



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING

July 15, 2024

7:00 p.m.

Approved

Attending:

Board of Supervisors

Jennifer F. Baxter, 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

Anthony Campbell, Zoning Officer

Mike Esterlis, Director of Public Works

Joe Carr, Police Lieutenant

Mary Lou Lowrie, Township Engineer

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

Mrs. Baxter called the evening to order at 7:00 p.m., led the Pledge of Allegiance, and offered a moment of silence. No one planned to record the meeting. Mrs. Baxter announced Executive Sessions were held June 17 and July 9 regarding legal matters associated with conditional use Decisions. There were 7 citizens in attendance.

Approval of Minutes

Mrs. D'Amico moved to approve as presented the minutes of the June 10, 2024 Board of Supervisors Workshop and Conditional Use Hearing and the June 17, 2024 Board of Supervisors Meeting. Mrs. Baxter seconded, and the motion carried.

Approval of Payments

Mrs. D'Amico moved, seconded by Mrs. Baxter, to approve the payments to all vendors listed July 11, 2024. The motion carried.

Treasurer's Report

Jill Bukata reported a strong balance sheet; we're halfway through the year; year-to-date revenues are 62.6% of the budget; year-to-date expenses are at 45.2% of the budget.

2023 Audit Report – Jeff Kowalczyk, Audit Partner at Barbacane Thornton, presented the 2023 Audit Report for the Township Funds, not the pension plans. This is an unmodified, "clean" audit report; no findings to bring to Management or the Board. On a budgetary basis, the General Fund is just a little below what was budgeted; revenues were in excess of budgeted amounts but there were corresponding expenses; some of those extra revenues were put into other funds rather than the General Fund. He congratulated Upper Uwchlan for winning an award again this year for the Annual Comprehensive Financial Report, which includes statistical information. Mrs. D'Amico asked how many municipalities does Barbacane Thornton work with. He commented 30-40 plus school districts. Upper Uwchlan highly sophisticated for our size. Mrs. Baxter thanked Mr. Kowalczyk for and explaining their findings and thanked Jill and her team for their work.

Proposed Banking Change - Jill Bukata reported that she and Tony Scheivert met with First Resource Bank, offering 4.75% interest on deposits, a better rate than Fulton Bank. First Resource also has lower or less fees. Mrs. Bukata projects an increased interest income of \$89,000 annually. The interest rate is guaranteed for 1 year. Fulton charges \$1,100 in fees/month. First Resource will

be zero. The Township has 9 accounts and the Authority has 5 accounts that would move to First Resource Bank.

Mrs. D'Amico moved, seconded by Mrs. Baxter, to transfer balances on deposit with Fulton Bank to First Resource Bank. The motion carried.

Supervisor's Report

Pam Shauger provided a quarterly update of Chester County Library activities: the 2nd library card festival will be held September 8 at the Library in Exton, with special characters in attendance; the libraries now has assistive technology available to use in the library – OrCam MyEye wearable device attached to glasses that can recognize text and convert it to audio, high contrast, large print keyboards, adaptive mice, touchscreen computer monitors, etc.; funding for assistive technology was provided by several Lions Clubs and Friends of ChesCo library and Friends of Hankin library.

Mrs. Baxter announced meeting earlier today with the 2 candidates for the Park & Rec Board, Jen Cook and Jamie Skoda-Bell, who were recommended for appointment by Chair Sushila Subramanian. Mrs. D'Amico moved, seconded by Mrs. Baxter, to appoint Jen Cook and Jamie Skoda-Bell to the Park & Rec Board, with Jen's term expiring December 31, 2025 and Jamie's expiring December 31, 2026. The motion carried.

There was no police liaison report.

Mrs. Baxter announced that the new trash and recycling collection contract with AJ Blosenski begins August 1, 2024, with the first collections August 5 and 6. We expect a fairly smooth transition back to one hauler.

Mrs. Baxter read the published calendar as follows: August 11, 2024 4:30-7:00 p.m. Live Music Concert #4 at Upland Farm Park; August 13, 2024 4:00 p.m. Board of Supervisors Workshop; August 19, 2024 7:00 p.m. Board of Supervisors Meeting; yard waste collection dates July 24, August 7 and 28.

Administration Reports

Township Engineer's Report

Mary Lou Lowrie reported on Dave Leh's behalf that we'll submit o NPDES permit application to PaDEP next week for their review; and the 241 Park Road / Ducklings Daycare project will seek approval at the August 13 Supervisors' Workshop.

Building and Codes Department Report

Rhys Lloyd reported that 62 building permits were issued last month, totaling \$38,947 in permit fees; he and Anthony Campbell conducted 186 scheduled inspections; 12 new homes were issued certificate of occupancy; there were 14 resales; 28 zoning complaints; and Vantage Point (Fieldstone at Chester Springs) is close to a final certificate of occupancy -- Anthony noted they have some items to be certified by the State, need the elevators certified, etc. He also noted some large construction projects near completion in Eagleview -- Fruh and Frontage, and KoKo medical. Rhys has been working with an Eagle Scout on his project – installing a walking bridge over the wet area on the Upland Farm trail.

Police Chief's Report

Lt. Joe Carr reported on Chief Jones' behalf. There were 980 calls for service, 17 reportable crimes, 7 adults arrests, 1 juvenile arrest; Junior Police Academy was the largest group and very successful. There were lots of sponsors, as well as support from Staff and the Board. The monthly safety tip is to keep an eye on the elderly and pets during these heat waves -- check on your neighbors. Several staff have been helping neighboring Departments at their various events this summer; Marsh Creek State Park had to close 4th of July due to parking being at capacity, but it went smoothly.

Public Works Department Report

Mike Esterlis reported the crew received and completed 177 work orders; completed inlet repairs; preparing for the milling and paving contractor for mid to late August; helped out with Junior Police Academy and the Historical Commission's walking tour at Upland Farm; dug test pits at Hickory Park for the improvement project

Mrs. D'Amico asked if residents are supposed to clean stormwater grates that get cluttered after downpours. Mr. Esterlis replied yes, they are.

Land Development

Byers Station Parcel 5C Lot 2B Commercial – Prosperity Property Investments Developer's Agreement, Financial Security Agreement, 2nd Amendment to Stormwater Management Operation & Maintenance Agreement. Kristin Camp advised that the Board had granted Revised Plan Approval and before recording the Plan, the Developer has to sign the above-mentioned Agreements and provide the financial security, in this case a Letter of Credit in the amount of \$737,464.81 and in addition \$13,408.45 for the construction inspection escrow. Ms. Camp has reviewed the documents and recommends approval and execution once the Letter of Credit is received by Township Secretary Gwen Jonik.

Mrs. D'Amico moved, seconded by Mrs. Baxter, to approve the execution of the Agreements mentioned above once the Letter of Credit is received. The motion carried.

Rockhill Real Estate Enterprises LLC ~ 500 Pottstown Pike ~ Conditional Use Decision & Order

Kristin Camp advised Rockhill Real Estate Enterprises had submitted a conditional use application to build a vehicular sales establishment and vehicular service establishment at 500 Pottstown Pike, as allowed by conditional use in the C3 Highway Commercial District, and to construct part of the building and sanitary and storm sewers in precautionary steep slopes. A Hearing was held June 10, 2024. The Board hereby approves the Application and grants the following approval, with conditions:

ORDER

1. A conditional use pursuant to Section 200-39.B(1) of the Ordinance to allow two principal uses on the Property, namely a vehicular sales and vehicular service establishment.
2. A conditional use pursuant to Section 200-39.B(7) of the Ordinance to allow the development of a vehicular sales establishment, that being the storage of vehicle inventory from Applicant's sales facility located in Newtown Square.
3. A conditional use pursuant to Section 200-39.B(9) of the Ordinance to allow the development of a vehicular service establishment.
4. A conditional use pursuant to Section 200-107.D(3)(b)[1] to disturb precautionary steep slopes in order to install a portion of the proposed Service Building as generally depicted on the Revised Plans.
5. A conditional use pursuant to Section 200-107.D(3)(b)[4] to disturb precautionary steep slopes in order to install sanitary sewers and storm sewers as generally depicted on the Revised Plans.

CONDITIONS OF APPROVAL

1. The development shall be built and designed generally in accordance with the Revised Plans which were admitted as Exhibit A-8 as such plans are revised to comply with this Order and to obtain final land development approval from the Board of Supervisors.
2. Prior to approval of the final land development plans for the proposed development of the Property, Applicant shall address to the satisfaction of the Board all outstanding comments in the Township consultants' review letter dated April 8, 2024 which was admitted as Exhibit B-9.
3. This approval only allows the use of a vehicular service establishment and storage of inventory for off premises vehicular sales. No sales of vehicles may be conducted from the Property until further conditional use approval is obtained from the Board.
4. 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. At a minimum, the landscaping plan shall retain as much of the existing mature and healthy vegetation along the northwestern corner of the Property as is feasible and sensible given the health of the vegetation. If necessary to provide an effective buffer of the development from Pottstown Pike and the John Keely House, the landscaping plan shall add additional trees and vegetation to this area so that there is a landscape buffer along Pottstown Pike in this location.

5. Applicant shall submit a lighting plan which complies with the Township Code prior to issuance of final land development approval.
6. During the land development approval process, Applicant shall coordinate its efforts with the Township traffic engineer and work with PennDOT to advocate for PennDOT's approval of the installation of a traffic signal at the intersection of the access driveway/Font Road and Pottstown Pike. Provided that PennDOT approves the installation of such traffic signal, Applicant shall be responsible for the design, permitting and installation of the same, as well as any associated intersection improvements, as part of the land development for the Property. If PennDOT does not approve the installation of a traffic light at the intersection, Applicant shall coordinate with the Township and PennDOT to identify other appropriate intersection improvements, and the Applicant shall, subject to PennDOT approval of same, be responsible for the design and implementation of the other appropriate road improvements to improve the level of service and design of the intersection. If appropriate improvements are not identified, the Applicant shall restrict driveway turning movements at the intersection, subject to PennDOT approval of same.
7. Subject to PennDOT's approval of the necessary highway occupancy permit, the Revised Plans shall be revised to provide a 125 foot left turn lane on southbound Pottstown Pike as recommended in Applicant's TIA.
8. Subject to PennDOT's approval of the necessary highway occupancy permit, the Revised Plans shall be revised to provide a right turn deceleration lane or taper at the access driveway on northbound Pottstown Pike. Applicant's TIA found that a deceleration lane is warranted but that Applicant does not own sufficient land for the length necessary and therefore recommends the installation of a taper. The Board prefers the installation of a deceleration lane but recognizes the specifications for the right turn deceleration lane or taper must be approved by PennDOT.
9. No customer test drives may occur from the Property.
10. Applicant shall revise the Revised Plans to provide a shared use path or sidewalk along the frontage of the Property along Pottstown Pike. The specifications for the shared use path or sidewalk shall be approved by the Board as part of the land development plans.
11. Applicant shall coordinate with the Township during land development and attempt to provide a location for a public trail on the Property that would provide a connection to the trails at the Township Park at Fellowship Road.
12. Unless another arrangement is agreed upon by the Applicant and Township during land development, Applicant shall pay the Township's transportation impact fee based on Chapter 79 of the Township Code as calculated by the Township Traffic Engineer.
13. Applicant shall design and install an entrance feature to the Property that is consistent with other entrance features that have been installed in the vicinity of the property such as the monument sign for the Lexus dealership at 400 Pottstown Pike and the monument sign for the Reserve at Eagle development.
14. Applicant and its successors and assigns in interest to the Property shall be strictly bound by this Decision.

Steve Egnaczyk questioned the timeframe for the PennDOT-related items. Ms. Camp said they'll happen during the land development process. Mr. Scheivert commented a signal would be best and we'll do our best to support that with PennDOT.

Mrs. D'Amico moved, seconded by Mrs. Baxter, to approve the Decision & Order with Conditions as above for Rockhill Real Estate Enterprises LLC. The motion carried.

Ordinance Amendments ~ C1 Village Commercial, C3 Highway Commercial, LI Limited Industrial Zoning District Uses

Mrs. Baxter advised that the Planning Commission and Board have worked for quite some time to update and appropriately categorize the uses in the Commercial and Limited Industrial zoning districts, in summary: adding definitions of athletic club, automobile service establishment, contractor's establishment, hookah bar/lounge, microbrewery, mini warehouse / self-storage, municipal use, office building, personal service establishment, and public place of amusement or recreation; amend the definition of educational use, recreation active, recreation passive, and dwelling unit; amend definition of retail trade to retail store; amend purpose statement for C1 Village District; amend use regulations for C1 Village District; amend use regulations for C3 Highway Commercial district; amend purpose statement for LI Limited Industrial district; amend use regulations for LI Limited Industrial district; delete Conversion of Dwellings; amend swimming pool fence regulation. Kristin Camp advised that all procedures were followed: notice of the draft ordinance was published in the Daily Local News twice, copies were sent to the newspaper and the County Law Library; the Planning Commission recommended approval at their May 9 meeting; the County Planning Commission reviewed the draft and provided comments. The Ordinance is ready for the Board of adopt.

Mrs. D'Amico moved, seconded by Mrs. Baxter, to adopt **Ordinance 2024-01** amending C1 Village Commercial, C3 Highway Commercial and LI Limited Industrial Zoning District uses as summarized above. The motion carried.

Open Session

No comments were offered.

Adjournment

There being no further business to be brought before the Board, Mrs. Baxter adjourned the Meeting at 7:48 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary