



## UPPER UWCHLAN TOWNSHIP

Planning Commission Meeting

March 9, 2023

6:00 p.m. Workshop,

7:00 p.m. Meeting

Minutes

Approved

LOCATION: Township Building Conference Room, 140 Pottstown Pike, Chester Springs PA 19425

6:00 p.m. Comprehensive Plan Workshop Attendees:

Sally Winterton, Planning Commission Chair;

Joe Stoyack, Planning Commission Vice-Chair;

Planning Commission Members: Chad Adams, David Colajezzi, Jim Dewees

Anthony Campbell, Township Zoning Officer

Gwen Jonik, Township Secretary

### 6:00 p.m. Workshop

Sally Winterton called the Workshop to order at 6:08 p.m.

Anthony Campbell summarized the Board of Supervisors' February discussion of the uses in the C-1 Village Commercial District:

1. That multi-use buildings – different by-right uses in the same building requires conditional use approval; multi-tenant buildings – same uses within the same building. The Board is going to remove the conditional use requirement for multi-use buildings.
2. A cultural 'studio' is smaller scale, where teaching and instruction takes place;
3. A cultural 'facility' is a larger building, such as a museum, theater, etc.
4. Fitness centers are only permitted in the LI District at this time. The Board would like to allow fitness centers as a cultural studio, a by-right use in the C-1 Village Commercial District.
5. Kristin Camp had brought up short-term rentals, such as VRBO, airbnbs in the residential districts. Mr. Campbell advises short-term rentals are similar to hotels, which are allowed in the LI or Commercial Districts, not residential districts. Short-term rentals aren't considered a Bed and Breakfast because with a Bed and Breakfast, the owners are to live there. Short-term is considered less than a 30-day stay. Greater than 30 days is considered long-term and Upper Uwchlan doesn't inspect rental properties.
6. The Board also considered expanding manufacturing uses in the LI and PI Planned Industrial/Office District.

The Planning Commission discussed uses in the R1 Residential District – 1 dwelling unit/2 acres.

Anthony Campbell advised that he's received several calls recently from residents who want to open airbnbs in that district. In the Lyndell neighborhood, most houses and lots are small since Marsh Creek Lake was formed. They're existing non-conforming lots, which limits what can be done with the property, especially needing on-lot water and septic. In the R1 Districts, a second house or living quarters is not permitted; the group discussed limiting the size of accessory buildings – there is a 25' height limitation. Stormwater regulations come in to play with accessory buildings – if there's more than 1,000 SF of impervious surface, stormwater management measures are required. Mr. Campbell suggests that any requests for in-law quarters that are detached shouldn't be allowed in R1 or R2 without additional approvals, however they could be attached, as with a breezeway.

Also discussed was multi-family occupancy in one building. Mr. Campbell advised that it can't legally be prohibited, perhaps limited by the number of people per square feet; those living together who aren't related is considered a group home, which is permitted; a half-way house, if less than 10 people, is considered a single-family home.

Two-family dwellings are allowed in R2 (1 dwelling unit/acre); considered a duplex, horizontally or vertically separated with two separate families.

Joe Stoyack and Chad Adams questioned allowing "affordable housing", Section 8, senior housing (high rise). It can't be prohibited, and developers cannot be forced to build such housing.

In summary, Mr. Campbell would like to allow for in-law quarters attached or detached as accessory uses in the R1 and R2 Residential Districts.

The Workshop was adjourned at 6:56 p.m.

### 7:00 Meeting

#### Attendees:

Sally Winterton, Chair; Joe Stoyack, Vice-Chair; Chad Adams, David Colajezzi, Jim Dewees, and Jeff Smith;

Mary Lou Lowrie, P.E., Township Engineer

Gwen Jonik, Township Secretary

Dave Schlott, Jr., P.E., ARRO

Absent: Stephen Fean, Ravi Mayreddy

Sally Winterton called the meeting to order at 7:01 p.m. and entered an addition to the Agenda. There were 3 citizens in attendance.

Dave Schlott, P.E., with ARRO, the Township's wastewater consultant attended to acquire letters of support from the Planning Commission regarding the Municipal Authority seeking H2O grants via the Department of Community and Economic Development for 3 planned projects. The Authority has applied for funds to assist with the Milford Farms sewer expansion, 47 properties along Font Road from Milford Road to Black Horse Road, Carriage Drive and Surrey Lane; Meadow Creek expansion to 79 properties on Meadow Creek Lane; and converting the Eaglepointe Wastewater Treatment Facility (WWTF) from a treatment and stream discharge facility to pre-treatment only, then further treatment and disposal via the Route 100 WWTF in Phase 3. The DCED requires a letter of support from the Planning Commission. For every dollar paid by the Authority, DCED matches 2 dollars. These 3 projects were included in the updated Township-wide Act 537 Plan which was reviewed by the Authority, the Planning Commission and is currently under review by PaDEP.

Joe Stoyack moved, seconded by Jeff Smith, to provide the letters of support to submit with the grant applications. The motion carried unanimously and Sally Winterton signed the prepared letters.

### 301 Park Road – P.J. Reilly Headquarters Land Development Plan

Monica Sweeney, Wilkinson & Associates, reviewed her responses to the consultants' December 2022 comments. Revised plans, dated March 1, 2023, were submitted. Highlights of the revisions include:

The proposed lighting will not reach across Park Road – those residents won't be impacted by the lighting and the lighting will be off 11:00 p.m. till dawn; the light fixtures are 25' high from the grade and it was suggested she double check the lighting ordinance for compliance; also suggested was to shield the fixtures along the front of the property to keep glare off.

Landscaping. They'll seek a waiver from meeting the tree replacement requirements and landscaping requirements as they don't want to plant along the stormwater basin berm or the PennDOT easement

for the turnpike widening. They'll provide the screening around the storage area along the front and trees/shrubs around the parking area; they're providing a small portion of what's required due to the limited space but they are providing the appropriate screening.

Stormwater. The aboveground flow was discussed; the outlet structure is designed for a 100-year storm.

They'll seek several waivers: accessory building/structure in the front yard (152-306.K.3) and potentially about the landscaping. Perhaps the trees/shrubs could be a bigger size and/or placed near the bottom of the retention basin berm to help screen it.

Regarding the Historical Commission review, Gwen Jonik noted that the property was not on the historic resource inventory. This will be confirmed in writing.

Ms. Sweeney noted they'll seek 3 variances but they haven't yet applied to the Zoning Hearing Board.

No action was taken. The March 1, 2023 revised plans will be reviewed by the consultants.

#### Eagleview Corporate Center Lot 1A Land Development Plan

Neal Fisher, Hankin Group, presented the proposed Plan to develop a 60,000 SF flex building on 13.5 acres accessed from Arrowhead Drive cul-de-sac. There are some wetlands and Hickory Park is adjacent. Mr. Fisher was seeking support for the following requested waivers:

1. Preliminary and Final Land Development approval at the same.
2. Changing waiver request from 162-41.g which they will comply with, to 162-52 regarding taking topsoil off site.
3. 162-55.B re woodland disturbance; while they plan to plant a lot of trees they can't meet the requirements so they'll increase the caliper and height, maximizing the size of the plantings.
4. Landscaping waiver; same as above
5. Stormwater management ordinance adopted in December 2022 increased the wetland buffer from 25' to 75'; they'll ask for a waiver to encroach 50' into the 75' buffer. The site testing found that's the best area for the greatest infiltration and would discharge into the existing basin on the cul-de-sac and the second aboveground basin for the rest of the site. They'll convert the headwall spreader to a larger spreader to improve the discharge into the wetlands. It will hold back more water during a storm and release it at a slower rate.

