



## *Borough of Pottstown*

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POTTSTOWN BOROUGH PLANNING COMMISSION  
Pottstown Borough Hall Council Chambers Room  
100 E High Street  
April 24, 2008  
7:30 PM

### MINUTES

**Present:** Dan Weand, Chairperson  
Thomas Hylton & Stephen Toroney  
**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 & Karen Weil

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

#### **Approval of Minutes**

Minutes tabled to the end of the meeting per Mr. Hylton's request.

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

**214 N Hanover St**, land development, institutional "gathering center", **acknowledge receipt and possible review.**

Joel DeFratus reviews with the commission the owner's intentions to demolish the existing rectory and install some storm water facilities during the summer months. Rendering of the building is placed on display. Mr. Hylton requests discussions about storm water issues in the Bursich letter. Mr. Dilliplane states there were some questions about conditional uses, demolition and lot development based on the size of the property. Mr. Dilliplane indicates that site lighting would be addressed as the plans move forward. Subdivision and land development there were landscaping tabulations, some screening and buffering that are required on some of the outdoor storage and against the residential properties on Penn Street. Some additional calculations required on the piping system and a few more details on the construction of the system itself. Mr. DeFratus indicates that they would be looking for some waivers. One may be for the buffer of the residential properties facing Penn St that are off to the side. Street trees are not a problem just finding a spot to put them in. There is existing lighting that should be upgraded to some extent. Will come in next time with some lighting and will request a partial waiver if they cannot comply 100%. Introduces Bruce Cavin, architect, passes out pictures to the commission. Explains the intent of the design to combine the architect of the church and the school, as the building will be situated between both. Including a hip roof and brick to match the school and then stucco depending on expense on the upper part. The building will have an intentional gothic arch on the windows to match the church.

Acknowledges being in receipt of a previous rendering provided by someone on the planning commission. Mr. Cavin comments to the entrance at the right side of the building to take advantage of the slope and access to lower level with the intention of a preschool on the first floor. Trying to maximize the natural light for the building. Offered a rendering of the rear of the building that the commission was in possession of previously. Architectural shingles would be similar in color to both the school and the church. Mr. Hylton notes the immediate problem is demolition and that the commission would be prepared to act on that tonight. The other issues could be looked at a little more leisurely. Would like Mary DaNadai to come up and look at these renderings. Mr. Hylton suggests that Mr. Cavin meet with Ms. DaNadai to get her thoughts on it. The basic idea is fine, demolition is fine, and we can work out the details of the landscaping and a few other things at a later date. Comments were received from an individual in the audience that they have to address the drainage issues at the site as well. Mr. Dilliplane commented this can be addressed with a "Storm Water Management" permit.

Mr. Hylton makes a motion to recommend to council the demolition of the existing rectory, Steve Toroney seconded.

Motion carried.

Mr. Hylton makes a motion to acknowledge receipt of the plan, Mr. Toroney seconded.

Motion carried.

**818 & 820 South St**, second floor rear deck already constructed.

No one present. Mr. Fay addresses the commission and informs them that this work was done without permits. The Codes Department still has requests from the owner for engineering and egress; there is no door to actually get on the deck. Mr. Hylton suggests that they obtain permits before the commission makes a ruling. Mr. Toroney expresses concern over the construction. The commission will table this matter.

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

No one present. Mr. Garner advises the committee that he had written a letter and again received no response. He advises that he will send another follow up letter.

**Plum Street: 56 & 58 S Charlotte St and 51 S Evans St** – reverse subdivision, land development & review, **expires 7/13/08**.

Carrie Nace, attorney and David Shaner, engineer present to represent the project. Revised the plan pursuant to the borough engineer review letter and resubmitted. Would like to receive preliminary final approval along with recommendation on the waivers that are being requested. Begins review of the Bursich letter dated 4/18/08. Ms. Nace addresses the parking space issue and indicates that Maria Gerber, Zoning Officer, will be providing a letter stating the parking is sufficient. Location of the dumpster to be placed as noted on the plan. Mr. Dilliplane indicates there is nothing in the ordinance that speaks to locations of dumpsters. Mr. Shaner advises Mr. Hylton of the grass pavers. Ms. Nace asks for a partial waiver of the required number of trees. Mr. Shaner advises that they are proposing arborvitaes as a buffer to the adjacent property owners. Ms. Nace is requesting a waiver of trees however a consideration of a credit to the effect of the number of trees proposed as a buffer area. Mr. Hylton suggests placing trees in diamond areas in the parking area where the lines of (4) spaces intersect. Discussions continue regarding size and plantings of the trees. The owner is in agreement to adding these trees. Mr. Garner clarifies with Ms. Nace that there will not be waivers for the trees. Waivers for required open space dedication.

Item regarding making Plum Street a public street would be up to the Borough and. Mr. Weand comments that the contractor develop the street and dedicate it to the Borough. Mr. Dilliplane affirms that the extension of Plum Street not to the width but similar cross section that would carry through with a dedication of public right of way and a turn around that has a truck turning analysis performed on it so that we are sure that there is sufficient room for trucks to make the maneuver to turn around. Ms. Nace and Mr. Shaner indicate that the owner will not be able to accommodate that. The owner has agreed to overlay all of Plum Street. Discussions regarding turn around for trash truck and staff knowledge. Ms. Nace indicates that all other comments are will comply. She reaffirms that the owner is not willing to the do the improvements to Plum Street to include milling and storm water drainage, but is willing to overlay Plum Street. Mr. Garner questions dedication of the turn around and what is the mechanism that will allow the turn around to remain. Ms. Nace advises that an easement would be granted. There were discussions regarding where snow would be placed on the property. Additional discussions regarding the overlay on Plum St including milling, crown, etc... Mr. Shaner agrees to look at the possibilities. Mr. Toroney advises that council has not waived fee in lieu of open space. Ms. Nace specifies that they intend to pay the fee in lieu of open space. Mr. Weand opens the meeting for public comment regarding this project.

Steve MacDonald, 15 Plum Street, comments to public drainage going to the center of the street at the curb interface. He advises that there is only 2 inches of macadam over the original brick on the edges of the street.

Phillip Thees, 63 S Evans Street, comments to his concern with water flow to his property. He doesn't see the purpose to install curb. He believes the brick on the edges are just gutters and the rest is dirt. Mr. Thees also comments to Plum Street not having been dedicated as a public street. He wants the water to flow down the street, as it should be. Mr. Dilliplane advises that he did request additional storm calculations particularly for collection and conveyance to make sure it is conveyed off the property and into the street.

Mr. MacDonald indicates that there will be thoroughfare issues when the trash is scheduled for pick up.

Mr. Toroney advises those in attendance that they are renegotiating the refuse contract. One of the discussions is regarding a smaller truck in some of these areas. Another concern is water in the area with infill housing.

Mr. MacDonald asks for permit parking for the residents of Plum Street. Mr. Garner advises that there is parking committee that meets to discuss the parking needs throughout the borough.

Mr. Thees makes everyone aware that he observed that all the street signs were removed from Plum Street.

Motion to recommend the waivers for the requirement of open space trees sections 504 & 505; requirement for physical features and topographical information within 100 feet of the site sections A402.1 & 2 and the requirement of open space under section A504. Mr. Hylton moved, Mr. Toroney seconded.

Discussions with the owner and the commission continue regarding the fee in lieu of amounts and the dedication of open space.

Motion carried.

Motion to recommend preliminary final approval of the Plum Street Development subject to the following conditions:

- In compliance with the Bursich letter of 4/18/08
- In compliance with our zoning ordinance
- A fee in lieu of open space based upon the ordinance
- The overlaying of Plum Street 16ft wide x 300ft long with milling along the curb lines per engineers specifications
- A permanent easement for the cul-de-sac turn around
- The planting of the arborvitae as represented of 4 to 5ft high along the property line

Mr. Hylton moved, Mr. Toroney seconded.

Motion carried.

**Loop Rd – lot line relocation plan**, referred to Mr. Garner for explanation, **expires 7/13/08**.

Mr. Garner addresses the commission and advises this plan is for the lot line change that was denied by council. The court of common pleas has found that the borough did not have to deny the plan at that time because there was time left to act on the plan and give the applicant a chance to revise the plan. His recollection was that Bursich had issued a review letter but Council decided that at the time because there was a question as to whether the applicant had equitable ownership of the property. Council decided to deny the plan in sight of the Bursich letter. The court said the Borough acted prematurely and that there was still time remaining for the applicant to address the comments contained in the engineer's letter. So the court remanded the plan back to the borough for review. Mr. Garner believes there is an outstanding Bursich letter and he doesn't think those comments have been addressed yet with resubmission of a revised plan.

Ms. Nace, representing the applicant, Frank McLaughlin, comments that the plans are being revised and the court order advises that they be submitted within 30 days which is May 1<sup>st</sup>. Plans will be submitted sometime next week. Mr. Garner states that they will be able to review the revised lot line adjustment and if it meets the ordinance the commission will be able to make a recommendation to council that it be approved. That does not affect the issue of ownership. Mr. Hylton questioned Mr. Garner regarding ownership. Discussions continued regarding ownership, subdivision and recording of plans.

Mr. Garner advises the commission that before next month you will have a new plan and Bursich will take a look at it. It is a very minor issue and anticipates the comments being addressed properly.

**Mrs. Smith's, The Wright Group** – revised elevations

Mike Bucher & Mark McSwarley present representing the Wright Group and the MRs. Smith's project. They are requesting recommendation to Borough Council. Mr. Bucher advises that they received a recommendation from their first meeting in respect to their plans, which was to remove shutters from any of the double windows. His opinion is that it works out with the end units but not the center units. The changes were incorporated in the plan. Mr. Hylton comments that he believes it looks great and questions the need for shutters on the center unit. Mr. Bucher comments that the plan shows a (5) unit which there will be several but there will also be (2), (3), (8) and (9) units. Mr. Toroney questions the individual characteristics on the original plan of the site that was provided by Ryan Homes. Mr. Hylton indicates that his recollection was there were (4) original elevations with variations. Mr. Hylton adds that Mary DaNadai looked at the elevations From the Wright Group and this is the only comment she had. Mr. Fay questions if the

double windows can be separated. Discussions continued with the commission and the property representatives. Mr. Toroney indicates that before he can make a determination on what they are proposing he would request to see what was originally proposed to be built there. Mr. Bucher provides a copy of the original elevation from Ryan Homes. Mr. Fay and Mr. Toroney offer comments in comparison to the loss of features proposed in the Wright Group proposal. Mr. Toroney explains the history and the position of council at the time of the original approval. The commission continues to discuss the development of this property and other locations. Mr. Bucher attempts to further explain the options that are available. Mr. Hylton advises that in his opinion these are not anymore inferior to the original proposal including brick and hardy plank. Mr. Garner advises the commission that council originally granted a conditional use initially that set forth parameters. When borough council approved the plan they approved a rendering of façade elevations of what was permitted. That is part of the approved plan right now, which was the condition. They are now asking for a deviation from that. They are coming to you for a recommendation as to whether or not you think it is appropriate that they change what was approved. Discussions continue regarding the proposal, its history, the current market, cost of the current proposal, changing of the zoning in that particular district, history of and the expectation of development of the borough. Mr. Bucher advises the commission of their marketing strategies and speaks to the entry prices and upgrades that are available. Mr. McSwarley addresses family size concerns raised by commission. Mr. Garner advises the commission of the conditional use. This issue will go to Borough Council with or without a recommendation from the planning commission. Borough Council will be the judge as to whether or not this plan is substantially the same as the original plan.

Motion to approve elevation as proposed. Mr. Toroney moved, Mr. Hylton seconded.

Role call:

Tom Hylton – yes  
Dan Weand – opposed  
Stephen Toroney – no

Vote 1 to 2.

Clarification request from the representatives of what the planning commission is looking for. Mr. Toroney would like to see the uniqueness of the original plan. Mr. Bucher indicated that he was only provided with one suggestion. Mr. Toroney advises that Mr. Hylton utilized his consultant and that was her opinion that was not the opinion of the commission. Mr. Toroney had requested the original proposal prior to making a determination and cannot afford not to have what was originally promised to our community. Mr. McSwarley advises that they can come to council with any suggestions made as changes to the elevation to address the planning commissions concerns. Mr. Toroney would like to see something the same as or similar to the original plan, not cookie cutter homes. Wants to see what will be built without upgrades.

### **Public Comments**

Philip Thees advises the commission of his concerns regarding St. Aloysius rectory and the possibility of moving the shrine of the Our Lady of Lourdes and the grave of Father Walkner. Father Walkner built St. Aloysius School and the shrine. The map provided by the representatives of the project did not refer to the shrine.

Jody Rhoads comments on the Mrs. Smith project. He advises the commission that numerous individuals throughout the community have advised him that they are concerned this housing will dwindle down to Section 8. Comments to 716 & 718 Walnut Street and that people are not aware that the Hill School owned the properties and the properties were not given to them. They can check the county records for verification.

Philip Thees adds that is was the only member of the school board who voted “no” on the Mrs. Smith’s project because of the finance and tax deferment on a portion of the property. There is a vacant lot with decreased assessment value. He appreciates the concerns that were presented here tonight.

**Old Business**

**a. Approval of January 2008 & February 2008 planning commission-meeting minutes.**

Motion to approve the minutes executed by Mr. Garner’s office. Mr. Hylton moved, seconded by Mr. Toroney.

Motion carried.

Discussions begin regarding the March 2008 minutes. Mr. Hylton suggests the March minutes, to avoid controversy, there has to be a meeting of the minds. These minutes are not in the character of the January and February minutes. Ms. Borzick advised that she did not receive a copy of the minutes from Mr. Garner’s office. Mr. Hylton’s thought was that Mr. Garner could get together with whomever that would be. Mr. Weand states that in the last three weeks with staff and that these minutes are important in the day-to-day operations there. They are used by Codes & Engineering. He would rather they be of length and detail. Ms. Borzick advised the commission that staff was advised the tapes cannot be kept as a public document. Mr. Garner comments that traditionally the tapes are used to record the minutes and are used over and over again. The tape is not public record. Ms. Borzick confirms that many departments within Borough Hall utilize the minutes.

Motion to approve the March 2008 minutes. Mr. Toroney moved, seconded by Mr. Weand. Mr. Hylton opposed.

Motion carried.

- b. **LED lighting ordinance** – Mr. Hylton advises the commission that this is something to be considered for next month. Mr. Toroney questions the “Heavy Manufacturing” district that is proposed for the lighting to be permitted. Mr. Ennis provides comments concerning animation and timing. Mr. Garner advises the commission to look at and review the information for next month. Mr. Hylton indicates that he is just handing out the definition for review.
- c. **716 & 718 Walnut St** – The Hill School demolition; council awarded permission 4/14/08.
- d. **399-403 Lincoln Ave** – Heuer Land Development; council denied the application 4/14/08. Applicant will have to start the process over again.

- e. **Blighted Property Committee** – Mr. Weand provides information that the committee met and went out on a first walk of possible blighted properties. A draft resolution was executed for 424 Walnut Street. Genesis is considering this property and they have funding to rehabilitate the property. Other properties identified were:
1. 351-5 Walnut Street
  2. 335 Walnut Street
  3. 341 Lincoln Avenue
  4. 230 High Street

Mr. Garner advises the commission that the tour reviewed the properties. As long as the commission is satisfied that the properties meet the conditions of the redevelopment law in respect to blight, in passing resolutions you authorize the Codes Department to send out letters to the owners. The letters would notify the owners of what they have to do to eliminate the blight. The owners have 15 or 30 days to undertake the corrections. If the owner fails to do so it would allow the properties to be certified to the county as blighted and if the redevelopment authority chose to, or had the funding, they could acquire the properties and rehabilitate them to fix them up to Codes standards. There have been few properties that have gone through this process in the past. There are small percentages that actually go through the complete process.

Motion to approve the resolution to start the process. Moved by Mr. Toroney, seconded by Mr. Hylton.

Motion carried.

Mr. Toroney provides report from regional planning. Information will be sent to Mr. Garner's office to be forwarded to Mr. Lopez concerning an update on the "Interregional Planning Cooperative". Mr. Ennis advises the commission that the different regional planning committees will have representatives from each of those to discuss what each of them do.

Mr. Toroney requests that Ms. Borzick have the original Ryan Homes elevations for the Mrs. Smith project included in council packages for next month's meetings.

### **New Business**

Mr. McLaughlin addresses the commission in regards to a property he owns on Apple Street. Mr. McLaughlin asks Mr. Hylton if he has had time to review the elevations. Mr. Hylton indicates that he believes it would be appropriate for 2 story houses there since the houses on either side are 2 stories. Mr. McLaughlin asked if that was something they could do with a raised elevation? Mr. Hylton asked if there was a reason that it cannot be made 2 stories? Mr. McLaughlin advises that based on parking situation he was going to downsize, one level living to target a particular market but he can certainly go with 2 stories.

### **Adjournment**

Meeting adjourned at 9:55 PM.