

OFFICIAL MINUTES

The Regular Meeting of April 20, 2009 of Kennett Square Borough Council was called to order at 6:30 p.m. in the Red Clay Room of the Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, Pennsylvania with President David B. Miller in the Chair. Roll Call followed the Pledge of Allegiance. Present were:

President D. Miller
Council Member R. Pesce
Council Member E. Avello, Jr.
Council Member W. Carozzo
Council Member J. Cocks
Council Member J. Darman
Council Member J. Thomas
Mayor L. Spencer, Jr.
Manager B. Kucera

SWEARING IN of the FIRE CHIEFS

The Mayor swore in Fire Chief Steven T. Melton, Deputy Fire Chief Bruce A. Mitchell, Assistant Fire Chief Richard V. Ruoss and Assistant Fire Chief Jeffrey A. Singer, Jr.

The Mayor congratulated the officers and thanked them for their dedicated service and commitment to the community.

PUBLIC COMMENTS

Ms. Rosemary Malatesta, 221 South Union Street, invited the public to the Fire Company's Open House and Firefighters' Appreciation Day being held this Sunday, April 26, 2009 from 1:00 to 4:00 p.m. She congratulated the Fire Company officers.

President Miller thanked Ms. Malatesta for her comments.

CONSENT ITEMS

MINUTES of APRIL 6, 2009

President Miller presented the April 6, 2009 minutes for approval.

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the minutes as presented. Motion carried unanimously.

BILLS

President Miller presented the bills to be paid April 20, 2009 and the bills that were paid since the last meeting for approval.

It was moved by Council Member Thomas and seconded by Council Member Darman to approve the bills as presented. Motion carried unanimously.

CLOVER DEVELOPMENT SUB-DIVISION and LAND DEVELOPMENT (SDDL) SKETCH PLAN PRESENTATION

President Miller introduced Mr. Vincent Mancini, attorney for Clover Development.

The Manager advised that this proposed SDDL would be located in the 400 blocks of East State Street and East Maple Street. The SDDL will need to go to the Zoning Hearing Board for variance relief for the floodplain, parking, and steep slope disturbance. He added that the applicant is requesting that the Borough consider vacating a portion of East Maple Street and noted that a sewer main runs through this property.

Mr. Mancini stated that he is here only for a presentation and that the plan he is presenting tonight is not the plan that was presented to the Planning Commission. The Planning Commission had presented questions and concerns that the applicant is addressing. Mr. Mancini gave a summary of the SDDL which includes two (2) separate parcels with a proposed 15 apartment complex.

Council Member Thomas stated that the previous house was flooded to the second floor and he questioned the effects to a new structure. He expressed his strong concern of flooding.

Mr. Dennis O'Neill, MacCombie Consulting Engineers and Surveyors, Inc., stated that items which contributed to the flooding have been addressed. He added that the applicant will offer an easement to the Borough for the sewer main.

Council Member Thomas expressed his concern of the appearance as this area is a gateway to the Borough.

Council Member Cocks questioned the request for vacating Maple Street.

The Manager advised that a cul-de-sac requirement would be need to be waived.

Mr. Mancini advised that the rental for the apartments would be on the high side, beginning at a minimum of \$1,100 per month. Each unit would contain a washer and dryer.

Council Member Darman questioned the street as the primary access.

Mr. Mancini stated that East State Street would be the primary entrance.

The Manager advised that some of the Planning Commission's concerns include the steep slopes disturbance, floodplain, building height, parking, the vacation of Maple Street and construction on top of the sewer main.

Council Member Thomas questioned the speed of the cars traveling on State.

Mr. O'Neill stated that the SDLD can meet the site distance.

Council Member Darman questioned the probability of the lower floors being flooded.

Mr. O'Neill stated that flood proofing would be done in the apartments.

President Miller questioned the percentage amounts for steep slope disturbance.

Mr., Mancini advised that approximately 26% would be disturbed.

Council Member Carozzo questioned the elevation from State Street to the parking lot.

Mr. O'Neill stated that it would not be more than seven percent (7%).

Council Member Pesce questioned what the alternatives would be if Maple Street was not vacated and has the Planning Commission suggested anything for improving Maple Street.

Mr. Mancini stated that East State Street would be the primary entrance and Maple could be used as emergency access only.

Council Member Avello stated that he met with Mr. Russell Drumheller, the Codes Enforcement Officer, to review the plans. He stated that it appears that the Clover Development is not requesting as many variances as they once were and that they are working with the Planning Commission to address concerns.

Mr. Mancini advised that Council Member Avello's comments are correct.

Council Member Thomas reiterated his concern for flooding.

The Mayor stated that the emergency access for the Fire Company would be State Street. He encouraged the applicant to provide some type of emergency access from Maple Street for the Police Department.

The Manager questioned about the parking lot in C-2 and would it increase problems downstream.

Mr. O'Neill stated that core sampling will be done prior to construction and that pervious paving could be considered.

Mr. Mancini stated a lot of the engineering issues will be addressed and that he and Mr. O'Neill are not going to the Zoning Hearing Board. Mr. Mancini added that he was not sure why the application was filed at the time it was. He said that this site is not designed yet and the variances have to be very specific. Mr. Mancini added that if Council likes the concept, then the applicant would develop engineered plans and incorporate as many of the comments as possible into that engineering. Once we have a comfort level from an engineering stand point, then we would then proceed with securing a variance.

Council Member Thomas questioned if storm water management can be done in the floodplain.

Mr. O'Neill stated yes.

Mr. Mancini stated that he will be talking to Mr. Thomas Oeste and that Mr. Mancini would give an indefinite extension if Council wants to proceed; or withdraw the application if Council does not want to proceed.

CLOVER DEVELOPMENT SUB-DIVISION and LAND DEVELOPMENT (SDDL) SKETCH PLAN COUNCIL COMMENTS

President Miller advised that at this time Council has the option to support, reject or take no position on Clover Development SDDL.

The Manager recommended that Council not support this project at this time because the plan presented tonight and what the Planning Commission has seen is significantly different.

Mr. Mancini advised that his client is looking for Council's interest in the non-binding concept of this SDDL.

President Miller stated that he feels that he is not able to act on this item at this time.

Council Member Thomas stated that he supports the concept but not in this location.

Council Member Cocks stated that she supports the idea but needs more detail.

Council Member Darman stated that we are not against the concept; we are against the flooding.

Council Member Avello stated that his comfort level would be greater after all of the concerns of the Planning Commission are addressed.

Council took no action on the Clover Development SDLD Sketch Plan.

APPOINTMENTS to BOARDS and COMMISSIONS

President Miller presented to following appointments to the Borough's Boards and Commissions as follows:

Kennett Area Park Authority (KAPA) –

Ms. Wendy Walker, this appointment fills the remainder of term that was previously held by Ms. Janice Taylor. The term will expire on January 1, 2011.

It was moved by Council Member Darman and seconded by Council Member Cocks to approve Ms. Walker's appointment to KAPA as presented.

Council Member Thomas expressed his concern that KAPA had elected Ms. Walker to their Board prior to Council's approval.

The Manager advised that KAPA elected her first in error. The proper procedure was explained to Ms. Pamela Carter, KAPA Chair, and that Council must approve Ms. Walker's appointment.

The Mayor stated that he knows Ms. Walker and that she comes to this Board with experience and commitment.

Motion carried with a 6 – 0 vote with Council Member Thomas abstaining from the vote.

Zoning Hearing Board –

Mr. Ronald Hollenbeck, this appointment fills a vacancy for an alternate. This is a three (3) year term which will expire on January 1, 2012.

It was moved by Council Member Cocks and seconded by Council Member Darman to approve Mr. Hollenbeck's appointment as presented. Motion carried unanimously.

SPECIAL EVENT APPLICATION - PLANT SALE

President Miller presented the Special Event Application for the Plant Sale to be held on Saturday, May 2, 2009 from 8:00 to noon.

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the Special Event Application as presented. Motion carried unanimously.

SPECIAL EVENT APPLICATION - MEMORIAL DAY PARADE

President Miller presented the Special Event Application for the Memorial Day Parade to be held on Monday, May 25, 2009 beginning at 10:00 am.

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the Special Event Application as presented. Motion carried unanimously.

ARCHITECTURAL REVIEW BOARD (ARB) APPLICATIONS

106 WEST STATE STREET

President Miller presented the ARB application for 106 West State Street. This application is for renovations.

It was moved by Council Member Cocks and seconded by Council Member Thomas to approve the ARB application as presented. Motion carried unanimously.

206 EAST STATE STREET

President Miller presented the ARB application for 206 East State Street. This application is for signage,

It was moved by Council Member Thomas and seconded by Council Member Cocks to approve the ARB application as presented. Motion carried unanimously.

NEW BUSINESS

FIREFIGHTER'S APPRECIATION DAY

The Mayor reminded the public of the Fire Company's Open House and Firefighters' Appreciation Day this Sunday, April 26, 2009 from 1:00 to 4:00 p.m. He urged everyone to attend and show their support of this great organization.

PUBLIC COMMENTS

Ms. Charla Watson, 523 Magnolia Street, expressed her concern that it is a bad location for the Clover Development. She shared her concern that a person of color is not appointed to KennParc and that native people should be appointed. Ms. Watson also expressed her concern of the entrance way for the Clover Development and stated that Maple Alley should not be vacated. She stated that Maple Street use to connect Willow Street to State Street.

President Miller thanked Ms. Watson for her comments.

Mr. Marc Pevar, 606 Ridge Avenue, stated that Council Members are volunteers and he commended all people that volunteer. He suggested that open positions on the Borough's Boards and Commissions be placed in the newspaper. Mr. Pevar stated that Council spent a lot of their valuable time on the Clover Development when the revised plan was not presented to the Planning Commission first.

President Miller thanked Mr. Pevar for his comments.

Mr. Ron Hollenbeck, 407 Hessian Drive, thanked Council for appointing him to the Zoning Hearing Board. He stated that he and his wife have lived in the Borough for nearly ten (10) years. He added that he had the privilege of taking any early retirement and was looking for ways to volunteer. Mr. Hollenbeck stated that he submitted his request to be appointed to the Zoning Hearing Board based on his research of the Borough's website and speaking with Ms. Karen Scherer and Mr. Russell Drumheller.

President Miller thanked Mr. Hollenbeck for his comments.

ADJOURNMENT

It was moved by Council Member Thomas and seconded by Council Member Carozzo to adjourn the meeting at 8:23 pm. Motion carried unanimously.

Brant Kucera
Borough Manager