

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, April 6, 2016 - 7:30 PM

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Ronald Fanelli, Vice-Chairman
Mr. James Buczala Member
Mrs. Nancy Frame, Member
Mr. Michael Wagoner, Member
Mr. Jonathan Wright, Associate Member
Mr. Scott T. Piersol, Township Manager
Mr. Mark Padula, Township Engineer
Mr. Thomas Oeste, Planning Commission Solicitor
Mrs. Mary Beth Smedley, Secretary/Treasurer

Absent:

Michael Corbin, Member
Chuck Giordano, Member

Opening of Meeting

Boy Scout Trafford Hunt led the audience in a Salute to the Flag. There were fifteen visitors present.

Planning Commission Minutes – March 2, 2016

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Wagoner made a motion to approve the March 2, 2016, minutes, as presented. Mr. Fanelli seconded the motion, with all voting Aye.

Latarre Zoning Hearing – May 3, 2016

The Zoning Hearing Board will meet on Tuesday, May 3, 2016 to consider the application of Joseph J. Latarre to place a shed/garage 31 feet from the front yard lot line. The parcel is a flag lot in the R-2 District, which requires that a shed be no closer than 50 feet from the front yard lot line. Mr. Latarre is seeking a variance from Section 399-22.A(3) of the Zoning Ordinance. Mr. Latarre, will be purchasing a 24' by 24' shed, which will be placed on stone. Mr. Rawlings asked if footers would be required. Mr. Latarre said that stand-up stone footers would be needed. According to Mr. Latarre, other locations on his property would necessitate removing numerous trees. If the proposed shed were located on the other side of the house, he would need to construct a pathway across the entire front of the house to access it. The shed/garage will be used to store lawn equipment, a snow blower and motorcycles. Mr. Latarre stated he has discussed the proposed construction with his neighbors, who have no objection to the application.

The property is located at 401 Echo Dell Road. It does not contain frontage along Echo Dell Road. The western property line is considered the front lot line. The northwestern portion of the

lot contains the existing dwelling, driveway, pool and some grass areas. The remaining portions of the lot are wooded. The lot slopes generally from the southwest to the northeast.

The front of the dwelling faces north and there is a side-loading garage attached to the western side of the existing dwelling. The property is serviced by on-site water and on-site sewer. The well is located in the northwestern portion of the lot near the existing driveway. There is an easement titled "Existing Septic Area Easement for Lot No. 1" in the southern portion of the lot. The existing septic system and the replacement septic area for 401 Echo Dell Road appear to be situated in the eastern portion of the lot.

Mr. Rawlings suggested that if approved, the applicant provide a survey/as-built plan of the property to ensure that the shed/garage is no closer to the property line than is shown on the approved plan. Mr. Rawlings also said that the as-built would ensure that the additional impervious from the shed/garage and possibly walkway does not exceed 1,000 sq. ft. Mr. Latarre said that he would look into having the property surveyed and also stated that he is willing to decrease or remove the size of the walkway, if necessary. With that condition, the Planning Commission unanimously supported Mr. Latarre's application.

Hopewell Road Pharmacy Zoning Hearing – May 3, 2016

The East Brandywine Township Zoning Hearing Board will consider the application of Anthony Scalies for variances and such other relief as may be necessary to use a property located at 100 Hopewell Road for parking as a principal use. The parking would serve an adjacent, separate lot located at 1199 Horseshoe Pike, which will be used as a pharmacy. Mr. Scalies is seeking variances from Sections 399-30.A, 399-40, 399-104.A and 399-39.A(7) of the Zoning Ordinance.

The subject property, 100 Hopewell Road, is situated within the TND-1 Zoning District. This property was previously used as a single-family dwelling until it was damaged by fire last year. The applicant proposed to purchase 100 Hopewell Road, title 100 Hopewell Road to Silver Bow, LLC, and incorporate 100 Hopewell Road into his plan of development, which includes tax parcel 30-5-68, 1199 Horseshoe Pike. By titling 100 Hopewell Road to Silver Bow, LLC the applicant stated that this would satisfy the Township's common ownership requirement.

In the zoning application, the applicant explains why it is necessary not to do a reverse subdivision of 1199 Horseshoe Pike and 100 Hopewell Road into a single parcel for the proposed development. According to the applicant, by year 2021 it will be possible that Hopewell Road Pharmacy will own both properties.

In his March 31, 2016 letter, Mr. Padula suggested that the applicant provide existing and proposed area and bulk and impervious calculations for each parcel individually to demonstrate that each complies with the zoning requirement. He also suggested that the Township should consider requiring the applicant to consolidate 1199 Horseshoe Pike and 100 Hopewell Road into a single parcel once Hopewell Road Pharmacy owns both parcels.

Mr. Scalies said that he would be discussing his zoning variance application and if the relief he is seeking is granted on May 3rd, he will attend the May 4th Planning Commission meeting to discuss the preliminary plan. He said that he wanted to give a brief personal story about opening his first pharmacy, the service he provides to the community and what he hopes to offer to the Village of Guthriesville. Mr. Scalies stated that the Comprehensive Plan describes Guthriesville as the symbolic and visual center of the town. He has worked in good faith and spent a considerable amount of money on his plan. Mr. Scalies hopes to receive a recommendation for plan approval so he can open the pharmacy as soon as possible, hopefully by the June Board of Supervisor's meeting. Mr. Scalies said that he has spent a great deal of money on this land development and if there are additional costs he may need to withdraw the project. He also mentioned that he would be seeking waivers from paying the traffic impact fee and fee-in-lieu of open space. Mr. Rawlings said waiving those requirements is a discussion he needs to have with the Board of Supervisors, not the Planning Commission.

Mr. Scalies went on to say that he is concerned with delays in gaining approval for his land development plan. As an example, he stated that a letter was sent to Brickhouse Environmental from the Township today asking for data relating to the site and proposed remediation of 1199 Horseshoe Pike. Under Act 2, the municipality was notified of the Intent to Remediate and given 30 days to comment. Mr. Scalies is concerned that this may delay approval of his plan. Mr. Rawlings explained that the Township is simply requesting to see the data that Brickhouse Environmental used to draw their conclusions. Ultimately, approval of the Intent to Remediate lies with the Pennsylvania Department of Environmental Protection, not with the Township. Mr. Scalies wondered why the Township was interested in remediation of the property. He said that the property will be connected to public water and sewer and no one will be drinking contaminated water. It is Mr. Scalies' position that the remediation is not a Township concern. Mr. Buczala stated that the Township received a letter from Mr. Scalies' engineer indicating that they were proceeding with remediation with very little information attached to it, and providing the Township with 30 days to comment. It is reasonable for the Township to understand the situation and to be comfortable that the issue is being laid to rest, and that there will not be the potential for future issues at a very busy intersection of the Township.

After review of the application, the Planning Commission unanimously supported the four variance requests with the following conditions:

1. The properties must be combined into one parcel once there is a common ownership.
2. If the Pharmacy closes before the properties are combined into one parcel, the use of 100 Hopewell Road as a parking area will be voided.

Mr. Dennis Whitely stated the process has been very exhausting with many roadblocks. He said the Township should revise their ordinances so they are more helpful to property owners. Mr. Wagoner invited Mr. Whitely to attend the Township's Ordinance Task Force meetings if he wishes to make specific suggestions about ordinance changes.

Pulte Phase 5B – Preliminary Plan Review

Pulte Homes proposes to develop a portion of property included in Phase 5B of the Applecross Development. The proposed development is to be designed in accordance with the Settlement Agreement dated December 3, 2015 between Pulte Homes and the East Brandywine Township Board of Supervisors and per the Township's Zoning Ordinance and Subdivision and Land Development Ordinance in effect on September 17, 2014.

The proposed tract of land to be developed consists of 27.2749 acres and is situated on the east side of Bondsville Road, approximately 1,200 feet south of the intersection of Horseshoe Pike and Bondsville Road. The parcel is located within the R-2 Zoning District within the TND-2 Traditional Neighborhood Development Overlay. Prior to this submission, a site access had been constructed leading from Bondsville Road into the property. Additionally, there is a plan for the installation of a culvert and retaining walls to carry the proposed access road across a stream traversing the site.

The proposed development will consist of ninety-one townhouse dwelling units contained within seventeen buildings. The development will be served by public water and sewer and will be provided through the East Brandywine Township Municipal Authority via the Applecross Sewer Treatment Plant. The Settlement Agreement provides relief from certain Township Zoning and Subdivision and Land Development requirements.

Alyson Zarro, Esq. attorney for the applicant, Mr. Bill Creeger from Pulte Homes, Mr. Dan McKenna from Wilkinson and Associates, and Mr. Chris Garrity from Glackin, Thomas Panzak attended the meeting to discuss the preliminary plan.

Ms. Zarro stated that the applicant has revised the plans to show that the townhouses meet the 35 ft. setback requirements. They have also provided details for grading plans and snow removal areas. The basin locations will require some adjustment. In addition, Township consultants have met with Pulte's consultants to discuss outstanding stormwater management and landscaping issues.

