

MEETING MINUTES OF THE
PLANNING COMMISSION OF
LOWER POTTS GROVE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
March 20, 2023

The Lower Pottsgrove Township Planning Commission held its regularly scheduled meeting on Monday, March 20, 2023, at the Township Municipal Building. The meeting was called to order by Chairman, Frank Cebular at 6:30 p.m. and the following were in attendance:

Frank Cebular, Chair	Edward Wagner, Township Manager
Scott Fulmer, Vice Chair	Craig Bonenberger, Township Engineer
Anthony Cherico	
Anita Meehan	

Michael Sean Levering was not present.

Mr. Cebular announced the meeting was being recorded.

REORGANIZATION OF COMMISSION- Began at 6:31 pm

Mr. Wagner solicited nominations for the positions of Chairman and Vice Chairman. Mr. Fulmer nominated Frank Cebular for Chairman. Mr. Cherico nominated Michael Sean Levering for Vice Chairman. As there were no further nominations, Ms. Meehan made a motion to re-appoint Mr. Frank Cebular as Chairman and to appoint Mr. Michael Sean Levering as Vice-Chairman. Mr. Cherico seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

Mr. Fulmer made the motion to approve the 2023 Meeting Schedule: March 20, April 17, May 15, Wednesday June 14, July 17, August 21, September 18, October 16, November 20, and December 18. All meetings will begin at 6:30 pm. Ms. Meehan seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

Reorganization concluded at 6:35 pm.

Regular meeting began at 6:35 pm.

APPROVAL OF MINUTES-

Ms. Meehan made a motion to approve the minutes of the November 21, 2022, meeting of the Lower Pottsgrove Township Planning Commission. Mr. Fulmer seconded the motion, and it was unanimously approved. The vote was 3-0-1 in favor. Mr. Cherico abstained due to his absence from the last meeting.

ACCEPTANCE OF NEW APPLICATIONS –

2021-09 Royal Farms, 300 Armand Hammer Blvd., Preliminary

Mr. Cherico made a motion to accept application 2021-09 Royal Farms, 300 Armand Hammer Blvd. Ms. Meehan seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

2022-02 Wawa Food Market, 157 Evergreen Road, Preliminary

Mr. Cherico made a motion to accept application 2022-02 Wawa Food Market, 157 Evergreen Road. Ms. Meehan seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

SUBDIVISION & LAND DEVELOPMENT PLAN REVIEW –

#2021-09 Royal Farms, 300 Armand Hammer Blvd., Preliminary, proposal to construct a 5,380 SF convenience store with eight (8) fueling stations, 1,248 SF car wash, 2,225 SF drive-thru retail, and 25,034 SF storage facility located in the IN (Interchange) District. Plans prepared by Robert E. Blue Consulting Engineering 1149 Skippack Pike Blue Bell, PA dated 07-01-2021 revised 01-30-2023 consisting of 42 sheets.

- 1. Township Engineer Letter of March 13, 2023**
- 2. Sewer Engineer Letter of February 28, 2023**
- 3. Fire Marshal Letter of March 1, 2023**
- 4. Traffic Engineer Letter of March 6, 2023**
- 5. MCPC Letter of March 6, 2023**
- 6. Waiver Letter of January 30, 2023**

Ms. Debra Shulski from the firm of Riley, Riper, Collin & Colagreco introduced herself as representing the applicant, Royal Farms. She was accompanied by Daniel Glass, Civil Engineer from Robert E. Blue's office. She gave some background that they first presented the Land Development Plan in June 2022 and the Board had given a recommendation on the waivers at that time. Since then, they have been working with PennDOT. Currently they are working on minor cleanup items and post approval requirements. An additional waiver came up in the review letters since the waivers were reviewed back in June relating to the location of the stormwater. Mr. Wagner asked if renderings of the storage facility were available as requested. Mr. Glass informed him that there is no longer a perspective user for the storage facility so that will come in the future. They are looking to build the Royal Farms first and move on to the storage facility once they have a user in place. Mr. Wagner pointed out that it is difficult to approve a plan without the renderings. Mr. Cebular also spoke regarding an issue that the MCPC brought up, there doesn't appear to be an area for truck traffic circulation throughout the site. According to the current plans, any trucks going to or from the storage facility would be going directly through the drive-thru building parking lot. Mr. Bonenberger advised that the Fire Marshal had similar concerns regarding the truck traffic and access to the storage building. Mr. Glass pointed out the location of the loading spaces behind the building on the plans and assured the Board that it would be specified on the response back to the Fire Marshal. Mr. Bonenberger asked for clarification on the location of the access doors because according to previous conversations, the only access would be in the front of the building (facing Armand Hammer Blvd.) as the building was to look like an office building. Mr. Glass stated that there would be access doors in the back as well, garage doors typical to storage facilities. Mr. Wagner reiterated that this is the reason they want the rendering, as the sides of the building facing Route 422 are supposed to look like an office building and loading spaces would be permitted as promised in the initial staff meeting for the proposed development. Ms. Meehan voiced her concern regarding blocked access in terms of the que of cars pulling into the retail section, the waiver regarding the planters at the ends of the islands and shared the Fire Marshals' concerns about the limited space for the fire trucks to get through if needed, referencing the March 6th Letter from MCPC

expressed concerns. Ms. Shulski assured the Board that the plan has gone through a thorough analysis with the HOP process through PennDOT. Mr. Glass spoke regarding the stormwater concerns that they have gotten a technical review letter from the MCCD and DEP and their response is due April 6, 2023 so they will be submitting that soon. He also informed the Board that PennDOT is working on an agreement with Home Depot for some traffic signal changes so once that is completed, they can get the PennDOT permit. They are expecting the NPDES permit in May. Mr. Bonenberger inquired about the progress on sewage planning module. Mr. Glass stated they met with Fred Ebert on March 16, 2023 and discussed the full Individual Sewage Facility Planning Model and is ready for submission to DEP with the revised plans. Mr. Wagner asked if the Health Department and Borough of Pottstown have commented. Mr. Glass clarified that the model must be submitted to the Township with all the components, so the signatures have not been obtained yet.

Mr. Cebular pointed out that one of the approved waivers asks for Preliminary/Final approval and for that to happen, everyone must be satisfied with all the details. Mr. Bonenberger pointed out that an Agreement of Easements and Covenants hasn't been submitted for the shared access maintenance responsibilities as promised. Ms. Shulski explained that she hadn't been aware that the township was waiting for that and they are typical conditions of approval that the solicitor reviews prior to the plans being recorded. During discussion between the board members, Ms. Shulski stated they would be willing to phase the project and move forward with the Royal Farms portion and come back once they have a user for the storage facility and have that portion as Phase II. Mr. Bonenberger stated if they proceed that way, the storage facility would have to be removed from the current plan. He explained that generally when a plan is phased, the Preliminary Plan can show the phasing, but Phase II would be taken off when going for Final approval; however, today, Royal Farms is requesting full Preliminary/Final approval. Mr. Cebular noted that the Planning Commission is not ready for Final approval based on the issues with the storage facility and PennDOT. Ms. Shulski asked if they are agreeable to remove the self-storage facility and to come at a later date, would the Planning Commission feel comfortable making a recommendation on the remainder of the plan. Mr. Cebular stipulated that as long as they answer the questions from the MCPC. After discussion, it was decided to vote to reapprove all Waivers and include 203-15.C(1)(A).

Mr. Fulmer made a motion to approve all waivers in the January 30th letter. Mr. Cherico seconded the motion. The vote was 3-1 with Ms. Meehan voting against the approval.

Mr. Cebular suggested coming back next month with the updated plans without the storage facility and updates regarding PennDOT and sewage. Ms. Shulski asked if the Planning Commission would be willing to give a Preliminary recommendation at this point; however, the Board just voted to approve all Waivers which includes the Waiver to grant Preliminary/Final together which they are not able to do at this point. Ms. Shulski voiced her concern regarding timing if they have to resubmit plans.

The meeting was paused at 7:05pm to go into an Executive Session for the Planning Commission to discuss Royal Farms.

Mr. Zlomek inquired why an Executive Session was necessary. Ms. Shulski advised that the Planning Commission is allowed to deliberate privately. Mr. Wagner added that it is due to potential litigation. Mr. Zlomek thanked him for the clarification.

The meeting reconvened at 7:09pm.

Mr. Cebular announced that the Planning Commission would like the plans resubmitted without the storage building. At that time, Preliminary/Final approval will be considered based on the information available. Mr. Glass inquired when the new plans would have to be submitted to be on next month's agenda. Mr. Wagner asked if they need to be done by next Friday March 31, 2023. Mr. Glass agreed to try to have them in by then and to attempt to address the review letters at that time as well.

#2022-02 Wawa Food Market, 157 Evergreen Road, Preliminary, proposal to construct a 6,049 SF convenience store with 16 fueling stations and 12 electric car charging stations located in the GMU (Gateway Mixed-Use) District. Plans prepared by Bohler Engineering, 1600 Manor Drive Suite 200, Chalfont, PA 18914, dated 09-09-2022 revised 02-07-23 consisting of 38 sheets.

- 1. Township Engineer Letter of March 13, 2023**
- 2. Sewer Engineer Letter of February 27, 2023**
- 3. Fire Marshal Letter of March 1, 2023**
- 4. Traffic Engineer Letter of March 6, 2023**
- 5. MCPC Letter of March 10, 2023**
- 6. Waiver Letter if February 7, 2023**

Mr. Zachary Sivertsen of Eastburn & Gray, introduced himself as representing Provco Pinegood Sanatoga, LLC, the applicant for the Wawa Food Market for 157 Evergreen Road. They are requesting a recommendation on Preliminary/Final Plan approval. Mr. Eric Britz of Bohler Engineering and Traffic Engineer Sandy Koza from McMahon Associates joined him. A Waiver Request Letter had been submitted seeking eight waivers from the Subdivision and Land Development Ordinance as well as one waiver from the Stormwater Management Ordinance. In considering the Review Letters, two (2) additional waivers were noted that had not specifically been identified. 215-16.C(1)(b)[2] was referenced in the Engineers Review Letter but not specifically requested in the Waiver Request Letter. It pertains to sidewalks along Evergreen Road, but the issue was resolved through a Zoning Variance. 215.51.B(1) was noted in the MCPC Letter relating to planting of islands for more than 10 contiguous parking stalls. This was addressed in the Text Amendment. Mr. Wagner asked if an updated Waiver Letter was available tonight. Mr. Britz informed the Board there was not, but it would be submitted prior to the next Board meeting. Mr. Britz stated they are both being requested out of an abundance of caution to be consistent with the Zoning that is in place. Mr. Cebular asked Mr. Bonenberger if there is anything outstanding. Mr. Bonenberger stated there are a few questions regarding driveways leading into the parking lot because there was no profile for that. The Waiver asks for the grade to go up to 6 percent, but nothing was provided for him to see if that can be met. He stated his bigger concern is the access out to Castle Road. Castle Road is not a dedicated or completed road. Mr. Sivertsen advised that this was addressed with the Sanatoga Greene Development. In coordination with Tornetta Group, they recorded Easements along the stretch where Castle Road

is being built. Cross access easements have been prepared for the public to utilize. The Tornetta' and the Sanatoga Greene Group will maintain the easements until such time when the Township takes dedication of Castle Road. Ms. Koza informed everyone that PennDOT is asking for an updated conditions statement so when they go out for the post-study they have that documented as part of the HOP. Post studies will take care of anything that should be re-timed once everything is operational. Ms. Koza stated they looked at the relocation request for the access to the Wawa itself, but the ques show plenty of space before the driveway would be blocked so the relocation would be unnecessary.

Ms. Meehan made a motion to approve the amended waiver letter dated March 20, 2023. Mr. Cherico seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

Mr. Cebular asked Mr. Bonenberger if, from an engineering standpoint, he felt the plans were acceptable for Preliminary/Final approval. Mr. Bonenberger advised that he is comfortable either way. He is expecting a revised stormwater report and revised plans that he will review upon receipt. Mr. Wagner inquired about granting Preliminary/Final approval on the condition the plans are cleaned up before they go to the Commissioners. Mr. Bonenberger clarified that should include the review letters to comply with the Township Engineer, Sewer Engineer, Fire Marshal and Traffic Engineer. Mr. Wagner noted that the plans can be submitted electronically to the various professional consultants once they are cleaned up. Mr. Cebular asked the Planning Commission how they would like to proceed.

Ms. Meehan made a motion to recommend Preliminary/Final approval of Application #2022-02 Wawa Food Market on the condition the applicant complies with Review Letters from the Township Engineer, Sewer Engineer, Fire Marshal and Traffic Engineer and electronically resubmit the plans before being presented to the Commissioners for consideration. Mr. Cherico seconded the motion. There being no questions from the public, the Board voted, and it was unanimously approved. The vote was 4-0 in favor.

PLANNING & ZONING –

Motion to execute the Component 4A of the Sewage Facilities Planning Module for 157 Evergreen Road aka Wawa Food Market

Mr. Fulmer made a motion to reconfirm the Component 4A of the Sewage Facilities Planning Module for 157 Evergreen Road aka Wawa Food Market in which Mr. Wagner executed back on January 18th. Mr. Cherico seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

Ordinance 365 amending the Lower Pottsgrove Township Code of Ordinances, Zoning, Chapter 250, Article XXIA “Gateway Mixed-Use (GMU) District”, 250-158.2.A(6) “Permitted Uses” to allow an apartment use without Professional or Business Offices or Retail use on the first floor; repealing inconsistent ordinances or parts or ordinances, providing for a saving clause and further providing for an effective date.

Ms. Meehan made a motion to recommend approval to Ordinance 365 amending the Lower Pottsgrove Township Code of Ordinances, Zoning, Chapter 250, Article XXIA “Gateway Mixed-Use (GMU) District”, 250-158.2.A(6) “Permitted Uses” to allow an apartment use without Professional or Business Offices or Retail use on the first floor; repealing inconsistent

ordinances or parts or ordinances, providing for a saving clause and further providing for an effective date. Mr. Cherico seconded the motion, and it was unanimously approved. The vote was 4-0 in favor.

ANNOUNCEMENTS – NONE

NEXT MEETING-

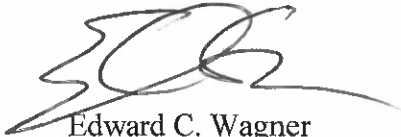
The next regularly scheduled meeting will be on Monday April 17, 2023, at 6:30 p.m. at the Township Municipal Building.

VISITORS COMMENTS- NONE

ADJOURNMENT-

Ms. Meehan made a motion to adjourn the meeting. Mr. Fulmer seconded the motion. The public meeting adjourned at 7:47 p.m.

Respectfully submitted,



Edward C. Wagner
Township Manager