



**Planning Commission Meeting Minutes
Wednesday, June 17, 2015, 7:30 P.M.**

Attendance: Gary Summers, Suzy Breiseth, Meg Johnson, Mickey Bailey, Sean Rafferty; Richard Jensen, Zoning/Code Official; Kristin Camp, Planning Commission Solicitor.
Commissioner absent: Rob Miller.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment** - no public comment on non-agenda items.
3. **Conditional Use Hearing for 1977 Marlboro Road/Tax Parcel 63-3-78 (Hearing Scheduled for Monday, June 22, 2015, 6:30 p.m.)** - On May 20, 2015, Kate Dwyer (Applicant) appeared before the PC to discuss the sewage planning module for an accessory dwelling located on her 12.9± acre property. The accessory dwelling is a 1-bedroom apartment situated on the third floor of a garage/barn. Dwyer now appears before the PC to discuss the conditional use application pursuant to Section 250-93.B(1) seeking a recommendation from the PC. Summers noted that procedurally, the PC was precluded from preparing a recommendation during the May 20th meeting as the application had not been filed. Dwyer reviewed the building code corrections identified by the Township Building Inspector and noted that the corrections have been completed to bring the accessory dwelling into compliance. Commissioners asked if lightning mitigation is required given that the structure is a barn. Jensen explained that lightning mitigation is by choice and not a code mandate. **MOTION:** Rafferty moved, Breiseth seconded, to recommend to the Board of Supervisors to approve the Applicant's request for conditional use as presented to the Planning Commission on May 20th and June 17th; motion carried.
4. **Riverside Daycare Sketch Plan - 1390 Lenape Road/Tax Parcel 63-4-495:**
 - a. Overview - Victor Kelly, Jr., P.E. and Jody Thompson of Ducklings Early Learning Center (Applicants), appeared before the PC to discuss the Sketch Plan prepared by Commonwealth Engineers, Inc., dated May 28, 2015. Kelly represents the Riverside Daycare Partnership and clarified that the owner of record for the parcel is T&D Sheeder Realty, LLC. The PC received the following comment and review letters: June 11, 2015 letter from the Township Engineer; June 15, 2015 Act 247 Memorandum from the Chester County Planning Commission. Chairman Summers announced that he will call for public comment at the conclusion of the presentation. He also noted that the matter was adjudicated previously and for this reason questions are limited to the particulars of the sketch plan before the PC. Twelve residents of Riverside were heard during public comment on this agenda item. Kelly provided a brief background on the overall development of the parcel as a daycare facility, specifically the approvals granted during the Riverside at Chadds Ford Subdivision land development review process. He suggested that construction of the daycare facility would be completed in about 18 months following issuance of the building permit. He noted three areas for discussion this evening as follows: (i) Site specific - the site can accommodate installation of landscape material for screening and buffer; 38 parking stalls are planned

with 18 designated for employees; the facility will provide for up to 140 children; (ii) traffic study – this was anticipated in the original design in 2002 but will be updated; (iii) stormwater management (SWM) – Kelly acknowledged that the project will comply with the current SWM standards.

- b. Ducklings Early Learning Center (“Ducklings”) – Thompson provided information on the operation of Ducklings facilities in other municipalities. The facility at Riverside would be the fifth facility she has built. She invited attendees to visit any one of the Ducklings facilities which are designed to provide early learning opportunities and not just daycare. Programming for the facility goes up to 2nd grade. She reviewed the various education credentials and licenses needed for operating the facility. An afternoon care program in conjunction with Pocopson Elementary School is planned for this facility with drop-off by bus. Hours of operation are Monday through Friday with caregiver/parents dropping-off between 7:00 a.m. and 9:30 a.m. and with pick up times between 3:00 p.m. and 6:00 p.m. Ducklings would have a long-term lease arrangement for the facility.
- c. Public Comment – Riverside residents offered the following comments and questions:
 - i. Wenzhi Tan noted potential traffic conflicts with the entrance as shown on Winston and asked if it could be relocated to Route 52. Kelly noted that it is unlikely that PennDOT would issue a highway occupancy permit for Route 52 as installation of a left-hand turn lane would be required as well as a number of traffic constraints.
 - ii. Michael Barry commented that while the parcel is designated as a commercial daycare center the approvals do not specify the footprint for the building. Square footage for 140 children is significant. He also noted that the parcel was to be sold to the HOA as open space if the facility was not developed within 2 years of close-out of the community. PC Solicitor Camp referenced the court settlement between Toll Brothers and the Township that specifies the parcel to be use for the construction of a daycare facility without limiting the size of the footprint. Township and building codes are guiding as to the structure. She suggested that the HOA can retain an attorney to explore conveyance of the parcel to the HOA as open space but that the Township will not get involved with that matter. Kelly noted that a 10,000 square foot facility is not excessive and the impervious coverage is estimated at under 30%.
 - iii. Lauren Waronker requested clarification regarding daycare versus early learning center as she would understand the terms, as defined, to have an effect on the volume of traffic to the facility. Thompson noted that the term “daycare” is antiquated as the industry standard is to provide much more than babysitting services. Thompson noted that the facility will have an outdoor play area and that the employees utilize deluxe size buggies to transport toddlers around the neighborhood. This should not be a problem as the sidewalks in Riverside are public.
 - iv. Mike Laurelli raised concern regarding the bus stop for secondary school students located on Winston in close proximity to the ingress/egress for the facility. He suggested that speed controls will be necessary to slow the flow of traffic to the daycare facility. Summers noted that the school district bus transportation coordinator should be contacted with regard to safety concerns that may or may not require relocating the bus stop.

- v. Kim Undorf raised a similar concern noting that traffic in and out of the community generally will increase significantly. She indicated that speed controls to slow vehicles will be crucial to maintaining a safe community.
 - vi. Scott Kirkland commented that prior to issuance of a building permit, there should be clarification with regard to licensing required from the various Pennsylvania departments governing child care, daycare, and early learning facilities.
 - vii. Ted Diehl asked for clarification with regard to the responsibilities for the roads in Riverside. PC Solicitor Camp noted that the roads were accepted by the Township during dedication so responsibility rests with the Township.
 - viii. General public comments and discussion included a comparison of the proposed Riverside daycare facility with the Longwood Ducklings facility; the number of school district buses that will be dropping off students; the lighting scheme for the property during hours of operation as well as on the weekends and holidays; and some assurances that the aesthetics of the facility will match the neighborhood.
5. Building Code Amendment - Chapter 53 - Kristin Camp provided 8 proposed Building Code Chapter Amendments to bring Chapter 53 into compliance with the statewide building code. The Amendments were prepared by Camp and Jensen both of whom agreed to keep in place the more stringent Chapter references. MOTION: Rafferty moved, Breiseth seconded, to submit the proposed Building Code Chapter Amendments to the Board of Supervisors for review by the Township Solicitor and subsequent adoption; motion carried.
6. Meeting dates:
- a. Board of Supervisors meeting will be held on June 22nd.
 - b. The next Planning Commission meeting is July 15th.
7. MOTION: Breiseth moved, Johnson seconded, to approve the May 20, 2015 meeting minutes; motion carried.
8. Other Business
- a. Secretary reported that there will be a public hearing of ordinances amendments on July 13, 2015.
9. Adjournment: At 8:52 p.m., Breiseth moved, Rafferty seconded, to adjourn the meeting; motion carried.

Susan Simone, Secretary

Gary Summers, Chairman