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## FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES September 1, 2016

**Call to Order:** Planning Commission Chairman Dave Hoffman called the meeting to order at 7:05 p.m. Present were Planning Commission members Chuck Phillips, Mark Harris, John Gontarz and Brent Van Lith. Planning Commission Alternates Penny Schenk and Paul Lagasse were present, Alternate Zach Elwyn was absent. Also present on behalf of the Township were Mgr. Joan McVaugh, Secretary Sharon Norris and Engineer Pete Eisenbrown. Ron Ragan, Gabe Valentino & Joe Riper were present on behalf of Gourmet's Delight Mushroom. Approximately 14 members of the public were in attendance.

**Public Comment:** No Public Comment.

**Approval of Minutes:**

- a. *July 7, 2016 Minutes:* Mr. Gontarz moved, seconded by Dr. Harris, that the minutes of the July 7, 2016 meeting be approved as submitted. Motion passed 5-0.

**Planning & Zoning:**

- a. *Gourmet's Delight Mushroom Co.'s Preliminary Land Development Plan (Gourmet):* Gourmet is located at 420 Auburn Road. A revised plan, dated August 30, 2016 and a review letter dated August 31, 2016, were electronically submitted by Gourmet on September 1, 2016, the day of the meeting and therefore were not reviewed by the Township Engineer or members of the Planning Commission prior to this meeting. Mr. Ragan provided an overview of the proposed plan and public comments and questions were permitted during this overview. The potential for increased truck traffic resulting from the proposed Auburn Road access to the new facility is a concern to the neighboring residents. Mr. Ragan advised that, as the business grows, they anticipate delivery of up to 12 truckloads of materials per day, Monday-Friday. For the first 3-5 years the trucks will continue to enter from Garden Station Road, where the scales are located, however eventually the scales may be relocated and may exit or enter onto Auburn Rd. Residents who expressed concerns regarding the unsafe conditions that currently exist on Auburn Rd., which they believe will be exacerbated with increased truck traffic, include: Suzie & Bob Konopka, Pat & Linda Talwin, Tony & Linda Lauria and Toby Tourbier. Dr. Hoffman stated that their concerns are duly noted. Mrs. McVaugh explained that Gourmet has had a traffic study completed by Heinrich & Klein Associates, Inc. dated April 29, 2016, which states that based on the minimal use of the proposed Auburn Road access driveway, there will be no measurable and consistent increase in typical weekday peak traffic generation added to any road in Franklin Township and therefore no basis for the assessment of a traffic impact fee. She stated further that the Township has no jurisdiction over what trucks use the roads in the Township. Mr. Phillips expressed concern that the traffic study seems to conflict with the testimony of the residents. Engineer Eisenbrown does not see a need for the Township to have an independent traffic study completed. Mr. Van Lith questioned the reference in the traffic study to two single family houses on the Gourmet property, when there are actually three. Mr. Ragan explained that at the time of the traffic study, Gourmet was considering using one of the residences as an office, however with the current plan that will not happen. At this point Dr. Hoffman referenced Mr. Ragan's letter of August 31, 2016 which is in response to Township Engineer Eisenbrown's plan review letter dated August 25, 2016, for review and discussion. Public comments were permitted

## APPROVED

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during this review. (Responses on behalf of Gourmet and any relevant discussion are in bold italic text.)

I. **Conformance with the Subdivision and Land Development Ordinance – Chapter 22:**

1. Section 22-410: *Stormwater Management will be covered in the Stormwater Section.*
2. Section 22-722: *Sewage will be covered in Gourmet's response to the Township's sewage consultant's 2<sup>nd</sup> letter.*

II. **Traffic Site Access and Internal Circulation Review – Chapters 22 and 25:**

1. Regarding information provided for the proposed entrance along Auburn Rd:
  - a) A curb taper detail should be noted/provided for the ends of the proposed curbing.  
*Curb taper detail has been added on Sheet #9 and specified on Sheet #3.*
  - b) A detailed plan will be needed to show how roadside drainage will be addressed.  
*Note #13 has been added to Sheet #5 stating that roadside drainage will be determined at construction.*
  - c) For the “enter right” detail, the layout must be revised as the truck starting position is in the wrong lane of Auburn Road.
  - d) For the “exit right” detail, the layout must be revised as the truck starting position is in the wrong lane of the proposed driveway and the maneuver encroaches into the oncoming lane of Auburn Road.  
*The entrance configuration has been modified to provide larger radii and tapers so that the trucks stay in the proper lane. Mrs. Konopka questioned the ability of trucks to navigate curves further down Auburn. Mr. Ragan stated that the plan proposes to widen 60-70 ft. of Auburn Road to the right of the entrance.*
  - e) Limits of tree/brush removal should be clearly noted.  
*The limits of tree/brush removal have been identified on page 4 of the plan.*

III. **Stormwater Management Review – Chapter 19**

1. Section 19-302.A-E: All regulated activities shall have approvals from the applicable agencies prior to, or as condition of, plan approval.  
*Comment noted. Applications have been submitted.*
2. Section 19-303.1-3: No regulated activity within the Municipality shall commence until approvals have been issued by PADEP and the Chester County Conservation District.  
*Comment noted. Applications have been submitted.*
3. Section 19-312.3.J: If deemed necessary by the municipality, stormwater basin facilities shall be enclosed with a fence ... acceptable to the Municipality.  
*Comment noted. Met with engineer, not aware of fencing being required on privately-owned facilities in the past.*
4. Section 313.1.E & 312.1.F: Easements for basins and all conveyance and collection systems not within street rights-of-way and shall be a minimum of 20 ft. wide...and shall meet the requirements of §19-704. A blanket easement is proposed ... according to Note 20 on Sheet 1. The Township Solicitor shall review the language and determine the proper vehicle to establish the easement.  
*Comment noted. Applicant is offering a blanket easement for stormwater facilities according to Note 20 on Sheet 1 of the plan. Mr. Ragan advised that there will be a detailed O & M agreement that spells out what will be done to maintain the facilities. The blanket easement provides the Township the opportunity to come on the property and inspect all stormwater facilities.*

## APPROVED

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5. Section 19-402.1.A: Note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The added Note #15 on Sheet 7 will need to be updated to reflect the appropriate dates.

*Note 15 on sheet #7 has been updated.*

6. Section 19-402.2.A.(3): The required signature block has been added and shall be signed prior to plan recording.

*Plans will be signed prior to plan recording.*

7. Section 19-402.2.A.(4).(a): The required signature block shall be signed and sealed, prior to plan recording.

*Plans will be signed and sealed prior to plan recording.*

8. Section 19-402.2.B.(14): Complete delineation of the flow paths used for calculating the time of concentration for the predevelopment and post-construction conditions shall be included. Drainage areas and the corresponding flow paths need to be consistently modeled between the pre and post development conditions. Pre-development DA #1 and #2 and post-development DA #1 and DA #2 need to be adjusted accordingly.

*A color drainage map has been included with the revised report that clarifies the drainage areas.*

9. Section 19-402.2.F.(1)-(4) & 19-703: An O & M Plan and Agreement will need to be executed.

*A copy of a signed O & M Agreement will be submitted under separate cover that will be executed by the Township and recorded.*

10. Section 19-402.2.G: The Plan needs approval from the CCCD and/or PaDEP for an NPDES Permit

*Comment noted.*

11. With the revised site layout in the area of the proposed Agricultural Waste Lagoon (tank) and "dip pit", an extension of the storm sewer profile needs to be shown, that includes elevations for the pit. Manhole #9 and the point of entry into the lagoon tank. We agree with the proposed overflow sequence, reaching inlet 1-7 as a potential emergency measure, though the design of the system will be coordinated with the NRCS according to the response letter. The plan needs to show that this sequence will work with the elevations shown on the grading and profile sheets. It would be helpful to have a graphic representation of the lagoon tank, showing the expected operational water elevation range, the available volume for storm events up to the 100-year storm, and required freeboard.

*A schematic of the wharf, dip pit and gray water tank have been added to the dirty water profile on Sheet #11. Mr. Ragan provided a detailed explanation of the waste water system which is sized for a 100 year storm in a tank that has 3.5 ft. of freeboard and the wharf area which adds another 100 year storm as backup. A 100 year storm is approximately 7.2" of rainfall in 24 hours. Engineer Eisenbrown's opinion is that it is a very good plan that provides more backup than regulations require. (Regulations require a tank for a 25-year storm). Mr. Tourbier pressed for emergency procedures, other than sand bags, as a "last resort" to avoid polluting the White Clay Creek. Dr. Harris asked if it is possible to install a permanent gate, rather than use sand bags, that could be activated in the event of an extreme emergency. Mr. Ragan will look into it further. He also stated that Gourmet would have advance notice that such an event is expected and would be able to implement emergency procedures prior to the event, such as spraying and pumping the tank. Dr. Hoffman asked if such procedures could be made part of the agreement. Mr. Ragan said they have used those*

## APPROVED

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*emergency procedures in the past, but in this case they are investing the money up front to provide an oversized storage facility hopefully to avoid the necessity for last minute measures. Mr. Van Lith reviewed the calculations with Mr. Ragan and confirmed that in total, the system can accommodate approximately 3 x the 100-year storm maximum, or more than 20" of rainfall in a 24 hour period. In answer to questions from Mr. Donaghue and Mr. Walker, Mr. Ragan explained the flow path of the roof water into the stormwater facility and advised that the gray water lagoon will most likely have a concrete bottom.*

12. Calculations are now provided for the requested storm sewer runs leading towards the dip pit. However, they appear to show separate flows from I-31 for each leg of the storm sewer collection system. These flows must be combined to ensure proper pipe sizing from I-31.

*Storm sewer calculations have been revised to include combined flows for the pipe run from Inlet I-31 to the dip pit.*

13. Related to the wet pond: We agree with the proposed deferment of soil testing to wet pond construction, however the notes added to the construction sequence, as stated in the response letter could not be found.

*Please refer to Note #8 of the "Sediment Basin Conversion to Permanent Wet Pond Sequence". The soil will be tested and a determination will be made whether or not to line it at that time.*

The detail for the basin needs to provide information regarding the 6" Valterra knife gate valve location and housing, to provide access for use and protection against damage.

*The basin detail has been revised to show details of the proposed 6" Valterra knife gate which will be placed in the outlet box.*

14. Regarding the available storage volume, clarification needs to be provided regarding the design elevation for the water in the wet pond and the configuration of the outlet structure. With the 6" orifice in the internal weir wall as shown, the water elevation would be 385.00. If the orifice is actually part of the 6" pipe and de-watering system, then the pond water elevation is 389.00. We assume the 389.0 elevation is intended to provide the most water retention possible.

*The 4 x 6' outlet box detail has been modified to clearly show that the 6" pipe and valve are to be isolated from the main orifice and weir that controls the pond elevation and release. It will only be used to drain the pond for maintenance.*

In addition, the routing appears incorrect, as the volume of the wet pond cannot be used as detention storage volume. The water elevation of the wet pond must be the starting point for the "detention" aspect of the wet pond.

*The starting elevation for the routing is set in the model at the 389.0'. Refer to Page 26 of the PCSM report, approximately 1/3 of the way down the page it shows that the starting water elevation is 389.0'.*

15. The following is a list of waivers required per the presented plan set:

- §19-312.1.A.(2). Basins shall be 50 ft. from any property line. Wet Pond is less than 50 ft. from the property line to the north (lands owned by Gourmet in adjoining Twp.).

*Proximity of common boundary line will have no impact on the function of the stormwater facilities.*

- §19-313.3.B. All pipes shall be reinforced concrete Class III or better, meeting PennDOT's 100 year life criteria. HDPE Pipe is being proposed.

*HDPE Pipe recommended by Township Engineer.*

- §19-313.3.E. The minimum cover of stormwater pipe shall be 24 inches.

*Standard concrete endwall/headwall design does not provide for 24 inches of cover.*

## APPROVED

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- §19-313.4.N. Inlets in paved areas shall be equipped with bicycle safe grates.  
*High capacity grates were acknowledged by the Township Engineer as being more appropriate for this application and reduce the potential for clogging.*
- §19-313.4.S. Adjustment rings shall only be made of a single pre-cast concrete structure, a maximum of 6 inches in height.  
*The overall dimensions of the structure preclude the utilization of single pre-cast concrete structures. The inlets are deep and Mr. Ragan said they would need to pour them in 2 or 3 piece sections to make construction easier.*

*Based on the Township Engineer's initial review letter dated May 26, 2016 and a meeting that took place on June 21, 2016 with the Township Engineer and other Township representatives, it was suggested that Gourmet's request five waivers from the requirements of the Stormwater Management Ordinance pursuant to Section 19-109. In each instance the alternative standard will result in equal or better stormwater management for the reasons noted above.*

Chairman Hoffman asked if there were any questions or concerns regarding the requested waivers. Mr. Gontarz thought that perhaps there should be a note on the plan regarding the 50' setback from the property line to avoid an issue if the property was divided at some future time. There were no other comments from the Planning Commission or Engineer Eisenbrown.

16. The following is a list of plan typos found on the current plan set:

(a) Drywell #1 Detail on Sheet 9, refer to Sheet 7 for the pipe length schedule or include the pipe information with the detail on Sheet 9.

*This reference has been added as Note #3 on the Drywell Detail on Sheet #9.*

(b) The plan legend needs to show the riprap hatching indicated on the drawings. Hatching needs to be shown on Sheet 7 as being up the sides all the way around the forebay, as stated in the response letter, and needs to show the extent of the riprap to either side of the spillway.

*The entire forebay and the area on both sides of the weirs are now shown with riprap armament as shown on the plan.*

(c) The details on Sheet 8 need to show R-5 riprap placed on both sides of the concrete weirs to the Wet Pond and the Infiltration Basin, respectively. It is recommended to provide a cross-section through the forebay and the respective weirs for the infiltration basin and the wet pond for clarification.

*Riprap has been indicated in the areas requested.*

(d) Pipe run 1-8 to EW-1 was modified to address an earlier comment. The profile drawing should be revised to reflect the change in outlet pipe elevation.

*The profile has been revised accordingly.*

(e) The Wet Pond Level Spreader information on Sheet 9 should include a plan view showing the overall length of the stone trench. Two differing dimensions are shown for the pipe diameter, 1.25 ft. and 1.75 ft. These need to agree.

*The 1.25 ft. dimension is the interior diameter of the pipe. The 1.75 ft., which has been corrected to 1.58 ft., is the exterior dimension of the pipe accounting for the pipe wall thickness. This dimension was noted for purposes of dimensioning the stone in the trench. Mr. Ragan explained that the decision to use a level spreader came from a meeting in mid-*

## APPROVED

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*July with Engineer Eisenbrown to look at where the pipe discharges down toward the intermittent stream. They found that essentially there was no channel going from the end of the pipe to the beginning of the intermittent stream. The decision was to spread the water out with a 16 ft. wide level spreader in a 20 ft. wide trench. Mr. Talwin asked what impact the level spreader had on the stream and the amount of water that might end up in a neighbor's yard. Mr. Ragan advised that the applicant has complied with stormwater regulations regarding the reduction of water going through the system to the stream. Peak rates will be the same or less than they were before the storm.*

At this point in the meeting there were several questions, comments and concerns from residents and Planning Commission members regarding the various components of the proposed system. Following is a brief summary of that discussion:

Mr. Konopka questioned why certain storms are analyzed and not others. Mr. Van Lith said that at some point there has to be a limit to the number of storms analyzed.

Mr. Overton expressed concern about the potential for accumulation of sediment in the bottom of the lagoon over time which could negate the freeboard. He said that Gourmet does not have a good maintenance record and suggested including maintenance and inspection of the lagoon in the O & M Agreement. Mr. Ragan responded that most of the pumps being used now are agitation-type pumps which keep the sediment from settling to the bottom of the tank.

Dr. Harris asked questions regarding the capacity of the dip pit tank, how it is maintained, is it a stormwater management device regulated by the Stormwater ordinance? He sees it as a stormwater device that needs to be maintained and inspected regularly. Will the Township be inspecting it and will the maintenance of that system be part of the O & M Agreement? Mr. Ragan said the gray water system, the dip tank and the lagoon are more of an Ag MFEMP regulated component than a stormwater component and may be inspected by a different agency. Mr. Ragan said there would be a provision covering it in the O & M Agreement. He stated that the Township would be able to inspect the pipes that are draining water off the wharf and check to see if they are properly connected to the tank. How much silt is in the bottom of the dip tank is not a stormwater management issue. Mr. Gontarz, referring to the lagoon, asked if Mr. Ragan was saying that the Township could inspect the pipes but not the actual tank. Mr. Ragan indicated that they have a conceptual design that shows an interconnect between the lagoon, the dip tank and the sewer system and that's what the Township could inspect. The amount of silt in the bottom of the tank is a function of how they run the operation, not a function of the stormwater management system.

The discussion returned to the August 31<sup>st</sup> letter:

(f) The Permanent Wet Pond section on Sheet 8 needs to be revised to eliminate the Type D-H Endwall and riprap apron and show the proposed level spreader configuration.

***The endwall and riprap have been removed.***

(g) The profiles on Sheets 10 and 11 should be revised to illustrate EW-1.

***The profile has been revised.***

(h) The profile for HW-1 to I-27 should be revised to show an invert (in) of 399.18 from HW-1 and the pipe slope revised from 3.68% to 2.52%.

***The invert and slope have been corrected.***

(i) Revise the depth entry on the chart on Sheet 9 to 2.5 ft. for Drywell #1 to be consistent with the report.

## APPROVED

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*The drywell has been corrected.*

(j) Correct the inlet labeling on Sheet 11 regarding inlets I-38, I-37 and I-31.

*The labels have been corrected on these three inlets.*

(k) Revise the 12" orifice elevation shown in the Wet Pond on Sheet 7 (386.00) to be consistent with the outlet structure detail on Sheet 8 (385.00).

*This inconsistency has been corrected to 385.*

#### IV. General Comments

1. We recommend input from the local fire department be obtained.

*Comment noted. Mr. Ragan said they would be doing this prior to final plan review.*

2. The applicant should be in contact with the Township Building Code Official to review and discuss various zoning and building code aspects that are applicable to this project such as a zoning permit, an electrical service permit and permits for retaining walls.

*It was determined that this can be addressed after the planning process, prior to construction.*

3. As the plan moves forward, the applicant should be aware that financial security will be required to be posted for the stormwater related aspects of the project, including, inlets, piping, basins, E & S controls, etc.

*The applicant is in the process of preparing a cost opinion for the site improvements and will provide it to the Township for review prior to plan approval.*

4. This plan should reflect all the underlying items from the related minor subdivision plan.

*There are no underlying items from the related minor subdivision plan that need to be incorporated into this land development plan.*

That completes the review of Mr. Ragan's 8.31.16 letter. Discussion continued with residents expressing concerns and asking questions.

Comments/Questions from residents:

- Pat Talwin asked why they are waiting to submit the plan to the fire company and where the hay bales will be stored;
- Tony Lauria asked about the potential impact a hay bale fire might have on the neighboring subdivision;
- Mrs. Lauria asked about the potential for screening and the landscaping on the berm on Garden Station Rd. was mentioned – would Gourmet consider doing something similar for the residents;
- Lou Donaghue had a question about the stormwater profile on page 10 of the plan;
- Paul Overton asked whether the storage area for the hay bales is considered to be impervious or does Gourmet intend to rotate storage to another area in order to keep vegetation growing; he also stated that the applicant should consider the run-off from the hay bale storage area in the stormwater collection calculations.
- Pat Talwin referenced 14 documents that have been submitted and asked when the Planning Commission would review them. Chairman Hoffman explained that most of those documents predate the Township Engineer's last review letter and the Planning Commission's practice is to rely on the consultants' latest review. However, in an effort to accommodate Mr. Talwin, Chairman Hoffman asked him to identify an issue about which he has a concern.
- Mr. Talwin's first question referenced item #4 under Stormwater Management in Ragan Engineering's letter of 8.18.16, which is in response to Engineer Eisenbrown's letter of 5.26.16.

## APPROVED

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No. 4 reads as follows: "Section 19-304 requires a site design process to minimize disturbances to land, site hydrology, and natural resources. The process has four steps outlined in the section, and the required information, such as a prioritized listing of the natural resources and the minimization process to reduce impervious surfaces, is not shown on the plan."

Mr. Ragan's response: ***"At a meeting with the applicant (Gabe Valentino and Ron Ragan) and the Township (John Auerbach, Joan McVaugh and Pete Eisenbrown) it was determined this process was not applicable to an agricultural project."***

Mr. Talwin requested an explanation of why the process is not applicable to this project. Mr. Ragan explained that, in that meeting, Mr. Mike Zook of the Chester County Conservation District (CCCD), determined that the regulation that provides buffers and evaluates the impact on natural resources is not within the Township's purview. He said that section of the ordinance refers to separation distances for active manure sources. Mr. Talwin wasn't satisfied with this explanation. Mr. Phillips asked Engineer Eisenbrown if he agreed with Mr. Ragan's explanation and the fact that the determination by CCCD was that this regulation is outside the Township's purview. Mr. Eisenbrown stated that relative to the discussion with the CCCD, together with the MFEMP and what has come out of the ACRE claim, it is his understanding that the regulation is outside of the Township's purview. Mr. Talwin said the explanation doesn't seem transparent. Mr. Overton said it sounds like something that should be discussed at a public meeting, not a private meeting.

Applicant's Attorney Joe Riper provided additional information in an effort to clarify the issue. He said the ordinance amendment that the Township adopted as a result of the ACRE claim significantly limited the type of criteria to which the Township retained control. He referenced discussions that occurred over a 6-8 month period during which he, Township Solicitor Mark Thompson and Assistant District Attorney Susan Bucknum negotiated what would remain in the control of the Township. Most of the natural resource controls that would typically apply to other land development plans were exempted from agricultural operations and everything else was deferred to the state statutes, including the MFEMP which has become the governing document. Attorney Riper concluded that there was nothing underhanded in the decision, it was driven by the Ordinance Amendment.

- Mr. Talwin's next question referenced Item #34 on page 10 of Mr. Ragan's 08.18.16 letter which reads as follows: "Section 19-402.2.B(11).(d) & (e): The total areas of the new or additional impervious surfaces, along with the percentages of the existing and proposed impervious coverages as it relates to the overall site, need to be placed on the plans.

Mr. Ragan's response: ***This information has been added to the zoning table on Sheet #1.*** Mr. Talwin was not familiar with the zoning table and requested a description of the excluded areas and an explanation of why they were excluded.

Mr. Ragan read the impervious lot coverage from Pg. 1 of the plan – total is 461,900 sq. ft. or 33%, indicated on the plan what areas are included and excluded and provided an explanation of how and why those decisions were made. Mr. Talwin questioned many of the areas that were excluded and referenced a previous meeting when the Solicitor gave a

## APPROVED

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different interpretation. The Planning Commission members and the Township Engineer agreed with Mr. Ragan's explanation. Mr. Overton inquired whether liners in the stormwater basin affect the pervious areas and Mr. Ragan explained that liners don't stop water from infiltrating into the ground. Mrs. McVaugh gave an example of how the stormwater calculation is done when a resident installs a swimming pool – the pool is exempt, the deck around the pool is included in the stormwater calculation. Mr. Overton said this is not a swimming pool and Mr. Talwin wanted an engineering opinion on the issue. Dr. Hoffman and Mr. Gontarz commented that the three PEs in the room all agree with the applicant's explanation.

- Mr. Talwin's next question referenced #12 on page 18 of the August 18<sup>th</sup> letter, as follows: "We suggest that the plan note that no new wells or septic systems are being proposed as part of this plan. We assume it to be the case as none are depicted on the plan.

Mr. Ragan's response: *Note #22 on Sheet #1 addresses this comment.*

Note 22 reads as follows: "No domestic sewage facilities or water supplies are proposed for the composting facility. These needs will be addressed by the existing adjacent facility in London Grove Township." Mr. Ragan advised that the second sentence applies to the sewage facilities and not the water supply.

Mr. Talwin has data in support of a phase one composting operation that requires 486,000 gallons of water 4-5 times per year, which breaks down to 60 – 120 gallons per minute, depending on whether it is a 12 or 24 hr. operation. He expressed concern regarding the impact this would have on individual wells in the area. Mr. Ragan said they do not plan to drill any additional wells at this time but he cannot guarantee that they won't have to in the future. He explained that the applicant's original design for the stormwater system filled up the wet pond before putting any water into the infiltration basin which would have insured that the pond would be full as often as feasible, based on the amount of rainfall, and therefore they felt they would not be required to drill additional wells to run the new facility. He is not familiar with the data put forth by Mr. Talwin, but he stated that the consultant who prepared the applicant's Mushroom Environmental Management Plan did the preliminary sizing of the tank and determined how much water they would have to hold in the tank. The consultant made some assumptions regarding how much would be needed for build-out, how much would come from the wharf, etc., but did not make assumptions for the wet pond because they had no data as yet, therefore there was a short-fall in his calculations which may account for Mr. Talwin's numbers if they are based on build-out. Gourmet has gone back to complying with the infiltration requirements of the stormwater ordinance (which was written by DEP and the Chester County Water Resource Authority and which requires that all municipalities require a stormwater plan that infiltrates all run off back into the ground), for several reasons: 1) if Gourmet asked for a waiver, DEP would have to approve that waiver and because of the public comment submitted to DEP from residents it is questionable whether a waiver would be granted. Gourmet does not want to risk a lengthy process with no guarantee of a positive outcome; and, they don't have any data from using the wet pond as their water source. Gourmet cannot guarantee that they won't need additional wells in the future. Mr. Van Lith confirmed with Mr. Ragan that the applicant has done everything possible to mitigate the need to pump more water from

## APPROVED

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the ground and because of the short-fall which may or may not be made up from the wet pond, they may have to pump water from the ground. Mr. Ragan agreed with that analysis. Dr. Hoffman requested that the record show that these are questions about a document that has not been made available to the Planning Commission for review. Mr. Overton asked the Planning Commission to have a hydrologist review Mr. Talwin's data and the PC recommended that the Board of Supervisors consider retaining a hydrologist to review this plan.

Mr. Tourbier asked if Gourmet was going to use the wet pond for firefighting purposes and Mr. Phillips questioned if it would be available if necessary for neighboring firefighting. Mr. Ragan anticipates this will be gated so he did not want to comment any further on this topic.

Pat Talwin asked that his previously submitted questions be answered and asked that they be addressed at the next meeting. Dr. Hoffman asked that Mr. Talwin resubmit his questions and the PC can determine if they are under their purview.

Mr. Overton asked about bathrooms and sewage. Mr. Phillips said since this is an AG building, it does not fall under the purview of the Code.

Mr. Overton asked about the traffic impact fee. Mr. Eisenbrown confirmed that the facility has no peak trips so therefore they do not fall under the traffic impact fee ordinance.

Mr. Talwin asked about operation hours which are 6 a.m. to 2 p.m.

Mr. Talwin also asked how the applicant's draw on the water supply will affect the residential wells in the area. Dr. Hoffman said that this is not within the Planning Commission's purview.

Mr. Tourbier commented that because the hay storage involves compaction of soil and an increase of run off, it should be subject to the stormwater management regulations. Chairman Hoffman stated that Mr. Ragan has agreed to look at that based on Mr. Overton's comments.

Comments/Questions from Planning Commission members:

- Mr. Gontarz how many gallons is in a 7 ½" of rainfall;
- Dr. Hoffman asked if there were always 3 residences on the same parcel;
- Mr. Lagasse asked a question about riparian buffers in section 27-30 and 27-205 of the Zoning Ordinance;
- Mr. Phillips asked about the potential difficulty of transporting the hay bales to the storage area;
- Mr. Van Lith asked about curbs around the work area;

**Public Comment:** There was no additional public comment.

**Adjourn:** Chairman Hoffman adjourned the meeting at 9:55 p.m.

APPROVED

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Respectfully submitted,



John Gontarz

Planning Commission Secretary

PC Mtg. 09.01.16.v.2.er