

Chadds Ford Township Board of Supervisors Meeting
March 3, 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 7:32 PM. The Pledge of Allegiance was recited.

PUBLIC COMMENT – CHADDS FORD RESIDENTS

LYME SEMINAR

Ms. Love D'Elia presented Tony DiLeva, a fellow Rotarian, who announced that a seminar concerning varying aspects of Lyme disease will be held on April 24th from 11:00 AM – 3:00 PM, at the Garnet Valley High School. Three doctors in the field will be present to answer questions regarding problems with detection of the disease and possible treatments. Harvey Kliman offered that further information is available on the internet at <http://www.lymepa.org/>. Pamphlets are also available through his organization and questions can be called in to 610-388-7333.

William Tancredi, 138 Rocky Hill Road, asked that past Board of Supervisors minutes or developer's agreements be check for references to restrictions on any further subdivision of the Grace property on Ridge Road. A preliminary/final subdivision application will be presented to Board members for approval later on tonight's agenda. Mr. Donaghue suggested that any approval of the subdivision plans be made contingent upon there being no prior restrictions on subdivision of the property.

STATE POLICE REPORT

A report was not available.

APPROVAL OF MINUTES – February 4, 2004

Mrs. Furlong had prepared and circulated minutes of the February 4, 2004 meeting of the Board of Supervisors for review and comment.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF FEBRUARY 4, 2004

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the minutes of February 4, 2004, draft dated March 1, 2004, which included revisions by Mr. Thorpe.

REPORTS

SUPERVISORS' REPORT

Mr. Paul stated that he was in receipt of a letter from Representative Steve Barrar's office regarding the preliminary approval of monies to be allocated to the Chadds Ford Township Sewer Authority upon the completion and submission of a grant application.

Mr. Paul also reported that Ms. Love D'Elia has been elected Chairman of the Delaware County Drug and Alcohol Counsel.

Mr. Thorpe stated that Board members had met on March 3, 2004, to discuss personnel matters.

Mr. Thorpe also reviewed information regarding the proper maintenance of municipal separate storm sewer systems included in the pamphlet "When It Rains It Drains" and suggested that all present take a brochure upon leaving the building this evening.

The Board of Supervisors has adopted a new administrative policy. Mr. Thorpe announced that members have decided that any topic needing action by the Board must be submitted no later than ten (10) days prior to the Board meeting to allow the Supervisors sufficient time in which to review applications, plans, etc. Planning

Commission meetings have been moved to the second Wednesdays of each month to allow more time for Supervisors to review recommendations. Board members asked that all Committee Chairs submit reports or minutes to them directly, via either personal e-mail or facsimile, no later than the Friday prior to the monthly Board meeting to allow time for review.

Bills should also be submitted to the Township office no later than the Friday preceding the Board meeting to allow time for processing and review by the Supervisors. Mr. Thorpe asked the Township Engineer, Solicitor and Code Enforcement Officer to implement these guidelines also.

TREASURER'S REPORT

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

Total all deposits to General Fund:	\$ 56,492.11
Total disbursements General Fund:	\$ 39,591.04
Total disbursements Escrow Fund	\$ 9,500.00
Cash Account Balance	\$ 769,286.43

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 February, 2004, and authorized payment of bills in the amount of \$ 39,591.04, as listed in the Disbursement Report dated March 3, 2004.

ROADMASTER REPORT

Phil Wenrich presented the Roadmaster's report for the month of February, 2004, a copy of which follows.

PLANNING COMMISSION

Mr. Taylor reviewed minutes of the Planning Commission meeting of February 11,

2004, a copy of which follows.

ZONING HEARING BOARD

Mr. Wandersee reported that there had not been a meeting during the month of February, but that the Board will 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, and two applications of James Bergin.

HARB

Mr. Jensen reported that HARB members had met on Monday, March 1, 2004. Mr. Frank Reagosso had presented plans and samples of materials for construction of a new home on Brinton's Bridge Road between Oakland and Bellefaire Lane. After review, HARB members unanimously recommended approval to the Board of Supervisors for the application regarding a single family dwelling. Mrs. Love D'Elia questioned what would happen to the existing twin home on the property. Mr. Jensen replied that Mr. Reagosso apparently plans to preserve the building as is for the present time.

MOTION TO APPROVE CERTIFICATE OF APPROPRIATENESS – 308 Brinton's Bridge Road

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved a Certificate of Appropriateness for plans presented by applicant Frank Reagosso for the construction of a single family dwelling at 308 Brinton's Bridge Road.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for the month of February, 2004, which included a comprehensive report from the Sewer Authority's engineer, Angelika Forndran. A copy of both reports follows.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

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

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated March 3, 2004, a copy of which follows.

Mr. Kelly recommended an escrow release for the Twin Magnolias project subject to installation of monuments and the satisfaction of all outstanding obligations to the Township. Mr. Jensen noted that a well must be sealed on the site. Board members agreed to wait until all conditions had been met prior to approving the escrow release.

OPEN SPACE COMMITTEE

Mrs. Debbie Reardon reported that members of the Open Space Committee had met on February 26, 2004, a revised date, to conduct monthly business. A copy of the report follows.

Mr. Thorpe questioned Mrs. Reardon regarding several documents he had received regarding the land trust issue. Mrs. Reardon replied that the document in question had not been officially issued by the Committee and work is still in ongoing in that area. Mrs. Love D'Elia added that Delaware County Council seems to be concerned with historic considerations especially in the western part of the county. Mrs. Reardon stated that it is a distinct possibility that documents may be finalized in time for a fall referendum. Mr. Paul commented that the Committee should not sacrifice quality for expediency. Mr. Donaghue stated that Michael Frank of the Pennsylvania Heritage Commission had offered help to Concord Township and suggested that Chadds Ford Township might be able to share that assistance.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that members of the Committee will meet on Friday, March 5, 2004, to review the final layout of the sign for the Mother Archie site. Status of the financial proposals for Turner's Mill will also be discussed.

FINANCIAL ADVISORY BOARD

Mrs. Love D'Elia commented that a meeting had not been held, but that the Township audit would commence on Thursday, March 4th. Township Auditors Merves, Amon and Barsz will be working with the Township Secretary in order to conclude the Township audit prior to March 31, 2004.

OLD BUSINESS

GRACE-RIDGE ROAD PRELIMINARY/FINAL SUBDIVISION APPROVAL

Mr. Thorpe asked if any official present had heard anything regarding Mr. Tancredi's question at the beginning of the meeting as to deed restrictions on the Grace property. No one had. Mr. Donaghue suggested that approval be conditioned upon there being no such restrictions. Mr. Thorpe reviewed all seven conditions as set forth in the Resolution 2004-6. Mr. Grace agreed to comply with all conditions.

MOTION TO APPROVE RESOLUTION 2004-6 – PRELIMINARY/FINAL SUBDIVISION APPLICATION OF JOE & CAROL GRACE – 320 and 326 RIDGE ROAD

Upon motion and second (D'Elia, Paul), the Board of Supervisors adopted Resolution 2004-6, approving the Preliminary/Final Subdivision plan of Joe and Carol Grace for the property at 320 and 326 Ridge Road, subject to satisfaction of all conditions.

TREMONTE SUBDIVISION PRELIMINARY/FINAL SUBDIVISION APPROVAL

Although no one was present on behalf of the applicant, Mr. Donaghue recommended the Board approve Resolution 2004-7 and reviewed the conditions as set forth therein. Mr. Paul questioned if revised plans had been submitted to the Township. Mr. Kelly replied that they had not, but discussions had been held between the applicant's attorney and John Mezzanotte, Solicitor for the Sewer Authority, regarding sewer easements. Mr. Murray, Chairman of the Township's Sewer Authority was satisfied with the outcome. Mr. Donaghue will ask Mr. Murray to review the Land Development Agreement prior to execution by the Board.

MOTION TO APPROVE RESOLUTION 2004-7 – PRELIMINARY/FINAL SUBDIVISION APPLICATION OF JOHN TREMONTE, 175, 179 and 183 Ridge Road

Upon motion and second (D'Elia, Paul), the Board of Supervisors adopted Resolution 2004-7, approving the preliminary/final subdivision application of John Tremonte for the property at 175, 179 and 183 Ridge Road, subject to compliance with the conditions as set forth therein.

ROUTE 202 IMPROVEMENT PROPOSAL

Mr. Thorpe announced again and emphasized that fact that a public hearing will be held at Garnet Valley High School on Thursday, March 11, 2004, where PennDOT officials will take testimony from those present regarding the proposal to make improvements to Route 202 from the Delaware state line to Matlack Road.

CONCORDVILLE NISSAN SUBARU APPROVAL

Lee Stivale, Esquire, was present on behalf of Concordville Nissan and reviewed the current status of the land development application in Concord Township. The applicant was seeking approval of the Chadds Ford Township Board of Supervisors also because the property straddles both municipalities. Mr. Stivale proposed that the resolution be conditioned upon the applicant installing a replacement tank solely within the Concord Township area of the property and the current system in Chadds Ford Township being dry capped, pumped and filled with granular material. Also, approval by Chadds Ford Township would be conditioned upon the amendment of the Developer's Agreement of Concord Township.

The Supervisors discussed concerns with the proposed resolution and Mr. Kelly suggested revisions that might permit the Board to grant approval this evening. Mrs. Love D'Elia and Mr. Thorpe indicated that they would prefer the resolution being revised prior to signature, but Mr. Donaghue suggested that the Board might approve the resolution as prepared in order to expedite the matter for the applicant without concern to compromising the Township's position. Mr. Donaghue proceeded to read the entire resolution into the record, a full copy follows these minutes.

Mrs. Love D'Elia was concerned that the resolution did not state that the current system will be abandoned, however, Mr. Kelly responded that all Township requirements will have to be met to comply with the conditions of the resolution.

MOTION TO APPROVE RESOLUTION 2004-8 – PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION OF CONCORDVILLE NISSAN SUBARU

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved the Preliminary/Final Land Development plan for Concordville Nissan Subaru subject to and contingent upon the conditions as set forth therein.

NEW BUSINESS

ZONING MATTERS

Several attorneys were in attendance to present zoning variance requests.

CAVALLO AUTO BODY

Donald T. Petrosa, Esquire, was present to represent applicant James Bergin of Cavallo Auto Body. Mr. Bergin is proposing to build a 3500 square foot facility to the north of the existing auto body shop on Wilmington West Chester Pike. Mr. Petrosa stated that the applicant will eventually be seeking conditional use approval and land development approval, but this evening was asking for zoning relief for front and back setbacks and parking. In response to a question from Mr. Jensen, Mr. Petrosa replied that the structure would be a one story building with no relief requested for the height of the structure.

Mr. Thorpe stated that there is still outstanding work regarding landscaping requirements from Mr. Bergin's first land development application. Mr. Bergin replied that PennDOT plans to move electrical poles in the area where the landscaping has not been completed. There may also be impact to the site as a result of the proposed Route 202 Improvement Project. Ms. Love D'Elia questioned the type of landscaping that might be required in the buffer zone. Mr. Paul generally did not have a problem with the application. After further discussion, it was the determination of the Board members that there were no objections to the proposal.

BERGIN – RETAIL APPLICATION

In a second application, the applicant is also proposing a 3600 square foot retail building to include a coffee shop in the back and would ask for three forms of relief, including parking. Mr. Donaghue recused himself from the discussion, having previously represented the applicant. Board members proceeded to discuss parking issues in regard to Township ordinance requirements, the buffer zone available between Mr. Bergin's property and the adjoining PRD development in Thornbury Township, and the frontage requirement. Resident Susan Daryl voiced concerns as to future use of the building by something such as a fast food restaurant. Mr. Petrosa suggested deferring a decision on the second application until April in order to allow the Board more time to review the variances requested and to be able to supply them with more information.

DEVON TILE

Michael Lyons, Esquire presented on behalf of Devon Tile, owner of the 9200 square foot building at the corner of Hillman Drive and Wilmington West Chester Pike. The applicant is seeking a use variance for the site that is zoned for office use. The applicant would agree to not to hold outdoor sales and will further agree not to lease the building to other tenants. Ms. Love D'Elia had questioned the parking requirements and if the business owns any trucks with its name on the sides. Mr. Lyons stated that Devon Tile does not install tile and only provides design services. The Board did not oppose the variance application, but Mr. Thorpe asked that the owners do whatever possible to improve the appearance of the building.

BRANDYWINE CONSERVANCY – KUERNER FARM

Mr. Jensen briefly reviewed the request for a special exception application of Brandywine Conservancy to use the Kuerner Farm for educational tours. Ms. Love D’Elia questioned the parking and rest room facilities. Mr. Jensen suggested that the use might be similar that of the NC Wyeth studio. Board members did not have any problems with the proposed use.

2004 APPLICATION FOR COUNTY AID

Township Engineer James C. Kelly had prepared Resolution 2004-9, the annual application for County Aid for the 2004 Road Program. Board members reviewed the resolution.

MOTION TO APPROVE RESOLUTION 2004-9 – APPLICATION FOR COUNTY AID – 2004 ROAD PROGRAM

Upon motion and second (Paul, D’Elia), the Board of Supervisors approved Resolution 2004-9, which seeks financial aid from Delaware County to aid with expenses to be incurred from the 2004 Road Program.

TRAN NOTE

Mr. Donaghue had reviewed the proposed 2004 TRAN application (Tax and Revenue Anticipation Note) and suggested that the Board approve Resolution 2004-10 to enter into an agreement with Commerce Bank for the issuance of a TRAN note in the amount of \$100,000.

MOTION TO APPROVE RESOLUTION 2004-10 - 2004 TRAN APPLICATION COMMERCE BANK

Upon motion and second (D’Elia, Paul), the Board of Supervisors approved Resolution 2004-10, accepting the proposal of Commerce Bank, Pennsylvania, for the issuance of a Tax and Revenue Anticipation Note in the principal amount of \$100,000, and further authorizing the Board to execute the note.

REFLECTION SALON & SPA MASSAGE LICENSE APPLICATION

Mrs. Love D’Elia recused herself from all discussion involving Reflections Spa & Salon. Mr. Jensen recommended approval of the application for a license as a massage therapist that had been submitted by Ms. Lasha Pullman. Mr. Thorpe stated that the applicant had been present at a prior meeting and had complied with Township requirements in seeking the license.

MOTION TO APPROVE MASSAGE LICENSE FOR CACHE PULLIAM AT REFLECTIONS SALON & SPA

Upon motion and second (Paul, Thorpe), the Board of Supervisors approved a massage license for Cache Pulliam to perform therapeutic massage at Reflections Salon & Spa at 1726 Wilmington West Chester Pike.

ROUTE 1 COMPREHENSIVE PLAN AMENDMENT

Mr. Donaghue had reviewed reports and recommendations regarding the Board’s recent study concerning the installation of sewage lines along the Route 1 corridor. At a public hearing that had been held last year, Board

members had agreed to adopt Option 2 of a study prepared by the engineering firm of Spotts, Stevens and McCoy. Mr. Donaghue will draft the necessary paperwork in order to revise the Township's Comprehensive Plan. Additionally, Mr. Thorpe will ask Planning Commission members to amend current zoning ordinances to comply with the provisions of Option 2.

ESCROW RELEASES

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

Henderson Group/Carrabba's	Land Development Application
Escrow \$4750	
Antimo Enterprises/Enzo's South	Land Development Application
Escrow \$4750	

MOTION TO RELEASE ESCROW FUNDS – HENDERSON/CARRABBA's and ANTIMO/ENZO's SOUTH

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the release of land development escrow monies in the amount of \$4750 for both the Henderson Group/Carrabba's and Antimo Enterprises/Enzo's South, subject to the payment of all outstanding bills.

UNIFORM CODE

Mr. Donaghue announced that the Pennsylvania legislature has passed Act 45 which establishes 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.

APRIL BOARD OF SUPERVISORS MEETING

Mr. Thorpe announced that the April Board of Supervisors meeting date will be changed to April 1st, with the General meeting starting at 7:00 PM, to be followed at 8:00 PM with the continuation of the public hearing on Toll Brothers PRD application for Camp Sunset Hill. The Township secretary was directed to advertise the change in date and time. The meeting will be held at Township Hall.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:35 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary

