

Meeting Minutes of April 11, 2003
Board of Supervisors Public Work Session

Chairman Obernier called the Board of Supervisors Public Work Session of April 11, 2003 to order at 8:37 a.m., and then led those present in the Pledge of Allegiance. Roll call of the Board of Supervisors by the Township Manager noted Chairman Obernier, Vice-Chairman McCaffrey, and Supervisor Lindborg in attendance. The following individuals were also present: Ronald A. Rambo, Jr.; Township Manager, Jim MacCombie, P.E.; Township Engineer, Ross A. Unruh, Esquire; Township Solicitor. Representing Bentley Communities were: Craig Poff, Brandon Whitaker, and Scott Emerson.

Jim MacCombie, P.E. noted that the Board is aware they had the opportunity to look at the sewer feasibility aspect of the overall project with municipal use along Route 322. Bentley provided information pertaining to the property located along the southeast corner of Culbertson Run Road and Swinehart Road with regard to a potential for a sewage facility. He noted they had reviewed what Bentley had submitted and found there were some areas that were originally counted that were in the wetland and other areas that couldn't be counted as far as being able to adequately dispose of the sewage. They wrote a letter and spoke with a representative from Evans Mill who agreed that those areas were counted. They have revised their drawings and calculations with regard to anticipated ability to serve the project with sewer. They used 400 gallons per day per unit as well as the 400 gallons per day for reserve based on our ordinances. Based on 800 gallons per day, it is our opinion there will be sufficient land area to provide lagoons for storage as well as disposal for approximately 586 units. The Board had asked what in fact you could develop on a property based on the ordinance and on Act 537.

Supervisor Lindborg asked how many units you would get with on-site sewage. Jim MacCombie stated based on our current ordinance you would get 586 to 665 units. With our current ordinance one does not necessarily have to provide sewage disposal at that site and they have obtained another site in which to do it.

Vice-Chairman McCaffrey had concerns about exporting sewage from one zoning district to another zoning district, taking into consideration the resources of one area are dedicated toward a particular type of use.

Jim MacCombie was concerned with regard to being able to use a property only for sewage use if it is zoned residential. If it is zoned residential, don't you have to use it as residential for primary and the sewer based on the accessory use for the district.

Vice-Chairman McCaffrey noted he wasn't worried about sewer being all sewer on a parcel. People zoned one area of the community based on what is needed, the entire accessory for it, and the intensity of that particular type of development to go in that district. He feels there is a legitimate legal argument that when you start to tab all the accessories for the commercial area in a residential zone, then the residential zone then becomes a commercial zone.

Jim MacCombie didn't necessarily agree with Vice-Chairman McCaffrey from a legal point of view but maybe from a practical point of view. By putting the entire sewer on one tract, then you would essentially have a tract that could be developed that isn't going to be developed.

Manager Rambo stated if you look at where they are going to, R-3 and RM, we allow multi families, single families, and apartments. We also allow them in R-2, so we're really not importing anything.

Craig Poff noted this was the simplest way to show this, but you wouldn't have to have all the sewage on the Swinehart property. Supervisor Lindborg asked about the numbers of units taking the academic studies into consideration.

Jim MacCombie stated Culbertson Village will have 172 town homes, 25,000 to 35,000 square feet of commercial. The Beaver Creek property will have 284 apartments close to where the church will be. The apartments were moved from Culbertson Village to the Beaver Creek site. The Swinehart property will have 115 single-family dwellings. All total there will be 571 residential dwellings and 40,000 square feet of commercial.

Vice-Chairman McCaffrey stated he was not satisfied with vista of houses up close to the roadway and noted he never liked that parcel included in the RM district. Mr. Poff changed the ballgame by exporting the sewage out of the district into another area. The site with the apartments wouldn't be as intensely developed if you would have to take care of its needs right there. Along the Route 322 corridor, taking everything according to our 537 Plan, we all assumed that sewage would go down to the sewage treatment facility there and have limited capacity. Every time you allow latitude for creative design, and to provide for the maintenance of some of the features of the ground there, somebody masterminds the potential of the property and doesn't read into it what the community designed it to have. At some point the Board of Supervisors has to "dig their heels in." He explained if you want to put all those apartments on a scenic vista point, they would have to be modified. There are no benefits to exporting the sewage over the hill if the development intensity is going to be maximized to something that that parcel of ground could not normally support on its own.

