



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
PUBLIC HEARING

BYERS COMMERCIAL L.P.

October 9, 2018

6:30 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
Gwen A. Jonik, Township Secretary
Al Gaspari, Codes Administrator
Dave Leh, P.E., Township Engineer

Mr. Goncharoff called the Hearing to order at 6:32 p.m. and asked Kristin Camp, Esq., to conduct the Hearing.

Ms. Camp introduced the application: Byers Commercial L.P. seeking to amend a Final Planned Residential Development (PRD) for an approved development on the parcel known as Byers Station Parcel 5C, originally approved in 1999. The residential lot of Parcel 5C is Tax Parcel Number 32-4-497. An amended Final PRD Plan was previously approved to develop this Lot with 121 townhomes and the Applicant seeks to amend the Final PRD Plan to eliminate the lot lines around the townhomes and instead have the footprint of the townhome unit serve as the lot line.

The following Board of Supervisors' Exhibits were entered into the record:

1. August 13, 2018 letter from Alyson Zarro to Cary Vargo
2. May 20, 2016 amended Final PRD Plans by Bohler Engineering, last revised August 9, 2018
3. Proof of publication in the Daily Local News
4. Tentative PRD Plan Approval dated June 7, 1999
5. Final PRD Plan Approval dated May 19, 2017
6. Affidavit of Property Posting
7. Gilmore review letter dated August 29, 2018
8. Chester County Planning Commission comments dated September 10, 2018
9. Township Planning Commission's draft September 13, 2018 meeting minutes

Ms. Camp asked if anyone wished to be a Party to the Proceedings. There were none.

Alyson Zarro, Esq., the Applicant's Solicitor, and Gary Chase, Senior Land Development Manager of Toll Brothers, were present. Ms. Zarro distributed the Applicant's Exhibits. The Parcel under discussion is being marketed as "Villages of Chester Springs" and may be referred to as such this evening.

- A-1 August 13, 2018 Letter of Application with amended Plan and excerpts of the Declaration of Covenants
- A-2 Deed referencing the Lot
- A-3 Aerial photograph
- A-4 Final PRD Decision & Order dated May 15, 2017
- A-5 Final PRD Plan Sheet #5 of the Record Plan dated May 20, 2016 and last revised December 6, 2017
- A-6 Amended Final PRD Plan dated May 20, 2016 and last revised September 19, 2018

Mr. Chase was sworn in by Mark Hagerty, Court Reporter, and provided testimony regarding what property or area would be included within each townhouse lot line and what is outside – decks, driveways, sidewalks, common open space. The Declaration of Covenants will be revised to specify the uniformity of the decks and the ownership and maintenance responsibilities.

The Board of Supervisors and several attendees asked questions or provided comments.

There being no more testimony, question or comments, Ms. Camp closed the Record. The Board of Supervisors has 45 days to render their Decision. The Hearing was adjourned at 7:30 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary