



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS MEETING  
May 20, 2024  
7:00 p.m.  
**Approved**

Attending:

Board of Supervisors

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

Kristin Camp, Esq., Township Solicitor

Township Administration

Tony Scheivert, Township Manager  
Lindsay Yeager, Assistant Township Manager  
Gwen Jonik, Township Secretary  
Jill Bukata, Township Treasurer  
Rhys Lloyd, Director of Code Enforcement  
Mike Esterlis, Director of Public Works  
Tom Jones, Police Chief  
Dave Leh, Township Engineer

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

Mrs. Baxter called the evening to order at 7:03 p.m., led the Pledge of Allegiance, and offered a moment of silence. No one planned to record the meeting. There were 10 citizens in attendance.

Approval of Minutes

Mr. Durkin moved, seconded by Mrs. D'Amico to approve the minutes of the April 9, 2024 Joint Boards & Commissions Workshop and Conditional Use Hearing, and the April 22, 2024 Board of Supervisors Meeting. The motion carried unanimously.

Approval of Payments

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the payments to all vendors listed May 16, 2024. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported a strong balance sheet; we are 33% through the year; year-to-date revenues are 41.7% of budget; year-to-date expenses are 27.8% of budget; earned income tax revenue is \$62,000 less than last year – it's usually slow in the beginning of the year.

2024 Solid Waste Budget Amendment.

Jill Bukata explained that with the new contract\*\* fees greatly increased over the current contract, the solid waste budget should be increased to cover the difference. Mrs. Bukata requested the Board amend the 2024 Solid Waste Budget, increasing it by \$140,000.00.

Mr. Durkin moved, seconded by Mrs. D'Amico, to increase the 2024 Solid Waste Budget by \$140,000.00. The motion carried unanimously.

Supervisor's Report

Mrs. D'Amico, Police Liaison, met with Chief Jones and Lieutenant Carr, and they discussed the traffic safety unit, which is up and running, the portable scale is in operation, an additional officer has been trained as a weigh master; the entire Department is crisis-intervention trained, as is the Chaplain.

Mrs. Baxter read the following published calendar: May 22, 2024 6:00 p.m. Barns of Northern Chester County ~ a Lecture at the Barn at Upland Farm; May 27, 2024 Office Closed ~ Memorial Day; June 5, 2024 7:00 p.m. Zoning Hearing ~ Keystone Outdoor Advertising; June 9, 2024 4:30-

7:30 p.m. Live Music Concert #2 at Upland Farm Park; June 10, 2024 (Monday) 4:00 p.m. Board of Supervisors Workshop; June 10, 2024 5:30 p.m. Conditional Use Hearing ~ Rockhill Real Estate Enterprises re: 500 Pottstown Pike; June 15, 2024 6:00 p.m. 14<sup>th</sup> Annual Block Party on Route 100; June 17, 2024 7:00 p.m. Board of Supervisors Meeting; yard waste collection dates May 22, June 5, 12, 19 and 26.

#### Administration Reports

##### Township Engineer's Report

Dave Leh reported that revised plans were received and are being reviewed by the consultants for 301 Park Road / P.J. Reilly. Vantage Point Senior Living project (Fieldstone at Chester Springs) is substantially complete.

##### Building and Codes Department Report

Rhys Lloyd reported that 57 building permits were issued last month, totaling \$48,358 in permit fees; he and Anthony Campbell conducted 186 scheduled inspections; 14 new homes settled; there were 9 resales; 20 zoning complaints investigated; and he's contacted HOAs regarding participating in a used bike drive for "Giving Bikes Back", a program to refurbish bikes to be given to those in need.

##### Police Chief's Report

Chief Jones reported 1,094 calls were received last month; including 20 crimes -- 14 adults and 7 juveniles arrested; new AEDs (automatic electronic defibrillators) are fully in service in Township parks and Upland Farm – these can be used for juveniles or adults. Through WiFi, Chief Jones receives messages each day that they are in working order, and Public Works installed heated cabinets for them, so they operate properly in the winter months; the Department has been accredited for 8 years; peddling/solicitation permits are required to go door-to-door – the Department issues photo IDs and the people are to carry the permit with them. Call the Department if someone doesn't have those documents with them at your door; the monthly safety tip is to not blow grass clippings into the road -- they become a danger and it's a code violation.

Park Road Speeding Concerns. Chief Jones provided an overview of complaints of speeding on Park Road, and with additional summer traffic coming to the State Park, they've increased speed enforcement efforts, they have/will place the digital speed signs, the electronic signs for the State Park closures can also be used to call attention to "25 MPH Ahead". They'll conduct speed surveys closer to the Park entrance. Don Tantala, Park Road resident, noted Park Road is now a nice straight-away near the Park and there's no speed deterrents, even motorcycles doing wheelies. The digital signs work for now but measures are needed for the long-term. Bob Starner, Park Road resident, lives near the blind curve and it's dangerous to pull out. Leah Seace, Lila Lane resident, commented there's speeding in the 35 MPH zone as well. Chief Jones advised they'll continue to look at traffic calming and will deploy the speed survey equipment to have accurate data to determine options. The Board briefly talked about speed bumps - which are not favored, landscaping the middle of the road, and we'll continue working with the traffic engineer for options.

##### Public Works Department Report

Mike Esterlis reported 178 work orders were received and completed; they've painted crosswalks and stop bars; installed 450' of conduit for camera upgrades at the Route 100 WWTF; completed street sweeping; replaced fence at the Aubrey Circle basin; seasonal help has started and they're working out great. It's National Public Works Week – our Department is very much appreciated!

##### Land Development

Byers Station Parcel 5C Lot 2B Commercial ~ Amended PRD Plan.

Kristin Camp, Esq., explained that Prosperity Property Investments owns the parcel, which was part of the Byers Station PRD Plan approval in 1999. Prosperity received final approval of a revised Amended PRD Plan in 2022. They have not been successful acquiring tenants for all of the retail spaces. The current proposed plan is for the Celebree school building, plus a 10,500 SF

retail building – several tenants in mind but not yet confirmed. Approval of the 2024 Amended Final PRD Plan for Lot 2B of Parcel 5C, dated March 15, 2022 and last revised April 18, 2024 has been drafted as follows:

**ORDER**

Pursuant to Paragraph J.8 of the Tentative Plan Approval, the Board also approves the use of shared parking with a reduction in the total required parking spaces to allow a minimum of 80 spaces with an additional 8 future reserve spaces that Applicant may be required to install pursuant to Condition 2 below.

1. The 2024 Amended Final Plans shall be revised to address outstanding comments in Gilmore & Associates, Inc.'s review letter dated May 3, 2024.
2. If the Township determines that the 80 spaces are not sufficient to accommodate the parking demand from the proposed uses of Lot 2B of Parcel 5C (based on parking overflowing onto the public streets in and around the Property), the Board shall send written notice to Applicant and require Applicant to install the 8 parking spaces depicted on the 2024 Amended Final PRD Plan and additional parking spaces in the vacant space on the north side of the Lot. The number of spaces that Applicant must install in the vacant space on the north side of the Lot shall be determined by the Township and Applicant in accordance with the accepted methodology for determining peak parking demand for each use on the Property using the Institute of Transportation Engineer's parking generation manual then in effect. The timing for the installation of these additional spaces shall be determined by the Township and secured by Applicant with financial security which is posted prior to construction of these additional spaces.
3. Applicant shall install bollards or another suitable barrier between Pottstown Pike and the outdoor play area for the day care to protect children from vehicles veering off of the road. The specifications for the bollards or barrier shall be acceptable to the Board in consultation with the Township traffic engineer and shall be subject to approval by the applicable Commonwealth licensing department, if any department has jurisdiction over the placement or specifications.
4. Applicant shall install a second dumpster for trash and recycling disposal for use by the day care. The dumpster shall be screened in accordance with the Ordinance requirements.
5. Applicant shall purchase sufficient sewer capacity for all of the uses on the 2024 Amended Final PRD Plan once capacity needs have been determined by the Upper Uwchlan Municipal Authority.
6. The architecture for the commercial building depicted on the 2024 Amended Final PRD Plan shall be built substantially in conformance with the proposed building elevations prepared by JAM Arch, now known as Colliers Engineering & Design issued on March 15, 2024. The architecture for the day care building depicted on the 2024 Amended Final PRD Plan shall be built substantially in conformance with the proposed building elevations prepared by JAM Arch dated October 31, 2022.
7. 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.
8. 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.
9. 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.
10. 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.
11. Applicant shall obtain all required outside agency permitting and approvals (e.g., PaDEP Planning Module approval) prior to recordation of the 2024 Amended Final Plan.
12. To the extent that the 2024 Amended Final PRD Plan or any of the conditions imposed by this Decision and Order are inconsistent with any other conditions in the Tentative Approval as applicable to Parcel 5C, or the 2019 Alternative Final Plan Decision or 2022 Amended Alternative Final Plan Decision, the conditions of approval related to the development of Lot 2B of Parcel 5C set forth herein shall control.

Mr. Durkin moved to approve the Decision & Order for the 2024 Amended Final PRD Plan for Parcel 5C Lot 2B as stated above. Mrs. D'Amico seconded, and the motion carried unanimously.

## Preserve at Marsh Creek Phase 3 (Toll) Escrow Release #2.

Dave Leh explained that Toll submitted a bond reduction request for \$65,750.25 for site improvements in the Preserve at Marsh Creek Phase 3. Gilmore & Associates has reviewed the request and recommends the release/reduction. Following this reduction, there will be \$1,713,425.56 remaining in the bond. Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the release/reduction of \$65,750.25 as requested. The motion carried unanimously.

## ADMINISTRATION

Planebrook Partners LLC ~ 241 Park Road ~ Ducklings Daycare Conditional Use Decision & Order. Kristin Camp explained that two Hearings were held for this application -- April 9, 2024 and May 14, 2024 – proposing consolidation of two lots to construct a 2-story daycare building with a building footprint of 6,000 SF and outdoor play areas. The Applicant was represented by Mike Malloy, Esq., and Vic Kelly of Commonwealth Engineers, Inc. Following the two Hearings, the Order and Conditions of Approval below were drafted and are being considered for approval.

## ORDER

The Board hereby approves the Application and grants the following approval:

1. A conditional use pursuant to Section 200-33.B of the Ordinance to develop the Property with a 12,000 square foot day-care center consistent with the Revised Plans which were admitted as Exhibit A-7 as such plans are revised to comply with this Order and to obtain final land development approval.
2. A modification of the minimum lot area in Section 200-64.A to allow a minimum lot area of 34,404 square feet which is less than 1,000 square feet per child enrolled at the day-care.
3. A modification pursuant to Section 200-73.H(1) and 200-73.K(2) of the Ordinance to allow Applicant to install a minimum of 37 parking spaces with 25 of those spaces having dimensions of 10'x18' and the remaining spaces at 9'x18'.

## CONDITIONS OF APPROVAL

1. The day-care development shall be built and designed generally in accordance with the Revised Plans which were admitted as Exhibit A-7 and the Presentation Plan that was admitted as Exhibit A-1 as such plans are revised to comply with this Order and to obtain land development approval from the Board of Supervisors.
2. Applicant shall address to the satisfaction all outstanding comments in the Township engineer's review letter dated April 5, 2024 which was admitted as Exhibit B-11, unless recommendations in that letter are modified by the Board through the imposition of conditions in this Decision and Order.
3. The maximum enrollment at the day-care center shall be limited to 120 children and the age of the children which may be registered is limited to infants to five years of age. By September 1 of every year after the day-care is open, Applicant shall provide the Township with a log of its enrollment to demonstrate compliance with this condition.
4. There shall be no bus or van transportation to the day-care center.
5. The day-care may not operate a kindergarten.
6. If the day-care conducts special events or parties, these must be staggered by age group or classroom so that there is sufficient parking for the attendees of the event.
7. If after the day-care is open, there are not sufficient spaces in the parking lot which causes vehicles to backup onto Park Road or Ticonderoga Boulevard creating a dangerous traffic condition, Applicant must institute a drop off / pick up policy with staggered assigned times or make another modification to the drop off / pick up procedures to mitigate the traffic congestion. The Township traffic engineer and Board must approve the mitigation measures.
8. Applicant shall upgrade the ADA pedestrian ramp at the intersection of Park Road and Ticonderoga Boulevard on the southeastern and northeastern leg of the intersection.
9. Applicant shall install sidewalks along Park Road in the location depicted on the Revised Plans.
10. Applicant shall evaluate the adequacy of the structural wall along Ticonderoga Boulevard and install protective barriers in the parking lot near the outdoor play area. The design and specifications for the protective barriers shall be approved by the Board as part of land development.
11. Applicant shall make all road improvements depicted on the Revised Plans and described by Mr. Kelly in his testimony and shall coordinate such traffic improvements with Windsor Baptist Church.
12. Trash pick-up shall be restricted to hours when the day-care center is not open.
13. Applicant shall present to the Historical Commission the plans and details of the fences that are intended to enclose the outdoor play areas. The Board shall approve the fence details as part of land development.

14. The HVAC mechanicals that are installed on the west side of the building near Park Road shall be screened so that they are not visible from Park Road. The specifications of the screening shall be approved by the Board as part of land development.
15. Applicant shall revise the architectural details of the eastern façade of the building that can be seen from Ticonderoga Boulevard so that it has a clear dimensional differentiation of roofline (i.e., an obvious difference in height) and/or an offset in façade of at least 10 feet, effectively breaking the single façade into two or more facades each no more than 60 feet in length as required by Section 200-36.B(2) of the Ordinance.
16. The final landscaping plan for the development shall be approved by the Board during land development and shall comply with the Township Code unless the Board grants waivers of certain provisions of the Code.
17. Applicant shall pay the Township's transportation impact fee based on Chapter 79 of the Township Code as calculated by the Township Traffic Engineer.
18. A maximum of 42 children may be in the 3,258 square foot outdoor play area for toddlers at one time, a maximum of 16 children may be in the 1,281 square foot play area for infants at one time and a maximum of 16 children may be in the indoor play area at one time.
19. Applicant and its successors and assigns in interest to the Property shall be strictly bound by this Decision.

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the Decision and Conditions of Approval. The motion carried unanimously.

2024 Milling and Paving Contract. Mike Esterlis advised bids were received from 5 contractors for the 2024 milling and paving contract – H&K Group, Glasgow, Highway Materials, Allan Myers and Road-Con. The lowest bidder was Glasgow, Inc. at \$5.80/square yard for milling and \$95.60 / ton in place for asphalt overlay. Also in the bid was pricing for full width milling of West Township Line Road and a leveling course on West Township Line Road at \$4.25/square yard for milling and \$81.40/ton for leveling course. Mr. Esterlis recommends awarding the milling and paving contract to Glasgow, Inc. at the amounts stated above. Total project cost is @ \$471,440.30 depending on actual asphalt tonnage used.

Mr. Durkin moved, seconded by Mrs. D'Amico, to award the 2024 Milling and Paving Contract to Glasgow, Inc. at \$5.80/SY for milling and \$95.60/ton in place asphalt overlay, and for West Township Line Road at \$4.25/SY milling and \$81.40/ton leveling course. The motion carried unanimously.

Proposal to Increase Solid Waste Annual Fee. Tony Scheivert and Jill Bukata presented information proposing an increase in the annual solid waste collection fee. There won't be an increase for the remainder of 2024 but the collection contract increased over 55% so a fee increase is necessary for 2025. The proposed increase is from \$315.00 to \$425.00/year. There's been no increase in the fee since prior to 2010. We have checked with other townships, and most have already had to increase their fees substantially. We will keep the payment timing the same but offer 2 installments. There will still be a discount for paying the full amount in March (\$10 flat discount) and the face value is due by September 30. Folks can pay half in March, half by September 30. The Board is requested to approve the increase to allow ample time to notify residents – via their HOA notifications, in the Township newsletters, on the website.

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the new solid waste collection fee schedule at \$425.00, effective January 1, 2025. The motion carried unanimously.

Marsh Creek Watershed Protection Project ~ Completion. Tony Scheivert advised that the plan for rehabilitation of the 2 stormwater management basins in the Heather Hill neighborhood began in 2016 with a grant award by PaDEP; however, modifications to the plans were necessary and the Upland Farm basin portion of the project was removed due to the costs. The Heather Hill basins totaled \$520,658.05. We received \$282,432.00 in grant funds. We are using ARPA funds for the final payment as this project is beneficial to the whole township as watershed protection is part of our MS4 Program, to manage stormwater more effectively. Construction of the Heather Hill

basins is complete. The Upland Farm basin has already been engineered and we'll move forward with that in the future.

Township Facilities HVAC Maintenance Contracts. Tony Scheivert advised we've received proposals from Capitol Heating and Air, LLC for maintenance of existing HVAC systems at 4 Township properties: Administration, Police Station, Public Works, Upland Farm Barn. The proposals total \$13,915 for 18 pieces of equipment. The Township has used Capitol HVAC before. Two other companies were requested to provide proposals – one was not interested due to the complexity of the systems and the other was too far away.

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve the proposals and have the Township Manager execute the contracts. Mrs. D'Amico asked if the farmhouse at Upland Farm was included, and 520 Milford Road. Neither are included in these proposals. We will seek proposals for those in the future. The motion carried unanimously.

Disposition of Township Property – Accept High Bids and Approve Sales. Gwen Jonik explained that Public Works 6 pieces of equipment that met their useful life or were no longer needed. The items were offered for sale via Municibid, an electronic auction. The sale was duly advertised and the auctions closed this morning. Results are as follows:

Exmark 48" 15 HP Walk Behind Mower high bid was \$792.00;

2013 F250 Crew Cab Pickup Truck (VIN 1FT7X2B63DeA75968) high bid was \$16,700.00;

Husqvarna FS250 Road Saw 20" Blade high bid was \$1,250.00;

Meyer Salt Spreader high bid was \$10.00;

Frontier 3-Pt Seeder high bid was \$5,101.00;

2014 Scag Cheetah 61" Zero-Turn Mower high bid was \$3,701.00.

Mr. Durkin moved, seconded by Mrs. D'Amico, to accept the high bids and approve the sale of the equipment as stated above. The motion carried unanimously.

C1, C3, LI Zoning District Use Ordinance Amendments. Kristin Camp advised the draft provided this evening incorporates the Planning Commission's comments, the County Planning Commission's comments, and the Board's comments. The definition(s) for active and passive recreation were amended and that passive recreation is allowed by-right in C1, C3 and LI and active recreation is allowed by-right in C3 and LI and via conditional use in C1.

Mr. Durkin moved, seconded by Mrs. D'Amico, to send the ordinance amendments to the County Planning Commission for a second review (since there were revisions since their first review) and move toward adoption in July. The motion carried unanimously. Mrs. Baxter thanked everyone for all of their work on these use amendments.

#### Open Session

Tony Scheivert advised we've been granted \$6,000 from PECO's Green Region Grant Program, for planting trees in our parks and along Township trails. Other recent grant awards are from Delaware Valley Regional Planning Commission's (DVRPC) Transportation Set Aside program, DVRPC's Transportation and Community Development Initiative program, County's Vision Partnership Program, and the State's Local Share program (funded by gambling proceeds).

Sue Quake commented on availability of the plan for Rockhill Real Estate Enterprises / 500 Pottstown Pike conditional use application.

#### Adjournment

There being no further business to be brought before the Board, Mrs. Baxter adjourned the Meeting at 8:11 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary  
May 20, 2024 Board of Supervisors Meeting