

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS MEETING
Thursday April 20, 2023

The Lower Pottsgrove Township Board of Commissioners held a public hearing at the Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania in reference to Ordinance 365 amending the Lower Pottsgrove Township Code 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.

Solicitor, Jamie Ottaviano, opened the hearing at 6:15p.m.

Mr. Ottaviano explained that the purpose of tonight's public hearing is for a proposed text amendment with regard to 250-158.2.A (6) "permitted uses" to allow an apartment use without professional business offices or retail use on the first floor. He announced that there is a court reporter present so all statements will be recorded. He presented a true and correct copy of the legal notice he prepared indicating the date, time, place, and subject matter of tonight's hearing. Mr. Ottaviano announced the legal notice was properly advertised in the Pottstown Mercury on April 6 and April 13, 2023, and presented a true and correct copy of the Affidavit of Publication from the Pottstown Mercury. He introduced Ms. Julie Von Spreckelsen of Eastburn and Gray, PC who, on behalf of LFT Realty Group, Inc. provided a brief recap of the project and the proposed text amendment. Ms. Von Spreckelsen went on to explain that six (6) contiguous parcels along Evergreen Road and Castle Road are being redeveloped in a project that began in 2021 which includes a Wawa convenient store with fuel pumps, 2 restaurants with drive thru, a hotel use and apartment buildings. The applicant submitted a text amendment to the GMU District to eliminate the professional business office or retail use on the first floor of the apartment building and have the architectural and recreational facility guidelines be removed from the ordinance. In December 2021, the Board adopted the text amendment to allow the expansion of uses in the GMU District but declined to address the apartment use, architectural guidelines, and recreational provisions, with the caveat that the Board would revisit those provisions later once more information was provided as the project moved forward. Ms. Von Spreckelsen explained that since that time, the project has moved forward in that Wawa has successfully obtained both conditional use and zoning relief. Land Development plans have been submitted as well and have been recommended for approval by the Township Planning Commission. The applicant is no longer seeking the deletion of the architectural guidelines, or the recreational provisions; the applicant intends to comply with those requirements as the project moves forward. Ms. Von Spreckelsen explained the necessity of the text amendment due to the increase in E-Commerce leading to the decrease in demand for brick-and-mortar stores. Similarly, regarding office buildings, the COVID crisis decimated the office industry in that employers are increasingly allowing employees to work from home. There has been an increase in vacant office and retail space throughout Montgomery County. Speaking specifically of this site, due to the severe sloping of this property, the first floor of the proposed apartment buildings will have no visibility from Evergreen Road. She advised that the Township Planning Commission reviewed the text amendment at their meeting last month and has recommended approval. Mr. Ottaviano added that the County Planning Commission has also reviewed the proposed text amendment and is in favor of the apartments on the first floor. There were no comments or questions from the public or the Board.

The hearing was closed at 6:25 P.M.

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Thursday April 20, 2023, at the Lower Pottsgrove Township Building, located at 2199 Buchert Road, Pottstown, Pennsylvania.

Board of Commissioners: Raymond W. Lopez, Earl E. Swavely, Robert Mohollen, Michael McGroarty, and William Keohane were present.

Edward C. Wagner: Manager, Jamie Ottaviano: Solicitor, and Nicole Varady: Secretary, were also present.

The regularly scheduled meeting was called to order by President Raymond W. Lopez at 6:30 p.m. and the Pledge of Allegiance was recited.

Commissioner Lopez stated that the meeting will be recorded, and he asked any speakers to give their names and address for public comments.

APPROVAL OF MINUTES:

Commissioner McGroarty made the motion to approve the minutes of the April 3, 2023, Board of Commissioners meeting. Commissioner Keohane seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

REPORT FROM THE TOWNSHIP MANAGER:

Mr. Wagner provided an update that the Public Works Director John Fogel was successful in arranging for four (4) individuals from the Work Release Program at SCI Phoenix Department of Corrections to spread forty (40) yards of playground mulch at Gerald Richards and Sanatoga Parks. They also picked up trash along Porter Road and Pruss Hill Road. The individuals were out for two half days on Tuesday April 18 and Wednesday April 19. It was such a success that Mr. Fogel will attempt to have them back to pick up more trash. This Saturday April 22 at 9 A.M. is the Opening Day Ceremony for Pottsgrove-Pottstown Little League by Hillside Aquatic Club. Officer Mara Smith and Mr. Wagner will be in attendance to represent Lower Pottsgrove Township and Police Department. Royal Farms has received a recommendation from the Planning Commission to proceed to the Board of Commissioners. They will be on the agenda for a meeting in May. After much discussion, it was agreed upon that Phase I will be only the Royal Farms and Phase II will be the potential storage unit and drive-thru facility.

COMMENTS BY VISITORS:

Richard Colledge 2276 East High Street announced that he continues to clean up the trash every week that blows onto his property. He is requesting a catch fence be installed on Pleasant View Road. Commissioner Lopez took his comments under advisement as he understands the trash is blowing from the Landis Supermarket area.

Sharon Cunningham 829 Duckworth Drive voiced her concerns regarding township code enforcement. She observed an open burn Sunday night in the Woodgate Development that in her

opinion smelled chemical. She also observed a resident burning pressure treated wood and tossing debris over the fence to the woods behind her house. Mr. Wagner asked if she would provide her contact information so he could follow up tomorrow, she agreed. Commissioner Lopez advised that regarding code enforcement, the Township hires Part-Time help during the summer months to assist with property maintenance.

RESOLUTIONS AND ORDINANCES:

Ordinance 365 for consideration and discussion.

Solicitor Ottaviano provided a brief recap of the proposed Ordinance 365 to amend Section 250-158.2.A (6) of the Township Zoning Ordinance to remove the requirement that the first floor of any apartments within the GMU District have retail and business uses. Commissioner Lopez stated that he and Commissioner Mohollen have met several times on behalf of the Economic Development Committee to discuss this topic and agree that it would be a misjustice to the developer to not approve the request. Commissioner Mohollen agrees that the world has changed, and adjustment is necessary. He also pointed out that visibility is low for this site and there are thousands of square feet of stores across the street at the Philadelphia Premium Outlets to compete with. The township would prefer to allow residents to occupy the space than have it potentially sit empty.

Commissioner Mohollen made a motion to approve Ordinance 365 amending the Lower Pottsgrove Township Code 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. Commissioner McGroarty seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

Resolution 818-M disposition of records according to the Municipal Records Manual

Commissioner McGroarty made a motion to approve Resolution 818-M disposition of records according to the Municipal Records Manual. Commissioner Swavelly seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

Resolution 1313-23 Wawa Food Market 157 Evergreen Road DEP Sewage Planning Module

Commissioner Mohollen made a motion to approve Resolution 1313-23 Wawa-23 Wawa Food Market 157 Evergreen Road DEP Sewage Planning Module. Commissioner Keohane seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

CORRESPONDENCE AND INFORMATION:

2020-21 Pennsylvania Liquid Fuels Tax Fund Auditor Report

Mr. Wagner clarified that Liquid Fuels is money that the Township receives from the state for road projects such as paving and oil and chip. We get audited for the funds that we use for this as well as for salt and snow plowing. For 2020-21, the auditor reported no findings, and the Township was in compliance with the state.

OLD BUSINESS: NONE

SUBDIVISION AND LAND DEVELOPMENT: NONE

NEW BUSINESS:

Presentation from the Infrastructure Committee on a proposed municipal building project

Mr. Lopez announced that the floor will be open to comments again after the presentation to give the public a chance to give feedback and ask questions on what is presented.

Mr. Lopez reviewed that the Infrastructure Committee was formed in November of 2017 with the principal purpose of assessing the infrastructure needs of Lower Pottsgrove Township and developing a strategic plan for the needs of the community. In the current building, there have been workspace concerns that date back to 2002. According to a Peer study of the police department, workspace concerns had been a subject of many staff meetings, police committee meetings and the focus of manager, police chief and commissioner discussions. Our current building was dedicated in 1990 so twelve (12) years later, the reports of spatial issues began. The Police Department space was built for twelve (12) officers and now houses twenty (20). The issue of the locker rooms has come up as well since Lower Pottsgrove Police Department now has both male and female officers. All officers are currently sharing a locker room and lavatory and utilizing signage depending on when they are in use and by whom. The Township would like to resolve that hardship. There have been numerous discussions over the years regarding whether the current building can be expanded. Mr. Lopez showed overhead views of the current building with the measurements and square footage of the building and the property. He pointed out that part of the land owned by the Township around our building is open space so building on it is not an option. He presented slides from 2017 showing a building expansion that would take away most of the minimal parking that is currently available. The idea of having parking across the street was turned down as it would create a safety issue for residents coming to the building. Don Wert, local architect, looked at the building twice to add an addition; once in 2007 and again in 2015. Mr. Lopez showed samples of the expansion, but they included replacing the police garage with office space, which was not conducive to vehicle maintenance and posed a safety issue regarding bringing in detainees. He explained that in 2017, the Township considered 699 N. Pleasant View Road, the current Coventry Christian School, when they were looking to move into the old St. Pius X building on Keim Street, but Coventry Christian couldn't obtain that building due to the Archdiocese of Philadelphia having other plans for their building. Another option that was considered was the Tri-County Auto Complex on High Street, but the price was too high for the property, far out of the Township budget. Mr. Lopez showed pictures of the High and Pleasant View property that the Township was able to obtain and prepare to build on. The job was put out to bid twice, an architect drew up plans and the intention was to move forward with the project; however, obstacles secondary to COVID such as the inability of builders to obtain materials, prevented the project from going any farther. The price skyrocketed out of the budget, so the project was stopped to stay within the budget and avoid raising taxes. The Township began looking again and found a building for sale at 1963 East High Street. The Township is currently negotiating with the property owner and holding company. Mr. Lopez explained that the goal now is to buy a building and rehab it for the same price or less than what was budgeted previously. Mr. Lopez showed an overhead view of the previous Visiting Nurses building as well as the parking lot and surrounding area. The intention may include a small addition to add a sally port for the Police Department as that is such an important aspect as well as holding cells. Mr. Lopez opened the floor to questions from the public.

Tom Troutman 2469 E. High Street inquired about the amount of money the proposed project would cost the Township. Mr. Wagner advised that Coyle, Lynch & Company has done an

appraisal that is significantly less than what the building had previously sold for due to special caveats in the previous sale. Mr. Wagner prefers not to disclose the amount as this is an active real estate opportunity. Mr. Troutman asked for a review of the money already spent on the new building project. Mr. Wagner estimated the cost of the previous architect to be \$296,000.

Commissioner McGroarty estimated the cost of the properties at High Street and Pleasant View Road to be about \$700,000. He explained that when the plans originated, it was an \$8.3 million project which became an \$11.3 million project after the hardships associated with COVID. The Board had no desire to raise taxes to fund that kind of building, so they halted the project.

Commissioner McGroarty explained that currently, the Township has about \$900,000 invested between the acquired property and the architect fees, but we also have an asset which is the property at High and Pleasant View. The hope is that with appreciation, when the property is sold, we get what we paid plus what we spent on the architect, so it won't have cost the Township anything more than the time. He went on to thank Commissioner Lopez and former Commissioner Mr. Bruce Foltz for the hard work, time, and effort of the Infrastructure Committee to get us to this point. He stated we have a plan, we know what the needs are for a new building, and we can use the plans that we have for whoever we hire as the next architect to help us move the project along more efficiently in time and cost. Commissioner McGroarty went on to explain that between the bond issue and Capital Reserve Tax, the Township has \$9,000,000 in reserve to fund a project for the potential new Township building. Commissioner Mohollen added that we are currently paying that back at a 2.4 % interest rate plus we are earning interest on that money as well. The hope is that with what is earned, the township will be able to fund future infrastructure projects.

Robert Emery 2301 Welsh Drive asked if the visiting Nurses building is the only building the Township is focused on presently. Commissioner Lopez reviewed the many properties that were considered and explained that for various reasons they didn't meet the necessary criteria. He went on to explain that the purpose of tonight's meeting is to be transparent with the community regarding what has been done. Commissioner McGroarty explained that after all the research, the Township's options were the site at High and Pleasant View which would be an \$11.3 million project or 1963 East High Street which would be significantly less and within our budget. The Infrastructure Committee feels strongly that it is the better option.

Richard Colledge 2276 East High Street asked what the Township's plans are for the property at High and Pleasant View Road. Mr. Lopez advised that in the future, the intention is to put the property up for sale. He noted that the township has already put parcels together on that site which several developers looked to do in the past. That along with the prime location should bring a good price.

Jonathan Calle 1559 N. Pleasant View Road commented that he thinks 1963 East High Street may be a blessing in disguise. He explained that due to the state's Prevailing Wage problem, renovating an existing building would be much less expensive than building a new one. New construction public projects cost about three times more than private jobs. The more the Township can use their budget on the existing beautiful brick building and less on new construction, he is confident, as someone in the construction field, the Township will come out way ahead. Commissioner Lopez and Mr. Wagner thanked him for his insight.

Sharon Cunningham 829 Duckworth Drive stated she wholeheartedly supports the Township and Police Department be on High Street. She asked about parking at the 1963 East High Street property since can be an issue at the current building. Mr. Wagner stated there are 85+ parking spaces there as opposed to about 35 parking spaces at the current location.

Joe Zlomek 1747 N. Sanatoga Road asked if there has been any thought regarding the need for a second exit at the VNA Building. Mr. Wagner explained that the Lower Pottsgrove Police Department is accredited by the Pennsylvania Chief's Association. The Infrastructure Committee spoke to our accreditive manager Sergeant Weidenhammer, and one entrance is permitted. Mr. Zlomek asked if it causes a safety problem to have one exit. Mr. Wagner explained that due to the retention basin to Sunnybrook Village in the rear, a second exit is not possible. During Infrastructure Committee meetings Chief Richard Bell pointed out that most times the officers are responding from the streets and not the building, so it isn't an issue. Mr. Wagner compared the site to the Sanatoga Fire Company.

APPROVAL OF WARRANT #931 FOR THE MONTH OF MARCH 2023

Commissioner Mohollen made a motion to approve Warrant #931 for the month of March 2023. Commissioner McGroarty seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

ACCEPT THE TREASURERS REPORT FOR MARCH 2023

Commissioner Mohollen made a motion to accept the Treasurer's Report for March 2023. Commissioner McGroarty seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

COMMISSIONERS COMMENTS:

Commissioner McGroarty thanked everyone who came out tonight for their questions and comments for the Infrastructure Committee. He also thanked Commissioner Lopez for his leadership and Mr. Bruce Foltz for his efforts.

Commissioner Keohane also thanked Mr. Foltz and the Infrastructure Committee for all the diligent and detailed work that has been done to date. He acknowledged Amy Henderson and the Pottsgrove High School Softball Team for their efforts in making the Annual Egg Hunt a success.

Commissioner Mohollen commended everyone involved with the Infrastructure Committee for getting to this point, where the Township is so close to a plan. He thanked everyone who came out tonight and recognized the importance of the residents' involvement. He also announced that the Fire Committee met last night. Both Fire Companies as well as Lieutenant James were in attendance. Much progress has been made regarding communication between the police and fire companies. He announced that Commissioner Lopez is heading a project on developing the Township's own radio system in case of emergency. He is currently working with the County and vendors. Commissioner Mohollen, on behalf of the Fire Companies asked if the Township has a trails map as it would be a helpful resource especially since we have had a dry winter and there have been numerous alerts from the county. Commissioner Keohane advised that we do have the Township Trails map and he will get a copy of it. Commissioner Mohollen relayed the Fire

Companies thanks to the Township for posting their events on the Facebook page. The Sanatoga Fire Company flower sale sold out quickly, so they are already making plans for next year. He stressed that the Township has a great office staff who are willing to help any way they can.

Commissioner Swavely thanked the Infrastructure Committee for all the work they do behind the scenes. He also thanked the Police Department for their presence, stating they are very visible on the streets.

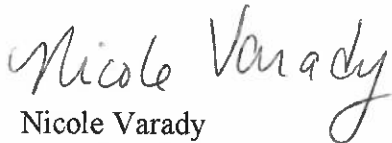
Commissioner Lopez invited everyone to give their input regarding Infrastructure between now and May 18, which is the second Board of Commissioners meeting in May. No decisions will be made before that.

Mr. Wagner provided an update that the left arrow at High Street and Pleasant View Road has alleviated many issues at the intersection regarding traffic backing up. However, there have been problems on South Pleasant View Road with people jumping the light, so a sign was put up to notify the residents of the red light. Commissioner Mohollen added that it has helped with the flow of traffic for the responders for the Fire Department.

Mr. Ottaviano had no comments.

Commissioner Keohane made a motion to adjourn the meeting. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor. There being no further business, the public meeting was adjourned at 7:45 P.M. The next meeting will be on Monday, May 1, 2023, at 6:30 P.M. at the Lower Pottsgrove Township Building.

Respectfully submitted,



Nicole Varady
Township Secretary