

Draft of 5/31/2013

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Workshop  
Monday, April 29, 2013  
3:30PM

Officials Present:

Deb Love, Chair  
George Thorpe, Vice Chairman  
Keith Klaver, Supervisor  
Judy Lizza, Manager  
Hugh Donaghue, Solicitor  
Joe Mastronardo, Engineer  
Matt DiFilippo, Secretary

Call to Order

Chair Love called the Workshop to order at 3:33PM.

Approval of Minutes

The approval of the 4/1/13 Workshop minutes were deferred to the June 4 Workshop.

Public Comment

Bruce Prabel, Heyburn Road, announced that he will be audio-taping the Workshop.

Bruce Prabel, Heyburn Road, asked the Supervisors for clarification of the Loop Road Overlay Zoning District, specifically the objective and what it will encompass in terms of property and what's included in the Overlay.

Mr. Jack Michel & Diane McCarthy, 138 Beaver Valley Road, expressed their concern regarding neighboring development in the Township of Concord on property owned by Woodlawn Trustees. Mr. Michel introduced himself, related his history in Chadds Ford Township, and presented the proposed plans for development on Beaver Valley Road by Woodlawn Trustees. Mr. Michel reported the formation of the Beaver Valley Conservancy and Save the Valley, two groups both with concerns about the scope and impact of Woodlawn's idea to develop their land on Beaver Valley Road. Some of those concerns are traffic, stream impact on Beaver Creek and the Brandywine, architectural integrity, light pollution, economic impacts, the area's history and historic site declaration, and the total amount of land Woodlawn plans to develop. Mr. Michel reported that he also contacted the Department of the Interior. Mr. Michel asked Chadds Ford Township to take their portion of Beaver Valley Road back from the State of Pennsylvania and close the road, from the point of view that the road is a part of the historic Brandywine Battlefield site.

Supervisor Klaver asked for clarification as to how to take back Beaver Valley Road from the State, and reminded Mr. Michel that the development is in the Township of Concord.

Mr. Michel responded that taking back the road would require an agreement between the State, Township and the Park Service; furthermore, Mr. Michel reported that there is a new Pennsylvania State Law that a Township has standing to participate in its neighboring Township's development plans if the Township feels that such plans may impact its Township, passed January 2013.

Vice Chairman Thorpe reported that the Township tried to close Beaver Valley Road in the past, and it didn't happen, and he's not sure how it would happen today.

#### Comcast Contract

Solicitor Donaghue reported that nothing's changed in the way of a consortium forming for a Comcast Contract audit review lead by Dan Cohen, and that four municipalities in Delaware County have joined the consortium: Thornbury, Edgmont, Middletown and Norwood.

Supervisor Klaver reported that he met with Dan Cohen at the PSATS conference and he changed his mind pertaining to the cost benefit of joining the consortium. Supervisor Klaver now thinks the Township should join the consortium, not sign the Comcast Contract and work with Dan Cohen.

Vice Chairman Thorpe requested more information and would like to see an analysis of the benefits.

Supervisor Klaver asked Manager Lizza to send the email that was sent to him by Dan Cohen to Vice Chairman Thorpe.

#### Tree Policy

Solicitor Donaghue reported that the copy of the latest draft of 4/16/13 of the proposed tree resolution has added written language suggesting that if a property owner has provided written documents from a "tree organization," such as the International Society of Arborists or the Board of Certified Masters, that possess a broad range of knowledge pertaining to tree removal and decay, than no action would be necessary to remove a tree in question if that were the case.

Supervisor Klaver requested a more informal approach rather than a resolution, and that it would be nice to have an expert on tree removal on the side of the Township.

Solicitor Donaghue advised that if it's going to be an official policy than it should be made mandatory and enacted as a resolution or ordinance; furthermore, the issue could be considered case by case (or, tree by tree).

Vice Chairman Thorpe requested a legal standing on the policy of removing trees from the right-of-way and whether or not this would be the Township's responsibility or a homeowner's if the tree falls into the right-of-way from a private residence or vice versa.

Solicitor Donaghue recommended that no duty is imposed on the Township to inspect trees; however, if the Township sees danger than the Township will take action and notify the private residence of the tree that appears decaying or in danger of falling.

Vice Chairman Thorpe discussed PECO, Verizon and Comcast's policies dealing with fallen trees, specifically PECO pertaining to interruption in service.

Solicitor Donaghue reported that a particular expert in the field offered to speak to the Board and it was agreed to invite this particular professional to the next workshop. There was concurrence among the Board regarding being proactive in tree removal if a tree appears to be in danger of falling.

### Land Development

Engineer Mastronardo summarized what Township appointed Land Planner Ray Ott presented regarding the proposed Loop Road Overlay Zoning District. He mentioned that the Overlay is in its infancy stages and was originally proposed by K. Hovnanian Homes to promote the general welfare for Township residents, and that the Overlay is in line with the Township's Comprehensive Study. The proposed Overlay is to encompass 217 acres from Brandywine Drive and just beyond Hillman Drive. Engineer Mastronardo emphasized that it's an Overlay proposal; however, current zoning conditions will still exist.

Chair Love clarified that if a business wants to come in under the current zoning if an Overlay were to be enacted than they could still do so.

The name of the Overlay had been discussed and there was concurrence that the Overlay proposal should be called the Neighborhood Commercial Overlay rather than the Loop Road Overlay to avoid sending the wrong message that the Loop Road would be completed. The proposed Overlay is not intended to complete the Loop Road or any roads rather allow mixed-use zoning, specifically, residential developments within the existing commercially-zoned districts. Engineer Mastronardo ensured that institutional, traffic, design and standard controls can be established within the proposed Overlay.

Chair Love clarified that the branding of the proposal as the Loop Road Overlay sent the wrong message since there is no plan to complete the Loop Road; additionally, she asked Engineer Mastronardo to clarify the boundaries of the proposed Overlay.

Engineer Mastronardo reported that the proposed Neighborhood Commercial Overlay District will encompass Route 202 from Brandywine Drive beyond Hillman Drive to the PECO property and down Baltimore Pike to the Painter's Crossing Condominium entrance.

Bruce Prabel, Heyburn Road, asked for further clarification of the Overlay and expressed his concern as to no change in the current zoning so what's the need for an Overlay. He also expressed concern over "Big Box" stores building at the intersection of 202 and 1 if an Overlay is enacted, and questioned why can't K. Hovnanian Homes apply for a variance.

Solicitor Donaghue responded that the Overlay would allow additional uses in the area that current zoning doesn't allow. He also stated that the ordinance can be written with dimensional and setback requirements and manipulated to include or exclude certain aspects.

Manesh Wari, Estates at Chadds Ford, Evergreen, expressed his concern pertaining to the general welfare of Township residents specifically the increase in traffic and pollution. He also asked what kinds of traffic studies have been done and what effect would a loop road have on current residents, specifically, Estates at Chadds Ford residents.

Engineer Mastronardo reminded the audience that the proposed Overlay does not also propose the completion of the Loop Road or any other road, and that a number of traffic studies have been done in

and around the Route 202 and 1 intersection. He also reported that PENNDOT has recommended the completion of the Loop Road for the last four years to relieve current traffic conditions at the intersection.

Joanne Kaiser, Estates at Chadds Ford, asked if development can be reviewed as it comes up.

Solicitor Donaghue explained spot-zoning and how it's not wise and concurred with the Township appointed Land Planner's conclusions based on the Comprehensive Plan and future projections.

Kevin Pen, Estates at Chadds Ford, expressed his concern pertaining to increased traffic.

#### Road Program

Engineer Mastronardo reported that a road survey has been conducted and that Oakland Road needs to be addressed, specifically paving and drainage. The budget was discussed as well.

#### 537 Plan

Engineer Mastronardo reported that a task activity report had been distributed to the Board. Supervisor Klaver reported two issues: a sewage management plan regarding septic systems and private plants. Engineer Mastronardo added that the DEP doesn't want private plants closed rather municipally controlled.

#### Hoffman Road

Supervisor Klaver reported that the Brandywine River Museum is preparing for their 50<sup>th</sup> Anniversary and would like to take control of Hoffman Road.

Vice Chairman Thorpe discussed traffic patterns if Hoffman Road is dedicated to the River Museum, and the need to make it a one way road between Station Way and Creek Road because of the lack of visibility at Hoffman Mill Road and Creek Road.

Supervisor Klaver responded that the River Museum wants to keep it a two way road.

There was discussion about only allowing River Museum maintenance vehicles to travel both ways on the road in the future. **Engineer Mastronardo was asked to visit the site and give the Board his opinion.**

#### Metro PCS

Engineer Mastronardo reported that Metro PCS has met initial obligations and will draw from its escrow, but that they still need to address some landscaping issues.

#### Rocco D'Antonio – 1281 Baltimore Pike

Engineer Mastronardo reported that field reports have been submitted and they correspond properly with all billing. The Board concurred that Mr. D'Antonio must reimburse the Township for generated engineering bills.

#### ARLE

Engineer Mastronardo reported that the Township would receive a \$45,000 ARLE grant due to previous Manager Joe Barakat's application. Manager Lizza will send a thank you letter to Mr. Barakat, and he will be invited to the next regular meeting to be recognized for his efforts. Engineer Mastronardo reported that work could be done on Springhill Drive with the money.

Woodlawn Trustees, Beaver Valley Road, Township of Concord

There was discussion about Woodlawn Trustees development of Beaver Valley Road in neighboring Township of Concord. Chair Love expressed interest in being updated on the project as a neighboring Township. Solicitor Donaghue reported that under certain circumstances if a development in a neighboring Township poses a danger to the health, safety and welfare of the Township then the Township can participate and possibly have a standing in the process.

Township Investments and Financial Matters

Supervisor Klaver expressed concern over Township investments in Money Market accounts rather than Certificates of Deposits and recommended a task force to help with Township investing.

Chair Love responded that she doesn't think a task force is necessary.

The Township legal and engineering budgets were discussed as well as the Township's rock salt inventory at the Township of Concord.

The Township's insurance policy and renewal was discussed.

The Planning Commission and Open Space Commission's recommendations for the Fee in Lieu Fund were discussed.

Supervisor Klaver asked Solicitor Donaghue if it was appropriate to discuss the LST and BPT procedures and status in Executive Session and Solicitor Donaghue agreed.

Adjournment

Upon motion and second (Klaver/ Thorpe) the Workshop was adjourned at 5:30PM.

Respectfully submitted,

Matt DiFilippo, Secretary