

**MINUTES OF THE PLANNING COMMISSION
UPPER POTTSBRO TOWNSHIP**

February 22, 2010

A special meeting of the Upper Pottsgrove Planning Commission was held on Monday, February 22, 2010, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, Herb Miller, John Bealer, John Ungerman and Donald Nice present. Also present were County Planner Michael Narcowich, Township Engineer John Theisen, Township Solicitor Charles Garner, Township Traffic Engineer Joe Fiocco, Township Manager Jack Layne and Recording Secretary Michelle Reddick. The meeting was called to order by Chairman Taylor at 6:03 p.m. There were 19 people in the audience.

#2-09 LUDY SUBDIVISION – Representatives from Diamond Real Estate Investments along with their engineer, traffic engineer and attorney were present to discuss revised plans dated February 12, 2010. The Planning Commission briefly reviewed comments from the Township Engineer and the County Planner, and the only outstanding issues are waivers. Mr. Theisen noted that his comment concerning the owners does not need to be addressed since Mrs. Ludy is deceased. The Planning Commission briefly discussed the waivers regarding landscaping of Lot 1 and landscaping of the riparian corridor. Mr. Theisen advised the waiver for landscaping of Lot 1 is appropriate since the lot is not being developed and the waiver for landscaping of the riparian corridor is appropriate since this would be handled as part of the overall land development for Commerce Corner. A motion by Ungerman, seconded by Bealer, to recommend to the Board of Commissioners approval of the following waivers: (1) a waiver from Section 310-37 for the requirement to landscape Lot 1; and (2) a waiver from Section 310-39.1 for the requirement to landscape the riparian corridor. All aye votes. A motion by Miller, seconded by Nice, to recommend to the Board of Commissioners preliminary/final plan approval subject to satisfactory completion of any outstanding issues in LTL Consultant's letter dated February 15, 2010. All aye votes.

#3-09 COMMERCE CORNER LOT CONSOLIDATION – Representatives from Diamond Real Estate Investments along with their engineer, traffic engineer and attorney were present to discuss revised plans dated February 8, 2010. Mr. Taylor noted that there are no issues raised in LTL Consultant's review letter. He also noted that the issues raised in the County's review letter would be addressed at final plan. A motion by Ungerman, seconded by Miller, to recommend to the Board of Commissioners preliminary/final plan approval subject to satisfaction of any outstanding issues in LTL Consultant's letter dated February 8, 2010 and the Montgomery County Planning Commission's letter dated February 22, 2010. All aye votes.

#4-09 COMMERCE CORNER LAND DEVELOPMENT – revised plan review – Pat Heller and George Reeves of Diamond Real Estate, Attorney Michael Murray and Engineer Nick Rakowski of Nave Newell were present to discuss revised plans dated March 12, 2010. Pat Heller provided a brief overview of the project. He explained that they are still in the process of obtaining tenants, but there is a signed lease agreement with Carmike Cinemas for a 14 screen movie theater. He further explained that there will be a big box anchor along with some smaller retail spots, and he is hopeful to sign on some national retailers. Engineer Nick Rakowski explained one of the changes was the shifting of some retail pads up front of the project. However, the most significant change involves the direct flow through of traffic from

#4-09 COMMERCE CORNER LAND DEVELOPMENT – revised plan review (cont'd).

from Wilson Street all the way up to Commerce Drive. He further explained that they are still maintaining the one way access in from Route 100, the right-in, right-out only from Harding Street along with the full access movement along Wilson Street. Mr. Taylor noted that the main concern with this project is the changing in the direct access to Commerce Drive. He suggested that the developer's engineer discuss the changes that are taking place there and why the changes are taking place. Matt Hammond explained that when Upland Square was developed, they had a tough time with the intersection due to the configuration. He explained that since it was a five-leg intersection, they had to add time or a phase to the overall intersection in order to accommodate the Commerce Drive leg of the intersection; therefore, reducing the flows in the operation of the main thoroughfare which would be Route 100 and North State Street. He further explained that the agreement with PennDOT was that if there were any changes or development along Commerce Drive, Commerce Drive would be removed in its entirety from the intersection. Although we recognize that PennDOT wants the leg of Commerce Drive out of the intersection, we decided to go back to PennDOT and make a request that Commerce Drive be made an entrance-only driveway rather than eliminating it. This would eliminate Commerce Drive out of the overall intersection and allow direct access from Route 100 into the development. He noted that PennDOT did agree to allow this alternate proposal but is also requiring an additional lane on N. State Street south of Wilson Street. Mr. Hammond further noted that a recent comment that has come up involves the internal circulation of the internal intersection within the development. He explained that a roundabout was provided for the first internal intersection which significantly improves the operation of that intersection and the flow of traffic. In response to a question from Mr. Nice, Mr. Hammond advised the roundabout would be one lane and is approximately 110 feet in diameter. Township traffic engineer Joe Fiocco explained that the roundabout forces people to slow down and delays go down since you do not have to sit and wait for a light to go through a cycle. County Planner Mike Narcowich advised that Leo Bagley from his office did make this recommendation. He also noted that accidents are typically less serious when you have a roundabout and this will be a nice focal point for aesthetics. In response to a suggestion from Solicitor Garner, Mr. Hammond provided a demonstration to show a vehicle coming off Route 100 entering the site and onto Commerce Drive and the options available coming out from Commerce Drive. Solicitor Garner noted that PennDOT has dictated access from Route 100 into the development. In response to a question from Solicitor Garner, Mr. Hammond noted that PennDOT will make comments on the internal intersections. Mr. Fiocco noted that PennDOT will make sure traffic from the proposed development is not backing up into the intersection of Route 100 and PennDOT would have to approve any traffic signals within the development. John Ungerman questioned whether PennDOT would allow a leg off Commerce Drive out to Route 100 north. Mr. Hammond explained that PennDOT allows only limited access to Route 100, and would waive that only if there is a regional benefit. Solicitor Garner noted that the Township met with Fran Haney of PennDOT who indicated they would not be inclined to waive the limited access to Route 100. He questioned the traffic engineers as to whether they felt this would be an improvement if PennDOT would waive the limited access. Mr. Hammond advised that a right turn only out of Commerce Drive onto Route 100 north would definitely be an improvement.

#4-09 COMMERCE CORNER LAND DEVELOPMENT – revised plan review (cont'd).

Donald Taylor, deacon for Hopewell Community Church, expressed great concern with the access to Route 100, and advised that he would prefer to remain independent from the proposed project. In response to another concern expressed by Mr. Taylor, Mr. Hammond advised that tractor trailers and busses would be able to navigate through the roundabout. In response to a question from Mr. Taylor, Solicitor Garner advised the roads within the proposed development will be private. He further advised that the developer is willing to execute any reasonable agreement which will be recorded to ensure that there is perpetual maintenance and repair, easement and access rights along with all other things that come along with road maintenance. He explained that this agreement would also contain language that in a default situation, this responsibility would revert back to the Township and they would take control and lien the property for any maintenance and repair that would be required. Attorney Murray explained that this would eliminate maintenance responsibility for the Township, and noted that the covenants will not restrict anyone from utilizing the roads. Solicitor Garner reiterated that the Township will make sure it is protected along with any business owners that will be affected. **Pastor Levengood of Hopewell Community Church** expressed concern that traffic is going to be backed up along Harding Street and N. State Street out to Route 100. Mr. Hammond explained that the additional phase in the traffic signal which will be eliminated will allow more cars to exit N. State Street onto Route 100, and noted that the developer has to show that this traffic pattern works. **Doug Stetler**, expressed concern whether it is legal to have a private road between two (2) township roads and if there are any other areas in the Township like this. In response to a question from Mr. Stetler, Solicitor Garner advised that the Township can investigate other townships that may have this situation and how it is working. Solicitor Garner advised that the Township will make sure the developer grants access rights to the private road and that everything is done properly. In response to another question from Mr. Stetler, Mr. Hammond advised that a traffic count has been completed and there will be approximately 7,500 to 8,000 cars a day. In response to a question from **Diane Christman, owner of 2nd Attic Self Storage** on Commerce Drive, Mr. Hammond advised that there is not currently a traffic signal where the access road to the development will come out onto Wilson Street. In response to another question from Mrs. Christman, Mr. Hammond advised that a traffic signal will not be necessary at Harding Street and N. State Street since Harding Street will be a right-in, right-out only. In response to a concern expressed by **Stanley McIlvee, prior owner of 2nd Attic Self Storage**, Mr. Taylor advised that the developer is addressing the water issue in this area. Engineer Nick Rakowski explained that there will be some inlets installed and drainage run along the property line and a system that will take the water down Commerce Drive into the existing channel. In response to a question from **Don Taylor, deacon for Hopewell Community Church**, Mr. Hammond advised that access to Wilson Street has not yet been approved by the Borough of Pottstown. Mr. Hammond did advise that there will be deceleration lanes on Wilson Street in order to access the development. The Planning Commission briefly reviewed comments in LTL's letter dated February 17, 2010. The applicant agreed to comply with all comments as they relate to the Zoning Ordinance. The applicant also agreed to comply with most of the comments as they relate to the Subdivision and Land Development ordinance except for those issues for which they will be requesting waivers and those issues which will be addressed at final plan. The applicant will also be addressing most of the comments as they relate to stormwater

#4-09 COMMERCE CORNER LAND DEVELOPMENT – revised plan review (cont'd).

management except for those issues for which they will be requesting waivers and those issues which will be addressed at final plan. The applicant has noted they will address the comments in LTL's letter dated January 4, 2010 as part of the final plan approval. County Planner Mike Narcowich briefly reviewed his comments. Mr. Narcowich noted that he would recommend a tract buffer for the areas that abut residential properties and that he would not recommend a waiver from the required parking lot buffer. He further noted that he would recommend sidewalks on the west side of Commerce Drive and along at least one side of Harding Street since some people could potentially walk to the shopping center, connection of internal sidewalks, and a gazebo with a connection to the internal sidewalks. Mr. Heller committed to installing a common area somewhere on the site, but said he is not sure as to the location. George Reeves noted that they may need to have two to three smaller common areas as opposed to one big common area. In response to a question from **Diane Christman**, Nick Rakowski advised that there will be a retaining wall along the majority of the property line, and it will be located 25 feet from Mrs. Christman's property line. He further advised that the buildings located in the shopping center will be lower than her property and the landscaping will consist of 18 evergreens, 9 canopies, and 18 ornamental trees. Mr. Theisen noted that the tree line thins out in the back and suggested the developer look at planting a few more trees in this area. Mr. Fiocco advised that since there were significant changes to the plan, there is no need to review his letter from December, 2009 since that letter is based on the plans submitted back in November, 2009. Mr. Hammond advised that most of the comments involve issues that they will comply with or changes that need to be made to the plan. He further advised there were some questions for which Mr. Fiocco provided feedback on how they should proceed. Mr. Hammond noted that as soon as he is able to gather additional data and prepare a gap analysis for the Harding Street access, a new traffic study will be resubmitted. County Planner Mike Narcowich recommended the applicant investigate a secondary access especially for emergencies. In response to a concern expressed by Chairman Taylor, Mr. Hammond explained that they looked at four different peak times and there were some concerns. However, with the roundabout, they have showed that the traffic works with one access. Mr. Fiocco strongly recommends a secondary access or an emergency access. He suggested that an emergency access from PennDOT for Route 100 may be possible. Mr. Hammond advised that there are multiple internal access ways to get through and out of the development. He further advised that the issue is the ability to permit a secondary access. The developer did agree to investigate the possibility of a secondary or emergency access. In response to a question from Chairman Taylor, Mr. Hammond advised that he is not sure if the roundabout would be necessary if they are able to come up with a secondary access. In response to a concern expressed by **Doug Stetler**, Chairman Taylor advised that the applicant's engineer met with our Fire Chief and Fire Marshall early on in the planning process for this development. A motion by Miller, seconded by Ungerman, to recommend to the Board of Commissioners preliminary plan approval subject to the following conditions: (1) compliance with the requirements set forth in the LTL letter dated February 17, 2010; (2) revising the plans to depict a secondary access (ingress and egress to the site) which would be acceptable to LTL and McMahan Associates; (3) submitting revised plans that specifically provide for the proposed roundabout intersection as discussed and approval of the specification for the roundabout by LTL, McMahan and PennDOT; (4) the creation of a

#4-09 COMMERCE CORNER LAND DEVELOPMENT – revised plan review (cont'd).

community area on the plans, potentially with a gazebo feature, at a location or locations acceptable to the Township; (5) approval and permits of any and all applicable agencies, which may include, but not be limited to, PennDOT, DEP, Montgomery County Conservation District, the Borough of Pottstown and Pottstown Borough Authority; (6) the appropriate configuration of Commerce Drive, which is, ultimately acceptable to the Township and PennDOT; (7) the construction of additional traffic improvements as set forth in the McMahon letter of December 22, 2009, and subsequent improvements that may be deemed necessary by McMahon, based upon the review of the newly revised plans; (8) unappealable conditional use approval of the Board of Commissioners; (9) providing the site with public water and public sewer service at the applicant's sole cost and expense; (10) the preparation and execution of an Easement and Maintenance Agreement with the Township for that portion of Commerce Drive that is deemed to be private at this point; and (11) approval of the Township Fire Chief, Fire Marshall and Fire Department to ensure appropriate access to the site by emergency vehicles. All aye votes.

Diana Updegrave, 1404 Farmington Avenue, expressed concern that these lots where the existing businesses on Commerce Drive are located will become existing interior lots. Chairman Taylor explained that all rights that these business owners have now to use their property will remain the same. In response to a question from **Henry Stetler**, the portion of Commerce Drive within the shopping center will be 30 feet wide. Mr. Stetler expressed concern that tractor trailers are going to have trouble navigating the roundabout.

#1-10 COMMERCE CORNER LAND CONDITIONAL USE APPLICATION – Solicitor

Garner explained that shopping centers are permitted to conditional use. Therefore, the applicant has submitted a conditional use application, and a hearing has been scheduled before the Board of Commissioners for March 15, 2010. As a matter of process, the Planning Commission must review and make a recommendation on the application. Mr. Heller outlined some of the benefits of this project which include: (1) generating 800-1,000 jobs; (2) providing a nicer entrance to Commerce Drive; (3) benefiting eleven land owners; and (4) providing 350-400 temporary construction jobs. In response to a question from **Donald Taylor, deacon for Hopewell Community Church**, Mr. Heller advised that other than Carmike Cinemas, he cannot say who the other tenants are at this point since they do not have any signed contracts. In response to a question from **Pastor Levengood, Hopewell Community Church**, Mr. Heller advised that he may be able to accommodate the names of the remaining five businesses on Commerce Drive on another sign at the entrance to the shopping center. **Diana Updegrave, 1404 Farmington Avenue**, expressed concern that additional security may be needed for the site. In response to a concern expressed by **Stanley McIlvee, prior owner of 2nd Attic Self Storage**, engineer Nick Rakowski explained that they have addressed water to the end of their site, but are not addressing anything outside of their site. A motion by Ungerman, seconded by Miller, to recommend to the Board of Commissioners approval of the conditional use application. All aye votes.

ADJOURNMENT – A motion by Miller, seconded by Ungerman, to adjourn the meeting at 9:28 p.m. All aye votes.

Respectfully submitted,
Michelle L. Reddick