Parking lot lighting was discussed; they'll need to show the lighting at the building doorways. There will be a monument sign at the entrance from Arrowhead Drive. No trail connection is shown as there's no trail on Arrowhead. May have a sidewalk or asphalt trail to Arrowhead and out to Stockton Drive. The trail in Hickory Park has been cleaned up since the pipeline work was done.

Jeff Smith moved, seconded by David Colajezzi, to recommend approval of the requested waivers, including the stormwater one with modifying the level spreader. The motion carried with five (5) in favor and one (1) opposed (Stoyack).

#### Ordinance Amendments

##### Alternative Energy Systems

Joe Stoyack's draft amendment with Solicitor Kristin Camp's comments was distributed. Alternative Energy Systems are Chapter 77 of the Township Codes. Mr. Stoyack explained the amendment will increase residents' access to alternative energy systems. Existing systems are grandfathered; this is for future development.

Discussion included that there shouldn't be deed restrictions or covenants prohibiting use except where the Township prohibits them, however Ms. Camp notes the Township doesn't have the authority to prohibit private covenants or deed restrictions; the Township prohibits wind and geothermal energy systems in the C1 Village District and the designated historical district – could the designated historical district be "as defined by the Historical Commission"?; the State currently has several energy related Bills in process and if passed, they'll override our regulations.

Joe Stoyack moved to recommend to the Board of Supervisors that they approve the Alternative Energy System amendments proposed in the December 9, 2022 draft with the following revisions:

1. strike the text in § 77-3 “and no deed restriction or covenant prohibiting use shall be implemented or enforceable, except where specifically prohibited in this section.”
2. Add the following text to the end of § 77-3.A.(1) “, or in third party conservation or agricultural preservation easements.”
3. strike the text in § 77-3.B.(1) and § 77-3.C.(1) “and executed overlay areas.”
4. in § 77-5.A. add the following text to the end of the first sentence “not including Electric Vehicle (EV) charging capacity.”
5. In § 77-5.D. add the following text after the first sentence “Solar systems may be installed on the front yard facing roof.”

Jeff Smith seconded, and the motion carried with five (5) in favor and one (1) opposed (Deweese).

#### Chapter 71 Uniform Construction Codes.

The building department has proposed the addition of a violations and penalty section to the Township Codes. The proposed violations and penalties are in accordance with the Second-Class Township Code.

Jeff Smith moved, seconded by David Colajezzi, to recommend the Board of Supervisors approve the amendment to add a Violations and Penalties Section to Chapter 71 Uniform Construction Codes. The motion carried unanimously.

#### Approval of Minutes

Jim Dewees moved, seconded by Jeff Smith, to approve as presented the minutes of the Planning Commission's February 9, 2023 meeting. The motion carried unanimously.

#### Meeting Updates

Environmental Advisory Council (EAC). Jeff Smith noted Uwchlan Township has recently enacted an ordinance banning plastic bags and straws and our EAC is considering this as well; a green-cycling event will be planned soon; and Joe Stoyack noted he and Chair Neil Phillips are discussing crafting a presentation on environmental issues.

Historical Commission (HC). David Colajezzi noted the HC had a detailed discussion regarding a building addition for Eagle Animal Hospital, an historic structure, and they were leaning toward accepting their historic resource impact report; they discussed the Struble trail extension, and the Dorlan Mill miller's house being demolished; they're working on an historical resource protection program and an introductory narrative for the Comprehensive Plan.

Active Transportation Plan (ATP). Sally Winterton noted the committee hasn't met recently. Joe Stoyack commented that with the standard growth projected at a 1.9% increase per year in traffic, plus 2 large warehouse facilities proposed in Uwchlan Township -- at the Turnpike interchange and along Lionville Station Road -- we must keep these in mind when planning our growth in traffic. Jeff Smith noted Uwchlan Township has vehicle weight limits in their ordinances. We might want to consider this for our township-owned roads.

#### Adjournment

Jim Dewees moved to adjourn at 9:43 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik  
Planning Commission Secretary