Meeting Minutes of November 2007
Planning Commission Meeting

The West Brandywine Township Planning Commission meeting of November 20, 2007 was called to order at 7:31 p.m. Anita Ferenz led the members in the pledge of allegiance. Members in attendance were John Cassels, Chuck Dobson, Anita Ferenz, Kim Hoopes, Steven Jakatt and Bob Schini. John Conti arrived at 7:35 p.m.

Action on Minutes of Previous Meetings

Acceptance of October 25, 2007 minutes. John Cassels motioned to accept the minutes and to get any changes to Donna within the next week. 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. 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 Thursday, February 7, 2008. Robert Smiley, Vice-President GenTerra Corporation was in attendance. A brief update was given. We have about 55 acres of property that has wetlands, woodlands, a little bit of slope, some flood plain. As you recall when this proposal came in for an onsite sewage treatment system as well as land disposal and discussions with the Township staff, this area was also added to the 537 Plan so that there looks to be a plan for a regional pump station. We are trying to figure out which is the easiest way for us to take our gravity line down to Indian Run and then have a force main back up to our development and across Highspire through the adjacent development and down 322 as I think the Township is hoping it does that. We are in the process of trying to evaluate which is the easiest route. The easiest would be across the piece of property that is 200 feet that we do not own. We have approached the landowner and they are not interested. I understand the property is for sale and might be under agreement right now. Steve Jakatt asked if you could get a small easement from them? I have called, but the opportunity is gone. Discussion continued. We have 3.8 acres planned for land disposal and sewer that would be unencumbered open space which would go toward the next item has to do with infiltration. WBT allows in some cases infiltration to be included as the open space or not. Right now we assumed you would not allow any of it. We know that the Conservation District has regulations they are now enforcing in earnest that we are going to have to do all types of infiltration in various areas of the open space. Infiltration surveying is under way as well as to address the outstanding comment that the Engineer had on wetlands study. We have some landscaping items we have to deal with. Robert Smiley explained in answer to John Conti's question that there is a buffer requirement when you cluster that you have a certain width wooded buffer or planted buffer. Right now there are a couple of pipelines to slice through an overhead electric

line that eliminates the ability to use existing vegetation. Our engineers have laid out some areas that seem optimal for infiltration pending the fact that they infiltrate. Supposedly the best place for infiltration we have an issue where the zoning says we got to have a 20' wide planted buffer, but we don't have that. We may have to come back and seek some type of relief. Steve Jakatt motioned to table. Kim Hoopes 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 Saturday, January 19, 2008. There were no representatives in attendance. John Cassels motioned to table. 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, December 21, 2007. Ross Unruh, Esquire was in attendance. A review letter was received yesterday and we have not had a chance to fully digest everything but our quick glance indicates that we will be able to address the subdivision/land development issues. A zoning issue regarding parking has been raised. Zoning issues were all resolved at the time of conditional use. The layout that we have here is exactly the way the layout that we had in terms of parking and in terms of uses. They were reviewed by the engineer's office back at conditional use. Am a little perplexed as to why it is being recommended that Dale Barnett issue a review. Ross Unruh will be writing to dispute the recommendation because it is believed the Supervisors have already made a ruling on all the zoning issues. As to all the other issues which are SALDO issues, hopeful that we will be able to address and once the resubmission has occurred we will hopefully have a review letter which is close if not at the point where you can make a recommendation. John Conti asked if the issue was on lot parking, residential on lot parking? Ross Unruh responded, no it is not the on lot parking so much as there is one of the commercial buildings is going to be sharing parking which is the issue. I am pretty sure it was raised certainly the layout was raised before. John Cassels asked how to deal with larger fire trucks. Ross Unruh responded that they are taking a look at that. We are not prepared to completely redesign the parking lot layout. John Cassels stated that it sounds like there is a larger fire truck within the vicinity that might support the rescue and they can't get around the facility. We do not know if that is true or not true and we do not know how flexible the fire truck is responded Ross Unruh. We will have to take a look at it. Steve Jakatt motioned to table. John Conti 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, December 21, 2007. Ross Unruh, Esquire was in attendance. As you will see by reviewing this, the engineer commented that the issue dealing with Road C. We have solved the problem by not making Road C a road that is going to be dedicated to the Township. A plan was shown to the Planning Commission of the proposed project and explanation and discussion started in regards to Road C. Steve Jakatt asked if the roads in the project would be dedicated. Ross Unruh responded that all roads except for Road C will be offered for dedication. If Road C is not dedicated, all the issues are resolved. Chuck Dobson noted that the concern is if the road was a dedicated right of way, you have two properties and Ross Unruh continued the ownership is split so it affects the rights of each subdivision. If it is offered for dedication of fee, it splits the ownership of what is over here from what is over there. It is still the same owner, but a subdivision that creates additional setback issues. The maintenance of the road will be taken care of by whomever owns the shopping center. It is noted that this plan has been developed sooner than wanted because the Township required us to submit the preliminary plan and wouldn't extend any longer. Discussion continued as to how the commercial project may be configured and who or what tenants may require. There is an additional comment about the alignment of buildings. The draft of the conditional use decision was written and approved the layout and there are 4 or 5 qualifications. One of them was that the building(s) would not be parallel to 322. There is one building that looks somewhat parallel. This building has been cocked 5 degrees so that technically it is not parallel. We are going to resubmit. John Cassels asked what the difference between Road C and the main entrance. Ross Unruh stated that the main entrance will have a traffic signal and Road C is a right in and a right out. Discussion continued as to the two entranceways. It was also asked if the commercial area was intended to support the

community (apartments). Ross Unruh stated that he thought the commercial would be available to anyone having a broader marketing area than just the apartment community. This is the property that once had a pond that has since been removed as per DEP. John Conti asked about the reasoning behind the removal of the pond. Ross Unruh stated he believed it was the temperature of the water, the water gets to warm and affects the biology and the pollution. This was a man made pond. John Conti questioned to signage for the commercial buildings. Will there be something at the entrance, how will it be marked. Ross Unruh presumed that there will be some type of a monument sign by the controlled intersection. This has not been determined as of yet. Discussion continued as to signage. Joe Obernier mentioned that the plan submitted for conditional use, I don't recall a notation for a private drive on that plan. Ross Unruh said he does not know exactly what it said, but will check. We never got into the setback types of issues and there are several driveways interior to the shopping center, so we are basically trying to avoid an unnecessary subdivision issue. Joe Obernier continued that to the best of his knowledge and memory, we haven't approved a private drive in a really long time. Ross Unruh stated that they are treating this as part of the interior circulation for the commercial area and it seemed to be more consistent in doing that. Discussion continued as to entranceways for the community. Chuck Dobson likened Road C to the entrance and exit at Croppers. Steve Jakatt motioned to table. John Conti 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 Tuesday, February 8, 2008. Andy Eberwein was in attendance. They are still in the process of reviewing. John Conti 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. A letter from MacCombie's office was received on November 2, 2007. There is nothing in the review letter that cannot be dealt with or haven't dealt with already. Plans will be submitted with all of these things dealt with. I am looking tonight to try to get a recommendation of final approval conditioned upon this getting straightened out and the Health Department and the DEP signing off on the planning modules. This is the plan where we got the recommendation from the BoS that we continually work with them during the construction process. The biggest issue that they have is Lot 8. There is a 54" oak tree. Showing a revision from the last plan, the footprint of the houses has changed. The houses will be about 2500, 3500 sq ft. There is a more realistic footprint on the plan that will probably get built. The driveway will be shifted about 50 ft up the hill to get away from the tree. By doing that I am raising my lot up, will put a small wall in here 2' high wall I can actually just create a little bit of fill in the front of the house and get back to grade immediately at this point which is about 10 to 12 feet from the base of the oak tree. When we fill underneath that tree it is not going to harm it. And the 10 ft that gets to it will still be a big 20 ft circumference around the tree. It is an amenity to the house, an amenity to the lot. We really honestly want that tree to stay. John Conti asked how close is the fill to the trunk of the tree? Andy Eberwein responded about 12 feet from the trunk. Discussion continued in regards to the tree. There are a total of 19 trees being cleared to accommodate this subdivision. Approximately 568 shrubs, 154 deciduous trees and 94 evergreen trees being planted. We are through the Health Department and we are going through the DEP for the planning module approval. I don't see anything changing. I wanted to point out what we did on Lot 8. They talked about increasing the infiltration. I added infiltration to accommodate that. We are trying to do whatever we can. Chuck Dobson in regards to Comment No. 6 regarding the infiltration bed design as a preliminary plan review issue, he talks about you have a single infiltration, could you educate me on the whole comment. Andy Eberwein said the original proposal had 8 infiltration beds on the lots. Clarification of the comment was made The Conservation District is fine with what was done. John Conti motioned that the BoS recommend for approval Brandywine View (Gudal) Final Subdivision Land Development Plan at Union and Pratts Dam Road pending approval of everything on MacCombie's letter of November 2, 2007. Kim Hoopes seconded the motion. All members in attendance voted aye.

Jelke's Fabrication Company, Inc., Final Land Development Plan (JFAB/071007/FLDP), prepared by Dunlap & Burrell, LLC, Surveying & Engineering, located at 1808 Horseshoe Pike, Honey Brook, PA. Clock

starts Thursday, October 25, 2007 and continues until Wednesday, January 23, 2008. Jeffrey Burrell, Jr. P.E., Norm Jelke and Charlie Jelke were in attendance. Jeffrey Burrell stated that there are four (4) comments on the engineer's letter. The engineer is recommending approval based on four comments including the approval of erosion & sedimentation control plan which letter was received on November 19, 2007. A certification of existing sewage system for which the Health Department was contacted and a verbal comment was made stating that it is fine and does not need any type of inspection. The fire marshal comment; the Township is going to have the fire marshal take a look at it. The cost estimate, which was originally submitted has been revised and faxed to MacCombie's office with a response letter. Explanation of the cost estimate in regards to trees continued. John Cassels questioned Comment #2. Jeff Burrell commented that the Health Department does not normally issue letters based on the fact that the planning modules were waived and there is no additional facility and the system is not being impacted by the construction. Kim Hoopes motioned that the Planning Commission recommend approval to the BoS for Jelke's Fabrication subject to clearing up the four (4) items on MacCombie's letter of October 31, 2007. John Conti seconded the motion. All members in attendance voted aye.

Sketch Plan Submissions

1. Major Subdivision for Castaldi Family Limited Partnership, prepared by Adam J. Brower, P.E., Edward B. Walsh and Associates, Inc located on the south side of Beaver Creek Road. A By-Right Plan has been provided in response to the request of the BoS to submit the plan for their review and a second plan of the proposed layout that the applicant desires to pursue. Adam Brower was in attendance. This plan was in front of you last month and since then you had a chance to go out to the sight. This is a 68-acre piece of ground on the south side of Beaver Creek Road. We are going through the sketch plan process and trying to refine the layout. The reason you have a new layout in front of you is we met with the BoS following the meeting with all of you last month and they were looking for something, quite frankly a little different than what we had proposed that had been presented to you. At this point, I have quite a few layouts. The layout I have in front of you as well as on the board, is the layout that we're hopefully pursuing, but we certainly want to discuss it with you. For the Castaldi family, to really get a feel for what make sense for them, we have done a different layout. We have a by-right plan, which is the 1 ½ acre plus lots. That was included in the plans submitted at the request of the board. We also did an alternate plan that I purposely didn't include in the submission. It was going the other way, smaller lots, trying to cluster them in groups around the site. I do have it with me if you want to look at it. We looked at it with the family. I don't know that it was achieving what the Board wanted. It is not enough ground to give you open areas, large open areas in between the houses. It was about 1000 more feet of road. It seemed to be going in the wrong direction to serve with what the Castaldi's want to see happen with the property. What we have done on this plan that is substantially different than what you had seen last time. I purposely included it in the title of the project was that this is now lots with onsite sanitary. I know that some of the concerns at least that the Board shared with us, was our previous plan had community sewer and it was put in a central location that probably the best place as far as the perc goes, but it was right at the houses and there was a concern that even though it was the open space, how useable is that open space. The community sewer was a bit of a problem and certainly a concern with the costs versus the number of lots you are gaining. We took it in a different direction. We changed the size of the lots so that they could accommodate on lot sewer. What we have is a mix on this site. We have to do the percs and find out how good the soil is. We have a mix of 1-acre lots. A lot of them on the eastern side are 1 acre also on the western side 1 acre. The smaller lots on the south border and some of the ones on the interior are down to any smaller than a 35,000 square foot lot. Because it is under an acre, the Health Department definitely requires a replacement. The smallest lot you can really fit aside from your Ordinance would be 30,000. I think 35,000 is really the threshold before you start having to start packing stuff into the lot. We did not want to go less than 35,000. What we are proposing here is under the Open Space Option. It is smaller than 1 ½ lots. It is the density neutral version. My initial estimates are 36 lots. Until we get out there and start perking finding out how I can adjust lots. This literally shows 34. We would like to see 36. We are trying to keep the open space down here (as shown on the plan). I know there is some thought of possibly a future trail coming out of the farm area the Township owns and bring it out in two directions to Route 82 possibly cross over in the future as well as head north into that property. As shown on the plan, we are trying to keep, add some lots over here, we are trying to keep this area open and certainly keep the area open around the Castaldi house. Possibly we were trying to get that to at least 10 acres. There is some thought that we could look at this and get 10 acres for his house if there is opportunity to have that under Act 319. That was just a thought. We are trying to have for the most part bigger chunks of open space. Is there anything specific that caught your eye from walking

the site. It was asked if the entire site going under the open space. The response was yes. It was asked why would there be bigger lots up top? Why not go with the minimum lot size for the whole development? You can go down to 30,000 square feet. Adam Brower responded that it was a fair question. We talked with the family what we are trying to accomplish. We looked at the plan we had before was a community system with 40 lots. What the family was looking for on the property, was not getting the house jammed up, invariably there is only so much room on the tract that as I got to the 40 42 it is starting to pack houses up closer to Beaver Creek Road, up closer to the Castaldi house. We wanted all the large lots 1 acre. To meet the open space requirements some of these lots can go down to 35,000. It was asked if the open space requirement would be met covering that much area with that much open space? The response was that was we have right now based on initial calculations, I need just shy of 30 acres open space. What the shaded area here represents (as shown on plan) is a little over 32 acres, some does not count, some of it there will be stormwater basin. Discussion continued regarding size and configuration of the layout and open space. It is the opinion that a community is not the way they want to go. To make a community system feasible, we have to have quite a few more lots than the on-lot. Discussion continued in regards to on-lot and community systems and the original plan and revised plan. Steve Jakatt stated that they like the original plan. The Township has the open space to the bottom and we like the continuity of the bottom for a trail system. We are trying to put a Township trail system together. We like the fact that the houses on the inside do have a view straight north and there is a buffer between Hidden Meadows and this site. Personally, I like this plan the best. It is simple to plow, pave – this one has my vote. The cul-de-sac on the second plan goes nowhere. It was asked by members of the Planning Commission what was the Supervisors objection to the first plan? Adam Brower responded they did not like the community system. Discussion continued as to what the onsite community system would be and the objection by the BoS. Chuck Dobson asked if any probes were done? There is a little bit of Glenville, most of it is Glenelg, which is hit or miss soil. If it has been farmed you might be successful. If it has been tilled pretty well, you might be successful getting percs, but the problem with that oftentimes you go down 24 – 30" and you find limiting zones there. Adam responded that it is tough to decide which comes first. Do you try to hone in a layout and do some initial testing. Quite frankly, if nothing else, there are some common areas where we know there is going to be a lot. Your point is well taken. John Conti stated it sounded like the owner was objecting to smaller lots, do they have a problem with that. Adam responded not that smaller lots period, but as we did the smaller lots and more of them to offset the cost of community system, it felt like we were starting to jam them in more and more. They wanted something that looks nice too. The public sewer option from a cost point makes sense. Bob Schini noted that the tract is essentially all open, am I not correct that no matter how you arrange homes it is all going to look almost the same? Discussion continued as to the number and size of lots and to the perspective view of the site from Castaldis. Bob Schini stated that the actual appearance is less an issue than it might be on some tracts. Adam Brower stated that you can't realistically develop it and not be in front of that ridge. Discussion began on what type of system and the Municipal Authority's tier of what the optimal system, the next best and on down the line.

General Discussion by Planning Commission
Meeting Reminders

Adjournment

At 9:17 p.m. Steve Jakatt motioned to adjourn the meeting. Chuck Dobson seconded the motion. All members in attendance voted aye.

Donna M. Jones
Planning Commission Secretary