

Draft of 10/22/15

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Meeting
Thursday, October 8, 2015
7:00PM

Call to Order

The regular meeting of the Chadds Ford Township Board of Supervisors was called to order at 7:00PM. Chairman Frank Murphy, Vice Chairman George Thorpe and Supervisor Samantha Reiner were present. Ms. Amanda Serock, Manager, Mr. Hugh Donaghue, Solicitor, Mr. Daniel Malloy, Engineer and Mr. Matt DiFilippo, Assistant to the Manager were also present. A public hearing for draft Ordinance 141, Steep Slopes, preceded the meeting at 6:00PM. Ten (10) people from the public were present.

Public Hearing: Ordinance 141, Steep Slopes

The regular meeting was preceded by a continuation of a public hearing concerning draft Ordinance 141, Steep Slopes. A court reporter from Media Court Reporters was present, and transcripts are available.

Rocco D'Antonio, Baltimore Pike, commented that management of steep slopes should be up to the landowner, and opposes the ordinance.

Motion

Supervisor Reiner's motion to adopt Ordinance 141, Steep Slopes, was seconded by Chairman Murphy.

Discussion

Supervisor Reiner commented on the number of Delaware County, Chester County and Lehigh County municipalities with steep slope ordinances citing examples where there is no differentiation between man-made and naturally occurring steep slopes, continuing that her belief was that Chadds Ford Township's draft is in good shape for adoption.

Chairman Murphy commented that he appreciated Mr. D'Antonio's remarks.

Vice Chairman Thorpe commented that the ordinance is good and similar to what the Township has had in the past, and that netting out steep slopes for development purposes is important.

The motion passed 2-0-1 with Vice Chairman Thorpe abstaining from the vote, and Ordinance 141, Steep Slopes, was adopted.

Approval of Minutes

Vice Chairman Thorpe's motion to approve the Workshop minutes of August 26th was seconded by Supervisor Reiner and passed unanimously.

Supervisors' Report

Chairman Murphy announced that prior to tonight's hearing and meeting all three Supervisors met, and that he and Vice Chairman also met on October 1st to discuss potential litigation.

Vice Chairman Thorpe commented that the use of balloons on signage is not allowed in the Township. He noted that he continually sees them being used on the weekends and that they are detrimental to the environment and sight distance. Chairman Murphy commented that maybe the Township needs to look at its sign provisions.

Chairman Murphy announced that it was Manager Serock's 1 year anniversary with the Township as Manager and he thanked her for her outstanding service. He also announced the upcoming Pumpkin Carve event at the Historical Society, and mentioned the success of recent events—Chadds Ford Days and the Brandywine Battlefield remembrance memorial.

Manager's Report

Manager Serock submitted a written report. She expressed gratefulness for the opportunity to be the manager of the Township and working with the community, committees, the Board and the professionals. Manager Serock continued announcing upcoming committee meetings and agendas, specifically, CERT on October 22nd with special guest Ed Kline from Delaware County, Open Space on October 8th had been cancelled due to tonight's re-scheduled meeting, Planning Commission on October 14th will discuss the SALDO application received by the Henderson Group to complete the Hillman Drive extension, and the Zoning Task Force on October 27th and their continued discussion of residential zoning throughout the Township. She ended announcing that the Civic Association will be hosting a roadside cleanup on Saturday, October 10th at 8AM.

Treasurer's Report

Assistant DiFilippo presented the Treasurer's Report. A written report and hardcopies of the Township's financial status for the month of September were provided by Manager Serock.

Vice Chairman Thorpe's motion to approve General Fund expenditures in the amount of \$345,550.57 was seconded by Supervisor Reiner.

Discussion

Supervisor Reiner inquired about the amount of expenditures and why it was so much this month. Manager Serock responded that a payment in the amount of \$175,000 was received from Carlino Development for the infrastructure fund last month for the Brandywine Mills project and that money is now being taken out of the General Fund and will be deposited into the Infrastructure Fund.

The motion passed to approve General Fund expenditures in the amount of \$345,550.57, unanimously.

Supervisor Reiner's motion to approve the release of escrow in the amount of \$500.00 on behalf of Keepsake Lane HOA for grading work completed at the entrance to the development was seconded by Vice Chairman Thorpe and passed unanimously. The entire amount of the escrow will be retained by the Township for unpaid engineering bills.

Engineer's Report

Engineer Malloy submitted a written report. He announced the following: a survey was conducted on Carriage Path Lane with Manager Serock to correct inlets on the lane; he worked on the steep slopes and noise ordinances; reviewed the SALDO application submitted by Harrier LLC for lot line changes on Oakland Road; reviewed an escrow release for David Dodge; and, conducted construction inspections at Brandywine Mills and Audi as well as reviewed four different grading permits and overseeing a septic site inspection at Rocky Hill Road. He also said that he's had continued interaction with the DEP regarding the proposed footbridge along the Harvey Run Trail project.

Vice Chairman Thorpe's motion to approve escrow release request #1 in the amount of \$153,752.85 to David Dodge was seconded by Supervisor Reiner.

Discussion

Chairman Murphy asked if the remainder of the escrow left with the Township, \$34,167.30 would be enough to cover punchlist items. Engineer Malloy responded affirmatively citing tree plantings, as-built plans and parking lot corrections would be covered by the remaining escrow.

The motion for escrow release request #1 for David Dodge was passed unanimously.

Vice Chairman Thorpe's motion to approve escrow release request #9 for Brandywine Mills in the amount of \$802,549.26 was seconded by Supervisor Reiner.

Discussion

Chairman Murphy asked if enough money remained to cover completion of the project, and Engineer Malloy responded affirmatively.

Old Business: Ordinance 141, Steep Slopes

Chairman Murphy discussed the procedures and how the ordinance had been adopted earlier at the end of the public hearing.

New Business: Authorization to Advertise Ordinance 139, Noise

Supervisor Reiner's motion to authorize the advertisement of Ordinance 139, Noise, was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: Authorization to Advertise Ordinance 139-A, Special Events

Supervisor Reiner's motion to authorize the advertisement of Ordinance 139-A, Special Events, was seconded by Vice Chairman Thrope.

Discussion

Chairman Murphy commented that the permit needs adjustments and more public comment. He continued, that it's a stand-alone ordinance and doesn't need the county's review.

Motion passed unanimously to authorize the advertisement of Ordinance 139-A, Special Events, when the final draft is ready.

New Business: Authorization to Advertise Ordinance 142, Intergovernmental Cooperation Agreement – The Delaware Valley Health Trust

Supervisor Reiner's motion to authorize the advertisement of Ordinance 142, Intergovernmental Cooperation Agreement for the Delaware Valley Health Trust was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: SALDO Application, Grace Development, Harrier, LLC, Lot Line Change for three Parcels on Oakland Road

Mike D'Ignazio, solicitor representing the applicant, Harrier, LLC, and their SALDO application for a lot line change for parcels on Oakland Road, commented on discussion with the Township's Alternate Solicitor Mike Maddren regarding the creation of a non-conforming use if SALDO application were to be approved and the lot lines were changed citing, ultimately, it was a pre-existing, non-conforming use and will still be a non-conforming use, and that the house on the property in question will be demolished.

Supervisor Reiner's motion to approve the SALDO application submitted by Harrier, LLC, for lot line changes to parcels on Oakland Road was seconded by Chairman Murphy.

Discussion

Vice Chairman Thorpe inquired about the purpose of the lot line change as in what's the property being prepared for or what will be built and how will it benefit the Township. Mr. D'Ignazio responded that the applicant is exercising their constitutional rights and the purpose is to create a 7 acre lot and sell it to a commercial buyer, ultimately, changing the lot lines to conform with current zoning boundaries. Mr. D'Ignazio continued that the agreement of sale calls for a 7-acre lot.

Supervisor Reiner commented that if the applicant grants the easement the Township's Planning Commission requested in the motion to recommend the application to the Board then there will be less impact on Oakland Road, but if the applicant doesn't grant the easement then Oakland Road will be impacted with whatever development happens.

Mr. D'Ignazio responded that agreeing to the easement is an encumbrance to the title and breach with the seller.

The motion was tabled, an extension was granted by the applicant, and the Board agreed to place the application as the first item on the Workshop agenda, October 28th.

New Business: HARB Certificate of Appropriateness, 1631 Baltimore Pk., Falconidae (J. Grace)
Supervisor Reiner's motion to approve HARB's recommendation for a Certificate of Appropriateness for the sign at 1631 Baltimore Pike was seconded by Vice Chairman Thorpe and passed unanimously.

New Business: 364 Wilmington Pike, Springwater Plaza, Sewage Facilities Planning Module
Manager Serock explained the procedures of the application and that Springwater Plaza wants to convey approximately 2,500 gallons of its sewage to Concord Township. The application is available for public inspection at both municipalities and has been advertised. No action is required at this time. Supervisor Reiner inquired when the comment period would end, which Manager Serock confirmed 30 days.

New Business: ZHB Applications, October 21st, 1713 Wilmington Pike, Subaru, and 681 Webb Road, Barnabei

Solicitor Donaghue described the applications in front of the Zoning Hearing Board at their October 21st meeting, a proposed Subaru dealership at 1713 Wilmington Pike and the Barnabei's at 681 Webb Road. Solicitor Donaghue continued that he will represent the Township at the meeting for comments regarding the Subaru dealership and to defend the Township's position regarding the relief sought for 681 Webb Road. Manager Serock confirmed an inquiry from Vice Chairman Thorpe that all required neighbors would be notified of the ZHB hearings by the ZHB Solicitor, Frank Sbandi.

Committee Reports

Valerie Hoxter, Strategic Advisory Committee, asked for authorization to hold a second Comprehensive Plan meeting to invite the public in November. Chairman Murphy and Supervisor Reiner both expressed support and asked Ms. Hoxter to choose a date in November.

Public Comment

Alan Horowitz, High Ridge Road, commended the Strategic Advisory Committee for pursuing the Comprehensive Plan, but inquired if enough was being done to let the public know that they are willing to participate in the development of the plan. Chairman Murphy responded that the public has been welcomed and is continually encouraged to participate. He continued that it's the

Township's goal to involve the public and the committees rather than just a land planner and the Planning Commission. Mr. Horowitz followed up that he wants to make sure that the project is properly publicized and articulated correctly so as not to exclude anyone from the meeting. Supervisor Reiner added that the appointed Township Land Planner, Tom Comitta, has represented 80+ municipalities over the years and has written upwards of 50 Comprehensive Plans and has been able to develop a process that works for communities involving Township committees, and in turn, the residents of the communities.

Alan Horowitz, High Ridge Road, also expressed concern over the Subaru Dealership and how neighboring Township's decisions could adversely affect Chadds Ford Township. Chairman Murphy responded that past committee members of Chadds Ford Township have been appointed to report on neighboring Township's activities.

Rob Gurnee, Top of Oaks, expressed concern over speeding issues down Smithbridge Road. Manager Serock responded that she would reach out to the PA State Police, Troop K.

Susan Darrell, Brintons Bridge Road, expressed concern over speeding along Brintons Bridge Road. Manager Serock ensured she would also address this road with the Birmingham Police Department.

Supervisor Reiner confirmed that the draft of the preliminary budget provided to the Board would be the preliminary budget up for adoption at the next meeting in November, with the final budget being adopted at the December meeting. Manager Serock confirmed.

Adjournment

Supervisor Reiner's motion to adjourn the regular business meeting at 8:30PM was seconded by Vice Chairman Thorpe and passed unanimously.

Respectfully submitted,

Matt DiFilippo, Assistant to the Manager