

Meeting Minutes of September 2007 Planning Commission Meeting

The West Brandywine Township Planning Commission meeting of September 27, 2007 was called to order at 7:30 p.m. Anita Ferenz led the members in the pledge of allegiance. Members in attendance were John Cassels, Anita Ferenz, Kim Hoopes and Bob Schini. Chuck Dobson arrived at 7:37 p.m. John Conti and Steve Jakatt were absent.

Action on Minutes of Previous Meetings

Acceptance of August 23, 2007 minutes. John Cassels motioned to accept the minutes editing any typo corrections. Kim Hoopes seconded the motion. All members in attendance were in favor to accept the minutes.

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

There was a review of correspondence by Planning Commission members.

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

Randy Dilibero – James E. Scott Final Subdivision Plan – Lane Daylor, Esquire was in attendance. His client is Ramgin Inc who owns a parcel that is adjacent to the two-lot subdivision owned by the Scotts. Mr. Daylor sent a letter to the Township Engineer in regards to the Scott plan. Plans have been resubmitted based on the comments that were made by the Township Engineer. The 100 ft setback shown on the plan is along a future right of way; it is nothing at this point. There is another right of way shown here into the property as frontage on Germany Hollow Road. The issue is that the plan as drafted by Scott shows a 100 ft setback from this (as shown on the plan), assuming it is to be a street, instead of a 50 ft setback that it would normally have as a side yard. We would prefer to see the 50ft side yard shown there so that in the future if they go to do something, somebody is going to say you agreed to a 100 ft setback and that is what is has got to be. We would like plan approval showing 50 ft instead of 100 ft. There are no plans to build at all at this point. Mr. MacCombie in his response letter did indicate that he thought it should stay 100 ft. His initial letter on the plans of April 19, 2007, stated it may even be reasonable to apply the 100 front yard setback requirement to the Ramgin lot. Discussion with PC members and Mr. Daylor continued regarding the two letters received from Jamie MacCombie in regards to agreeing with the 50 ft setback and then discusses the right of way. It is noted in the letter if Scott can obtain an alternate means of access to his property, then there is the option to eliminate this proposed means of access, which would then allow the setback to be modified to the standard 50 ft. However, we don't want to eliminate it. John Cassels stated that the Planning Commission could not make any determination on the zoning requirements. We cannot recommend that you change the setback for any given plan. Chuck Dobson asked if the 50ft strip is required for frontage? Why is the 50ft strip there, for a future driveway? Mr. Daylor thought the Scotts wanted to keep their options open. Kim Hoopes asked if he has other road frontage? He does on Germany Hollow Road. Chuck Dobson noted that perhaps the easiest way to get around this would be to secure a right of easement for access if it is not going to be developed as a public street in which case then you could consider that a side yard and maybe make it 50ft. There is a corner lot and two street frontages and the front yard has to apply to both. Lane Daylor stated that if it applies to the Ramgin lot and this is then considered a street, it is going to do the same thing to the Lyons & Hohl lot on the other side. Chuck Dobson stated presumably if they want to do something at a later date.

If they don't want to do anything, then it doesn't really affect them. Lane Daylor provided documentation of a note that could be placed on the plan that basically notes that whatever happens in the future, happens in the future. Kim Hoopes agreed with Mr. MacCombie that it looks like that will be the primary access to that, with the stream on the other side of the lot. I would like to see 100 remain. Mr. Daylor asked if it could with the note on the plan. Bob Schini suggested that the Planning Commission could either support their decision or we don't. I don't know if we need a formal action. Mr. Daylor suggested sending a letter to MacCombie with the note attached so he can make a determination.

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 Thursday, November 1, 2007. There were no representatives in attendance. John Cassels motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

Cobblestone @ Horseshoe Village (Steve Janiec), a 32-lot Preliminary Subdivision Plan and 2-lot Commercial Plan (CS/HV/SJ10/26/06PP) prepared by E.B. Walsh & Associates, Inc located on the north side of Horseshoe Pike near Swinehart Road. Clock starts on Thursday, October 26, 2006 and continues until Sunday, October 21, 2007. A 90-day letter of extension was received. There were no representatives in attendance. Chuck Dobson motioned to table. John Cassels seconded the motion. All members in attendance voted aye.

