

**LONDONDERRY TOWNSHIP (LDT)
BOARD OF SUPERVISORS' (BOS I) MEETING
TUESDAY, DECEMBER 13, 2011**

CALL TO ORDER: Supervisors Richard Brown, Midge Leitch and Engineer, Bob Johnston were in attendance. Richard Brown opened the BOS Meeting at 7:29 PM.

**CONDITIONAL USE DECISION – NEW DALEVILLE DAYCARE FACILITY –
RE: DAVID S. KAHN APPLICATION:** Eleanor J. Schwandt was the Court Reporter. Richard Brown read the following motion into the record:

I move that we grant the conditional use application of David S. Kahn, pursuant to Section 170-42.E(1) of the Township Zoning Ordinance, to operate a day-care facility, subject to the following conditions:

- a. The Applicant shall satisfy the comments set forth in the Township Engineer's conditional use review letters marked as Exhibits B-7, B-9 and B-10, except as follows:
 - i. Pursuant to §170-45 of the Zoning Ordinance, the Board hereby modifies the requirement of §170-110.A(8) and, for this Application, reduces the parking lot landscape buffer from 20 feet to 10 feet without requiring the Applicant to obtain a variance.
 - ii. Pursuant to §170-45 of the Zoning Ordinance, the Board hereby modifies the requirement of §170-110.A(13)(a)[3] and, for this Application, reduces the parking lot setback from the street right-of-way from 20 feet to 10 feet without requiring the Applicant to obtain a variance.

- b. The Applicant shall comply with the conditions recommended in the Township Engineer's conditional use review letters marked as Exhibits B-7 and B-9, as follows:
 - i. The Applicant shall provide illuminance values and isofootcandle liens on the lighting plan based upon the proposed lighting fixtures. The lighting plan shall demonstrate that off-site areas are not impacted by on-site lighting.
 - ii. As for recommended condition #2, the Applicant shall install landscaping on the north side of Neill Street and the west side of Dorie Street directly across from the Property ingress and egress points to mitigate headlight and brake light glare if the owners of those properties permit the Applicant to do so. The Applicant shall make a reasonable effort to secure such permission from the owners of those properties.
 - iii. Due to the revised site entrance and parking layout, the applicant shall revise the existing storm sewer system in and adjacent to the Neill Street access in accordance with the proposed layout. Specifically, inlets shall be placed along the existing/proposed curb lines.
 - iv. As for recommended condition #4, the Applicant shall obtain the approval of the New Daleville Town Architect as to the design of the buildings, building facades, signs, fences, and other structural features on the Property prior to obtaining a building permit from the Township.
 - v. The Applicant shall provide a detail demonstrating that fire trucks can successfully travel through the site which detail shall account for the front and rear overhangs

of the vehicle, not simply the wheel paths, except as has already been provided, if to the satisfaction of the Township Engineer, in Exhibits A-16 and A-17.

vi. The Applicant shall provide sewage facilities in accordance with DEP, CCHD, and Townships requirements.

vii. The Applicant shall provide fencing to protect occupants of the day-care facility from hazardous areas. The adequacy of the fencing shall be determined by state regulators during application to the state for a license.

viii. The Applicant shall label (via signs and pavement markings) all tandem parking spaces as for employee use only.

ix. The Applicant shall clearly label the site traffic circulation pattern as one-way by providing a minimum of four "one-way" signs (one sign visible from each direction for each site driveway), four "do not enter" signs (two at each site driveway) to prevent entry from the incorrect direction for each driveway, and a minimum of four all-weather directional arrow pavement markings.

x. The Applicant shall submit plans for vegetative screening along the property lines as required by this Decision and §170-42.E(1)(g) which shall be subject to approval or modification by the Board of Supervisors.

xi. The Board grants Applicant a waiver from §130-62.C(1) of the Township Subdivision and Land Development Ordinance to reduce the screening buffer from 35 feet to 10 feet.

xii. Except as herein modified, the Applicant shall comply with any remaining recommended conditions set forth in Exhibits B-7 and B-9.

c. The proposed construction and use of the Property shall be in conformance with the plans, specifications, testimony and evidence presented to the Board.

d. The proposed construction and use of the Property shall be in conformance with the specifications contained in the Londonderry Township Subdivision and Land Development Ordinance, the Londonderry Township Zoning Ordinance, and all other applicable ordinances, laws, and regulations.

Midge Leitch seconded the motion. The vote was 2-0 in favor.

The BOS thanked Ms. Schwandt for coming and wished her a Happy Holiday.

COMMENTS FROM THE PUBLIC: Mike Powell, an associate of David Kahn, requested a copy of the Decision. The BOS declined as the protocol is for the Township Solicitor, Stacey Fuller, to communicate directly with attorney Art Sagnor. Mr. Powell thanked the BOS on behalf of developer, David Kahn. Bob Johnston said he would be meeting with engineer Lisa D'Andrea in the near future to discuss the Decision and its affect on the land development plan.

MINUTES OF NOVEMBER 28, 2011 BOS II MEETING: As the Minutes of the November 28, 2011 BOS II Meeting had been previously read by the BOS, Richard Brown made a motion to approve the Minutes as written. Midge Leitch seconded the motion and the vote was 2-0 in favor of approval.

TREASURER'S REPORT – November, 2011: Howard Benner read excerpts from the November, 2011 Treasurer's Report. Mr. Benner noticed two errors. These will be corrected and the Report resubmitted.

- A. 2011 AUDIT:** Mr. Benner discussed the necessity of having a 2011 Audit as mandated by the MPC. He had spoken to the elected auditors and two of them expressed concern about performing an internal audit. Mr. Benner suggested it might be prudent for the previous auditors from 2010, Umbreit, Korengel & Associates to conduct the 2012 Township Audit. Midge Leitch asked the cost of the 2010 audit and Mr. Benner responded he recalled the cost was approximately \$2,500.00. Richard Brown said he thought given the thoroughness of the audit it was money well spent. Richard Brown made a motion to request Umbreit, Korengel & Associates conduct the 2011 LDT Audit. Midge Leitch seconded the motion and the vote was 2-0 in favor.
- B. COCHRANVILLE FIRE COMPANY (CFC) 2006 AND 2007 DONATIONS:** Howard Benner said the 2011 CFC funds request for 2011 had been paid in full. There remains a donation balance for 2006 and 2007. Midge Leitch said she would contact CFC to determine the exact amount owed and as long as funds are available in the 2011 Budget, the Township should work diligently to become current. Mr. Benner said that as of 12-13-2011 there was an excess in the 2011 Budget which should permit payment of the remaining amounts due from 2006 and 2007.

TOWNSHIP REPORTS:

- A. ZONING OFFICER/BUILDING INSPECTOR REPORT – NOVEMBER, 2011:** Richard Brown read excerpts from Bill Beers' November Zoning Report. There were three (3) Building Permits issued with no building permits pending. Total fees collected were \$2,834.00. There were four (4) Use and Occupancy permits issued and nine (9) various construction inspections conducted. An earth disturbance was investigated with a Cease and Desist letter issued by Bob Johnston and the Township received a letter from the Chester County Conservation District regarding the extent of the disturbance with no permit. Bill Beers continues to work on the 198 Baker Road property. The BOS accepted Mr. Beers' November report.
- B. ROADMASTER:** Repairs were made on White Horse Road and Faggs Manor Road. The new snow plow purchased by LDT has been shipped but has not arrived.
- C. EMERGENCY MANAGEMENT (EM):** No Report
- D. PLANNING COMMISSION (PC):** The Planning Commission at their November Meeting reviewed all Extensions. The Cohen / Londonderry Shops extension was offered through 03-23-2012 and the New Daleville Daycare extension was offered through 01-31-2012. The December Meeting has been cancelled with the next PC Meeting on Tuesday, 01-17-2012 at 7:30 PM.
- E. OPEN SPACE (OS) COMMITTEE:** The OS Committee will continue to meet on an "As Required" basis. No January meeting is scheduled.

F. HISTORICAL COMMITTEE (HC): The HC meeting for December has been cancelled. The next HC meeting will be on Tuesday, 01-24-2012 at 7:00 PM

G. WEBSITE / NEWSLETTER: No Report.

OLD BUSINESS:

A. 2012 PROPOSED BUDGET: The revised 2012 Budget was distributed to the BOS. The proposed Budget has been available for public review since 12-05-2011 and was advertised in the Daily Local News on 12-06-2011. The Hearing and Adoption of the Budget will be on 12-27-2011 at 7:30 PM.

B. ACT 537 PLAN: Mr. Johnston said he was in the process of finishing the revisions and all comments from the previous review will be addressed.

C. COHEN / LONDONDERRY SHOPS UPDATE: Richard Brown explained the proposed drip irrigation system for the Londonderry Shops project was located in the Agricultural Preserve (AP) area of the property which under AP Zoning is not permitted but neither is it prohibited. LDT legal council advised that in a court of law the Township could take a defensible position on the issue, but that the cost could be significant. Rich Henryson suggested that exchanging Township right of architectural review of any construction on the site by the current or future owners for permission to proceed with the proposed drip system might be a better use of efforts and funding. Bob Johnston said the drip system proposed is similar to the one at New Daleville and would be completely enclosed and that the gray water will be used to flush toilets. Mr. Johnston said there were no other similarly zoned properties in LDT so permitting this approach would not set precedent in the Township. Mr. Johnston had created a list of AP/GC properties and is consulting with LDT Solicitor, Stacey Fuller, to resolve this matter.

D. HONEYCROFT – PHASE II: Mr. Johnston said he had spoken with developer, Brian Campbell, and that Mr. Campbell was working to obtain the signatures necessary to proceed with Phase II. In addition Mr. Johnston had spoken with Ray McKenna and it appears that Buildings 114 -117 are 8 feet closer to the adjoining properties than approved on the plan. This appears to be a survey problem with several possible options to remedy the issue:

1. Dismantle the structures
2. Readjust the building next to the structures
3. Apply for a new zoning variance
4. Re-record the Plans

Bob Johnston said he would review the plans and offer opinions / options for a solution.

E. NEW DALEVILLE – PUNCH LIST PROGRESS: Mr. Johnston said there was not much progress.

F. NEW DALEVILLE – MAINTENANCE SECURITY UPDATE: Mr. Johnston said he will contact LDT Solicitor, Stacey Fuller, and have a recommendation to suggest at the next BOS I Meeting in January.

G. NEW DALEVILLE – HOA ARCHITECTURAL REVIEW: Mr. Johnston had not received any documentation.

NEW BUSINESS:

- A. 2012 TRANSFER STATION (TS) PERMITS AVAILABLE:** As of 12-13-2011 there have been 14 permits issued. Notice of spent Christmas tree recycling at the TS has been placed on the LDT website and a notice will be in the upcoming New Daleville Newsletter. The TS is open each Saturday from 7:00 AM until 3:00 PM.
- B. ATTEMPTED BREAK-INS IN LDT:** The Township was notified by a Faggs Manor resident in the 300 “block” of an attempted break-in on 12-11-2011 during daylight hours. The BOS requested Secretary Janice Hearne post a notice on the LDT website notifying residents of the possible criminal activity and requesting residents be diligent regarding the locking of doors, etc.
- C. HORSES LOOSE ON EWING ROAD:** Bill Beers contacted the owner of the horses. They have been returned to their pasture and Mr. Beers noted that the fencing was 3 years old or less.

ANNOUNCEMENTS / CORRESPONDENCE:

- A. SEN. PILEGGI’S LETTER DATED 12-01-2011 CONGRATULATING DICK BROWN ON HIS RE-ELECTION:**
- B. NEXT BOS II MEETING – END-OF-YEAR & BUDGET: Tuesday, December 27, 2011 at 7:30 PM - NO TASK FORCE MEETING.**
- C. 2012 ORGANIZATION & BOS I MEETING: Tuesday, January 3, 2012 at 7:30 PM.**

PAY BILLS: The bills were reviewed and paid in the usual manner.

ADJOURNMENT: As there was no further business before the BOS a motion was made by Richard Brown and seconded by Midge Leitch to adjourn the meeting at 8:30 PM. The vote was 2-0 in favor.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary