

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, February 6, 2019**

Those in Attendance:

Bruce Rawlings, Chairman
Jim Buczala, Vice-Chairman
Nancy Frame, Member
Charles Giordano, Member
Michael Wagoner, Member
Jonathan Wright, Member
Jim Grisillo, Associate Member
Scott T. Piersol, Township Manager
Thomas Oeste, Planning Commission Solicitor
Nate Cline, P.E., Township Engineer
Mary Kemble Slade, Secretary/Treasurer

Absent:

Michael Corbin, Member

Opening of Meeting

Chairman Rawlings opened the meeting at 7:30 P.M. with the Salute to the Flag.

Vice-Chairman Buczala reminded those in attendance of Resolution 2001-08, Rules for Conduct at Public Meetings, stating, "The time allocated to each individual making a comment shall be three minutes, unless otherwise set by the presiding officer. Additional public comment may be granted by the presiding officer at the conclusion of the meeting."

Planning Commission Minutes of January 2, 2019

Chairman Rawlings offered the January 2, 2019 minutes for consideration. Chairman Rawlings made a motion to approve the minutes as presented. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 6-0.

Fasel Subdivision (434 & 436 Timber Pass) Review of Plan

Lisa D'Andrea, P.E., of Medveczky Associates, LTD, was present to discuss this plan. She provided some background information on the project, and noted that it is a part of the Timbers PRD and was originally to be four apartments in the barn, situated on a 0.4-acre parcel. Ms. D'Andrea advised that there are currently only two apartments, not four, and they are proposing to subdivide the barn down the party wall to split these into two single-family semi-detached dwellings. She indicated the Board of Supervisors has amended the original PRD and she is looking for a simple subdivision, with no construction proposed as part of this application. Township Engineer Cline stated this was consistent with the PRD. Member Frame asked if these two units would become members of the HOA, to which Ms. D'Andrea indicated they would be. Chairman Rawlings noted the Commission has to make a separate recommendation for the Preliminary and Final Plan. Chairman Rawlings made a motion to approve the Preliminary Plan

as presented. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 6-0. Member Grisillo questioned the need to update the building to comply with the building code. Manager Piersol indicated the use is pre-existing and retrofitting is not a requirement of the Existing Building Code. Solicitor Oeste noted this subdivision does not expose the Township to any liability. Township Engineer Cline added that these two existing units were approved in 1986, and permits were issued under the Building Code in effect at that time. Chairman Rawlings made a motion to approve the Final Plan with the condition that the project complies with the Building Code as applicable, and that the Township Building Code Official verifies it complies with the Existing Building Code. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 6-0.

NVR Inc. – Weaver Tract: Review of Subdivision and Land Development Plan

Lindsay Dunn, Esquire, Sebastian Ferrer, and Adam Brower, P.E., were present on behalf of NVR, Inc. to review the plans for this project and seek a recommendation on the project's Conditional Use Application. Ms. Dunn informed that the Conditional Use hearing is scheduled for February 26, 2019 at 7:00 P.M. She also noted that they received the Township Engineer's review letter yesterday. Ms. Dunn asked that for the purposes of tonight's meeting, the members focus on the Conditional Use application and stated she believes the plan as presented adheres to the AQRC criteria.

There was discussion regarding the Historical Resources Impact Study (HRIS) requirements. It was ultimately noted that the HRIS requirements are applicable, but that the HRIS was not required to be submitted at the time of Conditional Use for this particular application, given the application was filed on November 9, 2018 and the ordinance requiring the HRIS to be submitted as part of a Conditional Use application was passed on November 29, 2018. Solicitor Oeste recapped stating that the HRIS is required for this project, although it was not required to be submitted as part of the Conditional Use application. He further stated that this project has an adverse impact on an historic resource and the HRIS is necessary to address this.

Ms. Dunn expressed that there has been some contrary direction as it relates to buffering, as an example, and stated that she is looking for clear direction. Vice-Chairman Buczala noted that the concept plan did not show the springhouse, but that the Land Development Plan, dated November 9, 2018, provides the detail of the springhouse location relative to the proposed townhouses. Therefore, it is reasonable that it be considered how to best incorporate the springhouse into the Plan. Ms. Dunn noted the springhouse is not historic as it is not on the Historic Register; however, NVR recognizes its importance and is willing to address as the Township wishes. Vice-Chairman Buczala stated that the springhouse is identified as a contributing resource to the Weaver Farm in the documentation of that historic resource, therefore, it is, itself, historic, and intrinsically linked to the now neighboring historic resource. Ms. Dunn indicated that the completion of an HRIS would not make NVR do anything since the springhouse is no longer on the property of the historic resource, and so she asked for direction on the buffering. Vice-Chairman Buczala reiterated that the springhouse is part of the historic resource and stated that the HRIS would speak to recommendations for mitigation of the impact of the development to the historic resource. Solicitor Oeste suggested NVR hire a professional to

complete the study and the recommendations on buffering be based on the study. Vice-Chairman Buczala encouraged NVR to attend a future Historical Commission meeting and discuss the project and the HRIS requirement. Chairman Rawlings concurred, recommending NVR meet with the Historical Commission to try to get unity on the farm, springhouse, and other amenities. He suggested that this could be a condition since not all of the items are resolved at this time.

Ms. Dunn then discussed some of the Planning Commission comments related to their December and January meetings. She noted the type of layout some of the members are interested in is for a product that NVR does not have, that being alley loaded active adult. She reminded the Commission that active adult was a condition imposed by the seller on this property. Member Wagoner stated he does not desire to look at the rear of the houses while driving down Route 322 and feels NVR put in as many units as they could fit. Mr. Ferrer stated he directed Mr. Brower to design a layout that was both attractive and marketable and that many other communities in East Brandywine Township have similar view sheds. He noted that revisions to the layout would have an impact on the drip fields, as one example, and stated that during the past two and a half years, this concept plan has been in front of the Township and there have not been any real comments as to the layout. Chairman Rawlings stated that he recalled one to two years ago, rear-loading buildings were discussed and it was mentioned at that time that they were not possible for this project. Vice-Chairman Buczala asked Ms. Dunn if they had reviewed the December 20, 2018 review letter from the Chester County Planning Commission (CCPC). Ms. Dunn indicated they have reviewed the letter and that the plan complies with the Township's ordinance. Vice-Chairman Buczala stated that one of the comments in the CCPC letter also addressed the appearance and orientation of the structures in the entrance areas, but did not seem to necessitate significant changes to the plan. Mr. Ferrer stated that input from the Township, Commission, and Staff has been consistent for the past two years and they made revisions accordingly along the way. Ms. Dunn added that they have been cooperative and even held a meeting with the neighbors and the Township as part of the process.

Solicitor Oeste commented that his review of the PADEP letter related to sewage disposal dated December 21, 2018, indicates the entire sewage disposal area will need to be retested, which may lead to substantial modifications to the plan. Mr. Brower indicated that approximately 75% of the testing was performed with the PADEP present, while 25% was not. This 25% will need to be retested under the watch of PADEP and Mr. Brower is not expecting the results to change. Solicitor Oeste inquired if the 20-year old test would still be acceptable. Mr. Brower noted the project's sewer engineer has indicated the testing is still valid. Ms. Dunn reminded the Commission that the PADEP Planning Module is approved for the project. Solicitor Oeste expressed concern about the impact on the proposed layout and number of units by comments of the Planning Commission, Township Engineer, the Pennsylvania Department of Environmental Protection, the Pennsylvania Historical and Museum Commission and the Chester County Planning Commission. Member Frame asked if any of the proposed neighboring developments will affect the marketability of this development. Mr. Ferrer indicated he believes this is a very good active adult market.

Mr. Ferrer noted his review of Township Engineer Cline's letter indicated the plans are consistent with the Township's Ordinance and no major modifications will be required. Ms. Dunn asked for a recommendation on the Conditional Use and noted they are agreeable to conditions that they modify the plan to address the Township Engineer's comments. Chairman Rawlings noted that stormwater management is a major issue. He made mention of the riparian buffer and asked about the bog turtle study. Mr. Ferrer mentioned that the project has received USFWS clearance. Chairman Rawlings questioned snow removal and on street parking. Member Grisillo suggested overflow parking and sidewalks on both sides of the streets. Mr. Ferrer advised that they looked at the possibility of sidewalks on both sides and it was not feasible to accommodate that request, noting that the plan as presented provides over four miles of walkways and trails. He did mention they would look into the potential of pocket parking. Ms. Dunn stated the plan as presented is a good fit for the Township, School District, and applicant, and it also has five acres of land to be donated to the Township. Chairman Rawlings had further comments regarding trash collection, emergency exits, private roads, street trees, and cobblestone curbing. Mr. Ferrer indicated that they will pave the emergency exits; roads will remain private, and that they will be sensitive to the types of trees being planted near the streets. Vice-Chairman Buczala asked for confirmation that the streets will remain private, as to bring them into compliance with the road requirements of the Township Code could affect the layout of the development. Mr. Ferrer confirmed that the streets would be private. Member Wright stated for the record that he values aesthetics and wants to do what he can to make the development appealing. Ms. Dunn responded that value is their driving force. Vice-Chairman Buczala reminded the applicant that an Open Space Management Plan and a Visual Impact Plan are also required.

Solicitor Oeste suggested the following motion: Motion to recommend Conditional Use approval of the Application of NVR, Inc. for use of the Weaver Tract property as an Age Qualified Residential Community, but with no recommendation of a specific plan or a specific number of units, subject to the following conditions and consideration of the following issues:

1. Compliance with all requirements of Zoning Ordinance Sections 399-102.6 and 399-137.D.
2. Consideration of Planning Commission comments set forth in the minutes of the January 2, 2019 Planning Commission meeting, including layout, aesthetics and orientation of residential dwellings as viewed from public roads and adjacent properties.
3. Provide additional on-street parking for guests.
4. Provide pedestrian and vehicular connections to adjacent developed and undeveloped properties.
5. Consideration of comments in Pennoni correspondence dated February 5, 2019.
6. Consideration of comments in PADEP correspondence dated December 21, 2018 regarding location and suitability of sewage disposal areas.
7. Mitigate impact of the development on the Weaver Farm as a Class I historic resource and require preservation of the springhouse on the development property.
8. Compliance with the requirements of the Pennsylvania Historical and Museum Commission in its correspondence dated April 1, 2017.

9. Consideration of the configuration and size of open space parcels.
10. Compliance with recommendations of Traffic Planning and Design's Traffic Impact Assessment for road improvements, including those improvements required by PennDOT at the intersection of Horseshoe Pike, Hopewell Road and Bondsville Road.
11. Consideration of comments in Chester County Planning Commission correspondence dated December 20, 2018.
12. Compliance with all comments and requirements of Township and Municipal Authority consultants and outside agencies during land development review.

Chairman Rawlings made the motion as proposed by Solicitor Oeste. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 6-0.

Ordinance Task Force Items

Manager Piersol informed the members that John Gaadt and David Sweet will be present at the February 20th Task Force meeting to provide an update on revisions to the previous draft of Scenic Roads & Resources. He also advised that John Theilacker will be present to offer background on the model logging ordinance provided by the Brandywine Conservancy, as it pertains to the Township adopting a revised logging ordinance. He asked the members to review this information prior to the meeting and provide comments as soon as possible.

Manager Piersol reported that the Board of Supervisors will take action at tomorrow's work session meeting on the AQRC Ordinance amendment, Ordinance 01 of 2019, which was previously reviewed by the Planning Commission and the Chester County Planning Commission. Solicitor Oeste summarized the amendments to the ordinance. Vice-Chairman Buczala made a motion to recommend the Board of Supervisors enact Ordinance 01 of 2019. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 6-0.

Old/New Business

Chairman Rawlings requested an update on the Giant hearings. Manager Piersol noted the next hearings are scheduled for February 21 and February 22.

Adjournment

There being no further business, Member Wagoner motioned to adjourn the meeting at 9:17 P.M. Chairman Rawlings seconded the motion, with all members voting Aye. Motion passed 6-0.

Respectfully submitted,



Mary Kemble Slade
Secretary/Treasurer