

**BOYERTOWN PLANNING COMMISSION
MINUTES
November 26, 2019**

A meeting of the Boyertown Planning Commission was called to order at 7:00 p.m. by Chairman Charles Neubauer. Commission members present in addition to Mr. Neubauer, were Charles Fryer, Frank Deery, and Barry Christman. Commission member William Hunter was absent.

Also present were Christopher Hartman, solicitor; Nicholas Szeredai, Spotts, Stevens, & McCoy; Philip Ashear, Systems Design Engineering, Inc.; William Colby, Esquire; and John Aston, Aston Surveyors & Engineers, Inc.

Chairman Neubauer called for public comments on the agenda; no comments were forthcoming.

A motion to approve the minutes of the October 24, 2019 meeting of the Commission was made by Mr. Frank Deery, seconded by Mr. Charles Fryer, and approved.

The first order of business was review of the Minor Final Plan of Boyertown Oral & Maxillofacial Surgery Properties, LLC. The SSM, Inc. engineers' review letter and the SDE, Inc. zoning review letter were reviewed and discussed. Mr. Aston will revise the plan in accordance with the recommendations contained in the review letters. Discussion was held concerning a second driveway access to the site onto the alley. The Commission agreed to allow the second access. Discussion was also held concerning deferring stormwater planning until PennDOT completes a review of the Highway Occupancy Permit; the Commission agreed. The Commission also recommended the Borough send a letter to PennDOT approving the layout of the office building project with the hope that the letter may speed up the approval process.

The next agenda item was review of the Conditional Use Application submitted by O'Connor Investment Company, LLC, 56 S. Washington Street to reduce the number of off-street parking spaces required for expansion of seating from sixteen seats to thirty-six seats at its existing Brakeman's Café. Mr. William Colby, attorney for the applicant informed the Commission that his client recently executed an agreement of sale for the purchase of the adjoining property. Mr. Colby noted that off-street parking required for the expansion of the café may be met by utilizing parking at the adjoining property. Mr. Colby stated an existing garage will be demolished and a parking plan will be submitted to the Commission. In addition, Mr. Colby noted offers from neighboring property owners to lease parking spaces for the Café. Written proof of leases will be provided to the Commission.

Following all discussion, Mr. Colby agreed to a continuance of the Conditional Use Hearing scheduled to be held before Borough Council at 7:30 p.m. on December 2nd, 2019 until the January 6th, 2020 meeting of Borough Council.

Solicitor Hartman then updated the Commission on the Borough's proposed amendment to the Joint Zoning Ordinance as well as the amendment proposed by Colebrookdale Township. Mr. Hartman stated that the Township has been advised that there will likely be a legal challenge to their proposed amendment to include congregate care facilities as a conditional use in the MDR Zoning District.

Mr. Hartman further advised that the Township Solicitor is preparing another zoning ordinance amendment concerning campgrounds. This amendment is currently being drafted by the solicitor and at this time Mr. Hartman has not seen the ordinance.

Mr. Hartman recommends the Borough join their proposed ordinance amendment with the township's campground amendment. Mr. Hartman advised that he doesn't want to see enactment of the Borough's amendment delayed due to a legal challenge of the Colebrookdale amendment.

Following discussion, a motion was made by Mr. Charles Fryer, seconded by Mr. Frank Deery to recommend Borough Council agree to the adoption procedure laid out by Solicitor Hartman to include the Borough's amendment prohibiting first floor apartments in the TC Zoning District with Colebrookdale Township's amendment concerning campgrounds, and to allow the amendment concerning congregate care facilities to proceed as a separate zoning amendment. The motion was approved by the membership present.

There being no further business to discuss, a motion to adjourn the meeting at was made by Mr. Barry Christman and seconded by Mr. Charles Fryer. The next meeting of the Planning Commission is scheduled to be held on Thursday, December 26, 2019.

Respectfully submitted,

Patricia A. Loder
Borough Secretary