

## **CHADDS FORD TOWNSHIP**

Minutes – Board of Supervisors

***September 5, 2001***

***The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, September 5, 2001. The meeting was called to order at 7:30 P.M. Present were Harvey L. Kliman, George M. Thorpe and James E. Shipley. Also present were Solicitor Donald T. Petrosa and James C. Kelly of Kelly Engineers.***

### **PUBLIC COMMENT**

Herb Keating asked for an update on the address re-numbering project. Mr. Kliman advised that the maps have been revised and the Board will be discussing this month, make changes to update, and move on to the process of adoption. He stated that there is a question of delivery on Old Orchard which will need to be taken up with the Postmaster. Mrs. Keating stated that all residents of Old Orchard would like to have Old Orchard Lane addresses and not Bullock Road. David Ingram agreed.

Lauren Parsons, a resident of Southpoint, asked if the Township was aware of sewage odor problems at Southpoint. After being advised that there has always been an odor problem, she was given the name of the Sewage Enforcement Officer for the Township.

Rob King asked if PennDOT has finished with improvement work at Ring Road and Route 1 because there is a problem with buses not having enough room to turn from Route 1 on to Ring Road. Mr. Thorpe will contact PennDOT.

**STATE POLICE REPORT- No Report**

# APPROVAL OF MINUTES

Mr. Shipley motioned, Mr. Thorpe seconded, and the Board approved the Minutes of the August 1, 2001, meeting.

## Reports

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

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## **Treasurer**

Account balances as of August 31, 2001:

### State Funds:

|            |                    |              |
|------------|--------------------|--------------|
| v Checking | \$ 284.99          |              |
| v Savings  | <u>\$53,945.21</u> | \$ 54,230.20 |

### Township Funds:

|            |                     |              |
|------------|---------------------|--------------|
| v Checking | \$147,463.27        |              |
| v Savings  | <u>\$ 34,644.94</u> | \$182,108.21 |

### Escrow Fund:

\$413,153.63

Total

\$649,492.04

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 |

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

Township Fund \$51,302.22

Total Certificates of Deposit/Money Market \$236,835.44

TOTAL ALL FUNDS \$886,327.48

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Receipts for the month of August 2001:

General Fund:

|  |              |
|--|--------------|
| Treasurer of Delaware County – trans. Tax          | \$20,191.45  |
| Treasurer of Delaware County – del. Tax (2 months) | 487.77       |
| District Court – fines                             | 837.77       |
| Commonwealth of PA – SEO reimb.                    | 202.08       |
| Comcast – quarterly payment                        | 6,535.10     |
| Richard J. Jensen                                  | 3,198.25     |
| √ \$2,075.00 – BP                                  |              |
| √ \$ 866.25 – ZP                                   |              |
| √ \$ 117.00 – PP                                   |              |
| √ \$ 100.00 – GP                                   |              |
| √ \$ 40.00 – C/O                                   |              |
| SEO  | 500.00       |
| √ \$500.00 – Losco (Lanchester Soil Consult.)      |              |
| Engineering  | 4,532.22     |
| √ \$ 251.25 – Henderson SD                         |              |
| √ \$ 410.00 – Henderson – 3 lots                   |              |
| √ \$1,256.88 – Wawa #2                             |              |
| √ \$2,283.09 – Henderson – Lot #2                  |              |
| √ \$ 331.00 – Warren Blanton                       |              |
| Legal  | 836.50       |
| √ \$ 62.50 – Wawa #2                               |              |
| √ \$774.00 – Henderson Lot #2                      |              |
| Leonard C. Giunta – ZHB                            | 300.00       |
| Pettinaro Construction – LD (Ramada Inn)           | 850.00       |
| Sales of Maps & Ordinances                         | <u>84.70</u> |

Total Receipts – General Fund 38,555.84

|                         |               |
|-------------------------|---------------|
| Interest – General Fund | 89.20         |
| Interest – State Fund   | 14.50         |
| Interest – Money Market | <u>141.66</u> |

Escrow Fund:

|                                   |               |
|-----------------------------------|---------------|
| Leonard C. Giunta – ZHB #2        | 700.00        |
| Pettinaro Corp. – LD (Ramada Inn) | 3,500.00      |
| Brandywine Conservancy – GP       | <u>700.00</u> |

Total Receipts – Escrow Fund 4,900.00

State Fund:

|                                   |                  |
|-----------------------------------|------------------|
| Commonwealth of PA – Liquid Fuels | <u>53,272.73</u> |
|-----------------------------------|------------------|

TOTAL RECEIPTS \$96,973.93

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Bills presented for payment September 5, 2001:

General Fund:

|  |           |
|--|-----------|
| Chester Water Authority                    | \$792.00  |
| PECO                                       | 745.62    |
| √ \$156.05                                 |           |
| √ \$451.43                                 |           |
| √ \$138.14                                 |           |
| PECO                                       | 89.13     |
| Verizon (phone and fax)                    | 90.91     |
| AT&T                                       | 60.06     |
| Petrikin, Wellman, Damico, Brown & Petrosa | 2,375.00  |
| Kelly Engineers                            | 12,837.29 |
| Chadds Ford Township Sewer Authority       | 2,333.33  |
| Chadds Ford Township Sewer Authority       | 3,181.83  |
| Shurgard of Painter's Crossing             | 169.00    |
| Ehrlich                                    | 59.00     |
| Daily Times                                | 565.92    |

|                                |              |
|--------------------------------|--------------|
| Merit Court Reporting Services | 1,165.50     |
| Martin Bros. Excavation        | 1,495.00     |
| Levis & Pinto                  | 25.00        |
| Levis & Pinto                  | 3,166.13     |
| Howard F. Horne – tax refund   | 28.59        |
| 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              | 3,151.87     |
| Richard J. Jensen – phone      | 88.20        |
| Gail G. Force                  | 926.59       |
| EarthLink, Inc.                | 17.95        |
| AOL                            | <u>28.90</u> |

Total Bills – General Fund \$33,902.82

Mr. Shipley motioned, Mr. Thorpe seconded, and the Board approved the bills as presented.

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## **Roadmaster**

Mr. Thorpe delivered the Roadmaster’s Report (see attached).

## **Planning Commission**

The Secretary highlighted items discussed at the August 29, 2001, meeting.

## **Zoning Hearing Board**

Mr. Wandersee reported that the Chadds Ford Development, LLC, hearing, originally scheduled for August 15, 2001, is now scheduled for November 19,

2001. The subjects are a sign variance and a use variance, from residential to commercial, for a property at the corner of Route 1 and Heyburn Road.

## **HARB – no report**

### **Sewer Authority**

Mr. Kliman announced that Mr. Murray has been hospitalized for a fall from a ladder. Secretary Bonnie Taylor reported that the Sewer Authority recommended that the Board of Supervisors consider revision of the Act 537 Plan to reflect the expansion of public sewer service, west on Ridge Road to Heyburn Road, including Ravens Crest. Construction of the Longview/Summit/Woodland sanitary sewer extension began on Monday, August 27, 2001.

Mr. Shipley stated that he accepted the recommendation for revision of Act 537 Plan.

Mr. Thorpe asked Mrs. Taylor to relay the message that with winter approaching, the roads involved in the sewer extension project need to be kept in a condition to allow for snow removal. Mrs. Taylor will advise the Project Engineer.

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

Mr. Jensen reported the issuance of the following permits during the month: 3 plumbing, 7 sign, 2 grading, 1 demolition, 1 new roof, 1 home, and 1 commercial alteration. Two Certificates of Occupancy for new businesses and five for completed jobs were issued. Seven enforcement notices were issued, most of which have been resolved.

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### **Engineer**

Wawa (Dilworthtown Road) – The Planning Commission recommended approval of the preliminary land development plans, subject to addressing engineering review comments and satisfactory sewage facilities.

Bunch Auction House – A revised Preliminary/Final Plan, addressing all Planning Commission and engineering comments, was submitted on August 21, 2001. The sewage issue has not been resolved because PA DEP has not approved the Planning Module. It will be necessary for all parties to meet with DEP to resolve the outstanding questions about sewage disposal and water supply.

Hoffman's Mill Road – A pre-construction meeting was held on Tuesday, September 4, 2001. Construction is scheduled to begin sometime next week.

2001 Road Program – Three bids were received and opened on September 4, 2001. The low bidder, Joseph E. Sucher & Sons, bid \$120,702.60, which was below Kelly Engineer's estimate of \$131,943.00. A tabulation of all bids was submitted. Mr. Kelly recommended awarding the contract to Sucher. Mr. Thorpe motioned, Mr. Shipley, and the Board voted to award the 2001 Road Program Contract, in the amount of \$120,702.60, to Joseph E. Sucher & Sons.

Heyburn Road Storm Drainage – Legal Descriptions for the easements have been drafted and will be submitted to our Solicitor for inclusion in the Easement Agreement with the affected property owner. Mellon Biological Services has completed the wetland study of the area and has determined that no wetlands will be affected by this project.

Heilman Sunoco (Routes 1 and 202) – The lighting has been reduced on this site and Mr. Kelly has received a lighting layout showing circuits. If there is further concern, Sunoco would be advised to shut off certain circuits to lessen the intensity under the canopy at the pumps. The Supervisors will visit this site.

SEO Activity Report (see attached report for the period August 1-31, 2001)

A discussion followed regarding Dr. Giunta's property at Route 1 and Heyburn Road. Mr. Jensen explained that the alarm on this holding tank was activated and it was pumped two times. Dr. Giunta advised that this was caused by excessive use by one of his tenants, and that has been corrected.

## **Open Space Committee – no report**

## **Property Planning Workgroup – no report**

### **OLD BUSINESS**

Wawa, Inc. (Dilworthtown Road) – Joseph Brion, Esquire, representing Wawa, explained that the Planning Commission had recommended approval of this preliminary plan with conditions. Public water is now available to this site. They are seeking preliminary plan approval and input from the Board of Supervisors regarding moving forward with the proposed sewage connection. Mr. Irons, Bohler Engineering, displayed a sketch plan showing the proposed sewer connection to the Cherry Farms development (Thornbury Township) and ultimately processed by the Concord's Treatment Plant on Route 322. Both Concord and Thornbury Townships are revising their Act 537 Plan; and, if this connection were permitted, Chadds Ford Township would also have to revise our Act 537 Plan.

The question was raised about the turning radius for delivery trucks entering from Route 202. Mr. Irons assured that the 35-foot radius was sufficient.

Mr. Shipley motioned, Mr. Thorpe seconded, and the Board approved this preliminary land development plan dated October 30, 2000, last revised June 26, 2001, including the recommendation that this Applicant investigate the public sewer opportunity that appears to be available to the site, via Cherry Farms, that could include at least the three properties immediately south of the Wawa site; and subject to the outstanding items in Kelly Engineers' August 29, 2001, review letter including: (1) Final satisfaction of the Fire Marshall for location of the storage tanks and a permit from PA DEP; (2) Discussion with Chester Water Authority regarding location of a fire hydrant on Dilworthtown Road; (3) Addition of a note on the plan for future location of sidewalks that Wawa agreed to install at the Township's discretion; (4) Resolution of sewer issue; and (5) Submission of an abbreviated Environmental Impact Assessment to the satisfaction of our

Township Engineer.

## **Solicitor**

Chadds Ford Development, LLC (Giunta) – Mr. Petrosa reported that the Zoning Hearing Board has re-scheduled these hearings for September 19, 2001, at 7:00 P.M. The Applicant is requesting a sign variance and a use variance for a property at the southeast corner of Route 1 and Heyburn Road. Pat Scott, Esquire, representing Dr. Giunta,

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### Chadds Ford Development, LLC (Giunta) (cont.)

described their request for variances. It is Dr. Giunta's intent to restore this historic house, which is presently zoned R-2, and is requesting a commercial use. Mr. Petrosa explained that because this application is not very specific, rather very broad based, it is more a request for a zoning change. Mr. Kliman suggested that a solution might be to look at adaptive use of historic structures and create an Ordinance that would allow limited professional use for historic structures. Dr. Giunta asked that if he were to narrow the use, with details of an established business, would the Board look more favorably upon this Application. Mr. Shipley recommended that he return with a specified use that would be the only approved use, more like a residence; and, if changed, Dr. Giunta would have to return for approval. Dr. Giunta will revise his application.

With regard to the sign variance, they are proposing to place a wooden identity sign in the parking lot; however, they exceed what is permitted by our Ordinance, because there is an existing free-standing sign used by Best of Italy.

Unless Dr. Giunta revises these applications and requests an extension, the Board will send our Solicitor to this hearing to oppose both applications.

Daly vs. Board of Supervisors and Richard J. Jensen – A Complaint was filed following Mr. Jensen's denial to issue a Building Permit for a deck addition at Barnaby's (now Kopy Kats) location because his interpretation was that this would require land development. A hearing has been scheduled for September 24, 2001;

however, the attorney for the Applicant would like the opportunity to meet with the Board in Executive Session to discuss possible resolution of the matter.

Bancroft Homes – Mr. Petrosa has received a Letter of Credit, signed Developer’s Agreements, and signed Improvement Security Agreements; therefore, all the agreements and the plans are ready to sign.

## **NEW BUSINESS**

Concord One Associates (Ramada Inn) – Mr. Kelly explained that this plan, also submitted to Concord Township, has only 21,000 square feet in Chadds Ford Township, a portion of which is to be dedicated to PennDOT. Their Engineer was advised that signature blocks would need to be provided for both Townships. Mr. Thorpe motioned, Mr. Shipley seconded, and the Board approved this plan dated April 23, 1999, last revised July 19, 2001, subject to revision of plan to include signature blocks for both Concord Township and Chadds Ford Township, and subject to both notes of dedication being revised to show dedication to the State of Pennsylvania.

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Brandywine Conservancy – Timothy Barnard, Esquire, is representing the Conservancy with regard to presentation of some proposed changes they would like to make to their properties; i.e, renovations to the Environmental Center and Milner buildings; replacement of the maintenance facility to raise it above the flood plain with a smaller 48-foot high building with two cupolas at 65 feet; replacement of the “Blue” building to raise it above the flood plain with a new 37-foot high building; and an addition to the Museum for delivery and storage. Following replacement of the maintenance and “Blue” building, the original buildings will be razed. No additional staff is intended and no expansion of use is proposed, with the exception of some additional gallery storage space for the Museum. They are proposing construction of 26 pervious parking spaces, on Stationway Road across from the Township Building, for both their use and use by the Township. There are several zoning issues and extension of the special exception for the Museum. Realizing that the Board members were very concerned about the height of the proposed structures, Mr. Barnard stated that there are existing non-conformities and explained

that the dilemma is, in order to replace with facilities with less impact on the flood plain, the height exceeds what is permitted. Mr. Barnard will return with revised sketches to show alternative ways to accomplish their goals. It was also mentioned that there is a possibility that the Conservancy would reverse subdivide its properties to combine them into one.

Henderson (Flagpole) – Richard Phillips (Henderson) requested permission to install a 35-foot high flagpole, at 100 Painters Drive, to fly a 6' by 10' American flag illuminated by three ground mounted, shielded lights, shining upward. Mr. Shipley motioned, Mr. Thorpe seconded, and the Board approved the flagpole providing the lighting is shielded and that it is used to fly only an American flag.

Animal Control – Mr. Kliman stated that this issue has come up several times in the last few years. If we designate an Animal Control Officer, he will have the ability to respond to animal complaint and disposal calls as well as put down an injured deer, which the State Police will not do. Mr. Kliman asked the Board members to consider adopting a Resolution next month that would designate an Animal Control Officer. Mr. Petrosa has requested a sample Ordinance from Parkside Township and will review the State laws for Animal Control.

Birmingham Township Comprehensive Plan – Mr. Kliman explained that the recent controversy over Birmingham Township's Comprehensive Plan was because they designated a street on their plan to cut through private property (Goodman) in Chadds Ford Township to connect South New Street with Oakland Road. They were looking to simplify the intersection at Dilworthtown by closing the end Birmingham Road making this intersection a normal intersection, eventually to be signalized. Medium density housing was also proposed in our Township to make Dilworthtown a pedestrian village. Last November, Mr. Kliman and Mr. Thorpe discussed this with Mr. Sheara,

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Birmingham Township Comprehensive Plan (cont.)

Chairman of Birmingham Township, and their Planner, and it was their recollection they expressed the opinion that they were opposed to any additional traffic on Oakland Road and no new road in Chadds Ford. They did state that they felt the other features of their plan; i.e., simplifying the intersection, having some consideration for a more pedestrian type village, all seemed reasonable. However,

when the plan came up for approval and there was an outcry from residents both of Birmingham and Chadds Ford, Mr. Kliman wrote a letter to the Birmingham Supervisors stating that we were opposed to cutting a new road to Oakland Road and that several attempts had been made to slow down traffic on Oakland by installing stop signs at Webb and Harvey Roads. The public outcry caused them to postpone approval of the plan. Mr. Sheara wrote a very harsh letter to Mr. Kliman, because he had a totally different recollection of the discussions last November.

Ms. Darrel asked to discuss the re-zoning at the southeast corner of the intersection of Oakland and Brinton's Bridge Road. She was under the impression that 14 years ago this property was designated to be kept as open space by our Township, and now Birmingham Township has this designated as medium density housing on their Comprehensive Plan. The Supervisors responded that this is not the case and that Birmingham Township cannot designate zoning on a Chadds Ford Township property. Mr. Kliman will respond to Birmingham Township. The Solicitor of Birmingham Township, Mr. Brion, confirmed that their Supervisors agreed to participate in discussions with a representative of each area.

## **ADJOURNMENT**

**The meeting was adjourned at 10:50 P.M.**

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Gail G. Force, Secretary