

Draft of 7/8/15

Chadds Ford Township
Delaware County, PA

Planning Commission Meeting
Wednesday, June 10, 2015
7:00PM

Called to Order

A meeting of the Chadds Ford Township Planning Commission was called to order on Wednesday, May 13, 2015 at 7:00PM. Chairman Craig Huffman, Commissioner Tom Singer and Commissioner Valerie Hoxter were present. Ms. Amanda Serock, Manager, Mr. Michael Schneider, Engineer, and Mr. Matt DiFilippo, Assistant to the Manager were also present.

Announcements

Chairman Huffman welcomed Valerie Hoxter to the Planning Commission. Valerie will fill the vacancy left by the resignation of Michael Ashmore for the term through 2018.

Approval of Minutes

Chairman Huffman's motion to approve the Planning Commission minutes of May 13, 2015 was seconded by Commissioner Singer and approved unanimously.

Old Business: SALDO Application: 4 Woodland Drive

Eric Janetka, Engineer representing the applicant, Mongiovi Orthodontics, 4 Woodland Drive, presented additional revisions in response to comments received by the Township engineer. He reviewed the particulars specifically citing the zoning district, lot size and business-type. He explained the purpose of the expansion to increase of patient flow and modernize the facility. He primarily reviewed landscaping additions. Chairman Huffman inquired about the stormwater management which was further explained by Mr. Janetka as well as Engineer Schneider, specifically, the movement of stormwater across the property, position and purpose of the rain gardens and volume of stormwater. Commissioner Hoxter inquired about whether or not the landscaping will provide year-round screening, which Mr. Janetka wasn't 100% sure about but would research and make changes to assure year-round screening prior to BOS submittal. Highway Occupancy Permit (HOP) requirements were discussed, specifically, not requiring an HOP permit for stop signs at each entrance because the current designation of the driveway will not change so no HOP permit is required. Mr. Janetka said he would reach out to PENNDOT for written confirmation that no HOP is necessary.

Debbie Reardon, Open Space, asked if a Fee-in-Lieu would be provided for the addition to the property. Chairman Huffman reported that the applicant is requesting a waiver from the Fee-in-Lieu. Mr. Janetka commented that the applicant is requesting a waiver because it's a minor change. Mrs. Reardon said that she'll ask the Board of Supervisors not to grant the waiver.

Chairman Huffman's motion to recommend approval of the preliminary/ final subdivision and land development application for Mongiovi Orthodontics at 4 Woodland Drive subject to the terms and conditions of the Pennoni Associates engineering review letter, Fee-In-Lieu requirements, subject to the provision of confirmation that an HOP is not required and subject to the Board of Supervisors satisfaction of granting the following waivers: preliminary/ final application submission and existing improvements to the cartway on Woodland Drive not be required, was seconded by Commissioner Singer and approved unanimously.

New Business: Informal Sketch, 1713 Wilmington Pike (Powell Site) – Subaru Dealership

Lee Stivale, counsel representing the applicant, presented an informal sketch plan of a proposed Subaru dealer at 1711 Wilmington Pike owned by Calvin Powell and Brandywine East, LP. The site is located in both Concord and Chadds Ford Township. The dealership would be in Concord Township and the entrance to the dealership with some of the parking lot would be in Chadds Ford Township. The particular zoning in Chadds Ford Township does not allow car dealerships at 1711 Wilmington Pike so the applicant would have to pursue a variance or petition for a zoning change. It was concluded that Mr. Stivale would have a conversation with the Township Solicitor to discuss the proper avenue to make application for said use. Manager Serock noted that the applicant's concept for car dealership would also require a special exception from Concord Township's zoning.

Old Business: Township Ordinance(s) Review, Noise

Chairman Huffman introduced the topic of the draft noise ordinance. The following public comments were made:

Roger Ayscough, Harvey Road, asked for clarification about the permit requirements which Chairman Huffman responded to by stating that permits will be issued unless there is opposition then a hearing would be held. Mr. Ayscough also inquired about sound meters which Manager Serock responded to stating that the Township does currently have a meter and is aware of better meters on the market. Commissioner Singer added that most likely there would surely be discussion if a permit application were made for multiple events.

Debbie Reardon, Talley Ho, Open Space Chair, commented that enforcement of noise seems cumbersome.

Samantha Reiner, Webb Road, Township Supervisor, commented on word usage, specifically the word variance and suggested using the word waiver, creating a special event permit so other aspects of an event could be incorporated like safety, tents, food and electrical issues.

Maurice Todd, Harvey Lane, provided a handout and presented his proposed changes to the draft ordinance, specifically, wording, definitions and subsequent interpretation. He also commented on a missing preamble in the particular draft being reviewed and defined the following terms: Leq, LAeq, A-weighted and LMax. He also commented on the importance of equivalent noise level rather than instantaneous readings as well as the World Health Organization's definitions of levels of noise tolerance. Other definitions that were discussed were pure tone and ambient sound.

Samantha Reiner, Webb Road, Township Supervisor, asked about home maintenance such as a commercial lawnmower and whether or not such activity would violate the proposed noise ordinance. Chairman Huffman clarified exceptions for such domestic and commercial activities. Commissioner Hoxter expressed concern over the times allowed for construction activity and requested they be more restrictive as in the previous ordinance.

Manager Serock commented that the times allowing noise at certain levels need to be considered relative to previous resolutions passed which allow certain businesses to hold activities as early as 7AM and as late as 10PM. Chairman Huffman responded that he would rather the Board of Supervisors give the time restraints consideration.

Manager Serock also commented in regards to Professor Everbach's recommendation at a previous meeting on types of noises listed in the ordinance versus not listing noise sources. Chairman Huffman and Commissioner Hoxter both agreed that they would rather have a listing because the listed examples are usually the problem and it may help clarify enforcement.

Manager Serock reviewed other sections within the draft noise ordinance, specifically, exemptions for emergency work, agricultural activities and consistency relevant to the Township's other hearing notifying procedures regarding notifying abutting landowners of special events for a waiver from noise violations.

Chairman Huffman's motion to recommend approval to the Board of Supervisors of the draft noise ordinance with the following changes being made: times determining construction noise in section 3.a.1 be changed to 7:00AM – 7:00PM Monday – Friday, and 9:00AM – 5:00PM, Saturday, not on Sundays or Holidays, the word variance changed to the word waiver in section 7.a, further consideration to decibel levels in table 1 and requiring notice to abutting neighbors and neighbors within 500 feet of permit applicants was seconded by Commissioner Singer and passed 2 – 1 with Commissioner Hoxter voting not to approve recommendation of the draft noise ordinance.

Commissioner Hoxter commented that she has fundamental opposition to the permitting sections of the ordinance and the length of time involved, specifically, granting an applicant a waiver for a small permit fee which would allow for noise levels otherwise prohibited for an entire year.

New Business: Township Ordinance Review, Floodplain

Manager Serock introduced the topic and stated that the state is requiring municipalities to update their floodplain ordinances. Engineer Schneider recommended a map change, too, because the Township's current Zoning text definitions conflict with the Zoning map.

Chairman Huffman's motion to table any recommendation of approval of the draft floodplain ordinance was seconded by Commissioner Hoxter.

New Business: Steep Slope Conservation

Manager Serock and Engineer Schneider briefly discussed what can be done with steep slopes by right or conditional use nad that they would prepare a draft ordinance for the next meeting.

New Business: Vice Chair of the Planning Commission and Historical and Architectural Review Board (HARB) Member

Chairman Huffman deferred the Vice Chair appointment.

Commissioner Hoxter's motion to appoint Chairman Huffman as a member of HARB was seconded by Commissioner Singer and passed unanimously.

Adjournment

Commissioner Singer's motion to adjourn the meeting at 9:15PM was seconded by Chairman Huffman and passed unanimously.

Respectfully submitted,

Matt DiFilippo
Assistant to the Manager