



Upper Uwchlan Township
Board of Supervisors
Workshop, Conditional Use Hearing
January 11, 2022 4:00 p.m.

Minutes

Approved

Attendees:

Sandy D'Amico, Chair

Jenn Baxter, Vice-Chair

Andy Durkin, Member (by phone)

Kristin Camp, Esq., Township Solicitor

Tony Scheivert, Township Manager

Shanna Lodge, Assistant Township Manager

Rhys Lloyd, Building Code Official

Anthony Campbell, Zoning Officer

The meeting began at 5:00 PM with the Pledge of Allegiance and a moment of silence.

Police Association Report

Detective Tom Jones, representing the Police Association, thanked the Board for the recent contract signed with the Township. He noted that the Association is very grateful for and proud of the good relationship that the Association has with the Township, Board, and Administration. He added that the Association would be before the Board in 90 days for a final Memorandum of Understanding clarifying all the new contract items.

First Amendment to the Expansion Agreement, Preserve at Marsh Creek

Ms. Camp introduced the first amendment to an agreement that was entered into with McKee Builders to expand the Township's sewer treatment plant. The amendment provides for the assignment of rights and obligations to the builder's lender in the event of a default by McKee. The amendment has been reviewed by the Authority and recommended for approval. Kevin McLaughlin of McKee Builders reported that the lender is M&T Bank. McKee will be awarding the contract for the construction of the sewer expansion at the end of January 2022. The project timeline is approximately 9 months to a year, and all DEP permits for the expansion have been obtained. The amendment will be before the Board for consideration and approval at their upcoming regular meeting.

Upland Farm Barn Construction Update

Mr. Scheivert reported that construction on the Barn is getting very close to completion; some doors are still to be delivered. Mr. Scheivert and Mr. Lloyd met with a vendor who will provide a quote to sand and seal the flooring in the main room upstairs. Bio-One Cleaners will be in the Barn doing a cleanup of the bat droppings for a significant savings compared to the quote that the builder had offered. Work on the punch list will begin next; the Township anticipates completion of the project by the end of January. Mr. Scheivert and Ms. Lodge are working on finalizing regulations and a fee schedule to present to the Board.

Open Session

Mr. Scheivert reported that Energy Transfer has completed the night work in the intersection of the Little Conestoga Road and Milford Road. A lane closure is expected tomorrow to do the final seal of the new blacktop to the pre-existing blacktop.

Adjournment

The workshop portion of the meeting was adjourned at 5:16 PM.

Conditional Use Hearing #2 – Alpha Phlyte Fitness

The meeting resumed at 5:30 PM for Conditional Use Hearing #2 for Alpha Phlyte Fitness. Ms. Camp recapped that there were questions at the end of Hearing #1 regarding square footage of the space and a question as to whether there would be sufficient parking. Mr. Campbell performed a site visit to investigate these questions following that hearing. Ms. Camp marked an email dated December 21, 2021 from Mr. Campbell summarizing his site visit as Exhibit B-6. A memo from the property landlord regarding parking availability was marked Exhibit B-7. Mr. Campbell was sworn in and provided testimony regarding the space and parking questions. He affirmed the content of his email, that the applicants have adequate parking for the space under Zoning Code.

Ms. Camp summarized the Conditional Use draft decision and order. Conditions were as follows:

1. Applicant and its successors and assigns in interest to the Leased Space shall be strictly bound by this Decision and the conditions hereinbelow.
2. Applicant shall use the Leased Space and operate the fitness center and warehouse in substantial compliance with the testimony and exhibits presented at the conditional use hearing, and the conditions of approval.
3. The Applicant shall have exclusive use of a minimum of 35 parking spaces on the Property for so long as the Applicant occupies the Leased Space.
4. Prior to conducting any special event, including but not limited to a fitness boot camp where the number of participants is anticipated to exceed 50, the Applicant shall provide to the Township a plan for providing additional off-street parking for the event if the Township determines additional parking is necessary, which may include providing shuttles to off-site parking lots.
5. In the event the Township determines that the fitness center use or special event use lacks sufficient off-street parking, or results in traffic congestion or hazards, the Township may require a traffic and parking study, which shall be conducted and completed by a professional traffic engineer within 90 days of the Township's written request. The Applicant shall implement any recommendations in the study, which may include reducing the occupancy of the fitness center, or reducing the frequency of or number of participants in special events.
6. The Applicant shall advise fitness center members and special event participants in writing that parking is prohibited in the Struble Trail parking lots owned by Chester County.
7. If shower facilities are installed, Applicant may be required to purchase additional sanitary sewer capacity.

Ms. Baxter moved to approve the Conditional Use Decision and Order for Alpha Phlyte Fitness based on the draft presented to the Board. Mr. Durkin seconded. The decision was approved unanimously.

Respectfully submitted,

Shanna Lodge
Assistant Township Manager