



UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING

September 19, 2022

7:00 p.m.

Approved

Attending:

Board of Supervisors

Sandra M. D'Amico, Chair  
Jennifer F. Baxter, Vice-Chair  
Andrew P. Durkin, Member

Township Administration

Tony Scheivert, Township Manager  
Gwen Jonik, Township Secretary  
Jill Bukata, Township Treasurer  
John DeMarco, Chief of Police  
Rhys Lloyd, Director of Building & Codes  
Anthony Campbell, Zoning Officer  
Dave Leh, Township Engineer  
Chris Williams, Township Traffic Engineer

Kristin Camp, Esq., Township Solicitor

The Meeting was held at the Township Building, 140 Pottstown Pike, Chester Springs PA 19425. Mrs. D'Amico called the meeting to order at 7:05 p.m., led the salute to the flag and offered a moment of silence. One citizen planned to audio record the meeting. There were 12 citizens in attendance.

Approval of Minutes

Mrs. Baxter moved, seconded by Mr. Durkin, to approve as presented the minutes of the August 9, 2022, Board of Supervisors Workshop, the August 9, 2022, Conditional Use Hearing #9 regarding the 100 Greenridge Road Application, and the August 15, 2022, Board of Supervisors Meeting. Resident Naresh Tulluru of Juneberry Court made comment that in the Land Development section of the August 15 meeting minutes, comments he made about the accuracy of others' statements were not included. Mrs. D'Amico noted his comment this evening would be included in this meeting's minutes. The motion carried unanimously.

Approval of Payments

Mrs. Baxter moved, seconded by Mr. Durkin, to approve the payments to all vendors as listed September 16, 2022. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the financial position remains strong, we are 66.7% through the year, year-to-date revenues are at 78.8% of budget, year-to-date expenses are at 53.5% of budget, and earned income tax receipts are at 86.8% of the budget.

Mrs. D'Amico announced the 2023 Pension Plan Minimum Municipal Obligation (MMO) would be discussed next. Jill Bukata explained that each year, the Actuaries advise us what our MMO is to fund the pension plans. For calendar year 2023, the obligations would be: Uniformed Employee Pension \$252,675; Non-Uniformed Employee Pension \$60,840; and Non-Uniformed Employee Defined Contribution Plan \$37,000. Tony Scheivert noted the increase in the Uniformed Employees' Plan is due to the addition of 3 police officers this year.

Mrs. Baxter moved, seconded by Mr. Durkin, to approve the 2023 Pension Plan MMOs: Uniformed Employee Plan \$252,675; Non-Uniformed Employee Plan \$60,840; and Non-Uniformed Employee Defined Contribution Plan \$37,000. The motion carried unanimously.

Jill Bukata requested authorization to transfer \$750,000 from the General Fund to the Capital Fund and \$245,000 from the General Fund to the Water Resource Protection Fund, as approved in the 2022 Budget. Mrs. Baxter moved, seconded by Mr. Durkin, to authorize the transfers. The motion carried unanimously.

#### Ordinance - Amend Non-Uniformed Employee Pension Plan Average Applicable Compensation.

Tony Scheivert requested the Board consider adoption of an Ordinance that would amend the Average Applicable Compensation for the non-uniformed employee pension plan. The typical compensation is based on the last 3 years' earnings. The proposed Ordinance amendment provides the choice of the last 3 years or the best 3 consecutive years of earnings. The Ordinance was duly advertised. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Ordinance #2022-04 amending the Average Applicable Compensation for the Non-Uniformed Employee Pension Plan. The motion carried unanimously.

#### Supervisor's Report

Mrs. D'Amico advised that there was no police liaison meeting held this past month. She read the following calendar: October 11, 2022, 4:00 PM Board of Supervisors and Draft 2023 Budget Workshop; October 17, 2022, 7:00 PM Board of Supervisors Meeting; October 22, 2022 9:00 AM-Noon e-Waste Drop Off and Paper Shredding Event at the Public Works Facility, 132 Oscar Way, Township residents only with registration required for the e-Waste; October 29, 2022, 3:00-5:00 PM Trunk or Treat at Hickory Park ~ registration required if you're decorating your vehicle; yard waste collection dates September 21, 28, October 5, 12, and 19.

#### ADMINISTRATION REPORTS

##### Township Engineer's Report

Dave Leh reported that a sketch plan was received for 270 Moore Road proposing 8-lots. The sketch was introduced to the Planning Commission and under consultants' review; there was a pre-construction meeting held last week for Byers Station Parcel 6C / Vantage Point Retirement Living; construction may begin later this week.

##### Building and Codes Department Report

Rhys Lloyd reported it was another busy month with 68 permits issued, totaling \$112,113.82 in permit fees; they performed 224 scheduled inspections, 11 resale inspections, 22 new houses settled and Anthony Campbell also completed 7 fire safety inspections in August.

##### Police Chief's Report

Chief DeMarco reported there were 1,139 calls registered by officers last month; school is back in session, so please be on the watch for children and busses.

##### Public Works Department Report

Tony Scheivert reported the Department received and completed 165 work orders and the paving activity has just finished.

#### LAND DEVELOPMENT

461 Font Road Minor Subdivision Plan. Dave Leh explained that the current Lot contains 2 houses and this Plan will divide the Lot into 2, each existing house on its own lot. Andy Eberwein of E.B. Walsh advised that the Applicant will comply with the comments in Gilmore & Associates' August 4, 2022 letter. There are already 2 driveways. No construction is planned. Kristin Camp asked if Lot 1 could be further subdivided? Dave Leh responded it wasn't likely and with a minor subdivision, you can't further subdivide. Dave Leh will have them add a note to the Plan that no further subdivision can occur on Lot 1.

Mrs. Baxter moved, seconded by Mr. Durkin, to approve grant Final Minor subdivision Plan approval to the plan known as "Minor Subdivision Plan for 461 Font Road" as prepared by Edward B. Walsh 7 Associates, Inc. dated April 8, 2022, accompanied by the following conditions:

1. The plans shall be revised to comply with Gilmore & Associates, Inc. review letter Dated August 4, 2022.
2. A waiver is granted from SALDO Sections 162-9.D., .E., and .F. which require the submission of a site analysis and impact plan, conservation plan, and improvements and construction plan.
3. A note shall be added to the Plan that Lot #1 cannot be further subdivided.

The motion carried unanimously.

595 Fellowship Road Minor Subdivision Plan. Dave Leh explained that the Applicant is adjusting a lot line at the Township boundary with West Vincent Township to a more traditional rectangular shape. The parcel in West Vincent Township will have new construction. There will be no construction in Upper Uwchlan Township.

Mrs. Baxter moved, seconded by Mr. Durkin, to grant Minor Subdivision Plan approval of a plan titled "595 Fellowship Road Existing Conditions/Record Plan" prepared by Hopkins and Scott, Inc. dated May 5, 2022 with the following conditions:

1. The plans shall be revised to comply with Gilmore & Associates, Inc. review letter Dated September 2, 2022,
2. This approval is conditioned on the Applicant addressing all conditions set forth in the Applicant's Subdivision Application to West Vincent Township.
3. A note shall be added to the Plan that Lot #2 cannot be further subdivided.

The motion carried unanimously.

Byers Station Parcel 5C Lot 2B (Commercial) Amended Final Planned Residential Development (PRD) Plan.

Alyson Zarro, Esq., Guy DiMartino, Traffic Planning & Design and Alan Greenburg of Celebree attended, seeking approval of their Plan proposing an 10,500 SF day care center with a 5,500 SF outdoor play area, a 6,000 SF retail pad, a 7,200 SF retail pad, and a 1,820 SF standalone eating and drinking establishment with a drive through. The Applicant attended the August meeting after receiving a recommendation for approval from the Planning Commission. A Decision was drafted and reviewed and the one condition that brought discussion relates to them not yet having a tenant for the restaurant with the drive-through. Kristin Camp suggested that whole pad site be assessed again once a tenant was determined, especially by the township traffic engineer. Ms. Camp also noted the Board of Supervisors wanted 'public' parking after the daycare and stores' hours and suggested a license agreement to provide "X" spaces for public spaces near the daycare center could be drafted. The Township would need to get insurance to protect the owner and indemnify the owner. The Applicant is concerned with situations such as an overnight snowstorm and the daycare wouldn't be open the next day, if the Lot was 'public', they'd have to plow. It could also be problematic for future tenants or owners. Ms. Camp suggested it could be written that it's only when the use for the larger building is the daycare. Mrs. D'Amico opined that we want to draw folks to the village, as a destination, so public parking is a priority.

The Supervisors moved on with the agenda while Ms. Zarro and her client had a private discussion. (See Page 5 for the continuation of this topic.)

Preserve at Marsh Creek Phase 2 Escrow Release #1. Dave Leh reported that based on the infrastructure constructed to date, they recommend an escrow release of \$1,648,640.65 for Phase 2 of the Preserve at Marsh Creek. A balance of over \$1,300,000 will remain escrowed. Mrs.

Baxter moved, seconded by Mr. Durkin, to approve the release of \$1,648,640.65 for the Preserve at Marsh Creek Phase 2. The motion carried unanimously.

Preserve at Marsh Creek Phase 3 Escrow Release #1. Dave Leh reported that based on the infrastructure constructed to date, they recommend an escrow release of \$1,593,118.85 for Phase 3 of the Preserve at Marsh Creek. A balance of over \$2,300,000 will remain escrowed. Mrs. Baxter moved, seconded by Mr. Durkin, to approve the release of \$1,593,118.85 for the Preserve at Marsh Creek Phase 3. The motion carried unanimously.

Windsor Baptist Church/Windsor Christian Academy Letter of Credit Reduction #2. Dave Leh advised that the school building addition is substantially complete, and a \$93,972.20 reduction in the Letter of Credit is recommended. Mrs. Baxter moved, seconded by Mr. Durkin, to approve the \$93,972.20 reduction in the Church's Letter of Credit. The motion carried unanimously.

#### ADMINISTRATION

##### Resolution – Department of Conservation & Natural Resources (DCNR) Grant Application Submission.

Tony Scheivert explained that eligible projects for these grant funds is to build trails, rehabilitate parks, among others. We have plans to rehabilitate Hickory Park. This Resolution is to assign signature authorization to the Township Manager for documents related to the Application for the DCNR Grant Program. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Resolution #09-19-22-06 assigning signature authority to the Township Manager. The motion carried unanimously.

Resolution – Chester Springs Crossing Roads Dedication. The roadways in Chester Springs Crossing – Maggie Lane, Michael Way and the Milford Road Extension, were accepted in August 2022. This Resolution memorializes the acceptance of the roadways. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Resolution #09-19-22-07 memorializing the acceptance of the Chester Springs Crossing roadways. The motion carried unanimously.

##### Ordinance – Chester Springs Crossing roadway speed limits, stop sign intersection, parking restrictions.

Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Ordinance #2022-03 which establishes: a 25 MPH speed limit on Maggie Lane, Michael Way and Milford Road; stop sign intersections on Maggie Lane at Milford Road (2), on Michael Way at Maggie Lane and on Milford Road at Route 100/Pottstown Pike; and parking restrictions on Milford Road eastbound, Milford Road westbound between Route 100/Pottstown Pike and #75 Milford Road with the exception of the dedicated parking spaces, on Michael Way eastbound and on the inside of Maggie Lane. A Milford Road resident had previously requested a stop sign on Milford Road at Maggie Lane. Tony Scheivert replied that a traffic study was recently completed but the analysis was not completed. The Homeowners Association will be contacted when it is complete. The motion to adopt Ordinance #2022-03 carried unanimously.

##### Ordinance - Chester County Emergency Response Commission Participation

Kristin Camp, Esq., advised that several townships are participating in an Emergency Response Commission (ERC), cooperating with one another for police emergency responses. Articles of Agreement were drafted, as well as the Ordinance to allow Upper Uwchlan Township to join this intermunicipal group – currently East Vincent, Kennett, Schuylkill, and Tredyffrin Townships and Downingtown Borough. The Articles provide for funding the group – if one of our Officers responds under this program, the ERC provides all the coverage for it. It is its own entity and the annual expenditure per participant is \$3,000. This differs from mutual aid in that this is a more specific team, such as SWAT, and it is up to the Chief in the area that is having an issue to engage the ERC. Mrs. Baxter moved, seconded by Mr. Durkin, to adopt Ordinance #2022-05 authorizing the execution of the Agreement to participate in the County ERC. The motion carried unanimously.

Byers Station Parcel 5C Lot 2B (Commercial) Amended Final Planned Residential Development (PRD) Plan continued

Ms. Zarro and Mr. Greenburg are concerned about the parking license agreement but agreed to work out the details and accept that Condition. Also discussed was the architecture and materials for the day care building, per the renderings displayed in August. They will work with the Township – a representative of the Board of Supervisors- to find a balance between the village and the retail shoppes next door. Working with a representative of the Township will be added to Condition #4.

**ORDER**

Mrs. Baxter moved, seconded by Mr. Durkin, to approve the Amended Final PRD Plan for lot 2B of Parcel 5C dated March 15, 2022 and last revised May 25, 2022 with the following conditions. Pursuant to Section 200-73.F. of the Codes, the Board also approves a reduction in the total required parking spaces to allow a total of 130 spaces.

1. The Final Plan shall be revised to comply with Gilmore & Associates' review letter dated July 6, 2022 and McMahon Associates' letter dated September 12, 2022.
2. Because Applicant has not identified a tenant for the 1,820 square foot freestanding eating and drinking establishment with a drive through lane (Restaurant Pad), once a tenant has been identified, Applicant shall submit to the Township Traffic Engineer a revised traffic study with parking counts and data that demonstrates the tenant's traffic generation, parking demand and stacking space demand for the drive through lane. The Township Traffic Engineer shall review that data and advise if the configuration of the drive through lane and number of stacking spaces at the restaurant pad provides safe circulation around the proposed building and sufficient parking and stacking spaces to accommodate the specific tenant's estimated demand. If the Township Engineer determines that the configuration of the drive through lane and stacking spaces and parking spaces must be revised to accommodate the projected demand of the tenant and to allow safe circulation around the building, Applicant shall revise that portion of the Final Plan where the restaurant pad is proposed. The revised plan must then be approved by the Board.
3. The Pennsylvania Department of Environmental Protection issued a Sewage Facilities Planning Module approval on January 7, 2020 pursuant to which 2,697 gallons per day was allocated to Lot 2B. Estimated usage calculations shall be provided for the uses shown on the Final Plan to the Township Municipal Authority in accordance with Comment IX.1 of the Review Letter. Applicant shall purchase sufficient sewer capacity for all of the commercial uses once capacity needs have been determined in accordance with the Comment IX.1 prior to connection of said uses to the municipal sanitary sewer system.
4. The architecture for the buildings depicted on the Final Plan shall be built substantially in conformance with the proposed building elevations prepared by JAM Architects dated May 12, 2022 with the following changes: (i) the roof lines for the day care building shall be adjusted to provide steeper engaged dormers to create more architectural impact and reduce the perceived length of the primary roof of the building; (ii) the exterior of the day care façade shall be diversified to incorporate additional textures, materials, and colors using the palette of materials consistent with the adjacent commercial buildings within the development. (\*\*Add: the Applicant will work with a representative of the Board of Supervisors on the architecture and materials for the day care building.)
5. All deliveries to the buildings on the Lot shall be from SU-30 vehicles or smaller sized vehicles. There shall be no deliveries from tractor trailers.
6. Applicant shall designate a sufficient number of parking spaces around the buildings as designated loading and unloading spaces and shall install signage to reserve such spaces for deliveries during off peak hours. All deliveries to the site must occur during off peak hours for the uses, preferably when the uses are closed; provided such time does not conflict with the Township Noise Ordinance.
7. The Final Plan shall be revised to add a midblock pedestrian crossing on the west side of the access driveway along Iris Lane to connect the southern parking lot to the Restaurant Pad.
8. The Final Plan shall be revised to add a sidewalk through the triangular open space in the middle of the southern parking lot leading to the proposed sidewalk to be located between the daycare facility and the retail stores.
9. Applicant seeks approval from the Board to install one monument sign at the intersection of Pottstown Pike and Station Boulevard with a maximum area of 60 square feet and a maximum height of 6 feet. Applicant shall be permitted to install a sign with such dimensions subject to issuance of a sign permit from the Zoning Officer.

10. Applicant shall implement traffic calming measures on Iris Lane to slow the vehicles entering the site. The design of such traffic calming measures shall be reviewed by the Township Traffic Engineer and the specific measures shall be approved by the Board. The traffic calming measures may include a raised center median, signage and pavement markings or other traffic calming measures if approved by the Township.
11. If requested by the Township, Applicant shall allow public parking on a portion of the parking lot in front of the day care building during hours and days when the day care is closed provided that the Township agrees to enter into a License Agreement or other written agreement with Applicant acceptable to Applicant and the Board, which shall include, without limitation, appropriate insurance coverage and indemnification by the Township for the public parking.
12. If the day care use provides transportation for students, it shall limit drop off and pick up from smaller passenger vans; larger standard sized school buses shall not be used.
13. Applicant shall obtain all required outside agency permitting and approvals (e.g., PaDEP Planning Module approval) prior to recordation of the Final Plan.
14. To the extent that the Final Plan or any of the conditions imposed by this Decision and Order are inconsistent with or contrary to the Tentative Approval as applicable to Parcel 5C, or the 2019 Alternative Final Plan Decision, the conditions of approval related to the development of Lot 2B of Parcel 5C set forth herein shall control. The provisions of the 2019 Alternative Final Plan Decision related to the development of Lot 2A of Parcel 5C shall be in full force and effect and control.

Naresh Tulluru is concerned with the commercial traffic cutting through the Villages of Chester Springs and asked if their roads could be blocked off from through traffic. Ms. Zarro advised that they could not be blocked off, even though they are private streets, as cross-access easements were recorded at the beginning of Parcel 5C development between Lot 1, Lot 2A and Lot 2B.

The motion carried unanimously.

#### Open Session

Mr. Tulluru questioned the thinking of those who approved those cross-access easements in Parcel 5C. Ms. Camp advised that decision was made in 1999; Mrs. D'Amico noted that this Board is bound by that 1999 Agreement.

Mr. Tulluru asked for an update from the Township's August 26 visit to the Villages at Chester Springs regarding the punch list items and escrow releases. Mr. Scheivert advised that the HOA's engineer had sent a list, the township is reviewing it to determine what items fall under the construction escrow, which the Township has authority to make the developer complete, and which items fall under the HOA's warranty. Mr. Tulluru believes some of the Township Engineer's comments are inaccurate and some of the items should fall under line items on the construction escrow list, such as the rock structures being too high. Mr. Leh advised they have since been modified and Mr. Scheivert advised the trees/landscaping will be assessed by Brandywine Conservancy tomorrow.

Steve Egnaczyk asked the status of the Decision for the 100 Greenridge Road Conditional Use. Ms. Camp advised it will be presented at the Board's October 11, 2022, 4:00 p.m. Workshop.

Mr. Tulluru commented that in the October 9, 2018 Supervisors meeting minutes, page 4, it talks about the Villages at Chester Springs lot lines and only 5' deep decks, but the decks are 10' deep and that could be a problem with the swales.

#### Adjournment

There being no further business to be brought before the Board, Mrs. D'Amico adjourned the Meeting at 8:40 p.m.

Respectfully submitted,  
Gwen A. Jonik  
Township Secretary