

HATFIELD BOROUGH PLANNING COMMISSION

August 7, 2023



KENNETH V. FARRALL, CHAIR

LAWRENCE G. STEVENS, VICE CHAIR

LARRY BURNS, MEMBER

JOHN KROESSER, MEMBER

MICHELLE KROESSER, MEMBER

JAIME E. SNYDER, BOROUGH MANAGER



Borough of Hatfield

Montgomery County, Pennsylvania

PLANNING COMMISSION August 7, 2023 7:00PM AGENDA

Call to Order / Roll Call

Kenneth Farrall Lawrence Stevens Larry Burns
John Kroesser Michelle Kroesser

1. Motion to Approve the August 7, 2023 Agenda
2. Motion to Approve the May 1, 2023 Meeting Minutes
3. 23 N. Main Street Arbor Grove Development Sketch Plan Presentation
4. Old Business:
 - A. Edinburgh Square Update
 - B. Bennetts Court Update
 - C. 43 Roosevelt Update
 - D. Didden Greenhouses Update
5. New Business:
 - A. Upcoming Zoning Hearing Board Meetings
 - 103 N. Main Street
 - 200 N. Main Street
 - B. Recently Adopted Ordinances
 - Ordinance No. 550 Keeping of Chickens
 - Ordinance No. 551 Consumer and Display Fireworks
6. Action Items:
7. Next Meeting is Monday, August 28, 2023, 7:00PM
8. Motion to Adjourn

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

**2. Motion to Approve the
May 1, 2023 Meeting Minutes**

PLANNING COMMISSION

May 1, 2023 7:00PM

Meeting Minutes

This Meeting was Recorded

ROLL CALL

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

The record shows that five members of the Planning Commission were present along with Borough Manager Jaime E. Snyder, and Assistant to the Manager Kathryn Vlahos.

1. APPROVAL OF THE AGENDA:

Motion to Approve the May 1, 2023 Planning Commission Meeting Agenda

Motion: A motion was made by Lawrence G. Stevens to Approve the Agenda of May 1, 2023 Planning Commission Meeting Agenda. The motion was seconded by Larry Burns and unanimously approved with a vote of 5-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the February 27, 2023 Planning Commission Meeting.

Motion: A motion was made by Larry Burns to Approve the February 27, 2023 Meeting Minutes. The motion was seconded by Lawrence Stevens and unanimously approved with a vote of 5-0.

3. Old Business

A: Edinburgh Square Update

Manager Snyder stated that since the last Planning Commission Meeting there have not been any new updates.

B. Bennetts Court Update

Manager Snyder stated that since the last Planning Commission Meeting there have not been any new updates.

C. 43 Roosevelt Update

Manager Snyder stated that since the last Planning Commission Meeting there have not been any new updates.

D. 200 N. Main Street, Alliance Housing Development Update

Manager Snyder stated that since the last Planning Commission Meeting there have not been any new updates.

E. Didden Greenhouses Update

Manager Snyder stated that since the last Planning Commission Meeting there have not been any new updates.

4. New Business:

A. Zoning Hearing Board Meeting Announcement 103 N Main Street

Manager Snyder let the Planning Commission know that the hearing has been continued until May 31st at 7:00PM in Council Chambers. She also stated that this is a single-family home in the R-1 District which they are looking to convert into two units. If there are any comments regarding this hearing, she can pass them along to the Zoning Hearing Board.

B. Ordinance No. 550 Chickens: Amending Chapter 2 & Chapter 27

Manager Snyder explained that this ordinance will allow residents in residential zoning districts who have a lot size greater than 10,000 square feet to have six chickens, an additional 3 chickens will be allowed for every additional 5,000 square feet. Only female chickens are allowed to be kept in the borough.

Motion:

A motion was made by Larry Burns to recommend to Council the draft Ordinance for chickens to be changed to read "Male chickens, or roosters, are not permitted and shall be removed within seven (7) days upon request by the Borough Code Enforcement Officer". The motion was seconded by John Kroesser and unanimously approved with a vote of 5-0.

C. Ordinance No. _____ Regulating the Display of Consumer Fireworks and Display Fireworks

Manager Snyder explained that this ordinance will ban fireworks in the Borough except on certain holidays. The Planning Commission recommended that the Borough create an ordinance jointly with Hatfield Township which will make it easier for Police to enforce.

5. Action Items

None

6. Next Meeting Monday, June 12, 2023, 7:00PM

7. Motion to Adjourn

Motion:

A motion was made by John Kroesser to adjourn the May 1, 2023 Planning Commission Meeting. The Motion seconded by Michelle Kroesser and unanimously approved with a vote of 5-0.

Respectfully Submitted,
Kathryn Vlahos
Assistant to the Manager

3. 23 N. Main Street Arbor Grove Development Sketch Plan Presentation



ZONING DATA TABLE	
Zoning District - CC-Care Commercial District	
ITEM	PROPOSED
Land Use:	Townhomes (10 Units) *
Max. Density:	6 DU/ Acre
Min. Lot Area:	1,600 SF
Min. Lot Width:	20 FT
Min. Front Yard Setback:	20 FT
Min. Side Yard Setback (Each)*:	10 FT
Min. Rear Yard Setback:	20 FT
Max. Impervious Surface (lot):	90%
Max. Building Coverage (lot):	85%
Min. Building Height:	33 FT / 3 ST
PARKING TABLE	
Min. Off-Street Parking (Residential):	2 Spaces Per Unit (20 Spaces)

*Proposed Use and Dimensional criteria requires a zoning ordinance amendment

- NOTES
- BOUNDARY AND TOPOGRAPHIC INFORMATION IS TAKEN FROM A SURVEY PREPARED BY CAVANAUGH SURVEYING SERVICES IN JULY 2022.
 - THE PROPOSED DEVELOPMENT CONSISTS OF 10 TOWNHOMES WITH 27 PARKING SPACES.



TOWNHOME UNITS

July 18, 2023

Hatfield Borough
401 South Main Street
Hatfield PA 19440

Attention: Jaime E. Snyder, Manager

RE: 23 N. Main Street Sketch Plan Review
Bursich Project No.: HAT-01/228286



Dear Jaime:

The following are comments pertaining to the sketch plan titled Arbor Grove Development Conceptual Site Plan, dated April 6, 2022 (2023) with latest revision date of June 2, 2023, prepared by Holmes Cunningham Engineering.

The site consists of two parcels: one contains an existing dwelling, fronts N. Main Street, and is located entirely in the CC – Core Commercial Zoning District; while the other is unimproved, is landlocked behind the first property and the Post Office property, and is split between the CC District and R-1 Residential District. The sketch plan proposes ten townhouse units in two buildings, one with six units and the other with four units, separated by a paved access aisle. Each unit is proposed to include a one-car garage and two-car driveway. Seven parallel-parking spaces are also included along the access aisle. The existing dwelling on the N. Main Street parcel is to be demolished to construct the driveway, which will gain access from N. Main Street. The applicant intends to remove the common property line and join the properties into a common deed.

We offer the following comments with respect to the Borough Zoning Ordinance and general planning:

1. § 27-805 - All front yard setbacks required under this chapter shall be calculated from the ultimate right-of-way of the street on which the lot fronts.

The plan shall illustrate the required setback lines to identify the extent of relief being sought. Combining the properties into a common deed, as proposed, would create an unorthodox property shape, with the buildings placed behind the rear yard of an adjacent residential property. The designation of the front yard will need to be determined by the Borough Zoning Officer, and alternate dimensional criteria should be considered for the proposed use.

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

2. §27-811.1.C – A deck or platform which does not extend above the level of the first floor of the building may extend into a required rear yard a distance of not more than 10 feet, provided that in no case shall it extend more than one-half the required depth of yard.

The shape of the property, and lack of individual lots for the townhouse units, creates a unique designation of yards. For example, while the decks for units 7 through 10 will be at the rear of the building, they may be considered to be in the front yard of the overall property. Compliance with this section of the ordinance will be reviewed once yard designations and dimensions are established.

3. §27-813 - refuse collection facilities must be provided, either inside the building or within an area enclosed by either walls or opaque fencing. Refuse facilities detached from residential buildings shall meet setbacks for accessory structures and shall be subject to a setback of 25 feet from all primary buildings on the subject property or neighboring properties, and from all street rights-of-way. Facilities shall be designed in a manner which can accommodate collection trucks.
4. §27-816.1.B.(3) – The Borough Council shall evaluate all applications relating to common driveways as to the location, placement, and alignment of such common driveways based upon the ease of accessibility to, and efficient maneuverability through, for protective services of fire and police.
5. §27-1408.4 - Where a driveway is located in a side yard, a five-foot landscaped buffer strip shall be provided on either side of the driveway. The buffer strip may be maintained as lawn or planted with trees and shrubs or similar landscaped material.

Additional dimensions shall be provided to determine if the driveway meets buffer width requirements from the property lines to the outside of curb. The driveway appears to be located approximately three feet from the southern property line.

6. §27-1408.5 - All parking areas for multifamily dwellings shall be set back at least 10 feet from all side and rear property lines, and five feet from any building on the lot. Landscaping shall be provided within the side and rear setbacks, according to the standards of § 22-420 of the Subdivision and Land Development Ordinance (Chapter 22).

The western-most parallel parking space appears to be less than eight feet from the adjoining residential property line.

7. §27-2002 – A Land Development application will need to be reviewed to determine if the regulations of the Floodplain Conservation District are applicable. Most types of improvements are prohibited in the Floodplain Conservation District.
8. §27-2102 – Townhouses (Single-family Attached Dwelling Unit) are not an allowed use in the CC District.

The townhouse use would require a zoning variance.

9. §27-2108 – Since townhouses are not permitted by-right in the CC District, the Dimensional and Design Requirements in this district were not established for the proposed townhouse use.

We recommend that, if a zoning variance is granted to allow the proposed townhouses, the Zoning Hearing Board consider establishing alternate dimensional and design criteria as conditions. For reference, the R-3, R-4, and C-Commercial Districts allow townhouses and contain associated design criteria. Setbacks for uses such as decks, patios, turnaround areas, sidewalks, trash enclosures, etc. should also be considered.

The Proposed information in the Zoning Data Table on the plan does not appear to be accurate. Additional Lot Area and proposed improvement area information shall be provided to determine criteria such as Density, Lot Area, Impervious Surface Coverage, Building Coverage, etc.

10. §27-2108.1.H - Front yard depth: five feet minimum, 10 feet maximum, and no new off-street parking spaces on the lot shall be placed between the principal building and the street.

The building may be considered to be beyond the maximum 10 feet front yard setback line. The overflow parking spaces would be non-compliant as they would be located between the principal building and the street.

11. §27-2108.4 - Hatfield Borough Central Business District Design Guidelines shall be used in the Central Business District. The Central Business District is generally defined as the areas fronting on: Main Street; Market Street; Lincoln Avenue East of Main Street and Broad Street, and situated in the following zoning districts: CC Core Commercial; C Commercial; and R-3 Residential.

12. §27-2304.A.F.J – Clearing of existing vegetation, parking lots, and stormwater basins, among other improvements, are prohibited in the Riparian Corridor District.

The impacts of the improvements would be reviewed as part of a Land Development application. In order to determine the extent of the Riparian Corridor, a survey of the stream, steep slopes, and a wetlands investigation, will be necessary. The stream through the property appears to be an intermittent stream with an upstream drainage area less than 75 acres.

13. Based on the sketch plan provided, a portion of the Post Office parking lot appears to encroach on the subject property. The applicant shall determine if an easement had been recorded for this encroachment in a manner satisfactory to the Borough Solicitor.

14. Lighting fixtures, particularly for the overflow parking spaces, shall not create a nuisance onto neighboring properties.

