

UWCHLAN TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES September 2007

September 10, 2007 / September 24, 2007

September 10, 2007

The meeting was called to order at 7:30 p.m. by Chairman Frederick W. Gaines and the Pledge of Allegiance was recited.

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

Minutes: The minutes of August 20, 2007 were tabled but the minutes of August 31, 2007 were approved by a motion made by Mr. Toner and seconded by Mr. Bozarth. Mr. Gaines asked for public comment. There being none, the motion was carried.

BUSINESS:

REPORTS:

Police: Chief Pontarelli reported that there were 239 traffic citations issued, 25 criminal arrests and 39 auto accidents with a total of 1210 incidents during the month of August.

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

Fund	Revenues	Expenses
General	\$1,053,529.93	\$ 542,249.42
Hydrant	289.44	7,974.00
State Liquid Fuel	394,029.21	423,318.07
Sewer	1,968,510.85	2,715,557.94

Ms. Bernhard reported that the Township has collected 86% of its budgeted revenues and spent 63% of its budgeted expenditures.

Road Department: Mr. Hanley reported that for the month of August, the Road Department repaired failed areas of blacktop at various locations; blacktopped an area of Beech Street which had a water leak; replaced catch basin on Chippenham Court; made access areas and started installing rock protection along Shamona Creek; repaired and replaced signs; started painting crosswalks and school zones; performed State inspections; and serviced and repaired various equipment.

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

Daily Average Flow:

Downingtown 1.35 million gpd

There were no new sewer connections to DARA and two connections at the Eagleview Plant during the month of August. The Ship Road sewer project has started. The Township has received 4.6 inches of precipitation during August. Year-to-date, there is a surplus of 3.9 inches.

Fire Marshal: Mr. Hanley reported that Mr. Holmes answered 19 fire calls during the month of August, 7 of which were during work hours; spent approximately four hours of work time on Fire Company business; began scheduling for fire prevention programs; reviewed plans for commercial buildings and investigated two burning complaints.

Lionville Fire Co.: Mr. Hanley reported that the Fire Co. answered 50 alarms during the month of August for a total of 369 y.t.d. Twenty-seven alarms were in Uwchlan Township bringing that total to 208. Thanks to all who helped or supported the annual Clam Bake.

Uwchlan Ambulance Corps: Mr. Toolan reported that the Ambulance Corps responded to 245 calls during the month of August, 76 of which were in Uwchlan Township. Mr. Toner thanked the other Board of Supervisors members for the use of the Township property for the Corps picnic.

Facilities Committee: Mr. Gaines reported the building repairs and renovations at the Police department are almost completed with just a few maintenance items left. The work in the original room of the Township building is progressing nicely.

The Board accepted the reports as submitted.

Promotion - Steve McNally to Sergeant:

Chief Pontarelli announced the promotion of Corporal Steve McNally to the rank of Sergeant effective tonight. Sgt. McNally is a 27-year veteran of the Police department and holds a BS degree in criminal justice from West Chester University. The Chief stated that Sgt. McNally brings to his management team dedication, loyalty and trust. His wife, Teresa, pinned the Sergeant's badge on his uniform. Numerous police officers were present, all of whom congratulated him.

The Board of Supervisors congratulated Sgt. McNally and he thanked the Board for their support of the Police department.

DiGiore, 36 S.Village Ave.:

Dave Renschler of Commonwealth Engineers introduced Mr. DiGiore and then presented the plan that would allow Mr. DiGiore owner of 36 S. Village Avenue, to use this property as administrative space for 3 employees. The Board reviewed the Planning Commission minutes, which recommended approval subject to certain conditions.

Mr. Toner made a motion to approve the DiGiore Preliminary and Final Land Development Plan subject to Mr. Kalemjian's motion in the September 5, 2007 Planning Commission minutes, which includes the E. B. Walsh letter of August 31, 2007 and the issue of the storm water being piped to the storm drain outlet on S. Village Avenue. Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

United Way Sign Request:

Mr. Cooke reported he has received an e-mail from United Way requesting permission to place several signs throughout the Township. He said in previous years permission has been given for two signs, one at Eagleview and one at PCIP.

Mr. Toner made a motion to approve the sign request for the United Way for two signs only, one in PCIP and the other in Eagleview with the understanding the placement and dates the signs are allowed up need to be approved by Mr. Cooke. Mr. Bozarth seconded the motion. Mr. Gaines asked for public comment. There being none, the motion was carried.

Executive Session:

Mr. Gaines announced the Board will be going into Executive session on a legal issue after the meeting.

ANNOUNCEMENTS:

1. 09/12 - Zoning Hearing Board - 7 p.m. - CVS
2. 09/13 - Historical Commission @Cadwalader House - 7:30 p.m.
3. 09/24 - Board of Supervisors and Morphotek Conditional Use Hearing - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENT

Mr. Hanley requested permission to reschedule the October 8, 2007 Board of Supervisors meeting to October 9th due to the Columbus Day Holiday. The Board gave their okay.

Mr. Toner requested that the meeting room remain as it was designed with the chairs not being moved away from the dias.

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

September 24, 2007

The meeting was called to order at 7:30 p.m. by Chairman Frederick W. Gaines and the Pledge of Allegiance was recited.

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

Minutes: The minutes of August 20, 2007 and September 10, 2007 were approved by a motion made by Mr. Toner and seconded by Mr. Bozarth. Mr. Gaines asked for public comment. There being none, the motion was carried.

BUSINESS

Hankin: Condominium/Hotel Conditional Use Decision

Mr. Donatelli briefly outlined the Hearing proceedings noting that the Board members had a number of concerns relating to parking and the size and scale of the buildings of this condominium/hotel proposal for the Eagleview Town Center. Specifically, the Board feels that the location of the available parking is not conducive to the enjoyment of the Town Center as originally envisioned by the Township; that it is not in the right location, closest to the buildings it supports. They fear that guests of the hotel may park in spaces originally placed for use by the Live Works units and residents of adjacent roadways.

The Town Center concept has changed over the years from a mix of uses, which would share parking spaces at different times of the day. The current proposal eliminates the complimentary effect that those mixed uses created and concentrates the use of the parking spaces so that the residents and businesses within the Town Center are competing for spaces within the immediate vicinity of the Town Center. Also, the overall number of dwelling units, currently listed as 827, will increase in number by 80.

With all of this in mind, Mr. Donatelli has concluded that the Applicant has met its burden of demonstrating that the proposed improvements meet, with appropriate conditions, all of the standards and criteria that specifically relate to the Conditional Use relief requested, and has drafted the Decision & Order that would allow the Hankin Group to construct a residential condominium building containing 80 dwelling units and a four story hotel containing 98 rooms in the Eagleview Town Center near Wharton Blvd. and Wellington Square.

The Conditions are listed below but are not limited to:

1. Applicant is allowed to build to a maximum of 65 feet.
2. Permitted to construct the condo building and the hotel to exceed 40,000 s.f. and a parking lot with greater than 200 parking spaces pursuant to Section 611.c of the Uwchlan Township Zoning Ordinance.
3. To permit a pub not to exceed 50 seats.
4. To permit a 20% reduction in construction of the required parking into the future for the condo building and the hotel. All of the required spaces for the condo building and hotel are to be built as more fully set forth below.
5. To permit the condo building to be 350 feet in length provided this building is fully sprinklered per NFPA 13, building has an emergency access road to the rear as shown on Applicant's Exhibit A-8 and this building shall have no greater wetland buffer encroachment than shown on Applicant's Exhibit A-8.
6. The maximum height of the condo building and the hotel shall be 65 feet.
7. The Applicant shall, during the Land Development process, present a plan which identifies the location of where these deferred 20% parking spaces will be located in the event they are to be built.
8. All of the required spaces for the condo building must be within a reasonable walking distance to those buildings, and the Board of Supervisors shall, during land development, in its sole discretion, determine whether the location of the parking spaces for the condo building and the hotel is acceptable. The Applicant agrees that the Board may determine whether the condo building and the hotel shall be constructed to require less parking if a proper parking layout for the condo building and the hotel cannot be created.
9. Any improvements required to maintain a level of service "D" or better as defined in the latest edition of the manual of the Institute of Transportation Engineers at the driveways and intersections accessing the Town Center shall all be completed at the construction of the next building in the Town Center. If it is determined that traffic signals are required at any of the intersections addressed at the Hearing, it shall be Applicant's sole responsibility at its sole cost and expense to construct the signals in accordance with the Township specifications.
10. During the Land Development review of the project, the Board shall retain the right to modify the site design approved by this Decision & Order without the necessity to reopen the Conditional Use approval on any matters upon which the Township and the Applicant mutually agree.

Mr. Gaines asked for clarification on the "parking" restrictions. Mr. Donatelli reiterated that the Applicant may defer 20% of the parking until deemed necessary by the Board and all spaces for the condo building and hotel

are required to be within easy walking distance.

Mr. Gaines asked Mr. Donatelli if the Decision & Order allows the Board to determine that if the parking doesn't work, can they have the Hankin Group provide it.

Mr. Donatelli said "yes".

Mr. Toner stated there were a number of engineering firms that took a look at the parking situation, and asked the names of all of those who worked on the project. Engineers reviewing the plan for the Township were E.B. Walsh, Orth-Rodgers, Gannett Fleming, Uwchlan Police, Fire Marshal and Ray Ott. Engineer for the Applicant was McMann & Associates. Mr. Toner asked if they all agreed that the parking works for this plan. Mr. Donatelli answered "yes" but there were concerns regarding the proximity to concentration of use.

Mr. Bozarth stated that his opinion on the overall parking in the Town Center was similar to that of the three firms that reviewed the parking for adequacy. Although the number of spaces may meet Ordinance, he felt that they were too far away from the uses that needed them. He also spoke of concern for the tall buildings overwhelming the quaint Town Square. Finally, Mr. Bozarth spoke of his uneasiness in solving the problems in the future if and when they appeared. He felt that all the concerns of the Board and citizens should be worked out prior to approving the Decision and Order, and that was the way his vote would be cast.

Mr. Toner explained his views of not wanting to pave what didn't need to be paved. He cited additional green space, storm water issues, lot lines and snow removal operations for wanting to limit paved areas to the bare minimum. If the parking starts to fail, the open areas that were left green could be built upon. Mr. Toner also cited the reports from the three expert firms that stated the parking appears to work. Lastly, Mr. Toner spoke of the track record of the Hankin Group as the largest landowner in the Township and how they have always stepped up to the plate and done the right thing. He had little doubt that if a problem arose, the Hankin Group would work with the Board to alleviate the problem.

Mr. Bozarth said he had some simple suggestions that, if added to the Decision, would tighten it up, and asked if the Board would like him to go through them.

Mr. Toner made a motion to approve the Decision & Order as presented by Mr. Donatelli, and Mr. Gaines seconded. Mr. Gaines asked for public comment.

Joe Moran, 519 Gramercy Lane, presented the Board with a petition signed by 105 Eagleview residents who oppose this plan due to inadequate parking. He stressed that, of the three consultants reviewing parking, only two of them agreed it was adequate. He asked the Board to consider the rights of the citizens over the rights of the Developer.

Mr. Hankin was asked by the Board if he would like to say anything. Mr. Hankin stated that they gave their testimony during the hearing process and he feels that they documented the parking needs. He mentioned that his vision of the Town Center has been the same throughout the process, and asked that the public give them a chance.

The following residents were present and spoke regarding concerns with inadequate parking and, in general, were opposed to a hotel being located on the proposed site:

1. Jerry Cahill, 563 Gramercy Lane
2. Deborah Cullen, 534 Wharton Blvd.
3. Dan May, 642 Wharton Blvd.
4. Gail Seymour, 555 Gramercy Lane
5. Pamela Hale, 570-566 Wharton Blvd.
6. Robert Zeigenfuse, 590 Wharton Blvd. and Owner of Advanced Automation, 640 Rice Blvd.
7. Nadine Mitchell, 571 Gramercy Lane
8. Donna Ashe, 459 Wharton Blvd.

Many of the residents were not opposed to the condos but felt the hotel belonged somewhere else more appropriate. It is too large and will block off the Town Center area from the rest of the Community. Also, many stated that strangers will not have a vested interest in the Community.

Mr. Bozarth noted that Mr. Hankin has made a number of attempts to deal with the parking problem. All of the Board members recognize that there are problems, and he would like to see incorporated into the Decision & Order "tough teeth" that would allow Mr. Hankin to proceed and do the things he wants to do, but make sure that the problems of size and short coming of parking are dealt with in a way while the Board has the leverage to impose some conditions. To this end, Mr. Bozarth asked if consideration could be given to delaying approval of the Conditional Use Decision & Order to find ways to agree to solve these problems.

Mr. Gaines asked Mr. Guarini if there is a contingency plan for parking. Mr. Guarini explained that structured parking in the form of underground garages is expensive, but they will consider building if the need arises. He stressed that Eagleview is a walking community, and that even if a hotel visitor parks in the most remote space, their walk would only be 2-1/2 minutes. Also, employees would be directed to park farther from the hotel and valet parking is also an option for hotel visitors.

Mr. Bozarth read the calculations for parking, noting that 325 spaces are required, not including employee parking. The Applicant is proposing 204 spaces, which is only 60% of the parking needed for those facilities within a reasonable distance. Remote parking would probably be OK for someone in good physical condition, on

a sunny day but probably not good at all for somebody else in the middle of the night or in the pouring rain. Mr. Gaines asked Mr. Hankin how he would feel if there was a delay in the Decision. Mr. Hankin reiterated that he feels they have made many compromises along the way, and does not know what changes are possible at this time.

Consensus of the Board was that the comments of the residents are not unlike the thoughts of the Board members. The members always thought parking was a major problem from the beginning. Concerns seem to center around the hotel; most of the residents have no problem with the condominiums being built.

Mr. Gaines noted that when a person purchased their property, they should have recognized there would be additional buildings built in the "square". Now that the plans are on the table, everyone is dealing with the magnitude of the plan. There were always going to be buildings in front of the LiveWork units; that's always been the plan. That plan isn't going to go away. Mr. Hankin has the right to develop the property.

Mr. Toner further explained that long after the developers are gone, the residents must deal with what is built. The Board does not want to make a mistake. Mr. Toner asked to table the motion for one month, ask Mr. Hankin to give an extension to enable the Board to take one last look so they can make sure that they are doing the right thing for everybody.

Mr. Donatelli conferred with Mr. Malloy, Attorney for the Applicant, to see if Mr. Hankin is willing to grant an extension to the Township so that the Board does not have to act on the approval this evening. Without the extension, and if the Township does not act on an application within 45 days of the date that the hearing is closed, then the application is deemed approved. Mr. Hankin agreed to grant an extension until October 10, 2007, and will send a letter saying same.

Approval for this Decision & Order is tabled until October 10, 2007.

Minimum Municipal Obligation - Pension Plans: Resolution No. 2007-13

This Resolution establishes minimum obligations for two pension plans.

Mr. Toner made a motion to adopt Resolution No. 2007-13 and Mr. Bozarth seconded. Mr. Gaines asked for public comment. There being none, the motion was carried.

18 N. Village Avenue - Aqua America - Deed Restriction: Resolution No. 2007-14

This item was removed from the Agenda.

Historical Commission - Report: Report - 50 Year Old Homes

Mrs. Gaines explained that the current Historic Resource List, compiled in the 1980's, includes resources within the Township prior to 1930. The Historical Commission spent many hours researching these properties and taking pictures of them. This was a County-wide project encompassing 63 Townships.

The Commission would now like to update the list to classify the newly recognized properties built from 1930 until 1956 by creating a new Class V. To do this, the Board would need to approve the list and also re-word a portion of the Zoning Ordinance dealing with Historic properties. She also requested that the Painter property, located off of Peck Rd. be upgraded from a Class II to a Class I.

The Board asked whether these new Class V properties would require Historic Commission approval for any building permits issued. Mrs. Gaines said that for simple items like roofing or additions, the Owners would not have to appear before the Commission for historic approval.

Mr. Toner asked the reason for reclassifying the Painter property. Mrs. Gaines said that the Commission is concerned it may be demolished unless it is upgraded. The Commission has done extensive research to prove that the property is dated to the 1700's and had prominent local owners.

Mr. Donatelli will review the new list and also check into the validity of re-classifying the Painter property. The list would then need to be approved by the Board and given to the Building Department so they know what homes need Historic Commission approval before issuing any permits.

ANNOUNCEMENTS:

1. 10/01 - Park & Recreation Board - 7:30 p.m.
2. 10/05 - Planning Commission - 7:30 p.m.
3. 10/10 - Board of Supervisors - 7:30 p.m.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

After Meeting - Conditional Use Hearing - Morphotek

There being no other business, Mr. Toner made a motion to adjourn the meeting at 9:04 p.m. Mr. Bozarth seconded and the motion was carried.