

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**February 24, 2022**

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Thursday, February 24, 2022, at Sunnybrook Ballroom, 50 Sunnybrook Road, Pottstown Pennsylvania.

The following were in attendance:

Board of Commissioners: Bruce L. Foltz, Earl E. Swavely, Raymond W. Lopez, Robert Mohollen and Michael McGroarty were all present.

Edward C. Wagner: Manager, and Jamie Ottaviano: Solicitor and Charles Garner Special Counsel were also present via Zoom.

The Conditional Use Hearing began at 6:00 p.m.

**CONDITIONAL USE HEARING:**

**1934 Bleim Road Partners Worcester, PA is seeking a conditional use to allow the disturbance of steep slope pursuant to 250-34. H. (1). The zoning ordinance permits disturbance of steep slope in excess of 15% by conditional use, subject to compliance with the specific criteria set forth in 250-34. E and the General Standards set forth in 250-220 of zoning ordinance.**

Commissioner Foltz turned the meeting over to the Solicitor, Mr. Garner via Zoom. Mr. Garner explained that this was an application for 1934 Bleim Road Partners and is the owner of the property in the R-1 Residential. Mr. Garner stated that the applicant has regraded a portion of the open space and is seeking a conditional use to allow the disturbance of steep slope pursuant to 250-34.H.(1). The ordinance permits the disturbance of steep slope in excess of 15% by conditional use, subject to compliance with the specific criteria set forth in 250-34.E and the General Standards set forth in 250-220 in the zoning code. Mr. Garner stated that Mr. Carl Weiner was present to represent the applicant and asked Mr. Weiner to enter his appearance for the record, Mr. Weiner did. Mr. Garner stated that he would go over ground rules before they started. Mr. Garner explained that the Board of Commissioners is acting in a judicial capacity not a legislative capacity, much like a zoning hearing board. Mr. Garner stated that the Board will hear evidence, testimonies, exhibits, and at the conclusion of the hearing, the Board will determine if the applicant has satisfied the standards outlined in the Township's Zoning Ordinance. Mr. Garner explained that the public audience will have time to be involved once the applicant has completed their case. Mr. Garner stated that this conditional use hearing was advertised in the Pottstown Mercury once on January 31<sup>st</sup>, 2022, and again on February 7<sup>th</sup>. Mr. Garner added that the application was forwarded to the local Planning Commission and the Montgomery County Planning Commission. Mr. Garner stated that this has occurred and to incorporate into the record that the minutes of the LPT Planning Commission Meeting of January 18, 2022, recommending approval for of the Conditional Use Application. Mr. Garner stated that there is confirmation from all impacted homeowners that they are satisfied with the regrading. Mr. Garner turned the hearing portion over to Mr. Weiner. Mr. Weiner began by stating the property that is the subject of this application consists of 178 lots. Mr. Weiner explained the land development plans and the subdivision plans for this project were all submitted to the township and reviewed including the grading and stormwater provisions and were approved by the Township and the Montgomery County Conservation District. Mr. Weiner explained that in February 2021 a lot of excess soil was noticed. Mr. Weiner stated that a plan was submitted and reviewed by the previous township engineer at that time to utilize the excess soil to enhance the

berms around the property. Mr. Weiner explained that the township's current engineer, McCarthy, sent a letter to the property owner regarding the excess soil that was positioned on site which was now considered non-residential steep slope more than 15% which requires conditional use. Mr. Weiner stated Rolph Graf, a registered civil engineer, was present as an expert witness. Mr. Graf explained he has been involved with this project since the very beginning, and he is very familiar with the site. Mr. Weiner and Mr. Graf exchanged further conversation regarding the 55 acres that was developed into the residential neighborhood it is today. Mr. Weiner and Mr. Graf explained that the development is in the R-1 Residential District, however, the property was developed using the Preservation Subdivision Overlay District which encourages smaller lots developing a smaller portion of the property and the remaining open space be dedicated to the Township. Mr. Graf explained the lots are about 8,000SF minimum size with a road network, a clubhouse, and a perimeter of open space. Mr. Graf explained that the development is about 95% complete, and Mr. Graf stated that a few homes are still under construction. Mr. Graf also explained that the grading is about 95% complete as well. Mr. Graf explained that there are two berms that are being reconstructed in hopes to eliminate extra topsoil. Mr. Graf explained that the homeowners would not be losing their view and that the berm is going to create a deeper back yard that will lead to an embankment. Mr. Graf explained that the proposed new embankments will be along the back of the homes where they will be out of sight to the homeowners. Mr. Graf explained that the topsoil that was being put back consisted of two-thirds original topsoil and the rest was other materials, such as sand, mixed with the soil. Mr. Graf explained that due to the soil be amended, there was original topsoil left over. Mr. Graf stated he believed the application complies with all applicable Lower Pottsgrove Zoning Ordinances. Mr. Graf explained that he does not believe the new proposed changes of the berm will no longer encroach on the homeowners' properties and be in the common open space area. Mr. Graf explained that all the work being done without having to move or remove any existing vegetation. Mr. Graf explained that the Montgomery County Conservation District and the Lower Pottsgrove Township Planning Commission has reviewed and approved these plans.

Mr. Garner stated with no further questions, the public hearing is now closed, and the Board of Commissioners have 45 days to render their decision.

The Conditional Use Hearing ended at 6:30pm.

**The regular scheduled meeting was called to order at 6:31 p.m. and the Pledge of Allegiance was recited.**

Commissioner Foltz stated the meeting will be recorded, he asked any speakers to give their name and address for public comments. The township is following social distancing guidelines recommended by the Center for Disease and Control to limit exposure.

**APPROVAL OF MINUTES:**

Commissioner Lopez made the motion to approve the minutes of the February 7, 2022, Board of Commissioners meeting. Commissioner McGroarty seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

**COMMENTS BY VISITORS:**

Thomas Troutman from 2469 E High Street stated his concern for the excessive soil that is on the corner of E. High Street and Pleasantview Road. Mr. Troutman suggested that the soil be moved so the property looks appealing. The Board thanked Mr. Troutman for his suggestion.

Jon Calle from 1559 N. Pleasantview Road introduced himself to the Board. Mr. Calle explained his time as a child growing up in the area, working for a local farmer and appreciating the beauty in older historic buildings. Mr. Calle stated that he has begun repairing his property at 1559 N. Pleasantview Road to be as it would have been in the past. Mr. Calle said his goal is to retire here in Lower Pottsgrove Township in a home that he has restored and preserved and to honor the Saylor family. Mr. Calle stated he is happy to be a part of Lower Pottsgrove community and is looking forward to attending more meetings. Mr. Calle invited the Commissioners to visit his property later this Spring, the Commissioner's agreed. Mr. Calle thanked the Board for their time.

**CORRESPONDENCE AND INFORMATION:** None

**OLD BUSINESS:**

**Discussion on draft text amendment proposal in the (G-IN) Gateway-Interchange District**

Mr. Wagner stated the applicant has put the proposed text amendment in ordinance form. Mr. Wagner explained that Mr. Garner emailed the proposed changes to the Commissioners on January 25, 2022. Mr. Wagner explained that the applicant has already made a presentation to the Board of Commissioners on the second meeting in January. Mr. Wagner stated the ordinance is in the correct form and ready to go after further review. Mr. Wagner turned it over to Commissioner Lopez since he has been a part of this process. Commissioner Lopez explained that he and Commissioner Mohollen have been meeting with the applicant. Commissioner Lopez stated that the applicant has been extremely easy to work with and is agreeing to changes that the Commissioners suggested. Commissioner Mohollen stated that the applicant is not asking for anything that is "out of the ordinary". Commissioner Mohollen also explained that the road work the applicant is planning to complete would be beneficial to Lower Pottsgrove Township. Commissioner Lopez stated that these road improvements include widening the left-hand turning lane into two lanes on the corner of E High St and Rupert Rd. Commissioner Lopez stated he believes it is ready to be advertised and suggest the Board motions for advertisement. Commissioner Lopez made a motion to authorize the preparation of advertisement of the Ordinance and an advertised public hearing to consider the ordinance changes. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor.

**At this point, Charles Garner left the meeting via Zoom**

**Update on the draft private sewer lateral inspection ordinance**

Mr. Wagner explained that the engineer gave a presentation on the ordinance back in September 2021. Mr. Wagner stated that at the February 14, 2022, meeting the authority recommended to approve the ordinance for the Commissioners to consider. Mr. Wagner explained the ordinance was looked over by our new Solicitor who did have minor legal changes. Mr. Wagner explained that our Solicitor is pleased with the Ordinance as it is currently presented. Commissioner McGroarty made a motion in favor of having the ordinance advertised for adoption at a future meeting. Commissioner Lopez seconded the motion. The vote was 5-0 in favor.

**SUBDIVISION AND LAND DEVELOPMENT:** None.

**NEW BUSINESS:**

**Motion to reject all bids that were received on January 21<sup>st</sup> for the Municipal Building Project including: General Contractor, Electrical, Plumbing & HVAC/Mechanical.**

Commissioner Lopez made a motion to reject all bids that were received on January 21<sup>st</sup> for the Municipal Building Project including: General Contractor, Electrical, Plumbing & HVAC/Mechanical. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor.

**Motion to accept the resignation of Officer Christopher Vasek effective February 24, 2022.**

Commissioner Lopez made a motion to accept the resignation of Officer Christopher Vasek effective February 24, 2022. Commissioner Swavely seconded the motion. The vote was 5-0 in favor.

**Motion to payout Sergeant Walters remainder Holiday & Vacation time for 2021 in the amount of \$6,125.60.**

Commissioner Lopez made a motion to payout Sergeant Walters remainder Holiday & Vacation time for 2021 in the amount of \$6,125.60. Commissioner Swavely seconded the motion. The vote was 5-0 in favor.

**Motion to payout Officer Musselman remainder Vacation time for 2021 in the amount of \$558.12.**

Commissioner Lopez made a motion to payout Officer Musselman Unused Vacation time for 2021 in the amount of \$558.12. Commissioner Swavely seconded the motion. The vote was 5-0 in favor.

**RESOLUTION AND ORDINANCE:**

**Resolution 1274-22 1751 Karen Drive Sewage Planning Module.**

Commissioner Lopez made a motion to approve Resolution 1274-22. Commissioner McGroarty seconded the motion. The vote was 5-0 in favor.

**APPROVAL OF WARRANT #917 FOR THE MONTH OF JANUARY 2022.**

Commissioner Mohollen made a motion to approve Warrant #917 for the month of January 2022. Commissioner McGroarty seconded the motion. Vote was 5-0 in favor. There was a type-o in the agenda only, warrant #917 is for January 2022.

**ACCEPT THE TREASURER' REPORT FOR JANUARY 2022**

Commissioner Mohollen made a motion to Accept the Treasurer' Report for January 2022. Commissioner McGroarty seconded the motion. the vote was 5-0 in favor.

**COMMISSIONERS COMMENTS:**

**Commissioner McGroarty** – Commissioner McGroarty did not have any comments.

**Commissioner Lopez**— Commissioner Lopez had no comments.

**Commissioner Mohollen**—Commissioner Mohollen stated he attended a fire committee meeting and suggested looking at how to spend some of the money from the stimulus funds that were received. Commissioner Mohollen also stated that the fire company is looking to start a CPR training program for the public. Commissioner Mohollen stated both Fire Chiefs were currently taking classes and certifications to become an instructor.

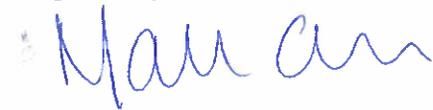
**Commissioner Foltz**—Commissioner Foltz stated that the new Sanatoga Green development is taking off and it is breathtaking. Commissioner Foltz suggested the other Commissioners look too.

**Mr. Wagner**— Mr. Wagner stated that he was approached regarding holding a shredding event with State Representative Ciresi. Mr. Wagner explained the shredding event would be held on Sunday, May 22, 2022, at 12pm at Pottsgrove High School. Mr. Wagner stated it was a well-received when we did it back in November 2019 and thinks it would be a great idea again. The cost is \$650 and will be split 50/50 with State Representative Ciresi.

**Solicitor Ottaviano** – Solicitor Ottaviano stated that the public meeting was now closed, and the Board of Commissioners are going to enter an Executive Session to discuss a real estate matter. Mr. Ottaviano stated no formal action will be taken.

There being no further business, the public meeting was adjourned at 7:08 PM. The next meeting will be on Monday, March 7, 2022, at 6:30 p.m. at Sunnybrook Ballroom.

Respectfully submitted,



Madison Orler  
Township Secretary