

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Wednesday, March 2 2022**

**Those in Attendance:**

Bruce Rawlings, Chairman  
Jim Buczala, Vice-Chairman  
Charles Giordano, Member  
Mike Corbin, Member  
Francis Taraschi, Member  
Luke D. Reven, Township Manager  
Lisa Taraschi, Township Secretary  
Nate Cline, Township Engineer  
Tom Oeste, Township Solicitor

**Opening of Meeting**

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

Chairman Rawlings 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."

**Public Comment on Non-Agenda Items**

There were no comments.

**Planning Commission Minutes of February 2, 2022**

Mr. Rawlings asked for a motion to approve the minutes of February 2, 2022. Vice-Chairman Buczala made the motion. Chairman Rawlings seconded the motion, with all members voting Aye. Motion passed 5-0.

**New Business**

There was no new business

**Current Applications**

**1212 Osborn Road-The Preserve at Horseshoe Meadow**

Ms. Linda Layer of Inland Design summarized the changes to the plan. She and the applicant met with the trails committee which resulted in the trail being removed from the project and sidewalks added across the front of the properties with a crosswalk to Constitution Drive. She added they moved the access to the open space to lot 1 inside an easement. They are proposing post and rail fence on either side of the easement. Mr. Rawlings asked how wide the easement is. Ms. Layer stated 12 feet wide. She also stated that the open space is now 5.89 acres and the easement is .11 acres totaling 6 acres. She added all the lot lines have been shifted to the right to accommodate the easement. Ms. Layer

mentioned that they are installing an earth and berm which will be planted to help with water run off on the back side of the property. She added they have added a note that the deeds have impervious restrictions not to exceed 20% as stipulated by the zoning ordinance. They also added a note to the landscaping plan to remove any dead or diseased trees along the lot lines. She stated they added an existing cross culvert to Osborne Road. She also added the systems have been designed to hold a 100-year storm resulting in minimal impact to the roadway. Ms. Layer stated they are in receipt of the Township Engineer's letter of February 25, 2022. There were two comments, 28 and 29, that had to be addressed. One was to show the houses 25 feet from the infiltration beds. Also, an added a note regarding the Township ordinance which states five or more excavations in a block require the entire length of travel lane to be paved. Right now, they are only proposing three excavations. However, that is not was added to the plan.

Mr. Rawlings addressed Ms. Layer. He asked if the applicant is asking for four waivers. Ms. Layer responded that they are. Mr. Rawlings asked when the waivers have to be satisfied. Mr. Oeste stated that if the Commission accepts the waivers it would need to be included in the recommendation. Mr. Rawlings asked Ms. Layer if she was aware of the fee in-lieu-of recreation. Ms. Layer stated she was aware. Mr. Oeste directed the Commission to make a recommendation to the Board of Supervisors whether or not a credit will be granted for the sidewalk. He added the Board will decide what fee will be charged.

Mr. Rawlings asked Ms. Layer if they are aware of the Traffic Impact Fee. Ms. Layer stated she was. He also asked who will be maintaining the open space. Ms. Layer stated that Mr. Cline stated that is a question the Township will have to answer. Mr. Rawlings asked if the open space will be seeded with wild flowers. Ms. Layer confirmed that it would be. He also asked if the Fire Company has reviewed the plan. Ms. Layer stated she has not heard from the Fire Company yet. She advised fire hydrant tests have been completed those results came back positive. Mr. Rawlings stated the landscaping looks good with the exception of the linden tree. She stated that it has been removed from the plan dated February 25, 2022.

Mr. Rawlings asked Mr. Taraschi if he had any concerns. Mr. Taraschi stated he did. His concern is regarding the 15-foot section of land that connects with the open space. This was part of that future parcel. There is an easement of twelve feet in the twenty-five-foot side yard. He suggested flipping this to continue to have the fifteen-foot area connected to the back and deeded as a separate tax parcel. He added people don't want trails next to them as evident at the last meeting. He added his concern is that the people that purchase this lot and house next to the easement will most likely oppose any future use on that easement. This will result in a legal battle claiming they were not aware of this easement and do not want a trail next to their home. Mr. Taraschi added this has happened in the township in the past with HOA's not wanting trails. He stated he wants to ensure the township proceeds properly. Mr. Buczala asked if there was a reason, they are using an easement versus creating open space. Ms. Layer explained that if the fifteen-foot easement was placed on the other side the lot lines would shift so much it would affect the septic systems resulting in additional testing on the applicant's part. Mr. Taraschi stated that engineered plans were done prior to meeting with the Commission. He added that it would be expected that changes would need to be made as part of the development process. Mr. Rawlings asked if the easement going back to the open space will be a grass easement with no signage. Ms. Layer confirmed. The Commission asked Mr. Oeste if there was concern regarding the easement. Mr. Oeste added there is little difference between fee ownership and an easement. He added he can appreciate Mr. Taraschi's comments as this is a continuous problem. However, if the area is marked by

fences on both sides before it is conveyed to lot 1, they will be hard pressed to state they weren't aware of the easement and cannot stop people from walking through. Mr. Oeste stated he feels it can be handled by an easement. Whether the easement is permitted under Township ordinances is something that will have to be verified. Mr. Oeste added he is not sure if it is favorable for the easement to cross over a septic field. He questioned if the easement is wide enough to get equipment to the back to maintain the open space. He added you cannot go through someone's yard to get to the open space. Mr. Oeste stated that he feels this is something that has to be looked at little more carefully.

Mr. Corbin asked who will maintain the ownership of the open space. He added his objective of this space would be that the area never be developed residentially. If it's owned by the HOA, a deed restriction would be necessary to prevent any future development. Ms. Layer suggested possibly holding it under a conservation easement with restrictions placed on it for no future development. She also suggested that it's possible the owner of the lot could hold the land in perpetuity until such time the Township decides if they will make a trail connection. At that point in time, it would then be transferred to the Township. Mr. Taraschi again stated his concern is the property owner will then feel they are the owners of the open space resulting in unnecessary conflict.

Mr. Corbin asked what the homes would look like and would there be any variation to the façade. He would like to see them look more like a community. Ms. Layer stated the applicant has several different style homes available and will provide a menu for future homeowners to choose from. She added they will not all be the same. Mr. Corbin added that this is something we should strive for in the Township, a variation. Mr. Taraschi added he agrees with Mr. Corbin and stressed that visual impact is important to the Township.

Mr. Taraschi asked how to prevent the home buyers from turning this community into a hodgepodge by installing sheds, clotheslines and unsightly fences. Mr. Reven added for the record, the preference in open space acquisition in almost all instances is the land is kept in private hands. But, it is protected from future subdivision by deed restriction as opposed to fee simple ownership in the Townships name. He added this has been the position of the Township in most of the open space acquisitions. Mr. Taraschi feels that the Township has lost opportunities to purchase properties because of this view. Mr. Reven added that in addition to the maintenance cost you are removing a parcel from the tax roll.

Mr. Buczala stated in regard to the fee in-lieu-of recreation, the Commission should make a recommendation to the Board of Supervisors that they consider the full fee and not the walkway in the front. He added he is a little disappointed that the Board did not consider the Commission's suggestions to the layout regarding the comments about an aesthetically pleasing overall development. He also stated working with what we have now and the open space in the back, he has some concerns in regards to maintenance. He asked if there would be an HOA and would they maintain the open space area. If not, who will be responsible to maintain the area? Ms. Layer advised they have a document for the HOA outlining who will be responsible for what including a budget. Mr. Oeste added if the open space is not owned by the Township and not the individual property owners, the developer would have an HOA established. He added the Township solicitor would review the document to ensure it contains provisions that protect the Township and its interest. Mr. Oeste also added this is a cluster sub-division. They are required to have a percentage of open space in order to have the cluster development. Mr. Oeste advised that in review of the document they would make sure the area cannot be developed. Mr. Buczala added he would like to see a provision for focus of native plants being used in the open space areas.

Mr. Rawlings asked Ms. Layer what she was asking the Commission for this evening. She responded preliminary plan approval and as we move forward address some of these issues for our final plan. Chairman Rawlings stated the Commission will grant preliminary plan approval for the plan dated February 25, 2022 with the following conditions.

1. There are four waivers, the Planning Commission supports those waivers.
2. The Commission supports a fee in-lieu-of recreation.
3. The Commission supports a Traffic Impact Fee.
4. The Commission supports the sidewalk in the front with the crosswalk on Osborne Road.
5. The Maintenance and ownership of the open space will be discussed, this is an open issue.
6. The Commission has required all proper permitting such as NPDES.
7. The Commission requests the applicant speak with the fire company, the County, and the Conservation District.
8. The Commission requests removing the linden tree from the landscaping comments and confirming the proper mix for wild flowers and native plantings.
9. The Commission requests a 3 foot split rail fence along the left side of the property.
10. The Commission recommends the easement on lot 1 be 15 feet wide for maintenance of the open space.
11. The Commission recommends preliminary plan approval subject to compliance with Pennoni's review letter dated February 25, 2022.

Vice-Chairman Buczala seconded the motion. With four members voting Aye, the motion passed 4-1. Member Taraschi voted Nay.

### **Township Plans**

There were no new plans.

### **Ordinance Task Force Update**

Chairman Rawlings informed the commission that the last Task Force meeting was February 23. Mr. Wagoner ran the meeting. He added that the Task Force made progress with the Comprehensive Plan and is having discussion about the Guthriesville master plan. He also added the next Task Force meeting is scheduled for March 23, 2022 at 7:30 PM at the Township building. Chairman Rawlings added Mr. Carl Croft attended the Task Force meeting and had a few comments regarding the Guthriesville master plan that he was going to discuss with the Board of Supervisors to discuss the goals of the master plan.

### **Public Comment on Non-Agenda Items**

Member Corbin inquired when the Township would see more aesthetically pleasing cluster homes and townhouses that have more eye appeal. Mr. Rawlings added that Mr. Taraschi suggested a sketch plan which will enable the houses to be moved around. Mr. Rawlings suggested using the sketch plan as a tool, however, the Commission cannot require this document. Mr. Oeste added we have a TND2 Ordinance that states you must have a minimum front yard of 6 ft and a max of 12, the idea was to

bring the houses closer to the road however, there is no where to park. He added this ordinance is appropriate if you have alleys, if you don't have alleys. This will not work unless you have on street parking which changes the look of a townhouse development. Mr. Oeste stated this ordinance does not work in this situation. He added the Ordinance does not require a sketch plan. Mr. Buczala added that if an applicant comes in with a sketch plan, the Commission can discuss the concept of the design prior to the applicant investing in engineered plans. Mr. Oeste added that if the Township requires a mandatory sketch plan, then it subject to a time requirement. However, you would be adding another administrative step to the process. Mr. Cline added he feels a mandatory sketch plan hinders the process. He added he feels an optional sketch plan is your best bet. He noted that if the discussion is held at the sketch plan stage it can be beneficial to the applicant and municipality. Mr. Cline addressed Mr. Corbin's question regarding architectural design stating in some other municipalities they have an informal architectural review board that reviews the plans prior to them being recorded. Mr. Oeste advised that if the Ordinance does not require it, you cannot push it and you cannot control architecture with zoning. Mr. Buczala asked Mr. Cline why he felt a mandatory sketch process effects the process negatively. Mr. Cline stated that he feels it slows the process. He added none of the municipalities he is currently working with requires sketch plans. Mr. Taraschi added that based on the work he has done, he feels it is more productive to sit down and have an informal meeting with staff and show them the plan and get feedback from the municipalities engineer and manager. Mr. Cline agreed that is helpful and could be encouraged but does not feel it can be required.

Chairman Rawlings stated 170 Crawford was removed from the agenda. He added that Mr. Cline finished his review letter. He also stated that the Commission is hoping the plan is revised based on Mr. Cline's review letter prior to the applicant appearing before the Commission on April 6<sup>th</sup>. Mr. Cline stated the engineer has received the review letter.

Mr. Reven informed the Commission that he received a request for an informal meeting to discuss 525 Reeds Road. Mr. Rawlings asked who the request is from. Mr. Cline asked Mr. Reven to keep him updated on this project.

Mr. Cline added the Township can expect to receive a submission for the Weaver Tract in the near future. Mr. Oeste added that a 90-day extension was granted and should be received by the Township in the coming days.

### **Adjournment**

Member Corbin made a motioned to adjourn the meeting at 8:20 PM. Vice Chairman Buczala seconded the motion, with all members voting Aye. Motion passed 5-0.

Respectfully submitted,

Lisa Taraschi,  
Township Secretary