

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, September 7, 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. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Scott T. Piersol, Township Manager
Mr. Albert Giannantonio, Township Engineer
Mr. Charles Jackson, Township Engineer
Mr. Michael Mayhew, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mrs. Deborah Marshman, Member
Mrs. Beth Valocchi, Ex Officio Member

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

Planning Commission Minutes – August 3, 2005

Mr. Rawlings asked if there were additions or corrections to the above minutes. There were none. Mrs. Moser 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. 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 September 2, 2005 review letter.

8. The perc test locations should be shown for both the septic system and the stormwater management system. 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. Mr. Giannantonio stated that this item should be illustrated on

Sheet #2 or 3 and was not addressed in the last submission. Mr. Smirga did provide Sheet #2 for Mr. Giannantonio to review. This item is resolved.

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

Preliminary Plan Approval Recommendation

Mr. Corbin made a motion to recommend the Board of Supervisors grant preliminary plan approval subject to approval of the NPDES permit and approval by the Chester County Health Department. Mrs. Moser seconded the motion, with all voting Aye.

Extension

Mr. Rawlings made a motion to recommend the Board of Supervisors accept a 90 day extension to review this subdivision application until December 12, 2005. Mr. Giordano seconded the motion, with all voting Aye.

CMR Development Corporation

The property owners are the Richard J. and Valerie Kutz Family Trust, Et al. The property is located on the east side of Corner Ketch Road south of Clover Lane and is within the R-1 Residential Zoning District. The property is a flag lot with access via a 50-foot access strip on the east side of Corner Ketch Road. A second access shared and located partially on the adjacent farmlands to the south of Elmer J. and Mary Jane Esworthy also exists. The existing gross property area is approximately 10.649 acres. The tract is currently used as a farm and contains a dwelling, barn, paved driveway, fields, lawn areas, stream, steep slopes and woodland. The plan proposes to subdivide the property into four new interior lots with access via a private street. The lots propose on-site sewer, water and stormwater management. Additional stormwater management is provided for the proposed street. Mr. Thomas McGrady discussed this subdivision and agreed to comply with all outstanding items in the September 2, 2005 Yerkes review letter.

Mr. Rawlings asked that the wood line be defined on the next submission. He also asked about tree removal. Mr. McGrady said that very little clearing was scheduled for the property.

The plan shows a large amount of grading on Lot #3. Mr. Rawlings was concerned about creating more steep slopes on the property. Mr. McGrady stated the slopes should not exceed 3 to 1.

The plan shows a 1,000 ft. long private road. Mr. Cushman commented that this road would need to meet Township road specifications and would be very expensive to build four homes. If the applicant were to reduce the density to three homes the property could be accessed by a private drive.

31. Section 350-43.A: Mr. Jackson suggested the Township consider a pedestrian path or walkway. After reviewing the plan, the Planning Commission decided not to recommend a sidewalk or path for this subdivision.
34. Section 350-47: The plan proposes on-site septic systems. The plan shows percolation and test holes in unsuitable locations, specifically under driveways and too close to stormwater facilities, property lines or structures. The locations and type of on-lot systems should be specified. The location of the system should be shown, including all appurtenances and lateral connections. Percolation and test holes are to be within an evenly distributed area. Mr. McGrady stated that the sheet showing this information was sent to Yerkes in error. It will be corrected on the next submission.
41. Stormwater management proposes underground stormwater management basins. The proposed design relies entirely upon adequate underlying ground infiltration/percolation. Mr. Jackson noted that insufficient information has been provided to recommend this system as proposed. Erosion control at the end of the cul-de-sac relies on percolation of the entire site. The applicant needs to schedule perc tests with the Chester County Health Department for appropriate drainage areas. Mr. Cushman stated that nitrates in the soil have been a problem in this area. He suggested Mr. McGrady discuss this with County Health Department officials.

Mr. McGrady stated that he would attend the next Planning Commission meeting to provide an update on the status of the project and expects to resubmit plans for review prior to the November meeting.

Smith Sketch Plan

Mr. Thomas Smith provided a sketch plan of his property at 690 Hopewell Road for the Planning Commission to review. Mr. Smith proposes to subdivide his property into two parcels; a 2.76 acre parcel that shows the house, barn and pool, and a 2.96 acre lot that will be sold. After review of the plan, the Planning Commission stated there was not enough information on the plan to provide comments to Mr. and Mrs. Smith.

Applecross Development AKA Overlook Road Farm – North and South Tracts

The applicant is proposing to build a combination of single family homes, carriage homes, and townhouses for a total of 655 units on both the north and south side of East Reeceville Road, and has submitted a unified final plan. The plan also shows an 18-hole Jack Nicholas designed golf course with a clubhouse. The property encompasses approximately 621.74 acres of land, comprised of 307.58 acres north of East Reeceville Road and 314.16 acres south of East Reeceville Road. The southern portion is located in the R-2 Zoning cluster district and proposes 120 single family homes on individual lots and approximately one-half of the golf course. The portion of the property north of East Reeceville Road was part of a settlement agreement that concluded in April of 2004. The applicant submitted a subdivision plan for the south side of East Reeceville Road based on the requirements of the R-2 Zoning District and was granted preliminary plan approval in March of 2004.

The site historically consists of a total of four farms and is divided into two tracts, for administrative purposes, designated the “North Tract” (north of East Reeceville Road) and the “South Tract” (south of East Reeceville Road). The site contains various farmhouses, dwellings, barns, miscellaneous outbuildings, underground storage tanks, and above ground storage tanks. The remainder of the site contains the Beaver Creek Dam and its lake, open farmland, steep slopes, wooded areas, wetlands, creeks, and a network of farm roads. The Beaver Creek Dam and lake are within an easement of the Chester County Water Resources Authority and will be retained by them. The plan proposes to preserve and relocate the William Moore farm farmhouse and barn and the Charles Trego farmhouse. All other structures are to be razed.

The “North Tract” is being reviewed separately under the “Clustered Residential Development” regulations of the R-3 Residential Zoning District in conjunction with the Settlement Agreement dated April 1, 2004. The South Tract” is being reviewed under the “Clustered Residential Development” regulation for the R-2 Residential Zoning District. The current lot configurations, road layout, stormwater basins, and sewer layout were defined by the Settlement Agreement Final Plan Layout, prepared by Chester Valley Engineers and dated August 20, 2004. The project is proposed to be constructed in five phases.

The portion of the “South Tract” property located directly west of Bondsville Road and east of Zynn Road is now proposed to be a gated community. Residents will access the community by using security cards. These cards will also be provided to emergency personnel. These roads will be private and have Belgian block curbing similar to that proposed on the “North Tract” roads.

As requested by the applicant, Yerkes will be providing two reviews: a planning (zoning and subdivision) review, and a more detailed technical and engineering review that will include review of the Conservation Plan Narrative and Stormwater Management/Erosion

and Sedimentation Control Report. These plans are being reviewed for final plan approval.

The Planning Commission discussed the two Yerkes review letters, one dated August 22, 2005 for the “North Tract” and one dated September 2, 2005 for the “South Tract”. Mr. Ray Grochowski and Tony Sabatini from Pulte Homes, and Theresa Lemley, Esq. attended on behalf of Pulte Homes.

Overlook Road Farm – “South Tract”

The plans submitted for Overlook Road Farm on June 14th note the waivers that were granted either by the Settlement Agreement or granted by the Board of Supervisors when preliminary plan approval was granted for the “South Tract”. There is no differentiation on the plan as to the waivers granted for “North Tract” as opposed to those granted for the “South Tract”. These waivers will be separated on the next plan submission.

Mr. Grochowski stated that the review letter for the “South Tract” was essentially a review of the waivers previously granted in the Settlement Agreement or when Preliminary Plan approval was granted. He agreed to comply with most of the comments, but did discuss the following items:

11. Section 1401.D (now Section 399-104.D) – This section of the Ordinance requires that areas devoted to surface parking may occupy no more than fifty percent (50%) of any required front, side or rear yard. The surface parking area in the multi-family areas and the golf clubhouse exceeds fifty percent (50%) of the required yards. Mr. Grochowski stated relief is no longer necessary since the clubhouse is now part of the same property as the golf course.
30. Section 608.D. (now Section 350-34.D.) – Prohibited the use of maximum road grade with a minimum radius curve. To the extent that 7% and greater is considered maximum, Road F has a section of road with a 7% grade and a 250 foot radius. Mr. Grochowski stated that no relief is needed and the applicant will meet ordinance requirements for this section.
46. Section 350-50.A.4 – The fee-in-lieu of open space requirements were agreed upon as part of the Settlement Agreement.
64. Messrs. Piersol and Giannantonio will meet with Mr. Grochowski tomorrow to discuss time frames for review of the plan. Mr. Giannantonio stated that Mr. Jackson would be reviewing planning issues, roads, profiles, and utilities for the “North Tract”. Mr. Mayhew would be doing these reviews for the “South Tract”. In addition Mr. Jackson will be reviewing the stormwater management for the entire property. Because of the immensity of this project, he expects Mr. Mayhew to be completed with his initial reviews by the end of September and Mr. Jackson to have completed his reviews by mid-October. In addition,

landscaping is being reviewed by Tom Kummer, the sanitary sewer system is being review by Municipal Authority Engineer Joseph Boldaz, traffic is being reviewed by Heinrich and Klein, and information related to the dam is being reviewed by Alfred Wright of the Chester County Water Resources Authority.

64. Section 350-53.c.2

1. The applicant should identify the location of the 22 specimen trees for which credit was taken. Mr. Grochowski has agreed to comply with this.
2. The applicant has noted that of the 5,300 replacement shrubs required, 4,363 of these shrubs shall be used as direct foundation plantings. Replacement shrubs should be utilized as replacement plan materials to be located in open site areas. These plants are not intended for use as foundation plants. The applicant should revise the planting plans to show all replacement plant materials located in open areas. Mr. Grochowski stated that the property is heavily landscaped and his landscape architect wasn't sure where to place some of the plants. It was suggested that the landscape architect for the project meet with Tom Kummer to discuss this. If it is determined that the site is sufficiently landscaped some of the plantings may be placed at the Township Municipal Complex or Community Park.

In previous meetings there have been discussions about moving some of the townhouses on the northeastern portion of the property to Bondsville Road in order to create a courtyard similar to the design used for other groups of town houses. Mr. Grochowski did investigate whether some townhouses could be moved to Bondsville Road, but determined that it wouldn't be practical to do so since he would be replacing single family homes with the townhouses.

There is a steam shown on the Bondsville Road portion of the property. Mr. Thomas thought it might come close to some of the proposed homes. Mr. Grochowski stated that the proposed houses are not in the wetlands and are far enough away from the stream so they should not be affected.

Overlook Road Farm – “North Tract”

1. Sections 1500 & 2203.C.5 – There is a “barn” structure depicted on Sheet 40 at the west corner of Horseshoe Pike and Bollinger Road. During a previous Planning Commission meeting, Mr. Grochowski stated that the barn would be used for a sign for the subdivision's identification. Mr. Jackson has no objection to the sign design concept, but would that like additional details be provided on the sign so that it may be reviewed to determine compliance with both the Open Space and sign construction requirements of the Zoning Ordinance. He offered the following comments:

- a. The location of the barn appears to be acceptable; however, there are no regulations for buildings within the open space. Relief may be required depending on the intended use of the structure.
- b. The sign should comply with the applicable sections of the “Signs” portion of the Ordinance. Specific sections to consider are 1504.2.b, 1505.B & C, and 1506 and 1508.
- c. It should be clarified if the barn is to be a “faux or false barn” or it will be actually intended for some additional use. The proposed structure is within an open space area. Section 2203.C.5.c does not allow impervious surfaces within open space areas except where determined to be necessary for approved sewage or recreational purposes. The barn does not appear to be designed for either a sewage or recreational purpose. Relief may be required for the use of the structure.

Mr. Grochowski stated that initially the barn would be used for sales personnel. There is no designated permanent purpose. There will be a temporary bathroom with holding tanks. The primary purpose of the barn is as a landmark for the development. Mr. Giannantonio stated that the Township does have a holding tank ordinance. The barn will be built in a traditional style and will either be painted or stained. There will be temporary parking for sales personnel. The Planning Commission was concerned about how secure this building would be once the sales personnel moved out. Mr. Grochowski stated it would be well lit and not easily accessible once the temporary parking spaces were removed. It was suggested that a use should be proposed for the barn, rather than leaving it as an empty shell. It will be the responsibility of the Homeowners’ Association to maintain the barn.

9. Section 502.B.6 – Mr. Jackson stated that signature of acknowledgement of all property owners affected by the plans should be placed on the plans. The plans have a signature line for the owner and equitable owner of the principle property; however the plans require grading easement across other properties. The plans propose grading across the Amann and Waters properties opposite the Route 322 and Bollinger Road intersection improvements. Suitable documentation should be provided to the Township showing that these property owners are in agreement with the proposed grading on their lots. Mr. Grochowski stated he would acquire the required easements, but they would not be on the recorded plans.
21. Section 614.C – Within the legal right-of-way of the intersected street or for a distance of at least 14 feet from the edge of the shoulder of such street, whichever is greater, the driveway shall not have a grade exceeding 5%. Mr. Jackson had the following comments:

- a. Sheet 152 of the plan set shows a Typical Driveway Cross Profile with Sidewalk detail with the driveway ramp or apron at a grade of 15% from the edge of the road. The driveway entrance grade should be revised to be no greater than 5% for the first 14 feet to comply with this section. The intent of this section is so the driveway is not too steep in the area where it meets the road. With a 1 ½" curb lip at the finished driveway entrance the 15% slope should ensure that the driveway is not too steep in the area of the driveway, sidewalk and street. Mr. Giannantonio does not oppose granting this waiver. Mr. Rawlings made a motion to recommend the Board of Supervisors grant a waiver from Section 614.C to allow a maximum of 15% grade. Mr. Cushman seconded the motion, with all voting Aye.
 - b. A typical driveway paving detail should be provided for those driveway entrances without a sidewalk.
 - c. Highway Construction Plan Sheet 322 shows driveway regrading on the Amann property due to improvements proposed for the Route 322 and Bollinger Road intersection. The existing slope of the driveway within the property is approximately 18 percent. The plan proposes an increase to 19.2 percent. The Township Engineer recommends the proposed regrading of the Amann driveway be done in a manner that will not increase the slope beyond 18% and that their driveway be repaved in accordance with the current Township driveway ordinance and PennDot requirements. A detail and profile for the repaving of the Amann driveway should be placed on the plan.
27. Section 622.I – Any subdivision that proposes more than 5 lots is to provide underground storage reservoirs for fire protection. This comment does not apply since the development will be served by public water.

The Planning Commission asked Mrs. Smedley to invite representatives from K. Hovnanian to the next meeting to provide an update on their plan since their sewage for that property would be treated at the treatment plant constructed on Overlook Road Farm.

CMR Development Corporation

Mr. and Mrs. Emidio Tranquilo asked for additional information on this proposed subdivision. Mrs. Tranquilo is the daughter of the property owner and stated her mother is anxious for the property to be subdivided. It was explained that a review letter has been issued to the engineer. Once all outstanding issues are satisfied the plan will be approved. It is expected that the applicant will resubmit a plan to be discussed at the November Planning Commission meeting, but there are no guarantees approval will be granted then. A copy of the Yerkes review letter was provided for Mr. and Mrs.

Tranquilo to review. The plan shows a 1,000 ft. long private road. Mr. Cushman commented that this road would need to meet Township road specifications and would be very expensive to build four homes. If the applicant were to reduce the density to 3 homes, the property could be accessed by a private drive.

Open Space Committee Recommendations

The Open Space Committee has made a recommendation to the Planning Commission that they consider ways to protect the entire eastern section of the Dilworth Property currently being reviewed as a sketch plan. The Committee suggested possibly reviewing the fee-in-lieu of open space requirements, or moving the 5 lots closest to Dilworth Road. The Planning Commission discussed different ways this might be achieved but said that the applicant has already moved several lots at the Township's request. Any further changes on the plan might be difficult because of placement of stormwater basins and subsurface beds. The Planning Commission asked Mrs. Smedley to invite Jonathan Penders from Rouse/Chamberlin to the next Planning Commission meeting to discuss ways the greenway corridor can be preserved. In the meantime, Mrs. Kate Okie, Chairman of the Open Space Committee will investigate grants that might help defray the cost for possible purchase of a portion of the property.

Decovny Subdivision Extension

Mrs. Smedley reported that the Robert Bruce Homes is granting an extension to review the subdivision plan until October 31, 2005. The Planning Commission is concerned that the applicant continues to ask for extensions and has not resubmitted a plan to review for many months. Mr. Rawlings made a motion to recommend the Board of Supervisors grant an extension to review the plan until October 31, 2005. He further recommended that no additional extensions be accepted unless the applicant provides at least a 60 day extension. Mr. Thomas seconded the motion, with all voting Aye.

Brandywine Heights Subdivision

As reported at the last Planning Commission meeting, 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. To date, a letter withdrawing the plan has not been received. Mrs. Smedley will contact the applicant's attorney to ask that this letter be sent to the Township.

AWI Croppers

Mrs. Smedley will contact the applicant's attorney reminding them that the time to review this plan will conclude on October 20th and the Board of Supervisors and Planning Commission are requesting the applicant withdraw the application. The Planning Commission has previously stated they would not recommend accepting further extensions on this plan unless a revised plan was submitted for review.

K. Hovnanian Project AKA Weaver Tract

Mr. Rawlings stated that a revised settlement agreement has been received and is currently being reviewed by the Board of Supervisors and the Settlement Committee. He hopes to provide comments on the Agreement to K. Hovnanian within the next several weeks. K. Hovnanian representatives will be invited to attend the next Planning Commission and Municipal Authority meetings.

HeatherWynd/Hopewell Trail Interconnection

Mr. Piersol reported that Mr. James Correll is still requesting that the possible trail easement in the open space adjacent to his home at 58 Tarrytown Lane be moved even though the Board granted contingent final plan approval August 17th that included a trail easement between Lots 15 and 14. Mr. Piersol told him that he needed to get his Homeowner's Association to provide a written response to the Township regarding the easement, which they failed to do as promised on a November, 2004 meeting held to discuss this issue.

Mr. Piersol told Mr. Correll he had contacted Richard Burke of Gambone Brothers to discuss whether they would consider moving the trail easement, and consider locating the easement across Lot 13. Mr. Piersol also agreed to meet with Homeowner's Association representatives to walk the site to determine if the plan to locate the trail across the berm basin is feasible.

After discussion with the Board of Supervisors at their September 1, 2005 meeting, they agreed that Mr. Piersol could investigate moving the trail interconnection to a different location if Gambone Brothers agreed to it, but wanted to make it clear to the Hopewell residents that if an agreement was reached to move the trail, the Homeowner's Association would need to agree in writing to provide a trail interconnection.

Hopewell Methodist Church

Mr. Piersol reported that a fence has now been installed around the basin at the Church that is acceptable to the Township.

Rothman Tract

The Planning Commission discussed a letter received from Mr. and Mrs. Donald Butler regarding the Rothman property. They stated they have a right of way to their property through the Rothman property, but are concerned about how the driveway would be maintained, plowed, etc. if the property were subdivided. To date, they have been taking care of all repairs. When they have attempted to contact the Rothmans there was no response.

The Rothmans have a 75 ft. wide strip of land from Bondsville Road where there are power lines, phone and cable that service the Butler property. The wires are in need of maintenance from falling trees. PECO has told them it is the Rothman's responsibility to address the tree issue. Mr. and Mrs. Butler would like these concerns addressed as part of the planning process.

The Planning Commission is very concerned about the poor state of the buildings and the property. The home on the property has been allowed to deteriorate to the point where the Planning Commission considers this "demolition by neglect". This resident complaint will be forwarded to the Zoning Officer to investigate their concerns.

Ordinance/Planning Task Force

Planning Consultant David Sweet revised certain ordinance sections at the recommendation of the Ordinance/Planning Task Force at their August 24th meeting. Due to the Work Session being held prior to the Planning Commission meeting this month, the entire Planning Commission has not had an opportunity to give their final review and blessing to these draft amendments, and make their formal recommendation to the Supervisors. The Task Force did recommend moving these items forward, pending their opportunity for a final review and possible minor revisions.

