

PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JANUARY 6, 2021

*Due to the Covid-19 pandemic, this meeting was held virtually. Questions and comments from the public were received through typed submission in chat format.*

The meeting was called to order at 7:30 p.m. by Chairman Dennis Martin.

Present: Dennis Martin, Richard Jordan, Charles Kalemjian, Sam Matthews, Nancy Kane, Tim Bucher and Greg Allen

Absent: none

Also Present: Township Manager Scott Greenly; Building & Zoning Official Tara Giordano; Township Solicitor Mark Freed and Township Engineer Ted Gacomis.

Reorganization: Mr. Kalemjian made a motion to appoint Dennis Martin as Chairperson, Mr. Bucher seconded and the motion carried. Mr. Matthews made a motion to appoint Tim Bucher as Vice-Chairperson, Mr. Kalemjian seconded and the motion carried. Mr. Kalemjian made a motion to appoint Nancy Kane as Secretary, Mr. Martin seconded and the motion carried.

Minutes: Mrs. Kane made a motion to approve the minutes of December 2, 2020. Mr. Kalemjian seconded and the motion was carried.

Building Code Ordinance – Discussion and Recommendation

Mr. Freed, Township Solicitor explained that in 2004, by Ordinance 2004-06, Uwchlan Township adopted Pennsylvania Uniform Construction Code and is considered an “opt-in” municipality with amendments to the UCC. Exhibit A included the list of amendments that were in place and enforced under the 1993 BOCA code prior to the adoption of the current code and which exceeded the requirements of the UCC.

This proposed Ordinance codifies Chapter 106 which pertains to the enforceable building code and also deletes Section 421.10.1(9) of Appendix A pertaining to outdoor swimming pools. The proposed deletion of the section will allow for the use of door and window alarms to be permitted and allow for a wall to then be used as a barrier once the alarms are in place. By adopting this Ordinance amendment, it gives more protection to the Township and removes liability as we will be able to enforce the current UCC update which is the 2015 International Construction Code (with amendments) and the 2015 International Swimming Pool & Spa Code.

*The Commission agreed with the proposed ordinance and Mr. Matthews made a motion to recommend approval and adoption. Mr. Kalemjian seconded and the motion was carried.*

Pipeline Setback Ordinance - Discussion and Recommendation

Mr. Freed, Township Solicitor presented the proposed Ordinance that would change the current 50 ft setback from the physical pipeline. This proposal would require a 300 ft setback from the right of way for new residential buildings and all new occupied commercial, industrial, institutional and educational uses and a 1,000 ft consultation zone for new subdivision and land development plans.

The Planning Commission members again voiced their concerns about condemnation and the devaluing of properties and the Commission feels that the burden should be placed on the pipeline company rather than property owners. Mr. Kalemjian inquired if the Commission was able to recommend the setback be changed from 300 ft to 150 ft. Mr. Freed indicated that the Commission can make that recommendation however, this Ordinance is based on the County model Ordinance. There was discussion on whether the additional setback will make residents and businesses safer.

Margaret Quinn, a resident noted that while the Township cannot restrict the pipelines on the products the Township should do what it can to make the residents safer and 300 ft is better than 50 ft.

Laura Obenski of the EAC noted that there were at least five other Municipalities that have approved an Ordinance of this nature. Mr. Matthews inquired if there was any case law on the Municipalities that have granted waivers for development within the setback and what the repercussions would be if a waiver was granted and a tragic event occurred. Mr. Free was not aware of any case law to date.

Mr. Martin noted that the Township, having access to the Turnpike and a mostly developed Township, the density is already established so the setback is prohibiting the development of the few remaining undeveloped properties. Ms. Obenski also explained that since the Township has a greater density that there are more people at risk and it is important for the Township to do what they can to prevent further impact to the emergency services.

*Mr. Kalemjian first made a motion to recommend approval of the Ordinance if the 300 ft setback was changed to 150 ft from the right-of-way. Mr. Matthews concurred if the reduced setback was from the pipe rather than the right-of-way. Mr. Jordan voted in oppositions. This motion was then withdrawn by both Mr. Kalemjian and Mr. Matthews. Mr. Bucher made a motion to not make a recommendation being that the Planning Commission couldn't come to a consensus. Mr. Jordan seconded and the motion was carried.*

#### ANNOUNCEMENTS :

1. 01/11 – Board of Supervisors Regular Meeting – 7:30 pm

#### OPEN TO THE PUBLIC FOR QUESTIONS & COMMENT

There being no other business, Mrs. Kane made a motion to adjourn the meeting at 8:28 p.m. Mr. Kalemjian seconded and the motion was carried.

Respectfully submitted,

Kate Gillen  
/tlg