

Township Planning Commission Meeting Minutes December 15, 2020

The December Planning Commission meeting was held on December 15, 2020. Due to December holidays, the meeting was moved up one week from the regularly scheduled fourth Tuesday to the third Tuesday. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting was held via Zoom teleconferencing. A public notice was published in the Daily Local News on December 1, 2020. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on December 7, 2020.

Commission members present:

- Anthony (Tony) Biacchi, EdD, Chair
- Joe Fauntleroy
- Robert Korbonits, Vice Chair
- Wes Thomas, PhD
- Ash Swayne
- Kathryn Deaville
- Lucia Millet-Lajusticia

Staff/Professionals present:

- Mark Lucas, P.E., Township Engineer
- Andrea Campisi, Director, Planning & Zoning/Zoning Officer/Recording Secretary

Staff/Professionals absent:

- Mandie Cantlin, Township Manager
- Michael P. Lynch, Director of Finance
- Rich Phifer, Director of Property and Recreation
- Planning Commission Solicitor
- Planning Commission Special Counsel

Others in attendance:

- Two members of the public.

CALL TO ORDER: The meeting was called to order at 7:30 p.m. by Chair Biacchi. Chair Biacchi asked for public comment on non-agenda items of which there were none.

PUBLIC COMMENT: None

MINUTES: Dr. Thomas made a motion to approve the minutes from the October 27, 2020 Planning Commission meeting as presented. Mr. Swayne seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.

OLD BUSINESS:

Chair Biacchi noted that the Conditional Use application for 1199 Muirfield Drive had been withdrawn. He asked Ms. Campisi if she wished to provide an update on the reason for the withdrawal. Ms. Campisi stated that there was a great deal of public opposition to the application at the public hearing. She stated that the applicant contacted her within a week of the hearing to withdraw the application and scale back the proposal.

NEW BUSINESS:

Sketch Plan Application 651 – 1120 Skelp Level Road – Discussion

The Planning Commission considered a Sketch Plan application showing a possible lot line change between 1120 Skelp Level Road and 1119 Harmony Hill Road. Chair Biacchi asked the applicant if he wished to summarize his application. Jon and Erin Eldredge, the owners of 1120 Skelp Level Road, were present. Mr. Eldredge explained that their home is over 270 years old and said that he and his wife are doing their best to maintain its historic character. Mr. Eldredge said his family is outgrowing the house which they have lived in for 16 years. Mr. Eldredge said there are several issues with the property one of which is the fact that both he and his neighbor, Bill Eadie who owns 1110 Skelp Level Road, do not have enough land to install new septic drain fields that would comply with the Chester County Health Department's standards. Mr. Eldredge said the wells on both properties are too close to the areas and structures on the properties where a new septic drain field could be installed. Mr. Eldredge said he has two cesspools on his property as does the property at 1110 Skelp Level Road, and while the cesspools function currently, Mr. Eldredge noted if either property were to be sold, or if an issue were to arise with the existing cesspools, then problems would arise.

Mr. Eldredge noted that his neighbor to the rear, Justin Catto, who owns 1119 Harmony Hill Road, which is a 2.6-acre property, has expressed interest in selling a portion of his lot to be incorporated into the Eldredge property. Mr. Eldredge noted that the land area to be purchased is shown on the site plan that was submitted with the application. Mr. Eldredge said he would buy land from Mr. Catto in order to have additional area for septic drain fields to serve both his property and 1110 Skelp Level Road. Mr. Eldredge said he would buy the land from Mr. Catto and then grant an easement to the Eadie's so that they could install a drain field if and when it is needed on their property.

Mr. Eldredge also noted that the driveway to his home presents a problem due to its location at the crest of a hill along Skelp Level Road. He said if it is possible and to provide a safe access to his home, he would like to explore installing a driveway into the property from Harmony Hill Road. Chair Biacchi asked if Mr. Eldredge checked with the Chester County Health Department with respect to meeting all of the requirements related to this proposal. Chair Biacchi noted the existence of trees in the area to be transferred and asked if two drain fields and a driveway are all feasible on the land to be transferred. Mr. Eldredge said he is a third generation Eldredge and his family is in the septic industry. Mr. Eldredge said he does not work in the business but said his brother runs the installation department and noted that the soil in this area has good percolation rates. Mr. Eldredge noted that he has performed some preliminary percolation tests. With regard to installing a new driveway, Mr. Eldredge said that would be a bonus to this project and stated that he had not done the research to see if the driveway is feasible yet but said he would investigate that. As far as the septic fields go, Mr. Eldredge did not feel there will be an issue to install them on this piece of property.

Chair Biacchi asked if any trees will need to be cut down. Mr. Eldredge said yes, the trees seen on the aerial photo would probably be cut down, but he said they are overgrown pine trees that are not in the healthiest condition. Chair Biacchi asked what the requirements are to place drain fields in close proximity to each other. Mr. Eldredge believed he can accommodate those distances on the lot. Chair Biacchi asked if percolation tests will be done prior to entering an agreement of sale for the land to which Mr. Eldredge said yes. Chair Biacchi asked about the easement in the deed and if that would be in perpetuity to which Mr. Eldredge said yes. Chair Biacchi asked if the land would be solely owned by Mr. Eldredge to which Mr. Eldredge said yes.

Mr. Fauntleroy said that the property at 1120 Skelp Level Road is not one that would be approved today for a number of reasons and noted that just because it is grandfathered doesn't mean that the Township would compound a mistake by modifying it and have it still not conform to current regulations. Mr. Fauntleroy said he is not trying to say that Mr. Eldredge shouldn't pursue the lot line change but noted that the existence of the lot the way it is now is not an argument for creating another lot that still doesn't conform to the current requirements. Mr. Fauntleroy suggested Mr. Eldredge investigate the Chester County Health Department requirements for where the drainage fields can be located and what the separation distances are as the Planning Commission and the Township have no control over that as it is a health issue. Mr. Fauntleroy also stated that regardless of the type of trees to be removed and their condition there are requirements for how many trees can be cut down. With regard to the driveway, Mr. Fauntleroy said there are limitations on the size related to impervious surface, stormwater runoff and sight distance. Mr. Fauntleroy said even if the sight distance when exiting the driveway off Harmony Hill Road on the new land is better than it would be out of the existing driveway but it does not meet the requirements then that is not a reason to install a driveway there. To summarize, he said this seems like a very logical proposal as long as the requirements of the Chester County Health Department can be met.

Ms. Deaville suggested Mr. Eldredge verify that the acreage of the landowner selling the property will not become nonconforming. Mr. Eldredge asked Andrea to weigh in on the issue. Ms. Campisi noted that the entire area is zoned R-1 where the minimum gross lot area is 3 acres and the minimum net lot area is 1 acre. Ms. Campisi also pointed out that in order to reduce the size of the property at 1119 Harmony Hill Road which is currently undersized at 2.6 acres, a variance is required. She stated that the health issue related to the fact that the properties cannot provide functioning septic systems is a hardship that is innate to the properties and something that the Zoning Hearing Board can consider but it is another step in the process of this application that must occur.

Ms. Deaville agreed that the proposal makes sense but asked if the exact location of the easement benefitting the property at 1110 Skelp Level Road would have to be determined now or could that occur later. Mr. Lucas said the applicant would have to make sure the percolation rates are good in the area where the system is anticipated to be located and that will determine the location and size of the easement. Ms. Deaville asked how the location of the driveway would impact the easement. Mr. Lucas said that will also have to be factored into the plans as well as locations for stormwater management. Mr. Eldredge said the property line to the rear of the properties is not accurately shown on Chesco Views.

Chair Biacchi referenced a Code section that requires the septic field to be designed and installed before the roadways are installed. He asked if there is an issue in this situation as

there is no knowledge of when and if a septic system will actually be installed but the road might be installed. Mr. Lucas said that is an issue that will have to be planned for as part of the subdivision application. Mr. Lucas said the driveway location would be looked at first due to sight distance and then the locations of the septic systems could be evaluated. Mr. Lucas added that the soils in this part of the Township have good percolation rates.

Mr. Swayne feels this is a logical proposal and it makes sense to do it now while there are cooperating neighbors. Mr. Swayne added aside from the Code issues as a first review the proposal appears to be worth pursuing to the next step. Dr. Thomas agreed that this looks like a good project. He noted that should the project not get approved that it could be very costly to install new septic systems to serve the affected lots. Chair Biacchi summarized that the Planning Commission appreciates the proposal but notes that there is a lot of additional work to be done and precautions to be taken to protect both the Eldredge's and their neighbor's interests.

Ms. Millet-Lajusticia asked about the visibility of the driveway along Skelp Level Road. She noted that there is a large bush at the front corner of the Eldredge's porch that may be blocking the visibility. She asked if the bush can be removed or trimmed. Mr. Eldredge said that is a possibility. Mrs. Eldredge said the driveway is hidden and as you come up over the crest of the hill you cannot see it. She also noted that cars drive really fast along that stretch of road and often have trouble actually stopping at the stop sign. Chair Biacchi asked if there could be a hidden driveway sign installed. Mr. Lucas said that might be a possibility, but it would have to comply with PennDOT standards. Dr. Thomas asked if Skelp Level Road is a state road. Mr. Lucas said it is a Township road. Dr. Thomas asked if the Township can install a 20 mph sign on the road. Mr. Lucas said legally the lowest posted speed limit is 25 mph unless a school zone exists. Mr. Korbonits said the road is already posted at 25 mph. Discussion ensued.

Mr. Eldredge said he was encouraged to hear a lot of positive responses on his proposal. He said he and his wife will continue to do their homework in order to pursue the proposal.

MISCELLANEOUS BUSINESS:

1. None

NEXT MEETING: The next Planning Commission meeting is scheduled for January 26, 2020.

ADJOURNMENT / CONTINUANCE

Mr. Korbonits made a motion to adjourn the meeting which was seconded by Dr. Thomas. The meeting adjourned at 8:15 p.m.

Andrea Campisi
Planning Commission Secretary

CURRENT TIME CLOCKS

Application	Clock Expiration	Next Extension to be Considered
CU for Marshall B&B	July 31, 2021	6 th hearing
CU for Comerford B&B	March 31, 2021	Deadline to schedule hearing