

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

A meeting of the Boyertown Planning Commission was called to order at 7:00 p.m. by Vice Chairman William Hunter. Commission members present in addition to Mr. Hunter were Charles Fryer, and Frank Deery. Commission member Barry Christman arrived at approximately 7:12 p.m. Commission Chairman Charles Neubauer was absent.

Also present were Christopher Hartman, solicitor; Patricia Loder, Borough Manager; Thomas Unger, Systems Design Engineering, Inc.; William Colby, Esquire; and Mr. & Mrs. Thomas O'Connor, O'Connor Investment Company, LLC.

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

Approval of the minutes of the November 26, 2019 meeting of the Commission was tabled to the next meeting of the Commission.

Mr. Hunter then requested Solicitor Hartman begin review and discussion 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. Hartman began discussion of the Brakeman's Café parking situation and how they plan to provide the 13 off-street parking spaces required by the Zoning Ordinance. Mr. Hartman noted that the parking plan provided by the applicant indicates a total of 7 parking spaces on 56 South Washington Street and 203 East Third Street to be counted toward use by the Café. Mr. Hartman recommended O'Connor Investment Company, LLC either combine the two lots with a new deed, or enter into a recorded agreement with the Borough providing that 203 East Third Street cannot be transferred without providing replacement parking satisfactory to the Borough. Mr. Colby, attorney for O'Connor Investment Company, LLC indicated that his client will enter into an agreement with the Borough. Mr. Colby also informed the Commission that the property settlement for 203 East Third Street has been delayed due to a complication with an old mortgage. The title company and the lending institution involved on working to resolve the problem. It was noted that this is not an uncommon occurrence.

Mr. Hartman then discussed with the applicant the use of parking spaces offered by the owner of 32 South Washington Street. Mr. Hartman noted that credit of any off-street parking at this location could only be granted if the property owner converts the property from a 2-unit residential dwelling to a single-family use. The property as it is currently configured is provides and is required to provide a total of 4 off-street parking spaces.

Regarding 3 parking spaces offered by Visions Dance Company at 116 Pear Street, for Café employee parking. Mr. Hartman noted the Borough will require evidence that Visions Dance Company has the right to sublease the spaces, or receives a letter from the property owner, the Berks County Redevelopment Authority, approving the sublease. Mr. Hartman noted that even if Visions Dance Company can provide some off-street parking spaces, it appears the Café use would still be short 3 spaces on weekdays and 6 spaces on weekends.

Mr. Hartman noted that if the Borough is willing to approve the Conditional Use Application, the Borough may approve the 7, plus 3 on weekdays, off-street parking spaces in place of the 13 required by the Zoning Ordinance, if the Borough is satisfied that a substantial number of the Café patrons walk from some other location in the Borough; or that on-street parking is able to absorb some of the parking needs of the Café; or that use of the Borough Hall parking lot on weekends is able to absorb some of the parking needs of the Café use.

Discussion was held on the matter following which Mr. Hartman provided the following motion for consideration by the Commission. A motion to recommend Borough Council approve the Conditional Use Application filed by O'Connor Investment Company, LLC providing 7 off-street parking spaces, plus 3 on weekdays, in place of the 13 required by the Zoning Ordinance, considering that a substantial number of the Café patrons walk from other locations in the Borough; that on street parking is able to absorb some of the parking needs of the Café; and the use of the Borough Hall parking lot on weekends is able to absorb some the parking needs of the Café; and conditioned upon evidence of closing on the property located at 203 East Third Street; entering into a recorded agreement with the Borough providing that the property cannot be transferred without providing replacement parking satisfactory to the Borough; a letter from the Redevelopment Authority of Berks County authorizing Visions Dance Company to sublease parking spaces at 116 Pear Street; designation of 2 of the 7 parking spaces for use by the residential occupants; and if use of the 116 Pear Street parking lot is lot the spaces must be replaced. The motion was made by Mr. Deery, seconded by Mr. Fryer and approved by the membership present.

There being no further business to discuss, a motion to adjourn the meeting at 7:50 p.m. was made by Mr. Deery and seconded by Mr. Hunter. The next meeting of the Planning Commission is scheduled to be held on Thursday, January 23, 2020.

Respectfully submitted,

Patricia A. Loder  
Borough Secretary