

Meeting Minutes of July 2007 Planning Commission Meeting

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

Action on Minutes of Previous Meetings

Acceptance of May 24, 2007 minutes. Chuck Dobson motioned to accept the meeting minutes as written. John Conti seconded the motion. All members in attendance were in favor to accept the minutes. There was no June 28, 2007 meeting. There are no minutes from that meeting.

Correspondence/Communications (information to note or discuss under plan reviews)

There was a review of correspondence by Planning Commission members.

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, August 3, 2007. Ross Unruh, Esquire and Scott Emerson, Swinehart Realty Associates were in attendance. They are in attendance to ask for recommendation for Final plan approval to the Board of Supervisors. There is a letter from James MacCombie's office. There are three issues, ordinance issues. Jurisdictional determination was requested a couple of months ago and we can agree to the note as written which is that we will request the JD, but as you also note in MacCombie's letter, they are apparently not doing them. That issue is okay as specifically written, as we will request a JD. We sent copies of plans in regards to the PE pole to the electric company and we haven't heard. Concerning the trail, the trails have always been the community's trails. The HOA documents provide the HOA will take care of them. A condition of preliminary plan approval was the trails have to be mulched and that's what we've done. I suspect that mulching trails probably aren't ADA compliant. But then again, we have researched and cannot find any state or federal regulation governing trails that are constructed and offered for dedication to the Township.

It is my request that the Planning Commission recommend to the Supervisors final plan approval. Chuck Dobson questioned Comment No. 1 in James MacCombie's letter under Waviers. Is there a recommendation from this Board on these waivers or is this a new issue? Scott Emerson stated that the waiver for the cul de sac was acted on at preliminary that resulted in the Township's request to modify our plan. The second waiver wasn't acted on. Ross Unruh requested that a recommendation of the waivers be included in the recommendation of the final plan approval. Chuck Dobson asked if the preliminary plan was approved with these modifications as shown since it's a carryover from the preliminary plan approval. No, they were found after preliminary plan approval. The cul de sac was always part of the original design. The second waiver request for the tangent, do you know what that tangent is between those two? Ross Unruh stated that knowing MacCombie's office didn't specifically approve

the waivers, if they had problems with it, I can assure you they would of said something. Chuck Dobson was in agreement.

John Conti questioned when the trail comes under the jurisdiction of the Homeowners Association, do they basically own the trail? Can they stop anyone from using it? Could the trail be hooked up to the rest of our Township trail network? Ross Unruh replied that he did not know what the HOA documents noted. Discussion between PC members and Scott Emerson as to the trail throughout the subdivision took place. John Cassels questioned the construction sequence. The trail will go in over time. Discussion continued between PC members in regards to the construction of the trails, the sequence of when the trails would be put in and to the landscaping of the homes/trails, grading of the property and staking of the trail. Chuck Dobson stated that staking of the trail and identifying it in proximity to the property line would be helpful. The market is going to dictate how the houses are built.

Chuck Dobson noted with respect to the waivers, Harrowsgate Avenue was previously approved with some reverse curvature in it and it looks like the additional waiver for some additional reverse curvature on the same road. In that context making a recommendation to continue, I don't see any problem with the waiver at all. The additional 28' feet on the length of the cul de sac is kind of inconsequential. Chuck Dobson motioned to recommend to the Board of Supervisors final plan approval of the Swinehart Subdivision subject to the items outlined in James MacCombie's letter dated July 18, 2007. John Conti added that it should be made clear that the trail be open to the public. Motion is so amended. It is also recommended to the BoS the approval of the waiver noted in Comment No. 1 on James MacCombie's letter of July 18, 2007 for length of cul de sac and for length of tangent between reverse curbs. John Conti seconded the motion. All members in attendance voted in favor of the motion.

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, November 1, 2007. Robert D. Smiley, Vice President GenTerra was in attendance. Revised preliminary plans and letter have been submitted. Still addressing James MacCombie's comments on infiltration stormwater management. To show progress, out of the 77 comments if you combine Menke & Menke and MacCombie's letter, we have addressed 40 of them in this latest submission. They are not contingent upon the stormwater infiltration design. Would like to meet with the Township in regards to sewer, as well as trails. Kim Hoopes 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 Sunday, October 21, 2007. Andrew Eberwein was in attendance and stated that they had just resubmitted plans. Kim Hoopes motioned to table. Chuck Dobson 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 Monday, August 20, 2007. Andrew Eberwein was in attendance. A letter was received on June 21, 2007 from MacCombie's office. We have responded and resubmitted plans. I am here to ask you to consider this for preliminary plan approval conditioned upon these comments. There are two substantive comments. We put an underdrain from the forebay to the detention basin. Another issue is a widening detail and all he was looking for was a specification as to the paving. We have agreed by notation in our detailing plan that the paving and widening would take the road from Pratts Dam up to Hibernia and widening it out to 12' on our side; on the side of the property. We have Conservation District approval. There really isn't anything that is going to change the layout of the plan or the lots of the houses. Everything in the review letter has been addressed and drawings have been resubmitted. John Conti questioned Comment No. 2 under Zoning, it notes restriction of further subdivision based on overall tract density provision and should get the approval of the Township Solicitor. There is a note on the plan restricting any other further subdivision. John Conti asked why he thinks it should go to the Township Solicitor? Andy Eberwein responded no. Ron Rambo commented. John Conti questioned page 3, note 3a a 20' wide planting strip around the tract. Andy Eberwein responded that they have done that. We were before the Board to talk about it. Is it requested now that nothing can be removed within that buffer. A note was added to the plan that

says you are not allowed to remove trees within 20' of the property line as well. John Cassels motioned to recommend to the Board of Supervisors approval of the Gudal Subdivision for Harlan Properties 12-lot Preliminary Subdivision Plan. John Conti seconded the motion. All members in attendance voted in favor of the motion. 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 Friday, September 7, 2007. There were no representatives in attendance. John Conti motioned to table. Kim Hoopes 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 Friday, September 21, 2007. Ross Unruh, Esquire, Ty Leineweber, Mr. Smith, Chris Saello, Director of the Brandywine YMCA, and Mr. Siltzky were in attendance. We are in receipt of James MacCombie's letter. There is a waiver request from the site plan analysis. Everybody knows the site and the parking lot expansion basically is in the areas where parking has been before. Ty Leineweber showed on the plan the existing parking lot and where the expansion is and where pavement and parking is being added. He showed where the new and existing parking is located. Ross Unruh continued that they have worked through all the engineering comments, received the County Conservation District approval and revised the plan in response to Mr. Stubbe's comments on the lighting. We also agreed as an inducement to the Supervisors to agree that this may be reviewed and acted upon as Preliminary/Final, to put four trees in the existing parking area where there is now a grass island. We were also requested to put a note on the plan that lighting in the parking areas would conform to the Township lighting ordinance. To review, Chuck Dobson stated, the Board voted that you could consider the application as such conditioned upon adding the landscaping into the islands of the existing parking area to the east of the building. Correct. John Conti asked if the issue on Page 3, #6, Stormwater Analysis, in the MacCombie letter, was addressed? Ross Unruh stated that in the MacCombie letter of July 23, it says stormwater analysis the previously noted matters have been resolved by the engineer. Discussion between the public and Ross Unruh in regards to existing light ensued. John Conti motioned to recommend to the Board of Supervisors approval of the Preliminary/Final Land Development Plan for the Brandywine YMCA subject to James MacCombie's letter dated July 23, 2007. Approval of the waivers is also recommended. Chuck Dobson seconded the motion. All members in attendance voted in favor of the waiver.

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 Monday, September 17, 2007. There were no representatives in attendance. Ron Rambo stated we have not received anything from them. John Cassels motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Coatesville Area School District – Addition and Renovations to North Brandywine Middle School Preliminary Land Development Plan (CASD/040507 PLDP), prepared by K & W Engineers Consultants, located on Reeceville Road. Clock starts on Tuesday, May 24, 2007 and continues until Tuesday, August 22, 2007. Brian Bingeman, K&W Engineers Consultants was in attendance. Plans have been resubmitted. A letter from the engineer reviewing those resubmissions has been received. There were quite a bit of stormwater revisions that we did provide. There was also a concern over traffic flow in the area of parental drop off. We widened the access way to basically three cars wide in case one would drop off, we can still have egress. That was the main concern really for the plan layout and the functionality of the design. We are scheduled for August 1, for a zoning hearing board variance request for tree and shrub planting requirements and for steep slopes. John Cassels asked why waivers were not requested. The landscaping is a zoning issue, so we need to go to the zoning hearing board. Discussion between John Cassels and Ron Rambo ensued in regards to waivers. The steep slope issue is not waive able, it has to go before the zoning hearing board. Brian Bingeman stated that there is an existing multipurpose field and with the building addition, do not want to lose that field area. Chuck Dobson asked about Comment 7a, under Soils Testing in James MacCombie's review letter. Have you started any of that work? Brian Bingeman stated it is scheduled for next week, primarily for the stormwater area runs laterally through the parking lot checking. Infiltration testing will be done as well. Kim Hoopes asked how the traffic pattern works?

Brian Bingeman described the traffic flow as having the desire in today's school market is to separate parental drop off as well as bus traffic. Traffic flow and the difference between parental drop off and bus drop off was explained and shown on the plan. John Conti questioned the Comment #4, under Landscaping of the K&W response letter. Brian Bingeman responded what they are asking for landscape wise. There are four requirements of landscape, one based on parking square footage, parking numbers, building square footage and total tract boundary. Providing the required amount of landscaping, wouldn't provide open space. What we are proposing is to take one of the criteria and adhere the landscape requirements to that. Again, the trees we see on this site are from Section 200-B of the landscape requirement. This is an issue before the zoning hearing board. John Cassels noted that the time clock runs out August 22. An extension will be provided. Brian Bingeman stated he was hoping possibly to get a conditional recommendation for the preliminary plan. The comments I see are going to take some work, but I think it is something that we cannot accomplish with the tentative plan as it sits. John Cassels also noted that the PC Board would like to hear the outcome of the zoning hearing board. John Conti motioned to table until hearing the concerns of the zoning hearing board and a clean letter of approval from MacCombie and that we request a letter of extension from the applicant. Joe Obernier questioned the traffic flow. A letter granting extension was given by Brian Bingeman. Brian Bingeman wanted clarification of the motion, does the letter from MacCombie need to be unconditional to request preliminary plan approval? John Conti responded we usually seek a clean one, but I think if it is just some minor.. Okay. Chuck Dobson seconded the motion. All members in attendance voted aye.

New Business

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 Tuesday, September 25, 2007. Ross Unruh, Esquire and Scott Emerson were in attendance. There is no review letter. This is an apartment and commercial plan. A plan is shown. The commercial, apartments and community center are pointed out. The Supervisors had granted extensions of time within which to file the preliminary plan, but those extensions ran out. The plan has been filed within the requisite time period. John Conti questioned if the conditional use approval ran out and you had to resubmit it? Ross Unruh responded, no in order to keep the conditional use approval, we had to submit this plan within a certain period of time. The ordinance requires 6 months and we got extensions from the Supervisors, but they wouldn't grant another extension, so we had to file this by June 30. It was asked if anything has changed as far as the conditions, they still apply and it is just a matter of not being granted another extension. Correct. We should have a review letter by the next Planning Commission meeting. I suspect there will be issues on there that we will have to resubmit. Whether there will be issues on there that we need to discuss with you or not it remains to be seen. An overview of the project was requested. There are 260 apartment units and 16,000 sq ft of commercial. They are rental units. The commercial property is generic. There are currently no tenants. Discussion ensued as to what type of tenant is to occupy the commercial property i.e. eatery, retail, something to support the apartment complex.

Chuck Dobson questioned the access easement, which is off the property, the emergency access, why is that located there? When the property was obtained, that ran with the land? Correct. The access easement, the emergency access is that supposed to be a fully paved functional access? Is that anything unusual with respect to that? No we agreed it was going to be paved. There will be discussions. The plan notes Richard Hoover it appears that this strip is his only frontage. I am looking at the parcel lines here on the map and it appears that that is the frontage for that parcel unless he owns some contiguous adjacent lands that have other frontage there. Ross Unruh stated that at some point in time that will have to be coordinated with him if he wants to use that for access for whatever. That bears looking into. Discussion continued in regards to the emergency access.

Discussion in regards to the stormwater management began. See page 6 of 21 of the plan. Further discussion continued with John Cassels as to buffering Beaver Creek if arrangements can be made with the applicant and permission from the archdiocese to perhaps help the creek. Ross Unruh stated that some of the trees that are on the plan could be moved. Kim Hoopes noted that there has not been a review on this. Bob Schini motioned to table. John Cassels 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 Tuesday, September 25, 2007. Ross Unruh, Esquire and Scott Emerson were in attendance. We already have final plan approval for Culbertson townhouses. Here again, we ran out of extensions and we were required to file this by the end of June of this year, which we've done. We do have a review letter. We are not prepared to go through it, we just got it fairly recently. There will be a resubmittal and we are looking into it and if there are issues that we want to discuss with the planning commission, we will be back before the next review letter.

This is four (4) new buildings and conversion of two (2) existing. Ron Rambo stated that with regards to this plan and Culbertson townhomes, the DEP is mandating that the pond on the property be removed. This came into effect very recently. They want to go back to natural habitats, water quality, they want to reduce the temperature of the water, open ponds heat up. It was noted that a lot of time and expense to design, what we were trying to do was retain the pond and use it as stormwater management and keep it only to be denied by DEP. We have to come up with basin reconfiguration so it is going to be more of a traditional stormwater basin. That application is being reviewed by the DEP pending their approval. Discussion continued as to stormwater management. The basin would be where the pond is. Chuck Dobson asked what is the criteria for determining what ponds have to come out and what ponds can stay? "When you get a letter." Is removal being done in a joint 105 process or do they have some sort of other permit protocol that you have to go through? It is a land breach permit application process. Discussion continued. John Cassels asked if this submission is just to keep the whole plan on the table, a timing issue? Ross Unruh responded the plan was filed because we had to keep the rights vested under the conditional use decision. These are generic designs which might change if they get a tenant. Joe Obernier asked when does the clock start on these plans? Clock started June 28, 2007. John Conti motioned to table. Kim Hoopes seconded the motion. All members in attendance voted aye.

Jelke's Fabrication Company, Inc., Preliminary Land Development Plan (JFAB/071007/PLDP), prepared by Dunlap & Burrell, LLC, Surveying & Engineering, located at 1808 Horseshoe Pike, Honey Brook, PA. Clock starts Thursday, July 26, 2007 and continues until Wednesday, October 24, 2007. Jeff Burrell and Norm Jelke were in attendance. Showing the plan, an existing features plan was created. Showing steep slopes that are existing, predeveloped watershed where a large portion of the western side of the property flows off site. The major section which goes down through the middle of the existing building and tree lines along the east and west side with some existing large trees on the western edge up at the top. The area that we talked about earlier regarding the landscaping would be the northeastern corner and then stretching across the front. The land development plan itself depicts the two additions each being 7,140 sq feet with a relocated entrance or actually a second entrance to go around to the rear of the building entrance and access doors. We've added a loading dock on one side and then there were also doors in the front that is why the original entrance was counted. This plan shows the requirements for the ordinance regarding landscaping the number of trees per the ordinance, which is what we were asked to do. We put that table on there and then we put the table on what we are proposing. The western boundary and the eastern one from where the trees start, it is virtually impenetrable at this time. We are asking that the buffering in that area be considered as existing. We are providing adequate parking. We are also asking that these parking spaces to the rear that we have showed being lined out on the gravel be postponed until a date that if they actually become required due to the necessity of the number of parking being done. The area has enough parking for all the employees and about 10 other people coming on site which they don't get any at all. There is no retail here. Would be adequate for their requirements. They are looking to keep this area as gravel mostly for turn around and access and maneuverability of trucks coming in and out and loading up materials to be shipped out.

The package includes stormwater management, erosion and sedimentation control and a landscaping plan also. A basin with a bottom infiltration bed in accordance with standards 1 and 2 of the ordinance has been designed. It is going to have to go back where the tree line is. That is the lowest spot and that is where everything drains to now. The basin is essentially 3 ½ feet tall. Perc tests were done in the area to show we do have proper infiltration and perc.

A letter was received from neighbors – the Kruses. They are asking that the fence line be cleared of trees and new ones planted. They want to be assured that proper size and quantity are planted along the shared property line to completely block the view of the facility from their property. They also talk about noise abatement so it stays as is and no stormwater runoff discharge towards their property. And water, chemicals dust, etc., including smell generated by the manufacturing processes be retained on site. Welding is done on the inside of the building. There are fans in the building.

Chuck Dobson noted that he went past the site. His initial reaction that on the northwest, is fine. There are a lot of trees. The buffering is real thick. It is nice and heavy. On the southeast, I did note, there is a fence there, it didn't seem like the vegetation was really, while it might be dense now, it didn't seem that it was real wide so I think when the foliage falls off you are going to be able to see it. Those trees are primarily all deciduous. They are kind of close together and small. I think your request, this is basically my opinion, on the northwest I think a valid request. But on the southeast, may be stretching a little bit and in light of the letter that you got from your neighbors, you might want to consider just maybe budgeting some sort of additional coniferous screening there. Discussion continued in regards to the landscaping between Planning Commission members, Jeff Burrell and Norm Jelke. Kim Hoopes asked who owns the fence line. Norm Jelke responded he does. Bob Schini asked if there would be any changes to the actual front of the existing building other than landscaping? Landscaping and new siding will be done. John Conti stated there are 2 requests, one is for reduction in shrubbery and the other one is less parking spaces that is required by the square footage. Nothing is going to do anything back there right now. The basin design is to take the runoff of the future parking and the basin is designed for all this area being paved. The area is going to remain gravel. John Cassels motioned to table. Chuck Dobson seconded the motion. All members in attendance voted aye.

General Discussion by Planning Commission

John Cassels asked what kicks the Jelke application into a land development plan, the paving? It is the building additions. Why can't you just build additions with a building permit? Chuck Dobson stated that it depends on the zone and there is some criteria in the ordinance about certain percentage of expansion. Ron Rambo stated that they are doing an expansion, so that requires additional parking whether you have employees or not, the building expansion, the parking is based on square footage. If there was no parking and just an addition on the building, he would still have to be here. Ron Rambo responded that questions would be raised whether or not putting on the square footage meets the zoning requirements as far as parking needs. He may not need new parking but he has to design it the parking needs based on square footage of the building.

Bob Schini asked the status of The Ridings at Hibernia? Ron Rambo stated that The Elliott Group and all 13 or 14 subsidiaries have claimed bankruptcy. The plans have received conditioned final approval. Somebody could buy the tract with the plans. It is up for sale. The plans were not recorded. They weren't recorded because the escrows weren't established. This is the second approved plans. Bob Schini asked how long can the approved plans stay in that status. The conditioned plans? For five years. Discussion continued.

Bob Schini also asked about the status of the property on Pratts Dam. The four lots? They have been going through the process of stormwater conservation. Discussion continued.

John Cassels asked a question about procedures. After a plan leaves here, they go off and start building. I guess it should be in the sequence of things, but the development that is going on Beaver Creek Road, Costa Homes. There are four or five houses. People have already moved in, there is no landscaping around any of them. When does that happen? At the end when the last home is built, then they all get landscaping? Ron responded yes, at some point. Chuck Dobson answered that for practical purposes, they will try to install the landscaping when it has the best chance to survive. Discussion continued.

Meeting Reminders

Open Space – Anita asked if they are doing anything with the Open Space, do we need to meet? Ron Rambo noted that the committee can meet. We accepted what was received from Brandywine Conservancy. We currently are appraising the Henderson property. We have been awarded a grant for the City of Coatesville property. I have met with City personnel. Discussion continued. John Cassels asked if there was an urgency for the Open Space board to get aggressive and look at the ones on the top 10 list and start meeting. They brought a sketch plan for the Castaldi tract which is west of Costa's up to the first house and barn on Beaver Creek Road. The rest of the Mae's property is up for sale now. It would be ideal to pursue that in some fashion. Chuck Dobson asked if there is a weed ordinance in place as to the Mowday property. John Cassels asked about subdivisions where there is an interior road and the back yard, and they refuse, even though there is a street that runs along the back yard, they refuse to cut the lawn down to the street. Do they

expect the Township to do that? Some people mow and some people don't. We do have a weed ordinance. Chuck Dobson asked if the Act Security trumps the weed ordinance? The Act Security Nuisance Ordinance does not effect Act Security people. ??

Adjournment

At 9:41 p.m. John Conti motioned to adjourn the meeting. Kim Hoopes seconded the motion. All members in attendance voted aye.

Donna M. Jones, Planning Commission Secretary