



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

June 19, 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, Esq., Township Solicitor

Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager

Shanna Lodge, Assistant Township Manager

Gwen A. Jonik, Township Secretary

Jill Bukata, Township Treasurer

John DeMarco, Police Chief

Mike Heckman, Director of Public Works

Dave Leh, Township Engineer

Chris Williams, Township Traffic Engineer

Sheila Fleming, Township Planner

Matt Brown, Township Wastewater Engineer

Mr. Kerr called the meeting to order at 7:01 p.m., led the Pledge of Allegiance, offered a moment of silence and announced the business meeting would be held prior to the Conditional Use Hearing this evening. Mr. Kerr inquired of anyone planning to record the meeting. There were no responses.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve as presented the minutes of the May 9, 2017 Board of Supervisors Workshop and the May 15, 2017 Board of Supervisors Meeting and Conditional Use Hearings. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve the payments to all vendors listed June 14-15, 2017. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the balance sheet remains strong; year-to-date revenues are at 41.7% of the annual budget; expenses are at 35.4%; earned income tax is higher than the same period last year.

Supervisor's Report

Mr. Kerr announced that the Board had met with residents interested in serving on the Park & Recreation Board. Mr. Donatelli moved, seconded by Mr. Goncharoff, to appoint the following residents to the Park & Recreation Board. The Motion carried unanimously.

Chris Foster, Sushila Subramanian (terms expiring 12/31/2019)

Patrick Dennin, Cathy Tomlinson (terms expiring 12/31/2020)

Lou Lanzalotto, John McManus, Praveen Nadkarni (terms expiring 12/31/2021)

The Board had also met with residents interested in serving on the Historic Commission. Mr. Donatelli moved, seconded by Mr. Goncharoff, to appoint the following residents to the Historic Commission. The Motion carried unanimously.

Vivian McCardell, Devdeep Maity (terms expiring 12/31/2019)
Mark Fisher (term expiring 12/31/2020)

Mr. Kerr read the following calendar: July 4, 2017 Office Closed ~ Independence Day; July 11, 2017 4:00 p.m. Board of Supervisors Workshop; July 17, 2017 7:00 p.m. Board of Supervisors Meeting; Yard Waste Collections June 21, June 28, July 12 and July 26.

ADMINISTRATION REPORTS

Township Engineer's Report

Dave Leh reported that revised McKee-Fetters Land Development Plans will be reviewed for the July 13 Planning Commission meeting.

Building and Codes Department Report

Cary Vargo reported that 61 building permits were issued in May, totaling \$13,118.56 in permit fees.

Police Chief's Report

Chief DeMarco reported the Department handled 996 calls, including 9 arrests, issuing 72 verbal traffic warnings, 8 written traffic citations. Part-time Officer Bill Quinn will be sworn in in the near future.

Public Works Department Report

Mike Heckman reported that the Department completed 144 of 171 work orders received over the past month, cleaned inlets throughout the Township; the recently installed sump pit in Hickory Park is working great; the bids for milling and paving were due and opened last week; and the street sweeper truck was received May 18 and was immediately put into service.

LAND DEVELOPMENT

Toll Brothers Reserve at Chester Springs Escrow Release. Toll Brothers has requested an escrow release for public improvements at the Reserve at Chester Springs project. Gilmore reviewed the request and recommends releasing the requested amount, \$87,336.72. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve Toll's request to release \$87,336.72. The Motion carried unanimously.

Conditional Use Approval Extensions.

Gunner Properties 270-290 Park Road project is awaiting DEP approval and won't be able to apply for a building permit prior to expiration of the conditional use approval. They request a 1-year extension to apply for a building permit, to June 30, 2018. Mr. Goncharoff moved, seconded by Mr. Donatelli, to extend the conditional use approval to June 30, 2018. The Motion carried unanimously.

McKee/Fetters project is moving through the land development process, awaiting permit approvals from various agencies and also requested an extension of the conditional use approval. Mr. Donatelli moved, seconded by Mr. Goncharoff, to extend the conditional use approval to July 17, 2018. The Motion carried unanimously.

ADMINISTRATION

2017 Road Milling and Paving. Mike Heckman advised that ten bids were received for the road milling and paving contract. He has scheduled 2.67 miles of roadway to be milled and paved. The low bidder is Glasgow Inc. at \$5.87/square yard for milling and \$70.64/ton in place for asphalt overlay, for a total cost of +/- \$382,300.00. This is below the 2017 budgeted amount so

he'd like to add Hoffman Circle to the project list, bringing the total to \$403,300.00, which is still within the 2017 budget. The roads are inspected each year, and the paving rotation is averaging 11 years using the newer materials; the paving doesn't last 18 years as it did with the old materials.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to award the 2017 Road Milling and Paving Contract to Glasgow Inc. at \$5.87/square yard milling and \$70.64/ton in place for the asphalt overlay. The Motion carried unanimously.

Ordinance amendments – Medical Marijuana, Keeping of Chickens. Cary Vargo advised that the current Township ordinances do not allow chickens to be kept. An Ordinance to allow specific numbers of chickens according to residential lot size was drafted, and revised several times, prior to the Township Planning Commission recommending for approval the Ordinance presented this evening. The Ordinance also includes provisions in response to Pennsylvania Act 16 of April 2016, which legalized and regulates medical marijuana grower/processors and dispensaries in the State, by allowing these uses in specific commercial districts and the Limited Industrial / Planned Industrial districts.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to adopt **Ordinance # 2017-02** which allows for medical marijuana dispensaries and grower/processors in specific zoning districts in the Township and allows for the keeping of chickens -- specific numbers of hen chickens according to residential lot size. The Motion carried unanimously.

Resolution and Agreement for Electronic Access to PennDOT Systems. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution # 06-19-17-11, which authorizes specific Township Staff to execute and enter into an Electronic Access License Agreement with PennDOT, in order for Township Staff to electronically file liquid fuels related information and annual reports. The Motion carried unanimously.

Wastewater Disposal Capacity – Purchase Agreement. Mr. Vargo advised that an Agreement has been drafted and reviewed by Township and Municipal Authority Solicitors to document the allocation of 33 EDUs (equivalent dwelling units) for wastewater treatment (Route 100 Plant) and disposal capacities for the Gunner Properties/Toll Brothers 270-290 Park Road townhome project, and the purchase of 14,030 gallons per day of wastewater disposal capacity by the Township from Toll Brothers. The Municipal Authority has reviewed the Agreement and anticipates executing the Agreement and +\$400,000 check to purchase the 14,030 gallons of disposal capacity at their June meeting.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve and execute the Agreement between the Township, the Municipal Authority, Gunner Properties and Toll Brothers, as stated above: 33 EDUs of wastewater treatment and disposal for the 270-290 Park Road project; and the Township's/Authority's purchase from Toll Brothers of 14,030 gallons per day of wastewater disposal capacity. The Motion carried unanimously.

Open Session

There were no comments offered.

Mr. Kerr adjourned the business meeting at 7:23 p.m. and advised a 5-minute recess would take place in order to prepare for the Conditional Use Hearing.

Conditional Use Hearing. Applicant: Black Horse ELU, LLC (also known as the Jankowski Tract)
Mr. Kerr reconvened the evening at 7:32 p.m. and asked Kristin Camp, Esq., to conduct the Conditional Use Hearing. Mark Hagerty, Court Stenographer, recorded the proceedings. The Transcript contains all testimony and details, and is the Record.

The Conditional Use Application seeks permission to construct 55 single-family detached homes, with 40% open space, on a 40-acre tract, currently vacant, in the R-2/F-1 Overlay District along the west side of Route 100 near the boundary with West Vincent Township.

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

- B-1 Conditional Use Application dated March 29, 2017, with Plan and Impact Studies
- B-2 Revised Conditional Use Plan prepared by E.B. Walsh, dated May 16, 2017
- B-3 Proof of Publication
- B-4 Mailing List of Property Owners Receiving Hearing Notice
- B-5 Affidavit of Property Posting
- B-6 Planning Commission Meeting Minutes: May 11, 2017 Approved, June 8, 2017 Draft
- B-7 Hearing Date Extension Approval
- B-8 Gilmore/Consultants' Review Letter dated May 9, 2017
- B-9 Gilmore/Consultants' Review Letter dated June 12, 2017
- B-10 Fire Marshal Review Letter dated June 13, 2017
- B-11 Moser Concerned with Development dated June 19, 2017

Ms. Camp explained the Hearing Process and asked if anyone who lives close to the proposed development or who'd be impacted by the project would care to be admitted as a Party.

Carriage Drive residents M/M Rufo, M/M Aird, M/M Senatz, Mr. Gallagher, Mr. Alverio, and M/M Miller; Milford Road residents M/M Moser and M/M Grissom; and Pottstown Pike residents M/M Farag, were admitted as Parties.

John Jaros, Esq., representing Black Horse ELU, LLC, John Mostoller – Envision Land Use, Adam Brower – E.B. Walsh, Matt Hammond – Traffic Planning & Design, David Babbitt – Babbitt and Associates, Ted Gacomis – E.B. Walsh, the Jankowskis and the Pomantos, were in attendance for the Applicant.

Mr. Jaros distributed booklets of the Applicant's Exhibits A-1 through A-19. All of the Applicant's witnesses were sworn in as a group and Mr. Jaros proceeded to ask questions of Mr. Mostoller. In summary the proposed development is 55 single family homes, on 7,500 square foot lots, a connector road from Milford Road to Route 100, a trail, an all-purpose field and a dog park. The all-purpose field is basically for this development's use, there will be no parking along the connector road, there will be a Homeowners Association which will be responsible for maintenance of the open space and trail, the homes will be served by public water (Aqua PA) and public sewer. There is no suitable wastewater disposal area on-site, necessitating discussion with the Municipal Authority for alternative disposal capacity, which they propose purchasing from the Township. Exhibit A-18 shows a typical architectural elevation, 10-12 styles offered, in the range of \$500,000-600,000.

Mrs. Moser, Mr. Gallagher, Mrs. Miller, Mr. Grissom, Mr. Alverio, and Mr. Dennin had questions for Mr. Mostoller.

Mr. Jaros proceeded to ask questions of Adam Brower, who added they don't plan to disturb the wetlands on the property, there is a gas pipeline and PECO lines through the property, which they'd plan to relocate the PECO lines, the planned storm water management areas will protect the neighboring properties from runoff, each home will have a 2-car garage and 2-car side-by-side driveway, there are 20.2 acres of open space (49% of the tract), the Base Density equals 41 lots, plus the F-1 Overlay Bonus for additional open space provides for the total 55 lots

proposed. They'll seek 2 waivers: 1) the interior road of 28' wide with parking on one side, and 2) providing sidewalk on only 1 side. They can comply with the comments contained in the Consultants' reviews.

The Board of Supervisors, Ms. Camp, Mr. Rufo, Mr. Gallagher, Mr. Alverio, Mr. Grissom, Mrs. Miller, Mr. Nadkarni, asked a number of questions of Mr. Brower. There was discussion of the open space calculation and the inclusion of the connector road in the calculation. The matter was not resolved this evening.

Discussion was held regarding the continuation of the Hearing and it was announced that the Hearing would be continued to Tuesday, July 11, 2017, beginning at 6:00 PM at the Township Building.

Mr. Kerr adjourned the evening at 9:57 PM.

Respectfully submitted,

Gwen A. Jonik
Township Secretary