

PLANNING COMMISSION MEETING
Thursday, February 23, 2006

The West Brandywine Township Planning Commission meeting was called to order at 7:30 p.m., Bob Schini led the members in the pledge of allegiance. Those members in attendance were; John Cassels, John Conti, Anita Ferenz, Kim Hoopes, Chuck Dobson & Bob Schini.

Bob Schini asked for acceptance of the minutes for the January 26, 2006 re-organizational meeting. Kim Hoopes motioned to accept the minutes for the January 26, 2006 re-organizational meeting, John Conti seconded the motion with all members in favor. Kim Hoopes motioned to accept the minutes for the January 26, 2006 standard monthly meeting and have any revisions to the Planning Commission Secretary within one week. Chuck Dobson seconded the motion with all members in favor.

First item under old business; Schnatz & Rohrer Landscaping Inc. – Preliminary/Final Land Development Plan (00-05-SCHROH) prepared by Lake Roeder Hillard & Associates – Industrial Storage Building for Vehicles concerning Landscaping Business. Clock started Thursday May 25, 2000 and continues until Thursday, March 30, 2006. No representatives were present. The Township had received a letter of extension. Bob Schini asked for a motion. John Cassels motioned to table the Schnatz & Rohrer Landscaping Inc. – Preliminary/Final Land Development Plan; Kim Hoopes seconded the motion with all members in favor.

Glen Loch Subdivision. – Minor/Final Subdivision Plan (05-06-LODGE) – Applicant; Cannon Lodge Bldg - Location, Hurley & Baker Road. Hurley Road Subdivision. Proposed three-lot subdivision. Prepared by Edward A. Korab PE. Clock started October 27, 2005 and continues until Wednesday, March 1, 2006. (The Township had received a letter of extension).

Representative Edward A. Korab; the site is a thirteen acre parcel of land bounded by Hurley and Baker Road. We have provided a fifty-foot right of way between lots two and three. Lot number one will remain as it is with the historic building on it. The building envelopes have been moved back and the lots still meet all the requirements of the zoning ordinance. We have also submitted another conceptual sketch for the rest of the subdivision utilizing the fifty-foot right of way that will be extended in and through a cul-de-sac to the upper portion of the site. There will be seven lots, that includes the two lots on Baker Road and the Historic building which will be on its on parcel of land. There are some steep slopes and wetlands in that area

I spoke with Mr. MacCombies office today and spoke to Mr. Ronald A. Rambo Jr., I feel at this time all the loose ends have been tied up. Ron Rambo; you might want to inform the Board the plans before them are not current. Ed Korab; the changes to the plan I have come from the conversation I had with Mr. MacCombie and Ron Rambo. The plans before you do not show the fifty-foot required set back from the new right of way to our building envelope. We agreed to bring the revised plan tonight and show it to the Board then make the revisions and submit the revised plans to Mr. MacCombie. The building envelopes have been offset fifty feet from the right of way. The concept sketch is still preliminary.

Kim Hoopes; you then have five more lots proposed for the large piece. Ed Korab; when we are finished there will be a total of seven when completed. That is the conceptual sketch, a lot in this area (plan ref) has not been perc'd yet, we need to do that while we are in the process of getting ready to submit for the minor subdivision. That will lock us into how lot lines and the building envelopes will fall.

Ron Rambo; there is drawing I did while talking with Ed Korab on the phone, that drawing is marked in red and should correspond to the drawing being presented by Ed Korab. Chuck Dobson; lot number two has a set back from the lands of Larue, what is the setback dimension on that sketch. Ed Korab; I think we will be pushing that down to forty feet, right now it is showing twenty feet. Once the submission is approved I will be submitting detail grading plans to the Township for Mr. MacCombies review.

Bob Schini, there seems to be four conditions to consider; approval of an easement by the solicitor, the establishment of an escrow for the common drive, planning modules from the county and properly revised plans.

John Cassels; the on-site septic needs approval from the County Health Department. Ed Korab; the test have been done, we are waiting to hear from the County. John Conti; if I could take Steve Jakatts role since he is not here, we don't approve plans until we feel the plan is clean. Ed Korab, these are things that need to be done regardless before it goes to the BoS, we would like the Conditional Approval on this phase.

Bob Schini, in regards to correspondence from the Historic Committee who stated he was requesting a three lot subdivision and two building lots off of Barker and one main lot that will be left there for the time being with the existing historic structure on it.

Ed Korab; in reference to the comments from the Historic Committee; the owners have agreed to rehab the historic structure in accordance to the recommendations of the historic committee. All three lots have been perc'd and information has been given to Chester County Health Department. We are waiting for a response from the CC Health Department so these systems can be designed. We are going to be submitting separate grading plans for the two lots on Baker Road once the septic is designed and they know the style of the house.

For the remaining lots when we pick up the wetland area and the steep slopes we are left with 8.8 acres for future development. The house will be on its own lot when the rest of the parcel is subdivided. With this submission we are requesting three waivers. A waiver from Section 167-9(a)(5), to allow us to go on to a future subdivision of what we are calling lot number one. Once we know how all of its going to fall into place, then we will proceed.

A waiver from 167-63 natural features protection plan, with the development of these two lots, they are fairly open and the house will remain. That is something we will be facing with the major subdivision. A waiver for 167-65 a conservation of woodlands, hedgerows and specimen vegetation. These are open in this area, nothing will be bothered here. (dwg ref) When we get to the major subdivision we will then address those various issues. I don't know what my soils are in some of these areas so probing is required. A lot of the layout is going to hinge on how we move ahead and start the engineering on the rest of this piece; I can then come up with a better concept, one that does not require any variances or changes.

Jamie MacCombie would like this road (dwg ref) to come in at more of a right angle to that point. We know we should be in this area with the road access due to good visibility up and down. This plan is just a concept. I am here to get a recommendation from the Planning Commission Board for the subdivision of three lots. Mr. MacCombies letter states that all the issues relative to the subdivision are taken care of. There are some comments relative to the concept sketch. We are hoping to move forward with subdivision approval. Kim Hoopes; Mr. MacCombies letter states concern about the steepness of the proposed cul-de-sac and how much excavation needing to be done. I did suggest last time having the right-of-way coming in off of Baker Road. Ed Korab; if we had to go the minimum right-of-way what we could put in there would be fifty feet. Doing that would take away two lots. Mr. MacCombie suggested that we not do that but try to work out a right-of-way in this area. (dwg ref) We have some grades that are greater than ten percent; I don't know how that driveway is going to work yet. There is still a lot of work to be completed on the rest of this site. Kim Hoopes; will you come back and say I can't get a road in there so I want all these driveways coming down Hurley Road? Ed Korab; the owners don't want to do that. I may need a waiver from your land development ordinance if I can get a roadway at thirteen percent and not ten percent. Thirteen percent is steep, although retaining walls would make it work. Kim Hoopes; that sounds more costly then bringing in the road off of Barker. Why not extend the lots to the west

so you make up the difference in your square footage? I feel the construction of the road would be less costly. Ed Korab; the option was discussed with Mr. MacCombie and he did not particularly care for that. Mr. MacCombie also suggested that we deed restrict this one lot (dwg ref) so that whoever builds on it cannot have access onto Hurley Road, only a driveway onto Baker Road. Kim Hoopes; I agree with that. Are you proposing a single drive coming out there for those two lots? Ed Korab; no I am proposing separate driveways for each lot. My client did not want to see a common driveway.

Ron Rambo; did you receive a sketch plan that I prepared for the site from your client? Your client and I discussed this sketch plan for two hours, we changed the configuration of the two lots you were proposing, we put the fifty-foot right-of-way back into the entire track off of Baker Road, it would give temporary easement through, giving time for the road to be built. That came up with over eight lots, with proper road frontage, and proper setbacks.

Ed Korab; I was not aware of the sketch plan. Chuck Dobson; why did you feel you would lose those two lots by putting in a road. Ed Korab; we needed a fifty-foot right-of-way. If I use a fifty-foot right-of-way I can't count that in my area for frontages. Ron Rambo; you could have put the fifty-foot right-of-way where the common driveway was proposed and still come up with the minimum frontage required for those two lots. You would have given a temporary easement through that right-of-way to those two new lots to utilize until such time the public street was built. Ed Korab; information was never given to me. My client asked me to move forward with this setup and worry about the rest down the line. Kim Hoopes; we need to be concerned with what's down the line, and that would be placement of that road to access the rest of those lots.

Ron Rambo; on the January 8, 2006 plan what was showing as far as driveways? Ed Korab; the plan shows two different driveways, two lots. The only thing different from the plan you are looking at to the plan James MacCombie referenced based on the meeting we had, is the numbers in the chart for area and bulk being revised. Ron Rambo; your client Ron Scott has the sketch I drew. Ed Korab; Ron Scott told me he sat down with you and had some thoughts on it, but to proceed with what I had. Ron Rambo; I will be at James MacCombies office tomorrow, I suggest you get the sketch plan from Ron Scott and meet me at James MacCombies office. Ed Korab; is the consensus of the Board that you would rather see this access way based on a sketch that was given to Ron Rambo? Ron Rambo; it would be based more on a better means of access and less intrusion into the steep slopes.

Bob Schini; in reference to the letter from Michelle Benkovich, the letter expresses concern about the preservation of the creek, wetlands and the preservation of wild life. (the planning commission secretary will respond to this letter).

Kim Hoopes; the springhouse would be incorporated with the existing dwelling and will a approximate four-acre parcel will go with that? Ed Korab; possibly once we are finished with the major subdivision. We know there are conserved areas, steep slopes, wetlands and the springhouse that have to be taken into consideration. When we subdivide off this one farmhouse parcel, the historic building will remain a historic building. Kim Hoopes; at that point there could be something in the deed where the springhouse and creek would remain intact, not to be disturbed even by the homeowner.

John Cassels; in reference to the Historic Committees letter it states the springhouse needs to be restored, and will stay on the same parcel as the farm house, and relocation of the corners of the barn. Bob Schini; it seems all of the concerns from the Historic Committee would be addressed with the next phase. Chuck Dobson; with respect to the ensuing major subdivision plan I think there may be some location issues for some exiting features that need to worked be out.

John Conti; have you received the comment letter from the Historic Committee. Ed Korab; I had a meeting with the Historic Committee several months ago, they were also on site with us and they are the same comments we spoke about and we have agreed with those issues.

Bob Schini asked the Planning Commission Secretary to contact the Chairperson for the Historic Commission and ask that a copy of the letter addressed to the Planning Board be forwarded to Ed Korab

Bob Schini: Mr. MacCombies letter states his office has no objections to the Boards consideration of this plan subject to the recommendations from Mr. Rambo. Ron Rambo; when I talked to Mr. MacCombie, David Biloan, and Ed Korab, everything had been addressed as I had requested over the phone. Easements have to be prepared and reviewed, allowance for two lots to be used as a right-of-way, temporary easement for a common driveway. Ed Korab; all the septic information was submitted to the County four weeks ago. Ron Rambo; until you get the planning modules signed off from the County we can not pass a resolution here to send the plan to DEP. You may be another sixty to ninety days out.

John Cassels asked Ron Rambo how many plans are currently in front of the BoS that the Planning Board had passed on with conditions.

Ron Rambo; Ridings of Hibernia, although they had totally changed there plans. The one before you now is a minor subdivision, two lots where they are trying to get the easements drawn up and waiting to receive paperwork back from the County so the Township can get the module together and pass a resolution and forward it to DEP. John Cassels; I don't feel we are doing our job adequately to make recommendations to the BoS to approve plans on conditions before they are resolved. I am uncomfortable that plans are held up because of conditions set.

Ron Rambo; once it gets to the BoS I hold them until all the information is received. John Cassels; we go back and forth between whether we need a clean plan or a clean letter from the Engineer. There does not seem to be much in the letter from MacCombie that we can site for rejection, but there are still a lot of outstanding issues with the Glen Loch plan. This would be another plan with conditions. I would like to table until issues are resolved. I would like to see that our solicitor agrees with the easements that are in place, plans are revised and our engineer approves them along with a clean letter based on resubmitted plans.

Applicant Ron Scott; we are trying to move ahead; we are doing everything we can to meet with everyone's expectations. We met with the Historic Committee and the Planning Board. We have tried to incorporate everything you have asked us. If you could give us a recommendation based on the engineers recommended conditions, it would help me facilitate getting escrow once the bank saw the conditional approval.

Bob Schini asked for a motion. John Conti motioned to recommend approval to the BoS of the Glen Loch Minor/Final Subdivision Plan (05-06-LODGE) pending the completion of the plans as presented to Ron Rambo, a clean letter from Mr. MacCombies office, the establishment of an escrow account, the easement drawn up for a fifty-foot right of way and receipt of the approved planning modules from the County. Chuck Dobson seconded the motion with all Board members in favor for the exception of John Cassels who voted nay for previous reasons stated.

Culbertson Realty Associates LP – Culbertson Village Final Subdivision Plan (04-04-CULVILLAGE), prepared by DL Howell Associates, located at Horseshoe Pike & Swinehart Road. Proposed 178 Townhouses. Clock started Tuesday, November 22, 2005 and continues until April 7, 2006. There were no representatives present. Bob Schini asked for a motion. Chuck Dobson motioned to table the Culbertson Realty Associates LP – Culbertson Village Final Subdivision Plan; Kim Hoopes seconded the motion with all members in favor.

Balderston Family LTD Partnership/Swinehart Realty Associates LP –Final Swinehart Subdivision Plan (04-03-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 Tuesday, March 21, 2006. There were no representatives present. Extension letter was received at the Township. Bob Schini asked for a motion. Chuck Dobson motioned to table the Culbertson Realty Associates LP – Culbertson Village Final Subdivision Plan; John Conti seconded the motion with all members in favor.

Ross Unruh to discuss the Brandywine YMCA petition to amend the Zoning Ordinance – a month ago there was a consensus on the parking standard, being one parking space for every two hundred and fifty feet square floor area plus one space for every two full time or part time equivalent employees.

There was also some discussion concerning terminology. I had in the ordinance the term Community Recreational Facility because that was the term used somewhere else in the ordinance but it is undefined. I looked at other ordinance and found other terms that may be acceptable to the Board. One is for Health/Exercise/Tennis Club that was found in East Goshen Township that was patterned for a YMCA and one in West Goshen that was patterned for a more profit type facility, being called an Athletic Club. My letter to the Township dated February 3, 2006 gives a definition for both terms. The YMCA is agreeable to both definitions.

John Conti; I think the numbers are adequate based on information presented at last months meeting for the standard parking. The Board then discussed various terminology presented from the February 3, 2006 letter and came up with the following recommendation concerning the petition to amend the Zoning Ordinance.

Kim Hoopes recommended to the BoS that they amend the Zoning Ordinance with this definition and the associated parking and for it to read as follows:

The definition of a Health/Exercise/Racquet Sport Club as an enterprise operating as a business or club which charges an admission, entry or membership fee or combination thereof, whether owned by a public or private entity, which is open to the public and provides in combination of various facilities for its members including a combination of more than one of the following; gymnasium, swimming pool, weight training and similar conditioning equipment, racquet courts and similar ball courts and similar athletic and or health facilities; a health club, and field sports, playground other customary indoor or outdoor recreational activities. A parking standard of one space for every two-hundred and fifty square feet of floor plus one space for every two full time or part time equivalent employees. John Conti seconded the motion with all members in favor.

Conditional Use Hearing – Representatives Ross Unruh and Gordon Eck. Ross Unruh, approximately four years ago Dr. Eck was in for conditional use to have a major home occupation, being a Bed and Breakfast with a wedding type use. Dr. Eck is looking for two modifications to the decision. One being the hours of operation, which under the conditional use decision limited operations to 10 pm. There are religions that cannot have their weddings until its dark. In summer it gets dark around 8:30 pm and everything has to stop at 10 pm. Dr. Eck would like to extend that until midnight. Condition number eight limits the participants to two hundred guests. A large number of people usually use small buses to get them back and forth. This reduces the number of cars; he may be able to have more than two hundred people because they are coming in on small buses. It's our understanding the Township Supervisors would like to have some limitation on the number of cars. Dr. Eck is willing to limit the cars to one hundred. The third part of the application technically does not need to be part of the conditional use but he wants to make everyone aware of what his plans are. I have outlined in yellow (dwg ref) two areas for additional buildings. In the immediate future Dr. Eck wants to put an all-purpose building here (dwg ref) that can be used for a variety of purposes. This building could be used for corporate meetings but also for wedding ceremonies. The new building will be permanent. Events are usually on the weekend.

John Conti; what do you thing the feed back from residents will be going from 10 pm to 12 midnight? Dr. Eck; I've only had one complaint on two occasions coming from Indian Run Village who complained the music was loud. I went over to Indian Run and I could hardly hear any music or noise and this was in the afternoon. When we have an event I routinely drive around the neighborhood to make sure the music isn't too loud. John Conti; what was the limitation before one hundred cars? Ross Unruh; two hundred people, it did not mention cars. John Conti; you want to drop the two hundred people and add on hundred cars. Dr. Eck; this was a new business for us and new for the Township. My thinking was we could accommodate 100 plus cars, two people per car, and twenty-five more for the service people who would be there. After starting the business we found that people are

coming in shuttles. We may have two hundred people there but only fifty cars. We have eight-five acres and could accommodate more than two hundred people. I am looking to get that restriction on the number of people removed while maintaining a reasonable restriction on the number of cars. The buses drop the people off and come back to pick them up. Bob Schini; what is the maximum number of people you would want at one time? Dr. Eck; we have had request for up to four hundred people. Chuck Dobson; do you have any physical limitations on the property. Dr. Eck; no we have tanks on the property and are allowed to bring in port-a-potties if we are having large events. Our business usually starts May through October. Ninety-eight percent of our weddings are Saturday. This year we have twenty weddings booked for the season. People do bring their own liquor. There are some wedding parties that come from a further distance, and these people utilize local hotels and take the shuttles over.

Bob Schini, asked for a motion. Kim Hoopes; the Planning Board is in support of these three modifications and would motion to recommend to the BoS to consider establishing a hearing date for a Conditional Use Hearing for Dr. Eck for the Opinion and Order to be modified for the major home occupation being a Bed & Breakfast. The modifications are as follows: no wedding or affair shall exceed four hundred people, all weddings and events shall cease operation no later than twelve midnight, and the BoS consider giving permission to having a accessory building. Anita Ferez seconded the motion, with all members in for the exception of John Conti who voted nay.

Conditional Use Hearing - Stephen Janiec – Horseshoe Village Associates, property is situated on the southwest corner of Horseshoe Pike & Swinehart Road. Anita Ferez stated she works at the same law firm that is helping Steve Janiec with this plan, although she had not done any work on this plan. Kim Hoopes suggested Anita recuse herself. At this time Anita Ferez recused herself from the Board.

Steve Janiec; the property concerned is a ten-acre property that will be divided by realigning Swinehart Road to meet where we have conditional use approval for the Plank Farm. We have been working with the owners of the Plank Farm in reference to the alignment of Swinehart Road. The Township wanted to realign Swinehart Road to tee off onto Rt. 322. The property is zoned in the RM district. This area (dwg ref) next to the property is Watters Trucking and also the Bentley piece all zoned RM, across the street we have the two acres zoned RM.

The property is a cornfield with no trees, no wetlands and no severe slopes. Public sewers are proposed and public water is on site. Proposed is a two-phase project. There is the ten-acre piece, (dwg ref) this is the proposed new Swinehart Road that leads into the Plank Farm and this would eventually be a signal light intersection. We are looking to abandon Swinehart Road here (dwg ref) and preserve the parking for what the Millers have now. This will create a two-acre piece on this side that will be subdivided and there will be 6.8 acres here.(dwg ref) Phase one would be in the inside loop which is the two acre site. Proposed is a convenience store with an attached car wash and a canopy for twelve gas dispensers. There will be no diesel. The reason we are not proposing anything on the six acre piece is that we are still negotiating with the neighbors and Watters Trucking and looking at putting in an overall community there. We are on a time line on this property and want to move along with realigning the road and improving the site, which would be the convenient store and gas station. In our overall view of the whole area if we acquire the Watters Trucking is to make a community in this whole area (dwg ref) including the rural mixed. We want to tie in these buildings architecturally along with light standards.

We would like to attach to the Bentley Place with a trail system that would interconnect. There will eventually be more stores in here (dwg ref) and there would be a lot of green area here and also in the front. (dwg ref) We have a traffic study underway that is not complete yet; the lighting plan is being worked on along with ongoing soil testing. If we need sewers here before the Coatesville Plant is built, they will be put into the Kimberwick Facility and this has been worked out with Ron Rambo.

The user use would be a Wawa or Turkey Hill, which is what we are looking for. Ron Rambo; the Township will attempt to have say over the architecture of the building. Steve Janiec; Wawa and Turkey Hill will sway to change the architectural look of the standard building a little bit. Joe Schorn; we will have some control over architecture; we want the building to blend in with the community. Our feelings have been made known to them

in regards to that. Steve Janiec; in building a Wawa, you can blend in materials and modify the building a little bit, but the building will have the same footprint.

Joe Schorn; I have built numerous stores for Wawa that have been modified per the Township request using various materials. Steve Janiec; that would also include the canopy. Joe Schorn; at this time we don't have a deal with anyone. We drew Turkey Hill a plan telling them what we want it to look like, there will be some push and shove there, I would not expect them to go with the plan we wanted. Our plan had every bell and whistle on the plan, we are not after their proto type. Kim Hoopes; you have two inlets down toward the old Swinehart Road, it looks like it's crossing the road. Will Swinehart not be curbed there? Steve Janiec; Swinehart will not be curbed, there will be grass swales. Kim Hoopes; so the depression at the top will then run back under Swinehart Road into the basin at Rt. 322. Steve Janiec, that's correct, I am not sure about the inlets further down on the new Swinehart at this time.

Joe Schorn; if a Wawa goes in there will not be a car wash. Turkey Hill is interested in a car wash; they will be restricted in the size of their trucks in order to make the radius on the site. This will be addressed in the engineering phase.

Steve Janiec; there is not master plan as yet; we still have to get Watters Trucking. We have some sketches that have not been presented as yet. Our thoughts are on the Rural Mix. We know Rural Mix wants residential mixed in, but we feel on this site it will not work. That's why I would like to tie into the Pulte area more. We have some plans for a drugstore and a restaurant. In one plan we have a large one-acre green area in the center of the whole community that the buildings wrap around. In the first go round we don't have a plan that has a residential. I don't believe apartments on top of stores works on a small site.

John Cassels; are you talking about going all the way down to Bentley property. Steve Janiec; there is a fifty foot strip right between us that leads us back to this property here (dwg ref) this is a residential piece here, and that divides Watters from Bentley. Our site is not far from the Bentley Townhouse piece.

I encourage the Township to work on getting some type of trail system to get back and forth. John Cassels; the conceptual trail plan in the Comp Plan is not meant to direct people towards commercial developments, its more for rural areas. Steve Janiec; I don't see any problem with people parking on our site for access to a trail, if they park on our site that may encourage shopping.

Bob Schini asked for a motion; John Cassels motioned to recommend to the BoS to schedule a Conditional Use Hearing for Horseshoe Village Associates property situated on the southwest corner of Horseshoe Pike & Swinehart Road. Applicant proposes to develop a convenience store along with a car wash and gas pumps, Kim Hoopes seconded the motion with all member in favor, with the exception of Anita Ferenz who had abstained.

Meeting reminders were read.

Bob Schini asked for a motion to close the meeting. John Conti motioned to adjourn at 10:10 pm, Chuck Dobson seconded the motion with all members in favor

Joann C. Ranck
Planning Commission Secretary