

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR SESSION  
April 20, 2016**

Those in Attendance:

Jay G. Fischer, Chairman  
Arnold M. Kring, Vice-Chairman  
Kyle P. Scribner, Member  
Scott T. Piersol, Township Manager  
Luke D. Reven, Assistant Township Manager  
Mark Kocsi, Chief of Police  
Matthew T. VanLew, Roadmaster  
Stacey Fuller, Township Solicitor  
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, April 20, 2016 was called to order by Chairman Fischer at 7:30 PM at the East Brandywine Township Municipal Complex. Also in attendance were Bob Pringle, the MileMarker Editor and approximately 17 visitors.

**Opening of Meeting**

Chairman Fischer opened the meeting with a Salute to the Flag.

**Notice**

The Board of Supervisors met in Executive Session on April 14, 2016 to discuss legal issues.

The Board of Supervisors met in Executive Session directly prior to this meeting to discuss legal and personnel issues.

**Public Comment on Non-Agenda Items**

Chairman Fischer asked if there were comments from the public on non-agenda items. Mr. Glenn Dieffenbach, from 20 Batten Drive, asked for an update on the plans to resolve his stormwater management issues. Mr. Piersol said that he is trying to arrange a meeting between Supervisor Kring, Hopewell Church's Engineer Chuck Dobson, Cedarville Engineering Engineer Brian Kulakowski and himself to finalize the plan. Mr. Piersol will contact Mr. Dieffenbach next week to schedule the meeting.

**Minutes: Board of Supervisors – April 7 2016**

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kring made a motion to approve the April 7, 2016, minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

**Minutes: Planning Commission – April 6, 2016**

Chairman Fischer noted that the Planning Commission minutes of April 6, 2016, were not yet available for approval.

**Treasurer's Report**

Mrs. Smedley read the account balances as of April 20, 2016. After reviewing the financial reports, Vice-Chairman Kring made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Scribner seconded the motion, with all voting Aye.

**Township Manager's Report**

1. The multi-municipal document shredding and electronics recycling event held on April 9<sup>th</sup> was a tremendous success, in spite of Mother Nature's final winter storm that morning. Approximately 400 residents from the 6 participating municipalities attended the event, with 16,000 pounds of documents shredded. The electronics waste recycling filled a 24-foot box truck. Thanks to DNB First for sponsoring the two Wiggins Shredding vehicles and Free Geek Penn for the electronics collection. Special thanks to the scouts and scout leaders of Hopewell Troop 8 who braved the elements to assist residents with removing the documents and electronics from their vehicles.

Several people asked about disposal of the tube-style (CRT) TV sets. The Lanchester Landfill is offering free disposal of CRT TVs and computer equipment at their facility located west of the Borough of Honey Brook. Hours of operation are 7:00 AM to 4:30 PM weekdays, and 7:00 AM to 11:30 AM on Saturdays. There is a limit of 3 units per vehicle, and residents must be able to unload their own items. There is a specific area designated for this equipment.

2. The Annual Police and Fire Golf Outing is scheduled for Monday, May 9<sup>th</sup> at the Applecross Country Club. Sponsorships and golf foursomes are still available for this event. The proceeds benefit the East Brandywine Township Police Department and East Brandywine Fire Company.
3. Mr. Piersol was pleased to report that the federal government has approved Pennsylvania's request for a disaster declaration as a result of the cost to deal with Snowstorm Jonas that occurred during the weekend of January 22<sup>nd</sup> and 23<sup>rd</sup>. He attended the Applicant's Briefing held by FEMA last Friday, April 15<sup>th</sup>, and submitted the documentation necessary to seek federal reimbursement for our operational costs during that weekend.

## **Assistant Township Manager's Report**

### 1. Vision Partnership Program (VPP) Grant Award

Mr. Reven was pleased to announce that the Chester County Planning Commission has approved our grant application in the amount of \$50,000. East Brandywine Township was the lead municipality in a multi-municipal application for funding assistance to create an East-West Bicycle and Pedestrian Facilities Plan. The goal of this project is to conduct a study of a proposed trail that will provide safe pedestrian and bicycle connections along a 9-mile corridor between Hibernia County Park in West Brandywine Township and the County's Struble Trail in Uwchlan Township.

The next step is to form a multi-municipal steering committee who will select a qualified team of Trail Planning/Design Consultants that have knowledge of PennDOT guidelines and standards for multi-modal trails and that have demonstrated success in advancing multi-modal projects from conceptual design to implementation.

Mr. Reven thanked this Board, the volunteers of the Trails Committee, our municipal partners (West Brandywine and Uwchlan Townships), and our consultants the Brandywine Conservancy and McCormick Taylor for their support of this successful application.

### 2. Hopewell Homeowners Association Open Space "D" Trail Feasibility Study

McMahon and Associates, has completed their topographic survey of the Hopewell Homeowners Association Open Space "D." On March 16, the Board of Supervisors approved a change order for the purpose of conducting a survey of the wetlands on this parcel. This work is also now complete.

McMahon will now begin the process of developing an alignment evaluation in cooperation with the Trails Committee and Township Staff.

### 3. PA State Association of Township Supervisors (PSATS) Annual Conference Report

This afternoon Mr. Piersol and Mr. Reven returned from the 2016 Annual Conference of the State Association of Township Supervisors in Hershey. This four-day event has afforded staff the opportunity learn about issues effecting Townships, continue our education as municipal professionals, to learn about new products and services, and to reconnect with colleagues from across the state. Mr. Reven is looking forward to implementing what he has learned in the coming year and appreciates the Board's support of our attendance at this important event.

## **Report: Building Inspector/Zoning Officer – Report for March 2016**

Mr. Piersol read the Building Inspector/Zoning Officer's Report for February as submitted by Mrs. Norann King. There were 25 building permits issued, 7 zoning permits issued, 10 use and occupancy permits issued, and 74 inspections conducted during the month. The total fees collected were \$16,641.71.

### **East Brandywine Township Police Chief's Report for March 2016**

The Police Department recently registered as a member of the Police One Academy. Police One Academy is an accredited online Law Enforcement Training Academy that is used by Police Departments in 34 states. Police One provides over 175 hours of online instruction and access to over 1,000 police training videos. The Pennsylvania Municipal Police Officers Education and Training Commission has joined 11 of these states in recognizing Police One Academy as their provider of certified Continuing Law Enforcement Education credits for Police Officers. As an example, as part of the Police Department's accreditation process each officer was recently assigned a 1-hour course on Anti-biased Policing and a 2-hour course in Responding to People with Mental Illness.

Chief Kocsi also reminded residents that the Police and Fire Services Golf Outing is on May 9<sup>th</sup>.

#### Monthly Statistics

Recorded Incidents	2006
Investigations Completed	170
Criminal Arrests	3
Summary Arrests	6
Juvenile Petitions	0
Accidents Investigated	11
Traffic Citations Issued	181
Warnings Issued	27
Vacation House Checks	35
Patrol Miles Logged	10,260

#### Training Completed

1. Detective Daniel Orris and Officer Cyle Harnish – Officer Survival and Communication Spanish
2. Detective Daniel Orris – Hostage Negotiations
3. Corporal Steven Leifholt – Ambush Awareness and Preparation
4. Officer Jeremy Lanza – Standardized Field Sobriety Testing
5. Officer Beau Shephard – NRA Handgun and Shotgun Instructor Certification
6. Police Department / Accreditation – Responding to People with Mental Illness and Anti-Bias Training for Law Enforcement

### **Fire Company's Activity Report for March 2016**

The following is a summary of the March 2016 Fire Company Report as presented by Fire Chief John Edwards. There were 22 fire incidents and 30 medical incidents in total for the month. In East Brandywine Township, there were 7 fire incidents and 11 EMS incidents. In West Brandywine Township, there were 4 fire incidents and 19 EMS incidents. In Upper Uwchlan

Township, there were 2 fire incidents. During the month, the Fire Company also provided assistance in Caln Township, the City of Coatesville, the Borough of Downingtown, Honeybrook Township, Wallace Township, West Bradford Township, West Caln Township and West Nantmeal Township. There were 5 trainings for the period with an average of 23 members at each training session.

Chief Edwards reminded residents to use extra care because there is a Red Flag Warning in effect for very dry weather conditions. The Fire Company has recently responded to two woods fires.

Also, the Fire Company was involved in a mud rescue on the Brandywine Creek. It took over 4 hours to pull the young man out and they were finally successful using an air knife.

### **Latarre Zoning Hearing – May 3, 2016**

Chairman Fischer reported that Mr. Latarre has withdrawn his 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 proposes 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.

At their April 6, 2016 meeting, the Planning Commission unanimously supported the four variance requests with the following conditions:

1. The properties must be combined into one parcel once Hopewell Road Pharmacy owns both parcels.
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.

Chairman Fischer asked if there were any questions or discussion. Seeing none, Chairman Fischer made a motion to support the Hopewell Road Pharmacy Zoning requests subject to the above conditions recommended by the Planning Commission. Mr. Scribner seconded the motion, with all voting Aye.

### **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 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 public sewer 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 attended the meeting to discuss the Planning Commission's recommendation for preliminary plan approval and for six waivers.

Ms. Zarro stated that the trail connection was not shown on the latest plan but, in discussions with the Planning Commission will show a conceptual trail and add a note to the plan on the next submission. She said that Pulte will post financial security for the trail to be constructed and if the development is finished will then provide that money to the Township. The Supervisors supported this plan.

One of the Planning Commission's recommendations is compliance with the Heinrich and Klein review letter. Ms. Zarro said that she hasn't seen the review letter yet. Chairman Fischer suggested that this can be resolved before Final Plan approval.

### Waiver Requests

The Planning Commission recommended the Board of Supervisors grant the following 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. At the Planning Commission meeting 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. 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.

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. 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.
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.

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 use in this phase of the site.

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.

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.

#### Recommendation for Preliminary Plan Approval

The Planning Commission is recommending 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. Adherence to all items in the December 3, 2015 Settlement Agreement.
8. Compliance with all other representations made in the April 6, 2016 Planning Commission Minutes.

Chairman Fischer made a motion to grant preliminary plan approval for this land development application subject to the eight conditions recommended by the Planning Commission. Vice-Chairman Kring seconded the motion, with all voting Aye.

Chairman Fischer made a motion to grant the six waivers requested as recommended by the Planning Commission. Mr. Scribner seconded the motion, with all voting Aye.

#### Pulte Phase 5B Extension

Vice-Chairman Kring made a motion to accept an extension to review this land development plan through and including April 20, 2016. Mr. Scribner seconded the motion, with all voting Aye.

#### **East Brandywine Center Preliminary Plan**

Chairman Fischer stated that the Planning Commission recommended the Board of Supervisors grant preliminary plan approval, with conditions for this land development plan. The Board of Supervisors held five days of public hearings to consider testimony of the application.

Vice-Chairman Kring made a motion to grant conditional preliminary plan approval of the plan labeled as Preliminary & Final Land Development Plan of Carlino East Brandywine LP for the "East Brandywine Center," dated October 16, 2015, last revised December 9, 2014, subject to the Developer's strict compliance with the following conditions:

1. The Applicant shall provide an updated Traffic Impact Study for the proposed development.
2. The Applicant shall comply with any recommendations of the Township Traffic Engineer, Heinrich and Klein, with regard to its review of the updated Traffic Impact Study and the proposed preliminary/final land development plans, including those items addressed in the February 15, 2016 Heinrich and Klein letter and its recommendation that truck deliveries be restricted to off-peak hours.

3. The Applicant shall comply with the following items set forth in the InLand Design January 27, 2016 review letter as follows:

Chapter 399 Zoning -

- a. No. 3 – verification that the HOP has been obtained and/or extended and addition of the HOP number on the plan;
- b. No. 10 – landscape improvements included in the developer’s agreement;
- c. Nos. 12, 13, and 14 – parking issues as also addressed by Heinrich and Klein;

Chapter 350 SALDO -

- a. No. 5 – Labeling the Class I and II contributing resources on the plan;
- b. No. 8 – updated Regulatory Agency Table;
- c. No. 10 – comply with any recommendations of Heinrich and Klein concerning the turning templates;
- d. No. 13 – Fire Company signature;
- e. No. 15 – approval of water service plans by Aqua PA;
- f. No. 17 – provide a blanket easement for all remaining SWM BMPs and conveyance facilities, as necessary; execution of Operations and Maintenance Agreement satisfactory to the Township;

General Comments –

- a. Nos. 6 and 7 – sidewalk and sidewalk easement;

Chapter 345 Stormwater Management –

- a. No. 8 – stormwater management;
- b. Nos. 13, 14, and 15;
- c. No. 17 – easement satisfactory to the Township;
- d. Nos. 18, 19, 20, and 21 – documentation and easements to the satisfaction of the Township.

4. The Applicant shall comply with the comments and recommendations of Thomas Kummer, Township Landscape Architect, as set forth in the email of February 14, 2016 and its attachment and marked as Exhibit B-16, concerning §399-79.C(3).
5. The Applicant shall comply with the provisions of §350-36 (Acceleration, deceleration and turning lanes) or request a waiver of the same from the Board.
6. The Applicant shall submit a detour plan and construction sequence satisfactory to the Township and PennDOT to minimize disruption to the existing Brandywine Village Shopping Center during construction. In addition, a pre-construction meeting will be scheduled to include representatives from East Brandywine Township.

7. The Applicant shall comply with the Hydraterra Professionals letter of January 19, 2016.
8. The Applicant shall resolve any issues with the East Brandywine Township Municipal Authority regarding its Resolution 14 of 2014.
9. The Applicant shall obtain approval of an updated Planning Module from PA DEP consistent with the plan.
10. The Applicant shall pay the Traffic Impact Fees as set forth in the Memorandum of Understanding with East Brandywine Township dated August 20, 2014.
11. The Applicant shall pay a fee-in-lieu of open space in the amount of \$60,000, which reflects an offset of the engineering and construction costs associated with the sidewalk along Brandywine Village Drive.
12. The Applicant shall comply with all other representations made in the Minutes of the Planning Commission meeting of February 3, 2016 and the hearings before the Board of Supervisors on February 17, 2016, March 3, 2016, March 16, 2016, March 29, 2016 and April 14, 2016.

Chairman Fischer asked if there were questions or comments. Seeing none, Mr. Scribner seconded the motion, with all voting Aye.

Vice-Chairman Kring then made a motion to grant the following waivers:

1. §350-24.B(2)
2. §350-24.B(3)(i)
3. §350-24.B(3)(o)
4. §350-34.E
5. §350-40.C
6. §350-40.N(2)
7. §350-47.B(2)
8. §350-52.F(2)
9. §350-53.E(4)(b)[3]
10. §345-311.A(3)
11. §345-311.B(7)
12. §345-311.B(10)
13. §345-311.B(12)
14. §345-311.D(12)
15. §350-54.B

Mr. Scribner seconded the motion, with all voting Aye.

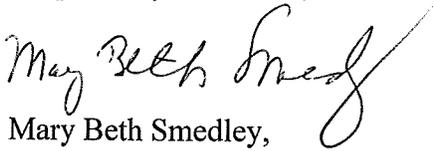
**Additional Public Comments**

Chairman Fischer asked if there were additional comments from the audience. There were no additional public comments.

**Adjournment**

There being no further business, Mr. Scribner moved to adjourn the meeting at 8:05 PM. Vice-Chairman Kring seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley,  
Secretary/Treasurer