

EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, September 7, 2016 - 7:30 PM

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Ronald Fanelli, Vice-Chairman
Mr. James Buczala, Member
Mr. Michael Corbin, Member
Ms. Nancy Frame, Member
Mr. Charles Giordano, Member
Mr. Michael Wagoner, Member
Mr. Jonathan Wright, Associate Member
Mr. Scott T. Piersol, Township Manager
Thomas Oeste, Esq., Planning Commission Solicitor
Nathan Cline, P.E., Township Engineer
Mrs. Mary Beth Smedley, Secretary/Treasurer

Opening of Meeting

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

Planning Commission Minutes – August 3, 2016

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Rawlings made a motion to approve the August 3, 2016 minutes, as presented. Mr. Fanelli seconded the motion, with all voting Aye.

Patras Zoning Hearing

On October 4, 2016, the East Brandywine Township Zoning Hearing Board will consider the application of Stephen and Elizabeth Patras to construct a swimming pool, deck and appurtenant equipment at their property on 16 Cumberland Drive, Downingtown, Pa. 19335. Mr. and Mrs. Patras are requesting a variance from Section 399.25.B(3)(e) which permits a maximum impervious surface of no more than 20% of the net lot area in the R-2 Z(cluster) Zoning district. In order to construct the proposed swimming pool, decking and equipment, Mr. Patras is asking to increase the impervious area to 23.3%.

Mr. and Mrs. Patras purchased their home in 2015 and have done significant improvements to the property but have not made any changes to the impervious coverage, which is approximately 19%.

The by-laws of the Cumberland Ridge community expressly prohibit the installation of swimming pools with a water surface of less than 600 square ft.

According to Mr. Patras, his children, ranging in age from four to seventeen, have skin allergies that are exacerbated by chlorine. He plans to install a low-level chlorine pool.

Letters of support for this project from the adjoining property owners and the Cumberland Ridge Homeowner's Association have been provided for review.

If the zoning variance is granted, Mr. Patras agreed that any additional stormwater run-off would have to be mitigated by a stormwater management plan, probably a dry well, approved by the Township Engineer.

The existing, detached garage has three floors – one for storage, one for vehicle storage and an upper floor that is not being used but is a large, finished room. Mr. Patras agreed that no part of the detached garage could be used for living space or for an in-law suite.

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

1. The applicant will provide an as-built plan for the project no later than 30 days after the Use and Occupancy permit for the swimming pool issued.
2. The applicant will submit a stormwater management plan, to be approved by the Township Engineer, and recorded at the Recorder of Deeds, prior to issuance of the building permit. It is recommended that this plan meet or exceed the stormwater that needs to be mitigated.
3. No part of the detached garage will be used as living space or as an in-law suite.
4. Compliance with the August 30, 2016 Pennoni review letter.
5. Compliance with all other representations made in the Zoning application and these minutes.

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

Sykes Zoning Hearing

The Zoning Hearing Board will meet on October 4, 2016 to consider the zoning application of Graham and Stacey Sykes, who reside at 33 Delaney Drive, Downingtown, Pa. Mr. and Mrs. Sykes are requesting a variance from the maximum impervious coverage requirement per Section 399-22.A.(5) in order to install an in-ground pool, shed, deck and appurtenant equipment. They are proposing to increase the existing impervious surfaces from 8,125 square feet to 11,785 square feet; an increase of impervious coverage from 9.9% to 12.8%. They are additionally requesting a variance from Section 399-22.A.(1)(a) for a minimum gross lot area of less than three acres. The existing 2.11-acre parcel is located on the north side of Delaney Drive, which will eventually be a dedicated Township road, approximately 400 feet west of the intersection with Reeds Road and is within the R-1 Zoning district. The applicant also owns a 3.67-acre parcel located immediately to the east of his property.

Mr. Sykes parcel is an existing, non-conforming lot in the R-1 Zoning District. The proposed swimming pool can meet the require side and rear yard setbacks. The applicant has agreed to provide a stormwater management plan in order to mitigate the additional water runoff created by the swimming pool and other improvements.

Since Mr. Sykes owns the adjoining lot, he was asked about either merging the lots or subdividing a piece off his other parcel in order to provide the required impervious coverage. Mr. Sykes explained that he bought the other parcel as an investment and preferred not to subdivide it. He also stated that the stormwater basin for the development is located on that parcel so that if a portion of the property were removed it probably could not meet the gross and net lot area required in the R-1 Zoning District.

Mr. Sykes agreed to construct a stormwater management BMP on the side of his property. He said that it would capture as much water as possible. He stated that the stormwater management plan would exceed what is required by the ordinance.

The Planning Commission asked Mr. Sykes to add the location of the well, septic system and replacement septic system area on the area. There is concern that if the replacement septic system area is where the stormwater management BMP or swimming pool are to be located he would not have a replacement area.

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

1. The applicant will provide an as-built plan for the project no later than 30 days after the Use and Occupancy permit for the swimming pool issued.
2. The applicant will submit a stormwater management plan, to be approved by the Township Engineer, and recorded at the Recorder of Deeds, prior to issuance of the building permit. It is recommended that this plan meet or exceed the stormwater that needs to be mitigated.
3. The applicant will provide a revised plan showing the location of the well, septic system and replacement septic system.
4. A list of hardships for the Zoning Hearing Board to consider will be submitted for review.
5. Compliance with the August 30, 2016 Pennoni review letter.
6. Compliance with all other representations made in the Zoning application and these minutes.

Calabrese Zoning Hearing

The applicants/owners, Nicholas and Danielle Calabrese, are requesting a variance from the minimum side yard requirement per Section 399-28.A(4) for a proposed building addition to an existing single-family dwelling. The existing 1.3-acre parcel is located on the south side of East Fisherville Road, approximately 150 feet west of the intersection with Osborne road in the R-2 Residential District.

Mr. Calabrese explained that he and his wife recently bought the property and would like to extend their kitchen and dining area. The lot is non-confirming. The proposed setback will be 25 feet from the lot line. The required side yard setback in the R-2 Zoning district is 40 feet.

The proposed construction will be 200 square feet but will add approximately 110 square feet of new impervious area since the applicant will be removing a deck. The total impervious is calculated to be 8%. The maximum allowable impervious area in the R-2 Zoning District is 12% of the net lot area.

Mr. Rawlings asked Mr. Calabrese if he has contacted his neighbors in order to gain their support of the proposed projects. Mr. and Mrs. Calabrese have not contacted his neighbors yet but will do so and provide this information to the Township prior to their zoning hearing.

A new septic system was installed recently. The applicant has a copy of the approved permit.

The side of the property where the applicant proposed the addition is heavily wooded. Mr. Calabrese thinks that only one tree will need to be removed during construction.

Mr. Rawlings asked if Mr. Calabrese had considered moving the additional to the other side of the house. He said that it would not make sense since the existing kitchen is on the side where the improvements are planned. The existing house is an A-frame. Aesthetically it makes more sense to have the addition on the side where it is proposed.

The Planning Commission discussed that the hardships for the Zoning Hearing Board to consider are that this is a non-conforming lot, the applicants are requesting a dimensional variance and are simply trying to improve their property.

Mr. Rawlings made a motion to support of the variance request for the proposed addition to be 25 feet from the lot line he following conditions:

1. The applicant provides a survey of the property line closest to the proposed addition.
2. Photographs of existing side property including the vegetation screening and the front of the property are provided for review.
3. The applicant submits documentation of support from the neighboring property owners.
4. Compliance with the August 30, 2016 Pennoni review letter.
5. Compliance with all other representations made in the Zoning application and these minutes.

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

The Learning Experience – Historical Commission Recommendations

The applicant met with the Historical Commission on several occasions, with their last meeting held on August 10, 2016. Mr. Buczala, who is Chairman of the Historical Commission and a member of the Planning Commission, characterized the meeting as productive and several recommendations were made for the building and property. These include recommending: a fence type and color; siding type; material and color; that the roof design be “broken up” to be consistent with guideline #6.6 of the “Guthriesville Village Manual of Written & Graphic Design Guidelines”; trim color; windows style; type of building skirt; color of exterior doors; and color

of the training wall. It is unclear whether the current landscaping will provide sufficient screening for mitigation purposes, based on the material presented by the applicant, but Kristin Camp, Esq., the applicant's attorney agreed that this could be worked out between Mr. Tom Kummer (the Township's landscape consultant) and the applicant's landscape consultant. A letter was sent to the Board of Supervisors on August 17, 2016 detailing the recommendations. Mr. Buczala said that most of the recommendations were consistent with design elements of Learning Experience facilities at other locations and that Kristin Camp indicated she thought the suggestions were reasonable, but she would need to discuss them with her client. Mr. Rawlings asked if the Planning Commission supported the recommendations. Mr. Fanelli stated he would like to reserve his opinion until he has the opportunity to review the information. The other Planning Commission members supported the Historical Commission's recommendations.

The Learning Experience – Extension

The Planning Commission unanimously recommended the Board of Supervisors accept an extension to review this land development application until November 30, 2016.

Marsh Creek Homes (Steimer property)

The applicant/owner, Marsh Creek Homes of Downingtown, is proposing a six-lot subdivision and the development of five new single-family detached dwellings and associated improvements. One existing dwelling is to remain. The six lots will access Crawford Road via a shared private driveway. The existing 25.378 gross acre parcel is located on the east side of Crawford Road approximately 300 feet south of its intersection with Creek Road within the R-1 Residential District. The development is proposing to utilize the clustered residential development improvements. Private on-lot sewage disposal and water supply are proposed. Historic Resource Nos. 37 and 37.1, Class II resources are located on the parcel.

Mr. Greg Wagman, applicant for the subdivision and project engineer Adam Brower, P.E. attended the meeting to discuss the subdivision plan as well as the Pennoni, Heinrich and Klein and Thomas Kummer review letters.

The plan should be marked "Preliminary", not "Preliminary/Final".

Mr. Rawlings said that he was concerned about of the common driveway, which would require a waiver from the Board of Supervisors because of the number of homes accessing it. There are also concerns about the slope of the driveway, which is between 12% and 15% for 35 to 40 percent of the driveway. Mr. Brower said that the original sketch plan showed two common driveways, which would cause additional tree removal and earth disturbance. The driveway as shown on the preliminary plan is approximately 1,800 linear feet. Mr. Rawlings stated that a turnaround is needed for emergency services. The applicant may also need to install pull-off areas and should construct a parking area at the entrance of the driveway in the event that vehicles can't get up the driveway because of inclement weather or other factors. The plan will need to be reviewed by the Township Fire Marshall to ensure that emergency services vehicles are able to access all of the homes and turn around to exit the development.

Mr. Rawlings asked that the applicant provide a rationale with a sketch for considering the waiver request that shows alternatives such as additional driveways or constructing a private road. Mr. Corbin suggested that the applicant construct a cul-de-sac. Mr. Brower said this would necessitate more tree clearing but he could show this past Lot 3 on the downhill side. Mr. Wagoner mentioned that the overall woodland disturbance is shown at 16.6% and the applicant should mark specimen trees that will be removed with the addition of a cul-de-sac. The length of the common driveway if a cul-de-sac were constructed would be between 800 feet and 900 feet.

The plan should show a storage tank for a dry hydrant.

The applicant is constructing a home on property that is across the street from the proposed development. This is not part of the proposed subdivision plan. The newly constructed wall should have a safety fence or railing above it.

Mr. Buczala asked if the owners of Lot 4 would own the main driveway and the other property owners would have an easement to that driveway. Mr. Brower confirmed that was the case.

Mr. Corbin suggested that a note be added to the plan that restricts the property from further subdivision.

Two areas of open space are separated from the larger open space area. Since this area is not needed to meet the required open space area, it was suggested they be absorbed in the lots closest to them. The Planning Commission would like to see a trail or easement for the trail as part of the open space. Mr. Wagoner will discuss this with Mr. Brower.

A historic resource impact study is required since there is an existing Class II Historic Resource on the property, which will be within 300 feet of the proposed dwellings.

The applicant must meet the requirements of the fee-in-lieu of open space provisions of the Township ordinance as well as pay the required traffic impact fee.

In his review letter, Mr. Heinrich mentioned that Crawford Road is very narrow, and expressed concerns for safe two-way travel along the road relative to the increase in traffic. It was suggested that the applicant consider future upgrades to Crawford Road in designing the entrance to their development.

The proposed driveway would have a swale on one side for stormwater run-off. The calculations were based on the 100-year storm. The location of the stormwater basin will be discussed with Mr. Cline. Perc tests have been completed for all of the lots.

The minimum common open space shall contain 100% of the area containing or contained within any primary conservation area. Mr. Cline stated it does not appear 100% of such areas have been included within the common open space. Mr. Brower stated he would like to discuss the interpretation of this section of the Ordinance. Mr. Oeste will look into this and discuss it with

Mr. Brower.

The proposed house on Lot #4 will need to be moved in order to avoid steep slopes.

Mr. Brower was unclear as to where the impervious area should be applied for the driveway. This will be discussed with Mr. Cline.

The proposed infiltrations beds on Lots 4 and 5 do not appear to be a minimum of 10 feet from the proposed property lines.

Mr. Brower will submit a sketch plan prior to submission of a revised preliminary plan showing the alternative driveway/road layouts as discussed in these minutes. Once those fundamental issues are resolved then the revised plan can be engineered.

Ordinance Task Force Items

1. The September 15, 2016 Ordinance task Force meeting has been cancelled. The next meeting will be held on October 20, 2016.
2. The Vision Partnership Program was submitted. Susan Elks has reviewed the application on behalf of Chester County Planning Commission and it is considered complete. If awarded, East Brandywine Township will receive 63.7% of the total project cost of \$31,889.00. The Board of Supervisors has committed \$11,889.00 of Township funds. Reimbursement of project costs through the grant funding will not occur until the Board has adopted amendments to the Subdivision and Land Development Ordinance and Zoning Ordinance that may be produced from this scope of work.
3. A subcontractor assigned by DCED was to begin review of the FEMA-required Floodplain management Standards amendment in July. To date, the Township has not received comments. The deadline for adopting this amendment is the spring of 2017.
4. Amendments to the Historical Resource Protection Standards will be discussed at the October meeting.

Hillendale Subdivision

Mr. Piersol, Mr. Reven, Mr. VanLew, Mr. Oeste, Mr. Cline and Mr. Boldaz, met with a variety of representatives of Metropolitan Development Group, and representatives from D. R. Horton, who will be the homebuilder for this project.

- Paul Bauer indicated MDG understands they are proceeding at their own risk in beginning construction prior to land development plan recordation.
- D. L. Howell will assume the responsibility of project design engineer from E. B. Walsh, who originally generated the land development plans. They will also handle Planning Module revisions, if any.

- Metropolitan Development Group will attend the September 13th Municipal Authority meeting to discuss sewer alternatives, including connecting to the Applecross Sewer Treatment Plant.
- Project to be done in stages. After today's meeting, the Staging Plan will be revised and submitted to the Township. MDG proposing to start earthwork on Monday, September 12th.
- Metropolitan will post escrow for Phase I (East & West) for road construction & infrastructure for Phase I. Each phase will have its own construction of infrastructure.
- Confirmed no Belgian block curbing for spine road. No roads dedicated to the Township will have Belgian block curbing.
- Homes proposed – 40' wide SFDs. Townhomes will be one size – 22' wide, 40' depth with 2-car garages, 2 car driveway widths. Two sales teams – one for SFDs, one for townhomes.
- D.R. Horton is a spec home builder. Will build one model and 15 homes during the winter for immediate sale in the spring of 2017.
- Advised no U & O issued until road is complete and passable to Township's satisfaction.
- Two Historic structures were discussed. It is the Township's position that these structures cannot be demolished.

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, October 5, 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