

Meeting Minutes of October 31, 2003
Board of Supervisors Public Work Session

Chairman Obernier called the Board of Supervisors Public Work Session of October 31, 2003 to order at 8:10 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 and Vice-Chairman McCaffrey in attendance. Supervisor Lindborg was absent. The following individuals were also present: Ronald A. Rambo, Jr.; Township Manager, Jim MacCombie, P.E.; Township Engineer, Ross A. Unruh, Esquire. Representing Pulte Homes were: Ray Grochowski, Jr.; Senior Land Manager and Theresa Lamely, Esquire of Riley, Riper, Hollin & Colagreco.

Ray Grochowski requested the special meeting so that he could bring the Board of Supervisors and the Township Manager up to date with their plans in East Brandywine and how they affect West Brandywine Township. He is currently under agreement of sale with Bill Kay. Pulte has had a relationship with East Brandywine Township for 2 ½ years and are currently working on a settlement agreement with East Brandywine Township through the Commonwealth Court System. They hope to have the settlement agreement by the end of this year.

Ray then delineated the parcels that total 840 acres as shown on their current plan. The development in East Brandywine Township currently consists of 656 residential dwellings and a golf course that will be contained totally in East Brandywine Township. The golf course will be a private facility with some membership open to the public pending the outcome of their settlement agreement. The main focus would be off of Zynn Road. The main tract of the property begins off of Route 322 down Bollinger Road where their main entrance into residential will be located. They will have an entrance to a community center off of Bollinger Road. The area within East Reeceville, Bollinger, and Zynn will be the main golf course and the center of all the activity. They are proposing a tunnel under East Reeceville Road for maintenance vehicles and golf vehicles.

Chairman Obernier was concerned that the golf course was too close to the houses that are up against the Township line and asked if it was a distance that would make it likely to hit the ball into the house. Ray answered that would be highly unlikely.

Ray explained in East Brandywine the higher density is towards Route 322, north of East Reeceville, which is where multi-family is permitted. South of East Reeceville will be 30,000

square foot single-family lots. North there are two sizes of townhouses, the smaller are clustered up against Route 322 and the larger townhouses are spread out as you move away from Route 322.

For the West Brandywine parcels, Pulte plans on doing an active adult (aged restricted 55+) community in conjunction with the Kay Tracts in East Brandywine Township. The Weaver tracts have also proposed an active adult community bound by Route 322, East Reeceville Road, and Bollinger Road. He noted they started out doing by-right plans that has the minimum lot size under the open space provision is 8,000 square foot which is large for an active adult homes. They want to keep it around 5,000 square foot for easier maintenance. The satellite pieces are 1½-acre minimum lot size. They show both the 1½-acre and a cluster option that is down to 19,000 square feet. Vice-Chairman McCaffrey asked if their intension was to net it all out in small lots? Ray answered no that is not what he was proposing.

Vice-Chairman McCaffrey was concerned that they are going to build a by-right plan without open space or recreational facilities. Ray noted that what he has diagramed is a conceptual sketch done by a land planner. If the Board were to review it, he would have the plan done by an engineer to meet the Township's ordinance. Manager Rambo explained that with parcel "F" 20 lots only requires 1-acre of open space for recreation.

Ray explained the reason he came in was he wanted to get the Boards feedback before he goes any further with his proposal. He is proposing moving whatever by-right density is down into the couple parcels surrounding into East Brandywine and proposed that the remaining ground of open space be given to the Township if they want it or make it deed restricted as open space. Ray is proposing to move the density from one parcel to another under West Brandywine Township's ordinance and change the lot size from 8,000 square feet to 5,000 square feet. They are the only two variances that he would be requesting.

Chairman Obernier asked how this community would always remain a 55+ community. Ray explained by federal law and the homeowner's association documents with comments and restrictions that are approved by the Township's solicitor.

Vice-Chairman McCaffrey asked if the roads would be built to the Township's standards. Ray stated they would be built to meet the Township's ordinance.

Chairman Obernier noted a particular section on Pulte's map. Ray explained that strip of ground is an emergency access and is only 25 foot wide. He noted he is currently working on a solution to this landlocked piece of ground.

Chairman Obernier pointed out that the two parcels that are south of East Reeceville Road and asked if the single point of normal access is the one roadway. Ray answered yes. There was a traffic study done and it doesn't warrant a traffic light, they will place a traffic light at the intersection of Bondsville Road and East Reeceville Road and the intersection of Bollinger Road and Route 322.

Vice-Chairman McCaffrey was concerned about the lots being up against the borders. Ray stated they could be moved and there would be a 100 foot wide buffer.

Chairman Obernier asked about the three parcels that are labeled open space and asked if they were willing to turn them over to the Township including the building that is shown them. Ray stated he would consider it and let the Board know.

Ray stated he wanted to make it clear to the Board that whatever they work out with the by-right density, he would like to use that same density, their estimate is 247.

Vice-Chairman McCaffrey was concerned about approaching a development by determining the number of units on it first, regardless of anything else.

Theresa noted that in terms of the open space parcels that Pulte would be willing to commit leaving them as open space. Ray noted that he appreciates the Boards comments and was not suggesting they agree to the plan until the Board has had time to review it, he doesn't want to move forward and spend \$100,000 if the Board hates the idea and wants the Boards opinion.

Vice-Chairman McCaffrey suggested how he would propose this to the people he represents, that there is a definite gain to the community at large. He would also like to call a consultant to establish a Transfer Development Rights (TDR) concept and ordinance. Manager Rambo noted that John Good had in the past obtained the same result without the establishment of a TDR.

Vice-Chairman McCaffrey felt the concept would be easier to sell if they establish a TDR.

Chairman Obernier noted that Pulte is asking that the Board let them know their concept is okay. The Chairman felt the Board and the Manager would prefer that Pulte turn the open space parcels and buildings unencumbered over to the Township. Vice-Chairman McCaffrey concurred with the Chairman.

Ray was concerned that by giving the Township unlimited use and enjoyment would be there would be no protection for him that the Township wouldn't come in and put facilities in that were somewhat obnoxious to this use. Chairman Obernier explained they are sensitive and as a general rule would not do that.

Manager Rambo suggested that be written into the agreement. Chairman Obernier stated they are looking into making a recreational area and are not looking into storing road equipment. Ray stated that type of use would be fine. The Manager noted they would have a means to get a lot of property at no cost.

Vice-Chairman McCaffrey thought this would be a way to start a TDR. Ray stated they would be receptive with working with another property owner in purchasing to start that "ball rolling" and go through the legalities and making sure it is set up properly and that it works and is written well. Vice-Chairman McCaffrey noted that would be a tremendous benefit to the Township to be able to set this in place.

Manager Rambo suggested Riley, Riper, Hollin & Colagreco prepare the TDR Ordinance for the Township to review.

Chairman Obernier noted that another development in the Township where the houses are close together, were required to have public water for fire protection and asked what Pulte's thoughts were on this. Ray noted that PSW has committed that they will service both the developments in East and West Brandywine Township. They are proposing a sewage treatment plant at East Reeceville and Bollinger Road, the effluent will be used to irrigate the golf course. He noted that East Brandywine Township had concerns that the water supply might be shut off to the golf course, therefore they worked out an arrangement with them that the water for the golf course would be uninterrupted and in the end, East Brandywine will have ownership of the wastewater treatment facility.

Chairman Obernier asked if the sewage that is produced in the West Brandywine development would go to the treatment plant in East Brandywine. Ray answered yes.

Vice-Chairman McCaffrey stated he didn't have any problem for where it goes, but West Brandywine's Municipal Authority would need to have an official agreement on the sewage treatment and everything associated with it through the Act 537 plan. Chairman Obernier was opposed to shipping the sewage to East Brandywine.

Vice-Chairman McCaffrey was concerned about the density of the properties and their bordering properties and noted the Township has a landscaping ordinance.

Vice-Chairman McCaffrey asked who would maintain the streets. Ray noted they will have a professional management company through the Homeowners Association that will maintain and plow the roads, trim bushes, etc.

Vice-Chairman McCaffrey was concerned about how narrow their lots are that they are proposing and asked if they will be able to meet setback requirements. Ray stated that he has done this in Haverford Township for houses that are built on 5,000 square feet that are zoned R-4, R-5, and R-6 and meets the requirements.

Vice-Chairman McCaffrey explained that he would like to make sure this is set up with conditions specific to this particular development that the principle of the structure is not favored but it is the location.

Ray Grochowski asked the Board for direction for his next step in pursuing his plan. Manager Rambo suggested they intend to transfer the open space to the Township along with the buildings within the open space for recreational purposes.

Ray was concerned that he will be able to get 240 units. Jim MacCombie suggested they sit down with their plan planner, engineer, and solicitor and go through the ordinances and make sure that the plan works and then submit it.

Chairman Obernier suggested that if they need any variances or exceptions they should come before the Board in the beginning and not assume they will be granted these things later. He noted he was receptive to their idea and felt that it would be a trade off to acquire the open space though their plan is very dense. The sewage being tied in with East Brandywine may be a long drawn out process and felt it would be better to keep it in West Brandywine.

Vice-Chairman McCaffrey's wasn't concerned about the concept of the sewage going to East Brandywine but felt the Township's Municipal Authority needs to have control over it. He felt the dense areas should have some green in between them.

Ray asked if Vice-Chairman McCaffrey was asking to be involved in the land planning process and wanted to sit down and talk about it before they submit it. Vice-Chairman McCaffrey suggested they advise the Board on their plan.

Jim MacCombie asked about having emergency access with a dedicated street through a preempted gate if a need should arise. Manager Rambo suggested if they are going to maintain the ownership of the roads, they could bump the road that is in the Copelands up on the open space on East Brandywine.

Chairman Obernier felt that Supervisor Lindborg wouldn't agree with a community that has restricted access and that he didn't agree with the idea either. There will be about 2 miles of roadway.

Manager Rambo didn't think that Supervisor Lindborg would have a problem with the concept and felt that dedication of the streets and the gated community will all be worked out in the process.

Ray wanted the Board to be aware that when working out the settlement agreement with East Brandywine, he is pushing to have an opening that would accept the West Brandywine flow.

Chairman Obernier suggested that it may be viable for a few years to let the effluent go to East Brandywine to their treatment plant but in the future the Municipal Authority may make other arrangements.

Vice-Chairman McCaffrey's final comments were that he only favored the concept of Pulte's plan basically because of its location and what is being offered with it.

Manager Rambo noted he would like to keep the communications open between Pulte, Jim MacCombie, and himself as things move along.

Chairman Obernier explained that the Township Manager is also the Manager of the Municipal Authority and the Township Engineer is also the Municipal Authority's Engineer. He noted that Tom, Carl, and himself rotate through the Municipal Authority as Chairman.

Vice-Chairman McCaffrey made a motion to adjourn with Chairman Obernier seconding that motion. The meeting was adjourned at 9:20 a.m.

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