, with all voting Aye.

Update on Mt. Idy, Wawa and Sunoco Land Development Applications

Mr. Thomas asked Mr. Piersol for an update on the above land development applications.

Mt. Idy – The applicant has preliminary plan approval and still needs to provide additional information prior to being granted final plan approval. There has been no contact with the applicant for many months.

Wawa – There are still unresolved issues regarding the former Mama Lena's Restaurant and its historic significance. The applicant must comply with all federal and state regulations regarding a contributing Class I historic resource. To date, they have not settled this issue.

Sunoco Convenience Store – The applicant has final plan approval for this convenience store. Mr. Piersol stated they may want to construct a smaller store than originally planned. If the applicant wants to pursue this they will need to do so through the land development process when they request a building permit for the site.

Mr. Thomas left the meeting.

Hopewell/HeatherWynd Trail Connection

Mr. Piersol met with members of the Hopewell Homeowner's Association to discuss a possible trail interconnection between the Hopewell Development and the proposed HeatherWynd Development, near the Tarrytown Lane cul-de-sac. The plan includes a pedestrian connection from the HeatherWynd Development to the Community College. There would be no cost to the Hopewell Homeowners for construction of this trail. Homeowners near the proposed trail were not supportive of this plan since they paid lot premiums for the additional privacy of living on a cul-de-sac. One homeowner suggested putting the trail along Rt. 322. Mr. Piersol and the Planning Commission feel this would create a dangerous situation. Mr. Piersol said he might speak to one of the neighboring residents just north of the Hopewell Subdivision, to see if they might allow a trail easement along the edge of their property. Mr. Piersol will keep the Planning Commission apprised of any new information regarding this trail connection.

Hillendale Settlement Agreement

Mr. Piersol updated the Planning Commission on the Hillendale Settlement Plan. The property is located off of Rt. 282 (Creek Road) and Township Road in the northwestern portion of East Brandywine Township. The applicant is proposing to construct 150 single family dwellings and 59 townhouse units. The settlement plan outlines specific development standards such as density and number of dwelling units, area and bulk regulations, landscape plans, woodlands conservation measures, water supply and sewage treatment.

Mr. Fischer, Mr. Piersol, Mr. Rawlings, Mr. Cushman and Mr. Giannantonio met with the applicant earlier in the day to resolve a few minor issues, including ultimate ownership of the 18 acre open space parcel. The agreement has been modified with changes acceptable to the Township and will be considered for execution by the Board of Supervisors at their November 4, 2004 Work Session.

Amendment to Subdivision Ordinance – Minimum tract size for cluster development

The Ordinance Task Force has recommended amending Section 399-25B.1 of the Subdivision Ordinance for the R-1 and R-2 Districts, to increase the minimum tract area to 20 acres for cluster developments. If approved the section would now read:

§399-25. Regulations for clustered residential development. [Added 3/20/02]

- A. As a design alternative to conventional single-family residential development, clustered residential development is offered in the R-1 and R-2 Districts to achieve greater protection of existing natural features and the characteristic visual qualities of the landscape within this district. Any proposal for clustered residential development should demonstrate a minimized amount of site disturbance, vegetation removal, and visual intrusion by the new dwellings as compared to the anticipated impacts from developing the site as otherwise permitted in this article.
- B. The following regulations shall apply in the R-1 and R-2 Districts to any clustered residential development permitted under the terms of §399-21 A (3):
 - 1. Minimum gross tract area: 10 acres. (proposed to increase to 20 acres)

Mr. Giordano made a motion to recommend the Board of Supervisors have the Chester County Planning Commission complete their Act 247 review on the proposed change, and advertise for the Board's consideration. Mrs. Marshman seconded the motion, with all voting Aye.

Adjournment

There being no further business Mrs. Marshman made a recommendation to adjourn the meeting. Mr. Corbin seconded the motion, with all voting Aye. The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer