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Pocopson Township Planning Commission (PC) Meeting Minutes
Wednesday, March 2, 2022, 7:30 p.m.

Commissioners in-person attendance: Gary Summers, John Hess, Paul Cardell, Rob Miller, Matt Murphy, Sean Rafferty, Mickey Bailey. Consultants in-person attendance: Kristin Camp, PC Solicitor. Consultants via GoToMeeting virtual platform: Craig Kologie, AICP, Zoning Official; Ken Hoffman, Township Engineering.

Public in-person attendance: 10; Public remote attendance: 1

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment on Non-agenda Items:** none.
3. **Zoning Hearing Board Applications:**
 - a. 1550 Brandywine Drive, West Chester, Tax Parcel 63-4-3.6; Anthony Sylvan Pools; Property Owner Denee Pavese ("Pool Application") - appearing before the PC for the matter - Michael Neilio, Pool Contractor and Denee Pavese, Property Owner ("Applicant"). On behalf of the Applicant, Neilio presented that the Applicant seeks a special exception to increase the impervious coverage on the property from the existing non-conforming condition of 17.7% to 22.8% for the construction of an in-ground swimming pool with all the accoutrements thereto. Neilio presented that the Applicant's engineering firm, Bohler, continues to work on revising the site plans in accordance with Gilmore & Associates, Inc., Township Engineering, Comment and Review Letter dated February 15, 2022. Camp noted that it appears the steep slope calculations are not a factor. Rafferty asked if there is a possibility of redesigning the pool so that it does not exceed the allowable impervious coverage given the 2.7% overage. Hess also asked if the Applicant might make an adjustment to a patio or proposed pool design to alleviate the overage. Camp and Kologie noted that the single-family dwelling was built in the 1970s, any new improvements to the parcel increases the nonconformity, and it would be superfluous to remove the existing patio or to replace the driveway with pervious materials. Applicant indicated that the proposed pool is not an over-sized pool, and the existing concrete patio is intended to complement the proposed pool. Neilio indicated that proposed impervious improvements will be handled through a stormwater management system that is shown on the plan. Rafferty and Miller inquired as to the possibility of increasing the size of the stormwater management system. Kologie and Hoffman offered that a redesign would trigger a more rigorous stormwater calculation method, and further noted that the Applicant need only account for stormwater for new improvements. Camp offered that it is important to consider aesthetics when designing for stormwater management in a residential district. Miller and the Commissioners

discussed at length the lack of documentation submitted with regard to the location of the septic system and septic field. Neilio presented that the Applicant is working with the Chester County Health Department in obtaining documentation as to the location of the septic system and drain field as well as the replacement area. Hoffman presented that Comment #6 of the February 15, 2022 Comment and Review Letter points out that this is crucial documentation going forward. No public comment or further discussion. MOTION: Miller moved, Rafferty seconded, to recommend that the Zoning Hearing Board grant the special exception subject to the Applicant complying with the outstanding comments in Gilmore & Associates' Comment and Review Letter dated February 15, 2022; motion carried.

- b. 105 Indian Hannah Road, West Chester, Tax Parcel 63-3-1.2; Ian and Erin Lindvig ("Application") - appearing before the PC for the matter - Ian Lindvig ("Applicant") and Dave Gibbons, P.E., DL Howell, Engineer for the Applicant. Gibbons presented on behalf of the Applicant providing a description of the 2.2-acre parcel located in the Residential/Agricultural Zoning District, upon which the Applicant proposes to build a modest size home, driveway, septic system, water well, and pre-planning for construction of a future detached garage. Gibbons presented that the engineering plan before the PC is the result of a best effort to work with the disturbance of more than 25% of the moderately steep slopes on the site plan, and 38% of disturbance of moderately steep slopes as shown on the grading permit plan. The architectural work will include building the rear of the house and garage into the slope so that they serve, in part, as part of a terraced retaining wall. The proposed area of disturbance is approximately $\frac{3}{4}$ of an acre. He reviewed the special exceptions the Applicant seeks in order to move forward with the project. Gibbons further noted that this is not a wooded lot and that access to the lot will be built out to Indian Hannah Road. Cardell, Murphy, and Hess asked for clarification as to the driveway which appears to be a shared driveway with the adjacent existing lot for this, 105 Indian Hannah Road, a flag pole lot, and for which calculations have not been included. Camp and Summers noted the particulars as to the shared driveway are part of the discussion with regard to emergency vehicle access to proposed dwelling. Camp noted that the Secretary should send the Application to emergency service providers for review. PUBLIC COMMENT: Molly Morrison, 123 Indian Hannah Road, commented that it could be argued that the lot is practically unbuildable for a single-family dwelling and offered concern that the proposed future garage appears to be larger than the proposed-dwelling. Camp responded that the lot was created in the 1970s and sold as a buildable lot. Municipal ordinances exist to provide review by a zoning hearing board as an accommodation because of the passage of legislation going forward. Bailey asked if Morrison's concern is the potential for run-off from the parcel onto her property. Gibbons responded that stormwater management designs are included in the plans to address water discharge. Allen and Kathleen Cadden, 107 Indian Hannah Road, presented that water from the parcel flows directly onto their property including flooding their barn. Allen Cadden expressed that cutting into the bank is tantamount to creating a berm which will further discharge water onto his property. He also

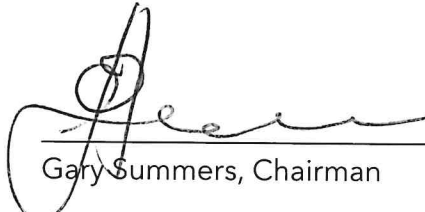
expressed concern with regard to stormwater management measures proposed for the driveway and road discharge which is currently a nuisance during storms. Cadden inquired as to the number of test pits dug for the septic system. Gibbons responded DL Howell is not performing the septic testing. Summers asked that the discussion be limited to the particulars related to the Zoning Hearing Board Application. Camp and Summers noted that the Applicant is required to apply for a NPDES Permit which is issued by the Pennsylvania Department of Environmental Protection. Commissioners agreed that state and county agencies will oversee adequacy and containment of discharge as the project progresses. Camp noted the particulars for construction and design of the driveway are included with the submission of the building permit application. She asked that everyone keep in mind that each zoning hearing board application is judged on its merit and that the role of the PC this evening is to recommend, not recommend, or take no position in referring the matter on to the Board of Supervisors. Miller noted that the proposed garage is offered in the Application as a proposed future improvement. Lindvig and Gibbons described the garage as a 2-level garage with a pitched roof. Cadden asked how the PC evaluates the Application for the purpose of blanket relief. Miller voiced concern that neighbors are expressing the possibility of exacerbating an existing runoff problem and to what measure can the PC provide assurance in the recommendation. Kologie expressed that the Township was not aware of the extent of the downslope issues, but that the plan, as proposed, will not exacerbate the issues and may provide measures to control the issues. Allen Cadden commented that taking the parcel from "meadow to lawn" will create compacted soils and increase the runoff factor. Rafferty expressed that there is a balance in play to find a recommendation that will address concerns without financially burdening the Applicant. Summers voiced that the role of the PC is not to recommend a fix for an existing problem, but to make sure that installation of a proposed improvement does not worsen an existing problem. Camp reiterated that other agencies, including the Chester County Conservation District, will perform rigorous inspections and the NPDES Permit issued to the Applicant will be guiding in approving construction as well as inspecting work during the build-out. Camp suggested that the Applicant's Engineer reach out to the neighbors to discuss the project as in her experience, such dialogue has proved helpful. No further public comment. MOTION: Miller moved, Rafferty seconded, to recommend that the Zoning Hearing Board grant the special exception subject to Applicants addressing the outstanding comments in Gilmore & Associates' Comment and Review Letter dated February 24, 2022 and taking into consideration the concerns raised by their neighbors, Molly and Robert Morrison (123 Indian Hannah Road) and Allen and Kathleen Cadden (107 Indian Hannah Road); motion carried.

4. **Approval of February 2, 2022 Meeting Minutes:** MOTION: Cardell moved, Hess seconded to approve the February 2, 2022 Meeting Minutes; motion carried.
5. **Other Business:**

- a. Status of Dorff Zoning Hearing Board Application, 920 Denton Hollow Road, West Chester, Tax Parcel 63-4-120 – Summers noted that the Zoning Hearing Board Application will be listed for the April 6, 2022 meeting and that amendments to the Application will be circulated.
6. **Adjournment:** at 8:55 p.m., Hess moved, Cardell seconded, to adjourn the meeting; motion carried.



Susan Simone, Secretary



Gary Summers, Chairman