



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

January 16, 2018  
7:00 p.m.  
Approved

In Attendance:

Board of Supervisors

Jamie W. Goncharoff, Chair  
Sandra M. D'Amico, Vice-Chair  
Guy A. Donatelli, Member

Kristin Camp, Esquire  
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  
Al Gaspari, Codes Administrator  
Mike Heckman, Director of Public Works  
Dave Leh, P.E., Township Engineer

Mr. Goncharoff called the meeting to order at 7:04 p.m., led the Pledge of Allegiance, offered a moment of silence and asked if any attendees were recording the meeting. There were no responses.

Approval of Minutes

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the December 12, 2017 Board of Supervisors Workshop. The Motion carried unanimously.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the December 18, 2017 Board of Supervisors Meeting. The Motion carried unanimously.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve as presented the minutes from the January 2, 2018 Board of Supervisors Annual Organization Meeting. The Motion carried unanimously.

Approval of Payments

Mr. Donatelli moved, seconded by Mrs. D'Amico, to pay all vendors as listed January 11, 2018. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported a strong balance sheet; year-end revenues were at 104% of the 2017 budget; year-end expenses were at 97% of the 2017 budget; Earned Income Tax revenue for 2017 was \$3,674,498 which is @ \$277,000 higher than 2016.

Supervisor's Report

Mr. Goncharoff read the published calendar as follows: January 15, 2018 Martin Luther King Jr. Day -- the Township Office is open and there will be regular trash/recycling service for Zone 1 residents; February 13, 2018 4:00 p.m. Board of Supervisors Workshop; February 19, 2018 Presidents' Day – the Township Office is closed. There WILL BE regular trash/recycling service

for Zone 1 residents; February 20, 2018 (Tuesday) 7:00 p.m. Board of Supervisors Meeting; Yard Waste, Christmas tree collection dates are January 17, February 7, February 21.

#### Administration Reports

##### Township Engineer's Report

Dave Leh reported that a pre-construction meeting had been held for the Marsh Lea (Popjoy) project and site work has begun; Village at Byers Station (Parcel 5C) earthwork is underway; the Township Planning Commission reviewed the County's amended Struble Trail conditional use application and visited the site today to confirm the trail easement location. Bid specifications are complete and will be advertised this week for the construction of the Park at the southeast corner of Pottstown Pike and Station Boulevard.

##### Building and Codes Department Report

Al Gaspari reported that 28 building permits were issued last month; permit fees totaled \$17,392; there were 808 building permits issued in 2017, totaling \$432,797 in permit fees, due to larger commercial projects in 2017; Marsh Lea subdivision broke ground today; the Townes at Chester Springs site work is underway; Mr. Gaspari and Dave Leh followed up on the Senn storm water basin complaint and the land development plans show that the basin is supposed to be clear of trees and vegetation; parking lot lights were installed at Upland Farms Park.

Mr. Goncharoff inquired of the building permit status for the Village at Byers Station. Mr. Vargo advised that earthwork is underway, Toll will most likely submit townhouse building permits soon and there's no estimate at this time regarding the construction of the commercial piece.

##### Police Chief's Report

Chief DeMarco reported there were 1,136 complaints last month, including 11 crimes and 6 arrests; year-to-date complaints total 12,354; Chief reviewed the Township towing agreement, currently with Eagle Service, a family-owned, township-based business. They've provided the appropriate State and insurance certifications and unless the Board has an objection, Chief DeMarco would like to continue to use Eagle Service as the Township's designated towing service. The Board had no objection with continuing with Eagle Service.

Service Award presentation. Mr. Goncharoff presented Corporal Joe Carr with a plaque in recognition of Corporal Carr's 20 years of service with the Upper Uwchlan Township Police Department. Corporal Carr looks forward to serving 20 more years.

##### Public Works Department Report

Mike Heckman reported that 111 work orders were submitted and completed in the past month; the Department tended to 6 snow/ice events in December; mixed salt and anti-skid materials; performed preventive maintenance and repairs on Township-owned vehicles; and Bruce Belgarde gave notice, so the wastewater-related facilities maintenance laborer position will be open in a few weeks.

##### Land Development

###### Escrow Release Requests.

Cary Vargo advised that Toll requested an escrow release for sanitary sewer work at the Ewing West Vincent project. ARRO reviewed the request and recommended the final \$61,398.76 be released. Mr. Donatelli moved, seconded by Mrs. D'Amico, to recommend the release to the West Vincent Township Board of Supervisors. The Motion carried unanimously.

Cary Vargo advised the Toll requested an escrow release for on-site sanitary sewer work at their Townes at Chester Springs project. ARRO reviewed the request and recommended the release of \$93,553.00. Mr. Donatelli moved, seconded by Mrs. D'Amico, to approve the \$93,553.00 escrow release to Toll. The Motion carried unanimously.

Moser Homes requested a waiver to use HDPE pipe instead of RCP pipe for the Marsh Lea project. The pipe material waiver was discussed at the pre-construction meeting and Gilmore & Associates has no objection. Mrs. D'Amico asked how long HDPE pipes are supposed to last. Dave Leh replied upwards of 75 years but that may be unlikely. Mr. Goncharoff asked of the savings to the developer. Dave Leh answered there would be some savings as HDPE weighs less, reducing shipping costs and smaller equipment can be used for installation. Mr. Donatelli moved, seconded by Mrs. D'Amico, to grant the waiver, permitting the use of HDPE pipe material for the Marsh Lea subdivision. Ken Shauger and Fred Clark questioned whether this was for storm water or sewer and of the stability of the pipe. Dave Leh advised it is for storm water and the pipes are stable as material is compacted around them. The Motion to grant the waiver carried unanimously.

#### ADMINISTRATION

Senior Living Facility Ordinance. Alyson Zarro, Esq., on behalf of Vantage Point Retirement, presented a draft Ordinance amending the zoning ordinance, proposing to add a "Senior Living Facility" definition [in summary, a combination of levels of health care including independent living, assisted living, memory care, and long-term and short-term skilled nursing care] and Use to the Planned Residential District (PRD), limit the percentage of land in a PRD that can be commercial uses and allow for only 1 Senior Living Facility within the PRD. A Senior Living Facility is being proposed for Byers Station Parcel 6C, the northeast corner of the Byers Road and Graphite Mine Road intersection. Byers Station is an approved PRD and two of the parcels – 5C and 6C -- had received approval to include commercial uses. The Township's Comprehensive Plan acknowledges the desire for this type of housing so seniors can age in place. The Township Solicitor, Kristin Camp, Esq., advised the draft Ordinance was reviewed by the Township Planning Commission, advertised in the Daily Local News, reviewed by the County Planning Commission, who made comment that it's consistent with the County's Landscapes Comprehensive Plan. There was discussion regarding limiting the Senior Living Facility use to only the PRD at this time; it could be added to other zoning districts if desired in the future; "senior" should be defined and included in our Code – it was discussed that most would define a 'senior' as someone at least 55 years and older, or perhaps 62 years and older.

Mr. Donatelli commented that Mr. Stevens, of Vantage Point Retirement, said at a number of previous Supervisors' meetings, the average age of their residents at their other facilities is 80 years old, and the average length of stay is shorter-term.

Mr. Donatelli moved, seconded by Mrs. D'Amico, to adopt Ordinance #2018-01, amending the Township Zoning Ordinance - Planned Residential Development (PRD) Subsection by adding a definition of Senior Living Facility, adding the Use in the PRD, and providing limitations on the total land area of commercial uses in a PRD. The Motion carried unanimously.

#### Open Session

Alyson Zarro asked if the Board would approve an extension for Moser Homes as they didn't think they'd be able to submit a building permit application within 6 months from the Conditional Use approval for the Marsh Lea project. The allowable timeframe does not expire until later in February; therefore the Board will consider the request at one of their February meetings.

Adjournment

Mr. Goncharoff adjourned the business meeting at 7:56 p.m. and announced a recess until 8:00 p.m. when the Conditional Use Hearing will begin.

Conditional Use Hearing – Applicant: Montesano Brothers (Hearing #2)

Mr. Goncharoff called the Montesano Brothers' Conditional Use Hearing to order at 8:07 p.m. Kristin Camp, Esq., conducted the Hearing; Mark Hagerty, Court Recorder, recorded the proceedings. The Court Recorder's transcript is the formal Record of the Hearing. The Application seeks approval to allow outside seating and table service at the Montesano's market/restaurant at 55 Seaboldt Way. Stephen Kalis, Esq., Fox Rothschild and Vinnie Montesano attended, representing the Montesano Brothers. Exhibits were presented; testimony was heard. The Hearing was closed at 8:32 p.m. The Board of Supervisors has 45 days to render their Decision for this Application.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary