

**Chadds Ford Township Board of Supervisors Special Meeting
January 9, 2006
M I N U T E S**

OFFICIALS PRESENT: Deborah Love D'Elia, Chairman
George M. Thorpe, Vice Chairman
Garry Paul, Supervisor
Kathryn L. Labrum, Acting Township Solicitor
Kevin Matson, Acting Township Engineer
Richard J. Jensen, Building Inspector/CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER – SPECIAL MEETING

A special meeting of the Board of Supervisors was called to order at 7:02 PM. The Pledge of Allegiance was recited and emergency exits were identified.

DELAWARE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Mrs. Love D'Elia announced that the purpose of the special meeting is to take public comment regarding the Township's application to Delaware County for monies through the 2006 Community Development Block Grant Program. Those present were invited to offer suggestions as to worthy projects within the Township. An area of concern to Planning Commission members was the need to update the Township's Comprehensive Plan. Both Mr. Taylor and Paul Vernon, both Planning Commission members, were present. Mrs. Love D'Elia reviewed a number of current issues in the Township that reinforce the need to have a thorough Comprehensive Plan to use as a strong planning tool.

Mr. Thorpe confirmed the urgent need, stating that the Comprehensive Plan was last revised in 1973. The Vice Chairman expressed hope that Delaware County officials will think the project worthy to receive funding.

Lois Saunders, Bullock Road, commented on the status of the application and offered advise regarding budgetary requirements for a Block Grant.

Supervisor Garry Paul concurred with Mr. Thorpe's comments regarding the need to review and update the Plan.

MOTION TO ADOPT RESOLUTION 2006-3 APPLICATION FOR DELAWARE COUNTY COMMUNITY BLOCK GRANT

Upon motion and second (Paul, Thorpe), the Supervisors unanimously adopted Resolution 2006-3, authorizing the application to Delaware County for a 2006 Community Block Grant for the purpose of revising the Township's Comprehensive Plan.

HENDERSON/PAINTERS CROSSING III LAND DEVELOPMENT APPLICATION

Donald T. Petrosa, Esquire, Jeffrey Nagorny, PE, and Mark Eisenhardt, Henderson Group, were in attendance seeking final approval for a land development application for an office building in the Painter's Crossroads Shopping Center. Mrs. Love D'Elia asked that the applicant to limit comments to ten minutes.

Mr. Petrosa summarized recent revisions to the plan as follows:

1. The driveway was moved to increase the distance from the riparian buffer with the closest point increasing from 3.3 feet to

- 27 feet.
2. The size of the underground stormwater system was increased, and
3. A manufactured wetland was added and the shape of a retention pond was changed.

Kevin Matson, Acting Township Engineer, stated that the stormwater management report did appear to exceed Township requirements. Mr. Nagorny indicated that there is some additional absorption because the one bed is now wider.

Mr. Paul said that the Supervisors were not satisfied with the changes proposed at the last Board meeting and was personally having problems justifying allowing the encroachment into the riparian buffer.

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The following topics were discussed and comments made:

- Management of drainage from the Craig property and steps the applicant has taken to reduce the effect on Harvey Run in instances of heavy, repetitive rain in less than a twenty-four hour period;
- Mr. Paul questioned why other options have not been presented to the Board, such as a smaller building with less parking, a four instead of three story building, or a parking deck. The Supervisor expressed concern in setting a precedent regarding relief from the riparian buffer requirements;
- The benefits of a good stormwater management system as compared to the benefits of a riparian buffer as contained in Mr. Nagorny's letter submitted with revised plans on December 20, 2005;
- Mr. Petrosa asserted that this is really a unique set of circumstances with very important issues for his client regarding rental of the proposed and existing adjoining buildings;
- Mrs. Love D'Elia confirmed that the current Endo III land development application was filed just after the ordinance was adopted in which the riparian buffer was established;
- Mr. Thorpe described the sensitivity of the site and how difficult it will be to develop and protect the natural wetlands and wildlife. He presented five alternatives to the plan and suggested that he had heard how the plan would benefit everyone except the Township;
- The Supervisors are very concerned with all stormwater issues in the Township and specifically regarding the flow into Harvey Run. Stormwater problems need to be addressed now to protect the health and safety of township residents;
- Mr. Nagorny discussed Harvey Run flow rates and suggested that

a riparian buffer would not control flow in bigger storms. A riparian buffer is focused on water quality and wildlife, not controlling flow, and

- Parking requirements were discussed, with the possibility of removing some spaces in order to reduce encroachment into the buffer. Zoning relief would be required.

Mrs. Love D'Elia asked for comments from the public. Comments were made as follows:

- Rob Porter, Atwater Road, questioned the encroachment pattern and said that a buffer is needed to maintain as much natural surface as possible. An ordinance is in place and it was clear that the proposed plan clearly encroached into the protected area;
- Bruce Prabel, Webb Road, asked what percentage of the riparian buffer is being affected. Mr. Paul suggested an approximate sixty percent encroachment. Mr. Nagorny suggested between fifty to sixty percent encroachment. Mr. Prabel asked if the positive effect of the stormwater plan balances the sixty percent encroachment;
- Paul Koch, Baltimore Pike, said his property is directly affected by water going into Harvey Run. He listened to discussions regarding the Calvary Chapel project and despite what engineers promise, nothing is guaranteed. Mr. Koch say this as another mathematical exercise, but asked how the property owner knows for certain that additional development won't have an adverse effect. He was very uncomfortable with what was being proposed.
- Lana Shear, Atwater Road, questioned the position of retaining walls. Ms. Shear stated that she has lived in the Township for over thirty years and has had some horrifying experiences on Atwater Road within the past two years.

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Despite everything being mathematically correct as to stormwater design, the residents have been deluged with runoff. The Township finally had ordinances in place to prevent situations like this again. There is a riparian zone in the Stone Brook III development across from her home and she is grateful it is there. Ms. Shear asked how many trees are being removed. Ms. Shear thanked the Supervisors for helping to protect the residents from further environmental damage and wanted to see alternatives considered, and

- Fred Reiter, Atwater Road, seconded Ms. Shear's concerns,

especially regarding the removal of trees. Mr. Reiter has driven by the proposed project site about twelve times within the past year and slowed down to look at the land. He couldn't believe someone was going to try to develop the site considering the steep valley. The applicant wants to build big building, that's why encroachment occurs.

Mrs. Love D'Elia said that the other Supervisors had spent a major part of last year reviewing the Special exception application of Calvary Chapel and that stormwater plan. The Chairman was insulted that Board members had to come up with alternate ideas for the applicant. Mrs. Love D'Elia asked that more thorough thought be given regarding Township ordinances before applications are made. Sizable improvements have been made since discussions began and the Chairman thanked the applicant for that.

MOTION TO APPROVE PAINTERS CROSSING III LAND DEVELOPMENT PLAN

Mr. Paul made a motion to approve the land development plan, but deny waiver number three.

There was discussion regarding the motion. Mr. Paul saw viable alternatives. The prospect of shared parking with Calvary Chapel was mentioned.

Mrs. Love D'Elia said there was a motion to approve the plan without waiver number three on the table and asked for a second. There was no second and the motion was removed.

Parking issues were discussed. Mr. Thorpe asked exactly how many parking spaces would be lost in order to increase the buffer area. Mr. Eisenhardt replied that he will get the Supervisors that information. Mr. Eisenhardt added that he wasn't avoiding a parking structure, but those are normally used in major facilities for various reasons. It would be cost prohibitive to do so on this site.

Mr. Thorpe thought it still viable to resolve the issues and asked the applicant to work with the Township to resolve. The Vice Chairman asked to be provided options as to the loss of parking spaces and the resulting effect on the riparian buffer.

Mr. Paul commented that the applicant's proposed improvement in stormwater management, preservation of most of the buffer, reducing impervious coverage, the possibility of either shared parking or a zoning waiver would make him be able to justify any remaining encroachment.

Mrs. Love D'Elia stated that she was content with the Township Engineer's response.

MOTION TO APPROVE PAINTERS CROSSING III LAND DEVELOPMENT PLAN

Mrs. Love D'Elia moved to approve the land development plan as presented based on the revised plans presented today. There was no second and the motion was removed.

Mr. Paul asked if shared parking would be a possibility, even with the Endo II building. Mr. Eisenhardt responded that shared parking might cause problems in the future if one building is sold.

The applicant offered to supply the Supervisors with more information regarding the reduction of parking in order to increase the riparian buffer.

Mrs. Love D'Elia announced that a special meeting of the Board has been scheduled for Friday, January 20, 2006, at 2:00 PM for the purpose of appointing a Township Engineer. Mr. Thorpe asked for proposals well in advance of that meeting. Mr. Petrosa agreed to grant the Township an extension to the MPC deadline.

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There being no further business, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

MARYANN D. FURLONG
Township Secretary