

HATFIELD BOROUGH PLANNING COMMISSION

October 24, 2022



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 October 24, 2022 7:00PM AGENDA

Call to Order / Roll Call

1. Motion to Approve the October 24, 2022 Agenda
2. Motion to Approve the July 11, 2022 Meeting Minutes
3. Old Business:
 - A. Edinburgh Square Update
 - B. 43 Roosevelt Update
 - C. 200 N. Main Street, Alliance Housing Development Update
 - D. Bennetts Court Update
 - E. 28 N. Market Street Update
4. New Business:
 - A. Open Burning Draft Ordinance
 - B. Leash Law Draft Ordinance
 - C. Collection Bins Draft Ordinance
5. Action Items:
6. Next Meeting Monday, December 5, 2022, 7:00PM
7. Motion to Adjourn

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**2. MOTION TO APPROVE THE
JULY 11, 2022 MEETING MINUTES**

PLANNING COMMISSION

July 11, 2022 7:00PM

Meeting Minutes

This Meeting was Recorded

ROLL CALL

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

The record shows that four 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 July 11, 2022 Planning Commission Meeting Agenda

Motion: A motion was made by John Kroesser to Approve the Agenda of July 11, 2022 Planning Commission Meeting Agenda. The motion was seconded by Michelle Kroesser and unanimously approved with a vote of 4-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the June 6, 2022 Planning Commission Meeting.

Motion: A motion was made by John Kroesser to Approve the June 6, 2022 Meeting Minutes. The motion was seconded by Michelle Kroesser and unanimously approved with a vote of 4-0.

2. 28 N. Market Street: Estate of Jack Zampirri Minor Subdivision Presentation

Jeff Wert from Metz Engineering explained that tonight he is representing the applicants at 28 N Market Street and reviewed the plan with the Planning Commission. The plan is a simple subdivision, the applicants will comply with all comments that were made from the Borough Engineer's letter. In General Comments in the letter from the Engineer Mr. Metz asked about the common driveway though the property, he stated that this driveway is an existing shared driveway since the house was built. Mr. Metz is questioning the need for the

driveway access agreement after it has been a shared driveway for over 63 years. He does not want their proposal to be thrown into jeopardy for an easement that has been used for many

years. Mr. Metz asked if Council would consider recommending approval subjected to anything that would be on the review letter from the Montgomery County Planning Commission Letter.

4. Old Business:

A. Edinburgh Square Update

Manager Snyder explained that lot 4 and lot 3 sold and there will be a fence installed on lot 1 in the near future. There will not be a U&O issued without that fence.

B. 43 Roosevelt Update

Manager Snyder stated that there have not been any changes since they last met.

C. 200 N Main Street, Alliance Housing Development Update

Manager Snyder informed the Planning Commission that they have a Zoning Hearing on Wednesday night. Hatfield Township did not make a decision yet and they will make a decision at their next meeting which is at the end of July.

D. Bennetts Court Update

Manager Snyder stated that in the Planning Commission packet was the Resolution that was approved by Borough Council for Bennetts Court. They will return to Borough Council for final plan approval.

5. New Business:

E. Kaler Property (DISCUSSION ITEM ADDED TO THE AGENDA)

Manager Snyder stated the developer provided a sketch plan for a 16-unit apartment complex to the Borough and the Borough said that the plan was not able to be built in the Core Commercial District. There needs to be commercial on the bottom and residential can be on the top floor. The Developer took this information back to his engineer to update his sketch.

6. Action Items:

- A. Motion to Consider approval for the Zampirri Two Lot Minor Subdivision approving the waiver to permit aerial photo on google in lieu of the existing features of 200 ft, contingent upon recommendation letter from the Montgomery County Planning

Commission and items can not be resolved the developer will come back to the Planning Commission for resolution of said items and that the person that is buying the lot is responsible for the design of the improvement, grading, permits, storm water management to build on this lot.

Motion:

A motion was made by Larry Burns to Approve the Zampirri Two Lot Minor Subdivision approving the waiver to permit aerial photo on google in lieu of the existing features of 200 ft, contingent upon recommendation letter from the Montgomery County Planning Commission Letter and items cannot be resolved the developer will come back to the Planning Commission for resolution of said items and that the person that is buying the lot is responsible for the design of the improvement, grading, permits, storm water management to build on this lot. The Motion seconded by John Kroesser and unanimously approved with a vote of 4-0.

8. Next Meeting Monday, August 8, 2022 at 7:00PM

9. Motion to Adjourn

Motion:

A motion was made by Michelle Kroesser to adjourn the July 11, 2022 Planning Commission Meeting. The Motion seconded by John Kroesser and unanimously approved with a vote of 4-0.

Respectfully Submitted,
Kathryn Vlahos
Assistant to the Manager

3. OLD BUSINESS:

A. EDINBURGH SQUARE UPDATE

3.OLD BUSINESS:

B. 43 ROOSEVELT UPDATE

3.OLD BUSINESS:

C. 200 N. MAIN STREET, ALLIANCE HOUSING DEVELOPMENT UPDATE

3. OLD BUSINESS:

D. BENNETTS COURT UPDATE

3. OLD BUSINESS:

E. 28 NORTH MARKET STREET UPDATE

4. NEW BUSINESS:

A. OPEN BURNING DRAFT ORDINANCE

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

**AN ORDINANCE AMENDING CHAPTER 7 OF THE BOROUGH OF
HATFIELD CODE, ENTITLED “OPEN BURNING,” TO ADD
REQUIREMENTS FOR RECREATIONAL BURNING.**

RECITALS:

WHEREAS, 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;

WHEREAS, The Borough Code authorizes the Borough Council to adopt rules and regulations governing the safety and public welfare within the Borough;

WHEREAS, The Borough Council of Hatfield desires to amend Chapter 7 of the Borough of Hatfield Code, entitled “Fire Prevention and Fire Protection”, to establish the safe use of certain fire containing devices and fire burning practices located within the Borough; and

WHEREAS, 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 7, Part 1, entitled “OPEN BURNING” of the Hatfield Borough Code is hereby amended as follows:

§7-101. Definition of terms.

Interpretation of words and phrases when used in this Part shall, for the purpose of this Part, have meanings as indicated below except in those instances where the context clearly indicates a different meaning:

OPEN BURNING

A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

OPEN-FLAME COOKING DEVICE

A manufactured cooking device, such as a barbecue grill, outside fireplace, or other outdoor appliance, solely intended for the cooking of food.

FIRE CONTAINMENT DEVICE – Portable devices intended to contain and control outdoor fires, including chimineas and fire dishes with covers, fire tables, constructed of noncombustible materials such as metal or ceramic material. A fire containment device does not include charcoal or gas powered grills that are intended to be used for cooking purposes.

COMPRESSED LOG – Commercial wood products that have been designed for use in fireplaces.

AGED WOOD – Natural firewood that has been sized and aged for burning in a fireplace.

§7-103. Exceptions.

1. The following instances are exception to the prohibition of open burning:
 - A. The outdoor cooking of food shall be permitted in or on an Underwriters Laboratories (UL) approved open-flame cooking device, solely intended for the cooking of food, and in strict adherence with the manufacturer's use guidelines. Permitted open-flame cooking devices are limited to those specifically designed for cooking with the burning of charcoal, liquid petroleum (LP) gas, propane gas, or wood. Upon the completion of cooking, the flame must be extinguished.
 - B. Recreational. Burning shall be permitted for recreational and ceremonial purposes (i.e., bonfire and camp fires) if such burning is conducted in a safe manner in a place where open fires are otherwise permitted and such burning is under the direct supervision of an adult until such burning is completely extinguished.
 - C. Outdoor burning of aged logs and/or compressed logs in a freestanding fire containment device shall be permitted pursuant to the manufacturer's instructions and only under the following conditions:
 - (1) Fire containment devices shall employ screens and a lid to completely enclose the fire and burning logs contained therein, or a chimney. Fire containment devices shall not exceed three feet in diameter, nor may the fire pile exceed two feet.

- (2) Only aged logs or commercially produced “compressed logs” shall be burned. Burning of lumber, pallets, scrap wood, leaves, yard waste, paper cardboard, garbage and other similar items, including items as set out under §7-102 (2), is prohibited.
- (3) The fire containment device shall be located not less than 15 feet from the nearest portion of any structure, tree (including canopy), wiring, vehicle or building, nor within 15 feet of any property line.
- (4) No fire containment device shall be permitted to emit offensive or objectionable smoke or odors or when other circumstances make usage of said fire containment device hazardous including, but not limited to injury or damage to persons or property.
- (5) The fire containment device shall be used strictly in adherence with all manufacturer’s guidelines and specifications issued with respect to the make and model of said fire containment device.
- (6) Once a fire has been started in a fire containment device, the lid and side screens shall be secured and shall not be removed until the fire is out or extinguished, and no object shall be permitted to protrude outside the lid and screens while a fire is burning within the fire containment device, provided that recreational fires utilized to cook food shall be exempt from said requirement during that period when food is being cooked over the flame.
- (7) For the purposes of this section, an approved fire containment device includes those commercially manufactured devices specifically designed, intended and advertised for the purpose of entertainment.
- (8) A fire containment device shall be attended and supervised at all times by a person 18 years of age or older when in use until the fire is out or extinguished.
- (9) A water source or other provisions for extinguishing the fire shall be immediately accessible at all time when there is a fire in the fire containment device.
- (10) Hours of operation. A person shall not use a fire containment device between the hours of 12:00 a.m. and 9:00 a.m.
- (11) Nothing in this chapter shall preempt the applicability of “no burn” periods issued by appropriate state authorities.

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

_____ day of _____, 2022 with _____ Council Members
_____ voting "aye" and _____ voting
"nay."

Attest: HATFIELD BOROUGH

Jamie E. Snyder, Secretary / Manager

By: _____
Jason Ferguson, Council President

Approved by the Mayor:

Mary Anne Girard

Date: _____

4. NEW BUSINESS:

B. LEASH LAW DRAFT ORDINANCE

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

**AN ORDINANCE AMENDING CHAPTER 16 OF THE BOROUGH OF
HATFIELD CODE, ENTITLED "PARKS AND RECREATION," TO ADD
REQUIREMENTS FOR THE RESPONSIBLE HANDLING AND
LEASHING OF DOGS.**

RECITALS:

WHEREAS, 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.

WHEREAS, the Borough Code authorizes the Borough Council to adopt rules and regulations governing the safety and public welfare within the Borough.

WHEREAS, the Borough Council of Hatfield desires to amend Chapter 16 of the Borough of Hatfield Code, entitled "Parks and Recreation", to establish the healthy and safe use of ~~collection bins located within the~~ Hatfield Borough.

PUBLIC PROPERTY

WHEREAS, 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 16, Part 1, entitled "RULES AND REGULATIONS" of the Hatfield Borough Code is hereby added as follows:

§16-101 Definitions.

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

BOROUGH COUNCIL

The Borough Council of Hatfield Borough.

BOROUGH MANAGER

The Borough Manager of Hatfield Borough.

PARK

The open space, both active and passive, as well as playgrounds and other recreational facilities owned and/or operated by the Borough of Hatfield.

PARK SYSTEM

All lands owned or designed by Hatfield Borough to be used for any type of recreational purpose or activity. The said lands shall include, but not be limited to, detention basins, park areas, open space land areas, pipe easements, but shall not include areas on which principal municipal buildings are located.

REMAIN

To loiter, idle, wander, stroll or play in or upon.

LEASH LAW

Any person owning, responsible for, having custody of any dog(s) must have said dog(s) on a leash(es), not exceeding six feet in entire length, including hand loop, attached from collar and/or harness, accompanied by a person able to fully control said dog(s) at all times.

§16-105 Rules and Regulations.

[. . .]

public area

I. No animals shall be permitted in a Borough ~~park~~ except:

(1) Dogs are permitted on a leash and under control of a handler. Dogs shall be effectively controlled in accordance with the "Leash Law" defined above. Pets are prohibited from all athletic fields, playgrounds or fenced court surfaces in all parks. Dog waste must be cleaned up and disposed of in a waste container by the handler.

~~(2) Dog waste must be cleaned up and disposed of in a waste container by the handler.~~

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this _____ day of _____, 2022 with _____ Council Members

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

Attest:

HATFIELD BOROUGH

Jamie E. Snyder, Manager / Secretary

By: _____
Jason Ferguson, Council President

Approved by the Mayor:

Mary Anne Girard

Date: _____

4. NEW BUSINESS:

C. COLLECTION BINS DRAFT ORDINANCE

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

**AN ORDINANCE AMENDING CHAPTER 27 OF THE BOROUGH OF
HATFIELD CODE, ENTITLED “ZONING,” TO ADD REQUIREMENTS
FOR THE PLACEMENT AND USE OF COLLECTION BINS.**

RECITALS:

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, as amended, authorized the Borough of Hatfield to regulate zoning and land use in the Borough;

WHEREAS, 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;

WHEREAS, The Borough Code authorizes the Borough Council to adopt rules and regulations governing the safety and public welfare within the Borough;

WHEREAS, The Borough Council of Hatfield desires to amend Chapter 27 of the Borough of Hatfield Code, entitled “Zoning”, to establish the healthy and safe use of collection bins located within the Hatfield Borough; and

WHEREAS, 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 27, Part 8, entitled “General Regulations” of the Hatfield Borough Code is hereby amended as follows:

§27-819 Collection Bins.

1. As used in this chapter, the following terms shall have the meanings indicated:

- A. CLOTHING/MATERIALS COLLECTION BIN (BIN) – Any enclosed receptacle or container made of metal, steel or a similar product and designed or intended for the donation and the temporary storage of clothing or other materials. Collection bins shall serve registered nonprofit organization only. Collection bins shall not be placed to profit any business or property owner. The Collection Bins, as described in this chapter, shall be considered an accessory structure and permitted only in the Industrial District and Commercial District.
2. No property owner shall place or allow any person to place any collection bins within the Borough without first having obtained a permit as herein provided.
 - A. An application for a permit for used clothing and materials collection bins shall be required. Said application shall be upon a form provided by the Hatfield Borough Code Enforcement Office and shall be verified by oath or affirmation.
 - B. Attached to the application shall be a signed statement by the property owner involved granting permission for the placement of the collection bins, specifying the number of bins permitted and indicating by way of a sketch drawing the permitted location.
 - C. Permits will be issued for a period of one year.
 - D. No permit shall be issued under this chapter until a twenty-five dollar (\$25.00) fee is paid to the Borough for transmittal to the Borough Treasurer for the general use of the Borough. The fee shall be set by resolution of the Board of Supervisors from time to time.
 3. The placement of collection bins shall be permitted as accessory to permitted uses in the Industrial District or Commercial District.
 - A. Premises may have no more than one collection bin per property.
 - B. The bin(s) shall be appropriately located so as to not interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises and shall be placed on a concrete surface. No bin shall be placed within a required setback.
 - C. The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
 - D. Each bin shall not cover a ground surface area in excess of five feet by five feet nor be more than six feet in height.

- E. Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing and other items being strewn about the surrounding area.
 - F. If items, trash, or debris accumulates outside of the bin or if the bin becomes deteriorated due to lack of proper maintenance, the bin shall be considered junk and debris and the applicant will be subject to suspension or revocation of the permit. No permit for a donation bin shall be issued or renewed to any applicant with any pending complaint or a suspended permit or to any applicant whose permit for a donation bin has been revoked.
 - G. All bins shall have the name and telephone number of both the permittee and the person or company responsible for emptying the bins printed or posted on the bins.
 - H. There shall be no advertising of any kind on the bin except for the identity of the charitable organization and the purpose of the donation effort.
 - I. No bin shall be located on property that does not currently have a permanent business in operation on the same property.
4. Any permit issued for the purpose of placing collection bins may be denied, suspended or revoked at any time upon proof that the application for the permit contains false information, the permittee has been convicted of a crime of fraud or felony or a crime involving moral turpitude, the permittee has failed to comply with any rules of conduct prescribed in this chapter, or clothing or other articles or objects are left outside of the bins.
 5. Any person found violating any provision of this chapter shall be subject to a fine, upon conviction in a summary proceeding, of not more than \$600 and, in default of payment of said fine, shall be imprisoned in the county prison for a period not exceeding 30 days.
 6. In addition to any other legal remedies available to the Borough in the event that collection bins are located within the Borough without a permit or are left in place after a permit has been denied, suspended or revoked, the Borough may confiscate the collection bins and cause it or them to be removed to a place of storage. All costs of removal and storage shall be the responsibility of the owner of the property where the bin is located.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this _____ day of _____, 2022 with _____ Council Members _____ voting "aye" and _____ voting "nay."

Attest:

HATFIELD BOROUGH

By: _____

Jamie E. Snyder, Manager / Secretary

Jason Ferguson, Council President

Approved by the Mayor:

Mary Anne Girard

Date: _____

5. ACTION ITEMS:

**6. NEXT MEETING MONDAY,
DECEMBER 5, 2022, 7:00PM**

7. MOTION TO ADJOURN