

MINUTES OF THE
EAST COVENTRY TOWNSHIP PLANNING COMMISSION
MEETING HELD ON JANUARY 18, 2017
(Approved February 15, 2017)

The Planning Commission held their monthly meeting on Wednesday, January 19, 2016. Present for the meeting were Walter Woessner, Kathryn Alexis, Lance Parson and Paul Lacon. Absent was Lawrence Tietjen. Also present was Mrs. Brown, Solicitor, Mr. Flaharty, Township Engineer and Mr. Tralies, Township Landscape Engineer.

Mr. Woessner called the meeting to order at 7:02 p.m. and the pledge was recited.

Mr. Woessner asked if there were any additions or corrections to the agenda. Mrs. Brown stated she would like to add a topic after the Discussion of the "Annual Report" for informational only, a Discussion of Wireless Facilities Application.

MINUTES

Mrs. Alexis moved to approve the draft of minutes of the December 21, 2016 monthly meeting minutes. Mr. Woessner seconded the motion. Mr. Woessner called for the vote. The minutes were tabled. Mr. Parson and Mr. Lacon abstained and Mr. Tietjen is absent.

REORGANIZATION

Mr. Parson made a motion to appoint Mr. Woessner as Chairman of the Planning Commission. Mrs. Alexis seconded the motion. The motion carried with a 3-0-1 vote. Mr. Woessner abstained.

Mr. Woessner made a motion to appoint Mrs. Alexis as Vice-Chairman of the Planning Commission. Mr. Parson seconded the motion. The motion carried with a 3-0-1 vote. Mrs. Alexis abstained.

Mr. Woessner made a motion to re-appoint Cheryl Imes as Secretary of the Planning Commission. Mrs. Alexis seconded the motion. The motion carried with a 4-0-0 vote.

ESTABLISH DATES AND TIMES FOR 2017 PLANNING COMMISSION MEETINGS

There were no comments on the proposed 2017 Planning Commission Meeting Dates.

CITIZEN COMMENTS

Mrs. Wendy Ney Manley, 415 Ellis Woods Road, Pottstown, PA 19465, discussed the meeting with Historical Commission for the Enclave at Ellis Woods. Mrs. Manley wanted to know if the Planning Commission received a letter with the recommendations from the Historical Commission. Mr. Woessner stated the Planning Commission has not received a letter from the Historical Commission with their recommendations.

Mrs. Manley stated she would like briefly summarize what was discussed at the Historical Commission meeting. Mr. Woessner state that was fine. Mrs. Brown stated this would be informational only.

Mrs. Manley stated she provided a Historical Impact Study, which included the historical house, spring house and the summer kitchen. Mrs. Manley stated the Historical Commission made the following three (3) recommendations:

- Prior to demolition, document what is left of the existing stone wall.
- Re-use the existing stone along Ellis Woods Road.
- Do not place sidewalk along Ellis Woods Road.

Mrs. Manley is looking for guidance on whether the Planning Commission agrees with the recommendations from the Historical Commission. Mrs. Brown stated the Planning Commission Consultants provided review letters for the Preliminary Plan submission and suggests Mrs. Manley respond to all the conditions in all the Consultant review letters when you next come back to the Planning Commission. Mrs. Brown stated it is fine for Mrs. Manley to relay what the Historical Commission stated, but the Planning Commission will not review this information out of context because some things impact other items. Mrs. Brown stated the Planning Commission needs to review the revised plan as a whole package.

Mrs. Manley stated when the recommendation was made to go to the Historical Commission, they put everything on hold. Mrs. Manley stated the goal was to get some general direction from the Historical Commission before making revisions to the plans. Mrs. Brown stated this is something that would be decided as a whole when the plan is resubmitted.

SUBDIVISION AND LAND DEVELOPMENT

Whispering Woods Final Subdivision and Land Development Plan

Mr. Tom Dredge and Mr. Ben Goldthorp were in attendance to discuss the Whispering Woods Final Subdivision and Land Development Plan. Mr. Dredge stated the final plan has been submitted and the applicant has received the review letters from the Consultants.

Mr. Dredge briefly reviewed the proposed plan. Mr. Dredge stated the proposal is basically the same, to construct 80 Townhomes with the same design for the road and layout of the project. Mr. Dredge stated there are some minor changes to the Open Space, which was recommended during meetings with the Chester County Conservation Committee and DEP Meetings. One change to the Open Space was the recommendation of a fourth (4th) basin on the South parcel. Mr. Parson stated DEP are making you plan for the worst case scenario. Mr. Dredge stated DEP is doing their technical review of the latest revision submitted to them.

Mr. Dredge stated the plan is to be back in front of the Planning Commission in the next couple months with the NPDES permit in hand and comments for the Consultant review letters.

Mr. Woessner asked if there were a lot of comments from the consultants. Mr. Flaharty stated there were a couple of comments, but not many. Mr. Flaharty stated there are some comments with the changes to the retention basins.

Mrs. Brown asked if the applicant has started to put together a formal letter identifying changes made that are not responding to the consultants review comments. Mr. Dredge stated he has started the letter and will issue a letter once completed.

Mr. Woessner stated he found some differences between the Preliminary Plan and the Final Plan submitted.

Mr. Woessner stated there seems to be some inconsistencies between the original paperwork filed for the Preliminary Plan and the paperwork filed with the Final Plan. A discussion ensued.

Mr. Woessner stated there is a statement that the applicant will build 28 units and stop. Mr. Goldthorp stated this is in the Construction Phase of the document. Mr. Goldthorp stated this has to do with the Homeowners Association. The Homeowners Association Declaration specifies when people have to start paying the Homeowners Association fees. Ms. Brown stated that is correct. The Declaration specifies the structure for the planned community. Ms. Brown stated this is separate from the Land Development

Mr. Woessner stated some of these things are based on percentage of units occupied. Ms. Brown stated the plans specify how much is required for the open space and the percentage is specified in the Declaration does not change the Open Space requirements.

Mr. Lacon asked if the escrow fund is for infrastructure work done prior to construction. Ms. Brown stated yes.

Mr. Woessner asked if the utility companies have agreed to the plan since some of the utility junction boxes are shown on the properties. Mr. Goldthorp stated the boxes will be between the curb and the sidewalk and the largest boxes will be PECO.

Mr. Woessner stated there has been a change in the grading on sheet 22, behind lot 27. Mr. Woessner stated on the Preliminary Plan, Basin A showed a grade of 29 percent, but on the Final Plan, Basin A shows a grade of 40 percent.

Mr. Flaharty stated Mr. Goldthorp should reply in writing to Mr. Woessner's comments. Mr. Goldthorp stated they would respond in writing to Mr. Woessner's comments.

Mr. Tralies, Township Planner discussed the signage for the trails. Mr. Tralies stated the Township is considering standardizing the signage system for all the Township parks and open space. Mr. Tralies stated he would like the applicant to add a notation that at the time of sign fabrication they will comply with the proposed change to the signage for the trail. Mr. Goldthorp stated they had no problem with the request.

Ms. Brown asked what Mr. Goldthorp time line is for returning to the Planning Commission for approval. Mr. Goldthorp stated it depends on the NPDES permit. Mr. Goldthorp stated the NPDES permit review results are due back by February 14, 2017. Mr. Goldthorp stated it will depend on the review results.

Mr. Goldthorp stated John Yurick, McMahon Associates is questioning the slopes of the trails. Mr. Goldthorp would like to make the information clear on the existing plans instead of creating another sheet to the plan set. Mr. Flaharty stated he did not think Mr. Yurick would have a problem with the suggestion.

Mr. Woessner asked Mr. Flaharty if the slope of the driveways would be discussed at the time the driveway permit applications were submitted. Mr. Flaharty stated that is part of the driveway permit application. Mr. Dredge stated first twenty (20) feet of the driveway is called out on the grading plan.

Mr. Woessner stated one of the documents states the fire hydrants are shown as private. Mr. Dredge stated it is probably shown in the Declaration. Mr. Goldthorp stated they will correct the information.

Mr. Goldthorp stated they may be back in front of the Planning Commission in March or April.

ADDITIONAL ITEMS BROUGHT BEFORE THE COMMISSION

Annual Report

Mr. Woessner reviewed the Planning Commissions Annual Report. Mr. Woessner asked the Planning Commission to review the Annual Report for approval at the February 15, 2017 Planning Commission meeting. Mr. Woessner stated he did not mention anything in the annual report pertaining to the two applications submitted for Fairway Farms. Mr. Woessner stated at the Board of Supervisors meeting on January 9, 2017, the Board discussed sending letters to the applicant for both

applications, giving them a 60 day notice to determine whether they plan to proceed with either application.

Discussion of Wireless Facilities Application – Information only

Ms. Brown distributed two documents discussing Wireless Communication Facilities. One document is "How to Manage Wireless Facilities in Your Borough" and a letter sent to North Coventry Township pertaining to Mobilitie, LLC's Right-of-Way Utilization request.

Ms. Brown stated the telecommunications industry has been seeking enactment of a stream-lined process for securing consent to construct small cell facilities within municipal rights-of-way. Ms. Brown stated in December 2016, Ohio enacted such legislation, but it is to be used only by public utilities regulated by the Public Utilities Commission of Ohio and franchised cable operators. Ms. Brown stated the new procedures only apply to poles, traffic signals, sign poles and utility poles in the right-of-way, but does not apply to municipal-owned poles. Ms. Brown stated similar legislation is being proposed in other states.

Ms. Brown stated the Ohio legislation prohibits a municipality from engaging in a number of activities, including the following (which are required by East Coventry Township's WCF Ordinance):

- Requiring the applicant demonstrate need for the wireless facility
- Conditioning the permit on the applicant allowing co-location on the wireless support structure
- Precluding installation of a wireless facility within a residential area or within a specific distance from a residence
- The Ohio legislation limits the annual municipal fee for ROW facilities to \$200.00 per year

Ms. Brown stated the letter to North Coventry from Mobilitie, LLC is requesting permission to install a new transport pole in the ROW in the vicinity of W. Schuylkill Road and S Hanover Street and also to install small cell sites on new or existing utility poles in the public right-of-way. Mobilitie, LLC included a copy of its PUC Certificate of Public Convenience with the letter. The proposed transport pole is 120 feet high. There is a map included with the letter which shows a proposed installation in East Coventry Township.

Ms. Brown stated the Wireless Facilities article points out that the four major wireless carriers (Sprint, Verizon, AT&T, T-Mobile) employ wireless contractors to install cell sites within public rights-of-way (DAS). These wireless contractors obtain utility status from the PA Public Utility Commission ("PUC") by securing a Certificate of Public Convenience from the PUC. Once utility status is obtained, these wireless contractors submit a "right-of-way application" to install a mini cell tower in the ROW under the municipality's streets and sidewalks ordinance (not the zoning ordinance). The PA PUC is now evaluating whether wireless contractors should receive utility designation; a public inquiry was begun but a decision has not yet been made. Ms. Brown stated their office is currently researching whether wireless contractors can lawfully bypass the zoning process by virtue of their PUC-granted utility status.

Mr. Parson asked if this is happening all over the country. Ms. Brown stated multiple states are looking at the issue. Ms. Brown stated Ohio passed the legislation in December 2016.

Northern Federation Update

Mrs. Alexis had nothing to report.

Historical Commission Update

Nothing to report. Mr. Tietjen was absent from the meeting.

Pottstown Metropolitan Regional Planning Committee

Mr. Woessner had nothing to report.

Ms. Brown stated the Board of Supervisors discussed creating an Ordinance for the growing and selling of Medical Marijuana. Ms. Brown gave a brief description of what the ordinance will entail. Ms. Brown stated she will be creating an ordinance for discussion with the Planning Commission in the next couple months.

Ms. Brown gave a brief update on Owen J Roberts Land Development for the East Coventry Elementary School. Ms. Brown stated PennDOT has issued the HOP permit on January 17, 2017. Ms. Brown stated the Stormwater permit was also issued on January 17, 2017. The Township has not received copies of either permits at this time.

ADJOURNMENT

Mr. Parson moved to adjourn the monthly meeting at 8:23 p.m. Mrs. Alexis seconded the motion. The motion carried with a 4-0-0 vote.

Respectfully submitted,

Cheryl A Imes
Secretary