



UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA

February 8, 2024

6:00 p.m. Workshop, 7:00 p.m. Meeting

LOCATION

Upper Uwchlan Township Building, 140 Pottstown Pike, Chester Springs PA 19425

- I. 6:00 Workshop
Continue discussion of a draft ordinance for in-law quarters / accessory dwelling units.
- II. 7:00 PM Meeting Call To Order
- III. Zoning Hearing Application ~ Keystone Outdoor Advertising Co.
Presentation by Applicant's representative to provide the background for the application. Informational purposes only. The Zoning Hearing is scheduled for February 28, 2024, 7:00 p.m.
- IV. Meeting Updates ~ Reports
 - A. Environmental Advisory Council (EAC)
 - B. Historical Commission (HC)
 - C. Active Transportation Plan (ATP)
 - D. Village Concept Plan / Village Design Guidelines (VCP / VDG)
 - E. Comprehensive Plan Update (CompPlan)
- V. Approval of Minutes: January 11, 2024 Meeting minutes
- VI. Next Meeting Date: March 14, 2024 7:00 p.m.
- VII. Open Session
- VIII. Adjournment

Upper Uwchlan Township

2-2-2024 DRAFT

Chester County, Pennsylvania

ORDINANCE # _____

AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 TITLED "ZONING", SECTION _____ TO ADD A DEFINITION FOR "ACCESSORY DWELLING UNIT" AND TO AMEND THE DEFINITION OF "FAMILY"; TO AMEND SECTION _____ TO ADD ACCESSORY DWELLING UNIT AS AN ALLOWABLE ACCESSORY USE IN THE R1, R2 AND R3 ZONING DISTRICTS ON PARCELS GREATER THAN OR EQUAL TO 1 (ONE) ACRES IN SIZE; AND TO AMEND SECTION _____ (if applicable to UUT) TITLED "ACCESSORY USES" TO ADD A NEW SUBPARAGRAPH TO ADOPT REGULATIONS FOR ACCESSORY DWELLING UNITS.

BE IT ENACTED AND ORDAINED by the Upper Uwchlan Township Board of Supervisors that Chapter 200 of the Code of Upper Uwchlan Township, titled "Zoning" is amended as follows:

Section 1. The following definition shall be added to Section _____:

"Accessory Dwelling Unit or ADU"

A residential dwelling unit located on the same lot as a single-family dwelling or single-family semi-detached dwelling unit which provides complete independent living facilities for a maximum of two persons. It may take various forms: a detached dwelling unit; a dwelling unit that is part of an accessory structure, such as a detached garage or barn; or a dwelling unit that is part of an expanded or remodeled principal dwelling unit.

Section 2. Section(s) _____ titled "Accessory uses" shall be amended to add accessory dwelling unit as an allowable accessory use in the R1, R2, and R3 Zoning Districts on parcels greater than or equal to 1 (one) acres in size.

Section 3. Section(s) _____ titled "Accessory uses" shall be amended by adding a new subparagraph titled "Accessory Dwelling Units" which shall provide as follows:

- (1) Specific Intent. The purpose of these regulations is to allow accessory dwelling units on lots equal to or greater than 1 (one) acres in size where single-family dwellings are permitted. The Board recognizes that allowing accessory dwelling units subject to the standards in this Ordinance may achieve some or all the following benefits:
 - (a) to create a convenient living arrangement that allows family members or caregivers to provide care and support for qualified family members in a semi-independent living arrangement while remaining in his or her community.

(b) to furnish independent living facilities for dependent persons or caregivers in such proximity to the family as will permit the maintenance of independence while allowing the convenient exercise of care and supervision by the concerned family.

(2) Eligibility. An ADU may be permitted as an accessory use to a single-family detached dwelling or single-family semidetached dwelling for qualified family members:

- a. in the R1, R2, R3 Zoning Districts on parcels greater than or equal to 1 (one) acres in size, subject to the conditions set forth in this Section and all other applicable provisions of this Chapter.
- b. The qualified family member or caregiver shall be:
 - i. either a parent, grandparent, child or sibling requiring medical care for physical or mental disability or impairment, of one or more of the occupants of the primary residence to which the ADU is accessory, or
 - ii. A licensed health care professional or caregiver (excluding for example nannies, babysitters or au pair services) providing service or support to (i) above.
- c. The ADU shall be used solely for the purposes of Section 3 (1) (a) and (b) above.

(3) Standards for Accessory Dwellings. All ADUs must be in compliance with the underlying Zoning provisions, except as follows:

- (a) Historical Reuse: Accessory dwelling units shall be permitted in official historic resources, in compliance with Section (Historical Reuse section), irrespective of maximum impervious coverage or maximum habitable floor area requirements set forth in this section (provided that the impervious coverage of the historic resource is not increased beyond 1,000 square feet due to the conversion of the historic resource to an accessory dwelling unit).
- (b) One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
- (c) There shall be no more than one ADU built on each lot.
- (d) No ADU shall be permitted when accessory to a multifamily dwelling or attached dwelling.
- (e) The floor area of an ADU shall be limited to a maximum of twelve hundred (1200) square feet and shall contain no more than two (2) bedrooms.
- (f) A maximum of two people may reside in the ADU.
- (g) No mobile home, manufactured home, or Recreational Vehicle shall be permitted for use as an ADU.

(4) Dimensional requirements.

- (a) An ADU proposed within or attached to an existing structure shall be subject to all applicable residential zoning dimensional requirements for the principal structure, except minimum lot area.
- (b) A detached ADU shall not be located within any front or side yard and shall be subject to all applicable residential dimensional requirements for the primary residential structures including applicable setbacks, except maximum building height.
- (c) The maximum building height for a detached ADU shall not exceed 24 feet. If an ADU is proposed for an accessory structure existing at the time of adoption of this Ordinance that is more than 24 feet, the height of the existing structure is considered the maximum height permitted.

(5) Parking. One (1) off-street parking space shall be required for an ADU, in addition to those required for the principal dwelling.

(6) A common driveway shall service the primary residence and the ADU.

(7) The owner of the proposed ADU must obtain all necessary permits and approvals from the Chester County Health Department, Township's Municipal Authority and public utilities, as applicable:

- a. On-lot septic system(s), shall be of sufficient capacity for the primary residence and the ADU, or a separate septic system of sufficient capacity for the ADU.
- b. Connection to the Municipal Authority sewer system shall be approved and EDU billing adjusted.
- c. Water system connection.
- d. Electrical system connection.

(8) Stormwater management shall be in accordance with Article _____.

(9) If an ADU is located within an accessory structure, such structure must be located on the same lot as the principal dwelling.

(10) If an ADU is located within an existing single-family detached dwelling or semi-attached dwelling, it shall have an entrance separate from the entrance to the primary dwelling. This entrance shall not be a part of the front façade of the primary dwelling.

(11) To ensure compliance with this Chapter, an architectural plan shall be submitted as part of a building permit application, accurately drawn to scale, indicating the relationship and size of the two dwelling units, as well as parking areas and any proposed exterior alterations.

- a. The applicant shall execute, acknowledge and deliver to the Township Secretary, contemporaneously with the application for a building permit, a declaration stating (a) that the application is made for the purposes herein set forth; (b) that the costs incurred are for the purpose of enabling the family to give the requisite care and aid to the occupant; (c) that the

applicant acknowledges that any expense or hardship incurred in the construction, discontinuance or removal of the ADU is a self-incurred hardship and, therefore, no variance may be obtained to permit the occupancy by other than a qualified family member, and (d) the property owner shall provide a copy of the agreement to a potential buyer of the property, prior to the closing of the sale, and notify the Township of the potential sale.

(12) A use and occupancy permit shall be required prior to the occupancy of an ADU. The permit form, as provided by the Township and accompanying required fee shall be submitted by the property owner.

- a. The applicant shall request renewal of the occupancy permit each year the ADU is occupied.
- b. The Township may inspect the ADU including eligibility for continued use as an ADU per Section 3.2 of this Chapter, at its discretion.
- c. The property owner shall allow inspection upon reasonable request.

Section 4. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Upper Uwchlan Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 5. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 202__.

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

Sandra M. D'Amico

Jennifer F. Baxter

Attest:

Gwen A. Jonik, Township Secretary

Andrew P. Durkin

UPPER UWCHLAN TOWNSHIP CHESTER COUNTY, PA

APPLICATION TO THE ZONING HEARING BOARD

TAX PARCEL NO. 32-3-69

DATE November 13, 2023

I, Vincent B. Mancini, Esquire, attorney for Applicant, hereby makes an appeal for a variance/special exception
(cross out one)

From the terms of Chapter 200, of the Upper Uwchlan Township Zoning Ordinance of 1989, as amended.

Zoning District: LI-Limited Industrial District

A brief description and location of the Real Estate to be affected by proposed change.

Eaglepointe Development Associates, L.P., is the owner of a certain parcel of land comprised of approximately 26.72-acres fronting on the Pennsylvania Turnpike and known as 1955 Ticonderoga Boulevard, Upper Uwchlan Township, Chester County, Pennsylvania, UPI Tax Parcel 32-3-69 (hereafter “Property”). See Addendum attached hereto and made part hereof as Exhibit “A”.

Present use and improvements on Real Estate in question.

See Addendum attached hereto and made part hereof as **Exhibit "A"**.

Reasons appellant believes Board should approve appeal (refer to sections of Ordinance under which appeal may be allowed, and reason why it should be granted. See Addendum attached hereto and made part hereof as Exhibit "A".

I hereby depose and say that all of the above statements, and the statement contained in any papers submitted herewith, are true to the best of my knowledge and belief.

Sworn to and subscribed before me this 13th day of November, 2023.

MANCINI & KODUMAL, PLLC

By: *Vincent J. B. Mancini*

By: Vincent B. Mancini, Esquire

Vincent B. Manelli, Esq.
Attorney for Applicant

Attorney for Appellant,
Keystone Outdoor Advertising Company, Inc.

Commonwealth of Pennsylvania - Notary Seal
Deborah E. Scally, Notary Public
Delaware County
My commission expires September 29, 2025
Commission number 1145279
Member, Pennsylvania Association of Notaries

For Official Use

Date Received _____
Deposit Paid \$ _____
Munilogic # _____

EXHIBIT "A"

ADDENDUM TO APPLICATION TO ZONING HEARING BOARD

Applicant, Keystone Outdoor Advertising Company, Inc. (hereafter "Keystone Outdoor"), has entered into a contingent "Ground Lease Agreement" with Eaglepointe Development Associates, L.P. (hereafter "Eaglepointe") for the construction and operation of two (2) billboard structures on the property. Applicant has standing and authority to file, in its own name, the instant Application for Variances under Sections 6(b) and 10 of the Lease attached hereto as **Exhibit "3"**.

A true and correct copy of the **Deed of Eaglepointe's property** is attached hereto as **Exhibit "1"**. A **Site Plan** of the said property showing buildings and other improvements located on the property zoned L-I Limited Industrial District is attached hereto as **Exhibit "2"**. **Exhibit "2"** also shows the appropriate locations of the two (2) areas leased by Keystone Outdoor. A true and correct copy of the Lease between Eaglepointe ("Lessor") and Keystone Outdoor ("Lessee") is attached hereto and made part hereof as **Exhibit "3"**.

In Section 200-98.I., Upper Uwchlan Township Zoning Ordinance permits billboard signs within the L-I Limited Industrial District subject to Subsection provisions 200-98.I.(1) thru (12). Applicant proposes to construct two (2) billboard structures on Eaglepointe's property, each structure having one (1) internally illuminated digital face and one (1) externally illuminated static, vinyl change face, both measuring fourteen feet by forty-eight feet (14' x 48'). The two (2) proposed structures comply with all of the required conditions under Subsection 200-98.I.(1) thru (12) except for the following requested variances, per Section 200-125.I., for reasons expressed:

1. **Variance from Subsection 200-98.I.(1)** – Variances requested from the maximum height condition requiring a height from grade to top of sign is no greater than thirty feet (30'). Because of trees; elevation of the property relative to the Turnpike to which they will advertise to and other factors, Applicant is hereby requesting a variance of twenty-nine feet (29') to allow the signs a height of fifty-nine feet (59') to the top of the signs. The variances are needed to afford sufficient and safe view from Turnpike travel lanes due to physical conditions of the site relative to the physical location, configuration and speeds on the Turnpike.
2. **Variance from Subsection 200-98.I.(5) for External Illumination of "Static" Billboard Faces; and Distinction between "Static" and "Digital" Face Billboards:** The Township Zoning Officer has advised Applicants that under **Subsection 299-98.I.(5)**, **externally illuminated static billboard faces illumination** must be turned off at 10:00 p.m. until dawn. **Internally illuminated digital faces**, however, are permitted to be illuminated 24/7 provided that the digital faces shall have automatic dimming controls and will enable the digital face illumination to be dimmed to Township standards, especially from dusk until dawn. Keystone Outdoor's internally illuminated digital faces possess automatic photoelectric dimmers that reduce light intensity automatically as the ambient light decreases (i.e., such as cloudy days and especially between dawn until dusk).

Variance Requested for Static Faces - The two (2) "static faces", one (1) on each of the two (2) billboard structures will be illuminated with LED lights, to be placed at the bottom of the billboards face and the LED lighting can be directed solely on the static face side shielding. Keystone Outdoor requests a variance from the 10:00 p.m. turn off of illumination requirement on the static faces and to allow illumination from dusk until dawn. The LED exterior illumination of the static faces would not in any way adversely impact surrounding light-industrial uses nor are there any residential uses in the area that would be impacted by the LED exterior illumination of the static faces. The surrounding light-industrial uses maintain security lighting and sign illumination. Thus, the illumination of the static billboard will be consistent with surrounding conditions. Keystone Outdoor also posits that static billboards on the Turnpike typically illuminated from dusk until dawn and a cut-off of illumination at 10:00 p.m. would significantly prejudice Keystone with its competitors.

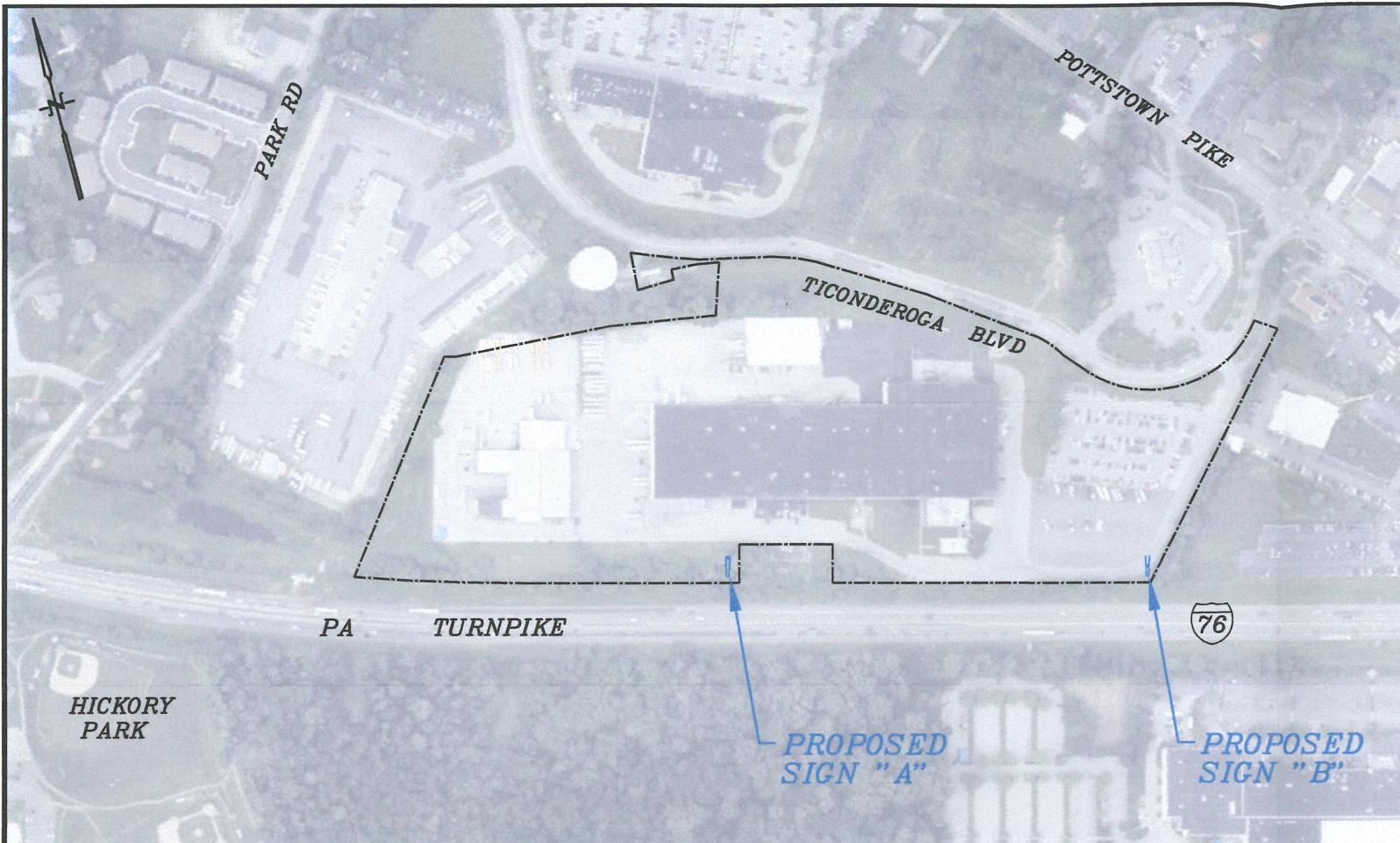
3. **Variance from Subsection 200-98.I.(4) requiring that externally illuminated static faces of billboard by fixtures "mounted at the top of the sign and aimed downward".** The historical "flood lighting" by halogen lamps (which lighting could not be effectively focused and had a tendency of diffusing in many directions) are now being replaced with "LED external illumination fixtures", which can be direct and shielded so that direct illumination falls solely on the Billboard face.

As previously noted above, the two (2) billboard structures and sign faces thereon shall comply with all other provisions and conditions set forth under Subsection 200-98.I. other than those Subsections from which variances are requested. Requested variances are necessary for the operation of the two (2) billboards by Keystone Outdoor and, that the grant of said variances are not detrimental in any way to the public health, safety and welfare; that such variances, if granted, will not adversely affect the use or enjoyment of surrounding properties and that the variances requested are the minimum variances necessary to afford relief for a reasonable operation of the two (2) billboard structures by Keystone Outdoor.

MANCINI & KODUMAL, PLLC

By: 

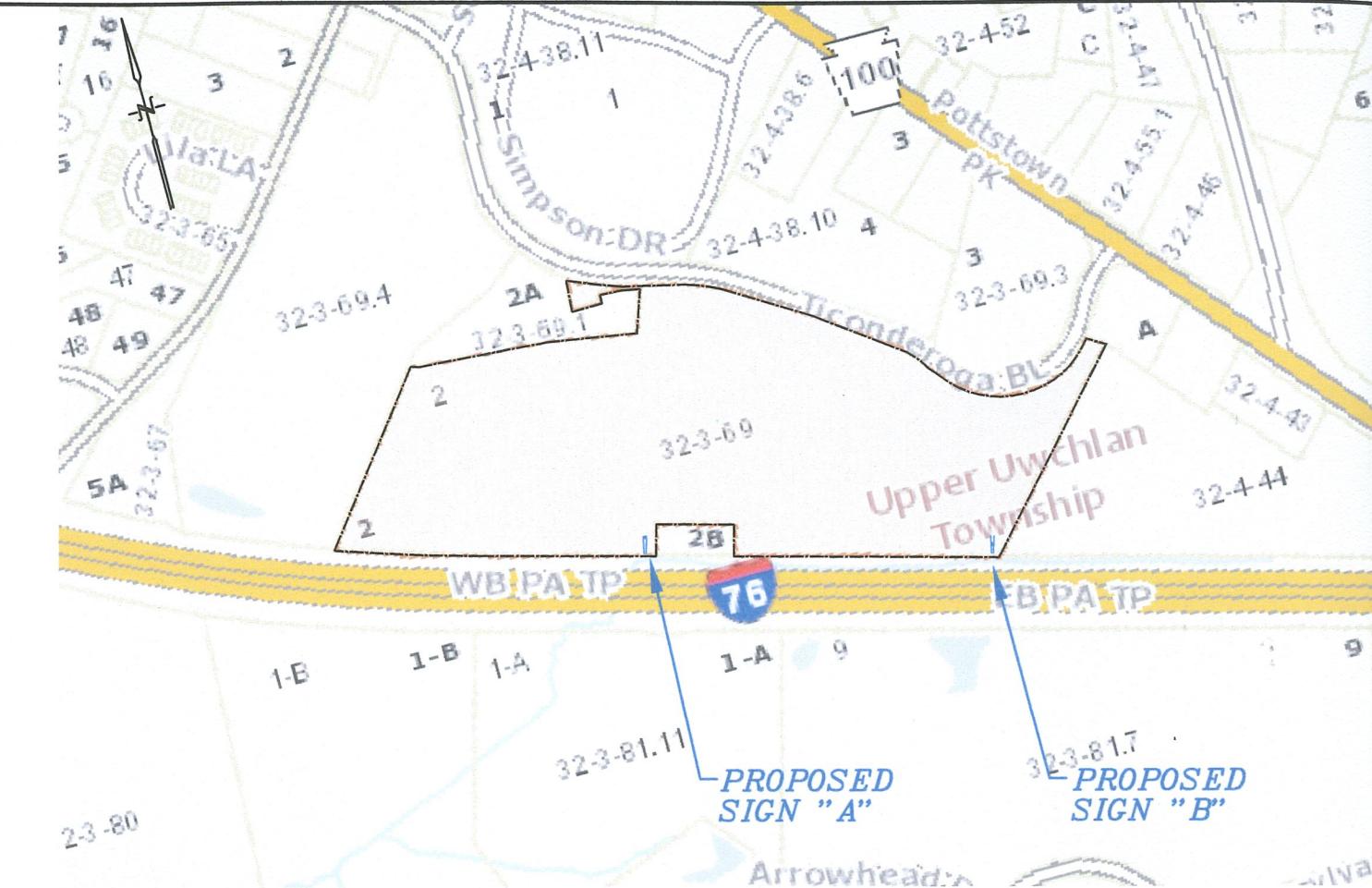
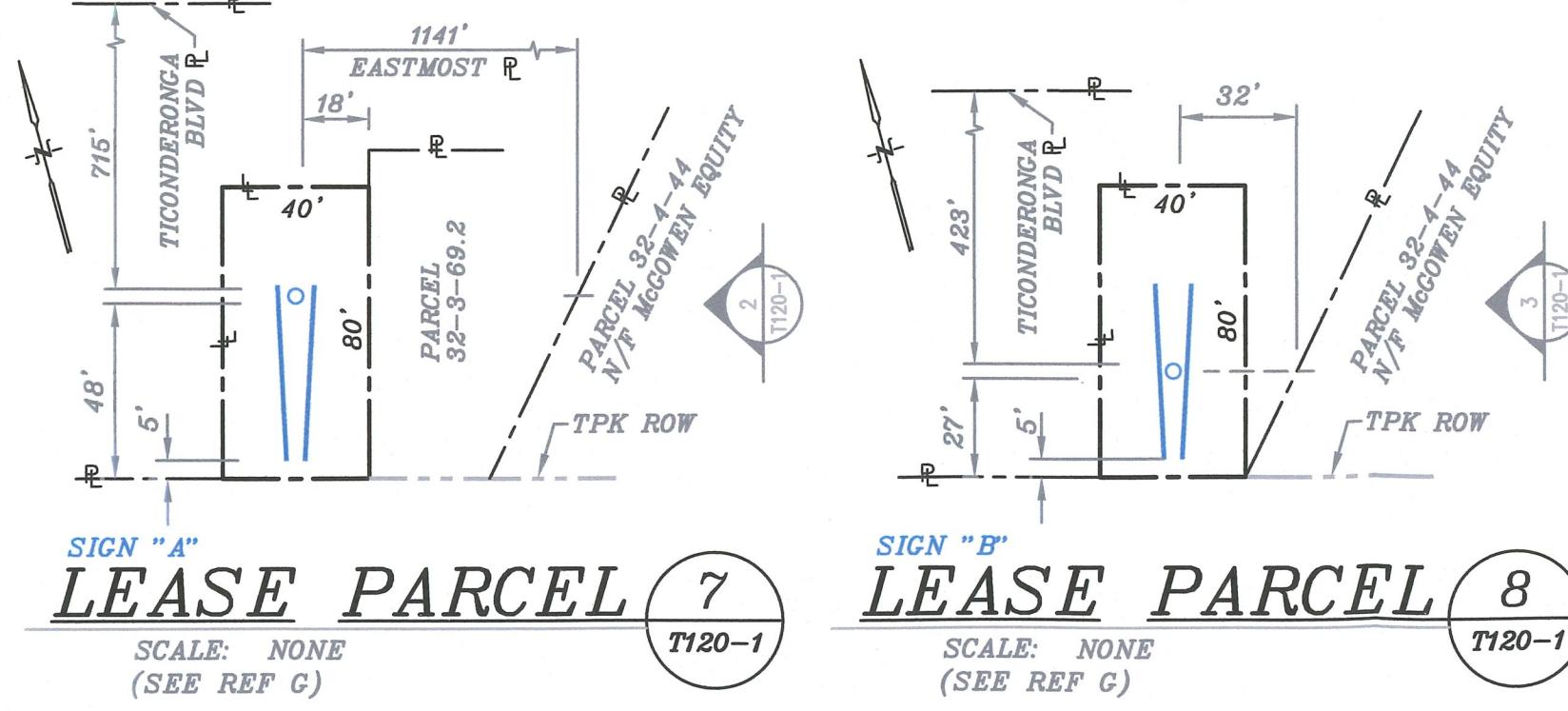
Vincent B. Mancini, Esquire



AERIAL VIEW

SCALE: 1" = 400' 0 400 FT

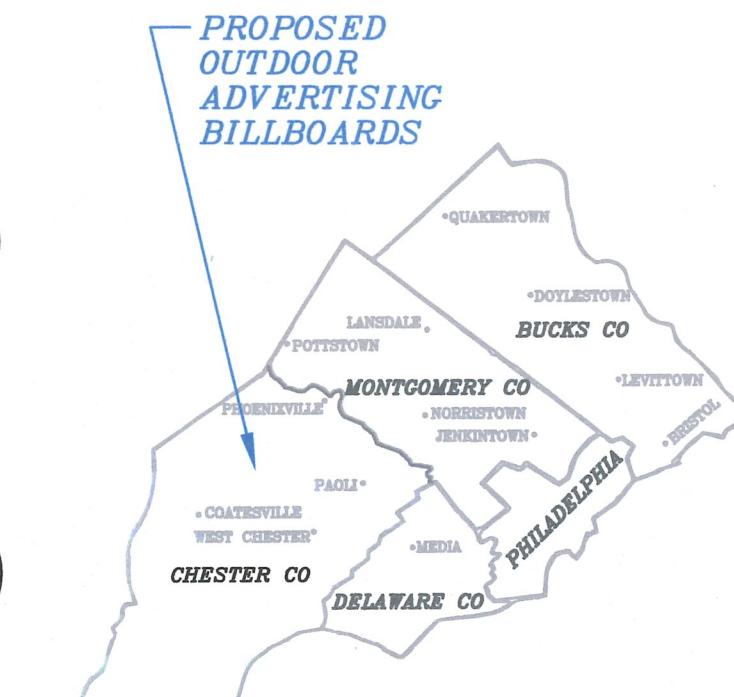
4
T120-1



TAX PARCEL MAP

SCALE: 1" = 500' 0 500 FT
(REF B)

5
T120-1



POCS 1.800.242.1776
SERIAL NO 20232423847
OBTAINED ON 30 Aug 2023

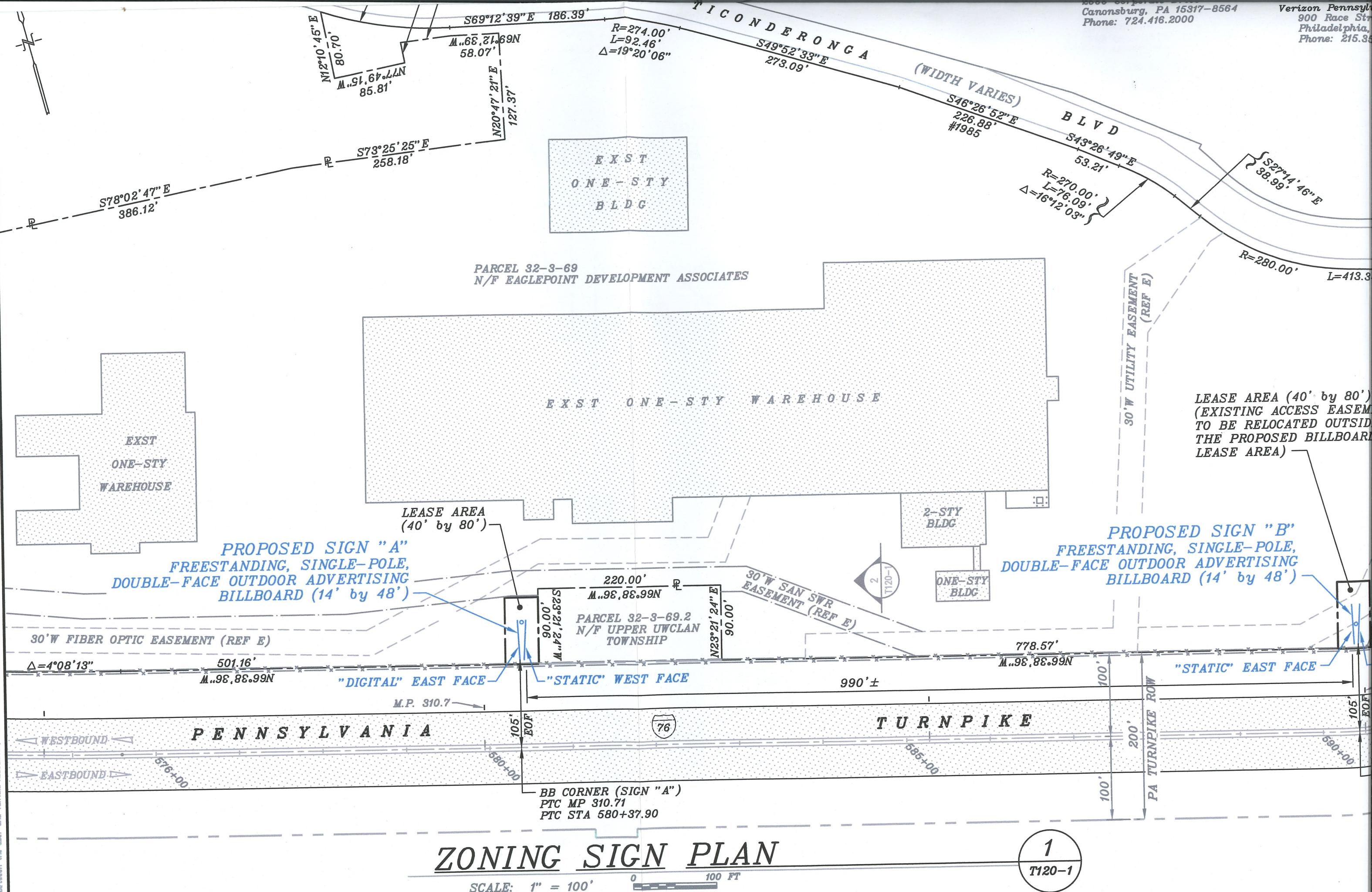
Aqua Pennsylvania, Inc
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3402
Phone: 877.987.2782

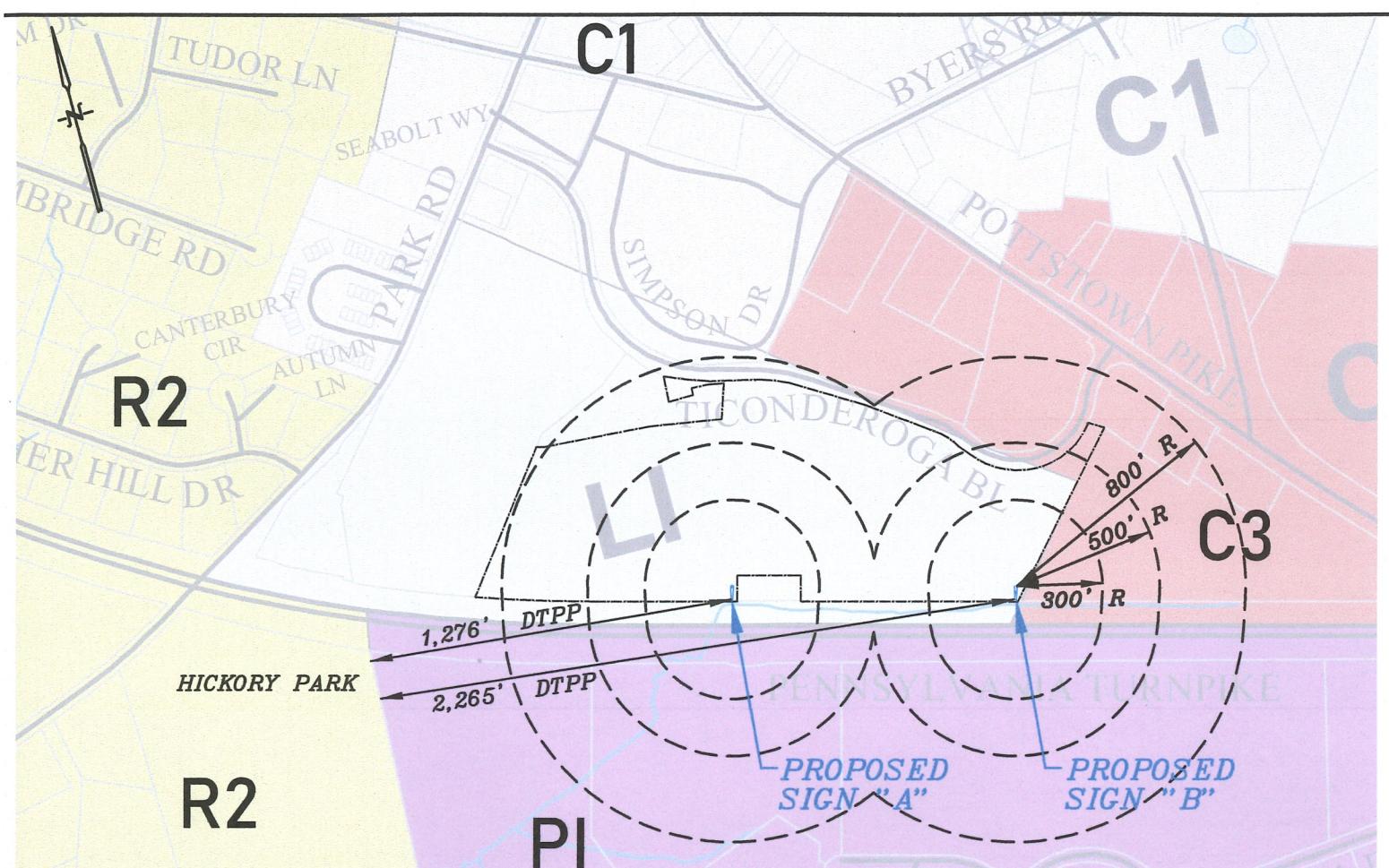
Columbia Gas
204 Klein Road
Easton, PA 18040-6907

PECO Energy
c/o USIC, Inc.
450 South
Suite B
King of Prussia, PA
Phone: 484-442-1234

Upper Uwchlan Township

documents, specifications, computer files, field data, notes and other documents and instruments prepared by Tarta Associates, LLC as instruments of service shall remain the property of Tarta Associates, LLC and therefore shall retain all common law, statutory and other reserved rights, including the copyright and other rights of reproduction/alteration by anyone, and use, reuse or modification/alteration by anyone, without written consent shall be deemed an infringement of the copyright and other rights of Tarta Associates, LLC which shall indemnify and save harmless Tarta Associates, LLC for all claims, damages, losses and expenses arising from the use thereon.





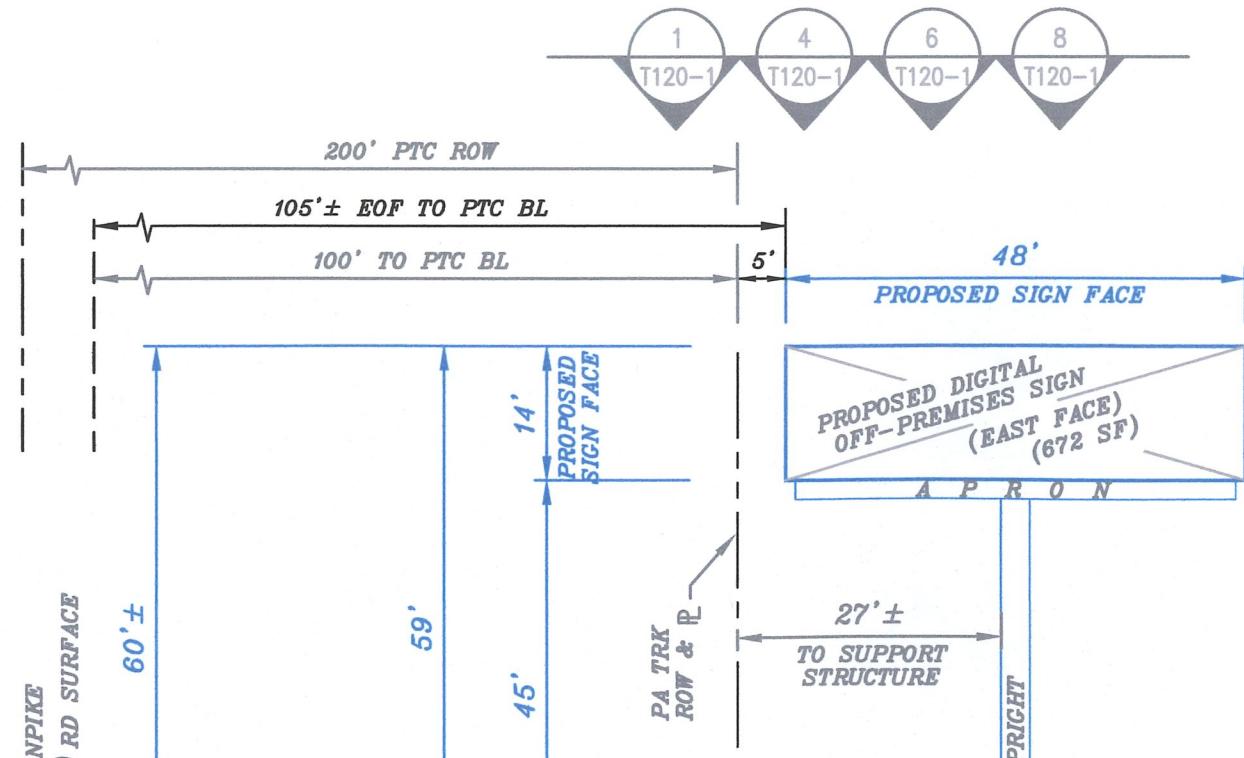
ZONING MAP

SCALE: 1" = 600' (REF C)

0 600 FT

6

T120-1



RECAP of ZONING STANDARDS (OUTDOOR ADVERTISING BILLBOARD)

SECTION §200-98.1	STANDARD OAB (OUTDOOR ADVERTISING BILLBOARD)	REQUIRED/ALLOWED	PROPOSED (±)		COMMENTS
			SIGN "A"	SIGN "B"	
(1)	SIZE OF SIGN (MAX)	SF	700	672	SATISFIED
		HEIGHT/SIGN (FT)	30	59	
		WIDTH BETWEEN FACES (FT)	45	15	SATISFIED
(2)	DISTANCE TO A PARK (MIN)	800	1,276	2,265	SATISFIED (TO HICKORY PARK)
(3)	LIGHTING OUTPUT	—	WILL COMPLY		SATISFIED
(4)	NO FLASHING, INTERMITTENT OR MOVING TYPE, FLOODLIGHTING SHALL BE SHIELDED. INTERNALLY ILLUMINATED SHALL NOT EXCEED 3000K	—	AS PERMITTED		
(5)	LIGHTING	—	AS PERMITTED		
(7)	MAX NO OF BILLBOARDS	NO/BILLBOARDS	2	2	SATISFIED
		FROM EACH OTHER	500	990	SATISFIED
		LOCATION FROM P TO SUPPORT	15	27° SOUTH R	SATISFIED
				715° NORTH R	SATISFIED
(8)	DISTANCE FROM OTHER BILLBOARDS	500	> 500	> 500	SATISFIED
(9)	MIN LOT FRONTAGE DIRECTLY ABUTTING THE PENNSYLVANIA TURNPIKE (FT)	300	1,686		SATISFIED
(10)	GROSS SIGN AREA	—	AS PERMITTED		
(11)	LI PARCELS OWNED BY THE TOWNSHIP	—	AS PERMITTED		
(12)	ANNUAL INSPECTION	—	AS PERMITTED		

RECAP of PennDOT STANDARDS

SECTION §67-445.4	STANDARD	REQUIRED/ALLOWED	PROPOSED (±)		COMMENTS
			SIGN "A"	SIGN "B"	
(a)(3)	ZONED COMMERCIAL OR INDUSTRIAL AREAS ALONG THE PRIMARY SYSTEM	YES	LI		SATISFIED
(b)(1)	(i) MAX SIZE OF SIGNS	AREA (SF)	1,200	672	SATISFIED, PER FACE
		HEIGHT (FT)	20	14	SATISFIED
		LENGTH (FT)	60	48	SATISFIED
(b)(2)(ii)	SPACING BETWEEN SIGNS (FT) (ALONG NONLIMITED ACCESS HIGHWAYS ON THE PRIMARY SYSTEM OUTSIDE CITIES)	1 OR 2	2		DOUBLE-FACED
		300 MIN	> 300	> 300	
(b)(3)	LIGHTING OF SIGNS	VARIOUS	WILL COMPLY		
(b)(4)	GENERAL PROVISIONS	VARIOUS	WILL COMPLY		

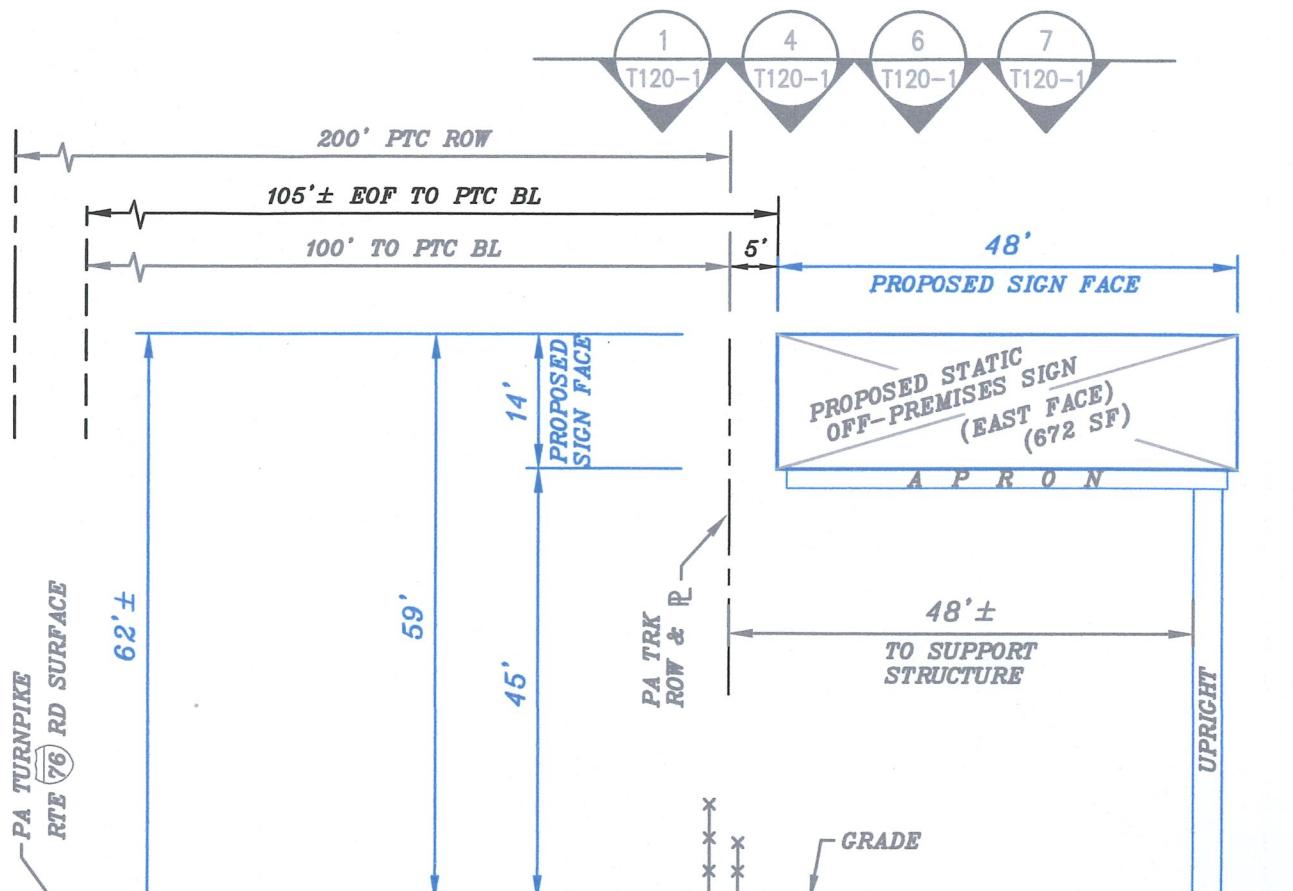
REFERENCES:

- Deed dated 1 May 1993, Deed Book 3551, Page 817, Recorder of Deeds Chester County, 6 Pages
- County of Chester Tax Map, Exhibit NO A, Map Created 20 Jun 2023 (Parcel NO 32-3-69)
- Official Zoning Map Upper Uwchlan Township, Chester County, Revised 17 Apr 2023
- Flood Insurance Rate Map (FIRM), Map NO 42029C0090G, Map Revised 29 Sep 2017, Panel 90

SIGN "B"
SIGN-FACE ELEVATION

3
T120-1

SCALE: 1" = 20' 0 20 FT
(VIEW LOOKING WESTWARD) (SEE ZONING NOTE 6)



SIGN-FACE ELEVATION

2
T120-1

SCALE: 1" = 20' 0 20 FT
(VIEW LOOKING WESTWARD) (SEE ZONING NOTE 6)

LEGEND:

△	Arc Bearing	L	Lease Line	RD	Road
APPROX	Approximate	L	Arc Length	R	Radius
AVE	Avenue	MAX	Maximum	REF	Reference(s)
BL	Base Line	MIN	Minimum	ROW	Right of Way
BLDG	Building	N/F	Now or the Former	RTE	Route
CL	Center Line	NO	Number(s)	SAN	Sanitary
DC	Driveway Crossing	OAB	Outdoor Advertising Billboard	SF	Square FT
DEPT	Department	R	EXIST Property Line	SIM	Similar
DR	Drive	PA	Pennsylvania	ST	Street
DTPP	Distance to nearest Public Park	PennDOT	Pennsylvania DEPT of Transportation	STY	Story
DWG	Drawing(s)	PK	Pike	SWR	Sewer
EL	Elevation	POCS	Pennsylvania One-Call System	TRK	Turnpike
EOF	Edge of Face	PTC	Pennsylvania Turnpike Commission	TYP	Typical
EXIST	Existing			TWP	Township
FT	Feet			W	Wide

GITAL" WEST FACE
I.P. 310.9
I-76 SURVEY & CONSTRUCTION BL (REF F)

CORNER (SIGN "B")
MP 310.90
STA 590+42.86

PA TURNPIKE ROW
(APPROX) LEGAL
RIGHT-OF-WAY LINE
FOR LIMITED ACCESS

NOTES:

1. Do not physically or electronically scale DWG. All sign dimensions are nominal.
2. Owner of Record:
Eaglepointe Development Associates,
a Pennsylvania Limited Partnership
120 Pennsylvania Avenue
Malvern, PA 19355-2418
3. APPROX Lot Area = 26.627 Acres (REF E)
= 1,159,872.12 SF
4. The property is zoned LI, Limited Industrial District (REF C).
5. The property is not within the 100-year flood plain. Location lines were scaled from Flood Insurance Rate Map (REF D).
6. The proposed, off-premises, double-face, single-pole signs
 - A. are not intermittently-illuminated, are not flashing, and are not rotating, and
 - B. are intended to principally advertise to westbound and eastbound traffic on The Pennsylvania Turnpike (I-76).
7. The location of the proposed off-premises signs are approximately shown and were not surveyed. The location of any property lines, rights of way, easements, encumbrances, etc are based on provided references. Tantala Associates, LLC does not guarantee the accuracy of references. It is the sole responsibility of the owner and contractor to determine their adequacy. No encroachments are permitted.
8. The owner and contractors shall, to the fullest extent permitted by law, indemnify and hold harmless Tantala Associates, LLC from and against any damages and liability (including attorneys fees) arising from any claims connected to the project.
9. The Horizontal Datum is NAD83. The Vertical Datum is NAVD88, GEI0D 18. Turnpike stationing derived from reference plan (REF F).

Scale:
AS NOTED
Drawn by:
PWX
Checked by:
MWJ
Date:
9Nov23



Proposed OUTDOOR ADVERTISING BILLBOARDS
by **KEYSTONE OUTDOOR ADVERTISING Co, INC**



at 1985 TICONDEROGA BOULEVARD
I-76, PA TURNPIKE MP 310
CHESTER SPRINGS, PA 19425-9556
UPPER UWCHLAN TWP, CHESTER CO, PA

Drawing NO
D78042-T120-1

ZONING SIGN PLAN

MICHAEL W. TANTALA, P. E.
PROFESSIONAL ENGINEER
PA NO 071443
NJ NO 24GE04914100
NY NO 00000000 NO 86350
CT NO 00000000 NO 180679
DE NO 00000000 NO 43291
MI NO 6201067971
OH NO PE72050
MICHAEL W. TANTALA
DATE: 9Nov23



UPPER UWCHLAN TOWNSHIP

Planning Commission

January 11, 2024

6:00 p.m. Workshop, 7:00 p.m. Meeting

Minutes

Draft

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

Attendees:

Sally Winterton, Chair; Joe Stoyack, Vice-Chair; Chad Adams, David Colajezzi, Jeff Smith, Stephen Fean (meeting)

Anthony Campbell, Zoning Officer (workshop)

Mary Lou Lowrie, Gilmore & Associates (meeting)

Gwen Jonik, Planning Commission Secretary

Absent: Jim Dewees, Vikas Harjani

Sally Winterton called the workshop to order at 6:05 p.m.

Discussion continued regarding in-law quarters/accessory dwelling units. Joe Stoyack had provided excerpts from neighboring townships' ordinances regarding accessory dwelling units (ADU).

Discussion included:

1. Require a 2-acre minimum to allow ADU; 1 acre could be fine. Rear yard and side yard setbacks would still have to be met.
2. an ADU can't be in the front yard so a minimum 2 acres would give more flexibility for a detached unit in the back yard. A pool house in the back yard, fully equipped, could be used as a residence.
3. Rather than an acreage minimum, the building coverage and setback regulations will limit the location. But why limit folks? Unless your neighbor is impeding your enjoyment of your back yard?
4. There are HOAs that would have restrictions, so go with 1 acre.
5. increase the setbacks for ADU, to 25 feet, and if it cannot fit, seek relief from the Zoning Hearing Board.
6. Make clear an accessory *structure* vs. an ADU.
7. an occupied building would have separate setback requirements
8. existing septic systems will preclude some ADUs
9. the setback for an ADU should be same as the primary structure
10. separate utilities? The utility or owner should determine.
11. Additional public sewer service, separate trash? We'll check with Municipal Authority regarding sewer connections and with the Township regarding trash/recycling.
12. Eligibility is for a family member or the caregiver of said family member.
13. An au pair could be in an ADU, caring physically for a child? That's not the intent of this Ordinance.
14. The "Declaration" section in one of the other township's ordinances is good. Keep that language except remove the section about notifying the township within 60-days once the ADU isn't being occupied.

15. Anthony Campbell is to define “manufactured home”

7:00 Meeting

Sally Winterton called the meeting to order at 7:00 p.m. Attendance was as listed on Page 1. There were 3 citizens in attendance.

Reorganization for 2024

Jeff Smith nominated Sally Winterton for Chair, David Colajezzi seconded, and no other nominations were made. Sally accepted the nomination. All were in favor.

Chad Adams nominated Joe Stoyack for Vice-Chair, Jeff Smith seconded, and no other nominations were made. Joe accepted the nomination. All were in favor.

Jeff Smith nominated Gwen Jonik for Secretary, Sally Winterton seconded, and no other nominations were made. Gwen accepted the nomination. All were in favor.

Turnpike / Wertz Farm Subdivision Plan

The Plan proposes subdividing the 28+ acre parcel bounded by Little Conestoga Road, Milford Road and the Turnpike into 3 lots – Lot A is the farmstead with 12 acres, Lot B is vacant land adjacent to Milford Road, and Lot R is 10.4 acres to be retained by the Turnpike for their widening project. David Ardini, Navarro & Wright Consulting Engineers, representing the Turnpike, commented that they'll address all the comments in Gilmore's review letter, they'll clean up the Plan. They also have no problem with the Historical Commission's comments.

Joe Stoyack commented that if the Township doesn't purchase the farmstead property, a condition of Sale will state the restrictions to the Deed as noted in the Historical Commission's recommendations. An appraisal has already been done for the farmstead lot. The Township's Solicitor advises the Township can't require the Turnpike to get an appraisal on the other lot to be sold.

Lengthy discussion followed regarding one of the Historical Commission's recommendations, that the period features in the interior should be preserved. Planning Commission members do not believe we have the authority to require that of the Turnpike, nor the buyer, or how that would be enforced. The Historical Commission believes that the historic architecture/period features that are still there – oven, fireplace, hinged cupboards, etc. -- can be updated without being removed, and that's what they'd like new owners to preserve 'to the greatest extent practicable'. We will seek guidance from the Township Solicitor.

There was further discussion as to whether we can put restrictions on subdivision approvals. We will seek guidance from the Township Solicitor. What happens if the Township doesn't buy the farmstead property and the Turnpike can't sell it due to the Historical Commission's recommendations, will the Turnpike keep up the house. Mr. Ardini did not think they would. The Historical Commission thinks the Turnpike would come back to the Township and ask that those recommendations be changed. The house is on the Township's historic resource inventory so we might have some authority about it.

Joe Stoyack wondered if we can apply conditions of approval to an applicant who meets all our ordinances.

Joe Stoyack moved, seconded by Jeff Smith, to recommend the Board of Supervisors approve the Subdivision Plan as proposed by the Turnpike subject to incorporation of the items in the Gilmore & Associates letter. Mary Lou Lowrie asked if that included the Historical Commission's comments that were included in the Gilmore letter. Joe Stoyack amended the motion to say that the Historical

Commission's comments contained in Gilmore's letter are not to be included in the approval. Jeff Smith seconded the amended motion and the motion carried unanimously.

Sally Winterton announced the agenda would be rearranged to discuss Celebree School, then to 241 Park Road.

Celebree School (Byers Station Parcel 5C Lot 2B)

Alyson Zarro, Esq., on behalf of Prosperity Property Investments, provided an update on the commercial development for the parcel at the southwest corner of Pottstown Pike and Station Boulevard. The development was approved in 2022 and they've been trying to market the property. Celebree School had hoped to start construction by this time but wanted a few more tenants confirmed. They met with Township staff to investigate 2-phase construction:

Phase 1: the Celebree School and the 6,000SF building along Station Boulevard

Phase 2: the 7,200SF building to the north of the School and the drive-through restaurant.

They continue to market the other buildings. This is the same plan but divided into 2 phases. The only change is that they'd install an emergency access to the northern Iris Lane and they'd provide an updated parking analysis. All they're adding is the PHASE LINE.

Phase 1 primary access is in/out of Begonia Drive at Station Boulevard; the second 'emergency' access is to Begonia Drive at the upper or northern Iris Lane;

Phase 1 construction phasing. They're preparing the plans for recordation and will get started shortly thereafter. They're hoping to market to a pediatrician, pediatric dentist, etc. This was informational purposes only; no action needed by Planning Commission.

241 Park Road Conditional Use / Land Development Plan

Vic Kelly of Commonwealth Engineers and Scott Risbon, Developer, attended. Mr. Kelly responded to the consultants' comments on the Plan proposing a 6,000 SF footprint, 2-story daycare on Park Road at Ticonderoga Boulevard. The Applicant requests the conditional use approval and land development approval run concurrently, hoping for a Hearing in March. They will revise the plans in February, addressing the consultants' comments in Gilmore's January 5, 2024 letter. They know the site is tight. They are requesting waivers regarding a reduced number of shade trees in the interior parking area, a reduced number of trees and shrubs for the landscaping, a partial waiver for reduced number of trees and shrubs along the property boundary, and they may need a waiver regarding topsoil leaving the property. They will request a modification regarding parking spaces; 50 are required and they're proposing 39. When they introduced the project to the Board of Supervisors the Board was favorable to the reduction. The parking could be shared with the Village businesses on the weekends, but they have to check with their insurance company. In response to a question regarding appropriate space per child, Mr. Kelly advised that the State has certain requirements that they're following. They request the Township defer to the State requirements. They'll work with their architect regarding the height of the building – the peak might be 37' and regulations are 35'. They are contacting Bob Wise to document the existing building, which has no architectural value and will be demolished. The proposed building is not within 250' of an historic resource which would trigger an historic resource impact statement, but that might be included in the documentation by Mr. Wise. They'll work on the aesthetics of the exterior; they'll review the Village Design Guidelines as they want to fit into the village. There are several Ducklings Daycares in Chester County – this is the smallest in size.

They will discuss the access point(s) and the appropriate time for a traffic study with the Township's traffic engineer. Sally Winterton called attention to the fact that when Windsor Baptist Church constructs their next phase, they have to align their Park Road access with Ticonderoga Boulevard.

Mr. Kelly noted they might need relief for the stormwater detention basin along Ticonderoga Boulevard and they might install a retaining wall / fence for buffer from FedEx.

They do not need the Planning Commission to take any action this evening. They'll try to address the comments and come back in February. They'll have landscaping within the 20' setback from Park Road.

Meeting Updates

Environmental Advisory Council (EAC). Jeff Smith can't attend future meetings and requested someone else volunteer.

Historical Commission (HC). David Colajezzi advised the HC is preparing for a few events – the Life & Times of the Struble Trail May 4, 1:00-4:00; the County's summer walking tour – proposing Upland Farm barn and house, date to be determined; and they're proposing an educational series of lectures, one per quarter – the first one is March 4 at the Barn at Upland Farm with the Park Ranger talking about Milford Mills - murders, mobsters, millionaires.

Active Transportation Plan (ATP). Sally Winterton advised that this group is no longer meeting. The final plan is to be presented to the Board of Supervisors January 16.

Village Concept Plan/Village Design Guidelines (VCP/VDG). Sally advised a final draft of the VDG is in process and might be finalized late January.

Comprehensive Plan (CompPlan). Sally advised a draft is to be prepared for the February 28 meeting. Joe Stoyack inquired if a meeting should be scheduled to review the survey results analysis he is preparing.

Approval of Minutes

Jeff Smith moved, seconded by David Colajezzi, to approve as presented the minutes of the December 14, 2023 Planning Commission meeting. The motion carried unanimously.

Sally Winterton announced the next meeting: February 8, 6:00 ordinance workshop; 7:00 meeting.

Open Session

Vivian McCardell sent the Commission members an email for dates to walk around the Eagle Animal Hospital, to see what might be left before it's demolished. Jeff Smith made comment that there doesn't appear to be much left. Vivian said the owners advised her that they'll try to save anything of historical significance.

Gwen Jonik noted the January 17, 2024 Zoning Hearing for Keystone Outdoor Advertising has been postponed at the Applicant's request; conditional use approval was granted January 9, 2024 to Hankin / 770 Pennsylvania Drive for manufacturing a medical device in a portion of the existing building at that address; there are 4 candidates interested in serving on the Commission.

Sally Winterton would like the Commission to send an objection, if they all agree, to the Zoning Hearing Board regarding the Keystone Outdoor Advertising application. She described the project and location of the billboards. There has been a lot of pushback on social media. Jeff Smith doesn't think the Commission should make any recommendation, but rather attend as individual residents.

John Eblacker called attention to a walking trail along the Brandywine Creek at Dorlan Mill. It was recently widened by Public Works, is @ .6 mile, follows along the old railroad bed. It's owned by the County. Vivian commented there are lots of artifacts along it from the railroad.

Adjournment

Chad Adams moved to adjourn at 8:29 p.m. All were in favor.

Respectfully submitted,