

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION**

**REGULAR SESSION**

**Wednesday, August 3, 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. Scott T. Piersol, Township Manager  
Mr. Bob Smalley, Inland Design  
Mrs. Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Mr. Michael Corbin, Member

**Opening of Meeting**

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

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

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

**Swing Zoning Hearing – September 6, 2016**

The East Brandywine Township Zoning Hearing Board will meet on September 6, 2016 to hear the application of Josiah and Kim Swing. Mr. and Mrs. Swing are requesting a variance from the 50-foot side yard setback requirement per Section 399-22.A(4) in order to construct a single family detached dwelling with private water and sewage disposal. Side yard setbacks of 20.0 feet (east side) and 43.77 feet (west side) are proposed. The existing 0.784 acre tract is located on the north side of Township Road. Along with Mr. and Mrs. Swing, Kaitlin Miceli, attorney for the applicant, and Andrew Eberwein, engineer for the applicant, attended the meeting to discuss the application.

Ms. Miceli explained that the existing lot width is approximately 106 feet wide, which renders the property undevelopable without zoning relief since there is only a 6-foot wide building envelope within the required 50-foot side yard setbacks.

Mr. Rawlings asked if Mr. and Mrs. Swing have discussed their plan with the neighboring property owners. Mr. Swing indicated they have and there are no objections. The house will be situated 20 feet from the right of the side yard. Their neighbor on that side of the property is the

proposed Hillendale Development and the portion of the Hillendale parcel (nearest to the Swing property) will be common open space. Mr. Rawlings suggested that Mr. and Mrs. Swing provide written documentation from the adjacent property owners confirming their support of the application.

There is an existing shed, owned by the neighboring property owner, which is partially on the applicant's property. There have been discussions with that property owner about recording an easement agreement so the shed can remain in its current location.

The proposed house, driveway, and walkway will create approximately 8.4% impervious surface. It was noted that the maximum allowable impervious surface in the R-1 Zoning District is 10%, so the applicant should be mindful of that if they are considering future other improvements to the property.

The applicant is aware that the location and approval of well, septic system and stormwater management systems are required before a final use and occupancy permit can be issued for the proposed new dwelling.

Mr. Swing stated that it is his intention to save as many trees as possible during construction. He agreed to comply with all Township Ordinances with regard to tree removal and replacement.

After review of the application, Mr. Rawlings made a motion to support the Swing's application with the condition that they provide an as-built plan prepared by a Pennsylvania-registered surveyor confirming the structure was constructed within the permitted setbacks, at the time a Use and Occupancy permit is issued for the single-family dwelling. Mr. Buczala seconded the motion, with all voting Aye.

### **East Brandywine Center Final Plan Review**

Carlino East Brandywine L.P. is proposing a commercial development named East Brandywine Center, containing a supermarket (Giant) and retail building and a separate bank building in East Brandywine Township. The project is located to the west of the existing Brandywine Village Shopping Center and is zoned Mixed Use Commercial.

East Brandywine Township has condemned certain property to construct a connector road and the Rt. 322 right-of-way. Carlino will design, permit and build the connector road.

Marc Kaplin, Esq., Peter Miller from Carlino, and Chirag Thakkar, engineer for the applicant attended the meeting to discuss the plan and the July 29, 2016 Inland Design review letter, the July 29, 2016 Heinrich & Klein review letter, and the August 1, 2016 email from landscape architect Thomas Kummer.

At their April 20, 2016 meeting, the Board of Supervisors granted preliminary plan approval of the plan labeled as Preliminary & Final Land Development Plan for Carlino East Brandywine LP for the "East Brandywine Center", dated October 16, 2015, last revised December 9, 2016, 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 for \$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.

The Board also granted 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

In a letter to Mr. Piersol dated April 27, 2016, Mr. Miller agreed to the conditions set forth by the Board of Supervisors.

Mr. Kaplin stated that the applicant will comply with the outstanding items in the review letters and will provide a formal response prior to the Board of Supervisors taking formal action on the final plan.

The traffic study will be revised to add cars that would generate trips if the former Stauffer's grocery store were still in operation.

Heinrich and Klein July 29, 2016 review letter - Landscape design line – There has been discussion, and some disagreement, about whether the applicant should construct 6-inch curb around planter islands in the parking lot or install 4-inch steel bollards. After discussion by the Planning Commission, they agreed that the bollards, not curbing should be installed. The bollards should be clearly labeled on the plan.

Heinrich and Klein July, 2016 review letter - Section 399-105C – Small Car Spaces – There has been discussion about the size of some of the compact parking spaces. Compact parking spaces should be limited in quantity and situated in remote and isolated locations in low turnover parking areas of the center. Certain areas are designed for future parking and will not be constructed unless needed after construction of the shopping center. This issue has been previously discussed with the Board of Supervisors. The Board agreed that a reserve parking area was not required.

In his review letter, Mr. Dobson indicated that the plan appears to show a sidewalk along Rt. 322 from the entrance to the western driveway. Mr. Dobson stated that the sidewalk should be labeled and the applicant should address how this sidewalk will be constructed. Mr. Kaplin stated that the applicant does not propose a sidewalk along Rt. 322. The agreed-upon open space fee is to construct the sidewalk along Brandywine Village Drive. Rather, the applicant is providing an easement and modified the plan to put in drainage improvement if a sidewalk is installed later. Mr. Kaplin said that someone had asked him for a “blanket” easement. He said that he does not give blanket easements. Easements from the other Watters' parcel would need to be separately obtained from the Watters family. The Planning Commission is primarily interested in trail interconnections so residents from neighboring developments can walk to the shopping center and possibly other parts of the Township. The easement provided by the applicant ends at the southwestern corner of the East Brandywine Center property. An easement has also been provided on the western property line which is adjacent to the Watters' resident tract. Mr. Thakkar said that the area where the easement ends would be regraded so that it can easily be accessed from the adjoining property.

Hydraterra will be issuing a letter on the sewer connection. The approved Sewage Facilities Planning Module shows a gravity connection to North Guthriesville Road and the effluent would be treated at the Applecross Wastewater Treatment Plant. Aqua Pennsylvania will provide public water to this project

The applicant will construct and maintain basins on the East Brandywine Center property. They will also install a basin on the Spence property when they build the connector road from Rt. 322 to North Guthriesville Road. Mr. Miller has agreed to maintain that basin as well. This information will be incorporated into the Stormwater Operation and Maintenance Agreement.

The portion of the connector road on the East Brandywine Center property will be dedicated to the Township. The portion of the road that is on Township property does not need to be dedicated since the Township already owns it.

Mr. Thakkar will contact Mr. Kummer to discuss the August 1<sup>st</sup> memo and has agreed to comply with his comments.

The PennDOT Highway Occupancy permit is ready to be approved pending posting of the escrow for the proposed improvements. This will be resolved before recording the final plan.

The NPDES permit has been approved by the Chester County Conservation District.

The signature block on the final plan should be changed to show that Inland Design is the engineer of record.

Deliveries via a WB-67 semi-trailer, and likely a WB-62 semi-trailer if used, should be limited to off-peak time periods. The applicant acknowledged this comment, but put in peak periods instead of off-peak hours. Mr. Thakkar will correct this on the plan.

Mr. Heinrich expressed concern about the detour plan during construction. Two-way signalized access must be maintained for the existing Brandywine Village Shopping Center until Brandywine Village Drive is constructed and the new traffic control can become optional. Mr. Kaplin agreed to this. The applicant will provide a revised traffic and detour plan that complies with Mr. Heinrich's letter. Mr. Fanelli said that he was concerned that the traffic plan would divert motorists on to North Guthriesville Road and possibly through the Hopewell Development. Mr. Kaplin assured the Planning Commission that signalized access would be maintained throughout construction.

The applicant is requesting a waiver from Section 350-36 of the Subdivision and Land Development Ordinance regarding the length of the deceleration lane. The Planning Commission unanimously supported this waiver request.

Mr. Rawlings asked if there were comments from the audience. Mr. Martin Weaver, who resides at 1234 Horseshoe Pike, asked where the connector road entrance would be in relation to his driveway. Mr. Thakkar said that the entrance would be approximately 200 ft. west of the Weaver driveway.

Mr. Kaplin agreed to comply with all the terms the terms and conditions of the review letters.

Counsel for Brandywine Village Associates and L&R Partnership have requested the Board of Supervisors hold public hearings on the final plan submission for the Carlino East Brandywine, LP land development plan. The Board may consider this request and render a decision at their August 17, 2016 meeting.

Mr. Rawlings made a motion to recommend the Board of Supervisors grant conditional final plan approval of the plan labeled as Final Land Development Plan for Carlino East Brandywine LP for the "East Brandywine Center", dated October 16, 2015, last revised January 27, 2016, subject to the Developer's strict compliance with the following conditions:

1. Compliance with all outstanding items in the July 29, 2016 Inland Design review letter.
2. Compliance with all outstanding items in the July 29, 2016 Heinrich & Klein review letter.
3. Compliance with the August 1, 2016 email from Thomas Kummer with the subject: Re: Carlino-East Brandywine LP/Giant Plans.
4. Compliance with all outstanding sewer issues to the satisfaction of the Municipal Authority, their Solicitor and Engineer.
5. Compliance with all conditions set forth in the East Brandywine Township Board of Supervisors April 20, 2016 Board meeting minutes and agreed upon by Mr. Peter Miller on April 27, 2016.
6. Compliance with all other representations made in these minutes.
7. **Inland Design has been charged with ensuring that these conditions (1 through 6) are satisfactorily met prior to the Board of Supervisors taking action on this recommendation. Mr. Kaplin agreed that he would have clean review letter from all of the Township's consultants for presentation to the Board of Supervisors when they appeared before them for final plan approval.**

Ms. Frame seconded the motion with all voting Aye.

### **Ordinance Task Force Items**

Mr. Piersol discussed the principle responsibilities for work elements for the Chester County Vision Partnership Program application. Pennoni Associates, the Township Engineer will add suggestions to the Chester County Planning Commission's Multi-Modal Handbook, review the Delaware Valley Regional Planning Commission's Rt. 322 Corridor Study, assist with development of a Rt. 322 Access Management Plan and review and revise existing Subdivision and Land Development content. Tom Kummer, the Township's landscape architect will review vegetation management, tree protection, landscaping and lighting standards and will also coordinate potential zoning ordinance amendments regarding landscaping and lighting. Joe

Boldaz, the East Brandywine Township Municipal Authority Engineer will review water and sewer standards. David Sweet, the Township's ordinance consultant will review existing Subdivision and Land Development content and will assist with project administration. An initial meeting was held with Susan Elks and Jeannine Spears from the Chester County Planning Commission, who are comfortable with the initial information provided.

In the July 21, 2016 Ordinance Task Force meeting, priorities for the Comprehensive Plan Implementation were discussed and include:

1. Emphasis of scenic resource protection;
2. Expansion of permitted use opportunities for historic properties;
3. Creation of an Access Management Plan for Horseshoe Pike;
4. Create specific actions to accomplish the Guthriesville Master Pla;
5. Monitor and evaluate current or vacant underdeveloped properties where open space protection is desirable;
6. Consider seeking Certified Historic Destruct status for certain areas of the Township;
7. Evaluate impervious surface limits;
8. Retain the commercially zoned areas of the Township.

Mr. Piersol, Mr. Reven and Mr. Sweet recently attended a Chester County Water Resources Authority meeting on floodplain updates. Revisions to floodplain ordinance should be completed by December 21<sup>st</sup>. After that date, municipalities have 120 days to adopt the revisions. Ms. Frame asked if the Township's FEMA Map had substantial changes. Mr. Piersol said there were only three changes to the map, with two being on Brookfield Court.

### **September 6, 2016 Planning Commission Meeting**

Mrs. Smedley reported that the Planning Commission would review the Patras Zoning Hearing application and possibly the Sykes application. She also expects the Planning Commission may have information to review the Historical Commission's comments on the architectural features of the proposed Learning Experience application. The Learning Experience extension expires on September 30, 2016, so they will need either to submit a revised plan or grant an extension of time to review the application. The deadline to submit applications for the September meeting is August 17, 2016.

### **Other Business**

Animal Resorts is constructing a 7,200 sf pole barn on their property that can be used for storage only. They have not proceeded with their land development application. The extension to review this application expires on November 14, 2016.

Metropolitan Development Group is currently performing soil testing on the Hillendale property. Currently owned by Southdown Homes, this property may be acquired and developed by Metropolitan.

### **Comments from the Audience**

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

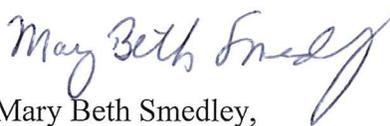
### **Next Meeting**

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

### **Adjournment**

There being no further business, Mr. Wagoner moved to adjourn the meeting at 8:50 P.M. Mr. Buczala seconded the motion, with all voting Aye.

Respectfully submitted,

  
Mary Beth Smedley,  
Secretary/Treasurer