

Draft of 9/22/16

Chadds Ford Township
Delaware County, PA

Planning Commission Meeting
Wednesday, August 10, 2016
7:00PM

Call to Order

The planning Commission meeting was called to order at 7:05PM. Chairman Craig Huffman, Vice Chairman Tom Singer, Commissioner Bill Mock, Commissioner Tom Kerwin and Commissioner Valerie Hoxter were present. Ms. Amanda Serock, Mr. Michael Schneider, Mr. Pat McKenna and Mr. Matthew DiFilippo were also present. Nineteen (19) people from the public were present.

Approval of Minutes

Commissioner Mock's motion to approve the Planning Commission minutes of July 13, 2016 was seconded by Commissioner Kerwin and passed unanimously.

Public Comment

There was no public comment.

Old Business: SALDO Application, Hillman Drive Extension, The Henderson Group

Mr. Ross Weiss, attorney for the applicant, noted the applicant, The Henderson Group, was asked to come back to the Planning Commission to discuss outstanding items from the Commission's June meeting. Mr. Weiss noted there were two (2) items the applicant expressed concern over complying with are the sound-attenuating fence specifications, and (2) installation of sidewalks. Mr. Weiss also commented that there are some zoning issues that he would like to discuss with the Township Solicitor. Mr. Chuck Olivo, engineer for the applicant, oriented the audience and Commissioners with the project location and discussed the following:

- Sound-attenuating fence—Mr. Olivo stated that the applicant was agreeable to 150 feet of fencing, but will need permission from Painter's Crossing. Engineer Schneider commented that the overall screening along the proposed roadway needs to be addressed, and that the sound-attenuating fence needs to be extended beyond the driveway proposed for the under-construction lot 12. Chairman Huffman stated that the desired fence is a board-on-board fence with a sound attenuation in between the boards, rather than a chain-link fence, and that the desired length of the fence would be a minimum of 300 feet after confirming distance details with Engineer Schneider and Mr. Olivo. Mr. Olivo stated that due to the topography he wasn't sure whether or not the entire length would be a continuous fence and that there could possibly be gaps within the fence.
- Sidewalks along the entire length of Hillman Drive—Mr. Olivo stated that the Henderson Group doesn't own the property, 1 Hillman Drive, so they are unable to construct sidewalks on the property. Solicitor McKenna confirmed that a sidewalk can't be constructed on property that the Henderson Group doesn't own. Pedestrian connectivity pertaining to crosswalks across Hillman drive was also discussed so that residents of the Estates at Chadds Ford or

employees within the Henderson business campus could cross Hillman Drive and walk to Wilmington Pike (US 202) and then crossover to the Brandywine Mills Shopping Center.

- Highway Occupancy Permit (HOP)—Chairman Huffman commented that he would like to see a formal HOP application to PennDot if preliminary approval is granted, and before final approval.
- Replacement Trees pertaining to landscaping—it was briefly discussed that trees to be replaced by the applicant will be at the direction of the Township.

Diana McCullough, Heyburn Road, commented that there is an existing path through the Township's open space around the Estates at Chadds Ford and onto the PECO right-of-way (ROW) where one can then cross Wilmington Pike (US 202) and enter the Brandywine Mills Shopping Center.

- Landscaped Medians—it was discussed that landscaped medians will be shown on the plans and constructed if and when the "Gakis" property and the "Dickinson" lot are constructed.
- Waivers—the applicant requested the following waivers: a waiver from the sidewalk requirement being three (3) feet from the curb, a waiver from the required collector road right-of-way being sixty (60) feet, a waiver from the allowed grade of 10%, and a waiver of a minimum radius of 300 feet on a collector street, and maximum cover of ten (10) feet over storm drain pipes.

Samantha Reiner, Webb Road, Vice Chair of the Board of Supervisors, inquired whether or not the curbs along the sidewalk would be upright or rolled, which Mr. Olivo responded would be upright. She also asked if the sidewalk waiver would be for the entire roadway or just where sidewalks were being installed, which Mr. Weiss responded would only be where sidewalks were being installed.

Commissioner Hoxter asked what was the benefit of granting the 10% grade waiver, which Engineer Schneider responded was necessary due to the designation of the type of roadway, a collector street, and the existing grade, and the challenge of connecting the two ends of the roadway which are already completed. Commissioner Hoxter also inquired about the accident history along Evergreen Place, which Mr. Matt Hammond, traffic engineer for the applicant, responded that he has not seen any reports for accidents along Evergreen Place or had any conversations with the HOA at the Estates at Chadds Ford about accidents along Evergreen Place. He noted that he will comply with Engineer Schneider's comments to analyze site distances at the proposed intersection of the second access for Painter's Crossing residents behind the existing lot 11 office building onto Evergreen Place.

Manav Maheshwari, Estates at Chadds Ford resident, Mary Linn, Estates at Chadds Ford resident, John Mastriana, Estates at Chadds Ford resident and HOA president, Marilyn Zhou, Estates at Chadds Ford resident, all expressed concern over the existing Evergreen Place access onto Hillman Drive, specifically, the slope and curve of Evergreen Place as it approaches Hillman Drive, as well as the traffic control measure, specifically the roundabout, proposed at the intersection of Hillman Drive and Evergreen Place. The residents noted that they do not have the luxury of a second access into their development, so they were concerned of the possible dangers of

connecting another development, Painter's Crossing, to their only access, Evergreen Place.

Mr. Hammond responded that a roundabout is the appropriate traffic control to safely allow Estates at Chadds Ford residents access to their development, and that the second access for Painter's Crossing residents was the best possible solution taking into consideration all of the possible access points.

Engineer Schneider added, speaking from a safety concern in response to Estates at Chadds Ford residents, that if and when the roadway is dedicated to the Township, certain maintenance issues, specifically winter maintenance, would have to be drafted in a maintenance agreement.

Clark Hoffman, Painter's Crossing resident and HOA president, expressed support for the proposed second entrance for Painter's Crossing residents connecting to Evergreen Place behind the existing lot 11 office building.

Solicitor McKenna reviewed the potential conditions and waivers in preparation for Chairman Huffman's possible motion.

Chairman Huffman's motion to recommend preliminary approval of the Hillman Drive Extension (Loop Road) Subdivision and Land Development Plan (SALDO) per the following conditions: compliance with outstanding consultant reviews including the Township-appointed Fire Marshal letter; extending the sidewalk to the property line of 1 Hillman Drive (Bunch Auctions); pending input from PennDot regarding the Highway Occupancy Permit (HOP) before final approval of the SALDO application; subject to replacement trees planted by the applicant per the Township's choice of location of replacement trees; installation of crosswalks across Hillman Drive near the proposed roundabout at Evergreen Place; the construction of medians adjacent to the "Gakis" and "Dickinson" properties when those properties are developed in the future; subject to the five (5) waivers requested by the applicant pertaining to collector street designation and requirements, with the exception of the sidewalk waiver; subject to the installation of a board-on-board fence either 300 feet in length or beginning at the buffer setback line of the Henderson Hillman Drive Associates, LLC Property (Folio#04-00-00016-00) and continuing through to the driveway on Lot 12, as approved by the Township; and, subject to the necessary zoning variances required, was seconded by Commissioner Kerwin and passed unanimously.

Old Business: Outdoor Dining Ordinance

The Commissioners discussed the following items regarding the draft Outdoor Dining Ordinance:

- The number of seats outside of any restaurant designating compliance with the ordinance—it was discussed that less than twelve (12) seats outside any restaurant would exempt a property from the ordinance.
- Hours of operation—it was discussed that certain restaurants, such as Nudy's Café, begin operations at 7:00AM and will have outdoor seating, so placing a condition on hours of operation from 8:00AM – 10:00PM may not work with exempting restaurants from the ordinance.
- Limiting the number of outdoor seats—it was discussed that there could be issues determining how many outdoor seats could be allowed or limiting it to

an arbitrary number such as fifty (50). Manager Serock brought up Not Your Average Joe's currently having fifty-six (56) outdoor seats and wanting to add an additional twenty-eight (28). She also brought up El Gran Rodeo having fifty (50) seats outside and one-hundred (100) inside citing a percentage of outdoor seating based on what indoor seating a restaurant has being problematic, as in outdoor seating cannot be based off of a percentage of what indoor seating a restaurant has.

- Definitions—Solicitor McKenna expressed concern over the Township's current definitions and recommended that definitions related to the ordinance, such as restaurant, be clearly defined.
- Sale of Alcoholic Beverages—it was discussed that the Pennsylvania Liquor Control Board's (PLCB) restrictions pertaining to restaurants with outdoor dining should be researched.

Tom Comitta, Land Planner, commented that the space between the outdoor tables of a restaurant and area which pedestrians have to walk and parking need to be considered when allowing outdoor dining.

Manager Serock concluded stating that the draft outdoor dining ordinance would be updated with comments and on the Planning Commission's next agenda.

Adjournment

Chairman Huffman's motion to adjourn the meeting at 9:28PM was seconded by Commissioner Hoxter and passed unanimously.

Respectfully submitted,

Matt DiFilippo
Assistant to the Manager
Township Secretary