

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, May 4, 2016 - 7:30 PM**

**Those in Attendance:**

Mr. Bruce Rawlings, Chairman  
Mr. Ronald Fanelli, Vice-Chairman  
Mr. James Buczala, Member  
Mr. Charles Giordano, 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  
Nancy Frame, Member

**Opening of Meeting**

Chairman Rawlings opened the meeting with a Salute to the Flag. There were 7 visitors present.

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

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Rawlings made a motion to approve the April 6, 2016, minutes, as presented. Mr. Wagoner seconded the motion, with all voting Aye.

**Hopewell Road Pharmacy Zoning Hearing – May 3, 2016**

The subject property, 100 Hopewell Road, is situated within the TND-1 Zoning District. This property was previously used as a single-family dwelling fire damaged it 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. 1199 Horseshoe Pike has an existing building, which will be the pharmacy, and 100 Hopewell Road will provide parking.

The Zoning Hearing Board granted a use variance from Section 399-39.A and variances from Sections 399-30.A(7), 399-40.B and 399-104.A to permit 100 Hopewell Road to be used for access and parking as a principle use subject to the following conditions:

1. Access and parking as a principal use on the 100 Hopewell Road property, UPI #30-5-69, are permitted only as access and parking for the pharmacy use on the adjacent property at 1199 Horseshoe Pike, UPI # 30-5-68 as depicted on the plan marked and admitted into evidence as Exhibit A-1.

2. When the same individual or entity owns 100 Hopewell Road and 1199 Horseshoe Pike, the two parcels shall be merged and consolidated into a single parcel by an appropriate deed.
3. The Applicant, and the construction, development and use of the 100 Hopewell Road property shall comply with the conditions set forth in the minutes of the April 6, 2016 East Brandywine Township Planning Commission meeting marked and admitted into evidence as Exhibit ZHB-5. Without limiting the foregoing, the variances permitting access and parking as a principal use on the 100 Hopewell Road property shall be automatically rescinded and void without further action of the Zoning Hearing Board if the pharmacy on the 1199 Horseshoe Pike property ceases operations before the two parcels are merged as required by Condition 2 herein above.
4. The Applicant, and the construction, development and use of the 100 Hopewell Road property shall comply with the requirements, representations and commitments set forth in the testimony and exhibits presented at the hearing.
5. Except as permitted by the variances granted by this decision, the Applicant, and the construction, development and use of the 100 Hopewell Road property shall at all times comply in all respects with all ordinances and regulations of East Brandywine Township and with all applicable provisions of any statute, ordinance or regulation of any municipal or governmental body having jurisdiction over the construction on and development of the Property and the uses conducted thereon.
6. A memorandum of this decision approved by the Zoning Hearing Board solicitor shall be recorded in the chain of title for the 100 Hopewell Road property, UPI #30-5-68, which shall be recorded contemporaneously with the final land development plan for the foregoing property.

Mr. Scalies said that he agreed to comply with the conditions set by the Zoning Hearing Board.

PennDOT approval must be obtained prior to final plan approval.

Traffic Impact and Open Space fees will be resolved with the Board of Supervisors prior to final plan approval.

The Landscape and Lighting plan will be resolved prior to final plan approval. Mr. Padula said that a light pole has been relocated. He and the applicant's engineer will review the plan, but Mr. Padula thinks that lighting should be adequate.

Mr. Rawlings and Mr. Wagoner will review and make comments on the landscape plan prior to final plan approval.

Handicapped parking for the pharmacy has been resolved.

The ownership of the properties must be resolved to the satisfaction of the Board of Supervisors and Township Solicitor prior to final plan approval.

According to Mr. Buczala, outstanding issues related to the Historical Commission have been resolved.

Mr. Scalies will install signs on two sides of the Pharmacy building. He would like to install signage or other lettering on the other two sides that says "Historic Guthriesville". Mr. Scalies also stated that he has contacted the adjoining property owner about cleaning up his lot. Mr. Wagoner suggested that the applicant provide hedging as a buffer from the parking along Hopewell Road.

A letter was sent to Brickhouse Environmental from the Township on April 6th 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. To date, the Township has not received the data they requested. 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. Padula stated that stormwater issues were resolved during the last submission.

Mr. Rawlings made a motion to recommend the Board of Supervisors grant preliminary plan approval for this land development with the following conditions:

1. Compliance with the April 26, 2016 Yerkes review letter.
2. Approval of the PennDOT Highway Occupancy Permit prior to final plan approval.
3. Finalize the landscape plan to the satisfaction of the Planning Commission and Board of Supervisors.
4. The Township should be provided the data they requested in order to comment on the Intent to Remediate application.
5. Compliance with all other representations made in these minutes.

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

### **Riggs Lot Line Exchange Plan**

Riggs' property includes approximately 25-feet of frontage along the La Vida Via cul-de-sac. Access to the dwelling is by a paved driveway through a strip of land owned by the Riggs. The property is serviced by on-site well and on-site septic.

The Riggs neighbors, the Seaces, intend to construct a fence along the common property line between the two properties. The Riggs propose a land swap with the Seaces in order to provide more distance between the front of their existing dwelling and the Seace's proposed fence. The Seace's property is currently non-conforming with regard with Minimum Lot Area.

The proposed land swap will result in a slight reduction in lot size for the Seaces and an equally, slight increase in lot size for the Riggs. The total area difference is 35 square feet. The Township Zoning Officer has determined that the reduction in lot size for the Seace's property is de minimis, and would not require zoning relief.

In his April 25, 2016 review letter, Mr. Padula stated that iron pins are not shown on the plan. He asked that iron pins be added to Detail "A".

Mr. Rawlings made a motion to recommend the Board of Supervisors grant preliminary plan approval for plan with the condition that the applicant comply with the comments in the April 25, 2016 Yerkes review letter. Mr. Wagoner seconded the motion, with all voting Aye.

### **Animal Resorts**

At this morning's Board meeting the Supervisors accepted an extension to review this land development application until November 14, 2016.

### **Ordinance Task Force Items**

1. The Board of Supervisors approved the submission of a Historic Resource Preservation Amendment to the Chester County Planning Commission for their Act 247 review at their Board meeting this morning. This latest revision to this Amendment provides a time-frame for the Historical Commission to review demolition permits, building permits for rehabilitation or alteration of an historic resource, and sign permits (399-64, 399-69, and 399-71.1, respectively).
2. Proposed Amendments to the LED signs and to Definitions will be discussed at the May 19<sup>th</sup> Ordinance Task Force meeting.
3. The Board of Supervisors adopted Ordinance 03 of 2016 regarding Final As-built plans at their meeting this morning.

### **Vision Partnership Program (VPP) Grant Award**

Mr. Wagoner announced that the Chester County Planning Commission has approved the Township's grant application for \$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. Wagoner also said that the Township and Trail Committee continues to work on trail connections from HeatherWynd West to the Hopewell subdivision and from the Hopewell subdivision to the East Brandywine Community Park.

### **White Acres Park**

Most of the park work is nearing completion. Mr. Wagoner hopes a bridge connecting to the pedestrian trail and a parking lot will be constructed in the future. These projects may take some time because of engineering and funding. Mr. Rawlings said that Mr. Reven heard about an inexpensive fiberglass bridge from a vendor at PSATS, which might be worthwhile investigating. Mr. Piersol said that the vendor said the fiberglass bridge would cost between \$30,000 and \$40,000 vs. approximately \$100,000 for a standard bridge. Mr. Buczala suggested that the Boy Scouts might be able to assist with working on the trail and on constructing small bridges over some of the drainage ditches as a stopgap measure. He said that the National Park Services has a small bridge design detail that might be used for this purpose.

### **Brandywine Creek Plantings**

Mr. Wagoner reported that the plantings along the Brandywine Creek continue to do well. The next planting is scheduled for the fall of 2016.

### **The Learning Experience**

Mrs. Smedley reported that the applicant's engineer has submitted a preliminary plan. However, additional information is needed before this is considered a complete submission. The applicant has until May 11<sup>th</sup> to make a complete submission in time to be on the June 1, 2016 Planning Commission agenda.

At the last Historical Commission meeting, the Committee expressed concerns about how the project will affect the view shed relative to the Village of Guthriesville, as it appears looking at it from the northwest, and what the building will look like from the perspective of the Village in consideration of the limited ability to provide landscape screening on the west side of the property (due to the proposed retaining wall). However, the applicant is reluctant to provide the drawings requested by the Historical Commission to understand these concerns. Mr. Buczala did say that the applicant's attorney indicated that they might be willing to provide the Historical Commission with input regarding the architecture of the building to mitigate those perceived concerns of impact to the historic resources of the Village. Mr. Fanelli said that the applicant should also consider how the building would affect the view shed from the Hopewell subdivision.

### **Hillendale Class II Historic Resource Demolition**

Mr. Piersol stated that a letter was sent to Southdown Homes, which stated that the Class II Historic Resource the applicant would like to demolish (HR-49, at 414 Creek Road) is protected from demolition as part of the Hillendale Settlement Agreement. To date, the Township has not

received a response to this correspondence.

### **Applecross Golf Carts**

State Senator John Rafferty is sponsoring a pilot program in the Applecross development to permit golf carts to be operated on private streets. If this program is approved, rules and regulations for their use will need to be ironed out with the East Brandywine Township Police Department and with the Applecross Homeowners' Association. Currently, golf carts are permitted to cross Zynn Road in two designated areas for the sole purpose of playing golf.

### **Comments from the Audience**

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

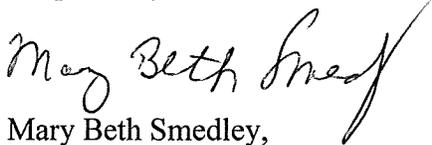
### **Next Meeting**

The next Planning Commission meeting is scheduled for Wednesday, June 1, 2016, at 7:30 PM.

### **Adjournment**

There being no further business, Mr. Wagoner moved to adjourn the meeting at 8:10 P.M. Mr. Buczala seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley,  
Secretary/Treasurer