

**LOWER POTTS GROVE TOWNSHIP
PLANNING COMMISSION**

February 16, 2010

The Lower Pottsgrove Township Planning Commission held their regularly scheduled meeting on Tuesday, February 16, 2010. The meeting was called to order by Vice Chair, Frank Cebular, at 6:30 p.m. and the following were in attendance:

Frank Cebular, Vice Chair
Ronald Dinnocenti
William Wolfgang

Alyson Elliott, Assistant Manager
Chad Camburn, Bursich Associates, Inc.

*** Items were heard out of order to accommodate schedules of the participants. Mr. Dinnocenti left the meeting at 7:24 p.m. and was not present for discussion on the Ringing Rocks Elementary School Preliminary Land Development Plan. There was a quorum, however, for all other matters on the meeting agenda.*

A motion was made by Mr. Dinnocenti, seconded by Mr. Wolfgang, and unanimously approved by a 3-0 vote to approve the minutes of January 19, 2009.

REORGANIZATION

Although January is usually a reorganization meeting, Mr. Cebular asked that the Commission wait until the next meeting when all members are present to reorganize.

ACCEPTANCE OF NEW APPLICATIONS

A motion was made by Mr. Dinnocenti, seconded by Mr. Wolfgang, and unanimously approved by a 3-0 vote to accept the preliminary land development plan application #2009-03P PSD: Ringing Rocks Elementary School.

OLD BUSINESS

None.

NEW BUSINESS

(#2010-01CU) **Cilluffo Property Holdings**, *Conditional Use*, application to request a conditional use under §250-98 to permit a restaurant use in the LCO Limited Commercial & Office District at 2209 East High Street.

Ms. Ameer Farrell, the applicant's attorney represented this application. She was joined by the applicant's engineer, Mr. Thom Ludgate, and the applicant's representatives, Mr. Vito Cilluffo and Ms. Maria Cilluffo.

Ms. Farrell represented that the applicant would not have a drive-in or any substantial take-out business. The restaurant will have an approximately 80-seat table service with wait staff. There will be some ancillary takeout, which is part-and-parcel with this type of business. She further explained that a lot of the traffic and circulation, landscaping and other concerns will be worked out in the land development process.

Mr. Dinnocenti asked if the High Street entrance to the site would be in anyway limited to a possible right-in, right-out, or other such scenario similar to the way the Rite Aid High Street entrance is regulated. Mr.

Ludgate said that PennDOT has performed a preliminary review of the entrance and is tentatively ok with the entrance on High Street being full access; however, this can change when they perform the full review.

Mr. Wolfgang asked whether the alley which exits out onto Sunnyside Avenue was a condition of approval for this project either by the Township or by PennDOT. Ms. Farrell said she and the applicants are working with approximately seven property owners and case law to determine whether they can determine who has what ownership rights to the alley and see if they can reach an equitable solution. She said, however, there is a strong likelihood that the alley will not be a viable option for the property.

Mr. Dinnocenti was concerned that the alley would be an integral part of the project's approval. Mr. Camburn said he believed it was an integral part of the project when it was situated with the building on the western side of the property to enable site circulation. In his preliminary review of the site with the building on the east side of the property, it may not be as vital. Ms. Elliott stated that if use of the alley cannot be negotiated and the site does not work without it as proposed, the applicant would have to reconsider the current layout, which may include a reconfiguration of the site and/or reduction of the building and parking on the site. Both Ms. Elliott and Mr. Camburn said they were confident these issues could be worked out through the land development process.

Action: A motion was made by Mr. Wolfgang, seconded by Mr. Dinnocenti, and unanimously approved by a 3-0 vote, to recommend to support the conditional use application of Cilluffo Property Holdings, LLC subject to land development review.

(#2010-02CU) **PSD: Ringing Rocks Elementary School, *Conditional Use***, application to permit the disturbance of steep slopes to accommodate the renovation and expansion of the Ringing Rocks Elementary School in the R-2 Residential District at 1401 Kauffman Road.

Mr. Kevin McAghon (Landmark Engineering), the applicant's engineer was present to discuss the project. He was joined by the applicant's architect Rod Frey (Gilbert Architects), David Nestor and Michael Katzenmoyer, representatives of Pottsgrove School District.

Mr. McAghon centered his presentation around the Bursich Associates, Inc. February 4, 2010, conditional use review letter. He stated that a majority of the steep slopes that will be disturbed on the site appear to be the result of clearing the site to construct the elementary school. Steep slopes would be disturbed to accommodate a new parking lot, a dumpster area, access drives, temporary drainage and the geothermal field.

He discussed the proposed access and circulation of the site, providing a turning template for trash trucks (approximately 30 feet in length) and delivery vehicles (approximately 50 feet in length). He explained how he and his team arrived at the current layout, which seeks to provide the safest and most efficient circulation pattern for the various types of vehicles that would utilize the site.

Mr. McAghon also stated that the slopes will be sodded to help stabilize the slopes after they have been graded, which should help stabilize the slopes and prevent erosion or collapse.

Mr. Frey presented his vision of the additions and redesigned façade of the elementary school. He stated that it would be a mix of brick, masonry and glass.

Mr. Wolfgang asked how the wooded slopes would be stabilized. Mr. McAghon stated that should they warrant it, erosion control blankets would be considered to help stabilize the slopes.

Mr. Wolfgang also asked what measures the applicant would take to ensure that the remaining trees would survive after the proposed trees were removed, since trees in a close-packed forest grouping are often co-

dependent on each other for support. Mr. McAghon stated that they would evaluate the health of the remaining trees to determine what kind of measures, if any, would be necessary to ensure their survival.

When asked for his opinion on the conditional use, Mr. Camburn replied that the deceleration lane for the northern entrance on Kauffman Road is necessary for safety purposes even though it will impact the steep slopes. The slopes in the new parking area are a relatively small area and probably the result of clearing area for the school and playground, and should not significantly impact the site. He said he would like to talk with the applicant during the land development phase to determine if there is a way to readjust the swale to reduce its impact, but believes that if it cannot be readjusted, it does serve an important safety purpose. Finally, he stated the slopes that would be disturbed for the dumpster pad area causes the biggest concern in terms of structural stability for the slopes, the retaining wall, and the dumpster pad/access drive. Mr. McAghon responded that a structural engineer would be working on the structural design of the walls and slopes and will certify their soundness. He explained that a 3:1 slope is a pretty stable slope and did not think it would be a problem. The Montgomery County Conservation District would be reviewing the plans as part of the E&S permit and would also weigh in on the matter.

Mr. Camburn stated that he was satisfied that the applicant could alleviate his concerns with regard to erosion and sediment control and structural stability through the land development process and would support a recommendation for conditional use from the Planning Commission.

Ms. Elliott noted that Mr. Nixon, MCPC, could not attend the meeting due to a scheduling conflict, but pointed out the key items in his review letter with regard to the conditional use. The MCPC review letter, dated February 9, 2010, pointed out that the Township may want to require the applicant to promote meadow-like plantings on the slopes to reduce maintenance and enhance stabilization of the slopes. Additionally, the MCPC letter expressed concern about the preservation of trees remaining after peripheral trees are removed.

Action: A motion was made by Mr. Dinnocenti, seconded by Mr. Wolfgang, and unanimously approved by a 3-0 vote, to recommend to support the conditional use application of PSD: Ringing Rocks Elementary School subject to land development review.

(#2009-03P) **PSD: Ringing Rocks Elementary School**, *Preliminary Land Development 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 # 420002125002, Block 013, Unit 008) in the R-2 Residential District [Plans prepared by Landmark Engineering, 950 West Valley Road, Suite 3104, Wayne, PA 19087, dated 12-23-2009, last revised 02-02-2010, and consisting of twenty four (24) sheets].

A quorum was not present during the presentation of this application.

Mr. McAghon discussed the waiver request letter he submitted, dated February 2, 2010. Mr. Cebular and Mr. Wolfgang said they were generally supportive of the waivers, but would like to see Mr. Camburn's review of the latest set of plans, since it may have an impact on the requested waivers.

Action: No action was taken on this project.

GRADING PERMITS

None.

PLANNING MODULES

None.

PLANNING & ZONING

Zoning and SALDO Re-Enactment

Township Solicitor Kurt Holloway explained that the Township would like to undergo a re-adoption of its Zoning and Subdivision & Land Development ordinances to correct any possible procedural deficiencies in the adoption of these ordinances. He stated that this will help the Township avoid any challenges to potential procedural irregularities. Since these ordinances were adopted in the early 1970s, as with many other municipalities, it is nearly impossible to determine whether the ordinances were adopted according to proper procedure. Rather than lose a potential case, it has been recommended by the courts to readopt these ordinances to ensure proper procedure has been followed.

Solicitor Holloway explained that the Township had been planning to do this; however, it wanted to wait until the ordinances were recodified to eliminate confusion. This process will not involve any changes to the ordinances.

Action: A motion was made by Mr. Wolfgang, seconded by Mr. Dinnocenti, and unanimously approved by a 3-0 vote, to authorize the Township Solicitor to draft ordinances to re-adopt the Township's Zoning Ordinance and Subdivision and Land Development Ordinance and to publically advertise that the Planning Commission will consider these ordinances at its meeting on March 15, 2010.

There being no other business, the meeting was adjourned at 8:03 p.m.

The next meeting of the Planning Commission is scheduled for **Monday**, March 15, 2010 at 6:30 p.m.

Respectfully submitted by:

Alyson Elliott, Assistant Manager