

Meeting Minutes of April 2007 Planning Commission Meeting

The West Brandywine Township Planning Commission meeting of April 26, 2007 was called to order at 7:30 p.m. Chuck Dobson led the members in the pledge of allegiance. Members in attendance were John Cassels, John Conti, Chuck Dobson, Kim Hoopes, and Steve Jakatt. Anita Ferenz and Bob Schini were absent.

Action on Minutes of Previous Meetings

Comments regarding the Minutes of March 22, 2007 – Steve Jakatt mentioned to Donna on Page 3, changing DMPs to BMPs. There were no additional comments. Chuck Dobson had minor grammatical errors, marked and will hand to Donna. Acceptance of March 22, 2007 minutes. Steve Jakatt motioned to accept the minutes of March 22, 2007. John Conti 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. John Cassels noted the Draft Zoning Amendments to Refine Open Space Design Option. It is the first time most of the PC members have seen this. Is this something to look at the next meeting? Steve Jakatt stated that he would need to go through the letter slowly. Chuck Dobson agreed. Ron Rambo noted the Ordinance is up for adoption on May 19th, before the next PC meeting. Have 30 days to give input. The PC needs to provide the Supervisors with comments. Chuck Dobson noted he is hesitant to get into this in a very thorough manner, at this meeting, because of the amount of time it is going to take. The PC members in attendance agreed. Steve Jakatt suggested to take care of the Agenda first. At the end of the meeting, discuss this issue. There were no additional comments in regards to the correspondence/communications.

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

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 Thursday, June 7, 2007. There were no representatives in attendance. Ron Rambo noted that revised plans were submitted addressing the engineer's comments. There would be a review letter sent by the next meeting. The time clock does not appear to be an issue at this point. Kim Hoopes motioned to table. Steve Jakatt 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 Thursday, August 2, 2007. Chuck Dobson noted in the general correspondence, Robert D. Smiley, of GenTerra, did forward an extension. There were no representatives in attendance. Ron Rambo noted that they are in the process of addressing the stormwater comments of the review letter. John Cassels 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 Monday, July 23, 2007. Steve Janiec was in attendance. Plans have been submitted. MacCombie's office has reviewed the plans. Sewers are the issue at this point. We are looking to get the plans approved, but can't do anything until the sewers are there. Steve Jakatt asked if there was any idea when the sewers might come in. We are hearing mid 2009 – that is mainly information through Ron. As far as the retail portion. We're really on hold right now. John Conti motioned to table. Steve Jakatt seconded the motion. All members in attendance voted aye.

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. Andy Eberwein was in attendance. He will have George Harlan get a letter to Ron to extend the date. Reviews were received from MacCombie's office. A letter was submitted asking to be placed on the BoS agenda for consideration of two (2) waivers on this project. The first waiver is dealing with the landscaping requirements. Within the Ordinance, it allows us, if we meet certain criteria, to request the BoS, and it is at the discretion of the BoS to grant, if we have similar uses or like uses on adjacent lands, we don't necessarily have to provide for the buffers in those areas and also if we have extensive woodland around the perimeters, we don't have to do the buffering. We are asking for consideration of that waiver. We are here to ask for that waiver. Discussion between Andy Eberwein and the PC members took place in regards to the landscaping using a plan to further explain in detail the landscaping/buffering.

John Conti motioned to recommend approval to make the change that the trees along the corner of Hibernia and Union Roads be moved to Pratts Dam Road and approving the trees below the first lot; and approving the way the landscaping is on the plan. John Cassels seconded the motion. All members in attendance voted aye.

The second waiver deals with two components of the Subdivision and Land Development Ordinance as they relate to cartway widths and the use of rolled curb with a 22' wide road versus a 24' wide road and straight up curb. We propose a 22' wide road and we have a section of it that is about 200' long that and a 8.08% slope. The Ordinance says that anything that goes over 7% should use 24' wide road and straight up curb. Discussion and explanation as to why this is a design preference. Questions were asked by PC members. From a construction standpoint, it is much easier to build it this way, and it is less intrusive. The Planning Commission has no problem with the waiver request.

Regarding the first waiver, technically this is not a SALDO item, it is a zoning issue so the Planning Commission is not actually recommending a waiver, simply recommending the Board to use their discretion in accordance to the way it has been requested.

Motion regarding Item No. 2 in Andy Eberwein's letter of April 10, 2007 regarding the slope of the curb. John Cassels moved to recommend to the BoS that they approve the request for a waiver of Section 167-40.A and 167-47 to allow a centerline grade of 8.08% with rolled curb and a 22' wide cartway. Seconded by Steve Jakatt and John Conti. All members in attendance voted aye.

For the record, the discussion regarding the landscaping requirements is a zoning section, specifically 200-107(2)(b). It is not actually a waiver request. The motion is to recommend that the Board consider favorably the request to use their discretion in reducing and or adjusting the landscape requirements as presented here.

Steve Jakatt motioned that pending receipt of an extension, that we recommend rejection of Gudal Subdivision Plan based on the engineering comments of James MacCombie's letter dated March 22, 2007. John Conti seconded the motioned. All members in attendance voted aye.

Applecross West/Traditions at Applecross Country Club – Pulte Homes of PA, an Active Age Community Preliminary Subdivision Plan (PHAAC03/01/07PSP), prepared by Horizon Engineering Associates, LLC, located on East Reeceville Road. Clock starts on Thursday, March 22, 2007 and continues until Tuesday, June 19, 2007. John Curtin, Pulte Homes, and Jeremy Madaras, Horizon Engineering were in attendance. Pictures of four homes have been provided. Six model types will be offered. Will provide all six types at various elevations at the next meeting.

The bigger topic that was discussed is the infiltration basin. Mr. Obernier asked about the construction of an underground basin or underground stormwater management facilities. Our soils and environmental consultant has been engaged to do additional infiltration testing. We are not sure if it is going to work right in that location because we don't have all the perc tests done at this time.

Infiltration would be an underground facility, detention would still remain an above ground facility. Whether they are a combination of infiltration going underneath we are not sure. We still need to do all the additional testing. Chuck Dobson questioned if they were considering consolidating the two basins into a hybrid where you have infiltration below and storage above. Responded if possible. Fully understanding that all the infiltration that is required will be underground across the site. Presumably, if that does occur and the soils are cooperative and allows you to do that, then the detention basin configuration that you have (both of them) would actually take up less area. Correct.

John Conti noted that there was a third question about trails and bike trails and you stated you would look into that possibility. This issue has not been looked at. The first thing is to understand the Township's plan outside of this area. The subdivision, as it is proposed, is a walkable community with sidewalks. Extending beyond just the lots and the roads, we haven't really looked into exactly where anything would go into open spaces, or other parcels. We will first see what connectability this would have to other areas in the Township. There are trails planned on the other phases outside West Brandywine Township. In East Brandywine there is a trail system on the Applecross property. There could be a way to connect them. It is up to the West Brandywine Township. Right now the trail weaves through East Brandywine and it was never proposed across the Township boundary. The Planning Commission would like to see connectability. The whole idea is to network throughout the county, not just in West Brandywine. Their official map or some concept plan was sent to us for review over a year ago. John Curtin stated that the only reason I would hesitate on that is because of where it is as it abuts the area that we are going to be developing, there isn't a trail in that area. It is abutting Parcel D, which is to be dedicated to the Township. I don't want to make any representations other than what was displayed on the conditional use plan that we'll do that unless....certainly I would like feedback from the planning commission and the Board of Supervisors. John Cassels noted that as a future community, that is going to happen here, I'm not thinking just about what the new part is going to be East Brandywine or West Brandywine. If there was a way through Parcel D and onto a network of trails through Applecross and could eventually walk to the commercial opportunities, I think that would be a good thing for our community. Planning commission members agreed. I think the title of the plan is an active age community.

Chuck Dobson commented on the gray scale developments shown in East Brandywine being accurate, but there seems to be a trail that loops in close to what is, I suppose the southern section of Phase I, and coincidentally there happens to be a little bit of green space right near where that connection could happen and coincidentally there seems to be a break between the units that goes near a wetland area so

that may be a nice way to transition a sidewalk into another trail network without actually having to do very much at all. That area is actually the golf cart path. There was continued discussion regarding the golf course and walking trails through the golf course and Applecross property. It was noted that the golf course is owned, operated and maintained by the golf course entity, which is a separate operating entity from the HOA and Pulte Homes. There should be a good strong effort made to have a trail and have it adjoin the two different townships. Chuck Dobson questioned if there are more holes north of the fairway areas that are shown now? Is that basically golf area or is that generally open space, is it waste water treatment disposal space, what is it? John Conti stated that is Mr. K's property. It was noted that there is a place to the north of East Reeceville that could connect to the East Brandywine walking trail. Parcel D is across the street where the two lakes are. John Conti mentioned that it is pretty hard for us to design the trail phase since we are looking at a partial plan. We are going to leave it up to you to come back with a trail plan for us. John Cassels questioned, Doesn't the conditional use talk about any recreation facilities including a trail, would be done by others? On the plan there is a couple of soccer fields. Through the conditional use process it was agreed that that could certainly be an area that could be used for recreation by West Brandywine Township. Two soccer fields are shown end on end there to be built by whomever, West Brandywine, a developer, a contractor. Those could be reconfigured several different ways. It was mentioned that the conditional use was somewhat specific about what could and couldn't be done there. I don't think there was any mention of stormwater management on that tract as part of the conditional use. The stormwater basin was always part of the conditional use plan set that was created by Van Cleef. The intention...for stormwater management is to deal with stormwaters close to the source as possible. Have you looked at individual infiltration trenches per lot to take care of roof drains, driveways, things like that so that it all doesn't have to be managed on another piece of open space that would take up some of the potential uses for The size of the lots being as small as they are, don't lend themselves to be feasible for individual infiltration pits. John Cassels commented knowing that we are just looking at Phase I, but that slope goes all the way across Phase II, correct to the western boundary of that property. The top of the ridge is about half way across, going straight across pretty much right into the campground. Is all of the water that goes on that course slope going to those basins and there is no other facility anywhere? Jeremy Madaras stated there are small facilities spread throughout the development where we can...water quality infiltration where it is appropriate. When you go across a development you're basically getting open space, but you are sacrificing the ability to do or centralize or more, decentralize treatment scenarios. We are trying to do that the best we can to be able to treat all the impervious areas. We do have small facilities planned throughout the development. The answer to your question is yes. John Cassels continued stating everything is being built on a property that is going to be dedicated to the Township – I guess that is part of the problem. The Township is going to be dealing with all the stormwater. It is not going to be dealt with where ...it is being dealt with across the street and part of the reason why I got on this planning commission was because of the issues like that which stormwater.... I see other plans like the one adjacent to it where they just want to get the pipe in and get it off my property and let somebody else downstream deal with it and that seems to me that's happening here. John Conti asked that since the ridge is running in that direction, wouldn't any water that goes in that basin still end up in the same water stream or underground water... Steve Jakatt commented that it will still end up in the same watershed or route, exactly what John is saying. What they are doing is they're taking water, which is falling on the Pulte property and then moving it onto a lot that they were extensively giving to us. And I am agreeing with John, may be not at the individual home sites, but around the home sites, I think they could do a lot more towards on property infiltration then you are probably doing. John Cassels commented the other wetlands that are on the east portion, there is a little stream that kind of runs to the east, there is another one that kind of starts at that northern section of Phase II and goes off to the northeast a little bit at the top of the site where Beechwood campground is now, those things could in the future start to dry up because they don't have any source water for them any more. The wetlands will change over time and become probably drier ... That is the type of thing we are talking about here is

maintaining the hydrology on site. Discussion between Jeremy Madaras and the Planning Commission members continued in regards to the stormwater management facilities. John Cassels – I guess I feel a little misled by the whole fact that its being disposed of another property. Most developments when they come in here when they bring clusters, they still have to maintain and manage the water on site. You have a bit of a bonus by having a piece across the street, you are giving it to the Township but you really don't have to worry about so much on site. In other cluster developments, do include stormwater management and you lose out because of it. Another question about management in the future. I noticed on the plans where the conditional use items are listed, it also has a smaller section that talks about filing, items to note during filing, recording notes. Discussion ensued – Applecross Country club has a master homeowners association that would oversee the management of all stormwater facilities and all HOA open space in both East and West Brandywine. There are sub associations that really don't have a whole lot of budgeting and funding. It is the master association that oversees everything including all the stormwater management facilities in West Brandywine. Discussion continued. Steve Jakatt commented that he was confused. I see the stormwater from the development going onto a lot that you are giving to West Brandywine for infiltrating detention and at some point in the future those basins, it is my understanding, will need some type of maintenance to continue taking stormwater from the development, yet it is going to be our Township's responsibility to pay for that. Ron Rambo responded. No, it's the homeowners association responsibility to maintain. The property is dedicated to the Township, easements shown stormwater pipes and stormwater basins, that's eased back to the homeowners association, it is their full responsibility to maintain the pipes, maintain the basins. Continued discussion by Ron Rambo. John Cassels stated we're being given a nice piece of property and we have lots of restrictions on what we can do with it because its got a facility on it and then we are told that that facility is going to be maintained and managed by another Township or probably a majority people in that homeowners association will be East Brandywine Township. If we need to try and get our trail to go back in and around that, do we need to go to that homeowners association for approval if it is our property. That is the problem I have. We are losing land and we are losing power. I understand the benefits of having funds and other things available to maintain. Jeremy Madaras – The easement that is around the stormwater management facility would give the overall homeowners association which is going to be 1/3 West Brandywine and 2/3 Applecross East Brandywine, that easement is only going to give certain rights within that property. In terms of precluding your ability to put a trail through there, that won't be the case. Easement language will be such that the rights of the landowner will be maintained and the rights of the homeowners association will be limited. Discussion continued between PC members and Ron Rambo. Discussion between Planning Commission members, John Curtin and Jeremy Madaras continued in regards to whether the facility would definitely be underground, if there would be active recreation on top of the facility and the direction of the pipe leading to the first basin.

Planning Commission members asked that if all issues cannot be resolved by the next meeting to be prepared to request an extension and to consider the walking trails. Steve Jakatt motioned to table. John Conti seconded the motion. All members in attendance voted aye.

Brandywine YMCA-YMCA of the Brandywine Valley, Preliminary Land Development Plan for additional parking (BYMCA03/01/07PLDP), prepared by Vollmer Associates, LLP, located at 295 Hurley Road. Clock starts on Thursday, March 22, 2007 and continues until Tuesday, June 19, 2007. Ross Unruh, Esquire, Chris Saello, Director of the local branch and Ty Leinneweber were in attendance. All that is involved is additional parking and relocation of the parking to make it more convenient for the current customers. This does not involve an expansion. An expansion of the facility will be sometime in the future. This is adding additional parking area. The entrance is exactly the same. Showing on the plan the area where there will be additional parking. The handicapped area will be moved to the front. The 15 minute parking will be moved from where it is located now to another area (shown on plan). The configuration and pavement area remains the same. The new parking is south of

the pool. There will be new parking that will be designated employee parking which is now the gravel area. It will be a more formal organization for parking in that area north of the existing facility. We have a review letter from MacCombie's office. 90 to 95% relates to stormwater. There are no issues there. Other issues noted in the review include parking. We have to put the landscape on the plans for the new part, not the whole facility, but for the areas where we are adding additional parking. We have requested a waiver as to the terms of the plan requirements. Our impression is that MacCombie's office is okay with everything except the wetlands. We will not be going anywhere near the wetlands. We will show where they are. We understand that if we expand the facility we have to come up with a traffic study. We are waiting to hear from Mr. Stubbe in regards to the lighting. John Cassels asked if there were any major hurdles between engineers? Ty Leinneweber stated that he did not think so, most of it is stormwater issues. It is all something we can work out. John Cassels asked how much bigger is the over all site? About 1/3.

Josef Obernier questioned the gray at the bottom of the plan and the dark green representing the existing trees or.... Ty Leinneweber responded that there are existing trees in this area (shown on the plan) this is the extent of the stormwater basin up to the berm. The existing basin is in this area here (shown on plan). Removing a little bit of trees or shrubbery in this area (shown on plan). It is a little infringement upon the trees in this area. There was continued discussion between the Planning Commission, Ty Leinneweber and Josef Obernier in regards to a swale, creek like area that is occasionally is wet and occasionally is not and runs north west to south east right against the road. This area is to the west of the basin. Separate discussions continued between Ty Leinneweber and the planning commission and with Josef Obernier and planning commission members.

Chuck Dobson questioned as to whether there was any inclination to address the waiver requests as identified in the Mr. MacCombie's letter by any member of the commission? Steve Jakatt had the impression Mr. MacCombie is going to address it, so the Planning Commission does not need to. Chuck Dobson responded that it was to the site analysis plan. Ty Leinneweber stated they need a waiver for the site analysis plan with a stipulation that they will show the wetlands where they are developing.to refer to the whole section as opposed to just the one section as recommended by ... They are not planning to go to the BoS with the waiver request.

Discussion continued in regards to the stormwater basin/wetlands. John Cassels motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

James E. Scott – Final Subdivision Plan (JESS02/27/07FP), prepared by Berger & Hayes, located on Horseshoe Pike (RT 322). Clock starts on Thursday, March 22, 2007 and continues until Tuesday, June 19, 2007. There were no representatives in attendance. Chuck Dobson reviewed with planning commission members that there are two tax parcels, and Mr. Scott is shifting a lot line to create 50' frontage on 322 and then the balance of the old lot will then be consolidated onto Tax Parcel 29-04-2.5. There is no creation of an additional lot. It is more of a consolidation plan than anything else. John Conti motioned to table. Steve Jakatt seconded the motion. All members in attendance voted aye.

General Discussion by Planning Commission (as needed)

Joan Thompson asked what the Chester County Planning Commission said about Applecross? In general – John Cassels thought the bottom line is not to take any action on this until talking to the Chester County Water Resources Authority. Ron Rambo stated they want to make sure there is no interference with their easement on the property. Chuck Dobson noted that there have been conversations between Pulte and Jan Bowers and the rest of the Water Resource Authority because their property surrounds the whole reservoir and the golf community wants to use the water feature...otherwise it is the normal stuff regarding the wetlands.... The primary issues are stormwater management/Beaver Creek regional flood control, zoning issues that speak to the conditional use, access and circulation. John Cassels noted they also want to make sure that since it goes against land use in our

comp plan, from agricultural to residential, to make sure that is what the Township wants and how that might affect future development. Chuck Dobson stated that the last statement is the Commission recommends that the Township not take action on this plan until the applicant receives Chester County Water Resource Authority confirmation that the proposed development and improvements will not impact the CCWRA flood easement as referenced in comment #4 and that all other issues raised in the letter are addressed and all of the Township requirements are satisfied.

John Cassels questioned if anybody notifies the Planning Commission of Chester County about our chairs that rotate every two years? He is still receiving mail as Chairman of the Planning Commission. Ron Rambo stated they send out the yearly update list that we fill out and send back.

John Cassels advised the Planning Commission that the BoS did adopt the Ordinance for open space priorities plan. He is to make contact with David Shields. Ron Rambo noted that we need them more to help with developer rights, evaluations... and writing easements and things like that.

Discussion in regards to community day and the open space committee continued.

Discussion with Planning Commission members and Joan Tompson in regards to sprawl ensued.

Chuck Dobson revisited the item touched on first, which was the letter from Mr. Snook of the Brandywine Conservancy, relative to the Draft Zoning Amendments to refine the Open Space Design Option. Ron Rambo commented on the Memorandum and that this has been before the Supervisors. John Conti stated his feeling is it becomes too restrictive for the developer to even consider this type of development. So why do it, if we're going to just chase them away. Where is the sense. You have to give something to get something off the developer. I thought we had a pretty balanced... we were getting a little gray here and there, but we were getting the open space we were looking for. Now, if I was a developer, I would read this and forget it. Why should I go through this? Just my opinion, I expressed that opinion the last time I read it. Ron Rambo continued to discuss the issue with the planning commission. Chuck Dobson responded that reading a lot of the strike outs and agree with Ron that it seems to be that they are just taking some of the things that were allowed to be included as part of the countable open space, they are now no longer allowed to be included. Continued discussion. John Conti commented that he understands what you are saying. Nothing is perfect, but if you make it to the point where we are not going to get anything, the developers are just going to walk away and we end up with nothing. Chuck Dobson asked what are we charged with doing here tonight? Ron Rambo responded to give me your opinion of the proposed change. There is a public hearing that we will need your opinion. It should be the Board's opinion, but anybody can comment as an individual. Just need the Board's opinion. John Conti stated that if I could get a consensus opinion, I would modify that to at least tell them that they should be careful not to ...so they end up with nothing. Personally, I feel a lot stronger than that. Chuck Dobson stated the issue is whether or not we can get a consensus here tonight or if it is something we ought to sit back and take a look at. John Cassels responded I think I have to digest it a little more, but there are a few loop holes that are being filled in here. Those are good, so it does mean a little bit of change, but if there is something that just may be too restrictive, like you say, then nobody is going to bite, then we need to get those out front and contest it as individual ones right? Chuck Dobson noted that it would be prudent to suggest that we take a look at this and that within 7 days via email, we try to come with at least some sort of recommendation that we can all passively agree to and say okay this is basically the board's position notwithstanding everyone's individual strong feelings on certain aspects ...I do have a tendency to agree with Jack on some of these things. You don't want to make it so restrictive that everybody's going to be like "I don't think so". But Ron has a very good point relative to sewage disposal option. The best soils are where everybody wants to be is where everyone wants to have their stuff because it is the best stuff. I don't know if we can come to a

consensus here tonight. So I think the best we'll do is we will give it a week, two weeks. Comments to Anita Ferenz as chair by May 12, 2007 to review and come up with a consensus.

Meeting Reminders

Discussions continued in regard to the Open Space Review Board, Community Day and to Hurricane Hill Farm and their sign at Reeceville Road and 82.

Adjournment

At 9:24 p.m. Steve Jakatt motioned to adjourn the meeting. John Cassels seconded the motion. All members in attendance voted aye.

Donna M. Jones
Planning Commission Secretary