

Meeting Minutes of March 2008 Planning Commission Meeting

The West Brandywine Township Planning Commission meeting of March 27, 2008 was called to order at 7:34 p.m. John Cassels led the members in the pledge of allegiance. Members in attendance were John Cassels, Kim Hoopes, Steve Jakatt and Bob Schini. Chuck Dobson and Anita Ferez were absent. John Conti arrived at 7:46 p.m.

Action on Minutes of Previous Meetings

Acceptance of February 28, 2008 minutes. Steve Jakatt commented that under the Conditional Use Hearing Submissions for Andrew Gottlieb "Steve Jakatt stated that people are parking in the mud and grass right now". I did not say that Mr. Gottlieb did. Also, in reference to Andrew Gottlieb, "All members in attendance voted aye." I believe Kim Hoopes voted No. Kim Hoopes said he voted Nay. The nay vote did not go to the Supervisors. Kim Hoopes stated the reason for the nay vote is that this should have been decided at the last Conditional Use hearing. He knows his clientele; he knows how many people are coming and going. Joe Obernier stated that the last conditional use was more than 2 years ago. That is why he wants a new one. Kim Hoopes stated that he should not get it. That is what my Nay was for. Joe Obernier asked what the reason for the nay vote is. I think the parking issue should have been decided at the first conditional use meeting. Now he wants to expand. I voted Nay because I don't think it should now be brought up. There were no additional comments regarding the minutes. Steve Jakatt motioned to accept the minutes of February 28, 2008. Kim Hoopes seconded the motion. All members were in favor to accept the minutes.

Correspondence/Communications (information to note or discuss under plan reviews)

Regarding General Correspondence, anyone interested in attending the training program planning series – Finding Hidden Opportunities, please let Donna know.

Regarding the Zoning Ordinance Amendment: Open Space Design Option, John Cassels asked if the Township has acted yet? Ron Rambo stated that the public hearing is next Thursday, April 3, 2008. No one on the Planning Commission has reviewed or made recommendation. No comments have been received from the Planning Commission.

Regarding the recommendations from the Historic Commission, the Planning Commission will review.

There was a review of correspondence by Planning Commission members. Correspondence will be discussed under Old Business/New Business.

Public Comments (Individuals requesting to be put on the agenda)

Old Business

Brandywine Meadows (GenTerra Corporation), 49-lot Preliminary Subdivision Plan (BM-GC/07/27/06PSP) prepared by Bursich Associates, Inc located on the north side of Highspire Road. Clock starts on Thursday, July 27, 2006 and continues until Friday, April 4, 2008. Robert D. Smiley, Vice President, GenTerra was in attendance and has given the Planning Commission a letter of extension until July 18, 2008. Robert Smiley gave

the Planning Commission an update. Plans have been submitted. A review letter was received yesterday from the Township engineer. There is a meeting tentatively scheduled for April 3, 2008 to meet with the Township engineer, Ron Rambo, and our engineer to go over the three main issues the engineer had to resolve the stormwater and infiltration and a design that pleases everybody and possibly take that to the next step and meet with the Conservation District preliminarily before submitting to them. The other issue is the sewer issue and that is going to change from the on-site system to hooking into a potential public system, but as we all know, is still a ways off. The other item was an issue on curbs. These are issues we are going to be discussing next week. We had sought a waiver, and nobody had a problem with here. There is a stretch of road that is about 8% and we are asking for roll curb throughout. The engineer is suggesting there might be a spot we want to look at and make sure there is not an issue of the water going over the roll curb, which is an engineering item we will want to talk about next week as well. There are a few minor notes, some verifications that type of thing and he acknowledged that we did provide them with the details needed to ascertain compliance with the Open Space regulations as well as the density calculations. John Cassels stated that talking about infiltration and the trade off between woodlands, I think, in my opinion that it would be good to let the stormwater get to those woods the way it always has and deal with stormwater near the impervious surfaces that is as close as possible to the development. Robert Smiley stated that is what they tried to do. Steve Jakatt motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye. Steve Jakatt made a recommendation to the BoS to accept the extension from GenTerra. Kim Hoopes seconded the motion. All members in attendance voted aye.

Beaver Creek, Beaver Creek Realty Associates LP, Preliminary Land Development Plan (BC/060607/PLDP), prepared by Nave Newell, located Horseshoe Pike across from Highspire Road. Clock starts on Thursday, June 28, 2007 and continues until Friday, April 4, 2008. There were no representatives in attendance. There is an extension letter to August 8, 2008. John Cassels stated that some of the developments are kind of tied up because they are waiting on the sewage issue to be resolved and there seems to be a recent push to try and get some preliminary plans approved under conditions so they can get over the hurdle and not have to keep submitting extensions. The last plan received is dated September 28, 2007. There is a letter from Beaver Creek Realty saying they are actively pursuing subdivision approvals for the project and additional soils testing must be conducted in order to solely address comments referenced to the Township engineer's review letter. So it appears that they are actively pursuing working on comments from the engineer. Steve Jakatt motioned to accept the extension letter regarding Beaver Creek Subdivision. Kim Hoopes seconded the motion. All members in attendance voted aye. Steve Jakatt motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Brandywine Manor (Eck Property) Harlan Corporation - 10 Lot Preliminary Subdivision Plan (BM(Eck)/080307/PSP), prepared by Edward B. Walsh & Associates, Inc, located on Germany Hollow Road. Clock started Thursday, August 23, 2007 and continues until Monday, May 19, 2008. There were no representatives in attendance. John Cassels asked if there have been any developments with the sewage issue Ron Rambo stated there has been no response from them in regards to which system they are looking into. Steve Jakatt motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Pulte Homes of Pennsylvania, L.P./Del Webb at Applecross – An Active Age Community -- Final Subdivision and Land Development Plan (PHAAC03/01/07FSP), prepared by Horizon Engineering Associates, LLC, located on East Reeceville Road. Clock starts on Tuesday, December 18, 2007 and continues until Friday, May 16, 2008. There were no representatives in attendance. Steve Jakatt motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Coatesville Area School District – Addition and Renovations to North Brandywine Middle School Final Land Development Plan (CASD/040507FLDP), prepared by K & W Engineers Consultants, located on 256 Reeceville Road. Clock starts on Thursday, January 24, 2008 and continues until Wednesday, April 23, 2008. Brian S. Bingeman, RLA, K&W Engineers Consultants was in attendance. The final version of the plan was submitted very much in accordance with the preliminary plan. A letter was received from the Township engineer dated February 5, 2008. We would like to ask for Final plan approval conditioned on us taking care of the outstanding issues. Planning Commission members read over review letters and looked at plans previously provided. John Conti questioned an issue in C. Stanley Stubbe's review letter and asked if all issues would be complied with? Brian Bingeman responded yes. John Cassels noted that there are a lot of housekeeping items. Do you see any

major technical issues that cannot be resolved? Brian Bingeman responded no. John Conti noted that C. Stanley Stubbe does not recommend final approval of the lighting information until it is resolved. Steve Jakatt mentioned that Brian said they would comply with everything in Stan Stubbe's letter. Bob Schini asked a question regarding the lighting ordinance. Discussion began as to the security lighting. Brian Bingeman stated that he is not qualified to respond but that they could comply with the issues. Steve Jakatt noted Item C of C. Stanley Stubbe's review letter. The applicant is requested to submit to the Township before final land development all intended exterior lighting (as noted in the letter). Brian Bingeman responded that the information was submitted and that there will be no lighting on the athletic field. John Cassels asked if they were still waiting for the letter from Aqua PA saying there will be enough water and the letter from the Fire Marshall? Brian Bingeman said that there is a letter from Aqua PA and a letter from the Fire Marshall requesting a turn diagram and that is being put together. John Cassels asked if the Conservation District could hold this up. Ron Rambo stated that the PC could give conditional final approval. Kim Hoopes motioned to recommend to the BoS to give conditional final approval to the CASD for the renovations of North Brandywine Middle School and the conditions would be that they satisfy C. Stanley Stubbe lighting issues, letter of approval from Aqua PA, the Fire Marshall and Chester County Conservation District and establish escrows as stated in MacCombie's letter dated February 5, 2008. Steve Jakatt seconded the motion. All members in attendance voted aye.

Conditional Use Hearing Submissions

Castaldi Family Subdivision -- development of a 41-Lot single-family subdivision under the Open Space Design Option. The property is located on the south side of Beaver Creek Road east of the Intersection with Route 82. Adam Brower, E. B. Walsh & Associates Inc. was in attendance. We were in front of you in December. We were working with a couple of different plans. We had gone back and forth on what made the most sense. We went to the BoS with an Open Space Option plan. We then went back to the drawing board with their suggestions and came up with this version. The plan we showed to the Board had 46 lots. The Board was fine with the layout, so the next step under this process is getting conditional use. That is where we are at with the application process. The plan has not gone off to MacCombie's office for review yet. We are in front of you tonight to introduce you to this plan and get your input as we further design it and start the conditional use process.

There are 41 lots ranging in size from the smallest being around 13,500 sq ft to the largest in the 19,000 sq ft range. Adam Brower explained the plan before the PC. There is a loop road and 2 cul de sacs. There is about 3800 feet of road. Nothing exceeds 7% so we are able to utilize the rolled curb and are proposing the rolled curb in combination of a 22' wide cartway. We tried to get the lots backing up into the open space but leaving large chunks of open space throughout the site and not breaking it up into small pieces. Discussion of how the density was arrived out ensued between Adam Brower and PC members. The stormwater is being spread out throughout the site and also maintain the watersheds that are there today. The stormwater management facilities were shown on the map. We did some initial testing out at the site for sanitary sewer. We went back and forth on sanitary sewer. It is currently proposed as a community system. It is shown on the map where the system will be. There are very minimal steep slope. There is a wetland area (shown) and beyond the wetlands, there are hydric soils in that area as well.

There is another feature that I don't recall we discussed. There is a boundary being created (shown) which will still be open space and will be maintained as open space but conveyed to Castaldi to create 10 acres for his property to get the benefit of Act 319, but part of that has to be open space and maintained as such. That is a consideration we discussed with the Board. This is very early on but they seemed open to the concept. Kim Hoopes asked if they were going to subdivide out enough land to give Castaldi 10 acres and that will be a separate parcel and then will include it in with the open space to get those 5 houses. Adam Brower responded yes. Kim Hoopes asked how many houses less would you get if subtract his open space? Adam Brower did not know – it would drop the number of houses. John Conti asked how would it work – Castaldi would have a home, live there, have 10 acres and it is going to be open space? Kim Hoopes clarified that the green that are surrounding will remain green. Adam Brower showed on the plan where it would remain open space, whether Mr. Castaldi owns it or the HOA, the use of it would still be the same; that is open space. Typically when there is this type of set up, the question becomes certainly that, that is a big question, but also who maintains it. How does the Township know it is going to stay open space? One approach is that if you have an HOA that maintains the open space, they maintain it as well. That would be one way to assure the township that it stays that way. There would be certain deed restrictions preventing further subdivision and things that wouldn't qualify under the open space. John Conti asked what advantage is it for Mr. Castaldi to keep that much, 10 acres and still have it open space? Adam Brower responded there are a couple of things -- privacy and Ag security. Discussion continued between

PC members and Adam Brower regarding the 10 acres owned by Mr. Castaldi. John Conti commented that he does not understand the privacy part because it is open space; it is open space he is not really getting privacy because it is going to be used by whoever wants to use it. John Cassels said no, he is going to restrict access. Adam Brower said that is something we would certainly be discussing as we go forward. Discussion continued as to limiting the use of Castaldi and who would “police” it. Kim Hoopes asked to qualify for Ag security does it have to be one parcel or can it be contiguous? The response is it has to be one parcel. Then there would be a reverse subdivision to remove the other lot line? Adam Brower responded only one line would be removed (shown on plan). Discussion continued. There could be a deed consolidation. All the lots would be together to make 1 lot. Discussion continued as to the two separate parcels.

Joe Obernier asked where the original old house was located? He stated that what he heard now and at a couple of BoS meetings is that 10 acres were supposed to be going along with the original old house. Am I wrong? I also had the understanding that one of the conditions would be no more subdivision of the 10 acres? The third thing that I think I heard was the 10 acres and the maintenance of the open space falls upon the owner and not the HOA. Am I correct? Mr. Castaldi responded that his brother-in-law is very happy to take care of that. Joe Obernier was told that the 10 acres goes with the original house and I did not realize that there were different parcels. I was under the impression it was all one and that one of the conditions was there would be no further subdivision of that group. Adam Brower stated that the deal with the subdivision is correct. Joe Obernier stated the 10 acres that was going to be connected as a part of the old house, having nothing to do with the new building that you are doing, that 10 acres was supposed to be no further subdivision on that. The maintenance of that connector piece was not going to fall to the HOA, it was going to be to the person who owned that house. Am I correct in that understanding? Adam Brower said he was correct in that is how it has been presented. What I am suggesting is No. 1 – the 10 acres is still open space (the balance I think is about 8 ½ acres) is still part of that open space formula, so it cannot be further subdivided. With respect to the maintenance, the farm could continue it, like it is now. Discussion continued. The use of it would remain the same regardless of whether it is maintained by the HOA or the owner. Joe Obernier responded “absolutely not”. Kim Hoopes stated that he is doing this for privacy and if the HOA maintaining that the homeowners are all going to think that that’s open space and can wander into and use and it actually is not. Joe Obernier said that they are paying for the maintenance of it absolutely they are going to go there. The point was the 10 acres stays with the old house. It is his land. You are using it as part of the calculations, but it is part of the old house it is a separate parcel. Adam Brower stated what the Castaldi’s would prefer is yes that they maintain it. That would be their preference.

Discussion continued as to what could be presented at the conditional use hearing. John Cassels stated that the 8 ½ acres goes into the open space calculation gives you a base of 36 plus 5. Adam Brower stated that the 8 ½ is part of the overall acreage that supplies the bonus density. Ron Rambo stated that the current zoning permits this to be done. John Cassels asked what if the deed consolidation happens first and you don’t count that into the equation? Does the base calculation stay the same? Adam Brower responded it would affect all of it. The base comes down and the bonus comes down. The number is not known. Kim Hoopes voiced his opinion that if Castaldis want to subdivide that out so he can get his Ag security bonus or privilege, than that should not be counted as open space because he wants that privacy and doesn’t want to include it for open space for use from the subdivision so he has to give a little bit. I say count those out for your home density. John Conti noted that the Ordinance allows it. Ron Rambo stated that the way the current ordinance reads that it can be counted and then given back. As you are aware, next week the hearing starts it will not be permitted. Bob Schini noted that under the current ordinance you can count as open space in an open space development, land that you don’t own. Adam Brower suggested that the open space to the south there might be an interest to the Township to have it. It is no longer part of the subdivision. Discussion continued regarding open space and what it is.

John Conti stated that when the issue of open space started years ago, when we were looking at open space, we didn’t count it as open space that the homeowner could walk on we were just looking at land we could save for visual effects, for wildlife, for the environment for everything else. We did not start to look at it as something that somebody could put a path on or walk on. So when you look at it like that it is open space and that is the whole idea behind the ordinance. This separates it into six. Adam Brower stated that there are still 41 lots; it is just a question of ownership. If the use is the same regardless of who owns it, the density would be the same regardless of who owns it. Discussion continued.

Bob Schini noted that it is believed that we can restrict the 8½ acres to the extent that it would satisfy the Township and yet leave Mr. Castaldi with the right to have a 319 tract. Adam Brower stated “correct”. I would even suggest to you that as the plan goes forward you are going to have open space management. John Cassels stated that through restrictions you would restrict the use. You could say you don’t want anybody riding dirt

bikes on those 8 acres, things like that. Adam Brower responded you are going to have general restrictions. John Conti said that at the conditional use hearing they can put any conditions they want. Adam Brower stated that one of the things they liked with the layout of the plan is the large green area between his house and the residents, but it inherently creates a buffer. The plan itself has created a barrier through the distance. There would be a landscape buffer, natural vegetation. John Conti noted that the BoS can put restrictions on the plan in the conditional use hearing. Steve Jakatt's objection to the plan is the way it is spread out. Every open space plan example that we saw put the houses in one side and let everything else as open space. This cuts up the open space into 6 individual areas, it is not one big area that either the community can use or the Township can use. Ron Rambo stated this is what the Board wanted. There are certain members on the Board that want every house to have access to the open space. Discussion continued regarding the treatment plant and wastewater absorption area.

John Conti motioned to recommend that the BoS schedule a Conditional Use hearing for the Castaldi Family 41-lot single-family subdivision under the Open Space Design Option. Bob Schini seconded the motion. All members in attendance voted aye.

Public Comments (individuals not requesting to be on agenda)

General Discussion by Planning Commission

John Conti congratulated John Cassels for the work he did for the grant received. John Cassels said there are a few outstanding issues. The Fish Commission wants to look at the stream. We need to talk to the real estate guy with the fish commission.

Meeting Reminders

Adjournment

At 8:57 p.m. Kim Hoopes motioned to adjourn the meeting. Steve Jakatt seconded the motion. All members in attendance voted aye.

Donna M. Jones
Planning Commission Secretary