

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
September 21, 2016**

Those in Attendance:

Jay G. Fischer, Chairman
Arnold M. Kring, Vice-Chairman
Kyle P. Scribner, Member
Scott T. Piersol, Township Manager
Luke D. Reven, Assistant Township Manager
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, September 21, 2016, was called to order by Chairman Fischer at 7:30 PM at the East Brandywine Township Municipal Complex. Approximately 21 visitors were in attendance.

Opening of Meeting

Chairman Fischer opened the meeting with a Salute to the Flag.

Public Comment on Non-Agenda Items

Chairman Fischer asked if there were comments from the public on non-agenda items. There were none.

Minutes: Board of Supervisors – September 1, 2016

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kring made a motion to approve the September 1, 2016, minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Planning Commission – August 3, 2016

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kring made a motion to approve the August 3, 2016 Planning Commission minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Planning Commission – September 7, 2016

Chairman Fischer noted that the Planning Commission minutes of September 7, 2016, were not yet available for approval.

Treasurer's Report

Mrs. Smedley read the account balances as of September 21, 2016. After reviewing the financial reports, Vice-Chairman Kring made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Scribner seconded the motion, with all voting Aye.

Township Manager's Report

Community Day on August 20th was very successful. Beautiful weather brought many classic cars and residents to our Community Park for many activities. Thanks to the Fire Company for their apparatus display and live demonstrations, and the many organizations and vendors who participated in this event. Our Park and Rec Board members are to be commended for their efforts coordinating this community event.

Caln and East Brandywine Township Officials held an informal ribbon-cutting ceremony for the Osborne Road Bridge project on Thursday, August 25th. By this time, many already know that the bridge has re-opened to traffic, which occurred on Friday, August 26th. The roadway approaching the bridge was widened to the greatest extent possible, given the embankments on either side of the uphill approach, and the bridge and intersection improvements are significant improvements. This project took several years to complete due to the federal funding process and associated regulations. Caln Township officials are to be commended for their perseverance completing this project.

Now that the Osborne Road Bridge has re-opened to traffic, the municipalities will consider the status of the East Fisherville Road Bridge. Given the most recent engineering report which indicated the bridge support structure has continued to deteriorate, it is likely this bridge will be closed to all traffic while a viable repair is considered, or a more permanent solution devised, which could include permanently closing this structure. We will update the community on the outcome of these discussions.

The County Planning Commission has begun work on the update to its Comprehensive Plan, to be known as *Landscapes 3*. This 3-year project seeks to first review the successes of Landscapes 1 and Landscapes 2, while beginning to look forward at what the next 25-year period is expected to bring in the way of growth to Chester County. A few of the Landscapes accomplishments include the preservation of nearly 130,000 acres of the County (approximately 27%), 25 miles of new multi-use trails, controlling sprawl while re-energizing our urban centers, and significant improvements to our transportation network. There is still work to do, however.

Mr. Piersol was asked to participate in this project as a member of the Preservation Stakeholders Team. He encouraged anyone interested in preserving what we all love about Chester County, while acknowledging the need to plan for our future, to participate in an on-line survey available

at www.chescoplanning.org. There is also a 4-minute video that summarizes the goals of this project available under the Comprehensive Plan tab.

Vice-Chairman Kring said that it was a honor for Mr. Piersol to be asked to participate on the Preservation Stakeholders Team. He has been active in East Brandywine Township's Historical and Open Space Preservation for many years so will be able to provide his experience and knowledge to this project.

Later this evening, the Supervisors will consider a resolution to authorize the acquisition of a conservation easement on 1.9 acres along Rock Raymond Road, which is adjacent to the open space in the Cumberland Ridge development. The unique aspect of this acquisition is the owners, Don and Barbara Gillen, have agreed to donate this easement to the Township. The sole cost to the Township's dedicated Open Space Fund will be for the property surveys and legal document preparation, which have been estimated at \$16,700.00. Mr. Piersol respectfully requested the Board's consideration of Resolution 14 of 2016 later this evening.

Assistant Township Manager's Report

East-West Bicycle & Pedestrian Facilities Plan - In the spring of this year West Brandywine Township, Uwchlan Township, and East Brandywine Township (as lead municipality) were awarded a grant in the amount \$35,000 from the Chester County Planning Commission's Vision Partnership Program to conduct a study of a proposed trail that will provide safe pedestrian and bicycle connections between Hibernia County Park located in West Brandywine Township and the Chester County's Struble Trail located in Uwchlan Township.

A Study Advisory Committee composed of representatives from the three Townships reviewed the eight responses to an August RFP for a design consultant at a meeting this morning. Interviews with four firms will be conducted on October 13 and a recommendation will be made to the Chester County Planning Commission immediately thereafter.

Hopewell Open Space D Trail Update - The Trails Committee held a special on-site public review of a draft Conceptual Design for a trail connecting the Hopewell and HeatherWynd West developments via a parcel known as "Open Space D" in the Hopewell Development on Sunday, September 18. This additional public event was hosted due to poor turnout at a public meeting held in July. The on-site event was well attended and committee members heard many constructive comments.

The Trails Committee will utilize these comments in providing direction to the special consulting engineer, McMahan Transportation Engineers and Planners, at their October 13 meeting. McMahan will then prepare a final Conceptual Design and legal description of the required trail easements for the consideration of the Homeowner's Association.

Helen and Robert Whittaker Memorial Park and Nature Trail Dedication - A date for the Helen and Robert Whittaker Memorial Park and Nature Trail dedication has been set for Thursday, October 27 at 3:30 PM. This one acre parcel, owned by the Township and developed using private donations solicited by Richard and Peggy Whittaker and managed by the West Chester Community Foundation, now contains a short nature trail, benches, and landscaping. The park is anticipated to serve a trailhead for the Struble Trail and the eastern terminus of the East-West Bicycle & Pedestrian Plan described earlier.

Laserfiche Purchase and Implementation - General Code installed Laserfiche Avante software on the Township's local area network and hosted training for key Township personnel on September 8th and 9th. Staff is now in the process of migrating our extensive archives into the new system. As content is added and features are enabled the new software will enable staff to: (1) perform rapid document searching; (2) off-site document sharing for our consultants and volunteers; (3) reduce need for physical storage space; (4) create electronic workflow routing of documents; and (5) more security and an audit trail for records we are mandated to retain.

The Budget Process Update - Staff has completed a first draft of the FY2017 General Fund and State Liquid Fuel Fund budgets. These budgets will be presented to the Budget Committee tomorrow, September 22, for their review.

Fall Speaker's Series Presented by the Historical Commission - The next installment of the Historical Commission's Fall Speaker's series will feature author and local historian Gene Pisasale who will present a lecture on the War of 1812. Come discover more about this "forgotten war" and unravel the mysteries behind the Star Spangled Banner. The event is free and open to the public. The lecture will be held in this room on Sunday, October 16th at 3:30 PM.

Report: Building Inspector/Zoning Officer – Report for August 2016

Mr. Piersol read the Building Inspector/Zoning Officer's Report for the month of August as submitted by Mrs. Norann King. There were 15 building permits issued, 9 zoning permits issued, 13 use and occupancy permits issued, and 74 inspections conducted during the month. The total fees collected were \$9,662.00.

East Brandywine Township Police Chief's Report for August 2016

Monthly Statistics

Investigations Completed	203
Criminal Arrests	0
Summary Arrests	4
Juvenile Petitions	1
Accidents Investigated	8
Traffic Citations Issued	144
Warnings Issued	21
Vacation House Checks	34
Patrol Miles Logged	9,408

Lt. Gene Babetski and Officer Steven Tyree completed the 2016 PSP Clean Certification Training.

The Police Department had their final PLEAC Accreditation inspection on September 7, 2016. Due to the amount of preparation prior to the visit, the Accreditation team was able to complete the two day inspection in one day. The Police Department receive a letter earlier this week from PLEAC indicating that they have been recommended for Accreditation and anticipate that a formal announcement will be made on October 11th at their meeting in Harrisburg. In speaking to a PLEAC representative, Chief Kocsi learned there are approximately 1,200 Police agencies in Pennsylvania and the East Brandywine Township Police Department will be the 107th agency to achieve Accreditation in the State and the 5th in Chester County.

Chief Kocsi thanked the Board of Supervisors, Township Manager Scott Piersol, Assistant Township Manager Luke Reven, Roadmaster Matthew VanLew and his staff, the Township staff, and Police Officers and staff for their support, hard work and guidance during this two-year process. Special thanks goes to Officer Jeffrey Yankanich for his help in coordinating this project.

Fire Company's Activity Report for August 2016

The following is a summary of the August 2016 Fire Company Report as presented by Fire Chief John Edwards. There were 34 fire incidents and 31 medical incidents in total for the month. In East Brandywine Township, there were 12 fire incidents and 12 EMS incidents. In West Brandywine Township, there were 11 fire incidents and 18 EMS incidents. In Upper Uwchlan Township, there was 1 fire incident and 1 EMS incident. During the month, the Fire Company also provided assistance in Wallace Township, West Nantmeal Township and Upper Uwchlan Township. Estimated fire damage was \$400,000. There were 5 training session, with an average of 31 personnel at each session.

Chief Edwards thanked the Park and Rec Board for allowing the Fire Company to piggyback on Community Day festivities with their evening fireworks displays. He said it was well attended and well received.

The Learning Experience Extension

The applicant is granting the Township an extension to review the preliminary land development application until November 30, 2016. Vice-Chairman Kring made a motion to accept the extension. Mr. Scribner 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.

The Planning Commission supported 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.
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 the September 7, 2016 Planning commission minutes.

Chairman Fischer asked Mr. Patras if he had any objection to the conditions recommended by the Planning Commission. He said he had no objection to the conditions.

Vice-Chairman Kring commented that there is some question from DEP and other agencies as to whether swimming pools should be counted when calculating impervious coverage. His opinion is that it should not be considered as part of the total impervious coverage.

Chairman Fischer made a motion to support the application with the conditions recommended by the Planning Commission. Vice-Chairman Kring 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 required 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 is to be located he would not have a replacement area.

The Planning Commission supported 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.

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.

Chairman Fischer asked if the applicant objected to the conditions recommended by the Planning Commission. Mr. Sykes said he had no objections.

Chairman Fischer made a motion to support the application with the conditions recommended by the Planning Commission. Vice-Chairman Kring seconded the motion, with all voting Aye.

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. Calabrese was asked 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.

The Planning Commission supported the variance request for the proposed addition to be 25 feet from the lot line the 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. Calabrese was asked if he agreed to comply with the Planning Commission's recommendations. He agreed to the conditions.

Chairman Fischer made a motion to support the application with the conditions recommended by the Planning Commission. Mr. Scribner seconded the motion, with all voting Aye.

Pulte – Second Amendment to Agreement for Construction and Operations of Community Facilities

Mr. Bill Creeger from Pulte Homes attended the meeting to discuss the Agreement. Mr. Creeger explained that the amendment is needed to clarify some of the language in the first amendment, to update information on other developments that may connect to the sewer treatment plant and to explain some of the financial and reimbursement calculations. Chairman Fischer asked if there were any questions. Seeing none, Vice-Chairman Kring made a motion to execute the Agreement. Chairman Fischer seconded the motion, with all voting Aye.

Ms4 Update –Cedarville Engineering

Mr. Steve Dadio and Ms. Beth Uhler from Cedarville Engineering Group attended the meeting to update the Board on the Township Stormwater Management Program. Mr. Dadio explained that the goals for the program are to recognize and increase awareness of stormwater as a pollutant and to management stormwater as a pollutant.

The program began in 2003 and Total Maximum Daily Load (TMDL) requirements were added in 2013. East Brandywine was successful in being exempted from the first round. In September of 2017 an application is due to increased minimum control measures. This includes public education, outreach, involvement and participation, information on illicit discharge detection and elimination, construction site stormwater runoff controls, and post construction stormwater management for development and redevelopment and pollution prevention.

Effective in 2018, municipalities will be required to have pollutant reduction plans for impaired streams. The two streams initially affected will be the Culbertson Run and an unnamed tributary to Beaver Creek. The Pollutant Reduction Plan will include reducing the sediment load to the Culbertson Run and to the unnamed tributary to the Beaver Creek by 10% over a 5-year period.

Other streams may also be affected in the future as DEP raises the threshold for impaired streams. There are no additional streams in the Township that raise red flags but the trend is that DEP's regulations will be more stringent. Examples of how to accomplish this include rain gardens, basin retrofits, stream restoration, porous pavement, green roofs and riparian buffer enhancement.

Costs for implementation will be expensive. Ms. Uhler estimates that the total costs from 2017 to 2022 will exceed \$600,000. The cost includes GI mapping of existing infrastructure engineering of BMPs, new construction projects, increased operation and maintenance responsibilities and management of existing stormwater infrastructures.

One way that municipalities are paying for these new regulations to is enact stormwater fees. The Township may consider this in the future if costs continue to escalate.

The Board thanked Ms. Uhler and Mr. Dadio for their time.

Hillendale Subdivision

Mr. Paul Bauer and Mr. Mike Tulio from Metropolitan Development Group attended the meeting to discuss their proposal to re-direct the sewage generated from their site to the Applecross Treatment Plant. The site is currently approved for drip irrigation, a treatment plant and two pump stations. Mr. Bauer said they attended last week's Municipal Authority meeting to discuss this idea and the Authority was receptive to investigating this. Mr. Bauer feels this is a win/win situation. There would be additional customers for the treatment plan where there is additional treatment capacity. In exchange, Mr. Bauer is proposing that the Township consider additional density for the subdivision, somewhere between 80 and 95 single family dwellings. The plan was presented as a concept only. The applicant has not fully engineered the plans.

Some issues that will need to be discussed are disposal beds for the effluent. Hide-A-Way Farms and the Little Washington Wastewater Treatment plant may have additional beds, but it is probably not sufficient for the number of homes they are proposing. The sewer lines will need to be constructed on Township and Hopewell Roads and the pump station on Bondsville Road will probably need to be recommissioned.

Chairman Fischer said that the Supervisors would take this request under consideration. He said that he expects to have many more questions before a decision can be made.

Mr. Bauer thanked the Board for their time and consideration.

Boenning & Scattergood Investment Banking Presentation for payment of the Applecross Sewer Treatment Plant.

Mr. Michael Wolf from Boenning and Scattergood discussed four options to repay Pulte Homes for the portion of the Applecross Sewer Treatment Plant constructed in anticipation of future

Township development. Mr. Wolf discussed the pros and cons of each option and whether to pay the debt off over time or pay it off immediately. The timeline to pay off the debt to Pulte is 2022. Mr. David Summers, Treasurer for the East Brandywine Township Municipal Authority, suggested paying off the debt to Pulte sooner rather than later.

Chairman Fischer asked whether the Township or Municipal Authority should apply for the bond. Mr. Wolf recommended that the Township take the lead in borrowing for the bond. The Township holds a AA rating and is eligible for lower interest rates and closing costs. DCED typically reviews the application within 30 days and then closing can take place 60 days after that.

The Board authorized Mr. Wolf to proceed with the process of a bond issue to repay Pulte Homes for the remaining balance of the Applecross Treatment Plant. He will provide different scenarios for them to review.

Resolution 14 of 2016 – Gillen/Graul Conservation Easement

This Resolution accepts the conservation easement donation of the 1.9 acre Gillen/Graul property and authorizes Mr. Piersol to represent the Township at the settlement for the property. Vice-Chairman Kring made a motion to adopt Resolution 14 of 2016. Mr. Scribner seconded the motion, with all voting Aye.

Public Comment

Chairman Fischer asked if there were additional comments from the audience. There were no comments.

Adjournment

Mr. Kring made a motion to adjourn the public meeting at 8:55 PM. Mr. Scribner seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

