



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
PUBLIC MEETING

CONDITIONAL USE HEARING
Applicant: Acme Markets, Inc.

October 3, 2016
6:30 p.m.
Approved

Attending:

Board of Supervisors

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

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary

John Good, Esq., Township Solicitor
Mark Hagerty, Court Stenographer

Dave Leh, P.E., Township Engineer
Matt Brown, P.E., Township Wastewater Engineer

Kevin Kerr called the Meeting to order at 6:31 p.m. Mr. Kerr advised that tonight's Conditional Use Hearing is to hear testimony regarding Acme Markets' request to renovate a portion of the store for a restaurant and for beer and wine sales.

Mr. Kerr asked Mr. Good, Esq., the Township's Solicitor, to conduct the Hearing. Mark Hagerty, Court Stenographer, recorded the Proceedings. Mr. Good entered into the Record the following Board of Supervisors' Exhibits:

- B-1 Acme Market Inc.'s Conditional Use Application and additional correspondence
- B-2 Proof of Publication
- B-3 Affidavit of Property Posting

Mr. Good read the Conditional Use Application seeking approval to convert 5,425 square feet of the existing Acme store into restaurant space. The store is located in the C-1 Village Commercial District. The use is allowed in the C-1 District by Conditional Use Approval.

In attendance for Acme Markets were Greg Davis, Esq., Saul Ewing LLP, Ms. Kerrigan McKay, Acme Senior Real Estate Manager, and Adam Loew, representing the property owner – Eagle Retail Associates.

Mr. Davis distributed the Applicant's Exhibits:

- A-1 Conditional Use Application and additional correspondence
- A-2 Lease between Eagle Retail Associates and Acme Markets
- A-3 Aerial Photograph
- A-4 Photo Array of Frosted Mug Restaurants
- A-5 Store Floor Plan
- A-6 Site Plan
- A-7 Fire Marshal's letter

Mr. Davis advised there are no changes to the exterior of the store, only interior changes, where patrons currently enter the deli and produce areas.

Ms. Kerrigan McKay and Adam Loew provided testimony regarding the operation of the restaurant, the alcoholic beverage sales, and the impact of the restaurant to the public sewer system. The Acme Store's sanitary sewer will be changed from the Eaglepointe Plant to the Route 100 Plant.

Mr. Good closed the Hearing at 6:58 p.m. and asked if the Board of Supervisors would like to discuss the Decision this evening. The Board wished to discuss and make a Decision this evening. It was clarified that Acme's liquor license encompasses all alcoholic beverages - beer, wine and spirits/liquor.

Mr. Good read a proposed Decision & Order that Acme Markets, Inc.'s Application would be approved subject to the following conditions:

1. The Applicant shall obtain and maintain the Pennsylvania Liquor Control Board Liquor License;
2. The Applicant shall obtain and continuously maintain \$2,000,000 Liquor Liability Insurance as long as Acme shall offer alcoholic beverages pursuant to its restaurant liquor license at 400 Simpson Drive;
3. The Applicant shall obtain all the necessary State, County and Township permits;
4. The Applicant shall obtain and pay for 14 EDUs x \$6,945.72/EDU = \$97,240.08, paid to the Township's Municipal Authority prior to connection.
5. The Applicant shall cause to be done the design, permitting, construction and offer for inspection and approval all infrastructure necessary to connect to the Route 100 Wastewater Treatment Facility in accordance with the Upper Uwchlan Township Municipal Authority specifications. Any planning or permit requirements of the State, County or Township are the responsibility of the Applicant and must be satisfied prior to connection.
6. The Applicant shall obtain RAMP Certification at all times during its operation as a purveyor of alcoholic beverages.

Mr. Goncharoff moved, seconded by Mr. Kerr, to Approve the Conditional Use Application as set forth this evening. The Motion carried unanimously.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the Meeting at 7:04 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary