



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING,  
CONDITIONAL USE HEARING

November 21, 2016

7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chair  
Kevin C. Kerr, Vice-Chair  
Jamie W. Goncharoff, Member

Kristin Camp, Esquire  
Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager  
Gwen A. Jonik, Township Secretary  
Jill Bukata, Township Treasurer  
John DeMarco, Police Chief  
Mike Heckman, Director of Public Works  
Al Gaspari, Codes Administrator  
Dave Leh, P.E., Township Engineer  
Chris Williams, P.E. – Township Traffic Engineer  
Sheila Fleming, Township Planner  
Matt Brown, P.E., Township Wastewater Engineer  
Mary Lou Farrow, Chair - Historic Commission

Mr. Donatelli called the meeting to order at 7:02 p.m., led the Pledge of Allegiance and offered a moment of silence.

Approval of Minutes

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the October 11, 2016 Board of Supervisors Workshop, the October 17, 2016 Board of Supervisors Meeting, and the November 7, 2016 Board of Supervisors Workshop. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mr. Goncharoff, to pay all vendors as listed November 17, 2016. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the Township's balance sheet remains strong; total expenses are at 81.5% of the budget; total revenues are at 76.3% of budget.

Supervisor's Report

Mr. Donatelli announced that an Executive Session was held this evening regarding a personnel matter and read the following published calendar: November 24-25, 2016 Office Closed – Thanksgiving Holiday; December 13, 2016, 4:00 p.m. Board of Supervisors Workshop; December 19, 2016, 7:00 p.m. Board of Supervisors Meeting; December 26, 2016 Office Closed – observance of Christmas Day. Upcoming Yard Waste Collection Dates: November 23, 30, December 14, 28 (includes Christmas Trees).

Administration Reports

Township Engineer's Report

Dave Leh reported the Village at Byers Station Parcel 5C revised plans have been reviewed and the Planning Commission recommends preliminary/final approval of the Subdivision/Amended PRD Plan, which will probably occur at the Board's December or January meeting. The Marsh Lea

subdivision/land development plan has been revised and needs a Conditional Use Approval for construction and structures within steep slopes.

#### Building and Codes Department Report

Al Gaspari reported that 64 building permits were issued in the last month, totaling \$8,144.00 in permit fees. Toll Brothers submitted the building permit for the model home at The Reserve at Chester Springs (Frame Property); the Marsh Creek Eagles recently hosted a Pop Warner Tournament, a huge success!

#### Police Chief's Report

Chief DeMarco reported that the Department logged 1,281 calls, which includes issuing 98 citations, 14 reported crimes, 13 arrests.

#### Public Works Department Report

Mike Heckman reported that the Department has performed routine maintenance, finished the mowing season, resurfaced 1/3 of the parking area at Hickory Park, complete 3 Municipal Authority work orders, 68 PA 1 calls, 27 public works related work orders, 4 parks related and 16 trash/recycling work orders. Steve Poley has earned his Penn State Leadership Certificate.

#### Land Development

Ewing Tract (West Vincent Township) Sewer Escrow Release Request. Cary Vargo advised that ARRO has reviewed Toll's request for an escrow release for construction of spray irrigation areas for the Ewing Tract within West Vincent Township. ARRO recommends releasing \$474,512.99. Mr. Goncharoff moved, seconded by Mr. Kerr, to recommend to the West Vincent Township Supervisors the release of \$474,512.99 for the spray irrigation construction. The Motion carried unanimously.

Reserve at Waynebrook – Dedication of Roadway and Wastewater Infrastructure. Cary Vargo advised that The Cutler Group has submitted all pertinent documents and Deeds of Dedication for the Reserve at Waynebrook roadways and wastewater infrastructure for the Township's acceptance. ARRO, Gilmore & Associates and our Solicitors have reviewed the documents and find them to be in order.

Mr. Goncharoff moved, seconded by Mr. Kerr, to adopt Resolution #11-21-16-13, accepting the dedication of Waynebrook Drive North, Waynebrook Drive South and Windsor Way, additional right-of-way on Pottstown Pike, Little Conestoga Road and Darrell Drive; and Resolution #11-21-16-14, accepting the dedication of the wastewater infrastructure – including sewer mains, an easement, and drip fields in the Reserve at Waynebrook. The Motion carried unanimously.

#### ADMINISTRATION

Eagleview Wastewater Treatment Plant - Act 537 Plan Amendment. Uwchlan Township Municipal Authority owns and operates the Eagleview Wastewater Treatment Plant, which includes serving the Eagleview Corporate Center lots in Upper Uwchlan Township. Uwchlan Township updated their Act 537 Plan, evaluating options to sell that Plant. They are choosing to sell the Plant to a 3<sup>rd</sup> party. The Upper Uwchlan Board is requested to adopt a Resolution adopting Uwchlan's revised Act 537 Plan which shows those alternatives and the obligations to the Eagleview Corporate Center properties in Upper Uwchlan Township. Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Resolution #11-21-16-15, adopting the Act 537 Plan Amendment for the Eagleview Wastewater Treatment Plant. The Motion carried unanimously.

Park Road Trail Phase IV – Final Design – McMahon Associates Proposal. Cary Vargo noted McMahon Associates' \$258,900 proposal to complete the engineering, design, right-of-way acquisition, utility planning, etc. for Phase IV of the Park Road Trail – Hickory Park to Marsh Creek

State Park. A meeting was held recently with PennDOT to review the status of the project and confirm construction funding through a previously awarded Grant. Mr. Kerr moved, seconded by Mr. Goncharoff, to approve McMahon's proposal. The Motion carried unanimously.

Township Website Redesign. Mr. Vargo advised that CivicPlus has been hosting the Township website for the past 6 years and it needs to be updated, which would include making it more mobile-friendly. CivicPlus has submitted a proposal at \$18,683 to include content, navigation, CivicSend communication tool, e-newsletter, etc. This project would be included in the 2017 budget. Mr. Kerr moved, seconded by Mr. Goncharoff, to approve the proposal of \$18,683 to redesign the website. The annual maintenance fee is \$2,000. The Motion carried unanimously.

EPC, LLC Drainage Improvement Operation/Maintenance Agreement. Cary Vargo noted an operation and maintenance agreement (O&M) is required by PennDOT for the stormwater infrastructure being installed on Little Conestoga Road as a result of Eagle Eye Associates' new building construction – carrying storm water from a State road onto private property. The O&M requires execution by the Applicant and the Township. Mr. Kerr moved, seconded by Mr. Goncharoff, to execute the O&M Agreement, along with EPC, LLC. The Motion carried unanimously.

Fire Fighters Relief Fund Distribution. Mr. Vargo advised the Township has received the annual allotment from the State and distributes the funds to the Fire Fighter Relief Funds for each of the fire companies serving the Township, based on the population served, property value, and number of responses. Mr. Kerr moved, seconded by Mr. Goncharoff, to distribute the funds to the Fire Company's Fire Fighters Relief Funds as follows: Lionville \$46,394.68; Ludwigs Corner \$49,302.58; East Brandywine \$5,720.66 and Glenmoore \$2,597.84. The Motion carried unanimously.

#### Open Session

No comments were offered.

There being no further business to be brought before the Board, Mr. Donatelli adjourned the business meeting at 7:20 p.m. and announced a short recess would be taken until 7:30 p.m. when the Conditional Use Hearing would commence.

#### **CONDITIONAL USE HEARING. Applicant: McKee-Milford Associates**

Mr. Donatelli called the Hearing to order at 7:32 p.m. and requested Kristin Camp, Esq., conduct the Hearing. Mark Hagerty, Court Stenographer, recorded the proceedings. Approximately 30 citizens were in attendance. The following is a summary of the Hearing; greater detail is available in the Hearing transcript.

Ms. Camp introduced the Conditional Use Application: McKee-Milford Associates LP is seeking approval to permit development of an Active Adult Community within the Flexible Open Space development option, and to permit portions of certain dwellings, roads, utilities, sanitary sewer drip area, stormwater management areas and grading to be located in areas of precautionary steep slopes. The Applicant proposes developing the 142.73 acre parcel at 370 Milford Road (Parcel 32-3-16) with 375 dwellings.

Ms. Camp entered into the Record the following Board of Supervisors' Exhibits:

- B-1 Conditional Use Application dated October 12, 2016
- B-2 Proof of publication in the Daily Local News – November 7, 2016 and November 14, 2016
- B-3 Public notice and list of property owners who received notice
- B-4 Affidavit of Property Posting

- B-5 Draft Planning Commission Minutes – November 10, 2016
- B-6 Draft Historic Commission Minutes - October 24, 2016
- B-7 Gilmore & Associates' November 10, 2016 Letter

Ms. Camp explained the process for becoming a Party to the Hearing, those who live in close proximity to the subject property and would be impacted by the development. The following residents were admitted as Parties to the Hearing: Janice and Ralph Farino, 9 Patricia Drive; Joseph and Annette Stella, 5 Dee Circle; David Stankiewicz, 406 Milford Road; Peter Aigeltinger, 144 Christine Drive; Mr. Chris Foster, 410 Milford Road.

In attendance and witnesses for the Applicant were: Denise Yarnoff, Esq. – Riley Riper Hollin & Colagreco; Kevin McLaughlin, Lisa Thomas, Ted Gacomis, Fred Ebert and Matt Hammond.

Ms. Yarnoff advised the Applicant will comply with most of the comments contained in the consultants' review letter. She distributed Applicants Exhibits A-1 through A-18.

The witnesses provided testimony regarding the overall site and plan, including a mix of single-family dwellings, twins (villas), townhomes (carriages), a pool, clubhouse, bocce court, open space, a network of trails. The maintenance of the community would be carried out through the Homeowners Association, which would be responsible for taking care of the lifestyle components, gardens, clubhouse, pool, common space, yards, clearing snow from sidewalks and driveways, and maintaining the roads in the community which will remain private. The homes will have a Master Bedroom on first floor with other bedrooms on the 2<sup>nd</sup> floor, a sunroom, patio or deck, porches, etc. The Applicant will build Phase 3 of the Route 100 Wastewater Treatment Plant. An emergency access road, or potentially a through-road, is proposed at the connection with Prescott Drive in the Reserve at Eagle. An "Active Adult" is at least 55 years old and there will be no children under the age of 18 living in the home, unless visiting for less than 30 days.

Parties to the Hearing made comments regarding the layout of the homes, the landscaping buffer between the development and existing homes, the accesses to Milford Road, increased traffic and safety concerns at Milford Road/Little Conestoga Road, dirt and noise from construction, a through-road into the Reserve at Eagle.

The Applicant seeks waivers from Subdivision/Land Development Ordinances as follows:

1. rear to side yard of 40' instead of 50' for a few units, so the units can be a little larger
2. use 30 x 42 size sheets (larger than usual)
3. reduce road width from 32' wide to 28' curb to curb, parking on one side only (310 spaces) and not on the curves (signed no parking);
4. no rights-of-way are necessary as they'll be private streets;
5. centerline radii – instead of 150', a few instances 90'
6. from providing 75' clear sight triangle required at intersections
7. Exceeding 700' cul de sac length. They're proposing a 12' paved (gated) emergency access at Prescott Drive, but if that becomes a full access they'd have to go through the riparian buffer which would require a waiver.
8. Cul de sac needs a 50' paved radius. Since it's not a bulb it could be reduced to 44'.
9. Waivers regarding private street specifications, such as no more than 5 lots on a private street.
10. Concrete apron 8% grade, which isn't to exceed 5%
11. Construct sidewalks on only 1 side of street
12. Encroach into riparian buffer (road crossing the stream and a few utility crossings)
13. Maximum depth of storm water basin – 7' instead of 5' – deeper rather than wider

The Applicant had discussion with Ludwigs Corner Fire Company regarding adequacy of roadways and hydrant placement for emergency service responses. Hydrants need to be every 1,200 feet and the roads should be at least 18'-20' wide for fire trucks travel. Formal documentation will be provided in this regard.

Ms. Camp announced the Hearing would be continued to Monday, December 19, 2016, 7:30 PM.

Mr. Donatelli adjourned the evening at 9:47 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary