



**MEETING MINUTES OF THE  
PLANNING COMMISSION OF  
LOWER POTTSBROVE TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA  
May 18, 2015**

The Lower Pottsgrove Township Planning Commission held its regularly scheduled meeting on Monday, May 18, 2015. The meeting was called to order by Chair Frank Cebular at 6:30 p.m. and the following were in attendance:

Frank Cebular, Chair  
Ronald Dinnocenti, Vice-Chair  
William Wolfgang  
Anthony Cherico  
Scott Fulmer

Edward C. Wagner, Manager  
Chad Camburn, Engineer

**APPROVAL OF MINUTES**

Mr. Wolfgang made a motion to approve the minutes of the March 16, 2015 regularly scheduled meeting of the Lower Pottsgrove Township Planning Commission. Mr. Fulmer seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**ACCEPTANCE OF NEW APPLICATIONS** – None.

**SUBDIVISION & LAND DEVELOPMENT PLAN REVIEW** – None.

**#2015-03 Buchert Ridge Community Phase 2:** Wil Hallman and John McMenamin represented Buchert Ridge Community (BRC) at the meeting.

Mr. McMenamin advised the Planning Commission made a recommendation for final plan approval for BRC Phase 2 in November 2014, with certain waivers attached and contingent upon the satisfaction of outstanding items. He explained the plan did not get Board of Commissioners approval because the phase line of the project had to be adjusted. Mr. McMenamin advised Chad Camburn reviewed the plan and there are still some items in his review letter that need to be addressed. He asked the Planning Commission to recommend approval of the Phase 2 Plan, contingent upon the applicant's compliance with Mr. Camburn's review letter.

Mr. McMenamin advised one of the biggest issues is with PennDOT and involves the right-of-way and individual homeowners' approvals for construction of the sidewalk in Walnut Ridge Estates (located across the street from BRC). He said the PennDOT right-of-way is 33 ½ feet and much of the proposed sidewalk would be constructed in private easements. BRC met with representatives of Walnut Ridge Estates and they are all okay with it. BRC now has to finalize the agreement that allows them to go on private property and construct the sidewalk.

Mr. Wolfgang asked if BRC will be receiving letters from these individuals. Mr. McMenamin said BRC's attorney has to work with the Walnut Ridge Estates attorney to get that document squared away. He explained PennDOT will not issue its approval, even if it is outside the right-of-way, and will not issue a permit for construction until BRC has documentation from the homeowners.

Mr. Camburn brought up the point that the proposed sidewalk is being constructed outside the legal right-of-way and questioned what type of jurisdiction PennDOT has and why they need a Highway Occupancy Permit (HOP) for this project. He asked Mr. McMenamin if PennDOT is requiring more right-of-way and what is their stance

on this. Mr. McMenamain said PennDOT's opinions change on a daily basis but at the end of the day the intention is to build a sidewalk from Walnut Ridge Estates to Gerald Richards Park.

Mr. McMenamain further explained there might be a situation with Rolling Hills. If BRC cannot get the owners of Rolling Hills to work with them, they may have to consider condemnation. The initial discussions between BRC's attorney and Rolling Hills' attorney group indicated that Rolling Hills is not that interested in the project.

Mr. Wagner said BRC needs to get clarification on why PennDOT is requiring an HOP within the 33 ½ foot right-of-way. Mr. Dinnocenti asked Mr. McMenamain if they are going to put a cut out for cars in the sidewalk side. He felt that could be a reason PennDOT would balk; they may think cars and trucks will be going out onto the road with an additional driveway. Mr. McMenamain did not have an answer. Mr. Camburn said PennDOT is talking about one HOP and we are talking about the sidewalk. He said BRC is required to get an HOP for other portions of their plan which hasn't been problematic; however, the sidewalk has been problematic.

Mr. Wolfgang said the Township Engineer's review letter states there is an agreement for 39 EDUs. Since BRC is currently proposing 45 residential units, Mr. Wolfgang asked if there is going to be an increase from 39 residential units to 45. Mr. Wolfgang's main concern is if there are going to be enough EDUs for this project. Mr. McMenamain advised some time ago they were approved for 39 EDUs and the sewage planning module from DEP is for 39 EDUs. They then went back to the Township and submitted a request for 8 additional EDUs, so while they have 45 units, they need 8 additional EDUs. Mr. Camburn made a housekeeping comment that the Township has to make sure BRC purchases the EDUs.

Tony Doyle, 1745 Kepler Road, asked what would happen if the Rolling Hills owners don't want the sidewalk and what harm is it to the Township to not put the sidewalk in. Mr. Cebular said pedestrians would use the sidewalk to walk from Walnut Ridge to Gerald Richards Park. Mr. Wagner said it is a connection that starts at Gerald Richards Park and extends to High Street and it would be beneficial for people to walk on a sidewalk rather than the shoulder of the road.

Joe Zlomek of the Sanatoga Post asked who would maintain the sidewalk in the long term. Mr. McMenamain advised maintenance of the sidewalk lies with the property owners of the affected portions. BRC is willing to pay for the installation and construction of the sidewalk.

After discussion, Mr. Dinnocenti made a motion to approve the waivers outlined in the letter dated May 14, 2015 for Application #2015-03 **Buchert Ridge Community Phase 2**. Mr. Cherico seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Cebular asked Fire Marshal Lew Babel if he had any comments about the plan. Mr. Babel advised he did review the plan and had no comments.

Mr. Dinnocenti made a motion to recommend Preliminary/Final approval of Application #2015-03 **Buchert Ridge Community Phase 2** to construct 39 units on 6.3 acres along Buchert Road [42-00-0069300-3, 42-00-00694002 & 42-00-0069700-8] in the R-2 Residential District. Mr. Fulmer seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**AUTHORITY BUSINESS** – None.

## **PLANNING & ZONING**

### **Presentation on Township Draft Sign Ordinance**

Marley Bice of Montgomery County Planning Commission delivered a presentation on the Township's draft sign ordinance, which is based on Montgomery County's Model Sign Ordinance. She pointed out that the new,

proposed sign ordinance is approximately 10 pages less than the current sign ordinance. Photographs were moved to a separate illustrated document, which is more of a guidance pamphlet that could be handed out to prospective developers. Ms. Bice also advised they looked to consolidate repetitive information and the ordinance contains a streamlined outline of the new structure.

Ms. Bice reviewed some of the regulations and standards in the draft ordinance. Mr. Wagner read Ms. Bice's review letter and liked what was done with the ordinance. He complimented her for picking up that the Village District specifications were not part of the Township's current sign ordinance and for incorporating those provisions back into the proposed draft sign ordinance.

Mr. Cebular agreed that Ms. Bice did a great job. He had one question regarding a term on Page 14 of the ordinance. He said there is no definition of term "NITS" and felt this term should be included in the definitions.

Mr. Dinnocenti asked if the square footage of a solar panel become the square footage of the sign. Mr. Cebular said the way the ordinance is written, it is the signage area that is important, not the framework. Ms. Bice said a solar panel would not be considered part of the sign, it would be treated as an accessory component.

Mr. Wolfgang asked about Page 11, R and S. The ordinance reads obscene or pornographic subjects would be determined by the Township. He asked who would make that determination. Mr. Wagner advised it would be determined by the Codes Officer, Joe Groff. Mr. Wolfgang also asked about signs that promote illegal activity. Mr. Wagner advised that would be determined by the Codes Officer or the Police.

Mr. Wolfgang noted on Page 25, C should be B. He asked about the provision allowing confiscation of signs by the Township or a property owner. He felt the owner of the sign should be notified before the sign is confiscated. Ms. Bice said that section is in reference to temporary signs only. She used the example of someone putting up a political sign in the Township's right-of-way. Since that sign is an illegal sign, the Township has the right to remove it.

To ensure the provisions of the ordinance all work together for the Township, Ms. Bice recommended that the Codes Officer and Solicitor review it. Mr. Wagner advised he provided the Board of Commissioners with a copy of the draft ordinance for their review as well. It was the consensus of the Planning Commission that the draft ordinance was good and readable.

Mr. Doyle asked if there was an ordinance regulating the distance between billboard signs. Ms. Bice said yes, PennDOT has standards for spacing between signs and a municipality can be more restrictive than state standards. Mr. Doyle said there are six billboard signs on N. Charlotte Street. His thoughts are the billboards catch the driver's eye and the driver spends too much time looking at them. He does not want to see any more billboards in that area. Ms. Bice advised the billboards on N. Charlotte Street predate current standards and new billboards are only allowed in the Interchange District along the highway. She said the Township only has to allow billboards in one area within its entire region so Lower Pottsgrove is doing its part. There was further discussion on billboards and digital signs.

Mr. Wolfgang asked for the timeline for final approval by the Planning Commission and Board of Commissioners. Mr. Wagner advised comments from the Planning Commission and Board of Commissioners on the draft ordinance, then a public hearing. He would like to hold one public hearing to receive public comment for both the proposed sign ordinance and a proposed off-street parking ordinance. He estimated the sign ordinance should be approved within six months.

## ENGINEER REPORT

Mr. Camburn reported the following:

1. Buchert Ridge Modified Phase I Plan was approved by the Board of Commissioners.
2. Spring Valley Farms review letter issued on April 15, 2015.
3. Received a draft agreement from Montgomery County for the Rupert Road Bridge. Agreement is now under Solicitor review.
4. At the Parks & Recreation Board's request, Bursich had Gerald Richards Parks flown. Mapping from the aerial company will be used for future planning to address stormwater issues at the Park.
5. Floodplain ordinance deadline moved to March 2, 2016.

Mr. Wolfgang asked once the Rupert Road Bridge is down, what is the timeline for completion of the project so the Bridge can be used again. Mr. Camburn estimated a couple of months. He said the bridge is a preform structure that will be set in place; the longest part of the project will be demo and repaving of the road. Mr. Wagner would like to have the work done over the summer so it doesn't interfere with the school buses.

## ANNOUNCEMENT

Mr. Cebular announced the next meeting of the Planning Commission will be held on June 10, 2015 at 6:30 p.m. Mr. Wagner advised Spring Valley Farms will be on the agenda.

## ADJOURNMENT

There being no further business, Mr. Dinnocenti made a motion to adjourn the meeting. Mr. Cherico seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Public meeting adjourned at 7:10 p.m.

Respectfully submitted,



Edward C. Wagner, Township Manager