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**Public Meeting  
May 19, 2008**

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Steven Miller called the regular meeting of the Concord Township Planning Commission to order at 7:00 p.m. on May 19, 2008 at the Concord Township Municipal Building. The following members were present: Michael J. Kirlin, Virginia L. DeNenno, Bruce R. Bilotti, James H. Borden, Kyle Patino and John E. Heyburn. Sarita Trivedi was absent.

**APPROVAL OF MINUTES**

Mr. Patino amended page 2 under Brandywine Youth Club Gymnasium, lines 19 and 20 to "Planning Commission or the audience, six voted in favor to recommend preliminary plan approval to the Board of Supervisors at the May 6, 2008 public meeting. Mr. Kirlin was opposed." Ms. DeNenno moved that the minutes of the April 21, 2008 meeting be approved as amended. Mr. Heyburn seconded this motion. The minutes were unanimously approved.

**PROJECT MANAGER'S REPORTS**

There were no project manager reports.

**OLD BUSINESS**

No old business was reviewed or discussed.

**NEW BUSINESS**

➤ **Heintz** (Final Minor Sub) 412 Conchester Hwy/6.15 ac/3 lots. It was noted that neither the applicant nor applicant's engineer were in attendance. Ms. DeNenno, Project Manager, reviewed the fourth plan submission last revised 2/25/08 and referred to the last Pennoni letter dated 3/11/08 and the outstanding issues: no planning module has been provided; §160-43D sufficient access not provided at this time, §160-8 . Ms. DeNenno could not recommend approval at this time because of the outstanding issues mentioned above and the applicant's and applicant's engineer's stance to not make required revisions. Ms. DeNenno motioned **not to recommend approval** to the Board

of Supervisors, Mr. Borden seconded the motion. As there were no further comments from the Planning Commission or the public, all members voted to deny recommendation of approval to the Board of Supervisors for the June public meeting.

➤ **Diamond State Management-Fogel** (Prel LD) Route 202 and Beaver Valley Road/two retail bldgs. Mr. Kirlin, the Project Manager announced Naamans Creek Crossing, LLC has **granted a 90-day extension to 9-17-08**.

➤ **LMJ Properties** (Prel LD) 207 Baltimore Pike. Mr. Raith, the Project Manager, announced LMJ Properties has **granted an indefinite extension**.

➤ **Spring Lake LP Shoppes** (Prel/Final Land Dev) 449 Wilmington-West Chester Pike/retail center. Mr. John Jaros, Esq., and Ms. Andrea Finerosky (Pettinaro) were in attendance representing Spring Lake LP Shoppes. Michael Kirlin, Project Manager gave an overview of the plan (orig. dated 7/27/07, last revised 3/28/08) to remove all existing structures and construct a shopping center at 449 Wilmington-West Chester Pike. Mr. Kirlin motioned to recommend preliminary/final land development citing the six (6) waivers requested: §160-23.A.1, §160-49G6(b), §160-56.B.1, §160-50.F, §160-9.H. which is labeled as §160-9.i.1 on the plans but will need to be changed on the plans to §160-9.H. and from §160-50.D. Also that Condition #2 be that the conditional use application submitted to the Board be allowed to allow parking in the commercial district between the main building and the street per §210-196.D.1 and to permit a retail use with a gross floor area of 65,000 sq. ft. or greater from the C-2 district per §210-127D.1; condition #3 individual land development plans be submitted for each pad site for buildings labeled H, I, J, K & L as noted on Sheet 2 and subject to the Pennoni letter dated 4/14/08, the Thomas Comitta Associates letter dated 4/22/08 with the Stanley Stubbe lighting letter dated 4/21/08, Delaware County Planning Commission letter dated 9/20/07, the Fire Marshal's email dated 5/2/08, the Concord Township traffic engineer letter dated 4/1/08, the Concord Township Sewer Authority approval letter dated 1/28/08, and all plans should be submitted in an electronic format acceptable to the Township Engineer. Mr. Michael Raith seconded the motion. There were several questions directed to Mr. Jaros, Esq. regarding sewer, parking, and size of the trees (ten (10) ft. trees all along the perimeter) and the width of the berm. Mr. Sirohi (resident-75 Concord Creek Rd.) had questions regarding the shrubbery along the fifty foot buffer on the Pettinaro property as to if any of the trees would be removed. Ms. Finerosky assured Mr. Sirohi that stakes will mark the property line so that he can see that all work will be done on the Pettinaro property side. There being no further discussion or questions from the Planning Commission or the public, all voted in favor to **recommend preliminary /final plan approval** to the Board of Supervisors at the June 3, 2008 public meeting.

➤ **Summit Crossing (Varriale)** (Prel LD) North & southbound lanes btw Rt 202/3.89 ac/proposed 23, 400 sq. ft.) Mr. Andy Varriale (Applicant), Don Petrosa, Esq., and Mike McClellan (CMC Engineering) were in attendance. Mr. Borden, the Project Manager reviewed the preliminary plan for a 19, 600 sq. ft. retail building and a 3800 sq. ft. bank with public water and sewer and two signalized intersections on 4.1 ac parcel. Five

variances have been granted by the Zoning Hearing Board in a notice dated 1/17/08. Seven (7) waivers were requested: §160-39.C.6 approaches to any intersection shall follow a straight course within 100 ft of the intersection (the Township Engineer has requested additional information on this); §160-39.C.9 max slopes of banks measured perpendicular to the center line of the street shall be 4 ft horizontal to one foot vertical in cut and fill area (the Township Engineer has also requested additional information on this subject); §160-39.C.10. vertical curves are required for changes in grade greater than 1%. The rate of change of grade on vertical curves shall be no more than 4% per 100 feet for sags (the Township Engineer has proposed a change to make this design compliant with the ordinance); §160-39.C.11. changes in street direction shall be made with horizontal curves with a minimum centerline radius of 150 feet for local secondary roads (the Township Engineer has no definite objection to this waiver); §160-39.C.12. A minimum curb or paving radius of 50 feet and a minimum radius of 40 feet for right-of way lines (the Township Engineer has no technical objection to this waiver); §160-50C.3.b.2 Buffer screening for residential uses a screen five feet wide (minimum), six feet high (minimum) must be planted (the Township or Tom Comitta does not object to this waiver) ; §160-44.A.2.(c) minimum width of aisles providing access to stalls for one-way traffic only (the Township Engineer requests additional information on this subject); §160-39.C.2. cart way width of a local secondary street is required to be 27 feet; the plan indicates 26 feet (the Township Engineer has no technical objection to this waiver). Mr. Borden motioned to recommend preliminary approval contingent upon the following conditions: compliance with the consultant review letters listed below: Chester Water Authority letter dated 4/25/08, Pennoni Associates letter dated 4/14/08, Thomas Comitta letter dated 4/11/08, Fire Marshal email dated 4/9/08, Pennoni Associates traffic improvements memo dated 4/1/08, Concord Township Sewer Authority letter dated 3/24/08 and the Delaware County Planning Commission letter dated 9/20/07, meeting all of the requirements of the Concord Township Sewer Authority, compliance with the Thomas Comitta letter dated 5/19/08 and the following waivers be granted: 160-39.C.(2), 160-39.C.(12) and 160-50.C.(3)(b)[2]; the granting of the remaining waivers are to be deferred until Final Plan approval, the additional information requested by the Township Engineer requested in his April 14, 2008 letter should be supplied prior to Final Plan review; the Board of Supervisors grants the Conditional Use Application; the name of Summit Street is to be changed as required by the Fire Marshal; submittal of elevation drawings for approval by the Board of Supervisors; resolution with the Supervisors regarding all the trees that were removed from the site, and that plans be submitted in electronic format suitable to the Township. Kyle Patino seconded the motion. Mr. Kirlin questioned the number of trees that were cut down prior to plan submission and Mr. Heyburn asked about a traffic signal and street line up with the development across the street. Francis Pileggi, Esq. (representing the Chernoffs) had questions regarding the 5 ft. widening of Summit Street, a portion of which is located on the Chernoff property which prompted discussion between he and Don Petrosa, Esq. There being no further questions or discussion from the Planning Commission or public the Planning Commission voted unanimously to recommend **preliminary approval**.

➤ **Brinton Land Development** (Prel/Final) Shops at Brinton Lake. Mr. Jeff Haas (Brinton Land Development) attended. Mr. James Borden reviewed the plan which shows construction of a 2,989 sq. ft. expansion to the eastern end (formerly Food Source) of the main Brinton Lake Shoppes building, along with storm water management controls and a stone retaining wall. Mr. Borden motioned to recommend approval with the following conditions: the waiver from §160-9.H be granted, submittal of elevations to be approved by the Board of Supervisors, meeting all of the requirements of the

Concord Township Sewer Authority, compliance with the following consultant review letters: Pennoni Associates letter dated 5/7/08, Fire Marshal email dated 5/9/08, Delaware County Planning Department letter dated 4/17/08, and plans be submitted in electronic format suitable to the Township. Bruce Bilotti seconded the motion. There being no further discussion from the Planning Commission or public, all voted to recommend **approval** to the Board of Supervisors at the June 3, 2008 public meeting.

➤ **Concord Township** (Prel/Final) Lot Consolidation Plan. Mr. Miller gave an overview of the plan (old Dante property-Thornton Rd. and Baltimore Pk) to consolidate five (5) township properties at the intersection of Baltimore Pike (Rt 1) and Thornton Rd. into one (1) parcel. Mr. Cline (Township Engineer) answered questions from the Commission. Mr. Miller motioned for approval contingent upon the Pennoni review letter dated May 16, 2008 and the submittal of the lot consolidation plan by Pennoni Associates. The motion was seconded by Mr. Borden. There being no further questions or discussion from the Commission or the public, all voted in favor of recommending approval.

### **OTHER COMMISSION MATTERS**

- Onix Hospitality Concord, LLC “Chick-Fil-A” Continued Conditional Use Hearing Scheduled for 7/1/08 at 7:00 p.m, auxiliary to the Hampton Inn for a fast-food restaurant.

### **SCHEDULE FOR THE MONTH**

The caucus meeting will be held May 27, 2008, the agenda meeting will be held June 9, 2008 and the public meeting will be on June 16, 2008.

### **PUBLIC FORUM**

There was no public comment.

### **ADJOURNMENT**

There being no further business to conduct, Mr. Raith moved to adjourn the meeting at 7:59 p.m., seconded by Mr. Bilotti.