

Meeting Minutes of February 2008 Planning Commission Meeting

The West Brandywine Township Planning Commission meeting of February 28, 2008 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, and Steve Jakatt. John Conti and Bob Schini were absent.

Action on Minutes of Previous Meetings

Acceptance of January 24, 2008 minutes. Steve Jakatt motioned to accept the minutes. Chuck Dobson seconded the motion. All members who attended the January meeting 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 Friday, April 4, 2008. There were no representatives in attendance. Steve Jakatt motioned to table. Chuck Dobson 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 Friday, April 18, 2008. Andrew Eberwein, E.B. Walsh & Associates was in attendance. We had to go into the preliminary plan stage or the conditional use plan would not have stayed in force. Review letters have been received from MacCombie and Menke & Menke. At the preliminary plan stage, every thing is ready. We have a lot to do for final. In order to stop having to keep giving extensions, we want to move this forward. I am asking for preliminary plan approval on this project conditioned obviously upon review letters so we can move forward and settle everything before we come back for the final, which might not be for 2 years. The only issue that was left in MacCombie's letter is that we have to put a seepage bed in this area (as shown on plan) to comply with the DEP. Discussion began regarding the seepage bed and where it is being placed. The infiltration bed will sit under the play area and under the gazebo and part will be under the approximately 8 – 10 foot berm. John Cassels asked what the down side is if it clogs – the berm must be dug up and fix it. Discussion continued. Holding up this plan is the public sewer system. This will tie into the sewer system. This is the second phase of that system which at best is 2 or 3 years away. Chuck Dobson summarized that there is a shallow underground seepage bed made entirely of No. 4s designed to infiltrate the increase in the 2-year storm before it gets to 2 infiltration beds, and one is located under a berm that is 8-10 feet high and the manifold that is in the stone is a 24"HDPE, not entirely

stone, stone pipe. The reason for the horizontal extent of the bed is due to DEP requirements. It is due to the loading ratios. An explanation was given by Andy Eberwein regarding the loading ratios. Discussion continued. Steve Jakatt motioned to recommend conditioned approval of the Preliminary Plan for Cobblestone @ Horseshoe Village contingent on satisfaction of the reviews from Menke & Menke dated January 17, 2008 and Herbert MacCombie Jr. dated January 23, 2008. John Cassels 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, April 4, 2008. Ross Unruh, Esquire was in attendance. There is nothing further on Beaver Creek. Steve Jakatt motioned to table. Kim Hoopes 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, February 22, 2008. Ross Unruh, Esquire was in attendance. He is hoping to get a recommendation for preliminary plan approval. This is the commercial portion of Culbertson. The townhouse development has already gotten through the plan approvals of the Township. We had been holding off on this, but the Supervisors don't want to extend. We don't really have any tenants. This is the same configuration as the conditional use and once we get tenants, there may be some movement or changes. The letters are pretty clean. The MacCombie letter basically recommends preliminary plan approval. He points out a couple of things. In terms of the subdivision and land development those comments are no problem. They will be completely addressed at final plan approval. In terms of the Zoning Code, it refers to Menke & Menke. Also the loading comment, these are small offices. I can't imagine the deliveries are going to be anything other than UPS and FedEx. The banks will probably have Brinks trucks that park wherever they want to park to be close to the door. There is possibility of having a restaurant. The ordinance talks about the temporary unloading zone. Parking spaces can be marked "no parking" during certain times of the day for deliveries to be made. Most of these types of small facilities are not going to have big trucks coming in. In terms of the handicap, obviously we have to meet whatever the requirements are in terms of square footage of buildings. If we get preliminary and final plan approval and a tenant comes in and wants to make some changes, we will have to come back and ask for modifications. In terms of parking, basically when the building permits are evaluated, calculations will be done and we will make sure we have enough parking. Our calculations indicate that we will have plenty of parking. Steve Jakatt stated that the parking issue should be cleaned up before PC recommends approval. Ross Unruh read MacCombie's letter stating "the plans have been revised such that they appear to be in substantial compliance with the pertinent Code provisions to be considered for acceptance by the Board as a Preliminary Plan". Recommendation is for preliminary approval not preliminary final approval. Kim Hoopes stated that in MacCombie's letter that finals have to be specific on building uses and sizes and that will determine their parking. There are currently no tenants. It was determined there would be 200 seats to estimate the sewage. The upper limit has been set for the restaurant. At the upper limit it is being said that you will need 13 spaces, but 200 seats was used for sewage planning. Chuck Dobson asked if it was reasonable to assume that there could be some sort of sharing of parking from an efficiency standpoint. Ross Unruh stated that as a practical matter there would be. Chuck Dobson asked that for sewage planning aspects you went to whatever uses could be implemented that would result in the maximum amount flow, so you didn't have to go back through that process, but that those uses that were projected for sewage planning are necessarily reflected on the plan from a parking standpoint, the difference being approximately 13 spaces. Ross Unruh stated they don't think they need the 13 spaces, but whatever spaces are required at the time we come in for the permits, we will have to meet. If the restaurant can't be 200 seats, it will be whatever seats less than that. Chuck Dobson asked if there was room on the plan to show future parking for 13 spaces? Ross Unruh responded probably not. The uses don't dictate the parking; the parking is now going to dictate the uses to a certain extent. Discussion continued as to the parking. Menke & Menke review letter mentioned the one tree that is a maple that may die regardless of preventative measures. It is recommended that applicant establish an escrow for replacement trees. It was asked what additional approvals from required agencies – do we know what that is. We need the special exception for what is being done in the flood plain. We have to get our HOP and our sewer. Discussion continued in regards to the tree. Chuck Dobson asked that as far as Menke & Menke was concerned, it is a will comply for the most part? Ross Unruh responded

yes, but we prefer not to have to escrow for the trees. The tree replacement is something we have already been through with the Supervisors. Chuck Dobson made a recommendation that the BoS approve the Preliminary Plan application provided that the Applicant address the comments contained in the letter by Herbert E. MacCombie Jr. dated January 31, 2008 specifically identification of the loading and unloading spaces as required by the Zoning Code upon determination of the actual use of the buildings and additionally in accordance with the letter from Menke & Menke dated February 7, 2008, such as the applicant has agreed to address and comply with all those comments contained therein and it is noted that the applicant intends to discuss the posting of escrow for the trees with the Board at a later date. Kim Hoopes 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 Monday, May 19, 2008. There were no representatives in attendance. John Cassels motioned to table. Steve Jakatt seconded the motion. All members in attendance voted aye.

Pulte Homes of Pennsylvania, L.P./Del Webb at Applecross – An Active Age Community -- Final Subdivision and Land Development Plan (PHAAC03/01/07FSP), prepared by Horizon Engineering Associates, LLC, located on East Reeceville Road. Clock starts on Tuesday, December 18, 2007 and continues until Monday, March 17, 2008. There were no representatives in attendance. Chuck Dobson motioned to table. Steve Jakatt seconded the motion. All members in attendance voted aye.

Coatesville Area School District – Addition and Renovations to North Brandywine Middle School Final Land Development Plan (CASD/040507FLDP), prepared by K & W Engineers Consultants, located on 256 Reeceville Road. Clock starts on Thursday, January 24, 2008 and continues until Wednesday, April 23, 2008. There were no representatives in attendance. Steve Jakatt motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

Conditional Use Hearing Submissions

Andrew Gottlieb – request to add additional parking spaces associated with the major home occupation at 1404 Horseshoe Pike, Glenmoore, PA. Andrew Gottlieb was in attendance. There are 3 spots that already are approved that we haven't built yet. When adding the 3 spaces, it was suggested that we use the eco pavers, green pavers some people call them. This would decrease the impervious coverage that way we wouldn't change any stormwater requirements or create any kind of issue with the black top. Andrew Gottlieb is a chiropractor. It was pointed out on the plan where the current parking spaces are and where the new spaces would be. Discussion continued with the Planning Commission members and Mr. Gottlieb. The pool on the property has been imploded. It hasn't been decided if it is going to be filled or place a deck on top. If the pool is removed and it became lawn there would be less impervious cover. The building that houses the business is used only for business. No one lives there. Andrew Eberwein suggested to Mr. Gottlieb that if the spaces provided with the pavers it would be a non-issue as far as the stormwater and we wouldn't have to do any research or stormwater studies and it would look nice. Several discussions continued between the PC members and Andrew Gottlieb. Chuck Dobson stated that a major home occupation is allowable in the R-2 as a conditional use. The approval of the conditional use is predicated upon a plan. The plan probably showed previously 3 spaces and a handicapped spot. He wants to increase that therefore he is going to alter the original approved conditional use plan. He is going to go back for effectively a modification of the conditional use. The issue is the addition of the parking spaces because it revises the original conditional use. John Cassels asked if there was a burden or hardship. Steve Jakatt stated that Mr. Gottlieb had said that people are parking in the mud and grass right now. It is a safety issue. Chuck Dobson asked if Mr. Gottlieb had a copy of the original decision and order that was issued when you first came in here and got this done. It was suggested that he review that. If there is no language in that decision and order that stipulates a maximum number of employees, a maximum of patients – there is a stipulation for employees – but the need for parking is being driven by patients not employees. If there is nothing in there that stipulates you have a maximum number of patients, you can legally continue to park in the mud, however that is counterintuitive it doesn't make sense. Therefore you want to provide them an all weather surface to park on so that is where I think you need to go because effectively you are just reopening and modifying the original conditional use. It is a modification of the plan that effectively went with the original decision and order.

If you had gone in and gotten these additional parking spaces from the beginning and done whatever land development aspects of that plan required, such as stormwater management, you wouldn't be here tonight. But you did not do that and you went a little low, now you find that after being there awhile, your needs are actually more than what you put in initially so you are going to have to go before the Board and doing this whole thing again. Practically it comes down that you are allowed to have the patients you have are they going to park in the mud or are they going to park on decidedly environmentally friendly proposing for the new parking spaces. John Cassels asked if it was requested for 16 spaces at the original conditional use and the answer was no you can only have 11. The response was no. Chuck Dobson motioned that we recommend to the BoS that the BoS schedule a conditional use hearing to hear the application for Andrew Gottlieb as it relates to his major home occupation and his request to increase the number of delineated parking spaces on the property. Steve Jakatt seconded the motion. All members in attendance voted aye.

At the March 27, 2008 Planning Commission meeting it was noted that all members in attendance did not vote "aye". Kim Hoopes voted "nay". See minutes of March 28, 2008 for further explanation.

General Discussion by Planning Commission

In regards to the review of the Ordinance No. 2008-01 Donna will check with Ron to get a date when the recommendation from the Planning Commission is to be submitted and will email Anita with the information.

Anita brought up the issue of possibly changing the date of the Open Space Review Board meetings. John Cassels will discuss it with the members and advise of the decision.

Discussion if the grant for the Conti tract should be reapplied for began.

Meeting Reminders

Adjournment

At 8:57 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