

**PLANNING COMMISSION
MINUTES
May 27, 2004
AGENDA MINUTES**

The West Brandywine Township Planning Commission meeting was called to order at 7:38 p.m., John Cassels led the members in the pledge of allegiance. Those members in attendance were; Joseph Boldaz, John Cassels, John Conti, Kim Hoopes, Anita Fernez and Bob Schini. John Cassels asked for acceptance of the minutes for the April 22, 2004 meeting, Kim Hoopes motioned to accept the minutes, John Conti seconded the motion with all members in favor.

First item under old business; Schnatz & Rohrer Landscaping Inc. – Preliminary/Final Land Development Plan (00-05-SCHROH) prepared by Berger & Hayes – Industrial Storage Building for Vehicles concerning Landscaping Business. Clock started Thursday May 25, 2000 and continues until Sunday, August 1, 2004. Joseph Boldaz motioned to table Schnatz & Rohrer Landscaping Preliminary/Final Land Development Plan (00-05-SCHROH), Kim Hoopes seconded the motion with all members in favor.

Brandamore Golf Course - Preliminary/Final Land Development Plan (00-10-BDMGOLF) Golf Course/Club House/Maintenance Building. Prepared by R.K.R. Hess Associates, Inc. Clock started Tuesday November 21, 2000. Letter was received from the applicant granting the Township an open-ended extension of time. No representation was present. John Cassels asked for a motion. Joseph Boldaz motioned to table the plan and John Conti seconded the motion with all members in favor.

Hide Away Farms - Preliminary Subdivision & Land Development Plan, (By-Right) (01-02-HAFARMS) Hide Away Farms, property located at Special School Road. Prepared by Nave, Newell & Stampfl, Ltd. – 47 Lots in West Brandywine Township. Clock started Thursday June 28, 2001 and continues until Tuesday September 25, 2001. Remains open, nothing new to discuss.

Costa Homes Inc. – Preliminary Subdivision Plan (02-09-COSTA), prepared by ProTract Engineering, Inc. Property Location; Swinehart Road & Beaver Creek Road, proposed Lots, 26. Clock started Thursday, July 25, 2002 and continues until Sunday, June 13, 2004. No representative was present. John Cassels, we have received a new set of plans titled Hidden Meadows that is being reviewed by the Township engineer. The opinions of the lawyer the engineers, they have addressed all the engineering concerns and everything else is clean. Their lawyer has requested that we recommend approval of the preliminary plan to the BOS. Kim Hoopes, we have not received anything from the Township engineer stating the applicant addressed all issues. John Cassels, there are still housekeeping issues. The waiver request are not on the plan, they have requested waivers for the cul-de-sac, the rolled curb on steeper roads, the length of the road and active recreational area. The engineer review letter from April 7, 2004 states a neighborhood playground area, we support the applicants request for a waiver to Section 167-62b pertaining to provisions governing active recreation area. The applicant was not granted that waiver by the BOS. This is still an open issue. John Cassels asked for a motion. John Conti motioned to reject the Costa Homes Inc. – Preliminary Subdivision Plan, Hidden Meadows, based on incomplete plans, not showing active recreation area under Section 167-62b or an approved waiver for such, and upon receiving a letter granting an extension of time from the applicant. Joseph Boldaz seconded the motion with all members in favor.

City of Coatesville Golf Training Facility – Preliminary Land Development (03-01-CCGTF) – Proposed Municipal Golf Facility – Prepared by Carroll Engineering Corporation. Proposed Municipal Golf Facility, located at Pratts Dam Road and Route 340. Clock started Thursday, May 22, 2003 and continues until Wednesday, July 14, 2004. No representative was present. John Cassels asked for a motion. Joseph Boldaz motioned to table the plan and Kim Hoopes seconded the motion with all members in favor.

Coatesville Area Regional Catholic School – Preliminary Subdivision & Land Development (04-02-CARS)– Proposed Coatesville Catholic Regional Elementary School – Prepared by EB Walsh & Associates Inc., located at Beaver Creek Road & Route 82. Clock started Tuesday, February 26, 2004 and continues until Wednesday, July 14, 2004. John Cassels, we have received a letter from the Chester Health Department that had no issue, the letter did state they did not witness the soil testing, and this would be left up to DEP. The EB Welsh letter stated they were working on the issues from Mr. MacCombies review letter. A letter of extension had been received from the applicant. John Cassels asked for a motion. Kim Hoopes motioned to table Coatesville Area Regional Catholic School – Preliminary Subdivision & Land Development Plan, John Conti seconded the motion with all members in favor.

Balderston Family LTD Partnership/Swinehart Realty Associates LP – Preliminary Subdivision Plan (04-03-CULSWH), prepared by DL Howell Associates, located at Culbertson Run & Swinehart Road. Proposed 115 Single Family Dwellings. Clock started Thursday, February 26, 2004 and continues until Saturday, July 24, 2004. Representative present was Greg Poff who stated he would like to get a formal action in regard to the Special Study. We need a letter from the Planning Commission recommending one of the alternatives in the Special Study, hopefully the alternative number two, being the Swinehart treatment plant.

John Cassels stated that himself and Joseph Boldaz were not at the meeting when voting took place. The Planning Board did vote on which alternative they felt comfortable with and this was submitted to the Board of Supervisors. Greg Poff, I don't believe there was a formal vote, there was a polling on what individuals preferred. At that point there was confusion over the feasibility of the Pennsylvania American Option. This was explained in detail at the time, some members said they would prefer that if they could, that of course is not feasible. Time and capacity is at question at this point. The Special Study has been followed up on and scrutinized. The Pennsylvania American Option remains not an option at this point with this project. There was some bookkeeping, accounting and design and problems in the transfer from Coatesville Pennsylvania American and all the capacity that was supposed to be there is not. The capacity that West Brandywine has allocated to go to that area which West Brandywine Municipal Authority does not own, others own it, is in question at this point. Let alone adding another hundred seventy-five to two hundred thousand gallons to that mix or in exchange for that mix is not feasible at this point.

John Cassels according to the minutes from March 25, 2004 meeting there was a lot of discussion; certain members stated they were against Option One, the opinion of each member was asked. It seems in the end the Planning Board made a recommendation for Option One to the BOS's. Greg Poff, conditioned upon capacity being available, which is not the case. Option Two which is what the Special Study goes on to recommend is the Swinehart Waste Water Treatment alternative plan application. John Cassels, I would like to make a motion to rescind that recommendation to the BOS's for Option One, John Conti seconded the motion with all members in favor. John Cassels, my opinion is Option Two has always been a better option to keep the water in the system rather than export it for discharge to service water. It keeps recharge to the ground water and it will continue to base load our streams in periods of low flow. I am in favor of Option Two and would now like to take a vote.

Joseph Boldaz, what would be the cost to the homeowners from Option One to Option Two. Greg Poff there is not a drastic cost difference between Option One and Two. There is some difference between the exact dollar figure. Option Two as we see it right now is around six and half million dollars, the pumping station alternative down to Coatesville was somewhere in the range of six million, calculations were not in there for acquiring the reserved capacity or any down stream fees. Joseph Boldaz, did both options consider getting rid of Kimberwick, Greg Poff replied, yes. Kim Hoopes, would Kimberwick be used as a spray field. Greg Poff, it could, the

Conditional Use Order stipulates incremental usage of our land to take care of all the pre-development flows and we will take care of all the Kimberwick flow on our land to the extent that it fit, if it does not fit then Kimberwick flow may have to remain onto the existing Kimberwick disposal area. It will still be treated to that much higher level at the Swinehart plant. We will be presenting a specific system treatment alternatives within the next few weeks. Soil testing is still continuing to determine whether it will be drip or sub-surface. We are still waiting on the final flow figures or soil testing figures. There will be some debate with regard to loading rates, whether using spray or a higher rate based on fact that there is hydric soil. Joseph Boldaz, based on the information and notes I have read and I have looked at the Special Study, I would support Option Two, it's a more environmental sound method rather than transporting water out of the Township. Kim Hoopes, issues that might come up with new homeowners would be the odor. Is there a way to control that. Joseph Boldaz, there is a way, depending on what type of system they go to, there is technology out there that reduces the footprint, allows them to put it within a building the whole treatment plant and then provide some sort of odor control within the building. Greg Poff, the existing Kimberwick facility, which I understand did have an odor issue, will no longer be in existence. We will be taking that odor issue away. We will be updating that with new and better technology. John Conti, I would be in favor of Option Two, because of the soundness of it. Bob Schini, I move that we direct the secretary to draft a letter to the BOS's recommending approval of Option Two, Community Treatment Plant that is in the Act 537 Special Study. A copy of this to be sent to Bentley Homes. John Conti, seconded the motion with all members in favor.

Greg Poff thanked the Board and stated he would see them next month.

John Cassels asked for a motion, Kim Hoopes motioned to table the plan, Joseph Boldaz seconded the motion with all members in favor.

Culbertson Realty Associates LP – Culbertson Village Preliminary Subdivision Plan (04-04-CULVILLAGE), prepared by DL Howell Associates, located at Horseshoe Pike & Swinehart Road. Proposed 178 Townhouses. Clock started Thursday February 26, 2004 and continues until Saturday July 24, 2004. Representative present was Greg Poff. John Cassels asked for a motion. Bob Schini motioned to table the plan, John Conti seconded the motion with all members in favor

Tremoglie, Gregory & Amy, Glenmoore Veterinary Hospital - Preliminary Final Land Development Plan- (04-05-TREM), prepared by Commonwealth Engineers, Inc, located at 3 Andover Road. Proposed expansion to the existing Glenmoore Veterinary Hospital with an expansion of the existing parking lot. Clock started Thursday, March 25, 2004 and continues until Wednesday June 23, 2004. Representative present was James Haigney from Commonwealth Engineers, Inc. who handed the planning board information concerning waiver request. James Haigney stated he would like to discuss the May 24, 2004 review letter from Mr. MacCombie along with the handout. The first few pages having to do with zoning are reflected in our zoning application. We look for a hearing date sometime in July. Since we have talked about this in the past and you have a list of variances we are asking for a formal recommendation from the Planning Commission.

James Haigney, we had a general idea of what we wanted to ask for in terms of relief, but we had no review letter at that time from MacCombies office. In number one it would be from a four thousand foot limit in Section 200-37 of the zoning ordinance with respect to the amount of leaseable area of the building.

We are asking relief for that we are looking at a total of over eight thousand square feet. We are looking to increase that. John Conti, in other words the four thousand square foot limit is what could be added on the to existing. James Haigney, Section 200-37 of the zoning ordinance that's the maximum allowed square footage requirement for a structure in the RM zoning district. This building was there prior to being re-zoned to the RM district. It was zoned industrial commercial prior to that. We are looking at five thousand seven hundred square foot addition. Number two, Section 200-35 from a rear yard set back requirement and a front yard set back, in Section 200-8 in order to expand the building that is on a non-conforming lot, the expansion is in conformance it is the existing building that is slightly non-conforming, it did go over the front yard and rear yard set back by

approximately a foot. The frontage is 322 not Andover Road. We were allowed to choose what we considered our front yard. The building fronts 322, the access is off of Andover Road, we choose to utilize the rear yard. John Cassels, on a non-conforming building aren't you limited to fifty percent of that non conforming building if you expand it. James Hiagney, that's correct, we are asking for relief to expand that side of the building more than fifty percent. Item three, maximum coverage requirements in Section 200-38 there maximum coverage requires fifty percent, we were at sixty four percent. I discussed this with the Township Engineer we had initially proposed impervious paving, we are now eliminating that for porous paving and demonstrated that we are infiltrating one hundred percent of the storm water run off from the additional pervious coverage.

We have reduced the amount of parking from the required forty-one spaces, we are providing thirty-three spaces with eight spaces in reserve. On the eastern side of the building there is parking area. We preformed the storm water design as if that would be paved. There is a possibility that will be paved if the amount of parking is needed. We did a two fold approach and reduced the number of parking spaces, but we have accounted for that in storm water management. We are assuming that we want this storm water management system designed as if that is going to be paved. You can't go back and re-invent a seepage bed. We have infiltrated the sixty three hundred fifty square feet of paving in addition to infiltrating that sixty three hundred square feet of linear, we have taken away a certain amount of parking area, but we are not counting any of that towards reduction of pervious coverage.

We are still asking for relief on the additional impervious coverage over fifty percent. We are proposing thirty-three active parking spaces with a total of eight additional in reserve if its determined once the site builds out and they need the additional eight spaces they are there. I think this is something that has to play out before the Zoning Board. Item five Section 200-139a dealing with non-conforming lot. Item 7, from landscaping requirements, especially the planting requirements and the twenty-foot buffer strip, we are asking relief. John Cassels stated that is a waiver request. We ask the applicant to note on the plan what is required and what you are proposing so we can see the difference. A recommendation to the BOS's can then be made.

James Haigney, we are in the middle of plans for the new building. There will be stone stucco on the front, design of the building will be rural, and it's in line with the existing buildings so the two buildings will blend. To the extent of the veterinary use as a non-conforming use which the applicant disputes the applicant seeks relief from the extension of these requirements. The existing sign on 322 we are asking for relief being that it is non-conforming. John Conti, I would like to see that conform. The last item, to the extent that the zoning officer determines the veterinary use is not a permitted use in the RM district the appeals from that determination. We will meet with the Township Engineer to work out some issue we disagree with in Mr. MacCombies review letter. John Cassels, if you don't get zoning relief are you going to go back and re-engineer this. In terms of re-engineering in would be easy. All the items on these letters would be addressed, we would just have to make things smaller and reduce the amount of parking. We realize we are putting ourselves in a position where it's a gamble. We have done considerable amount of engineering up front and we have as yet to schedule the zoning hearing. We do realize the position we are in. The Board stated there was not much they could do until the zoning hearing took place. John Cassels asked that the applicant submit a letter granting the Board an extension of time. James Haigney, I am asking for a recommendation from the planning board before I go before the zoning board. The Board determined that recommendation to the Zoning Board where not required. A letter of extension was given to the Board. John Cassels asked for a motion. Joseph Boldaz motioned to table the Tremoglie, Gregory & Amy, Glenmoore Veterinary Hospital - Preliminary Final Land Development Plan and John Conti seconded the motion with all members in favor.

St. Peter's Church – Preliminary Subdivision & Land Development Plan (04-06-PTCHURCH)– Proposed Catholic Church – Prepared by Nave Newell, Inc., located at Beaver Creek Road & Route 82. Clock started March 25, 2004 and continues until Wednesday June 23, 2004. No representative was present. John Cassels asked for a motion. Kim Hoopes motioned that unless an extension of time is received the Board reject the St. Peter's Church, Preliminary Subdivision & Land Development Plan and also reject the plan based on Mr. MacCombies

review letter dated April 29, 2004, in reference to the Zoning and Subdivision & Land Development Ordinance issues, Joseph Boldaz seconded the motion with all members in favor.

Sktech Plans Submission – The Wright Property, representative present was Glenn DeHaven who stated himself, Glenda DeHaven and Jack McAndrews are in the process of purchasing the Wright Property, which has twenty-five acres, we look to divide this into two parcels. One will be a ten-acre parcel. This has an existing barn and the original house that dates back to the seventeen hundreds. We are looking to bring horses to the properties. The other fifteen acres a new home will be build along with a stable barn. We are looking to have two small farmetts. We are purchasing the property together, making settlement in July and moving into the ten-acre parcel and proceeding with bringing an engineer on board and doing preliminary and final subdivision plans to get the building going on Jacks house. The driveway will be shared. Applicant stated they would not be given up any rights. There is something in your ordinance in reference to Agricultural Farms that help people that we would like to participate in. There is a sketch plan showing the shared driveway, and to the best of my ability we are keeping it off the existing homes for the proper setbacks. There are no ponds on the property. We are seeking a waiver in reference to paving the driveway there are no others at this point.

John Cassels – Ridings of Hibernia – Kim Hoopes, John Conti, Joseph Boldaz, and Steven Jakatt were both in favor of re-engineering the plan. If the plan is re-engineered they will not get there ninety-one lots. Kim Hoopes I think if we open up the old plan we will get struck with some ordinances we don't like. Would we have to abide by the old ordinances. John Cassels, the representative said he would comply with Storm Water. John Conti, there was some discussion, is it possible that it actually becomes legal as soon as we started discussing it, that was never resolved. Kim Hoopes, they are still looking into seeing if it was legally recorded. I would like to see the plan re-engineered to see if we can get something better. John Cassels motioned to recommend to the Board of Supervisors rejection of the proposal from the Elliott Building Group to resuscitate the preliminary plan approved in 1989 for the tract of land along Hibernia Road north of Lafayette Road, Kim Hoopes seconded the motion with all members in favor.

General Discussion; John Conti, the article in the newspaper stated that West Brandywine succeed from the Coatesville School District. Kim Hoopes, it is legal. There is an ACT that allows you to do that, you have to join an abutting school district and that would be Downingtown and Twin Valley. You have to have fifty-one percent of the property owners sign a petition. It then goes to the Board of Education. John Conti, I'm not sure it would work, but it would give a scare to Coatesville School District. Kim Hoopes, if nothing else it makes a huge statement. John Conti, I think you could get fifty-one percent but the process would take years. Kim Hoopes, in theory it could lead to a chain of events. Ron Rambo, whatever district we petition they have to agree to accept you. There are people looking at the issue. The BOS's are actively asking a legal firm to explain the legal process.

Meeting reminders were read; the next Planning Commission Meeting is scheduled for Thursday, June 24, 2004.

John Cassels requested a motion to adjourn. John Conti motioned to adjourn at 9:45 p.m. Kim Hoopes seconded the motion with all members in favor.

Joann C. Ranck
Planning Commission Secretary