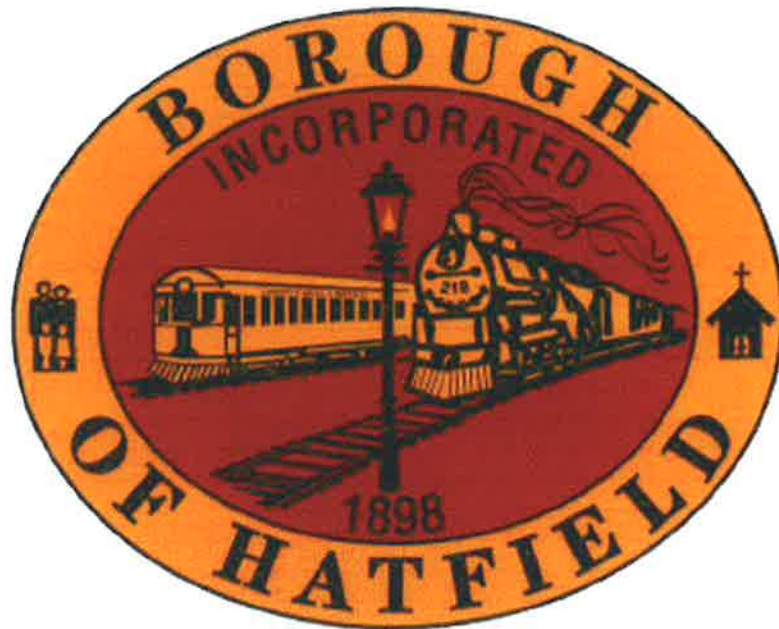


HATFIELD BOROUGH PLANNING COMMISSION

May 1, 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

May 1, 2023 7:00PM

AGENDA

Call to Order / Roll Call

Kenneth Farrall Lawrence Stevens Larry Burns
John Kroesser Michelle Kroesser

1. Motion to Approve the May 1, 2023 Agenda
2. Motion to Approve the February 27, 2023 Meeting Minutes
3. Old Business:
 - A. Edinburgh Square Update
 - B. Bennetts Court Update
 - C. 43 Roosevelt Update
 - D. 200 N. Main Street, Alliance Housing Development Update
 - E. Didden Greenhouses Update
4. New Business:
 - A. Zoning Hearing Board Meeting Announcement 103 N. Main Street
 - B. Ordinance No. 550 Chickens: Amending Chapter 2 & Chapter 27
 - C. Ordinance No. ____ Regulating the Display of Consumer Fireworks and Display Fireworks
5. Action Items:
6. Next Meeting Monday, June 12, 2023, 7:00PM
7. 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
FEBRUARY 27, 2023 MEETING MINUTES**

PLANNING COMMISSION

February 27, 2023 7:00PM

Meeting Minutes

This Meeting was Recorded

REORGANIZATION

NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR:

Manager Snyder informed the Planning Commission at this time they will recognize nominations for Chair of the Planning Commission

Motion: A motion was made by Larry Burns to nominate Kenneth Farrall as the Planning Commission Chair. The nomination was seconded by John Kroesser and unanimously approved with a vote of 5-0.

NOMINATION AND ELECTION OF PLANNING COMMISSION VICE CHAIR:

Manager Snyder informed the Planning Commission at this time they will recognize nominations for Vice Chair of the Planning Commission.

Motion: A motion was by made Michelle Kroesser to nominate Lawrence Stevens as Vice Chair of the Planning Commission. The nomination was seconded by John Kroesser and unanimously approved with a vote of 5-0.

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 February 27, 2023 Planning Commission Meeting Agenda

Motion: A motion was made by Michelle Kroesser to Approve the Agenda of February 27, 2023 Planning Commission Meeting Agenda. The motion was

seconded by John Kroesser and unanimously approved with a vote of 5-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the December 12, 2022 Planning Commission Meeting.

Motion: A motion was made by Larry Burns to Approve the December 12, 2022 Meeting Minutes. The motion was seconded by Lawrence Stevens and unanimously approved with a vote of 5-0.

3. Diddens Greenhouses Preliminary Land Development Presentation:

Kirk Clauss, from Schlosser & Clauss Consulting Engineers, Inc. introduced himself to the Planning Commission stated that he is representing Diddens Green Houses. The property is located on Vine Street and is in Hatfield Borough and Hatfield Borough. Most of the improvements will be taking place is in Hatfield Township but the access will be from the Hatfield Borough portion of the property. The applicant has already presented to Hatfield Township's Planning Commission to review the concept of the plan. Mr. Clauss stated that has reviews letter from both Municipalities engineers. The concept of the plan which is an expansion of the current greenhouses that they have. Most of the buildings will be glass greenhouses and a steel building with some office space and frigerated space which is for whole sale use only. It will never be used for retail sales. The traffic will be fairly minimal in and out new building. They will have to go through the zoning hearing process for placement of fill though the floodplain. There is no way to get to this part of the property other than the area that is proposed which is their hardship. After some discussion on the plan, Mr. Clauss stated that they will go in front of the Zoning Hearing Board and then they will come back and present the plan to the Planning Commission.

4. Old Business:

A. Edinburgh Square Land Development Update

Manager Snyder stated that Borough Council released their third escrow and there is still escrow left for grading and seeding. The final release should be released sometime this summer.

B. Bennett's Court Update

Manager Snyder reported that they are currently working on the developer's agreement.

C. 43 Roosevelt Update

Manager Snyder reported that they are currently working on the developer's agreement.

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

Manager Snyder stated that she does not have an update and that they will reach out once they have heard about their tax credits.

E. 23 North Main Street, Arbor Grove Development, Update

Manager Snyder explained that after the December Planning Commission Meeting in December the developer took the comments from that meeting and is working on an updated plan. He would like to meet with the Boroughs consultants again to review his updated plans before he submits them.

5. New Business:

A. Zoning Hearing Board Meeting Announcement 14 North Market Street

Manager Snyder stated that the Zoning Hearing will take place on March 27, 2023 at 7:00 PM in council chambers for 14 North Market Street to change the office use into a residential use.

6. Action Items:

7. Next Meeting Monday, April 3 2023 7:00PM

8. Motion to Adjourn

Motion:

A motion was made by Larry Burns to adjourn the February 27, 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. OLD BUSINESS:

A. Edinburgh Square Update

B. Bennetts Court Update

C. 43 Roosevelt Update

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

E. Didden Greenhouses Update

4. NEW BUSINESS:

**A. ZONING HEARING BOARD MEETING
ANNOUNCEMENT 103 N. MAIN STREET**

April 12, 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 requesting an extension for the Hearing scheduled before the Hatfield Borough Zoning Hearing Board on Thursday, April 27, 2023 at 7:00 p.m. This letter serves as a formal request to extend the period set forth in the Pennsylvania Municipal Codes and the Township Zoning Ordinance for having the first hearing.

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

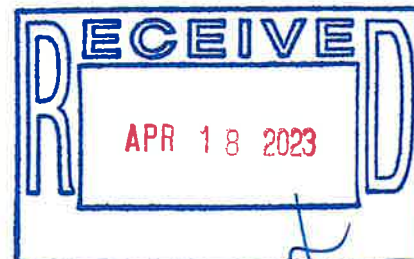
Thank you.

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

**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** _____

I/We believe that the Zoning Board should approve this request because: _____

This property has been an eye sore in the borough for many years. The current owner is significantly improving the property, and making it suitable for enjoyment by two families. The work already done, and also contemplated will make the neighborhood more beautiful.

STATE OF PENNSYLVANIA: _____
COUNTY OF MONTGOMERY: SS

_____ BEING DULY SWORN ACCORDING TO LAW, DEPOSE(S)
AND SAY(S) THAT THE FACTS SET FORTH IN THE FOREGOING APPLICATION ARE TRUE AND CORRECT.

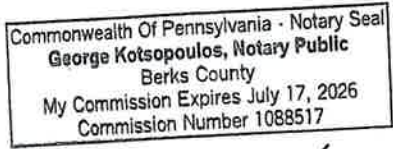
Sworn and subscribed to

[Signature]
Applicant

before me, this 3rd day

of March, 2023

[Signature]
Notary Public



_____ Applicant

Property owner(s) must join in the above application.

Sworn and subscribed to

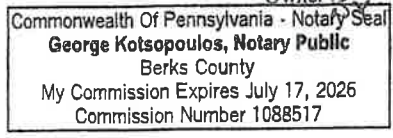
[Signature]

Owner HARPEN CAPITAL, LLC

before me, this 3rd day

of March, 2023

[Signature]
Notary Public



Owner Mark DePietro, Managing Member

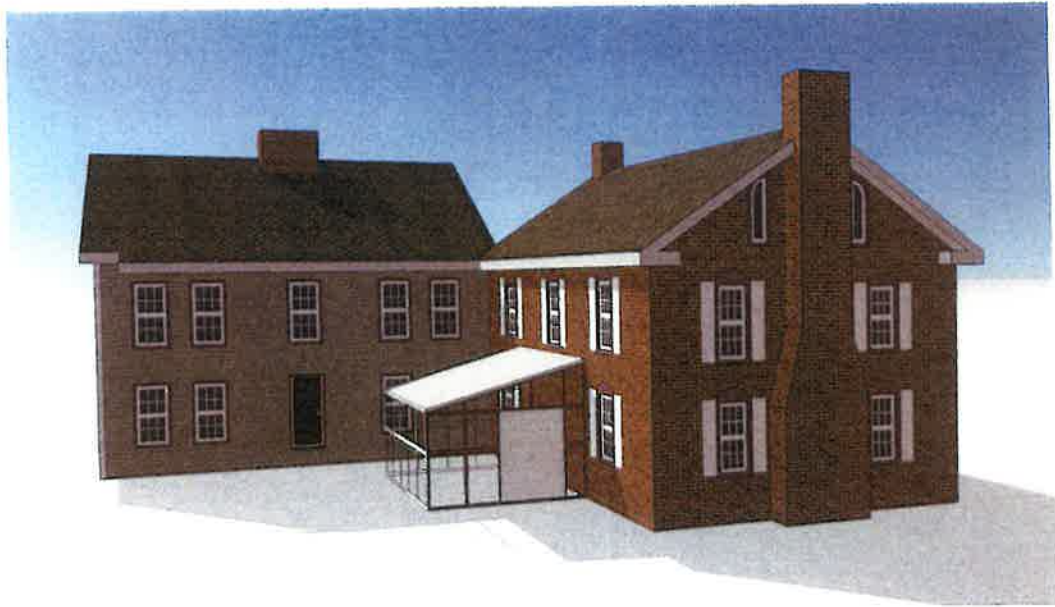
This application must be filled out and signed by the owner and the applicant and filed with the Zoning officer along with the appropriate fee. If more space is required, attach a separate sheet to this application and reference the question being answered. The application must be accompanied by:

1. Copy of the deed showing current ownership.
2. Copies of leases or agreements affecting the premises.
3. Notarized zoning application and corporate sealed for companies.
4. Eight copies of the plan of real estate affected showing the location and dimension of improvements now erected and proposed, parking spaces, all dimensional requirements of the zoning ordinance, the building envelope, rights of way and easements. The plan must be prepared and sealed by a Professional Engineer or Registered Land Surveyor unless waived by consensus of the Zoning Officer and Borough Engineer.

Aerial View of 103 N Main Street, Trees Block View of House



3D Model View as seen from Main Street and Overhead



View of 103 N Main From Across the Street



Two distinct units to be designated as shown here.

Unit 2

Unit 1



Each unit will be provided access to one bay of the existing 2-car garage. Additional pervious pavement will be added if needed to allow for each unit to have independent use of 2 distinct, non-interfering parking spots. Total parking will be 2 vehicles in the garage, and 2 more non-interfering spots in the driveway.



The window shown here will ultimately be replaced by an exterior door leading to a deck, which will allow the people in unit 2 to enjoy easy access to the shared back yard. Will issue permit request when work is ready to commence.



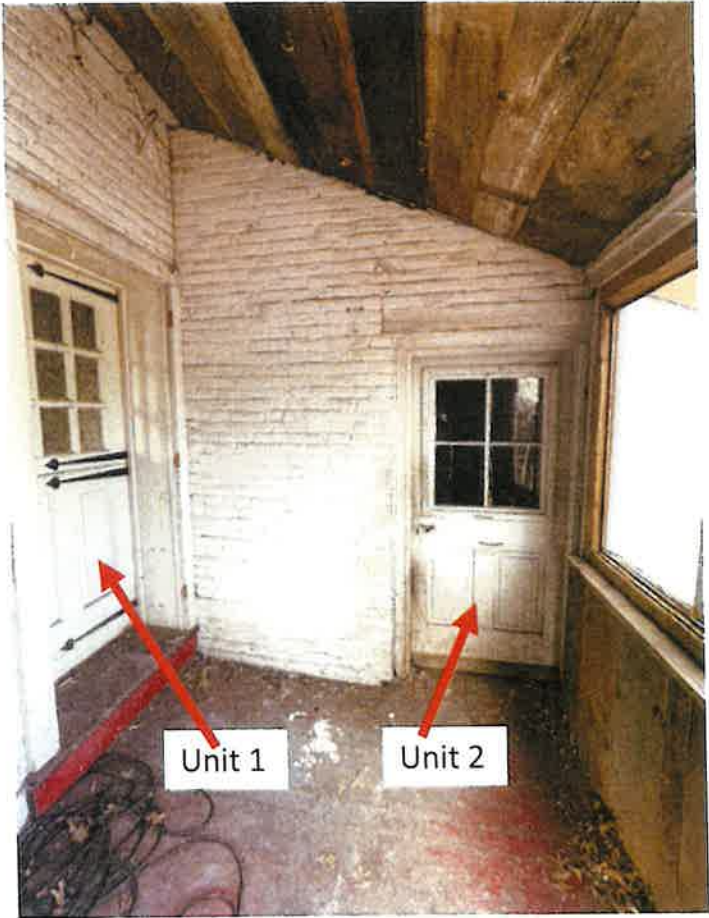
A nice walkway will be created between the exterior garage door, and the common rear entry access point, Along the general path shown in red.



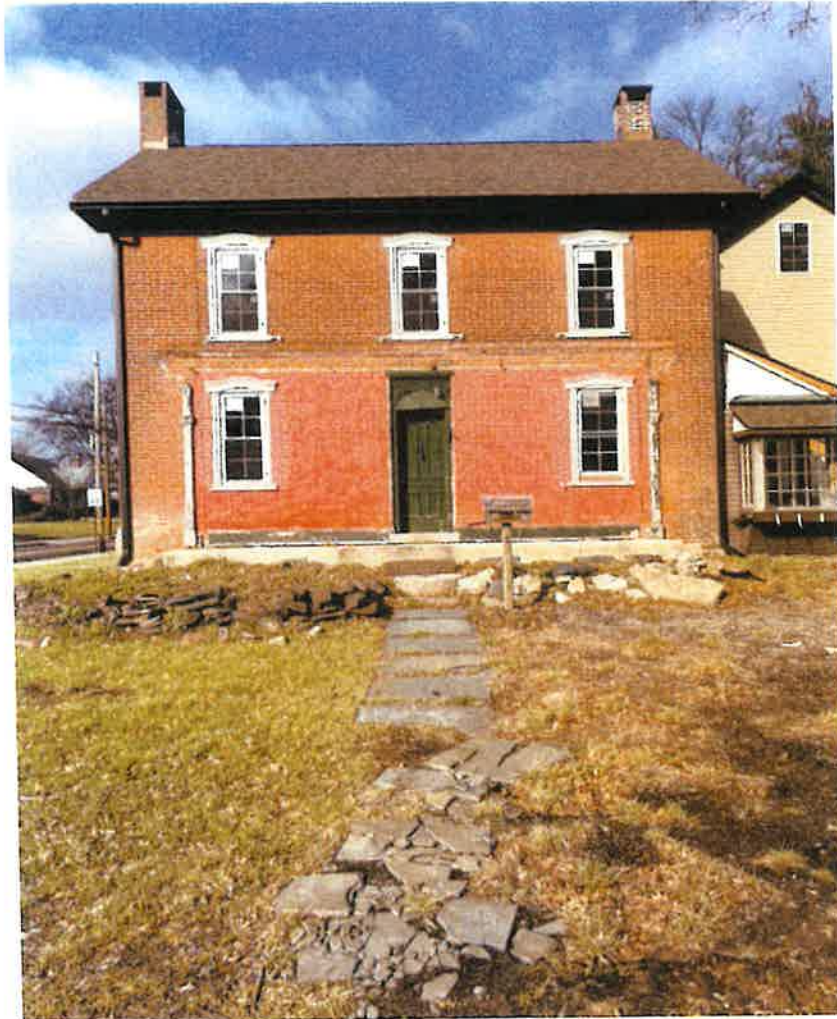
The door shown here leads to a common access point for rear access to each unit.



Once inside the common area, tenants access either unit 1 or unit 2, as shown here.



A nice walkway and stairs will be constructed leading to the front porch and main entrance to unit #1.



4. NEW BUSINESS:

**B. ORDINANCE NO. 550 CHICKENS:
AMENDING CHAPTER 2 & CHAPTER 27**

DRAFT

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

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

4. NEW BUSINESS:

**C. ORDINANCE NO. ____ REGULATING THE DISPLAY OF
CONSUMER FIREWORKS AND DISPLAY FIREWORKS**

HATFIELD BOROUGH
ORDINANCE NO. _____

DRAFT

**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, 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.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the Borough Council of Hatfield Borough, Pennsylvania, as follows:

SECTION 1.

Definitions

For the purposes of this Ordinance, the definitions of "Fireworks" and "Display Fireworks" shall be that set forth in Section 27-202 of the Zoning Ordinance, "Definition of Terms." However, the term "Consumer Fireworks" shall not include devices such as "ground and hand-held sparkling devices," "novelties," or "toy caps."

SECTION 2.

Display Fireworks

A. In accordance with the Fireworks Law, fireworks and display fireworks may not be used on any lot within the Borough of less than one acre in size, except on the following holidays and only if the conditions herein are met: Memorial Day, the Fourth of July, Labor Day, and New Year's Eve. The Display Fireworks will not be ignited within 300 feet of sales locations for Consumer Fireworks and the Display Fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, and who is not under the influence of alcohol while handling the fireworks, all in accordance with Sections 1102 and 1107 of the Fireworks Law. No Display Fireworks will be located, discharged or fired in such a manner as to be hazardous to people or property or discharged within 150 feet of a building or vehicle or directed at a building, or vehicle. No fireworks may be discharged on private property without the owner's permission,

B. No fireworks or Display Fireworks are permitted in public parks without written permission from Borough Council or the Borough Manager.

SECTION 3.

Consumer Fireworks

In accordance with the Fireworks Law, and based upon legislative findings that there is no location within the Borough, other than one acre lots that meet statutory requirements, including but not limited to, the prohibition of use within 150 feet of a building or vehicle, the use of Consumer Fireworks within the Borough in accordance with Section 1104(b)(5) of the Law is prohibited, except on the holidays listed in Section 2.A.

SECTION 4.

A. In accordance with the provisions of Section 1114(1) of the 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 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 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 effect 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 _____ day of _____, 2023, with Council members _____ voting “yes,” and Council members _____ voting “no.”

ATTEST:

BOROUGH OF HATFIELD

JAIME SNYDER, SECRETARY

JASON FERGUSON, PRESIDENT
BOROUGH COUNCIL

APPROVED this ____ day of _____, 2023.

Mayor Mary Anne Girard

5. ACTION ITEMS:

6. NEXT MEETING MONDAY, JUNE 12, 2023, 7:00PM

7. MOTION TO ADJOURN