



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING,  
CONDITIONAL USE HEARING  
October 16, 2017  
7:00 p.m.  
**Approved**

LOCATION: Byers Station Community Center  
1115 Sunderland Avenue  
Chester Springs, PA 19425

In Attendance:

Board of Supervisors

Kevin C. Kerr, Chair  
Jamie W. Goncharoff, Vice-Chair  
Guy A. Donatelli, Member

Township Administration

Cary B. Vargo, Township Manager  
Shanna Lodge, Assistant Township Manager  
Gwen A. Jonik, Township Secretary  
Jill Bukata, Treasurer  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Mike Heckman, Director of Public Works  
Dave Leh, Township Civil Engineer  
Chris Williams, Township Traffic Engineer  
David Schlott, Jr., Township Wastewater Engineer

Kristin Camp, Esq., Township Solicitor  
Mark Hagerty, Court Stenographer

The meeting was held at the Byers Station Community Center, 1115 Sunderland Avenue, Chester Springs, at the request of the Board of Supervisors.

Mr. Kerr called the meeting to order at 7:05 p.m., led the Pledge of Allegiance, offered a moment of silence and 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 September 12, 2017 Board of Supervisors Workshop and the September 18, 2017 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

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

Treasurer's Report

Jill Bukata requested the Board approve a transfer of funds from the Solid Waste Fund to the Capital Fund. The \$350,000 transfer was planned in the 2017 Budget. The Solid Waste Fund has sufficient funds for its operation through the rest of 2017. Mr. Goncharoff moved, seconded by Mr. Donatelli, to approve the transfer of the funds. The Motion carried unanimously.

Ms. Bukata reported the balance sheet continues to be strong; year-to-date revenue is at 85.4% of the budget and expenses are at 73.3% of the budget. Year-to-date earned income tax is over \$2,800,000, which is \$200,000+ higher than at this time last year. Annual State aid for the pension plans (\$174,000) and the Foreign Fire Relief Premium funding (\$95,000) has been received and distributed accordingly.

### Supervisor's Report

Police Chaplain Appointment. Chief DeMarco introduced Township resident Peter Drinkwater and requests his appointment as a Police Chaplain. Chief DeMarco explained that whenever there's a tragedy in the Township, the Police Chaplain serves the family and the Police Department can focus on the incident. The Chaplain also serves the Officers. Father Mullin currently serves in this capacity and will continue to do so. Mr. Drinkwater has completed his training and has received his certification. The Board is familiar with Mr. Drinkwater as he has served on the Township's Technology Advisory Board from its inception. Mr. Goncharoff moved, seconded by Mr. Donatelli, to appoint Peter Drinkwater as a Police Chaplain for Upper Uwchlan Township. The Motion carried unanimously.

Redesigned Township Website Demonstration. Shanna Lodge, Assistant Township Manager, provided a brief demonstration of the newly redesigned Township website. The website address remains [www.upperuwchlan-pa.gov](http://www.upperuwchlan-pa.gov), the menus are very similar but more prominent, frequently visited pages are accessible via prominent graphic buttons and there are many great photos from around the Township provided by the Upper Uwchlan Area Community Photography Club. There's a 'carousel' of news items for easier scrolling, and the website was designed to be more mobile-responsive, as 40% of the traffic comes from mobile devices. The pages now fit nice and evenly on your mobile device. Remember to go to "Notify Me" to sign up for a variety of website updates.

Mr. Kerr read published calendar as follows: November 7, 2017 Election Day – Polls are open 7:00 a.m. – 8:00 p.m.; November 9, 2017 4:00 p.m. Chester County Association of Township Officials' Fall Conference; November 14, 2017 4:00 p.m. Board of Supervisors and Draft 2018 Budget Workshop; November 20, 2017 7:00 p.m. Board of Supervisors Meeting; November 23-24, 2017 Office Closed – Thanksgiving Holiday; and Yard Waste Collections are October 18, 25, November 8, 15, 22.

### ADMINISTRATION REPORTS

#### Township Engineer's Report

Dave Leh reported that a preliminary/final land development plan for a building addition at CarSense was reviewed by the Planning Commission, who recommended plan approval. The Consultants are reviewing 'clean' plans for Byers Station Parcel 5C, a.k.a. Village at Byers Station, and a pre-construction meeting is scheduled.

#### Building and Codes Department Report

Al Gaspari reported that 86 building permits were approved in the last month, totaling \$29,486 in permit fees; fire and safety inspections have occurred at approximately ¾ of the commercial properties in the township; the retail space that had been Stadium Grille is under lease for a new restaurant. It will be a slightly smaller restaurant, with a liquor license; he is working with an Eagle Scout candidate whose project is a picnic area at Upland Farms Park.

#### Police Chief's Report

Chief DeMarco reported the Department handled 967 calls, including 9 reported crimes and 5 criminal arrests. Chief reminded those who walk to be aware of your surroundings, and wear reflective clothing.

#### Public Works Department Report

Mike Heckman reported that over the past month, 176 work orders were submitted and 175 have been completed; the line painting contractor has completed the long lines and will finish intersection work shortly; storm water inlets are being cleaned and an inlet was repaired on Churchill Drive; two staff attended a playground safety and maintenance class; 4 staff attended the quarterly Del/Chester Public Works Association training meeting.

### Land Development

Ewing Tract – West Vincent Township Phase 1/2A Final Escrow Release. Toll Brothers requested a final escrow release for the Ewing Tract - West Vincent Township - sanitary sewer infrastructure, in the amount of \$803,738.05. The consultants have reviewed the request and recommend the release. Mr. Donatelli moved, seconded by Mr. Goncharoff, to recommend to the West Vincent Township Supervisors that they approve the release of the final \$803,738.05 in escrow. The Motion carried unanimously.

McKee-Milford Associates Final Land Development Plan (Fetters Property). Denise Yarnoff, Esq., reminded attendees that Preliminary Land Development Plan approval was granted July 2017, and the Applicant can address all of the consultants' comments from that Plan review. The Plan proposes 375 new homes, plus the 1 existing home, the development will be age-restricted (55+), there will be 2 accesses on Milford Road, a connection to Radek Court in the Reserve at Chester Springs to the west and a connection to Prescott Drive in the Reserve at Eagle to the east, all trails will be open to the public, there will be a community center and a swimming pool. There is restricted open space for the drip wastewater disposal field, a mix of roads – the main accesses are public, the interior roads are going to remain private.

Mr. Donatelli commended the staff and the Applicants for working together to make this the best possible plan it could be. Ms. Yarnoff echoed that sentiment on behalf of the McKee Group.

Mr. Goncharoff moved, seconded by Mr. Donatelli, to grant Final Subdivision / Land Development Plan Approval to the "Subdivision/Land Development Plan for the McKee Group" dated March 1, 2017 and last revised September 8, 2017 with the following conditions. The Motion carried unanimously.

1. The Applicant shall comply with the conditions and requirements set forth in the January 17, 2017 Conditional Use Decision & Order.
2. The Applicant shall comply with all conditions and requirements set forth in the July 17, 2017 Preliminary Subdivision / Land Development Approval.
3. The Plans shall be revised to address the comments listed in Gilmore & Associates' review letter dated October 5, 2017, to the satisfaction of the Township consultants.
4. A waiver is granted from The Storm Water Management Ordinance Section 152-311.H.(1) to permit a maximum depth of water in the retention basins of 4 feet for the 2-year storm and 7 feet for the 100-year storm instead of 2 feet and 5 feet, respectively, contingent upon compliance with the conditions set forth in Gilmore & Associates Inc.'s October 5, 2017 review letter.
5. A temporary emergency access shall be provided during the first phase of the project and shall remain in place until a second formal access has been established.
6. A Traffic Impact Fee shall be paid in the amount of \$268,410.00. However, this fee may be reduced as a result of credits for eligible offsite traffic improvements completed by the Applicant. The fee shall be paid prior to the issuance of the first building permit.

### ADMINISTRATION

Open Community Corps' Sewage Facility Planning Module. Resolution #10-16-17-14 authorizes the Township to submit to PaDEP for review John Shelton's "Open Community Corps" sewage facility planning module. The project proposes an adaptive re-use of the former Upattinas school buildings, to include 18 residential condominiums in the existing buildings, served by public water and public sewer. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution #10-16-17-14, authorizing the Township to submit the sewage facility planning module to PaDEP, for their review and approval. The Motion carried unanimously.

Traffic Signal Application. Resolution #10-16-17-15 authorizes the Township to submit to PennDOT an Application for evaluation and approval of a traffic signal at the intersection of Milford Road and Little Conestoga Road. The Township's Act 209 Transportation Capital Improvements Plan has had this intersection listed for safety concerns and the potential approval of the McKee-Milford Associates land development plan increases the warrants for a signal at the intersection. Mr. Goncharoff moved, seconded by Mr. Donatelli, to adopt Resolution #10-16-17-15 to submit the Application to PennDOT for review.

Ms. Colligon, LaFitte Court, voiced concern with inadequate snow and ice removal on Little Conestoga Road, a State road, and traction issues when stopped for a signal. Mr. McNaughton asked if there will be turn lanes. Chris Williams, the Township's traffic engineer, replied that following PennDOT's review and approval of the Application, the intersection will be fully designed – widening, alignment -- and may include turn lanes. The Motion to adopt Resolution #10-16-17-15 carried unanimously.

#### Open Session

Steve Senn asked if left turn lights are warranted on Graphite Mine Road, to turn onto Byers road. Cary Vargo and Chris Williams advised that we'll re-evaluate the intersection for those traffic movements and discuss with PennDOT.

Steve Senn commented that the timing of the traffic light at Wolfington @ 6:00/6:30 a.m. is odd. Cary Vargo advised it will be investigated.

Kumar Bhargava, Byers Station resident, welcomed the Board and attendees to the Byers Station Community Center. He asked what was happening with Byers Station parcels 5C and 6C. Cary Vargo advised that 121 townhomes have been approved for the northern part of Byers Station Parcel 5C (the vacant parcel just north of the Township Building) and 75,000 SF of commercial/retail was approved for the southern part of 5C but tenants -- a smaller anchor tenant and small shops -- aren't known at this time.

Mr. Bhargava also asked for information regarding the farmhouse next door to the Community Center. It's been deteriorating and the Homeowners Association is considering demolition and rebuilding.

Ms. Colligon commented that pedestrian crossings need better signs and school flashing signals need to be more prominent.

Kiran Nikuranti thanked Mr. Kerr, Chief DeMarco, and Mr. Gaspari for their help with the Diwali food drive. The food drive has been quite successful, collecting 50,000 lbs. of food to date and it continues through October 21. Mr. Kerr congratulated the group for their efforts to date.

Fred Gunther, of 160 Park Road, commented he'd like to work through the issues with Don Tracy and his neighbors to make a positive impact on the community at large. Waynebrook neighbors are welcome to contact Mr. Gunther as issues arise. Mr. Kerr and Mr. Donatelli thanked Mr. Gunther for the open communication, and they encouraged all parties to work together. Mr. Patel, a Waynebrook neighbor, thanked the Board for their efforts in the matter.

Mr. Kerr adjourned the regular business meeting at 8:03 p.m. and announced a 5-minute recess would be taken to set up for the Conditional Use Hearing.

Mr. Kerr reconvened the evening at 8:10 p.m. and asked Kristin Camp, Esq., to conduct the Montesano Brothers Conditional Use Hearing. Court Stenographer, Mark Hagerty, recorded the proceedings.

Ms. Camp advised that the Montesano Brothers were seeking Conditional Use Approval to allow outside seating and table service at their market/restaurant at 55 Seaboldt Way. Ms. Camp marked the following Board Exhibits into the Record:

- B-1 Conditional Use Application dated August 8, 2017
- B-2 Proof of Publication
- B-3 Affidavit of Property Posting
- B-4 McMahon Associates Letter dated September 14, 2017

B-5 Applicants' September 19, 2017 Supplemental Parking Letters  
B-6 Gilmore & Associates Letter dated September 28, 2017  
B-7 Township Planning Commission's Approved September 14, 2017 Meeting Minutes  
B-8 ARRO Letter dated October 10, 2017

Ms. Camp explained the conditional use hearing process and asked if anyone wanted to be a Party to the Proceedings. There were no responses.

Michael and Vincent Montesano were in attendance and provided testimony, summarized as follows. The Court Stenographer's transcript is the formal record of testimony.

The Montesano Brothers would like to expand their restaurant by providing outdoor seating when the weather is nice and having wait table service inside and out. They've been operating in Eagle for 11 years; lunch-early dinner-catering; current hours are Monday-Saturday 9:00-6:00, Sunday 9:00-3:00; 40 seats inside, proposing 26-40 outside; currently 20 parking spaces plus 1 handicapped space; they rent the parcel; they'd also like to serve "2<sup>nd</sup> Story" craft beer, and wine, and increase their hours to be open until 9:00/10:00 PM. A "Storage License" application has been submitted by the Brewer to the PCLB and they're awaiting approval. Wine will be sold by the glass; no take-out alcohol; the wait staff will be properly trained regarding alcohol service.

The Board questioned the lack of parking for 66-80 seats, which would require 40 parking spaces. The Montesanos have written permission to use parking spaces at several adjacent businesses after they close for the day, but adequate parking wouldn't be guaranteed for lunch and afternoon customers.

The Board questioned the increased public sewer capacity needed. David Schlott of ARRO noted that with the original application seeking 26 outside seats, they'd need approximately 2 more EDUs (equivalent dwelling units). With the additional outdoor seating mentioned this evening, a re-calculation is needed, generally based on 3 gallons per seat per day. They have 2 restrooms currently but may need more.

Outdoor lighting will be coordinated according to Code. There may be 2 small speakers outside that provide radio / soft background music. There might be an occasional event or private party, but nothing on-going is planned.

The Board generally favors the use but the parking and sewer details to be more concrete before drafting a Decision.

The Hearing is continued on the Record to Monday, November 20, 2017 following the Board of Supervisors' 7:00 p.m. business meeting, which will be held at the Township Building.

#### Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the evening At 9:18 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary