

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION**

**Wednesday, July 7, 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. Scott T. Piersol, Township Manager  
Mr. Mark Padula, Township Engineer  
Mr. Thomas Oeste, Planning Commission Solicitor  
Mrs. Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Mr. Michael Corbin, Member  
Mr. Michael Wagoner, Member  
Mr. Jonathan Wright, Associate Member

**Opening of Meeting**

Chairman Rawlings asked Justin and Jake Schneider from Hopewell Scout Troop 8 to lead the audience in the Salute to the Flag. There were nine visitors present.

**Planning Commission Minutes – June 1, 2016**

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Rawlings made a motion to approve the June 1, 2016 minutes, as presented. Mr. Buczala 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 development will consist of ninety-one townhouse dwelling units contained within seventeen buildings. The development will be served by public water provided by Aqua Pennsylvania and sewer which will be provided by 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, attorney for the applicant, and Bill Creeger, Manager of Land Development from Pulte Group, attended the meeting to discuss the final plan, the July 2, 2016 Yerkes review letter, the June 30, 2016 Hydraterra review letters on Dedication Area Drawings, the Sewage Facilities Planning Module and the Land Development Plan review, and the June 27, 2016 Heinrich and Klein review letter.

Ms. Zarro said that Pulte resubmitted the plan in response to the May Yerkes comments. Most of the comments were stormwater related and have been resolved. Ms. Zarro also stated that the applicant has agreed to comply with all outstanding items in the July 1, 2016 Yerkes review letter.

The comment regarding water supply from Aqua will be resolved once the plan is recorded. However, public water will be provided by Aqua Pennsylvania.

According to Ms. Zarro, the items in the June 27, 2016 Heinrich and Klein letter have mostly been satisfied or have been addressed in the Settlement Agreement.

In item #7 of the Heinrich and Klein letter Mr. Heinrich stated this is partially satisfied. He suggested that where side street Road "A" intersects with Road "A", the crosswalk should be relocated. Similarly, where Road "B" intersects with Road "A", a crosswalk and walking area should be provided. Ms. Zarro said that the plan could comply with the intersection at Road "A" and Road "A". At the intersection of Road "A" and Road "B", it would be difficult to comply because of steep slopes and the location of the guiderail. The Planning Commission agreed. This item is resolved.

In item #17 Mr. Heinrich stated that the horizontal curvature and corner radii for Road "B" and Road "B" Court in the vicinity of units 4, 7, 8, and 13 are not acceptable and must be redesigned to better accommodate the appropriate design vehicles. Mr. Creeger said that this would require some grading but can be done. Mr. Padula will need to review the revised design.

In item #22 Mr. Heinrich noted that there are several internal intersections to be regulated with multi-way Stop signs. He suggested that the applicant provide justification to warrant their use. The Planning Commission thinks the plan is safer with the additional Stop signs. This item is resolved.

Mr. Creeger stated that the applicant will comply with the Hydraterra review letter and asked that the Planning Commission execute Component 4A of the Sewage Facilities Planning Module. The Chester County Planning Commission and Chester County Health Department have signed Components 4B and 4C respectively.

Mr. Rawlings asked when the stream crossing access for construction would be abandoned. Mr. Creeger said that it should be abandoned once the basic site work commences. The Planning Commission would also like to see the unpermitted pipe removed. Mr. Creeger will discuss the practicality of this with Mr. Boldaz since it may help with access to a sewer manhole. The Planning Commission would like to see as a condition of final plan approval that the pipe be removed if it is no longer needed and subject to PADEP approval.

A note will be added to the plan stating there is an easement for future access to the McCausland/Plank property, but it is not contemplated that this will be the primary or only access to the McCausland/Plank property if it is developed.

The Second Amendment to the Sewer Agreement will be discussed at the July 12, 2016 Municipal Authority meeting. The Planning Commission would like to see this agreement finalized prior to the Board of Supervisors granting final plan approval.

Mr. Rawlings asked if there were questions from the audience. There were no questions.

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

1. The applicant will comply with all items in the July 1, 2016 Yerkes review letter.
2. Compliance with all applicable items in the Heinrich and Klein June 27, 2016 review letter, including resolution of Items #7, 17 and 22 to the satisfaction of the East Brandywine Township Planning Commission.
3. Compliance with the June 30, 2016 Hydraterra review letters on Dedication Area Record Drawings, the Sewage Facilities Planning Module and the Land Development Plan review.
4. Resolution of the trail connection and financial security to the satisfaction of the Board of Supervisors.
5. Resolution of the Second Amendment to Sewer Agreement to the satisfaction of the Municipal Authority, Municipal Authority Engineer and Municipal Authority Solicitor. Furthermore, the Planning Commission recommends that this Sewer Agreement must be approved and agreed upon prior to the Board of Supervisors granting conditional final plan approval.
6. Approval of all applicable local, County, State and Federal permits.
7. Adherence to all items in the December 3, 2015 Settlement Agreement.

8. The unpermitted pipe crossing of the Beaver Creek must be removed if Mr. Boldaz determines it is no longer needed, subject to PADEP approval.
9. A note will be added to the final plan noting there is an easement for possible future access to the McCausland/Plank property, but it is not contemplated that this will be the primary or only access to the McCausland/Plank property if it is developed.
10. Compliance with all other representations made in these minutes.

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

### **The Learning Experience**

Alessandra Properties, LLC proposes to develop 104 Hopewell Road with a 10,000 s.f. daycare building with outdoor play area and associated parking. The property is located on the south side of Hopewell Road, approximately 575 feet east of the intersection of Horseshoe Pike and Hopewell Road and is situated in the TND-1 Zoning District. The property will be serviced by public water and public sanitary sewer. Access to the property will be from Hopewell Road, which is a State road so a highway occupancy permit from the Pennsylvania Department of Transportation is required. The project will result in a disturbance of more than one acre, therefore an NPDES permit from the Pennsylvania Department of Environmental Protection is required.

The applicant has received special exception approval and variances from the Zoning Hearing Board to cross steep slopes and install utilities within those slopes. Variances for signage were also approved. The applicant received Conditional Use for the daycare use on December 16, 2015.

Initially, access to the property was proposed through the Laird Building parking lot. Since the property will now be accessed directly from Hopewell Road, the site will need to be re-graded. The applicant is confident that there will be sufficient sight-distance and the turning radii will be adequate for emergency vehicles to access the property and has provided information on this for the Fire Marshall to review. The plan shows 40 parking spaces. The Township Traffic Engineer will determine if this is sufficient, or if additional spaces are needed.

There is no large drop-off area proposed. Parents will walk their children into the building, and there will be no buses. Drop-off time typically starts at 6:30 A.M. until 10:00 A.M. and pick-up times are from 3:30 P.M. to 6:30 P.M. There will be no weekend hours or after hours special events on the premises. Potentially, there could be a maximum of 170 students. However, 120 students is usually the maximum. A magnetic fob registers each child. There will be 24 staff members; the average staff members on site will be 12 to 15.

In the rear, northern portion of the site will be a retaining wall of varying height, ranging from 2 feet to 12 feet, or more. Another retaining wall on the west and south side of the property, below the building, which will also vary from 2 feet to 12 feet in height, with a 6 ft. solid fence on top.

There will be a play area on the east side of the property that will be enclosed with a solid vinyl fence.

Joe Russella, engineer for the project and landscape architect Patrick Stewart attended the meeting to update the Planning Commission on the project.

The applicant is in receipt of the May 27, 2016 Yerkes review letter and the May 16, 2016 Heinrich and Klein review letter. Mr. Russella will be contacting Mr. Padula to discuss the outstanding issues in his letter.

Mr. Russella said they are working closely with Aqua Pennsylvania on a Main Extension Agreement. Aqua has asked to increase the water line size to 12 inches from Ferndale Lane to the Learning Experience property.

Mr. Russella said that the applicant continues to work with the Historical Commission on plans to submit detailed perspectives and a 3-D view for review at the July or August meeting. Mr. Russella said that the color scheme would be changed so they are using more earth tones, which will be more complimentary to the area and blend into the landscape.

A Highway Occupancy Permit has been submitted to PennDOT for their review and comments.

Mr. Stewart will be discussing the required plant materials for the site with Mr. Kummer. The applicant is showing 67 trees where there should be 97 trees. Mr. Rawlings suggested that the applicant could show larger caliper trees, which may be acceptable. There is also a question about plantings near the up to 12 ft. high retaining wall. Mr. Rawlings suggested that the applicant consider using vines, perhaps Boston Ivy. The plan shows that azaleas will be planted. Mr. Rawlings suggested considering a different plant for the property.

The wall sign over the entry should be obscured from the road. Mr. Oeste suggested that this be addressed with the landscape plan and that the applicant provide a rendering to review. The Planning Commission and Historical Commission would also like to understand how this building would affect the view shed from Rt. 322 and Hopewell Road. Mr. Fanelli added that he would like to see renderings that show the view shed from the Hopewell Subdivision.

The slope of the driveway into the site will be between 4% and 5%. This will require significant cuts and grading from Hopewell Road. Mr. Russella expects this will result in some drainage improvements and the approach and transition to Hopewell Road will be softer. There will be widening on the other side of Hopewell Road, with the curb line moving over. This will provide an auxiliary area on that side of the road. As part of the project improvements, inlets and curbing will be installed, as well as additional stormwater measures.

Mr. Russella said that the applicant is pursuing negotiations with the Hopewell Homeowner's Association regarding installing a sidewalk on their property. Mr. Fanelli said that the Homeowner's Association has not heard from the applicant since March and their attorney said they should "stand down". Mr. Rawlings stated that the Township would like to have the sidewalk constructed, if possible.

Mr. Oeste asked Mr. Russella to confirm the maximum building capacity. Mr. Russella said he is not sure, but can provide that number.

The Traffic Impact Fee and Open Space Fees are not resolved. The applicant would like to discuss the traffic fee calculation and whether it should be based on the maximum number of students/employees or the maximum number of students/employees that will be in the building at any one time. The Planning Commission's interpretation is that the traffic impact fee should be based on the maximum occupancy.

Mr. Rawlings asked if there were questions from the audience. Mr. Edward King a resident of the Hopewell subdivision said he has some concerns about how construction will affect the community. He is also concerned about additional traffic and stormwater. Mr. Rawlings thanked Mr. King for his comments.

### **The Learning Experience Extension**

The applicant is granting an extension to review this land development application until September 30, 2016. Mr. Fanelli made a motion to recommend the board accept this extension. Mr. Giordano seconded the motion, with all voting Aye.

### **Ordinance Task Force Items**

Mr. Piersol reviewed the agenda for the July 21<sup>st</sup> Ordinance Task Force meeting:

1. Completed amendments:
  - Historical Commission Review and Permit issuance, Changeable (LED or electronic) signs, and creating a new Definitions Chapter (Chapter 300) in Land Use Code section.
    - BOS will consider adopting Ordinances 04, 05 & 06 of 2016 respectively at their July 7, 2016 public meeting.
2. Landscaping and lighting sections –Tom Kummer to provide suggested revisions for July 21<sup>st</sup> Task Force meeting.
3. Implementation Section of Comprehensive Plan.
  - Listed items to implement from 6/21/2016 memo.
4. Vision Partnership Program grant (VPP).
  - Further discussion based on Planning Commission recommendation on SALDO updates.
5. Old Business
  - Common driveway grades over 15% - Mark Padula provided memo for 6/16 Task Force meeting discussion.
  - Discussion of §399-102.1 – Woodland protection & logging standards.
    - Discuss New London Township language to compare to Subsection E of existing language in relation to logging operations.

- FEMA-required Floodplain Management Standards amendment
  - Subcontractor assigned by DCED - 3 counties to review. Chester County municipalities review to begin July, 2016.
  - CC Water Resources Authority has established FEMA meeting date for Friday, July 22<sup>nd</sup>. David & Scott will attend. Should have more to report at August Task Force meeting.
  - Original fall, 2016 deadline extended to begin in December, 2016, possibly later.
- Historical Resource Protection Standards - §399-67 *Additional use opportunities discussion*

### **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, August 3, 2016, at 7:30 PM.

### **Adjournment**

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

Respectfully submitted,



Mary Beth Smedley,  
Secretary/Treasurer