



UPPER UWCHLAN TOWNSHIP  
Planning Commission Meeting  
January 14, 2016  
Minutes  
Approved

In Attendance:

Bob Schoenberger, Sally Winterton, Jim Dewees, Bob Phillips, Brett Hand, Ken Engle, Derald Hay, Dave Leh – Gilmore & Associates; Cary Vargo – Township Manager, Gwen Jonik – Secretary

Bob Schoenberger called the meeting to order at 7:31 p.m. A quorum was present.

Reorganization

Bob Schoenberger asked Cary Vargo to conduct the election of Chairperson for 2016. Jim Dewees nominated Bob Schoenberger, seconded by Ken Engle. No further nominations were offered and Bob Schoenberger was elected Planning Commission Chair for 2016.

Bob Schoenberger asked for nominations for Vice-Chair for 2016. Jim Dewees nominated Sally Winterton, seconded by Ken Engle. No further nominations were offered and Sally Winterton was elected Vice-Chair 2016.

Jim Dewees nominated Gwen Jonik for Planning Commission Secretary for 2016, seconded by Ken Engle. No further nominations were offered and Gwen Jonik was unanimously elected Planning Commission Secretary for 2016.

Open Community Corp. Minor Subdivision Plan

John Shelton, on behalf of Open Community Corp., distributed a letter dated January 14, 2016, stating they agree to comply with all comments contained in Gilmore & Associates' January 8, 2016 review letter, except they request that the payment of the traffic impact fee be due with the first building permit fee. There were no further questions or comments from the Planning Commission.

Jim Dewees recused himself from voting on this project as his Company is involved in a financial matter with Uppatinas (Open Community Corp.).

Ken Engle moved, seconded by Sally Winterton, to recommend granting approval of the Minor Subdivision Plan dated December 2, 2015, granting the requested waiver from section 162-9.D. and delaying the collection of the traffic impact fee until building permit application. The Motion carried with six (6) in favor and one (1) abstention (Dewees).

Petition to Amend Zoning Map

Ted Moser, T.R. Moser, Walt Styer, and Lou Colagreco, Esq. – Riley Riper Hollin and Colagreco - were in attendance representing Moser Builders, who is requesting a zoning change from R-1 (1 dwelling unit per 2 acres) to R-2 (1 dwelling unit per 1 acre) for the property west of Marsh Creek Lake on Little Conestoga Road, previously known as Marsh Lea / Popjoy. Mr. Colagreco introduced the request and provided a history of the previous Marsh Lea approval - 21 homes on the parcel. The previous project received conditional use approval for 21 homes on half-acre lots using the flexible development design and providing public sewer facilities on the 50 acre parcel that borders Wallace Township. That project stagnated (post 2008); providing public sewer would be too expensive; and the current zoning of 2-acre lots is too big – buyers want smaller lots. If the zoning is changed to 1-acre lots, Moser Builders would propose the same overall Plan -- 21

homes in Upper Uwchlan, 6 homes in Wallace, the roadway layout would remain as previously proposed. On-site water and sewer would be proposed; on-site sewer percolation seems to be successful; the on-site sewer disposal plan would be consistent with Act 537; open space will go with each lot – the previous plan’s open space was used for drip fields. Trail connections will be proposed and encouraged to the fullest extent possible. Sidewalks will not be proposed; the Wallace Township lots are by-right; Upper Uwchlan would maintain the entire roadway even though part of it runs through Wallace; public water supply is too far away and costly.

Mr. Colagreco advised they are seeking a recommendation to change the zoning to 1-acre zoning; they are not seeking any land development recommendation at this time.

Derald Hay questioned reviewing other areas of the R-1 District for potential re-zoning. Cary Vargo advised the other areas had been reviewed and there aren’t many undeveloped properties in R-1 Districts that aren’t owned by the State / Marsh Creek State Park.

A citizen asked if someone could add another home on one of the larger lots if the zoning reduces the lot’s size to 1 acre. Bob Schoenberger advised no, they could not add another home.

Sally Winterton questioned whether this would be considered spot zoning. Mr. Colagreco explained that if the request was to change from residential to commercial, it might be considered spot zoning, but not a residential to residential change.

Jim Dewees moved, seconded by Sally Winterton, to recommend changing the zoning and changing the zoning map for that parcel. Derald Hay recused himself from the vote as a Partner in his Firm is personally involved with this property. The Motion carried with six (6) in favor and one (1) abstention (Hay).

#### Frame Property – Revised Land Development Plan

Alyson Zarro, Esq. – Riley Riper Hollin and Colagreco had provided a letter stating that the Final Subdivision and Land Development Plan, last revised December 18, 2015, was submitted for acceptance for Township Consultant review. Bob Schoenberger asked Dave Leh if the Frame Property Conditional Use Approval has had any revisions. Dave Leh advised that also would be reviewed for the Planning Commission’s February meeting. Jim Dewees reiterated his request for a condition of Final Approval to be the provision of public water to several homes on Little Conestoga Road, adjacent to this property.

Jim Dewees moved, seconded by Sally Winterton, to accept the revised Final Land Development Plan for consultant review. The Motion carried unanimously.

#### Gunner Properties 270-290 Park Road – Revised Preliminary/Final Land Development Plan

Alyson Zarro, Esq. – Riley Riper Hollin and Colagreco – had provided a letter seeking the Planning Commission’s acceptance for Township consultant review of the recently submitted Revised Preliminary/ Final Land Development Plan, last revision date December 28, 2015.

Bob Schoenberger commented that the Village Concept Committee should look closely at this 44-unit townhome project due to the 8.9 units/acre density. Cary Vargo commented that this parcel is a transitional area, between the Village and single-family homes, and the density could work better in this location than elsewhere. The Township will work closely with Brandywine Conservancy and the Applicant to assure adherence to the Village Design Guidelines.

Ken Engle moved, seconded by Sally Winterton, to accept the Revised Land Development Plan for consultant review. The Motion carried with six (6) in favor and one (1) opposed (Dewees).

The Conditional Use Application for this project has also been revised and re-submitted. The Conditional Use Hearing has been advertised for January 19, 2016.

#### Outdoor Storage Ordinance Amendment – Introduction, Discussion

Cary Vargo introduced the proposed ordinance amendment. While hearing the Hankin Group's (DSM Biomedical) Conditional Use Application, outside storage codes were researched and found to be very restrictive in the Planned Industrial, Limited Industrial and Highway Commercial Districts. It would be beneficial to the Township to update the outside storage codes [sections 200-80.C.(2)(b), 200-80.C.(2)(c) and 200-90.A(5)] to meet the needs of existing and future businesses. There are currently outside storage containers at several businesses throughout the Township. The Township wants to encourage the growth of manufacturing businesses.

Discussion included the following comments:

- An amendment should address height restrictions;
- Outside storage vessels/tanks should be in an enclosure, and attached to the building as a principal use rather than an accessory structure;
- The enclosure should not have a roof, and should be screened;
- NFPA 70 codes regarding 'flammables' should be included;

Storage tanks for heating fuels for residential properties are exempted in the original Ordinance. The proposed amendment is focused on commercial/industrial properties.

Mr. Vargo will distribute a revised draft of the proposed ordinance amendment to the Township Solicitor, Brandywine Conservancy, the County and Township Planning Commissions and the Board of Supervisors for review and comments.

#### Approval of Minutes

Jim Dewees moved, seconded by Bob Phillips, to approve as presented the minutes of the December 10, 2015 Planning Commission meeting. The Motion carried unanimously.

#### Open Session

A citizen requested that the Agenda be more description, such as whether an Ordinance is for a residential or commercial regulation.

Steve McNaughton asked if the outdoor storage ordinance can restrict the size of a tank. Bob Schoenberger suggested a list of pertinent regulations be included such as state regulations, fire regulations, etc. and/or hire an Engineer who specializes in outdoor storage facilities. A citizen thinks the township should be involved in setting the limits with some of the commercial/industrial storage, to assure the businesses aren't cutting corners and following all safety regulations.

Bob Schoenberger announced the Planning Commission's next meeting is February 11, 2016.

#### Adjournment

Derald Hay moved to adjourn the meeting at 8:55 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik,  
Planning Commission Secretary