

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, June 1, 2016 - 7:30 PM**

Those in Attendance:

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

Absent:

Scott T. Piersol, Township Manager
Michael Corbin, Member

Opening of Meeting

Chairman Rawlings opened the meeting with a Salute to the Flag. There were 10 visitors present.

Notice

The applicant for The Learning Experience has postponed their appearance before the Planning Commission until a later meeting.

Planning Commission Minutes – May 4, 2016

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Rawlings made a motion to approve the May 4, 2016 minutes, as presented. Mr. Wagoner seconded the motion, with all voting Aye.

Vision Partnership Program Scope of Work

Township Planning Consultant David Sweet attended the meeting to discuss the County's next Vision Partnership Program grant round and the Township's potential focus, if they choose to apply for a grant. Mr. Sweet suggested the Township could consider updating the Comprehensive Plan, the Subdivision Ordinance, or perhaps multi-modal transportation improvements. The Subdivision Ordinance has not been comprehensively revised in approximately 31 years, so that might be the most logical project for the Supervisors and Ordinance Task Force to consider. The next funding round opens on July 5th, with application due on August 31st. Announcement of the grant awards will be made on October 31st. The grant amount (Chester County's share), will not exceed 70% of the total budget. The Planning Commission unanimously supported moving forward with preparing the grant application for updating the Subdivision Ordinance.

Riggs Lot Line Exchange Plan

The 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 to 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 May 16, 2016 review letter, Mr. Padula recommended the Township approve the plan. Mr. Rawlings made a motion to recommend the Board of Supervisors grant final plan approval for the plan, Mr. Buczala seconded the motion, with all voting Aye.

Hopewell Road Pharmacy

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 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 principal 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.

Traffic Impact and Open Space fees will be resolved with the Board of Supervisors.

Mr. Rawlings and Mr. Wagoner will review and make comments on the landscape plan. Mr. Scalies hopes to schedule a time to meet with them next week.

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. Brickhouse Environmental has provided data, which will be made part of the file.

A pre-demolition meeting will be scheduled prior to demolition of the Doane house. Representatives of the Township and PennDOT should be present at the meeting. PennDOT will decide whether this will necessitate closing Hopewell Road.

Mr. Scalies and Mr. Piersol will discuss the bond/maintenance agreement for the proposed improvements to the Doane property.

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

1. Compliance with the May 17, 2016 Yerkes review letter.
2. Resolution of the Open Space and Traffic Impact Fees to the satisfaction of the Board of Supervisors.
3. Finalize the landscape plan to the satisfaction of the Planning Commission and Board of Supervisors.
4. Approval of permits from all outside County, State and Federal agencies.
5. Compliance with all other representations made in these minutes.

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

Chatfield Zoning Hearing – July 5, 2016

Mr. Rawlings recused himself from commenting on this zoning application.

The East Brandywine Township Zoning Hearing Board will meet on Tuesday, July 5, 2016 at 7:30 P.M. to hear the application of William Chatfield, 5 E. Buck Road to construct an accessory structure and driveway. The proposed improvement will generate an impervious coverage of 12.27%. The subject property is located in the R-1 zoning District on a 2.5 acre non-conforming lot which permits a maximum impervious surface coverage of 10%. The applicant is requesting a variance from Section 399-22A(5) of the Zoning Ordinance.

Mr. Chatfield explained that he has been a Township resident since 1982. As he is nearing retirement, his hobbies are taking up more of his time. Since grade school Mr. Chatfield has built and flown model airplanes and has also been interested in woodworking. Over the years, he has built numerous pieces of Early American reproduction furniture for his home.

Currently, Mr. Chatfield has a basement workshop where he pursues these activities. Unfortunately, the byproducts of dust and fumes from some of the finishing products such as aircraft glue and furniture lacquer are causing respiratory problems for his wife, Cindy.

Mr. Chatfield is proposing to construct a detached accessory structure in order to move his hobbies out of the basement. This will increase his impervious cover to 12.27%. However, Mr. Chatfield's engineer has submitted a stormwater management report, which indicates they will be able to capture an additional 4,792 sq. ft. of stormwater. The proposed construction is 1,012.50 Sq. ft. Mr. Padula has not reviewed the stormwater information provided but said that the applicant would need to comply with Chapter 345 of the Township Ordinance.

In his May 25, 2016 review letter, Mr. Padula stated that the proposed building might encroach

into steep slopes. If that is the case, the applicant will have to move the building or ask for additional relief. Mr. Chatfield stated he chose the location so that it was not near his well or septic system and it minimized tree disturbance. He will have his engineer verify the steep slope area.

The proposed structure has a basement, main floor and a second story for storage. Mr. Chatfield stated that the building would not be used for commercial purposes and he stipulated that it would never be used as a residence. The building does meet the required setbacks and will have electric, but not water. The building will be heated and air-conditioned and will have an exhaust fan for ventilation. In addition to the equipment he uses for his hobbies, including paints and lacquer, Mr. Chatfield will be storing lawn and other maintenance equipment in the building.

Mr. Fanelli asked about noise. Mr. Chatfield said that noise has not been a problem from his home and he does not expect it to be an issue. He has informed the three adjoining property owners about his plan and they do not object to the proposed construction.

Mr. Fanelli made a motion to support the variance application with the following conditions:

1. Compliance with the May 25, 2016 Yerkes review letter.
2. The applicant will record a Memorandum of Zoning Hearing Board Decision that the accessory structure will not be used for commercial purposes or as a residence.
3. If it is determined that the proposed structure is located within steep slopes, the applicant will either amend the variance application to ask for additional relief or move the building so it doesn't encroach within steep slopes.

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

Pulte Phase 5B – Final 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, 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.

Kaitlin Miceli, Esq., attorney for the applicant, and Mr. Dan McKenna from Wilkinson and Associates attended the meeting to discuss the final plan, the May 27, 2016 Yerkes review letter, the May 26, 2016 Hydraterra Professionals review letter and the May 24, 2016 Heinrich and Klein review letter.

Ms. Miceli stated that the Second Amendment to the Sewer Agreement will be discussed at the June 14th Municipal Authority Meeting. She believes that outstanding issues related to the Agreement have been resolved and it will likely be adopted at that meeting. Mr. McKenna will revise the Sewage Facilities Planning Module and other technical issues as requested by Municipal Authority Engineer Joseph Boldaz in his May 26th letter. Mr. McKenna will then submit a revised Planning Module to the Township and the Chester County Health Department for their review and approval.

In Mr. Heinrich's letter, he expressed concern about a raised median between the 12-foot inbound lane and the 12-foot outbound lane. Ms. Miceli clarified that there would not be a median; the inbound and outbound lanes will be separated by line striping. Although not present at this meeting, Mr. Piersol asked that the applicant confirm the alignment of the interior road network can accommodate large emergency vehicles of the East Brandywine Fire Company. The applicant will comply with the other items in Mr. Heinrich's review letter.

In his May 27th review letter, Mr. Padula raised some concerns about infiltration in Basins K1 and K2. Mr. McKenna stated that additional testing would be conducted later this week and he will forward the results to Mr. Padula. The applicant has agreed to comply with all comments in Yerkes review letter.

Ms. Miceli asked that the Planning Commission recommend the Board of Supervisors grant final plan approval with the conditions that the applicant comply with the consultant's review letter and any other outstanding issues from the preliminary plan approval. The Planning Commission unanimously agreed that there were too many unresolved issues and asked that the applicant revise the plan in accordance with the review letters before they can make a recommendation to the Supervisors.

Ordinance Task Force Items

Mr. Wagoner made a motion to recommend the Board of Supervisors advertise and adopt the following ordinance amendments:

1. Creation of a New Definitions Chapter
2. Historic Resource Protection Standards

3. Changeable / LED Signs Section

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

The Learning Experience

Tomorrow morning, Mr. Buczala will meet with the applicant's attorney to discuss placement of the proposed building, landscaping and other visual mitigation. At the last Historical Commission meeting, the Commission 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). At last month's Planning Commission meeting, 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. The proposed building is located within 300 ft. of 15 Class II Historic Structures in the Village of Guthriesville.

Other Business

After 28 years as Township Engineer, Yerkes Associates will be replaced by Pennoni Associates. The Planning Commission thanked Mr. Padula for the work he had done for the Township. It was mentioned that Mr. Padula would continue to work on several Township projects so he would be attending Planning Commission meetings at least for the next several months.

Comments from the Audience

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

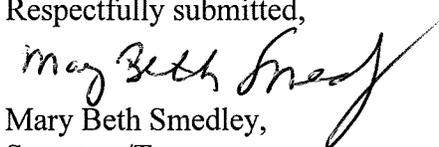
Next Meeting

The next Planning Commission meeting is scheduled for Wednesday, July 6, 2016, at 7:30 PM.

Adjournment

There being no further business, Mr. Wagoner moved to adjourn the meeting at 8:35 P.M. Mr. Giordano seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley,
Secretary/Treasurer