



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARING
July 18, 2016
7:00 p.m.
Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chair
Kevin C. Kerr, Vice-Chair
Jamie W. Goncharoff, Member

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
Jill Bukata, Township Treasurer
John DeMarco, Police Chief
Mike Heckman, Director of Public Works
Al Gaspari, Codes Administrator
Dave Leh, P.E., Township Engineer
Matt Brown, ARRO
John Theilacker, Brandywine Conservancy
Chris Williams, McMahon Associates

John Good, Esq., Township Solicitor
Tom Corcoran, Court Stenographer

Mr. Donatelli called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and offered a moment of silence. Approximately 45 citizens were in attendance.

Approval of Minutes

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the June 14, 2016 Board of Supervisors Special Meeting and the June 20, 2016 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mr. Goncharoff, to pay all vendors as listed July 14, 2016. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the Township's financial position remains strong; earned income tax receipts to date total \$1,834,000, which is +\$95,000 from this time last year.

Supervisor's Report:

Jeff Kowalczyk and Eric Willey of Barbacane Thornton were in attendance. Cary Vargo introduced the 2015 Audit by noting it included a Comprehensive Financial Report. He also mentioned the Township was again awarded the GFOA's Distinguished Budget Award, recognizing Jill Bukata and the Finance Department for their efforts toward this achievement.

Mr. Kowalczyk noted Barbacane Thornton conducted audits for the Township General Fund, Pension Plans (2), and the Municipal Authority, and is currently auditing the Tax Collector. The Comprehensive Financial Report that Mr. Vargo mentioned includes greater levels of details and statistics than a standard audit requires. The Auditor's Report notes the Township is meeting all expectations and requirements, there are no significant remarks regarding internal controls, the Staff are following all processes and procedures as needed and the pension plans are 80-90% funded, which is a good position.

Mr. Donatelli read the following calendar: August 9, 2016 4:00 PM Board of Supervisors Workshop; August 15, 2016 7:00 PM Board of Supervisors Meeting. Yard waste collection dates are July 27, August 10, August 24.

Administration Reports

Township Engineer's Report

Dave Leh reported he's completed the review of Byers Station Parcel 5C Subdivision/Land Development Plan. The Township Planning Commission will review the Plan at their next meeting. Pulte is completing maintenance bond punch list items in Windsor Ridge.

Building and Codes Department Report

Al Gaspari reported that 109 building permits were issued last month, totaling < \$10,000 in permit fees; Operating Engineers are going to pave their driveway, which will reduce the dust for the neighbors; St. Elizabeth's Rectory received an Use & Occupancy Certificate; Dr. Fish's new office building is underway.

Police Chief's Report

Chief DeMarco reported that 5 years ago the Department embarked on the Accreditation process. There are over 1,200 Police Departments in Pennsylvania and only @ 10% are Accredited by the State's Police Chiefs' Association. The Upper Uwchlan Township Police Department received a Certificate of Accreditation, which will be framed and displayed in the Police Department.

Public Works Department Report

Mike Heckman reported that along with routine maintenance and mowing activities, the Department received and worked on: 8 Municipal Authority work orders; 209 PA1 calls; 29 general public works work orders; 15 Parks/Field work orders and 6 solid waste/recycling work orders.

Land Development

Manchester Lot Line Change. Mr. Donatelli advised that the proposed lot line change is the modification of the lot line between 2 parcels owned by the Manchesters, who want to equalize the lot sizes; no construction is proposed. The Plan has been reviewed by all appropriate agencies.

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve the Final Minor Subdivision/Lot Line Revision Plan for Robert W. Manchester, III, prepared by E.B. Walsh & Associates dated May 10, 2016, with the following conditions. The Motion carried unanimously.

1. The Plan shall be revised to comply with Gilmore & Associates, Inc. review letter dated June 3, 2016;
2. A waiver from SALDO Section 162-9.D. which requires a site analysis and impact plan be provided, is hereby granted;
3. A waiver from SALDO Section 162-9.E. which requires a conservation plan be provided, is hereby granted.

Performance Bonds for Toll Brothers' Frame Property a.k.a. Reserve at Chester Springs. Toll Brothers has submitted Performance Bonds as follows, as well as a Stormwater Best Management Practice Operation and Maintenance Agreement for the Frame Property project on Little Conestoga Road – named The Reserve at Chester Springs – 61 new single-family homes. Performance Bond #82398033 for site improvements in the amount of \$2,954,631.02; Performance Bond #82398034 for sanitary sewer improvements in the amount of \$362,410.16. Alyson Zarro, Esq. – Riley Riper Hollin & Colagreco was present and advised that the Stormwater Operation and Maintenance Agreement will be recorded along with the Subdivision - Land Development Plans. The documents have been reviewed and approved by John Good, Esq. – Township Solicitor, and Township Consultants.

Mr. Goncharoff moved, seconded by Mr. Kerr, to approve the above-mentioned Performance Bonds. The Motion carried unanimously.

ADMINISTRATION

Zoning Ordinance Amendment - Active Adult Community Use in the F-1 Flexible Development District.

Tom Corcoran, Court Stenographer, recorded the Proceedings.

Denise Yarnoff , Esq. – Riley Riper Hollin & Colagreco on behalf of McKee-Milford Associates, advised that the over the past year or so they've presented to the staff, the Planning Commission and the Board of Supervisors a concept proposing an age-restricted (55+) – Active Adult Community (AAC) for the Fetters property on Milford Road, within the F-1 Flexible Development District.

The subject zoning ordinance amendment is submitted to permit an Active Adult Community (AAC) as a Use, through Conditional Use Approval, in the F-1 Flexible Development District. The ordinance would permit the AAC Use with a base density of 2.2 units/acre plus bonus density for the construction of wastewater treatment and/or disposal capacity in excess of what is needed for the Development. The ordinance amendment has been reviewed by the Township and County Planning Commissions, advertised in accordance with the Municipalities Planning Code and the property was posted with the Hearing notice.

Rich Turocy, Warren Cassidy, Jerry Bourgeault, Mr. Wildermuth, Mr. Kumar, Jeannie McDonald, Mr. Hardy, Mr. Samarco, Jan Farina, Elaine Fee, and Joanne Duke offered comments or posed questions regarding the plan for the Fetters property. Comments included concern regarding increased traffic volume and traffic safety issues. Ms. Yarnoff, Mark McGonigal (McKee) and Dennis Glackin provided responses to the residents' questions.

The Active Adult Community concept for the Fetters property includes a mix of single family homes, carriage homes and villas (total 400+ units); this would require the expansion of Phase III of the Route 100 Wastewater Treatment Facility; treated wastewater will be disposed on-site; the homes will meet the current height ordinances; there will be a community center, pool and other amenities; there will be trails through the property and connecting to Milford Road; this is a concept, not a fully engineered Plan; existing R2/F-1 overlay zoning on the property would allow 220 units; there won't be as many school-aged children as a typical development so fewer school buses; there will be less peak-time "work" traffic; the amount of open space will be what is required with existing zoning; the 2 access points are in/out Milford Road; there are no plans to access in/out The Reserve at Eagle; road and intersection improvements will be researched during the land development process; construction wouldn't begin until 1-1/2 – 2 years, earliest; they'll check with the Turnpike Commission regarding their timing for the expansion project and Milford Road improvements; they'll check with Aqua PA regarding Aqua expanding water service to Patricia Drive; the grading and landscaping buffer with Dee Circle would be developed through the land development process.

Mr. Donatelli advised that tonight's hearing is to consider the ordinance so that this type of community could be developed in the township, but the actual Plan for the Fetters property hasn't yet been designed and engineered. That will be done through the conditional use process and the land development process.

John Good mentioned the Brandywine Conservancy's review of the ordinance included comments suggesting amendments to the restricted open space ordinance. The Applicant will comply with the suggestions and the amendments will be considered in the future.

Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Ordinance #2016-06, amending Zoning Ordinance Section 200-72 to add a new permitted use in the F-1 Flexible Development Overlay District to provide for Active Adult Communities. The Motion carried unanimously.

Office telephone system replacement. Cary Vargo advised that the current office phone system is over 7 years old, has an on-site server, requires software upgrades, doesn't provide off-site redundancy in times of emergency and we've been experiencing functionality problems on a more frequent basis. Staff and Technology Advisory Board members researched new systems and recommend LSI. This was not budgeted for 2016 but is a necessary project. The system is VOIP, will be hosted off-site, will provide for continuity of operations and will function across all Municipal buildings. The Board is asked to approve a Service Agreement with LSI with a purchase price for the necessary equipment at \$10,037.73.

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve the Service Agreement with LSI and purchase the necessary equipment at a cost of \$10,037.73. The Motion carried unanimously.

Village of Eagle Trails - Project Management and Inspection Services. McMahan Associates has submitted a quote for the administration and inspection services for the construction of the Village of Eagle Trail Project. The \$560,000 construction project is to install trails along Pottstown Pike from Upland Farms to Park Road and along Little Conestoga Road from Darrell Drive to Park Road, and traffic light / pedestrian facilities improvements at those Park Road intersections. McMahan's quote totals \$73,760 and is less than PennDOT's estimate of \$95,000.

Mr. Goncharoff moved, seconded by Mr. Kerr, to approve McMahan's Agreement totaling \$73,760.00. The Motion carried unanimously.

Sterling Act Resolution re: Philadelphia Wage Tax. Mr. Donatelli advised that Philadelphia isn't sending wage taxes to the Municipalities where the taxpayers live and there is a state-wide effort seeking modification of that Act. Mr. Kerr advised that the Sterling Act of 1932, was supposed to be temporary. It is estimated that in 2014 both the Township and the School District lost \$140,000 in revenue.

Mr. Gonchaoff moved, seconded by Mr. Donatelli, to adopt Resolution 07-18-16-11 which requests an amendment to the Sterling Act to require that up to One Percent (1%) of Philadelphia Wage Tax paid by non-residents of Philadelphia be remitted to the Municipality in which the taxpayer resides. The Motion carried unanimously.

Open Session

Mr. Kumar, Dartmouth Road, commented on an area on Dartmouth Road where storm water collects and the Homeowners Association would like to make modifications to that area. Mr. Donatelli asked that the Homeowners Association submit a letter to the Township describing the project. Mr. Vargo advised that the Homeowners Association (HOA) has contacted the Township, the area in question is designated wetlands, the HOA could modify some of the area outside the wetlands but they'd have to follow specific guidelines. The Township Engineer would have to review the proposed project and the HOA will have work with County Conservation District.

Steve Senn thanked Chief DeMarco for the police presence at Susan Drive.

CONDITIONAL USE HEARING

Mr. Donatelli requested John Good proceed to conduct the Conditional Use Hearing (7:58 p.m.) John Good summarized the Conditional Use Application submitted by Windsor Baptist Church seeking approval for an educational use for an existing building, at 260 Park Road, in the C-1 Village Commercial District. Mr. Corcoran, Court Stenographer, recorded the Proceedings.

Mr. Good entered into the Record the following Board of Supervisors' exhibits:
B-1 Conditional Use Application

- B-2 Proof of publication
- B-3 Affidavit of property posting
- B-4 July 16, 2016 McMahon Associates' letter
- B-5 June 9, 2016 Planning Commission Meeting Minutes
- B-6 Municipal Authority letter regarding tapping fee
- B-7 June 30, 2016 Windsor Baptist Church supplemental submission

Mr. Good marked all of the documents submitted by the Church tonight, collectively, as Applicant's Exhibit A-1.

Windsor Baptist Church representatives, Pastor Paul Chaya and Jim Depp, were in attendance.

Jim Depp presented the Church's request: converting the existing building owned by the Church at 260 Park Road into 3 – 3.5 classrooms for use by Windsor Christian Academy; internal renovation only; currently unoccupied; served by public water and on-lot septic system; will convert to public sewer system with existing church system; educational use is permitted through Conditional Use Approval; ADA facilities provided; existing traffic patterns for student drop-off/pick-up won't change; pathway, classroom size, restrooms meet school codes; will modify the garage door and plate glass window into standard windows and doors; trail and curb cuts exist and remain unchanged. They are working on how to resolve the depth of the sewer line as they'd prefer a gravity line vs. installing an injector pump, but there's not enough coverage to comply with the Township specifications.

Mr. Donatelli asked if there will be improvements to the school-zone signs on Park Road. Mr. Vargo advised the school-zone sign on Park Road doesn't need to be improved; however the one on Ticonderoga should be upgraded to a flashing sign. Mr. Depp acknowledged the request.

Mr. Good asked the Board if they wished to close the Hearing or make a Decision this evening. Mr. Donatelli advised he favors the Use and read a list of 11 proposed conditions for approval. Mr. Donatelli asked Pastor Chaya if he could agree with and accomplish the 11 conditions. Pastor Chaya answered affirmatively.

Mr. Donatelli moved, seconded by Mr. Kerr, to approve the Conditional Use Application for an educational use at 260 Park Road conditioned upon the 11 items previously read and that the Solicitor will craft into a formal Decision and Order. The Motion carried unanimously.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary