



## UPPER UWCHLAN TOWNSHIP

### Planning Commission Meeting

April 2, 2020

7:00 p.m.

Minutes

Approved

**LOCATION:** This was a virtual meeting, held via Zoom video conferencing, in order to minimize public exposure to COVID-19 and maintain social distancing. The meeting Public Notices instructed those interested in participating in the meeting to email or call the Township Manager for the link and password to join in the meeting.

#### In Attendance:

Bob Schoenberger, Chair; Sally Winterton, Vice-Chair; Bob Davidson, Jim Shrimp, Brett Hand, Jim Dewees, Chad Adams, Jeff Smith, Tony Scheivert, Township Manager, Gwen Jonik, Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:03 p.m. A quorum was present.

#### Ordinance Amendments

The Commission reviewed and discussed the final draft of zoning ordinance amendments to add definitions for “mixed use dwelling” and “cultural facility”, delete residential uses in the C-1 Village and C-3 Highway commercial districts and add mixed use dwelling as a use permitted by Conditional Use in the C-1 and C-3 districts, delete residential uses as a permitted adaptive reuse of historic structures in the C-1 and C-3 districts, and add a review role for the Historical Commission for adaptive reuse applications.

Chad Adams moved, seconded by Sally Winterton, to recommend approval of the revised ordinances, final draft dated February 25, 2020, to the Board of Supervisors. The Motion carried unanimously.

A question arose regarding the validity/legality of voting during virtual meetings, or by those attending an in-person meeting remotely. Tony Scheivert noted that during regular meetings, those participating remotely can vote. \*\*

Tony Scheivert introduced himself to the Commission members as their March meeting had been cancelled and that was his first week with Upper Uwchlan Township.

Mr. Scheivert advised that 1 person had emailed him for this evening’s meeting link and password; however, that person is not in attendance.

Sally Winterton asked the status of the township building renovations. Mr. Scheivert explained that work was stopped when the Governor issued the first stay-at-home order; several weather-proofing items and paving need to be completed; it’s @ 95% complete and @ 2 more weeks were needed to complete punch list items, then we could’ve moved back. The Police Department’s equipment manufacturers can’t get the materials needed to finish their work, so they will move a couple weeks after Administration.

Chad Adams asked how the township was handling building permit reviews and inspections during this time. Tony Scheivert advised the building department is conducting some outdoor

inspections; several developers were granted exemptions from being shut down; some virtual inspections are taking place but we're avoiding in-home inspections to adhere to social distancing guidelines; building permit plans are being reviewed depending on the size of the plans and when they were submitted; we're trying to work with residents and contractors; we'll accept 3<sup>rd</sup> party inspections if they can prove the inspector is certified.

Jim Dewees asked about a waiver requested by Windsor Baptist Church during their conditional use / preliminary plan process, seeking relief from providing sidewalk along Park Road. The Commission had recommended granting the waiver; however, the Board of Supervisors did not. Tony will investigate the matter.

#### Approval of Minutes

Jeff Smith moved, seconded by Sally Winterton, to approve as presented the minutes of the February 13, 2020 Planning Commission meeting. The Motion carried unanimously.

Bob Schoenberger announced the next Planning Commission meeting date - May 14, 2020. The location will be determined closer to the date.

#### Open Session

Tony Scheivert announced that the April 14, 2020 Workshop will be a Supervisors Workshop, instead of the semi-annual Joint Boards & Commissions workshop, and it will also be a virtual meeting. The Supervisors' April 20 business meeting will be a virtual meeting.

#### Adjournment

Jim Dewees moved, seconded by Sally Winterton, to adjourn the meeting at 7:39 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary

**\*\* Pennsylvania's Office of Open Records' Sunshine Act Guide:**

[ <https://www.openrecords.pa.gov/SunshineAct.cfm> ]

"Can agency members participate in a meeting via telephone or video conference?"

Yes. Agency members may participate in meetings by telephone or video conference. In addition, members participating in this manner count for purposes of determining whether a quorum is present. See *Babac v. Penn. Milk Marketing Bd.*, 613 A.2d 551 (Pa. 1992). ("[A] quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and ... such quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously[.]")