15. We recommend a privacy fence be installed along the southern property line to shield neighboring residents from the vehicles. Additional buffering may also be warranted along the northern property line adjacent to the residential property. Overall, buffering around the perimeter of the property will be important considering the proximity of existing offsite features, and proposed onsite improvements, to the property lines.

16. The proposed grass paver turn-around appears to be approximately five feet from the wall of Unit 1. The applicant and Fire Marshal should confirm this separation is sufficient. The turn-around appears to be approximately five feet from the adjoining residential property.
17. The proposed decks / patios appear to be approximately ten feet from the property lines. The Zoning Hearing Board may wish to consider establishing minimum setbacks as a condition of any zoning relief granted. Privacy for neighboring residential properties should also be considered.
18. The intended and potential use of the Community Area should be clarified. The Community Area appears to be approximately eight feet from the post-office pull-in parking spaces, three feet from the stormwater basin, and seven feet from the access drive. Safety should be considered with the location and use of the community area.
19. The Stormwater basin appears to be approximately 6.5 feet from Unit 6, 4.5 feet from the property line, and potentially within the riparian corridor. We do not recommend a stormwater basin be constructed within fifteen feet of a building. Safety measures, impacts on the surrounding improvements, and accessibility for maintenance should be considered with the design of the basin.
20. The proposed sidewalk along the access drive appears to be less than three feet from the neighboring residential property line.
21. Additional dimensions shall be provided on the plan to illustrate the distances between key existing and proposed features and important boundary lines.
22. The Borough should consider if it wishes a street light to be installed at the new driveway intersection.
23. It should be noted that the rendering of the Townhome Units illustrates grass and sidewalks leading to the front doors of the units, while the actual layout would include asphalt driveways along most of the building face, with vehicles likely parked in front of the doors.
24. It is our understanding reviews will also be completed by the other Borough consultants and emergency services providers.

Should you have any questions or need further information, please feel free to contact me at 484-941-0418 or chad.camburn@bursich.com.

Very truly yours,



Chad E. Camburn, P.E.
Director of Municipal Engineering
Bursich Associates, Inc., Pottstown Office

pc: Bob Heil, Hatfield Borough Zoning and Codes Official (*via email*)
Kate Harper, Hatfield Borough Solicitor (*via email*)



Borough of Hatfield

Montgomery County, Pennsylvania



August 1, 2023

Borough of Hatfield
Ms Jaime Snyder
401 S Mai St
Hatfield PA 19440

Arbor Grove / 23 N Main St

Ms. Snyder,

A review of the newly submitted sketch plan for 23 N Main St known as Arbor Grove has been completed. All items from the previous reviews of the non-conforming lot still apply as previously noted.

The site consists of two parcels located in the CC – Core Commercial Zoning District. One parcel has frontage on N. Main Street and contains an existing dwelling. The second parcel is landlocked and is located behind the first parcel, the post office property, and a property with a single-family dwelling. The sketch plan proposes ten (10) townhomes.

In review of the project known as 23 North Main St for the construction of ten (10) townhomes located in the CC Core Commercial District, the following Zoning issues have been noted.

1. A variance must be sought for the proposed townhomes located in the CC Core Commercial District as this is not a permitted by right Use. § 27-2102 Permitted by Right Uses.
2. A variance must be sought for the front yard setback which exceeds the maximum front yard depth permitted.

§ 27-2108 H. Front yard depth, calculated in accordance with § 27-805: five feet minimum, 10 feet maximum and no new off-street parking

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

spaces on the lot shall be placed between the principal building and the street.

§ 27-805 Front Yard Setbacks. All front yard setbacks required under this chapter shall be calculated from the ultimate right-of-way of the street on which the lot fronts, as specified in Chapter 22, Subdivision and Land Development.

3. A variance must be sought for the proposed parking located between the principal building and the street.

§ 27-2108 H. Front yard depth, calculated in accordance with § 27-805: five feet minimum, 10 feet maximum and no new off-street parking spaces on the lot shall be placed between the principal building and the street.

In addition, the plan must show compliance with Dimensional and Design Requirements related to the proposed parking located adjacent to Main Street as required by:

§ 27-2108 I. Parking setback. If an off-street parking area of four or more new parking spaces is proposed adjacent to Main or Broad Streets or Lincoln Avenue, it shall be separated from the street cartway, right-of-way or existing sidewalk (whichever places the parking further away from the street) by a planting area with a minimum width of five feet. There shall be a minimum of one tree per 30 linear feet of frontage. Such planting area shall include a mix of low-level plantings and deciduous shade trees, with sufficient clearance vertical between them to allow views into the parking area for security purposes.

4. The design of the principal building must also show compliance with the Central Business Design Guidelines in accordance with:

§ 27-2108 M. If a new principal building is constructed that has sides visible on [to] Broad, Main or Market Streets and/or Lincoln Avenue, then all such sides shall have an exterior finish that resembles a front facade finish. For example, the building facade visible from each such street shall utilize features shown in the Central Business Design Guidelines.

5. The plan must show clear delineation and designation of front, side, and rear yard setbacks.

6. The parking for the townhomes with driveways located in front of the dwellings conform to the number of parking spaces required by § 27-1002 for Required Off-Street Parking Capacity allotting 2 spaces per dwelling unit as a one car garage is provided and may be counted toward one parking space in accordance with Section § 27-1003.

§ 27-1003 Parking Space Design.1. Except for multifamily dwellings, two-family or duplex dwellings or attached residential dwellings, a parking space may be provided within the garage or outside it. For multifamily dwellings, two-family or duplex dwellings or attached residential dwellings, any space within a garage shall not be counted toward the required off-street parking capacity under § 27-1002 of this Part. Each outside parking space shall be a minimum of 10 feet by 20 feet in size, exclusive of interior driveways, and shall be paved with an all-weather surface, according to the requirements of the Borough's engineering standards.

It should be noted that due to townhomes not being a Permitted By Right Use, The CC Core Commercial District does not address or recognize other requirements as placed on residential uses in Residential Districts which include that all required parking spaces shall be located in the rear or side yards, with the exception that one parking space may be located in the front yard of a single-family detached dwelling.

In addition to the above comments, items from the initial review of the non-conforming lot still apply as previously noted:

§ 27-804 – Minimum lot width or frontage as required under this chapter shall be measured at the ultimate right-of-way line of the street. All lots must have sufficient frontage on a public or private street to meet the minimum lot width requirements of the zoning district.

The existing landlocked parcel is existing non-conforming with respect to lot dimensions.

A. §27-702.1.C - Nonconforming status shall be classified as follows: Nonconforming Lot. Any existing lawful lot which does not conform to the area and/or width requirements for lots in the district in which it is located.

B. §27-703.1.G - A new principal building shall only be constructed or placed on a nonconforming lot if special exception approval is granted by the Zoning Hearing Board. Any other permitted by right structures and uses may be built, developed, or expanded on a nonconforming lot, provided all other requirements of this chapter are met.

Sincerely,



Robert J. Heil
Code & Zoning Enforcement

Code Inspections, Inc.

603 Horsham Road
Horsham, PA 19044

A Full Service Agency Providing
Professional Inspection Services

Phone: 215-672-9400
Fax: 215-672-9736

July 13, 2023

Re: Sketch Plan Review of 23 North Main Street


To Whom It May Concern:

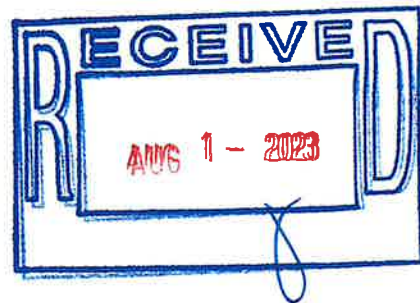
The review of the sketch plan referenced above for compliance with the 2018 International Building Code and the 2018 International Fire Code as adopted by the Pennsylvania Uniform Construction Code as well as the 2012 International Fire Code as amended and adopted by the Borough of Hatfield. The review has been completed and the following items have been noted:

1. Due to the length of the proposed dead end fire lane a fire apparatus access road turnaround must be provided.
 - a. For approval a fire apparatus turning model shall be provided using the attached specifications for the Hatfield Fire Company Ladder Truck. The turning radius of the street and the apparatus turnaround shall be designed to accommodate the requirements for this apparatus.
 - b. The purpose of this model is to confirm that the fire apparatus will be able to enter and exit the property including the using the provided fire apparatus access road without leaving the paved surface with minimal backing of apparatus.

Please note that this review was based on the sketch plan provided and due to the limited information provided there may be additional concerns that arise from a full plan review.

Yours in safety,

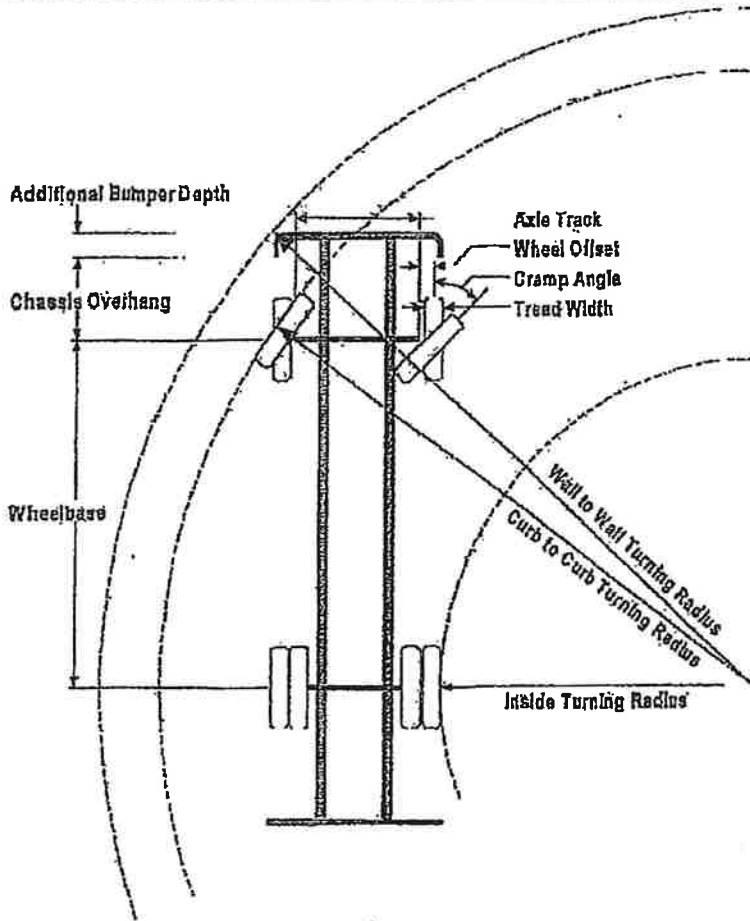

Daniel Azeff
Fire Marshal
Borough of Hatfield





Turning Performance Analysis

12/20/2007



Parameters:

Inside Cramp Angle:	45.00 °
Axle Track:	81.92 in.
Wheel Offset:	4.68 in.
Tread Width:	17.70 in.
Chassis Overhang:	65.02 in.
Additional Bumper Depth:	19.00 in.
Front Overhang:	85.02 in.
Wheelbase:	248.50 in.

Calculated Turning Radii:

Inside Turn:	19 ft. 7 in.
Curb to Curb:	35 ft. 7 in.
Wall to Wall:	39 ft. 11 in.

Comments:

Aerial Application
 EB431 This is just a estimate.

Components	PRIDE #	Description
Front Wheels	0019611	Wheels, Frt, Alum, Alcoa, 22.50" x 12.25" (425/ & 385)
Front Tires	0001647	Tires, Michelin, 425/65R22.50 20 ply XTB2, Hiway Rib
Chassis	0060022	Dash-Side Door, Tractor Chassis (Tiller), Glider, For (Refurb Only)
Front Bumper	0012245	Bumper, 19" extended - all chassis
Aerial Device	0120994	Aerial, 105' HDL, 750# Tip Load w/Waterway

Notes:

Actual Inside Cramp Angle may be less due to highly specialized options.

Curb to Curb turning radius calculated for a 9.00 inch curb.



Turning Performance Analysis

12/20/2007

Definitions:

Inside Cramp Angle	Maximum turning angle of the front inside tire.
Axle Track	King-pin to king-pin distance of the front axle.
Wheel Offset	Offset from the center-line of the wheel to the king-pin.
Tread Width	Width of the tire tread.
Chassis Overhang	Distance from the center-line of the front axle to the front edge of the cab. This does not include the bumper depth.
Additional Bumper Depth	Depth that the bumper assembly adds to the front overhang.
Wheelbase	Distance between the center lines of the vehicle's front and rear axles.
Inside Turning Radius	Radius of the smallest circle around which the vehicle can turn.
Curb to Curb Turning Radius	Radius of the smallest circle inside of which the vehicle's tires can turn. This measurement assumes a curb height of 9 inches.
Wall to Wall Turning Radius	Radius of the smallest circle inside of which the entire vehicle can turn. This measurement takes into account any front overhang due to the chassis, bumper extensions and/or aerial devices.

August 2, 2023

Jaime E. Snyder
Borough of Hatfield
401 South Main Street
P.O. Box 190
Hatfield, PA 19440



RE: Traffic Engineering Review #2
Arbor Grove Development
23 North Main Street
Hatfield, PA 19440
McMahon Project No. 822C52.1A

Dear Jaime:

Per your request, McMahon, a Bowman Company, has completed a traffic engineering review of the proposed land development for the Arbor Grove Development located at 23 North Main Street in the Borough of Hatfield, Montgomery County, PA. It is our understanding that the development will consist of the development of ten (10) townhomes with access onto North Main Street.

The following documents were reviewed and/or referenced in preparation of our comments:

- Conceptual Site Plan – Arbor Grove Development, prepared by Homes Cunningham Engineering, dated June 2, 2023

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.

1. A traffic assessment of the proposed access onto North Main Street should be completed by the applicant. The proposed development access is located in close proximity to the signalized intersection of Main Street and Broad Street, and the interaction between the left turn ingress movements, the eastbound left turn lane for the traffic signal, Grace Lutheran Church access, and existing pedestrian crossing should be evaluated.
2. It should also be noted that the Borough has identified traffic calming\pedestrian improvements along North Main Street at the existing pedestrian crossing for the post office.



We trust that this review letter responds to your request, and satisfactorily addresses the traffic issues related to the proposed development at this time. If the Borough has any questions, or requires further clarification, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Anton Kuhner".

Anton Kuhner, P.E.
Senior Project Manager

EJR/akk

cc: Chad Camburn, P.E., Bursich Associates, Inc
Catherine M. Harper, Borough Solicitor
Bob Heil, Borough of Hatfield

I:\eng\HATFIBO1\822C85 - 23 N Main St\Correspondence\Out\2023-08-02_Traffic Engineering Review #2.docx

4. Old Business:

- A. Edinburgh Square Update**
- B. Bennetts Court Update**
- C. 43 Roosevelt Update**
- D. Didden Greenhouses Update**

5. New Business:

A. Upcoming Zoning Hearing Board Meetings

- **103 N. Main Street**

June 8, 2023

Eric C. Frey, Esquire
Dischell Bartle Dooley
224 King Street
Pottstown, PA 19464

Re: Hatfield Borough Zoning Hearing Board
Application of Mark DePietro
Property: 103 N. Main Street
File No. 23-13109-MU



Dear Attorney Frey:

I am writing this letter on behalf of my client, Mark DePietro waiving time requirements for scheduling a Hearing and rendering a decision through September 30th. We would prefer a Hearing in mid to late August if we can accommodate everyone's summer schedules.

Should you have questions, please do not hesitate to contact me.

Thank you.

Very truly yours,


George Kotsopoulos

GK:kd

cc: Mark DePietro



Date Received: 3/14/23
Fee Paid: 1200

Date Application Made Complete 3/14/23

1st Ad 2nd Ad

Date of Hearing: 4/27/23

[Signature]

HATFIELD BOROUGH
ZONING HEARING BOARD
APPLICATION#

Application is hereby made to the Zoning Hearing Board for a determination in connection with the following facts:

Name of Applicant: Mark DePietro Name of Owner: Mark DePietro / Harpen Capital
Address: [Redacted] Address: [Redacted]
City, State and Zip: [Redacted] City, State and Zip: [Redacted]
Phone Number: [Redacted] Phone Number: [Redacted]
Email: [Redacted] Email: [Redacted]
Name of Attorney: George Kotsopoulos Attorney Phone Number: [Redacted]
Address: [Redacted] City: [Redacted] State: [Redacted] ZIP: [Redacted]
Email: [Redacted]

Applicant and Owner request that a determination be made by the Zoning Hearing Board on this Appeal from the Decision of the Code Enforcement Department in which we were:

- Refused a building Permit
- Given conditional approval of a subdivision plan
- Other (specify) _____
- Ordered to Cease a current use

This appeal seeks:

- An interpretation of the ordinance or map
- A special exception under Article _____, Section _____, Subsection _____, Paragraph _____
- A Variance relating to the Use, Area, Frontage, Yard, Height, Parking, Other (specify) _____

The applicable provisions of the Zoning Ordinance are as follows:

Chapter <u>27</u>	Section <u>1202</u>	Subsection <u>1</u>	Paragraph <u>N/A</u>
Chapter _____	Section _____	Subsection _____	Paragraph _____
Chapter _____	Section _____	Subsection _____	Paragraph _____
Chapter _____	Section _____	Subsection _____	Paragraph _____

The description of the property involved in this appeal is as follows:

Street Number: 103 Street Name: N Main Deed Book: 6229 Page 02717-02720
Block Number: 002 Unit Number: 066 Parcel Number: 09-00-01024-00-2
Zoning District: R-1 Served by Public Sewer (y/n) Y Served by Public Water (y/n) Y
Lot Size: 23,375 sf Lot Dimensions: 125' x 187' Street Frontage: 125'

Describe the present use of the property and the existing improvements: Property contains two adjacent homes last used for a family and inlaws

Describe the proposed use of the property and the proposed improvements: Proposing to convert the property to a twin, making improvements as required for compliance with code.

Has any previous petition been filed with the Zoning Board in connection with these premises? Yes No

If yes, please describe _____ Is this property a part of a subdivision previously approved by the Borough? Yes No

If yes, give name of subdivision _____ Date of approval by Borough _____

5. New Business:

A. Upcoming Zoning Hearing Board Meetings

- **200 N. Main Street**

Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, Pennsylvania 19422-2323
610.825.8400 ♦ Fax 610.828.4887
www.wislerpearlstine.com

M. Joseph Clement, Esquire
[REDACTED]

June 22, 2023

SENT VIA EMAIL [REDACTED]

Eric Frey, Esq.
Dischell, Bartle & Dooley, P.C.
1800 Pennbrook Parkway, Suite 200
Lansdale, PA 19446



**RE: 200 N. Main Street – Alliance Housing Development
Request for extension of time**

Dear Mr. Frey:

I write regarding the Hatfield Borough Zoning Hearing Board decision related to the above-referenced property, dated July 13, 2022, and my client's request to extend the period of time to undertake the project by 2 additional years. I have enclosed a copy of the decision for ease of reference.

The reason for the request is that the project requires certain funding through PHFA which my client anticipates will be extended to the project within the next 2 years. No change in circumstances has occurred regarding the applicant or property.

We respectfully request that this matter be considered by the Hatfield Borough Zoning Hearing Board at its next meeting. If you have any questions or need any additional information, please let me know. Thank you in advance for your consideration.

Very truly yours,

M. JOSEPH CLEMENT, ESQUIRE

{02141364 }

ATTORNEYS AT LAW

Newtown Office:
Post Office Box 1186 ♦ 301 North Sycamore Street ♦ Newtown, Pennsylvania 18940 ♦ 215.579.5995 ♦ Fax 215.579.7909



DISCHELL BARTLE DOOLEY

law offices

Date of Mailing: July 19, 2022

Mark B. Dischell
John T. Dooley
Jonathan B. Young
Eric C. Frey
Robert J. Iannozzi Jr.
Elizabeth J. Billies
Eric F. Wert
Inna G. Materese
Celsa L. Leite Jr.

Via Email to [REDACTED] and Via First Class Mail

Frank R. Bartle
(1977 - 2020)

M. Joseph Clement, Esquire
Wisler Pearlstine, LLP
Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, PA 19422

**RE: Hatfield Borough Zoning Hearing Board
Application of Alliance Housing Development
Property: 200 Main Street**

Of Counsel:
Joseph E. Bresnan
Sean E. Cullen
Robert G. Rosen
George E. Saba Jr

Dear Joe:

This letter provides written notice of the action of the Hatfield Borough Zoning Hearing Board at the conclusion of the Hearing on Thursday, July 13, 2022. The following constitutes the Order of the Board pursuant to its Motion:

ORDER

AND NOW, this 13th day of July, 2022, the Application of Alliance Housing Development is hereby **GRANTED** subject to stated conditions. The Board **GRANTS** a special exception pursuant to Section 27-703(B)(2) to allow a change from one nonconforming use (as a seminary) to another nonconforming use as an age-restricted retirement community campus consisting of 123 age-restricted apartments within three proposed buildings which may continue on the Subject Property located at 200 Main Street in the R-1 Residential District in the Borough.

The relief is granted in accordance with the application and plans submitted and subject to the following conditions:

1. The Applicant shall, if possible, continue to utilize only the electric services provided by Hatfield Borough to service the entire new facility located on the Subject Property;
2. The Applicant shall, if possible, continue to utilize only the sanitary sewer service provided by Hatfield Borough to service the entire new facility on the Subject Property;

A Professional Corporation

3. The driveway right-of-way as noted on the Applicant's Plans Exhibit A-3 along the southern property line of the Subject Property shall remain in place for use by the adjacent property owners;
4. The Applicant shall apply for and obtain any and all land development and other necessary approvals and permits from Hatfield Borough and Hatfield Township. During the land development process, the Applicant shall design a storm sewer pipe from the southeastern corner of the Subject Property, along the southerly side of Main Street (Cowpath Road) connecting to the existing drainage pipe crossing under the road near the post office. This pipe will be in accordance with Hatfield Borough design standards and include inlets at a location approved by the Borough Engineer and Public Works Director. This storm sewer system will be offered for dedication to Hatfield Borough after its construction by the Applicant.
5. All parking and signage shall meet the requirements set forth in the Hatfield Borough Codes;
6. The proposed driveway providing access to Main Street (Cowpath Road), as shown on the plans marked as part of Exhibit A-3, shall be limited to one-way into the Subject Property or for emergency access only;
7. Applicant shall provide a landscape screen buffer along the southern boundary of the Subject Property (the required landscape screen buffer may be located on either the Subject Property or on the properties owned by adjacent property owners as determined during land development approval of the project). The design and specifications of the Landscape Screen Buffer shall be recommended by the Borough Engineer and approved by Hatfield Borough during the land development approval process;
8. The dumpster(s) serving the Subject Property shall be fenced and screened with landscaping. Further, the location of any dumpster(s) shall be approved by Hatfield Borough during the land development approval process; and
9. The Development and the use of the Subject Property shall be substantially consistent with the testimony and exhibits presented at the Hearing on the Application.

Any party may appeal this decision within thirty (30) days of the date of mailing of this notice of the date of entry of the Order of the Zoning Hearing Board. As required by the Pennsylvania Municipalities Planning Code, the full Findings of Facts, and Conclusions of Law of the Board will be provided within forty-five (45) days.

