



# *Borough of Pottstown*

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POTTSTOWN BOROUGH PLANNING COMMISSION  
Pottstown Borough Hall Council Chambers Room  
100 E High Street  
March 27, 2008  
7:30 PM

## **MINUTES**

**Present:** Dan Weand, Chairperson  
Thomas Hylton, Stephen Toroney, & Karen Weil  
**Also Present:** Charles D. Garner, Borough Solicitor  
Doug Dilliplane, P.E., Bursich Associates  
Jim Ennis, Montgomery County Planning Commission,  
& Michelle Borzick, Zoning Work Leader  
**Absent:** Terry Fetterman

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

### **Approval of Minutes**

Differed to the end of the meeting.

### **531 Manatawny St, addition**

Marc & Nadine Kenline, owners of the property present. Mr. Fay informs the commission of the elevations of the proposed project including adding a double decker porch in keeping with the architect and materials.

Mr. Hylton makes a motion to approve as submitted, Ms. Weil seconded.

Motion carried.

### **324 South St, addition**

Dan Truit, owner of property present. Mr. Fay shares pictures of the property with the commission. Finishing up the project adding a deck on the rear of the property with a deck on the rear. The exterior will be vinyl siding on the side and back and stucco to the front. Mr. Fay recommends that the pen eave be extended across the front of the building to match the attached structure.

Mr. Hylton makes a motion to approve the project with the suggestions made by Joe Fay, Ms. Weil seconded.

Motion carried.

**1159 Cherry, deck**

Matt Hipple, owner present. Mr. Fay advises the commission that they are adding a larger deck area. Removing the existing deck for replacement to increase the living area. Mr. Fay suggests a traditional colonial style handrail. The owner is in agreement. Mr. Toroney questions the materials to be used. Mr. Hipple advises he will be using wood.

Mr. Hylton makes a motion to approve as suggested by Joe Fay, Ms. Weil seconded.  
Motion carried.

**602 N Evans St, prefab garage**

No one present. Mr. Fay provides pictures to the commission informing the commission of the addition of the garage. He acknowledges it is pretty much what is in the area.

Mr. Hylton makes a motion to approve as submitted, Ms. Weil seconded.

Motion carried.

**432 Mt. Vernon, garage**

Ronald Ewing, contractor present. Mr. Fay speaks to the commission about the project, providing pictures for the commission to view. The garage windows, exterior materials, color and fascia will match the house.

Mr. Hylton makes a motion to approve as submitted, Ms. Weil seconded.

Motion carried.

**Mrs. Smith's, revised elevation review**

Mike, Wright Group, addresses the commission regarding proposed submissions for residential area that the Wright Group will be developing. Explains the number of homes and the examples of elevations, including siding and brick, provided for the town homes at Mrs. Smith's. Mr. Wright comments on and recognizes the conditional use approvals regarding the exterior elevations. Mr. Weand questions Mr. Garner regarding submission and where they are with the project. Mr. Garner advises the commission that his understanding is that this is for elevation changes only. The representative from the Wright Group advises that this is strictly an elevation change not redesigning the site. The floor plans will be different. Mr. Hylton questions the solicitor Mr. Garner; does the conditional use remain the same? Mr. Garner confirms that statement that they cannot change the conditional use. The elevations are very intricate in the final plan approval. Coming through with a change would require a plan change just because of different elevations. If there were any change to the conditional use then there would be a separate process all together. Mr. Hylton provides a history of the project, the facades, the residencies and commercial, his travels to confirm the previous builders work. Mr. Hylton suggests forwarding the plans to Mary DaNadai allowing her to consult with Joe Fay. Mike acknowledges that the Wright Group has nothing to do with the commercial property. Mr. Weand confers with Mr. Garner about the construction of the commercial property. Mr. Garner advises that the Borough cannot force anyone to construct a building. Mr. Garner questions if they are going to be submitting a revised plan in the future. Mr. Hylton indicates that this is very important to us and the floor plan is beyond the commissions concern. Mr. Garner advises the individual that his recollection is that the approved final plan included the elevations / facades and how everything looked was a key component to the fact that it received approval. To the extent that this is changing that plan as a conditional approval it is going to be recommended by the planning commission and ultimately approved by council. There is not a clock on this since this is not a request for a plan change. The next step would be to

wait for a recommendation from the planning commission. Mr. Hylton advises that he will have this turned around rather quickly and if he is given authorization to do this and he will provide Mike with suggested elevations. Mr. Garner advises that he believes borough council would be more concerned with elevations not so much the floor plans but he will not speak for them. Mr. Hylton advises that if the commission gets back to Mike for April that borough council could act on it in May 2008. The commission was advised that there would be a sample built facing Hanover St and the price range would be high 100's low 200's.

**214 N Hanover St, demolition of existing rectory**

Joel DeFratis, CMC Engineering present to discuss demolition for the existing rectory including to construct a new building, providing the timing of the demolition, and storm water management issues that will be addressed in the parking lot, in the front of the school and at the church. Further explanation was provided to the commission of how to delineate these issues. The engineer was advised of the "storm water management" permit application. Mr. Hylton provides a history of the project regarding the elevations to the commission and the audience. He is primarily interested in seeing the elevations of the new building compared to what was suggested in the past prior to the commission recommending demolition. The commission needs to know what it is going to look like. Mr. DeFratis indicates that the front view is what he has been working on and shares a picture with the commission and a brief explanation. Mr. Hylton would like to see an elevation and will email what was worked on prior. Mr. Garner questions if the timing would be sufficient if council is able to move on this in May? Mr. DeFratis indicated this would be acceptable. Mr. Toroney confirmed with Mr. DeFratis that the trailer would be removed from the site. Mr. Weand and Mr. DeFratis discussed the parking issues that are actually changes to the existing pattern of parking and that the building would not add to parking issues.

**924 South St, conversion of commercial building into six (6) residential units; expires 8/2/08**

Mr. Garner advises the commission that he did forward a letter to the owner(s) as was recommended and has not received a response. His intention is to follow up with another letter so they may have some knowledge as to what is going on.

**399-403 Lincoln Ave, construction of a set of twins (sub div / land dev), review, expires 4/29/08**

Mr. Garner advises the commission that he did not expect anyone this evening. We did receive an extension letter to respond to the engineer's comment letter that will take them to the end of April. We anticipate seeing something next month.

**Plum St: 56 & 56 S Charlotte St and 51 S Evans St – reverse subdivision, land development and review, expires 4/29/08.**

Frank McLaughlin, owner, addresses the commission that they are prepared to submit a final plan. However they need a final feedback from the commission on how they would like him to proceed with the turn around that has been part of the discussions in an attempt to accommodate the neighbors. Mr. Garner advises the commission that his office received a letter from Mr. McLaughlin's attorney asking that the matter be removed from the agenda. The revised plans will be submitted or have been submitted for a final review letter from Bursich. There was a staff meeting and there are residents here tonight. They discussed during the staff meeting the layout and the plan, as it exists. Mr. McLaughlin did indicate that he would be willing to keep the turn around for access for the neighbors who live on Plum St. Mr. Weand asked that if the neighbors could reserve comment(s) so that they can get through the other items on the agenda.

**68 & 70 N Adams St, subdivision**

Ryan Costello, representing the applicant on the project. Mr. Costello explains this is an existing twin on one deed and is proposed for subdivision in a literal sense of the word. The plan that Mr. Dilliplane reviewed he believes is a fair representation it reflects everything that is needed in order to proceed with a recommendation for final plan approval for recording. Except that Mr. Dilliplane would like to see the sewer lateral locations depicted on the plans. Mr. Costello confirms there are separate laterals hook ups for each property. The second condition is the installation of monuments or permanent pins upon final plan approval. Mr. Costello would like to see final approval and address any issues the commission may have. Mr. Dilliplane indicates there are some waiver issues and speaks to the commissions past practices in relationship to this project. Mr. Garner does not see any legal issues with the property. Mr. Toroney questions the direct hook to the main from each property and it should be verified that they do not go into a “Y” prior to entering the main. Mr. Dilliplane indicates this is addressed in the letter as well. Mr. Yerger can confirm this information.

Mr. Hylton motions the recommendation of preliminary final approval of the Loughin property subdivision located at 68 / 70 N Adams St subject in compliance with the comments listed in Bursich’s letter of March 13<sup>th</sup>, 2008, Mr. Toroney seconded.

Motion carried.

Mr. Hylton motions to recommend waivers under sections 504, 505, 400.1D, A402.1, A402.2, 403.5 and A403.7 all listed in the Bursich letter as well, Mr. Toroney seconded.

Motion carried.

**716 & 718 Walnut St, demolition**

Mr. Silversteen, representative of the Hill School, describes the properties and the conditions and status of the properties. Mr. Hylton questions if the properties would be removed from the tax roles. Mr. Silversteen states that they would be paying taxes on the land. Mr. Hylton cannot in good conscious recommend to council that they allow the properties to be demolished. Ms. Weil advised that she would abstain from comment or voting.

Mr. Toroney motions to recommend demolition. No second.

Motion dead.

Mr. Weand asks Mr. Silversteen if the Hill School has contacted some other entities for possible rehabilitation? Mr. Silversteen indicates this is not the intended use of this property for the needs of the school. There are several homes that are owned by the Hill School that house their faculty members but it would not be cost effective to rehab the buildings in question. Mr. Garner advises the commission that this would now go before Borough Council at the next meeting without recommendation from this commission.

**Public Comments**

Mr. Weand opens the floor to the residents in regards to the Plum Street project.

Steve MacDonald, 15 Plum St, provides a handout to the commission and reviews the same. He questions a traffic study, the cohesiveness of the building with the neighborhood, the county funding and how does the county feel about rental units being introduced in the core redevelopment area, discrepancies and grey areas with the borough zoning and the county tax maps. Plum Street shows that this street goes thru to the rail lines but now it is Mr. McLaughlin’s

property. Mr. MacDonald questions amendments that would address the amount of units that are being proposed in this small space. Points to section 319 regarding the ground floor square footage requirement for rental units. Historically there have only been 2 buildings on this lot.

Mr. Hylton questions Plum Street as an ordained street. Mr. Dilliplane indicates that the property must have access to an ordained street and if this is factual than this could be an issue. Mr. Hylton speaks to the square footage of the buildings based on apartments / condo's that are permitted with the square footage that is proposed. Mr. Hylton shares the concerns with Plum Street. Mr. McLaughlin states that he has two different definitions of a street that was amended approximately 3 months ago and this use is permitted and the current definition allows it. This was laid out to protect the neighborhood and enhance the residents on Plum Street and not take away from their properties.

Privacy is another concern of the neighbors. Mr. McLaughlin indicates that vegetation will be planted to assist with privacy issues. Mr. McLaughlin has no problem gating off the property and having Plum St ending at his property. He can work off Charlotte Street. This is a by right plan and they meet every part of the zoning ordinance. Will submit as the by right plan if a final agreement cannot be made.

Jon Sweeney, 61 S Evans St, would like comment on the number of units that were increased. Mr. Garner advises Mr. Sweeney that there were not discussions to numbers just the layout. Mr. McLaughlin indicates that he can go as high as 18 edu's just smaller and taller. Parking is to their benefit when increasing numbers and he believes they will have an excessive amount of parking spaces. There is adequate parking to comply with the zoning ordinance. We have done everything we can do to work with the planning commission and the neighbors.

Mr. Hylton asked if Maria made a determination regarding the parking and if she has not then you may not be in compliance with the parking requirements. Mr. Garner indicates that without the turn around the parking is adequate.

Mr. Thees speaks to the fact that Plum Street may not be ordained and the width of the street possibly encroaching on the existing property owners land. He addresses his concerns of the land configurations.

Mr. Weand inquires with Mr. Toroney as to where to go to get the answer to whether or not Plum Street is ordained. Mr. Toroney indicated that the public works department should be able to provide that information. Mr. MacDonald indicated that he was advised at the staff meeting that they couldn't find record of the ordination. Mr. Garner advises that in this case there is nothing we can find that states it is an ordained street. Mr. McLaughlin advises Mr. Toroney that the only ordinance found in reference to Plum St is in regards to a sewer easement.

Brian Durchin, 13 Plum St agrees with his neighbors and he prefers a turn around for emergency purposes.

Mr. Weand requests a position from the county. Mr. Enis suggests a reconfiguration of the buildings to move as many dwelling units as far away from the rail lines as possible.

Mr. Garner describes the development and what exists and what is plausible. Mr. McLaughlin can construct his buildings according to the ordinance. There is another revised plan on its way in response to the Bursich letter of January 2008. Mr. McLaughlin advises the commission that they have complied with the Bursich letter. Mr. Dilliplane is still waiting for certain items to be satisfied upon re-submission. Mr. Garner questions the commission if they are in favor of the turn around. The commission members acknowledge they would like to see the turn around. Mr. Weand questions Mr. McLaughlin if we are able to provide you with one less parking space you are willing to provide the turn around? Mr. McLaughlin confirmed he would comply with the request.

Mr. MacDonald questioned the project having access to the public street. Mr. Garner advised that the ordinance reads that it has to have access to one public street and they do have access to Charlotte Street.

Mr. Toroney questioned what keeps people from parking in the turn around. Mr. McLaughlin advises that he doesn't believe that it will be an issue. Discussions continue regarding the parking and possible required improvements to Plum Street. Mr. Garner advised that Mr. McLaughlin's attorney provided an extension to May 31, 2008.

Mr. McLaughlin has a few other items to address. He and Randy Raser own a property at 542 Farmington Ave. He provides a picture of the proposed elevations for this property that will possibly be an over 55 community. Spoke to Ms. Gerber and will be working with the existing footprint of the building with 800 sq ft units. They have worked with Mr. Silman on the project, which he suggested mixed use but that would require a zoning change. Mr. McLaughlin would like to comply with the existing ordinance. Mr. Hylton requests a footprint / plot plan of the property and if no one has any objections he will email the paperwork to Mary DaNadai. Ms. Borzick requests that any documentation be duplicated for the Borough's files. Mr. McLaughlin speaks to the number of parking spaces and the addition of another floor to the original building. Mr. Toroney advises that he has received numerous calls regarding the property. Mr. McLaughlin states he is aware of some of the concerns. The building will not be torn down it will fall under the existing building clause.

Mr. McLaughlin advises the commission of another property which he owns on Apple Street and he would like some direction architecturally on the project. Planning a one-story building, changing the roof elevation to match the neighborhood with a dormer. Would like some direction from the commission before investing too much in the property.

Mr. MacDonald questions how could the zoning ordinance protect the residents. How do we influence or sway the process? Mr. Garner advises that Borough Council makes the ultimate decisions and they would be the best point of contact.

### **Old Business**

- a. **LED lighting** – Mr. Hylton would like permission to meet with Mr. Garner to establish a tentative ordinance regarding LED lighting. Personally he thinks they should only be in the heavy industrial zone. The ordinance would only provide a clearer definition. Mr. Toroney questioned if Pottstown is a member of the regional planning would that fall under our zoning. Mr. Garner states that yes that would apply or satisfy the criteria but without doing research he stated it would be better to find a district and allow it. It is potential of being challenged if not available anywhere. Mr. Enis indicates that he is certain there are other municipalities that have the same in place.

Mr. Toroney motions to have Tom Hylton work with Chuck Garner to work on an ordinance, Mr. Weand seconded.

Motion carried.

**b. Approval of January 2008 planning commission-meeting minutes** – Mr. Weand refers to the January 2008 planning commission meeting minutes. He indicates that we received correspondence from the borough solicitor. Mr. Garner explains that he provided a brief outline of the sunshine act, which is the act that governs what required in the minutes and what they must provide. Look at the basic requirements of the minutes it is pretty much a skeleton. It requires the date and time and place of the meeting, list of who attended if there was any action that was taken, who made the motion, who made the second and recording of the votes. And there is a requirement that if there is public in attendance that there is a list of those people and substance of their comments. That is the minimum requirements of minutes. Beyond that the planning commission is certainly free to make the minutes as detailed oriented or general as you deem appropriate. These are your minutes and it's your decision on how they should read and what degree of specificity that they should contain. This is true of all bodies whether it is borough council or an authority. It is your minutes and it is not anyone else's decision to decide what is in your minutes. Mr. Weand questions Mr. Hylton about his meeting with administration. Mr. Hylton indicates that he met with Mr. Garner and Mr. Lopez. He suggests that they would all be happy if Mr. Garner would review the minutes January and November minutes and revise them in a form that would be a good template for the future as to what should be in and not be in. Mr. Garner indicates that according to the January minutes the November minutes were approved. Ms. Borzick confirmed this was accurate. Mr. Hylton corrects his statement that if Mr. Garner could review the January and February minutes. Mr. Garner asks the planning commission if they are looking for more or less detail oriented. Mr. Hylton states Maria Gerber style or Ginny Takach style is acceptable.

Ms. Borzick directs her statements to Mr. Hylton that she was very offended by his comments and that he made a mockery out of her at both meetings. Some of the commission people and some of the people that were sitting in the audience approached her. Ms. Borzick states that she sits here as a professional and she didn't feel Mr. Hylton was being very professional that evening. To the point where some of the people apologized for Mr. Hylton and she told them not to do that. Mr. Garner advises that whatever direction the commission takes just make sure Michelle knows what is expected of her and that is the bottom line. Mr. Weand asks if it should be a short summary or if it should be more detailed. Ms. Borzick advises that she will follow Mr. Garner's direction.

Mr. Hylton makes a motion that we ask Mr. Garner to provide the January and February minutes that will serve as a guide for future minutes, Mr. Toroney seconded.  
Motion carried.

**b. Nomination for Vice chairperson of the planning commission** – Mr. Toroney advises the commission that he will accept the nomination of the vice chair position.

Mr. Hylton nominates Mr. Toroney as the vice chairperson of the planning commission meeting, Mr. Weand seconded.

Nomination carried.

Mr. Toroney advises the commission that he feels comfortable since his training session and feels more confident in that position.

**New Business**

Mr. Toroney advises that as a result of training it was advised that the planning commission report to council by March 1<sup>st</sup> of each year a synopsis of the completions of the planning commission. Mr. Hylton comments to previous attempts on this same issue. Mr. Toroney advises that this council likes to be informed although it is too late for this year it would be advisable for future years. Secondly to have one meeting with the zoning hearing board and the planning commission for issues that continue to come to the zoning hearing board since our commission makes amendments to the zoning. Mr. Garner advises the commission that in the past there were such meetings that included the borough council as well. Lastly, Mr. Toroney asks if the borough follows the comprehensive plan or regional plan? Mr. Garner advises we would follow the regional plan.

Mr. Weand explains that he was asked to sit on the blighted properties committee. He advises those in attendance who else serves on the committee. He asks for assistance in identifying blighted properties. Mr. Toroney suggests polling the councilors. Mr. Garner advises the commission has a role in this process. The planning commission will be approached for considerations of the identified blighted properties.

**Adjournment**

Meeting adjourned at 9:38 PM.