



BOARD OF SUPERVISORS,
JOINT BOARDS / COMMISSIONS WORKSHOP

AGENDA
April 10, 2018
4:00 p.m.

- I. Call To Order
- II. Boards and Commissions
 - A. Board of Supervisors
 - 1. Township Manager's Report
 - B. Emergency Management Planning Commission
 - C. Historic Commission
 - D. Municipal Authority
 - 1. Septage Management Ordinance
 - 2. Quarterly rate increase was effective April 1, 2018
 - 3. Proposed Capital projects 2018
 - 4. Open Community Corps. (Upattinas) – Authority's comments
 - E. Park & Recreation Board
 - 1. Activities updates
 - F. Planning Commission
 - G. Technology Advisory Board
 - H. Zoning Hearing Board
- III. Open Session
- IV. Adjournment



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: Board of Supervisors

FROM: Cary B. Vargo
Township Manager

RE: Managers Report

DATE: April 6, 2018

1. **Park Road Trail Project – Phase IV** – This project consists of the re-construction of Park Road from Moore Road to the Marsh Creek State Park (MCSP) with the construction of pedestrian facilities adjacent to the roadway, connecting the existing trail system with the MCSP. The project budget currently stands at \$2.8 million, funded by a CMAQ grant and capital expenditures. Nine of the ten required ROW or temporary construction easements have been obtained with the only outstanding property being the former Shea property, currently owned by the Pennsylvania Turnpike. There are no concerns or issues anticipated with this final ROW dedication. Utility re-location design is underway and a stormwater permit application is prepared and ready for submission. Project advertising is expected in late Spring with construction expected to begin mid to late summer 2018.
 - a. **Update April 5, 2018** – All paperwork necessary to obtain ROW from our last parcel (PA Turnpike) has been sent to Turnpike personnel and is currently being reviewed. The ROW acquisition should be on the Turnpike Commission's April agenda for consideration. Paperwork sent includes: Plat for the Turnpike Property indicating the required permanent Right of Way, Drainage Easement, and Temporary Construction Easement, Legal Description for the Required Right-of-way, Legal Description for the Required Drainage Easement.

b. McMahon Associates personnel, on March 22, 2018 submitted a number of documents to PennDOT for their review to include: Construction Drawings, Project Safety Review Approval, Project Design Criteria Table, Construction Cost Estimate, Construction Cost Driver Form, Project ECMTS Matrix, Design Field View Checklist, and a Pavement Design Report. Utility re-location design by PEC is underway. At your April meeting, you will be asked to approve an agreement with Verizon for relocation design along with a payment of \$13,000. Next steps on the project will also include finalization of project management and inspection responsibilities, details to follow shortly. We remain on schedule for a late summer ground breaking.

2. **Wastewater Infrastructure Byers Station West Vincent Township** – Township and Municipal Authority personnel have been coordinating with Toll Brothers and West Vincent Township on the dedication of all wastewater infrastructure located in West Vincent Township. Consistent with the current relationship, the Township will own all infrastructure and the Municipal Authority will operate the system. Because this infrastructure and the service provided is across municipal borders staff and consultants wanted to exercise caution with this dedication to ensure compliance with all applicable laws and PUC regulations. There will be minor amendments needed to the Inter-Municipal Sewer Agreement as well as the Management Agreement between UUT and the UUTMA. You will see the dedication documents and the amended agreements, with explanation, in the near future.

3. **Eagle Village Park** – The Board of Supervisors awarded the contract for the Eagle Village Park at the March meeting. A pre-construction meeting was held on Friday, March 23, 2018. Work is expected to begin on or about Monday, April 9, 2018 and wrap up by the end of May.

4. **Upland Farms** – Maintenance and improvement activities continue at Upland Farms. The interior stone has been pointed, floors are scheduled to be sanded and sealed in April, and the stone steps on the northeast portion of the barn will be demolished and re-constructed with a railing to match the main entrance (required code compliant egress). All work is being completed per the previously drafted plan.

5. **160 Park Road Conditional Use** – The Township has been advised that a conditional use application will be filed for this parcel seeking an amended approval. The applicant and staff will work to schedule and advertise the hearing for the last week of April, 2018. Details will be distributed when the application and supporting materials have been received.
6. **Parcel 5C Lot 1 & Lot 2** - The residential portion of the project, 121 townhomes to be constructed by Toll Brothers, is well in to the construction phase with site infrastructure, stormwater, sewer, etc. being installed. Construction of homes is expected to begin in the Spring of 2018.
 - a. **Update February 9, 2018** – Kimberton Whole Foods will be the anchor tenant on this commercial parcel. Equus has advised the Township that they expect to submit a land development plan for the commercial portion of 5C as early as March, 2018. Total buildout of the commercial portion of this development could include 75,000 SF.
 - b. **Update April 6, 2018** – Land Development plans have been submitted for Phase I of the commercial portion of Parcel 5C. The Planning Commission will accept the plans for review at their meeting scheduled for April 12, 2018 and consultant review will follow. The first formal review in front of the Planning Commission is expected to occur on May 10, 2018.
7. **Sunderland Avenue Roadway Extension** – Confirmation has been received from Toll Brothers that they have submitted for an NPDES permit needed to construct the roadway extension. Construction on the roadway is expected to begin in the Spring of 2018 and wrap up before the end of the year.
 - a. **Update April 5, 2018** – Toll Brothers advises that the projects NPDES application was recently re-submitted with approval expected by end of April, assuming no additional significant review comments. Construction is expected to begin in June with completion by the end of August. Township staff will continue to coordinate with Toll Brothers.
8. **Agreement of Sale DASD** – The Township is working with DASD administration to obtain approximately 0.9 acres of land area located behind the Township building in order to advance any future Township building expansion. This area is depicted on

the attached plan as a lot line change. The District is agreeable to the lot line change at no cost to the Township. Once the agreement is approved and the process is completed a formal letter of thanks will be drafted to the District.

- a. Update April 5, 2018** – The Township approved the agreement at the February BOS meeting. The DASD has advised that the final agreement is on their April 11 agenda for consideration. The sub-division/lot line change plan has been finalized and is being sent to the CCPC for ACT 247 review.
- 9. Reserve at Chester Springs** – As a reminder, this development, located on the Frame Tract, was finally approved in May, 2017 and consists of sixty-two (62) single family homes. To date there have been thirty (30) permits issued, seventeen (17) homes are under construction, and three (3) have settled. The Codes Department has not reported any significant concerns to date. Lifts
 - a. Update December 8, 2017** – Toll Brothers has pulled forty-one (41) building permits to date. The pedestrian trail on what was always called Parcel C has been constructed. The house on Parcel C has been renovated and the barns have been demolished and made safe.
 - b. Update April 6, 2018** – Fifty-two (52) lots have sold to date, forty-nine (49) lots have received a Township building permit, seventeen (17) lots have settled and four (4) are scheduled to settle in April.
- 10. Townes at Chester Springs** – This development is located off of Park Road and will consist of forty (40) townhomes. Earth work, installation of stormwater bmp's, etc. is well underway. There have been no significant concerns or issues expressed by the Codes Department or surrounding residents as a result of construction activity to date.
 - a. Update December 8, 2017** – Toll's site contractor is completing the installation of site utilities, electric, water, gas, and sewer. The roadway has been cut and curbing is being installed. The building department has received building plans for review. Toll has placed a sales trailer and is actively selling units at this location.
 - b. Update February 9, 2018** – There have been issues with the excavation in Park Road completed by a sub-contractor for PECO in order to install a gas

line to the community. The backfill continues to sink which has required several repairs to the temporary patch installed. This temporary patch will remain until the gas line has been fully installed and the weather is more appropriate for final restoration which will include the milling and paving of the affected lane of traffic. The Township has received several reports of vehicular damage as a result of the condition of the roadway. This damage has been documented by the police department and information on the sub-contractor shared with those making reports. Township personnel continue to monitor the situation for needed repairs.

- c. **Update April 6, 2018** – Nineteen (19) permits have been issued, fourteen (14) units are under construction. Installation of the gas line has not been completed due to weather. Staff will be advocating for the completion of the installation process followed by milling and paving of Park Road. Other infrastructure will have to be taken into account such as the re-construction of the pedestrian trail adjacent to Park Road.

Attachments: Proposed Zoning Ordinance Amendment (DRAFT)
Proposed SALDO Amendment (DRAFT)

Upcoming Items for Your Consideration: Verizon Utility Re-Location Design Agreement



UPPER UWCHLAN TOWNSHIP

MEMORANDUM

ADMINISTRATION

TO: Dr. Robert Schoenberger
Upper Uwchlan Township Planning Commission

FROM: Cary B. Vargo
Township Manager

RE: Zoning/SALDO Amendments

DATE: April 6, 2018

Attached for your review, consideration, and comment are two proposed ordinance amendments, one zoning and one SALDO amendment. The proposed zoning amendments is a result of identified and repeated issues with the time it takes to guide a project through the conditional use process and obtain third party agency approvals, resulting in the repeated granting of extensions. The proposed SALDO amendment is specific to the submission process as well as specific construction materials (high density polyethylene pipe).

The ordinance amendments were drafted by the Township Solicitor and reviewed by Township staff. Next steps include review by the Township's Planning Commission, followed by submission to the CCPC for ACT 247 review.

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ___-2018

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE UPPER UWCHLAN TOWNSHIP ZONING ORDINANCE, WHICH IS CODIFIED IN CHAPTER 200 OF THE CODE OF UPPER UWCHLAN TOWNSHIP, BY AMENDING SECTION 200-116 TITLED, "CONDITIONAL USES" AND SECTION 200-127 TITLED, "EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES".

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 200 of the Upper Uwchlan Township Code, titled "Zoning," is hereby amended as follows:

SECTION 1. Section 200-116.titled, "Conditional uses" shall be amended to include a new subparagraph H immediately following Section 200-116.G which shall read as follows:

"H. Where a conditional use application involves land development and/or subdivision approval, any conditional use approval granted by the Board of Supervisors shall be governed in a manner consistent with Section 917 of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10917, which provides that the applicant shall be entitled to rely upon the ordinances in effect at the time of conditional use approval if the applicant submits land development and/or subdivision plans within a period of six months from the date of such conditional use approval. A conditional use approval that does not involve or require land development and/or subdivision approval shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six months from the date of the Board of Supervisors' conditional use approval. The Board of Supervisors may authorize an extension of time to obtain such permits, or to submit land development/subdivision plans, at the time of the hearing, or upon a future written request by the applicant which may be acted upon by the Board by motion at a regularly scheduled public meeting."

SECTION 2. Section 200-127 is hereby amended to read as follows:

§200-127. Expiration of Special Exceptions and Variances.

Where a special exception application involves land development and/or subdivision approval, any special exception approval granted by the Zoning Hearing Board shall be governed in a manner consistent with Section 917 of the Municipalities Planning Code, 53 P.S. Section 10917, which provides that the applicant shall be entitled to rely upon

the ordinances in effect at the time of special exception approval if the applicant submits land development and/or subdivision plans within a period of six months from the date of such special exception approval. A special exception approval that does not involve or require development and/or subdivision approval, and variance approval shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six months from the date of the Zoning Hearing Board's approval. The Zoning Hearing Board may authorize an extension of time to obtain such permits, or to submit land development/subdivision plans, at the time of the hearing, or upon a future written request by the applicant which may be acted upon by the Zoning Hearing Board at a subsequent meeting of the Zoning Hearing Board."

SECTION 3. Severability. If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this _____ day of _____, 2018.

ATTEST:

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

Gwen Jonik, Township Secretary

Jamie W. Goncharoff, Chairman

Sandra M. D'Amico, Vice-Chairman

Guy A. Donatelli, Member

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. -2018

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE UPPER UWCHLAN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, WHICH IS CODIFIED IN CHAPTER 162 OF THE CODE OF UPPER UWCHLAN TOWNSHIP, TO AMEND CERTAIN SUBMISSION REQUIREMENTS RELATED TO PLAN REVIEW, AND TO ALSO AMEND THE UPPER UWCHLAN TOWNSHIP STORMWATER MANAGEMENT ORDINANCE, WHICH IS CODIFIED IN CHAPTER 152 OF THE CODE OF UPPER UWCHLAN TOWNSHIP, TO ALLOW FOR THE USE OF HIGH DENSITY POLYETHYLENE PIPE WITHIN PAVED CARTWAYS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that certain ordinances of the Township are hereby amended as follows:

SECTION 1. Section 162-8 of the Subdivision and Land Development Ordinance shall be amended as follows:

- a. Section 162-8A.(1)(d) shall be removed in its entirety and subsequent sections shall be re-alphabetized accordingly.
- b. Section 162-8B.(1)(b) shall be amended to read as follows:
 - “(b) All preliminary plan submittals shall be submitted to the Township Secretary in accordance with the submittal requirements established in § 162-9 of this chapter. The Township Secretary shall determine whether the applicant presents a complete submission, however, the official submission date will not be established until the Planning Commission confirms a complete submittal at its next meeting. This submittal includes:
 - [1] Three copies of the official Township application for preliminary review form, one being notarized by an affidavit of ownership and intended use of the land, as well as of the Act 247 Referral Form and planning modules;

- [2] A minimum of nine full-size prints of the preliminary subdivision plan;
- [3] A minimum of four prints of the preliminary subdivision plan in 11" x 17" sized format;
- [4] A minimum of four copies of all required supporting information and plans;
- [5] A digital submission of all plans and documents;
- [6] An aerial photograph of the subject property; and
- [7] Payment of required application fees and escrow deposits as determined by resolution of the Board. "

c. Section 162-8B.(1)(d) shall be amended to read as follows:

"(d) Upon receipt of all items comprising a complete and official submission, the Township Secretary shall accept the application and transmit such plans to the following:

- [1] One copy of the preliminary plan to each of the required Township Consultants;
- [2] Two copies of the preliminary plan, county referral form and accompanying fee to the Chester County Planning Commission;
- [3] One copy of the preliminary plan, module forms and appropriate fee to the Chester County Health Department; and
- [4] One copy of the plans to the various Township Commissioners and Boards."

d. Section 162-8C.(1)(d) shall be amended to read as follows:

"(d) All final plan applications, along with the criteria listed below, shall be submitted to the Township Secretary seven days prior to the next meeting of the Planning Commission. The Township Secretary shall determine whether the applicant presents a complete submission, however, the official submission date will not be established until the Planning Commission confirms a complete submittal at its next meeting.

- [1] Three copies of the official Township application for final review form; one being notarized by an affidavit of ownership and intended use of the land;
- [2] A minimum of nine full-sized prints of the final plan and four 11" x 17" sized plans;
- [3] A minimum of four copies of all required supporting information and plans; and
- [4] Payment of required application fees and escrow deposits as determined by resolution of the Board. "

e. Section 162-8C.(1)(f) shall be amended to read as follows:

"(f) Upon receipt of all items comprising a complete and official submission, the Township Secretary shall accept the application and transmit such applications according to Township procedures."

SECTION 2. Section 152-311G.(1) of the Stormwater Management Ordinance shall be amended to read as follows:

- (1) All pipe within the paved cartway shall be reinforced concrete or high density polyethylene pipe."

SECTION 3. Severability. If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this _____ day of _____, 2018.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen Jonik, Township Secretary

Jamie W. Goncharoff, Chairman

Sandra M. D'Amico, Vice-Chairman

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