

<p style="text-align:center">KENNETT TOWNSHIP PLANNING COMMISSION MINUTES</p>
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August 4, 2009

MEMBERS PRESENT: J. Guthrie, B. Listerman, J. Haedrich, J. Przywitowski, B. Hewton, M. Sabo, C. Alonzo and W. Cooper **Absent:** A. Verplanck

SUPERVISORS PRESENT: R. Hammaker, A. Falcoff

CALL TO ORDER: The minutes from the July 7, 2009 meeting were approved as distributed.

ANNOUNCEMENTS:

1. There will not be a Work Session in August. A work session will be scheduled in September or October with Carol Stauffer of the Chester County Planning Commission to discuss the Conditional Use process.
2. Bill Hewton stated that the PA Game Commission has recognized Chester County as a heavily populated deer area and changes will be made to assist the harvesting of deer. The Deer Committee will hold a public forum on September 9th @ 7:30 p.m. at the Red Clay Room of the Kennett Fire Company with Keith Mullen, PA Game Commission, as the speaker.
3. Bob Listerman stated that as a member of the Safety Committee he assisted in the traffic controls for an event at the Chandler Mill Bridge held by residents who wish to preserve the bridge as one lane despite the County's decision to make it two lanes.

NEW BUSINESS

Zoning Ordinance Proposal for Retirement Community 2

John Haedrich presented the proposed Ordinance for "Retirement Community 2" and discussed the language for each section. Pat Bokovitz, Director, CC Department of Community Development, discussed the low income residential projects that their organization has funded and the need that exists in the Kennett area of the county. Nancy Mohr of Chester County 2020 discussed the need for affordable housing especially for seniors who wish to move to smaller homes and stay in the area where they have community roots. She illustrated the general need for affordable housing by pointing out that people who work in the community cannot afford to live here and have to find housing in Lancaster county. Matt Sabo questioned accessory uses and John Haedrich replied that all accessory uses would be available for residents of the community via those uses allowed in the R-4 district. Bob Listerman asked the Luther Foundation representatives to describe the process to check the background of residents and where do they typically live prior to the Luther House. Lou Wonderly, Luther House, stated that the majority of residents are local or have local ties and background and criminal checks are done prior to approval of residency. Wonderly stated that the Luther House will limit income to

a maximum of \$28,000 per year and the units would be for one or two persons. This Ordinance would be applicable in the R-4 District for parcels of 10 acres or more (currently this would be a few tracts south of the Kennett Borough) and would require public water and sewer. Jim Guthrie stated that the Ordinance revision might include a definition of a Senior Center. John Haedrich moved that the Retirement Community 2 proposed Ordinance with a Senior Center definition included be forwarded for review by all appropriate agencies. Jim Przywitowski seconded the motion and it carried with all in favor.

Special Events Ordinance No. 184

Jim Guthrie presented the Special Events Ordinance prepared by Chet McCabe, Zoning Officer, on behalf of the Board of Supervisors. He stated that Chet McCabe said that changes will be made to the Ordinance and the resubmitted for review. All action was deferred.

SUBDIVISIONS AND LAND DEVELOPMENTS

Greenwood Mushrooms - Land Development - Preliminary

SA District Acres 23.8 Tax Parcel No. 62-4-258 & 62-4-261.1
Hillcrest Engineers Drawing Date: 11/5/2008
Location: Norway Rd No. of Lots: 0
90 Day Clock Starts: 12/2/2008 New Clock Expires: 8/31/2009

Jim Przywitowski stated that the applicant is working out issues with Chester Water Authority. All action was deferred.

Kennett Business Park – Final - LD

LI District Acres: 18.99 Tax Parcel No. 62-3-81
Advanced Geo Services Drawing Dated: 3/13/09
Location: Mill Road No. of Lots: 0
90-Day Clock Starts: 1/4/05 Expires: 8/31/2009

Matt Sabo gave an update on the proposal stating that reviews have been received from Gilmore Associates with only general administrative issues, Anne Walters review letter was received with new outstanding issues due to minor changes on the plan and URS letter was received with a request that an easement needs to be obtained. Sally Gardner stated that the easement that is needed from NVF is being prepared and it is entirely in the Borough of Kennett Square. **Matt Sabo moved to recommend this proposal to the Board of Supervisors for approval with the following conditions: 1) Applicant address issues in the Gilmore & Associates letter dated 7/30/09. 2) Applicant address issues in the Anne Walters letter dated 8/3/09. 3) Applicant address URS letter dated 8/2/09, and; 4) Applicant receive final approval from Kennett Borough. Bill Hewton seconded the motion and it carried with seven in favor. Jim Guthrie abstained.**

Hionis Property – Land Development – Final

C District Acres: 1.99 Tax Parcel No. 62-5-38
E.B. Walsh Associates Drawing Dated: 9/29/08
Location: Route 52 No. of Lots: 0
90-Day Clock Starts: 1/4/05 Expires: 8/31/2009

Chris Alonzo presented this proposal to build a family style restaurant located on Route 52 at Mendenhall stating that the applicant is addressing issues with DEP. An extension letter was submitted. All action was deferred.

D'Agostino Property - Subdivision - Preliminary

R-4 District Acres: 9.33 Tax Parcel No. 62-3-124, 129, 129.1 & 129.2
EB Walsh Associates Drawing Dated: 6/18/09
Location: Union Street No. of Lots: 24
90 Day Clock Starts: 3/14/2006 New Clock Expires: 9/1/2009

Jim Guthrie presented this proposal to create 24 townhouses on 9.33 acres located on Union Street in the R-4 district. Adam Bower, EB Walsh, discussed review letters from all consultants stating that all issues have been addressed except for minor administrative issues. Jim Guthrie addressed Russ Cousey, residents, letter with concerns regarding tree removal, which is due to a sewer easement to connect Schoolhouse Lane and additional screening will be added, landscaping for lot 1 and outdoor lighting. Mr. & Mrs. Cousey expressed concerns with tree removal and placement of stormwater system near their septic system. Jim Guthrie pointed out that once the development is constructed the applicant will be required to connect to the public sewer. **Jim Guthrie moved to recommend approval of the proposal to the Board of Supervisors. Wendy Cooper seconded the motion and it carried with all in favor.**

Delduco Property – Land Development – Preliminary

C District Acres: .559 Tax Parcel No. 62-4-13
Concord Land Planners Drawing Dated: 2/16/09
Location: Millers Hill No. of Lots: 0
90 Day Clock Starts: 6/3/2008 New Clock Expires: 10/31/09

Bill Hewton presented this proposal to construct a 2 bay carwash located on Millers Hill. He stated that the applicant will be submitting revised plans once all issues have been addressed. All action was deferred.

Rostocki/Holliday Farms Property – LLC – Final

R-2 District Acres: 7.71 Tax Parcel No. 62-4-156
Green Stone Engineering Drawing Dated: 6/15/09
Location: Sills Mill Road No. of Lots: 1
90 Day Clock Starts: 7/7/2008 New Clock Expires: 10/1/09

Jim Guthrie presented this proposal to create two lots on acres with one new lot consisting of 2.5 acres and the other lot consisting of acres using a shared driveway with Jamie Rostocki present. He stated that review letters have been received from Gilmore Associates and Anne Walters with several outstanding issues. Jamies Rostocki questioned where the length to width ratio is measured from and requested a waiver for the ratio issue since the barn ruins will all remain on one lot. Patricia & Anthony Slazneak, residents, expressed concerns with the lighting And removal of the hedge along the road. Tina Placken, resident, expressed concerns of the location of the house, possibility of tree removal, well water levels and lighting. Matt Sabo stated that there is a Woodland Ordinance in place to prohibit random tree removal. He stated that it is difficult to prohibit a private property owner from removing a particular tree. Jim Guthrie replied that the subcommittee will review the lighting requirements for private lots and he stated that they cannot control removal of the hedge on a private property other than what is controlled by Ordinance. All action was deferred.

Martin/Mullin Property – SUB – Sketch

Jim Guthrie presented a proposal to create two lots on 2 acres with a twin unit on each lot served by public sewer and water. He stated that the subcommittee will visit the site. Bill Mullin stated that the proposal is in compliance with the Ordinance and will benefit the community. Jim Guthrie recommended to the applicant that they move forward to Final Subdivision Plan submission.

Ellis Property – LLC – Sketch

Jim Guthrie presented a sketch plan for a Lot Line Change to exchange acreage to permit the farm house lot to be eligible for Act 319 and to put the septic system on the same lot it serves. The subcommittee will walk the site.

Speakman Property – SUB – Sketch

Jim Guthrie presented this proposal to create 17 lots on 44.82 acres with over 35 acres of open space located between Old Kennett Road and Burnt Mill Road with a pipe line easement running across the property. John Mezzanotie, applicants attorney, discussed the proposal and stated that they are working on the proposal with the Brandywine Conservancy. John Kyman, Chester Valley Engineers, discussed the location of the lots and the separation of the open space. The applicant stated that they prefer that the roads in the development would be dedicated. Allan Falcoff expressed the concern with the Township accepting dedication of a road that crosses a pipeline. Bob Johnston questioned the implementation of stormwater management, perc areas and onsite water locations. The applicant will meet with the subcommittee and the Township Engineer to discuss issues. The proposed trails will be implemented and shown on the plan for perspective buyers. Catherine Schutt and Michael Guttman, residents, expressed concerns with additional houses accessing Burnt Mill Road, which is a very narrow State Road. A traffic study could be required at the time of Conditional Use Application. The Commission concurred that the proposed layout of the new road is preferable for submission.

Land Trust/Marshall Mill House

Ed Foley presented a concept plan to convert the historic Marshall Mill House into the Land Trust office building, located on Creek Road. Jim Guthrie stated that a subcommittee has been formed to oversee this application consisting of Chris Alonzo, Anne Verplanck and Bob Listerman. Ed Foley stated that they will be applying for a Conditional Use for a conservation center and the Land Trust offices which would include environmentally sensitive systems. Jim Przywitowski asked how a Conditional Use can be requested when a Conditional Use is not permitted in this Zoning District for this use. Jim noted that the proposed use could not be considered a municipal or public use. He suggested that the Township Solicitor and Zoning Officer interpret the use of the property. Ed Foley has the opinion that the Conditional Use section of the R-1 District could be interpreted to permit this use. Jim Przywitowski suggested that the Commission should not have been presented with this proposal since it does not conform to zoning; Jim Guthrie countered that the Commission should consider the request, and if appropriate, decide what next steps to take. It was noted that this was a sketch plan and not a formal application. Pat Blaney, neighbor, stated that they have concerns with a zoning change for the future. Jim Guthrie suggested that the subcommittee meet with the applicant to determine what needs to be accomplished prior to getting legal advice from the PC special solicitor. Jim Guthrie stated the special solicitor is required because there may be a conditional use hearing. Gwen Lacey stated that she thought the proposed use was commendable and merited accommodation. Jim Przywitowski noted that the KLT must be viewed as any other applicant that would be in front of the PC.

Adjournment: The meeting adjourned at 10:14 p.m.

Respectfully submitted,

Lisa M. Moore
Secretary-Planning Commission

