

## **Meeting Minutes of February 2007 Planning Commission Meeting**

The West Brandywine Township Planning Commission meeting of February 22, 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, Chuck Dobson, Anita Ferenz, and Steve Jakatt. Bob Schini arrived at approximately 7:35 p.m. and John Conti arrived at 7:36 p.m.

### **Action on Minutes of Previous Meetings**

Acceptance of January 25, 2007 minutes. Steve Jakatt motioned to accept the meeting minutes. John Cassels seconded the motion. All members in attendance were in favor to accept the minutes.

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

A review of correspondence by Planning Commission members. No comments.

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

Stan Corbett was in attendance to discuss any further questions or comments regarding the draft PAWC Act 537 Plan. It is asked that the Planning Commission, generate by letter to the BoS, comments regarding the plan. This letter to the BoS from the Planning Commission is required by the Act 537 process. The comments you choose to forward to the BoS, as part of the Act 537 process, a written response to the Planning Commission from the BoS is required. A copy of the Planning Commission comments should be sent to PAWC – Ted Reed.

### **Old Business**

Balderston Family LTD Partnership/Swinehart Realty Associates LP – Final Swinehart Subdivision Plan (0403-CULSWH), prepared by DL Howell Associates, located at Culbertson Run & Swinehart Road. Proposed 115 Single Family Dwellings. Clock started Thursday, December 22, 2005 and continues until April 5, 2007. There were no representatives in attendance. Steve Jakatt motioned to table. John Conti seconded the motion. All members in attendance voted aye.

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 May 3, 2007. A reply letter to James MacCombie's review letter was submitted by GenTerra before the meeting. There were no representatives in attendance. Steve Jakatt motioned to table. John Conti 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 Tuesday, April 24, 2007. There were no representatives in attendance. Steve Jakatt motioned to table. John Conti seconded the motion. All members in attendance voted aye.

### **New Business**

1. Application for Zoning Hearing and Zoning Application for Special Exception and Variances for Praise Fellowship Church, 1403 Horseshoe Pike, Parcel 29-4-158. Applicant seeks a special exception pursuant to Section 200-19B(4) which allows a religious use in the R-2 rural residential district. Application also seeks a variance from Section 200-20.B9(7) to have total lot coverage of 22.87%. Applicant further seeks variances from Section 200-12b for 2 signs on the property.

Anita Ferenz notes for the record that she works for the law firm that represents the applicant.

Kristin S. Camp, Esquire, represents Praise Fellowship Church. Mr. Bill Tilney, Assistant Pastor at the Church and Mr. Bruce Mulberry, Associate Pastor were in attendance. The church is currently located in Downingtown and they own property in West Brandywine Township-1403 Horseshoe Pike. They have owned the property since approximately 2001. The church has been tenting, meeting in the Downingtown and Coatesville areas. The organization will celebrate its 20<sup>th</sup> Anniversary in March. Membership is between 210 and 250 with Sunday morning attendance between 100 and 200. The property currently has a historical house used as a dwelling. There are no changes being made to the historic structure. It will continue to be used as a parsonage for the church. There is also a barn on the property that also will continue to be used for storage purposes. Dave Sanders, PE, from D L Howell & Associates, was in attendance and had a full set of plans. The proposal is to build a church on the property. The property is located in the R-2 district and has approximately 9.4 acres. The R-2 district regulations do permit a religious use, which a church falls under that definition by special exception of the Zoning Hearing Board. A Zoning Hearing Board Application has been submitted for the use and some variances requested. The plan meets all of the requirements of the R-2 district except for maximum lot coverage. The Ordinance permits maximum lot coverage of 20% and the plan proposes 22.87%. This is a minimum variance and hope the Zoning Hearing Board will grant that relief.

Discussions began with questions and answers regarding several issues including, parking, the length of the driveway, alternatives to paving, storm water management and access to the property. The church use under the ordinance requires 1 parking space per 3 seats. If you perform that calculation, the seating capacity of the church, the church is proposed to be 11,733 sq ft. All of that obviously will not be used for the assembly room, but in the assembly room with the number of seats proposed, 501 seats, there is a need for 167 parking spaces on the property. The number of parking spaces that are required by the Ordinance as well as the distance from the intersection from the road to where the church is located requires the impervious cover to go above the 20% requirement. Is it necessary for 167 spaces? Seating capacity of what is being built, including an all-purpose room that would be used several ways, seating of that room exceeds 650 to 700 so it is the parking spots that are dictating the number of people that can be in the building. The answer is yes. The logic behind it is the amount of parking that is allotted for, is driving the amount of Sunday morning attendance. The number that would be permitted in the building because of the number of parking spaces.