The revisions clarify the definition of Building Setback line, add definitions and specific sections on Day Care as a special exception in the Mixed Use and Village Commercial Districts, address vehicle towing issues, define Place of Religious Worship, expand on the regulations for keeping of animals, define various types of continuing care facilities and provide standards for these types of facilities, and make changes to definitions of Clear Cutting, Tract, Demolition, Common Open Space and Historic Structure or Site. There is also a proposal to modify the off-street parking standards in the Mobile Home Park Ordinance, increase the parking space size to 10 feet x 20 feet (from 9 x 18). At their September 1, 2005 Board of Supervisors meeting, the Board recommended forwarding the above ordinance revisions to the County Planning Commission for their Act 247 review. Mr. Rawlings made a motion to support the Board of Supervisor's decision to forward the ordinances for the County Planning Commission's Act 247 review. Mr. Giordano seconded the motion, with all voting Aye.

Cumberland Ridge Development

Mr. Piersol met with Adam Brower of E.B. Walsh to discuss a minor issue with the Cumberland Ridge subdivision, and how best to implement a minor plan change requested due to an oversight involving the property of Gustino and Evelyn DeMarco, Lots 58 and 59 of this plan.

An existing easement of the right-of-way for the private road serving the DeMarco and Credico lots from Old Horseshoe Pike was inadvertently removed from the recorded subdivision plan.

Mr. DeMarco has requested consideration of an additional 25 foot wide right-of-way be provided along his eastern property line, which would provide access for the private road from the cul-de-sac of Bowman Court. This change is subject to the Township's approval, since this access was not contemplated during the plan reviews of this land development plan.

Mr. Piersol discussed this matter with John Spangler, to determine how best to facilitate this request without causing a problem for the Township. Mr. Spangler stated this request does not need to be a formal land use submission; rather, to get the Planning Commission and Supervisor's signatures on the revised plan page. Mr. Piersol outlined the steps that should occur to accomplish this and provided a copy of the memo to Mr. Brower. Mr. Brower will attend the October 5th Planning Commission meeting to discuss this issue.

Mr. Rawlings asked Mr. Piersol to update the Planning Commission on a problem that has occurred with the driveways. The developer has installed 6" pipe under each of the driveways; the plan was to install 8" pipe only under certain driveways. Messrs. Piersol, VanLew and Russell Yerkes have been working to correct this problem with the developer. Mr. Rawlings stated that he was very frustrated that issues such as this are discovered during the construction process. He is also very concerned that this sort of problem might occur again, because of the large amount of construction we expect to occur in the Township. It is important that our field inspectors make sure developers are following construction specifications outlined on recorded subdivisions.

Overlook Road Farm – Phase I Environmental Study

Mr. Corbin stated that he has several comments for Mr. Giannantonio as he was reviewing the Phase I environmental study:

- Disposal areas where the sludge was dumped should be identified on the subdivision plan.
- Residential lots should not be constructed in disposal areas.
- There should be an agreement with the developer that the disposal areas are not to be disturbed and a note outlining that agreement should be added to the plan.

Open Space Issues

The Planning Commission suggested that when the Open Space Committee looks at purchasing property or development rights they should look globally, rather than trying to buy lots piecemeal. Purchasing property or development rights for entire parcels has more impact for the Township as a whole.

Discussions with the Whittaker family regarding their property are still ongoing. Dr. Whittaker stated he is still talking to family members and will contact the Township once he has agreement from a majority of the family to proceed.

Nitrate Issues Regarding Subdivision and Land Development

Mr. Giannantonio provided a letter regarding nitrate issues for the Planning Commission to review. This letter reviews existing DEP regulations, discusses the impact on applications for subdivision and land development, and what the Township should be doing to advise applicants of the new regulations.

Other Business

At last month's meeting Mrs. Moser stated she thought that there is a garden and a swing set in what appears to be the open space in the Hopewell Development. Mr. Piersol investigated this and found that although they were close to the open space they were actually on residents' properties.

The Planning Commission recommended that when members of any of the Township's Commissions or Boards have specific interest in a property, own property, or adjoining property being discussed as Township business, that Commission or Board member should recuse themselves from voting, making recommendations or acting on behalf of the Township or any Committee.

It is proper in those instances for Board or Commission members to comment as private citizens on any issues before the Township, in order to dispel any appearance of a conflict of interest.

Comment 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 Mrs. Moser made a recommendation to adjourn the meeting. Mr. Corbin seconded the motion, with all voting Aye. The meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township