

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES September 2005

September 12, 2005 / September 26, 2005

September 12, 2005

The meeting was called to order by Chairman Joseph E. Toner at 7:32 p.m. and the Pledge of Allegiance was recited.

Present: Supervisors: Joseph E. Toner, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Building/Zoning Officer Tom Cooke; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard; Township Solicitor Guy Donatelli and Chief Davis.

Minutes: The minutes of August 8, 2005 were approved by a motion made by Mr. Bozarth and seconded by Mr. Gaines. Mr. Toner asked for public comment. There being none, the motion was carried.

BUSINESS:

Police: Chief Davis reported that there were 310 traffic citations issued, 34 criminal arrests and 38 auto accidents during the month of August.

Treasurer: Ms. Bernhard submitted her report for the month of August. The following is a list of revenues and expenses:

Fund	Revenues	Expenses
General	\$757,008.52	\$481,290.35
State Liquid Fuel	685.94	-0-
Sewer	286,840.08	68,126.83

Ms. Bernhard reported that the Township has collected 80% of its budgeted revenues and spent 64% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of August the Road Department cleaned and rebuilt various catch basins, repaired sinkholes, blacktopped around and adjusted manholes, painted crosswalks, paved the entrance to Lionville Park, cut trees back on Cheshire Dr., and serviced and repaired various equipment.

Sanitation Department: Mr. Hanley reported that for the month of August:

Daily Average Flow:

Downingtown 1.39 million gpd

There were no new sewer connections to DARA and six new connections to the Eagleview Plant for the month of August.

The Township has received 2 inches of precipitation during August. Year-to-date, the total precipitation is normal.

Fire Marshal: Mr. Holmes reported that during the month of August he answered 22 fire calls, 9 of which were during work hours; reviewed plans for commercial buildings and conducted inspections of those under construction; attended a Fire Inspector II class; started scheduling fire prevention classes; and performed 10 hours of Fire Company related activity during working hours.

Lionville Fire Co.: Mr. Holmes reported that the Fire Co. answered 45 alarms during the month of August, 32 of which were in Uwchlan Township. He also thanked everybody for making the annual Clam Bake a success and announced that Fire Prevention Night is scheduled for Thursday, October 13, 2005.

Uwchlan Ambulance Corps: Mr. Durr reported that during the month of August the Ambulance Corps answered 209 calls, 71 of which were in Uwchlan Township with total numbers a little lower than last year.

Facilities Committee: Mr. Gaines reported that the roof replacement to the main building has been completed and should be good for 40-50 years. Both he and Mr. Cooke commented on the nice job that was done.

The Board accepted the Reports as submitted.

Conditional Use Decision: Calvary Chapel - Dowlin Forge Rd.

Mr. Donatelli has drafted the Decision & Order for the development of this property for a church and associated parking and improvements. The Conditions are listed below but are not limited to:

1. Property is approved as a church limited to a worship area and classroom facilities of the type customarily used for Sunday School.

2. Use of the Property for daycare, preschool, elementary school or secondary school, a Fellowship Hall, gymnasium or cafeteria is not included in the approval. In the event that these, or any other uses not specifically set forth above, are proposed at some time in the future, this Conditional Use Hearing must be re-convened for

the purposes of considering additional proposed uses.

3. Land Development Plan must show a planting screen along Dowlin Forge Rd. and an interior sidewalk system. No sidewalk is required along the Property's frontage of Dowlin Forge Rd.

4. Landscape Plan must show street trees at the required spacing with evergreen plantings with a maximum height of three feet interspersed therein and all foundation plantings.

5. Applicant shall provide a drainage swale and the excavation necessary to allow for a protected turning lane at a future date in lieu of constructing upright curbing. If the Township, in its sole discretion, determines that a turning lane is necessary, it will be constructed by LTK Associates, L.P. LTK shall agree in writing to comply with the Conditions of this paragraph of the Conditional Use Approval prior to the expiration of any time limits for acceptance of this Decision and Order.

6. A separate subdivision plan must be prepared showing any lot line changes.

7. The Applicant shall comply with the comments and recommendations set forth in correspondence of Orth-Rodgers & Associates dated July 28, 2005. The amount of the Traffic Impact Fee to be paid by the Applicant is \$16,314.27. The final traffic circulation pattern on the Property shall be determined by the Township Traffic Engineer during land development review.

8. Applicant shall comply with comments and recommendations set forth in correspondence of E.B. Walsh dated August 1, 2005; Gannett Fleming dated July 18, 2005; Stanley Stubbe dated July 14, 2005; Fire Marshal and Chief of Police.

9. Simultaneously with the issuance of any Building Permit for the site, the Applicant shall make the following contributions to the Township per required rate to the Park Development fund and per required rate to the Public Safety fund which are \$.10/s.f.

10. Any use or proposed use of the Property inconsistent with this Decision and the above conditions shall require re-application to the appropriate Township Board of Commission to request approval of any proposed change.

Mr. Bozarth made a motion to approve the Decision & Order as summarized and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Becky Reeves - Eagleview: Special Events Request

Ms. Reeves from the Hankin Group requested approval of the following events to be held in the Eagleview Town Center:

1. Oktoberfest - October 6, 2005 with rain date on October 7, 2005, 5:00 p.m. -

8:00 p.m. - Security is in place and event will have same format as Summer Concerts with fireworks.

2. Tree Lighting Ceremony - December 5, 2005, 6:00 p.m. - 7:00 p.m. with rain date on December 6, 2005 - Event will feature visit from Santa, carolers and possible fireworks.

Mr. Gaines made a motion to approve the two events and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Block Party Request: Woodview Dr.

Brian Foley, 501 Woodview Dr., requested permission to hold a Block Party on September 24, 2005, rain date of September 25, 2005 for the residents of Woodview Dr., Longwood Dr., Balderston Dr. and Edgewood Dr. Approximately 30 families have been invited. Organizers have spoken to the Police and Emergency Response personnel who have no problem with the event being held in the Woodview Dr. cul-de-sac.

Mr. Bozarth made a motion to approve the Block Party and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Resolution No. 2005-27: PennDOT/Vanguard Utility Agreement

This Resolution authorizes the Township Manager to submit a reimbursement request and to sign and submit a Reimbursable Utility Agreement which provides for the relocation of sanitary sewer which may be in the way of the proposed construction of a pedestrian bridge over Route 100. The costs would be shared by PennDOT and Vanguard.

Mr. Gaines made a motion to adopt Resolution No. 2005-27 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Calvary Chapel - Dowlin Forge Rd.: Final Land Development Plan (Resolution No. 2005-28)

Mr. Townes presented the final plan for a proposed church on the former LTK Associates property located on Dowlin Forge Rd. next to the Genuardi's Shopping Center. Planned is a 31,800 s.f. church to be built in phases, the first phase consisting of approximately 15,000 s.f. with 166 parking spaces. The property will have one access on Dowlin Forge Rd. closer to the front of the property and lining up with the future entrance to the Lionville Shopping Center side of Dowlin Forge Rd.

The Applicant has made revisions based on comments made during previous meetings and is now in receipt of review letters from E.B. Walsh dated September 1, 2005; Gannett Fleming dated September 1, 2005 and

Stanley Stubbe dated August 29, 2005 all listing minor items which the Applicant is willing to comply with. The Applicant also agreed to allow the Township to take a look at water usage after the church has been in use for 6 months and adjust edu's for any changes if necessary.

Mr. Bozarth made a motion to approve the final plan for Calvary Chapel (Resolution No. 2005-28) contingent on the review letters listed above, the resolution of a security lighting issue with Chief Davis, the Conditional Use Decision and the right to monitor the water consumption in the future for possible increase in usage and resultant purchase of additional edu's. Mr. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

PNC Bank - Route 113 & Eagleview Blvd.: Final Land Development Plan (Resolution No. 2005-29)

Russ McFall of Kenderian Zelinski presented the revised plan to develop the northeast corner of Route 113 and Eagleview Blvd. currently occupied by a 2-story frame office building formerly used by the Chester County Board of Realtors. The Applicant is proposing to demolish the existing building and construct a 3,342 s.f. bank with 3 drive-thru lanes and one external ATM machine. Utilities will be run from Eagleview Blvd./Mukalian Dr. and road improvements will be made to the Eagleview Blvd./Route 113/Crump Rd. intersection as well as in front of the Burger King restaurant.

The Applicant has received review letters from E.B. Walsh dated August 31, 2005; Gannett Fleming dated August 31, 2005; Stanley Stubbe dated August 25, 2005, Orth-Rodgers dated September 6, 2005; Fire Marshal dated September 1, 2005 and Police Chief dated August 30, 2005 and will comply with all of the items. The Applicant has also met with the Police for feedback on landscaping, lighting and internal design.

Chief Davis commented that he has not gotten any interior security details from the Applicant. Mr. McFall agreed that once the design is complete, all will be submitted to the Police for their review.

Mr. Gaines made a motion to approve the final plan (Resolution 2005-29) contingent on the review letters listed above and in lieu of contributions to the various funds, the Applicant will be doing on site improvements to the Eagleview Blvd./Route 113/Crump Rd. intersection as shown on the E.B. Walsh plan for this intersection, which is dated September 30, 2002, last revised on January 30, 2004. The motion was also contingent on the interior security details being submitted to the Police Department for a satisfactory review. Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

Tennis Addiction - Pickering Creek Industrial Park: Land Development/Subdivision Plan - Extension Until 12/30/05

The Township has received a letter from Steve Siana granting an extension until December 30, 2005 for this Land Development Plan.

The Board members agreed to the extension.

ANNOUNCEMENTS:

1. 9/26 - Board of Supervisors - Regular Meeting - 7:30 p.m.
2. 10/03 - Park & Recreation - 7:30 p.m.
3. 10/05 - Planning Commission - 7:30 p.m.
4. 10/10 - Board of Supervisors Meeting - CANCELLED - Rescheduled for 10/11

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

After the meeting: Hearings

1. Highway Impact Fees
2. Hankin - Town Center Condominiums - Reopening of Conditional Use

There being no other business, Mr. Gaines made a motion to adjourn the meeting at 8:00 p.m. Mr. Bozarth seconded and the motion was carried.

September 26, 2005

The meeting was called to order at 7:30 p.m. by Chairman Joseph E. Toner and the Pledge of Allegiance was recited.

Present: Supervisors: Joseph E. Toner, Frederick W. Gaines and Milton H. Bozarth; Township Manager Doug Hanley; Township Secretary Lynda Phiel; Township Treasurer Susan Bernhard and Township Solicitor Guy Donatelli.

Minutes: The minutes of September 12, 2005 were approved by a motion made by Mr. Gaines and seconded by Mr. Bozarth. Mr. Toner asked for public comment. There being none, the motion was carried.

BUSINESS:

Hankin/Eagleview: Conditional Use Decision

Mr. Donatelli has drafted the Decision & Order which modifies the current approved Land Development Plan and amends the approved Conditional Use Approval for the property located at the intersection of Rice Blvd. & Wharton Blvd. by switching the location of two condominium buildings so that a 30-unit mid-rise condo building and a 48-unit mid-rise condo building swap locations. The Conditions are listed below but are not limited to:

1. The application to swap the locations of the two buildings is approved as well as the swap of the required parking for each building.
2. No other changes to the approved Land Development Plan and no other amendment to the Conditional Use Approval are authorized other than the specific approvals contained above.
3. The Declaration of Reciprocal Easements, Restrictions and Covenants for Eagleview Residential Community and Town Center as well as the Declaration of Condominium Eagleview Town Center, A Condominium, shall be amended to reflect the addition of residential condominiums. These revisions must be reviewed by and acceptable to the Township Solicitor.
4. All parking required for the 48-unit building that is not contained under that building itself shall be contained and reserved in the outdoor parking lot immediately to the north of the 48-unit building.
5. The Applicant shall comply with the comments and recommendations set forth in correspondence of E.B. Walsh & Associates, Gannett Fleming, Stanley Stubbe, Chief of Police, Fire Marshal and recommendation of approval by the Uwchlan Township Planning Commission.
6. Contemporaneously with the recording of the final Land Development Plan, the Applicant shall record against the Property a restrictive covenant, in form and substance satisfactory to the Township Solicitor, prohibiting the use of the Property for any use defined in Section 2 of Township Ordinance No 98-14, as amended, or for the manufacture, display, sale and/or distribution of drug paraphernalia.
7. Any use or proposed use of the Property inconsistent with this Decision and the above conditions shall require reapplication to the appropriate Township Board of Commission to request approval of any proposed change.

Mr. Gaines made a motion to approve the Conditional Use as summarized and Mr. Bozarth seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

Calvary Chapel of Chester Springs: Acceptance of Conditional Use Approval Decision

The Township has received a letter from Mr. Townes dated September 16, 2005 accepting the terms of the Conditional Use Order on behalf of LTK and Calvary Chapel Church.

Garris Road: Prohibiting Truck Traffic

The Board discussed prohibiting truck traffic on Garris Rd. since the roadway is not equipped for the weight or volume of certain commercial vehicles. They decided that in order to promote the health, safety and well being of its residents, an Ordinance prohibiting certain vehicles on the road will be drafted and advertised for a Hearing on October 11, 2005.

Regarding another matter on Garris Rd., Mr. Toner asked if the resident at 112 Garris Rd. had been contacted regarding the lawn mowers/equipment placed on their front yard. Mr. Hanley said he would check.

Resolutions:

1. No. 2005-26: Amending Non-uniform Pension Plan Reducing the Mandatory Distribution of Low-Balances from \$5,000 to \$1,000

This Resolution was drafted in accordance with Federal Law.

Mr. Bozarth made a motion to adopt Resolution No. 2005-26 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

2. No. 2005-30: Establishes the Minimum Municipal Obligations for Township's Two Pension Plans for 2006

Mr. Bozarth made a motion to adopt Resolution No. 2005-30 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

3. No. 2005-31: Amends Mileage Reimbursement Fee to \$.48½ Per Mile

This Resolution was IRS directed and retroactive to September 1, 2005.

Mr. Gaines made a motion to adopt Resolution No. 2005-31 and Mr. Bozarth seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

4. No. 2005-32: Accepts and Authorizes the Chairman to Sign the PennDOT Master Casting Agreement

Mr. Bozarth made a motion to adopt Resolution No. 2005-32 and Mr. Gaines seconded. Mr. Toner asked for public comment. There being none, the motion was carried.

Discussion: DeMucci Property - S. Village Ave.

Joe DeMucci, Owner of the former Ficca property located on S. Village Ave., which housed a barber shop, hair salon and three apartments, presented the sketch plan showing commercial use on the 1st floor of the building and apartments on the 2nd and 3rd floors. Originally presented in 1999, Mr. DeMucci has revised the proposal by eliminating the ingress/egress from Route 113 and cutting the commercial to about ½ of his original proposal to reduce the need for parking.

Several variances are required to move ahead with this plan including parking, parking space requirements and setback, driveway width variances as well as a variance for impervious coverage.

Mr. DeMucci questioned whether or not a Conditional Use Hearing is required since the use of the building is not changing. Mr. Donatelli agreed that although the overall use is not changing, a portion of the downstairs living area will now be totally converted to office space. Mr. Donatelli will look at the usage and advise Mr. DeMucci if a Conditional Use is required.

In the meantime, the Board advised Mr. DeMucci to schedule a Hearing with the Zoning Hearing Board.

Requests:

1. United Way of Chester County: Request to Install Signs

A representative from United Way requested permission to install two United Way Campaign signs, one at Eagleview Blvd./Route 100 and the other at Gordon Dr./Pickering Way. They are expected to be installed next week.

While looking at the drawing presented, it was determined that the sign location for Eagleview Blvd./Route 100 was too close to Route 100. United Way agreed to move it back to a more appropriate location.

Mr. Bozarth made a motion to approve the United Way request subject to Township staff being present when the signs are placed to assure they do not impinge upon adequate site distance. Mr. Gaines seconded the motion. Mr. Toner asked for public comment. There being none, the motion was carried.

2. Wawa: Request for Conditional Use Hearing at Regal Cinema Site

Wawa would like to build a store on this property, which would require a Conditional Use Hearing. The Hearing was scheduled for October 24, 2005.

ANNOUNCEMENTS:

1. 10/03 - Park and Recreation Board Meeting - 7:30 p.m.
2. 10/05 - Planning Commission Meeting - 7:30 p.m.
3. 10/11 - Board of Supervisors Regular Meeting - 7:30 p.m.
4. 10/13 - Historical Commission - 7:30 p.m. - Cadwalader House

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Mr. Toner congratulated the staff for a nice newsletter, which will be printed and mailed to Township residents within a week.

There being no other business, Mr. Gaines made a motion to adjourn the meeting at 7:52 p.m. Mr. Bozarth seconded and the motion was carried.