Have any other alternate types of paving been considered? Intending to use other types of paving, but understanding is that even if porous pavers are used, over time without proper maintenance it might become an impervious surface that it is believed that the Ordinance would still count it in as an impervious surface. It was noted that porous paving takes an active constant maintenance. Pavers are a little better. It is a little bumpier surface. This might be a way to get more parking spaces. The PC members would be strongly in favor of the use of gravel as long as some type of maintenance used to keep it porous. Because the parcel is very large, the access way off of the road also has to be a fairly long driveway. The church will be built in the back right part of the lot which would be up on the hill as

you are driving down looking up into the property. The driveway is to be 25 feet wide to make it an easy pass between the cars as well as the fire access with no problems. This would be the only entrance/exit. Are you absolutely tied into entering and exiting off Horseshoe Pike? Is there some way you can get your entrance/exit off of Springton Road? There is a lot less traffic. Have considered both - The only issue is there again the impervious soil and we are already asking for a variance over and above and if we increase the driveway in length, we run into a larger variance. There is an area of wetlands that we have to deal with and where we would like the driveway to go but again the wetlands prohibit that, and again a 24' wide drive drives our variance.

Traffic coming to the site it is going to be minimal. We are still looking at a fairly low level of traffic coming to this property; the majority obviously on a Sunday during the peak hours for the use of RT 322-Horseshoe Pike.

Regarding water and sewer, the proposal is to have an onlot septic system. DL Howell has gone out and done preliminary perc testing. The recommendation is that there may have to be an alternative sewage disposal method. In terms of water, the church is interested in having public water extended. Public water lines will be within a ¼ mile of this site. So that is within their realm of financial ability to be able to extend public water to the church.

The use of a sign in a residential district is another issue. In the R-2 district one sign per lot per use is permitted. There is one proposed wall sign and a monument sign along the right of way to Rt. 322 - 6' tall by 12' wide. A variance is being requested regarding the size and lighting of the sign. One note made on the sign is that the property has a major dip right off of the road. 4 to 6 feet off of the road and all of a sudden it drops 6 feet. The PC does not have a problem with content of the sign. It is the size and lighting of the sign.

Comment was made that the variance is going to be tough to prove a hardship. Further discussion took place. A church is allowed in a residential area by special exception, recognizing that that is an appropriate use providing there is no detrimental impact on the neighbors. I can't imagine that an increase of 2.8% of an impervious cover negatively impacts the neighbors. With the type of soil you have there, you may have problems regarding storm water and sewer. Discussion as to whether the house on the property would be viewed as an accessory usage, or two uses on the same lot and to the conformance of property ensued between PC members.

The minutes will reflect the planning commission's conversations. This is a sketch plan. We are assuming you are going to go back and redesign a little bit, a lot and then eventually present it as a preliminary plan. At that point the clock starts. Discussion with PC members and representatives of Praise Fellowship Church ensued. When going before the Zoning Hearing Board, all issues will be discussed; the use, the variance for the impervious cover, lot coverage. The PC has never expressed any opinion about the variances - not to the zoning hearing board. It is thought that there is no objection on the use for special exception. Suggestions by PC members regarding the variances are that there maybe a bit or work to do maybe. With respect to the sign, the sign is, it is a little bit too big, it is 6' high and 14'. If you could do something about the sign. May have a better with the Zoning Hearing Board. It is suggested to look at some of the signs in the area. Would not recommend a sign or the lighting of it the way you have it. The use of the property would however, be recommended.

2. Gudal Subdivision for Harlan Properties (Harlan Corporation), a 12-lot Preliminary Subdivision Plan (GP/HP/01/26/07PSP), prepared by E B Walsh & Associates, Inc, located on the southwest corner of Pratts Dam Road and Union Road. Clock starts on Thursday, February 22, 2007 and continues until Tuesday, May 22, 2007.

Andrew Eberwein from E B Walsh & Associates and George Harlan were in attendance.

The sketch plan showed 16 lots total. There are now 12 lots. There is a shortened cul-de-sac. The woods and the wetlands have been maintained. There is one larger lot that will contain a basin. All

other lots have on-lot septic and individual seepage beds on their properties. We are able to tie into the underground system for all but one of the houses because of where it is located. All systems are in ground. The septic percs are pretty good. Mr. Gudal will maintain about 15.9 acres. Tried to keep a lot of what exists natural the way it is. Access is off Pratts Dam. Discussion between PC members regarding the property access, property lines, and the condition of the agreement of sale and the flag lot ensued. This is a pretty noninvasive subdivision. A question was asked regarding 911 concurrence regarding road names. This has not been done yet. Virginia Rose is Mr. Gudal's mother's name. Already existing names – Virginia Drive. If road names are rejected, can change to something else. A Recommendation was made to stay away from names, especially females, because everyone goes out and tries to steal the signs.

When sketch plans were presented, Ron had talked about widening Union Road. Where Pratts Dam comes into Union, that turn there continually degrading because it is on a slope. The asphalt keeps slumping. On the corner southwest corner. Widening the right portion of the road. It is proposed to be widened out to 12' from center which would bring it up to conformance with most of the other roads. Not proposing curb.

Seepage beds and septic system areas identified on the plan for the most part. There are some lots where there are no septic systems identified. This is because they weren't designed yet. Evans Mill was doing the testing as we were finishing the plans. The ones we have designed for them we showed them on the plan and they are designed.

No waivers have been requested. The only one that might be needed would deal with landscaping. Discussion between the public, Mr. Eberwein and the PC took place regarding buffering of the property. Mr. Gudal owns and would maintain 15.9 acres. The Township has a buffer requirement requiring a perimeter buffer around the property. We would like to put the perimeter buffer on our lots as opposed to putting it on Mr. Gudal's and buffer the new lots with his property. Wetlands are not being touched. New trees would be planted. The ordinance would call for it to be along the property line, the existing property line, not the new. We are not asking for a reduction in the number of trees, we just would like to put them in a new location where it makes a little more sense to what we are doing here. The intending ordinance is to buffer a property that is really going to stay pretty much the way it is today from something that is not going to stay the way it is today or is the intending ordinance to buffer the new from the existing? It can work both ways. Discussion regarding the landscaping ensued. Would the trees obscure the scenic view. Union Road's elevation is 30' higher at the road than where we are proposing to put the buffer. Discussion continued regarding the height and view of the buffer. Trees to be planted are evergreens, look at landscaping plans – probably Oaks and Maples. Landscaping plans were looked at.

For the record, the name and address was requested of the Public. Elizabeth Zanowiak, 16 Woodbrooke Drive. Discussion continued regarding the types of trees.

Discussion continued where the property is located (off Hibernia Road, bear onto Union. The site sits on the right hand side behind Hibernia Methodist Church) and where the trees will be planted between PC members, Andy Eberwein and the public.

Would you entertain the idea of walking trails? We have no problem bringing trails as long as they make sense and they have a place to go to. We have a Comprehensive Plan and I don't remember any trails in that area. Discussion continued regarding the Comprehensive Plan, walking trails.

Review letter was received on February 22, 2007 at 5:00 pm.

No other additional comments from PC members or Public.

No sketch plan submissions

No Conditional Use Hearing Submissions

**Public Comments** – Elizabeth Zanowiak questioned lease cost housing, affordable housing within the Township. Discussion continued with the PC members. We are required by Federal Law to include zoning for all types of residents. Our low cost housing would be the trailer park. Has anybody ever approached West Brandywine to bring in low cost housing? When you say lease cost housing, were you talking about that which comes with Federal assistance. No just affordable housing. That is a very difficult term to define. One of the places that qualifies for that is Indian Run trailer park. We already have low cost housing in the Township and we also have required legal fair share acreage. Discussion continued. Are you in favor of it or are you concerned about someone coming in and implementing such a plan? I was thinking we really don't have any places where people can come in and have affordable housing. I'm not looking to build, I'm not looking to have the Township deteriorate, not looking for anything, just something I was curious about. It would be very very controversial. You would find that 99.9% of the people in the Township would be against any kind HUD type – people want to protect the value of their home and property.

General Discussion by Planning Commission – At what point does a “thing” located in somebody's front yard, become a zoning issue. Anybody have any opinions on that. Could you be more descriptive on a “thing”. A 1965 white Buick that has been sitting at the corner of Monacy and Main Lin for the past 18 months. Believe there is an ordinance about having registered vehicles on the property. Which I agree. But the question is not necessarily the vehicle on the property, but actually where it sits. At this point it is practically an accessory structure. Dale Barnett is aware of this issue.

Meeting Reminders – A recommendation letter to PAWC regarding Act 537 noting comment from the Planning Commission must be submitted to the BoS, Thursday, March 1, 2007. John Cassels will write the recommendation.

At 9:14 p.m. Steve Jakatt motioned to adjourn the meeting. Chuck Dobson seconded the motion. All members voted in favor.

Donna M. Jones  
Planning Commission Secretary