Craig Poff stated when they started the Culbertson Village they demonstrated they could fit a lot more down there, but when they came in and started the process they toned it down.

Vice-Chairman McCaffrey noted they were working with Culbertson Village. Then Bentley decided to buy the other parcels, tie them all together, and maximize on the sewer system. They are only one developer, and it hasn't even been advertised that it is going through the rest of the area. He expressed he has mixed feelings about this based on the intensity of what he sees coming out of this.

Supervisor Lindborg asked Mr. Poff what his position was on the apartments working with the Board and the Planning Commission. Mr. Poff noted that the only way the sewer work will go to Pennsylvania American is by virtue of the economy, in order to make it all work you would need to have an idea of the people in line that can pay for it.

Vice-Chairman McCaffrey noted when they started eight months ago, they didn't own those other two parcels. When they talked about the development of the Culbertson Village area and the possibly of sending the sewer over the hill, they added two other parcels to the project.

Mr. Poff noted that it isn't Pennsylvania American that will make it all happen, it is the demand, and zoning that all come together at a critical time and place. If it's not us, it will be someone else, it is permitted. He didn't think the R-2 district on the Swinehart property would be an appropriate place for apartments, originally he thought Culbertson Village on Route 322 would be the appropriate place. There were objections so they moved it. Now it is in an area where there is a nice view in which they can work to soften the look.

Chairman Obernier asked Mr. Poff what alternative he has to having apartments there. Mr. Poff stated they haven't explored any other alternatives yet, he didn't think there was a demand for strip malls there.

Vice-Chairman McCaffrey expressed that it makes him nervous that all of these things are tied together. By agreeing to this it may open up the door for a lot of other people who will want to tie into the sewer system. Chairman Obernier stated they don't know that for a fact.

Mr. Poff then delineated their properties on his sketch. Supervisor Lindborg asked if they were one-story apartment buildings and Mr. Poff answered no, they are three-story apartments.

Chairman Obernier explained that Mr. Poff is only focused on one thing and is not hearing the Board. A lot of people feel the apartments are undesirable and in this particular location there is a view shed impact.

Vice-Chairman McCaffrey stated he doesn't have a problem if the apartments are done in a nice way. He would like to see them look like clusters of large homes with a large space in between so the view shed isn't destroyed.

Chairman Obernier suggested that if Bentley could give the Board a design like he had just described, even though they were apartments and sewage would come to it, would Vice-Chairman McCaffrey would be okay with it. Vice-Chairman McCaffrey answered yes, but noted they are asking us to decide on the conclusion before we have all of the information.

Jim MacCombie stated he was under the impression from the Board that Bentley show the Board how much sewage they can actually provide for and how many units they can provide for in accordance to West Brandywine Township's ordinance. Regardless, if we put one third of the system on the Culbertson Village property or on the other properties, ultimately the areas have similar soil types, you would probably get 586 EDU's under the current ordinance. They have apartments, mixed, townhouses, and commercial and the residents complained they didn't want apartments next to single-family homes. By request, they spread out the townhouse units, took out the apartments, and put some commercial in there. From a logistical point, they are not developing as intensely as what they could have even with providing on-site sewage on that property and it being self-supporting. There might be some give and take to make it more palatable. He was in agreement with Vice-Chairman McCaffrey that they originally didn't come in with the other two properties. He believes they can build more intensely on the Culbertson Village and still provide sewage on their property, because our ordinance doesn't totally exclude the entire sewage disposal on the open space scenario.

Vice-Chairman McCaffrey stated that this helped him realize with the people coming in what can go there and what can't go there. Unfortunately there are certain areas of the Township that are built better for certain types of development. And what is going there is more creative than what could be there.

Jim MacCombie noted the other perspective was if they would get away from the Route 322 corridor, then they would have less density in their other larger tract of ground. They could provide more open space areas along Swinehart Road. He is concerned that if they say spread it out then they will go to the other property and make that more intense. We have an overview knowing they have three properties even though we want to make a decision on an individual basis.

Craig Poff stated they decided to be forthright and let the Township know they had the other two properties. Chairman Obernier thanked Bentley for letting the Township know about the properties.

Supervisor Lindborg noted he is concerned about the apartments and hopes they are designed and maintained well. Vice-Chairman McCaffrey noted that every community is going to have their share of apartments in it.

Chairman Obernier explained there are three properties and thought that Jim MacCombie was stating that they can get between 586 to 665 units based on the ground that is there. The concept is with one of those three properties providing sewage space. He asked Bentley if the following would be feasible: If that property was not used for the purpose of providing sewage, and we took some of the intensity of development of the apartments and made them into condominiums, instead of having the three story buildings right near the church made them into two story so they would not have as much of a visual impact. If they were able to split it up, reduce it, and move some of it over to the third piece. Mr. Poff answered yes, they could find a way to do it.

Chairman Obernier also agreed with Vice-Chairman McCaffrey that he is uncomfortable with unrestrained development. He noted the feedback he is getting from a variety of sources is that

apartments seem to create a different environment as opposed to if they were condominiums. Their development is close to the Forks of the Brandywine Church where people will resist it. He suggested Bentley minimize the vertical impact, reduce the intensity on the lot, and put some intensity back on the third lot.

Vice-Chairman McCaffrey noted the public sewer part as it was presented is not a problem. He then reiterated about the problems of the Kimberwick sewage area dated back from the 1970's. He agreed there is an advantage to cleaning up the sewer district that is there and get out of the spray irrigation business and sent it over to Coatesville. He noted the only thing that is keeping the "Jeannie in the bottle" is the simple passage over the bridge on Route 30.

Supervisor Lindborg noted they should argue that if a sewer line runs by a hundred acre parcel the same number of units could be built with or without the sewer.

Vice-Chairman McCaffrey stated the Township's ordinances are so generous that we are going to see the intensity approach on every project that is along that sewer line. Chairman Obernier and Supervisor Lindborg both agreed they are going to build one way or another.

Jim MacCombie noted the Board brought up a point about apartments verses the condominiums aspect and that the Board can't legislate types of ownership. He made suggestions that would give the opportunity to loosen up the density with the view shed. He noted if the Board is comfortable with the layout of Culberson Village to consider making the townhouses into attached duplex units. The buildings would look exactly the same and they would be able to sell top and bottom, you would end up with a unit mix that would be similar to an apartment, but doesn't look like a townhouse. You would have an area that would provide a benefit to the community by allowing more intense development at the same time giving you the ability to get rid of the sewage disposal system and have the whole thing interconnected jointly as your going down the line. Costa Homes wanted to proceed without waiting for the sewage system.

Chairman Obernier noted that a cell company came in and proposed to put up a cell tower that was within a 300-foot radius within the church. Many people were opposed and they pulled their application.

A representative from Bentley noted there were two issues they were there to decide, one being if they are going to do public sewer and also they need direction in which way to go. He wants to work through the design factors.

Vice-Chairman McCaffrey noted they would like to be out of the sewer business and is concerned about what would happen if they open this up. The entire town might decide to develop overnight. He asked if they were looking for a decision to have the study then what would the Township's liability be.

Chairman Obernier asked if they are forced to agree and go along with the study, once the study is done. Mr. Poff stated yes, they would spend \$100,000 in fees. He wants a commitment from the Board that the Township is committed to providing public sewer in this area. If they can't get the commitment then they are left with three properties and how to develop them.

Supervisor Lindborg stated they could work out the design and would like to look at the condominium part of it.

Craig Poff asked the Board to come look at the community they are basing their design on and noted how nice they look. Chairman Obernier pointed out that twenty years from now there may have been many different tenants through it and it won't look the same as what it started out as. If you have condominiums with some level of personal ownership, it will be predestined to be better maintained.

Vice-Chairman McCaffrey stated that even if the condominiums could be rented, there will be a comfort level by people knowing the whole place isn't owned by one person.

Craig Poff explained there has been a lot of growth in apartment use and people moving in them in recent years. There has been a lot of growth in business and technology in this area and these people are the type of people that are going to be moving in here, it's a lifestyle choice not a necessity.

Vice-Chairman McCaffrey noted with condominiums you can have specific homeowners documents drawn up so that you can alleviate things like cars sitting up on blocks. He suggested the zoning ordinance be reviewed. Chairman Obernier was in agreement with Vice-Chairman McCaffrey to have the zoning ordinance reviewed.

Manager Rambo stated they would need to make a couple of amendments and he would sign their proposal in order to move forward.

Supervisor Lindborg was concerned that if Pennsylvania American says they don't have capacity, then he doesn't want to be committed that we have to provide sewer.

Manager Rambo stated they would have two available alternatives: first would be a conveyance system and second would be a drip irrigation system on their one property.

Jim MacCombie noted that they are opening the feasibility once it's adopted given that option; if Pennsylvania American doesn't have capacity he doesn't feel it puts the Township in a position that you have adopted a plan that allows public sewer to be serviced. If they can't get it from a treatment aspect then it's not put on the Township that they will have to provide it.

Supervisor Lindborg asked the Manager about the Kimberwick system. Manager Rambo stated the Kimberwick system would ultimately be tied off.

Vice-Chairman McCaffrey objected to purchasing a parcel outside of that district and using it solely for sewer.

Chairman Obernier noted they were all in agreement with the Vice-Chairman on that point. He asked if they thought if that other parcel that is out of the district is not going to be used.

The Manager asked what was meant by out of the district and said that some of it is RM and R-3, and some of it is R-1.

Vice-Chairman McCaffrey stated he was not against some of the sewage from that area going to another place but objects to them taking the sewage from all of the different areas and putting them into someone's neighborhood.

Jim MacCombie stated that Bentley is asking the Board to agree to proceed with the study, once the study is done the Board will get a graph, he and the Board will review it. If the Board does not like what they are doing, then they will not pass a resolution to submit to DEP to amend our Act 537 if they don't agree with that portion of the study.

Chairman Obernier suggested asking Bentley to focus the study in a certain way, that they are going to have the pump station there and are not going to use their third property for a sewage disposal at all.

Vice-Chairman McCaffrey stated they can use it for sewage disposal, but present it to the neighbors that are going to be around it - that it's only going to be used as sewage disposal with lagoons and spray fields. As a Supervisor, he is hard pressed to create another sewage treatment plant across the street from the other sewage treatment plant.

Craig Poff stated in their view the whole process was designed to do one thing in which the end will result in going to Coatesville. Along the way there has to be a couple of insurance policies, one that is required would be the alternative analysis. Twelve months from now if someone else bought out Pennsylvania American, and they say "no more," they have to have a plan B available to them. Their objective is to get Pennsylvania American. Mr. Poff asked the Board's permission to say they are in agreement with their concept and the Board is going to participate in good faith in this effort until the end. There is a lot of Municipal interaction. Jim MacCombie has to review this on two or three levels and then with the actual design of the system.

Jim MacCombie stated his point was that they could make comments and modifications. But they still need to know what the best alternatives are.

Vice-Chairman McCaffrey made a motion that he will go along with the study area application as long as the Board also goes along with the opening and an immediate evaluation of West Brandywine Township's Zoning. Chairman Obernier seconded the motion. Board Members McCaffrey, Obernier, and Lindborg all voted aye.

The meeting was adjourned at 9:50 a.m.

Ronald A. Rambo, Jr.
Township Manager/Secretary/Treasurer