

MINUTES OF THE
EAST COVENTRY TOWNSHIP PLANNING COMMISSION
MEETING HELD ON JULY 20, 2011
(Approved August 17, 2011)

The Planning Commission held their monthly meeting on Wednesday, July 20, 2011. Present for the meeting were Harold Kulp, Walter Woessner, N. Lance Parson, and Lawrence Tietjen. Kathryn Alexis was not present. Also, present were Marjorie Brown of Wisler Pearlstine, LLP, Township Solicitor and Eugene Briggs of ARRO Consulting, Inc. Township Planner.

Mariea Geho, Vice Chair of the Board of Supervisors, was present.

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

CITIZENS COMMENTS

There were no citizen comments.

1. MINUTES

Mr. Woessner moved to approve the second draft minutes of the June 15, 2011 monthly meeting as presented. Mr. Parson seconded the motion. The motion carried with a 4-0-0 vote.

Agenda

It was requested the agenda be amended to add the following items:

Telvil Hall (South)

Type: Residential subdivision on Creamery Road

➡ Consideration of recommending revised waiver language for Telvil Hall (South)

Zoning Hearing Board Decision – John and Carole Ann Doering

➡ Consideration of discussion regarding the Zoning Hearing Board Decision for John and Carole Anne Doering

2. SUBDIVISION AND LAND DEVELOPMENT

Telvil Hall (North)

There was discussion regarding revised waiver language for Telvil Hall: North.

Ms. Brown provided an overview of the proposed revised waiver language for Telvil Hall: North.

The following motions resulted:

Mr. Woessner moved to rescind the motion adopted at the June 15, 2011 Planning Commission meeting recommending the Board of Supervisors grant to the Applicant a modification of the application of Section 428, on the terms and conditions stated in the approved Minutes of the Planning Commission Meeting held on June 15, 2011. Mr. Kulp seconded the motion. The motion carried with a 4-0-0 vote.

Mr. Wossner moved to recommend the Board of Supervisors grant to the Applicant a modification of the application of Section 428 of the East Coventry Township Subdivision and Land Development Ordinance for the Telvil: Hall (North) land development project, based upon the unique characteristics of the lots, in the following respects and subject to the following conditions:

- That prior to the issuance of a building permit for construction of the dwelling on Lot N2, the developer shall enter into a Land Development Agreement, including financial security provisions, in form and substance satisfactory to the Township and the Township Solicitor, relating to the installation of the landscaping, stormwater infiltrator and other required improvements on said lot.
- That prior to the issuance of a building permit for construction of the dwelling on Lot N2, the developer shall, in accordance with the aforesaid Land Development Agreement, post escrows with the Township, either in cash or in the form of a letter of credit acceptable to the Township Solicitor, for the landscaping, stormwater infiltrator and other required improvements, inspections and administrative fees in accordance with SALDO §703.3, and shall agree to reimburse the Township for all costs and expenses incurred by the Township relating to the foregoing.
- That all landscaping work for Lot N2, as required by §428 of the SALDO, shall be installed, in accordance with the aforesaid Land Development Agreement, by the developer of Lot N2 and shall be completed in accordance with the approved preliminary/final plans prior to the issuance of a certificate of occupancy for the dwelling constructed on the lot.
- That prior to the issuance of a certificate of occupancy for the dwelling, all landscaping work shall be inspected and approved by the Township Engineer as being satisfactory and meeting the criteria of SALDO §428, including, without limitation, the size and type of plantings required by SALDO §428.6, which shall be identified and listed on the approved preliminary/final plans.
- That the terms of this waiver shall be set forth prominently in a Note on the approved Plans and the Record Plan set and shall be contained as a deed restriction in the deed conveying title to the first purchaser of Lot N2 and all subsequent purchasers of Lot N2 until its development is certified as complete by the Township.
- That the Applicant be granted a waiver of §428 in its entirety as to Lot N1 only.
- That the Applicant be granted a waiver of §428.6 only as to the quantity of plantings required on Lot N2, which shall be as follows: six (6) evergreen trees; six (6) deciduous trees; and twenty-four (24) shrubs.
- That the Applicant be granted a waiver of §428.1 in its entirety as to both lots.
- That all existing trees be retained and during construction the developer shall protect the existing trees in accordance with §428.9.B.

Mr. Tietjen seconded the motion. The motion carried with a 4-0-0 vote.

Telvil Hall (South)

There was discussion regarding revised waiver language for Telvil Hall: South.

Ms. Brown provided an overview of the proposed revised waiver language for Telvil Hall: South.

The following motions resulted:

Mr. Woessner moved to rescind the motion adopted at the June 15, 2011 Planning Commission meeting recommending the Board of Supervisors grant to the Applicant a modification of the application of Section 428, on the terms and conditions stated in the approved Minutes of the Planning Commission Meeting held on June 15, 2011. Mr. Kulp seconded the motion. The motion carried with a 4-0-0 vote.

Mr. Woessner moved to recommend the Board of Supervisors grant to the Applicant a modification of the application of Section 428 of the East Coventry Township Subdivision and Land Development Ordinance for the Telvil: Hall (South) land development project, based upon the unique characteristics of the lots, in the following respects and subject to the following conditions:

- That prior to the issuance of a building permit for construction of the dwelling on either Lot S1 or Lot S2, the developer of such lot(s) shall enter into a Land Development Agreement, including financial security provisions, in form and substance satisfactory to the Township and the Township Solicitor, relating to the installation of the landscaping, stormwater infiltrator and other required improvements on said lot(s).
- That prior to the issuance of a building permit for construction of the dwelling on either Lot S1 or Lot S2, the developer of such lot(s) shall, in accordance with the aforesaid Land Development Agreement, post escrows with the Township, either in cash or in the form of a letter of credit acceptable to the Township Solicitor, for the landscaping, stormwater infiltrator and other required improvements, inspections and administrative fees in accordance with SALDO §703.3, and shall agree to reimburse the Township for all costs and expenses incurred by the Township relating to the foregoing.
- That all landscaping work for Lot S1 and Lot S2, as required by §428 of the SALDO, shall be installed, in accordance with the aforesaid Land Development Agreement, by the developer of such lot(s) and shall be completed in accordance with the approved preliminary/final plans prior to the issuance of certificate(s) of occupancy for the dwelling(s) constructed on the lot(s).
- That prior to the issuance of certificate(s) of occupancy for the dwelling(s), all landscaping work shall be inspected and approved by the Township Engineer as being satisfactory and meeting the criteria of SALDO §428, including, without limitation, the size and type of plantings required by SALDO §428.6, which shall be identified and listed on the approved preliminary/final plans.
- That the terms of this waiver shall be set forth prominently in a Note on the approved Plans and the Record Plan set and shall be contained as a deed restriction in the deeds conveying title to the first purchaser of Lot S1 and Lot S2, and all subsequent purchasers of said lot(s), until their development is certified as complete by the Township.
- That the Applicant be granted a waiver of §428.6 only as to the quantity of plantings required on the lots, which shall be as follows for each lot: six (6) evergreen trees; six (6) deciduous trees; and twenty-four (24) shrubs.
- That the Applicant be granted a waiver of §428.1 in its entirety as to both lots.

- That all existing trees be retained and during construction the developer shall protect the existing trees in accordance with §428.9.B.

Mr. Parson seconded the motion. The motion carried with a 4-0-0 vote.

ADDITIONAL ITEMS BROUGHT BEFORE THE COMMISSION

Review of proposed amendments to the Zoning Ordinance concerning wind turbines on buildings

There was a review of proposed amendments to the Zoning Ordinance concerning wind turbines on buildings.

Comments noted were:

- Section 1336.A(10) – add ‘outward facing’ between ‘visible’ and ‘warning signs’
- Section 1336.B(11) – add ‘outward facing’ between ‘visible’ and ‘warning signs’

Mr. Woessner moved to recommend the Board of Supervisors approve Ordinance No. 183 (an ordinance amending Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards) Section 1336 (Wind Energy Equipment) to distinguish between freestanding wind turbines and roof mounted wind turbines with the following amendments:

- Section 1336.A(10) – add ‘outward facing’ between ‘visible’ and ‘warning signs’
- Section 1336.B(11) – add ‘outward facing’ between ‘visible’ and ‘warning signs’

Mr. Tietjen seconded the motion. The motion carried with a 4-0-0 vote.

Review of proposed Subdivision and Land Development Ordinance

There was a review of the proposed Subdivision and Land Development Ordinance in accordance with a redlined version of the changes that have been made since the last Planning Commission review at their April 2011 meeting.

Ms. Brown provided an overview of the changes. The waiver matrix was also reviewed and it was agreed that the original waiver matrix will be utilized with the removal of the Planning Commission recommendation column.

Mr. Woessner provided examples of landscaping requirements as it relates to SALDO §428.6 and provided a comparison of landscaping requirements between a square lot and an odd shaped lot. It appears that SALDO §428.6 should go by acreage (area) instead of tract boundary. This item will be addressed at a later date.

Mr. Woessner moved to recommend the Board of Supervisors approve Ordinance No. 179 (amending Chapter 22 (Subdivision and Land Development) by deleting the existing Chapter 22 in its entirety and replacing it with a new Chapter 22 setting forth Articles I through VII with the revision date of June 21, 2011) with the amendment of the waiver matrix to utilize the original waiver matrix and remove the Planning Commission recommendation column. Mr. Parson seconded the motion. The motion carried with a 4-0-0 vote.

Zoning Hearing Board Decision – John and Carole Ann Doering

There was a discussion regarding the Zoning Hearing Board Decision for John and Carole Anne Doering.

Mr. Woessner stated that he had brought up at the Zoning Hearing of John and Carole Anne Doering the issue of riparian buffers. Mr. Woessner stated that if the riparian buffer was measured 100' from Pigeon Creek it would end up in the middle of the garage. Mr. Woessner noted that he did not agree with the Zoning Officer's interpretation of the section of the Zoning Ordinance that addressed riparian buffers.

Ms. Brown stated that the Zoning Ordinance is planned to be revised to address riparian buffers.

Items recommended are:

1. Revisit the definition of riparian buffers
2. Revisit the interpretation by the Zoning Officer

As a result of the discussions the following motion resulted:

Mr. Woessner moved to recommend the Board of Supervisors take formal action to have the decision of the Zoning Hearing Board on the John and Carole Anne Doering application overturned as it relates to Section 419 of the Zoning Ordinance. Mr. Parson seconded the motion. The motion carried with a 4-0-0 vote.

Northern Federation Update

Mr. Kulp noted that at the last Northern Federation meeting they had a work session with groups and talked about the Recreation Plan.

Historical Commission Update

Mr. Tietjen noted that he had nothing new to report.

Pottstown Metropolitan Regional Planning Committee

Mr. Parson stated that at the last Pottstown Metropolitan Regional Planning Committee the Route 422 Corridor plan was discussed, specifically tolling on Route 422. Mr. Parson noted that most of the municipalities are concerned that if the tolling occurs the Route 422 traffic will travel on local roads causing more expenses for the municipalities.

Williamson Gas Company

Mr. Kulp noted he received a letter from Williamson Gas Company regarding putting in gas lines across the area. Mr. Kulp gave the letter to township staff to review.

Chester County

Mr. Kulp noted he received a letter from Chester County regarding the trails systems.

Mr. Kulp stated that the next Planning Commission meeting will be held August 17, 2011 at 7:00 p.m.

ADJOURNMENT

Mr. Parson moved to adjourn the monthly meeting at 9:26 p.m. Mr. Kulp seconded the motion. The motion carried with a 4-0-0 vote.

Respectfully submitted,

Bonnie L. Frisco
Secretary