

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, October 5, 2016 - 7:30 PM**

**Those in Attendance:**

Mr. Bruce Rawlings, Chairman  
Mr. Ronald Fanelli, Vice-Chairman  
Mr. James Buczala, Member  
Mr. Michael Corbin, 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  
Fran Greene, P.E., Engineer  
Mrs. Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Ms. Nancy Frame, Member  
Mr. Charles Giordano, Member

**Opening of Meeting**

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

**Planning Commission Minutes – September 7, 2016**

Mr. Rawlings asked if there were additions or corrections to the minutes. Mr. Rawlings made a motion to approve the September 7, 2016 minutes, as presented. Mr. Buczala 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 approval 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 embankment 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, will also vary from 2 feet to 12 feet in height, with a proposed 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 proposed solid vinyl fence.

Kristin Camp, Esq. Attorney for the applicant and Joe Russella, engineer for the project attended the meeting to discuss the preliminary plan for the project. Ms. Camp discussed the September 29, 2016 Yerkes review letter.

#### Zoning Ordinance

1. Section 399-14 – It is unclear whether the zoning relief granted for the project included installation of the water vault within the steep slope area. Ms. Camp stated that relief was granted to install public water lines. It is her belief that the vault is covered under that relief. Mr. Oeste will review this and provide his opinion to Ms. Camp and the Planning Commission.
2. Section 399-19.A – A note should be added to the plan regarding the removal of topsoil from the site. The applicant will comply.
5. Section 399-42.K – Sewage facilities for the site are to be reviewed and approved by the Municipal authority. The applicant will comply.
7. Section 399.42.N – The applicant shall comply with the review of the Township Traffic Engineer. The last letter from Heinrich and Klein was on May 16, 2016. The applicant will comply.
8. Section 399-43.B(2) – The Township Fire Marshall has reviewed the plan. Resolved
9. Section 399-66 – The applicant and the East Brandywine Township Historical Commission have discussed the Ordinance. Ms. Camp stated that her client has agreed to comply with the August 17, 2016 Historical Commission recommendations to the Board of Supervisors with the exception of the siding recommendation. Ms. Camp said that none of the buildings owned by the Learning Experience use Hardiboard siding although they do rent at least one building with this siding. It was pointed out that it was believed that the Mt. Laurel, New Jersey facility has this siding and was the basis of the recommendation at the Historical Commission's August meeting; she stated that the

drawing that presented that information was a proposal for that building and that Hardiboard was not used there in the end. She also stated that there is a significant cost difference. Mr. Buczala stated that the Historical Commission thought Hardiboard would be more aesthetically pleasing, but stated that the other architectural mitigation items will have a greater visual impression and felt that the issue did not need to be pressed. The Planning Commission agreed the siding proposed by the applicant would be acceptable. Ms. Camp then stated that the picket fence was also an issue. She stated that a solid fence, rather than a picket fence must be used, especially along the boundary with the retaining wall since there are concerns about small children getting through a picket fence. Mr. Buczala stated that surely there must be standards regarding this spacing of the pickets that would allow for a safe fence. He said the appearance of the fence is important in that it will be running along the top of the retaining wall and have a significant visual presence, and that a solid fence will have a massive appearance; the picket fence would visually break up that feature. He feels strongly about this feature. Ms. Camp said that her client does not own a facility with a picket fence and a picket fence does not meet their specifications for fencing, although Mr. Buczala said he recalled an image being pulled up during the August Historical Commission meeting that showed one. Mr. Wagoner said that it would be nicer if the fence could be more decorative. Ms. Camp will bring a section of the proposed fence for the Planning Commission to see at the next meeting. The applicant agreed to the recommendation regarding the roofline to be consistent with guidance #6.6 of the "Guthriesville Village Manual of Written & Graphic Design Guidelines", and a rendition will be provided for the Planning Commission to see at their next meeting. Mr. Camp also stated that all other mitigation items in the Historical commission's August 17, 2016 letter to the Board of Supervisors were acceptable to her client, including color recommendations. Both the fence and siding will be earth tone colors.

10. Section 399-102.2M – The plans should show the location of the delivery area and the child drop-off circulation pattern. Ms. Camp stated that there would be no large truck deliveries. They will have smaller deliveries, probably from UPS or FedEx. Those trucks can fit into a regular parking space. The applicant has agreed to designate one space for those deliveries adjacent to the retaining wall and a note will be added to the plan. Parents who are picking up or dropping off children will be required to park in a parking space while dropping off children. It was noted that landscape trucks would not fit into a standard parking space. While a separate issue, Mr. Fanelli said that he was concerned that if the landscaping were done on the weekend it might be bothersome to residents living in the Hopewell subdivision.

#### Subdivision and Land Development Ordinance

4. Section 550-24.B(5) – The certificate of conformance for the applicant has the engineer's name and license number under the engineer's name and license number under the signature line. The applicant will comply.
5. Section 350-24.C(3) – The sanitary sewer main traverses the property, but no easement is shown on the plan. It should be shown on the plan. If no easement exists, then an easement should be provided and zoning data calculations should be revised accordingly.

The applicant will comply.

11. Section 350-40.J – The clear sight triangles for the driveway entrance shall be shown on the plan. A note should be added to the plan stating, “No object greater than 2.5 feet in height and no other objects that would obscure the vision of the motorist shall be permitted.” The clear site triangles are to be at least 300 feet from nonresidential driveways and be measured from a point 12 feet back from the edge of the cartway of the intersecting street. Clarification should be provided to indicate that this is for the area within the site triangle. The applicant will comply.
16. Section 350-47 – The sanitary sewer design for the site should be submitted to the Municipal Authority Engineer for review. The applicant will comply.
17. Section 350-48 – The water main extension plan is to be approved by Aqua-Pa. A copy of their approval is to be provided to the Township. The applicant will comply.
18. Section 350-49.A – The location of all utilities servicing the site are to be shown on the plan. A note should be added to the plan stating that all utilities are to be placed underground and electric. The applicant will comply.

#### Stormwater Management Ordinance

1. Section 345-306.I – A copy of the geotechnical report, with the test parameters and results, signed and sealed by a qualified professional should be provided. The applicant will comply.
2. Section 345-306.K(2) – Label the minimum distance between the proposed building and the proposed stormwater management facility. The applicant will request a waiver for the stormwater facility to be closer than 25 feet from the proposed building and a note will be added to the plan. Mr. Greene indicated that he supports this waiver request.

#### General Comments

5. Retaining wall plans and calculations are to be submitted to the Township for review. Mr. Russella indicated that the plans would be submitted before final plan approval. The maximum height of the wall on the southeast corner will be 11 feet tall from the grade backing up to the parking lot. The western end wall will be 8 feet tall with a 6 foot tall fence. The fence will be an earth tone color.

The applicant agreed to comply with all other items in the September 29, 2016 Yerkes review letter.

#### Traffic Issues

In his May 216, 2016 review letter, Mr. Heinrich stated that PennDOT’s preliminary review of the project indicated a Traffic Impact Assessment report was prepared. He asked that a copy of the report be provided to the Township for review. Ms. Camp stated PennDOT did not request an update of the report. Planning Commission members agree that several new developments were not considered so they do not think the original study will adequately reflect traffic in that area. The Planning Commission would like Mr. Heinrich’s input on this issue.

Mr. Fanelli stated he would like more information on the traffic and how it will increase the wait time at the intersection, motorists entering and existing nearby businesses, etc. Ms. Camp stated that the applicant has followed PennDOT guidelines for improving the roads. They will be widening Hopewell Road, with improvements within the right-of-way on both sides of the road. There is a utility pole near improvements done in the vicinity of Ferndale Lane that will not need to be removed. They will also remove a small bump out on their side of the road so that the driveways align. There will be drainage improvements approximately 150 east of the Sunoco Convenience Store.

The Traffic Impact fee is based, in part, on the number of students attending the school. It is the position of the Planning Commission that the building occupancy number be used for this purpose. Agreement on this number needs to be resolved between the Township Board of Supervisors and the applicant.

#### Proposed Sidewalk

After discussions with the Hopewell Homeowners' Association, they declined to provide an easement for a trail/sideway within their common open space. The applicant has agreed to pay a fee-in-lieu of open space. Resolution of this will be discussed with the Board of Supervisors.

#### Preliminary/Final Plan

Ms. Camp asked that the Township consider allowing the applicant to submit a preliminary/final plan rather than a preliminary plan. Historically, the Township has required applicants to submit separate preliminary and final plans. The Planning Commission will discuss this and provide an answer within the next few weeks.

#### **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. 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 alternate layouts for the road/driveway.

Mr. Wagman stated that he has provided three separate plans for the Planning Commission to consider. The first is a by-right plan with two driveways. He said that this is not the desired plan and asked that the Planning Commission consider supporting either alternative #2 or #3.

1. Multiple Common Drive Plan – This proposes two parallel 10-foot wide common drives, each serving three lots, with multiple pull-off areas. Lot lines would be revised to reduce the number of rear lots to two and the cluster residential development and requirements would not be applied. The result is six large lots, no open space areas and a modest increase in disturbance/impervious coverage. A required waiver analysis was not provided.
2. Revised Single Common Drive Plan – This is similar to the formally submitted plan, however a 30-foot by 400-foot turnaround area is provided prior to Lot 1. The 18-foot driveways width is extended to the driveway for Lot 3 and the driveway entrance at Crawford Road is widened to 26-feet for approximately 80-feet. A required waiver analysis was not provided.
3. Private Road Plan – This proposes a private road with an 80-foot diameter cul-de-sac with the lot layout designed via the requirements of the cluster residential development. Cartway widths of 16 to 18 feet and right-of-way width of 33 to 50 feet are proposed. While the proposed house locations would be similar to the formal submission, the lot sizes would be reduced, as street frontage would be provided from the private street. This would permit a more cohesive open space area. Disturbance and impervious coverage would be similar to the single common drive layout, with slight increases to both, due to the cul-de-sac. This addresses concerns regarding emergency and delivery vehicle access and turnarounds. It also eliminates the need for a waiver to permit more than three (3) lots to access a common driveway.

However, a different set of waivers may be necessary regarding the design of the private road. While further design and review is warranted, Mr. Brower has initially identified either one or six waivers being necessary for the layout. Mr. Cline does not recommend a waiver be granted from the requirement to design a private street in accordance with the dedicated street standards. The dedicated street design requirements should be met where feasible, and if unable, waivers should be requested with appropriate justification, based on PennDOT design guidelines or similar previously approved streets within the Township.

The applicant if asked the Board of Supervisors to consider the following waivers. If the Board waives #1, the others may not be required.

1. Section 350-39.B – This section required a private road to be designed to the same requirements as a road that is to be dedicated to the Township.
2. Section 350-32-A – To allow a 33-foot right of way at the top of the road in lieu of the required 50-foot wide right-of-way.
3. Section 350-33.B.I – To allow a horizontal curve less than the 250-foot curve that is required for a local road.
4. Section 350-33.C – To not require a 100-foot tangent between horizontal curves.
5. Section 350-34.B – To allow the vertical grade/slope to exceed 10%.
6. Section 350-34.E – To allow less than the required 40 foot level area at the intersection with Crawford Road.

Mr. Brower was asked if he developed a vertical profile for the plans. He said that he did not. All of the options show portions of the roads with up to a 15% grading. It is noted, that these alternative plans are not fully engineered and would need to show drainage, stormwater, pull-off areas, etc.

The Planning Commission generally preferred Alternative #3, using the cluster option with a private road and a cul-de-sac. However, without seeing an engineered plan they were reluctant to give their full support. They asked that the applicant provide a plan that shows parking near Crawford Road, pull-off, drainage areas and the least amount of slope and grading to construct the private road. Mr. Brower said that the maximum slope would not exceed 14%. Although generally supportive of the concept, it is important that the Planning Commission understands what sections of the SALDO they are agreeing to recommend the Board of Supervisors waive. Mr. Brower said that the private road would be less than 800 feet in length. Well tests for pressure and portable water will be completed prior to final plan approval.

The applicant agreed to comply with all Ordinances related to Class II Historic structures and the proposed dwellings that will be located within 300 feet of a Class I or II Historic structure, and indicated that they were in the process of preparing an Historic Resource Impact Study.

#### **Ordinance Task Force Items**

1. The next Ordinance Task Force meeting is scheduled for Thursday, October 20, 2016 at 7:30 P.M.
2. 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 but Mr. Piersol said this might be delayed.
3. The existing definition of impervious surface has created a potential issue with a recent application. Mr. Piersol and Mr. Sweet are working to revise the definition to avoid future problems. Mr. Rawlings asked that the timeline to perform stormwater reviews be discussed. On a recent submission, the applicant did not receive an initial review of a stormwater application for more than 30 days after submission.
4. Mr. Fanelli asked that the Task Force consider investigating whether a break retarder ordinance is needed.

#### **Hillendale Subdivision**

Metropolitan Development Group has started clearing trees and some of the site work on the Hillendale property. Pennoni is on site to conduct inspections of the work. Their representatives have also discussed possibly connecting to the Applecross Sewer Treatment Plant instead of constructing a treatment plant on site. In exchange, Metropolitan is asking for additional density on-site. Board of Supervisors Chairman Jay Fischer will attend the next Municipal Authority meeting to discuss sewer options.

### **Brandywine Conservancy Reforestation Project**

Mr. Wagoner reported that the last phase of reforestation along the Brandywine Creek near Dowlin Forge Road would take place on November 5<sup>th</sup>.

### **Comments from the Audience**

Mr. Rawlings asked if there were any public comments. Mr. David Graff is concerned about increased traffic that will result from The Learning Experience project. He stated that that it did not appear that the previous Traffic Impact Assessment took all of the nearby development into consideration and is concerned about congestion and safety.

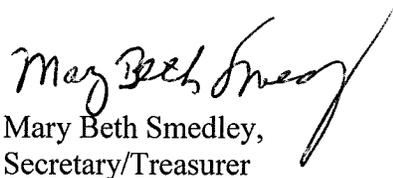
### **Next Meeting**

The next Planning Commission meeting is scheduled for Wednesday, November 2, 2016, at 7:30 P.M.

### **Adjournment**

There being no further business, Mr. Wagoner moved to adjourn the meeting at 9:05 P.M. Mr. Buczala seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley,  
Secretary/Treasurer