



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
SPECIAL MEETING

June 14, 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

Kristin Camp, Esq. Township Solicitor

Mr. Donatelli called the Special Meeting to order at 7:00 p.m., led the Pledge of Allegiance, and turned the meeting over to Kristin Camp, Esquire. The Special Meeting is to discuss and a Decision for the Conditional Use Application filed by the Hankin Group regarding a manufacturing use on Lot #1 in Eagleview Corporate Center, Exton PA 19341. Approximately 30 citizens attended.

Ms. Camp announced that Hearings had been held March 21, April 7, April 25 and May 11, 2016 regarding this Application. Parties to the Proceedings were Steve McNaughton, Joanne McNaughton, Patrick Dennin, Rhys Williams, and Allison Aramany. The Board of Supervisors received notes of testimony, and received Findings of Fact and Conclusions of Law from both Parties – Hankin and the McNaughtons. The Board reviewed that information, requested the Solicitor draft a Decision for the Board to review and revise, and prepared for the Board to render their Decision. The Decision includes Discussion, which notes the comments, questions, and issues raised during the Hearings. The drafted Decision and Order will be announced in summary tonight and publicly available after the Board votes on it. If the Parties are dissatisfied with the Decision, they can file an appeal with Chester County Court of Appeals.

Ms. Camp highlighted several of the Conclusions of Law: the proposed Use does meet the usual definition of 'manufacturing', the acetone and nitrogen will be immediately used during the manufacturing process, the Conditional Use Plan complies with existing Ordinances, the Applicant has proven the proposed Use will comply with Ordinances, the Applicant's expert evidence was credible and the Use is not contrary to the public's health, safety or welfare.

Ms. Camp read the following Order and advised the Board that if they had no further questions, they could proceed to Vote:

ORDER

"And Now, this 14th day of June, 2016, the Board hereby approves the Application and grants a conditional use pursuant to Section 200-49.M(1) of the Ordinance to allow the use of a maximum of 30,000 square feet of the Building to be used for manufacturing of silicone hydrogel to Applicant complying with the following conditions of approval:"

Ms. Camp read the 29 Conditions of Approval.

The Board had no questions at this time.

Mr. Kerr moved, seconded by Mr. Donatelli, to approve the Order containing the 29 Conditions of Approval as presented this evening.

The Public posed questions and offered comments, summarized as follows:

1. The financial impact statement says the impact to the township is minimal but the impact to the school district is large. Mr. Donatelli is a Solicitor for the School Board. Isn't this a conflict of interest for Mr. Donatelli? (Mr. Donatelli did not believe that to be the case.)
2. How does allowing this use benefit Upper Uwchlan and why does the company want to come here. (The use is a legal use through the zoning ordinances and the company is leaving California due to location and expansion limitations, as testified.)
3. The storage tanks are still above-ground. How was that issue resolved? (Since the tanks wouldn't be outside it's allowed via a determination by the Township Zoning Officer. Said determination may be appealed with the Court.)
4. Did the Board members live nearby and is it safe? (Yes, Board members or family live nearby, and yes, it's safe, in their opinion.)
5. The quantity of acetone that would be stored is unsafe, there's opposition to the Application, no benefit to the community, take the opportunity to deny the Application.
6. The location of this use, near residential properties and a Park, is not safe.

Mr. Goncharoff commented that he is new to the Board of Supervisors and to the procedures of the position. He hasn't discussed this Application with Mr. Donatelli or Mr. Kerr as all deliberations are to be done during public meetings. He advised that he wasn't going to vote to approve this Use because it is his opinion that immediate consumption of stored materials and chemicals means they'd be used or consumed within a few days, not a few weeks, and that means raw materials as well as the waste acetone. He respects all opinions offered regarding this Application and this is how he feels.

Mr. Donatelli called for the Vote. The Motion carried with 2 in favor and 1 opposed (Goncharoff).

Mr. Donatelli announced the Decision and Order will be available to the public via the Township website and executed copies will be provided to all Parties to the Proceedings.

A gentleman asked if Mr. Donatelli and Mr. Kerr would explain their favorable Vote.

Mr. Kerr commented that he believes this to be a bi-monthly manufacturing process and in his opinion, the turnover of materials is immediate.

Mr. Donatelli commented that he believes this type of bulk storage doesn't meet what the Ordinance had been drafted to prevent. He doesn't think consumption means to totally consume a material, but rather it is used in the process. He believes the experts and Agencies will be diligent in the evaluation, permitting and inspection of all facets of this Use.

Mr. Kerr commented there is a beneficial fiscal impact to this area and property owners have a right to use their property as allowable by Codes.

There being no further business before the Board, Mr. Donatelli adjourned the Meeting at 7:47 p.m.

Respectfully submitted,
Gwen A. Jonik,
Township Secretary