



**UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION  
AGENDA**  
**December 10, 2020**  
**7:00 p.m.**

**LOCATION:** This meeting will be held **virtually**. Any member of the public interested in participating in the meeting should email the Township at [tscheivert@upperuwchlan-pa.gov](mailto:tscheivert@upperuwchlan-pa.gov) for a link and a password to join in the meeting. To minimize public exposure to COVID-19 and maintain social distancing, the meeting will be conducted via webinar. No attendance in-person will be allowed. If you require special accommodation, please call the Township office at 610-458-9400.

**I. Call To Order**

**II. Uwchlan Township Act 537 Plan Special Study – Resolution of Support**

Discuss a Resolution in support of proposed revisions to the Act 537 Plan for Eagleview's Wastewater Treatment Facility, which serves several parcels in Upper Uwchlan Township

**III. Outdoor Storage Tank Ordinance Amendments**

Discuss draft amendment, dated December 7, 2020, as discussed in November and responding to the Board of Supervisors' request proposing clarifying language in Code Sections 200-49.K and 200-49.M(1) and additional safety regulations in Section 200-80.C(2)(c).

**IV. Approval of Minutes: November 12, 2020 Meeting**

**V. Next Meeting Date: January 14, 2020 7:00 PM**  
Location: Will be noted on the website [www.upperuwchlan-pa.gov](http://www.upperuwchlan-pa.gov)

**VI. Open Session**

**VII. Adjournment**



**Corporate Headquarters**

108 West Airport Road

Lititz, PA 17543

T 717.569.7021

F 717.560.2778

[www.arroconsulting.com](http://www.arroconsulting.com)

December 8, 2020

Tony Scheivert, Township Manager  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, PA 19425

RE: Review of Uwchlan Township Act 537 Special Study

Dear Tony:

ARRO has reviewed the Act 537 Special Study prepared by Gannett Fleming, Inc. for Uwchlan Township dated September 2019. It is our opinion the selected Alternative 1 has no impact on current ordinances and policies within Upper Uwchlan Township; and has no impact on current sewage facility plans or ongoing planning within Upper Uwchlan Township.

Therefore, we recommend the Upper Uwchlan Township Board of Supervisors resolve to accept the adjustment to Upper Uwchlan Township's Act 537 Plan.

Please advise if you have any questions.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'G. Matthew Brown'.

G. Matthew Brown, P.E., DEE  
Chairman, Board of Directors  
The ARRO Group, Inc.

GMB:acb

Cc: Board of Supervisors, UUT  
Bill Bohner, P.E. ARRO  
Uwchlan Township

**RESOLUTION NO. 2020-**  
**UPPER UWCHLAN TOWNSHIP**  
**RESOLUTION OF ACT 537 PLAN SPECIAL STUDY**

**RESOLUTION OF THE SUPERVISORS OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA (hereinafter also “the municipality”)**

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1537, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of water and/or environmental health hazards with sewage wastes, and to revise and amend said Plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Gannett Fleming, Inc. has prepared an Act 537 Plan Special Study dated September 2019, which addresses the feasibility of extending Uwchlan Township’s Shamona Creek Trunk Sewer a distance of approximately 6,000-feet from its present terminus near the intersection of N. Milford Road to the Eagleview WWTP for the purpose of providing redundancy to the Eagleview WWTP and provide an alternative outlet for service area flow on an emergency basis should a catastrophic failure occur at the WWTP. The existing Shamona Creek Trunk Sewer conveys wastewater to the Downingtown Regional Water Pollution Control Center (DRWPCC).

WHEREAS a portion of the sewerage service area of the Eagleview WWTP extends into Upper Uwchlan Township thereby requiring the municipality to adopt the modification to the Uwchlan Township Act 537 Plan.

WHEREAS the alternative of choice to be implemented ~~and delineated in the Act 537 Special Study is for~~ Alternative 1 – Shamona Creek Trunk Sewer Extension, Emergency Service. Significant portions of the infrastructure needed to convey Eagleview Service Area wastewater flow to the DRWPCC are in place, including the lower portion of the Shamona Creek Trunk Sewer, the Marsh Creek Interceptor, and Downingtown Interceptors I and III, ~~and all have adequate capacity to convey the additional wastewater flow.~~ There ~~would~~ should be no additional expenses for these facilities aside from normal maintenance. Approximately 6,000-feet of 21-inch trunk sewer would have to be constructed to link the Eagleview Service Area sewers to the lower Shamona Creek Trunk sewer ~~in accordance with the Act 537 Special Study.~~

WHEREAS Upper Uwchlan Township finds that the Act 537 Plan ~~Amendment Special Study~~ described above ~~including the selected Alternative 1 has no impact on current ordinances and plans within Upper Uwchlan Township and has no impact on current sewage facility plans or underway planning within Upper Uwchlan Township. conforms to applicable zoning and subdivision ordinances and to other municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.~~

NOW, THEREFORE, BE IT RESOLVED that the Supervisors of Upper Uwchlan Township, Chester County hereby adopt and submit for approval as an amendment of the "Official Plan" of the Township, the above reference Act 537 Plan Special Study. ~~The Township hereby assures the Department of the complete and timely implementation of the said plan as required by law.~~ (Section 5, Pennsylvania Sewage Facilities Act as amended.)

UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS

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Chairman

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Vice-Chairman

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Supervisor

Attest:

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Township Manager

UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. DRAFT

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, SECTIONS 200-49.K AND 200-49.M(1) TITLED, “USE REGULATIONS FOR THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT” AND SECTION 200-80.C(2)(c) TO ADD REGULATIONS FOR THE STORAGE OF FUEL AND OTHER EXPLOSIVE MATERIAL.

**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 200-49.K shall be amended as follows:

“K. Wholesaling, warehousing and distributing provided there shall be no exterior evidence of such, and, further, no above ground storage tanks for the storage of” ***ignitable, corrosive, reactive or toxic liquids or gas except for fuels as regulated by the Pennsylvania Department of Labor and Industry.***

**SECTION 2.** Section 200-49.M(1) shall be amended as follows:

“(M)(1). Manufacturing and processing provided there shall be no raw materials or finished products permitted on the exterior of the building, and, further, no above ground storage tanks for the storage of” ***ignitable, corrosive, reactive or toxic liquids or gas except for fuels as regulated by the Pennsylvania Department of Labor and Industry***

**SECTION 3.** Section 200-80.C(2)(c) shall be amended to state as follows:

“(c) For any new above ground storage tanks that may be permitted under Subsection C(2)(b), the following shall apply:

[1] The tank installation shall be designed, and its construction supervised by a registered professional engineer ***and the final installation approved by said engineer.*** The applicant shall file, with the Township and at the time of application for a building permit or zoning permit, as may be applicable, a location (site) plan and details for the tank, including a feasibility study describing why a particular site was chosen for the proposed above ground storage tank, all prepared by the same engineer. The applicant shall also file a written ***plan*** which establishes

the safety ***and remediation*** measures that shall be followed as well as tank operation, inspection frequency ***and test procedure(s)***, appropriate coding or labeling of pipes and tanks. Any additional permits required by state or federal agencies for the construction of the tank shall also be submitted to the Township at the same time.

- [2] No commercial above ground storage tank shall be constructed closer than 50 feet to any property or right-of-way line, except when the lot with the storage tank abuts a lot zoned residential or with a residential use in which case the setback shall be a minimum of 100 feet.
- [3] All commercial above ground storage tanks shall be either attached to or enclosed within an area that abuts a side of the principal building located on the property.
- [4] The method of storage of fuel and other solids, liquids, and gases shall conform to all applicable federal, state, and local regulations, including, but not limited to, the regulations of the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, the Township Fire Code ***and the Pennsylvania Fire Marshall***.
- [5] Copies of all current federal or state permits that are required for the above ground storage tanks shall be on file with the Township Zoning Officer.
- [6] Any Material Safety Data Sheets that must be filed with federal or state agencies for the materials stored in the tanks shall be on file with the Township Zoning Officer.
- [7] At least annually, the owner of the tanks shall conduct an inspection and a review of storage locations, waste locations, materials, chemicals and items in the storage tanks with the Emergency Management Coordinator of the Township, the Zoning Officer and the Fire Chiefs of the first due emergency response organizations as identified by the Township. ***If appropriate, the owner shall provide initial and annual training to all first responders so identified and designated by the Township***.

**SECTION 4.** Section 200-7 shall be amended to add the following definitions:

**Definitions.**

***Ignitable.*** means any gas, or liquid that has a closed cup flashpoint less than 125 degrees Fahrenheit.

***Corrosive.*** A liquid or semi-solid that has a pH less than 4.5 or greater than 10.0.

**Reactive.** *A liquid, gas, or semi-solid that when exposed to temperature greater than 125 degrees Fahrenheit, any aqueous solution will emit a gas which may cause an adverse and/or health or life-threatening impact to employees, first responders or any residence within 500 feet of the tank.*

**Toxic.** *Any liquid or gas that requires special labeling or placarding by the Pennsylvania Department of Environmental Resources, United States Department of Transportation, or the Occupational Safety and Health Administration.*

**Test Methods.** *Determination of chemical composition and/or properties shall be performed using methods or procedures as designed by any of the following agencies or organizations: U.S. Environmental Protection Agency, Pennsylvania Department of Environmental Resources, American Public Health Association or the American Society for Testing and Materials. Tank test methods shall conform to procedures of National Fire Prevention Association, American Society of Chemical Engineers or the American Petroleum Institute.*

**SECTION 5. 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 6. 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 7. Effective Date.** This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS

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Gwen A. Jonik, Township Secretary

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Sandra M. D'Amico, Chair

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Jamie W. Goncharoff, Vice-Chair

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Jennifer F. Baxter, Member



## UPPER UWCHLAN TOWNSHIP

### Planning Commission Meeting

November 12, 2020

7:00 p.m.

Minutes

**DRAFT**

**LOCATION:** This was a virtual meeting, held via Zoom audio/video conferencing, in order to minimize public exposure to COVID-19 and maintain social distancing. The meeting Public Notices instructed those interested in participating in the meeting to email or call the Township Secretary for the link and password to join in the meeting.

**In attendance:**

Bob Schoenberger, Chair; Sally Winterton, Vice-Chair; Jeff Smith, Jim Shrimp, Brett Hand, Jim Dewees, Joe Stoyack, Chad Adams, Tony Scheivert – Township Manager, Gwen Jonik – Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:05 p.m. A quorum was present.

Four citizens were in attendance.

**Outdoor Storage Tank Ordinance Amendments – Discussion**

The Board of Supervisors has been discussing and considering draft amendments to the Outdoor Storage Tank Ordinance that propose clarifying existing language, additional safety regulations in the C-3 and LI Districts where tanks are currently allowed, allowing tanks in the PI District, and other drafts allowing only certain materials to be stored outside in the PI District. Gwen Jonik introduced 2 recently submitted draft amendments for the Commission's information and discussion:

1. Patrick Dennin's draft of October 14, 2020, proposes prohibiting outdoor storage tanks, as is currently the case, in the Planned Industrial/Office District (PI), which is Eagleview Corporate Center;
2. Hankin Group's draft of November 6, 2020, proposes allowing aboveground outdoor storage tanks only as an accessory use in the PI District, for storage of water, brine, inert gases (non-toxic and react little or not at all with other substances), and other nonflammable liquids.

Neal Fisher was in attendance and noted that over the last 6 months or so, the Board of Supervisors has looked at draft amendments that included allowing all types of materials in aboveground outdoor storage tank. The Board isn't comfortable with hazardous materials and wanted to narrow down the types of materials that might be allowed, such as water, brine, inert gases (nitrogen, argon to name a few), which are safety blankets used within research and development facilities. Two existing R&D companies in Eagleview would like to have aboveground outdoor storage tanks for materials listed above.

**Discussion included:**

- Inert gases aren't dangerous stored outside; they can be dangerous when stored in confined spaces - can cause asphyxiation if the container is punctured.
- Trying to retain and attract high quality businesses in Eagleview, which is good for the Township's tax base.
- Businesses can function more efficiently if materials can be stored in larger quantity outside versus smaller tanks inside that need to be handled more frequently.
- Safety is the priority.
- Need to balance encouraging viable businesses and their needs with the health, safety and welfare of our residents.
- There are PaDEP and OSHA regulations that oversee tank licensing, sizing, permitting, inspections, etc. to assure tank safety.

- Fuel storage, for generators, is allowed.

Mr. Fisher asked if the Planning Commission could again provide their recommendation to the Board of Supervisors regarding the amendments that propose:

1. Removing the phrase “immediate consumption” and clarifying the language in Sections 200-49.K and 200-49.M(1)
2. Adding more safety regulations to Section 200-80.C(2)(c),
3. And providing guidance on allowing for aboveground outdoor tanks in the PI District for storage of specific materials such as water, brine, and inert gases.

Bob Schoenberger commented on the terminology used in 200-49.K and 200-49.M(1) and suggested changing the words ‘hazardous’ and ‘explosive’ to ignitable, toxic, reactive.

The Planning Commission recommends approval to the Board of Supervisors for the items the Board wants to move forward with at this time:

- A. Sections 200-49.K and 200-49.M(1), remove the phrase ‘immediate consumption’ and further clarify the language, along with revising the terminology as Bob Schoenberger suggested above, which he will formalize; and
- B. Include the additional safety regulations in Section 200-80.C(2)(c).

Jeff Smith moved, seconded by Chad Adams, that a consensus of the Planning Commission has no opposition to the outdoor storage of brine, water or inert gases in the PI District as long as the proper controls are in place. The Motion carried unanimously.

#### Approval of Minutes

Sally Winterton moved, seconded by Joe Stoyack, to approve as presented the minutes of the October 8, 2020 Planning Commission meeting. The Motion carried unanimously.

Bob Schoenberger announced the next Planning Commission meeting is scheduled for December 10, 2020, 7:00 p.m., most likely a virtual meeting.

#### Open Session

Chad Adams asked the status of the FedEx noise violation notice. Tony Scheivert said FedEx pled not guilty and a District Court Hearing is scheduled December 1, 2020.

Tony Scheivert noted that Mike Robinson has been making changes to his property in Byers Village and is getting permits to do the work.

Chad Adams commented that Profound Technology in Eagle Village has a “For Lease” sign out. Tony Scheivert explained that COVID-19 has affected the way they do business and they hope to lease out some of the office space for the short-term. Depending on the tenant’s business, they might need ‘use’ approval from the Township. Tony Scheivert will review the plans with the Township Zoning Officer, Anthony Campbell, and respond next month.

Sally Winterton noted the candidate for the Commission’s vacancy, Steve Fean, was in attendance.

#### Adjournment

Joe Stoyack moved, seconded by Jeff Smith, to adjourn the meeting at 8:11 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary