



Upper Uwchlan Township  
Board of Supervisors Workshop,  
Conditional Use Hearings  
May 14, 2024  
4:00 p.m.  
Minutes  
Approved

Attendees:

Andy Durkin, Vice-Chair  
Sandy D'Amico, Member

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

Tony Scheivert, Township Manager  
Lindsay Yeager, Assistant Township Manager  
Gwen Jonik, Township Secretary  
Rhys Lloyd, Codes Enforcement Officer  
Anthony Campbell, Zoning Officer  
Dave Leh, Gilmore, Township Engineer  
Tom Jones, Police Chief  
Joe Carr, Police Lieutenant  
Dave Stiteler, Detective  
Adam Pozza, Corporal  
Greg Hines, Officer

The Workshop was held at the Township Building, 140 Pottstown Pike, Chester Springs PA 19425.

Andy Durkin called the Workshop to order at 4:00 p.m., led the Pledge of Allegiance, and offered a moment of silence. No one planned to record the Workshop. There were 4 citizens in attendance. He announced an Executive Session was held April 30, 2024 regarding a legal matter related to the 241 Park Road Conditional Use Decision.

Recognition of Father Mullin

Chief Jones introduced Father Mullin and noted he's been the police chaplain for 24 years, before St. Elizabeth's was built. Father is retiring and the Police Department presented him with an appreciation award. Father helped out a lot of the years, assisting the Police Officers and the victims, at all hours. Father Mullin thanked the Department for their care of the community, serving the families during times of crisis.

Eagle Animal Hospital Preliminary Land Development Plan

Kristin Camp, Esq., read the following Conditions of Approval for Eagle Animal Hospital (9 Coffman Associates L.P.) Preliminary Land Development Plan for 211 Byers Road, dated March 4, 2024 consisting of nine sheets, and granting 2 waivers:

- A waiver from SALDO Section 162-28.A. to not require Applicant to widen the existing 23 foot cartway width of Byers Road.
- A waiver from SALDO Section 162-41.B. to not require Applicant to provide a sidewalk along Byers Road or ADA compliant curb ramps on either side of the existing driveway. In lieu of constructing the sidewalk, Applicant shall pay a fee in lieu of sidewalk in an amount to be determined by the Board as part of final land development approval. The amount shall be proportional to the cost of installing sidewalk along the frontage of the Property and based on an opinion of probable cost approved by the Township engineer.

**CONDITIONS OF APPROVAL**

1. Prior to the Plans being released for recording, the Plans shall be revised to comply with all outstanding comments in Gilmore & Associates, Inc. review letter dated April 5, 2024 with the following issues having been resolved:

- (i) The Board understands that there are physical constraints that require the building to be located in the location depicted on the Plans. The Board accepts that location.
- (ii) The Board understands that there are physical constraints on the Property that make it impracticable to provide parking for the new building in the rear of the building. Therefore, the Board finds that the Plans meet the requirements of Section 200-36.C(4).
- (iii) Because the use of the Property is the same as the prior use, there shall be no traffic impact fee owed.
- (iv) The Board will not require Applicant to seek a new permit from PennDOT for the existing driveway.
- (v) The Board is satisfied with the proposed architecture of the new building as depicted on the architectural renderings prepared by Linn Architects dated March 14, 2024. Applicant shall design the building substantially in accordance with the design that is depicted on these renderings.

2. Applicant shall continue to work with its landscape architect to design a landscape plan which will mitigate the development's impact on historic resources within close proximity to the Property. The landscape plan shall at a minimum include the installation of shade trees on the south and east sides of the parking lot and the installation of a continuous row of bushes and low fence between Byers Road and the parking lot. The details for the landscape plan shall be approved by the Board as part of the approval of the final land development plans.
3. Applicant shall retain the 1875 privy and 1920 garden shed on the Property.
4. In lieu of constructing the sidewalk, Applicant shall pay a fee in lieu of sidewalk in an amount to be determined by the Board as part of final land development approval. The amount shall be proportional to the cost of installing sidewalk along the frontage of the Property and based on an opinion of probable cost approved by the Township engineer.

Sandy D'Amico moved, seconded by Andy Durkin, to approve the Preliminary Land Development Plan as outlined above and grant the 2 waivers. The motion carried.

Byers Station Parcel 5C Lot 2B Revised Amended PRD Plan

Alyson Zarro, Esq., Alan Greenberg and Gary Large of Celebree, Chris Puzinas from Bohler Engineering, and Guy DiMartino of Traffic Planning and Design were present.

Alyson Zarro provided a brief description of the most recent revision to the amended PRD plan for Parcel 5C Lot 2B Commercial. An Amended Final Plan was approved in September 2022; however, due to market conditions and developing appropriate tenant costs for this area, they had proposed a phased plan. They are withdrawing that Plan and what is currently proposed is to develop only half the buildings and to not install the Iris Lane extension to Pottstown Pike at this time. Celebree has scaled back the plan – the daycare building is shifted south with a play area to the north of the building, and a 10,500 SF building that could be for 6 retail shops, 80 parking spaces with an additional 8 in reserve, the pedestrian crosswalk is close to being complete, and put curb in where Iris Lane was to extend to Pottstown Pike. The Planning Commission has recommended bollards or some type of added protection be placed between the play area and Pottstown Pike. Mr. Greenberg agreed with extra protection and fencing.

Sandy D'Amico questioned the trouble finding tenants. Mr. Greenberg noted they are working with 2 brokers. There is a personal trainer interested, Jersey Mike's, and a local business. He believes that once they start construction, the tenants will confirm and there will be more interest.

Discussion included the following points:

There is adequate shared parking for the daycare and the retail building; the full buildout stormwater basin has already been built and can handle all the water from the site; they do not have plans at this time for any other development on the property; they'll discuss the after-hours parking agreement – a formal document has not been drafted; there will be specific spaces for the daycare drop-off/pickup but the rest will be shared; allowable uses can be retail/commercial, personal services, and restaurants, but they require 20:1 parking so there won't be many. No

residential is allowed on this parcel; there's no off-street parking on Iris Lane so perhaps periodic overflow parking could utilize this Lot; the portion that will remain undeveloped is 1.5 acres; they agreed to adding another set of trash and recycling receptacles.

Kristin Camp will review previous approvals and include anything appropriate in the draft approval and add the condition regarding the bollards/additional protection for the play area.

#### Verizon Cable Franchise Fee Audit and Renewal

Tony Scheivert explained the Verizon cable franchise agreement expires in March 2026 and it takes approximately 18 months to complete a fee audit and negotiate franchise renewal. That would fall just before our agreement expires. We are part of a County consortium with over 20 municipalities with the same renewal timing. Cohen Law Group has provided an \$8,400 proposal to conduct the fee audit and negotiate the renewal. This is a reduced price due to participating with the consortium. Sandy D'Amico moved, seconded by Andy Durkin, to accept the Cohen Law Groups \$8,400 proposal as described above. The motion carried.

#### Ordinance Amendments ~ Review, Discuss

C1 C3, LI zoning ordinance uses. Kristin Camp clarified the active and passive recreation definitions and asked if the Board would like to keep them separate or combine to a new one. Tony Scheivert suggested deleting the need for conditional use approval for recreational uses. Kristin will revise the draft for when Jenn Baxter is in attendance and then send to the County Planning Commission for review.

Short-term rental ordinance. Table until Jenn Baxter is present.

#### Open Session

Tony Scheivert commented that we applied for and have been awarded grants from Delaware Valley Regional Planning Commission's (DVRPC) Transportation and Community Development Initiative (TCDI) -- \$100,000 -- and the County's Vision Partnership Program (VPP) -- \$30,000 -- for the Eagle Village Mobility Study, which will be used toward the swap in ownership of Graphite Mine Road and Pottstown Pike through Eagle Village.

Adjournment – Andy Durkin adjourned the Workshop at 4:56 p.m.

5:06 p.m. Andy Durkin called to order the Conditional Use Hearing for Planebrook Partners, LLC re: 241 Park Road and asked Kristin Camp, Esq., to conduct the Hearing. Mark Hagerty, Court Stenographer recorded the Hearing, and his transcript is the official Record. The following is a summary of the Hearing.

Ms. Camp entered Board Exhibits into the Record.

B15 – letter requesting re-opening of the Hearing

B16 – proof of publication of tonight's Hearing

B17 – affidavit of property posting

Dave Leh, P.E., Gilmore & Associates – Township Civil Engineer and Chris Williams, P.E., Bowman – Township Traffic Engineer, were in attendance.

Mike Malloy, Esq., Vic Kelly of Commonwealth Engineers, Inc. and Scott Risbon were present. Mr. Malloy presented additional evidence and Mr. Kelly provided additional testimony for the Board of Supervisors' consideration regarding: updated Traffic Impact Assessment, the Lionville Fire Company Chief confirming ability to serve the proposed building, the sprinkler system, designated child pick-up/drop-off spaces, the sizes of the indoor and outdoor play areas, the maximum enrollment, the HVAC location.

The Board commented on the rear side roofline needs to be altered/broken up as it's visible from Ticonderoga Boulevard and exceeds 60' in length. Leah Seace commented on the HVAC equipment. Gerry Stein commented about the front roofline. Chris Williams commented about a similar-sized Ducklings Daycare in another township.

Ms. Camp closed the Record and announced that the Board has 45 days to render their Decision, however, they'll probably do so at their May 20 meeting or June 10 workshop.

5:37 p.m. Kristin Camp opened the Conditional Use Hearing for Rockhill Real Estate Enterprises regarding their application for a car service and sales center at 500 Pottstown Pike. The Applicant requested a continuance to June 10, 2024 at 5:30 p.m. to have the full Board of Supervisors present. The request was granted.

Adjournment

There being no further business to be brought before the Board, Andy Durkin adjourned the evening at 5:42 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary