

**UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
JUNE 5, 2023**

The meeting was called to order at 7:30 p.m. by Chairperson Mayme Baumann.

Mrs. Baumann announced the Board had an executive session Monday, June 5th. This was regarding the Conditional Use Decision for the YMCA.

Present: Supervisors: Mayme Baumann, Laura Obenski and Bill Miller; Assistant Township Manager Katie Churchill; Treasurer Susan Bernhard; Building & Zoning Official Tara Giordano; Police Chief Scott Alexander; Fire Marshal Mike Holmes and Township Solicitor Mark Freed.

Minutes:

Mrs. Baumann made a motion to approve the minutes of the May 8, 2023 meeting and Mr. Miller seconded. Mrs. Baumann asked for public comment, there being none, the motion was carried unanimously.

Reports:

Police: Police Chief Scott Alexander reported that for the month of March 2023, Uwchlan Township Police Department officers documented 1,138 entries in the police department call reporting system. For the reporting period, officers issued 135 traffic citations, investigated 25 motor vehicle crashes, and arrested 10 individuals.

For the month of May, the Department members conducted 5 motor carrier details at the weigh station, resulting in 1424 commercial motor vehicles being weighed, 6 of which were found to be overweight. During the details, the officers also performed 77 motor carrier inspections, requiring 20 vehicles and 1 driver to be placed out of service.

The officers were assisted by the Pennsylvania State Police on 2 of those details.

Sergeant McBride conducted an additional 7 commercial motor vehicle inspections during his normal workdays, resulting in 1 vehicle and 1 driver being placed out of service.

For the Year-to-date, officers have documented 5781 calls in the call reporting system. They've arrested 63 individuals and issued 679 traffic citations, 172 written warnings. They've investigated 134 motor vehicle crashes and they've weighed 3,093 commercial motor vehicles.

Additionally, for the month of May, there were no Narcan Administrations.

Treasurer: Ms. Bernhard reported that for the month of May, in the general fund, we have collected just under 49% of our budgeted revenues and have spent just under 41% of our budgeted expenditures.

Public Works: Mrs. Churchill reported that for the month of May, the daily flow average to the Downingtown Treatment plant was 1.5million gallons per day. There were no new connections for DARA or Eagleview.

Uwchlan Township received 0.9 inches of rain. Normal for May is 4.4 inches. Normal for Year-to-date is 18.30 inches. Year-to-date total for Uwchlan Township is 11.07 inches, making it minus 7.23 inches for the year.

The Public Works Department for the month of May completed the following stormwater management work:

1. Replaced the storm-grate on Welsh Ayres Way.
2. Installed a 3" connection for the homeowner on Sean Dr.
3. Finished pipework on Welsh Ayres Way.
4. Cleaned and repaired 58 catch-basins in Welsh Ayres.
5. Finished replacement of 8 C-tops on catch-basins in Welsh Ayres.
6. Replace 3 walls in catch-basin in Victoria Court.
7. Cleaned out the drainage swale on S. Village between Glendale and Broadmeadow.
8. Repaired a sinkhole on Shelmire Rd.

Road maintenance work included:

1. Repaired areas on Eagleview
2. Broke up and hauled concrete spoil from Pickle Ball Court to Cedar Hollow Recycling.
3. Hauled excess soil from the Pickle Ball Court.
4. Unloaded and set the swing set at the Pickle Ball Court.
5. Picked up flagstone on S. Village Ave for Township raingarden.
6. Sign repair and replacement on Woodland, S. Village at Jones Pond and in the Foxcroft Development.

Vehicle maintenance included State inspections of trucks and trailers, as well as regular maintenance.

Fire Marshal: Mr. Holmes reported during the month of May, the building department issued 93 permits for construction activities, over 126 inspections were conducted, 9 fire code inspections were conducted, 45 Use and Occupancy certificates were issued.

The Fire Marshal responded to 14 incidents and 1 burning complaint.

Lionville Fire Company: Mr. Holmes reported during the month of May, the Fire Company responded to 52 incidents. 27 in Uwchlan, 4 in Upper Uwchlan, 6 in West Pikeland, and 15 in other townships. The total Year-to-date incidents is 251.

Uwchlan Ambulance Corps: Not present.

Mrs. Obenski made a motion to approve the reports as given and Mr. Miller seconded. Mrs. Baumann asked for public comment. There being none, the motion was carried unanimously.

BUSINESS:

1. Heart of Uwchlan Presentation

Mrs. Obenski stated that in honor of Uwchlan Township's plant week, Toni Gorkin (Master Naturalist), would give acknowledgement to some volunteers. Mrs. Obenski firstly acknowledged Ms. Gorkin for her own contribution to the project. Toni is everything in Uwchlan Township when it comes to this work. As part of the Uwchlan Township Comprehensive Plan, there are a few segments where we talked about what "place" means and what people identify as the "heart." We asked the community about this and it generated some great conversations. Toni has played an important role in establishing our volunteers and the gardens here. All the milkweed in the township was probably at one point on Toni's deck or passed through her hands. This had led to many plants being distributed throughout the community.

Toni Gorkin then gave a presentation to acknowledge the Heart of Uwchlan Project and its volunteers. Firstly, Ms. Gorkin thanked the Uwchlan Township Board of Supervisors and the Environmental Advisory Council for their ongoing support. The Heart of Uwchlan Project is celebrating the fourth spring of its native plant pollinator gardens - the Milkweed Monarch Waystation, the Streamside Garden, and the Wetland Garden.

Ms. Gorkin was pleased to give long overdue recognition to the volunteers who have created and maintained these gardens. They have introduced native plants to support desired pollinators and expanded the biodiversity of Baird Park. They have added to the enjoyment of the township's residents visiting the park. And more importantly, their efforts have helped to educate the public in sustainable gardening practices that we can all use in our personal gardens to improve our environment. These volunteers have expanded the awareness of all of us to the importance of engaging in environmentally sustainable practices. All in all, the work amounts to almost 1,000 hours – mostly completed in 2-hour allotments. Ms. Gorkin also thanked for their support and assistance the Uwchlan Township grounds maintenance organization, including Bruce McKenney and Kyle Kalemjian.

A second Pollinator Garden is being established in the neighboring Rhondda community. These volunteers are collaborating —and sharing plants--with other EACs, environmental organizations, projects, and individuals to the benefit of our much wider community.

The Heart of Uwchlan Project resulted from Ms. Gorkin's Pennsylvania Master Naturalist Training. An important goal of the PA Master Naturalists is to engage the public in a stronger, more educated interaction with the nature around us. Several of the volunteers are certified as PA Master Naturalists or as Master Watershed Stewards, with expertise they share with the Uwchlan township residents. The project gardens are enrolled in "Homegrown National Park," an initiative launched by Dr. Douglas Tallamy, with the premise that if we all included native plants in our local gardens, it could add up to a "national park" larger than all others combined, hugely improving our natural environment.

Certificates and Trowels were presented for the following: Alexa Manning, Katharina

Henderson, Jackie Pickering, Kathy Tracy, Jim Warihay, Laura Obenski, Marty Meadows, Kathy Cook, Caitlin Miller, Zulma Patterson, Bruce McKenney, Kyle Kalemjian

2. YMCA – 100 Devon Dr. – Conditional Use Decision Response Update

Mr. Freed stated that on May 8th, the Board made a decision approving the conditional use application for the YMCA for a multipurpose area with a number of conditions, including work needed to mitigate sound associated with pickleball.

The YMCA has advised the Board (by letters on May 18th and 24th), that they are not agreeable to the conditions stated in the decision. This means the decision is considered a denial. In the May 24th letter, the YMCA indicated they are willing to adjust the plan for the facility so that it will no longer include any component of outdoor pickleball use in the proposed multiuse area but aren't sure under what mechanism they can do that.

The two potential mechanisms are:

- Filing an appeal and trying to resolve it, or
- Reapply.

Mr. Freed expects to see an appeal from the YMCA.

Public comments

Benjamin Joseph – 306 William Salesbury Drive – Thanked the Board of Supervisors for their comments on the pool at the YMCA at the May meeting, where they indicated they did not approve the closure of the pool. A lot of residents feel the same way. Doesn't understand the plan to fill in the pool to replace it with either basketball or pickleball. Believes the YMCA hasn't given adequate consideration to the Township and its support of the YMCA. The Township funded both the indoor and outdoor pools. Residents have participated in the YMCA expansion plans, which included at one-point plans for a 50m pool. The only pool available is in Lionville and it is a valuable asset to children and young families. Believes this is part of a regional strategy by the YMCA, where valuable assets and aquatic programs are being moved out of Lionville – this has led to the indoor pool being closed. The minimal cost savings closing the pool would give the YMCA will be at the cost of Township residents who will have to commute to the other pools in the Association. Asked the Board to consider raising this issue with the YMCA.

Carole Hanson – Board Member, Lionville YMCA – Stated the impacts of Covid-19 which led to many YMCAs closing and having to furlough staff. About 70% of members have returned, however, financially it has been a real struggle. Attributed the moving of programs to not being able to find qualified swim coaches to teach the program or run the swim teams. The YMCA decided to bring these together in one location, so both programs could continue. If the YMCA had another \$300,000 in capital expenditures, the YMCA could correct these issues – and then it's approximately \$60-70k to open a pool for the year. The pool is only open for two and a half months. However, membership costs were not enough to cover the operation of the pool.

Michael Taylor – Creekside Drive – Glad to hear that the Township had funded the YMCA. What is the Township doing to get the \$500k back to us. This money was given with the understanding that it would be a community pool for the area. We paid for the pool and if it's going to be closed, we should get that money back.

Mrs. Baumann clarified that the money given to the YMCA to help build the pool, the money was given back by way of free memberships to residents of the municipality for the first few years it was open.

3. Permission to Advertise:

a. Green Light Go Round 6 (Signal Improvements to PA Route 113 and Route 100) –
Mrs. Obenski made a motion to grant permission to advertise and Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

b. Ramunno - 339 W. Uwchlan Ave. – Zoning Change Request –
This will be on the Planning Commission Agenda, with a Board Hearing for July 10th
Mr. Miller made a motion to approve the reports as given and Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

c. Calvary Chapel of Chester Springs – 217, 219 & 221 Dowlin Forge Rd. – Zoning Change Request –
This will be on the Planning Commission Agenda, with a Board Hearing for July 10th
Mrs. Obenski made a motion to grant permission to advertise and Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

Public Comment

John Corle – Where are the advertisements placed?

Mrs. Baumann responded that they are advertised in the Daily Local, posted on the Uwchlan Township website and placed outside the Township Building on the notice boards.

4. Ordinance: Hearing- #2023-03 - Hotels, Motels and Inns Maintenance Regulations

Mr. Freed stated there is a proposed Ordinance for Uwchlan Township, to add Chapter 195 to Hotels, Motels and Inns Maintenance Regulations. The Ordinance was prompted by several violations and nuisances that have occurred. It calls for annual licensing as well as rules and regulations for the operation of the hotels. It calls for periodic inspections and several other items related to the operation of the hotels, including fire inspections.

There are exhibits for the Board hearing:

- Exhibit 1 – is the proposed Ordinance
- Exhibit 2 – Public Notice
- Exhibit 3 – Proof of advertisement in the Daily Local on May 31, 2023
- Exhibit 4 – Certification of posting at the Township, dated May 22, 2023

The Ordinance has been duly advertised and has been brought before the board previously. We did receive helpful comments from folks and councils. These comments were very thoughtful and that this has led to us having a better Ordinance today than what was originally proposed.

Mr. Miller made a motion to accept the 2023-03 Ordinance Hotels, Motels, and Inns Maintenance Regulations. Mrs. Obenski seconded. Mrs. Baumann asked comments from the Board.

Mrs. Obenski echoed Mr. Freed’s comments and noted the ordinance has been in progress for about a year. Mrs. Obenski believes it encompasses a variety of common-sense expectations that all of us would have when staying in a hotel, and we’ll do a lot to work towards the safety of the guests in hotels safety of township residents and the safety of our first responders that are tasked with addressing issues that pop up from time to time. She thanked the staff and everyone that provided their feedback.

Public comment

Sally - representing the Exton Hotel and Conference Center - stated their main concern, as well as the other surrounding hotels, is the length of stay.

The 30-day length of stay that is mentioned in the ordinance. Shared concerns about providing shelter to families during natural disasters. That still are having problems finding homes, the county takes care of them, and we're working with the county, you know, make sure that families have a place to be, as well as veterans there's a shortage of rooms at the VA hospital. Asked if in these situations, they would have to have permission to stay.

Sally also raised questions on the renewal process. Stating it was unclear if when a property has a violation, whether the contract will be extended until the violation is resolved, or is it just after 30 days.

Mr. Freed - clarified that on the 30-day stay there is a provision that allows extensions under good cause.

Another representative from Exton Hotel and Conference Center - referred to the ordinance's provision that if a license is suspended, Hotels must have a hearing notice before 30 days. The representative suggested business owners should have opportunity to engage with the discussion with the township officials regarding any suspension before going to a hearing – giving the opportunity to resolve issues. The representative also raised questions about the length of time between inspections and license renewals.

ANNOUNCEMENTS: *All meetings will be at the Township building unless otherwise noted*

1. Wednesdays – 9:30 am – Yoga in the Park – Baird Park
2. 06/07 – Planning Commission Meeting (Cancelled)
3. 06/07 – Park & Recreation & Environmental Advisory Council Joint Meeting – 7:00pm – Jones Pond Discussion
4. 06/08 - Historical Commission – 7:30 pm – *Cadwalader House*
5. 06/13 - Community Day Committee – 7:00 pm
6. 06/15 - Environmental Advisory Council Workshop Meeting – 7:00 pm
7. 06/19 – Juneteenth Holiday – Township Offices Closed
8. 06/21 – Zoning Hearing Board – 7:00 pm – 215 Llandoverly Dr – Rear yard variance
9. 07/05 – Planning Commission Meeting – 7:30pm
10. 07/10 – Board of Supervisors Meeting – 7:30 pm
- 11.

OPEN TO THE PUBLIC FOR QUESTIONS AND COMMENTS

Katrina Wysocki – 410 Byers Road – Comments related to Lionville Station Farm. Raised concerns about tractor trailers, mentioning a crash on the turnpike that came within 50 yards of a resident's home. You cannot control 18-wheelers and people could be seriously injured or killed. Also mentioned potential environmental hazards from increased emissions.

Toby Chadsey – 615 Byers Road – Comments related to Lionville Station Farm. Mr. Chadsey referred to the Township's noise and zoning ordinances. The noise ordinance is intended to

protect the physical, mental, social well-being of the residents. This development would be in breach of that. The current number of berms and trees are not adequate to reduce noise. The size of the building is too large under the zoning ordinance. They are asking for a 2850 percent increase in the building size.

Frank Egitto – 817 Hawthorne Street – Comments related to Pennypacker establishment. Mr. Egitto raised concerns about noise from the Pickleball courts and that it is extremely loud, annoying, and distressing noises that occur all day. Asked the Board to enforce noise ordinances. Suggested moving the courts to another location.

Lynne May – 352 Harshaw Drive – Comments related to Lionville Station Farm. Expressed opposition to this plan proposal. Understands it is a sketch plan, but the applicant developer Audubon Development is looking to obtain permission to build 2850 percent larger than the existing current ordinance allows. Asked Board to enforce the existing ordinances for this property. The Township is a neighborhood community with families, wildlife, some semblance of serenity and certainly beauty. Pleaded with the Board to please not allow or permit any of these variances to the best of your ability. Expressed that the community is trusting in our elected officials to represent the residents of Uwchlan Township and Chester County on our behalf.

Chris Engle – 348 Valley View Lane – Comments relating to Lionville Station Farm. Stated that Audubon should not be considered trusted by this body. They have no stake in what happens to this community and that their motivations are solely making money. And he does not begrudge that, but believes that is what they are doing.

Jim May – 352 Harshaw Drive – Comments relating to Lionville Station Farm. Raised concerns about noise and traffic from increased trucks on the road. Explained that the traffic patterns will compare to a similar site the Consumer Report just recently did and he is scaled it to meet our size. Believes there would be 150 trucks on the average per hour during the weekday with 350 trucks per hour on the weekday at peak time. Also mentions water table impacts. The EPA data shows that spilling one gallon of oil can contaminate a million gallons of water. Filling one gallon of diesel fuel or gasoline can contaminate 750,000 gallons of water and every truck that comes through here will be carrying between 300-400 gallons of fuel with 15-20 gallons of oil.

Eric Roe – 1888 Boulder – Comments relating to Lionville Station Farm. Indicated that there was a message sent about a year ago to developers who would choose to replace our preserved land with sprawling housing complexes or giant warehouses and that could all be lost with the wrong decision here. Asked the Board to please send the right message to those who would fundamentally change the character of our community and to tell them that our farmlands, our wetlands, and our forest lands are not for sale in Chester County.

Julie Hetzel (GM Hampton Inn) – 106 Caernarvon Court – Comments relating to Hotels, Motels and Inns Ordinance. Acknowledged the passing of the ordinance and asked for the Board's patience as businesses begin to comply with it, figuring out exactly what it means that we give

each other the benefit of the doubt that we all want to do the best for our customers and the residents.

Donna Ressel - 507 William Salesbury Drive – Comments relating to Lionville Station Farm. Reiterated disapproval of the conditional use of the Lionville Station Farm parcel that needs to be approved. Building height, the parking spaces and building size are all in excess of what is stated in Township ordinances.

Don Harting – 301 Brookwood Drive – Comments relating to long-term plans to preserve scenic beauty in the Township. Inquired about the Township’s long-term vision or plan for restoring and preserving the scenic beauty along the portion of Peck Road and explained that the back road is designated as a scenic road and that there is increasing debris in the area that needs to be addressed.

Dave Fertell – Valley View Lane – Comments relating to Lionville Station Farm. Inquired as to who is expected to pay for the \$7.5 million in road improvements as described in the Uwchlan Township Comprehensive Plan (dated May 2020).

Barbara Fetterolf – Deep Willow Drive – Comments relating to Lionville Station Farm. Noted that she parked at a hotel parking lot located at the intersection of route one, 100 and route 113 located next in today for one hour, in order to count the tractor trailers and the box trucks that went through the intersection. Route 100 North: 75 tractor trailers, 23 box trucks. A total of 98 trucks in one hour or 1.63 every minute.

Route 100 South: 40 tractor trailers, 17 box trucks. A total of 57 trucks in one hour. So that is about one every minute.

Route 113 traveling from Lionville: 24 tractor trailers 14 box trucks with a total of 38 trucks.

Route 113 traveling from Chester Springs: 17 tractor trailers and 8 box trucks.

In conclusion, there were 218 trucks that went through that intersection in one hour or 3.63 trucks per minute and questioned what the total would be like when the warehouses go in.

Michael Taylor – 462 Creekside Drive – Comments relating to Lionville Station Farm. The people here on Lionville Station and Farm have been getting a quick education on the land use process. Questioned that when a plan is filed, would it will be going in front of the planning commission.

Mr. Freed clarified there is no way the conditional use can be done by July for there is no application. There is not even an application pending.

Tommy Ippolito – 604 Byers Road – Comments relating to Lionville Station Farm. Asked the Board if they would want this use in their backyard and raised concerns about water runoff and increased traffic accidents.

Erick Tuffner – 813 Hawthorne Street – Comments relating to Penny Packer establishment. Expressed his support of my fellow neighbor about the noise issues with the Pennypacker pickleball playing and that his property is closest to the pickleball courts. The noise is deafening

from as early as 6:15am in the morning to after 8pm and is also in favor of relocating the courts.

Mike Bria – 364 Harshaw Drive – Comments relating to Lionville Station Farm. Referred to noise impacts of the proposed development. 24/7 operation of the warehouses along with the repeated 348 docs 394 tractor trailers parking spots and other heavy equipment involved in the project will obviously generate a massive amount of noise. It really is a health consequence problem over increased risk of cardio vascular disease, science shows, shows that obesity depression Secondly, the noise pollution from the project would almost certainly impact property values in the area, having significant negative financial impact on our homeowners, myself Thirdly, the noise pollution could very well have a negative impact on the environment to start destructing our natural habitat. Risk of noise induced hearing loss.

Jeff Spicer – 65 Fairfield Lane – Comments relating to Lionville Station Farm. Hopes that the Board enforces the ordinances. Explained that living here in Chester Springs they have quite a view.

Adrian Meyers – Buyers Road – Comments relating to Lionville Station Farm. Raised concerns about not being informed when the plans are submitted.

Mr. Miller clarified that the public would be notified – through the Township website, in the Daily Local, social media and on the Township Notice boards.

Brett Bernal - Comments relating to Lionville Station Farm. He appreciates the open dialogue because there is a group of people here that do not want just public comment but some dialogue of what is going on. They believe they are caught between the school board and publicly owned land in the township and then navigating the process which is quite complicated.

He believes that there has got to be a better way that the Township and the district can come together to serve and meet the needs of the community.

Leslie Dwyer – Jennifer Drive – Comments relating to Lionville Station Farm. Explained that 50 years ago, when we did zone for warehouses, there were no such thing as the mega warehouses thinks the intent 50 years ago is different than what is being requested at this time and should be taken into consideration.

Kate Carpenter – Devon Drive - Wanted to thank the Township employees for all the work they do and for all the time, energy and effort that goes into all these meetings and everything that they do for the township. It is greatly appreciated and though sometimes things get tense she hopes it comes across that she really appreciates everything that everybody is doing, and the opportunity to speak up when we feel we need to.

There being no other business Mrs. Baumann made a motion to adjourn at 9:15 p.m., Mr. Miller seconded and the motion was carried.

Respectfully submitted,
Julia Lyford