



**UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION**

**AGENDA**

**May 10, 2018**

**7:30 p.m.**

Packet Page #

- I. Call To Order
- II. 122 Oscar Way / S & T Realty Holdings Final Land Development Plan 2  
Introduction of a Plan proposing an 8,845 SF building addition, reconfiguration of existing parking/access drive, minor grading on a parcel located on Oscar Way, in the LI District. Accept plan for Consultants' review.
- III. Village at Byers Station (Parcel 5C) Commercial Lot 2 Amended Final PRD Plan 5  
Village at Byers Station (Parcel 5C) is the parcel on the north side of Station Boulevard, between Pottstown Pike/Route 100 and Graphite Mine Road. The Plan proposes Phase 1 40,000+ SF of commercial space on Lot 2, a 13.44 acre parcel. Discuss previous PRD approvals and Township Code compliance.
- IV. Eagleview Corporate Center Lot 1B – Maintenance Area 54  
Preliminary/Final Land Development Plan  
Proposed construction of two 900-SF storage enclosures, driveway and maintenance vehicle parking area on Eagleview Corporate Center Lot 1B. Review Consultants' comments.
- V. Eagleview Corporate Center Lot 1C Preliminary Land Development Plan 65  
Proposed construction of 1-story 113,000 SF office/warehouse flex building on Eagleview Corporate Center Lot 1C, which is 20.28 acres. Review Consultants' comments.
- VI. Vantage Point Retirement Living (Parcel 6C) – Amended PRD Plan 75  
Vantage Point Retirement Living proposes a 3-story, 100-unit retirement facility on the 4.3 acre parcel on the currently vacant northeast corner of Byers Road and Graphite Mine Road known as Byers Station Parcel 6C. Review Consultants' comments.
- VII. Pickering Valley Elementary School / Township Lot Line Adjustment Plan 91  
Review and consider a Plan transferring 0.9 acres from Pickering Valley Elementary School to the Township, along the common property line.
- VIII. Approval of Minutes: April 12, 2018 Meeting 92
- IX. Open Session
- X. Next Meeting Date: June 14, 2018 7:30 p.m.
- XI. Adjournment



RECEIVED

APR 16 2018

UPPER UWCHLAN TWP.

SUBDIVISION / LAND DEVELOPMENT APPLICATION

☐ Preliminary Submittal

☒ Final Submittal

The undersigned hereby applies for review of the Plan submitted herewith and described below:

1. Name of Subdivision / Development: 122 Oscar Way
2. Plan Dated: April 16, 2018 County Deed Book/Page No. 9659, 1121
3. Name of property owner(s): S&T Realty Holdings, LLC  
Chester Springs

Address: 102 Oscar Way, Chester Springs

State/Zip: PA/19425

Phone No.: 610-458-4334

Email: \_\_\_\_\_

4. Name of Applicant (If other than owner): \_\_\_\_\_

Address: \_\_\_\_\_

State/Zip: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_

5. Applicant's interest (If other than owner): \_\_\_\_\_

6. Engineer, Architect, Surveyor, or Landscape Architect responsible for Plan.

JMR Engineering, Inc.

Address: 55 Country Club Drive, Suite 201, Downingtown

State/Zip: PA/19335 Phone No.: (484) 880-7342

Email: admin@JMRengineering.com

7. Total acreage: 3.180 Number of Lots: 1
8. Acreage of adjoining land in same ownership: (If any) \_\_\_\_\_
9. Describe Type of Development Planned: 8,845 SF building addition  
reconfigure existing parking/access drive area & minor grading

10. This Application shall be accompanied by: the Application Fee as listed below, an aerial image of the property, and the quantity of plans/supporting information as detailed in the Township Code §162-8.B.(1)(b) and/or §162-8.C.(1)(d).

[One-half of the required plan submissions may be of a reduced size, i.e. 11 x 17]

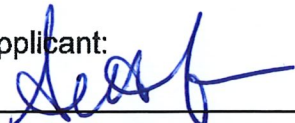
11. List all subdivision and zoning standards or requirements which have not been met and for which a waiver or change is requested.

Waiver Chapter 152

Variance Section 200-45.C

12. The Applicant or his/her agent shall enter into a Subdivision / Land Development Review Escrow Agreement (attached) and place into escrow with the Township at the time of application an amount estimated by the Township to cover all costs of engineering and professional planning reviews (not including County application fee), legal services and other professional services used by the Township in connection with the application.

Signature of Property Owner or Applicant:

By:   
Date: 4/16/18

\*Development subject to ACT 209 Impact Fee.

\*Park & Recreation Fee per residence is levied. Contact Township Offices to determine amount.

### **SUBDIVISION / LAND DEVELOPMENT APPLICATION FEE**

1-2 Lots ..... \$250

3-5 Lots ..... \$500

Plus \$25 for each Lot over 3

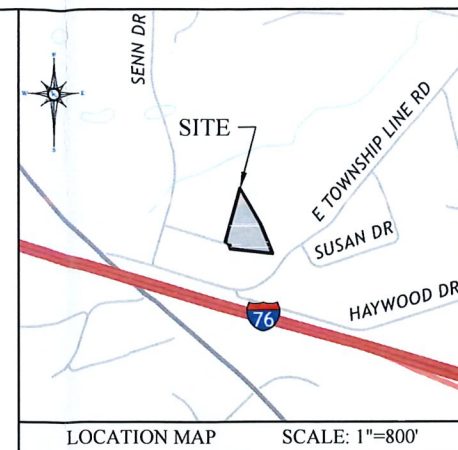
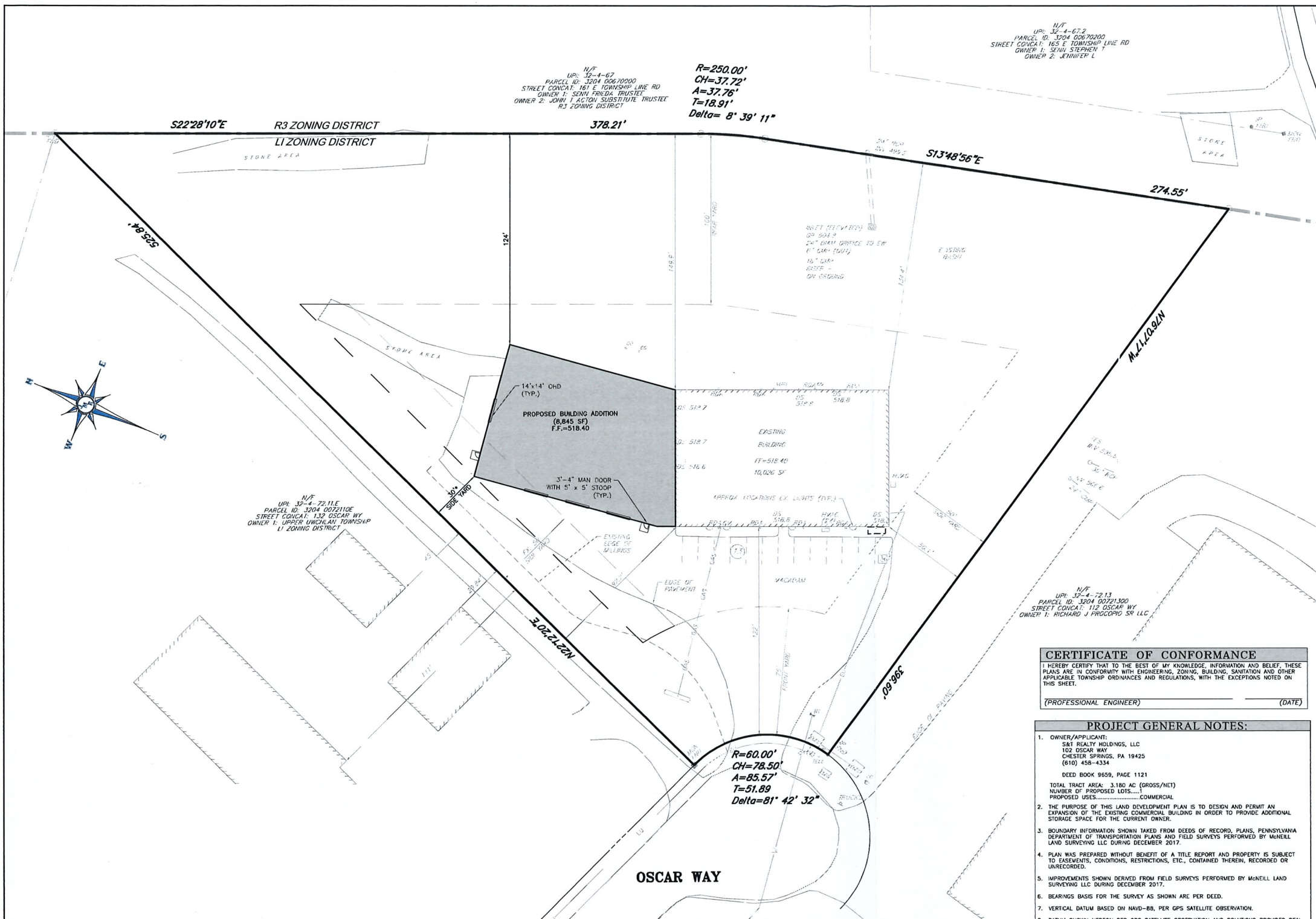
Over 5 Lots ..... \$1000

Plus \$50 for each Lot over 5

Form revised January 2015

140 Pottstown Pike, Chester Springs, PA 19425  
Phone: (610) 458-9400 • Fax: (610) 458-0307  
[www.upperuwchlan-pa.gov](http://www.upperuwchlan-pa.gov)





- PLAN LEGEND**
- BOUNDARY LINE
  - ADJOINER BOUNDARY LINE
  - LEGAL RIGHT-OF-WAY LINE
  - EXISTING SANITARY SEWER
  - EXISTING SANITARY MANHOLE
  - EXISTING WATER LINE
  - EXISTING EDGE OF PAVING
  - SETBACK LINE
  - REQUIRED RIGHT-OF-WAY LINE
  - EDGE OF MILLINGS

**COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CHESTER**

ON THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED, \_\_\_\_\_, RESPONSIBLE OFFICIAL FROM S&T REALTY HOLDINGS, LLC, WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN THEREOF WAS MADE AT THEIR DIRECTION, THAT THEY ACKNOWLEDGE THE SAME TO BE RECORDED, AND THAT ALL STREETS AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY (EXCEPTING THOSE AREAS LABELED "NOT FOR DEDICATION") WILL BE OFFERED FOR DEDICATION.

(S&T REALTY HOLDINGS, LLC OFFICIAL)

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(NOTARY PUBLIC)

**APPROVALS**

**TOWNSHIP OF UPPER UWCHLAN**

APPROVED BY THE BOARD OF SUPERVISORS OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

REVIEWED BY THE PLANNING COMMISSION OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

REVIEWED BY THE UPPER UWCHLAN TOWNSHIP ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

**CHESTER COUNTY PLANNING COMMISSION**

THIS PLAN WAS REVIEWED BY THE CHESTER COUNTY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(CCPC FILE NUMBER)

(PLANNING COMMISSION SECRETARY)

**CHESTER COUNTY RECORDER OF DEEDS**

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF CHESTER COUNTY AT WEST CHESTER, PENNSYLVANIA, IN PLAN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(DEPUTY RECORDER OF DEEDS)

**CERTIFICATE OF CONFORMANCE**

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THESE PLANS ARE IN CONFORMITY WITH ENGINEERING, ZONING, BUILDING, SANITATION AND OTHER APPLICABLE TOWNSHIP ORDINANCES AND REGULATIONS, WITH THE EXCEPTIONS NOTED ON THIS SHEET.

(PROFESSIONAL ENGINEER)

(DATE)

**PROJECT GENERAL NOTES:**

- OWNER/APPLICANT: S&T REALTY HOLDINGS, LLC  
102 OSCAR WAY  
CHESTER SPRINGS, PA 19425  
(610) 458-4334  
DEED BOOK 9659, PAGE 1121  
TOTAL TRACT AREA: 3.180 AC (GROSS/NET)  
NUMBER OF PROPOSED LOTS: \_\_\_\_\_  
PROPOSED USES: \_\_\_\_\_ COMMERCIAL
- THE PURPOSE OF THIS LAND DEVELOPMENT PLAN IS TO DESIGN AND PERMIT AN EXPANSION OF THE EXISTING COMMERCIAL BUILDING IN ORDER TO PROVIDE ADDITIONAL STORAGE SPACE FOR THE CURRENT OWNER.
- BOUNDARY INFORMATION SHOWN TAKEN FROM DEEDS OF RECORD, PLANS, PENNSYLVANIA DEPARTMENT OF TRANSPORTATION PLANS AND FIELD SURVEYS PERFORMED BY MCNEILL LAND SURVEYING LLC DURING DECEMBER 2017.
- PLAN WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND PROPERTY IS SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS, ETC., CONTAINED THEREIN, RECORDED OR UNRECORDED.
- IMPROVEMENTS SHOWN DERIVED FROM FIELD SURVEYS PERFORMED BY MCNEILL LAND SURVEYING LLC DURING DECEMBER 2017.
- BEARINGS BASIS FOR THE SURVEY AS SHOWN ARE PER DEED.
- VERTICAL DATUM BASED ON NAVD-83, PER GPS SATELLITE OBSERVATION.
- DATUM SHOWN HEREON PER GPS SATELLITE OBSERVATION AND SOLUTIONS PROVIDED REAL TIME BY MCNEILL GPS, INC. WHICH UTILIZES TRIMBLE VIRTUAL REFERENCE SYSTEM CONTINUALLY OPERATING HIGH PRECISION GNSS REFERENCE STATIONS. DATUM PROVIDED IS NAD 83 / NAVD 83 PENNSYLVANIA STATE PLANE COORDINATE SYSTEM ZONE: 3702 (JAMBERT/SOUTHERN ZONE).
- REFERENCE PLANS:  
A. PLAN OF SUBDIVISION MADE FOR EAGLE NURSERY, INC., BY BEIDMAN ASSOCIATES, INC., DATED 06/03/1999, LAST REVISED 06/29/1999 AND RECORDED AS CHESTER COUNTY PLAN #15163.  
B. PLAN OF SUBDIVISION MADE FOR EAGLE NURSERY, INC., BY YERKES ASSOCIATES, INC., DATED 01/20/1989, LAST REVISED 05/27/1990 AND RECORDED AS CHESTER COUNTY PLAN #10656.
- EXISTING UNDERGROUND UTILITY LOCATIONS WERE PLOTTED FROM UTILITY COMPANY PLANS SUPPLIED TO US IN ACCORDANCE WITH PA ACT 199 (2004) OR BY PHYSICAL SURVEY LOCATIONS. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE ONLY. CONTRACTORS ARE REQUIRED BY PA ACT 199 TO VERIFY THE EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING EXCAVATION ACTIVITIES.
- THE SITE IS LOCATED WITHIN THE WATERSHED OF VALLEY CREEK WHICH IS DESIGNATED AS EXCEPTIONAL VALUE - MIGRATORY FISH (EV-MF) IN DEP CODE TITLE 25, CHAPTER 93.
- THERE ARE NO WETLANDS PRESENT ON THE PROPOSED PARCEL OF LAND TO BE SUBDIVIDED PER THE NATIONAL WETLANDS INVENTORY.
- THERE ARE NO FLOODPLAIN AND FLOODWAY LIMITS LOCATED ON SITE AS PLOTTED BY THE FEDERAL EMERGENCY MAP AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL 95 OF 380, COMMUNITY PANEL No.42029C00950, LAST REVISED SEPTEMBER 29, 2017.
- SOIL INFORMATION SHOWN HEREON PLOTTED FROM WEB SOIL SURVEY BY THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) NATURAL RESOURCE CONSERVATION SERVICE (NRCS).
- THE LOT IS CURRENTLY SERVED BY PUBLIC SEWER AND WATER.

**UPPER UWCHLAN TOWNSHIP  
LIMITED INDUSTRIAL ZONING DISTRICT**

AREA & BULK REGULATIONS:	REQUIRED	EXISTING	PROVIDED
LOT AREA	3 ACRES (MIN.)	3.180 ACRES	3.180 ACRES
LOT WIDTH	200 FEET (MIN.)	192.4 FEET	192.4 FEET
FRONT YARD	75 FEET (MIN.)	122 FEET	122 FEET
SIDE YARD*	*50 FEET (MIN.)	50.1 FEET	30 FT
REAR YARD (ABUTTING RES. DISTRICT)	100 FEET (MIN.)	134.4 FEET	134.4 FEET
BUILDING COVERAGE	40% (MAX.)	7.2% (10,026 SF)	13.6% (18,871 SF)
IMPERVIOUS COVERAGE	70% (MAX.)	31.2% (43,230 SF)	31.6% (44,094 SF)
BUILDING HEIGHT	35 FEET (MAX.)	<35 FEET	<35 FEET
ACCESSORY STRUCTURE SETBACK			
FRONT YARD	NOT PERMITTED	N/A	N/A
SIDE & REAR YARD	30 FEET (MIN.)	>30 FEET	>30 FEET

\*VARIANCE OF § 200-45-C GRANTED TO ALLOW A SIDE YARD OF 30 FT. TO PERMIT BUILDING ADDITION AS SHOWN LOT WIDTH-EXISTING NON-CONFORMANCE

**IMPERVIOUS COVERAGE TABLE**

PROPOSED BUILDING ADDITION OUTSIDE EX. PAVEMENT	= 864 SF
TOTAL IMPERVIOUS COVERAGE PROPOSED	= 864 SF
EXISTING BUILDING	= 10,026 SF
EXISTING PAVEMENT, STONE & MILLINGS	= 33,204 SF
TOTAL IMPERVIOUS COVERAGE EXISTING	= 43,230 SF
TOTAL NET IMPERVIOUS COVERAGE PROPOSED	= 44,094 SF

**WAIVER REQUESTS**

**§ CHAPTER 152**

REQUIRED:  
STORMWATER MANAGEMENT

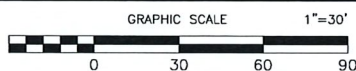
REQUESTED:  
TO UTILIZE THE EXISTING BASIN FOR STORMWATER MANAGEMENT, AS THE IMPERVIOUS AREA REMAINS VIRTUALLY UNCHANGED.

**VARIANCE APPROVAL**

AT A MEETING HELD ON MARCH 29, 2018 THE UPPER UWCHLAN TOWNSHIP ZONING HEARING BOARD GRANTED A VARIANCE FROM SECTION 200-45-C.

REQUIRED:  
50 FOOT SIDE YARD BUILDING SETBACK

GRANTED:  
TO ALLOW A 30-FOOT SIDE YARD SETBACK SUBJECT TO COMPLIANCE TO THE TOWNSHIP'S SATISFACTION WITH THE SCREENING PROVISIONS LISTED IN "CONSERVATION-UTILITIES AND CONSTRUCTION PLAN EAGLE INDUSTRIAL PARK" (ZONING BOARD EXHIBIT B-2)



**JMR ENGINEERING, LLC**

PROFESSIONAL CIVIL ENGINEERING • LAND PLANNING SERVICES  
55 COUNTRY CLUB DRIVE, SUITE 201 • DOWNTOWN, PA 19335  
VOICE: (484) 880-7342 • FAX: (610) 584-8669  
EMAIL: ADMIN@JMRENGINEERING.COM

**JOHN M. ROBINSON**  
PROFESSIONAL ENGINEER  
PENNSYLVANIA LICENSE No. PE055271

**UTILITY USERS LIST**

USERS	RESPONSES
AQUA PENNSYLVANIA INC.	CONFLICT
COMCAST CABLE	CLASH-NO FACILITIES
PECO ENERGY	CONFLICT
UPPER UWCHLAN TWP/W.A. AUTH.	CLASH-NO FACILITIES
VERIZON PENNSYLVANIA LLC	CLASH-NO FACILITIES

**CALL BEFORE YOU DIG!**

1-800-242-1776  
POCS SERIAL NUMBER: 20173342759

**PLAN REVISIONS**

REV	DATE	DESCRIPTION OF CHANGES

**ZONING EXHIBIT**  
FOR  
**122 OSCAR WAY**

LOCATION:  
**122 OSCAR WAY  
CHESTER SPRINGS, PA 19425  
UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PA**

PARCELS:  
**TAX PARCEL NUMBER:  
3 204 00721200**

CLIENT:  
**S&T REALTY HOLDINGS, LLC  
102 OSCAR WAY  
CHESTER SPRINGS, PA 19425**

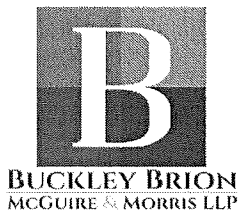
PROJECT No.: 1259-B  
SURVEY REF.: UP UWC-1248 (MCNEILL)  
DRAWN BY: E.C.R.  
CHECKED BY: J.M.R.  
PLAN DATE: APRIL 16, 2018  
PLAN SCALE: 1" = 30'

**LAYOUT PLAN**

SHEET NUMBER:  
**1 OF 5**

Plot Date: Mon. Apr. 16, 2018





KRISTIN S. CAMP  
p: 610.436.4400 Ext# 105  
f: 610.436.8305  
e: [kcamp@buckleyllp.com](mailto:kcamp@buckleyllp.com)  
118 W. Market Street, Suite 300  
West Chester, PA 19382-2928

## MEMORANDUM

To:	Upper Uwchlan Township Planning Commission Upper Uwchlan Township Board of Supervisors Cary Vargo, Township Manager Al Gaspari, Township Zoning Officer Gwen Jonik, Secretary David Leh, P.E., Township Engineer Matt Brown, P.E., Township Engineer Alyson Zarro, Esquire
From:	Kristin S. Camp, Esquire
Date:	May 2, 2018
Subject:	Byers Station Parcel 5C- Lot 2 Development- Final PRD Plan

Byers Retail Acquisition Limited Partnership (“Byers Retail”) is the equitable owner of Lot 2 of Parcel 5C of the Byers Station Planned Residential Development (“PRD”). Byers Station was developed as a PRD pursuant to the enabling legislation in Article 7 of the Pennsylvania Municipalities Planning Code (“MPC”), as well as the Upper Uwchlan Township Zoning Ordinance which was in effect as of August 3, 1998. That date was the date that the original applicant, Bryn Coed Farms Company, filed its application seeking tentative plan approval for a PRD on property situated at the intersection of Route 100 and Byers Road in the Township. The Township approved the tentative plan for the PRD by Resolution of the Board of Supervisors dated July 6, 1999. I have attached a copy of that Resolution and Decision.

On July 21, 2003, the Township granted final approval for various parcels in the Byers Station PRD as depicted in the approved tentative plan. The 2003 approval did not grant final plan approval for Parcels 5C or 6C.

On May 23, 2016, Byers Retail and Byers Residential Acquisition, LP as equitable owners of Parcel 5C submitted an application for final PRD approval for what was referred to as Lot 1 of Parcel 5C. That application did not seek final PRD approval for the commercial phase of Parcel 5C which is designated as Lot 2. On February 21, 2017, the Board granted approval of the final plan for the

residential portion of Parcel 5C (referred to as Lot 1). In that Decision, a copy of which is attached, the Board specifically stated that the period of time in which an application for final approval of Lot 2 of Parcel 5C must be filed shall be extended until May 14, 2022.

Byers Retail has now submitted a final PRD plan for the commercial portion of Parcel 5C (Lot 2). The Township engineer reviewed these plans and issued a review letter dated April 6, 2018. Applicant has appeared before the Planning Commission on several occasions and there has been some confusion as to what regulations apply to the final PRD plan for Lot 2 of Parcel 5C. I write this Memorandum to clarify what regulations control.

The PRD regulations in Article 7 of the MPC provide that final approval for all or a portion of the property pursuant to the PRD shall be in lieu of all other procedures or approvals otherwise required by the zoning ordinance and subdivision and land development ordinance. The tentative plan Decision establishes all of the zoning and subdivision criteria related to the development of the PRD. Section 710 of the MPC provides that where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted in the zoning map. The tentative approval does not allow the plan to be recorded, nor does it authorize any development or the issuance of any building permits. A development plan which has been given tentative approval as submitted or with conditions which have been accepted by the landowner, shall not be modified or revoked or otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed within the period of time specified in the order granting tentative approval.

The tentative plan approval included a phasing schedule which has been modified by approval of the Board as well as by operation of law through the Permit Extension Act. The phasing schedule was further modified in a settlement agreement for litigation involving the Township, Toll Brothers and Orleans. The time frame for filing a final plan for Lot 2 of Parcel 5C was extended by the Board in the final plan approval for Lot 1 of Parcel 5C until May 14, 2022.

I have outlined below the relevant sections of the Decision granting tentative plan approval so that everyone is familiar with the regulations that apply to the final plans for the development of Parcel 5C.

**Density:**

The tentative plan approval permitted the following density on Parcel 5C:

- (i) 175,000 square feet of either retail or office uses or combination of both uses and 220 multifamily dwellings; or
- (ii) 311,000 square feet of either retail or office uses or combination of both uses.



**Permitted Uses:**

The tentative plan approval also stated that Parcel 5C may contain a combination of residential and nonresidential uses, or all nonresidential uses. If Parcel 5C is developed with either retail or office uses or combination of both uses only, then the maximum number of residential units that was allowed in the entire PRD was limited to 521. If Parcel 5C is developed with office, retail and multifamily units, then the maximum number of units that was permitted in the entire PRD was 620.

**Design Guidelines:**

- any use permitted in Sections 801, 901 or 1001 of the Township Zoning Ordinance which was in effect as of August 3, 1998 is permitted on Parcel 5C; however the uses in Section 1001.F are not permitted. I have attached those sections of the 1998 Ordinance for your immediate reference. Section 1001.C permits an eating and drinking establishment with drive-through which would include a coffee shop with drive-through.
- a village green of approximately 1.5 acres shall be generally centrally located within the parcel whether or not residential uses are included.
- A maximum of 311,000 square feet of retail and office floor space shall be permitted. However no more than 175,000 square feet of the space shall be retail, unless the retail building contains a second story, in which event the maximum retail square footage shall be 222,000 square feet.
- a minimum of two freestanding pad sites totaling 15,000 square feet of gross ground floor space shall be included in the 311,000 square feet of commercial development to break the visual mass of parking areas.
- pad sites shall be designed with one and a half or two-story buildings; a flat or faux mansard roof shall not be permitted.
- building mass shall be broken through façade offsets of at least 10 feet or roofline changes, with the maximum single façade length of 150 feet.
- loading docks and trash dumpsters shall be concealed from the public roadways by building arrangement, landscaping or screening to the maximum extent practicable.

- The parking lot design shall comply with Section 1500 of the Township Zoning Ordinance, except as otherwise described in Section II, J of the tentative plan approval.
- access to commercial and residential or retail components shall be coordinated.
- parking areas within the public view shall be screened from surrounding roadways by landscape berm and concealed from public view to the greatest degree practicable through placement of buildings on the site.
- parking lot landscaping shall offer substantial tree canopy (shade) at maturity and shall serve to further break the visual mass of parking.
- at a minimum, every other set of two parking bays shall be divided by a landscape strip of at least 10 feet in width.
- one freestanding pylon or ground sign may be permitted per individual road frontage. A pylon sign shall have a maximum height of 16 feet with a minimum ground clearance of 8 feet and not exceed 16 square feet in area. Reader boards shall be prohibited.

### **Trails and Public Amenities:**

The tentative plan approval requires a sidewalk along the entire Parcel 5C frontage along existing Route 100 from the Park Rd./Route 100 intersection to the Future Bypass Rd./Route 100 intersection. The tentative plan approval provided that if Parcel 5C is developed with residential, a minimum of one tot lot play area and apparatus and one multipurpose court must be provided.

### **Road Improvements and Parking:**

The tentative plan approval went into much detail about the road improvements that would be needed for the overall development including the development of Parcel 5C. At final plan approval for Parcel 5C, the Board has the discretion to require a traffic impact analysis to verify the design of all access and off-site traffic improvements. The tentative plan decision specified the minimum number of parking spaces that must be provided based on the use.

When reviewing the final plans for Lot 2 of Parcel 5C, the Township must apply the conditions in the tentative approval that I set forth above. The Township should not be reviewing the final plan in accordance with the regulations in today's Zoning Ordinance and SALDO. Instead, the terms of the tentative plan approval control. To the extent the Township Engineer's review letter dated April 6, 2018 cited provisions of the current standards, that letter will be modified. The Applicant will



however be required to adhere to more current stormwater management regulations as a result of having to obtain an NPDES permit.

If anyone has any questions on this somewhat confusing procedure, please advise. We intend to attend the Planning Commission meeting on May 10, 2018 to answer any questions on this process.

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## UPPER UWCHLAN TOWNSHIP

### RESOLUTION # 07-06-99-09

BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Supervisors of Upper Uwchlan Township that tentative approval is hereby granted to Bryn Coed Farms Company, applicant, in connection with an application for tentative approval for property located at Route 100 and Byers Road consisting of approximately 287 acres.

Said approval is subject to various conditions which are set forth on "Conditions of Tentative Approval Byers Station PRD" attached to this Resolution and marked Exhibit "A".

This Resolution adopted this 6<sup>th</sup> day of July, 1999.

ATTEST:

Geraldine D. Carboni  
Township Secretary

UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS

  
Walter J. Styer, Chairman  
Charles W. Lobb, Vice-Chairman  
Donald B. Carlson, Member

**CONDITIONS OF TENTATIVE APPROVAL  
BYERS STATION PRD**

**I. BACKGROUND**

A. On August 3, 1998, the Bryn Coed Farms Company (the "Applicant") filed with Upper Uwchlan Township (the "Township") an application for tentative plan approval (the "Application") for the property located at Route 100 and Byers Road consisting of 287 acres more or less (the "Property").

B. The Application consisted of plans entitled Application for Tentative Planned Residential Development Byers Station prepared by Glackin Associates, Inc. The plans included the following:

Cover Sheet  
MP Master Concept Plan dated 7/23/98  
ECP-1, 2 and 3 Existing Conditions Plans dated 6/11/98  
LUP-1, 2 and 3 Land Use Plans dated 6/11/98  
SMP-1, 2 and 3 Stormwater Management Plans dated 6/11/98  
UP-1, 2 and 3 Water Supply & Sanitary Sewer Plans  
dated 6/11/98 (collectively, the "Plan").

C. Also submitted was a Project Narrative; Declaration of Byers Station; a Utility Feasibility Narrative; Traffic Impact Study prepared by Traffic Planning and Design, Inc. dated July 29, 1998; a Jurisdictional Determination letter from U.S. Army Corps of Engineers dated August 23, 1997 certifying as to the limits of the wetlands; and an undated wetlands study performed by Woodward Clyde Inc.

D. Commencing on November 11, 1998, the Township held a series of public hearings (the "Hearings") during which the Applicant presented testimony and the Township and its consultants, together with interested citizens, had the opportunity to ask questions and offer testimony.

E. On June 7, 1999, the Board of Supervisors (the "Supervisors") considered the Applicant's testimony and the testimony of the Township's consultants and interested citizens and unanimously voted to grant tentative plan approval of the Master Plan and Land Use Plan dated (the "Approval") to the Property subject to the terms and conditions hereinafter set forth. This Approval shall bind the Property and the Applicant, its successors and assigns.

F. The attached list of Exhibits 1 - 5 are incorporated into this approval:

Exhibit 1: Master Plan and Master Plan Detail Sheet prepared by Glackin Associates, last revised to 4/13/99.

Exhibit 2: Trails Network Plan prepared by the Brandywine Conservancy, dated 4/13/99.



Exhibit 3: Open Space Management Plan, prepared by the Brandywine Conservancy, dated 4/13/99, and the Conceptual Open Space Management Plan prepared by Glackin Associates, dated October 30, 1998.

Exhibit 4(a): Byers Station Road Improvements, prepared by McMahon Associates, Inc. dated May 13, 1999.

Exhibit 4(b): Byers Station and Ultimate Road Improvements, prepared by McMahon Associates, Inc. dated May 13, 1999.

Exhibit 4(c): Route 100 Byers Station By-Pass Typical Sections, prepared by McMahon Associates, Inc. dated May 13, 1999.

Exhibit 5: Phasing Schedule prepared by Glackin Associates, Inc., dated 4/13/99.

## II. TERMS AND CONDITIONS

### A. Density and Permitted Uses

1. The Property shall contain no more than 620 newly constructed dwelling units and 351,000 square feet of non-residential gross floor area, except as qualified herein. Residential dwelling units provided on the upper floors of commercial buildings or those within the Butler House, Todd House or accessory structures in accordance with Section 1409 C. 6. c. are permitted in addition to the 620 dwelling units. Commercial office gross floor area provided on the upper floors of retail buildings is permitted and is not to be included in the 351,000 square feet of non-residential gross floor area.

2. The developable Parcels as shown on Exhibit 1 shall not exceed the following permitted density ranges:

- a. Parcel 1 - 63 single-family detached
- b. Parcel 2 - 52 single-family detached
- c. Parcel 3 -
  - i) 103 single-family detached; or
  - ii) 180 twins; or
  - iii) 120 single-family attached; and
  - iv) 50 single family detached
- d. Parcel 4 -
  - i) 170 single-family attached; or
  - ii) 226 multi-family

- e. Parcel 5-C - i) 175,000 sq. ft. of either retail or office uses or combination of both uses and 220 multi-family; or
- ii) 311,000 sq. ft. of either retail or office uses or a combination of both uses
- f. Parcel 6-C i) 40,000 sq. ft. of gross floor area on the ground floor, with additional square footage permitted on upper stories.

3. Parcel 5-C may contain a combination of residential and non-residential uses, or all non-residential uses. If Parcel 5-C is developed with either retail or office uses or a combination of both uses only, then the maximum number of residential units shall not exceed 521. If Parcel 5-C is developed with office, retail and multi-family units, then the maximum number of units shall not exceed 620.

#### B. Parcel and Multi-Family Design Criteria

1. Parcel 4 - The following design guidelines shall be part of any Final Plan:

- a. A 75 foot perimeter open space buffer measured from the Parcel boundary to the nearest structure shall be provided along the By-Pass Road;
- b. In addition to the 75 foot perimeter buffer, at least 25% of the gross area shall be internal open space;
- c. Building setbacks from the Butler House shall be a minimum of 100 feet;
- d. Parking shall consist of both off-street parking and enclosed garages. Where garages are not provided, suitable landscaping, berming, or treatment of the parking lots shall be included to minimize the views of the parking from surrounding public streets;
- e. No more than six single family attached dwelling units shall be in a single structure;
- f. The architectural and site design shall minimize outdoor parking areas;
- g. Internal pedestrian and bicycle access as shown on The Trails Map, prepared by the Brandywine Conservancy, Exhibit 2 shall be provided to the Byers Station Bikeway/Walkway system, including direct connections to the Pickering Valley Elementary School access tunnel and to Parcels 5-C, 6-C and COS-6;

h. The site design shall retain a minimum of 50% of the trees, 6" or more in caliper within the woodland perpendicular to the By-Pass Road and outside of the By-Pass right-of-way and extending east towards the Butler House to provide an open space backdrop for this residential development and buffer to commercial development on Parcel 6-C;

i. Residential uses in this Parcel may include apartments, townhouses, twins, quad or single family homes.

2. Multi-Family - The following design guidelines shall be part of any multi-family Final Plan.

a. Multi-family buildings shall have 75 foot green buffer to surrounding streets;

b. Parking lots shall be located predominantly to the interior of the development area, shielded from public view by the buildings to the maximum extent practicable;

c. If multi-family units and nonresidential uses are developed on Parcel 5-C, a "Village Green" generally centrally located within the Parcel and, to the extent feasible, visible from surrounding public roads of approximately 1.5 acres shall be provided;

d. Some of the apartment buildings shall be located and designed to prominently face the "Village Green";

e. Building mass shall be broken through façade off-sets of at least ten feet or roofline changes; maximum single unbroken façade length shall be 75 feet.

3. ~~Parcel 5-C~~ The following design guidelines shall be part of any Final Plan:

a. Any use permitted in accordance with Sections 801, 901 or 1001 of the Township Zoning Ordinance is permitted, except for the uses set forth in Section 1001.F;

b. A Village Green of approximately 1.5 acres shall be generally centrally located within the Parcel, whether or not residential uses are included in Parcel 5-C; *Reserve*

c. A maximum of 311,000 square feet of retail and office floor space shall be permitted. However, no more than 175,000 square feet of this space shall be retail, unless the retail building contains a second story, in which event the maximum retail square footage shall be 222,000 square feet of space;

d. A minimum of two (2) free-standing pad sites totaling 15,000 square feet of gross ground floor space shall be included in the 311,000 square feet of commercial development to break the visual mass of parking areas;

e. Pad sites shall be designed with 1½ or 2-story buildings; flat or faux-mansard roofs shall not be permitted;

f. Building mass shall be broken through façade off-sets of at least ten feet or roofline changes, with a maximum single façade length of 150 feet;

g. Loading Docks and trash dumpsters shall be concealed from the public roadways by building arrangement, landscaping or screening to the maximum extent practicable;

h. Parking lot design shall comply with Section 1500 of the Township Zoning Ordinance, except as otherwise described herein in II Section J;

i. Access to commercial and residential or retail components shall be coordinated;

j. Parking areas within the public view shall be screened from surrounding roadways by a landscaped berm and concealed from public view to the greatest degree practicable through placement of buildings on the site;

k. Parking lot landscaping shall offer substantial tree-canopy (shade) at maturity and shall serve to further break the visual mass of the parking lots. As a minimum, every other set of two (2) parking bays shall be divided by a landscaped strip of at least 10 feet in width;

l. One free-standing pylon or ground sign may be permitted per individual road frontage. A pylon sign shall have a maximum height of sixteen (16) feet with a minimum ground clearance of eight (8) feet and not exceed sixteen (16) square feet in area. Readerboards shall be prohibited.

4. Parcel 6-C! - The following design guidelines shall be part of any Final Plan:

a. Any use permitted in accordance with Sections 801 or 901 of the Township Zoning Ordinance shall be permitted; no "drive-through" services shall be permitted, except at the discretion of the Board of Supervisors for one free-standing building if located in the far northwest corner of this parcel and if such drive-thru facility is not directly in view from Byers Road; second or third-floor apartments shall be permitted and not count toward the 620 maximum dwelling units;

b. Adjacent Parcel COS-6 shall be the "Byers Village Green," and all existing large trees shall remain; The Byers Village Green shall consist of benches, walkways, or informal sitting and play areas;

c. Principal structures shall be designed as 2 or 2½-story retail/office uses; a significant majority of the building mass shall face the Byers Village Green or Byers Road, however building(s) may be designed with "double fronts" also facing rear parking;

d. Building mass shall be broken through façade off-sets of at least ten feet or roofline changes, with a maximum single unbroken façade length of 100 feet;



e. Principal structures shall be designed to emulate and be compatible with the historical architectural themes and relationships of form, mass, and roof pitch evident in the existing hamlet of Byers;

f. Free-standing pad site(s), if any, shall be designed as 1½ or 2-story buildings; flat or faux-mansard roofs shall not be permitted;

g. Loading areas and trash dumpsters shall be concealed from the public roadways by building arrangement, landscaping or screening to the greatest degree practicable;

h. Parking areas shall be screened by a landscaped berm or a buffer of sufficient density to screen the vehicles from view from Byers Road;

i. Parking lot landscaping shall offer tree-canopy (shade) at maturity and shall serve to further break the visual mass of the parking lots;

j. The Township shall have the right to require a new driveway through Parcel 6-C or Parcel 4 to replace the existing Butler House driveway to Byers Road at such time as either Butler House is converted to a non-residential use or Parcel 6-C is developed. The existing driveway and its alley of trees shall be retained as part of the overall Byers Station Bikeway /Walkway system;

k. One free-standing pylon sign may be permitted along the By-Pass road frontage only and a ground sign shall be permitted on Byers Road. The pylon sign shall have a maximum height of sixteen (16) feet with a minimum ground clearance of eight (8) feet and not exceed sixteen (16) square feet in area. Readerboards shall be prohibited.

### C. Open Space Management

1. The following conditions are to be included in the design and implementation of the Open Space Management Plan as described in the "Open Space Management Recommendations", dated 4/13/99, prepared by the Brandywine Conservancy, Exhibit 3 and further defined through conditions a. through m. below.

a. All Common Open Space areas shall be permanently protected from encroachment, disturbance and development (both during construction and in the future) in a manner consistent with Section 1407 E. of the Zoning Ordinance. Where designated on the Open Space Management Recommendations Plan as prepared by the Brandywine Conservancy, active recreation, sanitary sewage land application areas, and stormwater management areas shall be permitted uses within Common Open Space. Where necessary, improvements such as utilities, road crossings and bridges shall be permitted within Common Open Space areas, subject to Township approval.

b. Forest Management Areas shall be protected from tree and shrub removal activities, except to remove live or dead trees that pose a threat to human safety, or exotic invasive vegetation (i.e. multiflora rose, Norway maple, Oriental bittersweet) or to construct facilities permitted in the foregoing paragraph. Invasive vines along woodland edges shall be removed periodically to avoid tree damage. Dead trees, fallen leaves, limbs, branches,

and logs shall not be removed and shall be left on the forest floor to decompose, provide wildlife habitat, and contribute to the formation of soil to the maximum extent practicable. The Byers Station Community Association shall monitor the woodlands annually to identify potential impacts to forest health.

c. Marsh Management Areas shall be protected from future disturbance except the selective removal of exotic invasive vegetation (i.e. phragmites, purple loosestrife, multiflora rose).

d. A Riparian Buffer Zone shall be established, extending 75 feet from the center of the stream along both sides of the main stem of Pickering Creek and major tributaries, as shown on The Open Space Management Recommendations Plan. The Byers Station Community Association shall monitor this area annually to identify potential impacts to riparian vegetation (such as invasive vines) or stream beds (such as erosion problems). At the time of Final Plan submission, the Applicant shall submit a management plan which provides for alternative maintenance practices.

e. The Riparian Buffer Zone shall include Forest Management Areas, Marsh Management Areas, and Reforestation Areas to be managed in accordance with the standards established herein.

f. No stormwater management retention or detention facilities and active recreation facilities (other than trails, road crossings or utility lines) shall be established within the Riparian Buffer Zone.

g. Reforestation Areas identified within the Riparian Buffer Zone shall be planted with a representative mix of locally native floodplain trees as listed in the Open Space Management Plan. Planted trees shall be bare root stock of 3 to 5 feet in height planted on 8 foot centers and staked with tree shelters. Planted trees shall be maintained to promote survival and replaced during years 1 through 5. Maintenance shall include site preparation, initial watering, selective removal of invasive vegetation, and replacement of casualties.

h. Reforestation Areas located within the Land Application Area as identified on the Open Space Management Recommendations Plan shall be planted and maintained as described above.

i. Meadow Management Areas shall be planted with a diverse, representative mix of locally native grasses and wildflowers (see attached list of recommended species) consistent with PADEP requirements regarding the operation of the Land Application Areas. Site preparation, seeding, initial watering, selective removal of invasive vegetation, and overseeding/replacement shall be conducted in years 1 through 5. Annual maintenance (beginning in year 1) shall be set forth in the Open Space Management Plan for the areas which shall include all information required by Section 1407F include mowing once each year in early spring, with a second mowing in late summer as necessary to remove invasive vegetation, consistent with PADEP requirements.

j. The Land Application Area proposed along the eastern boundary in COS-2 shall be planted and maintained as a Meadow Management Area (except for the area

proposed for limited recreation purposes) to promote the uptake of nutrients and the infiltration of wastewater, consistent with PADEP requirements.

k. The delineated wetland boundary within and adjacent to COS-4 shall be planted with a 20-foot vegetated buffer where a proposed lot line, building, or parking area is within 30 feet of the delineated wetland line.

l. The delineated wetland boundary within and adjacent to COS-3 Marsh Management Area shall be planted with a 20-foot vegetated buffer where a proposed lot line, building or parking area is within 30 feet of the delineated wetland line.

m. Once each year the Byers Station Community Association shall contract with a registered landscape architect, arborist, or naturalist to perform a general inspection of the Common Open Space areas. A report outlining the condition of the Common Open Space with maintenance recommendations will be submitted to the Association and the Township. Provided that these recommendations are consistent with the standards of the Open Space Management Plan, the Association shall implement the recommendations during the following year, as seasonally appropriate.

#### D. Trail Network

1. The purpose of a Trail Network is to provide pedestrian linkage and active recreation opportunities throughout Byers Station, with linkages to the Villages of Eagle and Byers and to existing and proposed subdivisions on adjacent tracts. All areas shown for trails, pedestrian linkages, or pathways shall be considered part of the active recreation system of Byers Station. The Final Plan applications should include the recommendations of the "Trails Map" (Exhibit "2"), unless the Applicant can demonstrate to the Board of Supervisors that another trail location better addresses the needs of the community. The Trail Network shall include the following:

a. Three (3) levels of function – Walkway/Bikeway, Trail, and Sidewalk. All trails shall be identified with appropriate signage at periodic intervals, nodes, and end points. A map of the Trail Network shall be available to township residents at the completion of the Trail Network.

b. Walkway/Bikeways shall provide safe, biking/pedestrian corridors through Byers Station. The Walkway/Bikeway shall be 10 feet in width and the surface shall be paved with 1/2 inch of ID-3 and 6 inches of crushed stone base wrapped in geotextile fabric.

c. The Walkway/Bikeways shall traverse the Byers Station generally in accordance with Exhibit "2", adjusted upon the Final Plans for each Parcel.

d. Scenic greenways through Common Open Space areas. Trails shall be 4 to 6 feet in width and constructed primarily of wood chips, where necessary. Trails through residential neighborhoods, meadows or active recreation areas may be maintained with regularly mowed turf grass (>6" in height). Trails with more intensive use or stabilization problems may require a surface of crusher fines (4" deep) over a stone base (6" deep) wrapped in geotextile fabric, as generally depicted on the Byers Station Trails Map dated 4/13/99 prepared by the Brandywine Conservancy (Exhibit 2), adjusted at final approval for each Parcel.

e. Sidewalks located to provide safe pedestrian access between residential neighborhoods and linkages to Trails and Walkway/Bikeways at Byers Station. Sidewalks should be constructed to conventional standards – 4 feet wide concrete with 4" depth (6" deep at driveway crossings), reinforced bike/wheelchair ramps at road intersections. Sidewalks shall only be included on one side of a residential street, and should be set back 3 to 5 feet from the road edge. Sidewalks shall be provided generally as shown on the Master Plan as follows:

(i) Parcel 1 Sidewalk, providing an internal neighborhood loop with linkages to the Neighborhood Park and Pickering Springs Farm development to the east, the Northeast Trail to the north, and the (Old and New) Eagle Farms Road Walkway/Bikeways to the west.

(ii) Parcel 2 Sidewalk, providing an internal neighborhood loop with linkages to the New Eagle Farms Road Walkway/Bikeway to the north.

(iii) Parcel 3 Sidewalk, providing an internal neighborhood loop with linkages to the Northwest Trail to the north, the Pickering Creek Trail to the west, and the New Eagle Farms Road Walkway/Bikeway to the east. The Parcel 3 Sidewalk shall be designed to include clearly demarcated, safe, at-grade crossings at intersections with Eagle Farms Road.

(iv) Parcel 5-C Sidewalk, providing a sidewalk along the entire Parcel 5-C frontage of existing Route 100, from the Park Road/Route 100 intersection, to the future By-Pass Road/Route 100 intersection.

f. Bicycle storage racks shall be placed along the bikeway route at convenient locations near recreation, commercial or other of the suitable destination points.

g. The walkway/bikeway shown on Exhibit "2" along the south side of the Park Road Extension shall be constructed from the Route 100 By-Pass Road to Pottstown Pike (present Route 100) no later than upon construction of the Park Road Extension.

#### E. Active Recreation

1. The following shall apply to the active recreation areas:

a. The TU-1 parcel of land offered for dedication to the Township shall be used for recreation or school uses deemed appropriate by the Township.

b. Any plan for active recreation uses within COS 4 shall be reviewed as part of Final Plan applications to ensure compatibility with the environmentally sensitive areas adjacent to such lands.

c. A minimum of one tot lot play area and apparatus, and one multi-purpose court shall be provided within the development boundaries of Parcel-4, and also within the development boundaries of Parcel 5-C if a residential component is included. The Applicant may provide additional active recreation facilities within these two parcels.



d. The areas set aside for disposal of sanitary sewage effluent in Parcel COS-2A shall have pop-up spray heads in the event spray irrigation is utilized to facilitate the use of the ground for recreation purposes. A small gazebo and seating area shall be provided to allow for supervision by parents for the children utilizing the area.

F. Stormwater Management

1. The following are stormwater management conditions recommended by the Brandywine Conservancy which are not necessarily in accordance with existing Township Stormwater Management requirements, and thus final design criteria will require review by the Township Engineer, and approval by the Board of Supervisors:

a. Compliance with existing Township stormwater requirements, including peak rate control for up to 100-year storm.

b. Peak rate requirements may be satisfied for each development Parcel (as specified in the Master Plan (Exhibit 1) as well as at adjacent open space areas, provided that standards for open space detention facilities (see below) are satisfied.

c. Compliance with total volume control standard of the 2-year storm, so that there is no increase in total volume of runoff discharged, pre- to post-development. The Township Engineer shall make the final determination as to the location of the facilities.

d. Special requirements for infiltration BMPs:

(i) Infiltration rates shall be established by soils testing from published data in the Chester County Soils Survey. Major infiltration beds shall be established by soils testing. Soils testing shall be conducted to a depth no less than 3 feet below the bottom of the infiltration facility to be considered.

(ii) As a general standard, the bottom elevation of a subsurface infiltration system shall be at least 2 feet above bedrock or the seasonal high water table, subject to the approval of the Township Engineer.

(iii) Filtering devices, such as open bottom inlets and other similar facilities, may be incorporated in piping or structures distributing runoff to the infiltration systems in order to collect and prevent sediment from entering the system.

(iv) All subsurface seepage beds shall be located as far from structures and streams as reasonably possible. Such distances shall be subject to approval by the Township Engineer.

(v) Structures to direct overflow from infrequent storms greater than the 2-year storm will be provided. Suitable receiving areas for the overflow may be inlets or piping of downstream storm sewer systems, wetland areas, flood plain fringe areas or other stormwater management facilities.

(vi) Infiltration facilities shall be designed to drain within 48 hours. Detention facilities shall completely release the total design storm volume detained over and beyond the stored volume for recharge within 24 hours or less following the storm event.

(vii) All subsurface infiltration systems shall use a permeable geotextile fabric to separate aggregate within the facility from soil on the sides and top to prevent loss of bed capacity.

e. Special requirements for open space detention facilities:

(i) Open space detention facilities, perimeter embankments or berms shall have side slopes of 4 to 1 and flatter to blend into the existing topography.

(ii) Open space detention facilities shall be designed to be as shallow as reasonably practicable for the holding area and at a depth acceptable to the Township Engineer.

(iii) Any plantings or vegetation placed as part of open space detention facilities area must be able to withstand the expected frequency and depth of inundation. The recommended Open Space Management Plan should include specific recommendations of plant species and instructions for the appropriate care and maintenance of the facility.

f. Additional general requirements for overall stormwater management:

(i) Minimize disturbance of existing forested/vegetated areas;

(ii) Minimize total impervious cover wherever feasible, through reduced width of roads, reduced parking ratios, reduced parking stall size, sharing of parking, use of pervious overflow parking and elimination of curbs;

(iii) Utilize natural system-based, minimally structured BMPs, especially in lower intensity development areas;

(iv) Localize and decentralize stormwater management systems; achieve 2-year storm infiltration development area-by-development area with safe overflow for larger storms provided; 100-year peak rate control may bleed to open space areas;

(v) In areas of lower intensity, promote broad, evenly distributed infiltration through use of level spreaders, low berms in zones of existing vegetation, vegetated swales, subtly graded depressions at driveways;

(vi) In areas of higher intensity, promote dual usage underground infiltration (pre-fab infiltrators, stone-filled recharge beds, etc.) beneath parking areas and other impervious areas.

G. Roadway Improvements

1. The following roadway improvements shown on Exhibits 4(a) and 4(c) prepared by McMahon Associates dated May 13, 1999 shall be installed by the Applicant:

- a. A By-Pass Road between Byers Road and north to PA Route 100, including the road segment between the By-Pass Road and Route 100 located approximately along the northern property line.
- b. Park Road Extension between PA Route 100 and By-Pass Road.
- c. Relocation of Eagle Farms Road to intersect the By-Pass Road opposite the Park Road Extension.
- d. Widen PA Route 100 along the site frontage of Parcel 5-C.
- e. No direct residential driveway access shall be permitted to Eagle Farms Road except for the existing Todd buildings, the sewage treatment plant, and up to two (2) residential driveway cuts which shall represent common or shared driveway cuts serving at least two homes each.

2. The roads referenced in Paragraph G-1 shall be designed as follows:

- a. The By-Pass Road shall have 90' right of way and 42' of paying with grass median island to provide for adequate through lanes and turning movements. The median island shall be maintained by the Community Association so long as the By-Pass Road shall be used by the Township. All parcel and lot setbacks, open space calculations, and coverage calculations shall be measured from a 60' right of way line. The By-Pass Road will not be constructed with curbing except at intersections and stormwater management facilities will be designed and located to accommodate a five lane road in the future.
- b. Preservation of right-of-way for a future realignment of the By-Pass Road / PA Route 100 as shown on the "Byers Station and Ultimate Road Improvements" Exhibit 4(b).
- c. On-street parking shall be prohibited along the length of the By-Pass Road.
- d. The portion of the By-Pass Road to be constructed within Byers Station shall be completed and opened for use by traffic prior to issuance of any building occupancy permits.
- e. The Township shall obtain the necessary right-of-way for the portion of the By-Pass Road north of Byers Station to enable the Applicant to complete the By Pass Road to Route 100, including the road segment and intersections between By-Pass Road and PA Route 100 located along the northern property line, to be opened for use by traffic prior to issuance of any building occupancy permits.

f. In conjunction with the construction of the By-Pass Road and prior to the issuance of any building occupancy permits within Byers Station, the By-Pass Road intersection with PA Route 100 will be constructed. The By-Pass Road, PA Route 100, and the road segment along the northern property line form three intersections, each of which will be curbed and consist of one lane in each direction with separate left-turn lanes. In addition, the intersection of PA Route 100 with the road segment along the northern property line will also include a separate northbound right-turn lane and, as a condition of Final Plan approval, a traffic signal will be required. The installation of the traffic signal shall occur during the construction for which Final Plan approval is granted if the intersection satisfies a signal warrant according to PennDOT criteria; otherwise money will be escrowed by the Applicant with the Township for five (5) years for future installation of the traffic signal. If the signal is not warranted within the five (5) year period, the escrowed funds shall be refunded to the Applicant.

g. In conjunction with the construction of the By-Pass Road and prior to the issuance of any building occupancy permits within Byers Station, the By-Pass Road intersection with Byers Road will be constructed with curbing, and consist of a separate southbound By-Pass Road left-turn lane, a separate eastbound Byers Road left-turn lane, and a separate westbound Byers Road left-turn lane. The installation of the traffic signal shall occur during the construction for which Final Plan approval is granted if the intersection satisfies a signal warrant according to PennDOT criteria; otherwise money will be escrowed by the Applicant with the Township for five (5) years for future installation of the traffic signal. If the signal is not warranted within the five (5) year period, the escrowed funds shall be refunded to the Applicant.

h. The design of the Park Road Extension shall be coordinated with the PennDOT improvements at the Park Road/ PA Route 100 intersection, and any other improvements which may change the alignment of the existing Park Road intersection with PA Route 100. The Park Road Extension intersection with PA Route 100 will be constructed with curbing, a separate southbound PA Route 100 left-turn lane, and consist of a separate westbound Park Road Extension left-turn lane. The following design detail shall be followed:

- (i) A 60 foot required right-of-way along the Park Road Extension shall be provided.
- (ii) Provide a minimum 40-foot wide full-depth pavement and curbing for one lane in each direction and a center left-turn area.
- (iii) On-street parking is to be prohibited along the length of the Park Road Extension.
- (iv) The Park Road Extension shall be constructed and opened prior to issuance of any building occupancy permits for more than 100,000 square feet of nonresidential space and occupancy permits for more than the 100th residential dwelling unit.
- (v) In conjunction with the construction of the Park Road Extension, the Park Road Extension intersection with the By-Pass Road will be constructed with curbing, and consist of separate northbound By-Pass Road left-turn lane, and a separate eastbound Park Road Extension left-turn lane. The installation of the traffic signal shall occur



during the construction for which Final Plan approval is granted if the intersection satisfies a signal warrant according to PennDOT criteria; otherwise money will be escrowed by the Applicant with the Township for five (5) years for future installation of the traffic signal. If the signal is not warranted within the five (5) year period, the escrowed funds shall be refunded to the Applicant.

i. In conjunction with the construction of the Eagle Farms Road from the By-Pass Road to the easterly wetlands, the Eagle Farms Road intersection with the By-Pass Road will be constructed with curbing, and consist of a separate southbound By-Pass Road left-turn lane, and a separate westbound Eagle Farms Road left-turn lane. The installation of the traffic signal shall occur during the construction for which Final Plan approval is granted if the intersection satisfies a signal warrant according to PennDOT criteria; otherwise money will be escrowed by the Applicant with the Township for five (5) years for future installation of the traffic signal. If the signal is not warranted within the five (5) year period, the escrowed funds shall be refunded to the Applicant. The following design details shall be incorporated in Final Plans:

(i) A 50 foot required right-of-way with a 60' ultimate right of way shall be provided. All parcel and lot setbacks, open space calculations, and coverage calculations shall be made from the 50' right of way line.

(ii) A 28-foot wide full-depth pavement along the length of Eagle Farms Road, except where additional widening is necessary for auxiliary left- and right-turn lanes for access into the development.

(iii) On-street parking is to be prohibited along the length of Eagle Farms Road.

(iv) Eagle Farms Road will be constructed from the By-Pass Road to the easterly wetlands, a distance of approximately 400 feet prior to the issuance of any building occupancy permits within Parcel 4.

(v) The construction of Eagle Farms Road will be continued from the wetlands at Parcel 4 to the property limit prior to the issuance of any building occupancy permits within Parcels 1, 2, and 3.

j. PA Route 100 along the property frontage shall be improved as conceptually illustrated on the "Byers Station Road Improvements" Exhibit 4, with the following design details:

(i) A 40 feet required right-of-way from the PA Route 100 centerline along the property frontage.

(ii) Prior to the issuance of any building occupancy permits on Parcel 5-C, the Applicant will widen PA Route 100 and install curbing along the site frontage in coordination with the PennDOT improvements to Park Road/PA Route 100, the Byers Station improvements to Park Road Extension/PA Route 100, the Byers Station improvements to By-Pass Road/PA Route 100, and any other PA Route 100 improvements. The site frontage road widening will be either 20 feet from the PA Route 100 centerline or something different in

coordination with the above-mentioned improvement projects in order to create a continuous center left-turn lane along the existing PA Route 100 site frontage

3. The Township shall initiate the procedures necessary to vacate Eagle Farms Road through the Property, within 120 days from the date of Tentative PRD Approval. The Applicant shall construct a suitable turn around at the northern terminus of Eagle Farms Road in the vicinity of the Hankin property.

4. Any Final Plan for Parcel 1 shall include an interparcel street connection to be provided by the Applicant tying Parcel 1 to the stubbed street on Pickering Springs Farm subdivision.

5. The Applicant shall be responsible at its sole cost and expense for the construction of Park Road Extension and the By-Pass roads in lieu of any obligation to make any payments which may be required under any future Act 209 Impact Ordinance or any other traffic impact fees to be enacted by the Township except as set forth in this Approval.

6. In order to provide for traffic calming, street widths are seen as integral to slowing traffic throughout the Property. All roads offered for dedication to the Township within the Property shall be a maximum 28' cartway width where parking is allowed on the street.

7. Access to each of the development parcels and specifically along the new By-Pass Road shall be limited to locations as follows:

a. Parcel 5-C

(i) One full-movement (signalized if warranted) entrance and exit access located on the west side of the By-Pass Road with separate left- and right-turn lanes on the By-Pass and on the driveway.

(ii) One full-movement (signalized if warranted) entrance and exit access located on the north side of the Park Road Extension with separate left- and right-turn lanes on the Park Road Extension and on the driveway.

(iii) One full-movement (signalized if warranted) entrance and exit access located on the east side of PA Route 100 with separate left- and right-turn lanes on PA Route 100 and on the driveway.

(iv) Any additional access is subject to the approval of the Board of Supervisors and will be limited to right-turn-in/right-turn-out only.

b. Parcel 6-C

(i) Right-turn-in/ right-turn-out access located on the east side of the By-Pass Road with a separate right-turn deceleration lane on the By-Pass.

(ii) Any access to Byers Road, if necessary, is limited to right-turn-in/ right-turn-out with a separate right-turn deceleration lane on Byers Road.

(iii) Provide a connection through Parcel 4 for access to/ from the Eagle Farms Road.

c. Parcel 4

(i) One full-movement entrance and exit access located on the south side of Eagle Farms Road with separate left- and right-turn lanes on Eagle Farms Road.

(ii) Provide a connection through Parcel 6-C for access to/ from the By-Pass Road.

d. Parcel 1 - Provide a connection to the Pickering Springs Farm residential subdivision.

8. At Final Plan approval for Parcel 5-C and Parcel 4, at the discretion of the Board of Supervisors, a traffic impact analysis, in accordance with Section 1510.C.1 of the Zoning Ordinance or according to the scope specified by the Township Traffic Engineer for submission and review to the Township Traffic Engineer and the Board of Supervisors will be prepared to verify the design of all access and off-site traffic improvements.

H. General Procedure and Design Criteria

1. Final approval applications for all or a portion of the Property pursuant to the PRD provisions of the Zoning Ordinance shall be in lieu of all other procedures or approvals, otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinances.

2. The design of all access/ driveway and all other roadway improvements will be subject to the review and approval by the Township.

3. The design of all traffic signals installed will be subject to review and approval by the Township. The design will be in compliance with the Township signal specifications which include emergency pre-emption, closed-looped system compatible controller, pedestrian phasing, and ornamental signal poles.

4. A pedestrian tunnel shall be constructed under the south leg of the By-Pass Road intersection Eagle Farms Road/ Park Road Extension to connect with the Eagle Farms Road/ Park Road Extension walkway / bikeway system.

5. The Applicant shall provide public water to the property line of the Pickering Valley School along the By-Pass Road. If available within the Property, gas shall be stubbed to the school's northeasterly property line.

6. The schedule for the submission of final plan applications for all parcels within the Property is attached as Exhibit 5, and is hereby approved. This schedule shall be updated annually on the anniversary of this Approval, which updates may vary from the approved schedule contained on Exhibit 5 based upon market conditions, availability of infrastructure and economic conditions. The Township shall not unreasonably withhold approval to revisions to the schedule.

7. If single family attached units are included in the Final Plan for Parcel 3, disturbance to the existing woodland located west of COS-4 shall be done in such a manner as to preserve as much existing vegetation as feasible, consistent with achieving the permissible density on the parcel. This shall be accomplished by depicting limits of clearing and grading on the Final Plan, minimizing changes in grade, locating buildings and parking areas in such a manner to preserve groupings of trees, and by delineating the limits of clearing and grading shown on the approved Final Plan in the field through the use of silt fence prior to construction.

8. The Applicant shall include in each application the final plan of a parcel the following information:

- a. An outbound survey.
- b. Evidence that utility services and all collector roads shall be installed to the parcel.
- c. An updated Master Plan indicating the number of dwellings or non residential square footage previously approved and developed and the remaining number of dwellings and non residential square footage permitted for final approval.
- d. All provisions of the PRD section of the Zoning Ordinance shall be satisfied, unless waivers are requested.

9. No waivers, other than those expressly reflected within this Approval are granted as part of the Tentative Plan approval. The Applicant may request waivers in any Final Plan application for any Parcel which the Township shall consider.

10. If the Applicant requests modifications or waivers from the design criteria set forth herein, no public hearing shall be required.

I. Wastewater Collection, Treatment and Disposal.

1. The Applicant shall be part of the regional treatment facility the Township is planning for the former Sunoco site on Fellowship Road. If and when this alternative disposal system becomes feasible for use by the Property, the Applicant and Township agree to modify the sanitary sewage plans for the Property to allow the Applicant to make the necessary changes in the Plan to eliminate the sewage treatment plant and those portions of the lagoon areas not required due to the use of a regional sewage plant. Such areas may be used for development so long as the total number of units does not increase beyond the total permitted by this grant of approval. The Township and Applicant agree to cooperate to expedite the approval process for a centralized wastewater treatment facility and agree that any future off site treatment facility will not delay the timely review and approval of any final plan application under the treatment system as contained on the Plan.

2. The Township and Applicant agree to request the PADEP for such temporary disposal system as shall be mutually agreed upon pending completion of the regional system.



3. The Applicant shall submit Land Planning Modules for the Property for review and approval by the Township in accordance with the established Act 537 process.

4. The Applicant shall cooperate with the Township in creating a brochure which provides a description of the wastewater treatment (on-site or off-site) and disposal system which will serve the community. The Applicant will make the brochure available to prospective buyers. The Applicant shall create a disclosure form, acceptable to the Township, which describes the type of treatment and disposal system serving the Community, including the financial responsibilities of those served by the system. The form shall be signed by the buyers at the time the Sales Agreement is executed.

5. The wastewater treatment plant and disposal sequencing-batch reactor treatment plant, final effluent storage pond, pumping station(s) and land application via spray irrigation or drip irrigation in buffer areas and/or a combination of the two. Plans for the design and construction of the system shall be submitted to the Township for review and approval prior to submission to the PADEP. The wastewater treatment plant and disposal system shall be designed with the capacity to treat flow from the Property up to a maximum of 149,000 gpd. This gallonage includes approximately 12,000 gpd to be made available to the Township for users outside of the Property. The Township shall determine how the 12,000 gpd is utilized. If the maximum capacity of 149,000 gpd of effluent is not required due to lower average daily flows, a change in PADEP policies, or a reduction in the number of dwellings or square footage of nonresidential development, the acreage dedicated to land application systems shall not be reduced and additional residential uses may be provided if the total maximum number of residential dwellings do not exceed 620. The Applicant agrees to provide the necessary piping connections and initial transmission pipe sizes such that 149,000 gpd can be disposed.

6. The Applicant shall conduct the necessary hydrogeologic simulation for the wastewater disposal system.

7. The Applicant recognizes the right of the Township to install a drip irrigation disposal system in the buffer areas not used for the needs of the development. These buffer areas may be used by the Township for disposal of effluent generated off site.

8. The Applicant shall cooperate with the Township during the design process in the selection of equipment, materials, controls and control strategies for the wastewater collection, treatment and disposal systems. Design issues include but are not limited to those conditions noted herein.

9. The Applicant shall use stainless steel equipment, fasteners, and appurtenances wherever practical in the wastewater treatment and disposal system provided.

10. The Applicant shall provide the necessary structural items, piping, wall penetrations, and future control panel locations for an expansion of the proposed two basin SBR treatment system to a three basin system. Consideration for the potential expansion shall be made when siting the treatment tanks. The foregoing shall only apply if the centralized system does not occur.

11. The Applicant shall provide emergency power generation on-site for all treatment systems and at all collection system pumping facilities. Natural gas or propane fired systems (if natural gas is not available) shall be provided. All emergency power systems shall be located within a building so as to ensure the long life of the system as well as provide the greatest sound attenuation possible during the normal weekly exercise period. Since the storage lagoon will provide time and capacity during power outages, a generator is not required for the spray pumps or any other equipment at the storage lagoon site.

12. The Applicant shall provide buildings associated with the wastewater collection, treatment and disposal systems which complement the architecture of the Community. The Applicant shall use maintenance free construction materials to the greatest extent practicable, such as but not limited to stucco, architectural masonry units, brick and stone. The exterior of such surfaces shall be treated to prevent the occurrence of graffiti.

13. All areas identified for land disposal of effluent, including buffer areas if a potential of drip irrigation exists, shall be delineated by the Applicant with a metes and bounds description and dedicated to the Township. All sites provided for treatment, storage, pumping and piping systems shall also be delineated. Concrete monuments shall be set at all corners of the above mentioned areas.

14. The Applicant shall provide as-built drawings of all facilities including plans and elevations. All underground piping systems shall be marked with tape allowing the future location of such systems with line detecting devices.

15. Operation and maintenance manuals shall be prepared by the Applicant which shall detail the location of all above-ground and underground facilities in a concise format in addition to standard Operations and Maintenance procedures. A wastewater Storage and Disposal System Management Plan shall also be provided.

16. The Applicant agrees to provide a landscaping plan acceptable to the Township and to install landscaping at all wastewater collection, treatment and disposal systems.

#### J. Parking

1. At the discretion of the Board of Supervisors, for any office-related use, parking will be provided according to the higher of either (i) four (4) spaces per 1000 square feet of gross floor area, or (ii) according to the requirements of the Zoning Ordinance if there is a more specific land use description.

2. At the discretion of the Board of Supervisors, for any retail-related use, parking will be provided according to the higher of either (i) five (5) spaces per 1000 square feet of gross floor area, or (ii) according to the requirements of the Zoning Ordinance if there is a more specific land use description.

3. At the discretion of the Board of Supervisors, for any eating and drinking establishment without drive-through service or not considered to be fast-food, parking will be provided according to the higher of either (i) fifteen (15) spaces per 1000 square feet of gross floor area plus one (1) space per employee on the shift with the highest number of employees,

or (ii) according to the requirements of the Zoning Ordinance if there is a more specific land use description.

4. At the discretion of the Board of Supervisors, for any fast-food or eating establishment with drive-through service, parking will be provided according to the higher of either (i) twenty (20) spaces per 1000 square feet of gross floor area plus one (1) space per employee on the shift with the highest number of employees, or (ii) one (1) space per two seats plus one (1) space per employee on the shift with the highest number of employees, or (iii) according to the requirements of the Zoning Ordinance if there is a more specific land use description.

5. At the discretion of the Board of Supervisors, for a convenience store, parking will be provided according to the higher of either (i) five (5) spaces per 1000 square feet of gross floor area, or (ii) according to the requirements of the Zoning Ordinance if there is a more specific land use description.

6. At the discretion of the Board of Supervisors, up to twenty per cent (25%) of the required parking is encouraged to be held in reserve in order to preserve open space, and as such, the reserve parking will be designed and engineered, but need not be constructed unless directed by the Board of Supervisors.

7. At the discretion of the Board of Supervisors, structured parking is permitted and encouraged in order to preserve open space.

8. At the discretion of the Board of Supervisors, a reduction in the sum total of the required parking is permitted if there are efficiencies derived by shared parking for uses which have complementary peak demands. The Applicant will submit parking generation data based on current and accepted methodology, such as that published by the Urban Land Institute, or from actual parking studies for the review and approval by the Board of Supervisors.

Exhibits

Exhibit 1: Master Plan and Master Plan Detail Sheet prepared by Glackin Associates, last revised to 3/4/99.

Exhibit 2: Trails Network Plan prepared by the Brandywine Conservancy, dated \_\_\_\_.

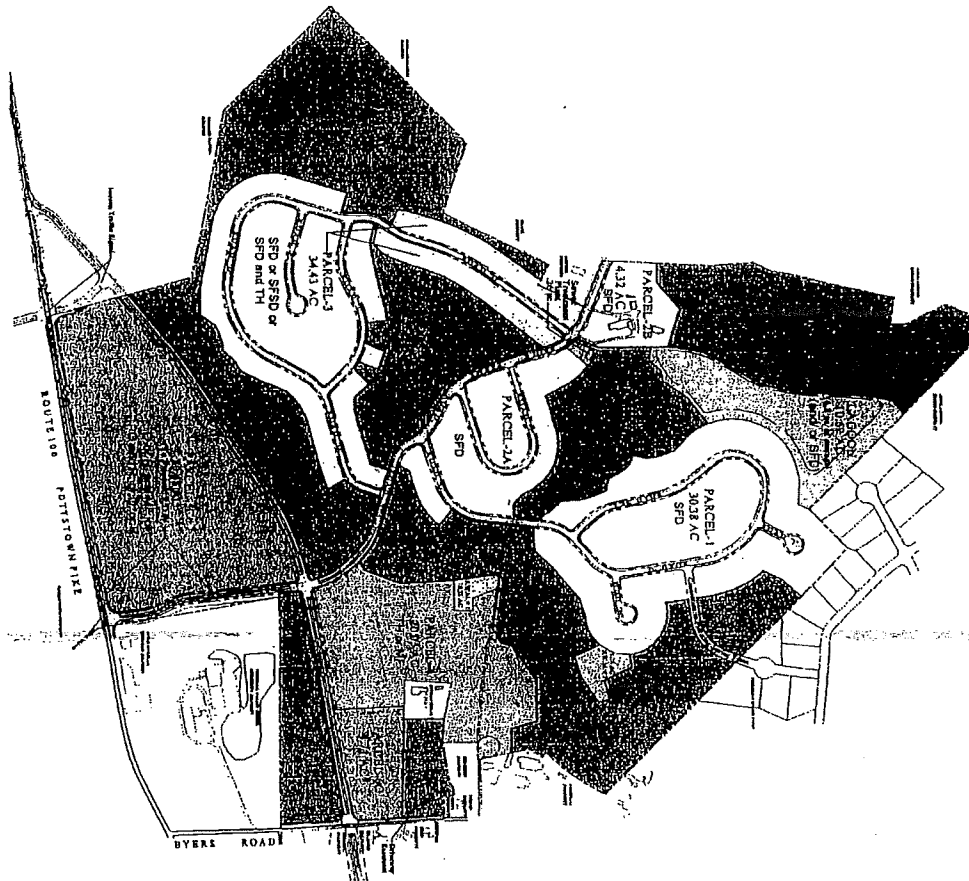
Exhibit 3: Open Space Management Plan, prepared by the Brandywine Conservancy, dated\_\_\_\_, and the Conceptual Open Space Management Plan prepared by Glackin Associates, dated October 30, 1998.

Exhibit 4: Byers Station Road Improvements and Byers Station Ultimate Road Improvement Plan, prepared by McMahon Associates, Inc. dated \_\_\_\_.

Exhibit 5: Phasing Schedule prepared by Glackin Associates, Inc., dated 3/4/99.







- LEGEND:**
- EXISTING VEGETATION LINE
  - PARCEL LINE
  - STORMWATER MANAGEMENT AREA
  - SINGLE FAMILY DETACHED
  - SINGLE FAMILY SEMI-DETACHED
  - TOWNHOUSES
  - MULTIPLE FAMILY
  - OFFICE
  - RETAIL



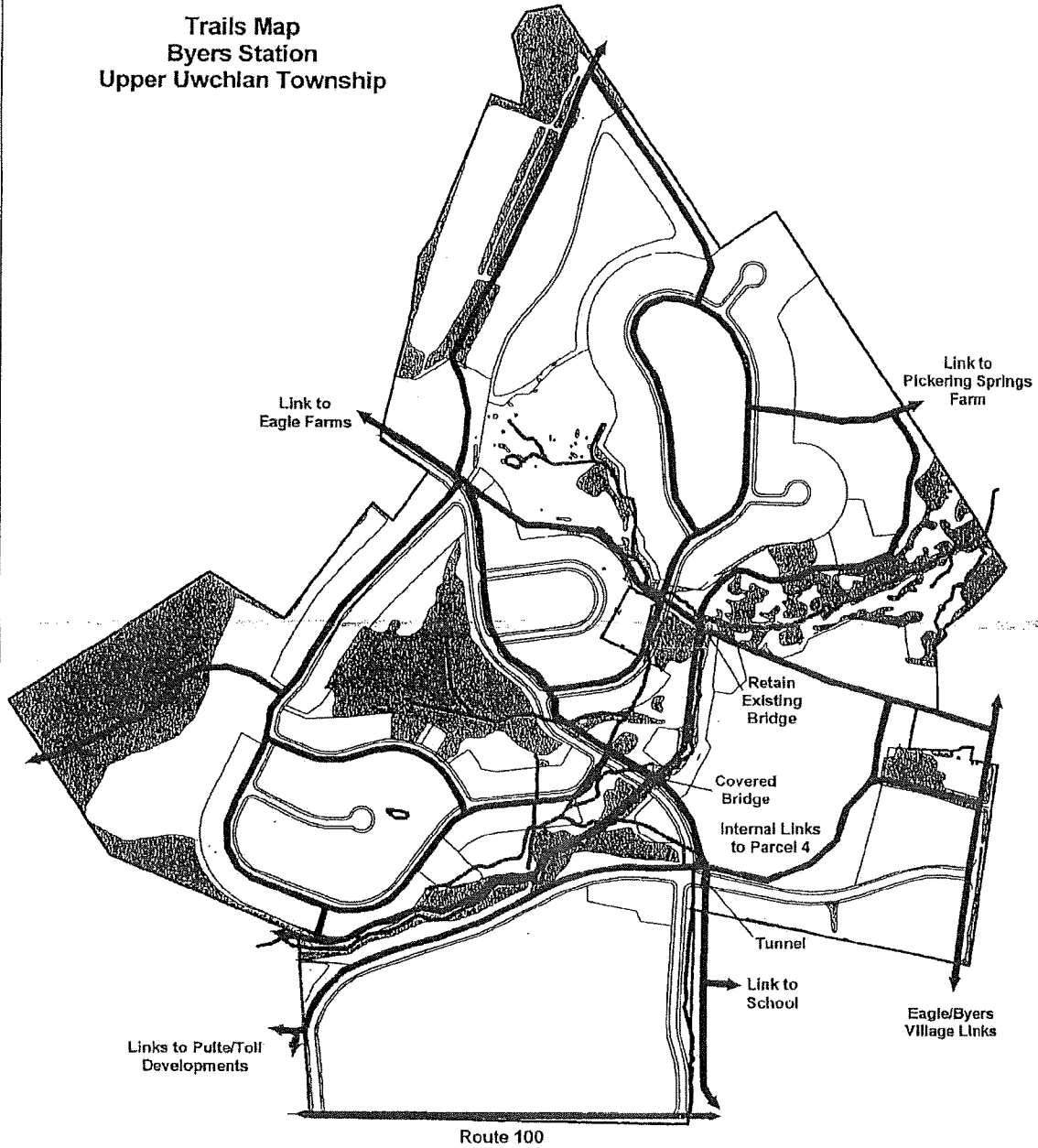
Master Plan/ Parcel Detail Plan  
**BYERS STATION**  
 Upper Merion Township, Chester County, Pennsylvania



**Glackin Associates, Inc.**  
 Local Planning & Consulting Services  
 21 Milling Station Road, Pottstown, PA 19368  
 Phone: (610) 326-0000 Fax: (610) 326-0000

DATE: 10/1/01  
 MPDS

**Trails Map  
Byers Station  
Upper Uwchlan Township**



**Legend**

- Property boundary
- Development Area
- Bridge
- Tunnel
- Walkway / Bikeway
- Trail
- Sidewalk
- Streams
- Remaining Woodlands

500 0 500 1000 Feet



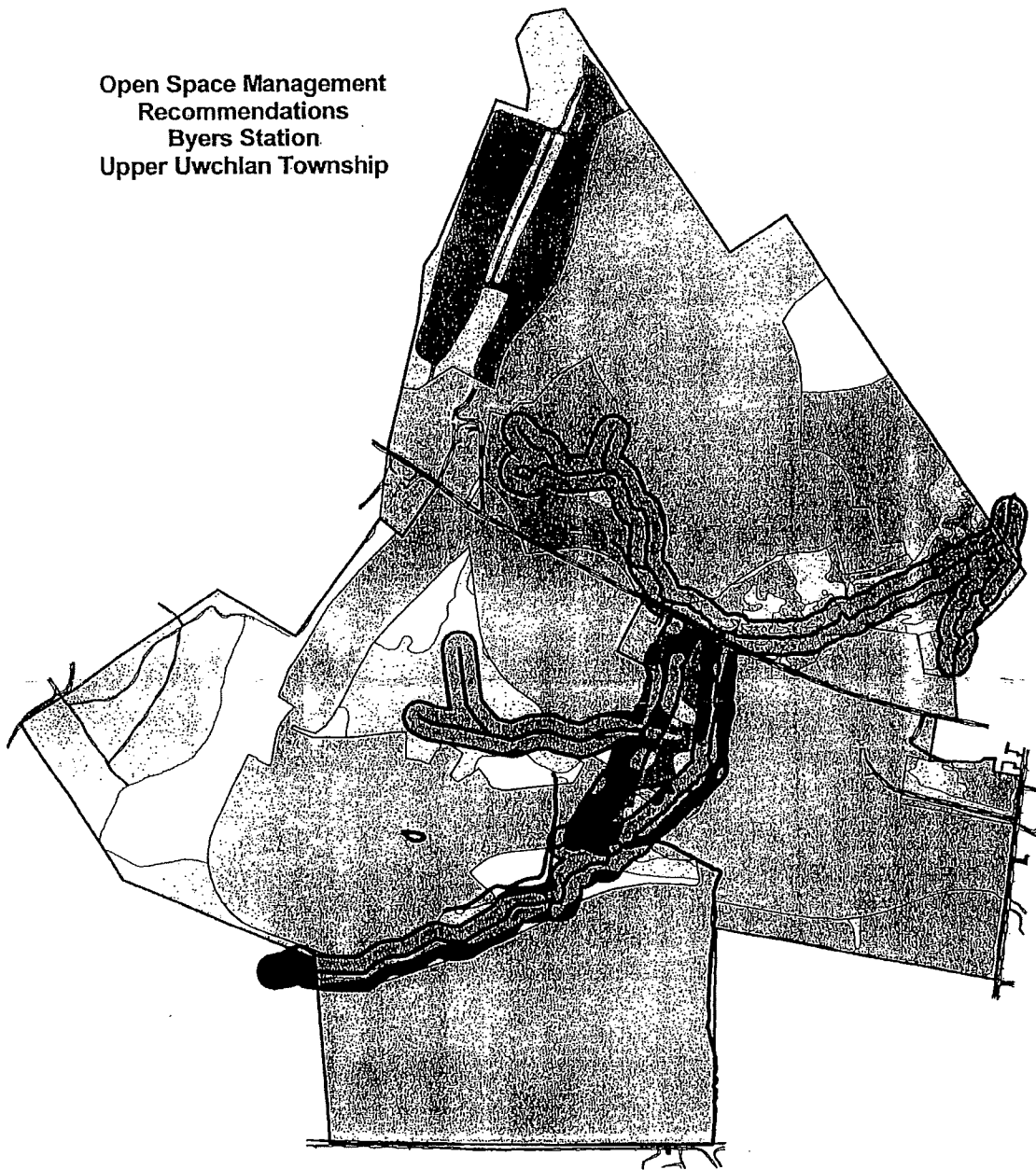
**Environmental Management Center  
BRANDYWINE CONSERVANCY**  
P.O. Box 141 Chadds Ford, Pennsylvania 19317 (610) 388-2700

Plotted: April 13, 1999

Base Map Data Source: Glackin Associates, Inc.

Exhibit 2

Open Space Management  
Recommendations  
Byers Station  
Upper Uwchlan Township



**Legend**

- Property boundary
- Roads
- Riparian Buffer Area (75 ft. either side)
- Streams
- Forest Management Area - within Riparian Buffer Area
- Marsh - within Riparian Buffer Area
- Reforestation Area - within Riparian Buffer Area
- Active Recreation Areas
- Limits of development area
- Reforestation Area
- Meadow Management Area
- Marsh Management Area
- Forest Management Area

500 0 500 1000 Feet



**Environmental Management Center**  
**BRANDYWINE CONSERVANCY**  
P.O. Box 141 Chadds Ford, Pennsylvania 19317 (610) 388-2700

Plotted: April 13, 1990

Base Map Data Source: Glackin Associates, Inc.

Exhibit 3

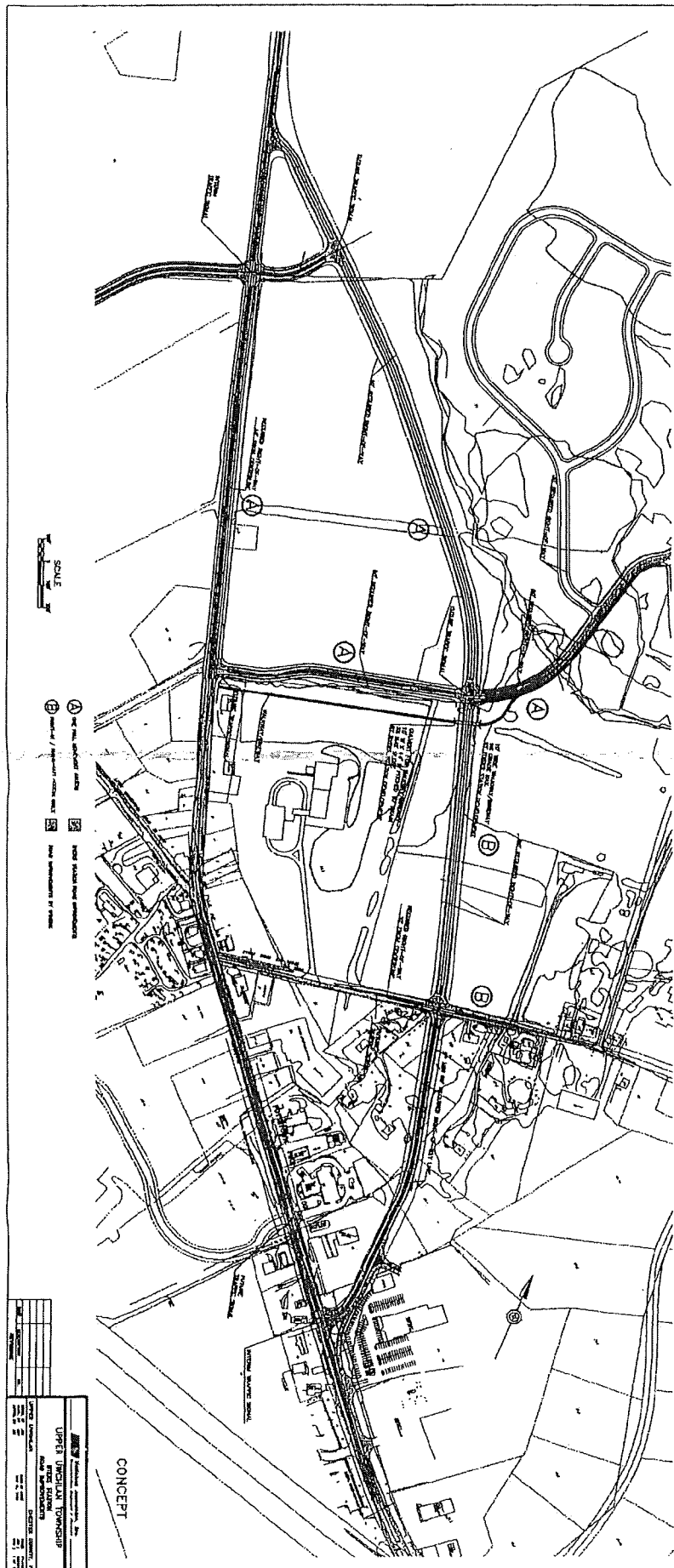


Exhibit 4a



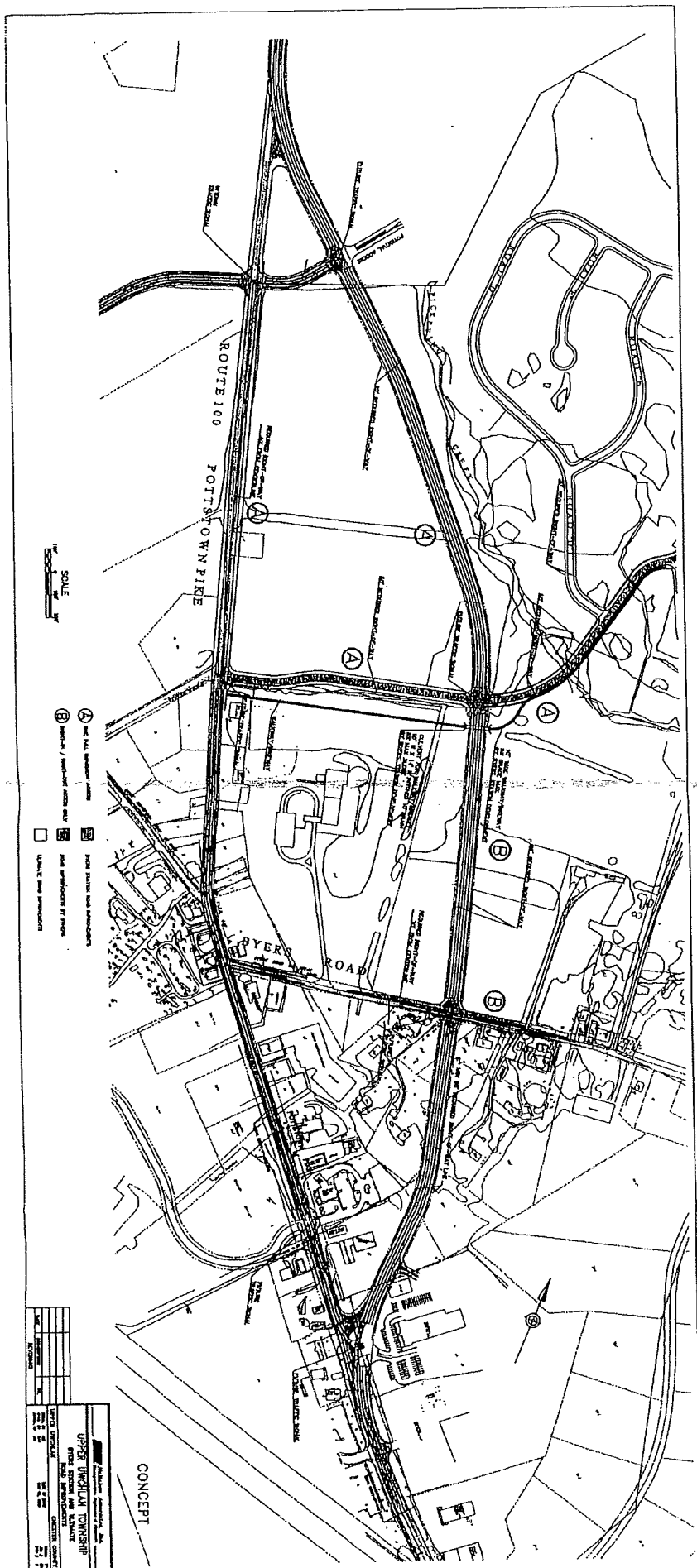
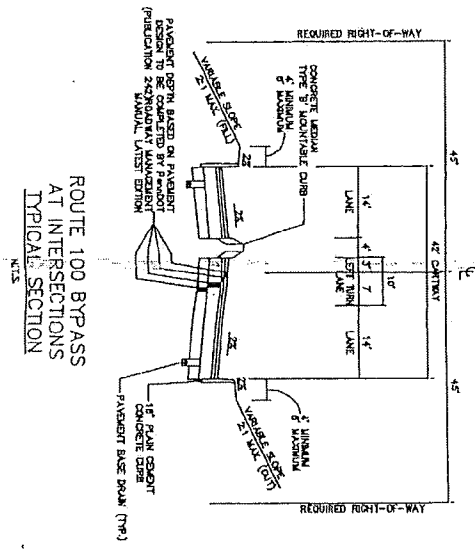
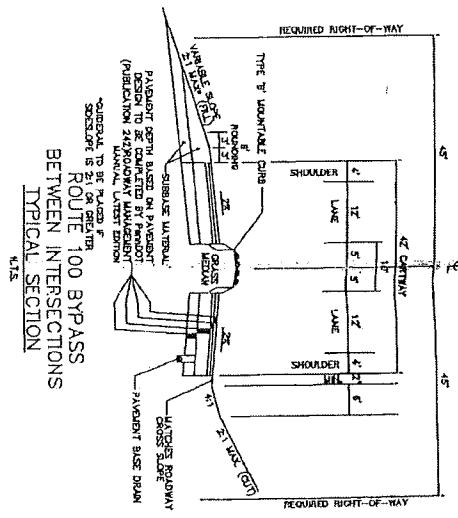


Exhibit 4b



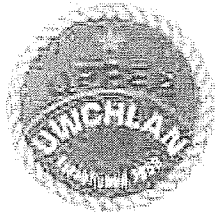


<b>UPPER UMCHLAN TOWNSHIP</b> ROUTE 100 BYERS STATION BYPASS TYPICAL SECTIONS	
UPPER UMCHLAN TOWNSHIP CHESTER COUNTY, PA	DATE: 10/1/2010 DRAWN BY: [blank] CHECKED BY: [blank]
SHEET: 1 TOTAL SHEETS: 1	SCALE: 1" = 10'-0" DATE: 10/1/2010

**Development Schedule**

The schedule for final plan applications for individual parcels provides for submissions over a seven (7) year period. The timing of such submissions for approval are subject to many variables beyond the control of the applicant. The final plans for the approximate number of units listed below will be filed no later than the number of years from the date of tentative PRD approval. This schedule is subject to annual updating and modification, and is subject to adjustments caused by the determination of the final mix of units and nonresidential square footage as more fully set forth in the conditions of approval and Exhibit 1.

Years From Tentative PRD Approval	Detached Units	Attached Units	Multi-Family Units	Nonresidential
1		85 or	113	
2		85 or	113	
3	103			40,000 SF
4				100,000 SF
5	53			
6				100,000 SF
7	76			111,000 SF
Total	232	170	226	351,000 SF



## Upper Uwchlan Township

May 19, 2017

Louis Colagreco, Jr., Esquire  
Riley Riper Hollin & Colagreco  
P. O. Box 1265  
717 Constitution Drive, Suite 201  
Exton, PA 19341

VIA EMAIL ONLY

RE: Equus / Byers Station PRD  
Village at Byers Station Subdivision and Final PRD Approval

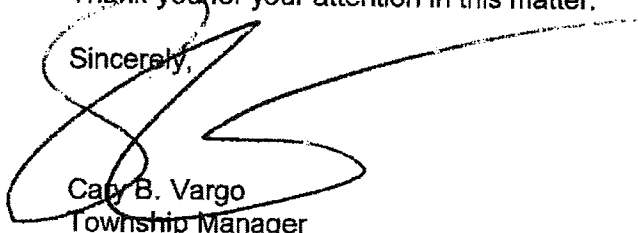
Dear Mr. Colagreco,

The Board of Supervisors, at their May 15, 2017 meeting, approved and executed the attached Decision and Order for the "Application of Byers Residential Acquisition, L.P. and Byers Retail Acquisition, L.P. For Final Approval of the Residential Portion of Parcel 5C at Byers Station".

The Decision and Order, drafted by your office, clarifies the current status of the subdivision, PRD, and land development approvals for Byers Station Parcel 5C Lot 1 and Lot 2, and supersedes the March 17, 2017 Approval.

Thank you for your attention in this matter.

Sincerely,



Cary B. Vargo  
Township Manager

Enclosure

Copy with enclosure, via email only:

Bob Dwyer, Equus  
Alyson Zarro, Esq., Riley Riper Hollin & Colagreco  
Kristin Camp, Esq., Buckley, Brion McGuire and Morris

Copy with enclosure: John Good, Esq., John E. Good Associates

BEFORE THE BOARD OF SUPERVISORS  
OF UPPER UWCHLAN TOWNSHIP OF CHESTER COUNTY, PENNSYLVANIA

APPLICATION OF BYERS RESIDENTIAL ACQUISITION, L.P.  
AND BYERS RETAIL ACQUISITION, L.P. FOR FINAL APPROVAL  
OF THE RESIDENTIAL PORTION OF PARCEL 5C AT BYERS STATION  
DECISION AND ORDER

BACKGROUND

1. In August, 1998 the Bryn Coed Farms, a Pennsylvania limited Partnership, submitted an application to Upper Uwchlan Township (the "Township") for tentative plan approval under the Township's Planned Residential Development Ordinance, Upper Uwchlan Township Ordinance No. 97-7 and Article VII, Section 7.01-7.13 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10701-10713 for property situated at the intersection of Route 100 and Byers Road in the Township known as the Byers Station Property ("Subject Property").

2. On June 7, 1999, the Township granted tentative PRD approval for development of the Subject Property as a planned residential development ("Byers Station PRD"). That document, as well as all exhibits attached thereto, are incorporated by reference as if set forth in full herein.

3. On July 21, 2003 the Township granted final PRD approval for various parcels in the Byers Station PRD as depicted in the approved tentative plan ("2003 Approval"). The 2003 Approval did not grant final plan approval for Parcels 5C and 6C and the Board expressly acknowledged same in Paragraph 11 of the 2003 Approval. That document, as well as all exhibits attached thereto are incorporated by reference as if set forth in full herein.

4. On September 8, 2009, the Board of Supervisors modified the 2003 Approval granted by the Board regarding matters pertaining to development of a property within the PRD known as "The Butler House" being Lot 261 on the PRD Plan of Property which parcel was also known as Tax Map Parcel No. 32-4-496 ("2009 Approval"). The 2009 Approval did not modify or amend the 2003 Approval as pertains to Parcel 5C.

5. On May 23, 2016 Byers Residential Acquisition, L.P. and Byers Retail Acquisition, L.P., current equitable owners of Parcel 5C ("collectively, Applicant"), submitted an application for final PRD approval for a portion of Parcel 5C depicted in the application ("Application") and referred to as "Lot 1". The Application did not seek final PRD approval for the commercial phase of Parcel 5C which is designated as "Lot 2" on the Application. The Final PRD Plan for Lot 1 of Parcel 5C is that plan set prepared by Bohler Engineering dated May 20, 2016 and last revised September 12, 2016 ("Final Plan").

6. At its meeting on February 21, 2017, the Township granted approval of the Final Plan for Parcel 5C and that approval was communicated to the Applicant in a written correspondence dated March 17, 2017 ("2017 Approval").

7. The Board now wishes to amend the 2017 Approval to clarify certain terms thereof.

#### ORDER

The Board hereby amends the 2017 Approval as set forth hereinbelow:



1. The Final Plan shall be revised to comply with Gilmore and Associates, Inc. review letter dated November 3, 2016 and the Final Plan shall be labeled "Final PRD Plan, Lot 1, Parcel 5C The Village at Byers Station."
2. The Applicant shall secure all required outside agency permitting prior to plan recordation.
3. The Applicant hereby agree to make a contribution in the amount of \$206,000.00 to be utilized for the construction of Eagle Park. This contribution shall be made prior to the release of plans for recordation.
4. A multi-use trail shall be provided along Darrell Drive from Graphite Mine Road to Pottstown Pike.
5. A tot lot, similar to that which is provided in the Windsor Ridge Development of Upper Uwchlan Township shall be provided within Lot 1.
6. The following proposed cross walks shall be eliminated from the Final Plan: Darrell Drive and Pottstown Pike (northwest corner of the project); Darrell Drive and Graphite Mine Road (northeast corner of the project); Station Boulevard and Graphite Mine Road (southeast corner of the project).
7. The proposed street light at <sup>Darrell</sup>~~Darryl~~ Drive and Pottstown Pike (northwest corner of the project) shall be eliminated.
8. An ADA compliant ramp for the trail shall be provided on the western side of the driveway access and Station Boulevard.
9. The trail segment currently depicted adjacent to Station Boulevard shall be eliminated from the east side of Station Boulevard driveway access to Graphite Mine Road.

10. Applicant shall revise the plans to provide a trail crossing over Station Boulevard to connect the trail on Lot No. 2 to an existing trail on the south side of Station Boulevard, unless Applicant can demonstrate to the Board that such trail connection is prohibitively costly and creates an undue financial burden, in which case the Applicant shall provide a trail connection in a different location accepted by the Board.

11. If Applicant does not install a retaining wall along Route 100 and the slopes exceed 3(H):1(V), geotechnical computations shall be provided confirming that the proposed slope will be stable. In addition, the areas disturbed shall be planted with low maintenance vegetation to stabilize the area disturbed.

12. A waiver from Section 162-39.E to permit *Belgian* block curbing is granted.

13. A waiver from Section 162-41.A which requires sidewalk to be provided on both sides of new streets is hereby granted. Sidewalk shall be provided on one side of all internal streets.

14. A waiver from Section 152-311.G.1 to permit the use of HDPE piping within the right-of-way instead of RCP is hereby granted.

15. A waiver from Section 152-311.H(3) to permit use of naturalized spillway lining instead of concrete block is hereby granted.

16. To the extent that the Final Plan or any of the conditions attached herein through this Order are inconsistent with the tentative plan approval granted by this Board in 1999 for Parcel 5C, the conditions of approval set forth herein shall control.

17. The commercial allocation of retail square footage depicted on Lot 2 of the Application is consistent with the June 7, 1999 tentative approval and shall continue

to be deemed a tentatively-approved planned residential plan. Pursuant to Section 709(c) of the Pennsylvania Municipalities Planning Code. The period of time in which an Application for final approval of Lot 2, Parcel 5C must be filed with Upper Uwchlan Township shall be five (5) years from the date of this Order, unless otherwise amended upon request of the Applicant by this Board.


This Resolution adopted this 15<sup>th</sup> day of May 2017.

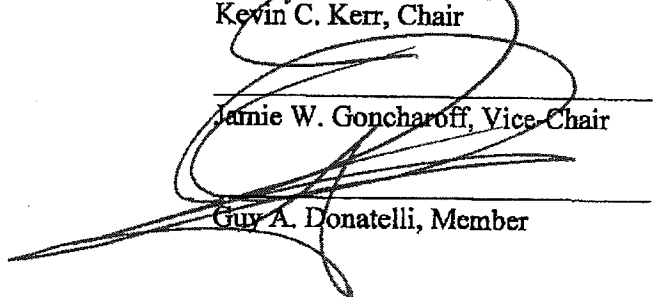
Attest:

  
Township Secretary

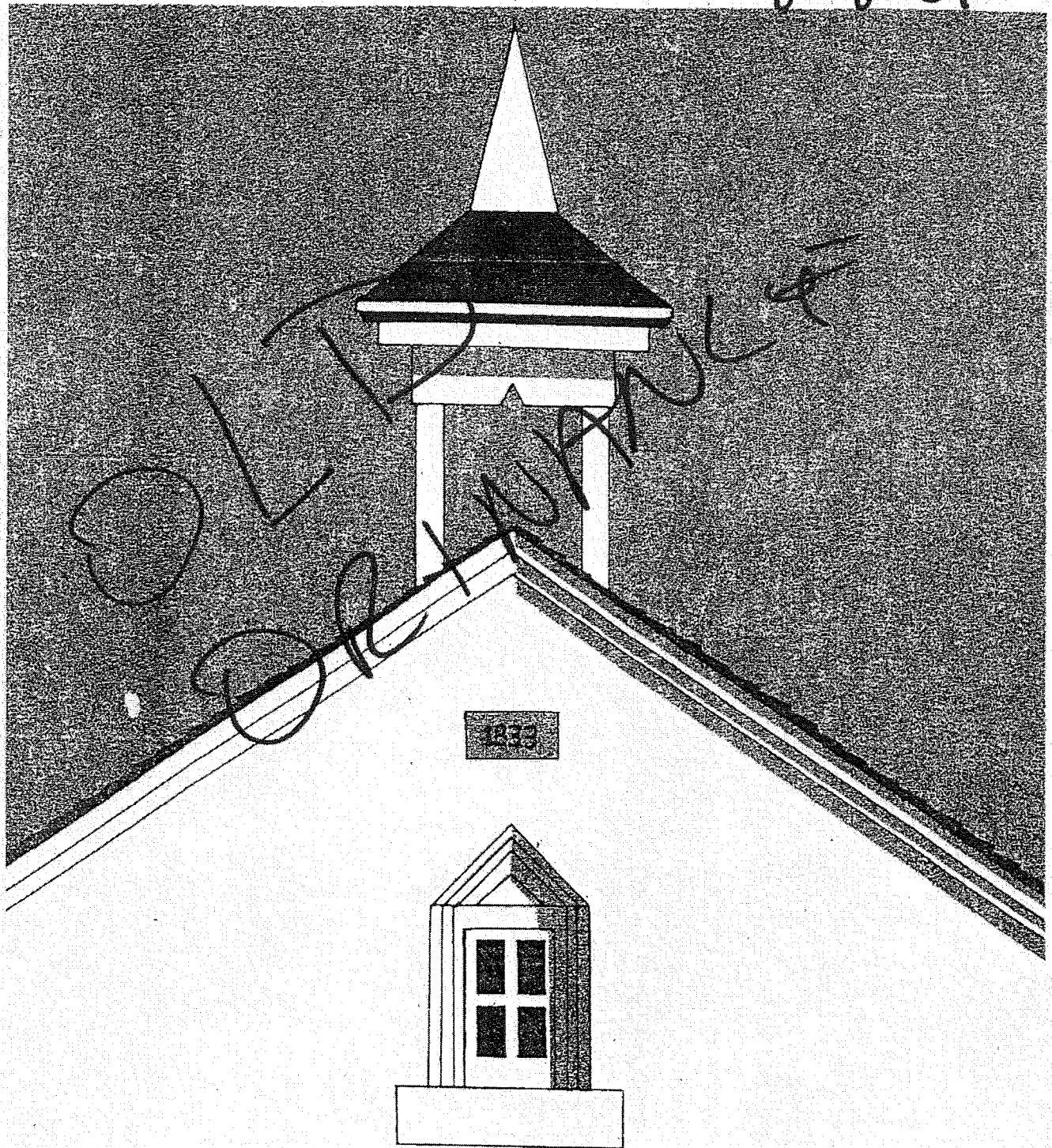
UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS:

  
Kevin C. Kerr, Chair

  
Jamie W. Goncharoff, Vice-Chair

  
Guy A. Donatelli, Member

8-8-01



ZONING ORDINANCE  
Upper Uwchlan Township  
Chester County, Pennsylvania

Last Revised 8/3/98



USE REQS When  
TENTATIVE APPROVED

ARTICLE VIII

C-1 VILLAGE COMMERCIAL DISTRICT

SECTION 800. PURPOSE. It is the intent of the C-1 District, as outlined by the Upper Uwchlan Township Comprehensive Plan, to provide for a continued mix of residential, retail and service establishments within a village setting. The C-1 District establishes standards for a unified and organized arrangement of buildings, service and parking areas to facilitate access management in the Township.

In the C-1 Village Commercial District, the following regulations shall apply:

SECTION 801. USE REGULATIONS. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A. Business or professional office, bank or other financial institution.

B. Individual retail store or shop for sale of food, drugs, dry goods, clothing, furnishings and other household supplies, variety, electronic goods and supplies, general merchandise, hardware and garden supplies.

C. Eating and drinking establishment, confectionery shop, or other place serving food or beverages, provided that no outdoor counter, curb or drive-thru service shall be permitted.

D. Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to Section 1807 of this Ordinance.

1. A shopping center consisting of two (2) or more of the above permitted uses when arranged in accordance with Section 1408 of this Ordinance.

2. Educational or religious use.

E. Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIX of this Ordinance.

1. Municipal or public uses; governmental or public utility building or uses.

2. Living accommodations for not more than one (1) family located within the same building as and on as floor above any use permitted in A., B., C., above.



F. The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

1. Customary residential accessory uses.
2. Customary commercial accessory uses.

SECTION 802. AREA AND BULK REGULATIONS.

A. Minimum Lot Area.

Every lot shall have an area of not less than thirty thousand (30,000) square feet.

B. Minimum Lot Width.

Every lot shall not be less than one hundred (100) feet in width.

C. Yard Regulations.

1. A front yard of not less than seventy-five (75) feet shall be provided on each lot.
2. Two (2) side yards of not less than twenty-five (25) feet each shall be provided on each lot, except that the setback shall be fifty (50) feet where abutting a residential district.
3. A rear yard of not less than forty (40) feet shall be provided on each lot, unless the lot is a reverse frontage lot, in which case the requirements of Section 1502.B. shall apply. The setback shall be seventy-five (75) feet where abutting a residential district.
4. There shall be a one hundred (100) foot setback from the ultimate right-of-way of PA Route 100 regardless of which yard abuts the highway.

D. Coverage Regulations.

1. Building Coverage. Not more than thirty (30) percent of the area of a lot shall be covered by buildings/structures.
2. Lot Coverage. Not more than sixty (60) percent of the area of a lot shall be covered by buildings/structures or other impervious materials.

E. Height Restrictions.

No structure or principal buildings shall exceed thirty-five (35) feet in height.

F. Accessory Buildings/Structures.

No accessory building or structure shall be located within the front yard, nor within twenty (20) feet of any side or rear lot line.

## ARTICLE IX

### C-2 LIMITED COMMERCIAL DISTRICT

SECTION 900. PURPOSE. It is the intent of the C-2 District, as outlined by the Upper Uwchlan Township Comprehensive Plan, to provide for retail and service uses in an area of the Township accessible to a regional highway system. The C-2 District establishes standards for a unified and organized arrangement of buildings, service and parking areas to facilitate access management and provide for safe, convenient and attractive shopping areas in the Township on lots of sufficient size.

SECTION 901. USE REGULATIONS. In the C-2 Limited Commercial District, all uses shall be uses permitted by conditional use, approval to be revised by the Board of Supervisors and to be guided by the standards of review applicable to special exceptions.

Conditional uses on lots of a size less than four (4) acres shall be as follows and not otherwise:

A. Business or professional office, bank or other financial institution.

B. Medical or dental clinic.

C. Pharmacy.

D. Personal service establishment in the nature of barber shop, beauty parlor, tailor shop, interior design consultant as well as other personal service uses similar to these enumerated uses and terms of type of use, traffic generated, hours of operation, etc.

E. Antique shop.

F. Florist, not including a nursery or landscaping business.

G. Churches.

H. Nonprofit service clubs, excluding the sale of service of alcoholic beverages.

I. Uses similar to above, but expressly excluding retail store or shop, wholesale sales and storage, restaurant, bar, hotel, motel, bowling lanes, indoor theatre or other places of amusement or recreation.

SECTION 902. AREA AND BULK REGULATIONS.

A. Minimum Lot Area.

For any use permitted in this district, every lot shall have an area of not less than thirty thousand (30,000) square feet.

## ARTICLE X

### C-3 HIGHWAY COMMERCIAL DISTRICT

SECTION 1000. PURPOSE. It is the intent of the C-3 District, as outlined by the Upper Uwchlan Township Comprehensive Plan, to provide for retail and service uses in an area of the Township accessible to a regional highway system. The C-3 District establishes standards for a unified and organized arrangement of buildings, service and parking areas, to facilitate access management and provide for safe, convenient and attractive shopping areas in the Township.

In the C-3 Highway Commercial District, the following regulations shall apply:

SECTION 1001. USE REGULATIONS. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A. Business or professional office, bank or other financial institution, passenger station for public transportation.

B. Individual retail store or shop for sale of food, drugs, dry goods, clothing, furnishings and other household supplies, variety, electronic goods and supplies, general merchandise, hardware and garden supplies.

C. Eating and drinking establishment, confectionery shop, or other place serving food or beverages, provided that no outdoor counter or curb-service shall be permitted.

D. Barber, beauty salon, shoe repair, tailor, and other personal service shop.

E. Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to Section 1807 of this Ordinance:

1. A shopping center consisting of two (2) or more of the above permitted uses when arranged in accordance with Section 1408 of this Ordinance.
2. Hotel or motel.
3. Bowling lanes, indoor theatre, and other place of indoor amusement or recreation.

\* *NOT PERMITTED PER TENTATIVE* → F. Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIX of this Ordinance.

1. Living accommodations for not more than one (1) family located within the same building as and on a floor above any use permitted in subsection A., B., C. and D., above.

2. Vehicular sales establishment and sale of farming equipment in operable condition, provided that any used motor vehicle and any used trailer over one thousand (1,000) pounds shall bear a current state inspection sticker.
3. Sale or bulk storage of coal, petroleum or other fuels, excluding, however, combustible trash or waste.
4. Vehicular service establishment; service and minor repairs to motor-driven vehicles and farming equipment, but not including body or fender repair, painting or major overhauling.
5. Car wash.
6. Retail or wholesale establishment for the sale of plumbing and heating equipment and supplies, lumber yard, including the customary storage and work yards incidental thereto.

G. The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

1. Customary commercial accessory uses.

#### SECTION 1002. AREA AND BULK REGULATIONS.

##### A. Minimum Lot Area.

For any other use permitted in this district, every lot shall have an area of not less than thirty thousand (30,000) square feet.

##### B. Minimum Lot Width.

For all other uses, every lot shall not be less than one hundred (100) feet in width.

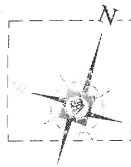
##### C. Yard Regulations.

1. A front yard of not less than seventy-five (75) feet shall be provided on each lot.
2. Two (2) side yards of not less than twenty-five (25) feet each shall be provided on each lot, except that setback shall be fifty (50) feet where abutting a residential district.
3. A rear yard of not less than forty (40) feet shall be provided on each lot, unless the lot is a reverse frontage lot, in which case the requirements of Section 1502.B. shall apply. The setback shall be seventy-five (75) feet where abutting a residential district.



# SITE PLAN DRAWING LEGEND

- EXISTING PROPERTY LINE
- BUILDING SETBACK LINE
- PROPOSED ROAD CENTERLINE
- ADJACENT PROPERTY LINE
- PROPOSED ACCESS & UTILITY EASEMENT
- PROPOSED PHASE LINE
- DENOTES IMPROVEMENTS AREA AS DESIGNED IN REFERENCE 1.b
- PROPOSED CONCRETE
- PROPOSED ASPHALT WALKING TRAIL
- PROPOSED OPEN SPACE
- PROPOSED DETECTABLE WARNING SURFACE
- PROPOSED GRAPHITE MINE ROAD CONSTRUCTION & MAINTENANCE EASEMENT
- PROPOSED PARKING COUNT
- FUTURE PARKING COUNT
- PROPOSED SIGN
- PROPOSED FIRE HYDRANT



GINKGO LANE

## PROPOSED SIGNAGE SYMBOL LEGEND

- A PROPOSED STOP SIGN (R1-1)
- B PROPOSED PEDESTRIAN SIGN (W11-2) & DIAGONAL DOWNWARD POINTING ARROW PLaque (W16-RP)
- C PROPOSED DO NOT ENTER SIGN (R6-1)
- D PROPOSED RESERVED PARKING SIGN (R7-8) & RESERVED PARKING PENALTIES SIGN (R7-8P)
- E PROPOSED RESERVED PARKING SIGN (R7-8) & RESERVED PARKING PENALTIES SIGN (R7-8P)
- F PROPOSED NO PARKING SYMBOL SIGN (R7-7)

## PROPOSED SIGNAGE SYMBOL LEGEND (BY OTHERS)

- PROPOSED STOP SIGN (R1-1)
- PROPOSED LEFT LANE MUST TURN LEFT SIGN (R3-7L)
- PROPOSED RIGHT LANE MUST TURN RIGHT SIGN (R3-7R)
- PROPOSED PEDESTRIAN SIGN (W11-2) & DIAGONAL DOWNWARD POINTING ARROW PLaque (W16-RP)

**BOHLER ENGINEERING**

1600 MANOR DRIVE, SUITE 200  
CHALFONT, PENNSYLVANIA 18914  
Phone: (215) 996-9100  
Fax: (215) 996-9102  
www.BohlerEngineering.com

PA1  
1-800-242-1776  
201525331377

REV	DATE	COMMENT	BY

## CALL BEFORE YOU DIG!

PEENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP CALL

PA1  
1-800-242-1776  
201525331377

PROJECT NO.: PC1511921  
DRAWN BY: J.C.F.  
CHECKED BY: W.R.R.  
DATE: 2018.02.16  
SCALE: 1"=40'  
CAD ID: PC1511921BASE-0

PROJECT: AMENDED FINAL PRD PLANS FOR BYERS RETAIL ACQUISITION, L.P. 'THE VILLAGE @ BYERS STATION' LOT 2 COMMERCIAL

GRAPHITE MINE ROAD & STATION BOULEVARD  
UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY  
COMMONWEALTH OF PENNSYLVANIA

**BOHLER ENGINEERING**

1600 MANOR DRIVE, SUITE 200  
CHALFONT, PENNSYLVANIA 18914  
Phone: (215) 996-9100  
Fax: (215) 996-9102  
www.BohlerEngineering.com

**W.R. REARDEN**

PROFESSIONAL ENGINEER  
PENNSYLVANIA LICENSE NO. PE073243

SHEET TITLE: SITE PLAN (RECORD PLAN - SHEET 3 OF 8)

SHEET NUMBER: 3 OF 34

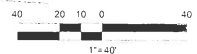
REVISION No. 0

POTTSTOWN PIKE  
(AKA PENNSYLVANIA STATE HIGHWAY ROUTE 100)  
(VARIABLE WIDTH R.O.W.)

GRAPHITE MINE ROAD  
(AKA GRAPHER ROAD)  
(60' WIDE R.O.W.)

UNIFORM PARCEL IDENTIFIER: 32-4-497

LAYOUT OF PHASE 2B IS CONCEPTUAL AND IS SUBJECT TO CHANGE DURING LAND DEVELOPMENT DESIGN







May 3, 2018

File No. 03-0987T6

Cary B. Vargo  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

Attention: Cary B. Vargo, Township Manager

Reference: Eagleview Lot 1B – Maintenance Area  
Preliminary/Final Land Development Review  
Upper Uwchlan Township, Chester County, PA

Dear Cary:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared and submitted by Chester Valley Engineers, Inc. (CVE) on behalf of The Hankin Group, the applicant:

- Plan titled, "Preliminary/Final Land Development Plan for Eagleview Lot 1B – Maintenance Area", prepared for The Hankin Group, by Chester Valley Engineers, Inc., dated March 26, 2018.
- Report titled, "Stormwater Management Calculations for Eagleview Lot 1B – Maintenance Area", prepared by Chester Valley Engineers, Inc., dated March 26, 2018.
- Preliminary/Final Land Development Application, dated March 26, 2018.

The subject site is comprised of one (1) parcel (TMP 32-3-81.12) located south of the Pennsylvania Turnpike (I-76) with access from Sierra Drive. The property is located in the PI Planned Industrial/Office District.

G&A, as well as other Township Consultants, have completed our first review of the above referenced preliminary/final land development application for compliance with the applicable sections of the Township's Zoning Ordinance, Subdivision and Land Development Ordinance,

Cary B. Vargo, Upper Uwchlan Township Manager  
Reference: Eagleview Lot 1B – Maintenance Area  
Preliminary/Final Land Development Review  
Upper Uwchlan Township, Chester County, PA

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File No.: 03-0987T6

May 3, 2018

and Stormwater Management Ordinance, and wish to submit the following comments for your consideration

## **I. OVERVIEW**

The Applicant is proposing to construct a new proposed maintenance area on the northern portion of the property consisting of an asphalt driveway connecting to an asphalt pavement area with maintenance vehicle parking and two 30'x30' storage areas. There will be a proposed driveway crossing over the existing stream, and portions of an existing gravel walking path will be connected to the proposed driveway. Stormwater management will be handled via a swale carrying runoff from the asphalt maintenance area to a proposed bio-filtration area, and an infiltration trench is proposed to collect runoff from a portion of the proposed driveway. Landscaping improvements are also proposed. There are existing wetlands on the site.

## **II. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW**

1. §162-9.B.(2)(b)[11] – Notations on the plans indicate the Wetlands Study was completed in 2006. An updated delineation should be completed and provided.
2. §162-51.B.(1)(b) – Provide detail for proposed rock filter berms.
3. §162-52 – Add note to Erosion & Sedimentation Control Plan stating “Upon completion of other construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction.”
4. §162-55.B.(3) – Woodland disturbance exceeding the standards listed in the section shall require woodland replacement in accordance with Subsections B(6) through B(9) of this section of the Ordinance. It appears proposed development is disturbing approximately 37,000 square feet of woodland area. These required replacement plantings shall be in addition to any required landscape requirements stipulated by applicable provisions of this chapter or of Zoning. We defer to the Township’s Land Planner for this requirement.
5. §162-55.D.(1) – This section prohibits the disturbance of the Riparian Buffer Areas. A waiver will be needed to permit the construction of the proposed driveway.



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May 3, 2018

6. §162-55.F.(2)(c) – The existing stream crossing was for the existing trail. Applicant is looking to utilize the existing stream crossing for a relocated portion of trail and a proposed access driveway for a shared distance of approximately 100 feet. Planning commission shall review for acceptability. At a minimum, we would recommend the area where the trail is shared with the driveway be gore striped. (i.e.- Similar to a crosswalk) In addition, a crosswalk should be proposed where the trail crosses the proposed driveway and spot elevations should be provided to confirm that the trail cross slope will be no steeper than 2%.

### **III. STORMWATER MANAGEMENT ORDINANCE REVIEW**

1. §152-306.J.(1) – Provide information relating to any encountered limiting zones below the proposed BMPs. A minimum depth of 24 inches between the bottom of the BMP and the top of any limiting zone shall be provided.
2. §152-306.J.(2) – Field testing reports shall be provided for the infiltration rates as used on the plans. A recommended design safety factor of 2 as suggested in Appendix C – Site Evaluation and Soil Testing of the Pennsylvania Stormwater BMP Manual does not appear to be factored into the infiltration design rate calculations.
3. §152-307.A. – Provide stormwater calculations which show the peak flow rate of the postconstruction two-year, twenty-four hour design storm is reduced to the peak flow rate of the predevelopment one-year, twenty-four hour design storm.
4. §152-308.A. – Provide stormwater calculations which show that the postconstruction peak flow rates from this project do not exceed the predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1. It appears that the postconstruction peak flow rates of the limit of disturbance of the maintenance facility do not meet the preconstruction peak flow rates of the limit of disturbance.
5. §152-309.D. – Applicant shall use the ground cover assumptions for regulated activities involving new development for the predevelopment conditions according to this section of the Ordinance.
6. §152-309.D.(1)(a) – Predevelopment calculations shall assume ground cover of “woods in good condition”. It appears a CN value for Woods-grass combination has been used as listed in Table B-1 in Appendix B of this chapter. (Use CN 70, not CN 72).

7. §152-311.H.(5) – The maximum side slopes of the proposed basin shall be three to one. It appears the side slopes of the interior of the basin are two to one.
8. §152-311.H.(6) – The top width of detention basin berms shall be 10 feet. The proposed basin appears to have a top width of 3 feet. The plans shall be altered or a waiver from this requirement shall be sought.
9. §152-804 – Include the notes relating to alteration of BMPs to the plans as listed in the section of the ordinance.
10. Provide full size drainage area maps showing existing and proposed contours.

#### **IV. GENERAL COMMENTS**

1. There is a side yard setback dimension of 20 feet labeled on Plan Sheet 3. Side yard setback as listed in Table on Sheet 3 is 15 feet.
2. Plans as submitted do not have proposed lighting. Applicant shall indicate if lighting is needed. Lighting is mentioned in the note #9 on the Landscape Plan.
3. The scale in the title block on Sheets 8 and 9 should be AS NOTED, not 1" = 40'.

#### **V. TOWNSHIP PLANNING CONSULTANT COMMENTS BRANDYWINE CONSERVANCY**

The property is approximately 26.5 acres in size and fronts on the new Sierra Drive cul-de-sac extension in the Eagleview Corporate Center. The property is improved with an 81,385 square foot "Flex" building and associated site improvements (parking, loading, landscaping, stormwater management, etc). The property borders Hickory Park to the west and the Pennsylvania Turnpike to the north. The applicant proposes to construct a paved access drive and maintenance area where wood mulch, salt, and maintenance vehicles would be stored. Our comments on the application follow.

1. The site drains to the state-designated High Quality (HQ) Marsh Creek to the west and is mostly wooded with a mix of mature poplar, red maple, and oak. The



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May 3, 2018

woodland that currently grows on lot 1B is possibly the best quality woodland that remains in the township because of its maturity, acreage, vigor, and limited invasive species. Much of the woodland area occurs in wetlands or riparian buffer areas where agricultural use was historically never feasible. Consequently, these trees are among the oldest in the township. Mature woodlands perform important functions for the protection of surface water and groundwater quality and should be preserved to the greatest extent feasible. This is especially important in an HQ watershed. SALDO Section 162-55.B(1) requires that woodland disturbance resulting from any land development shall be minimized, and that no tree masses shall be cleared unless demonstrated to be necessary. Section 162-55.B(4) requires that in determining where necessary woodland disturbance shall occur, the applicant shall consider the location and benefit of conservation of healthy mature woodland, the impacts of encroaching on extensive habitat areas, especially woodlands exceeding 10 acres in area. The woodland located on Lot B and Lot A total approximately 30 contiguous acres and is one of the largest woodlands remaining in Upper Uwchlan Township.

2. SALDO 162-55.C and 162-55.D promotes protection of the Township's wetlands and riparian buffer areas through the establishment of limitations to land development activities. Riparian buffers are defined as areas that include any areas of hydric soils. The woodlands found north of the pipeline easement occur in wetlands or hydric soils (see sheet 4, WoA and GnB2 soils) that form part of the riparian buffer. In our opinion, the proposed development of a 500-foot long paved access drive through riparian buffers and wetlands to a 20,000 square foot paved area in the center of a mature woodland does not meet the intent of SALDO provisions for natural features conservation. We strongly recommend that the Board of Supervisors enforce the riparian buffer requirement, and prohibit the removal of mature woodlands in riparian buffer areas.
3. An asphalt trail and gravel trails cross the site just north of a Sunoco pipeline easement and link Eagleview to Hickory Park. The proposed entrance drive will impact the existing gravel trail as they both cross the wetland at its narrowest point. We recommend that the Township engage the applicant regarding existing trails on Lot 1B, and that the applicant consider granting a public trail easement to the Township for the existing trails.

In summary, we strongly suggest that the applicant consider alternative locations for the proposed maintenance area that would have little or no impact on sensitive natural features. For example, it might be feasible to locate the maintenance area between the pipeline easement and the riparian buffer, or perhaps portions of the existing parking area could be



Cary B. Vargo, Upper Uwchlan Township Manager  
Reference: Eagleview Lot 1B – Maintenance Area  
Preliminary/Final Land Development Review  
Upper Uwchlan Township, Chester County, PA

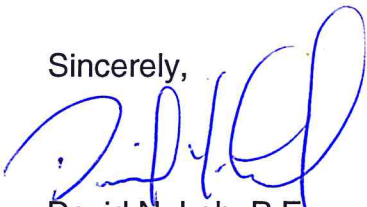
File No.: 03-0987T6

May 3, 2018

used to temporarily store supplies and vehicles. We would be happy to meet with the applicant and Township representatives to explore alternative sites.

This concludes our first review of the above referenced preliminary/final land development application. We would recommend the plans be revised to address the above referenced comments as well as any raised by the Planning Commission and the Board of Supervisors. If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.  
Municipal Services Manager  
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors (via email only)  
Upper Uwchlan Planning Commission (via email only)  
Kristin S. Camp, Esq., BBMM, LLP (via email only)  
Sheila Fleming, Brandywine Consulting (via email only)  
Neal Fisher, The Hankin Group (via email only)  
John M. Hako, P.E., Chester Valley Engineers, Inc. (via email only)



# THE COUNTY OF CHESTER



## COMMISSIONERS

Michelle Kichline  
Kathi Cozzone  
Terence Farrell

Brian N. O'Leary, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P. O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax (610) 344-6515

April 23, 2018

Gwen A. Jonik, Secretary  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, 19425

Re: Preliminary Land Development - Eagleview Lot 1B - Maintenance Area  
# LD-04-18-15377 - Upper Uwchlan Township

Dear Ms. Jonik:

A preliminary land development plan entitled "Eagleview Lot 1B - Maintenance Area", prepared by Chester Valley Engineers, Inc. and dated March 26, 2018, was received by this office on April 6, 2018. This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code. We offer the following comments on the proposed land development for your consideration.

### **PROJECT SUMMARY:**

Location:	South side of the Pennsylvania Turnpike, east of Park Road
Site Acreage:	26.51 acres
Lots:	1 lot
Non-Res. Square Footage:	1,800 square feet (among two storage structures)
Proposed Land Use:	Maintenance facility
New Parking Spaces:	2,400 square foot parking area
Municipal Land Use Plan Designation:	Suburban Employment
UPI#:	32-3-81.12

### **PROPOSAL:**

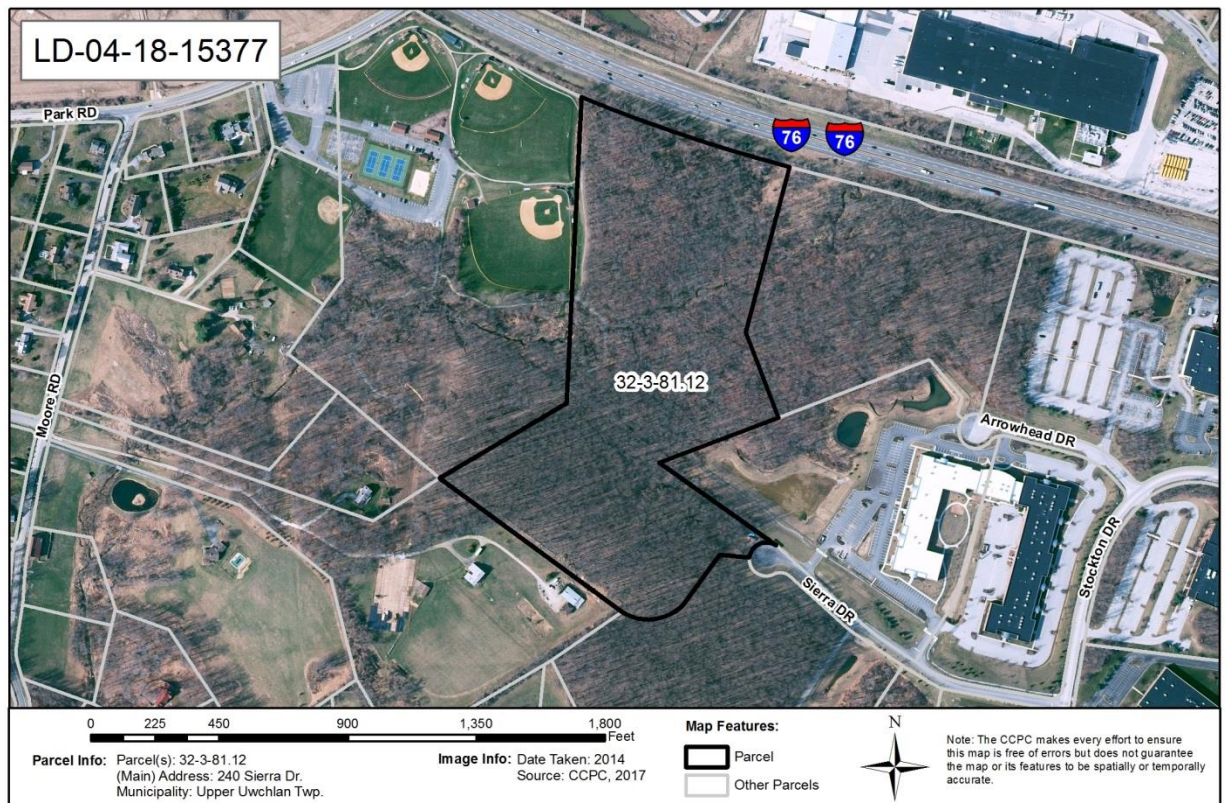
The applicant proposes the construction of a maintenance facility including two storage structures, a parking area and driveway. The site, which will not require water or sewer facilities, is located in the Upper Uwchlan Township PI-Planned Industrial/Office zoning district.

**RECOMMENDATION:** The County Planning Commission recommends that the issues raised in this letter should be addressed and all Township issues should be resolved before action is taken on this land development plan.

## COUNTY POLICY:

### LANDSCAPES:

1. The project site is located within the **Suburban Landscape** designation of *Landscapes2*, the 2009 County Comprehensive Plan. The proposed land development is consistent with the objectives of the **Suburban Landscape**.



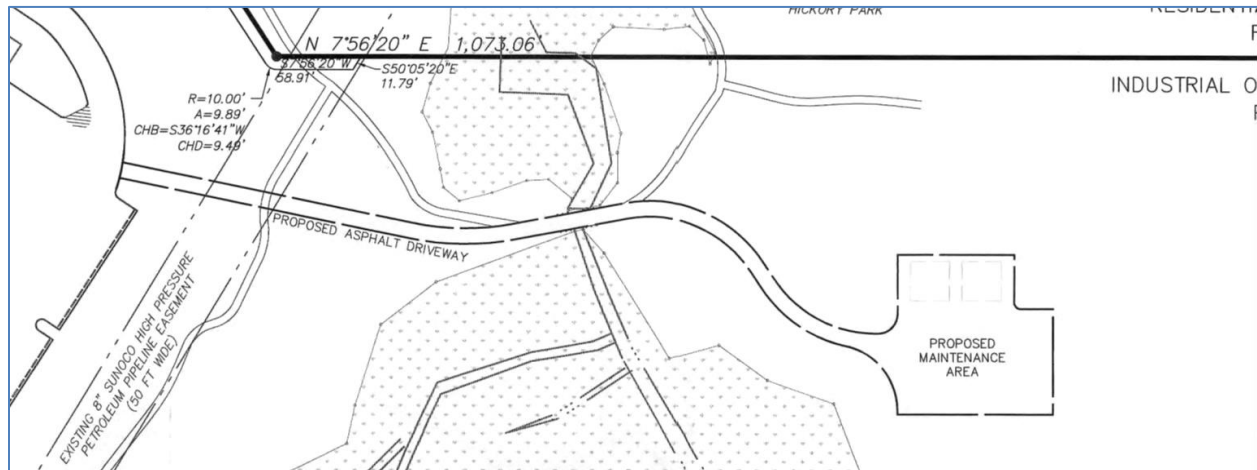
### WATERSHEDS:

2. *Watersheds*, the water resources component of *Landscapes2*, indicates the proposed development is located within the Marsh Creek subbasin of the Brandywine Creek watershed. *Watersheds'* highest priority land use objectives within this watershed are:

- reduce stormwater runoff,
- restore water quality of "impaired" streams, and
- protect vegetated riparian corridors

*Watersheds* can be accessed at [www.chesco.org/water](http://www.chesco.org/water).





***Detail of Eagleview Lot 1B - Maintenance Area Preliminary Land Development***

**PRIMARY ISSUES:**

3. The proposed driveway crosses a Sunoco petroleum transmission pipeline. We suggest that the applicant contact Sunoco to ensure that the application does not result in any encroachments into the pipeline right-of-way. It is recommended that the plan include the field survey location of the pipeline, the size, material and depth (if known), and the type of product typically being transported through the pipeline. Pipeline operator contact information is located on the pipeline markers within the easement and can also be found at the Chester County Pipeline Information Center Pipeline Operators page: [www.chescoplanning.org/pic/operators.cfm](http://www.chescoplanning.org/pic/operators.cfm).
4. The site contains wetlands. Placement of fill in wetlands is regulated by the U.S. Army Corps of Engineers in accordance with Section 404 of the Clean Water Act (1977). The Pennsylvania Department of Environmental Protection regulates all activities that affect bodies of water, including wetlands, under Chapter 105 Rules and Regulations for the Bureau of Dams and Waterway Management. The applicant should contact both of these agencies to determine if future development activity will require a permit. The Township should request documentation of these contacts or permit(s) before approving the plan. The Township should confirm that the site plan complies with the riparian buffer requirements.
5. The plan incorporates the walking path into a portion of the proposed driveway. The applicant should ensure that appropriate signage indicates that the driveway and walkway will be shared in this area.
6. The plan indicates that a portion of the site is wooded. The removal of trees should be limited to the minimum area needed for the maintenance facility. Any grading within the area of the dripline (the perimeter of the tree's branches) of the trees to be preserved increases the possibility of tree damage.

**ADMINISTRATIVE ISSUES:**

7. The applicant should contact the office of the Chester County Conservation District for information and clarification on erosion control measures. The provisions of the Commonwealth Erosion Control Regulations may apply to the project and may require an Earth Disturbance Permit or a National Pollutant Discharge Elimination System permit for discharge of stormwater from construction activities.

Page: 4

Re: Preliminary Land Development - Eagleview Lot 1B - Maintenance Area

# LD-04-18-15377 - Upper Uwchlan Township

8. A minimum of four copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds, and the Assessment Office.

This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of Upper Uwchlan Township. However, we appreciate the opportunity to review and comment on this plan. The staff of the Chester County Planning Commission is available to you to discuss this and other matters in more detail.

Sincerely,

A handwritten signature in black ink that reads "Wes Bruckno". The signature is written in a cursive, flowing style.

Wes Bruckno, AICP  
Senior Review Planner

cc: Chester Valley Engineers, Inc.  
The Hankin Group  
Hankin Ventures, LLC  
Chester County Conservation District  
US Fish and Wildlife Services



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---SOURCE: E. S. S. 11960-1B.DWG

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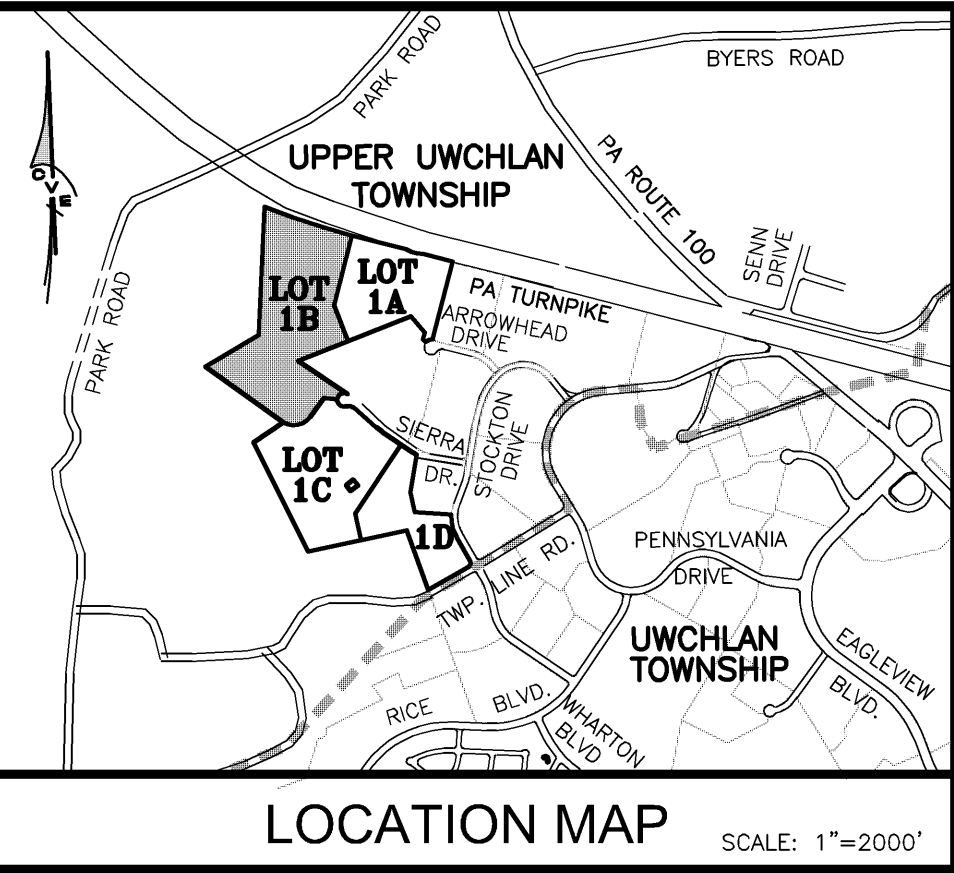
**NOTE TO USER OF THESE PLANS:**  
UNIFORM PARCEL IDENTIFIER: 32 - 3 - 81.12

**PENNSYLVANIA ACT 187 REQUIREMENTS**  
UNDERGROUND UTILITIES SERIAL NO. XXXXXXXXXXXX  
CHESTER VALLEY ENGINEERS, INC. DOES NOT GUARANTEE THE ACCURACY OF THE LOCATIONS FOR EXISTING SUBSURFACE UTILITY STRUCTURES SHOWN ON THE PLANS, NOR DOES CHESTER VALLEY ENGINEERS, INC. GUARANTEE THAT ALL SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES BEFORE THE START OF WORK.

**EXCAVATIONS, TRENCHING AND SHORING**  
ALL EXCAVATIONS, TRENCHING, AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE FOLLOWING UNITED STATES DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS OR THE LATEST REVISIONS THEREOF:  
(1) CONSTRUCTION INDUSTRY STANDARDS AND INTERPRETATIONS (CNSA 2207) SUBPART "I", PART 1926/1910 - "EXCAVATIONS, TRENCHING AND SHORING".  
(2) "EXCAVATIONS AND TRENCHING OPERATIONS" (OSHA 2226) DATED 1985 (REVISED).

SEE SHEET 1\_L FOR FACILITY OWNER'S DESIGNATED OFFICE ADDRESS AND TELEPHONE NUMBER.

PENNSYLVANIA ONE CALL SYSTEM, INC.  
CALL 3 WORKING DAYS BEFORE YOU DIG  
1-800-242-1776  
POCS SERIAL NUMBER: XXXXXXXX

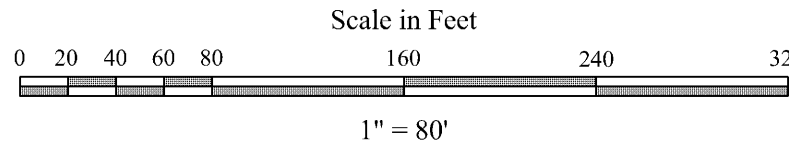


**LEGEND**

	EXISTING BUILDINGS
	EXISTING CURB
	EXISTING WETLAND
	EXISTING STREAM
	EXISTING IRON PIN
	EXISTING MONUMENT
	EXISTING TRACT BOUNDARY
	EXISTING EASEMENT
	PROPOSED CURB
	PROPOSED DEPRESSION CURB
	PROPOSED EDGE OF PAVING
	PROPOSED WOOD POST GUIDE RAIL

**CURVE TABLE**

CURVE	RADIUS, FT.	LENGTH, FT.	CHORD, FT.	BEARING	DELTA
C4	60.00	260.41	99.09	S13°07'35"W	248°40'35"
C4A	60.00	8.85	8.84	N46°45'44"W	8°27'12"
C4B	60.00	251.56	103.81	S08°53'59"W	240°13'22"



OVERALL LOT PLAN

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May 3, 2018

File No. 03-0987T13

Cary B. Vargo  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

Attention: Cary B. Vargo, Township Manager

Reference: Eagleview Lot 1C  
Preliminary Land Development Review  
Upper Uwchlan Township, Chester County, PA

Dear Cary:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared and submitted by Chester Valley Engineers, Inc. (CVE) on behalf of The Hankin Group, the applicant:

- Plan titled, "Preliminary Land Development Plan for Eagleview Lot 1C", prepared for The Hankin Group, by Chester Valley Engineers, Inc., dated March 26, 2018.
- Report titled, "Post Construction Stormwater Management Plan Narrative for Eagleview Lot 1C", prepared by Chester Valley Engineers, Inc., dated March 26, 2018.
- Preliminary Land Development Application, dated March 26, 2018.
- Traffic Analysis Letter prepared by Traffic Planning and Design, Inc., dated March 26, 2018.

The subject site is comprised of one (1) parcel (TMP 32-3-81.13) located south of the Pennsylvania Turnpike (I-76) with two points of access from Sierra Drive. The property is located in the PI Planned Industrial/Office District.

G&A, as well as other Township Consultants, have completed our first review of the above referenced preliminary land development application for compliance with the applicable sections of the Township's Zoning Ordinance, Subdivision and Land Development Ordinance,

and Stormwater Management Ordinance, and wish to submit the following comments for your consideration.

## **I. OVERVIEW**

The Applicant is proposing to construct a 113,000 s.f. proposed flex use office/warehouse building on the northern portion of the property with associated access driveways, parking areas, sidewalks, etc. Stormwater management will be handled by a biofiltration area at the north of the site, an infiltration basin south of the proposed building, a subsurface infiltration basin west of the proposed building, and several porous pavement areas throughout the parking lot. Stormwater then leaves the site towards a stream of the Jerry Run, which is part of the East Branch Brandywine Creek and has a designated use of HQ-TSF. Landscaping and lighting improvements are also proposed. There are existing wetlands on the south portion of the site. There are no FEMA floodplains or floodways located on the site. Lot 1C also encloses Lot 1A, which houses an existing sanitary sewer pump station.

## **II. ZONING ORDINANCE REVIEW**

1. §200-73.D.(5)(e) – The handicap parking space to the east of the proposed flex building is not a van accessible space as shown as it does not include an eight foot wide access aisle. Please provide the eight foot wide access aisle or remove the van accessible space signage associated with this parking space.
2. §200-73.H.(1) – The applicant has provided a parking space tabulation indicating 407 spaces will be provided. Based on the proposed use, 397 spaces are required.

## **III. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW**

1. §162-9.B.(2)(b)[7] – It appears a tract boundary distance in the southern portion of the site is labeled incorrectly. (S 83°09'23" W distance of 842.59 feet only appears to be approximately 450 feet when scaled from drawing). Please revise.
2. §162-9.B.(2)(b)[11] – Notations on the plans indicate the Wetlands Study was completed in 2006. An updated delineation should be completed and provided.
3. §162-9.B.(2)(c)[7] – It appears there is a proposed stormwater management area erroneously shown on the Overall Record Plan to the east of the proposed building overlapping the existing 20' wide utility easement along Sierra Drive. This should be removed.



4. §162-9.D.(1)(h) – Relocate the soil type table on the Site Analysis Plan which is being covered by the north arrow and steep slope shading.
5. §162-9.G. – Applicant shall provide will-serve letters to ensure adequate water service.
6. §162-41.G. – Revise the note on the Typical Sidewalk Detail on Construction Details Sheet 14 to state expansion joints shall be provided every 30 feet.
7. §162-49.D. – The Township Fire Marshall should review the plan for fire protection adequacy.
8. §162-52 – A note shall be added to the Erosion & Sediment Control Plans stating: “Upon completion of other construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction.”
9. §162-55.B.(3) – Applicant proposed to disturb approximately 11.03 acres of woodland area on the site. Woodland and hedgerow disturbance exceeding the standards listed in this section shall require woodland replacement in accordance with Subsections B.(6) through B.(9). These amounts shall be added to the Upper Uwchlan Township Landscape Ordinance Required Landscape Plantings Table on the Landscape Plan. We defer to the Township’s Land Planner for this requirement.
10. §162-57.C.(3)(e) – Relocate plantings shown on the Landscape Plan away from underground utilities such as roof drains, storm sewer piping, endwalls, etc. It appears some plantings are proposed directly on top of underground utilities, and shall therefore be proposed in an alternate location. Also, it appears plantings are proposed within the Sierra Drive right-of-way outside the property boundary.

#### **IV. STORMWATER MANAGEMENT ORDINANCE REVIEW**

1. It is difficult to determine from reviewing the submitted computations, whether or not the rate and runoff requirements have been met. In addition, the narrative does not speak to CP-2 through CP-6 with regard to rate control. The computations should be revised to clearly indicate the required rate and volume requirements have been met both in the narrative and in the supporting computations.
2. §152-306.K.(3) – Bio-Filtration Area #1 appears to cross the property boundary along Lot 1B. The basin should be revised or an easement provided.

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3. §152-307.A. – Provide calculations using SCS method showing that the postconstruction, peak flow rate of the two year, twenty-four hour design storm is reduced to the predevelopment peak flow rate of the one-year, twenty-four hour storm.
4. §152-307.B. – Provide calculations for BMPs which show the postconstruction one year, twenty-four hour storm flow is detained for a minimum of 24 hours.
5. §152-308.A. – Post construction peak flow rates shall not exceed the predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1. Peak runoff rates for Pre CP1 shown on Sheet 13 do not appear to match what is shown in the summary requirement on Sheet 7 of the Post Construction Stormwater Management Narrative.
6. §152-308.F. – Peak flow rate controls shall be separately addressed for each drainage area. Stormwater Peak Rate summary for CP-2 through CP-6 must be analyzed individually. The narrative does not seem to discuss peak flow rates for CP-2 through CP-6.
7. §152-309.D.(1)(b) – Predevelopment ground cover conditions shall be determined using the ground cover assumptions presented in this section. As such, any predevelopment drainage area considered grass should be considered meadow in good condition (CN=58).
8. Revise the legend on the Post-Development Drainage Area Map to reflect post-development boundary.
9. Revise drainage area labels on Pre and Post Development Drainage Area Maps to list area in acres and weighted CN values.
10. Sheet 5 is missing from the Post Construction Stormwater Management Narrative.
11. Infiltration Basin D Detail shows an 18" RCP outlet pipe, whereas the Post Construction Stormwater Management Narrative HydroCAD report input has a 24" pipe as an outlet. Please revise.
12. Infiltration Basin #2 Details show an 18" HDPE outlet pipe leaving Outlet Structure 2, Profile view has a 24" HDPE pipe leaving Outlet Structure 2, and Post Construction



Stormwater Management Narrative HydroCAD report input has a 24" pipe as an outlet. Please revise.

13. Roof drain pipe sizes not specifically called out on plans, but Infiltration Basin #2 Plan Detail shows an 8" HDPE roof drain, whereas page 149 of Post Construction Stormwater Management Narrative lists roof drain sizes of 12" and above. Please revise detail on plans.

#### **V. GENERAL COMMENTS**

1. There has been an easement reserved on the plan for a potential connection from Eagleview to the Pond View neighborhood. The construction of this lot maybe the last opportunity to make this connection if it is desired. The Applicant should discuss this matter with the Planning Commission.
2. PCSWM Plan & NPDES Permit Notes Note #2 on Post-Construction Stormwater Management Plan makes mention to Sheet 19 as part of the Erosion and Sedimentation Control Design Plans. Sheet 19 is a Site Lighting Plan.
3. Provide a graphic scale on the Landscape Plan.
4. Porous Pavement Area 9 has a text leader to it calling out Porous Pavement Area 8 on Post Construction Stormwater Management Plan. Please revise.
5. Revise Long-Term Operation & Maintenance Plan for PCSWM BMPs Note #10 on Sheet 7 to reflect the proposed BMPs for this site.
6. Turn off point labels referring to "POPL##IN" shown in bold on the Site Analysis Plan on adjacent property Lot 1B.
7. Revise the pavement section details on Construction Details Sheet 14 from ID-2 to a Superpave asphalt mixture design meeting the requirements of PennDOT Publication 408.

#### **VI. TOWNSHIP TRAFFIC CONSULTANT COMMENTS McMAHON ASSOCIATES, INC.**

1. Previously, the Lot 1B plans included a note requiring the applicant to study traffic conditions at the intersection of Pennsylvania Drive and Stockton Drive if requested by the Township. The purpose of the study is to determine the need for traffic

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improvements (such as signalization). Our office has not been made aware of any recent traffic issues at this intersection; however, we recommend the applicant confirm this with the Township. Also, please provide a similar note to the General Notes on the Record Plan (Sheet 2) for Lot 1C.

2. ZO Section 200-75.H(3) – Please label the available and required sight distances for traffic exiting both driveways looking left and looking right.
3. There are no new public use pedestrian facilities proposed as part of this project; however, we defer to the Township's Land Planner and the Planning Commission as to whether a pedestrian connection should be provided between this site and the trail that runs along the east side of Sierra Drive. In addition, the applicant's engineer should ensure that all proposed on-site facilities meet current ADA requirements, as appropriate.
4. On Sheet 17, please also provide a truck turning template for a WB-50 truck exiting the site. The driveway design should be verified subject to the truck turning templates.
5. The Lot 1C development is subject to a transportation contribution, and this contribution will be paid at the time of building permit issuance.

**VII. TOWNSHIP PLANNING CONSULTANT COMMENTS**  
**BRANDYWINE CONSERVANCY**

1. Section 200-50.C of the Zoning Ordinance requires a minimum open space set-aside of 5 percent of Net Tract Area, or 1.01 acres. Such area shall be usable for any active or passive recreation. It may be dedicated to the township, or may remain under the ownership of the Applicant. The Applicant shall verify that the 5 percent Open Space set-aside standard is met and clarify the intended ownership of the open space. This should be reported on the Overall Record Plan (Sheet 2) and identified on the Site Layout Plan (Sheet 4).
2. The Riparian Buffer area shall be revised to include areas of hydric soil. On this site, hydric soils include Glenville silt loam where infiltration basin #1 is proposed. We strongly recommend that the Board of Supervisors enforce the riparian buffer requirement, prohibit disturbance to the riparian buffer areas, and prohibit removal of mature woodlands in riparian buffer areas.



3. SLDO Section 162.55.B.(3)(a) requires that woodland disturbance exceeding 10,000 square feet shall require woodland replacement in accordance with Subsections B(6) through B(9). Subsection B(6) specifies that for every 300 square feet of woodland removal, one tree and two shrubs shall be planted. The calculation for woodland replacement should be included in the table on the Landscape Plan (Sheet 18). SLDO Section 162.55.B(12) states that in lieu of woodland replacement, the Township may, at its sole discretion, require the Applicant to place the equivalent cash value, as agreed upon by the Township and the Applicant, of some or all of the required replacement trees into a special fund established for that purpose. Such funds shall be utilized for the purchase and installation of trees elsewhere in the Township at the discretion of the Township, especially if the site cannot accommodate the replacement trees required pursuant to this chapter. We acknowledge that the landscape plan, as proposed, is heavily planted and cannot accommodate additional shade trees. Therefore, we suggest that the Township require the Applicant to contribute a sum, as agreed upon by the Township and the Applicant, into a special fund established for the purpose of woodland replacement in the Township.
4. The table of required plantings shown on the Landscape Plan (Sheet 18) shows a proposed deficiency of 82 shade trees, and an overage of 457 shrubs. We are in support of this modification to the planting quantities, as the site is not able to accommodate an additional 82 shade trees. In our opinion, the proposed plant species and quantities meet the general intention of Section 162-57 of the SLDO.

**VIII. TOWNSHIP SEWER CONSULTANT COMMENTS**  
**ARRO CONSULTING, INC.**

1. The Applicant is proposing to construct a 113,000 square feet (SF) flex use office/warehouse building. In accordance with the Act 537 Plan, wastewater generated on this property is to be conveyed to and treated at the Eagleview Wastewater Treatment Plant which is located in Uwchlan Township. As such Uwchlan Township should have the opportunity to review since they will be responsible for wastewater conveyance and treatment.
2. Should extension of the sanitary sewer be required, all sanitary sewer improvements shall be design and constructed in accordance with the Upper Uwchlan Township Municipal Authority Specifications.

Cary B. Vargo, Upper Uwchlan Township Manager  
Reference: Eagleview Lot 1C  
Preliminary Land Development Review  
Upper Uwchlan Township, Chester County, PA  
File No.: 03-0987T13  
May 3, 2018

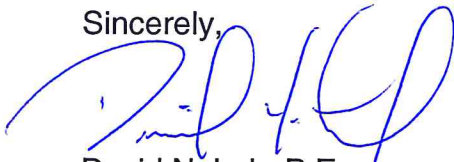
Page - 8 -

**IX. TOWNSHIP LIGHTING CONSULTANT COMMENTS**  
**STUBBE CONSULTING, LLC.**

1. Plan Content - Catalog Cuts - §614.D.1.c. requires catalog cuts of specified lighting equipment. It is recommended Applicant be requested to include on plan a manufacturer's catalog cut of all specified luminaires.
2. Pole Protection - The pole details depict a concrete pedestal that is 5' high AFG. Ordinance suggests a 30" high pedestal as one of the means of pole protection when poles supporting luminaires are vulnerable to backing vehicles. It is recommended Applicant be requested to justify the use of what is judged to be an excessively high base.

This concludes our first review of the above referenced preliminary land development application. We would recommend the plans be revised to address the above referenced comments as well as any raised by the Planning Commission and the Board of Supervisors. If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.  
Municipal Services Manager  
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors (via email only)  
Upper Uwchlan Planning Commission (via email only)  
Kristin S. Camp, Esq., BBMM, LLP (via email only)  
Christopher J. Williams, P.E., McMahon Associates, Inc. (via email only)  
G. Matthew Brown, P.E., ARRO Consulting, Inc. (via email only)  
David M. Schlott, Jr., P.E., ARRO Consulting, Inc. (via email only)  
Sheila Fleming, Brandywine Consulting (via email only)  
Neal Fisher, The Hankin Group (via email only)  
John M. Hako, P.E., Chester Valley Engineers, Inc. (via email only)

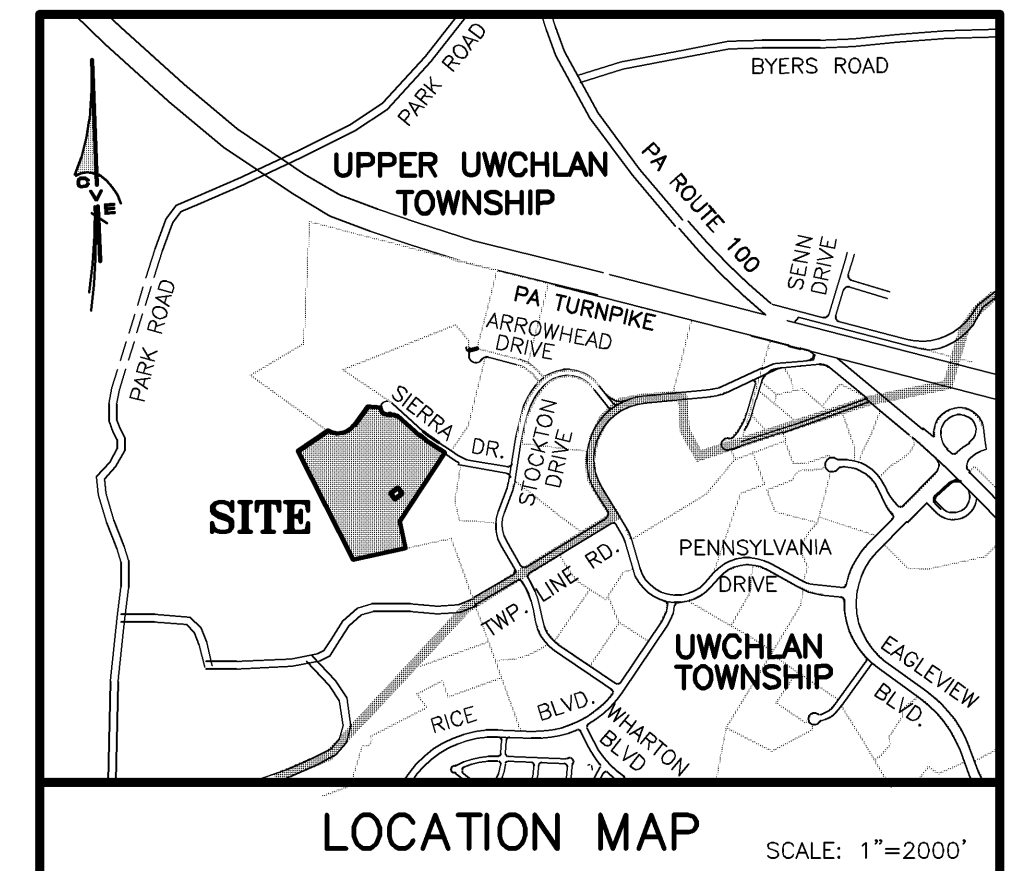
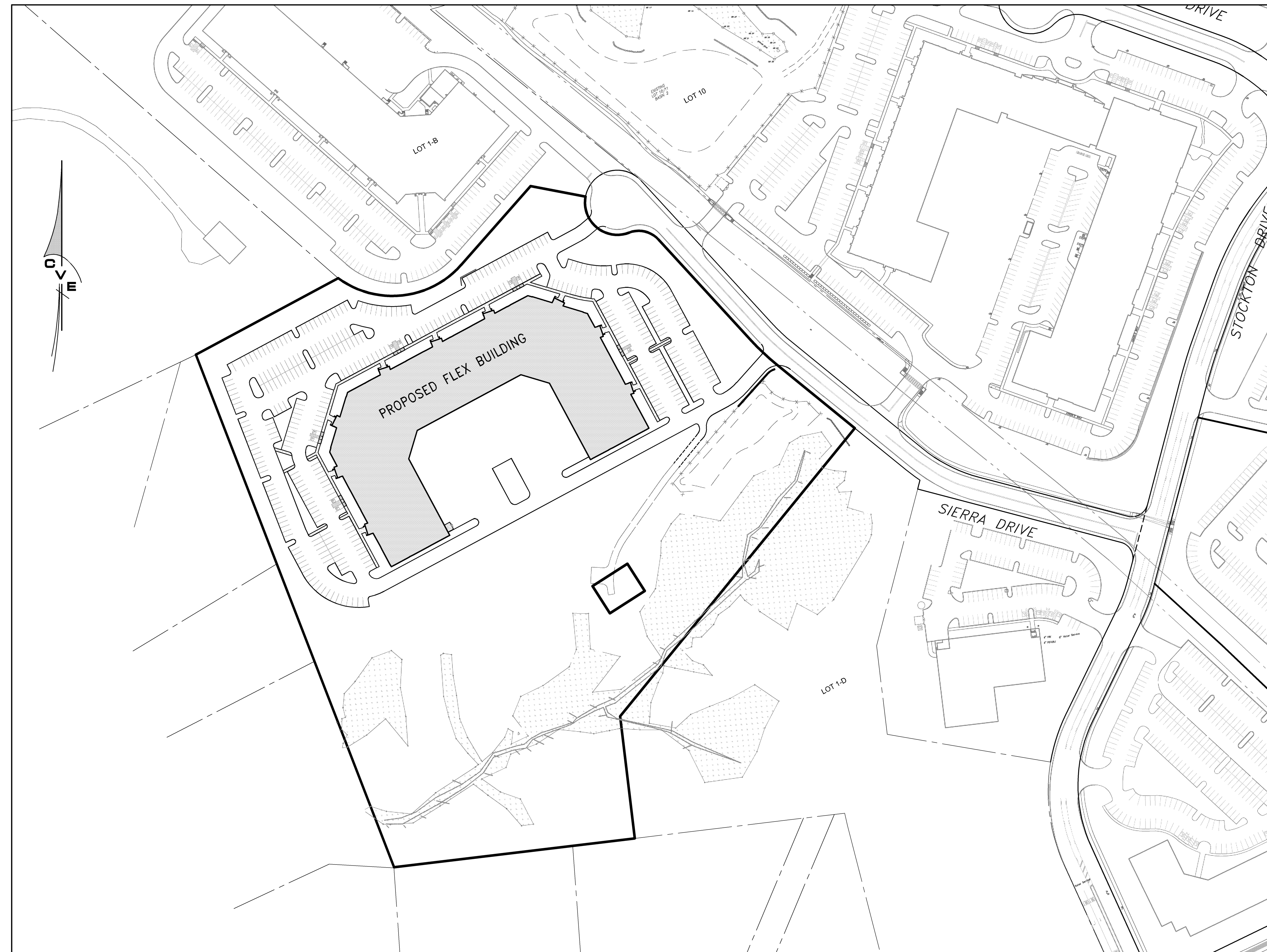


# PRELIMINARY LAND DEVELOPMENT PLAN

FOR

## EAGLEVIEW LOT 1C

UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA



UPPER UWCHLAN TOWNSHIP ACT 181 FACILITIES OWNERS LIST		
XL INSURANCE	BILL LEBYET 520 EAGLEVIEW BLVD., EXTON, PA 19341	610-321-9000
TEXAS EASTERN TRANSMISSION CORP.	P.O. BOX 420 UWCHLAND, PA 19480	610-845-2121
SUNOCO PIPE LINE, LP	525 FRITZTOWN ROAD SINKING SPRINGS, PA 19608	215-494-4225
TEPPCO	DON AYERS 3691 SR 14 NORTH, WATKINS GLEN, NY 14891	607-535-2783
PECO	3200 MARKET STREET 3RD FL., PHILADELPHIA, PA 19104	215-243-1002
COMCAST CABLE	MACK CROWELL 1004 CORNERSTONE BLVD. DOWNTOWNTOWN, PA 19335	888-266-2278
BUCKEYE PIPE LINE COMPANY	DONALD SAMALA 5002 BUCKEYE ROAD, EMMAUS, PA 18049	484-232-4000
AQUA PA	762 W. LANCASTER AVE. BRYN MAWR, PA 19010-3489	610-525-1402
VERIZON	ERNESTINE DRAPER 900 RACE STREET, 6TH FLOOR, PHILADELPHIA, PA 19107	215-708-4400
COLUMBIA GAS TRANSMISSION CORP.	NANCY HERB 310 FELLOWSHIP ROAD CHERTSE SPRINGS PA 19425	(610) 458-8412

\* ONE CALL TELEPHONE NUMBER : 811 OR 1-800-242-1776  
\* POCS SERIAL NUMBER:

GENERAL UTILITIES NOTES

1. BEFORE STARTING WORK, THE CONTRACTOR WILL NOTIFY ALL UTILITY COMPANIES AND OTHER INTERESTED PARTIES OF THE SCHEDULE AND STARTING DATE. DETOURS MUST BE PLANNED AND MARKED BY THE CONTRACTOR, AND THE UTILITIES PROTECTED AS REQUIRED BY THE UTILITY COMPANY.
2. EXISTING UTILITIES SHOWN TAKEN FROM UTILITIES MARKOUT AND UTILITIES RECORD PLANS, ACTUAL LOCATIONS OF UTILITIES MAY VARY FROM THAT WHICH IS SHOWN ON THE MARKOUT. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATIONS OF UTILITIES PRIOR TO STARTING WORK.
3. THE FOLLOWING IS A LIST OF KNOWN UTILITIES IN VICINITY OF THE PROJECT AREA. PERUSANT, PA, ACT 438, THE CONTRACTOR WILL VERIFY IF ANY OTHER UTILITIES EXIST WITHIN THE PROJECT LIMITS.

Scale in Feet

0 20 40 60 80 100 200 300 400

1" = 100'

[illegible]

SEE SHEET 1 FOR  
FACILITY OWNER'S  
DESIGNATED OFFICE  
ADDRESS AND  
TELEPHONE NUMBER

PENNSYLVANIA ONE CALL SYSTEM, INC.  
CALL 3 WORKING DAYS BEFORE YOU DIG  
Call: 811 or 1-800-242-1776  
POCS SERIAL NUMBER:

**OWNER / APPLICANT**  
**THE HANKIN GROUP**  
CONTACT: NEAL FISHER  
VICE PRESIDENT OF DEVELOPMENT  
Phone: 610.459.1900  
Email: neal.fisher@hankingroup.com  
707 EAGLEVIEW BOULEVARD  
EXTON, PA 19341

COVER SHEET

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May 3, 2018

File No. 03-0434T3

Cary B. Vargo  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

Attention: Cary B. Vargo, Township Manager

Reference: Vantage Point Retirement Living (Parcel 6C)  
Amended Tentative PRD Review  
Upper Uwchlan Township, Chester County, PA

Dear Cary:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information:

- Amended Tentative Planned Residential Development Plan Application Cover Letter, prepared by Riley Riper Hollin & Colagreco, dated April 11, 2018.
- Amended Tentative Planned Residential Development Plan consisting of thirteen (13) sheets titled, "Vantage Point", prepared for Gunner Properties Ltd., by D.L. Howell & Associates, Inc., dated September 21, 2017.
- Report titled, "Post Construction Stormwater Management Report for Vantage Point", prepared by D.L. Howell & Associates, Inc., dated April 10, 2018.
- Transportation Impact Study titled, "Byers 6C – Senior Living Facility", prepared by Traffic Planning and Design, Inc., dated April 4, 2018.

The subject site is comprised of one (1) parcel (TMP 32-4-493) located at the northeast corner of Byers Road (S.R. 1022) and Graphite Mine Road (T.R. 607). Points of access are proposed along both Byers Road and Graphite Mine Road. The property is located in the C-1 Village Zoning District within the PRD Planned Residential Development Overlay District (also part of F2 Flexible Development Overlay District).

G&A, as well as other Township Consultants, have completed our first review of the above referenced Amended Tentative Planned Residential Development Plan Application for compliance with the applicable sections of the Township's Zoning Ordinance, Subdivision and

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Land Development Ordinance, and Stormwater Management Ordinance, and Conditions of Tentative Approval Resolution #07-06-99-09 adopted July 6, 1999, and wish to submit the following comments for your consideration. Please note that comments with a **(W)** or an **(RW)** may require relief from the Township Ordinances. A **“(W)”** denotes a waiver that has not been requested and an **“(RW)”** denotes a requested waiver.

## **I. OVERVIEW**

The Applicant is proposing to construct a 36,171 s.f., 3 story proposed building on the property with associated access driveways, parking areas, sidewalks, etc. Stormwater management will be handled by three (3) subsurface infiltration beds along the north and south of the site. Stormwater eventually flows to an unnamed tributary of the Pickering Creek, which is part of the Pickering Creek Watershed and has a designated use of HQ-TSF. Landscaping, lighting improvements, and paved walkways which connect to the area trail network are also proposed. The site is not located within a flood hazard zone, and there are no wetlands or existing streams located on site. The parcel is part of an ongoing Planned Residential Development known as Byers Station PRD, and is the last site to be developed.

## **II. CONDITIONS OF TENTATIVE APPROVAL BYERS STATION PRD**

1. Section II.B.4.c. – The Conditions of Tentative Approval state “Principal structures shall be designed as 2 or 2-1/2 story retail/office uses.” The permitted building height per zoning section §200-71.C.(5)(h) is 3 stories to a maximum of 40 feet for commercial uses. The Applicant is proposing a 3 story building. Therefore, relief will be required from the Conditions of Tentative Approval
2. Section II.B.4.k. – The Conditions of Tentative Approval state Parcel 6C is allowed one free-standing pylon sign along Graphite Mine Road and a ground sign on Byers Road. It appears the proposed signage exceeds this requirement. The Applicant should discuss this with the Township Solicitor and Zoning Officer to determine what relief maybe needed.
3. Section II.B.4.k. – Conditions of Tentative Approval state free-standing pylon sign shall not exceed sixteen (16) square feet in area. It appears the proposed signage exceeds this requirement. The Applicant should discuss this with the Township Solicitor and Zoning Officer to determine what relief maybe needed.
4. Section II.D.1.b. – Walkways/bikeways shall be 10 feet in width and the surface shall be paved with 1/2 inch of ID-3 and 6 inches of crushed stone base wrapped in

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geotextile fabric. The proposed paved walkway appears to be 8 feet wide. The walkway should be revised to comply with this requirement. In addition, a typical section should be provided for the walkway.

### III. ZONING ORDINANCE REVIEW

1. The proposed use (Senior Living Facility) is permitted as a result of the adoption of Zoning Ordinance No. 2018-01.
2. §200-73.B.(2)(a) – The loading and unloading area shall be labeled on plans, clearly delineated by signs and pavement markings demarcating how the area is to be utilized.
3. §200-73.B.(2)(c) – Striping should be indicated in the vicinity of the proposed canopy to better indicate how traffic is intended to circulate.
4. §200-73.G.(2) – The applicant has provided a parking space tabulation indicating 76 spaces will be provided. Based on the proposed use, 61 spaces are required.
5. §200-74.A.(1) & §200-74.B. – It is assumed the area labeled “Heavy Duty Paving” is intended for loading and unloading. Loading and unloading areas are required to be 15 feet wide by 60 feet deep. With this in mind, it does not appear the required 50 foot setback from the property line is provided.
6. §200-76.A.(3) – Interior drives shall have a maximum grade of 4% along the centerline for a distance of not less than 25 feet from the street right-of-way line. It appears based on the proposed grading that the entrance drive along Graphite Mine Road is at 4.9%. A driveway profile should be provided, and the driveway shall be revised as necessary to comply with this requirement.
7. §200-80.B. – A detail shall be provided for the proposed trash enclosure in accordance with requirements for storage of garbage. In addition, the Applicant should confirm the provided 8’x18’ area is sufficient for a facility of this size.
8. §200-88 – Details should be provided for the proposed fence and wall at the PC Garden and MC Garden as shown on the plans.
9. §200-98.C.(3) – Applicant shall verify proposed sign locations are in compliance with this section of the ordinance.

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#### IV. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW

1. §162-9.B.(2)(b)[6] – Add a north arrow to the Lighting Plan.
2. §162-9.B.(2)(b)[15] – Add another dimension to the cartway width of Byers Road on the Existing Conditions Plan towards the East of project area.
3. §162-9.E.(2)(f)[2] – Inlet filter protection should be provided for the existing inlets along Byers Road.
4. §162-9.E.(2)(g)[3] – Compost filter sock is proposed to be placed over the existing paved walkway along Byers Road. Consider relocating this compost filter sock along the side of the path and provide orange construction fencing as well in this area in order to keep the paved walkway useable during construction.
5. §162-36.B. – Revise the Township Paving Detail on the Construction Details sheet to show 5" 2A stone beneath 5" HMA base course.
6. §162-36.D. – Add information on Skid Resistance Level H (SRL-H) to the wearing course callout for the Township Paving Detail on the Construction Details sheet.
7. §162-41 – Provide a sidewalk detail on the Construction Details sheet in conformance with the requirements of this section.
8. §162-46.E.(2) – Crosswalks shall have a minimum width of not less than 10 feet. Revise the crosswalk which crosses heavy duty paving area.
9. §162-52 – A note shall be added to the Conservation Notes sheet stating "Upon completion of other construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction."
10. §162-55.B.(7) – Applicant is proposing to remove a section of woodlands along the northern portion of the property. For each tree greater than six inches dbh removed, replacement trees shall be planted in accordance with the schedule listed in this section of the ordinance. These amounts shall be added to the Upper Uwchlan Township Landscape Ordinance Required Landscape Plantings Table on the Landscape Plan. We defer to the Township's Land Planner for this requirement.



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11. §162-58.D.(1)(c) – Show the proposed diameter of the concrete pole base foundation on the Pole Base Detail on the Lighting Plan.

## **V. STORMWATER MANAGEMENT ORDINANCE REVIEW**

1. §152-306.I.(2) – Infiltration testing information shall be provided for the site.
2. §152-306.I.(3) – An appropriate design infiltration rate shall be applied to the infiltration beds in the Hydrographs analysis based on field test information.
3. §152-306.J.(1) – A minimum depth of 24 inches between the bottom of the proposed infiltration BMPs and the top of any limiting zone encountered shall be provided. Test pits shall be completed to confirm bottom of proposed basins meet this requirement.
4. §152-306.J.(3) – Provide calculations which show infiltration beds completely drain the retention volume within three days from the end of the design storm.
5. §152-306.M. – Infiltration Beds 2 and 3 are located in front of the proposed construction entrance and are within the interior access drive. As such, there will be heavy construction vehicle tracking over these areas throughout the project, and will be difficult to install and maintain the proposed orange construction fence around the basins to protect infiltration bed area from compaction. Revise sequence of construction to have infiltration beds 2 and 3 constructed later in the sequence, or relocate construction entrance to Graphite Mine Road.
6. §152-306.R. – Infiltration beds shall be routed in the Hydrographs analysis provided. The infiltration beds provided do not factor in any outlet device as shown on the plans.
7. §152-307.B. – Provide calculations which show the post construction one-year, twenty-four hour storm flow shall be detained for a minimum of 24 hours and a maximum not to exceed 72 hours.
8. §152-308.F. – The peak flow rate controls shall be separately addressed for each drainage area. Post Construction Drainage Area POI 1 does not meet the required reduction rates for the 2, 5, and 10 year design storms as listed in §152-308.A.



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9. §152-311.F.(1) – Provide pipe calculations which show the proposed storm network is designed to convey the 25 year storm event.
10. §152-311.G.(4) – All storm pipes shall have a minimum diameter of 15 inches. Revise the size of the pipes leaving the outlet structures or a waiver should be sought.
11. §152-402.A.(3) – Provide a statement on the PCSWM Plan, signed by the applicant, acknowledging that any revision to the approved SWM site plan shall be submitted to and approved by the municipality, and that a revised erosion and sediment control plan shall be submitted to, and approved by, the Conservation District or municipality (as applicable) for a determination of adequacy prior to construction of the revised features.
12. §152-402.A.(4) – Provide the following signature block signed and sealed by the qualified licensed professional responsible for the preparation of the SWM site plan: “I (name), on this date (date of signature), hereby certify to the best of my knowledge that the SWM site plan meets all design standards and criteria of the Upper Uwchlan Township Ordinance No. 2013—5, Stormwater Management Ordinance.”
13. §152-402.E. – PA BMP Manual recommends a total loading area ratio of 8:1 and an impervious area loading ratio of 5:1. Provide loading ratio calculations for each infiltration basin in the Post Construction Stormwater Management Report.
14. §152-804.A. & §152-804.B. – Provide these notes for Alteration of BMPs on the PCSWM Plan.
15. Knee wall height provided in emergency outlet structures should correspond to the top of the pond storage volume.
16. First paragraph in Section 2.0 Runoff Management in the Post Construction Stormwater Management Report appears to be referring to another project. Please revise.
17. Label Drainage Areas and points of interest on the Post Developed Drainage Area Plan sheet in conjunction with Pre-Development Drainage Area Plan and the Post Construction Stormwater Management Report.

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18. Revise the values for infiltration bed 3 outlet pipe provided in table for Emergency Outlet Structures Details.
19. Revise the pipe invert values for all infiltration beds provided in table for Infiltration Bed Detail.
20. It shall be clarified that the proposed distribution piping is 15" in the Infiltration Bed Detail.
21. Typical Maintenance Access/Inspection Port Detail shows an 18" diameter inspection port riser. Please clarify how this setup will be connected to distribution piping.

## **VI. GENERAL COMMENTS**

1. A number of improvements are proposed to be completed on the adjacent Parcel.(N/L EPC, LLC) We defer to the Township Solicitor as to how best establish agreements to allow the completion of these improvements.
2. The existing multiuse trail for Byers Station crosses the northeast corner of the property. The Applicant should discuss with the Township Solicitor whether or not an easement is needed to address this matter.
3. There are labels for water valves on Grading & Utilities Plan near Infiltration Bed 3 which seem to be erroneously located. Please revise.
4. Please ensure pipe lengths and sizes for all roof leader lines longer than 10 feet are provided on the Grading & Utilities Plan.
5. There is a roof drain line near PC Garden which is labeled 61 feet, but appears to be 53 feet.
6. Please review the proposed invert for Yard Drain Y2 as it appears it will be in conflict with the proposed retaining wall.
7. Details should be provided for all proposed ADA curb ramps.
8. It appears the Landscape Plan is using an older version of the proposed conditions than all the other provided plan sheets. Please revise.



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9. Provide more detail for the building entrance canopy; specifically, clarify how it will be supported.

**VII. TOWNSHIP TRAFFIC CONSULTANT COMMENTS**  
**McMAHON ASSOCIATES, INC.**

1. Conditions of Tentative Approval Section II.G.7.b – The conditions of tentative approval require the following accesses for the site:

- i. A right-turn-in/right-turn-out access located on the east side of the By-Pass Road (Graphite Mine Road) with a separate right-turn deceleration lane on the By-Pass (Graphite Mine Road).

Comment: The proposed site access along Graphite Mine Road should provide a separate northbound right-turn deceleration lane for traffic entering the site, especially considering that older drivers will be visiting the site, and the higher order function of Graphite Mine Road. The design of this right-turn lane should occur along the frontage and connect with the existing widened pavement area north of Byers Road.

- ii. Any access to Byers Road, if necessary, is limited to right-turn-in/right-turn-out with a separate right-turn deceleration lane on Byers Road.

Comment: No separate access is proposed exclusively to Parcel 6C; however, the access as proposed consists of a full-movement access that is shared with the Butler House full-movement access. We support this access modification, as it results in a single, consolidated access, and it results in an access to Parcel 6C that is located further from the Byers Road intersection. However, per the condition, please examine the feasibility of a separate westbound Byers Road right-turn deceleration lane for traffic entering this shared access.

- iii. Provide a connection through Parcel 4 for access to/from the Eagle Farms Road.

Comment: Please comment on the feasibility of this access connection. If it is not possible to provide this access connection, then this may be further reason to allow a full-movement access that is shared with the Butler House driveway.

2. SALDO Section 162-27.1.K(1) – The applicant's engineer should provide truck turning templates showing the Township's largest emergency service vehicle, as well

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as the largest delivery vehicle anticipated to visit the site can access and circulate within the site.

3. SALDO Section 162-28.A – Please label and dimension the right-of-way along the Byers Road frontage. Please provide a minimum half-width right-of-way of 30 feet as measured from the road centerline, unless it is greater today.
4. SALDO Section 162-32.F – The curb radii for the access intersections should be a minimum of 35 feet for the Byers Road access, and 40 feet for the Graphite Mine Road access; however, the access radii should also be determined based on the truck turning movements.
5. SALDO Section 162-34.A – The proposed site will serve older drivers, and it is our understating that PennDOT typically requires auxiliary turn lanes for developments which serve older drivers. As such, as part of the Byers Road access improvements, through minimal road widening and mostly lane restriping, please provide a separate eastbound Byers Road left-turn lane for traffic entering the Byers Road site access.
6. ZO Section 200-73.C(3) – Please modify the parking aisle width to be 25 feet.
7. ZO Section 200.75.H – The landscape plans should be revised to show sight distance lines for traffic exiting both site access intersections looking to the left and right, as well as for left-turn vehicles entering both driveways looking ahead and behind. In addition, a PennDOT-style sight distance note should be provided on the plan indicating the required sight distances for each site access.
8. The applicant and the applicant's engineer should ensure that all proposed pedestrian facilities within the site and within the public right-of-way (including curb ramps and pedestrian access routes) are consistent with current ADA requirements. The applicant's engineer should provide larger scale details of the proposed curb ramps along Byers Road, as well as along the eight-foot wide paved walkway on the Byers Station Community Association property, including separate grading details, and all dimensions for construction, including widths, lengths, and all slopes to assist during construction.
9. Please verify that the ADA pedestrian facilities at the signalized intersection of Byers Road and Graphite Mine Road are in accordance with current PennDOT requirements, and propose any recommended improvements.

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10. We recommend that the crosswalk across the Byers Road access should be revised to be delineated by two six-inch white lines; however, our office will verify this with the Township.
11. Please provide a paving section showing 1.5 inches of wearing course, three inches of bituminous concrete base course, and four inches of 2A stone for the proposed eight-foot wide paved walkway on the Byers Station Community Association property.
12. Additional design detail should be provided for both site access intersections to assist in the review, which should include a larger scale design (1"=25') that shows the access intersections, road widening (if proposed), proposed grading/spot elevations, proposed new pavement, cross sections for the road widening, signing and pavement markings, etc. Detailed review of the site access designs will be completed once more detailed plans are received.
13. The Byers Road (S.R. 1022) access requires a PennDOT Highway Occupancy Permit (HOP). The applicant should copy the Township on all submissions and correspondence with PennDOT.
14. Both driveways should be 28 feet wide.
15. Upon resubmission, the applicant's engineer should compose a response letter that describes how each comment has been addressed and where any plan and/or report revisions are located.
16. Additional comments regarding the traffic improvements and/or land development plans may follow upon receipt of future submissions.

**VIII. TOWNSHIP PLANNING CONSULTANT COMMENTS**  
**BRANDYWINE CONSERVANCY**

1. We concur with the Applicant that the proposed senior living facility is consistent with the Township's current Comprehensive Plan as it proposes to provide elderly housing facilities that help senior residents age in place. The location of Parcel 6C will enable residents (and staff) with an opportunity to travel a short distance into the Village of Eagle to access retail shops, restaurants, and other goods and services.
2. The Applicant proposes a 36,171 square-foot, 3-story building. The PRD tentative approval established a 40,000 square foot commercial use for Parcel 6C with

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additional residential units on the second floor. It did not specifically allow for a full third floor (Findings of Fact, paragraph 7, table, page 2). We submit that this proposed plan exceeds the maximum square footage allocated to Parcel 6C in the Tentative Approval. The Applicant has stated that a senior living facility use requires square footage afforded by 3 stories in order to be a viable business. Accordingly, we have no objection to the Applicant's proposed number of stories, provided that the structure's mass and height is compatible with the aesthetics of nearby structures in the Village of Byers. We recommend that the Applicant provide an architectural illustration of the building to demonstrate compatibility with nearby village building patterns.

3. The tentative approval called for a trail network that will provide pedestrian and bicycle connections that link the Byers Station developed areas, including Parcel 6C, with adjoining parcels and the Village of Eagle/Byers. Three levels of trail function were envisioned: walkway/bikeway; trail; and sidewalk. Since the Tentative Plan approval in 1999, Upper Uwchlan Township prepared a Community Trail Master Plan that created a more refined vision for pedestrian and bicycle connectivity within the Township. In the Master Plan, Parcel 6C is envisioned to include the following trail facilities:
  - a. 6' wide sidepath/asphalt trail on the north side of Byers Road (existing)
  - b. Neighborhood trail along the eastern property line (currently proposed)
  - c. Neighborhood trail along the Graphite Mine Road frontage (not currently proposed).

We recommend that a 5' wide concrete sidewalk be provided along the Graphite Mine Road Frontage that would connect pedestrian crossings at Byers Road to the existing paved trail north of Parcel 6C. This would make optional the 5' wide concrete sidewalk that is currently proposed to connect with the existing macadam trail at the northwest corner of the building. We also suggest that the sidewalk at the northernmost entrance to the building be extended to intersect with the proposed sidewalk along Graphite Mine Road. These modifications to the trail/sidewalk network will provide for an interconnected trail/sidewalk network that will safely link neighborhoods in Byers Station and the proposed senior living facility to destinations in the Village of Eagle. See attached sketch.



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**IX. TOWNSHIP SEWER CONSULTANT COMMENTS**  
**ARRO CONSULTING, INC.**

1. Based on the Sewage Facilities Planning Module (SFPD), ARRO understands the developer is proposing a three-story apartment building for elderly with 100-units. The proposed sewer flow capacity is 10,000 gallons per day, utilizing 225 gallons per Day/Equivalent Dwelling Unit (GPD/EDU) the sanitary sewer capacity required 45 EDUs. The proposed capacity appears acceptable, but we recommend that the Township reserve the right to evaluate water usage after the building is opened and require the purchase of additional capacity, if warranted. The required sanitary sewer capacity will need to be purchased for the project and should be clearly shown on Sheet 1 of the plan.
2. Since the preparation of the appropriate SFPD is already underway, the SFPD should be submitted for approval to Pennsylvania Department of Environmental Protection (Pa DEP). Any planning approval should be conditioned on receiving the Pa DEP approval letter.
3. The property will be responsible for all of the sanitary sewer facilities servicing the property. Both the Township and the Upper Uwchlan Municipal Authority should have a right the access the property for inspection of the grease interceptor; this should be clearly noted on the plan.
4. A note should be provided on the Plans indicating the proposed establishment is required to comply with the Regulations for the Discharge of Non-Residential Waste into the Upper Uwchlan Township Municipal Authority's Sewerage System, Resolution #10-20-04-15, dated October 20, 2004.
5. A detail of the proposed grease interceptor should be provided on the plans.
6. The proposed sanitary sewer extension along Byers Road identified as "sewer main to be installed by others" is proposed of the south side of Byers Road, not the north side. Also the proposed lateral will connect into the sewer main and not directly into a manhole. The plans should be revised accordingly.
7. The size of the proposed lateral should be 6-inch in order to facilitate maintenance.
8. The following Upper Uwchlan Municipal Authority standard details should be added to the plans:

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- a. Service line cleanout and vent detail 7000SD18 (note all lateral lines will be 6-inch
- b. Service line cleanout and vent in paved areas detail 7000SD19 (note all lateral lines will be 6-inch
- c. Cleanout/TestTee in paved areas detail 7000SD20 (note all lateral lines will be 6-inch
- d. Trench restoration parking areas and driveways detail 7000SD28

**X. TOWNSHIP LIGHTING CONSULTANT COMMENTS**  
**STUBBE CONSULTING, LLC.**

1. Lighting Control - §614.C.3.e. requires that lighting proposed to operate after 11 p.m. or after normal hours of operation of the use, shall be reduced by 75% of normal lighting levels. Lighting Plan General Note 1. reiterates the Ordinance requirement but does not specify the proposed hour of extinguishing site lighting and which luminaires, if any, are to remain on past 11 p.m. and/or be dimmed by 75%.
2. Plan Content - Catalog Cuts - §614.D.1.a. requires a layout of all proposed fixtures. A fixture layout could not be found on plan
3. Plan Content - Illuminance Plot - §614.D.1.b. requires a plot of predicted illuminance levels. A footcandle plot was not provided
4. Foliage Conflict - It is recommended Applicant be requested to show location of luminaires on Landscape Plan and coordinate with lighting discipline to preclude foliage blockage of intended light output, thereby reducing it to below Ordinance required levels, at or before tree maturity.

This concludes our first review of the above referenced Amended Tentative Planned Residential Development Plan Application. We would recommend the plans be revised to address the above referenced comments as well as any raised by the Planning Commission and the Board of Supervisors. If you have any questions, please do not hesitate to contact me.

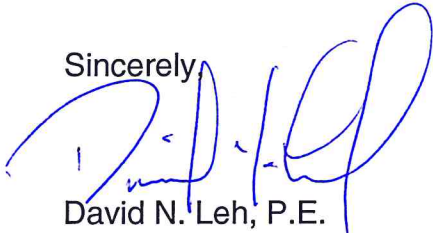


Cary B. Vargo, Upper Uwchlan Township Manager  
Reference: Vantage Point Retirement Living (Parcel 6C)  
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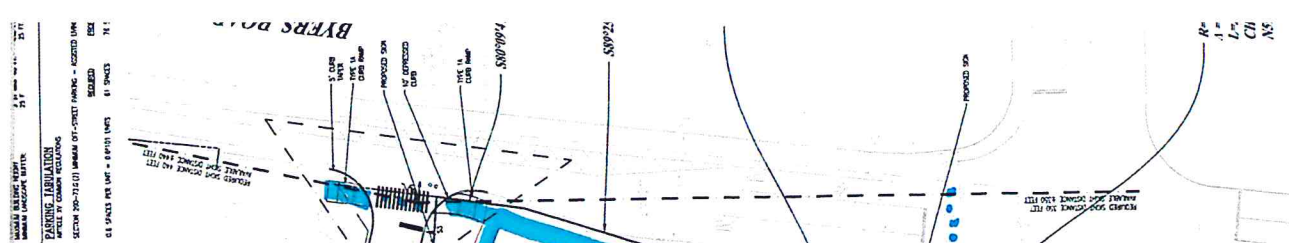
Sincerely,



David N. Leh, P.E.  
Municipal Services Manager  
Gilmore & Associates, Inc.

cc: Upper Uwchlan Township Board of Supervisors (via email only)  
Upper Uwchlan Planning Commission (via email only)  
Kristin S. Camp, Esq., BBMM, LLP (via email only)  
Sheila Fleming, Brandywine Consulting (via email only)  
Christopher J. Williams, P.E., McMahon Associates, Inc. (via email only)  
Stan Stubbe, Stubbe Consulting LLC (via email only)  
G. Matthew Brown, P.E., ARRO Consulting, Inc. (via email only)  
David Schlott, Jr., P.E., ARRO Consulting, Inc. (via email only)  
Alyson M. Zarro, Esq., Riley Riper Hollin & Colagreco (via email only)  
Greg Stevens, Vantage Point Retirement Living, Inc. (via email only)  
Fred Gunther, Gunner Properties Ltd. (via email only)  
John J. Gallagher, P.E., D.L. Howell & Associates, Inc. (via email only)





1. RECORD OWNER/MAILING ADDRESS:  
DANIER PROPERTIES, LTD.  
2 LINCOLN BOULEVARD  
UNIT 5B  
CHATELAIN, PA 16820

2. SITE ADDRESS: NORTHEAST CORNER OF CHATELAIN HILLS ROAD & BYRON ROAD, CHESTER  
SPRINGS, PA.

3. SOURCE OF TITLE: RECORD BOOK 256, PAGE 2142

4. TAX PARS: 322-4-463 (LOT #256), RECORD PLAN BOOK #17008

5. LOT AREA: 4.246 ACRES

6. BOUNDARY, TOPOGRAPHIC AND PHYSICAL IMPROVEMENTS SHOWN ARE FROM FIELD  
SURVEY OF DANIEL KLEIN SURVEYING, LLC PERFORMED ON AUGUST 24, 2017.

7. CONTIGUOUS PLATS FROM FIELD SURVEY TOPOGRAPHIC SURVEY BY KENNETH KANE  
SURVEYING, LLC, DATE: HAVE BEEN COMPALED USING GEOREFERENCE BY 06/01/2011  
(EPOCH=2011.00) (AS DETERMINED BY GPS OBSERVATIONS), SITE ELEVATION = TOP OF  
FINISHED GRADE APPROXIMATELY 575.8' (AS DETERMINED BY GPS OBSERVATIONS)  
CONTR. ELEVATION: 441.54', CONTIGUOUS ELEVATION: 1.92'.

8. UNDERGROUND UTILITIES SHOWN WERE PLOTTED FROM ORIGINALE ELEVATION DATA  
IN THE SURVEY AND INFORMATION FROM PLANS SUBMITTED BY UTILITY COMPANIES.  
NO SHOWN UTILITIES. TITLE UNDERGROUND UTILITIES ARE ACCURATELY OR COMPLETELY  
SHOWN.

9. THE PROPERTY IS LOCATED WITHIN FLOOD HAZARD ZONE X, AN AREA DETERMINED

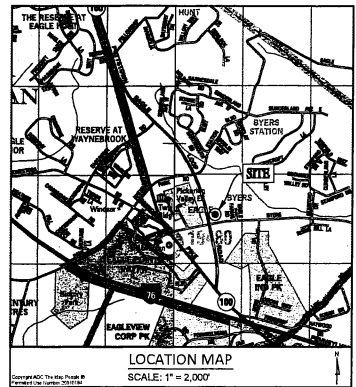
12. THERE WAS NO OBSERVED EVIDENCE OF SEWAGE OR WATER ON THE SURVEYED PREMISES.
13. THERE WAS NO OBSERVED EVIDENCE OF GAS SERVICE ON THE SURVEYED PREMISES.
14. SOLIDS INFORMATION PROVIDED WITH SUPPORT FROM THE MATERIALS RECOVERY/ CONSERVATION SERVICE, SOLIDS ATTRIBUTED DATA IS DERIVED FROM THE INECS SOLID DATA SHEET.
15. ALL BUILDING MATERIALS AND WASTES MUST BE REMOVED FROM THE SITE AND RECYCLED OR DISPOSED OF IN ACCORDANCE WITH THE SUPERVISION OF ENVIRONMENTAL PROTECTION'S SOLID WASTE MANAGEMENT REGULATIONS AT ITS PA CODE SOLID 35.02, 37.01.13 AND 39.01.13 OF SOLID WASTING MATERIALS, HAZARDOUS, AND/OR DISCHARGED FROM THE SITE.
16. UPPER LINCOLN TOWNSHIP SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, THROUGH A LICENSEE AGREEMENT TO ENTER THE PROPERTY FOR ACCESS TO THE PROPOSED BMP'S FOR INSPECTION AND/OR MONITORING PURPOSES.
17. AN ON-SITE SURVEY OF ALL STORMWATER BMP'S AND AN EVALUATION OF ANY DISCREPANCIES WITH THE OPERATION AND MAINTENANCE PLAN SHALL BE PROVIDED TO UPPER LINCOLN TOWNSHIP.
18. ALL SANITARY SEWERS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE UPPER LINCOLN TOWNSHIP MUNICIPAL AUTHORITY SPECIFICATIONS.

1. PLAN ENTITLED, "AMENDED SUBDIVISION PLAN FOR BRYERS STADIUM-PHASE 1", PREPARED BY TAYLOR WISEMAN & TAYLOR, DATED APRIL 28, 2005, RECORD PLAN BOOK #1780A.

[illegible]

UPPER LINCOLN TOWNSHIP ZONING ORDINANCE	
ARTICLE XIV -- SUPPLEMENTAL LAND USE REGULATIONS	
SECTION 200-71 -- PLANNED RESIDENTIAL DEVELOPMENT	
(R2) -- USES PERMITTED	
(C) -- RETIREMENT HOME	
SECTION 200-71 C.5 -- AREA AND BULK REGULATIONS	
MINIMUM LOT AREA	20,000 S.F.
MINIMUM LOT WIDTH	100 FT.
MINIMUM FRONT YARD	30 FT.
MINIMUM SIDE YARD	30 FT., EACH
MINIMUM REAR YARD	40 FT.
MAXIMUM BUILDING COVERAGE	25%
MAXIMUM LOT COVERAGE	80%
MAXIMUM BUILDING HEIGHT	3 ST MAX. 40 FT.
MINIMUM LANDSCAPE BUFFER	25 FT.

	<u>REMOVED</u>	<u>PROPOSED</u>
0.8 SPACES PER UNIT = 0.4*101 UNITS	81 SPACES	78 SPACES



ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D. BEFORE ME,  
THE SUBSCRIBER, A NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA,  
RESIDING IN \_\_\_\_\_, PERSONALLY APPEARED \_\_\_\_\_  
\_\_\_\_\_, WHO ACKNOWLEDGES \_\_\_\_\_ SELF TO BE THE  
\_\_\_\_\_, OF \_\_\_\_\_ A \_\_\_\_\_  
AND THAT AS SUCH TO DO, SAID \_\_\_\_\_ EXECUTED THE FOREGOING PLAN BY  
SIGNING THE NAME OF THE SAID \_\_\_\_\_ BY \_\_\_\_\_  
\_\_\_\_\_, SELF AS \_\_\_\_\_, THAT THE SAID \_\_\_\_\_  
\_\_\_\_\_, IS THE OWNER OF THE DESIGNATED LAND,  
THAT ALL NECESSARY APPROVAL OF THE PLAN HAS BEEN OBTAINED AND  
IS ENDORSED THEREON AND THAT THE SAID \_\_\_\_\_  
DESIRES THAT THE FOREGOING PLAN MAY BE DULY RECORDED.

REVIEWED BY THE PLANNING COMMISSION OF UPPER MERION  
TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

APPROVED BY THE TOWNSHIP SUPERVISORS OF UPPER MERION  
TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS  
\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
SECRETARY

REVIEWED BY THE UPPER UNICLAW TOWNSHIP ENGINEER


RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF  
CHESTER COUNTY AT WEST CHESTER,  
PENNSYLVANIA, IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Notary, Recorder or Agent)

JOHN J. GALLAGHER, P.E. LICENSE NO. PED86710

1250 Wrights Lane  
West Chester, PA 19380  
Phone: (610) 918-9002  
Fax: (610) 918-9003

11



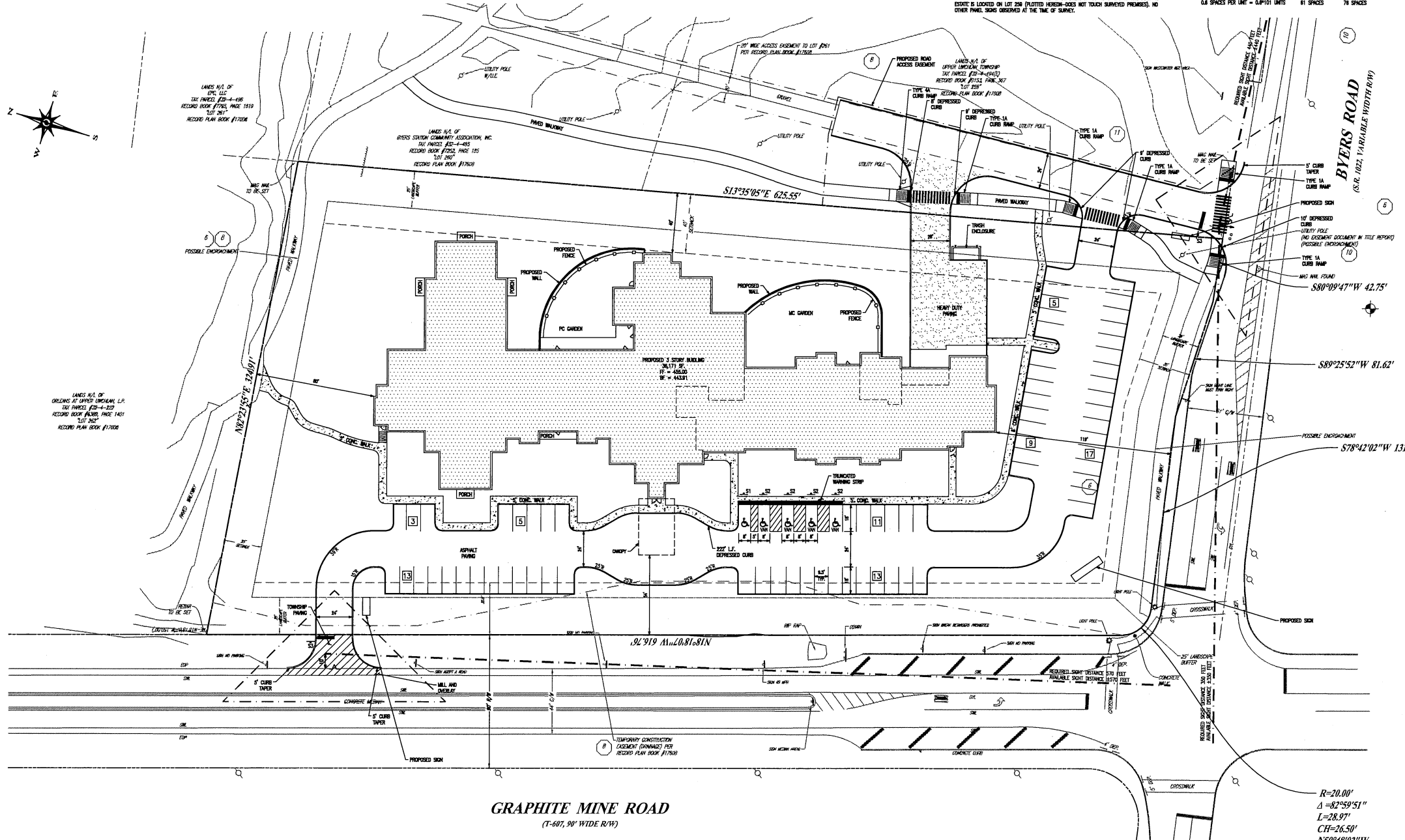
DATE	DESCRIPTION
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**LAND DEVELOPMENT PLAN**

**CLIENT:** VANTAGE POINT RETIREMENT LIVING, INC.  
**PROJECT:** VANTAGE POINT RETIREMENT LIVING  
**LOCATIONS:** GRAPHITE MINE ROAD AND BYERS ROAD  
UPPER UNGWAGAN TOWNSHIP, CHESTER COUNTY, PA

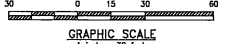
DATE	09/21/2017
FILED	1°-30'
FROM BY	RAG
BOOKED BY	JWG
CHECK NO.	3207
FILED	1° LAND DEVELOPMENT PLANNING
ENTERED	04/06/18
BOOKING NO.	C01.1
BY	09-21-2017

Packet Page 90



EN. PROPERTY LINE	242	PROPOSED CONTOUR	DN	PROP. LEVEL POLE	—	PROP. ELEC. LINE	—	PROP. STORM LINE	—
PROP. PROPERTY LINE	242	PROPOSED CONTOUR	DN	EN. FENCE	—	EN. UTILITY POLE	—	PROP. STORM LINE	—
EN. RIGHT-OF-WAY	103.00	EXISTING SPLIT LEVEL	WU	EN. MAIL BOX	—	PROP. UTILITY POLE	—	PROP. STORM LINE	—
PROP. RIGHT-OF-WAY	103.00	EXIST. SLOPE	WU	EN. GUT ARCHWAY	—	EN. GUT ARCHWAY	—	PROP. STORM LINE	—
EN. MONUMENT	—	SOLES TYPE	—	EN. GAS LINE	—	EN. GAS LINE	—	PROP. SEEPAGE	—
PROP. MONUMENT	—	SOLES LINE	—	EN. EXIST. PARKING SPACES	—	PROP. GAS LINE	—	EN. SANITARY SEWER	—
EN. DRIVE	—	EN. CONC. CURB	—	PROP. PARKING SPACES	—	EN. GAS VALVE	—	PROP. SAN. SEWER	—
PROP. DRIVE	—	EN. CONC. CURB	—	TO BE REMOVED	—	EN. GAS VALVE	—	PROP. SAN. SEWER	—
EN. EASEMENT	—	EN. EDGE OF PAVING	—	EN. TELE. LINE	—	EN. STORM SEWER LINE	—	PROP. SANITARY	—
PROP. EASEMENT	—	EN. EDGE OF PAVING	—	EN. STORM SEWER LINE	—	PROP. STORM SEWER LINE	—	EN. WATER LINE	—
EN. METEOROL	—	EN. LIGHT POLE	—	EN. ELEC. LINE	—	EN. STORM SILENT	—	EN. WATER LINE	—

SCALE: 1"=30'

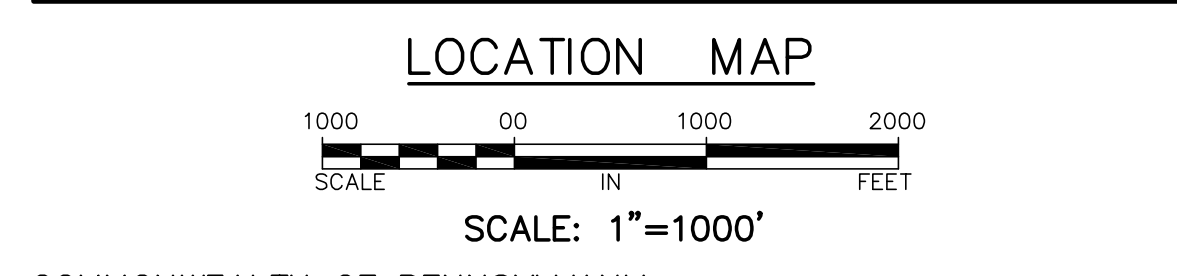


**STOP SIGN**  
S1 | HANDICAP PARKING SIGN  
S2 | HANDICAP PARKING SIGN - VAN ACCESSIBLE  
S3 | STOP SIGN

SHEET NUMBER	DRAWING NUMBER	SHEET TITLE
01	C01.1	LAND DEVELOPMENT PLAN
02	C02.1	EXISTING CONDITIONS PLAN
03	C03.1	SITE AERIAL PLAN
04	C04.1	GRADING & UTILITIES PLAN
05	C05.1	CONSERVATION PLAN
06	C05.2	CONSERVATION NOTES
07	C05.3	CONSERVATION DETAILS
08	C06.1	PSWIM PLAN
09	C06.2	PSWIM NOTES
10	C06.3	PSWIM DETAILS
11	C07.1	CONSTRUCTION DETAILS
12	C08.1	LIGHTING PLAN
13	C08.1	LANDSCAPE PLAN

THIS SHEET TO BE RECORDED





\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
NOTARY PUBLIC

APPROVED BY THE BOARD OF SUPERVISORS OF UPPER UWCHLAN TWP., CHESTER CO., PA.,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

REVIEWED BY THE UPPER UWCHLAN TWP., ENGINEER

\_\_\_\_\_  
DATE

\_\_\_\_\_

\_\_\_\_\_

SECRETARY

(DEPUTY) RECORDER OF DEEDS

PENNSYLVANIA ONE CALL SYSTEM, INC.

925 Irwin Run Road  
West Mifflin, Pennsylvania

**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

104 WEST MAIN STREET, SUITE 300, TOWSON, PA 19246 • (410) 281-0440 • [www.gilmore-associ.com](http://www.gilmore-associ.com)

ONLY THOSE PLANS, SPECIFICATIONS, AND/OR OTHER DOCUMENTS THAT ARE SPECIFICALLY PREPARED FOR THE CLIENT AND PROJECT DESIGNATED HEREON AS SUCH, AND WHICH HAVE BEEN REVIEWED AND APPROVED BY THE PROFESSIONAL ENGINEER OR ARCHITECT, SHALL BE CONSIDERED OFFICIAL, AND RELIED UPON BY USER. THIS PLAN IS PREPARED SPECIFICALLY FOR THE CLIENT AND PROJECT DESIGNATED HEREON AS SUCH, AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GILMORE & ASSOCIATES, INC. IS PROHIBITED.

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JOB NO.:	TAX MAP PARCEL NO.:
201710057T	3204 - 0027010E, 3204 - 0013000E & 3204 - 0012000E
MUNICIPAL FILE NO.:	
DESIGNED BY:	CHECKED BY:
---	DAS

<b>WINNER:</b> UPPER UMWHLAN TOWNSHIP 0 POTTSTOWN PIKE CHESTER SPRINGS, PA 19425 0-458-9400	TOTAL AREA:	TOTAL LOTS:
	SEE TABLE	3
DATE:	01/05/2018	SCALE: 1"=60'

0	PROPOSED LOT LINE ADJUSTMENT AND LOT LINE CONSOLIDATION PLAN	
10	UPPER UWCHLAN TOWNSHIP	
14	UPPER UWCHLAN TOWNSHIP	
18	UPPER UWCHLAN TOWNSHIP	
22	UPPER UWCHLAN TOWNSHIP	
26	UPPER UWCHLAN TOWNSHIP	
30	UPPER UWCHLAN TOWNSHIP	
34	UPPER UWCHLAN TOWNSHIP	
38	UPPER UWCHLAN TOWNSHIP	
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46	UPPER UWCHLAN TOWNSHIP	
50	UPPER UWCHLAN TOWNSHIP	
54	UPPER UWCHLAN TOWNSHIP	
58	UPPER UWCHLAN TOWNSHIP	
62	UPPER UWCHLAN TOWNSHIP	
66	UPPER UWCHLAN TOWNSHIP	
70	UPPER UWCHLAN TOWNSHIP	
74	UPPER UWCHLAN TOWNSHIP	
78	UPPER UWCHLAN TOWNSHIP	
82	UPPER UWCHLAN TOWNSHIP	
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94	UPPER UWCHLAN TOWNSHIP	
98	UPPER UWCHLAN TOWNSHIP	
102	UPPER UWCHLAN TOWNSHIP	
106	UPPER UWCHLAN TOWNSHIP	
110	UPPER UWCHLAN TOWNSHIP	
114	UPPER UWCHLAN TOWNSHIP	
118	UPPER UWCHLAN TOWNSHIP	
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438	UPPER UWCHLAN TOWNSHIP	
442	UPPER UWCHLAN TOWNSHIP	
446	UPPER UWCHLAN TOWNSHIP	
450	UPPER UWCHLAN TOWNSHIP	
454	UPPER UWCHLAN TOWNSHIP	
458	UPPER UWCHLAN TOWNSHIP	

REV.	DESCRIPTION	DATE	BY
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>			

SHEET NO.: 1 OF 1





**UPPER UWCHLAN TOWNSHIP**  
Planning Commission Meeting  
April 12, 2018  
Minutes  
**DRAFT**

**In Attendance:**

Bob Schoenberger, Chair, Sally Winterton, Vice-Chair, Brett Hand, Chad Adams, Jeff Smith, Jim Shrimp, Dave Leh, P.E. – Gilmore & Associates, Cary Vargo, Township Manager, Gwen Jonik, Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:32 p.m. as a quorum was present.

**Eagleview Corporate Center Lot 1B – Maintenance Area**

Neal Fisher, Hankin Group, who had presented a sketch plan for the proposed maintenance area, reviewed the location of Lot 1B on Sierra Drive within Eagleview Corporate Center and advised that the proposed maintenance area – storage enclosures, driveway, and maintenance vehicle parking area - will serve all lots, not just 1B. Brett Hand moved, seconded by Jeff Smith, to accept the Land Development Plan for consultants' review. The Motion carried unanimously.

**Eagleview Corporate Center Lot 1C**

Neal Fisher, Hankin Group, who had presented a sketch plan for the proposed development, reviewed the location of Lot 1C on Sierra Drive within Eagleview Corporate Center. The Lot is 20.5 acres and the Plan proposes a 113,000 SF flexible building space – office, warehouse. There are no potential tenants at this time. Chad Adams moved, seconded by Jeff Smith, to accept the Land Development Plan for consultants' review. The Motion carried with 5 in favor. Jim Shrimp abstained as he had just joined the meeting.

Steve and Joanne McNaughton asked the Commission members to keep in mind the landscaping, screening, lighting, and noise issues when considering this Plan as what was approved for Lot 1B is lacking or ineffective. Mr. McNaughton made mention of a letter sent by Hankin to FERC (Federal Energy Regulatory Commission) regarding retaining the mature woodlands in this vicinity. The Commission asked Mr. McNaughton to forward a copy.

**Vantage Point Retirement Living (Parcel 6C) Amended PRD Plan**

Alyson Zarro, Esq., on behalf of Vantage Point Retirement Living introduced an Amended PRD (Planned Residential Development) Plan proposing a 37,000 SF, 3-story, 101-unit retirement facility and associated parking on Byers Station Parcel 6C, the northeast corner of Byers Road at Graphite Mine Road. Jeff Smith moved, seconded by Chad Adams, to accept the Amended PRD Plan for consultants' review. The Motion carried unanimously.

**Village at Byers Station Parcel 5C Commercial Lot 2 Amended Final PRD Plan**

It was decided at this time to delay the review and discussion of this Plan until later in the evening.

**Gunner Property / 160 Park Road Conditional Use Application**

Alyson Zarro, Esq., explained that Gunner Properties submitted a new Conditional Use Application for an eating and drinking establishment at 160 Park Road instead of requesting a renewal of the 2017 Conditional Use Approval due to changes of substance with the property and the Brewer's license. The property has been connected to public sewer, an expanded parking area land development plan has been approved, and Mr. Gunther has a liquor license available

through his Eagle Tavern business and will be the Operator at this location. The expanded parking area will be constructed in the near future following PaDEP permit approval, and that includes the landscaping and buffering measures around the parking area and property line.

Commission members asked a few legal questions. Cary Vargo advised the Township Solicitor agrees a Conditional Use Hearing should be opened, new pertinent testimony be heard and a new Decision & Order be drafted which addresses the neighbor's concerns. Conditions of Approval would include that the property improvements be completed before the Occupancy could occur.

Answering a question regarding the Applicant seeking approval for off-site parking, Ms. Zarro replied that in case a large event such as Community Day is being held, off-site parking would be for overflow parking. Agreements are being drafted with the property owners where Kinetics and Dunkin Donuts are located (@ 100 spaces) and the south-western corner of Little Conestoga Road at Park Road (55 spaces).

Sally Winterton moved, seconded by Jeff Smith, to recommend to the Board of Supervisors that a Conditional Use Hearing be held for this Application. The Motion carried unanimously.

#### Zoning, Subdivision-Land Development, Stormwater Management Ordinances – Amendments

Cary Vargo introduced ordinance amendments drafted by the Township's Solicitor, which will decrease waiver requests to the Board of Supervisors. The Zoning Ordinance amendment addresses the timeframe of a project's progress from conditional use approval to building permit submission; the Subdivision/Land Development amendment addresses the Plan submission process; and the Stormwater Management Ordinance amendment updates the type of pipe materials allowed.

Jeff Smith moved, seconded by Sally Winterton, to send the Ordinance amendments to the County Planning Commission for review and comment. The Motion carried unanimously.

#### Approval of Minutes

Jeff Smith moved, seconded by Sally Winterton, to approve as presented the minutes of the Planning Commission's March 8, 2018 meeting. The Motion carried unanimously.

#### Open Session

Mr. Gunther responded to several questions regarding his eating and drinking establishment Application – he'll serve "craft" beer; food will be provided via food trucks, and from Eagle Tavern; the house may become a breakfast spot, with fresh breads, etc.

#### Village at Byers Station (Parcel 5C) Commercial Lot 2 Amended Final PRD Plan

Bob Dwyer presented a Plan dated February 2018 for the commercial Lot (#2) on Parcel 5C. Alyson Zarro, Esq., was present. Toll Brothers bought the residential Lot (#1); Equus will develop the retail and commercial portion. Several anchor tenants have been secured – a grocer, a daycare facility, and a coffee shoppe with drive-through service (there are 2 Firms interested in this space). There will be 1 large building and several smaller pads. Phase 1 is @ 40,000 SF of the 81,000 SF total for of retail/commercial. Mr. Dwyer distributed color drawings of the overall site and architectural elevations.

Discussion regarding drive-through service followed:

1. Ms. Zarro advised that the 1999 Tentative PRD Plan Approval stated C-1, C-2 and C-3 zoning district uses are permitted on Parcel 5C and that approval applies to today's Plan; C-3 doesn't prohibit drive-through.
2. The Planning Commission believes current codes apply.

3. Does the Municipality Planning Code 'grandfather' the 1999 Ordinances, and for what timeframe - indefinitely?
4. Over the years, there have been a number of approvals (1999, 2003) and amendments regarding Byers Station that need to be reviewed. Keep in mind the character of the community.
5. Mr. Dwyer advised that if there's no drive-through service, the coffee shoppes wouldn't be interested;
6. The Commission was concerned with traffic stacking for the drive-through;
7. The Commission would like to see the MPC regulations and/or case law that determines the 1999 codes apply rather than 2018 codes, and are there other items on this Plan that wouldn't comply with today's codes?

Other discussion points include:

- A. The site has right-in/right-out access on northbound Route 100, closer to Station Boulevard.
- B. The paved area outside the grocery store is outdoor seating only, not table service.
- C. It may be a number of years until Phase 1 and 2 would be complete.
- D. The proposed landscaping looks good.
- E. The Township Historic Commission should see the architectural elevations for comment.
- F. Make sure the Plan is consistent with surrounding land uses and desires.

Mr. Dwyer advised they can comply with most of the consultants' comments and they'll meet with the consultants and staff to work them out. They'll attend the May meeting to discuss the items not resolved this evening.

#### Adjournment

Sally Winterton moved, seconded by Jeff Smith, to adjourn at 9:04 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary