



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING,  
CONDITIONAL USE HEARING

January 17, 2017

7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Kevin C. Kerr, Chair

Jamie W. Goncharoff, Vice-Chair

Guy A. Donatelli, Member

Kristin Camp, Esquire

Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager

Gwen A. Jonik, Township Secretary

Jill Bukata, Township Treasurer

John DeMarco, Police Chief

Mike Heckman, Director of Public Works

Dave Leh, P.E., Township Engineer

Mr. Kerr called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and offered a moment of silence.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the December 13, 2016 Board of Supervisors Workshop, December 19, 2016 Board of Supervisors Meeting and Conditional Use Hearing, and the January 3, 2017 Board of Supervisors Annual Organizational Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve payments to all vendors listed January 13, 2017. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the balance sheet remains strong, the Department is working on year-end tasks, the audit will begin in February, 2016 revenues were 104.9% of budget and 2016 expenses were 95.8% of budget.

Supervisor's Report

Recognition of Service. Mary Lou Farrow recently resigned after 29 years of service with the Township's Historic Commission. Mr. Kerr recounted Mary Lou's contributions during those years, including organizing property files and historic documents, and spearheading the development of Upper Uwchlan's historic resource inventory. Mrs. Farrow was presented with a framed Certificate of Recognition and Appreciation.

Mr. Kerr introduced Pam Baker of Barbacane & Thornton who joined him in presenting the Government Finance Officers Association's (GFOA) Award to Jill Bukata for the Township's Comprehensive Annual Financial Report (CAFR). The CAFR includes much greater detail of the Township finances, such as the value of assets, revenues, expenses, long-term planning, transparency, etc. This was our first CAFR and Mrs. Baker said it was quite an accomplishment to have received an Award the first year.

Public Service Recognitions. Chief DeMarco provided a brief report of the Department's activities during December - 1,069 calls logged. Chief DeMarco and Mr. Kerr recognized the following residents and Officers: Former Township Supervisor Walt Styer for his vision of developing a Township Police Department in the 1980s; Officer Steve Jones for 10 Years of Service; Officer Kyle Sherman for a Life-Saving Event; Officers Bob Davis, Rob Paradis and a resident for the November January 17, 2017 Board of Supervisors Meeting, Conditional Use Hearing

2016 arrest of a burglar; Detective Tom Jones for 25 Years of Service. Detective Jones was presented with a framed Certificate and a watch from the Board of Supervisors and the Township's Police Association presented Detective Jones with a plaque. Light refreshments were provided.

Mr. Kerr read the following calendar: January 30, 2017 7:00 p.m. Board of Supervisors – Special Meeting; February 14, 2017 4:00 p.m. Board of Supervisors Workshop; February 20, 2017 Office Closed – President's Day; February 21, 2017 (Tuesday) 7:00 p.m. Board of Supervisors Meeting; Yard Waste - Christmas Tree collection dates: February 1, February 15.

#### Administration Reports

##### Township Engineer's Report

Dave Leh reported that the model house is under construction for the Reserve at Chester Springs, located on Little Conestoga Road.

##### Building and Codes Department Report

Cary Vargo reported that 42 building permits were issued in December, totaling \$9,929 in permit fees. Total number of permits issued in 2016 were 779; \$270,569.86 in permit fees.

##### Public Works Department Report

Mike Heckman reported that along with routine maintenance activities, the Department completed the following work orders: 3 Municipal Authority; 33 PA-1 calls; 15 general public works; 2 parks; 11 solid waste/recycling; as well as cleaning storm water inlets and the crew attended the DelChester Public Works Association's winter training and equipment show.

A resident asked of the time frame for removing snow from sidewalks and what the policy is for cars on the street during snow storms. Mr. Heckman answered that sidewalks need to be shoveled within 12-24 hours after the snow stops and cars are not to be parked on the street because it hampers plowing – they will be ticketed.

##### Land Development

McKee – Milford Associates, L.P. Conditional Use Decision & Order. Kristin Camp, Esq., summarized the drafting of the Decision and Order for the Board to consider approving for this project – a 375-unit Active Adult Community on the 142.73 acre parcel (known as the Fetters property) located on Milford Road. Mrs. Camp briefly highlighted a few of the 19 Conditions of Approval: a structural engineer must assess the farmhouse to determine adaptive reuse feasibility; the interior roadway must connect with public roads in the Reserve at Eagle and the Reserve at Chester Springs – the plans will have to be revised to comply with this condition; Applicant will design/build Phase III of the Route 100 wastewater treatment plant; Applicant will provide on-site or obtain off-site wastewater disposal capacity; road improvements to include a traffic signal at Little Conestoga Road and Milford Road (upon PennDOT) approval and widening the south side of Milford Road along the property's frontage; providing trail connections to adjacent developments; fire marshal approval for fire hydrant placement; street trees are the responsibility of the Homeowners Association. This Decision runs with the land, not the developer.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve the Decision and Order and the 19 Conditions of Approval, as presented this evening and summarized by Mrs. Camp. Jan Farina questioned whether the road connections were just emergency access or through roads. Mrs. Camp explained they are full connections. The Board of Supervisors will decide if they'll approve the private roads within this community connecting with a public road to the adjacent developments. If conditional use is approved, the Applicant will submit land development plans in near future. Mary Lou Farrow requested that the structural engineer who assesses the farmhouse have experience with buildings, preferably historic buildings, rather than bridges as was the experience of the current Assessor. The Applicant's attorney, Denise Yarnoff, was present and was agreeable to revising Condition #8 to that effect. Mr. Donatelli commented that he wasn't in favor of the road connections

to the adjacent developments due to the nature of this type of 'neighborhood' but he wasn't going to vote against the rest of the Decision for that particular issue.

A vote was called and the Motion to approve the Decision and Order with Condition #8 revised carried unanimously. Kevin McLaughlin of the McKee Group thanked the Board and looks forward to building a vibrant community in Upper Uwchlan.

Escrow Release Requests. Dave Leh advised that Toll is requesting an escrow release of \$345,636.81 for site work – storm water inlet construction, paving, curbing, etc. – in connection with their Reserve at Chester Springs project. More than \$1,200,000 would remain in escrow. Gilmore & Associates reviewed the request and recommends the release. Mr. Donatelli moved, seconded by Mr. Goncharoff to release the \$345,636.81. The Motion carried unanimously.

Cary Vargo advised that Toll has requested an escrow release of \$135,160.56 for sanitary sewer improvement work at their Reserve at Chester Springs project. More than \$147,000 would remain in escrow. ARRO reviewed the request and recommends the release. Mr. Donatelli moved, seconded by Mr. Goncharoff to release the \$135,160.56. The Motion carried unanimously.

Cary Vargo advised that Toll has requested an escrow release of \$10,583.57 for sanitary sewer improvements at their Ewing West Vincent 2A Project. ARRO reviewed the request and recommends the release. Mr. Goncharoff moved, seconded by Mr. Donatelli, to recommend to the West Vincent Township Supervisors that they approve the release. The Motion carried unanimously.

Tax Collector Compensation Ordinance Amendment. Cary Vargo explained that the Board of Supervisors has been discussing decreasing the compensation for the Elected Tax Collector (real estate tax). The Elected Tax Collector serves a 4-year term. Any adjustment to the compensation has to be approved by mid-February in the year of the election of that position, which is 2017. Under consideration for tax collection of the 4,292 taxable parcels in Upper Uwchlan were the following 4 compensation options: continue with the current rate of 2% of collected taxes; contract with Keystone Collections at \$1.50/tax bill + postage; contract with Berkheimer at 1.35% of collected taxes; contract with the Chester County Treasurer at \$1.65/tax bill. The Board is considering an Ordinance amendment which would continue the current rate of compensation at 2% for January 1 through December 31, 2018 and contract with the Chester County Treasurer to begin collecting the taxes effective January 1, 2019 at \$1.65/tax bill. Mr. Goncharoff moved, seconded by Mr. Donatelli, to authorize the advertisement of the Tax Collector Compensation Ordinance Amendment which continues the current rate of compensation at 2% of collected taxes January 1 – December 31, 2018 and contract with the County Treasurer to collect the real estate taxes at \$1.65/tax bill beginning January 1, 2019. The Motion carried unanimously. A Special Meeting is scheduled to consider the adoption of the Ordinance Amendment as required by February 14, 2017.

#### Open Session

Joanne McNaughton asked why the January 30, 2017 Special Meeting was scheduled. Mr. Kerr advised the January 30, 2017 Special Meeting had been scheduled to potentially adopt the Tax Collector Compensation Ordinance amendment.

Joanne McNaughton asked of the status of DSM's building in the Eagleview Corporate Center. Mr. Vargo advised that DSM is moving forward with construction allowed through the conditional use approval.

Mr. Kerr adjourned the business meeting at 7:48 p.m. and announced a short recess would be taken to prepare for the Conditional Use Hearing.

Mr. Kerr called the evening back to order at 7:58 p.m. and asked Kristin Camp, the Township's Solicitor, to conduct the Conditional Use Hearing for T. Richard Moser Land Developers, LP for the Marsh Lea 21-Lot subdivision proposed on Little Conestoga Road. Court Recorder Mark Hagerty recorded the proceedings and the Transcript is the formal Record. Ms. Camp read the Conditional Use Application requesting permission for portions of certain dwellings, driveways, roads and utilities within the roads, stormwater management facilities, sanitary sewer systems and grading associated with those uses to be located in precautionary slopes.

Ms. Camp entered into the Record the following Board Exhibits:

- B-1 Conditional Use Application dated November 23, 2016
- B-2 Conditional Use Plan prepared by E.B. Walsh & Associates dated April 17, 2016
- B-3 Architectural drawing
- B-4 Proof of Publication in the Daily Local News
- B-5 Affidavit of the property posting
- B-6 Planning Commission meeting minutes – October 13, 2016
- B-7 Gilmore & Associates January 11, 2017 review letter
- B-8 Letter from Lou Colagreco, Esq., requesting waivers from providing impact statements

Ms. Camp explained that disturbance of precautionary steep slopes (greater than 15% grade) requires Conditional Use Approval. Nicholas Romano, 106 Shoreline Drive, requested Party Status, which allows him to ask questions, present evidence, and appeal the Board's Decision.

Mr. Colagreco, Esq., distributed Exhibit packets containing A-1 thru A-9, questioned T. Richard Moser, the Developer, and Adam Brower, P.E. with E.B. Walsh regarding the proposed 21 homes in Upper Uwchlan Township, on Little Conestoga Road, at the Wallace Township boundary. Quite a few areas of construction will disturb steep slopes – portions of homes, wells, roads – of which most are on the parcels sloping toward the lake.

The Board of Supervisors asked several questions (answers in *italics*) regarding the difference between precautionary (+15% grade) and prohibitive (+25% grade) steep slopes, and where are the proper construction procedures defined and monitored (*through land development process, and reviews by PaDEP and Chester County Conservation District*).

The Applicant's Exhibits A-1 through A-9 were admitted into the record. Mr. Romano did not have any questions.

Ms. Camp asked the Board if they wanted to close the Record and make a Decision tonight. Mr. Donatelli suggested the Board grant approval of the Conditional Use request with the conditions of approval to be addressing the concerns raised in Gilmore's review letter. Mr. Goncharoff moved, seconded by Mr. Donatelli, to grant the Use Approval consistent with the Application and testimony presented this evening and conditioned upon the Applicant addressing the concerns in Gilmore's January 2017 review letter, and granting the requested waivers from providing the traffic, recreation, historic resource and fiscal impact statements. The Motion carried unanimously.

#### Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the evening at 8:21 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary