

**UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
AUGUST 14, 2023**

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

Mrs. Baumann announced the Board had two executive sessions this month:

- August 4th – to discuss personnel
- August 14th – to discuss litigation

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

Minutes:

Mrs. Obenski made a motion to approve the minutes of the July 10th, 2023 meeting and July 10, 2023 & August 7th, 2023 Workshop meeting. Mr. Miller seconded. Mrs. Baumann asked for public comment, there being none, the motion was carried unanimously.

Mrs. Baumann acknowledged the Community Day event and volunteers for their hard work over the past year to make the event happen. Mrs. Baumann thanked the Committee, volunteers, the Township Public Works department, Police, Ambulance, and everyone involved.

Reports:

Police: Police Chief Scott Alexander reported that for the month of July 2023, Uwchlan Township Police Department officers documented 1,058 entries in the police department call reporting system. For the reporting period, officers issued 91 traffic citations, investigated 31 motor vehicle crashes, and arrested 16 individuals.

For the month of July, the Department members conducted 2 motor carrier details at the weigh station, resulting in 643 commercial motor vehicles being weighed, 3 of which were found to be overweight. During the details, the officers also performed 11 motor carrier inspections, requiring 5 vehicles.

The officers were assisted by the Pennsylvania State Police on 1 of those details.

Sergeant McBride conducted commercial motor vehicle inspections during his normal workdays, resulting in 1 vehicle being stopped for operating on a restricted roadway in the Township.

For the Year-to-date, officers have documented 7,916 calls in the call reporting system. There were 98 arrested individuals and issued 888 traffic citations, 257 written warnings. They investigated 196 motor vehicle crashes and weighed 4,837 commercial motor vehicles.

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

Treasurer: Ms. Bernhard reported that for the month of July, in the general fund, we have collected just under 65% of our budgeted revenues and have spent just over 55% of our budgeted expenditures.

Public Works: Mr. Greenly reported that for the month of July, the daily flow average to the Downingtown Treatment plant was 1.4 million gallons per day. There were no new connections for DARA or Eagleview.

Uwchlan Township received 12.58 inches of rain. Normal for July is 4.7 inches. Normal for Year-to-date is 27.20 inches. Year-to-date total for Uwchlan Township is still minus 29.04 inches for the year. The Township has had a surplus of 1.84 inches.

The Public Works department was out quite often this month dealing with clearing drains, responding to floodwaters, down trees and we responded to heavy rainfall events on July 7, July 19, and July 25. The heavy rains and high winds on July 25 had multiple roads closed. Mr. Greenly thanked the Public Works department for getting out there and taking care of that.

The intersection of Filman and Dowlin Forge Road was badly damaged and the department were very quickly able to get that road reopen. There was also damage at Upper Pine Creek Road around the culvert there as well as washouts on Morris, Crump and Glendale and Crump caused by the heavy rains. The Public Works crews will be working for the next several weeks to address these problems. So as issues are found for additional rainfall, which may happen this evening, please call the township and we will make sure to address it as soon as possible.

Mr. Greenly thanked Upper Uwchlan Township for their assisting during the heavy rain events, particularly on the 25th for their lending of staff and equipment.

Fire Marshal: Mr. Holmes reported during the month of July, the building department issued 93 permits for construction activities, 133 inspections were conducted, 9 fire code inspections were conducted, 54 Use and Occupancy certificates were issued. The Fire Marshal responded to 17 incidents and 2 burning complaints.

Lionville Fire Company: Mr. Holmes reported during the month of July, the Fire Company responded to 79 incidents. 31 in Uwchlan, 13 in Upper Uwchlan, 8 in West Pikeland, and 27 in other townships. The total Year-to-date incidents is 392.

Uwchlan Ambulance: A Uwchlan Ambulance representative thanked the Township for the opportunity to participate in Community Day. They reported that for the month of July, they responded to 124 calls in Uwchlan Township. Year to date, 898 calls in Uwchlan Township.

The total year to date for our coverage area is 2839 calls.

Each truck has been sent out for a re-chassis. We have that truck and we are putting it into service, hopefully through licensure and everything in the next two weeks.

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

Business:

- 1. Snow Contractors BID- Permission to Readvertise** – This is to support the Township’s winter operations. The contract was previously advertised but had no bids. The Township is therefore wanting to advertise again.

Mr. Miller made a motion to grant permission to readvertise and Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

- 2. Construction of N. Milford Road Culvert Project- Permission to Advertise** – The culvert was washed away in Hurricane Ida. The Township is seeking permission to advertise for the construction of the culvert to put in place a permanent fix to this damage.

Mr. Miller made a motion to grant permission to advertise and Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

- 3. Awarding of Green Light Go Round 6 BID** – This is for traffic signal improvements along Uwchlan Avenue and Pottstown Pike. The lowest responsible bidder was Armor and Sons Electric at three hundred and one thousand five hundred and twenty-four dollars (\$301,524). Alongside the Bid, the Township also gets PennDOT funding through a grant which amounts to two hundred and sixty-three thousand three hundred and thirty-five dollars (\$263,335).

Mrs. Obenski made a motion to grant permission to advertise and Mr. Miller seconded. Mrs. Baumann asked for board or public comment.

Public Comment

A member of the public asked for clarification on the type of improvements being made. Mrs. Churchill clarified that these are signal improvements to adjust the flow of traffic, rather than changing the actual construction of the roadway.

There being no further comments, the motion was carried unanimously.

- 4. Appointment of Environmental Engineer Consultant** – Mr. Greenly explained that at the July 2023 meeting, the Board had requested the Township acquire an environmental

specialist to help us with certain issues, such as the Jones Pond issue that we have been dealing with for the last year.

The Township reached out to Corey Trego with Gannett Fleming and with the Board's permission, asked to appoint Mr. Trego for the Township.

Mrs. Obenski made a motion to appoint Mr. Corey Trego as the Township's Environmental Engineer Consultant and Mr. Miller seconded. Mrs. Baumann asked for board or public comment.

Board comment

Mrs. Obenski - thanked the Township staff for moving forward quickly with this appointment. Mrs. Obenski met with Mr. Trego and believes his perspective as a biologist is going to provide the Township with a needed perspective as we go through some land development proposals and enhancements to improve our waterways in the Township.

Public Comment

Rachel Hanes – Township Resident – Asked where the Township got recommendations from for this specialist.

Mr. Greenly responded that Fleming is our sewer engineer and Corey has worked with the Township previously. With this previous working relationship and Mr. Trego's qualifications, the Township felt comfortable putting him forward for this position.

Member of the public – asked if there was a competitive process for this appointment.

Mr. Greenly clarified that for consultant services, the Township does not have a competitive process. It is something that is selected at the Board's discretion.

Member of the public – asked if Mr. Trego had any connection to developers that may be considered a conflict of interest.

Mrs. Baumann explained that there are no conflicts that the Board is aware of. If necessary, Mr. Trego would disclose and recuse himself from any reviews where a conflict may arise.

Mrs. Obenski added that she did not know Mr. Trego before meeting him for this appointment. She is familiar with his work because he has worked extensively with some of our land preservation networks in the county. Mr. Trego has done a lot of education on environmental topics. He has a history of working with Trout Unlimited.

Member of the public – asked if a conflict-of-interest disclosure section is included in the consultant services contracts.

Mrs. Baumann stated there is oversight on these appointments. There being no further comments, the motion was carried unanimously.

5. **Tilson Infrastructure & PA Turnpike Commission – Exit 312 – Request to Schedule Conditional Use Hearing for Telecommunications Facility** – Ms. Giordano received a conditional use application for the Turnpike Commission and Tilson infrastructure to apply for 160-foot cell tower at the entrance of the Turnpike.

The Township is scheduling a hearing for this on September 11th, 2023. The Township is requesting permission to advertise this hearing. The application will also need a hearing with the Zoning Hearing Board.

Mrs. Obenski made a motion to grant permission to advertise the conditional use hearing and Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

6. **I-76 Trade Center - 1130 N. Pottstown Pike – Request for Extended Working Hours** – Ms. Giordano received a letter from H&K group requesting permission for extended working hours from 6am to 3am Monday through Friday, and 6am to 7pm on Saturdays, from now through to Thanksgiving.

A representative from H&K Group explained the reason for the request was to get as much work as possible while the weather cooperates before the winter months. The work involves moving dirt and pads. There would be noise from equipment, back up alarms etc.

Mr. Miller made a motion to approve the request (for the purposes of discussion). Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment.

Board comment

Mr. Miller - explained that typically the Township does not provide these types of waivers. In the past, the requests are for shorter periods of time and even then, they are not usually approved. In the case where there might have been a hardship, there may be a greater need for a waiver, but for the purpose of just accelerating a work plan, this is not an adequate reason. Mr. Miller stated the ordinance is clear and that he had no real intention to change the ordinance without a specific hardship reason. Stated intent to vote no.

Mrs. Obenski - agreed with Mr. Miller stating that the issue is staying on schedule with construction. This is not a schedule that was set or determined by the Township and so Mrs. Obenski does not find that a waiver to the ordinance is going to be in the benefit of the public. Stated intent to vote no.

Mrs. Baumann - agreed with Mrs. Obenski and Mr. Miller, adding that it is not just about residents and keeping peace in the overnight hours for the community but also their animals. She also mentioned lights associated with the construction that could impact bird migrations. Stated intent to vote no.

Public Comment

Don Corle – asked what the relationship between H&K (local construction company) and Portman (the Developer) was.

Mrs. Baumann clarified that Portman has contracted H&K to complete construction work for the development. Portman is the property owner.

There being no further comments, the motion was denied unanimously.

7. Hearings:

a. Ramunno – 339 W. Uwchlan Ave – Request for Zoning Change

A court transcriptionist was present to record this hearing.

Mr. O-Keefe, on behalf of the applicant explained they are requesting to rezone their property as part of plans to build a self-storage facility, office and associated parking. The applicant is asking for the property to be rezoned in its entirety from R-1 to PC.

The adjacent properties include another self-storage unit, a tobacco shop, a car wash, and Uwchlan Hills Elementary School.

Mr. O’Keefe recapped some of the discussion from the Zoning Hearing Board; the elevation of the property in relation to the school and the rezoning of the adjacent western property for self-storage several years ago.

Mrs. Baumann asked for board or public comment.

Board comment

Mr. Miller – noted the property is sandwiched between commercial properties and property owned by the School District. He expressed his belief the property has been “orphaned” over the course of development and that it would be difficult to build a single-family residence there.

Mrs. Obenski – noted in reviewing the packet information, this is a largely commercial area of the Township and does not believe re-zoning the property would take away from residential space.

Mrs. Baumann – Noted the current supervisors did not rezone the western self-storage property. Raised concerns, in relation to the Comprehensive Plan, for knock-on effects of continuing to increase commercial zones in the Township while the need for affordable housing is growing. Stated she was not in favor of rezoning the property.

Public Comment

Matthew Szoke – Township Resident – Raised concerns about the wetlands on the property, flooding, and stormwater impacts.

Christine Taylor – Rose Tree Drive – expressed concerns about flooding and that she had lost personal belongings to flooding at the existing self-storage unit. She also noted there are several commercial buildings that are sitting empty and proposed that existing commercial spaces be used instead.

Matt Hanes – Township Resident - Raised concerns about the visibility of the school, even at a lower elevation, it may still be visible.

David O’Toole – Township Resident – Agreed with Mrs. Baumann’s comments to be mindful of increasing commercial spaces in the Township. He also stated that self-storage businesses generally do very well.

Brett Barnello – Wagon Trail Way – Encouraged the Board to take a wider view of our zoning, as there are issues (like this property) that continue to arise.

Mr. Miller clarified the property is not owned by the Township and the Board cannot dictate what is or is not built there, nor can the Township tell the property owner to simply go to another property.

Chris Engle – Township Resident – Asked to think about future impacts and worst-case scenarios of what could potentially be built there.

There being no further comments, the hearing was closed.

Mr. Miller made a motion to approve the zoning change request. Mrs. Obenski seconded. Mr. Miller and Mrs. Obenski voted in favor. Mrs. Baumann voted against. The motion passed with a majority vote 2-1.

b. Calvary Chapel of Chester Springs – 217, 219, 221 Dowlin Forge Rd – Request for Zoning Change

A court transcriptionist was present to record this hearing.

Mr. Ari Christakis from Buckley Brion was in attendance, representing Andy Davis from Calvary Chapel.

The property is in both the PC and R-1 zoning districts and was developed under the PC zoning regulations. The Church plans to expand its parking capacity (from 316 to 523 spaces) over two recently acquired land parcels and potentially add a maintenance building in the future. The intent is to consolidate the parcels under one zoning (PC), to make this easier for the congregation to manage.

Mr. Christakis interviewed Mr. Davis, to provide detailed background and history of the Chapel and give an extensive presentation of its proposed development of the property for parking.

Mrs. Baumann asked for board or public comment.

Board comment and discussion

The number of services and analysis of the service schedule was discussed to manage parking. Mr. Davis noted there was not high demand for Sunday afternoon services.

It was clarified that under R-1 zoning, the Church would still be able to expand parking, though not to the same extent.

The delineation of commercial and resident zones in the Township was discussed and the potential “creep” of commercial areas into residential spaces.

Concerns were raised about increasing impervious space, removal of trees and stormwater by increased parking.

Future uses of the parcel were discussed. Consolidating the parcels under PC zoning would create a large PC parcel. This could be sold in the future and remove existing buffering and tree lines. However, future uses would likely need to go through a conditional use process for any planned changes. The Township would have the opportunity to impose restrictions at that time.

Discussion around shared parking as an option as well as making the area more walkable/cyclable.

Public Comment

Member of the public – asked for clarification of the total number of parking spaces proposed. Also suggested the Board lift a conditional use that would allow the church to use neighboring existing parking lots of businesses for overflow parking.

The church currently has 321 spaces, they are looking to increase this by 207 to a total of 528 spaces.

Ken Gustafson – Township Resident – raised concerns about entrance and exits directly onto Dowlin Forge Road and any impacts to traffic this may have. Also asked about removal of trees on the property and the elevation of the property.

Chris Engle – Township Resident – Asked for clarification about being able to build parking in R-1 and PC. This was confirmed that both zones allow for parking spaces to be built, however there are more restrictions under R-1.

There being no further comment, Mr. Freed continued this hearing to the next meeting on September 11th, 2023.

ANNOUNCEMENTS:

1. Wednesdays – 9:30 am – Yoga in the Park – Baird Park
2. 08/17 - Environmental Advisory Council Workshop Meeting – 7:00 pm
3. 09/05 – Park & Recreation Committee Meeting – 7:00 pm
4. 09/06 - Planning Commission Meeting – 7:30 pm
5. 09/07 – Board of Supervisors Workshop Meeting – 12:00 pm
6. 09/11 – Board of Supervisors – 7:30 pm

PUBLIC COMMENTS

David Fertell – 355 Valley View Lane – Thanked the Board for upholding the Township’s ordinances. Asked if Audubon has any other applications before the Board, in regards to the sketch plan.

Mr. Freed explained the plan was “off the table” and nothing else is before the Board. Audubon did not need to withdraw the plan, they did so to provide clarity for the community.

Kent Empie – 487 Lionville Station Road – made suggestion to the Board to make their noise ordinance more enforceable as it lacks specific measurable rules, such as testing methods, testing equipment, distance decibels etc. This would provide the township with objective enforcement methods when fielding complaints from nearby residents, similar to those in Delaware County.

Matt Hanes – 368 Harshaw Drive – Following the public interest in development at Happy Days and Lionville Station Road, he encouraged the Board to review how the Township views warehousing, to look at our ordinances and see if more comprehensive plans can be put in place.

Caroline Engle – Valley View Lane – Gave compliments to Calvary Chapel about their community support and the services they provide. Suggested shared parking with neighboring businesses as a possible solution.

Member of the public – Asked if the Township and School Board can work together on using the Lionville property should the contract with Audubon falls through.

The Township always welcomes discussion with any property owner about potential uses that can benefit the community.

Kevin Lambert – Township Resident – suggested more formally codifying how warehousing is defined in Uwchlan.

Member of the public – Asked for information about a recent “Shelter in Place” notification.

Police Chief Alexander explained there are occasions when the police department officers are responding to certain types of incidents, where it becomes necessary, depending on what is happening to ensure everybody's safety around a particular area.

For this incident, after officers assessed what was happening and determined that they needed a reverse 911 done so that they could let people in that general area know that they should just be staying in their homes, while the police are dealing with an incident.

It is not perfect necessarily that reverse 911 comes from the Chester County Department of Emergency Services. And it would go out by several different forms. It could be a landline phone if you have that it, could be cell phone service or text messages.

That is based on what the Department of Emergency Services knows from the phone services that are in the area. Some of it is based on what individual residents may sign up for with the Department of Emergency Services in terms of wanting to receive notifications from them.

In that instance the officers were able to resolve relatively quickly, at least to the standpoint of knowing that no one in that general area needed to continue with that and that is why it was then canceled but those do not necessarily happen frequently, but they do happen and it is just to keep everybody safe.

Jessica Aman – Township Resident – offered positive comments for Calvary Chapel and disagreed that adding more services would help alleviate parking issues as people will continue to go to the service that is most convenient to them.

Mathew Szoke – asked about stormwater planning for the Township and if it is possible to be involved in the planning process for Beech and Maple Street.

There being no other business Mrs. Obenski made a motion to adjourn at 9:55 p.m., Mr. Miller seconded and the motion was carried.