

HATFIELD BOROUGH PLANNING COMMISSION

May 3, 2021



**KENNETH V. FARRALL, CHAIR
LARRY BURNS, VICE CHAIR
JOHN KROESSER, MEMBER
MICHELLE KROESSER, MEMBER
LAWRENCE G. STEVENS, MEMBER**

MICHAEL J. DEFINIS, BOROUGH MANAGER

**2. Motion to Approve the
February 1, 2021 Meeting Minutes**

PLANNING COMMISSION

February 1, 2021 7:00PM

Held via ZOOM - Registration Required
Meeting Minutes

REORGANIZATION

NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR: Manager DeFinis informed the Planning Commission at this time they will recognize nominations for Chair of the Planning Commission.

Motion: A motion was made Larry Stevens to nominate Ken Farrall as the Planning Commission Chair. The nomination was seconded by Larry Burns and unanimously approved with a vote of 3-0.

NOMINATION AND ELECTION OF PLANNING COMMISSION VICE CHAIR: Manager DeFinis informed the Planning Commission at this time they will recognize nominations for Vice Chair of the Planning Commission.

Motion: A motion was made by Larry Burns to nominate himself, Larry Burns as Vice Chair of the Planning Commission. The nomination was seconded by Larry Stevens and unanimously approved with a vote of 3-0.

ROLL CALL

- (X) Kenneth V. Farrall, Chair
- (X) Larry Burns, Vice Chair
- () John Kroesser
- () Michelle Kroesser
- (X) Lawrence G. Stevens

The record shows that three members of the Planning Commission were present along with Borough Manager Michael J. DeFinis, Borough Assistant Manager Jaime E. Snyder, and Borough Engineer Chad Camburn from Bursich.

1. APPROVAL OF THE AGENDA:

Motion to Approve the February 1, 2021 Planning Commission Meeting Agenda

Motion: A motion was made by Larry Burns to Approve for the Agenda of February 1, 2021 Planning Commission Meeting Agenda. The motion was

seconded by Larry Stevens and unanimously approved with a vote of 3-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the August 3, 2020 Planning Commission Meeting.

Motion: A motion was made by Larry Stevens to Approve the August 3, 2020 Meeting Minutes. The motion was seconded by Larry Burns. The Motion was unanimously approved with a vote of 3-0.

3. 43 Roosevelt Preliminary Land Development Presentation:

Arthur Hurling, owner of 43 Roosevelt Avenue introduced his team Kimberly Freimuth and Jason Smeland then reviewed the preliminary land development presentation for 43 Roosevelt Avenue for the Planning Commission.

Mr. Hurling stated that the 43 Roosevelt proposal consists of a a single family detached dwelling cape cod with a detached metal garage along with the two quad units located on Girard Terrace. Mr. Hurling added the proposed plan would be two, twin townhome units for a total of four new units at this corner lot location. Mr. Hurling then addressed the lay out and the proposed design of the homes with the Planning Commission, along with addressing exterior landscaping and driveway locations.

The Borough Engineer Chad Camburn stated that his review letter can be worked out and it looks from this rendering that many issues were addressed including the proposed driveways needing to be five feet off the property lines and originally, they were only two. Mr. Camburn added it also looks that landscaping was adding to the lot four driveway to address the head end parking or exhaust and also added for buffering. Mr. Camburn mentioned the setback lines but believes the developer is going to request a waiver for this. Finally, Mr. Camburn stated that the stormwater will need to be addressed but believes that between him and the applicant's Engineer this can be taken care off.

Jason Smeland, the applicants Engineer, stated that they are looking at the stormwater and like the idea presented by the Borough Engineer of a bypass pipe and are willing to work with Chad on this issue. Jason added that they are still looking to ask for a waiver for the stormwater volume requirement related to infiltration.

Chairman Farrall asked about the Zoning issue stated on the review letter and Mr. Smeland stated that this was revised on this plan along with the trash area which can be seen on this plan in orange. Mr. Smeland added that other than that, we will comply with all noted in the review letter.

Chairman Farrall addressed the Utility Engineers Review Letter and McMahon Associates review letter and Mr. Smeland stated they will comply with all of them but the alley is used sometimes by a neighbor and they would prefer to leave as is as they do not need access but neighbors use it.

Manager DeFinis stated that his only concern would be the sight triangles and the placement of trees in the front yard where utilities will be placed as this can cause an issue in the future as we are currently seeing through the Borough, especially with I & I.

A discussion ensued amongst the Planning Commission and the applicant and it was stated that the applicant will work with the Borough Engineer to address the site triangles and front yard landscaping and note on the plan that lot four landscaping needs to be maintained to a certain width and height.

Chairman Farrall asked if the applicant had received anything from the MCPC and he stated he has not seen anything yet but will follow up. Manager DeFinis added that nothing has been received by the Borough at this point but he will check with the Code and Zoning Department tomorrow.

Chairman Farrall stated let's act on the three waivers then preliminary approval.

Chairman Ken Farrall asked for a Motion to Approve a Waiver for SALDO Section 22-410 & 412.H Relating to Sight Triangles.

Motion: A motion was made by Larry Burns and seconded by Larry Stevens to Approve a Waiver for SALDO Section 22-410 & 412.H Relating to Sight Triangles. The motion was unanimously approved with a vote of 3-0.

Chairman Ken Farrall asked for a Motion to Approve a Waiver for Stormwater 26-123.B(2) & B.(4) Relating to Volume Requirement Related to Infiltration.

Motion: A motion was made by Larry Stevens and seconded by Larry Burns to Approve a Waiver for Stormwater 26-123.B(2) & B.(4) Relating to Volume Requirement Related to Infiltration. The motion unanimously approved with a vote of 3-0.

Chairman Ken Farrall asked for a Motion to Approve a Waiver for Engineering Standards Relating to the Building Setback Requirements for Stormwater Management.

Motion: A motion was made by Larry Stevens and seconded by Larry Burns to Approve a Waiver for Engineering

Standards Relating to the Building Setback Requirements for Stormwater Management. The motion was unanimously approved with a vote of 3-0

Chairman Ken Farrall asked for a motion to Approve Preliminary Land Development based on addressing the Planning Commissions concerns with the Borough Engineer for the sight triangles and landscaping, working out all comments in the Borough Engineer Review Letter, and based on the MCPC response letter for 43 Roosevelt Avenue.

Motion: A motion was made by Larry Stevens and seconded by Larry Burns to Approve Preliminary Land Development based on addressing the Planning Commissions concerns with the Borough Engineer for the sight triangles and landscaping, working out all comments in the Borough Engineer Review Letter, and based on the MCPC response letter for 43 Roosevelt Avenue. The motion unanimously approved with a vote of 3-0.

4. Bennett's Court Preliminary Land Development Discussion:

Manager DeFinis stated that they are looking to present at the next Planning Commission Meeting as they had some issues they needed to work out before submission, one being an emergency egress, which they are having trouble finding.

Chairman Farrall added that we need to remember, this is not required, as we do have col-de-sacs permitted in our Ordinance.

Chad Camburn, the Borough Engineer stated that the applicant does have some big items to address and it was suggested to have a staff meeting to address and clean up some of these items before presenting to the PC or Borough Council.

5. OLD BUSINESS:

A. Edinburgh Square Land Development Update

Manager DeFinis stated the developer started out fine with the grading permit but then placed some utilities into the road without a permit and in the wrong location so they are being asked to remove those utilities and relocate them to how they were on the plan.

6. New Business:

A. 2021 Meeting Dates

Manager DeFinis reviewed the 2021 Meeting Dates

Manager DeFinis stated that funding was approved for Codification in 2021. Manager DeFinis added that Codification must come before the Comprehensive Plan which the Borough would like to peruse within the next few years.

Chairman Farrall added that if any Planning Commission Member would like to see any changes or additions to our Ordinances, this is the time to propose them.

C. Feral Cat Ordinance / Chapter 2

Manager DeFinis stated that there is an issue with several residents on several streets and feral cats. Manager DeFinis stated that research was done with other municipalities and the sample ordinance in your packets was provided.

A small discussion ensued and Chairman Farrall asked all members to bring comments to the next meeting.

D. Sewer Lateral Repair Ordinance / Chapter 18

Manager DeFinis stated that this came up as a discussion with other municipalities along with I & I reduction. Manager DeFinis stated that when a property in the Borough is sold, it is to be televised to see if it needs repairs. Manager DeFinis added that this could cut down on significant I & I in the Borough.

Larry Burns asked would this be at the cost to the homeowner and how much? Manager DeFinis stated yes, and televising is around a few hundred dollars but if a repair is needed, it would cost more.

Chairman Farrall asked all members to bring comments to the next meeting.

Larry Steven asked who else has this in place? Manager DeFinis stated that Hatfield Township does, and it seems to have been a movement over the past ten years for other municipalities.

7. Action Items: (acted on previously for 43 Roosevelt)

8. Next Meeting Monday March 1, 2021 7:00PM

9. Motion to Adjourn

Motion:

A motion was made by Larry Stevens to adjourn the February 1, 2021 Planning Commission Meeting. The Motion seconded by Larry Stevens and unanimously approved with a vote of 3-0.

Planning Commission Meeting Minutes
Respectfully Submitted,

February 1, 2021

Jaime E. Snyder
Borough Assistant Manager

3. Bennett's Court Preliminary Land Development Presentation:



APR 27 2021

April 26, 2021

Hatfield Borough
401 South Main Street
P.O. Box 190
Hatfield, PA 19440

Attention: Mr. Michael J. DeFinis
Borough Manager

RE: Bennett's Court Subdivision & Land Development
Preliminary Plan Review #3
Bursich Job No.: HAT-01/187965

Dear Mike:

As requested, Bursich Associates, Inc. has reviewed the revised Preliminary Subdivision and Land Development Plan submission for the Bennett's Court Townhouse project. The submission consisted of the following information prepared by Boucher & James, Inc. Consulting Engineers:

- Plans titled Bennett's Court, consisting of sheets 1 through 21 of 21 dated October 4, 2019, with latest revision date of March 31, 2021
- Report titled Post Construction Stormwater Management - Bennett's Court, dated October 4, 2019, with latest revision date of March 31, 2021
- Entrance Exhibit dated March 31, 2021 with no revision date
- Emergency Access exhibit dated March 31, 2021 with no revision date
- Waiver Requests letter dated March 31, 2021
- Response to January 26, 2021 Borough Review letter dated March 31, 2021
- Availability of Water Capacity letter from the North Penn Water Authority dated August 11, 2020
- Sufficient capacity letter from the Hatfield Township Municipal Authority dated January 15, 2021
- Sanitary sewer adequate capacity letter from the Borough of Hatfield dated January 21, 2021

ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS



2129 E. High Street | Pottstown, PA 19464
N 40° 14' 40.2" W 075° 36' 09.6"

610.323.4040
www.bursich.com

Based on the plans submitted, the properties proposed for subdivision contain four parcels located on the eastern side of Maple Avenue in the R-3 Residential/Commercial Zoning District. One tract has frontage on Maple Avenue and consists of an existing dwelling, garage, driveways, and grass and wooded areas. The other parcels are located along what is described as a 33 feet wide unimproved right-of-way labeled as E. Broad Street. To the best of the Borough's knowledge, E. Broad Street was never dedicated to the Borough. Properties located between the subject parcels and Maple Avenue utilize the E. Broad Street land, and an additional alley connected to the E. Broad Street land, for access to their properties. The applicant intends to convey the E. Broad Street land to the applicant, Prestige Property Partners, LLC, through a quitclaim, and then convey the new parcel to a homeowner's association for use as a private street right-of-way. The municipal boundary with Hatfield Township is located along the eastern tract boundaries.

The plans propose to consolidate the existing parcels and subdivide the consolidated property into one lot consisting of the existing single-family dwelling, eighteen townhouse unit lots, three open space areas, and one private street right-of-way. The proposal also includes developing eighteen new townhouse units in three buildings, constructing a cul-de-sac street and parking lots within the new private street right-of-way and open space areas, and constructing associated utilities and stormwater controls.

We offer the following for your consideration:

VARIANCES GRANTED

The Hatfield Borough Zoning Hearing Board granted the following variances from the Borough's Zoning Ordinance on September 3, 2019:

1. A variance from Section 27-811.C to allow a 12 feet deck in the required yard for two of the proposed lots (lots 17 and 18).
2. A variance from Section 27-815 to permit more than 70% of the front yard between the right-of-way and the setback line to be a paved driveway.
3. A variance from Section 27-1408.2 to allow two parking spaces on each lot to be located within the front yard.
4. A variance from Section 27-1407 to allow two of the proposed lots (lots 17 and 18) to have less than the required 50 feet rear yard.

The relief was granted subject to the following conditions:

1. Applicant shall meet with the owners of the properties on both sides of East Broad Street to determine whether the roadway may be widened to a width of 24 feet. If said owners agree, Applicant shall widen the roadway at its costs during the construction of the proposed development project.

The plans illustrate the area of E. Broad Street between the affected properties to be improved with curbing, sidewalk, and 28-foot wide paving consisting of two 10-foot wide travel lanes and 8-foot wide on-street parking spaces. The engineer's response letter indicates that conversations with the neighboring properties are on-going, and documentation will be provided once finalized.

2. Applicant shall provide a landscape buffer between the subject property and any adjacent residentially used or zoned lots located within the Borough.

The development is proposed to be buffered from the adjoining properties with plantings and privacy fences. The Zoning Officer should determine if the proposed buffers meet the intent of the Zoning Order.

3. The alley located north of East Broad Street along the western property line of the Subject Property shall be preserved and shall be improved, at Applicant's cost, as part of the development of the Subject Property. If all of the owners of the adjacent properties allow access to the portion of the alley located on said properties, Applicant shall improve the full width of the alley at Applicant's cost.

The plans illustrate the alley to be paved within an existing 16-foot wide "Alley ROW". The applicant shall confirm that the adjoining owners are allowing access to the portions of the alley located on their respective properties.

4. Applicant shall apply for and receive Subdivision and Land Development approval from the Borough and such approval shall show that the proposed development satisfies the requirements of the emergency service providers providing service within the Borough.

The Applicant shall provide approval letters from the applicable Fire Company, Police Department, Ambulance providers, etc. to the Borough's satisfaction.

5. The subdivision of the lot to be created on Maple Avenue shall meet the requirements of the Borough's Zoning Ordinance.

The plans illustrate the removal of the existing shed, and portion of the garage, in order to comply with the required property line setbacks.

6. The proposed development of the Subject Property shall be consistent with the plans and testimony presented at the Hearing.

The proposed townhouse subdivision plans appear to be generally consistent with the Zoning Hearing plans. All future iterations of the plans must remain consistent.

WAIVERS REQUESTED

The Applicant has requested waivers from the following sections of the Subdivision and Land Development Ordinance via a letter dated March 31, 2021:

1. §22-408.3.B - a waiver to allow the cul-de-sac bulb to be partially located within an easement with a 48-foot radius, rather than within a right-of-way with a 60-foot radius.
2. §22-408.3.C - a waiver to allow a cul-de-sac street length of 665 feet in lieu of the maximum allowable length of 500 feet.
3. §22-408.3.D - a waiver from providing an emergency access.

We recommend an emergency access be provided if at all possible. We are concerned with resident egress, and emergency vehicle ingress and egress, in the case of an emergency at one of the western-most buildings. The applicant has provided a conceptual Emergency

Access exhibit and indicated they are coordinating with the affected property owners to secure approval.

4. §22-409.D - a waiver from providing curbing or other form of rigid edge stabilization along the existing alley to be paved.

The correct section is §22-409.1.D(3).

5. §22-413.F -
 - A. a waiver to allow the sidewalks to be less than 6 inches from the street right-of-way.
 - B. a waiver to allow the sidewalk to be adjacent to the curb rather than providing a grassed strip between the edge of the sidewalk and the curb.
6. §22-414.A(2) - a waiver to allow angled or perpendicular parking on streets.

An eight-space perpendicular parking lot is proposed to be located along Bennett's Court.

7. §22-414.B(2) - a waiver to allow parking within 20 feet of the tract boundary line.

The eastern parking lot proposes two spaces within 20 feet of the tract line, with the closest space approximately twelve feet from the tract line. The southern parking lot proposes two spaces within 20 feet of the tract line, with the closest space approximately six feet from the tract line. The plans propose a landscaping screen along the parking lots.

7. §22-418.5 - a waiver to allow the proposed lots to have frontage along a private street rather than a public street.
8. §22-420.1.B(2) - a waiver from planting new trees a minimum of five feet from the sidewalks.
9. §22-420.1.B(3) - a waiver from planting street trees at the spacing required in this section.
10. §22-421.1.C(3) - a waiver to allow different species of plants than those in this section.
11. §22-428 (§102) -
 - A. a waiver from providing right-of-way arcs with a minimum radius of 20 feet where proposed Bennett's Court (current E. Broad Street) intersects Maple Ave.
 - B. a waiver to allow pavement arcs of 10 feet and 15 feet, rather than 35 feet, where proposed Bennett's Court intersects Maple Ave.

ZONING ORDINANCE COMMENTS

1. §27-1407
 - A. Cul-de-sac Right-of-Way

The required front yard is 30 feet, and the required side yard is 20 feet. SALDO §22-408.3.B requires a right-of-way for a cul-de-sac street to have a minimum radius of 60 feet. The applicant is proposing a waiver to allow a "Turnaround/Parking/Snow Easement" around a portion of the turnaround area in lieu of a right-of-way. The easement appears to have a 48 foot radius.

- 1) If the Borough determines a right-of-way is required with a radius of 60 feet, Lot 12 will not meet the front yard setback requirement.

B. Rear Yard

Based on the definition of "Yard", a yard is measured at right angles from the lot line to the nearest building wall.

The Borough Zoning Officer issued an email on March 23, 2021 confirming approval of the proposed rear yards for Lots 17 and 18.

2. The applicant proposes to create a private street in what is currently the area of an undedicated "paper" street, which is intended to be conveyed to the applicant through a quit claim prior to the recording of the plans for this subdivision. The proposed site layout on the record plans must illustrate the southern and eastern boundaries of the private street, including the boundaries along the Stauffer and Lersch properties, as proposed right-of-way lines. Access easements for the existing properties currently utilizing E. Broad Street, and notes clarifying the quit claim, shall be added to the satisfaction of the Borough Solicitor.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. §22-404.1 – The proposed street is classified as a Local Access street with a required ultimate right-of-way of 40 feet. The existing width between the Stauffer and Lersch properties, which is proposed as a new private street, is 33 feet. The applicant should request a waiver from this requirement due to restrictions caused by existing conditions.
2. §22-408.3.C – Permanent Cul-de-Sac Streets
 - A. A dimension shall be added to the most distant point on the edge of pavement of the turnaround, measured along the cul-de-sac street's center line. The sum of the street segment distances must match the length in the requested waiver from this section.
3. §22-410.E – We note that a number of existing permanent features that would obstruct sight distances to and from Maple Avenue are located within the sight triangle. The Borough may wish to consider requiring a three-way stop at this intersection.
4. §22-413 – Sidewalks and Curbs
 - A. Details shall be provided for the transitions from vertical curb to depressed curb and curb cuts.
 - B. Handicap ramps shall be designed in accordance with PennDOT standards, and design details shall be provided. Certified As-built plans of each ramp shall be provided during construction. If a three-way stop will be added at the intersection of Bennett's Court (E. Broad Street) and Maple Ave, the Borough should consider if it would like the applicant to install a crosswalk across Maple Ave, and a handicap ramp on the western side.
 - C. The applicant provided an Entrance Exhibit illustrating the street and sidewalk alignment with the sidewalk on one side of the street rather than crossing mid-block. The Borough and its Traffic Engineer should consider which alignment is preferred. It is our opinion that continuing the sidewalk on one side of the street is more appropriate to minimize pedestrian street crossings.
5. §22-413.G – Sidewalks shall be provided in appropriate locations to provide safe and efficient access between parking areas and buildings.
 - A. We recommend driveway aprons and sidewalk be installed from unit 13 to the furthest space of the eight-space parking lot.

6. §22-414.B(2) – dimensions shall be added to sheet 3 showing the closest distances from the parking lots to the tract boundary lines.
7. §22-420.C – Landscaping Buffers
 - A. The limits of the proposed fencing along the eastern and northern property lines must be illustrated more clearly.
8. §22-420.D.(2) – A 100 percent performance bond shall be posted to ensure replacement of landscape material that is removed, destroyed, damaged, or in ill-health within 15 months of installation. We also recommend an agreement be recorded perpetually requiring the Homeowner's Association to replace any landscaping that dies at any point in the future.
9. §22-428 – Compliance with Engineering & Construction Standards:
 - A. §108.3.A – A letter of endorsement shall be required from the suppliers of utility services wherein the applicant acknowledges that underground utilities are feasible.
 - B. §108.3.D – The proposed street light on Lot 12 at the cul-de-sac bulb shall be shifted out of the sidewalk. Also, the Borough should determine if it would like a street light installed at the intersection of Maple Ave. and E. Broad Street, as a bus stop would likely be dark during the winter months.
 - C. §110 – Fire hydrants shall be located at accessible points throughout the subdivision and shall be located according to the Fire Marshal and Water Authority. If the proposed fire hydrant on Lot 12 at the cul-de-sac bulb cannot be shifted out of the sidewalk, then the sidewalk shall be widened around the hydrant.
 - D. §112.1 – A right-of-way monument shall be installed where the proposed right-of-way intersects the Hatfield Village Associates property. Appropriate markers shall be installed where the right-of-way changes direction within the alley and in front of Lot 10.
 - E. §114 – The plans shall comply with these standards if the Borough requires an emergency accessway.
10. §22-502.B – A cost estimate to establish financial security for the completion of the proposed improvements shall be provided.

STORMWATER COMMENTS

1. §26-122.1.B.(3) – A PaDEP NPDES construction activities permit is required for regulated earth disturbance activities.
2. §26-161 - For subdivisions and land developments, the applicant shall provide financial security acceptable to the Borough of Hatfield for the timely installation and proper construction of all stormwater management (SWM) facilities as specified in this section.
3. §26-164 – A Stormwater Operation and Maintenance Agreement must be provided to the Borough Solicitor's satisfaction.
4. A minimum of one-foot of stone cover (not including asphalt) shall be provided over the storm pipes in the street. The pipe inverts shall be revised accordingly.
5. The Demolition Plan on sheet 4 shall clarify the existing features to be removed, including the stormwater and sanitary utilities.

6. A detail shall be provided for the inspection ports in the paved areas. The Trench Restoration Detail on plan sheet 9 shall remove the note indicating that earth backfill can be used in new road areas and clarify note 5 regarding the 30-day timeframe for temporary paving.
7. Elevations for inlet box bottoms shall be provided for all inlets containing snouts.
8. The details for the stormwater BMP outlet structures must clarify which structures they represent with respect to the Utility and Grading Plans and design report. The BMPs must be labeled on the plans and match labels in the design report. Elevations and slopes must be consistent on the plans and design calculations. BMP labels must be consistent on all plan sheets. The information on the plans must be consistent with the design report. Specific details must be provided for each BMP, and elevations must be provided for all critical components of the BMP to confirm that they can be constructed and will function in accordance with the design calculations.
9. Pre- and Post-development runoff shall be analyzed at the storm inlet in Maple Ave. We recommend the design engineer meet with us to discuss the stormwater points of interest to be evaluated.
10. In general, it is difficult to review the stormwater management design due to the lack of labels and inconsistent information on the plans and design report. Rather than issuing a lengthy stormwater review, we recommend the design engineer meet with us to discuss our questions and concerns. If the applicant prefers us to issue a letter in lieu of meeting with the engineer, we can do so, and will require additional time to prepare our comments.

EROSION AND SEDIMENTATION CONTROL COMMENTS

While we defer to the Montgomery County Conservation District for review of Erosion and Sedimentation Controls, the following are general comments based on our review of the project plans:

1. The proposed compost filter socks must be extended along the length of the western and northern tract lines.
2. A tire wash station must be provided for the site.

SANITARY SEWER COMMENTS

1. Storm sewer and water utilities must be illustrated on the street profile to identify potential conflicts. Based on the proposed depth of the sanitary main, there may be a conflict with the water utilities. The conflict could likely be eliminated by running the sewer main at a 1.5-percent slope from Maple Avenue to the terminus manhole.
2. Standard sanitary sewer details will be provided to the applicant's engineer prior to final plan approval.
3. PaDEP Sewage Facilities Planning shall be addressed.

GENERAL COMMENTS

1. Grading is proposed along the northern curblin within the Lersch property. A temporary construction easement shall be secured for this encroachment.

2. The proposed grading behind lots 13 through 18 appears to be too flat and directs stormwater runoff close to the townhouse building. Additional spot grades shall be provided to direct stormwater away from the building and to maintain a minimum 2-percent slope in all grass areas to avoid channelized water near the building and ponded water in the rear yards. The applicant may wish to consider lowering Inlet 5 to provide additional surface slope, while maintaining a 1-percent slope on the storm pipe. Additional information and details shall also be provided for the proposed yard drain pipe at the north and east of the site to clarify how the applicant intends a contractor to build it. An enlarged view of the area without the proposed tree line shall be added to the plans.
3. The sign table on sheet 3 indicates a "No Parking Here to Corner" sign will be placed at the Maple Ave. end of the proposed parallel parking spaces. The "No Parking" sign detail must include the "Here to Corner" information.
4. A detail of the proposed 6-foot high vinyl fence shall be provided. Also, the split-rail fence detail specifies black vinyl coating on the wire mesh, while the gate detail specifies green plastic coating. The applicant should confirm if this is the intent, and revise the details as appropriate.
5. The finished floor elevations shall be a minimum of 18 inches above the surrounding ground elevations, except at the garages. Spot ground elevations shall be provided at all building corners. The proposed grading around the cul-de-sac bulb and around the rear and sides of the building housing units 7-12 does not appear to be accurate, and shall also be revised to convey runoff away from the buildings and maintain a minimum 2-percent slope in all grass areas. An enlarged view of the existing and proposed grading around the cul-de-sac bulb shall be provide in sufficient detail and clarity to illustrate the grades, runoff paths, and proposed yard drain in proximity to the property lines. The curb along the northern parking lot shall be designed with a 6-inch height rather than 3-inch curb height.
6. General Note 15 on sheet 3 indicates "Improvements shown within the East Broad Street 33' right-of-way between the Lersch and Stauffer properties are subject to appropriate easements and approvals from the property owners". The note shall be revised to the Borough Solicitor's satisfaction considering the pending quit claim. Additionally, the East Broad Street label on Sheet 2 may need to be revised.
7. Lot numbers shall be added to sheet 3 for reference.
8. Temporary construction easements must be illustrated on the plans for encroachments on adjoining properties. Agreements, exhibits, and legal descriptions shall be provided to the satisfaction of the Borough Solicitor.
9. The record plans shall clarify if the HOA will have a blanket easement across all lots for stormwater maintenance and access to open space areas. If not, defined easements shall be illustrated on the plans, including an easement across Lot 12 to provide access to the open space from the cul-de-sac bulb, where landscapers are likely to park their equipment. An additional gate should also be provided on the cul-de-sac end of the fence, and landscaping shall not block access.
10. Sheet 2 of 9 includes what appears to be a proposed fence in the sidewalk adjacent to the Stauffer property. The intent of the line shall be clarified.
11. Proposed driveway slopes shall be added to the Grading Plan. The driveway slopes must account for the maximum 2-percent sidewalk cross slope, where applicable.
12. The E. Broad Street profile on sheet 14 shall be re-labeled as Bennett's Court.

13. Homeowner's Association documents shall be provided to the satisfaction of the Borough Solicitor.
14. The Borough should consider if it wishes to see architectural renderings of the proposed buildings in order to provide input.
15. Considering the very close proximity of the proposed improvements to the municipal boundary, and potential emergency access through properties in the Township, the Borough may wish to consider having the applicant provide Hatfield Township with a copy of the plans to identify any concerns they may have with potential impacts to properties in the Township.
16. Legal descriptions shall be provided for the overall tract, combined and adjusted parcels, the Bennett's Court right-of-way, and any defined easements.
17. Reviews, approvals, permits required include, but are not limited to, the following:
 - A. PaDEP Sewage Facilities Planning
 - B. Montgomery County Planning Commission
 - C. Borough Traffic Engineer
 - D. Borough Electric Engineer
 - E. Borough Fire Marshal
 - F. Emergency Service providers
 - G. NPWA – serviceability (letter was issued 8/11/2020)
 - H. NPWA - design approval
 - I. HTMA – sewage treatment capacity (letter was issued 1/15/2021)
18. Additional comments may be generated from subsequent submissions as a result of the plan and design revisions and additional information to be provided.

The comments are made with the understanding that all existing features and topography are accurately represented on the plans, and that all designs, calculations and surveys are accurate and have been prepared in accordance with current laws, regulations, and currently accepted Professional Land Surveying and Engineering practices.

If you have any questions or comments with this review, please do not hesitate to contact me at 484-941-0418 or chad.camburn@bursich.com.

Sincerely,



Chad E. Camburn, P.E.
Director of Municipal Services
Bursich Associates, Inc.

pc: Jaime Snyder, Assistant Borough Manager (via email)
Kate Harper, Borough Solicitor (via email)
Steve Fickert, Borough Director of Public Works (via email)
Matt Traynor, Borough Zoning Officer (via email)
Bob Heil, Hatfield Borough Code & Zoning Enforcement (via email)
Prestige Property Partners, LLC c.o. James D'Angelo, Applicant (via email)
Kris J. Reiss, P.E., Boucher 7 James, Inc., Applicant's Engineer (via email)

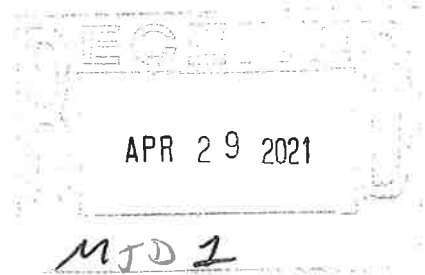


MONTGOMERY COUNTY CONSERVATION DISTRICT

143 Level Road • Collegeville, PA 19426-3313 • 610-489-4506 • Fax: 610-489-9795
www.montgomeryconservation.org

April 19, 2021

Prestige Property Partners, LLC
Attn: James D'Angelo
1126 Horsham Road
Maple Glen, PA 19002-1978



Re: **Technical Deficiency Letter**
Bennett's Court
NPDES Permit Application No. PAC460573
Hatfield Borough, Montgomery County
Project Acres: 3.25
Cumulative Disturbed Acres: 3.09

Dear Mr. D'Angelo:

The Montgomery County Conservation District (District) has reviewed the above referenced NOI and has identified the technical deficiencies listed below. The *Pennsylvania Erosion and Sediment Pollution Control Program Manual* (E&S Manual) and the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) include information that may aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

Technical Deficiencies

EROSION AND SEDIMENTATION CONTROL COMMENTS

- A. **Sequence of BMP installation and removal** §102.4(b)(5)(vii)
1. The sequence should refer to the limits of disturbance (LOD), streams or wetlands being marked prior to disturbance activities (i.e., survey stakes, posts & rope, construction fence, etc.).
 2. The distribution of the stockpile is sequenced after final stabilization.
 3. The "rain garden" specified in sequence #8 was not located on the E&S plan sheets. Please name the BMPs consistently throughout the application.
- B. **Supporting calculations and measurements** §102.4(b)(5)(viii) and **Plan Drawings** §102.4(b)(5)(ix)
1. Rock Construction Entrance
 - a. No means of filtration is provided for concentrated runoff at the construction entrance.
 2. Outlet Protection
 - a. EW #4 was not located on the E&S plan sheets.
 - b. Calculations and dimensions for the rip rap at EW# 12 were not located in the submission.

3. Other BMPs

- a. The concrete washout is not placed per the minimum requirements in the E&S Manual.
- b. No protection is provided at the outflow of the detention basin.

POST-CONSTRUCTION STORMWATER MANAGEMENT COMMENTS**C. PCSM Plan drawings §102.8(f)(9)**

1. The 1.2-inch/2-hour storm and the 2-yr/24-hour storm water surface elevations should be shown on the Managed Release Concept (MRC) outlet structure details. These elevations should correspond with the PCSM basin routing results.
2. The 2-yr/24-hour storm water surface elevation should be shown on the detention facility outlet structure details. This elevation should correspond with the PCSM basin routing results.
3. Anti-seep collar details should be provided and include the following note: anti-seep collars should not be located closer than 2-feet to a pipe joint.
4. The top of the outlet structure box / invert of the top slab elevations in addition to the top of grate elevations should be provided on the outlet structure details.
5. The basin bottom elevation should be provided on the outlet structure details.
6. All inlets which will receive the proposed snout installation should be listed.
7. Section views of BMPs #1, #2, and #3 should be included with the outlet structure details. Please note that the minimum media depth for an MRC facility is two feet; the section views should clearly identify the media depth, elevations, and material.
8. A note should be added to the outlet structure details indicating that all joints shall be watertight.

D. PCSM Plan Stormwater Analysis §102.8(g)

1. The 2-year storm rainfall depth should be consistent throughout all the calculations.
2. Please verify that the effective weir length was used for the outlet structure top grates in the stage/storage/discharge information.
3. The Culvert [A] data provided in the stage/storage/discharge information should be consistent with the plan information.
4. Consistent stage/storage/discharge information needs to be used with all storm routing computations.
5. The dewatering calculations need to take into consideration of the dewatering time from the end of the storm event to verify that the detention BMP is designed to completely drain the 2-year/24-hour storm event over a period-of-time not less than 24-hours and not more than 72-hours from the end of the 2-year/24-hour design storm event, and that the MRC BMPs are designed so that the maximum ponding time does not exceed 72 hours from the end of any storm event.
6. Please clarify the proposed meadow and woods cover characteristics used in the post-construction computations as there are no proposed meadow or woods areas shown on the PCSM Plans.
7. Pipe calculations should be provided, including the roof drains taking into consideration the tailwater condition from the connected BMPs.
8. The soil profiles associated with the geotechnical investigation need to be provided.
9. Time of concentration calculations should be provided.
10. Anti-seep collar calculations for BMPs #1 and 3 should be provided.
11. Spillway calculations for BMPs #1 and 3 should be provided.
12. Managed Release Concept Comments:
 - a. A narrative explaining how all 13 MRC Design Standards are being met, including supporting documentation and calculations, should be provided for each MRC.

- b. The Bottom BMP Elevation provided in the MRC Design Summary sheet should be consistent with the elevation below the soil media (native soil elevation).
 - c. It appears that the proposed MRC outlet structure design configurations will allow the 1.2-inch/2-hour storm runoff volume to completely drain without providing an internal water storage; an internal water storage must be provided that will not drain out but instead will be displaced by subsequent storm events (MRC Design Standard #3).
 - d. The BMP types used in the MRC Design Summary sheets and the DEP PCSM Spreadsheet should be consistent (MRC Design Standard #5).
 - e. The minimum separation distance bottom of the BMP to the limiting zone of rock and/or water consistent with the soil profiles should be provided for the structural BMPs (MRC Design Standard #8).
 - f. The ponding and dewatering times provided in the MRC Design Summary sheet should be consistent with the revised BMP dewatering calculations (MRC Design Standard #9).
 - g. The minimum media depth for an MRC is two feet (MRC Design Standard #10).
 - h. Capacity calculations for the MRC underdrain should be provided (MRC Design Standard #11).
13. DEP's PCSM Spreadsheet Comments:
- a. The impervious cover used on the *General Information* tab, in the Post-Construction Conditions table on the *Volume Management* tab, and in the NOI should be consistent.
 - b. Please clarify the proposed woods cover characteristics used in the Post-Construction Conditions table on the *Volume Management* tab as there are no proposed wood areas shown on the PCSM Plans.
 - c. Please note that MRC volume credits are not automatically reported in the *Volume Management* tab and not considered for in the *Water Quality* tab when they are not discharging off-site; it is recommended that the discharges from the MRC facilities be configured to discharge off-site to take full volume and water quality credits.
 - d. The BMP name should be consistent with the PA Stormwater BMP Manual, as well as throughout the project.
 - e. Enter the drainage area, in acres, that is tributary to the reported BMP within the disturbed area for the Incremental BMP DA in the Structural BMP Volume Credit table on the *Volume Management* tab.
 - f. The total Incremental BMP DA in the Structural BMP Volume Credit table on the *Volume Management* tab and the Earth Disturbance in DA on the *General Information* tab should be consistent.
 - g. Report only the volume routed to the BMP from the disturbed area for the Volume Routed to BMP in the Structural BMP Volume Credit table on the *Volume Management* tab.
 - h. The media depth provided in the PCSM Spreadsheet should be consistent with the plan details. As per the PCSM Spreadsheet instructions, enter the design depth of media used for the BMP, in feet (e.g., 2 feet of planting soil for a rain garden or 2 feet of stone for an MRC). If an underdrain is used, report the depth from the bottom of the media to the invert of the underdrain. Please note that the depth of the soil media above the invert elevation of the underdrain pipe should be a minimum of 2 feet (24 inches) for an MRC BMP.
 - i. Since the outlet structure configurations indicate that a discharge control is located at the same elevation as the BMP bottom, the 2-year/24-hour storm event runoff volume is considered discharged and may not be counted as storage volume; storage volumes should be calculated based on the lowest outlet elevation as the volume of water must be stored within the BMP for infiltration and ET credits following the storm event.
 - j. Please note that the water quality calculation portion of the Spreadsheet must be used; old PCSM Worksheets 12 and 13 may not be used to calculate water quality.

E. PCSM Miscellaneous

1. A Professional Seal from a professional engineer, landscape architect, geologist or land surveyor licensed to practice in the Commonwealth of Pennsylvania is required to be provided on the PCSM Plans.
2. A Professional Seal from a professional engineer, landscape architect, geologist or land surveyor licensed to practice in the Commonwealth of Pennsylvania is required to be provided on the PCSM Report. Please note that a professional engineer, licensed in the Commonwealth of Pennsylvania, must perform the analyses, calculations, and evaluations associated with MRC BMPs.
3. The Erosion and Sediment Control and the Post Construction Stormwater Management Plans must be the final plans for construction. § 102.4.(b)(5)(xiv) and § 102.8.(d).

F. Overall Miscellaneous

1. Please note that a resubmission fee is necessary. Please refer to the MCCD E&S Plan Review Application for further information.
2. Please take note that MCCD will not accept "piecemeal" plan revisions. All revisions must be submitted as part of a complete application package unless specifically otherwise agreed and allowed by the reviewer. Additionally, "piecemeal" applications could lead to the project being withdrawn if the complete set is not submitted by the due date.

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 30 calendar days from the date of this letter, on or before **May 19, 2021** or the District may deny the NOI.

Please submit 2 copies of the revised information to the District at 143 Level Road, Collegeville, PA 19426.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that DEP make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency.

If you have questions about the information contained in this letter, please contact Jeffrey McKenna by e-mail at JMckenna@montgomeryconservation.org or by telephone at (610) 489-4506, ext. 16, and refer to PAC460573 – Bennett's Court, to discuss your concerns or to schedule a meeting. You must attempt to schedule any meeting within the 30 calendar days allotted for your reply.

Sincerely,

Montgomery County Conservation District



Jessica Buck
District Manager

cc: Kris J. Reiss, PE; Boucher & James, Inc.
Hatfield Borough
DEP Permits Section Chief
File



Borough of Hatfield

Montgomery County, Pennsylvania

April 29, 2021

Bennett's Court
Hatfield, PA 19440

PID# 09-00-00199-00-8, 09-00-00196-00-2,
09-00-00070-00-2, 09-00-01285-00-2

ZONING REPORT: Subdivision/Land Development

A review for compliance with the Hatfield Borough Ordinances, and other applicable laws and codes for the Subdivision/Land Development submittal of Bennett's Court, Hatfield, PA 19440 has been completed and approved as submitted with variances granted. All design specifications out of compliance with Hatfield Borough Zoning Ordinances have been granted by variances on the September 3, 2019 by the Hatfield Borough Board.

Bennett's Court, Hatfield, PA 19440 is located in the R-3 Residential/Commercial District. Proposed Dwelling Type: Single-Family Attached.

Minimum Lot Area:	2,500 Square Feet
Minimum Lot Width at Street Line:	20 Feet (center) 35 Feet (end)
Front Yard Setback:	30 Feet
Side Yard Setback:	15 Feet (20 if no alley present)
Rear Yard Setback:	50 Feet
Maximum Building Coverage:	40% of Lot Area
Minimum Landscaped Area	25% of Lot Area
Maximum Impervious Coverage:	75% of Lot Area

The following is out of compliance with Hatfield Borough Zoning Ordinances and have been granted by variances on the 3rd day of September, 2019 by The Hatfield Borough Board.

- Lot #17
 - Does not meet 50-foot rear yard setback requirement
- Lot #18
 - Does not meet 50-foot rear yard setback requirement

Sincerely,

Matthew J Traynor
Code and Zoning Enforcement

401 S. Main Street
P.O. Box 190
Hatfield, PA 19440

Phone:
215-855-0781

Fax:
215-855-2075

Email:
admin@
hatfieldborough.com

Website:
www.hatfieldborough.com



Borough of Hatfield

Montgomery County, Pennsylvania

APR 27 2021

MJD 1

April 23, 20121

Michael Definis
Borough Manager
Hatfield Borough, Pa


Bennett's Court

Dear Mr. Definis

Attached are the review comments for the Bennett's Court Development, E Broad Street and Maple Avenue.

The project is for the construction of 18 townhomes, streets and associated parking. The adopted building code requires the townhomes to have sprinkler protection as required by Section R-302.2 and installed as required by N.P.F.A 13 D or R-2904. An approved water supply is required by section 507 of the adopted fire code, the access road must be able to support the load being imposed upon it, in accordance with section 503 of the fire code. As required by section 507.5 of the fire code, fire hydrants must be installed and operational every 600 feet.

Respectfully Submitted


Daniel Quimby
Fire Marshal/Fire Safety

J Snyder A B M

401 S. Main Street
P.O. Box 190
Hatfield, PA 19440

Phone:
215-855-0781

Fax:
215-855-2075

Email:
admin@
hatfieldborough.com

Website:
www.hatfieldborough.com



McMAHON ASSOCIATES, INC.
425 Commerce Drive, Suite 200
Fort Washington, PA 19034
p 215-283-9444 | f 215-283-9445

April 27, 2021

APR 27 2021

Mr. Michael J. DeFinis
Hatfield Borough
401 South Main Street
P.O. Box 190
Hatfield, PA 19440

MJD 1

PRINCIPALS
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
Casey A. Moore, P.E.
Gary R. McNaughton, P.E., PTOE
Christopher J. Williams, P.E.

ASSOCIATES
John J. Mitchell, P.E.
R. Trent Ebersole, P.E.
Matthew M. Kozsuch, P.E.
Maureen Chlebek, P.E., PTOE
Dean A. Carr, P.E.
Jason T. Adams, P.E., PTOE
Christopher K. Bauer, P.E., PTOE

FOUNDER
Joseph W. McMahon, P.E.

RE: **Traffic Engineering Review #3**
Bennett's Court
Hatfield Borough, Montgomery County, PA
McMahon Project No. 819926.1A

Dear Mr. DeFinis:

As requested, on behalf of Hatfield Borough, McMahon has completed a traffic engineering review of the proposed development to be located along the eastern side of Maple Avenue, to the south of Roosevelt Avenue in Hatfield Borough, Montgomery County, PA. It is our understanding that the proposed development will consist of 18 townhomes with access to the development proposed via roadway connection (E. Broad Street) to Maple Avenue.

The following documents were reviewed in preparation of our review:

- Land Development Plans for Bennett's Court, prepared by Boucher & James, Inc., revised March 31, 2021.
- Waiver Request Letter for Bennett's Court, prepared by Boucher & James, Inc., revised March 31, 2021.

Based on our review of the submitted documents noted above, McMahon offers the following comments for consideration by the Borough and action by the applicant.

Waiver Requests

1. The applicant is requesting a waiver from **Section 408.4 of the Subdivision and Land Development Ordinance**, requiring an emergency access for the proposed cul-de-sac. The plans do not show an emergency access, thereby not satisfying the ordinance requirement. It is our recommendation to provide emergency access for the site.

It is noted that the applicant's engineer provided an exhibit illustrating an emergency access connection to Girard Terrace. It is our opinion that the emergency access provides a necessary connection and the applicant should continue to coordinate with property owners for this connection.

2. The applicant is requesting a waiver from **Section 414.A(2)** of the **Subdivision and Land Development Ordinance**, requiring no angled or perpendicular parking along private or public streets. The plans currently show perpendicular parking along E. Broad Street, thereby not satisfying the ordinance requirement. Based upon the proposed development and location of the parking, we have no objection to granting the waiver.

Plan Review

3. As previously noted, it is recommended that the proposed sidewalk along E. Broad Street to be continuous on one side of the roadway. The applicant's engineer has provided an Entrance Exhibit illustrating the sidewalk on the north side of the roadway. It is our opinion that this alternate design provides an improved pedestrian access for the site and should be further developed and incorporated into the plans.
4. Based on our review, the applicant should address the aforementioned comments, and provide revised plans to the Borough and our office for further review and approval recommendations. A response letter addressing our comments must accompany the resubmission.

We trust that this review letter responds to your request and satisfactorily addresses the traffic issues that are related to the proposed development apparent to us at this time. If you or the Borough have any questions, or require clarification, please contact me.

Sincerely,



Anton K. Kuhner, P.E.
Senior Project Manager

BMJ/smd

cc: Chad Camburn, P.E., Bursich Associates, Inc. – Borough Engineer
Kris J. Reiss, P.E. – Boucher & James, Inc. (Applicant's Engineer)

April 20, 2021

Michael J. DeFinis, Borough Manager
BOROUGH OF HATFIELD
401 S. Main Street
Hatfield, PA 19440

Re: PROJECT - BENNETTS COURT SUBDIVISION
APPLICANT – PRESTIGE PROPERTY PARTNERS, LLC

Dear Mr. DeFinis,

We have reviewed the submitted Preliminary Subdivision plans for the referenced project and contained herein are our review comments.

1. The submitted Subdivision Plans from Boucher & James, Inc., do not include or indicate electric services to the 18 lot subdivision. The layout, configuration and location of the electric services to the residential units are the responsibility of the Borough of Hatfield. It is the Developer's responsibility to include the electric services as part of the overall project. The Developer shall install and pay for the electric services in accordance with the Borough's requirements and layout. The attached electric service plan and details are to be included on future plan submissions.
2. The high voltage and low voltage electric services to the subdivision and its apartments shall be installed in a separate trench remote from the other utilities as indicated on the attached E-1 and E-2 drawings.
3. All electric conduits in roadway or crossing roadway shall be concrete encased per details on drawings E-1 and E-2. All other conduit locations shall be direct buried per details on drawings E-1 and E-2.
4. The Developer shall extend the high voltage electric service from Pole #169 on Maple Ave as indicated on drawings E-1 and E-2.
5. All electric meter locations shall be on the front of each residential unit.
6. Transformer locations shall be away from trees and other plantings as indicated.
7. Developer shall be responsible for supplying all electric materials such as but not limited to electric meter bases, pad mounted transformers, transformer pads, elbow connectors, conduits, 15KV conductor, secondary conductors, fuse cut-outs, lightning arresters, pole, insulating brackets, insulators, down guys, grounding materials, hardware, etc. in accordance with Borough requirements and details on drawings E-1 and E-2.

UTILITY ENGINEERS, PC

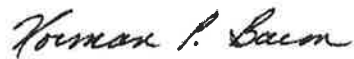
861 St. John's Road, Suite 6, Drums, PA 18222
(570) 788-2211 (570) 788-2277 Fax

Michael DeFinis
April 20, 2021
Page Two

8. All high voltage work shall be performed by a qualified contractor regularly engaged in working on systems rated at 12,470 volts. Selected electrical contractor(s) shall be approved by the Borough prior to any work being performed.

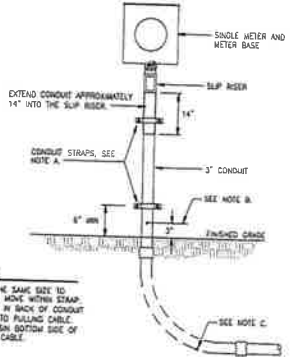
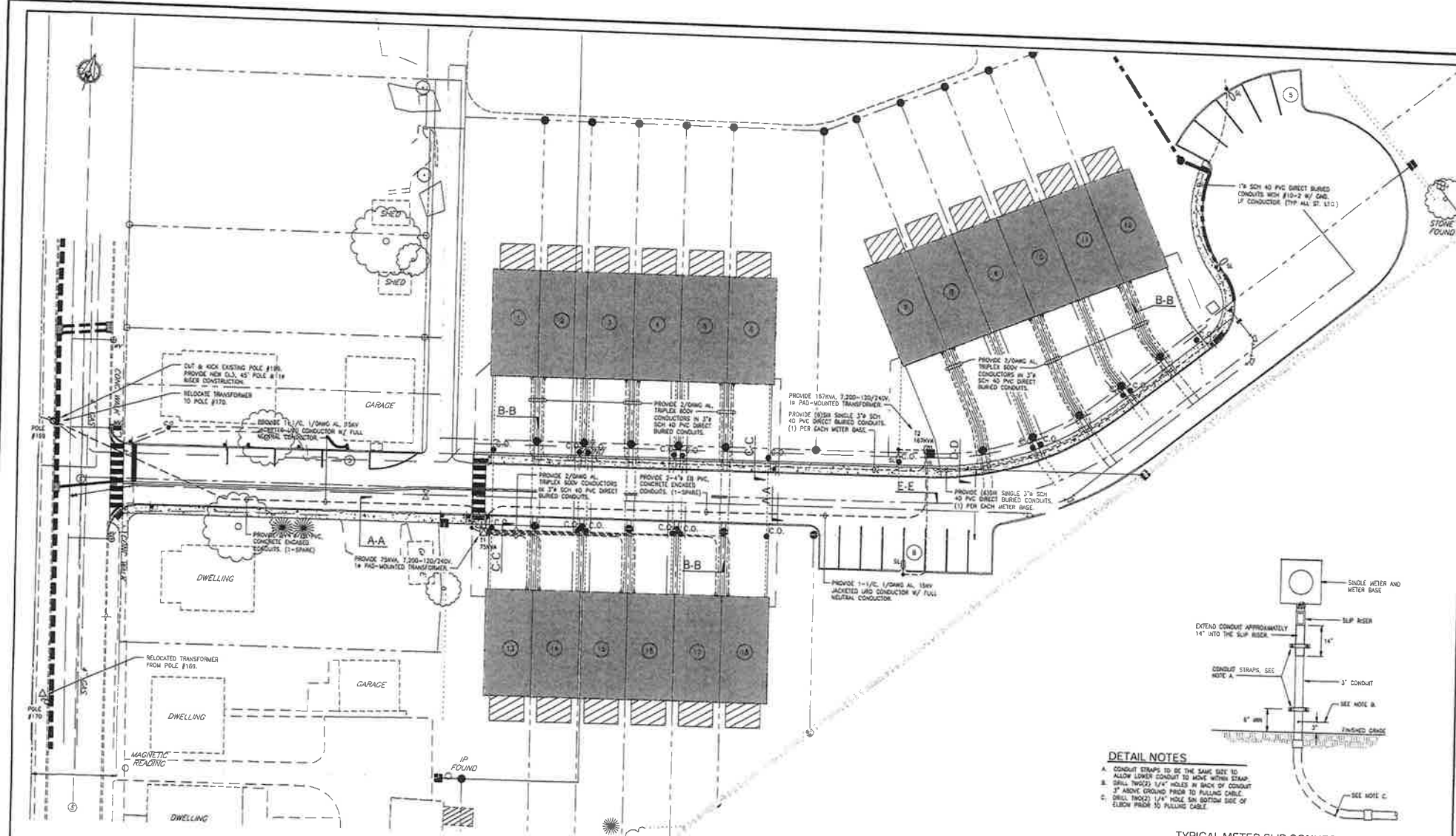
Sincerely,

UTILITY ENGINEERS, PC



Norman P. Baron, PE

cc: Jamie Snyder, Assistant Borough Manager
Kate Harper, Borough Solicitor
Chad Camburn, PE, Borough Engineer
John Lykens
Shaun Loucks



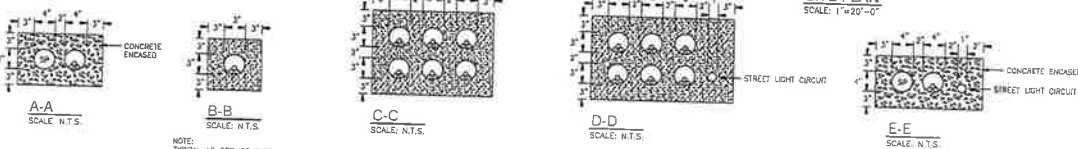
DETAIL NOTES

- A. CONDUIT STRAPS TO BE THE SAME SIZE TO ALLOW LOWER CONDUIT TO MOVE WITH STRAP.
- B. DRILL (W/2) 1/4" HOLES IN BACK OF CONDUIT 3" ABOVE GROUND PRIOR TO PULLING CABLE.
- C. DRILL (W/2) 1/4" HOLES IN BOTTOM SIDE OF ELBOW PRIOR TO PULLING CABLE.

TYPICAL METER SLIP CONNECTION DETAIL
SCALE: N.T.S.

SITE PLAN

SCALE: 1"=20'-0"



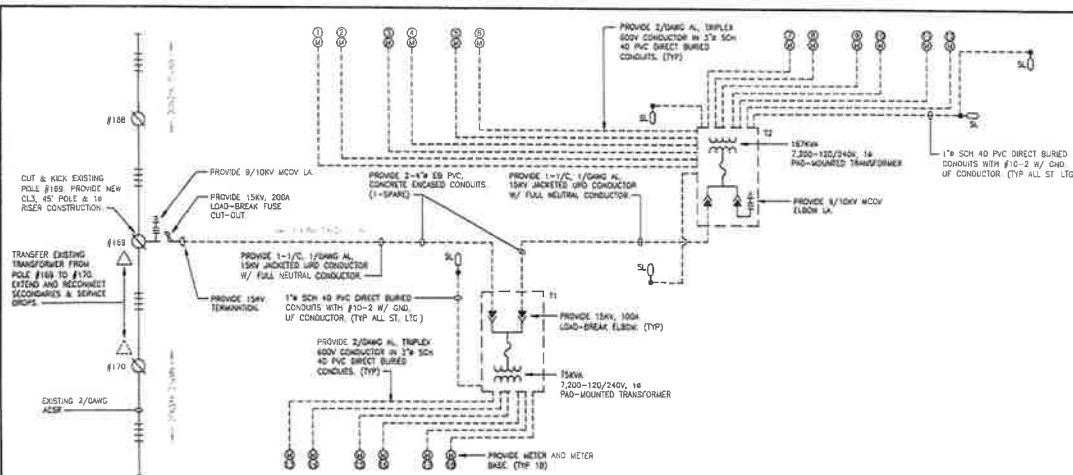
NOTE:
TYPICAL 18 SERVICE ENTRANCES

NO.	DATE	REVISION

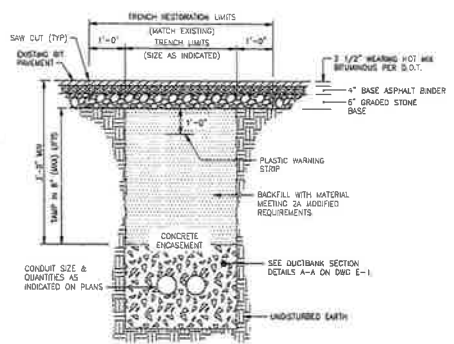
<p>UTILITY ENGINEERS, PC 881 GRANT JONES ROAD, SUITE 8, GIBBSBURG, PA 19222 TEL: (610) 788-2211 FAX: (610) 788-2277</p>	<p>JOB NO.: 24719.01 DATE: 04-04-2003 ENGR: J.P.B. DRAWN: S.A.L. SCALE: AS NOTED FILE: HAT1201E-1 DRAWING NO.:</p>
	<p>BOROUGH OF HATFIELD MONTGOMERY COUNTY PENNSYLVANIA, 19440</p>
	<p>BENNETT'S COURT ELECTRIC SYSTEM</p>
	<p style="text-align: center;">SITE PLAN</p>

E-1

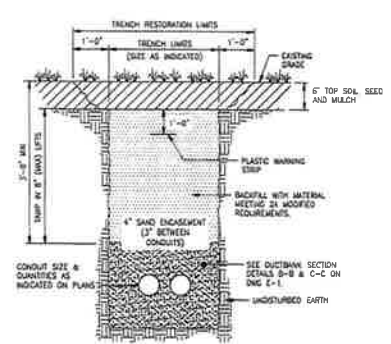
SHEET 3 OF 3



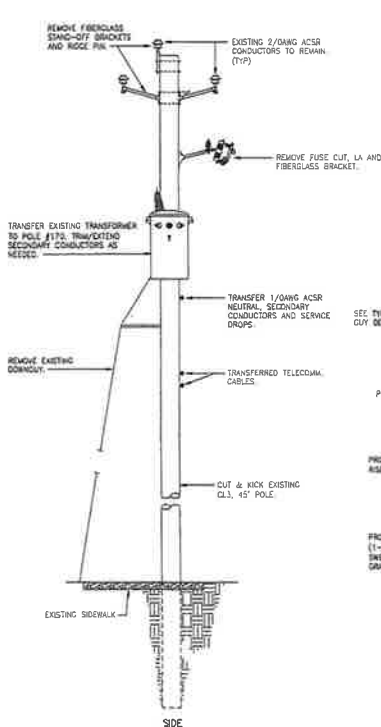
ONE-LINE DIAGRAM
SCALE: N.T.S.



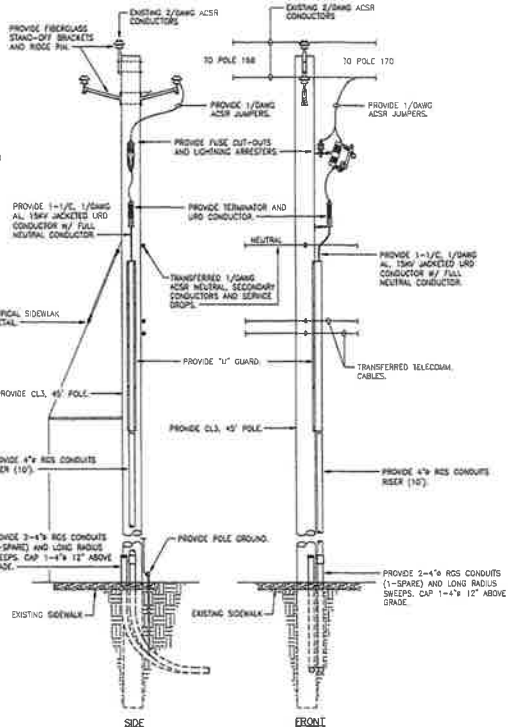
TYPICAL CONCRETE ENCASED CONDUIT IN BITUMINOUS PAVEMENT (ROAD) TRENCH DETAIL
SCALE: N.T.S.



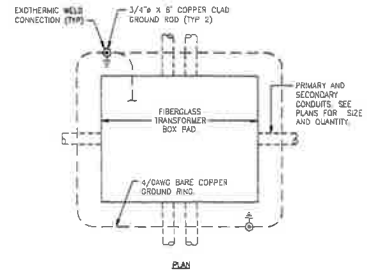
TYPICAL DIRECT BURIED CONDUIT IN LAWN AREA TRENCH DETAIL
SCALE: N.T.S.



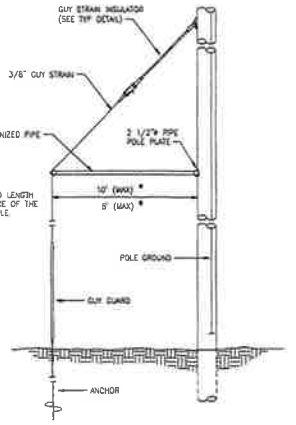
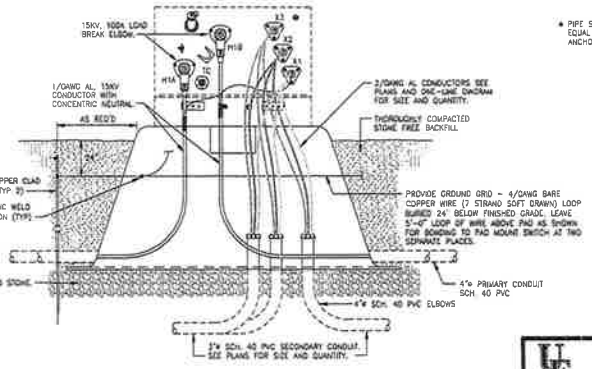
EXISTING POLE #169 - REMOVALS
SCALE: N.T.S.



NEW RECONFIGURED POLE #169
SCALE: N.T.S.



TYPICAL PAD-MOUNTED TRANSFORMER INSTALLATION DETAIL
SCALE: N.T.S.



TYPICAL SIDEWALK GUY DETAIL

NO.	DATE	REVISION

<p>UTILITY ENGINEERS, PC 801 SAINT JOHN'S ROAD, SUITE B, DRANES, PA 18222 TELE (610) 788-2111 FAX (610) 788-2171</p>	<p>JOB NO. HAT19-E-1 DATE 04-08-2019 ENR. M.P.B. DRAWING S.A.L. SCALE AS NOTED FILE HAT1901E-2 DRAWING NO.</p>
	<p>BOROUGH OF HATFIELD MONTGOMERY COUNTY PENNSYLVANIA, 19440</p>
<p>BENNETT'S COURT ELECTRIC SYSTEM</p>	
<p>ONE-LINE DIAGRAM AND DETAILS</p>	
<p>E-2</p>	

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**
MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

February 22, 2021

Mr. Matthew Traynor, Code Enforcement Officer
Hatfield Borough
37 North Market Street—Box 190
Hatfield, Pennsylvania 19440-0190

Re: MCPC #21-0020-001
Plan Name: Bennet's Court
Situate: Roosevelt Avenue (south)/Maple Avenue (east)
Hatfield Borough

Dear Mr. Traynor:

We have reviewed the above-referenced subdivision and land development plan in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on January 19, 2021. We forward this letter as a report of our review.

BACKGROUND

Jim DeAngelo, on behalf of Prestige Property Partners LLC, is proposing to subdivide and develop 18 single-family attached units at the end of E. Broad St. in Hatfield Borough. The property is currently open space and is split between two parcels owned by the applicant (PARID: 090000196002) and Geoffrey C. Horrocks (PARID: 090001285002). The parcel owned by Mr. Horrocks will see the rear portion subdivided and transferred to the new development. The development contains 18 single-family attached units in 3 groupings along a new street (Bennet Court). In order to manage stormwater on the site, the development includes a large vegetated detention basin, managed release concept (MRC), and a rain garden. Variances were requested for various non-conforming aspects of the preliminary plan and were granted with conditions on 9/3/19.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and Hatfield Borough may wish to consider prior to final plan approval. Our comment is as follows:



REVIEW COMMENTS

STORMWATER MANAGEMENT

A. Driveway Paving

- 1) The MCPC would like to suggest that the proposed driveways utilize porous pavers or other like technologies to allow for more passive stormwater management on each individual lot. The MCPC provides guidance on these types of paving technologies within our Sustainable Green Parking Lots guide.

B. Rain Garden

- 2) The MCPC recommends the following soil amendment composition for rain gardens: 15%-20% by volume double shredded hardwood mulch, 70%-80% by volume washed sharp sand – ASTM C-33, and 5%-15% by volume compost (assuming approximately 30% organic content – use a lower percentage if under-drained or higher organic percentage). We also recommend a minimum 18" and prefer 30" for soil depth, especially where there are shrubs and trees.

CONCLUSION

We wish to reiterate that MCPC supports the applicant's proposal but we believe that our suggested revision will better achieve Hatfield Borough's planning objectives for stormwater management and residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Daniel R. Farina Jr., Senior County Planner
dfarina@montcopa.org - 610-278-3728

Attachments: Aerial View of Site
Reduced Copy of Applicant's Plan



Bennet's Court
MCPC #210020001

Montgomery
County
Planning
Commission
4th Floor, 1000 Walnut Street, Hatfield, PA 19029
215-261-1000
www.montgomerycountypa.gov/planning



A scale bar showing 0, 20, 40, and 80 feet. A north arrow points upwards.

DEVELOPMENT PLAN

DETOUR SIGN AREA

TURNOVER/PARKING/SNOW EASEMENT

GENERAL NOTES

LOCATION MAP

OWNER'S CERTIFICATION

WAVNER REQUESTS

ZONING HEARING BOARD ORDER

LEGEND

ZONING DATA

ENGINEER'S CERTIFICATION

SURVEYOR'S CERTIFICATION

BOROUGH ENGINEER'S REVIEW

BOROUGH COUNCIL CERTIFICATION

MONTGOMERY COUNTY PLANNING COMMISSION

RECORDING CERTIFICATION

BENNETT'S COURT
BOROUGH OF HATFIELD
MONTGOMERY COUNTY, PA.

PRESTIGE BUILDING PARTNERS
1128 HORSHAE ROAD
MARTLE GLEN, PA. 19003

RECORD PLAN 2 OF 2

Boucher & James, Inc.
SPLITTENBURG, PA 17086
SCHOOL RD 100 BOX 100, BATH, PA 17008

SHEET 3 OF 21

BENNETT'S COURT
OCTOBER 4, 2019

4. Old Business:

A. 43 Roosevelt Land Development Update

**HATFIELD BOROUGH COUNCIL
RESOLUTION NO. 2021-04
REGARDING APPLICATION OF ABP INVESTMENTS INC. FOR PRELIMINARY
SUBDIVISION AND LAND DEVELOPMENT APPROVAL FOR A FOUR LOT
RESIDENTIAL SUBDIVISION
43 ROOSEVELT AVENUE IN
HATFIELD BOROUGH**

AND NOW, this 17th day of March, 2021, the Borough Council of Hatfield, at a public meeting, and after extensive reviews of the Plans by the Borough consultants, and Borough Council, and the Hatfield Borough Planning Commission hereby GRANTS Preliminary Subdivision and Land Development approval, with conditions, to the Preliminary Subdivision Plans of ABP Investments Inc. for a four lot residential subdivision dated September 10, 2020, last revised December 21, 2020 consisting of a Cover Sheet and Sheets 1 through 7, prepared by Lenape Valley Engineering, Chalfont, PA (“the Plans”) for ABP Investment, Inc. 775 Penllyn Pike, Blue Bell, PA 19422 (hereinafter “Applicant”) for the site located in the Borough at 43 Roosevelt Avenue, on a .56 acre parcel in the R- 2 Residential Zoning District, being TMP # 09-00-00730-00-8, subject to the conditions stated below:

Except as modified herein, the Plans must be revised to comply with this Resolution, the Borough Engineer’s Review letter from Bursich, dated January 15, 2021, attached hereto as Exhibit A, the letter from the Fire Marshal dated January 21, 2021, attached hereto as Exhibit B, the Zoning Officer’s letter dated January 28, 2021, attached hereto as Exhibit C, the letter from the McMahon Associates, the Borough Transportation Engineer dated January 28, 2021 attached hereto as Exhibit D, the Utility Engineers Review letter relating to electric services dated January 29, 2021, attached hereto as Exhibit E, any comments of the Montgomery County Planning Commission, the Hatfield Borough Zoning Ordinance, the Hatfield Borough Subdivision and Land Development Ordinance, and the conditions of plan approval stated herein.

1. By letter dated December 22,2020, Lenape Valley Engineering, on behalf of the Applicant, requested waivers from the Subdivision and Land Development Ordinance and after consideration, and a recommendation from the Hatfield Borough Planning Commission that the waivers are in the public interest, as well as a finding that the following waivers are warranted due to the hardship imposed on this unique property:
 - a. §22- 410 & 412 – a waiver from providing clear sight triangles on each new driveway, due to the inability to provide such spacing due to the dimensions of the site and the low traffic volume on North Girard Terrace;
 - b. §22- 108.1.A –a waiver of the requirement to provide the building setback line to be measured from the edge of the proposed stormwater management easement and rather to allow the building setback line to be measured from the property line as adequate rear yard areas has been provided for each unit on the plan; and
 - c. § 26-123. B(2) and B(4) – a waiver to allow for a different stormwater volume management design in view of the existing soil with limited infiltration capacities so long as the resulting design meets with the approval of the Borough Engineer.
2. Subdivision and Land development approval is specifically conditioned on the Applicant demonstrating any and all required outside agency approvals, including, but not limited to, PENNDOT, DEP, MCCD, and any other required state or local agency.
3. Preliminary Subdivision Approval is likewise conditioned upon the Applicant demonstrating approval of its utility plans by the North Penn Water Authority

and Hatfield Borough and Hatfield Township Municipal Authority regarding sewage, and approval of the Borough if any public street will be disturbed by the construction.

4. Final approval will require that Plans in a form acceptable to the Borough Engineer must be recorded at the Montgomery County Recorder of Deeds office in accordance with the Municipalities Planning Code prior to the start of any construction on site. At that time, the Applicant is required to provide the Borough with 4 copies of full-size paper copies of the final complete plan set for signature; 2 CDs with PDF version of all plans and design reports; and 2 CDs with AutoCAD files of all plan drawings prior to recording. The Applicant agrees to provide the Borough with two paper copies of the Recorded plans (with signatures and stamps) and a copy of the recording receipt prior to construction. After construction, the Applicant must agree to submit as-built plans once construction is complete and provide the Borough with two paper copies and two of CDs with PDFs and AutoCAD files of the final as-built conditions once the Borough Engineer approves the as-built plan.

5. Final Approval will require that the Applicant agree to execute a Developer's agreement with Hatfield Borough in which the Applicant shall obligate itself to complete all the public improvements, including but not limited to, stormwater management facilities, sidewalks, pavement restoration and striping, curbing, required landscaping, erosion and sedimentation control requirements and any other public improvement shown on the plans as being constructed in accordance with Borough criteria and specifications, as well as to secure completion of the said required improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code.

6. Final approval will require an acceptable plan for maintenance of all detention basins and stormwater drainage facilities on the site, and will require appropriate stormwater maintenance agreements prepared by the Borough Solicitor to be recorded with the Plans and Developer's agreement, at the Montgomery County Recorder of Deeds' office against each of the lots affected by a stormwater facility.

7. Final approval shall be conditioned upon payments of the Borough's reimbursable expenses related to the project, sewage tapping fees, as well as appropriate traffic and stormwater fees, if applicable.

8. Under the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Borough Council upon an approval. In the absence of an appeal or a notice of rejection of conditions filed in writing within thirty days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Applicant. If the Borough receives a written notice of an appeal or a written rejection of the conditions set forth herein within thirty days from the date of this Resolution, however, then all waivers shall be deemed to have been automatically rescinded and this Resolution, shall be deemed to be a Denial of Preliminary Approval for failure to comply with the Hatfield Subdivision and Land Development Ordinance and the conditions stated above.

Approved at a duly advertised public meeting of the Borough Council on the date above with Council Members, WEITZMAN KROESSIG PERLOUSON STEVENS
voting "Aye" and Ø voting "Nay."

ATTEST

BOROUGH OF HATFIELD



Michael J. DeFinis
Manager / Secretary



John H. Weierman, President
Borough Council

Approved this 17th day of March, 2021.



Robert L. Kaler III, Mayor

4. Old Business:

B. Edinburgh Square Land Development Update

Michael DeFinis

From: David Caracausa <davidc@cbprem.com>
Sent: Thursday, April 22, 2021 8:51 AM
To: Chad Camburn
Cc: wjsrvb@verizon.net; Michael DeFinis; Jaime Snyder; Steve Fickert; Gustave Meyer; Hatfield Borough Code
Subject: Re: Edinburgh Square- Status up date 4-8-21

APR 22 2021

Chad,

We will get the safety fence repairs completed as requested.

We are gathering the field work to provide the plan showing the laterals as installed and the other pertinent information as you requested. They were in the field as recently as yesterday marking lateral locations for the survey field crew to pick up. The video has also been completed.

Once we have all the information and the requested plan submitted can we schedule a phone call or maybe best a field visit so we can all get aligned and move forward with the construction. I am certainly anxious as everyone to move this project forward.

Dave

Sent from my hand held - pardon the typos and grammar errors

DAVID J. CARACAUSA
Realtor
Developer
Broker Associate
Certified Counselor of Real Estate

On Apr 22, 2021, at 8:18 AM, Chad Camburn <Chad.Camburn@bursich.com> wrote:

Bill,

Yesterday we observed that there are a few sections of the orange construction fencing around the perimeter of the site that have come down. Considering the holes for house foundations and basements have been dug, the Borough is concerned that the site is unsafe. Please repair the sections of fencing in order to secure the site today. Additionally, the public area along the site, particularly the public sidewalk, remains in a demolished and unsafe condition. Please provide the Borough with a schedule on when the requested information pertaining to the utilities in W. Vine St. will be provided, and when the sidewalk and curbing will be reinstalled for public safety. Thank you.

Thanks,
Chad

Chad E. Camburn, P.E. | Director of Municipal Services | Bursich Associates, Inc. | 2129 E. High Street | Pottstown, PA 19464 | Direct: 484-941-0418 | Office: 610-323-4040 x 418 | f: 610-323-8240 | Chad.Camburn@Bursich.com | www.Bursich.com

From: wjsrvb@verizon.net [mailto:wjsrvb@verizon.net]
Sent: Friday, April 16, 2021 4:40 PM
To: Chad Camburn <Chad.Camburn@bursich.com>; davidc@cbprem.com
Cc: 'Michael DeFinis' <mdefinis@hatfieldborough.com>; 'Jaime Snyder' <jsnyder@hatfieldborough.com>; 'Steve Fickert' <sfickert@hatfieldborough.com>; Gustave Meyer <gus.meyer@bursich.com>
Subject: RE: Edinburgh Square- Status up date 4-8-21

Hello,
Attached for your review is a updated status activity report for next week at Edinburgh Square.

Regards,
Bill Steinhauser

From: wjsrvb@verizon.net <wjsrvb@verizon.net>
Sent: Friday, April 9, 2021 11:43 AM
To: 'Chad Camburn' <Chad.Camburn@bursich.com>; davidc@cbprem.com
Cc: 'Michael DeFinis' <mdefinis@hatfieldborough.com>; 'Jaime Snyder' <jsnyder@hatfieldborough.com>; 'Steve Fickert' <sfickert@hatfieldborough.com>; 'Gustave Meyer' <gus.meyer@bursich.com>
Subject: Edinburgh Square- Status up date 4-8-21

William J. Steinhauser
Caracausa Building & Development, Inc.
Cell 215-852-5156
wjsrvb@verizon.net

<Koffel Rd. 1.jpg>
<Koffel Rd. 2.jpg>
<W. Vine St. 1.jpg>

Michael DeFinis

From: wjsrvb@verizon.net
Sent: Friday, April 16, 2021 4:40 PM
To: 'Chad Camburn'; davidc@cbprem.com
Cc: Michael DeFinis; Jaime Snyder; Steve Fickert; 'Gustave Meyer'
Subject: RE: Edinburgh Square- Status up date 4-8-21
Attachments: Edinburgh Sq. Hatfield Boro Weekly Report.docx

Hello,

Attached for your review is a updated status activity report for next week at Edinburgh Square.

Regards,
Bill Steinhauser

From: wjsrvb@verizon.net <wjsrvb@verizon.net>
Sent: Friday, April 9, 2021 11:43 AM
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Subject: Edinburgh Square- Status up date 4-8-21

William J. Steinhauser
Caracausa Building & Development, Inc.
Cell 215-852-5156
wjsrvb@verizon.net

Edinburgh Square Weekly Construction Activity on site

Upcoming week of 4/19/21

No Construction, No Activity , Job Site Shut Down

- Lot 1- None
- Lot 2- None
- Lot 3 – None
- Lot 4 None

Site & Public Improvements

- None scheduled

Edinburgh Square Weekly Construction Activity on site

Upcoming week of 4/12/21

No Construction, No Activity , Job Site Shut Down

➤ Lot 1- None

➤ Lot 2- None

➤ Lot 3 – None

➤ Lot 4 None

Site & Public Improvements

➤ None scheduled

Edinburgh Square Weekly Construction Activity on site

Upcoming week of 4/2/21

No Construction, No Activity , Job Site Shut Down

- Lot 1- None
- Lot 2- None
- Lot 3 – None
- Lot 4 None

Site & Public Improvements

- None scheduled



Memorandum

Date: April 9, 2021

To: Michael J. DeFinis, Hatfield Borough Manager (*via email*)

CC: Jaime Snyder, Hatfield Borough Assistant Manager (*via email*)
Steve Fickert, Hatfield Borough Public Works Director (*via email*)
Matt Traynor, Hatfield Borough Code & Zoning Enforcement (*via email*)
Dave Caracausa, Developer (*via email*)
Jim Sharayko, Construction Superintendent, North Penn Water Authority (*via email*)

From: Chad E. Camburn, P.E.

Subject: Edinburgh Square Subdivision Utility Locations
Bursich Project No.: HAT-01/177832

As the Borough, developer, contractor, and NPWA are aware, the water service lines for Lots 1 and 2 at the Edinburgh Square subdivision were not installed in the locations shown on the approved subdivision and land development plans. The Borough was not notified prior to the installation of the water services, nor did it have a representative present during the work. In December 2020 our field representative was notified by the contractor that they wanted to change the locations and configurations of the sanitary sewer laterals for Lots 1 and 2 to accommodate the modified water services. The changes proposed by the contractor caused the following concerns from our office:

1. The proposal included the installation of otherwise-unnecessary bends in the laterals where solids could potentially become lodged.
2. The proposal included the installation of multiple cleanouts for the lots that could be additional locations for groundwater infiltration into the sanitary sewer system.
3. The proposal included the installation of cleanouts within driveway areas where loads from vehicles could cause damage to the cleanouts if not designed and installed properly.
4. The locations of neighboring underground utilities were assumed, rather than verified, by the developer/contractor, and the proposed changes to the sewer lateral locations could potentially be in conflict with those existing utilities.

Over the past several months the Borough, developer, contractor, NPWA, and our office have had numerous correspondences, by way of phone discussions and emails, on potential resolutions to the utility locations. Most recently I spoke separately with the developer and his surveyor in March 2021 to discuss what the Borough is requiring in order for the utility installations to continue. The Borough's requirements were explained as follows:

ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS



2129 E. High Street | Pottstown, PA 19464
N 40° 14' 40.2" W 075° 36' 09.6"

610.323.4040
www.bursich.com

- The developer must televise the existing sanitary sewer main within W. Vine Street, along the frontage of the development, to identify the exact location of the sewer lateral connection from 444 Koffel Road property to the main in W. Vine Street. The video must include distance designations from the manholes along with clear evidence of all lateral connections to the main. This is necessary to confirm the existing lateral connection will not cause conflict with the new lateral connections. A copy of the video must be provided to the Borough for review.
- The developer must provide a surveyed plan of all existing/installed improvements and utilities at the site to identify potential conflicts with the new utilities for the lots.
- The developer must provide a plan showing the proposed utility locations considering the surveyed locations of the existing site conditions.

It is noted that the Borough had previously expressed its position to the developer that, unless the developer can present a proposal that is acceptable to the Borough, all utilities, including those already installed, must be constructed/reconstructed in accordance with the approved plans.

Finally, the developer had indicated that he may wish to “flip” the house on Lot 2 to have the driveway and garage on the opposite side of what was shown on the approved Subdivision/LD plans. The developer was notified that this will not be considered a “field change”, will require a plan to be submitted, and will need to follow the proper process established by the Borough.

Feel free to contact me at 484-941-0418 or chad.camburn@bursich.com with any questions or concerns.

5. New Business:
A. 127 Penn Street Sketch Plan

5. New Business:
B. 2021 Meeting Dates

PUBLIC NOTICE

**The Borough of Hatfield Council will hold its meetings for the year 2021 on the following dates:
WORKSHOP / REGULAR MEETING. Meetings begin at 7:30 PM**

Borough Council Dates:

January 6, 2021
January 20, 2021
February 3, 2021
February 17, 2021
March 3, 2021
March 17, 2021
April 7, 2021
April 21, 2021
May 5, 2021
May 19, 2021
June 16, 2021
July 21, 2021
August 18, 2021
September 1, 2021
September 15, 2021 (Strategic Planning 5:30PM)
September 15, 2021
October 6, 2021
October 20, 2021
November 3, 2021
November 17, 2021
December 1, 2021
December 15, 2021

The Borough of Hatfield Planning Commission will hold its meetings for the year 2021 on the following dates. Meetings begin at 7:00 PM

Planning Commission Dates:

January 4, 2021
February 1, 2021
March 1, 2021
April 5, 2021
May 3, 2021
June 14, 2021 (Due to PSAB)
July 12, 2021
August 2, 2021
August 30, 2021
October 4, 2021
November 1, 2021
November 29, 2021

The Borough of Hatfield HERC Committee will hold its meetings for the year 2021 on the following dates. Meetings begin at 8:00 AM

HERC Meeting Dates:

January 27, 2021
February 24, 2021
March 24, 2021

April 28, 2021
May 26, 2021
June 23, 2021
July 28, 2021
August 25, 2021
September 22, 2021
October 27, 2021
November 17, 2021
December 15, 2021

The Borough of Hatfield Zoning Hearing Board convenes on a case-by-case basis. Sufficient public notice will be provided when applications for a hearing are submitted. **All meetings will be held at the Hatfield Borough Municipal Complex 401 South Main Street Hatfield, PA 19440.** The public is invited and encouraged to attend. The Municipal Complex is wheel chair accessible. Any person that requires a special accommodation should contact the Borough offices at 215-855-0781 at least three days in advance of the meeting.

Michael J. DeFinis
Borough Manager/Secretary

**5. New Business:
C. Codification**

5. New Business:
D. Feral Cat Ordinance / Chapter 2

DRAFT

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) OF THE CODE OF
ORDINANCES OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA PROVIDING DEFINITIONS AND CONDITIONS TO REGULATE THE
KEEPING OF ANIMALS IN THE BOROUGH**

WHEREAS, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter "Borough") is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough has enacted a Code of Ordinances pursuant to its statutory authority in the Pennsylvania Borough Code; and

WHEREAS, it is the intent of this ordinance to provide further regulations for animals, including feral cats, in the Borough in accordance with state law, while simultaneously advancing the substantial government interest of public safety, health and protection; and

WHEREAS, the Borough has recognized the need to amend the Code of Ordinances to add a section in Chapter 2, dealing with animals, to better address animals in the Borough as reflected herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, to add a new Part 5, "ANIMALS" to Chapter 2, "Animals," as follows:

CHAPTER 2 ANIMALS, PART 5,

GENERALLY

SECTION 1. Chapter 2 of the Borough Code of Ordinances, "Animals," shall be revised and amended to read as follows:

§ 5-501. Purpose.

The purpose of this chapter is to prohibit and to regulate the maintenance, keeping and possession of animals within the Borough in order to promote the health, safety and general welfare of its inhabitants.

§ 5-502. Definitions.

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in

this section, except where the context in which the word is used clearly indicates otherwise:

ANIMAL — Any dog, cat, domesticated animal or nondomesticated animal.

BOROUGH — The Borough of Hatfield.

BOROUGH COUNCIL — The Borough Council of the Borough of Hatfield.

CAREGIVER — Any person who provides care, including food, water, shelter and in some cases, medical care to feral cats, and, in accordance with a program approved by the Borough to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they are trapped.

FERAL CAT — Any homeless, wild, or untamed cat.

MOTOR VEHICLE — A vehicle which is self-propelled except one which is propelled solely by human power or electric power obtained by overhead trolley wires, but not operated upon rails.

NUISANCE — An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys, such as a barking dog disturbing the peace and quiet of the surrounding neighbors between the hours of 10:00 p.m. to 7:00 a.m., or harms lawful users or occupants thereof or violates the provisions of §2-202 Noise Disturbance.

OWNER — Any person having a right of property in, having custody of or who harbors a dog, cat, domestic animal or any nondomesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

PERSON — A natural person, firm, partnership, association or corporation.

POLICE OFFICER — A Member of the Hatfield Township Police Department whose duty it is to preserve peace or to make arrest or to enforce any law.

RUNNING AT LARGE — Being upon any public highway, street, alley, park, any other public land or upon property of another person other than the owner and not being firmly secured by means of a collar and chain or other device so that it cannot stray; or not being accompanied by or under the reasonable contact of some person.

SPONSOR — An eligible animal welfare organization appointed by Borough of Hatfield to run a TNR program in the Borough.

STRAY CAT — Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

TRAP, NEUTER AND RETURN (TNR) — A nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped and then returned to the location where they were originally trapped.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or driven upon any highway, street, road or alley except devices used exclusively upon rails or tracks.

§ 5-503. Running at large.

- A. No person shall permit any animal (See § 5-508 and § 5-509 regarding stray cats) owned by him or under his supervision or control to run at large at any time upon the public streets, alleys, highways, or public grounds of the Borough, or upon the private property of

any other person or upon any property other than property belonging to the owner of such animal or to a person under whose supervision or control of such animal is being kept. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray, or must be accompanied by or under the reasonable control of some person.

- B. Any police officer or law enforcement officer is hereby authorized and empowered to seize and detain any animal which is found running at large in the Borough, or upon any property other than the property of the owner of such animal, and unaccompanied by the owner when such police officer or law enforcement officer is in immediate pursuit of such animal.
- C. The provisions of this section shall apply to all animals found running at large in violation of this section, irrespective of payment for or issuance of any license in respect to the animal involved.
- D. The Borough Council is hereby empowered and authorized to engage the services of a qualified and suitable person to enforce the provisions of this section.

§ 5-504. Impounding.

Any police officer or law enforcement officer of the Borough is hereby authorized to seize and detain any animal running at large in violation of § 5-503 or any animal concerning which information has been received that such animal has been running at large. Any animal so seized shall be held by the Borough for 48 hours. Immediate notice of such seizure, either personally or by certified mail or email, with return receipt requested, shall be given to the person in whose name the license, if any, was issued, or his agent, to claim such animal within 48 hours after receipt hereof. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail or email, return receipt requested, shall be given to the person, or his agent, known to be the owner of such animal. The owner or claimant of an animal so detained shall pay a penalty of \$50 to the Borough, together with a charge as set forth from time to time by resolution of the Borough Council per day for room and board or daily charge of the shelter where the animal is kept, whichever amount is greater. No animal shall be returned to the owner or claimant until said penalty and expense or charges shall be paid.

§ 5-505. Disposition of any unclaimed animal.

If, after 48 hours of such notice as set forth in § 5-504, such animal has not been claimed, the police officer or law enforcement officer shall convey the animal to a shelter, animal rescue, or foster care. No licensed animal shall be adopted, sold or otherwise disposed of unless such licensed animal remains unclaimed five days after notification, evidenced by obtaining a return receipt if notified by certified mail or e-mail. Where the owner or agent of an unlicensed animal is not known, the police officer or law enforcement officer shall convey such animal to a shelter, animal rescue, or foster care. No animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

§ 5-506. Transportation of animals.

No person, other than a person actually working a dog or other animal for agricultural purposes, shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown

from or out of or jumping from said motor vehicle.

§ 5-507. Unattended animal.

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or animal.

§ 5-508. Responsibilities of cat owners regarding stray cats.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Identified by means of a collar with a tag or a microchip. The identification must provide the owner's name and contact information.

§ 5-509. Requirements for feral cats.

It shall be unlawful for any person to feed feral cats unless said person cooperates with a humane program sponsored by the Borough and adheres to the strict guidelines set forth by Borough. When dealing with feral cats:

- A. It is unlawful for any person or organization to intentionally provide food, water, shelter, or other forms of sustenance or care to a feral cat colony or colonies on public or private land unless the person or organization has registered the colony or colonies with the Animal Control Officer and therefore must adhere to the following requirements:
 - (1) All adult cats that can be captured must be spayed or neutered;
 - (2) All cats that can be captured must be vaccinated against rabies, preferably with a three-year vaccine;
 - (3) Make every attempt to remove kittens from the colony as early as appropriate for their well-being before eight weeks of age for domestication and placement;
 - (4) Make every attempt to remove sick or injured cats from the colony for veterinary care or humane euthanasia;
 - (5) Assure responsibility and arrangements for feeding the cat colony or colonies regularly throughout the year;
 - (6) Make every attempt to ear tip all cats with a single cut preferably on the left ear; and
 - (7) Maintain proof of sterilization, vaccination, and other medical records for all cats in the colony or colonies. These records must be provided to the Animal Control Officer upon request.
- B. Any person or caregiver determined to be in violation of Subsection A(1) through (7) above shall be issued a warning and be allowed a period of time in the discretion of the Animal Control Officer of no longer than 30 days to come in to compliance, or to provide

satisfactory evidence of working to achieve compliance. Failure to fully comply shall constitute a violation of this chapter, which may result in the issuance of a citation.

- C. The Borough has the right to seize/remove the colony or colonies on public or private property if the above requirements are not met and/or conditions of the colony or colonies pose a risk to public health and safety.
- D. It shall be unlawful for any person or organization to destroy any traps or release any cats which have been captured pursuant to any humane efforts on behalf of the Borough.
- E. It shall be unlawful for any person or organization to perform any of the actions regulated in Subsection A on private property which they do not own. Under no circumstances are any actions permitted on another person's or organization's property without consent of the owner.

§ 5-510. Responsibilities of TNR program sponsors.

Animal welfare organizations may make application to the Borough to serve as a sponsor of a TNR program. Sponsors appointed by the Borough shall have the following responsibilities:

- A. Register each feral cat colony they are managing with the Borough. Information submitted to the Borough shall include general location (neighborhood), number of cats in the colony, and number of caretakers working with the colony.
- B. Record and report to the Borough, on an annual basis, the intake and disposition of each feral cat brought to their facility.
- C. Record and report to the Borough, on an annual basis, the total number of members and the number of sterilized members of each feral cat colony within the Borough for which they have implemented a TNR program.
- D. Record and report to the Borough, on an annual basis, the number of kittens born into each feral cat colony within the Borough for which they have implemented a TNR program.
- E. Address complaints received by the Borough and passed along to the sponsor regarding caretaker behavior and serve as an intermediary to address and, where possible, remediate the behavior within a reasonable period of time, based on the matters at issue and utilizing Borough resources when necessary.

§ 5-511. Violations and penalties.

Any person, organization, firm or corporation who shall violate any provision of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 and not more than \$500, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

§ 5-512. Continuation of prior provisions.

The provisions of this chapter, as far as they are the same as those of ordinances in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances and not as new enactments. The provisions of this chapter shall not affect any such suit or prosecuting pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this chapter.

SECTION 2. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts, are hereby repealed.

SECTION 4. This Ordinance shall take effect as provided by law.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this

_____ day of _____, 2020 with _____ Council Members

_____ voting "aye" and _____ voting

"nay."

Attest:

HATFIELD BOROUGH

Michael J. DeFinis, Secretary

By: _____
John H. Weierman, Council President

Approved by the Mayor:

Robert L. Kaler, III

Date: _____

APR - 5 2021

James Fox
107 W. Lincoln Ave.
Hatfield, PA 19440

215 855 2048

March 28, 2021

Michael J. DeFinis

Borough Manager / Secretary
401 South Main Street
Hatfield, PA 19440

Dear Sir,

I like cats. I am one of several cat savers in the borough. I enjoy watching the cats playing with each other, it has brought great joy to me these past winter mornings. I have read through the draft ordinance dealing with cats. I find it very discouraging to citizens of the borough who are trying to help animals caught in a bad situation. I and others feed the stray cats because there are only a few options for them; starve or depend on the good graces of cat lovers, to allow them to starve when I can help them survive through seasons like the area has recently undergone would be wrong. I have asked several neighbors if the cats are bothering them, no I was told. I asked if they put out food and shelter for stray cats all have answered in the affirmative, anonymously of course. To go to such drastic measures to placate an anonymous complaint makes me wonder why a ordinance is required. In my inquiries I am led to believe this is no more then a continuation of a personal problem between two neighbors that the borough is once again being drawn into.

Last year, 2020, there was an abundance of kittens born and abandoned all over the area leading to full and overflowing rescue shelters . This has been blamed on the corona virus shut down and a lack of veterinary services for neutering. Several of the moms with litters drifted over to my house and garage. More then one morning I've opened my door to find someone had dropped off their unwanted kittens at my house. Trying to find homes for them and the mothers was a massive task not only for myself but for all the rescue originations I contacted the SPCA, Stray Cat, Forgotten Cats and others. I had four litters of three or four kittens to place. Skippack Animal Hospital to agree to place four kittens that needed medical help (at my expense) I placed four kittens' with Stray Cat Blues and friends of mine later adopted two of them. Other friends adopted three other kittens, Forgotten Cats placed four kittens. Finally I was down to the mothers, which I could not find homes for, too old to be fully socialized I was told. With the help of Forgotten Cats I began to TNR, (Trap, Neuter, Release) the remaining cats both male and female. This was also done at my expense, \$40 per cat. The total count of cats was around 15, not the 40 count I've heard bandied about. After placing as many as possible my current count is ten that show up at regular times. Of that group I still have two more that need TNR. I am still setting traps for them with Forgotten Cats help. Feeding the cats in one place helps them accept the traps. The next project will be for me to socialize the cats so I will be able to find homes for them.

I worked with all the litters that showed up last summer socializing them and finding homes for all. I would have worked with the older cats still here over the past months but between back surgery, cancer treatments and the weather I haven't had much time to work with the adult cats. One female is partially socialized, she spends most of her time on my front porch where I have set up a shelter. She will greet me anytime I come home. Several others are willing to let me pet them at times but as far as anybody else getting close enough to pet them most will run away. None of them have been known to hiss or attack me or other people.

The ordinance has many problems from an animal lovers point of view:

First: Feeding the stray and feral cats. Other Borough residents, myself included, feel this is a necessity rather than see them starving.

Second: What does the Borough plan on doing with the animals they collect, who will pay for the collection, what type of a shelter will accept the collected animals; no kill, kill or other. Several rescue organizations have a time limit others are no kill. I have had the best results working with Forgotten Cats, they provided me with traps, knowledge and assistance.

Third: Cats are naturally wanderers. Trying to keep a cat confined to one area is a skill many have tried to master. Section 5-503 through 5-504 should reflect the difference between cats and dogs.

Fourth: Section 5-508 and 5-509 must allow for feeding and sheltering feral, stray and abandoned cats. Food, water and shelter during the yearly cycle of our weather are more than humanitarian aid they are necessary during the heat and cold. The cost of TNR, vaccination and micro chipping may be more than some can afford. An assist from the Borough would help with accomplishing this effort. Are current cats "Grandfathered" into this ordinance?

With modifications this ordinance might fulfill a worthwhile motive but it will not stop the warring between my two neighbors and the borough should avoid these entanglements.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "James Fox".

James Fox

APR 20 2021

MJD 1

April 16, 2021

Borough Manager /Michael Definis
401 South Main Street
Hatfield, PA 19440

To Whom It May Concern,

In regard to the feral cat ordinance, let me start off by saying , we don't have ill will or ill intent towards these cats. We are animal lovers and are all about doing what can be done to help them. However, there are 20-40 cats in this one block area (you have seen the videos)! It's not safe for cats or people.

While some may find them cute and enjoy watching them frolic about, many in the neighborhood do not. Along with the noxious smell of cat urine and feces strewn throughout our lawns, flowerbeds, and gardens, we have encountered problems with the cats destroying property – about \$600.00 worth: 1) our new screened in outdoor canopy torn; 2) our outdoor ceramic statue broken; 3) our neighbors grill and car cover torn. Not only are the cats an issue, but also due to the feeding of these cats, other critters are attracted to our neighborhood. Foxes, possums, racoons are continuously coming around in search of the food being left out for the cats. Again, this situation is not safe for cats or people!

The majority of our neighbors take pride and work hard to keep their properties looking nice and want to be able to enjoy being out in their yards. While a few may think that this is not a borough problem and needn't be involved, that could not be further from the truth. This is the exact reason the borough/we adopt codes and ordinances, to deal with situations that negatively effect the borough and the welfare and safety of its residents.

Thank you and the borough council for your understanding in this matter. It is greatly appreciated.

Respectfully,



Diana L. DiSimone

26 S. Wayne Avenue
Hatfield, PA 19440

§ 58-32 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

FERAL CAT

Any homeless, wild or untamed cat.

STRAY CAT

Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

§ 58-33 **Responsibilities of cat owners regarding stray cats.**

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless said cat has been:

A.

Neutered or spayed to prevent it from procreating;

B.

Immunized against rabies in compliance with Pennsylvania law; and

C.

Appropriately "tipped" on the left ear to signify that it has been neutered/spayed and immunized.

§ 58-34 **Feeding of stray or feral cats.**

A.

It shall be unlawful for any person to continue to feed feral cats, if such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community.

B.

Any person feeding stray or feral cats may be required to cooperate with any humane program sponsored by the Township, or operating under the Township's auspices, that traps stray and feral cats for the purpose of spaying/neutering the cats, immunizing the cats from rabies, "tipping" the cat's left ear and then returning the cat to its environment in the general vicinity in which it was trapped.

§ 58-35 **Violations and penalties.**

Any person falling to comply with any of the provisions of this article shall, upon summary conviction before a District Justice, be subject to a fine of not less than \$100 and not more than \$500, and to imprisonment for not more than 30 days for each offense, together with the costs of prosecution.

Nuisance Wildlife

Nuisance wildlife are animals that cause significant property damage, such as ground hogs (aka woodchucks) that burrow along side building foundations or under decks and sheds this can lead to the failure of the structure if left alone. They may also destroy plants and devour garden vegetables. Also considered nuisance wildlife are raccoons and possums, these animals make pests of themselves by tearing through trash at night or they may take up residence in an open garage or under a crawl space. Skunks although stinky at times are not considered nuisance wildlife as they do not cause significant property damage, these poor animals are merely hated for their only means of defense, that being the use of their powerful musk.

If you have a question concerning an nuisance animal you may contact the CSO at (215) 885-1600 ext. 478

The Police Department Community Services Officer will no longer loan traps for nuisance wildlife or relocate/release wildlife captured in privately owned traps.

Residents should contact a private wildlife control company for nuisance animal issues.

Wildlife that exhibits signs of suffering from rabies, which is rare, will be investigated by the Community Services Officer and residents should call 911 to report any possible rabid animals.

Feral Cats

Feral cats have been a problem in the township from time to time; while we do not have a TNR program we do trap and remove feral cats upon request. To have a feral cat removed from your property contact the Community Services Officer at (215) 885-1600 ext. 478



LOWER MERION TOWNSHIP POLICE DEPARTMENT
Ardmore, Pennsylvania

Policy 3.10.3

Subject:		Distribution:
Animal Incidents/Dog Law Enforcement		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	Directive: 12-28
References:		
CALEA: N/A; PLEAC: N/A		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to establish Department guidelines for the handling of domestic and wild animals, and enforcement of the State Dog Law and Township Code.

POLICY

It is the policy of this Department to ensure the safety and enhance the quality of life of the community by proactively dealing with the wide variety of animal related issues that affect the community.

Act 119 Section 302 (a), "The Dog Law" states, "It shall be the duty of every police officer to seize and detain any dog which is found running at large either upon the public streets or highways of the Commonwealth or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper."

Patrol unit personnel will be assigned to all animal incidents and complaints of dogs and cats running at large that cannot be immediately handled by the Animal Warden. The assigned Officer will investigate, and where applicable, prepare written reports and citations.

Animal Dog Law records will be retained for a period of two years.

PROCEDURE

A. MISCELLANEOUS

1. Animal Detention Center

- a. Personnel entering the Animal Detention Center shall sign the entrance log located in the Animal Detention Center Log Book. The Log Book is to remain

B. DOGS AND CATS AT LARGE

To ensure community safety, personnel who observe a dog or a cat running at large, or who respond to the complaint of a dog or a cat running at large, will make every effort to apprehend and determine the animal's owner.

1. Dogs

- a.** An apprehended dog shall be turned over to its owner and enforcement action taken. Failure to apprehend a dog will not preclude taking enforcement action unless the owner of a dog cannot be determined. In cases where the owner of an apprehended dog cannot be contacted or the owner is unknown, the dog will be transported to the Township Animal Detention Center. Upon arrival, officers will pull their vehicle into the garage adjacent to the Animal Detention Center and close the door prior to removing the animal from the vehicle.
- b.** The investigating Officer shall determine if the dog is properly licensed and include that information in the Alert report and on the citation or criminal summons. The Montgomery County Courthouse Treasurer's Office of Dog License Information - 610-278-3070 - is available Monday through Friday, 8:00 A.M. - 4:00 P.M. for license inquiries. Each incident shall be thoroughly investigated to ensure that all prosecutions for Dog Law Violations are fair, uniform and proper.

2. Cats

- a.** The procedure for an apprehended cat is the same as that of an apprehended dog with the exception that a cat is not required to be licensed. Cats shall be placed in the first available cat cage and an entry in the Animal Detention Log will be completed. Additionally, an entry shall be made in the Animal Record Book at headquarters, and a report detailing the circumstances of the apprehension are to be detailed.

C. ENFORCEMENT

1. Confinement of Dogs (Dog Law Act 119 Section 305)

It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:

- a.** Confined within the premises of the owner;
- b.** Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or

2. Curbing of Dogs (Health & Sanitation Chapter 90 Section 53)

No person owning, harboring, keeping or in charge of any dog shall cause or allow such dog to soil, defile, or defecate upon any other person's private property without the permission of such other person or upon any public property. Where such person shall immediately remove all feces deposited by the animal and dispose of the same in a sanitary manner, the nuisance created by defecation shall be considered abated and such person shall not be in violation of this article. Guide dogs accompanying a blind person and dogs used to assist any other physically handicapped persons shall be exempt from any provisions of this article. Any assigned Officer, or the Animal Warden, who answers a complaint of, or observes a dog soil, defile or defecate on the property of another, in violation of this article may issue a citation to the owner, or person in control of that dog.

3. Cats at Large Prohibited (Health & Sanitation Chapter 90 Section 53)

No person shall allow a cat to run at large upon any public streets of this municipality or upon the property of others.

Each Offense - Up to a \$300.00 fine and appropriate costs

4. Leashed Dogs in Certain Parks (Parks and Playgrounds, Chapter 109 Section 13 Sub. Sec B-1)

Attended dogs, on leashes, are allowed in the following Township Parks:

Ashbridge Memorial Park	Merion Botanical Park
Austin Memorial Park	Merion Square Road Park Site
Black Rock Road Park Site	Mill Creek Valley Park
Cynwyd Station Park	Pencoyd Park
Cynwyd Heritage Trail	Righters Mill Road Park Site
Eco Valley Nature Park	Rolling Hill Park
Henry Lane Park	Sharpe Park & Bird Sanctuary
Kenealy Nature Park	West Mill Creek Park
Linwood Park	Williamson Road Park Site

5. Limited Areas in Certain Parks (Parks and Playgrounds, Chapter 109 Section 13 Sub. Sec. B-2)

a. Dogs, on leashes, are permitted in an area of Shortridge Park, the boundaries of which are as follows:

North Boundary - East Wynnewood Road
East Boundary - Indian Creek
West Boundary - 65' from the west bank of Indian Creek

ANIMALS

Wild or domesticated animals of all species, including dogs, cats and other household pets.

OWNER

When applied to the proprietorship of a dog or other animal, includes every person having a right of property in such dog or other animal and every person who keeps or harbors such dog or other animal or has it in his care, and every person who permits such dog or other animal to remain on or about any premises occupied by him.

RUNNING AT LARGE

Being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog or other animal.

§ 2-102 Animal Control Officer.

[Ord. 96-8, 8/12/1996, § 2]

An Animal Control Officer shall be appointed by the Board of Supervisors or hired pursuant to a contract approved by the Board of Supervisors to serve at the pleasure of the Board or for the term of said contract. Such Animal Control Officer, along with the New Hanover Township Police Department, shall have concurrent responsibility for the enforcement of this part and of the Pennsylvania Dog Law, 3 P.S. § 459-101 et seq.; provided, that the Animal Control Officer shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of New Hanover Township.

§ 2-103 Dogs Running at Large.

[Ord. 96-8, 8/12/1996, § 3]

It shall be unlawful for the owner of any dog(s) to allow or permit such dog(s) to run at large in New Hanover Township.

§ 2-104 Animal Control Procedures.

[Ord. 96-8, 8/12/1996, § 4]

1.

Call to Duty. The Animal Control Officer shall be available for call 24 hours per day and may be called to duty at the discretion of the Chief of Police of the New Hanover Township Police Department.

2.

Transportation of Animals. If it is determined that the transportation of an animal is necessary, the Animal Control Officer shall transport said animal in his vehicle.

3.

Seizure of Animals. The Animal Control Officer may seize any animal and cause that animal to be held as required pursuant to the provisions of this part.

4.

Injured or Dead Animals. Upon the report of an injured or dead animal in New Hanover Township the Animal Control Officer will be notified and ordered to report to the scene and assume responsibility for the animal. If it is determined that the charges should be placed for incidences of injury, death or mistreatment of an animal, the Animal Control Officer may file a citation. Dead animals located on Township property, where the owner of the animal is available, will normally be removed by the Highway Department after notification by the Animal Control Officer. PennDOT will be notified to remove dead animals from state roadways.

5.

Dangerous or Vicious Animals. Upon report of a vicious animal, the Animal Control Officer will report to the scene immediately. If the owner of the animal is unavailable or unknown, the Animal Control Officer may utilize a tranquilizer gun or other approved method to subdue the animal and/or take appropriate action to insure the safety of the New Hanover Township residents. A dog determined to be dangerous under § 502A of the Pennsylvania Dog Law, 3 P.S. § 459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Pennsylvania Dog Law, 3 P.S. § 459-501A et seq. Dogs may be killed only in accordance with the requirements of § 501 of the Pennsylvania Dog Law, 3 P.S. § 459-501, and otherwise, said dog must be retained and delivered to the police or state dog warden. While detained, said dog must be treated in a humane manner.

6.

Suspected Rabid Animals. Upon complaints of suspected rabid animals, the Animal Control Officer shall be notified immediately. If the Animal Control Officer determines that the destruction of a suspected rabid animal is deemed necessary, such destruction must be accomplished in the least public manner

possible, as humanely as possible, and that the head of the animal is not damaged and is preserved for analysis to confirm rabies.

7.

Release to SPCA. When an animal is detained by the Animal Control Officer, said animal will be released to the SPCA, if possible, and the Animal Control Officer must inform the SPCA personnel of the specific period of time for which the animal is to be held and to whom the animal is to be released.

8.

Wild Animals. For complaints involving wild animals and protected animals, the Animal Control Officer shall be notified and respond to the complaint unless the Animal Control Officer determines that a state game official is better suited to respond to the complaint, and the Animal Control Officer notifies such an official of the same.

§ 2-105 Penalties.

[Ord. 96-8, 8/12/1996, § 5; as amended by Ord. 97-7, 10/13/1997, § 2-105; and by Ord. 17-03, 3/27/2017]

Any person, firm or corporation who shall violate any provision of this part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine in the amount of \$15 to New Hanover Township as well as reasonable fees fixed pursuant to a resolution of the Board of Supervisors of New Hanover Township for keeping the animal in a kennel or other structure as approved by the Board of Supervisors. For each violation of this part in excess of the first two violations, the owner of the animal involved shall pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.

ventilation, sanitary conditions or in such a manner as to subject the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or animal.

§ 90-10. Responsibilities of cat owners regarding stray cats.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Identified by means of a collar with a tag or a microchip. The identification must provide the owner's name and contact information.

§ 90-11. Requirements for feral cats.

It shall be unlawful for any person to feed feral cats unless said person cooperates with a humane program sponsored by the Borough and adheres to the strict guidelines set forth by Borough. When dealing with feral cats:

- A. It is unlawful for any person or organization to intentionally provide food, water, shelter, or other forms of sustenance or care to a feral cat colony or colonies on public or private land unless the person or organization has registered the colony or colonies with the Animal Control Officer and therefore must adhere to the following requirements:
 - (1) All adult cats that can be captured must be spayed or neutered;
 - (2) All cats that can be captured must be vaccinated against rabies, preferably with a three-year vaccine;
 - (3) Make every attempt to remove kittens from the colony as early as appropriate for their well-being before eight weeks of age for domestication and placement;
 - (4) Make every attempt to remove sick or injured cats from the colony for veterinary care or humane euthanasia;
 - (5) Assure responsibility and arrangements for feeding the cat colony or colonies regularly throughout the year;
 - (6) Make every attempt to ear tip all cats with a single cut preferably on the left ear; and
 - (7) Maintain proof of sterilization, vaccination, and other medical records for all cats in the colony or colonies. These records must be provided to the Animal Control Officer upon request.
- B. Any person or caregiver determined to be in violation of Subsection A(1) through (7) above shall be issued a warning and be allowed a period of time in the discretion of the Animal Control Officer of no longer than 30 days to come in to compliance, or to provide satisfactory evidence of working to achieve compliance. Failure to fully comply shall constitute a violation of this chapter, which may result in the issuance of a citation.
- C. The Borough has the right to seize/remove the colony or colonies on public or private

property if the above requirements are not met and/or conditions of the colony or colonies pose a risk to public health and safety.

- D. It shall be unlawful for any person or organization to destroy any traps or release any cats which have been captured pursuant to any humane efforts on behalf of the Borough.
- E. It shall be unlawful for any person or organization to perform any of the actions regulated in Subsection A on private property which they do not own. Under no circumstances are any actions permitted on another person's or organization's property without consent of the owner.

§ 90-12. Responsibilities of TNR program sponsors.

Animal welfare organizations may make application to the Borough to serve as a sponsor of a TNR program. Sponsors appointed by the Borough shall have the following responsibilities:

- A. Register each feral cat colony they are managing with the Borough. Information submitted to the Borough shall include general location (neighborhood), number of cats in the colony, and number of caretakers working with the colony.
- B. Record and report to the Borough, on an annual basis, the intake and disposition of each feral cat brought to their facility.
- C. Record and report to the Borough, on an annual basis, the total number of members and the number of sterilized members of each feral cat colony within the Borough for which they have implemented a TNR program.
- D. Record and report to the Borough, on an annual basis, the number of kittens born into each feral cat colony within the Borough for which they have implemented a TNR program.
- E. Address complaints received by the Borough and passed along to the sponsor regarding caretaker behavior and serve as an intermediary to address and, where possible, remediate the behavior within a reasonable period of time, based on the matters at issue and utilizing Borough resources when necessary.

§ 90-13. Violations and penalties.

Any person, organization, firm or corporation who shall violate any provision of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 and not more than \$500, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

§ 90-14. Keeping and maintaining of chickens and ducks (no roosters permitted).

The following restrictions are placed on the keeping and maintaining of chickens and ducks:

§ 206 Feral Cat Caregivers.

[Ord. 2143, 11/9/2015]

"Feral cat caregiver" means any person who provides volunteer care to or for a feral cat by trapping, neutering, vaccinating, and returning the feral cat; by feeding and providing water to a feral cat; by providing shelter to a feral cat; and/or providing medical care for a feral cat.

A.

Feral cat caregivers shall be permitted to carry out trap-neuter-return at their own expense. A feral cat giver who chooses to carry out trap-neuter-return shall:

(1)

Vaccinate the feral cat(s) at the time of sterilization.

(2)

Ear tip the left or right ear of the feral cat(s) at the time of sterilization.

(3)

Provide food and water to the feral cat(s) on a regular basis, year round, using best practices to minimize, as reasonable as possible, any nuisance and/or unsanitary conditions.

(4)

Provide adequate shelter (in number and quality) for the feral cat(s) using best practices to minimize nuisance.

(5)

Make reasonable, good-faith efforts to provide needed veterinary care to the feral cat(s) that is(are) visibly ill or injured.

B.

A feral cat caregiver is encouraged to make a reasonable effort to update the vaccinations on cats that can be recaptured.

C.

In the event that kittens are born to a feral cat, the feral cat caregiver is encouraged to take reasonable steps to remove the kittens after they have been weaned, ideally before eight weeks of age. The kittens shall be placed in permanent or foster homes or turned over to an animal rescue organization for the purpose of subsequent permanent placement.

D.

An ear tipped feral cat shall not be removed by animal control unless veterinary care is required.

E.

A feral cat caregiver who returns a feral cat as part of a trap-neuter-return is deemed to not have abandoned the feral cat.

5. New Business:
E. Sewer Lateral Repair Ordinance / Chapter 18

**BOROUGH OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. ____**

AN ORDINANCE AMENDING CHAPTER 18 OF THE BOROUGH OF HATFIELD CODE, ENTITLED "SEWERS AND SEWAGE DISPOSAL," TO ADD REQUIREMENTS FOR PRIVATE SEWER LATERAL INSPECTIONS UPON THE SALE OR TRANSFER OF PROPERTIES WITHIN THE BOROUGH IN ACCORDANCE WITH CHAPTER 5 "CODE ENFORCEMENT" PROPERTY TRANSFER CERTIFICATIONS.

RECITALS:

A. The Borough Code authorizes the Hatfield Borough Council to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Borough and welfare of the Borough and its citizens.

B. The Pennsylvania Department of Environmental Protection has informed the Borough and the Hatfield Township Municipal Authority of identified Inflow and Infiltration issues within the public sanitary sewer system in Hatfield Borough and Hatfield Township.

C. Inflow and Infiltration can damage public sanitary sewer systems and poses a threat to the health, safety, and welfare of the residents served by such public sanitary sewer system by events such as sanitary sewer overflows.

D. The Borough Code authorizes the Borough Council to adopt rules and regulations governing the connections and use of public sanitary sewer systems within the Borough.

E. The Borough Council of Hatfield desires to amend Chapter 18 of the Borough of Hatfield Code, entitled "Sewers and Sewage Disposal", to establish requirements for the inspection of private sewer laterals upon the sale or transfer of properties located within the Borough.

F. The inspection of such private laterals will identify issues with the laterals, including inflow and infiltration, connected to the public sanitary sewer system.

G. The Borough Council of the Borough of Hatfield, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Borough of Hatfield will be served by adopting this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Hatfield, as follows:

SECTION 1. CODE AMENDMENTS.

The Hatfield Code is hereby amended as follows:

Chapter 18, Part 6, entitled “Lateral Inspection Program” of the Hatfield Borough Code is hereby added as follows:

§18-601 Definitions.

AUTHORITY

Hatfield Township Municipal Authority

SEWER SYSTEM

The public sanitary sewer system, together with appurtenant facilities about to be constructed for the Borough and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough or to any part or parts of any or all thereof and shall specifically include all presently existing public sewer lines now owned or hereafter acquired by the Borough or the Authority.

PRIVATE SEWER SERVICE LATERAL

The private sewer pipe extending from a building to the public sanitary sewer system. lateral. Such private sewer pipe shall include the private 4" (or other) sewer pipe to its transition to the public 6" service lateral in the public right of way. Where no such transition exists, the private sewer pipe shall include the sewer pipe from the building to the public right of way, and to the easement demarcation line when the private line connects to a public sewer that is located within an easement. If a property contains a different set-up for the Private Sewer Service Lateral, this ordinance shall remain applicable and such Private Sewer Service Lateral shall be inspected in accordance with this ordinance. All Private Sewer Service Laterals shall comply with the Borough’s and the Authority’s then current adopted specifications.

TRANSFER

The transfer of title to real estate whether by sale, gift or otherwise, which requires a Property Transfer Certification in accordance with §5-209 of the Hatfield Borough Code of Ordinances.

§18-602 Inspection required upon transfer of properties.

(1) In addition to the requirements of §5-209 relating to Property Transfer Certification, the seller of any property located in the Borough, which is connected to the System shall be required to retain the services of a master plumber or utility contractor for the purposes

of conducting an inspection of the Private Sewer Service Lateral. The inspection shall require a video inspection of the Private Sanitary Sewer Lateral from the face of the building or other connected structure to the connection to the System and contain a report of the inspection result. Such video shall be given to the Borough for review.

(2) Should the Private Sewer Service Lateral be found to be defective, based upon the Borough's or Authority's rules, regulations, and resolutions and/or sound engineering practice, the lateral pipe shall be replaced, realigned or otherwise corrected. In the sole discretion of the Borough, limited permission for spot and/or minor repairs and maintenance may be granted. The pipe replacement/realigning/spot repair shall be performed by a master plumber or utility contractor in accordance with Borough Code of Ordinances requirements; as well as the Borough's and Authority's rules, regulations, and resolutions and in accordance with industry standards. Any defect in the Private Sewer Service Lateral is hereby deemed a substantial violation of the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081 et seq., as inadequate sanitary facilities and the health risks posed to adjoining properties.

(3) In the event that any Transfer occurs without an inspection having been conducted and without the seller obtaining a certified report, the buyer or purchaser of the property shall be responsible for having the aforementioned inspection conducted and for the submission of the certified result to the Borough.

(4) This section shall not apply to a transfer of newly constructed properties from the builder to the first owner, nor to any properties inspected and found to be in compliance within the five years preceding the transfer, nor to any properties where the property owner can prove that the lateral was replaced within the last ten years, nor to any properties where the Borough has received or performed an inspection of the Private Sewer Service lateral within the previous twelve (12) months.

(5) The Borough, upon payment of any application and inspection fee and, upon the Borough's receipt and approval of the inspection report required above, including a copy of the televised video inspection, the report specifically certifying that there is no inflow and/or infiltration into the private sewer service lateral, nor any illegal connections and that the clean-out vent is capped and not damaged; shall issue a private sewer service lateral inspection permit to the seller who shall deliver said permit to the buyer or lessee of the property at the time of the Transfer.

(6) In the event that the property owner fails to repair or replace the Private Sewer Service Lateral as required, the Borough shall be authorized as permitted by law to go onto the property and repair or replace the Private Sewer Service Lateral and charge the property owner for the cost and expenses incurred by the Borough to repair or replace the Private Sewer Service Lateral. In the event that satisfactory payment arrangements are not agreed upon between the Borough and the property owner, the Borough may file a municipal lien against the property pursuant to Pennsylvania's Municipal Claims Act and/or pursue other legal remedies for the collection of same, including the collection of attorney's fees. In addition thereto, the Borough can refuse the issuance of a Property Transfer Certification or use and occupancy permit if the necessary repairs or replacement are not completed. In the alternative, at the sole discretion of the Borough and after the posting of an escrow fund to ensure payment for any repairs or

replacements, the Borough may issue a Conditional Property Transfer Certification conditioned on obtaining the inspection and making any needed repairs within 60 days.

(7) During the inspection of the Private Sewer Service Lateral, the property owner shall permit the designated employees or agents of the Borough access to the property to make necessary inspections and observations.

(8) The master plumber or utility contractor utilized by the property owner must be registered with the Borough, own its equipment, and have appropriate insurance, in compliance with industry standards, to perform such work.

SECTION 2. AMENDMENT TO CHAPTER 5, "CODE ENFORCEMENT". Chapter 5, "Code Enforcement," is hereby amended to add a new section to §5-209.3, "Certification and Code Compliance," to add a new section, §5-209.3.D, "Lateral Inspection Program. The owner shall comply with the requirements of Chapter 18, Part 6, Lateral Inspection Program."

SECTION 3. REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 5. FAILURE TO ENFORCE NOT A WAIVER.

The failure of Hatfield Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this _____ day of _____, 2021 with _____ Council Members

_____ voting "aye" and _____ voting "nay."

Attest:

HATFIELD BOROUGH

Michael J. DeFinis, Secretary

By: _____
John H. Weierman, Council President

Approved by the Mayor:

Robert L. Kaler, III

Date: _____

6. Action Items:

7. Next Meeting Monday, June 14, 2021
7:00PM

8. Motion to Adjourn