



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS MEETING
August 19, 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
Anthony Campbell, Zoning Officer
Mike Esterlis, Director of Public Works
Tom Jones, Police Chief
Joe Carr, Police Lieutenant
Dave Leh, Township Engineer

LOCATION: Barn at Upland Farm, 301 Pottstown Pike, Chester Springs PA 19425

Mrs. Baxter called the evening to order at 7:01 p.m., led the Pledge of Allegiance, and offered a moment of silence. No one planned to record the meeting. There were 2 citizens in attendance, along with many Police Officers, Public Works staff, and neighboring emergency service providers.

Ceremonial Oaths of Office – Promotions to Sergeant

Chief Jones thanked everyone for attending this evening's ceremony and thanked the Board of Supervisors for supporting advancement in the Police Department. He provided a brief biography for each Officer prior to the administration of their Oath.

District Judge Paige Simmons administered the Oath of Office for Kyle Sherman, promoted from Corporal to Sergeant Sherman, and for Brian Gathercole, promoted from Detective / Corporal to Detective / Sergeant.

Mrs. Baxter announced a 10-minute recess. Mrs. Baxter reconvened the meeting at 7:20 p.m.

Approval of Minutes

Mr. Durkin moved, seconded by Mrs. D'Amico, to approve as presented the minutes of the July 9, 2024 Board of Supervisors Workshop and the July 15, 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 August 15, 2024. The motion carried unanimously.

Treasurer's Report

Jill Bukata reported a strong financial position; year-to-date revenues are at 66.2% of budget; year-to-date expenses are at 54.5% of budget; opened accounts at new bank, First Resource, and transferred funds from Fulton Bank; earned income tax revenue is \$26,000 less than last year but we expect to meet or exceed the budget.

Supervisor's Report

Mrs. Baxter read the published calendar: August 28, 2024 7:00 p.m. Zoning Hearings for Rockhill Real Estate Enterprises and for William J. and Nancy Shipe; September 4, 2024 Office Closed ~ August 19, 2024 Board of Supervisors Meeting

Labor Day; September 8, 2024 4:30-7:00 Live Music Summer Series Concert #4 at Upland Farm Park; September 10, 2024 4:00 p.m. Joint Boards & Commissions Workshop; September 16, 2024 7:00 p.m. Board of Supervisors Meeting; September 25, 2024 6:30-8:00 p.m. Historical Commission Lecture Series at the Barn at Upland Farm “The History of Native American Tribes and the Minquas Trail in Southeast PA”; yard waste collection dates of August 28, September 11 and September 25.

Administration Reports

Township Engineer's Report

Dave Leh reported that the Final Plan for Eagle Animal Hospital is under review; a 2-lot subdivision plan for 480 Pottstown Pike is under review – no land development is planned with this Application.

Building and Codes Department Report

Rhys Lloyd reported that 62 building permits were issued last month, totaling \$18,548 in permit fees; 170 scheduled inspections were performed; there were 13 resales; 10 new homes settled; 20 zoning complaints were investigated; 3 after-hours calls occurred last month – a tree fell on a house, a vehicle struck a house, and there was a house fire. Mr. Lloyd worked closely with boy scout Tajas Gurthy who completed his Eagle Scout project, a 100' boardwalk at the north end of the trail in Upland Farm.

Police Chief's Report

Chief Jones reported there were 1,073 calls for service last month, 165 citations and 141 warnings. Chief Jones thanked the Codes Department for assisting with the house fire and the vehicle striking the house; the monthly safety tip is to watch out for the children at bus stops and walking / biking to school – do not drive past buses with the flashing lights on; the Police visit each of the schools on the first day of school.

Public Works Department Report

Mike Esterlis reported the Department received and completed 180 work orders; assisted with the Eagle Scout project at Upland Farm; prepared for and cleaned up after storms; performed inlet repairs and base repairs; milling / paving will begin next week; the new trash and recycling collection contract is in effect and is going okay.

Land Development

241 Park Road Planebrook Partners ~ Ducklings Daycare Preliminary/Final Land Development Plan.

Kristin Camp advised the Board is considering the land development plan for 235 and 241 Park Road, including demolition of the existing house and shed, consolidating the 2 parcels, and building a 2-story total 12,000 SF daycare. The Applicant received Conditional Use Approval in May 2024. The latest consultant review letter is August 7, 2024; the Historical Commission, Planning Commission, Bob Wise – Historic Preservation Consultant, and the Board of Supervisors have also reviewed the Plan. The Planning Commission recommended only Preliminary Approval, but the architecture has been revised since then. Ms. Camp read the Conditions of Approval and waivers, including all the architectural conditions. Charlie Scull, the Architect on the project, was in attendance, has reviewed the conditions and agrees to comply.

Mr. Durkin moved, seconded by Mrs. D'Amico, to grant Preliminary / Final Land Development Plan Approval for the Plans prepared by Commonwealth Engineers dated December 4, 2023 and last revised July 26, 2024 and grant waivers for 241 Park Road Planebrook Partners ~ Ducklings Daycare as follows. The Motion carried unanimously.

DECISION

The Board of Supervisors of Upper Uwchlan Township hereby GRANTS preliminary/final approval of the Plan and the waivers identified below subject to Applicant's compliance with all of the notes and conditions therein contained, and all of the foregoing conditions.

The Board grants waivers from the following sections of the Upper Uwchlan Township Subdivision and Land Development Ordinance (SALDO) and Stormwater Management Ordinance:

- Section 162-7.B.(2) to allow the Plan to be approved as a preliminary/final plan;
- Section 162-9.H.(1)(b) and Section 162-9.H.(5) to not require the submission of an Historic Resource Impact Statement;
- Section 162-55.B.(7) to not require replacement trees for every tree greater than 6" diameter at breast height that is being removed;
- A partial waiver from Section 162-57.C.(7) to only provide 4 shade trees in the interior parking areas;
- Section 162-57.D.(1) to not be required to plant 12 deciduous trees and 6 evergreen trees due to proposed woodland disturbance;
- A partial waiver from Section 162-57.D.(1) to reduce the required plantings by 3 evergreen trees and 2 shrubs; and
- Section 152-306.J.(3) of the Stormwater Ordinance to allow stormwater basin 2 to be located within the front yard setback from Ticonderoga Boulevard.

CONDITIONS OF APPROVAL

1. The development depicted on the Plan shall comply with all relevant terms and provisions of the Ordinance, the SALDO, the Stormwater Ordinance and all other applicable regulations, except as otherwise modified and/or waived by the Board in the Conditional Use Order and this Motion.
2. Applicant shall comply with any outstanding comments in the Review Letter to the satisfaction of the Township and its consultants.
3. The architectural plans for the day care building shall be revised consistent with the Board's suggestions that were made at the August 13, 2024 work session which included the following:
 - Revise the tapered design of the porch column posts to be square;
 - Break up the massing of the façade on the Park Road elevation by constructing actual projecting gable of no less than 3 feet beyond the main façade;
 - Provide a visual break of the façade on the Ticonderoga Boulevard elevation by incorporating pent roof/awnings over the window units below the gable roof section and consider adding awnings over entry doors as appropriate;
 - Replace all triple windows on all elevations with double units or two single windows;
 - Install vertical siding on the façade in the area of the gables (Park Road and Ticonderoga Boulevard) to enhance the visual break and consider using a darker tone for the siding to provide additional contrast from the balance of wall cladding;
 - Replace the thin stacked stone veneer proposed along the bottom of the building with a fieldstone pattern veneer;
 - Increase the pitch of the gables on the Park Road and Ticonderoga Boulevard elevations such that the gable ridge is within 2' of the main building ridge;
 - Reduce the size of the building sign facing the parking lot to comply with the Zoning Ordinance; and
 - Replace the cedar shake siding in the decorative gables with clapboard siding and consider a darker tone for that section to provide additional contrast from the balance of the wall cladding.
4. Applicant shall install a privacy fence with the following specification: Tupelo by Active Yards semi privacy fence in sand color.
5. Applicant shall pay a transportation impact fee in the amount of \$77,022.00 in accordance with Chapter 79 of the Upper Uwchlan Township Code.
6. Applicant shall execute a Development Agreement and Financial Security Agreement and post financial security in an amount approved by the Township Engineer and in form and substance acceptable to the Township, the Township Engineer and the Township Solicitor prior to the Plan being released for recording.

7. Applicant shall obtain all necessary outside agency permits to develop the Property as depicted on the Plan, including but not limited to planning module approval or exemption from PaDEP.
8. This Decision and conditions contained herein are binding on Applicant, its successors, and assigns, for the benefit of the Township in general and the ultimate users/property owners of the subject Property.

Ordinance Amendment ~ Solid Waste Collection Account Late Fee/Penalty.

Kristin Camp introduced an ordinance amending the trash/recycling collection account late fee to go from a percentage of the account balance to a flat fee. The fee of \$43.00 will be set by Resolution, in the annual Fee Schedule. This would be effective with the 2025 billing cycle. Mr. Durkin moved, seconded by Mrs. D'Amico to authorize advertisement of the ordinance amendment, for adoption at the September meeting. The motion carried unanimously.

Resolution ~ Participate in Pennsylvania's America250PA Celebration.

Tony Scheivert introduced a Resolution stating the Township will support the State's activities for the America250PA celebration of the United States' Semiquincentennial. Mr. Durkin moved, seconded by Mrs. D'Amico, to adopt **Resolution 08-19-24-09**. The motion carried unanimously.

Short-term Rental Ordinance ~ Draft.

This Ordinance proposed allowing short-term rentals in the R-1 and R-2 Zoning Districts by conditional use approval and adds a new section to the Codes providing the criteria for a short-term rental. Kristin Camp advised that the off-street parking regulation had been revised since the last meeting. Off-street parking is to be approved by the Zoning Officer. The Board reviewed the County Planning Commission's comments. No changes were needed. Mr. Durkin moved, seconded by Mrs. D'Amico, to authorize advertisement of the draft Ordinance. The motion carried unanimously.

Disposition of Property

Gwen Jonik explained that Public Works and the Police Department had equipment that had met its useful life or was no longer needed. The following items were duly advertised and published for sale via Municibid, an electronic auction.

2007 Eager Beaver trailer model 10 HDB-PT high bid \$4,900

Miller Dialarc 250 ac/dc welder high bid \$91

Scag Vanguard 29 hp leaf loader high bid \$2,800

2018 Ford Interceptor SUV (VIN 1FM5K8AR0JGA32589) high bid \$9,000

Mr. Durkin moved to accept the high bids and approve the sales. Mrs. D'Amico seconded, and the motion carried unanimously.

Open Session

Vince McVeigh, on behalf of Marsh Harbour residents, thanked the fire companies and police for the response to the house fire. Luckily there were no injuries. The Community is taking care of each other.

Tony Scheivert added there is incredible teamwork between the Police, Public Works, Codes and the Board of Supervisors, who support all Departments. He thanked Lindsay Yeager for the great job she did while he was on vacation.

Adjournment

There being no further business to be brought before the Board, Mrs. Baxter adjourned the Meeting at 7:51 p.m.

Respectfully submitted,
Gwen A. Jonik,
Township Secretary