



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS

CONDITIONAL USE HEARING
Applicant: The Hankin Group

May 11, 2016

7:00 p.m.

Approved

Location: Upper Uwchlan Township Building
140 Pottstown Pike, Chester Springs PA 19425

Attending:

Board of Supervisors

Kevin C. Kerr, Member

Guy A. Donatelli, Member

Jamie W. Goncharoff, Member

Township Administration

Cary B. Vargo, Township Manager

Gwen A. Jonik, Township Secretary

Al Gaspari, Codes Administrator

Dave Leh, P.E., Township Engineer

Kristin Camp, Esq. Township Solicitor

Arlene LaRosa, Court Stenographer

Mr. Donatelli called the meeting to order at 7:01 p.m., advised the audience that several Parties to the Proceedings, Steve and Joanne McNaughton, would continue to present their evidence and testimony, which at the last Hearing they estimated would take approximately an hour. When they've concluded their presentation, if the Applicant doesn't have rebuttal testimony, the audience would be able to ask questions or offer comments.

Attendees included the McNaughtons, their Consultant/Counselor, and the Applicant's representatives: Neal Fisher, Mike Malloy, Esq., Carl Bones, and Jerry Madden, and approximately 32 citizens.

Mr. Donatelli asked Kristin Camp to proceed to conduct the Hearing and Ms. LaRosa, Court Stenographer, recorded the Proceedings. Ms. Camp summarized the Application, that the Hankin Group is seeking approval to allow a manufacturing use (DSM Biomedical producing silicone hydrogels, the base materials for contact lenses) on Sierra Drive in Eagleview Corporate Center Lot #1, and advised that this evening is the continuation of the McNaughtons' presentation of their Case in Chief. Ms. Camp entered into the Record Board Exhibit B-11, an Affidavit of Posting for the Hearing.

The following is a summary of the Hearing. The Court Stenographer's Record contains all testimony, questions, comments, exhibits, etc.

Joanne McNaughton distributed to Ms. Camp a listing of the McNaughton Exhibits, and McNaughton Exhibits 1-4 (photos) were replaced with ones where the dates they were taken are embedded in the photos. Photographs and documents were entered into the Record throughout the evening as McNaughton Exhibits. Steve McNaughton proceeded through a PowerPoint presentation relating to chemical safety, chemicals used in the manufacturing process at DSM's Berkeley California facility, fire safety plan, landscaping/buffering requirements of previous Conditional Use approvals granted to the Hankin Group for Lot #1, and waste generated during the proposed manufacturing process.

Steve McNaughton called upon Benjamin Herskowitz, who provided testimony regarding threat zones, evacuation areas, and the need for an Emergency Action Plan that considers the uses

in the vicinity of the proposed manufacturing site, as well as the volunteer fire company's ability to respond to potential emergencies.

The Board of Supervisors and the Applicant's Solicitor, Mike Malloy, questioned Mr. Herskowitz in relation to his area of expertise, training, and the processes he used to develop his testimony.

Mr. Donatelli announced a 5-minute recess at 9:45 p.m., and reconvened at 9:53 p.m.

Closing Comments by the McNaughtons stated that there are multiple reasons for the Board to deny the Application:

1. They don't meet the requirements of "immediate consumption";
2. They can't meet the requirements of 200.126.J.1 – size, scope, extent, and character of the special exception;
3. Consider the citizens' health, safety and welfare, first and foremost. Allowing a chemical plant in Upper Uwchlan doesn't meet the 2014 Comprehensive Plan, doesn't please the residents and doesn't make sense for safety/emergency response reasons.

The McNaughtons requested that McNaughton Exhibits through #M-1 through M-65 be entered into the Record. Ms. Camp and Mr. Malloy had no objections to that request.

Sandy D'Amico, Founders Way, commented on the education received tonight, and given a choice whether to mitigate or eliminate a safety issue, deny the Application for the sake of the children and emergency responders.

Hal Harper, Buckingham Drive, questioned the mitigation if the raw materials, acetone, and waste products were housed outside the plant.

Sean Murphy, Heather Hill, made comment regarding the location of a utility room next to the storage tank room.

Ken Shauger, Township Line Road, offered comments regarding the fire safety plan, relocation of the electrical room.

Pat Dennin, Township Line Road, commented on the need to update Township codes to address current situations considering the population growth in the Township.

Amy Murrelstein, Reserve at Eagle, asked the Board to deny the Application.

Brenda Ross, Dowlin Forge Road, commented Upper Uwchlan's codes are inconsistent and need to be updated.

Phil Procker, Ferncroft Lane, Upper Uwchlan's reputation has been damaged.

Angel Omoruan, Killdeer Lane, echoed the education received tonight, asked that citizens' comments be considered, and seek additional safety information from neutral parties before making a Decision.

Ms. Camp closed the evidentiary and public comment period of the Hearing, advised the audience that the Board of Supervisors has 45 days to make a Decision, that she'll draft a Decision & Order for the Board to consider, and at a public meeting they'll discuss and decide the Application.

Mike Malloy asked if a special meeting could be held prior to the 45-day period. Following off-the-record discussion of schedules, Ms. Camp announced the Board would hold a special meeting June 14, 2016, 7:00 p.m. to discuss the Application and render a Decision.

The Hearing was adjourned at 10:50 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary