

**LOWER PROVIDENCE TOWNSHIP  
VILLAGE COMMERCIAL COMMITTEE  
OCTOBER 30, 2007 MEETING MINUTES**

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**1) Public Meeting: Call to Order**

- a) Supervisor DiPaolo called the public meeting to order at 7:05 p.m.

**2) Pledge of Allegiance**

**3) Roll Call:**

- a) The following committee members were present: Mr. Borai, Mr. Comroe, Mr. DiPaolo, Mr. Hager, Mr. Ozorowski, Mrs. Satterwhite and Mr. Stemple.
- b) Mrs. Maris and Mr. Ferraro arrived late.
- c) Mrs. Bateman and Mr. Kuberski were absent.
- d) Also present were Watson Olszewski from the Montgomery County Planning Commission, and Director of Community Development Michael Siegel.

**4) Discussion of Proposed Evansburg Village Commercial Ordinance:**

- a) The following document was reviewed during the meeting:
  - i) Proposed Evansburg Village Commercial Ordinance dated October 2, 2007, fifteen pages.
- b) Mr. DiPaolo introduced Mr. Olszewski, who has extensive VC experience working on the Montgomery County Planning Commission (MCPC), and has been a resident of Lower Providence Township for over 34 years.
- c) Mr. DiPaolo noted that when Mr. DeSa left, he provided a list of items yet to be completed. These items include finalizing the conditional use, sign and lighting ordinance standards. Mr. DiPaolo noted that they would complete the sign and lighting ordinances separately, creating a design manual for use by all districts. He would like to concentrate on the conditional use standards at this point.
- d) Mr. Borai commented that whatever they complete should be forwarded to the Planning Commission (PC) for review as quickly as possible. He was unhappy with the fact that the planners did not have any of the information discussed by the Village Commercial Committee (VCC) at their meeting last week.
  - i) Mr. DiPaolo reviewed the history behind last week's presentation to the PC regarding a status on the VCC's progress. He was not aware that the text amendment from last summer was on the PC's agenda, and felt it was unfair to them because they were not aware of what had been discussed at the VCC meetings.
  - ii) Mr. Ferraro arrived at this point in the meeting.
  - iii) Mrs. Satterwhite commented that the PC rejected the text amendment 5-0.
  - iv) Mr. DiPaolo questioned the need to change the existing ordinance at this point in time, since a comprehensive final ordinance draft will be available shortly.
  - v) Mr. Borai noted that the item was on the Board of Supervisors (BOS) agenda for this week, and up for a hearing at the BOS regular meeting November 15<sup>th</sup>. Mr. DiPaolo noted that he would be providing a status of the VCC at this week's BOS meeting.
  - vi) Mr. Borai remarked on how upset Mr. Moscariello was at the last PC meeting. Mr. Comroe stated that Mr. Moscariello verbally attacked him after that PC meeting, and he was afraid it would become physical.
- e) Mr. DiPaolo noted that the ordinance that was advertised is not what was voted on. He stated that they need to wrap up Evansburg and get that to the BOS. It is important that they do not get drawn into requests by individual developers.
  - i) Mr. Ozorowski noted that under the current VC ordinance, six districts are covered. They will continue to be covered by that single ordinance until this new one is adopted.

- ii) Mr. Siegel indicated that once the Evansburg VC ordinance is forwarded to the BOS and is advertised, it is a pending ordinance so no one can submit a plan under the older ordinance. This is why he is pushing to get this done.
- iii) There was a general discussion of sign and lighting ordinances. These will be addressed separately.
- f) As a point of order, Mr. Comroe noted that the previous meeting minutes should be voted on.

**5) Review and Approval of Meeting Minutes:**

- a) Review and approval of meeting minutes from October 2, 2007:
- b) **MOTION** – Mr. Ozorowski made a motion to approve the October 2, 2007 meeting minutes. Mrs. Satterwhite seconded the motion. The motion *passed* 5-0-2. Mr. Comroe and Mr. Stemple abstained from the vote because they did not attend the meeting.

**6) Discussion of Conditional Use Standards:**

- a) Prior to reviewing the conditional use standards, Mrs. Satterwhite requested that they revisit the possibility of a drug or medical center in Evansburg.
  - i) Mrs. Satterwhite remarked that there is a drug and alcohol problem in Methacton School District that she has become aware of from talking to other residents. If a treatment center was located in Evansburg, parents who may not want to go into Norristown or Pottstown could take their children there.
  - ii) It was noted that such treatment facilities exist in Eagleville and Valley Forge.
  - iii) Mr. Ozorowski indicated that they could go to a psychologist in a VC district, but not somewhere like a methadone clinic as long as it is outpatient. Mr. Comroe concurred, noting that a methadone clinic would not be permitted close to schools.
  - iv) Mr. Ferraro questioned if they wanted to promote that use in the VC district? He is concerned with the potential traffic it could bring. Mrs. Satterwhite knows there would be associated traffic, but thinks there is a need for nearby treatment for minors.
  - v) Further discussion provided the fact that therapy was covered under Professional Office uses, and Mrs. Satterwhite was OK with this.

**b) Review of Section 143-80 – Conditions of approval for all class two conditional uses:**

- i) Mr. DiPaolo began by reading Section 143-80.1. Mr. Ferraro questioned if the text “must be occupied with a permitted use” could cause problems. How would this apply to an abandoned house?
  - (1) Mr. DiPaolo explained that before they build a new structure, the old one would have to be rehabilitated (or this could be done at the same time) for a class two use to apply.
- ii) Note, all items referenced in this portion of the minutes are from Section 143-80, and will just be referred to as 1a, 1b, 2, 3 etc. rather than Section 143-80.1.a.
- iii) Mr. Hager suggested that the order be moved for 1a, moving it after item 1c. He thinks that they should be allowed to offer the building to a non-profit and then to the Township.
  - (1) Mrs. Maris arrived at this point in the meeting.
  - (2) There was a discussion of how the order of succession could be rearranged, and what was defined as a non-profit. *Item 1a will become 1c in the next draft of the ordinance, however they remain with their current section codes for this portion of the minutes.*
  - (3) Mr. Ozorowski commented that if the goal is to retain the buildings, the use should not matter as long as it is a permitted use.
  - (4) Mr. Ozorowski questioned the verbiage referring to the applicant providing suitable monies to the township for care and maintenance of the buildings. He asked if anyone has ever donated a building and then provided such money? Again, the goal is to retain the buildings. Mrs. Maris also takes exception to the impact requiring such money would have on a family and/or estate and is opposed to it.
  - (5) Mr. Olszewski suggested changing the verbiage to list it as a permitted use.

- (6) **MOTION** – Mr. Stemple made a motion to modify the first line of Section 143-80.1.a to delete the text “as a viable for-profit business;” and insert the text “for a use permitted in the district,”. Mr. Ferraro seconded the motion. The motion *passed* 8-0.
- iv) Mr. DiPaolo brought up Mrs. Maris’s issue of how it was inappropriate to have someone donate the building and require them to donate money for its’ maintenance. Mr. Borai and Mr. Ozorowski concurred with the requirement for a monetary donation as being unnecessary.
- (1) Mr. Hager commented that if they don’t require the maintenance money they are placing a burden on the Township. He cited the Casselberry House as an example.
  - (2) Mrs. Maris commented that the previous owners of the Casselberry House left it in a state of disrepair. Her house has been maintained by seven generations, and if her children cannot afford to keep the house they should not be penalized. If the house is in good shape when given to the Township it should not be hard to maintain.
  - (3) Mr. Ozorowski noted that at the end of the options in the ordinance, if no one wants the house it would be removed. And, if it is removed, the developer will not be able to have a class two use on that site. He commented that Code Enforcement could also make sure the home is maintained.
  - (4) Mr. Siegel commented that the developer could always be required to repair the house to a condition where the Township wants it. But the purpose here is to save the homes for their historical purpose.
  - (5) Mrs. Maris remarked that if people want to buy it, they should be able to do what they want with a home, and should not have to pay for someone else to use it. Mr. DiPaolo noted that they could tear down the home, but then they could only have a class one use on the property. He is trying to find a way to provide a density bonus.
  - (6) Mr. Ozorowski noted this does not automatically come into play with the sale of a property, only with land development.
  - (7) Mr. DiPaolo remarked that the Township does not have to accept the house if it is in disrepair. Mr. Siegel commented that they do have a right to have the house inspected.
  - (8) Mr. DiPaolo suggested adding text that if a non-profit or the Township does not reuse the building then it will not be permitted to have a class two use.
  - (9) **MOTION** – Mr. Ozorowski made a motion to add the following text to the end of item 143-80.1.d – “and the property will not be permitted to be a class two use.” Mr. Stemple seconded the motion. The motion *passed* 8-0.
- v) Mr. DiPaolo asked if they wanted to address the money issue? Mr. Olszewski commented that if an incentive is provided to build in the back of the lot they should want to fix up the existing buildings.
- (1) Mr. Borai suggested that sections 1a and 1b could be modified to have the applicant refurbish the property.
  - (2) Mrs. Maris thinks 1c should be removed.
  - (3) Mr. Hager thinks the text should be rephrased to state that the building is in usable condition.
  - (4) Mr. Siegel noted that they do resale inspections. Mr. DiPaolo suggested they require them to pass the inspection.
  - (5) Mr. Hager remarked that for a non-profit, they might not have the money to donate for the long-term maintenance of the building.
  - (6) Mr. Ozorowski stated that it is a conditional use hearing. If the BOS thinks the applicant can rehabilitate the property they can deny the use. There is a strong incentive to rehabilitate the house.
  - (7) Mr. DiPaolo indicated they need this built into the ordinance. Mr. Siegel suggested they be required to meet the requirements of the certificate of compliance.
  - (8) **MOTION** – Mr. Hager made a motion to modify Section 143-80.a and b, to delete the text requiring the applicant to give suitable monies for the long-term care and maintenance of the

building(s), and insert the text “providing that the applicant meets the requirements of the certificate of compliance.” Mr. Ozorowski seconded the motion. The motion *passed* 8-0.

- (9) Mr. Olszewski suggested that as long as it were a permitted use, paragraphs 1a, 1b, 1c and 1d could be merged.
  - (a) Mr. Hager noted that this would show whom the property could go to, which addressed the order.
  - (b) **MOTION** – Mr. Ozorowski made a motion to reorganize Section 143-80.1 so that under the provisions of the previous amendments the text is made to flow better. Mr. Stemple seconded the motion. The motion *passed* 8-0.
  - (c) Mr. Olszewski commented that the building must be used for a use permitted in the district that meets the certificate of compliance. They should not care about the use as long as it is permitted.
  - (d) Mr. Ferraro asked if the Township has a right of first refusal prior to any demolition? Mr. Olszewski asked if the Township refused any properties? Mr. Ferraro suggested this would apply the brakes to the developer, getting him to consider if he wanted to demolish a building.
  - (e) There was a general discussion of how to combine sections 1a through 1d.
  - (f) **ACTION ITEM** – Mr. Olszewski will try to combine the paragraphs, including the amendments, and email a proposed revision to the VCC.

vi) Section 2:

- (1) Mr. Hager asked why the date 1899 was used in the text? Mr. DiPaolo noted that there are no homes on the National Register after 1899.
- (2) Mr. Ozorowski asked what the style was that is referenced in this section? Mr. DiPaolo explained that Mr. DeSa took pictures of buildings in Evansburg and was putting together a style manual. There are several styles in that area. It was decided that this should be inserted into the text.
- (3) **MOTION** – Mr. Ozorowski made a motion to insert the text “typical of the Evansburg area.” after the text 1899. Mr. Ferraro seconded the motion. The motion *passed* 8-0.
- (4) **MOTION** – Mr. Hager made a motion to change sections 3 and 4 to sections 2a and 2b, making section 5 the new section 3. Mr. Ferraro seconded the motion. The motion *passed* 8-0.

vii) Section New 3 (Old section 5):

- (1) Mr. Siegel requested that they include reference to submission of renderings in electronic media format at the time of application.
- (2) **MOTION** – Mrs. Satterwhite made a motion to insert the text “at the time of application” after the word “information”; and insert the text “and architectural renderings in an electronic media format” after the text “existing structures” in the first sentence of this section. Mr. Ferraro seconded the motion. .
  - (a) Mr. Ozorowski asked if part of the conditional approval required the applicant to follow all submitted plans? Mr. Siegel indicated that was.
  - (b) Mr. Ozorowski asked if conditional use applications went to the PC? Mr. Siegel indicated that they went right to the BOS. The VCC could recommend that these go to the PC if they want. Mr. Ozorowski commented that it would force the developer to put all the information on the table.
  - (c) Mr. Hager commented that in the late 90’s, part of a conditional use procedure was to go to the PC, but the BOS has stopped that.
  - (d) **MOTION VOTE** – The motion *passed* 8-0.
- (3) **MOTION** – Mr. Ferraro made a motion that section 2 and new 3 be merged together into a new section 2.
  - (a) Mr. Hager disagreed that these sections do not go together. They are two separate items, design and process.

- (b) There was no second. *The motion died.*
- viii) Section 4 (Old section 6):
- (1) Mr. DiPaolo commented that this was a cross-access easement.
  - (2) Mrs. Maris indicated that parking was a problem for everyone in Evansburg and this should not just apply for buildings prior to 1899. Mr. Ozoroski noted that it was probably worded this way because it is for a conditional use for pre-1899 buildings. Also, by right you do not have to do this.
  - (3) Mr. DiPaolo commented that there was a typo in the first sentence; “within” should be “with.”
  - (4) Mr. Olszewski asked why they wouldn’t want to interconnect class one parking as well? Mr. Ozoroski noted that it should be in parking regulations for the district and not the conditional use hearing.
  - (5) **MOTION** – Mr. Ozoroski made a motion to replace the word “within” with the word “with” in the first sentence. Mr. Stemple seconded the motion. The motion *passed* 8-0.
- ix) Section 5 & 6 (Old sections 7 & 8):
- (1) There were no modifications to these sections.
- x) Section 7 (Old section 9):
- (1) Mr. Ferraro questioned if they needed to reference standards for this section?
  - (2) **MOTION** – Mr. Ozoroski made a motion to insert the text “pursuant to the Township’s VC lighting standards” at the end of this sentence. Mr. Comroe seconded the motion.
    - (a) Mr. Ferraro questioned if there should be a separate design committee? Mr. Ozoroski stated they didn’t need this because they would have the design manual.
    - (b) There was a discussion of who would develop the design manual. It was noted that the County had references for the manual.
    - (c) **MOTION VOTE** – The motion *passed* 8-0.
- xi) Section 8 (Old section 10):
- (1) There were no modifications to this section
- xii) Section 9 (Old section 11):
- (1) Mr. Siegel questioned the 6’ sidewalk width, noting that the Township standard is 5’, and there could be some problems with utilities. It was decided the width should be changed to 5’.
  - (2) Mr. Ferraro questioned the use of a decorative surface treatment, stating this might impede snow removal.
    - (a) Mr. DiPaolo indicated such a treatment would not effect snow removal.
    - (b) Mr. Hager noted it would also avoid the use of gravel or asphalt.
    - (c) Mrs. Satterwhite asked about using asphalt walkways colored to look like stone? Mr. DiPaolo remarked that the color wears away.
  - (3) Mr. Olszewski asked about the shelter projecting into the right-of-way. It was decided this should be removed.
  - (4) Mr. Siegel discussed the use of duratherm crosswalks at the schools, and noted that Penn Liberty Bank is also installing one from their property over to the Blockbuster corner.
  - (5) **MOTION** – Mr. Ozoroski made a motion to make the following changes to section 9:
    - (a) Change the sidewalk width from six to five feet;
    - (b) Insert the text “pursuant to the adopted design manual” after the text “surface treatment”;
    - (c) And to deleted the text “even if the shelter projects into the public right-of-way.”
    - (d) Mrs. Maris seconded the motion. The motion *passed* 8-0.
- xiii) Section 10 (Newly inserted):
- (1) There were no modifications to this section.
- xiv) Conditional Use Standards for Signs are listed below:
- xv) Section 11 (Old section 12):
- (1) There were no modifications to this section.
- xvi) Section 12 (Old section 13):

- (1) Mr. Ozoroski commented that this was written so that the sign is not flush on a building; it needs to project from the building or be a monument sign.
- (2) There were no changes to this section.
- xvii) Section 13 (Old section 14):
  - (1) Mr. Siegel remarked that this section should not be included because it encourages wall signs.
  - (2) The committee decided to strike this section.
- xviii) New Section 13 (Old section 15):
  - (1) There were no modifications to this section.
- xix) Section 14 (Old section 16):
  - (1) There were no modifications to this section.
- xx) Section 15 (Old section 17):
  - (1) Mr. Siegel commented that he does not like spot-lighted signs because they can cause traffic problems and children play with them. The signs should be illuminated from the top.
  - (2) Mr. DiPaolo suggested removing back-lighting.
  - (3) Mr. Ferraro does not have a problem with ground lighting. Mr. Hager noted that lighting the signs from above maintains the character of the Evansburg village.
  - (4) **MOTION** – Mr. Hager made a motion to insert the text “from above” after the text “spot-lighted” in the first sentence. Mr. Stemple seconded the motion. The motion *passed* 6-2. Mr. Ferraro and Mr. Comroe opposed the motion.
  - (5) **MOTION** – Mr. Hager made a motion to delete the last sentence relating to neon signs from this section. Mr. Stemple seconded the motion. The motion *passed* 6-2. Mr. Ferraro and Mr. Comroe opposed the motion.
- c) Review of Section 143-77 – Dimensional Standards:
  - i) Mr. Olszewski questioned item A4, the 80’ maximum building width. He commented that this was rather wide, with most of the existing buildings being less than 40’ wide. He recommends that this be changed to 40’ for class two, the same as class one.
    - (1) Mr. Ozoroski commented that there were not many lots that wide, and if such a building were in the rear of the lot it would be acceptable.
    - (2) Mr. Olszewski proposed breaking this into 4a and 4b, with different maximum widths for buildings directly facing the street and those located behind a historic structure.
    - (3) There was a discussion of lot sizes, parking and building width. Mr. Olszewski suggested that maybe by right a class one maximum width could be 30’ and class two could be 50’. Mr. Ozoroski noted the biggest problem would be with parking layout.
    - (4) **MOTION** – Mr. Stemple made a motion to modify section 143-77.A.4 maximum building width as follows:
      - (a) Section 143-77.A.4.a. – The maximum building width facing the street for Class I is 40’, and Class II is 50’;
      - (b) Section 143-77A.4.b – the maximum building width for a structure to be located 50’ from the ultimate right-of-way for Class I is 40’ and Class II is 80’.
      - (c) Mr. Ozoroski seconded the motion. The motion *passed* 8-0.
  - ii) Section 143-75.C – Legislative Intent Prohibited Uses:
    - (1) Mr. Olszewski noted that the way this is written, surface parking lots are prohibited. He thinks it was intended to prohibit parking lots as a primary use.
    - (2) **MOTION** – Mr. Stemple made a motion to insert the text “as a primary use” after the text “surface parking lots” in the second sentence. Mr. Ferraro seconded the motion. The motion *passed* 8-0.
  - iii) Section 143-75.A – Legislative Intent Class One Permitted Uses:
    - (1) **MOTION** – Mr. Ferraro made a motion to insert item A.15 with the text “Dwelling unit above a non-residential use” as a class one permitted use. Mr. Borai seconded the motion. The motion *passed* 8-0.

## 7) Discussion of Upcoming Agenda & Meeting Date 11/13:

- a) Mr. DiPaolo asked if they could meet on November 13<sup>th</sup>? This was an acceptable date.
- b) Mr. DiPaolo noted they would insert tonight's changes into the ordinance and redistribute it to the committee.
- c) Mr. Ferraro thinks it is premature to do this without the lighting standards. Mr. Borai noted that they need to show the BOS something.
- d) **ACTION ITEM** – The changes approved tonight must be incorporated into the draft ordinance and e-mailed out to the VCC for final review.

**8) Public Comment:**

- a) There was no comment at this time.

**9) Adjournment:**

- a) **MOTION** – Mr. Stemple made a motion to adjourn the meeting. Mrs. Maris seconded the motion. The motion *passed* 8-0. The meeting adjourned at 9:53 p.m.

**Upcoming Meetings:**      November 13, 2007