



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING,  
CONDITIONAL USE HEARING  
November 20, 2017

7:00 p.m.

Approved  
(with revision in italics)

In Attendance:

Board of Supervisors

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

Mr. Goncharoff, in Mr. Kerr's absence, called the meeting to order at 7:02 p.m., led the Pledge of Allegiance, offered a moment of silence and asked if anyone planned to record the meeting. Christina DiGiulio plans to audio and video record the meeting.

The Conditional Use Hearing for Montesano Brothers' Application has been Continued to December 18, 2017, following the Board of Supervisors 7:00 p.m. business meeting.

Approval of Minutes

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the October 10, 2017 Board of Supervisors and Draft 2018 Budget Workshop. The Motion carried unanimously.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the October 16, 2017 Board of Supervisors Meeting and Conditional Use Hearing. The Motion carried unanimously.

Approval of Payments

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

Treasurers Report

Jill Bukata reported the Township financial position remains strong; year-to-date revenues are at 90.2% of the budget; year-to-date expenses are at 80.5% of budget; earned income tax receipts are \$238,000 greater than this time last year.

Supervisors Report

Mr. Goncharoff read the published calendar as follows: November 25, 2017 5:00 p.m. Holiday Tree Lighting at Upland Farms Park; December 12, 2017 4:00 p.m. Board of Supervisors Workshop; December 18, 2017 7:00 p.m. Board of Supervisors Meeting; December 25, 2017 Office Closed ~ Christmas Day; January 1, 2018 Office Closed ~ New Year's Day; January 2, 2018 7:00 p.m. Board of Supervisors Annual Organizational Meeting; and Yard Waste Collections November 22, 29, December 13, and 27 (includes Christmas trees).

## Administration Reports

### Township Engineer's Report

Dave Leh reported that the Carsense Land Development Plan is on tonight's agenda for approval; the Marsh Lea project has received all appropriate approvals and permits - construction may begin in the next few months; Byers Station Parcel 5C (Village at Byers Station) may begin site work soon.

Don Carlson asked of the status of Parcel 5C commercial development. Cary Vargo replied the Developer advises they've found several tenants.

### Building / Codes Department Report

Al Gaspari reported that 101 building permits were issued during October, totaling \$70,000 in permit fees; he investigated on-going overnight noise complaints at FedEx - dock leveling silencers are being installed to remedy the situation; a gas line will be installed and a few telephone poles moved for the Townes at Chester Springs on Park Road; the first round of commercial property fire and safety inspections is almost done - @ 140 businesses - most need to provide us with their Material Safety Data (MSD) Sheets. Mr. Goncharoff asked if the MSD sheets are sent to fire and emergency responders. Mr. Gaspari advises they'll be provided to Lionville Fire Company, if not already.

### Police Chief's Report

Chief DeMarco reported that the Department handled 1,115 calls, and issued 96 verbal warnings for traffic issues; the Limerick Generating Station Drill went pretty well last week - it's monitored by PEMA and involves 20 municipalities; parking is allowed on Darrell Drive for this Saturday's Holiday Tree Lighting; and the Chief reminded residents to be careful regarding package deliveries to your home at this time of year - they're a very easy target for thieves.

### Public Works Department Report

Mike Heckman reported the Department completed 133 of 133 work orders received; line painting is complete; work continues on the 2018 budget; various storm water inlets have been repaired and/or cleaned; prepared the Upland Farms Barn for the Holiday Tree Lighting; worked with East Brandywine Township for the Lyndell Road bridge repair.

### Land Development

Carsense. Giovanni Manilio of Redcom Design advised that Penske has purchased the Carsense franchise and is making interior and exterior improvements throughout the site. They're proposing a 2,253 SF addition to the car detailing building and a 600 SF storage shed for site and winter maintenance equipment. They're asking for waivers from providing a site analysis and impact plan and from the traffic impact fee. They're also being connected to public water and public sewer service. They follow proper environmental measures to separate the oil and reclaim the water, etc. The cleaned water will go into the Eaglepointe WWTF. They'll address the comments in the consultants' review letters and will comply with the landscaping requirements, using evergreens instead of deciduous trees to avoid sap, falling tree limbs, and attracting fewer birds. No new lighting is proposed.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to grant approval of the Preliminary / Final Land Development Plan prepared by Giovanni Manilio P.E. titled Preliminary & Final Site Plan for Carsense, dated August 11, 2017, accompanied by the following conditions:

1. The Applicant shall revise the plans to address the comments contained in Gilmore & Associates, Inc.'s October 6, 2017 review letter.
2. A waiver is hereby granted from Section 162-9.D., which requires a Site Analysis and Impact Plan be prepared.
3. The Applicant will provide additional information to the Township Traffic Engineer for a determination as to whether or not a Traffic Impact Fee is applicable. If it is determined a fee is required, the fee shall be paid at the time of building permit application.

Don Carlson stated they should add a Condition that the Applicant address the Municipal Authority's/ARRO's comments. Mr. Donatelli restated his Motion including Mr. Carlson's request, Mr. Goncharoff seconded, and the Motion carried unanimously.

#### ADMINISTRATION

Authorize Township Manager to Execute Park Road Trail Agreements. Mr. Vargo advised that in order to reconstruct Park Road from Moore Road to Marsh Creek State Park and install the trail (Phase IV) from Hickory Park to Marsh Creek State Park, we need easements and right-of-way agreements from 10 properties. We have 4 Agreements so far. Checks for those easements and rights-of-way will be prepared on a monthly basis, from the Capital Fund. Two separate Appraisers are used.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to authorize the Township Manager to execute the easements and right-of-way Agreements associated with the Park Road reconstruction and Trail Phase IV project. The Motion carried unanimously.

Firefighters Relief Fund Distribution. Jill Bukata advised that in 1984 Act 205 taxes the gross premiums of fire insurance companies on homeowners insurance policies, which is distributed to the Municipalities for distribution to the Fire Companies that serve the Municipalities. Upper Uwchlan received \$95,002.16, which will be distributed as follows, based on population served and number of responses:

Ludwigs Corner Fire Company \$45,622.83; Lionville Fire Company \$41,237.87;  
East Brandywine Fire Company \$5,468.74; and Glenmoore Fire Company \$2,672.72.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to distribute the Fire Relief Funds as detailed above. The Motion carried unanimously.

Act 42 of 2017 Mini-Casinos. Mr. Goncharoff explained a recently enacted law allows the operation of 10 smaller-sized casinos throughout the State. Mr. Vargo further explained that the mini-casinos can include slot machines and table games. The Township would receive 2% of slot revenue and 1% of table games. Townships can prohibit mini-casinos from being located in their township, if so desired, by adopting a Resolution stating said prohibition and submitting it to the Pennsylvania Gaming Control Board by year's end. If adopted, the Resolution doesn't tie the hands of future Boards as it can be rescinded one time only, to allow a mini-casino if desired. After discussion, this Board chooses to prohibit mini-casinos in Upper Uwchlan Township.

Mr. Donatelli moved, seconded by Mr. Goncharoff, to adopt Resolution #11-20-17-16, which prohibits the location of a mini-casino within the boundaries of Upper Uwchlan Township. The Motion carried unanimously.

#### Open Session

Jim Dewees commented that the tree lighting this Saturday is of a Christmas tree, not a holiday tree, and should be referred to as such.

Jeffrey Smith commented he didn't agree with Mr. Dewees.

Jill Vilosky commented on Sunoco pipeline drilling violating the Township noise ordinance. Mr. Goncharoff explained that the drilling work is complete and the current noise is from the "pullback" activity. Mr. Vargo explained that the Township is allowing the pullback activity as Sunoco can't stop once started or they risk the hole collapsing and having to re-drill. Mr. Donatelli explained that this isn't something the Board approves. The Staff consulted experts on the activity so that the decision to allow the 24-hour activity for just a few days could be determined on facts.

Christina DiGiulio commented that the safety of the residents is paramount. Mr. Vargo and Mr. Donatelli advised that in Pennsylvania, the Townships can't control where pipelines are sited. We can work with the pipeline companies to get them in and out of the Township as safely and quickly as possible, at the least inconvenience to the residents.

Jason Huff asked for details regarding the proposed condos in the former Upattinas School property and was a variance required. Mr. Vargo advised that the Developer states he's proposing to use the adaptive reuse of historic structures ordinance to convert them to condominiums – 16 or 18 total – but no formal plans have been submitted and the sewage planning module had to go to PaDEP for their review. Mr. Huff commented that he is opposed to condos.

Janine Lincoln commented that the gym building isn't a historic structure and thinks the Developer would have to build more floors to fit that number of condos; would like to see single-family homes instead.

Jamie Goncharoff advised that the neighbors should follow meeting agendas on the website and call or email with questions. While the whole property may not be historic, if one building is, it brings the whole property into the Adaptive Reuse option.

Mr. Donatelli commented that condos are a nice residential use compared to other options for the site and as far as we know, the elevations won't be raised.

Heidi Carmenian commented that there's daily activity on the property. Mr. Gaspari stated they may be professionals checking the interior structure for safety and design.

Christian Cantarina commented that with that many condos, there will be additional lighting issues, and increased traffic.

Brett Boden commented he thought Mr. Shelton, the Developer, was the one to propose the adaptive reuse ordinance. Mr. Vargo advised that the Township had been working on an ordinance to help preserve historic properties, and adaptive reuse had been a part of that.

Joe Dywer asked which structures on this property are historic. Mr. Vargo advised the house is on our historic resource inventory.

Shawn Connell commented the gym building is an eyesore and perhaps it could be removed. Where is the project in the approval process and what can be done.

Mr. Donatelli and Mr. Vargo explained that the Developer submitted a subdivision plan which was approved; 2 lots were sold off for new single-family homes; the Board was looking for a low-density residential development; Developers need to provide water and sewer and those items were analyzed; the sewer module is being reviewed by PaDEP; the Developer will have to bring in building plans regardless of what he wants to build. Mr. Vargo will continue to request that the Developer bring plans in to the Planning Commission and/or the Board of Supervisors.

Mr. Goncharoff commented that there are things a property owner can do by-right, no special approvals needed. *It is uncertain if multi-family condos are permitted by-right or whether or not the developer can go up or expand the footprint.*

Don Carlson commented that since multi-units are proposed, public sewer has to be provided, which triggers review by the Municipal Authority and their experts. The adaptive reuse ordinance was worked on together by the Planning Commission and the Historic Commission because it is important to preserve historic structures, if possible. There are more reviews than most are aware.

Charlie Shames commented he doesn't think resident input is valued. Mr. Goncharoff advised that resident input is very important and valuable.

Jason Huff asked if no one in the neighborhood wants this type of development, would the Supervisors approve or deny it. Mr. Goncharoff explained that if the development is in compliance with the laws and codes, the Township can't just say no to the property owner/Developer.

Jeff Smith commented the public meeting should be expanded to accommodate a larger crowd.

Joe Dwyer asked if the Developer would have to fix up the buildings or could they be demolished.

A woman asked about the plan for the other buildings on the property. Mr. Gaspari advised that some of the buildings are being rented right now. Mr. Goncharoff asked Mr. Gaspari to make sure they're in code compliance.

Mr. Goncharoff and Mr. Donatelli advised that they will keep listening to the residents and will try their best with this and any development that comes before them.

Brett Boden asked for an update on the Struble Trail extension. Mr. Vargo advised that the County has acquired the right-of-way and will reopen the Conditional Use and Land Development approval processes shortly

#### Adjournment

There being no further business to be brought before the Board, Mr. Goncharoff adjourned the Meeting at 8:59 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary