

**LOWER POTTS GROVE TOWNSHIP
PLANNING COMMISSION**

November 16, 2009

The Lower Pottsgrove Township Planning Commission held their regularly scheduled meeting on Monday, November 16, 2009. The meeting was called to order by Chair, Geoffrey Dailey, at 6:30 p.m. and the following were in attendance:

Geoffrey Dailey, Chair
Frank Cebular, Vice Chair
Nick Hiriak
Ron Dinnocenti
Michael McGroarty

Alyson Elliott, Assistant Manager
Scott Exley, Township Engineer
Chad Camburn, Bursich Associates, Inc.
Joseph Nixon, MCPC

A motion was made by Mr. Cebular, seconded by Mr. Dinnocenti, and unanimously approved by a 5-0 vote to approve the minutes of October 29, 2009.

ACCEPTANCE OF NEW APPLICATIONS

There were no new applications to accept.

OLD BUSINESS

(#2006-10M) **Manfredi Minor Subdivision**, *Minor Subdivision Plan*, proposal to subdivide a 7.171 acre parcel (Parcel ID# 42-00-00053-004) into one 3.918-acre parcel and one 3.253-acre parcel at 1507 North Adams Street in the R-1 Residential District. The applicant received a variance from §407 of the LPT Zoning Ordinance, which requires each lot to have 50 feet of road frontage, which will need renewal. [Plans prepared by Aston Surveyors/Engineers, Inc., 44 South Chestnut Street, Boyertown, PA 19512, dated 07-24-2006, last revised 10-29-2009 and consisting of six (6) sheets].

The applicant, Pete Manfredi, and the Applicant's engineer, John Aston, represented the application. Mr. Aston explained the changes to the site that had been made to correct stormwater concerns. Mr. Camburn explained that he had worked with Mr. Aston over the past few weeks to address the concerns and was comfortable with the plans as presented.

Action: A motion was made by Mr. McGroarty, seconded by Mr. Hiriak, and unanimously approved by a 5-0 vote to recommend approval of the following waivers

- §504.2.c. of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires the maximum grade for driveways to be eight percent. The Applicant will exceed this requirement for approximately 55 feet on the driveway up to 12 percent slope.
- §519 of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires the applicant to submit an erosion and sediment control plan to the Montgomery County Conservation District and Township Engineer. Applicant will be disturbing less than one acre and has prepared a soil erosion and sediment control plan for the development of Lot one as part of the subdivision application.

- §401.C.1. of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires any stormwater retention basin to have a minimum setback of 50 feet from any structure, property boundary, or right-of-way. The proposed stormwater basin is located adjacent to an existing stormwater easement and collector system.
- §401.C.6. of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires two feet of freeboard between the design flow elevations in the emergency spillway and the top of embankment of the stormwater basin. The proposed basin is three and one-half feet deep with an outlet structure that will provide one foot of freeboard.
- §401.D.5. of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires the Applicant to provide a minimum of 18-inch diameter pipes for stormwater conveyance. Applicant proposes 12-inch pipe.
- §602.C.1. of the Lower Pottsgrove Township Subdivision and Land Development Ordinance which requires the applicant to show features within 400 feet of any part of the land being subdivided. Applicant will provide an aerial photograph to assist in the review of adjacent features.

Action: A motion was made by Mr. Cebular, seconded by Mr. Hiriak, and unanimously approved by a 5-0 vote to support the applicant's application to the Zoning Hearing Board in December, which will be requesting a reaffirmation of the following relief:

- §404 to permit the subdivision of a nonconforming lot.
- §407 to allow a new lot to access North Adams Street through a private 50 foot easement.
- §603.B(1) to permit a lot width of less than 225 feet

Action: A motion was made by Mr. McGroarty, seconded by Mr. Dinnocenti, and unanimously approved by a 5-0 vote to recommend approval of the Manfredi subdivision subject to the applicant gaining approval for zoning relief and cleaning up any outstanding items by staff.

(#2009-03S) PSD: Ringing Rocks Elementary School, *Land Development Sketch Plan*, proposal to construct a 19,000+/- square foot addition on the 57,000 square foot Ringing Rocks Elementary School and associated improvements on the 64.4+/- acre Pottsgrove School District Campus located at 1401 Kauffman Road (Parcel ID# 42-00-02125-002) in the R-2 Residential District. [Plans prepared by Landmark Engineering, 950 West Valley Road, Suite 3104, Wayne, PA 19087, dated 09-03-2008, last revised 11-12-2009, and consisting of four (4) sheets].

Dave Nestor, the applicant's representative; Kevin McAghon, the applicant's engineer; and Rod Frye, the Applicant's Architect, were present to represent the application.

Mr. McAghon presented a revised sketch plan to the Planning Commission. He explained that he received information that afternoon that the previously thought right-of-way for Kauffman Road at 50 feet is now 60 feet. An additional five feet would be added to the right-of-way on the School District property as a result of this change, which would put the proposed building addition three feet into the front yard setback and

necessitate a zoning variance. Additionally, the buffer planting area along Kauffman Road would encroach into the right-of-way.

Mr. McAghon was stated that he would revise the plans to reflect the newly required right-of-way; however, he expressed concern that this would create a hardship for the School District since it was pretty far along in the design of the building addition.

Mr. Exley suggested that the Township work with the applicant by supporting a dimensional variance for the front yard setback, since the Township would be creating a hardship by requiring the School District to give the Township an additional five feet of right-of-way at this stage in plan development.

With regard to the planting buffer, Ms. Elliott suggested that the applicant might want to consider plantings that would be effective at creating a buffer, but would not grow large enough so as to be expensive to remove should there be a need to expand Kauffman Road.

Mr. McAghon stated that the School District would be requesting a special exception from §702.C and §602.E(1) to allow the expansion of a educational institutional use. Variances are being sought from the following sections:

- §411 which prohibits structures from projecting into a required yard. Applicant will be requesting a variance to allow a retaining wall and two school buildings to project into the yard.
- §424 which requires an impact statement for all properties with a lot area of ten acres or more.

Action: A motion was made by Mr. Dinnocenti, seconded by Mr. Cebular, and unanimously approved by a 5-0 vote to support the applicant's application to the zoning hearing board in December.

(#2009-04S) **Bella Italia Pizzeria**, *Land Development Sketch Plan*, proposal to construct a 4,500 square foot building with a 2,500 square foot restaurant, two 1,000 square foot offices, and a 480 square foot patio on the 36,281 square foot lot (Parcel ID# 42-00-01882-902) located at 2209 East High Street in the LCO-Limited Commercial Office District with the SV-Sanatoga Village District Overlay. [Plans prepared by Ludgate Engineering Corporation, Lincoln Corporate Center, 10 Vanguard Drive, Suite 90, Reading, PA 19606, dated 08-25-2009, last revised 11-02-2009, and consisting of two (2) sheets].

The application was represented by Mr. Ludgate, the applicant's engineer; Ken Haskin, the applicant's architect; and Vito Cilluffo, the applicant.

Mr. Ludgate presented a plan to the Planning Commission that was a flipped version of the previous plan that they had reviewed. He explained that PennDOT had preliminarily reviewed the plans for the driveway entrance and suggested flipping the driveway and building locations on the lot so the driveway would line up better with the Kmart shopping center entrance on the opposite side of High Street. He stated that Township staff had only received a copy of the plan the afternoon of the meeting and had not had a chance to formally review the plans to make recommendation with regard to the zoning relief required. The purpose of his presentation was to determine whether the Planning Commission would support their application to the Zoning Hearing Board.

Mr. Ludgate also reported that Mr. Cilluffo had approached the owners of Rite Aid to determine whether it would be possible to obtain a cross easement to connect the two parking lots. Rite Aid said it would grant the easement for \$50,000.

Mr. Haskin reported that they had been researching ownership of the alley and have not found any ownership rights to the alley. He stated that he would imagine that the Township would require Mr. Cilluffo to make improvements and provide maintenance for the alley as part of this project.

Mr. Dinnocenti asked whether the rear of the building would be facing the eastern property line. Mr. Ludgate replied in the affirmative.

Ms. Elliott asked Mr. Ludgate to explain their basic concept for the treatment of stormwater, noting that the neighbors to the rear of the property (along Sunnyside Avenue) have experienced significant problems from stormwater. Mr. Ludgate explained that Mr. Cilluffo has been working with the neighbors along Sunnyside and recently reached an agreement with one of the neighbors to grant him an easement to pipe stormwater from the property directly into an inlet on Sunnyside Avenue, thereby bypassing the neighbors.

Mr. Camburn said he will review the flipped plans for compliance with the Township's Zoning Ordinance prior to the December Zoning Hearing. He said his primary concerns, which would be considered during the preliminary planning phase, are stormwater, using the alley as access, and considering making the High Street access right turn out only.

Mr. Nixon said he did not have any comments with regard to the flipped design.

Mr. Byrnes, a resident of 2145 Sunnyside Avenue, said he granted Mr. Cilluffo the easement for stormwater and also stated that he supported the project although he asked for additional buffering along the property line, particularly where the parking spaces are close to the property line.

Action: A motion was made by Mr. Cebular, seconded by Mr. McGroarty, and unanimously approved by a 5-0 vote to support the following variances provided no additional relief is required upon review of the flipped plans by Township staff:

- §412 which restricts the height of fences and walls to six feet or less. The walls of the trash enclosure will exceed this height.
- §2608.F. which restricts access ways of nonresidential lots from being located closer than 25 feet to any lot used exclusively for residential purposes. The driveway and access way at the rear of the property will not meet this requirement.
- §2609.E. which requires a minimum of 10 percent of the parking area to be dedicated to interior landscaping. Applicant will not be providing any interior parking lot landscaping.
- §2610 which requires a 25 foot landscape buffer to screen adjoining properties. Applicant will not meet this requirement at the rear of the property.
- §2807.2. which requires the building to be set on the front yard setback. The building will be located 12 feet behind the setback, while a patio will be located eight feet into the setback.
- §2809.1. which restricts parking in the front yard. Applicant has portions of two parking spaces that will impinge on this requirement.

NEW BUSINESS

None.

GRADING PERMITS

None.

PLANNING MODULES

None.

PLANNING & ZONING

None.

There being no other business, a motion was made by Mr. Hiriak, seconded by Mr. Cebular, and unanimously approved by a 5-0 vote, to adjourn the meeting at 7:32 p.m.

The next meeting of the Planning Commission is scheduled for December 14, 2009 at 6:30 p.m.

Respectfully submitted by:

Alyson Elliott, Assistant Manager