Applecross West/Traditions at Applecross Country Club – Pulte Homes of PA, an Active Age Community Preliminary Subdivision Plan (PHAAC03/01/07PSP), prepared by Horizon Engineering Associates, LLC, located on East Reeceville Road. Clock starts on Thursday, March 22, 2007 and continues until Friday, November 16, 2007. John Curtin, Pulte Homes and Walter Green, Horizon, were in attendance. Walter Green has replaced Jeremy Madaras. A letter was received from MacCombie's office today. Everything in the letter will be complied to. The engineer does recommend preliminary approval for this plan conditioned upon resolution of outstanding issues. One of the main things we talked about last time was the infiltration and looking at other areas on the plan, other than just across here on Parcel D, that we might be able to find suitable locations to infiltrate. That area across from Parcel D we have designed an underground infiltration bed. There were very good infiltration rates. That is why it is designed the size that it is. It does not preclude us from looking at other areas in these later phases that we won't be able to spread infiltration out. Walter Green spoke in regards to the direction they have been given to investigate some distributed forms of infiltration; we prepared a plan that we identified areas of potential infiltration beyond the large infiltration underground facility that is north of Reeceville. Discussing what is on the plan, all Phases are shown and highlighted are certain areas where there is potential to do subsurface infiltration in a distributed manner. The type of infiltration that is being looked at is an infiltration trench. It is basically a perforated pipe with stone surrounding and then wrapped in a geotech style fabric. It is located in the areas that are at the rear of the houses, usually along the property line. There will be no ponding of water. We have not perked all the areas on the map; we have just identified areas that potentially could be used. We are going to go back and test those areas to make sure the percolation rates are viable for what we are proposing. We have identified enough locations that even if some of them don't perc we will certainly have enough to meet any of the requirements we have for the volume of infiltration that is required. It is a BMP straight out of the DEP's BMP manual. It has the advantage however, that it doesn't encumber and occupy the lots. These lots are very small. Our concern is if we try to do some sort of rain garden we would either be concerned with ponding water up against either the house, the driveway or the sidewalks or we would pretty much be occupying the only level ground that these people would have locations for to put decks or patios or even just to use a level ground outside their back doors. There certainly isn't enough locations for either width or depth to put something beside the houses or in front of the houses. We have identified a way that we can do a distributed subsurface infiltration throughout the remainder of the site and do it in a safe manner.

Chuck Dobson asked what type of soils there were in the areas where you are proposing infiltration? They vary – we have gotten some very good perc rates in the areas closer to the top of the hill. As we get closer down to the bottom, showing on the map, this whole area is really probably not suitable. We will still test some of these locations, but probably the perc rates will be marginal. I don't even know whether they would meet the criteria for the BMPs. If they are marginal, if we have enough so we meet the volume requirements for the BMPs; I don't know if we have to be officially a BMP to still do the infiltration. Chuck Dobson agreed – that is what the manual

says. John Cassels asked how many trenches are proposed in Phase I. We are looking at two(2) (showing on map). We are proposing a small one in the bottom of a quality basin at the top of the watershed. That is already in Phase I and we would be looking at these two (2) locations in Phase I. Showing an area on the map that is still Phase I; therefore, there are three (3). Where we would be picking up water from is from the units itself and from roads, grass. We are sloping all of these back yards into a swale and we would capture that water in the swale at an inlet, infiltrate it and then whatever isn't infiltrated would basically flow into the stormwater collection system. John Cassels asked about the management plan. They are sitting in easements so the maintenance would be covered under the Homeowners Association. That is something that would be much harder to do if we were putting them on individual lots. There would be inlets periodically along the pipe and certainly at the beginning and end so they could be cleaned out. The whole system is wrapped in a geotech style fabric, so there is not too much of a concern about soil infiltrating into the system and clogging it. The only thing that would be a concern that would require maintenance would be grass clippings that type of surface material. We would probably sump the inlet a little bit to try and trap that before it goes into the pipe and the pipes and the inlets themselves are not yard drains, they are standard inlets, so they are a little bit larger than what you would see in a 12" diameter yard drain. So they are a little bit easier to maintain. John Cassels stated that the part on the north side of Reeceville is designed to take everything whether we have traps or not. Walter Green responded it is designed to take everything within the drainage area. John Curtin stated that they could not build out the whole subdivision and comply with all the infiltration required. We still need to find some other areas, not a lot, but some other areas on site to meet infiltration requirements for the whole 300... John Cassels asked if that is what you are going to count on the trenches to do? Walter Green responded that the trenches and the facilities at the bottom of the basin that we are locating in the other phases as well. Discussion continued in regards to testing in other locations in the other phases for infiltration and what has to be met.

There has been no input from the fire marshall. However, nothing has been sent to him.

Chuck Dobson requested background on the temporary storm sewer and the need for a future pump station. Are you referring to the sanitary sewer? Yes. It is Comment 13 on page 4 – regarding sanitary sewers. There is a temporary sewer that is rather deep, in an effort to remove that a pump station would be installed instead. John Curtin responded is the deep sewer is what carries gravity in the inter-municipal scenario where we go to East Brandywine. Discussion continued. We absolutely still have to build the pump station.

It was asked if there were any major problems with the PennDOT letter. Walter Green responded no. We have received a letter, the first review and they want us to adjust some of the tapers and they are actually requesting that we provide an additional exit lane so there would be a dedicated right turn and a dedicated left and we are complying with that. We are currently modifying the plans now to deal with the comments and resubmit to PennDOT. The improvements are in Phase I and they are the only improvements. There will be no other PennDOT HOPs after Phase I. A traffic impact study is being requested. There was a traffic impact study when the conditional use plan was approved, and that will be updated and submitted. The soccer field is off the table – the only thing that is off is that the drawing is off the plans. John Cassels wanted to be clear that once the conditional use went through that back door is no longer an issue, it is an emergency exit and that it is it, it is not going to be anything other than emergency vehicles. That is correct. It is one of two emergency exits. PennDOT does not have a comment on that? There has been no comment in their review letter. John Cassels noted that future owners once they realize how close they are to Reeceville Road, and access to the hospital and Route 30 through the back, they will knocking on the Supervisors door and asking what happened when this was coming through the planning stages. Sorry to see that off the table to keep that as an option as a back door. Ron is that true that there is no way to go back at this point unless that conditional use hearing is opened up. Correct, the Supervisors wanted a single entrance on East Reeceville.

Joe Obernier asked that the area be pointed out where the pump station would be located. The pump station is for pumping sanitary sewage. You wouldn't be building that until Phase I was done? That was the initial plan because we were able to run all the Phase I units by gravity into East Brandywine. When do you anticipate Phase I being done and when do you anticipate building and completing the pump station? We would probably look to start it Spring/Summer of 2009 – start the pump station. Chuck Dobson asked if the installation of the temporary sanitary sewer down East Reeceville, that is designed to handle Phase I? More. There is a provision for an additional pump station. Discussion continued. There is a temporary agreement to handle it initially until such time that the powers that be decide that Coatesville has the capacity in which case you will send it in the other direction down to the city.

Chuck Dobson motioned recommend approval of the Preliminary Plan for Phase I of the Traditions at Applecross Country Club by Pulte Homes of Pennsylvania subject to compliance with the Township Engineer's

letter dated September 27, 2007 and also subject to obtaining all extra agency permits including PennDOT, DEP and Chester County Conservation District. Kim Hoopes seconded the motion. Anita Ferenz, Kim Hoopes, Chuck Dobson and Bob Schini were in favor. John Cassels was opposed.

James E. Scott – Final Subdivision Plan (JESS02/27/07FP), prepared by Berger & Hayes, located on Horseshoe Pike (RT 322). Clock starts on Thursday, March 22, 2007 and continues until Friday, November 16, 2007. There were no representatives in attendance. Chuck Dobson 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 Preliminary Land Development Plan (CASD/040507 PLDP), prepared by K & W Engineers Consultants, located on Receville Road. Clock starts on Tuesday, May 24, 2007 and continues until Tuesday, November 20, 2007. Brian Bingeman was in attendance. A letter was received from MacCombie dated September 5, 2007. We have no concerns with the comments; everything can be addressed. It does recommend preliminary plan approval. Zoning variances requested from the Zoning Hearing Board were granted for landscape and steep slopes. Of the comments, concerning water supply and fire marshall approval, I don't have anything in writing from the fire marshall. We did install a fire lane around the building at the request of the fire company. A question was asked in regards to the stormwater infiltration it appears that some tests results weren't quite at the right elevation they weren't reduced to the safety factor, how far off are you on that, quantity wise? The response was that they are at 100%. The question that the engineer had was addressed verbally from the engineer in our office. Any update on progress with the Municipal Authority? Everything is positive except the DEP. Hoping we are soon there. Chuck Dobson motioned to recommend approval of the Preliminary Plan for North Brandywine Middle School plan review August 8, 2007 subject to the comments outlined in the Township Engineer's letter dated September 5, 2007 subject to obtaining all extra agency permits including DEP and Chester County Conservation District. 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, November 16, 2007. Ross Unruh, Esquire was in attendance. This is the apartment plan; conditional use approval has been granted. Preliminary plans have been filed. We have a review letter. We are revising the plans for resubmittal. There is nothing to discuss at this time. Kim Hoopes motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

Culbertson Village – Commercial, Culbertson Realty Associates LP & Magothy Investment Partners LP Preliminary Land Development Plan (CV-C/060607/PLDP), prepared by D L Howell, Civil Engineering & Land Planning, located 1548 Horseshoe Pike, Honey Brook, PA. Clock starts on Thursday, June 28, 2007 and continues until Friday, November 16, 2007. Ross Unruh, Esquire was in attendance. This is the commercial part of Culbertson. The townhouses not only have conditional use, but final plan approval. We are waiting for sewage. The commercial development preliminary plans were filed. We received review letters. We don't see any issues that can't be addressed. Chuck Dobson motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Jelke's Fabrication Company, Inc., Preliminary Land Development Plan (JFAB/071007/PLDP), prepared by Dunlap & Burrell, LLC, Surveying & Engineering, located at 1808 Horseshoe Pike, Honey Brook, PA. Clock starts Thursday, July 26, 2007 and continues until Wednesday, October 24, 2007. Charlie Jelke and were in attendance. Kim Hoopes commented that it looks as though Jeff Burrell has some things to take care off according to MacCombie's letter. There was discussion among PC members. Anita Ferenz stated that there is a time issue. There are two outstanding review letters one from the engineer and one from the landscape architect. Would you be willing to grant an extension? The response was if it is needed, they will. John Cassels asked Ron Rambo if the waiver requests were presented to the BoS. Ron Rambo responded they were presented, however, the Board requests that they be forwarded for review to the landscape architect and MacCombie's office. We just got those letters today and have not had a chance to review them. Chuck Dobson noted that Menke & Menke are opposed and MacCombie's office is kind of silent on the issue. The Supervisors will look at the letters next week with the waiver requests. John Cassels noted that the new plan did include additional trees along the one property line. Was there a recommendation on waivers from the PC? We were in favor of and didn't have a problem with

the pipe. Discussion regarding the waivers continued. John Cassels stated that as far as the landscaping goes, it is his opinion that the landscaping is going to be improved by this project. Whether it is brought up to standards of the ordinance – it is a fabricating shop. It is agricultural use. Kim Hoopes mentioned that we did get a letter from one neighbor to clean the fence off. I went out there and looked at it and there are no neighbors. No one sits and sees the fence from the front porch or anything. John Cassels stated that he would be in favor of recommending granting the waivers and recommend preliminary plan approval since MacCombie's letter says that short of those two relief requests it is ready for approval. Chuck Dobson agreed with John Cassels, he has been by the site twice looking at the buffering, the back area, have seen the photographs here. It is a fabrication shop located in the right district on 322. John Cassels motioned to recommend to the BoS conditioned preliminary plan approval for the Jelke's Fabrication Company land development plan being conditioned upon satisfactory documentation that the hydraulics will work in the pipe for stormwater usage and the waiver request for landscaping relief is approved by the BoS. Chuck Dobson seconded the motion. Bob Schini asked if the waivers are granted there are going to be 8 shrubs planted. John Cassels stated that there are going to be 19 full size trees on that side in addition to what is there already. They came back with additional plantings and then there is still a gap and the new plantings will go all the way back of the parking lot. Bob Schini stated it is going to incumbent on the Board to take our recommendation, they are going to have to actually delineate on the plans what areas don't have to be additional Or will they simply approve. John Cassels stated that the landscape plan is what it is. I think it shows what is required and what they are proposing and they are requesting relief from the ordinance. They have modified the existing features plan now you can clearly show all of the large canope trees that are on the northwestern property line there is none on the southeastern property line, but then they have coniferous plantings staggered with will augment the existing buffer. Bob Schini stated that his opinion all along was to improve the site and as long as we are not, one comment in Jamie's letter under Landscaping 2.- Any areas approved by the Board as an acceptable existing screen need to be denoted and distinguished from those areas where additional plantings will be placed. The landscape plan apparently does that right. As long as the BoS approves the plan, then that statement is mute. Kim Hoopes agreed and stated that the plan shows where the proposed trees will be planted. 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 Wednesday, November 11, 2007. Andy Eberwein was in attendance. Plans have been submitted. We have a review letter from Menke & Menke and a letter from MacCombie's office. We are in the process of working through those letters both internally and with Mr. Harlan and will meet with Ron and Jamie to try to get through some of the issues. We are moving forward. Kim Hoopes motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

Brandywine View (Gudal Property), a 12-lot Final Subdivision Plan (GP/HP/01/26/07FSP), prepared by E. B. Walsh & Associates, Inc, located on the southwest corner of Pratts Dam Road and Union Road. Clock starts on Thursday, September 27, 2007 and continues until Wednesday, December 26, 2007. Andy Eberwein was in attendance. Plans have just been submitted. We do not have review letters yet. It is the final plan for review. I don't think there is going to be any issues we won't be able to deal with. Kim Hoopes motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

Sketch Plan Submissions

Sketch Plan for Parcels 29-4-6 & 29-4-24, 1699 Horseshoe Pike, Glenmoore submitted by Haines & Kibblehouse, Inc., for permanent location for newly formed contracting division, Chester County Site Contractors (CCSC). Ross Unruh, Esquire, Pat Brown, CCSC, Scott Haines, , Tony Jeremias, Managing Director, The H&K Group, John Haines, and Scott Drumbore, PE, The H&K Group were in attendance. The property is located on 322 heading West toward Honey Brook. Showing property on map. There is an old historic house, a barn that burned down – the property sits down off the road. There is a metal building and a bunch of trailers. The property can be viewed as not in the best of condition. The house apparently is in disrepair and needs to be fixed up. Scott Drumbore, with the H&K engineering division on behalf of CCSC, a division of Haines & Kibblehouse presented the following to the Planning Commission. Haines & Kibblehouse is based out of Skippack, PA. Chester County Site Contractors was formed in 2006 and currently operates its offices out of Chester County Airport and houses its trucks and some of its equipment approximately 8 miles away. Since the

company was formed, the goal is to bring the two operations together, bring to one single location to make it work better and more efficiently. What we envision with the property is to restore the farmhouse with original character and use the existing pre-engineered building that exists on the site as a maintenance shop for general maintenance of some of the equipment mainly the trucks that we have which is currently three (3). The maintenance would be limited to general maintenance; change the oil and general repairs. Large repairs would probably be brought back to our main shop in Skippack. Also housed in that building would be small tools, related equipment and supplies. The house will be restored to its original character and used as professional office space for our estimators, our office staff, our superintendent, and our dispatch. We would be utilizing the entire building for our use. Would not rent out any space. We met with the Township Manager about a month ago to discuss this option and discuss specifically zoning. Right now it is zoned in the R2 Rural Residential District. For use as a maintenance shop there is no provision or mechanism in the ordinance that would allow that use at all. For a professional office there is, because this property in the Comprehensive Plan is identified as an historic district or an historic resource. We could go for conditional use and seek approval for the office space; there is nothing in front of us that would allow us to come to the zoning hearing board to seek approval for the shop. We are currently in the middle of an agreement of sale during our due diligence period. We are looking at the issues and deciding if this property is feasible for our use. The item that sticks out the most is zoning. Ross Unruh stated that there are a couple of ideas – First, there is a provision in the ordinance to encourage people to rehabilitate historic structures. It mentions uses and including, which implies it is not exclusive, suggesting things that could be utilized, is office. My understanding from the historic people, they don't say just the structure is historic, the grounds are historic and I think arguably if the Supervisors wanted to they could include within that umbrella giving permission for the entire use that they are proposing. Also, there is a provision in the ordinance that permits changing from one non-conforming use to another. What they are doing here with this machine shop and all these trailers is clearly some type of what might be called light industrial type of an activity. I think clearly the Supervisors under the standards of the ordinance could authorize the change of one non-conforming use to another or in combination with the condition of use on the offices or changing from one non-conforming use basically whatever the precise activity doing some type of repair work in this metal building that could be changed to permit Haines & Kibblehouse to do what they want to do. It is possible there could be some equipment parked on the property. Considering the nature of the facilities, the location to Route 322, they might be entitled to a use variance. Changing from one non-conforming use of the other in combination with the historic provisions, which zero in on the office, we may be able to do this.

John Haines, who started this company 50 years ago, showed buildings and sites they have renovated. Kim Hoopes asked how the property would be used. It was answered as basically two things, office space and daily drivers arriving to get their truck, equipment and leave for the day. The trucks would be tri-axles (dump trucks), water trucks and small pickup trucks. Occasionally a heavy iron, D3, 950 parked over night and leave in the morning. Maintenance of the trucks would include things like springs, clutch, servicing, fluids, oils, and antifreezes. Chuck Dobson asked Ross Unruh if in the R2 this is not a noted prohibited use? Ross Unruh responded it is not prohibited, it is just not specifically provided for. There are other provisions in the ordinance. One is the historic; which clearly encourages people to improve historic structures. The shop is there now; its use probably will not be remarkably different from what is there now. Do not know what the current use is now. Mr. Haines when visiting the site noted there was a small piece of equipment in the building being repaired; a trailer being repaired, a small dump truck and a skid loader. There were a couple pieces of equipment sitting around outside. There are plans on the table for residential use directly adjacent to this property. There is Parcel 24 and Parcel 6. Parcel 24 contains all the improvements and Parcel 6 runs long and skinny out the back. It is predominately vegetative growth. There are no plans to do anything with that. Discussion continued concerning the parcels and where they are located and what is surrounding it. Kim Hoopes asked how many trucks do you think you are going to have here in ten (10) years. The concern is coming out onto Route 322? Mr. Haines responded that eight to 10 tri-axles over a period of time. There are 2 westbound lanes. There is good site distance. John Cassels asked how long has the use been going on at the property? Is that why it is non-conforming, it is grandfathered in? Ross Unruh responded it is his understanding that the building has been there. The Township permitted the use when it was started. It is a metal building. It is consistent with a repair shop. Bob Schini asked Ross Unruh if a non-conforming use runs with the land as long as they continue the use exactly as it is being done today. Ross Unruh responded that he is assuming that what is happening there now is a legal activity, it would have been permitted and I think it is reasonable to conclude it was legally appropriate at the time. Which would mean that when the ordinance changed it to R2 it became non-conforming and your ordinance is consistent with just about every other ordinance, it permits changes from one non-conforming use to

another. The standard is usually so that it can change so long as it is not more intense. Bob Schini asked does the – the use runs with the land – so the right to continue – how do you lose a non-conforming. Ross Unruh stated that the ordinance says that you lose it if you change it to a conforming use. But the law generally protects non-conforming uses. This is more a continuing use. The two lots are 10 acres each, about 19.6 acres in aggregate. Discussion in regards to the Parcel where nothing will be built on – it could be developed or given as open space, a fee transfer or easement or right to use.

Josef Obernier asked how many trucks and how many people would be on site. In the office building, 10-15, a maintenance staff in the metal building 5 – 6 people, about 20 people on site during the day. Another question, is it your normal mode of operation to let the trucks idle in the morning until they warm up? Trucks will idle 15 or 20 minutes for crew checks before pulling out.

Barry Parsons, a member of the Historic Commission, if the plan proceeds, would like to invite you back to make a presentation to the Historic Commission. The next meeting is October 8, 2007 at 7:30 p.m. The initial reaction is that you have done a fine job on the restoration and that is the type of thing I would like to see in the Township. It would be a good idea to make the presentation to the BoS. John Cassels asked if there is any other residential uses adjacent to or in that back corner? There is one residential property. There is a driveway that comes back and along the flag. There are the three (3), not sure if they are residential, but commercial, three buildings in the front. It is requested that when you come back in bring the distance to the property line and the house behind. Chuck Dobson stated, generally speaking, I agree with you from a zoning standpoint that it would be either a continuation of an existing non-conforming use or perhaps using the avenue of the conditional use to help to move along adaptive reuse of a historic structure. My own personal concerns are, really just, it is an R-2 district and generally speaking it is the handling of some of the products, the fluids primarily, that are necessary to do your job. It is highly regulated, but accidents happen, generally they happen in more industrialized zones as opposed to an R-2 zone.

General Discussion by Planning Commission

Barry Parsons, Member of the Historic Commission, requested hard copies of the Planning Commission meetings.

Meeting Reminders

Open Space Review Board – will be necessary to meet.

Adjournment

At 9:36 p.m. Chuck Dobson motioned to adjourn the meeting. Kim Hoopes seconded the motion. All members in attendance voted aye.

Donna M. Jones
Planning Commission Secretary