Mr. Wagoner questioned the role of the Planning Commission in reviewing this application since there is an executed Settlement Agreement. Mr. Oeste explained that the applicant must comply with the Settlement Agreement and Township ordinances not covered under the Settlement Agreement. The applicant will also be requesting that the Planning Commission support certain waivers from the Subdivision and Land Development Ordinance. The Planning Commission is tasked with reviewing the plan and making recommendations to the Board of Supervisors.

At last month's Planning Commission meeting Mr. Rawlings asked the applicant to clarify the location for school bus pick-up and drop-off points. Mr. Creeger met with the Applecross Homeowner's Association to discuss bus stop locations, but has not discussed this with Krapf Buses. It is difficult to predict what will work best for the development since there is no way of determining the demographics of the residents. Road B will be paved first. Mr. Creeger suggested that initially, the school bus stop might be located where Road A intersects Road B.

Rules and regulations governing the use of golf carts will be memorialized in the Homeowner's Association documents. Golf carts are not permitted to cross Bondsville Road so these vehicles cannot be driven to the golf course, the Community Center or other Applecross amenities.

The Traffic Impact study has been resubmitted to Township Traffic Consultant, Andy Heinrich. Mrs. Smedley will contact him to see when we might receive a revised review letter.

Mr. Garrity said that he and Mr. Kummer reviewed the existing conditions and the landscape plan. Mr. Garrity said that Mr. Kummer is comfortable with the plan but wants to meet one more time to finalize the plan. Mr. Rawlings mentioned that some details on the landscape plant list should be corrected. He also asked Mr. Garrity to look into the height of the evergreen trees near Bondsville Road since they may be smaller than is required.

Mr. Rawlings asked that the limits of disturbance be clearly staked out on the plan (this has not been done at the new culvert crossing and existing trees and slopes are being damaged).

Mr. Creeger met with Municipal Authority Engineer Joseph Boldaz to discuss the amendment to the Sanitary Sewer Agreement. This agreement is part of a larger agreement with the Municipal Authority and according to Mr. Creeger indicated the process is moving forward and it will be executed prior to final plan approval. Aqua Pennsylvania will provide water service.

Some additional infiltration testing is needed for the basins. Once the testing is complete, it will be provided to Mr. Padula for his review. The Planning Commission is concerned that if water remains in the basins indefinitely those basins should be fenced. Mr. McKenna said that there is no requirement for fencing and that water should not remain in the basin for longer than 72 hours.

A trail is shown on the Settlement Plan but is not on the preliminary plan. Ms. Zarro said that if the Township wants the trail shown on the plan it can be added to the next submission. Several options were discussed for the trail including having Pulte post financial security to ensure funds are available to construct it, showing the trail on the plan and adding a note describing the trail. Information regarding the trail is to be on the recorded plan.

At their last meeting, the Planning Commission discussed their concerns about the large mounds of dirt/fill on the property. It appears that dumping of asphalt and concrete is also taking place. Mr. Creeger said that the asphalt would be used as fill. Pulte will dispose of the concrete with rebar.

Mr. Fanelli wondered why there was so much lighting in the development. He stated that the Hopewell Development has no lighting on interior streets. Ms. Frame stated that townhouse community additional lighting is needed for safety and parking.

4. Page 2 – Section 350-24.C.(2) – The mail kiosks, arbors and paved gathering areas with paved walkways should be shown on the Grading Plan/Post Construction Stormwater Plan. A note should be added to the plan to reference the Tract Landscape, Lighting & Public Realm Plan for additional information and details.
21. Page 4 - Section 350-49.A – All underground utilities should be shown on the plan.
10. Page 5 – In addition to stop signs, street name signs and any other street signs should be shown on the plan. The applicant's engineer and landscape architect should coordinate the use and location of the proposed streetlight pole with the required signage at the site access. The applicant will comply with Mr. Padula's comments.
9. Setbacks for certain building groups will be adjusted per Mr. Padula's comments.
1. Road A will be known as Locks Farm Lane.

Waiver Requests

1. Section 350-35.G – Clear sight triangles are to be provided at all street intersections. Within such triangles, no vision-obstructing objects shall be permitted which obscures vision above the height of 30 inches and below 10 feet, measured from the centerline grade of intersecting streets. Each side of the sight triangle shall be a minimum of 75 feet, measured from the point of intersection along each road centerline.

The applicant is requesting a waiver to this requirement to permit structures such as stoops, stairs, porches, pergolas, pent eaves, columns or other architectural features, benches or mailbox kiosks within the required sight triangles in order to create visual interest and to provide traditional neighborhood development design elements. Mr. Padula asked that the applicant show the location and type of encroachments so that the Planning Commission can determine if a waiver should be granted. Mr. McKenna stated that the affected areas are Lots 60.01, 60.12, 60.23, 60.40, 60.50, 60.56, 60.57, 60.63, 60.64, 60.70, 60.71 and 60.75 and H parcels H20B, H20C, H22C & H22D.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

2. Section 350-30.B – The design of private streets shall not vary from Township standards otherwise applicable to the construction of streets to be dedicated to the Township. The applicant is requesting a waiver from this section to provide 6" 2A modified stone, 4" bituminous wearing course and 1.5" bituminous wearing course, ID-2. Mr. Padula stated this paving specification was used on the other private streets in the Applecross Country Club community and is suitable for use in this phase of the site.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

3. Section 350-39.D – A private street shall provide access to not less than four nor more than six lots. The width of such streets shall be in accordance with Section 350-32.

The proposed plan complies with the street widths specified in Section 350-32. The applicant is requesting a waiver to provide access to 91 lots on a private street. Previous phases of the Applecross Country Club community contained private streets that provided access to more than six lots. This waiver is consistent within the community and the approved Settlement Plan.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

4. Section 350-40.B – All driveways shall contain a reasonably straight length of at least 40 feet, measured from the cartway edge of the intersecting street and extending inside the lot. The 20 feet of this forty-foot segment adjacent to the cartway shall be paved with a four-inch sub-base, four inch bituminous concrete base course and a wearing course of ID-2 bituminous concrete compacted to 1 ½ inches of minimum thickness per PennDOT paving and construction specifications.

A waiver has been granted in the Settlement Agreement for the minimum driveway length. The applicant is requesting a waiver from this section to provide 4' 3A modified stone, 2' bituminous binder course and 1.5" bituminous wearing course, ID-2. This paving specification was used on the other driveways in the Applecross Country Club community and is suitable for the use in this phase of the site. Mr. Padula recommended that this waiver be granted.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

5. Section 350-40N(1) – In order to provide for safe and convenient ingress and egress, private driveway entrances shall be rounded as follows: For residential driveways a maximum radius of five feet, or the driveway shall have a flare constructed that is equivalent to this radius at the point of intersection with the cartway edge (curbline).

The applicant is requesting a waiver from this section of the ordinance. No radius or flare is proposed on residential driveways at the intersection with the cartway edge and this is consistent with previous phases of the Applecross Country Club community.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

6. Section 350-40.O – In order to provide adequate turnaround maneuverability from residential properties, all new driveways shall be provided with a minimum L-shaped

backup area of thirty-foot width and thirty-foot length and fifteen-foot turning radius as shown on the “Residential Driveway Maneuvering Details” in Appendix A.

The applicant is requesting a waiver from this ordinance section. Although not mentioned in this Settlement Agreement it is consistent with other Settlement Agreement for the Applecross development. Mr. Padula is recommending the Planning Commission support this waiver.

The Planning Commission supported this waiver request. Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

Recommendation for Preliminary Plan Approval

Mr. Rawlings made motion to recommend the Board of Supervisors grant Preliminary Plan approval with the following conditions:

1. The applicant will comply with all items in the April 4, 2016 Yerkes review letter.
2. Compliance with Mr. Heinrich’s forthcoming review of the preliminary plan and most recent traffic study.
3. Review and approval of the landscape plan pending a final walk-through by the Township’s landscape architect.
4. Adjustment of the basins shown on the March 16, 2016 plan to the satisfaction of Mr. Padula.
5. Resolution of the trail connection and financial security to the satisfaction of the Board of Supervisors.
6. Resolution of the Sewer Agreement to the satisfaction of the Municipal Authority, Municipal Authority Engineer and Municipal Authority Solicitor.
7. Adherences to all items in the December 3, 2015 Settlement Agreement.
8. Compliance with all other representations made in these minutes.

Mr. Rawlings, Mr. Fanelli, Mr. Buczala and Mrs. Frame voted Aye. Mr. Wagoner voted No.

Pulte Phase 5B Extension

Mr. Rawlings made a motion to recommend the Board of Supervisors accept an extension to review this land development plan through and including April 20, 2016. Mr. Buczala seconded the motion, with all voting Aye.

Marsh Creek Builders – Steimer Tract Subdivision

Mr. Adam Brower from E.B. Walsh attended the meeting to discuss a sketch plan for the Steimer Tract. The applicant is proposing to construct a 7-lot subdivision on Crawford Road. Mr. Brower has asked the Planning Commission to consider three questions prior to proceeding with the subdivision:

1. Would the Township consider a waiver to allow the driveways to exceed 15% in limited areas (up to 18%) to minimize tree disturbance and woodland disturbance?

Mr. Rawlings asked about another recent subdivision where Mr. Brower was the engineer, which also had steep slopes. Mr. Brower said that driveway was 18%. That driveway has a pull-off point and is for one house. Mr. Rawlings is concerned about how stormwater will be managed and how emergency vehicles will access the proposed parcels/dwellings. The driveway faces west/northwest so it will be more challenging to remove snow and ice in the winter. Mr. Wagoner suggested that Mr. Brower consider a cul-de-sac for Lots 1, 2 and 3 and shifting this road slightly, which may decrease the 18% slopes. The ordinances are meant to protect environmental sensitive areas. In order to provide an opinion, the Planning Commission asked that the applicant provide more information.

2. To ensure proper maintenance of the open space, Mr. Brower provided a layout with the restricted open space being located on individual lots. This avoids the question of ownership. The property owner would then be responsible for the open space on their lot. Mr. Brower said that the code does not seem to indicate that open space must be separate from the lot. He asked if the Township allows for this type of layout and lot vs. open space relationship.

There are several areas of open space shown on the plan. The largest area shown is adjacent to Lot #1. Mr. Brower suggested that the open space could be combined with that lot and other smaller areas of open space could be combined with other lots. Mr. Piersol said that he did not think this met the intent of the Ordinance. The Planning Commission was concerned about liability, how the open space would be used, whether it would be deed restricted and how this would affect the tax assessment of each property. After discussion, the Planning Commission did not support this concept.

3. To avoid woodland disturbance the layout was provided to have two common driveways for three lots each, next to each other. The location is where there is an existing woods path up through the woods. To further reduce the amount of impervious, grading and woodland disturbance would the Township consider a single access of 20 feet in width?

Mr. Brower stated that he does not wish to create a private road but would like to create a single access common drive, 20 feet wide, off Crawford Road. There is another area where one of the common driveways can access Crawford Road but it would require additional grading and tree removal. Aesthetically, it will be more attractive. Mr. Piersol

will need to look at access for emergency vehicles and the slope conditions of the property. Without further information, the Planning Commission did not support this waiver request.

Mr. Brower said that the development could be constructed without waivers. The Planning Commission suggested that the applicant provide plans showing how this could be done as it may support providing waivers in the interest of limiting disturbance of the setting. The Planning Commission is willing to look at the waivers for the driveway slope and the common driveway again. If the applicant can demonstrate the plan can be safely constructed, is accessible by emergency vehicles, is visually appealing, and protects environmentally sensitive areas they will consider additional information in order reconsider these requests.

Ordinance Task Force Amendments

1. As-built plans – Mr. Wagoner made a motion to recommend the Board of Supervisors advertise this amendment for consideration at their May 4, 2016 meeting. Mr. Fanelli seconded the motion, with all voting Aye.
2. Definitions – Mr. Piersol explained that there are changes in the Historic Resource Protection amendment that are significant enough to warrant an additional Act 247 review. Mr. Wagoner made a motion to recommend the Board of Supervisors forward the revised amendment to the Chester County Planning Commission for a second Act 247 review. Mr. Fanelli seconded the motion, with all voting Aye.
3. Historic Resource Protection – Mr. Sweet and Mr. Buczala raised concerns about the time-frame for the Historical Commission to review demolition permits, thinking it was too open-ended. This item has been referred back to the Ordinance Task Force for further review.
4. Changeable / LED signs – The Chester County Planning Commission provided comments during their first review. Ms. Fuller suggested that the revised amendment be forwarded to them for comments. Mr. Piersol said that Ms. Fuller is also reviewing a Supreme Court decision with regard to regulating signs. If it is determined that their ruling will not affect the draft ordinance it should be forwarded. Mr. Wagoner made a motion to forward the revised draft ordinance to the Chester County Planning Commission. Mr. Buczala seconded the motion, with all voting Aye.

Comments from the Audience

Mr. Rawlings asked if there were any public comments. There was none.

Next Meeting

The next Planning Commission meeting is scheduled for Wednesday, May 4, 2016, at 7:30 PM.

Adjournment

There being no further business, Mr. Wagoner moved to adjourn the meeting at 10:00 P.M. Mr. Buczala seconded the motion, with all voting Aye.

Respectfully submitted,

Mary Beth Smedley,
Secretary/Treasurer