

**CHADDS FORD TOWNSHIP**

Minutes – Board of Supervisors

**August 1, 2001**

***The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, August 1, 2001. The meeting was called to order at 7:35 P.M. Present were Harvey L. Kliman, George M. Thorpe and James E. Shipley. Also present were Solicitor Donald T. Petrosa and Keith Lieberman of Kelly Engineers.***

**PUBLIC COMMENT - None**

**STATE POLICE REPORT- No Report**

**APPROVAL OF MINUTES**

Mr. Thorpe motioned, Mr. Shipley seconded, and the Board approved the Minutes of the July 5, 2001, meeting.

**Reports**

**Supervisors - Mr. Kliman delivered his Chairman's Report (see attached).**

**Treasurer**

Account balances as of July 31, 2001:

State Funds:

v Checking	\$284.99	
v Savings	<u>\$657.98</u>	\$ 942.97

Township Funds:

v Checking	\$146,267.75	
v Savings	\$ <u>34,555.74</u>	\$180,823.49
<u>Escrow Fund:</u>		<u>\$408,253.63</u>
Total		<u>\$590,020.09</u>

Certificates of Deposit opened December 12, 2000 – 14 months @ 6.50%:

Township Fund	\$ 65,978.48
Building Fund	\$102,443.61
Sewer Fund	\$ 7,111.13
Land Trust	\$ 10,000.00

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Treasurer (cont.)

Money Market opened December 12, 2000 – 30 days @ 6.05%:

Township Fund \$ 51,160.56

Total Certificates of Deposit/Money Market \$236,693.78

TOTAL ALL FUNDS \$826,713.87

Receipts for the month of July 2001:

General Fund:

Treasurer of Delaware County – trans. Tax	\$16,546.25
Treasurer of Delaware County – del. Tax (2 months)	2,986.04
District Court – fines	400.00
Commonwealth of PA – State Police Fines	1,320.07

Charles J. Weigold	6,888.10
√ \$5,399.51 – Twp.	
√ \$1,337.30 – Fire	
√ \$ 121.25 – Int. Twp.	
√ \$ 30.04 – Int. Fire	
Richard J. Jensen	4,472.50
√ \$3,250.00 – BP	
√ \$ 747.50 – ZP	
√ \$ 175.00 – PP	
√ \$ 300.00 – GP	
SEO	2,100.00
√ \$500.00 – McGovern & Co.	
√ \$500.00 – Dewson Construction Co., Inc.	
√ \$500.00 – Brandywine Conservancy	
√ \$300.00 – Terrence A. Tobias	
√ \$300.00 – Berlin Construction	
Planning Module – Nancy Louise Hoffman	353.64

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Treasurer (cont.)

Engineering	23,688.65
√ \$ 348.38 – Martin Smith	
√ \$12,835.44 – Chadds Ford Plaza	
√ \$ 153.62 – Montchanin (Sheer)	
√ \$ 68.63 – Harper	
√ \$ 702.90 – Blanton	
√ \$ 6,709.64 – Wawa #2	
√ \$ 2,180.76 – Children’s Hospital	
√ \$ 448.64 – Henderson Lot #11	
√ \$ 240.64 – Henderson Lot #12	

Legal	2,685.00	
v \$ 362.50 – Wawa #2		
v \$ 12.50 – Children’s Hospital		
v \$ 845.00 – Henderson Lot #11		
v \$1,465.00 – Henderson Lot #12		
Chadds Ford Township Escrow Funds – ZHB (Grace,III)	475.33	
Richard Newton – appeal fee	300.00	
Sales of Maps & Ordinances	<u>236.00</u>	
Total Receipts – General Fund		\$62,451.58
Interest – General Fund	92.27	
Interest – State Fund	1.15	
Interest – Money Market	<u>149.58</u>	
<u>Escrow Fund:</u>		
Richard Newton – GP	700.00	
Anthony & Sylvan Pools Corp. – GP (Papas)	700.00	
Richard Newton – appeal	<u>700.00</u>	
Total Receipts – Escrow Fund		<u>2,100.00</u>
TOTAL RECEIPTS		<u>\$64,794.58</u>

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Bills presented for payment August 1, 2001:

<u>General Fund:</u>	
Chester Water Authority	\$254.14
PECO	745.62
v \$156.05	
v \$451.43	
v \$138.14	

PECO	99.58
Verizon (phone and fax)	101.23
AT&T	.14
Petrikin, Wellman, Damico, Brown & Petrosa	2,337.50
Kelly Engineers	14,784.02
Chadds Ford Township Sewer Authority	2,333.33
Shurgard of Painter's Crossing	169.00
Ehrlich	59.00
Daily Times	148.56
Spotts, Stevens and McCoy, Inc.	2,480.75
Martin Bros. Excavation	715.00
Charles J. Weigold	823.50
Tree Medic	1,050.00
Interstate Road Marking Corp.	947.32
Caruolo Associates, Inc.	1,895.00
Fronefield and de Furia	1,444.00
Susie Ahlstrom	60.00
Harvey L. Kliman	125.00
George M. Thorpe	125.00
James E. Shipley	125.00
George M. Thorpe – Roadmaster	75.00
Richard J. Jensen	4,363.32
Richard J. Jensen – phone	50.18
Richard J. Jensen – postage	3.15
Richard J. Jensen – Brandywine Dr. inspections	227.50
Richard J. Jensen – Henderson Lot #2	227.50
Richard J. Jensen – Barnaby's site meeting	87.50
Richard J. Jensen – Giunta inspections	87.50
Rocklyn Construction Co., Inc. – pump	327.46
Gail G. Force	1,041.67
EarthLink, Inc.	17.95
AOL	<u>26.95</u>

Total Bills – General Fund  
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\$37,358.37

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Mr. Shipley motioned, Mr. Thorpe seconded, and the Board approved the bills as presented subject to the Roadmaster's approval of road bills. Roadmaster Thorpe approved the road bills.

## **Roadmaster – Mr. Thorpe presented his Roadmaster's Report (see attached).**

### **Planning Commission**

Mr. Reiter read the Minutes of the July 25, 2001, Planning Commission Meeting.

### **Zoning Hearing Board**

Ed Wandersee reported on a hearing held July 18, 2001, to hear the application for Wawa at Dilworthtown Road requesting six variances; i.e., front yard variance; rear yard variance; location of trees and shrubs relative to the rear property line; height of a free-standing sign on Route 202; the size of the brick base as a percentage of the total free-standing sign on Dilworthtown Road; and use of Wawa's goose logo on the building. All requests for these variances were approved with the condition that the Wawa goose logo would be the same color as the outside of the building and would not be a contrasting color.

### **HARB – no report**

### **Sewer Authority**

Jim Murray reported that as of today the Chester Water Authority had agreed to install a water line to Longview and close a loop at Woodland. They have provided plans with a copy to Kelly Engineers.

The Plant is operating fine. The Authority will be filing for a grant for DCDC funds. There was a failed septic system on Marshall Road and one residential unit that was never tied into a plant. This will be corrected.

The Sewer Authority approved a Resolution for tie-in fees for \$11,900.00. This project will start mid-August and will take between 150 and 160 days for completion.

Mr. Murray has received information from Henderson that they have permitted Mr. Bunch to tie into their plant, at least temporarily.

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## **Building Inspector/Code Enforcement Officer**

Mr. Jensen reported the issuance of the following permits during the month: 1 pool, 2 signs, 1 plumbing, 1 commercial alteration, 1 commercial alteration (denied), and 1 grading (Hoffman's Mill Road). One Certificate of Occupancy for a new business and four for completed permits were issued.

Keith Lieberman supplied Mr. Jensen with a copy of a letter from Sunoco regarding the lighting; however, there was no date mentioned for correction of these issues.

Mr. Kelly and Mr. Jensen met during the month at Barnaby's to list outstanding items for completion. The list includes trees, grading, trash enclosure, and basin completion. Some erosion has taken place and has prevented water from reaching the basin. There is sufficient escrow on deposit to cover these items. Mr. Lamarra was present and asked about shielding of the lights. Mr. Jensen stated that because of trees, lights are difficult to see right now and possibly we will need to wait another six to eight weeks before we can determine what is needed.

Mr. Jensen will handle the sign violation at the Psychic Reader on Route 202.

## **Engineer – Mr. Lieberman reported:**

Henderson (Lot#2) – A final inspection conducted this month revealed two discrepancies; a stormwater management drainage pipe needs to be grouted in place, and a cutsheet for additional lighting that has been installed must be

provided to Richard Jensen.

Wawa (Dilworthtown) – A review and comment letter for this Applicant's third submission of the preliminary land development plans has been completed. The plans still contain unresolved items, the most important of these is sewage disposal. The plan will be revised and the Applicant is further evaluating its sewage disposal plans.

Kid's First – At the General Contractor's request, a site meeting was held today to discuss final discrepancies. With regard to landscaping, dead trees need to be replaced. Accumulated debris in the stormwater management basin needs to be removed. The Contractor agreed to resolve these outstanding discrepancies.

Bunch Auction House – The Planning Commission recommends, with conditions, approval of the preliminary/final land development plans.

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Brandywine Plaza – A meeting held this month revealed several stormwater inlets require repair. The General Contractor said that he will make the necessary repairs to the inlets. The expected installation of the water main is toward the end of September.

Mr. Kliman mentioned that the Postmaster is unhappy with the name "Brandywine Drive" because there is a "Brandywine Street", in Elam, but it is within the area of delivery of the Chadds Ford Post Office and may cause some confusion. There is also some confusion with Painters Drive or Boulevard (off Brandywine Drive), so Mr. Kliman suggested the Postmaster contact the Developers (Ciccarone and Henderson).

Mr. Thorpe mentioned to Mr. Lieberman that at a PennDOT meeting today, Lenni Electric questioned what we wanted them to do with the signal at Brandywine Drive. State law permits a yellow-flash for up to five days, at which point the light must be operational or shut down. Mr. Thorpe advised them that we would not want the light to be operational until the road was ready because it would encourage drivers to use it. He asked Mr. Lieberman to let us know when the road will be

ready so we can notify Lenni. Mr. Jensen's best estimate of when the road would be ready was two months.

Hoffman's Mill Road – Kelly Engineers has completed the construction plans for the Conservancy, who is seeking an erosion and sedimentation permit from the Township for construction of the improvements in September. The right-of-way dedication plan and legal descriptions have been submitted to the Solicitor for processing.

2001 Road Program – A summary of probable costs following a preliminary evaluation of the roads for this year's program was submitted. Mr. Lieberman suggested if there was going to be a delay in deciding what is to be included, we may want to hold funds for next year. Mr. Thorpe stated that there are some roads that will not wait until next year. Mr. Thorpe will review and re-evaluate and advise Mr. Lieberman so documentation for the road program can be processed.

Heyburn Road Storm Drainage – A meeting was held with Mr. and Mrs. Mueller, Phil Robber, and Donald Denton concerning easements to be granted for the storm drainage project. The residents seemed to be willing to grant the easements. We are proceeding with PaDEP in the permitting process including wetlands delineation. Legal descriptions for the proposed easements are being drafted.

SEO Activity Report (see attached report for the period July 1 through 31, 2001).

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## **Solicitor**

Comcast – We received notice from a Bonding Company that Harron's Bond was not being renewed. Upon review of our contract, Mr. Petrosa notified the cable company that a \$50,000.00 bond must be maintained. We have received a new bond.

Cable Franchise Negotiation – There is another meeting scheduled for August 8, 2001, in Mr. Petrosa's office.

Giunta Zoning Hearing Applications – A Zoning Hearing has been scheduled for August 15, 2001. One application is for a sign, and the second is for a change of use for the house on the adjoining property from a single family to commercial/professional. This is an historic dwelling. The Board voted to send Mr. Petrosa to oppose both the sign application, because of the lack of details provided in this application, as well as to oppose the change of use for the second application. Mr. Kliman asked Mr. Petrosa to remind this Applicant that there is an outstanding lighting issue that remains to be addressed.

Chadds Ford Plaza – There was a meeting at Mr. Petrosa's office regarding a Developer's Agreement. Someone in his office is working on this Agreement; however, Mr. Petrosa did not know the status of the Agreement.

Heilman Sunoco (right turn lane) - Mr. Kliman asked the status of the Heilman Sunoco matter. Mr. Petrosa has not yet received an appraisal.

## **Open Space Committee**

Mr. Wandersee, although no longer a member of the Open Space Committee, reported that without a quorum on August 9, 2001, no meeting was held and no official action was taken. There was discussion between the public and membership concerning the pending Open Space and Resource Protection Amendments and how they need to be modified based on the input to date to more truly reflect the needs of the Township. When Mr. Kliman asked if he had any idea when these Amendments will be ready, Mr. Wandersee suggested he contact Holly Harper.

## **Property Planning Workgroup**

Mr. Thorpe read the recommendation for work done to date on the Turner's Mill property: *The Chadds Ford Township Property Planning Workgroup has reviewed the history of Turner's Mill property and building, with stated purposes under which it was obtained, and has discussed numerous options for its future use. In keeping with our*

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Property Planning Workgroup (cont.)

*Mission Statement, we recommend that Turner's Mill be retained, its historic facade preserved, and its historic setting be conserved with minimal intrusions. It is recommended that a suitable tenant, preferably a single tenant, be sought for use of the building. We further recommend that Chadds Ford Township obtain funds to renovate the building; and, if necessary, sensitively enlarge the building to accommodate a tenant and the potential Chadds Ford Township needs for a large meeting room, storage of records, and minimal office space. We recommend that renovations be done to keep the building as historically correct as possible externally, including design compatibility between the existing structure and any addition; but not where economic, safety, and modernization to today's needs will be compromised. Internal construction should meet present-day needs. We recommend that this Workgroup continue to pursue a suitable tenant based on its knowledge of details of the site and potential interested tenants. This was agreed upon by Jim Duff, John Milner, Phyllis Nolan, Ed Wandersee, and George Thorpe.*

The next meeting of this Workgroup will be held on August 2, 2001.

The Board of Supervisors would like the Workgroup to continue.

## **OLD BUSINESS**

Township Renumbering – There are still some necessary revisions to this plan that was submitted to the Board members previously. The Board members need to review this plan and Mr. Kliman suggested he may need to have a meeting with a representative of Kelly Engineers.

Concerts at Olde Ridge Village – Mr. Kliman stated that there are no provisions for such activities in our Ordinance. He felt they should not have proceeded without notification from the Township and that no response does not mean approval. Until the Supervisors' next meeting, these concerts have been proceeding with a temporary set of eight conditions as listed by Mr. Kliman in a letter to Mr. Anthony Pileggi; i.e., (1) Concerts to be held only during summer months, June through September, in the area by the tent pad; (2) Hours approximately 6:30 to 8:30 P.M. or dusk; (3) No alcoholic beverages permitted; (4) Area to be cleared of patrons by

9:00 P.M.; (5) No sales of any kind will be permitted; (6) No special lighting effects will be permitted (strobes, lasers, or the like); (7) Any amplified musical instruments, or speaker systems, will be used such that none of the neighbors are disturbed by the sound. If complaints are received from the neighbors, then the Board will consider them seriously and may prohibit the use of amplified sound; and (8) Any signs pertaining to concerts must conform to Township regulations. Mr. Thorpe felt it was going to be something very difficult to control. Mr. Jensen stated that concerts are not a permitted accessory use and our Solicitor agreed.

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### Concerts at Olde Ridge Village (cont.)

Our Solicitor will call and write to Mr. Pileggi advising that he and our Zoning Officer have conferred that concerts are not an accessory use.

Henderson (sign law suit/Knights Bridge treatment plant) – The Henderson Group still believes they should be permitted to have a sign in the middle of Hillman Drive and they continue to appeal decisions rendered to date in this matter. Mr. Jensen was informed by Rich Phillips this afternoon that Henderson may be accepting sewage at their plant for Mr. Bunch, who would grant an easement for a sign for Henderson. Henderson would still need to go before the Zoning Hearing Board because this would be an off-premise sign. Mr. Bunch stated that he feels that Henderson's representative is here this evening to further stonewall his project; and, unless Henderson is willing to give him an unconditional tap in to their sewage plant, there would be no further discussion of sewage. Mr. Bunch was in attendance, hopefully, to receive approval of his plan.

Hoffman's Mill Road – Mr. Thorpe approved the proposed changed right-of-way as shown on the plan submitted, subject to final legal Deed of Dedication from the Conservancy and vacation of a portion of the right-of-way. Because all of the construction is on Brandywine Conservancy property, it was felt that construction could begin. A Deed of Dedication from the Conservancy, with an attached Legal Description, will need to be accepted at the next meeting. A vacation of a portion of the right-of-way requires notification of adjoining property owners (in this case it may be the Conservancy itself), and an advertisement for adoption of an Ordinance. Mr. Shipley motioned, Mr. Thorpe seconded, and the Board authorized Mr. Petrosa to place the legal advertisement that the Board will consider for

enactment a proposed Ordinance vacating a particular portion of Hoffman's Mill Road. Louise Saunders, of the Delaware County Planning Department, stated that she believes this requires a Comprehensive Plan Amendment and submission to the Delaware County Planning Department.

## **NEW BUSINESS**

Bunch Auction – Tom Schocklin of Brandywine Valley Engineers represented this Applicant asking for final approval of these plans. There is a possibility that this Applicant will be able to connect to the Knight's Bridge treatment plant; however, if this does not materialize, an on-lot system will be used. Mr. Bunch will be installing antique light poles with new fixtures on top, and he agreed to shield the lighting along the perimeter of Route 202 and Hillman Drive. Mr. Bunch advised that a landscape berm was discussed with the Engineer and he would be agreeable to adding the berm and some additional low-growing shrubbery along Route 202. Mr. Bunch confirmed that no business will be conducted outside of this building and there would be no sound system outside.

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Representing Henderson, Jo-Ann Frazier, Esquire, stated that because of their substantial investment in the office campus, there are concerns about water run-off onto their property. Our Engineer recommended that Mr. Bunch be permitted to connect to Henderson's stormwater system and the Supervisors were in agreement. Ms. Frazier will relay this message to Henderson. She asked about the care and maintenance of the gravel areas of the parking lot and striping of the paved areas, and questioned whether parking be sufficient so there will be no overflow parking on Hillman Drive. This plan meets our Ordinance requirements relative to parking. Mr. Kliman assured Ms. Frazier that parking is not permitted on Hillman Drive. The Board members had no objection to "No Parking" signs within the right-of-way on Hillman Drive if that becomes necessary.

Mr. Thorpe motioned, Mr. Shipley seconded and the Board approved the preliminary/final land development plan for Bunch Auction House dated 6/1/01, last revised 8/1/01, subject to: (1) berming and screening of the parking lot along Route 202 with an improved landscape plan to be approved; (2) parking all vans and trucks behind the building (including signage directing truck parking to the rear); (3) shielding of perimeter lighting; (4) Planning Module approval; (5) directional signs

at the exit of the parking lot; and (6) resolution of the outstanding items in Kelly Engineers' July 23, 2001, review letter.

Brandywine Drive (loop road) Dedication – This matter was deferred until September. Mr. Kliman did comment that this is the best built road in the Township; however, PennDOT is not interested in accepting this road for dedication.

Henderson directional signs – A proposal was received from Joseph Damico, Esquire, who represents Henderson; however, it does not appear to accomplish anything for Henderson. This matter was deferred until September.

Animal Control – The issue of the Township retaining an Animal Control Officer has been raised. Mr. Petrosa will research the State Dog Law and provide a model ordinance; however, he did state there are problems enforcing the same.

Richard Newton Appeal – Presently there is an addition under construction to expand the house. They have an existing garage but intend to build another garage and are requesting permission to connect the two garages. A lengthy discussion followed because the Supervisors have concerns that this could become a living unit. The Applicant agreed to install pull-down stairs instead of a set of stairs, and also agreed to build fake dormers. Mr. Jensen did comment that when the Building Code changes, this would be permitted. Mr. Kliman motioned, Mr. Shipley seconded and the Board approved this appeal conditioned upon installation of pull-down stairway instead of stairs, fake dormers, and agreement to have Township inspections upon request.

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## **ADJOURNMENT**

The meeting was adjourned at 12:10 A.M. on August 2, 2001.

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Gail G. Force, Secretary