



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
MEETING,
Intermunicipal Liquor License Transfer Hearing,
Conditional Use Hearing ~ 100 Greenridge Road

November 15, 2021
Minutes
Approved

LOCATION:
Pickering Valley Elementary School, 121 Byers Road, Chester Springs PA 19425

Attending:

Board of Supervisors
Sandra M. D'Amico, Member
Jamie W. Goncharoff, Member
Jenn F. Baxter, Member

Kristin Camp, Esq., Township Solicitor
Mark Hagerty, Court Stenographer

Township Administration
Tony Scheivert, Township Manager
Shanna Lodge, Assistant Township Manager
Gwen Jonik, Township Secretary
John DeMarco, Police Chief
Jill Bukata, Township Treasurer
Rhys Lloyd, Building Code Official
Anthony Campbell, Zoning Officer
Mike Heckman, Director of Public Works
Dave Leh, Township Engineer

Mrs. D'Amico called the meeting to order at 6:30 p.m., led the Pledge of Allegiance and offered a moment of silence. No one planned to record the meeting. There were 50 citizens in attendance.

Approval of Minutes

Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve as presented the minutes of the October 12, 2021 Board of Supervisors and Draft 2022 Budget Workshop and the October 18, 2021 Board of Supervisors Meeting. The motion carried unanimously.

Approval of Payments

Mrs. Baxter moved, seconded by Mr. Goncharoff, to approve the payments to all vendors as listed November 12, 2021. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported the Township's financial position remains strong; year to date revenues are at 112.4% of budget; year to date expenses are at 77.5% of budget; earned income tax receipts received through November 12 have exceeded the budget by \$397,776. The large increase in revenue is partly due to receiving American Rescue Plan (ARPA) funds, which were not included in the budget and no expenses have yet been made to offset the revenue.

Mrs. Bukata requested authorization to transfer \$1,000,000 from the General fund to the Capital fund for Upland Farm barn renovation expenses and payment on the General Obligation Bonds – Series of 2019. Mr. Goncharoff moved, seconded by Mrs. Baxter, to approve the transfer of \$1,000,000 as noted above. The motion carried unanimously.

Supervisor's Report

Mrs. D'Amico read the following calendar: November 25-26, 2021 Office Closed ~ observing Thanksgiving Holiday; November 27, 2021 5th Annual Tree Lighting, "Light UP" Upper Uwchlan, Fireworks; December 14, 2021 4:00 PM Board of Supervisors Workshop, Conditional Use Hearing ~ Applicant: Barn on Moore LLC; December 20, 2021 7:00 PM Board of Supervisors Meeting; December 24, 2021 (Friday) Office Closed ~ observing Christmas Day; December 31, 2021 (Friday) Office Closed ~ observing New Year's Day; January 3, 2022 7:00 PM Board of Supervisors Annual Organization Meeting; Yard Waste Collection Dates: November 17, 24, December 8 and 22, 2021

Administration Reports

Township Engineer's Report

Dave Leh reported that all new construction projects are going along smoothly; the Preserve at Marsh Creek home sales are going well so they'll be moving forward with Phases 2 and 3 beginning early 2022.

Building and Codes Department Report

Rhys Lloyd reported the Department had another busy month with 72 building permits approved, totaling \$40,825 in permit fees; 14 resale use and occupancy permits and inspections; new construction inspections and numerous addition/renovation inspections.

Police Chief's Report

Chief DeMarco reported there were 1216 incidents logged last month, including 21 reported crimes of which most were identity theft. If you feel your identity has been compromised, report it to the Police. The Trunk or Treat event was a great success - there were many great costumes. It will become an annual event. The annual tree lighting and fireworks are Saturday, November 27, 2021.

Public Works Department Report

Mike Heckman reported that 173 work orders were received and completed throughout the month. The staff carried out routine maintenance tasks, were called out 3 times for storms in October, performed street sweeping, etc. There were no bidders the second time for the snow plowing contract, so we'll have to hire help each time there's a snow/ice event. When asked why he thought we didn't get any bidders, Mr. Heckman noted plowing insurance costs are rising, as well as the costs for the plowing equipment.

ADMINISTRATION

Intermunicipal liquor license transfer Hearing. Kristin Camp, Esq., explained that a public hearing is necessary under the State Liquor Code as part of the process to request a liquor license transfer from one municipality to another. In October, Matthew Goldstein, Esq., representing Eagle Beats a Birdie LLC had made such a request to transfer a license from a restaurant in East Marlborough Township to 12 Pottstown Pike, a proposed simulated golfing facility (XGolf), with an eatery and bar. The Applicants propose requesting from the PA Liquor Control Board the transfer of restaurant liquor license #17766. Tom Kauffman distributed Applicants' Exhibits showing the facility's layout – 6 simulators for playing a full round of golf, the food menu, etc. Six seats at each of the 6 simulators, 40 seats in the eatery/bar, 8-15+ employees depending on the season, summer tee times 9:00-9:00 or later; longer hours in the winter. Their employees will be trained in responsibly serving alcohol (RAMP) by a State police program teaching employees and managers how to responsibly serve the public. They'll have general (\$3million) and liquor (\$5million required as tenants) liability insurances; golfing will be @ 70% of the business, supported by food and alcohol sales 25%. They hope to open in April

2022. They'll need a special exception from the Zoning Hearing Board as this type use isn't specifically listed in the LI District. Parking and signage will be discussed by the landlord during future approvals with the Township. They don't believe transferring this liquor license will be detrimental to the health, safety or welfare of the residents.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to adopt Resolution #11-15-21-08 allowing the transfer of the liquor license conditioned on adding text that the Applicant will comply with the testimony given this evening regarding the RAMP training and liquor liability insurance. Ms. Camp will revise the Resolution for the Board's signature. The motion carried unanimously.

Outdoor Dining Resolution. Gwen Jonik explained that the Board had temporarily allowed outdoor sales and dining last winter for township businesses to operate with enhanced social distancing. It was suggested the temporary allowance be reinstated for the coming months for continued operations and business success. Mr. Goncharoff moved to adopt Resolution #11-15-21-09, reinstating the temporary allowance of outdoor sales and dining in areas where it might not otherwise be allowed, until further Resolution by the Board. Mrs. Baxter seconded. Nancy Copp asked if there were any complaints from the last time; there were none. The motion carried unanimously.

Authorize advertisement of 2022 budget, proceed with offers of employment for 3 full-time Police Officers, proceed to issue purchase orders for 2 police vehicles and 1 building department vehicle.

Jill Bukata summarized the changes made to the draft budget following last week's budget workshop. The draft budget presented today includes hiring 3 full-time police officers and purchasing the 2 vehicles for the police department and 1 for the codes department. We'd like to proceed with the offers of employment for the 3 full-time officers (currently our 3 part-time officers) and to proceed with the purchase orders for the vehicles as the lead times are lengthy at this time. The draft budget includes increased costs for unemployment compensation, the assessment for the Lieutenant position, the additional expenses for the full-time officers and the additional annual contributions to the fire companies.

Mr. Goncharoff moved to advertise the Draft 2022 Budget for the public's inspection prior to adoption consideration at the December 20, 2021 Supervisors meeting. Mr. Ross, Fox Chase Lane, asked if taxes would be increased to fund this budget. The answer is no. Ms. Cortesi, Rabbit Run, asked if the American Rescue Plan funds are for infrastructure projects or could be used for businesses, or people who've lost their jobs. Mrs. Bukata answered that according to the approved uses for the funds, we will use some of the money for storm water and public sewer projects; we await the Treasury's final decision on some of the other uses. Mr. Allen, Stonehedge Drive, questioned the 3 new officers and the rise in unemployment costs. Chief DeMarco explained the current 3 part-time officers will be offered the full-time positions and they wouldn't be replaced. Mrs. Bukata replied several previous employees are filing unemployment claims.

The motion to advertise the Draft 2022 Budget carried unanimously.

Mr. Goncharoff moved, seconded by Mrs. Baxter, to proceed with offers of employment for the 3 full-time police officers. The motion carried unanimously.

Mrs. Baxter moved, seconded by Mr. Goncharoff, to issue purchase orders at this time for the 3 new vehicles. The motion carried unanimously.

Authorize advertisement of Popjoy Lane speed limit, stop sign and parking restriction ordinance. Gwen Jonik explained an Ordinance is necessary to establish the speed limit, stop sign intersections and any parking restrictions for township roads. The Township recently accepted dedication of Popjoy Lane in the Marsh Lea development. Mr. Goncharoff moved, seconded by

Mrs. Baxter, to advertise the Ordinance for adoption consideration at the December 20, 2021 Supervisors meeting. The motion carried unanimously.

Open Session

No comments were offered.

Adjournment

There being no further regular business to be brought before the Board, Mrs. D'Amico adjourned the Meeting at 7:28 p.m. and advised a 10-minute recess would be taken.

CONDITIONAL USE HEARING ~ Applicant: Toll / 100 Greenridge Road

Mrs. D'Amico reconvened the evening at 7:45 p.m. and asked Kristin Camp, Esq., Township Solicitor, to conduct the conditional use hearing for 100 Greenridge Road. Mark Hagerty, Court Stenographer, recorded the proceedings, the official, formal Record. The following are informal notes.

Ms. Camp read the public notice describing the subject of tonight's Hearing – Toll proposes to develop 2 parcels totaling over 65 acres in the R-2 District and F-12 Flexible Development overlay District, seeking conditional use approval to subdivide and develop the property using the flexible/open space option, to permit dwellings and related improvements within precautionary slopes, to permit roads of primary access to be located in areas of precautionary slopes and to permit sanitary and storm sewer conveyances to be located in area of precautionary slopes. She explained the conditional use hearing process and that the Board is to render a Decision within 45 days after the Record of hearings (there will be more than 1 hearing) is officially closed. This evening the Board will enter Exhibits into the Record and register those who would like to become a Party – anyone who lives within 500 feet of the subject property.

The following Board's Exhibits were entered into the Record:

- 1 – Conditional Use Application with cover letter from Applicant's Counsel, amended 10-4-2021 for additional relief
- 2 – Conditional Use Plan dated August 10, 2021 and revised October 4, 2021 – 13 sheets
- 3 – Proof of Publication
- 4 – Certificate of property posting October 26, 2021
- 5 – List of property addresses within 500', receiving Notice of the Hearing
- 6 – Communication from Applicant's Counsel waiving 60-day timeframe to hold the Hearing
- 7 – reserved for Planning Commission recommendation / meeting minutes - November 11, 2021
- 8 -- Gilmore & Associates November 4, 2021 letter combining consultants' comments
- 9 – Historical Commission's recommendation dated October 25, 2021
- 9 – Ludwigs Corner Fire Company letter (undated)

Registration / entry of Parties. John Mahoney, Esq., representing 21 property owners, asked they be entered into the Record: 8 Lauren Lane, 16 Lauren Lane, 38 East Indian Springs Drive, 32 East Indian Springs Drive, 301 Deerhaven Way, 136 Devon Circle, 79 West Indian Springs, 64 Stonehedge Drive, 47 East Indian Springs Drive, 307 Deerhaven Way, 290 Greenridge Road, 102 Stonehedge Drive, 331 Deerhaven Way, 26 East Indian Springs Drive, 23 Stonehedge Drive. Jonathan Long, representing residents at 125 and 129 Greenridge Road, asked they be entered in the Record. Residents at the following addresses, individually, requested Party status: 211 Greenridge Road, 171 Shea Lane, 161 Shea Lane, 130 Shea

Lane, 103 Stonehedge Drive, 191 Shea Lane, 180 Shea Lane, 12 Greenridge Road, 339 Styer Road. Alyson Zarro, representing Toll, approved most of these as Parties but held several in reserve until their proximity to the 100 Greenridge Road property could be confirmed. More residents can request Party Status at the next Hearing if they couldn't be here tonight. All citizens are encouraged to attend all the Hearings.

Ms. Zarro explained that the Applicant hasn't been able to complete their revisions to the proposed Plan and submit it to the Planning Commission. They want to work through the consultants' comments, resubmit the Plan in early December and come to the Planning Commission's January 2022 meeting.

Ms. Zarro requested a continuation of the Hearing until after the Planning Commission's January meeting. It was decided the Hearing would be continued until 7:30 p.m. January 18, 2022, following the Board's regular business meeting. Ms. Camp will confirm the date and time via email with the Parties.

Mrs. D'Amico adjourned the evening at 8:18 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary