

Draft of 5/18/15

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Regular Meeting
Wednesday, May 6, 2015
6:00PM Public Hearings
7:00PM Regular Meeting

The regular meeting of the Chadds Ford Township Board of Supervisors was called to order on Wednesday, May 6, 2015 at 7:00PM. Two public hearings preceded the meeting at 6:00PM and 6:30PM. Chairman Frank Murphy, Vice Chairman George Thorpe and Supervisor Samantha Reiner were present. Ms. Amanda Serock, Manager, Mr. Hugh Donaghue, Solicitor, Mr. Dan Malloy, Engineer and Mr. Matt DiFilippo, Secretary were also present. A total of 35 people were present at the meeting.

Public Hearing: Ordinance 136, Stormwater Amendment, Chapter 105

A public hearing was called to order regarding the adoption of Ordinance 136, Stormwater Management Amendment, Chapter 105. A court reporter was present and official transcripts are available.

Bruce Prabel, Heyburn Road, inquired about aboveground and underground stormwater basins and the basis for stormwater calculations to which Engineer Malloy responded.

Tom Singer Heyburn Road, inquired if a homeowner with a lot of acres would be required to conduct a stormwater report, to which Engineer Malloy responded affirmatively.

Clark Hoffman, Painters Crossing resident and President of the Painters Crossing Homeowners Association, inquired about the specifics of the ordinance and cumulative accumulation of earth disturbance and impervious coverage to which Engineer Malloy, Solicitor Donaghue and Supervisor Reiner all responded citing sections of the ordinance.

Tom Comitta, Land Planner, inquired about the fees and expenses of the review of plans under the new ordinance.

Supervisor Reiner's motion to close the hearing was seconded by Vice Chairman Thorpe and passed unanimously.

Public Hearing: Ordinance 132, PBC-1 Text & Zoning Amendment to Permit Townhomes by Conditional Use (Brandywine Drive)

A public hearing was called to order regarding the adoption of Ordinance 132, PBC-1 Text & Zoning Amendment to Permit Townhomes by Conditional Use along Brandywine Drive. A court reporter was present and official transcripts are available.

Solicitor Donaghue introduced the ordinance. Tom Comitta, Land Planner, testified and explained both ordinance amendments, the first being the amendment which will allow townhomes on the property through the Conditional Use process and the second amendment which will control the design standards of the townhomes. The Board confirmed the advertisement of the hearing, and confirmed with the applicant that the hearing will be continued to a later date. Arterial streets and major roadways were discussed, specifically regarding the proximity of such a development to one or more arterial roads. The traffic and demographic studies were discussed and the additions of addendums to the reports and the reports being reviewed by Township professionals.

Supervisor Reiner's motion to continue the hearing prior to the June 3rd regular Board of Supervisors meeting was seconded by Vice Chairman Thorpe and passed unanimously.

Call to Order

Chairman Murphy called the regular meeting to order at 7:00PM.

Recognition of Keith Klaver

The Board of Supervisors with Colleen Morrone, Vice Chair, Delaware County Council, the Honorable Stephen Barrar, Pennsylvania Representative, and Ed Miles, Vice Chairman, Bethel Township, all commented and recognized Keith Klaver for his term of service to the residents of Chadds Ford Township. Chairman Murphy presented a proclamation from Senator Dominic Pileggi and a placard on behalf of Chadds Ford Township.

Approval of Minutes

Vice Chairman Thorpe's motion to approve the Workshop Minutes of March 25th was seconded by Supervisor Reiner and passed unanimously.

Supervisor Reiner's motion to approve the Regular Meeting Minutes of April 1st was seconded by Vice Chairman Thorpe and passed unanimously with the correction of a type-o on page 2.

Public Comment

Debbie Reardon, Tally Ho, announced that the Walkable Chadds Ford meeting to be held on May 20th at the Chadds Ford Historical Society has been postponed.

Nick Fuller, Webb Road, inquired about the Federal hearing concerning the Stonebridge property, 681 Webb Road. Solicitor Donaghue reviewed the history of the situation and confirmed that a Federal hearing is being held in Federal Court in Philadelphia and that the public is welcome to attend.

Supervisors' Report

Chairman Murphy reported holding an executive session prior to the regular meeting to discuss potential litigation.

Manager's Report

Manager Serock submitted a written report. She announced the following: Board vacancies on HARB, PC and Sewer Authority, an upcoming joint meeting between the Planning Commission and the Board of Supervisors on May 13th, and upcoming committee meetings and their respective agenda items.

Treasurer's Report

Secretary DiFilippo verbalized the submitted Treasurer's Report.

Supervisor Reiner's motion to approve general fund expenditures in the amount of \$172,558.69 was seconded by Vice Chairman Thorpe and passed unanimously.

Engineer's Report

Engineer Malloy submitted a written report. He briefly discussed the subdivision and land development application for Mongiovi Orthodontics and various other site inspections performed by Pennoni Associates.

Old Business: Ordinance 136, Amending Chapter 105, Stormwater Management

Supervisor Reiner's motion to adopt Ordinance 136, Amending Chapter 105, Stormwater Management, as advertised, was seconded by Vice Chairman Thorpe. Engineer Malloy explained the purpose of the amendment. Motion passed unanimously.

Old Business: Ordinance 135, SALDO Text Amendment, Chapter 110-52, EIA

Supervisor Reiner's motion to advertise Ordinance 135 was seconded by Vice Chairman Thorpe and passed unanimously.

Old Business: Authorization to Advertise Ordinance 134, Business District Text Amendment to Allow an Assisted Living Facility

Solicitor Donaghue reported that the proposed ordinance amendment submitted by the applicant, Ed Morris, is a discretionary matter for the Board without any time constraints. Both density and parking were briefly discussed. Definitions for an Assisted Living Facility and language within the proposed amendment were discussed. It was also discussed that the applicant should return to the Planning Commission as a result of the amendment and the County's newest review letter. Chairman Murphy clarified with Solicitor Donaghue that if the ordinance is authorized to advertise a public hearing will still be held.

Chairman Murphy's motion to authorize the advertisement of Ordinance 134 to allow Assisted Living Facilities in the Township's Business Districts (B) was not seconded. The motion was not upheld.

It was confirmed that Solicitor Donaghue would work with the applicants solicitor to amend the language in the proposed ordinance and the applicant would return to the Planning Commission.

Old Business: Ordinance 132, PBC-1 Text and Zoning Amendment to Permit Townhomes by Conditional Use (Brandywine Drive)

Chairman Murphy reported that the hearing has been continued to June 3rd at 6:00PM.

Old Business: Resolution 2015 – 13, 432 Webb Road Subdivision and Land Development

Solicitor Donaghue introduced the resolution and previous issue with the resolution pertaining to the historic preservation aspect of the resolution, and confirmed that the applicant agrees with the spirit of the resolution.

Supervisor Reiner's motion to approve Resolution 2015-13, 432 Webb Road Subdivision and Land Development was seconded by Chairman Murphy.

During discussion of the motion, Vice Chairman Thorpe expressed his concern of the possible historic significance of the property in relation to the rearguard retreat during the Battle of Brandywine, September 11, 1777. He urged that a metal detector be used on the site prior to any earth disturbance activities. Solicitor Donaghue proposed an amendment to allow such activity at the cost of the applicant. The segregation of artifacts was discussed. Michael Gill, applicant for the attorney, stated that no ordinance or statutory basis for the condition being imposed to conduct a historical survey exists. He said the applicants were amenable to a non-invasive study, and ultimately entitled to the subdivision of their property. Gail Force, Southpoint, Dennis Henry, Webb Road and Debbie Reardon, Tally Ho, all expressed interest in finding and documenting artifacts relative to the Battle of Brandywine that took place on September 11, 1777.

Supervisor Reiner's motion to amend her previous motion to adopt Resolution 2015-13, 432 Webb Road Subdivision and Land Development, to include an inspection including a metal detector, and to grant a waiver for street trees was seconded by Chairman Murphy and passed unanimously.

Old Business: Resolution 2015 – 14, 1711 Wilmington Pike Subdivision and Land Development

Mike Lyons, attorney for the applicant, discussed the application and history of the application. The following items pertaining to the property and the application were discussed: percolation tests for the stormwater requirements, the cesspool and future connection to public sewer as they pertain to the inter-municipal agreement between Chadds Ford and Concord Townships, compliance with fencing and buffering, and the lease.

Supervisor Reiner's motion to approve resolution 2015 – 14, 1711 Wilmington Pike Subdivision and Land Development for Concord Auto Body was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: Authorization to Advertise Ordinance 137, Amending Chapter 19, Manager

Supervisor Reiner's motion to authorize the advertisement of Ordinance 137, Amending Chapter 19, Manager, was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: Application for Massage Establishment License Renewal, 1290 E. Baltimore Pike, Oh La La Massage

Supervisor Reiner's motion to approve the renewal of Oh La La Massage, 1290 Baltimore Pike, was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: Brandywine Valley Scenic Byway Commission Intergovernmental Cooperation Agreement

Supervisor Reiner's motion to approve the Brandywine Valley Scenic Byway Commission Intergovernmental Cooperation Agreement was seconded by Vice Chairman Thorpe and passed unanimously.

Committee Reports

Chairman Murphy briefly reviewed committee reports that had been submitted, and announced the joint meeting between the Planning Commission and the Board of Supervisors on May 13th at 5:30PM.

Public Comment

Vice Chairman Thorpe announced the Brandywine Battlefield's encampment day on May 16th and invited the public.

Vince Mancini, attorney representing Rocco D'Antonio, 1281 Baltimore Pike, asked that his client be awarded a grading permit to continue grading activities on his property, 1281 Baltimore Pike, in response to the stop-work order issued by the Township to his client. The history of the project was discussed, including the original permit issued and how it was issued as a temporary permit. The fill material on the site was also discussed as it appeared to not be clean fill. It appears that the project may be a landfill business being operated in a residential district. Rob King, Ring Road, Bruce Prabel, Heyburn Road, Paul Koch, Baltimore Pike and Noelle Barbone, Bellefair Lane, all expressed concern about the following related to the grading activities at 1281 Baltimore Pike: steep slopes, the fill not being clean and including construction materials, and polluting the Harvey Run stream. Chairman Murphy asked Solicitor Doanghue to further discuss the situation with the applicant's attorney, Vince Mancini.

Adjournment

Chairman Murphy's motion to adjourn at 9:37PM was seconded by Supervisor Reiner and passed unanimously.

Respectfully submitted,

Matt DiFilippo, Secretary