Very truly yours,



ERIC C. FREY

ECF:mh

cc: James Rudolph, Chairman
John Pedrazzani, Secretary
Paul Mullin, Esquire, Member
Dan Ruch, Alternate Member
Jaime Snyder, Borough Manager
Robert Heil, Code and Zoning Officer

5. New Business:

B. Recently Adopted Ordinances

- **Ordinance No. 550 Keeping of Chickens**

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 550**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) AND CHAPTER 27
(ZONING) OF THE CODE OF ORDINANCES OF THE BOROUGH OF HATFIELD,
MONTGOMERY COUNTY, PENNSYLVANIA PROVIDING CONDITIONS FOR THE
KEEPING OF CHICKENS 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, Chapter 2, “Animals,” section 2-101 specifically provides that it is unlawful to keep livestock and farm animals, including chickens within the Borough, and

WHEREAS, it is the intent of this ordinance to provide regulations for keeping chickens in the Borough 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 the keeping of chickens within the Borough to address a recent interest in keeping chickens in the Borough as reflected herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, to amend section 2-101 to modify “chickens” from the list of unlawful livestock and farm animals in §2-101, “Livestock and Farm Animals prohibited” by adding the words, “except as stated below,” after the word, “chickens” and to add a new §2-101 (3) so that the ordinance reads as follows:

**Part 1
LIVESTOCK AND FARM ANIMALS PROHIBITED
§ 2-101**

Unlawful to Keep Livestock and Farm Animals Within Borough Limits;
Violations and Penalties.

1.

No person, firm or corporation shall keep any livestock, farm animals including, but not limited to, pigs, hogs, horses, cows, chickens, **except as permitted below in section 3**, ducks and sheep, within the Borough, nor shall

1

any person, firm, or corporation maintain any buildings or pens for the keeping or maintenance of any such animals at any place within the Borough.

2.

Penalty. 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 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.

3.

Chickens

- A. The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents of the Borough to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Borough recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and chickens leaving the owner's property. This article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.
- B. Permit required. An annual permit is required for the keeping of any domesticated chickens in the Borough. Every applicant for a permit to keep domesticated chickens shall complete and file an application on a form prescribed by the Code Enforcement Officer. Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed. Provide a copy of a master chicken keeper certificate or other educational credential evidencing that the applicant has successfully completed a training course in raising and caring for chickens or other proof that the applicant is competent to care for the chickens.
- C. Fees. The fee for an annual permit to keep chickens shall initially be \$25, but such fee may be adjusted from time to time by resolution adopted by the Borough Council.
- D. Number and type of chickens allowed. The maximum number of chickens allowed is six per 10,000 square feet of lot area, with the

addition of 3 more chickens for every additional 5,000 square feet of lot area. Only female chickens are allowed. There is no restriction on chicken species. Male chickens, or roosters, are not permitted and shall be removed within ten days upon request by the Borough Code Enforcement Officer.

- E. General requirements. Chickens must be kept in an enclosure or chicken run secure fenced area at all times. Each secure chicken run area shall provide no less than ten square feet per chicken. During daylight hours, chickens may be allowed outside of their chicken pens or securely fenced yard only when supervised.
- F. Chickens shall be secured within the henhouse during non-daylight hours. Residents keeping chickens shall also provide a henhouse. Henhouses shall comply with the following standards and regulations:
 - (1) A henhouse footprint shall not exceed 32 square feet per 10,000 square feet of lot area (unless an existing shed or garage which complies with all setbacks required by the Borough's Zoning Ordinance is used for this purpose) and shall be located in the rear of the property no closer than ten (10) feet to the property line and otherwise subject to the bulk and area requirements of the Borough Zoning Ordinance relating to accessory structures. Henhouses shall not exceed six feet in height. To the extent that there is any conflict between the requirements set forth in this chapter and the bulk and area requirements of the Borough's Zoning Ordinance relating to accessory structures, the more restrictive provisions shall govern.
 - (2) Henhouses must provide a minimum floor area of five square feet per chicken in the henhouse. Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings.
 - (3) Henhouses must be kept clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odors or other adverse impact.
 - (4) Chicken feed must be stored in a metal container with a metal lid that cannot be penetrated or removed by vermin.
 - (5) There shall be no public slaughter of any chicken.
- G. The sale of eggs or chickens must comply with state and federal laws and regulations and with the existing Borough Code of

Ordinances. The sale of eggs must also comply with the Borough's zoning ordinance regulations for home occupations in §27-904 located in a residential zone.

Part 2
RAISING CHICKENS PERMITTED AS RESIDENTIAL ACCESSORY
USES IN CERTAIN DISTRICTS
§27-903 1 A
Uses Accessory to Dwelling

Adding a new section §27-903 1 A (5) which provides:

- (5) Keeping of domesticated chickens in accordance with §2-101.3 of the Code in the R1, R2 and R3 zoning districts.

NOW THEREFORE, be it ORDAINED and ENACTED by the Borough Council of the Borough of Hatfield this 17 day of MAY, 2023, with Council members Kroesser, Stevens, Girard voting "aye," and Council members

Ferguson voting "nay."

ATTEST:

BOROUGH OF HATFIELD



JAIME SNYDER, SECRETARY



JASON FERGUSON, PRESIDENT
BOROUGH COUNCIL

APPROVED this 17 day of MAY, 2023.

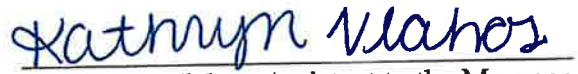


Mayor Mary Anne Girard

CERTIFICATION

I, Kathryn Vlahos, Assistant to the Manager for the Borough of Hatfield, do hereby certify that the foregoing Ordinance No. 550 was adopted by majority vote of Hatfield Borough Council at Regular session of Council held on May 17, 2023, said session being duly advertised at which a quorum was present. Further, the said Ordinance was approved by the Mayor of the Borough of Hatfield and recorded in the Ordinance Book on the same date.

Dated: May 17, 2023


Kathryn Vlahos, Assistant to the Manager
Borough of Hatfield

5. New Business:

B. Recently Adopted Ordinances

- **Ordinance No. 551 Consumer and Display Fireworks**

HATFIELD BOROUGH

ORDINANCE NO. 551

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE
BOROUGH OF HATFIELD REGULATING THE USE OF
CONSUMER FIREWORKS AND DISPLAY FIREWORKS
WITHIN THE BOROUGH**

WHEREAS, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa. C.S. Chapter 11 (hereafter, "Fireworks Law" or "Law"), and became effective on September 9, 2022; and

WHEREAS, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

WHEREAS, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

WHEREAS, the Fireworks Law authorizes the adoption of local rules and regulations by the Borough that govern the use and display of fireworks; and

WHEREAS, the Fireworks Law prohibits the use of Consumer Fireworks, as defined in Section 1101 of the Law, within 150 feet of a building or vehicle; and

WHEREAS, the Fireworks Law prohibits the use of Consumer Fireworks, as defined in Section 1101 of the Law, within 150 feet of an animal housing facility or fenced area designed to confine livestock owned or managed by another person; and

WHEREAS, based upon legislative findings, Hatfield Borough Council has determined that there is no location within Hatfield Borough that meets statutory requirements providing for the permitted use of Consumer Fireworks, in accordance with Section 1104(b)(5) and 1106(a)(1.2) of the Law; and

WHEREAS, Hatfield Borough Council has determined that the authority provided by the Fireworks Law should be exercised in the interests of public safety; and

WHEREAS, Borough Council, concerned about fire and injury risks in the densely populated Borough, desires to regulate the use of Display Fireworks and Consumer Fireworks within its limits, to restrict the use of fireworks for public safety purposes by adding a new Part 4, "Fireworks" to Chapter 10, "Health and Safety," in the Borough of Hatfield's Codified Ordinances,

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the Borough Council of Hatfield Borough, Pennsylvania, adding a new Part 4, "Fireworks," to Chapter 10, "Health and Safety" of the Borough of Hatfield's Codified Ordinances, as follows:

SECTION 10-401: Definitions

The following definitions shall have their meaning as defined in Section 1101 of Title 3 Pa. C.S. Chapter 11, hereafter, ("Fireworks Law"):

"APA 87-1." The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition.

"Consumer Fireworks."

(1) The term includes any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1.

(2) The term does not include devices such as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1.

"Display fireworks." As defined in 27 CFR 555.11 (relating to meaning of terms).

"Ground and hand-held sparkling devices." As defined in APA 87-1.

"Novelties." As defined in APA 87-1.

"Toy Caps." As defined in APA 87-1.

SECTION 10-402. Display Fireworks Prohibited

In accordance with the PA Fireworks Law, fireworks and display fireworks may not be used on any lot within the Borough and are prohibited.

SECTION 10-403. Consumer Fireworks Prohibited

A. In accordance with the Fireworks Law, and based upon legislative findings that there is no location within the Borough that meets statutory requirements, including but not limited to, the prohibition of use within 150 feet of a building or vehicle, or animal housing facility or fenced area designed to confine livestock owned or managed by another person, the use of

Consumer Fireworks within the Borough in accordance with Section 1104(b)(5) of the Fireworks Law is prohibited.

B. Devices such as “ground and hand-held sparkling devices,” “novelties,” or “toy caps” are permitted in accordance with the Fireworks Law.

SECTION 10-404. Violations and Penalties

A. In accordance with the provisions of Section 1114(1) of the Fireworks Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition or any other penalty authorized by law, be punishable by a fine of not more than Five Hundred (\$500.00) Dollars. A subsequent offense under this Ordinance committed within three years of a prior conviction shall constitute a summary offense, and upon conviction shall, in addition to any other penalty authorized by law, be punishable of a fine of not more than One Thousand (\$1,000.00) Dollars.

B. Any person selling Consumer Fireworks in violation of the Fireworks Law is punishable in accordance with Section 1114(2) by a fine of not less than \$10,000.

C. Any person selling Display Fireworks in violation of the Fireworks Law is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.

SECTION 5.

All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, clauses or parts of this Ordinance; it being the intent of the Borough that the remainder of the Ordinance be and shall remain in full force and effect.

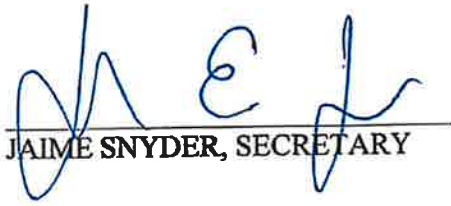
SECTION 7.

This Ordinance shall take effect in accordance with the Laws of the Commonwealth of Pennsylvania.

ADOPTED BY COUNCIL on this 14th day of June, 2023, with Council members Ferguson, Girard, Fagan, Kroesser, Stevens voting “yes,” and Council members Ø voting “no.”

ATTEST:

BOROUGH OF HATFIELD



JAIME SNYDER, SECRETARY



JASON FERGUSON, PRESIDENT
BOROUGH COUNCIL

APPROVED this 14th day of JUNE, 2023.



Mayor Mary Anne Girard

CERTIFICATION

I, Kathryn Vlahos, Assistant to the Manager for the Borough of Hatfield, do hereby certify that the foregoing Ordinance No. 551 was adopted by majority vote of Hatfield Borough Council at Workshop/Regular session of Council held on June 14, 2023, said session being duly advertised at which a quorum was present. Further, the said Ordinance was approved by the Mayor of the Borough of Hatfield and recorded in the Ordinance Book on the same date.

Dated: June 16, 2023


Kathryn Vlahos, Assistant to the Manager
Borough of Hatfield

6. Action Items:

**7. Next Meeting is Monday,
August 28, 2023, 7:00PM**

8. Motion to Adjourn