

MINUTES OF THE  
EAST COVENTRY TOWNSHIP PLANNING COMMISSION  
MEETING HELD ON APRIL 20, 2016  
*(Approved May 18, 2016)*

The Planning Commission held their monthly meeting on Wednesday, April 20, 2016. Present for the meeting were Walter Woessner, Kathryn Alexis, Lawrence Tietjen, Lance Parson and Mariea Geho. Also present for the meeting was Marjorie Brown, Planning Commission Solicitor and Brady Flaharty, Township Engineer.

Mr. Woessner called the meeting to order at 7:00 p.m. and the pledge was recited.

Mr. Woessner asked if there were any changes or corrections for the Agenda. Mr. Woessner made a motion to accept the Agenda. Mrs. Alexis seconded the motion. The motion carried with a 5-0-0 vote.

**MINUTES**

Mrs. Geho made a motion to approve the March 16, 2016 Planning Commission meeting minutes. Mr. Parson seconded the motion. The motion carried with a 5-0-0 vote.

**CITIZEN COMMENTS**

Mr. Tom Ryberg, 645 Kulp Road, Pottstown, PA 19465, asked if the design for the Kulp Road and Halteman Road Bridge has been completed. Mr. Ryberg stated there was an Engineer taking core samples. Mr. Woessner stated this is the Planning Commission. Mrs. Brown stated Mr. Ryberg could contact the Township Manager. Mr. Ryberg stated he is concerned about water runoff. Mr. Ryberg stated he spoke to the Engineer taking the core samples and he stated they want to design the bridge with an unlimited weight restriction and change the bridge from a flat bridge to an arc bridge. Mr. Woessner stated Mr. Ryberg should attend the next Board of Supervisors meeting to see if they received anything on the design.

**SUBDIVISION AND LAND DEVELOPMENT**

**Koury Tract Minor Preliminary / Final Subdivision Plan**

Mr. Dane Moyer, Bursich Associates, presented the Koury Tract Minor Preliminary / Final Subdivision Plan to the Planning Commission. The proposed plan includes two (2) parcels of land, one, five (5) acre tract, which has access to Ridge Road (Rt. 23) and one, thirty-two (32) acre tract, which has access to Ellis Woods Road. The purpose of the lot line change is to gain access to Ridge Road (Rt. 23). There is no plan for any construction or land development at this time. Mr. Woessner asked if the intent was to put a road on the parcel. Mr. Moyer stated the parcel became available and Mr. Koury decided to purchase the property. A discussion ensued on the location of the front yard on the parcel. Mr. Woessner stated this property is shown as a flag lot. Mr. Moyer stated the plan is to have the property stay as one big parcel.

Mr. Moyer stated he would like to go through the review letters from the Solicitor, Engineer, Planner and Traffic Engineer. Mr. Moyer stated the applicant does not have issues with any of the comments but would like to talk about two things specifically. Mr. Moyer started with the review letter from ARRO Consulting. Mr. Moyer stated the first comment is under the Zoning Ordinance and the chart you are asking for the deductions of right-of-way, prohibited slopes and wetlands and things like that. Mr. Moyer is proposing to include the chart for parcel B and not parcel A. Mr. Flaharty stated that is fine with him. Ms. Brown stated that is a SALDO requirement, not a Zoning requirement. Ms.

Brown stated we are not talking about a variance. Mr. Moyer stated he agrees with the waivers Mr. Flaharty suggested in his letter for the site context map and the road improvements. Mr. Moyer stated the applicant would like to request a waiver for the dedication for ultimate right-of-way along Ridge Road, since the project scope does not have any effect on the road, any improvements and that Ridge Road is a state road. Mr. Moyer stated any other work done in the future it would have to go in front of the Planning Commission and the Supervisors again for approval.

Ms. Brown stated there have been a number of preliminary plan submissions just involving lot line changes that have come before the Planning Commission and she is not aware of any plan submissions that have not had to dedicate the right-of-way. Ms. Brown has never seen a waiver approved for that, but the SALDO does provide the requirements for requesting a waiver and if you want to make a request, there is a process and documentation that will be required. Ms. Brown stated the key thing would be demonstrating a hardship. Mr. Moyer understands the process, but the applicant wanted him to ask for the waiver. Mr. Moyer stated they have done the calculations for the constraints if they did have ultimate right-of-way. Mr. Moyer stated they would still be in compliance. Mr. Moyer stated they have not addressed the comments because the ultimate right-of-way will be the biggest decision of changes they make. Mr. Moyer stated they wanted to feel out the planning commission on the ultimate right-of-way dedication.

Mr. Moyer stated the monuments and pins will be shown on the new parcel.

Mr. Woessner stated the applicant will have to deal with East Vincent. Mr. Moyer stated they have not submitted anything to East Vincent. Ms. Brown stated East Vincent Township should be made aware of the application even though the strip of land they are talking about is not in East Vincent Township. Mr. Woessner stated East Vincent Township may want right-of-way on their section of the parcel.

Ms. Brown stated the applicant will need to make the requested plan revisions and submit a written waiver request. Once the Planning Commission receives the waiver request and the revised plan, the Planning Commission would be able to make their recommendations.

Mr. Moyer asked if the Planning Commission thinks they will support a waiver of the dedication of the right-of-way, so he can go back to the applicant. Mr. Woessner stated he would not support the waiver. Mr. Parson stated typically they do not support this type of waiver. Mrs. Alexis stated she would not support the waiver. Mr. Woessner provided a marked up copy of SALDO §704 Describing the format of the waiver request.

Ms. Brown asked Mr. Moyer if he was also requesting a waiver to not show the percent of grade on the plan. If so, Ms. Brown stated Mr. Moyer should include the full language of section 304.3.E.9 in the waiver request.

#### Reitnour & Silverberg/Skelton Minor Preliminary / Final Subdivision Plan

Mr. Jeremy Maderis, All County & Associates, Inc, presented the proposed Minor Preliminary / Final Subdivision Plan for 14 & 34 Fricks Lock Road. Mr. Maderis stated All County & Associates, Inc designed a replacement septic system at 34 Fricks Lock Road. The replacement system was a sand mound system. All County & Associates mad an error to the boundary line and installed the slope of the sand mound on the Reitnour property. The proposed plan is to transfer 2,000 square feet from the Reitnour property and add it to the Silverberg/Skelton property.

Mr. Maderis stated there are a couple challenges to the transfer. The existing lots have existing non-conformance with regard to lot area. By transferring the property, we are exacerbating the non-conformity on the Reitnour property and alleviating some of the non-conformity of the Silverberg/Skelton property.

Mr. Maderis stated they will be requesting some waivers. Some of the waivers will be for Section 304.3.C – Site Context Map, Section 406.1 – Cartway Width and Section 418.2 – Sidewalk along Old Schuylkill Road. Mr. Woessner provided a marked up cop of SALDO §704 describing the format of the waiver request.

Mr. Maderis stated he will take questions with the list of requested waivers. Ms. Brown stated she understands the application does not include a waiver letter. Mr. Maderis stated that is correct, but he could produce a letter. Mr. Maderis stated they will comply with the monuments for the property along Old Schuylkill Road.

Mr. Woessner stated the applicant will have to go in front of the Zoning Hearing Board. Mr. Maderis stated they are aware of that. Mr. Woessner stated the applicant will need to take care of that before coming back to the Planning Commission. Ms. Brown stated the applicant will need to determine if the lot line will be going to the ultimate right-of-way or the legal right-of-way. Ms. Brown stated the applicant will need to do the analysis before going to the Zoning Hearing Board. Mr. Woessner stated the plan shows 50 feet for the Fricks Lock Road right-of-way. Mr. Maderis asked if the 50 foot right-of-way applies to Savage Road also. Mr. Flaharty stated it should be 52 feet for both Fricks Lock Road and Savage Road. Ms. Brown stated the Traffic Engineers letter stated 26 feet to the ultimate right-of-way. Mr. Woessner stated Mr. Maderis will want to correct the plans and submit an application to the Zoning Hearing Board.

Mr. Maderis stated he wanted to publicly apologize to Mr. & Mrs. Reitnour and Mr. Silverberg and Mrs. Skelton.

Mrs. Lois Reitnour, 14 Fricks Lock Road, Pottstown, PA 19465 stated she has a concern with the drainage for the sand mound. Mr. Flaharty stated Chester County Health Department sets the guidelines for the setbacks. Mr. Flaharty stated he cannot recall any setback regulations in the Township Ordinances.

Mrs. Reitnour asked about the timeframe for the Zoning Hearing Board hearings. Ms. Brown stated the Zoning Hearing Board has 60 days to schedule a hearing once the application is received. Mrs. Reitnour asked if there was a meeting schedule for the Zoning Hearing Board. Mrs. Imes stated the Zoning Hearing Board does not have a meeting schedule. Mrs. Imes stated she notifies The Zoning Hearing Board Solicitor when an application is submitted. The Zoning Hearing Board Solicitor will pick up the application and schedule the hearing.

### **ADDITIONAL ITEMS TO BE BROUGHT BEFORE THE COMMISSION**

#### **Continued discussion of Wireless Communications Facilities Ordinance and Zoning Map**

Ms. Brown distributed a revised copy of the Wireless Communication Facilities Ordinance and Zoning Map Amendment. Ms. Brown stated all the Wireless Communications Facility information has been moved to the new Part 20 of the Zoning Ordinance. Ms. Brown gave an overview of the latest changes to the Wireless Communications Ordinance. The Planning Commission discussed a few minor changes required for the ordinance. The changes requested are:

- Section 2004 – Requirements for Tower-Based Wireless Communications Facilities Located Outside the Right-of-Way, Section G. – Additional Antennae
  - Add the number of co-locators to language.
- Section 2008 – Non-Tower Wireless Communications Facilities Located in the Right-of-way, Section E – Related Equipment
  - Change language to read "Related Equipment connected to or associated with Non-Tower WCFs shall be installed underground if located in the right-of-way so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township.
- Section 2008 – Non-Tower Wireless Communications Facilities Locate in the Right-of-way, Section E (1)
  - Remove Section 208, Section E (1) in its entirety.

Mr. Parson made a motion to recommend the Board of Supervisors authorize publishing notice of, and conducting a public hearing on, the proposed amendments to Chapter 27 (Zoning) of the East Coventry Township Code of Ordinances and the Zoning Map relating thereto entitled "Amended and Restated Wireless Communications Facilities Ordinance and Zoning Map Amendment" in the form presented to this Planning Commission, subject to incorporating the following recommended changes:

- Section 2004 – Requirements for Tower-Based Wireless Communications Facilities Located Outside the Right-of-Way, Section G. – Additional Antennae
  - Add the number of a maximum of 4 co-locators to language.
- Section 2008 – Non-Tower Wireless Communications Facilities Located in the Right-of-way, Section E – Related Equipment
  - Change language to read "Related Equipment connected to or associated with Non-Tower WCFs shall be installed underground if located in the right-of-way so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township.
- Section 2008 – Non-Tower Wireless Communications Facilities Locate in the Right-of-way, Section E (1)
  - Remove Section 208, Section E (1) in its entirety.

Mr. Tietjen seconded the motion. The motion carried with a 5-0-0 vote.

Ms. Brown stated that Mr. Rodgers is okay with the Planning Commission moving forward with the creation of the Pipeline Ordinance. There is a couple of questions Ms. Brown wanted to ask the Planning Commission. Ms. Brown asked the Planning Commission the following questions for Surface Land Uses:

1. Allow by right?
2. Require Conditional Use approval?
3. Restrict from Residential?
4. Allow by right in LI District?
5. Conditional Use everywhere, including LI District?

A discussion ensued. Planning Commission members suggested surface land uses be permitted in all zoning districts by conditional use. Ms. Brown will put something together and present it to the Planning Commission for review.

**Northern Federation Update**

Mrs. Alexis stated there was a guest speaker at the Northern Federation Meeting.

**Historical Commission Update**

Mr. Tietjen had nothing to report.

**Pottstown Metropolitan Regional Planning Committee Update**

Mr. Woessner had nothing to report.

**ADJOURNMENT**

Mrs. Alexis moved to adjourn the monthly meeting at 9:14 p.m. Mrs. Geho seconded the motion. The motion carried with a 5-0-0 vote.

Respectfully submitted,

Cheryl A Imes  
Secretary