

**MINUTES OF THE PLANNING COMMISSION  
UPPER POTTS GROVE TOWNSHIP**

**May 14, 2007**

The regular meeting of the Upper Pottsgrove Township Planning Commission was held on Monday, May 14, 2007 at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, John Ungerman, Herbert Miller, John Bealer and David Daniels being present. There were six members of the general audience in attendance and John Theisen, Township Engineer, Michael Narcowich, Montgomery County Planning Commission and Jack Layne, Township Manger. The meeting was called to order at 6:00 P.M. by Chairman Taylor.

**I. APPROVAL OF MINUTES-**

Mr. Ungerman moved that the meeting minutes of April 9, 2007 be approved as submitted. Mr. Daniels seconded this motion. Mr. Miller requested that the minutes be amended to state that Page 1 under **APPROVAL OF MINUTES** should state that ... (not out-buildings attachments to the proposed housing units (not using))... Mr. Miller further stated that the minutes should state that there would be no out-buildings, no sheds and nothing to be allowed unless they are attached to the existing dwellings. Ms. Diane Updegrave stated that this matter had been corrected at the recent Board of Commissioners meeting. Therefore, the motion was revised to state that the meeting minutes of April 9, 2007 be approved as amended. The motion was approved.

**II. NEW BUSINESS**

**A. #3-07 Henry Bealer Subdivision**

John Bealer stated that a review letter was provided by the Montgomery County Planning Commission and that Charles Douglass desired to purchase the property and keep the property as is, which is completely wooded. There would be no proposed development on the property. Mr. Miller inquired as to whether this would be part of one parcel. Mr. John Bealer responded that it will be one lot. Chairman Taylor noted that the letter from Montgomery County listed a number of waivers for this endeavor. He asked Mr. Theisen to respond to these requested waivers. Mr. Theisen responded that all of these waivers should be granted, which are the following:

**Review Comments**

**A. Plan Information**

1. The zoning information on the plan says the property lies in the "Ril District". This should say R-2 Residential District. The Zoning Table provides information for the R-1 Zoning District. This should provide information for the R-2 Zoning District [310-7.B.9.].
2. A waiver will be needed from the requirement to draw the plan to a scale of 1"=50' [310-7.A.1.].
3. A waiver has been requested from the requirement to show topographic information [310-7.A.2.].
4. A waiver has been requested from the requirement to show a key map at a scale of 1"=800' [310-7.B.2.].

5. The plan's engineer's signature shall be required [310-7.B.4.]
  6. If any existing and proposed features have been left off the plan (such as wells, sewage disposal systems, and total building coverage), a waiver will be required from 310-7.C. The applicant has requested a waiver from the requirement to show steep slopes and building setback lines.
  7. Inventory and Analysis in R-1 and R-2 Residential Districts. A waiver will be needed from the requirement to provide a table identifying soil characteristics, landscape characteristics, scenic characteristics, scenic views, and other information required by this section [310-7.D.1.]
- B. Farmington Avenue Streetscape-It should be noted that the Township's goal is to promote walk ability along Farmington Avenue, and eventually have a sidewalk linking Halfway House Village to Pottstown. On a related note, if a sidewalk is constructed on the frontage of the Bealer property at some point, its attractiveness would benefit from accompanying street trees. If the Township does not wish to require street trees along the road at this time, a waiver will be required from 310-37.D.1.]
- C. Landscaping-Will the wooded area in the land being transferred to Mr. Douglass be preserved? If so, we recommend a waiver of all sections of 310-37 (tree replacement, tract buffers, etc.), with the exception of a note on the plan saying the vegetation is to be preserved, and the possible exception of the street tree requirement.

Mr. Miller requested that the minutes reflect that the land would remain passive, which is understood by Montgomery County that the land is not to be cut and left for the natural habitat. Mr. Henry Bealer reconfirmed that the land would remain as is – meaning passive. It was moved by Mr. Miller that the Board of Commissioners approve the subdivision as presented and granting the waivers as required. Mr. Ungerman seconded the motion. Mrs. Updegrave inquired as to whether the Deed would remain the same per the covenants. She read portions of the Deed dated October 15, 2005 between Jonathan Hilsher and Kathie S. Hilsher, his wife and Charles G. Douglass and added that she had no problem with this proposed endeavor as long as the items in the Deed remain as they are now. She emphasized that the covenants would protect the property if this project goes through and that the right-of-way is shared by five property owners. She requested that the motion reflect that the existing covenants would have to remain in the Deed. Chairman Taylor stated that the person purchasing the property currently owns property that is covenanted the way that she just described. He further stated that the proposed lot line change would include the items cited in the existing covenants. She added that all that we are requesting is that covenants in the Deed remain the same as this endeavor moves forward. Chairman Taylor stated that there was no intention to change the covenants for the existing Deed. Mr. John Bealer confirmed that their intent was to keep the Deed the same and that whatever the Deed is that it would be expanded to include the piece of property to be purchased. Chairman Taylor emphasized that the Planning Commission would not impose itself onto any private property concerns. Mr. Narcowich stated that under the Landscaping section in the Montgomery County letter it might be advisable to state that trees would not be cut down otherwise we would have to go through the tree replacement requirements. Mr. Narcowich stated that this

language should be provided in the plan. Chairman Taylor stated that we are looking to approve a subdivision plan that will maintain the covenants between private property owners of the land, and will also provide a statement on the plan that waivers be granted contingent on the fact that no trees be removed from the property. Mr. Miller inquired as to whether the maintenance of the right-of-way by the five property owners is shared on a percentage basis. Mrs. Updegrove responded affirmatively. Mrs. Updegrove added that she was concerned for the future and that was why she wanted all this in writing. Chairman Taylor reiterated that we have made our motion contingent on the fact that the rights and obligations of the Deed are met and also that the plan reflects the fact that waivers are being granted as listed in the letters from LTL Consultants and the Montgomery County Planning Commission and in consideration for that the property would be maintained in its present condition meaning that there would be removal of trees or development. Mr. Narcowich stated that the Board of Assessments records contrasted with what was on the proposed plan. Mr. Narcowich stated that this matter needed to be resolved but that this was no reason to hold up the approval process. Chairman Taylor inquired as to whether the properties as they are currently configured does Montgomery County know what they look like? Mr. Narcowich stated that there was conflicting information. Chairman Taylor asked did the proposed changes exacerbate any of the problems that the Montgomery County recognizes. Mr. Narcowich stated that he had no reason to believe that the proposed endeavor would make the problem any worse. He stated that there was no need to hold up the process only that legal counsel be requested to explore this matter. He further stated that there was no question as to the ownership of the properties currently before us. Chairman Taylor stated that the Planning Commission is recommending to the Board of Commissioners the intent of what needs to take place and that the Board of Commissioners will make the final authoritative decision regarding this matter. He added that the intent is that the property become one piece of property when all is said and done and that the land being transferred remain passive open space wooded area and maintain the same covenants that run with the land and that the conflicting items cited by Montgomery County be resolved. Mrs. Updegrove inquired as to whether Mr. Henry Bealer's father had purchased three separate parcels and two of them are connected and one is not. Chairman Taylor stated that this was a private matter. The motion, which had previously been made by Mr. Miller and seconded by Mr. Ungerman, which provided for the granting of waivers as required, that the property remain passive open space wooded area and that the same covenants that run with the land be maintained, was approved with one abstention.

### **III. Old BUSINESS**

#### **A. Village Commercial – Finalization**

Mr. Narcowich reviewed the memorandum provided by the Montgomery County Planning Commission documenting the review of the proposed Village Center District ordinance by the Planning Commission. Recommendations made by the Planning Commission regarding the Village Center Ordinance included the following:

1. Traffic studies for developments of a minimum size were recommended. Mr. Narcowich stated that there was nothing currently on the Township books regarding this matter with the exception of language where there are necessary offsite improvements that are required by the Board of Commissioners. Mr. Narcowich added that a traffic study would definitely be required for the larger developments. Mr. Theisen stated that it was a good idea to have a traffic study when new development is being considered. Mr. Narcowich stated that by mandating that traffic study requirements be placed in the SLDO this would impact all Township development ordinances. There was a consensus by the Commission that traffic study requirements should be included in the SLDO. Mr. Narcowich was requested to provide additional information on this matter.
2. There was no objection by the Commission that an applicant may qualify for a bonus when a two-story building is constructed.
3. The Commission requested that the Township Solicitor further review the recommendation that a "Prohibited Use" section be established.
4. There was agreement that a 5,000 square foot building footprint that would permit an Applebee's was acceptable.
5. There was agreement that porches be required for all development including nonresidential development.
6. There was agreement that the porches should be counted towards the building footprint.
7. There was a request for the Township Solicitor to determine if the front porch should remain unenclosed.
8. There was agreement with the documenting (i.e., photos, sketch plan, short historic narrative) of historic buildings prior to their demolition.
9. There was a brief discussion regarding the recommendation that fences should be set back at least two feet from an existing sidewalk. There was not agreement with the statement that the fence should be set back by 10 feet from the right-of-way so as to allow for the future construction of a sidewalk.
10. There was agreement that one could meet three and not four requirements to qualify for a bonus. In addition, there was agreement that a public plaza was significant enough to qualify as a bonus.
11. Under Section 4. Conditional Uses (part B), consider additional criteria and that the Board of Commissioners have the flexibility to impose others, such as a traffic impact study.
12. There was a consensus that the proposed elimination of the environmental adjustment factors for providing viable building areas under Section 6. Calculation of Developable Acreage not be approved.
13. It was advised that the Township Solicitor review whether demolition in areas could be prevented where there is not a Historic Architectural Review Board (HARB) in place.

#### **B. Retail Office – Draft Review**

Mr. Narcowich reviewed his proposed edits to the Retail Office (RO) District ordinance. The major revisions included a section on design. Proposed changes included the following:

- There was a consensus that Single-Family Detached dwellings, in conjunction with the regulations of the R-2 Residential District (require municipally-adopted master or specific plan).
- There was no objection that the minimum front yard of 40 feet could be changed to Build-to Zone: 40 to 75 feet from the right-of-way.
- Agreement that maximum impervious coverage be 60%.
- That maximum building height not be 45 feet because the Township does not have a ladder truck for fighting fires at that height.
- General agreement that the maximum length of flat facades be 75 feet but may be longer if they utilized significant plane changes.
- General agreement that the maximum diameter for circular or partially circular buildings will be 150 feet.
- That the minimum parking setback be 20 feet from the ultimate right-of-way.

New sections were recommended to be added to this proposed ordinance. They included the following:

- That rear and side facades should be of finished quality and shall be of colors and materials that are similar to the front façade and blend with the structures in the development. Mr. Miller added that these facades should encompass the entire building.
- That building facades of 200 feet or more include other design elements to break up the façade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
- Principal buildings are to have clearly defined visible customer entrances.
- Rooflines should be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
- Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along less than 60% of their horizontal length.
- Mr. Miller suggested that under section F. Other Requirements that discussion on trash and trash dumpsters be expanded.
- Mr. Ungerman cautioned that efforts needed to be made to tie this proposed ordinance together.

**Mr. Daniels announced that due to personal schedule changes that he was resigning from the Planning Commission effective tonight. Chairman Taylor and the other Commission members thanked Mr. Daniels for the service that he had provided to the Township.**

### **C. Regional Compliance Memo**

Mr. Narcowich next discussed his memorandum that he had provided to the Township regarding compliance with the Regional Plan. He noted that the Township had previously modified the R-3 District to bring it into compliance with the Regional Plan.

Recommended changes included the following:

- Change most of the Rural Resource Area to Suburban Residential.

- For land in the Pottstown Regional Plan's Rural Resource Area (as amended), the maximum density shall be 1 DU/2 Gross Acres.
- In the R-80 District, the maximum density shall be 1 DU/2 Acres.
- In the CO District 15,000 square feet is the ceiling for Suburban Residential Future Land Use.
- In the LI District, a shopping center may be up to 300,000 square feet, with individual uses up to 150,000 square feet.
- A shopping center must be part of a municipally-prepared and adopted Specific Plan, which must be reviewed and approved by a majority vote of the Regional Planning Committee.

#### **IV. BUSINESS FROM THE FLOOR**

There was no Business from the Floor.

#### **V. ADJOURNMENT**

Mr. Miller moved that the meeting be adjourned at 8:00 P.M.

Vice Chairman Ungerman seconded the motion. The motion was approved.

Respectfully submitted,

Michelle L. Reddick  
Recording Secretary