



UPPER UWCHLAN TOWNSHIP
Planning Commission
July 14, 2011
Regular Meeting -- Minutes

Approved

In Attendance: Bob Schoenberger, Sally Winterton, Linda Layer, John McTear, Jim Dewees, Shelly Krockner, Ken Engle

Bob Schoenberger called the meeting to order at 7:42 p.m.

East Brandywine Township – Official Map Revision

East Brandywine Township asked us to review their proposed revised Official Map and provide comments. They're focusing on making the Township more pedestrian-friendly with an improved trail system. After reviewing the map, the Commission drafted the following comment:

With the Struble Trail and the Marsh Creek State Park trails near our common border, there is the potential for interconnections between East Brandywine's and our systems, and as they expand, we should discuss the feasibility of connections. Thank you for the opportunity to review the revised Map.

Bob Schoenberger moved, seconded by Jim Dewees, to send the above comment to the East Brandywine Township Manager. The Motion carried unanimously.

Act 209 Impact and Capital Improvement Plan

Bob Schoenberger introduced this topic. The Township needs to update its Capital Improvement Plan (CIP), including re-prioritization of projects using Act 209 Impact Fees. Volunteers for a Committee are requested. Bob, having been on the original Committee, advised that the Board of Supervisors would assign volunteers to this Committee, which would meet 1 or 2 times over the next couple months to review, revise and/or re-prioritize the capital improvement projects that had been defined in the early 2000s.

Bob Schoenberger, Linda Layer and John McTear volunteered.

Bob proceeded to the Building Height Restriction Zoning Ordinance discussion. Bob explained that a Developer would like to incorporate higher ceilings for each floor within a 3-story building, which increases the building's height over the 35 feet allowed by Ordinance. There's also the question of where the building's height measurement begins – at the foundation, at grade? The Planning Commission has been asked to make a recommendation to resolve the conflict within the Ordinance regarding height in the Limited Industrial (LI) and Planned Industrial/Office (PI) Zoning Districts.

Discussion included:

- Remove the height restriction and determine each project during the Land Development process;
- Increase the height in those two Districts (typically office) to 40 feet and anything higher goes to the Zoning Hearing Board for a variance;
- Conditional Use deals with the use of the building, not the physical structure;
- Section 200-49.M.(2) says "as determined by the Board of Supervisors;"

- So is it Conditional Use through the Board of Supervisors or is it a variance through the Zoning Hearing Board?

The Commission then agreed that Section 200-50 should be amended to allow 3 stories or 45 feet, remove “whichever is less”, and that any building exceeding 3 stories or 45 feet may seek relief through a petition to the Zoning Hearing Board for a special exception, and

Section 200-49.M.(2) should be amended by eliminating the current main paragraph, the current item (1) becomes the main “M” paragraph, eliminate current item (2), insert the words “in the Limited Industrial (LI) and Planned Industrial/Office (PI) Zoning Districts” between the words “processing” and “provided”.

Then Section 200-50 should be amended further by revising the reference within to read “200-49.M.”.

Section 200-7 Definitions – the definition of “height” is fair and doesn’t need to be amended.

Byers Station / Ewing Tract Clubhouse

Bob explained that the retaining wall building permit has been submitted to and reviewed by both Al Gaspari and Dave Leh-Gilmore and found satisfactory for approval. The existing clubhouse permit plans (civil engineering plans) can be reviewed and acted upon at the Planning Commission August meeting, but the overall plans for the Lot have not changed since the initial Byers Station/Ewing Land Development approval – i.e., the lot lines are the same, the same structures are planned, the E&S controls are the same, etc.. The noise from the property will be more contained with this layout as it is more “sunken” than what had been originally planned. Toll Brothers has not provided a formal (written) response to the comments/questions raised by the Planning Commission last month regarding the Clubhouse building permit plans. There isn’t any further approval to be made by the Planning Commission or the Board of Supervisors regarding the building permit for the Clubhouse; it’s in the Building Department’s purview.

Bob requested a Motion to respond to the Board of Supervisors regarding the building permit for Byers Station/Ewing Clubhouse #2.

Jim Dewees moved, seconded by Ken Engle, that the Board of Supervisors be made aware that the Planning Commission has deep concerns with the building permit plans and advises the Board of Supervisors and the Township Building Department to carefully monitor and enforce compliance with any and all details of the Clubhouse construction so the Byers Station/Ewing residents receive the Recreation Center that’s been promised them. The Motion carried unanimously.

Bob suggested revitalization of discussions regarding an Alternative Energy Ordinance. Gwen was asked to re-distribute the sample documents from previous discussions for the Commission’s August meeting.

Approval of Minutes

Sally Winterton moved, seconded by Linda Layer, to approve the June 9, 2011 Planning Commission meeting minutes with the following revisions (in italics) to the second-to-last paragraph on the first page:

Several Commission members expressed their *disdain* with Toll’s lack of following the intent of Agreements and in some cases, not following the letter of the Agreement, *as evidenced by their failure to preserve the historic Evans barn as agreed to in the original Conditional Use Approval for Byers Station. The negligent loss of this historic structure will echo through future generations.*

The Motion carried unanimously.

Open Session

Ken inquired if Pulte paid a recreation fee to the Township for each Windsor Ridge lot. Bob believed that fee may have been waived if open space was provided within the development. Ken commented on the lack of quality materials and/or workmanship in several structures being dedicated to the Windsor Ridge Homeowners Association.

Adjournment

Jim Dewees moved to adjourn at 9:16 p.m. So moved.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary