



Borough of Pottstown

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POTTSWOWN BOROUGH PLANNING COMMISSION
Pottstown Borough Hall Council Chambers Room
100 E High Street
November 29, 2007
7:30 PM

MINUTES

Present: Thomas Hylton, Chairperson
Dennis Wausnock, Dan Weand & Karen Weil

Also Present: Charles D. Garner, Borough Solicitor
Doug Dilliplane, P.E., Bursich Associates
Joe Nixon /Jim Ennis, Montgomery County Planning Commission,
Jeffrey D. Smith, Code Enforcement Director & Michelle Borzick, Zoning Work
Leader

Absent: Terry Fetterman

Meeting called to order by Mr. Weand at 7:30 PM

Approval of Minutes

Mr. Wausnock moved seconded by Ms. Weil to approve the minutes of the October 25, 2007 Planning Commission Meeting. Mr. Hylton provides a grammar correction to minutes.
Motion carried.

Old Business

a. 153 S Roland St

Individual present to represent property. Mr. Fay speaks regarding deck in the back of the house with a colonial handrail similar to what is on the front porch. Mr. Fay recommends approval with the additions of the colonial handrail. Mr. Hylton moved, Mr. Wausnock seconded.
Motion carried.

924 South St

Mr. Garner advises the commission that Mr. Dilliplane has not received any revised plans and there is not a review letter.

204 Shoemaker Rd, 2 parcels on Robinson St

Joel DeFratis, revised plan presentation and update. Acknowledged receipt of review letter from the engineer and there are no problems with any of that. Would like to review proposals. Discussions regarding the type of trash disposal and its location behind the building (pictures provided for the file). Comments regarding circulation and sidewalk areas. Mr. Dilliplane comments regarding connection from Shoemaker up to the retail area. Mr. DeFratis briefs the committee on how they intend to address the issues in the review letter. Mr. Hylton questions the

trees and meeting the requirements and according to calculations on the plan being approximately 100 trees short. Discussions regarding fee in lieu of for the trees. Mr. Garner addresses the commission that when the motel was built this was always considered to be Phase II. Phase II was going to kick in some traffic improvements or a look into what was needed in the vicinity. The applicant agreed to look into that as part of this phase. When Wal-Mart just expanded or upgraded then we started talking about upgrading the intersection and the applicant was going to contribute to the big scheme. This is still an outstanding issue. The commission would be looking at trees, open space and traffic issues in addition to comments from the engineer. Mr. Hylton questions what do we do about the fact that he is going to want approval before we resolve the Wal-Mart issue. Mr. Garner states they can make suggestions by next months meeting which could be a fee. Mr. Hylton speaks about the tree and open space waivers and suggests a donation of \$20,000.00 for both.

Beech Street Lofts (341 Beech St)

Owners, Bill Fenton & Dave Chawaga present along with legal representation. There were discussions regarding window design. Mr. Chawaga describes the two-over-two window design as discussed with Mary DaNadai. The other aspect they worked through was filling in the arch. Owner provided pictures to the commission for review that depicts the arch. Mr. Hylton acknowledges speaking with Ms. DaNadai.

Mr. Dilliplane comments on his suggestion of the storm water management and further advises that this is not a requirement.

Discussions about the fence to be erected at Beech & Evans Streets on the south side of Beech St. Mr. Hylton expresses the commissions concern to erect brick columns and black iron / aluminum black to look like iron and that seemed appropriate. The commission would like to know for sure that is what they are planning to put there. The commission would like to see the design and details on the final plan.

Mr. Nixon questions the trees on Evans St. Mr. Chawaga comments that the Evans St side seems to tight for trees and they were considering other options for a green aspect to that side of the building. Mr. Hylton agrees and has some suggestions, but not at this time.

The owners begin conversations regarding parking and the existing lot. Recognition of the letter received from Maria Gerber. Discussions included the design, angles of spaces and aisle width for the existing lot. Explanation regarding research of other parking lots in the Borough of Pottstown. Mr. Dilliplane advises the individuals that the other parking lots were established prior to the current ordinance. Discussions continued regarding interpretation of the ordinance and the research done by the owners of the functionality of the lot. Mr. Dilliplane advises that the ordinance indicates a 9ft x 18ft box. There were explanations provided regarding their interpretation of industrial classification vs. retail/office classification and the allowances for parking requirements for both.

Mr. Hylton questions the number of spaces available. There are 22 spaces behind the building with 12 spaces at the Evans St lot, 17 on the street and 3 additional. Is there an agreement regarding the residential? Yes the parking in the rear would be the exclusive lot for the residents. The zoning officer wrote a letter that deems to be a determination. Then advises there are three things that can happen first to change the mind of the zoning officer as has happened in the past with the former zoning officer, zoning hearing board and plead hardship and three change the zoning to make it possible for this to happen. Mr. Hylton questions Mr. Dilliplane and the standards and his feel of the layout of the parking. Mr. Dilliplane acknowledges that the question is questioning if it is functional vs. whether it meets the code. Not certain if the configuration is as it was before and is it functional, maybe it is. Is it going to be tight and tough to maneuver? Sure. The owner comments on the code and their research on national codes and that this code is restrictive.

Mr. Garner advises the committee that Ms. Gerber can reconsider her opinion and the numbers are the numbers. It is not the first time this has happened and can certainly have a poignant argument that can be told to the zoning hearing board. In Pottstown if the Planning Commission and Borough Council support you it is extremely rare that the zoning board would not agree with that recommendation. Sit down and speak with Ms. Gerber, but do you really not want her to uphold the integrity of the ordinance because this may be a case where this doesn't really have to apply? We may agree that it is functional but it still doesn't get us around that it is part of the ordinance.

Mr. Hylton questioned why does it have to be in the ordinance because it is already in subdivision. The philosophy behind the zoning ordinance is to give the zoning officer a lot of discretion. The owners agree to meet with the zoning officer and request an approval from the commission subject to zoning hearing board determination. Mr. Garner affirms that on occasions the commission has done that. There were discussions regarding the zoning hearing board dates and times for January and February.

Motion to recommend the following waivers for the Beech Street Loft land development. Those waivers would be for the required number of trees as set forth in 504, 505 & 508, existing features within 100ft of the site 840.2, plan requiring soil erosion and sedimentation under A404.2.2 & waiving the requirement to dedicate open space or fee in lieu under A501. Mr. Hylton moved, Ms. Weil seconded.

Motion carried.

Motion to recommend preliminary final approval to Beech Street Lofts land development plan subject to compliance with the Bursich letter of October 18, 2007. Subject to submitting a fence detail for the Beech & Evans Street parking lot including brick columns, submission of an acceptable landscaping and lighting plan and the last condition would be granting zoning relief for parking from the Zoning Hearing Board. Mr. Hylton moved, Mr. Wausnock seconded.

Motion carried.

Mr. Garner advises that Borough Council would take action subject to zoning. It would be unusual for them to act before some of the items are addressed a little more clearly. They will take a position on the zoning application.

Motion for Mr. Hylton to write a letter to Council in support of the zoning relief and giving a little background of the Core Redevelopment Plan calling for this to be developed as condominiums. Mr. Wausnock moved, Ms. Weil seconded.

Motion carried.

Alexander's Run, 201 E 8th St

Mr. Garner spoke with the attorney today. They did comply with what they said they would do, they submitted revised plans to the Borough of Pottstown. Mr. Dilliplane stated that he did not prepare a letter. Mr. Garner advised the attorney they would not have to present if there was nothing to discuss.

399-403 Lincoln Ave

Owner contacted the Borough offices and requested that he be removed from the agenda and rescheduled for the December 2007 meeting.

Motion to acknowledge receipt of 399-403 Lincoln Ave. Mr. Hylton moved, Mr. Wausnock seconded.

Motion carried.

Public Comment

Mr. McLaughlin presents sketch plan to the commission of S Charlotte St lot with development plans. Mr. McLaughlin indicates that he believes it is everything they were discussing. Mr. Hylton indicates that he would like to send it down to his friend and it is going in the direction he suggested. Comments made regarding railroad tracks and units facing Charlotte St. Mr. McLaughlin would like to move forward with the engineering aspect for it to be on the agenda next month. Mr. Hylton will get back to Mr. McLaughlin. Mr. Fay makes comments on enhancing exterior architecture.

New Business

Mr. Hylton suggests a defect in the zoning ordinance and advises that there is a truck in the Super Fresh lot and basically it is a portable sign. Discussions regarding the ordinance and signs. Mr. Garner suggests it is an off premise sign if the truck meets how we define signs. There is something in the ordinance regarding vehicular signs. Mr. Smith and Ms. Borzick advise that there are typically vehicles at the Super Fresh lot and at the Robinson St lot and they are dealt with as needed through the Codes Department.

Mr. Hylton questioned the sign at Mt. Olive Baptist Church. Mr. Smith advises that they did not get a variance or put it in according to what the permit said. Ms. Gerber is handling the issue and she is trying to have them come in for a variance. Mr. Garner indicates if they do not come in for a variance then Ms. Gerber will issue a zoning enforcement notice and then they will have to come in or get fined. Mr. Smith requested to speak about animated signs. The crux of the situation is the owners feel it is not an animated sign. Mr. Hylton reads from the ordinance and asks if there should be clarification to the ordinance. Mr. Garner advised that the ordinance is clear. Ms. Gerber will continue to work with the situation.

Discussions regarding the dates for 2008 planning commission meetings. Mr. Hylton requests that the meeting date for February 2008 be changed to Monday, February 25, 2008 and everything else seems to be ok.

Ms. Weil advises the board she will not be available for the December 2007 meeting.

Mr. Weand questions the status of the Mrs. Smith Pie facility. Mr. Hylton comments as far as Ryan Homes the rumor is that Ryan has not actually purchased any of those lots. Mr. Smith advises that Ryan is probably going to give up their option money and walk away. The option agreement with Ryan was to finish the lots but just like any option if you don't want to take it you lose your option money and walk away. Mr. Hylton advises there is a meeting with Mr. Almquist coming up to discuss the building. Mr. Garner advises that monies are being collected for their being in default. Mr. Smith indicated that he did hear that the person who owns the 120 lots would be purchasing the commercial spot. Mr. Hylton questions ownership and is advised that Wright LD or LP and they acquired ownership of the land, developed the land and there is a relationship with Ryan Homes. The commercial piece is separate from the residential. Mr. Hylton questioned the amount of money invested in developing the lots. Mr. Smith advises at about six million at about \$58,000 a lot, first issue.

Adjournment

Motion to adjourn the meeting at 9:00 PM.