

Chadds Ford Township Board of Supervisors Meeting
April 1, 2004
MINUTES

OFFICIALS PRESENT: George M. Thorpe, Chairman
Deborah Love D'Elia, Vice Chairman
Garry Paul, Member
Hugh A. Donaghue, Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Thorpe called the meeting to order at 7:05 PM. The Pledge of Allegiance was recited.

Mr. Thorpe pointed out the emergency exits.

PUBLIC COMMENT – CHADDS FORD RESIDENTS

Mr. Thorpe responded to a question from Fred Reiter, Atwater Road, as to what had prompted the change in time and date of the Board meeting. The rescheduled date was the result of an attempt to accommodate the schedules of the Supervisors and a proposed continuation of the Toll Brothers PRD application hearing.

Mrs. Love D'Elia announced a change in the May Board of Supervisors meeting to Thursday, April 29, 2004.

Mrs. Reardon asked if there had been any update from officials at PennDOT concerning the situation at the corner of Heyburn and Ridge Roads. Mr. Thorpe had not heard anything, but will personally contact PennDOT.

STATE POLICE REPORT

There was no report available.

APPROVAL OF MINUTES – March 3, 2004

Mrs. Furlong had prepared and circulated minutes of the March 3, 2004 meeting of the Board of Supervisors for review and comment.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF MARCH 3, 2004

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved the minutes of March 3, 2004, with a revision by Mr. Paul.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that on March 22, 2004, he, Garry Paul and Township Engineer Jim Kelly had met with members of the Sewer Authority and representatives of the Sewer Authority's Engineer to discuss sewage issues within the Township.

On Tuesday, March 30th, members of the Board of Supervisors had met with representatives of Commerce Bank regarding various financial possibilities of Township

projects.

Mr. Thorpe reported a complaint regarding the traffic light at the entrance/exit of Painter's Crossing Condominiums and had investigated the situation. Cars often pull past the stop limit, thus the light does not trip.

Mr. Kelly indicated that he did not recall the timing, but that he would check the permit and also suggested placing a sign at the appropriate spot that would cause the light to trip.

Mr. Thorpe had received a letter and flyers from State Representative Stephen A. Barrar concerning new state and federal voting regulations. Mr. Paul added that seminars currently are being conducted to update poll workers as to the new regulations.

Mr. Thorpe announced that the Chadds Ford Civic Association had volunteered to distribute the pamphlet "When It Rains It Drains" on behalf of the Township by enclosing it in the next mailing of the Association's newsletter.

On Thursday, March 25, 2004, the three Supervisors, three representatives from Spotts, Stevens and McCoy (engineering firm for the Sewer Authority), Jim Murray and Vince DelRossi had met to discuss sewage and some personnel issues.

The Township had received a notice from Delaware County Emergency Services announcing the need to formulate an Emergency Operations Plan and provide same to Delaware County and eventually the state. Along those lines, the Board was planning the formation of a Safety Committee within the Township, to be composed of various Township officials, to review the guidelines provided and draft a EOP within the next three months. Adoption of a resolution regarding the Emergency Management Coordinator will be place on the April 29th agenda.

TREASURER'S REPORT

Mrs. Furlong reported the following balances as of March 31, 2004:

Total all deposits to General Fund:	\$	96,258.56
Total disbursements General Fund:	\$	63,996.57
Total disbursements Escrow Fund	\$	6,793.18
including the following interest checks:		
DiSabatino Landscaping	\$	98.18
Henderson/Carrabba's	\$	105.85
Antimo/Enzo's South	\$	105.85
An-Rob/Best of Italy	\$	18.04
Cash Account Balance	\$	894,761.51

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (D'Elia, Paul), the Board of Supervisors voted to approve the Treasurer's Report for March, 2004, and authorized payment of bills in the amount of \$ 63,996.57, as listed in the Disbursement Report dated March 31, 2004, conditioned upon the verification that a \$ 1719.00 credit to be issued the Township by Kelly Engineers.

ROADMASTER'S REPORT

Bruce Prabel presented the Roadmaster's report for the month of March, 2004, a copy of which follows. Mr. Wenrich was unable to attend. At the suggestion of Mr. Kelly, Mr. Donaghue suggested adopting an ordinance to establish no parking zones on Brandywine Drive. This matter is to be placed on the April 29th agenda.

PLANNING COMMISSION

Mr. Taylor reviewed minutes of the Planning Commission meeting of Wednesday, March 10, 2004, a copy of which follows.

ZONING HEARING BOARD

Mr. Wandersee reported that the Board had meet on Wednesday, March 17, 2004, for a continued hearing on the application of Ronald and Marie Brittingham, and additional hearings on Devon Tile, the Brandywine Conservancy/Kuerner Farm, Sovereign Bank and two applications of James Bergin. A copy of Mr. Wandersee's report follows.

Mr. Jensen reported on a situation at the Maxwell residence concerning the discovery of an existing shed that had been placed outside the building envelope in an area that was out of compliance with Township ordinances. The property owners had filed a variance application to allow the shed to remain as placed. Mr. Jensen suggested that there were other areas on the property where the shed might be located that would comply with zoning requirements. Mrs. Love D'Elia questioned Mr. Jensen on any hardship that might exist. Mr. Jensen could not report any. Mrs. Love D'Elia and Mr. Thorpe opposed the variance request; Mr. Paul did not. Since the majority of members opposed the application, Mr. Thorpe directed the Township Solicitor to attend the Zoning Hearing Board meeting on behalf of the Township.

HARB

Mr. Jensen stated that nothing had come before the HARB Board during the month of March.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for the month of March, 2004, which included a comprehensive report from the Sewer Authority's engineer, Angelika Forndran. Copies of both reports follow.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported as to the number of permits that had been issued during the month of March, 2004. A written report reflecting same had been distributed to the Supervisors.

TOWNSHIP ENGINEER

Mr. Kelly had no formal report, however, he did report that a seventy-five page ordinance had been drafted regarding the Chester Creek Ordinance and incorporating other Township stormwater regulations. The Township secretary was authorized to place the necessary legal advertisement to allow for eventual adoption.

OPEN SPACE COMMITTEE

Mrs. Debbie Reardon presented the March, 2004 report of the Open Space Committee. A copy of the report follows.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that members of the Committee had meet on Friday, March 5, 2004, to review three proposed designs for the sign at Mother Archie's church and made a final selection.

Mrs. Love D'Elia reported that Senator Pileggi's office had contacted her regarding the possibility of a \$10,000 grant to be used for something that would be tangible and evident this year. Mr. Wandersee suggested that the Township Properties Committee discuss the matter further.

Mr. Thorpe reported that the Turner's Mill project had been discussed at a meeting with Commerce Bank representatives and that he, architect John Milner and Richard Jensen had met to discuss the Turner's Mill project. Mr. Milner reported on the status of the application that had been submitted to the Department of Licenses and Inspections. Mr. Jensen and Mr. Milner will further work on the "sticks and bricks" aspect of the design.

FINANCIAL ADVISORY BOARD

Mrs. Love D'Elia reported that the FAB had not met, but that she had monitored the Township audit. The state report had been compiled and mailed prior to the April 1st deadline. A management letter will be forthcoming from Merves, Amon and Barsz at some point after April 15th.

RACHEL KOHL COMMUNITY LIBRARY

Mrs. Sandie Paul, Kohl Community Library Board representative from Chadds Ford, presented a report on activities at the library during the month of March. A full copy of the report follows. Mrs. Love D'Elia congratulated Mrs. Paul on presenting what may be the first ever library report in the history of Chadds Ford Township. Mrs. Paul will report quarterly.

OLD BUSINESS

Mr. Donaghue reported that the Best of Italy Zoning Hearing Board appeal had been amicably settled with Mr. Jensen being instrumental in suggesting a proposal to resolved parking and land development issues.

As to the status of the Grace/Ridge Road subdivision, Mr. Donaghue reported that Mr. Kelly had suggested holding the signature plans until a stormwater management plan is filed and further advised that the Township will require the applicant to enter into a development agreement. Mr. Thorpe asked if anything had been found to reflect a restriction on subdivision of the Grace property, an issue that had been raised at a prior meeting. Although no one could remember such a restriction, Mr. Donaghue stated that the burden of proof was on the party who had raised the issue, and since no information had been provided, the matter was moot.

NEW BUSINESS

REFLECTION SALON & SPA MASSAGE LICENSE APPLICATION

Mrs. Love D'Elia recused herself from all discussion involving Reflections Spa & Salon. Mr. Thorpe greeted Ms. Rebecca Doyle, present in the audience, who had applied to be licensed as a massage therapist in Chadds Ford Township. Mr. Thorpe asked Ms. Doyle if she had any comments to make. Mr. Jensen had received all the necessary

paperwork and application fees.

MOTION TO APPROVE MASSAGE LICENSE FOR LASHA PULLMAN AT REFLECTIONS SALON & SPA

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved a massage therapist license for Rebecca Doyle to perform therapeutic massage at Reflections Salon & Spa, at 1746 Wilmington West Chester Pike.

OLDE RIDGE VILLAGE PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION

Mr. Dominic Pileggi, on behalf of applicant Parkside Associates, presented a color rendering of the land development proposal for the property on Wilmington West Chester Pike between the present Olde Ridge Village and

the Enzo's South. The proposal calls for a new retail building and two sites for restaurants. The plan had been reviewed by the Chadds Ford Township Planning Commission and had received a recommendation for approval.

Mr. Thorpe questioned the ingress/egress and signage requirements.

Mr. Pileggi asked that the Board for relief from the Township's lighting requirements to allow for two lights to be placed on each pole in the center. After questioning by Mrs. Love D'Elia, it was determined that such an allowance would be a continuation of current conditions.

Proposed landscaping was discussed, with the applicant's intent to plant shrubs that will obscure parked cars. The shrubbery will be as continuous as possible except for driveways. Mr. Thorpe asked that as much green area as possible be provided to buffer the parking areas.

The Delaware County Planning Commission had suggested in their review that the Board consider the installation of sidewalks to permit pedestrian traffic along Wilmington West Chester Pike. Mr. Thorpe suggested that an "as needed" clause be added to the plan regarding pavements. Mrs. Love D'Elia asked if Mr. Pileggi would be amenable to placing a six foot wide connecting path between the parcel in question and Enzo's. Ms. Saunders stated that Delaware County Planning is looking for walkways everywhere as a means of diminishing motor vehicular traffic.

Mr. Reiter suggested that motor vehicle access might be difficult between the two properties, thus walkways would be beneficial. Mrs. Reardon asked that as much traffic as possible be kept off of Ridge Road with safety being a priority. In response to a question from Mr. Kelly, Mr. Pileggi stated that the plan has been submitted to PennDOT. Mr. Kelly further stated that PennDot Highway Occupancy Permits will be necessary in order to move both driveways, as the applicant has proposed. Additionally, Mr. Thorpe stated that he had received comments from several of the Olde Ridge tenants suggesting that traffic calming devices should be installed to prevent speeding within the center.

There was continued discussion regarding specifics of the proposal, especially walkways and parking requirements, with Mr. Pileggi voicing concern over the possibility of overflow parking from Enzo's using the parking area in Olde Ridge Village, to the detriment of his center. The issues were resolved as set forth in Resolution 2004-10, a full and correct copy of which follows. Mr. Donaghue read the conditions and requirements of Resolution 2004-10 into the record.

MOTION TO APPROVE RESOLUTION 2004-10 PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION OF THE VILLAGE AT CHADDS FORD (OLDE RIDGE VILLAGE)

Upon motion and second (D’Elia, Paul) the Board of Supervisors approved Resolution 2004-10 as read and modified by the Township Solicitor, granting the application of Olde Ridge Village. The applicant agreed to the conditions as contained in the Resolution.

ESCROW RELEASES

Mrs. Furlong suggested approval of the following escrow releases, subject to the payment of any and all outstanding bills:

<u>Refund Amount</u>	<u>Applicant Name</u>	<u>Escrow Type</u>	<u>Escrow Amount</u>	
\$ 20.42	Rappucci/Sunset Mortgage	LD Escrow	\$ 3,500.00	
700.00	DiSabatino	Grading	\$ 700.00	\$
\$ 700.00	DiSabatino	Zoning Hearing Board	\$ 700.00	
4,325.00	DiSabatino	SD/LD Escrow	\$ 4,325.00	\$
518.47	Gardner	Zoning Hearing Board	\$ 700.00	\$
486.12	Gardner	Grading Escrow	\$ 700.00	\$

Additionally, checks for interest earned on escrow monies were issued as follows:

DiSabatino	\$ 98.18
Antimo Enterprises/Enzo’s	\$ 105.85
Henderson/Carrabba’s	\$ 105.85
An-Rob, t/a Best of Italy	\$ 18.04

MOTION TO RELEASE ESCROW FUNDS

Upon motion and second (Paul, D’Elia), the Board of Supervisors approved the release of escrow monies as listed above, subject to the payment of all outstanding bills.

UNIFORM CODE

Mr. Donaghue announced that the Pennsylvania legislature has passed Act 45, establishing the Uniform Construction Code. The Township will have ninety (90) days in which to notify the Commonwealth of its decision whether or not to adopt the code. Mr. Donaghue recommended that the Township “opt in” and will prepare an ordinance to be considered for adoption at the Board’s June meeting. The Board of Supervisors authorized the Township Secretary to place the required legal advertisements.

ADDITIONAL ANNOUNCEMENT

Mr. Wandersee announced that the Chadds Ford Civil Association's spring clean up day is scheduled for Saturday April 17, with a rain date April 24th.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary