



# Newsletter



## FALL 2009

<u>In This Issue</u>	<u>Page</u>
KPA Drive For New Members .....	1,2
CRG Proposes Alternate Design For Stoltz Projects .....	3,4
Pennsbury Litigation .....	5
Centreville Traffic Calming Project .....	6
Beautiful Dreamers: Landscape Report .....	7,8
"Written on the Subway Walls" : Graffiti in New Castle County .....	9
Did You Know : The Village of Mendenhall.....	10
KPA Elects New Officers .....	10
A Thing of Beauty : The Kennett Pike .....	11
KPA Annual Meeting Monday October 26 .....	12

### **KPA Drive For New Members**

For more than 50 years the Kennett Pike Association has been serving the residents and businesses of northern New Castle County. Since 1957 the KPA has monitored zoning changes, variance requests, Board of Adjustment applications, land use changes, highway improvement plans, and proposed legislation in an effort to protect its constituents' interests. Just about everyone would agree that KPA, comprised of dedicated volunteers, has accomplished much and today we all continue to enjoy the beauty and heritage of the Kennett Pike and Route 100 corridors, now designated a State and National Scenic Byway.

However, we now need your help. Supporting KPA with your annual membership dues is critical for KPA to continue the good work on your behalf. Your dues of just \$50 per year allow the KPA to protect our Scenic Byway and help maintain many medians with beautiful landscaping, for your enjoyment as well as the benefit of the citizens of our entire State, and visitors from other States and countries.

.....cont. pg 2 ( New Members)

**Families**

**If you are already a member and have recently paid your \$50 dues .....** Thank you for playing your part in enriching all of our lives!

**If you are a member but have not paid your dues in the last year .....** Please send in your dues of \$50 along with the membership form below. Keep up the good work!

**And if you are not a member, or have let your membership lapse .....** Please won't you join hundreds of your neighbors and send in your dues of \$50 today. We really need your help, and you will feel terrific knowing that your contribution is going directly to preserve the beauty of your environment.

If you send in \$100, we will gladly record your membership for 2-years!

**Businesses and Associations**

**Business and Civic Association annual dues .....** \$125

**Corporate Sponsors .....** \$250

**Thank you for supporting KPA and its Mission!**

**YES, we want to help preserve the beauty and heritage of the Kennett Pike  
and Route 100 corridors by joining KPA and supporting its Mission**

**We want to be members of KPA:**

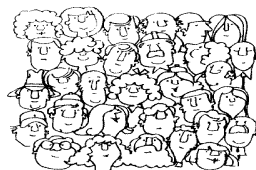
**Name:** \_\_\_\_\_

**Street:** \_\_\_\_\_

**City/State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Amount Enclosed: \$** \_\_\_\_\_

**Send To: The Kennett Pike Association  
P O Box 3592  
Greenville, DE 19807**



## CRG Proposes Alternate Design For Stoltz Projects

Citizens for Responsible Growth in New Castle County (CRG) is a citizens group formed in 2008 to advocate for responsible and sustainable growth in New Castle County, DE that strikes the appropriate balance between economic development and the preservation of both the unique scenic character of the Brandywine Valley and the natural and historic resources surrounding our communities.

Patty Hobbs, KPA Trustee and Founder of CRG, said, "I want to take this opportunity to thank everyone who has supported CRG. Without your support it would not be possible to try to alter the massive development projects proposed by the Stoltz organization in a way that is more sensitive to the surrounding areas."

The projects proposed by the Stoltz organization include:

- Barley Mill Plaza: 2.8 million square foot mixed-use super-center at the intersection of Rt. 141 and Lancaster Pike.
- Shops of Brandywine: 364,000 square foot retail and mixed-use complex at the corner of Rt. 202 and Beaver Valley Road, now zoned residential.
- Greenville Center: new 12-story building and 7-story parking garage as part of a mixed-use retail, office and residential complex at the corner of Kennett Pike and Buck Road.
- Former Colombia Gas Site: additional 31,000 square feet of office space at the corner of Route 100 (a National Scenic Byway) and Rt. 141.

The Stoltz organization promised over a year ago to file revised plans for Barley Mill Plaza and Greenville Center, reducing the size of BMP down to 1.5 million square feet and reducing the height of the proposed condominium in GC to six stories. However, no revisions have as yet been filed, and the Stoltz organization has continued to advance its original plans with only minor modifications, claiming that it is entitled "by right" to have these plans approved and built.

The term "by right" refers to the fact that the County has no choice but to approve and permit land development plans that meet all legal requirements. The Land Use Department has given conditional approval both to the Barley Mill Plaza plans for 2.8 million square feet of new buildings and to the Greenville Center plans for a new residential condominium building 12 stories in height because, at first glance, the UDC (Unified Development Code) appears to allow development of Stoltz's plans.

To oppose these "by right" plans, in April CRG (which stands for Citizens For Responsible Growth in New Castle County), under the leadership of KPA and other civic organizations and community umbrella groups, filed a twenty page document with the County called a "Request For Interpretation" asking the Land Use Department and the County Law Department to rule on a number of provisions in the UDC which we think the Stoltz plans violate. An additional "RFI" was filed this month challenging Stoltz's contention that BMP should be treated as a "redevelopment" project that can proceed without regard for the highway traffic limitations that would otherwise apply.

In addition to attacking Stoltz's "by right" claims at the County level, CRG is also working with Councilmen Bob Weiner and Bill Tansey, Senator Michael Katz, and Representatives Hudson, Brady and other elected officials, to urge that DelDOT use its power over traffic matters to contain the expansion at Greenville Center and Barley Mill Plaza. Meetings have been held with Secretary of Transportation Carol Ann Wicks, correspondence has been exchanged, and a detailed legal memorandum is being prepared delineating the powers of DelDOT in conjunction with the County to prevent the gridlock that area residents know will result if these and the other two projects proposed by Stoltz between

.....cont pg 4 (CRG / Stoltz)

CRG / Stoltz (cont from pg 3)

the Concord Pike and Lancaster Pike are allowed to proceed in accordance with the filed plans. Since the “by right” basis asserted by Stoltz for its plans requires technical expertise to refute, CRG has hired the well respected regional traffic engineering firm of Orth Rodgers Associates using funds raised largely through the efforts of Patty Hobbs, who took a leave of absence from the KPA Board last year in order to head up CRG. In addition to monitoring the traffic data supplied by Stoltz’s engineers to DelDOT and the County, ORA will be working with DelDOT on a regional traffic model for the Brandywine Valley between Routes 52 and 202, from the Delaware/Pennsylvania state line to the City of Wilmington line.

CRG has also hired the nationally renowned land planning firm of Torti Gallas to prepare alternative design concepts reflecting how the community would hope Stoltz might downsize and refile its plans for Greenville Center and Barley Mill Plaza. A public open house held by CRG at St. Josephs on the Brandywine in July was attended by nearly 200 people and confirmed that, if additional development is inevitable, a strong majority of area residents prefer a downsized and more sophisticated “mixed-use” design at BMP, and a residential condominium at Greenville Center that does not exceed the maximum height (four stories) of the buildings already present in Greenville Crossing I. Copies of these alternative design concepts have been provided to Stoltz and to the Land Use Department.

If traffic conditions permit, CRG and its member organizations, including The KPA, recognize that Stoltz will be entitled to proceed with some development at both BMP and Greenville Center. However, we do not believe that Stoltz is entitled “by right” to ignore traffic constraints, disregard existing community character, erect a twelve story building in Greenville Center, and create a new regional strip shopping center, office complex and residential apartments at Barley Mill Plaza occupying over 2.8 million square feet of new space. Continued community input and financial contributions are critical if CRG is to succeed in preventing the drastic changes proposed by the Stoltz organization.

If you wish to make a donation, please send it to: CRG in New Castle County, c/o Patty Hobbs, PO Box 4185, Greenville, DE 19807. You can visit them on the web at: [crgncc.org](http://crgncc.org)



## **Pennsbury Litigation: Pennsylvania Court Rules in Favor of Pennsbury Township Board of Supervisors**

In a recent decision filed August 20, 2009, a three judge panel of the Commonwealth Court of Pennsylvania ruled in favor of the Pennsbury Township Board of Supervisors in litigation brought by a developer calling itself Pennsbury Village Associates (“PVA”). This litigation was the most recent of a series of legal actions brought by the developer. In 2008, the developer sued the Board of Supervisors in an effort to prohibit two of its three elected Supervisors, Mr. Wendell Fenton and Mr. Charles Scottoline, from participating in any review of the developer’s application to build Pennsbury Village, a proposed high density residential and commercial development in Pennsbury Township. Mr. Fenton, a Republican, and Mr. Scottoline, a Democrat, both had campaigned on a platform opposing certain aspects of the development. In the past, Mr. Fenton had recused himself from voting on certain matters surrounding the Pennsbury Village controversy.

In November 2008, a lower court judge prohibited Mr. Fenton from any discussion or decision by the Board of Supervisors relating to PVA, and sought to appoint an attorney to act as a third Supervisor from a list of West Chester lawyers submitted by the parties. This decision was struck down by the Commonwealth Court of Pennsylvania when it ruled in favor of the Board of Supervisors. The Court noted that the lower court’s “finding of bias is based on Fenton’s expressed views, which were well known to the voters who elected him, on matters of law and public policy, in particular, regarding the use of adjoining public lands to support development on PVA’s property” and that the Pennsylvania legislature “has made it clear . . . that a local Supervisor, duly elected by the citizens, should not be suppressed from participating in the discussion and/or debate of an issue by denying him thereafter the right to vote on such issue. Public officials are elected without such a restriction on their right to freedom of speech or their lawful duty to their constituents to voice their opinions.”

## **Pennsbury Litigation (cont)**

The Court found that Pennsylvania law “specifically protects a Supervisor’s right to vote in accordance with campaign promises and other past statements.” The Court also took issue with the developer’s decision to file suit absent any failure of Mr. Fenton to recuse himself from any deliberations surrounding the proposed development, and noted that “PVA has bypassed the voting proceedings by filing suit, in advance, to prohibit Fenton not only from voting, but also from expressing his opinion in Board proceedings involving PVA.” The Court similarly disapproved of the lower court’s plan to appoint a Supervisor to act in Mr. Fenton’s stead, noting that even if Mr. Fenton’s disqualification was appropriate for decisions regarding this controversy, which it was not, two of the three Supervisors would be capable of voting on the matter. This would be sufficient to constitute a quorum, and thus there would be no reason to appoint a new Supervisor.



## **Greenville BP to Close**

The BP Service Station at 3816 Kennett Pike in Greenville is set to close. The proprietor, Tom DiDonato, tells KPA that he has been working there for 36-years, while the family has been operating at that location for some 50.-years. All of your many customers will miss you Tom! In its place, Bank of America is planning to open a new branch office.

## Centreville Traffic Calming Project

For most of the way along the Kennett Pike, it is a 2-lane rural road with a 50-mph speed limit. When the Pike passes through Centreville, there is a posted 35-mph limit. The Delaware Department of Transportation (DelDOT) studied actual traffic speeds through Centreville at six different times from 2001 to 2005 and found that very few drivers complied with the 35-mph limit. Between Snuff Mill Road and Owls Nest Road, recorded average speed was 37-mph, and between Owls Nest Road and Centre Meeting Road the recorded average speeds was 43-mph.

After many studies, surveys and inputs from consultants, the main concerns for traffic passing through the historic 250-year-old community boiled down to 3 issues:

1. Safety concerns given the speed of cars along Kennett Pike
2. Safety concerns at the Snuff Mill Road intersection
3. Safety concerns at the Twaddell Mill Road / Owls Nest Road intersection

After many years of hard work by many people and organizations including Centreville residents, New Castle County, WILMAPCO, Delaware Greenways and the Centreville Civic Association, it was announced in April of this year that Phase I of Centreville's Traffic Calming project would proceed with \$3.7 million of funding provided under the federal stimulus package.

Phase I plans include new sidewalks, crosswalks, landscaping, bicycle paths and permanent curbed bulbouts through Centreville from Snuff Mill Road to Centre Meeting Road. The Project Manager is Jeff Niezgoda with DelDOT in Dover. Jeff told KPA that as of Labor Day the bids were out and were due for submission on September 10. It would then take several months for the bids to be awarded, contracts agreed, and work to get underway. It was hoped that work could begin before the Holidays. Safety concerns at the intersections at both ends of town would be reassessed after the Phase I Traffic Calming project was completed.



## Beautiful Dreamers

*The beauty of the trees,  
The softness of the air,  
The fragrance of the grass,  
Speaks to me .....  
And my heart soars.  
--- Chief Dan George*

Those of us who are lucky enough to live in, or to visit the Brandywine Valley can thank a group of dedicated folks for making our surroundings even more beautiful. Your Kennett Pike Association, in collaboration with Evergreen Inc., is dedicated to preserving the beauty indigenous to northern Christiana Hundred, and this is done, in part, by a team of people who work quietly behind the scenes.

The KPA/Evergreen Landscape Committee is comprised of Glenn Barnhill, Patsy Bussard, Joanne Cushman, Patty Hobbs, Ellie Maroney and Beverly Rowland. This group of knowledgeable and energetic volunteers monitors the medians and bump outs along the Kennett Pike, ensuring that the areas are maintained and replanted when necessary. The fruits of their labors are clear in the pictures of the medians in this issue. The unusually wet spring and summer this year both benefited and harmed some of our plants. Our goals are large, but our resources are limited, so we have to prioritize what gets done. This May, in the Greenville Wine and Spirits median, we replaced some of the declining *Ilex glabra* 'Shamrock' with *Cornus* 'Arctic Fire', a small red twigged dogwood. We would love to totally redo the Berkley Road median, but instead will refurbish it by removing unsuccessful plants, extending Junipers at each end, and add more Winterberry in some of the bare spots. The larger traffic triangle near St. Josephs which we replanted last fall is filling in nicely, and should look wonderful next spring. The short blooming *Stokesia* in the smaller triangle will be interplanted with sturdy, longer blooming *Rudbeckia* 'Goldstrum' Blackeyed Susan for a better display. More Junipers will be added there as well. Our arborists, Kerns brothers will replace two dying maples --- an Armstrong maple in the McBride Shopa median, and a red maple in the Briars bump out. Additionally, Kerns Brothers has to treat the oaks which have an infestation in front of the Raskob Foundation.

.....cont pg 8 (Beautiful Dreamers)



A lovely Kennett Pike median thanks to the KPA Landscape Committee and our sponsors

## **Beautiful Dreamers** (cont from pg 7)

The Landscape Committee is only a part of the team that makes all of this happen. We appreciate the hard work and input of the Delaware Center for Horticulture, Fred Schmidt, and Bobby Villemaux of Smithville Lawn care who do our maintenance. Thanks also to Stonegates and Pelleport for beautifully maintaining the areas near their entrances. Although most of the landscape funds come from tax-deductible contributions to our Evergreen Plan and our member's dues, we could not do it without the generosity of our Corporate sponsors. The Kennett Pike Association is pleased to welcome a new Corporate sponsor Weymouth, Swayze and Corroon Insurance Company. We also want to salute two of our longest continuous sponsors: Tom Gehret of the Morgan Stanley Greenville Office, and Tom Shopa of McBride/Shopa CPAS. Here is a list of all of our Corporate sponsors. Please say "Thanks" when you see them.

BSA+A

Dewson Construction Company

The Greenville Wine and Spirits Company

McBride, Shopa and Company

Tom Gehret, Morgan Stanley of Greenville

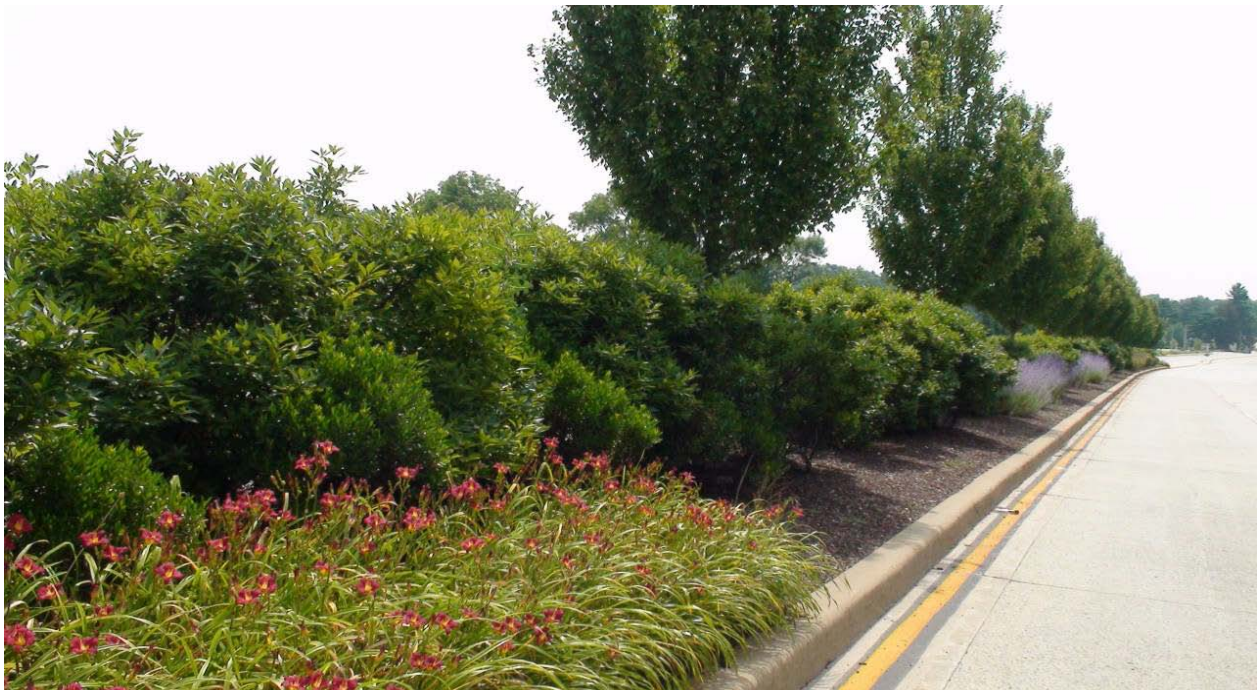
Setting Properties

Stoltz Management of Greenville

Weymouth, Swayze & Corroon

WSFS

What a team --- they make our hearts soar!



Beautifully landscaped medians along Kennett Pike enrich our lives



**“THE WORDS OF THE PROPHETS  
ARE WRITTEN ON THE SUBWAY  
WALLS, AND TENEMENT HALLS.”**

**(Simon & Garfunkel)**

The word “graffiti” comes from the Greek term “graphein” meaning “to write” and it has become a growing problem throughout the United States. No longer is it just an urban crime. It has become a problem for us too in Northern New Castle County.

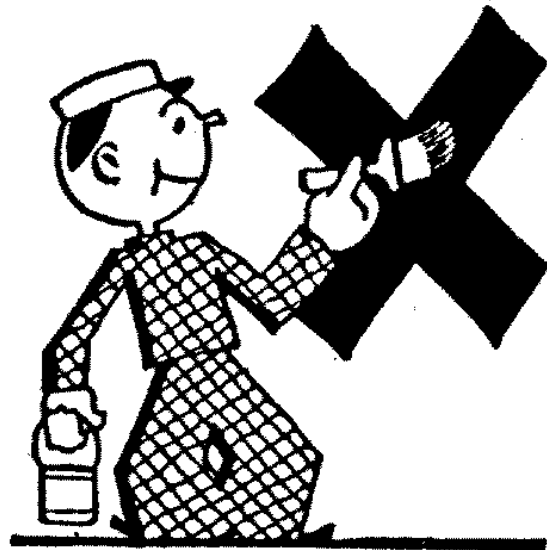
In the month of August alone, there were 2 separate arrests. On August 6 Delaware State Police and the Newark Police Department arrested 3 young men --- 2 adults and a minor ---- for dozens of misdemeanor and felony graffiti-related charges. The arrests were a multi-agency effort through the Anti Graffiti Task Force. Separately, on August 11 an 18-year old male from New Castle, charged in July for graffiti crimes, was arrested again in August for allegedly spray painting the covered bridge on Smith Bridge Road in Brandywine Hundred.

New research suggests that one example of disorder, like graffiti or littering, doubles the likelihood of others doing similar things. This supports the “broken window” theory which suggests that signs of disorder open the door to individuals breaking other social norms or rules. Graffiti is mainly a crime of young people who have adopted a culture of being anti-social, with no regard for others or their property.

County Councilman Bob Weiner of the 2<sup>nd</sup> District has brought a focus to this problem locally, and there has been some success. In an editorial in August, the News Journal said, “Increased vigilance and enforcement is working in nabbing the graffiti vandals. Credit the success to the New Castle County Anti-Graffiti Task force, headed by Elsmere police, and a Citizen Anti-Graffiti Brigade formed by County Councilman Bob Weiner.”

If you wish to volunteer to combat this problem, contact the office of Bob Weiner by calling 302-395-8342. If you are not available to join the Citizen Anti-Graffiti Brigade, you can still help.

If you see graffiti, promptly report it to the police or DelDOT. Graffiti needs to be cleaned quickly ---- the longer it sits, the harder it is to clean. Use Certol Graffiti Remover, available at True Value, to remove most forms of graffiti followed by a light spray of WD-40 to protect the surface from future graffiti.



*Did You Know* .....

## **The Village of Mendenhall**

William Penn received his charter to Pennsylvania in 1681 in payment of a debt the King of England, James II, owed to his father, who had died in 1670. The grant made Penn the sole owner of some 45,000 square miles of real estate, the largest private land holding in America. To generate meaningful profits, Penn sought to control all navigation on the Delaware River and the Duke of York conveyed the land, known as Newcastle, along the western side of the river to Penn in 1682. Penn found it difficult to control both the 3 “upper counties” of Chester, Philadelphia and Bucks and the 3 “lower counties” of New Castle, Kent and Sussex, and the lower counties broke away in 1701 to form their own assembly.

In 1703 the area now known as Mendenhall Village was purchased and settled by Walter Craige whose family and ancestors remained on that land for almost 150 years. In 1847 Joseph Robinson Mendenhall purchased 85 acres of that land, and two years later, in 1849, Elwood Mendenhall purchased the remaining 135 acres. The Mendenhall family had immigrated to America from Wiltshire, England beginning in 1682 when Benjamin Mendenhall arrived in Chester County and purchased land in the Harding tract, and later 500 acres near the Brandywine in what is now Pennsbury.

Mendenhall Village was incorporated in 1881 and named for its leading citizen Elwood Mendenhall. Elwood had established a railroad siding, a freight station, a creamery and a mail depot. His brother Isaac established the first “station” on the Underground Railroad over the PA state line.

In 1917, Pierre DuPont purchased the farm and some surrounding properties to avoid negotiating right-of-ways for his plans to widen the Kennett Turnpike. Shortly thereafter, the land was sold to the Milhous brothers who turned the large barn into a feed store. The barn was converted to a restaurant in 1968 and was purchased by the present Mendenhall Inn owners in 1983.

Today, Mendenhall Village remains as one of the jewels in the Brandywine Valley crown.

## **KPA Elects New Officers**

At its meeting on Tuesday September 8, 2009 the Kennett Pike Association Trustees elected new Officers for the 2009-2010 Year. The following were elected for 1-year terms:

President:	John Danzeisen
Co-Vice Presidents:	Glenn Barnhill, Jr. and George Hobbs
Treasurer:	Mark Fortunato
Secretary:	Ellie Maroney

These volunteers are all proud to serve the members of KPA to further the worthwhile mission.

The KPA is indebted to Dick Beck for his service as Acting President when much has been accomplished, and we look forward to his continued dedicated involvement. Thank you Dick!

KPA’s new President, John Danzeisen, is the retired CEO and Chairman of The Glidden Paint Company, Chairman of ICI Americas and Chairman of ICI Canada. Recently he was Chair of the American Red Cross of the Delmarva Peninsula, and Chair of the Governor’s Commission on Community and Volunteer Service.

**Please come to the KPA Annual Meeting at 7:00 PM  
On Monday October 26 at the Hagley Museum Soda  
House on Rt. 141 in Greenville!**



**“...A THING OF BEAUTY, A HIGHWAY THAT WILL BE A PRICELESS GIFT FOR THE PUBLIC FOR ALL TIME.”**

In 1906, Pierre Samuel duPont, Chairman of the Dupont Company, purchased the land that was to become Longwood Gardens along Route 1 near Kennett Square, PA from the Peirce family who had developed an arboretum on the property. 13 years later he bought all of the shares of the Kennett Pike toll road, which was \$10,000 in debt. He took on this debt, and significant other expenses, in order to improve the road that linked his new summer home at Longwood, with his offices in Wilmington. After he widened the road, and put a hard surface on it, he transferred in 1920 the portion of the road in Delaware to the state for \$1.00. However, the transfer had restrictions. For example, no trolley cars would be permitted, and no advertising signs could be erected without the consent of the property owners along the entire length of the road. P S duPont later funded the planting of large numbers of elm, sycamore and oak along the Kennett Pike between Longwood Gardens and the City of Wilmington, and he worked closely with private property owners along the Pike to remove fencing and other things that obstructed views. A newspaper at the time said that Pierre, “... will make the old Kennett Pike a thing of beauty, a highway that will be a priceless gift for the public for all time.”

Pierre Samuel duPont was a man who appreciated natural beauty and the need to preserve it. Longwood Gardens and the Kennett Pike are two of his legacies. Since his death in 1954, many people and organizations have worked to preserve the beauty of the Kennett Pike. The Kennett Pike Association, founded in 1957, and the Centreville Civic Association, founded in 1970, has long worked to carry on this legacy of preservation. More recently, Delaware Greenways has led efforts to preserve the Kennett Pike and Route 100 as a State and National Scenic Byway.

Most of the property developments and alterations along the 10-mile stretch of the Kennett Pike in PA and DE are sympathetic to the surroundings and preserve the beauty for everyone to enjoy. For that we are all grateful. However, we all must be vigilant for encroachments and changes that sacrifice open space and natural beauty for opportunistic exploitation. The KPA is concerned about the growing number of signs ----- both permanent and temporary ----- that seem to appear on a daily basis that intrude on our ability to enjoy the surroundings. This is a concern that all of us must share, and the KPA will continue to monitor the situation and work to keep such encroachments to a minimum.

We would appreciate hearing from you on this matter. Please write!





**Please come to the KPA Annual Meeting on Monday October 26, 2009**

The meeting will be held at 7:00 PM at the Hagley Soda House at the Hagley Museum on Rt. 141 in Greenville, DE (near Rt. 100). Refreshments will be served! Following a short business meeting, we will have short presentations and updates by Councilman Weiner on Graffiti, Mark Chura on the Stoltz development projects, and Gretchen Mercer of the Centreville Civic Association on the Centreville Traffic Calming project. Other state and county officials are expected also to answer any questions you have.

**PLEASE COME! You will be glad you did.**