

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, May 9, 2023

7:00 PM

AGENDA

- I. Pledge of Allegiance/Moment of Silence
- II. Roll Call – Borough Manager
- III. Presentations
- IV. Public Participation
- V. Consent Agenda
 - A. Approval of the April 11, 2023 Regular Meeting Minutes.
 - B. Items from Historical and Architectural Review Board:
 - 1. Motion to approve the Certificate of Appropriateness for the sign installation at 24 South Main Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
 - 2. Motion to approve the Certificate of Appropriateness for the sign installation at 121 Church Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
 - 3. Motion to approve the Certificate of Appropriateness for the sign installation at 222 Bridge Street as recommended by the HARB 4-0 per their Action Memo of May 9, 2023.
 - C. Items from Parks and Recreation Committee:
 - 1. Motion to approve a Temporary Community Event Application for the Phoenixville Farmers' Market under the Veterans Memorial Gay Street Bridge weekly on Saturdays from May through Thanksgiving, 2023 from 9:00 am to 12:00 noon. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
 - 2. Motion to approve a Temporary Community Event Application for Lemonade Day Phoenixville in the 100 and 200 Block of Bridge Street on Saturday, June 3, 2023 from 11:00 am to 2:00 pm. This will occur during the normal closure of Bridge Street.
 - 3. Motion to approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Conditioned upon receipt of all

fees and valid Certificate of Insurance naming Borough as Additional Insured.

4. Motion to approve a Temporary Community Event Application for Alianzas 13th Annual Diversity Festival Celebration in the 100 and 200 Block of Bridge Street and Bridge and Main Street Parking Lot on Saturday, July 29, 2023 from 1:00 pm to 5:00 pm. This will occur during the normal closure of Bridge Street. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
5. Motion to approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.
6. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

D. Items from Finance Committee:

1. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$387,605.54.
2. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$687,855.14.
3. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 3/1/2023 - 3/31/2023 in the amount of \$807,736.18.
4. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 2/1/2023 - 2/28/2023 in the amount of \$20,251.19.
5. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 3/1/2023 - 3/31/2023 in the amount of \$77,520.03.
6. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 2/28/2023 in the amount of \$49,208.60.
7. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 3/31/2023 in the amount of \$38,337.32.
8. Motion to recommend Borough Council approve the Budget Increase 2023-10 in the amount of \$161,781.00 from Restricted General Fund Balance to

General Capital Project Fund (French Creek Trail) for work on the French Creek Trail Project.

9. Motion to recommend Borough Council approve the Budget Increase 2023-12 in the amount of \$32,780.00 from General Fund Balance to General Fund – Legislative (Real Estate) for Just Compensation to Fillmore Village (\$10,544.00) and 425 Bridge Street (\$22,236.00).
10. Motion to recommend Borough Council approve the Budget Increase 2023-13 in the amount of \$8,405.00 from Parking Fund Balance to Parking Fund Capital (Body Cameras) for the purchase of body cameras.
11. Motion to recommend Borough Council approve the Borough Engineer's proposal for engineering services for solar panels on Borough Hall.
12. Motion to recommend Borough Council approve a Resolution authorizing the submission of a Sewage Facilities Program (SFP) Grant to the Commonwealth Financing Authority.

VI. Communications/Council Participation

VII. Mayor's Report

VIII. Appointments

- A. Motion to appoint Frank Markey to the Recreation Board for the vacant term expiring April 30, 2025.
- B. Call for Residents interested in being appointed to various Boards and Commissions.

IX. New Business

- A. Motion to authorize the 2023 Constable Services Contract (Independent Contractor Agreement) subject to review by Borough Solicitor.
- B. Motion to authorize the submission of a Letter of Intent to DVRPC to participate in the submission of a Charging and Fueling Infrastructure (CFI) Program Grant.

X. Resolutions/Ordinances

- A. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as "Bluebird Distilling Project".
- B. Motion to adopt a Resolution officially conditionally approving/denying the Preliminary/Final Land Development Plan for the development known as "Phoenixville Plaza Pad Site Land Development".
- C. Motion to adopt a Resolution officially conditionally approving/denying the Final Land Development Plan for the development known as "Odessa".

- D. Motion to adopt a Resolution seeking exemption from the Liquor Code Statute regarding amplified music being heard off the licensed premises.
- XI. Hearings - None
- XII. Reports of Committees, Boards, and Commissions
 - A. Planning Commission - Mr. Moore
 - B. Historical and Architectural Review Board – Ms. Dugan
 - C. Phoenixville Regional Planning Committee – Mr Kirkner
 - D. Recreation Board – Ms. Dugan
 - E. Tree Advisory Commission – Ms. Burckley
- XIII. Council Action referred from:
 - A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)
 - 1. No additional action to report.
 - B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)
 - 1. Any Item removed from the Consent Agenda.
 - C. Policy Committee (**Kirkner**, Burckley, and Ewald)
 - 1. Motion to schedule and advertise an Ordinance amending Chapter 15 – Motor Vehicles.
 - 2. Motion to schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission.
 - D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)
 - 1. No additional action to report.
 - E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)
 - 1. Any Item removed from the Consent Agenda.
- XIV. Public Participation
- XV. Communication/Council Participation
- XVI. Staff Reports
 - A. Manager
 - B. Police

- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources

XVII. Executive Session – Personnel, Real Estate and Litigation

XVIII. Adjournment

Upcoming Meetings:

Parks and Recreation Committee	May 15 – 6:00 pm – Date Change
Recreation Board	May 15 – 6:30 pm
Infrastructure Committee	May 15 – 7:00 pm – Date Change
Election Day - Primary	May 16
Finance Committee	May 23 – 6:00 pm
Policy Committee	May 23 – 7:00 pm
HARB	June 5 – 5:00 pm
Personnel/Public Safety Committee	June 5 – 6:00 pm
Tree Advisory Commission	June 5 – 7:00 pm
Planning Commission	June 8 – 6:00 pm
Borough Council	June 13 – 7:00 pm

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, April 11, 2023

7:00 PM

MINUTES

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

Mr. Ewald, President	Present
Ms. Burckley, Vice President	Present
Mr. Carminito	Present
Ms. Dugan	Present
Mr. Moore	Present
Mr. Kirkner	Present
Ms. Webb	Excused
Mr. Weiss	Present
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Present
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

Mr. Ewald made a Motion to move Agenda item D under IX. New Business to XI. Hearings as item B to allow for Council to recess into Executive Session to discuss the Conditional Use Hearing and Personne. Seconded by Ms. Burckley.

Motion Approved 7-0.

III. Presentations

IV. Public Participation

Dennis Fenstermacher, resident. He asked about the installation of parking stall lines being placed on Grant Street similar to the ones at the intersection of Fillmore and Dayton Street. They continue to struggle with parking on his block and they are looking for any help they can get to make parking easier for himself and his neighbors.

Keely Wrigley, co-owner of LuLu Gifterie and Boutique. She expressed her concerns about the removal of available parking in the lot at Bridge and Main Street and the creation of a town square in its place. She stated the lot is at 80 percent capacity on the weekends and it is vital for visitors and shoppers in the downtown community. She suggested that the lot be transformed in a way that would be temporary so it could be utilized both as a town square and a parking lot, something like a pop-up park, and she asked that Council consider the plans previously discussed for updating the streetscapes of Main Street, including bump outs and lighting similar to those in the 100 and 200

blocks of Bridge Street.

V. Consent Agenda

A. Approval of the March 14, 2023 Regular Meeting Minutes.

B. Items from Parks and Recreation Committee:

1. Motion to approve a Temporary Community Event Application for the Borough of Phoenixville Fireworks display at Pat Nattle Field on Sunday, July 2, 2023 from 6:00 pm to 10:30 pm. Fillmore Street to be closed from Franklin Avenue to South Street from 6:00 pm to 10:00 pm.
2. Motion to approve a Temporary Community Event Application for the 37th Annual Phoenixville Run 5K and 10K Running Races from Reeves Park to the Schuylkill River Trail on Saturday, October 28, 2023 from 7:30 am to 11:30 am. Second Avenue to be closed between B Street and Starr Street from 7:00 am to 12:00 noon. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to approve a Temporary Community Event Application for the Patriotic Celebration at Reeves Park on Friday, May 26, 2023 from 9:30 am to 12:00 noon. No parking on the north side Third Avenue between B Street and Main Street from 830 am to 12:00 noon to allow school buses to park.

C. Items from Personnel and Public Safety Committee:

1. Consider request from Christopher Book for appointment to the Human Relations Commission for the vacant term expiring March 31, 2026.
Ms. Burckley made a Motion to approve the Consent Agenda. Seconded by Mr. Weiss.

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Burckley reported on the end of the Code Blue Center at Ann's Heart and reminded the public that services are still available to anyone needing assistance to find services. She stated April is Child Abuse Awareness Month and Barnstone Art will be hosting their annual fundraiser to continue their mission to help children who have suffered childhood trauma. Lastly, she stated the Dogwood Festival is scheduled for May 17, 2023 to May 20, 2023.

Mr. Kirkner reported the Phoenixville Social Concerns Committee are hosting the 29th Annual Prayer Breakfast on April 15, 2023 at 7:45 am where they will present the Emma Valentine Compassion Award to Theresa Thornton.

Mr. Ewald stated the Borough was the recipient of the Chairman's Award at the

Phoenixville Area Chamber of Commerce Awards Dinner for the Recreation Center and Fire Station projects. He explained there is a new parking lot opening on Church Street at the former Fire Station location. The opening of the lot is tentatively scheduled for April 24, 2023. This parking lot provides 46 more spaces in the downtown and will have a kiosk for cash payments and use the Passport Parking App for payment with credit cards. Lastly, he stated the Borough will be the recipient of the Public Sector Leadership Award from GVFTMA for their hardwork and dedication to pedestrian access throughout the Borough.

VII. Mayor's Report

Mayor Urscheler reported on various events in the Borough, including the Fire Department's Meet the Easter Bunny event, the 15th anniversary of Diving Cat Studios, Meals on Wheels, The Recreation Department and Communities That Care Easter Egg Hunt and he reminded the public that Brown's Cow will be opening for the season on April 15, 2023.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on the Zoning Hearing Board, Recreation Board, HARB, and Human Relations Commission.

Mr. Ewald encouraged residents to continue to apply for openings on the various Boards and Commissions and stated openings can be found on the Borough's Website.

IX. New Business

- A. Motion to approve the Budget Increase 2023-04 in the amount of \$182,490.00 from Restricted Fund Balance to General Capital Project Fund (Demolition of 177 Church Street) for the demolition of 177 Church Street.

Ms. Dugan made a Motion to approve the Budget Increase 2023-04 in the amount of \$182,490.00 from Restricted Fund Balance to General Capital Project Fund for the demolition of 177 Church Street. Seconded by Ms. Burckley.

On the Question:

Mr. Kirkner asked if the project had to go out to bid.

Mr. Krack explained Staff used the Keystone Procurement Network to perform the work and that bidding was not required.

Motion Approved 7-0.

- B. Motion to approve the Budget Increase 2023-05 in the amount of \$200,000.00 from Parking Fund Balance to Parking (177 Church St Mill & Pave) for the

Milling and Paving of 177 Church Street.

Ms. Dugan made a Motion to approve the Budget Increase 2023-05 in the amount of \$200,000.00 from Parking Fund Balance to Parking (177 Church Street Mill & Pave) for 177 Church Street. Seconded by Mr. Moore.

Motion Approved 7-0.

- C. Motion to authorize the Borough to participate in the Commonwealth of Pennsylvania's portion of the national opioid liability settlement with Teva, Allergan, CVS, Walgreens, and Walmart, and the completion of any necessary documentation to implement the Borough's participation by the Borough staff, Council President and the Solicitor.

Ms. Dugan made a Motion to Authorize the Borough to Participate in the Commonwealth of Pennsylvania's portion of the national opioid liability settlement with Teva, Allergan, CVS, Walgreens, and Walmart, and the completion of any necessary documentation to implement the Borough's participation by the Borough staff, Council President and the Solicitor. Seconded by Mr. Weiss.

On the Question:

Mr. Denlinger explained the settlement process and how the funding is distributed. He further explained that by participating in the settlement the Borough agrees to give up the right to sue individually.

Motion Approved 7-0.

X. Resolutions/Ordinances

- A. Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the reconstruction of the intersection of Bridge Street and Starr Street.

Ms. Burckley made a Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the reconstruction of the intersection of Bridge Street and Starr Street. Seconded by Mr. Carminito.

On the Question:

Mr. Ewald explained the grant cycle is now a two-year cycle.

Mr. Moore asked if the intersection improvement is on just Borough roads or part

State roads as well.

Mr. Krack explained the intersection is 50 percent Borough road and 50 percent State road.

Mr. Moore asked if the Borough is responsible for just 50 percent of the design.

Mr. Krack explained the project will go through PennDOT.

Mr. Ewald stated the intersection in question was initially part of the plan for the design of 99 Bridge Street. The improvement will add a fourth leg to the intersection as well as additional turning lanes and pedestrian access to the historic train station.

Mr. Krack explained the project is expected to cost over \$2 million. Currently the Borough has \$751,000.00 in reserved funds, an MTF grant of \$600,000.00 and is applying to the County for \$950,000.00 in additional funding.

Motion Approved 7-0.

- B. Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the conversion of the existing Bridge and Main Street Parking Lot into a park and gathering location.

Mr. Weiss made a Motion to adopt a Resolution in support of the submission of a Chester County Department of Community Development 2022-2023 Community Revitalization Program grant application for the conversion of the existing Bridge and Main Street Parking Lot into a park and gathering location. Seconded by Mr. Moore.

On the Question:

Mr. Ewald stated this was discussed in Infrastructure and since this is now a two-year grant cycle, this application will allow us to get ahead of the project for possible design and concept for the parking lot.

Ms. Burckley stated she has received some questions about this application and she reiterated this Resolution is just to allow Staff to apply for potential funding.

Mr. Krack explained Staff communicated with the County about this round of grant funding and proposed the Square at Main and Bridge. They encouraged us to apply and get an application in front of them for this grant round.

Ms. Getzfreed explained if Staff does not apply for this round, the next time for application submissions will be 2025. Should the county open a second round in 2024 those municipalities that did not apply in 2023 will be ineligible.

Mr. Krack stated it is important to apply for all the funding round and if needed a change of scope can be submitted should the Council decide not to move ahead with the Main and Bridge Street Lot.

Ms. Burckley thanked Mr. Krack and Ms. Getzfread for the great information on the grant process and residents interested in following the process for the project will continue to be discussed at the Infrastructure meeting.

Mr. Kirkner asked why we would apply for something we might not do.

Mr. Ewald stated it is up to the Council to approve or not approve.

Mr. Kirkner asked about the match number not being in the Resolution.

Mr. Krack stated the match would be no more than \$250,000. The key point is to keep our options open. The staff is presenting this tonight so that the Borough does not miss out on grant funding and then have to wait until 2025 to go to the County for funding.

Mr. Kirkner explained the history of the acquisition of the property after it was no longer WT Grants and he asked if the parcel is deed restricted. He stated that people do not like it when they are given something and then it's taken away, especially parking.

Mr. Moore stated the creation of the new lot with more parking will help the downtown business and he feels applying leaves the Council with a lot of options. Not applying leaves us no options.

Motion Approved 6-1. Mr. Kirkner voting No.

- C. Motion to adopt a Resolution in support of the submission of a Department of Conservation and Natural Resources (DCNR)-C2P2 grant application for the "Phoenixville-French Creek Trail Extension."

Ms. Burckley made a Motion to adopt a Resolution in support of the submission of a Department of Conservation and Natural Resources (DCNR)-C2P2 grant application for the "Phoenixville-French Creek Trail Extension." Seconded by Mr. Weiss.

On the Question:

Mr. Moore asked if this is the extension of the trail that connects to Paradise Street and the Fire Station.

Mr. Krack explained the extension and the current site conditions, including the

need to repair fall away on the creek embankment during Hurricane Ida. This grant focuses on the repair of the embankment to re-stabilize the trail area.

Ms. Getzfread stated that staff did apply for a special round of DCNR funding last year and was denied as the project was too small. This application is for the normal round of funding and now, with the increase of scope, staff believes this application will be found more favorable.

Motion Approved 7-0.

- D. Motion to adopt a Resolution Temporarily Permitting Outdoor Sales of Food and Merchandise of Existing Businesses on the 100 and 200 Block of Bridge Street during warm weather weekends.

Mr. Weiss made a Motion to adopt a Resolution Temporarily Permitting Outdoor Sales of Food and Merchandise of Existing Businesses on the 100 and 200 Block of Bridge Street during warm weather weekends. Seconded by Mr. Carminito.

On the Question:

Mr. Moore asked if the Resolution runs parallel with the Phoenixville Inside Out that was already approved.

Ms. Getzfread explained this goes hand in hand with the inside out permit and allows the sales by businesses outside of their commercial spaces.

Motion Approved 7-0.

XI. Hearings

A. Conditional Use

- 1. Motion to recess the public meeting and re-open the hearing on the Conditional Use Application from Hardware Landlord, LP and Arnold Andersen for an Automobile Sales & Services (Pep Boys) at the property located at 700 Nutt Road, Suite 540.

Ms. Burckley made a Motion to recess the public meeting and re-open the hearing of the Conditional Use Application for Hardware Landlord, LP. Seconded by Mr. Weiss.

Motion Approved 7-0.

Hearing opened at 7:45 pm.

Mr. Denlinger explained the continuation of the hearing from March 14, 2023 meeting and the next steps the Council can take this evening. He asked

Mr. Andersen if he had any additional information to present.

Mr. Andersen stated he did not.

Ms. Burckley made a Motion to close the Public Hearing and recess to Executive Session to discuss the Conditional Use and Personnel matters. Seconded by Mr. Weiss.

Motion Approved 7-0.

Recess to Executive Session at 7:50 pm.

Return from Executive at 8:18 pm.

Mr. Weiss made a Motion to resume the Public Meeting. Seconded by Ms. Burckley.

Motion Approved 7-0.

2. Motion to approve/deny Conditional Use Application from Hardware Landlord, LP and Arnold Andersen for an Automobile Sales & Services (Pep Boys) at the property located at 700 Nutt Road, Suite 540.

Mr. Carminito made a Motion to approve the Conditional Use Application for Hardware Landlord, LP at 700 Nutt Road, Suite 540 and included all of the conditions for the record. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked the applicant to consider improving the sidewalks and line stripping near the business for better pedestrian access.

Motion Approved 7-0.

Mr. Denlinger stated a copy of the decision would be mailed to Mr. Andersen.

- B. Motion to take action on Borough personnel employment status.

Ms. Burckley made a Motion to approve the resignation of Officer Knapp upon the terms and conditions of a Settlement Agreement, subject to the negotiation and recommendation of terms by Borough Labor Counsel, and further approving Borough Counsel President to execute any documents necessary to affect the same. Seconded by Mr. Weiss.

Motion Approved 7-0.

XII. Reports of Committees, Boards, and Commissions

A. Planning Commission - Mr. Moore

B. Historical and Architectural Review Board – Ms. Dugan

C. Phoenixville Regional Planning Committee – Mr Kirkner

Mr. Kirkner reported the committee is reviewing plans for a new Wawa at White Horse and Nutt Roads. They also sent a letter of consistency review for a new elementary school on Hares Hill Road in East Pikeland.

D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the programs at the Recreation Department, including blood pressure testing, safe sitter programs and self-defense classes. She encouraged residents interested in programs to check the Borough's Website for participation information.

E. Tree Advisory Commission – Ms. Burckley

Ms. Burckley stated the spring tree planting is scheduled for April 22, 2023 and a Dogwood Tree will be planted at Reeves Park after the Dogwood festival, bringing back the tradition from years past.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee (**Burckley**, Webb, and Weiss)

1. Any Item removed from the Consent Agenda.

B. Parks and Recreation Committee (**Moore**, Carminito, Dugan, Weiss)

1. Any Item removed from the Consent Agenda.

C. Policy Committee (**Kirkner**, Burckley, and Ewald)

1. No Action to Report.

D. Infrastructure, Technology Transportation & Sustainability Committee - (**Weiss**, Burckley, Carminito, and Webb)

1. No Action to Report.

E. Finance Committee (**Dugan**, Ewald, Kirkner, and Moore)

1. No Action to Report.

XIV. Public Participation

Stephen Lutfy, resident. He asked who he could contact about an issue he is having with

a neighboring property. The Codes Department stated they found no violations and he has been unable to reach them as he feels the issue has merit.

Mr. Ewald provided Mr. Lutfy with his Borough email.

XV. Communication/Council Participation

XVI. Staff Reports

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources
- H. Recreation

XVII. Executive Session – Personnel, Real Estate and Litigation

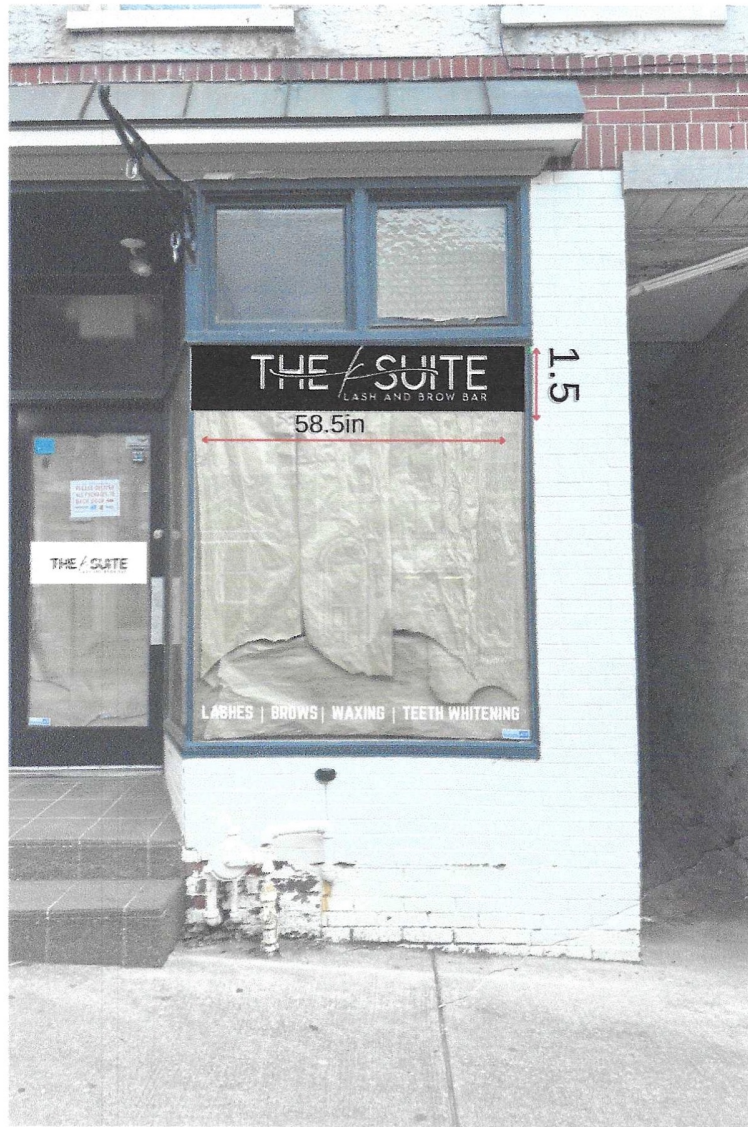
XVIII. Adjournment

8:38 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
April 2023

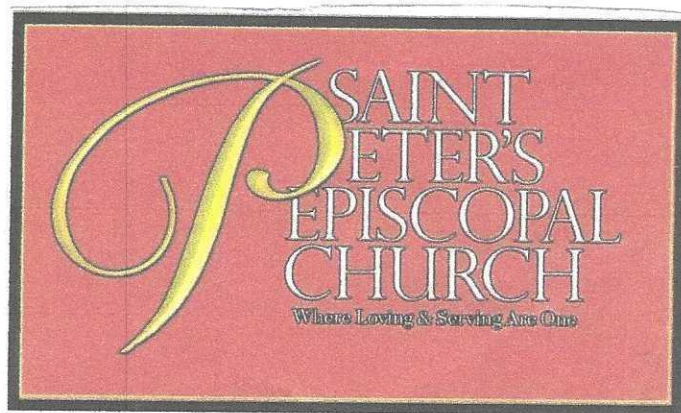
24 S. Main St



66" BETWEEN ^{TOP} WINDOWS

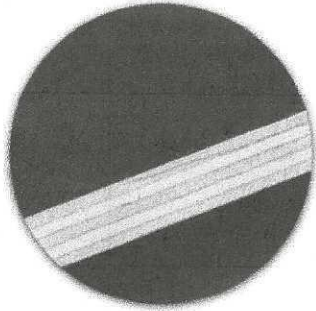


SIGN WILL BE CENTERED UNDER
THE TOP WINDOWS AND EQUIDISTANT
BETWEEN TOP AND BOTTOM WINDOWS



[Home](#) » [Sign Panels](#) » [Products](#) » [LusterBoard™](#)

LusterBoard™



Painted aluminum bonded to a furniture-grade exterior plywood core... SignPly is now part of the LusterBoard family!

Construction

LusterBoard is composed of a premium, exterior furniture-grade plywood, featuring smooth, tight, sanded veneers for optimum surface beauty. Its factory-baked polyester painted aluminum surfaces covers the hardwood core, to create a smooth, glossy finish.

Available in 1/2" (previously SignPly) sheet thicknesses.

Benefits

- Light, yet rigid construction, allowing for easier handling and installation
- Stronger and lighter than MDO panels
- Easy to fabricate with standard carpentry tools
- Available in 13 colors, LusterBoard's Colorfast surface is warranted not to fade, flake, or peel
- Ideal for paints, digital inks (both UV and solvent-cured), screen-print inks, and pressure-sensitive vinyl
- Weather-resistant with a "Class A" flame spread rating
- UL Recognized Component
- Manufactured in the USA

POLYETHYLENE

What is DIBOND material?

Dibond® is **the industry's leading aluminum composite material (ACM)**. It is comprised of two pre-painted sheets of .012" (.30mm) aluminum with a solid polyethylene core. Known as the flattest sheet on the market, this material is great for digital printing.

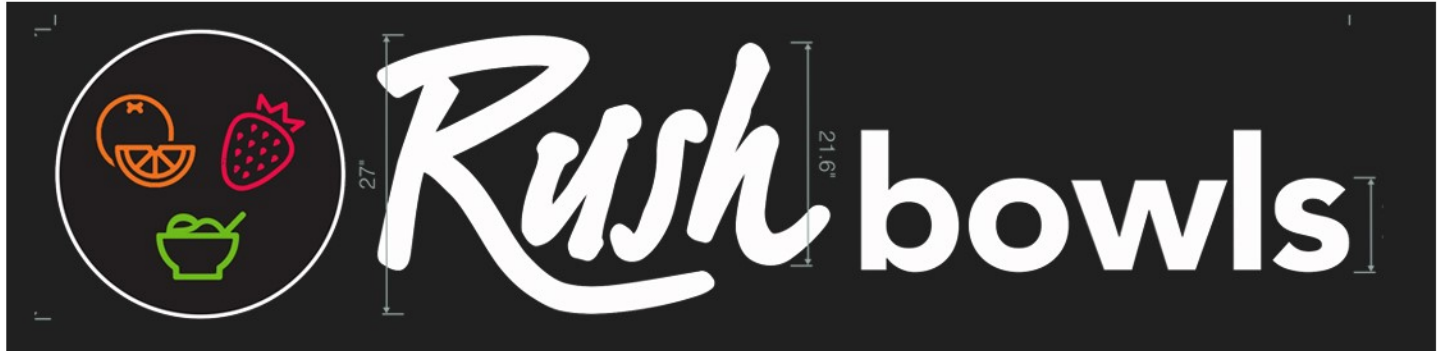
How long will Dibond last outside?

about 5-10 years

Dibond signs are made of aluminum and PVC plastic. Signs made from Dibond are some of the longest-lasting signs available. They have a lifespan of about **5-10 years**, but the life span can vary depending on the environment. Nov 1, 2015

TYPEONE GRAPHICS

Wall Sign



125"W x 27"H (overall) single sided wall sign; custom routed individual sign letters, white, set up for pin-mount to building fascia; round logo to have (3) color cut vinyl graphics sign will be installed no less than 24" from either building edge; no lighting at this time

Hanging Shingle Sign



28" x 28" double sided hanging shingle sign; custom routed shape with digitally printed faces set up to hang from wood beams outside of store front sign will hang no less than 96" from grade; no lighting at this time

P.O. BOX 235 | PHOENIXVILLE PA 19460
267.702.5022 | INFO@TYPEONEGRAPHICS.COM
267.702.5022

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* This drawing/artwork is to remain exclusive property of Type One Graphics, LLC until approved and accepted through purchase by the client named above

TYPEONE GRAPHICS



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4/12/2023

Borough of Phoenixville
Council, Authorities, Bureaus, Commissions, and Agencies

Planning Commission - 4 Year Term	Appointed	Reappointed	Term Expiration
Debra Johnston	August 12, 2014	March 10, 2020	March 31, 2024
Raffaello DiNapoli	February 14, 2017	April 13, 2021	March 31, 2025
Kristiaan Wiedegreen	July 14, 2015	March 10, 2020	March 31, 2024
Catherine Bianco - Vice Chair	March 9, 2021		March 31, 2025
Joseph Sikora	March 8, 2022		March 31, 2026
Thomas Carnevale - Chairman	April 12, 2011	March 8, 2022	March 31, 2026
Kevin Dwyer	January 10, 2023		March 21, 2027

Zoning Hearing Board - 5 Year Term	Appointed	Reappointed	Term Expiration
Jonathan Steitzer	February 14, 2023		January 31, 2028
Vacant			January 31, 2024
Maureen Ahearn	February 11, 2020		January 31, 2025
Bryan Emmanuel - Chair	April 10, 2018	January 12, 2021	January 31, 2026
Theresa Nowrey	September 14, 2021	January 11, 2022	January 31, 2027

Recreation Board - 4 YR Term	Appointed	Reappointed	Term Expiration
Kathy Gill	May 10, 2016	April 14, 2020	April 30, 2024
Robert House	October 11, 2022		April 30, 2024
Ed Lantzy	January 1, 2006	May 11, 2021	April 30, 2025
Vacant			April 30, 2025
Janet Hunter	January 1, 2008	April 12, 2022	April 30, 2026
Allison Peffle	May 11, 2021	April 12, 2022	April 30, 2026
Dave Gill - Chair	May 10, 2010	March 14, 2023	April 30, 2027
Dana Dugan - Council Rep	April 27, 2010		N/A

HARB - 4 Year Term	Appointed	Reappointed	Term Expiration
Brian Slater - Chair - Real Estate	September 11, 2007	August 11, 2020	August 31, 2024
William Felton - Contractor	August 13, 2013	August 11, 2021	August 31, 2025
Dana Dugan - Borough Council			N/A
Vacant - Resident			August 31, 2025
Joel Bartlett - Architect		August 13, 2019	August 31, 2023
David Boelker - Borough Staff			N/A
Catherine Bianco - Planning Comm	March 11, 2021		March 31, 2025

Borough Council - 4 Year Term	Appointed	Reappointed	Term Expiration
Beth Burckley - Vice President	January 2, 2018	January 3, 2022	January 5, 2026
James Carminito	January 3, 2022		January 5, 2026
Dana Dugan	January 4, 2010	January 3, 2022	January 5, 2026
Jonathan Ewald - President	January 4, 2016	January 6, 2020	January 2, 2024
Richard Kirkner	January 2, 2018	January 3, 2022	January 5, 2026
Brian Moore - Assistant Secretary	January 6, 2020		January 2, 2024
Jessie Webb	March 8, 2022		January 2, 2024
Brian Weiss	January 6, 2020		January 2, 2024
Peter Urscheler - Mayor	January 2, 2018	January 3, 2022	January 3, 2026

Civil Service Commission - 6 YR Term	Appointed	Reappointed	Term Expiration
Ethan Policastro - Chair	July 14, 2020	January 11, 2022	January 31, 2028
Amara Thornton-Brown - Vice Chair	July 14, 2020		January 31, 2024
Nicholas Kraynak - Secretary	July 14, 2020		January 31, 2026
Mari Wineburg - Alternate	September 14, 2021		January 31, 2026

Tree Advisory - 5 Year Term	Appointed	Reappointed	Term Expiration
Jane Dugdale	March 14, 2023		June 30, 2025
Susan Di Cerchio	July 12, 2022		June 30, 2027
Randall Morin	April 27, 2010	June 11, 2019	June 30, 2024
Travis Shaw	August 11, 2020		June 30, 2023
Mary Foote - Chair	July 9, 2019		June 30, 2026

Human Relations - 3 Year Term	Appointed	Reappointed	Term Expiration
Christopher Book	April 11, 2023		March 31, 2026
Vacant			March 31, 2026
Heather Bird	January 12, 2021	March 8, 2022	March 31, 2025
Rev. Lee Paczulla	March 8, 2022		March 31, 2025
Vacant			March 31, 2024

Other Appointments	Appointed	Reappointed	Term Expires
Emergency Management Coordinator Karin Williams	January 1, 2015		N/A
Vacancy Board Chairman Leo Scoda			December 31, 2023

RESOLUTION NO. 2023 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY
APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT
PLAN FOR THE DEVELOPMENT KNOWN AS “BLUEBIRD
DISTILLING PROJECT”**

WHEREAS, Brick and Copper Holdings, LLC (hereinafter referred to as “Owner/Developer”) is the legal owner and developer of one (1) existing parcel located at 100 Bridge Street in the Borough of Phoenixville, Chester County, Pennsylvania, consisting of a net land area of approximately 11,417 square feet, being zoned Town Center (TC) District, which parcel is more particularly identified as Chester County UPI No. 15-10-18 (hereinafter referred to as “Property”); and

WHEREAS, the Property is currently improved with a one-story building having a building footprint of approximately 6,667 square feet, an approximately 1,200 square foot covered patio, a paved courtyard of approximately 1,747 square feet, paved sidewalks, and related improvements (the “Existing Improvements”); and

WHEREAS, Owner/Developer proposes to modify the Existing Improvements on the Property by demolishing the existing covered patio, removing the existing paved courtyard, and construct an addition to the existing building of an additional building area of approximately 2,411 square feet, which addition will consist of two stories with such second story expanding over a portion of the existing building, as well as an approximately 305 square foot brick patio, brick sidewalks, concrete sidewalks, stormwater management facilities, and related improvements, as well as certain improvements in the public right of way (collectively the “Development”). The Development shall be known as the “Bluebird Distilling Project;” and

WHEREAS, Owner/Developer intends to complete the Development as more particularly shown on plans prepared by Hopkins and Scott, Inc, consisting of four (4) sheets, dated October 1, 2022 and last revised February 14, 2023 (the “Plans”); and

WHEREAS, Owner/Developer has previously obtained and supplied or will obtain and supply to the Borough all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Development, and any necessary offsite easements to legally provide access, discharge stormwater or connect to utilities; and

WHEREAS, at this time, the Owner/Developer desires to obtain preliminary/final land development approval of the Plans from the Borough of Phoenixville in accordance with Section 508 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Owner/Developer intends to paint a Phoenixville-inspired mural on the Starr Street side of the existing building; and

WHEREAS, the Phoenixville Borough Planning Commission has reviewed the Plans and has conditionally recommended the approval of the Plans by a vote of 6-0 at its meeting of March 9, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council of the Borough of Phoenixville hereby grants preliminary/final approval of the subdivision and land development shown on the Plans described herein, subject, however, to the following conditions:

1. At this time, the Phoenixville Borough Council waives strict compliance with the following provisions of the Borough's Subdivision and Land Development Ordinance ("SALDO"):
 - A. Section §22-600 – to not provide a Market Analysis, conditioned upon the Owner/Developer causing a "Welcome to Phoenixville" mural to be painted on the eastern side of the existing building of a size and quality substantially similar to that shared during the March 9, 2023 Borough Planning Commission meeting.
 - B. Section §22-601 – to not provide an Environmental Impact Analysis.
 - C. Section §22-603 – to not provide a Community & Fiscal Impact Analysis conditioned upon the Owner/Developer causing a "Welcome to Phoenixville" mural to be painted on the eastern side of the existing building of a size and quality substantially similar to that shared during the March 9, 2023 Borough Planning Commission meeting.
 - D. Section §22-407.3 – to provide a utility easement along the northeast Property boundary of a variable width, as depicted on the Plans, where an easement area with a minimum width of twenty (20) feet is required, conditioned upon the Owner/Developer agreeing to hold harmless the Borough for any and all damage to Owner/Developer property located within the otherwise required 20-foot easement area, including the proposed building being constructed as a part of the Development.
2. At this time, the Phoenixville Borough Council waives strict compliance with the following provisions of the Borough's Stormwater Management Ordinance ("SWMO"):
 - A. Section §23-306 – to not provide infiltration, conditioned upon Owner/Developer installing as a part of the Development, and continuing to maintain, use and operate a stormwater runoff recapture and reuse system, as depicted on the Plans. In the event that the stormwater runoff is no longer used for the stormwater runoff recapture and reuse system as described by the Applicant and as depicted on the Plans, the Applicant, or its successors or assigns shall notify the Borough of the cessation of such use and engage in an alternative stormwater runoff recapture and reuse system, subject to the approval of the Borough Engineer.
3. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review

letter dated March 3, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “A”.

4. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planner’s review letter dated March 2, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “B”.
5. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planning Commission’s Action Memo dated March 13, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “C”.
6. Prior to recording the Plans, Owner/Developer shall enter into a Land Development and Financial Security Agreement (“Agreement”) with the Borough of Phoenixville. The Agreement shall be satisfactory to the Borough Solicitor and Owner/Developer shall obligate itself to complete all of the public improvements shown on the Plans in accordance with Borough criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code. In order to complete the Agreement, Owner/Developer shall provide to the Borough an estimation of costs for the completion of the public improvements, which shall be satisfactory to the Borough Engineer.
7. Although the maintenance of all stormwater collection, detention and conveyance facilities shall be the responsibility of Owner/Developer, its successors and assigns, Owner/Developer shall, prior to the recording of the Plans, execute a Stormwater Management BMP Operation and Maintenance Agreement (“O&M Agreement”) with the Borough to reserve easements in favor of the Borough so that the stormwater facilities may be maintained by the Borough (with all expenses charged to Owner/Developer, its successors and assigns) in the event that the maintenance responsibilities of the stormwater facilities are not fulfilled after reasonable notice to do so. The terms and conditions of the O&M Agreement shall be satisfactory to the Borough Solicitor, and the O&M Agreement shall be recorded simultaneously with the Plans.
8. Prior to recording the Plans, Owner/Developer shall enter into a Public Access and Maintenance Easement Agreement for the portion of the sidewalks located on the Property, which agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.
9. Prior to recording the Plans, Developer shall execute a utility easement agreement to the benefit of the Borough for the utilities located along the northern Property boundary, which agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.

10. Prior to the issuance of any construction or earth disturbance for the Development, Owner/Developer shall provide the Borough with all required approvals from the Chester County Conservation District, the Pennsylvania Department of Environmental Protection, and Pennsylvania Department of Transportation.
11. The Development shall be constructed in strict accordance with the content of the Plans, the notes on the Plans, and the terms and conditions of this Preliminary/Final Approval Resolution
12. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans and Notes to the Plans and this Final Approval Resolution shall be borne entirely by Owner/Developer and shall be at no cost to the Borough, including, without limitation, reimbursement to Phoenixville Borough for any and all outstanding Planning Commission and/or Borough escrow amounts.
13. Prior to the start of construction, Owner/Developer shall notify the Borough Manager and the Borough Engineer and schedule a preconstruction meeting with the Borough. Developer shall provide the Borough Manager and the Borough Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing (regardless of whether such grading or ground clearing is for the construction of private or public improvements) so that the Borough may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Borough) have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.
14. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees and the funding of all escrows under the Agreement must be accomplished within ninety (90) days of the date of this Resolution, unless a written extension is granted by the Borough of Phoenixville. Until the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed or recorded, nor shall any building permits be issued. In the event that the fees have not been paid and the escrow has not been funded within ninety (90) days of this Resolution (or any written extension thereof), this contingent preliminary/final approval shall expire and be deemed to have been revoked.
15. Under the provisions of the Pennsylvania Municipalities Planning Code, the Owner/Developer has the right to accept or reject conditions imposed by Borough Council upon final approval. If, for any reason, the Owner/Developer fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of receipt of this Resolution, then this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1 and the conditions set forth above, including but not limited to those more specifically described in consultant review letters identified in Paragraphs 2 and 3.

Further, if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraphs 1 and the conditions set forth above, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED and **RESOLVED** at a public meeting of the Phoenixville Borough Council, Chester County, Pennsylvania, in lawful session duly assembled, this 9th day of May, 2023.

PHOENIXVILLE BOROUGH COUNCIL

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

ACCEPTANCE

The undersigned states that they are authorized to execute this Acceptance which is the subject matter of this Resolution, that they have reviewed the conditions imposed by Borough Council in the foregoing Resolution and that they accept the conditions and agree to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

BRICK AND COPPER HOLDINGS, LLC

By: _____

Print Name

Print Title

Date

Exhibit “A”

Exhibit “B”

Exhibit “C”

RESOLUTION NO. 2023 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY
APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT
PLAN FOR THE DEVELOPMENT KNOWN AS “PHOENIXVILLE
PLAZA - PAD SITES”**

WHEREAS, Nutt Road, LP (hereinafter referred to as “Owner/Developer”) is the legal owner and developer of one (1) existing parcel located at 1000 Nutt Road in the Borough of Phoenixville, Chester County, Pennsylvania, consisting of a net land area of approximately 306,227 square feet, being zoned Corridor Development (CD) District, which parcel is more particularly identified as Chester County UPI No. 15-7-17.1 (hereinafter referred to as “Property”); and

WHEREAS, the Property is currently improved with a one-story commercial self-storage building (former K-Mart) having a building footprint of approximately 103,502 square feet, paved parking area, and related improvements (the “Existing Improvements”); and

WHEREAS, Owner/Developer proposes the development of the Property with two new pad sites, the first being a new drive-through restaurant building consisting of a building area of 2,175 square feet and a 506 square foot outdoor patio area, having a two-lane drive-through (including the one (1) escape lane), 20 associated parking spaces; and the second being a car wash facility consisting of a building area of 4,555 square feet, fourteen (14) vacuum stations, thirteen (13) parking spaces; and the overall Property being improved with landscaping, parking islands, sidewalks, trail connections and other associated improvements, as well as a public trail on UPI No. 15-8-16.5, a public sidewalk on UPI Nos. 15-8-16 and 27-2-47, and certain improvements in the public right of way (collectively the “Development”). The Development shall be known as the “Phoenixville Plaza – Pad Sites;” and

WHEREAS, Owner/Developer intends to complete the Development as more particularly shown on plans prepared by Arna Engineering, Inc. consisting of twenty (20) sheets, dated March 7, 2023, bearing no revision date (the “Plans”); and

WHEREAS, Owner/Developer previously received conditional use approval for the drive-restaurant use by written decision and order of the Phoenixville Borough Council dated January 10, 2023 (the “Drive-Through Restaurant Conditional Use Decision”); and

WHEREAS, Owner/Developer previously received conditional use approval for the car wash use by written decision and order of the Phoenixville Borough Council dated January 10, 2023 (the “Car Wash Conditional Use Decision”) (the Car Wash Conditional Use Decision and the Drive-Through Restaurant Conditional Use Decision shall sometimes hereinafter be collectively referred to as the “Conditional Use Decisions”); and

WHEREAS, Owner/Developer has previously obtained and supplied or will obtain and supply to the Borough all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Development, and any necessary offsite easements to legally provide access, discharge stormwater or connect to utilities; and

WHEREAS, at this time, the Owner/Developer desires to obtain preliminary/final land development approval of the Plans from the Borough of Phoenixville in accordance with Section 508 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Phoenixville Borough Planning Commission has reviewed the Plans and has conditionally recommended the approval of the Plans by a vote of 6-0 at its meeting of April 20, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council of the Borough of Phoenixville hereby grants preliminary/final approval of the subdivision and land development shown on the Plans described herein, subject, however, to the following conditions:

1. At this time, the Phoenixville Borough Council waives strict compliance with the following provisions of the Borough's Subdivision and Land Development Ordinance ("SALDO"):
 - A. Section §22-304.1.A – Requiring, pursuant to the Borough Subdivision and Land Development Checklist (22 Attachment 2), final plan submissions to be drawn to a scale of 1"=50', 1"=30', 1"=20' or 1"=10', in order to allow a plan scale of 1" = 40' to allow the project to be shown on one sheet.
 - B. Section §22-419.1.A – Requiring nonresidential sidewalks to be constructed with a width of ten (10) feet, in order to allow a sidewalk less than ten feet (10') wide be placed within the project in certain locations and at certain widths as identified on the Plan, except as otherwise modified in this Resolution.
 - C. Section §22-426.2 – Requiring trash containers to be setback from the property line consistent with the required accessory structure setback, in order to allow the drive thru restaurant trash container to be located no less than 5.1 feet from the Property's boundary line along Nutt Road. RVE has no objection to this waiver request.
 - D. Section §22-500.2.A – Requiring the preservation of no less than 80% of "very steep slopes", in order to allow the disturbance of very steep slopes related to the existing man-made berm to install the proposed trail connection, provided that the Development preserves no less than 80% of the steep slopes on the remainder of the Property (exclusive of the area disturbed for the trail connection).
 - E. Section §22-505.5.B – Requiring grading of the Property to be set back from the boundary line no less than three (3) feet, in order to allow grading within

three (3) feet of existing property lines in order to install the trail connection and sidewalk connection to Nutt Road.

2. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated April 7, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "A".
3. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planner's review letter dated April 6, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "B".
4. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planning Commission's Action Memo dated April 27, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "C".
5. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Chief of Fire & Emergency Services' review letter dated April 19, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "D". (The Borough Engineer Review Letter attached hereto as Exhibit "A", the Borough Planner Review Letter attached hereto as Exhibit "B", the Borough Planning Commission's Action Memo attached hereto as Exhibit "C", and the Borough Fire Chief's Review Letter attached hereto as Exhibit "D" shall sometimes hereinafter be collectively referred to as the "Review Letters").
6. Notwithstanding any comments in the Review Letters, prior to recording the Plans, Owner/Developer shall revise the Plans to depict the two (2) electric vehicle charging stations required to be installed as a part of the Development in a location within the Phoenixville Plaza tract (UPI Nos. 15-7-17.1, 15-8-16, 15-8-16.1, 15-8-16.2, 15-8-16.3, 15-8-16.4, and 27-2-47) mutually agreeable to the Borough and Owner/Developer.
7. Notwithstanding any comments in the Review Letters, prior to recording the Plans, Owner/Developer shall revise the Plans to depict the construction of a covered bus stop and shelter in a location on the Phoenixville Plaza Tract mutually agreeable to Owner/Developer, the Borough and the Southeastern Pennsylvania Transportation Authority (SEPTA).

8. Prior to recording the Plans, the Plans shall be revised to comply to the satisfaction of the Borough with the conditions contained in the Conditional Use Decisions, including, without limitation, the widening of the sidewalk along the main access drive to eight (8) feet from Nutt Road to the internal intersection. A true and correct copies of the Conditional Use Decisions are attached hereto as Exhibit "E".
9. Prior to recording the Plans, Owner/Developer shall enter into a Land Development and Financial Security Agreement ("Agreement") with the Borough of Phoenixville. The Agreement shall be satisfactory to the Borough Solicitor and Owner/Developer shall obligate itself to complete all of the public improvements shown on the Plans in accordance with Borough criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code. In order to complete the Agreement, Owner/Developer shall provide to the Borough an estimation of costs for the completion of the public improvements, which shall be satisfactory to the Borough Engineer.
10. Although the maintenance of all stormwater collection, detention and conveyance facilities shall be the responsibility of Owner/Developer, its successors and assigns, Owner/Developer shall, prior to the recording of the Plans, execute a Stormwater Management BMP Operation and Maintenance Agreement ("O&M Agreement") with the Borough to reserve easements in favor of the Borough so that the stormwater facilities may be maintained by the Borough (with all expenses charged to Owner/Developer, its successors and assigns) in the event that the maintenance responsibilities of the stormwater facilities are not fulfilled after reasonable notice to do so. The terms and conditions of the O&M Agreement shall be satisfactory to the Borough Solicitor, and the O&M Agreement shall be recorded simultaneously with the Plans.
11. Prior to recording the Plans, Owner/Developer shall enter into a Public Access and Maintenance Easement Agreement for the portion of the sidewalks and trails located on the Property, which agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.
12. Prior to recording the Plans, Owner/Developer shall cause the landowner to enter into a Public Access and Maintenance Agreement for the portion of the trail located on UPI No. 15-8-16.5, which agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.
13. Prior to recording the Plans, Owner/Developer shall enter into a Temporary Construction Easement and Permanent Public Access and Maintenance Easement Agreement for the portion of the sidewalks and trails located on UPI Nos. 15-8-16 and, provided that Schuylkill Township approves a building permit, 27-2-47, which

agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.

14. Prior to recording the Plans, Developer shall execute a utility easement agreement to the benefit of the Borough for the utilities located along the northern Property boundary, which agreement shall be to the satisfaction of the Borough Solicitor, and which shall be recorded prior to or simultaneously with the recording of the Plans.
15. Prior to the issuance of any construction or earth disturbance for the Development, Owner/Developer shall provide the Borough with all required approvals from the Chester County Conservation District, the Pennsylvania Department of Environmental Protection, and Pennsylvania Department of Transportation.
16. The Development shall be constructed in strict accordance with the content of the Plans, the notes on the Plans, and the terms and conditions of this Preliminary/Final Approval Resolution
17. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans and Notes to the Plans, the Conditional Use Decisions, and this Final Approval Resolution shall be borne entirely by Owner/Developer and shall be at no cost to the Borough, including, without limitation, reimbursement to Phoenixville Borough for any and all outstanding Planning Commission and/or Borough escrow amounts.
18. Prior to the start of construction, Owner/Developer shall notify the Borough Manager and the Borough Engineer and schedule a preconstruction meeting with the Borough. Developer shall provide the Borough Manager and the Borough Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing (regardless of whether such grading or ground clearing is for the construction of private or public improvements) so that the Borough may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Borough) have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.
19. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees and the funding of all escrows under the Agreement must be accomplished within ninety (90) days of the date of this Resolution, unless a written extension is granted by the Borough of Phoenixville. Until the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed or recorded, nor shall any building permits be issued. In the event that the fees have not been paid and the escrow has not been funded within ninety (90) days of this Resolution (or any written extension

thereof), this contingent preliminary/final approval shall expire and be deemed to have been revoked.

20. Under the provisions of the Pennsylvania Municipalities Planning Code, the Owner/Developer has the right to accept or reject conditions imposed by Borough Council upon final approval. If, for any reason, the Owner/Developer fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of receipt of this Resolution, then this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1 and the conditions set forth above, including but not limited to those more specifically described in consultant review letters identified in Paragraphs 2 and 3. Further, if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraphs 1 and the conditions set forth above, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED and RESOLVED at a public meeting of the Phoenixville Borough Council, Chester County, Pennsylvania, in lawful session duly assembled, this 9th day of May, 2023.

PHOENIXVILLE BOROUGH COUNCIL

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

ACCEPTANCE

The undersigned states that they are authorized to execute this Acceptance which is the subject matter of this Resolution, that they have reviewed the conditions imposed by Borough Council in the foregoing Resolution and that they accept the conditions and agree to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

NUTT ROAD, LP

By: _____

Print Name

Print Title

Date

Exhibit “A”

Exhibit “B”

Exhibit “C”

Exhibit “D”

Exhibit “E”

RESOLUTION NO. 2023 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF
PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY
AMENDING THE APPROVAL OF THE FINAL LAND DEVELOPMENT
PLAN – MAJOR REVISION FOR THE DEVELOPMENT KNOWN AS
“ODESSA”**

WHEREAS, Franklin Phoenixville, LP (hereinafter referred to as “Owner/Developer”) is the record owner of the properties with frontage on Township Line Road and Fillmore Street, identified as UPI Nos. 15-4-8.2, 15-4-49, 15-4-56, and 15-4-56.1 (hereinafter referred to as the “Franklin Tract”); and

WHEREAS, Hastings Investment Co., Inc. is the record owner of an approximately 1.25 acre portion of the parcel identified as UPI No. 15-4-10 in the vicinity of the Schuylkill River Trail (hereinafter referred to as the “HIC Tract”) (the Franklin Tract and the HIC Tract shall sometimes hereinafter be collectively referred to as the “Property”); and

WHEREAS, Hastings Investment Co., Inc. is the record owner of the parcel identified as UPI No. 15-4-8 in the vicinity of the Schuylkill River Trail (hereinafter referred to as the “Hastings Parcel”); and

WHEREAS, the Ukrainian Catholic Archdiocese of Philadelphia, Inc. is the record owner of the parcel located at 1280 Fillmore Street, and more particularly identified as UPI No. 15-4-53 (hereinafter referred to as the “Archdiocese Parcel”); and

WHEREAS, pursuant to Borough Resolution No. 2021-46, Owner/Developer was granted conditional final subdivision and land development approval for the construction of one (1) 3- to 4-story apartment building with a parking garage having 351 parking spaces, first floor commercial space and two-hundred twenty-four (224) dwelling units, eighty-four stacked townhomes with one-hundred sixty-eight (168) stacked townhouse units, totaling three-hundred ninety-two (392) dwelling units, a commercial building along Township Line Road, 20 surface parking lot spaces, 70 street parking spaces, internal streets and alleys, with all associated grading, storm water facilities, utility layout, sidewalks, trails, emergency access easements, landscaping and lighting, including but not limited to a roadway connection to the existing Ashburn Road (the “Original Development”); and

WHEREAS, Owner/Developer submitted a major revision application and plan that proposes the construction of one (1) 3- to 4-story apartment building with a parking garage having 351 parking spaces, first floor commercial space and two-hundred twenty-four (224) dwelling units, eighty-three stacked townhomes with one-hundred sixty-six (166) stacked townhouse units, totaling three-hundred ninety-two (390) dwelling units, a commercial building along Township Line Road, 20 surface parking lot spaces, 70 street parking spaces, internal streets and alleys, with all associated grading, storm water facilities, utility layout, sidewalks, trails, emergency access

easements, landscaping and lighting; and also proposes the elimination of the connection to Ashburn Road, reroutes emergency access circulation within the project, addresses items identified in an updated Traffic Impact Study (collectively, the “Revised Development”); and

WHEREAS, Owner/Developer intends to complete the Development as more particularly shown on the following plans:

- a. The plan entitled “Final Subdivision and Land Development Plans Odessa Development-Major Revision,” prepared by BL Companies, Inc., consisting of seventy-three (73) sheets, dated May 27, 2020 and last revised March 16, 2023 (the “Development Plan”);
- b. The plan entitled “Odessa Residential Project Site Lighting RSX,” prepared by Illuminations, Inc., consisting of one (1) sheet, dated June 13, 2022, bearing no revisions (the “Lighting Plan”); and
- c. The plan entitled “Subdivision/Lot Line Adjustment Plan for Franklin Phoenixville, L.P.,” prepared by Bercek & Associates, consisting of one (1) sheet, dated September 22, 2021, and last revised October 26, 2022 (the “Subdivision Plan”) (the Development Plan, Lighting Plan and Subdivision Plan shall sometimes hereinafter be collectively referred to as the “Plans”).

WHEREAS, Owner/Developer has agreed, as a part of the Revised Development, that if the necessary property rights are acquired or provided to Owner/Developer prior to a certain point in time, Owner/Developer shall construct a full-access connection from Road ‘A’ in the Revised Development to the existing Ashburn Road, sidewalks, realign the Schuylkill River Trail, and other associated improvements, all pursuant to certain plans entitled “Ashburn Road Connection Concept,” prepared by BL Companies, Inc., consisting of six (6) sheets, dated May 27, 2020, and last revised October 27, 2022 (the “Ashburn Concept Plans”); and

WHEREAS, Owner/Developer has agreed, as a part of the Revised Development, that if the necessary property rights are not acquired or provided to Owner/Developer prior to a certain point in time, Owner/Developer shall deposit a financial contribution to the Borough for improvements along Fillmore Street as conceptually outlined in the recommendations of the “Transportation Impact Study, Odessa Mixed-Use Development”, dated 4/19/2022, prepared by McMahon Associates, Inc. of Exton, PA (the “TIS”), or as otherwise determined by the Borough to be in the best interest of the community, in an amount equal to the estimated cost of construction of the Ashburn Road full-access connection.

WHEREAS, being an Application for Major Revision, the Original Development shall be superseded by the Revised Development, and the approval provided by this Resolution shall supersede approval provided in Resolution 2021-46; and

WHEREAS, Owner/Developer has previously obtained and supplied or will obtain and supply to the Borough all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Revised Development, and any necessary offsite easements to legally provide access, discharge stormwater or connect to utilities; and

WHEREAS, at this time, the Owner/Developer desires to obtain final land development major revision approval of the Plans from the Borough of Phoenixville in accordance with Section 508 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Phoenixville Borough Planning Commission has reviewed the Plans and has conditionally recommended the approval of the Plans by a vote of 7-0 at its meeting of April 13, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council of the Borough of Phoenixville hereby grants final approval of the major revision of the subdivision and land development shown on the Plans described herein, subject, however, to the following conditions:

1. No additional waivers from the provisions of the Borough's Subdivision and Land Development Ordinance ("SALDO") are being requested by Owner/Developer or granted by the Phoenixville Borough Council at this time; however, the following SALDO waivers were previously granted by Resolution 2016-08 and Resolution 2021-47, and remain applicable:
 - A. Section 22-402.2.C – to not provide existing features within 100' of the tract boundaries. Additional survey information has been added for UPI 15-4-53.
 - B. Section 22-402.2.F – Hydrogeology Study. No wells are proposed and the property will be serviced by public water.
 - C. Section 22-603.2 – to allow a block length less than the minimum 800' (474').
 - D. Section 22-605.2.B(2) – If parking is to be permitted along a collector or local access road, an additional 10 feet of cart way width shall be required for parking along each side of the street. Owner/Developer is providing an additional eight (8) feet in width to accommodate parallel parking.
 - E. Section §22-605.3.B – to allow street grades to exceed the maximum 10%. Approximately 120' of Road B will exceed the maximum allowable grade of 10% (12.1%). The grade of Road B is reduced to 7.4% before reaching the intersection of Road C.
 - F. Section 22-605.3.D – Street grades at intersections shall be less than 4% on all approaches measured within 75 feet of the intersection of right-of-way lines. Owner/Developer shall provide documentation to identify the locations and grade.
 - G. Section 22-605.3.E – The slope ratio of basin banks shall not be less than four to one horizontal to vertical. The proposed slopes are industry standard and still allow for maintenance. Flatter slopes would not allow sufficient space that is allocated.

- H. Section 22-605.4.B.(1) – to allow roadway centerline radii to be less than the recommended AASHTO standards. Owner/Developer is proposing to provide signage and a speed table to ensure safety.
 - I. Section 22-605.5.F – Local access streets with minimum radius of 20'. Owner/Developer states that 15' radii are provided which allow a 40' long fire truck to maneuver without 'jumping' the curb.
 - J. Section 22-605.10.H – Suitable species of street trees. Owner/Developer has coordinated with the Borough Planner for trees as currently recommended in the present day SALDO list of trees.
 - K. Section 22-606.C.(5) – ADA curb ramps shall be provided for sidewalks of all new street intersections. ADA curb ramps shall be placed in line of travel, not on curved curb sections. ADA curb ramps will be provided for sidewalks at all intersections and will comply with current PennDOT criteria.
 - L. Section 22-608.4.A – to allow landscaped planting strips around non-residential parking lots to be less than 10' wide (4'). The parking lot is in close proximity to an alley.
 - M. Section 22-612.4.D.(2) – No slope in excess of 25% shall be built on without a conditional use approved by Borough Council. This requirement is not applicable in this Zoning District, however, a waiver was granted.
 - N. Section 22-613.4.F – The maximum slope of the earthen detention basin embankments shall be four horizontal to one vertical. The proposed slopes (3:1) are industry standard and still allow for maintenance. Flatter slopes cannot be accommodated in the space that is allocated.
 - O. Section 22-613.6.C(6) – Storm sewers outside of the right-of-way require a 20' wide easement. Owner/Developer will provide a blanket easement for the property.
- 2. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated April 7, 3023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "A".
 - 3. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planner's review letter dated April 5, 2023, the entire contents of which are

incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "B".

4. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Planning Commission's Action Memo dated April 27, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "C".
5. Prior to the Borough releasing the Plans for recording, the Plans shall be revised as follows:
 - A. The record plan set shall be revised to include the following parcel numbers and owners' acknowledgements therefor - UPI Nos.: 15-4-8.2, 15-4-10, 15-4-49, 15-4-56, and 15-4-56.1.
 - B. Sheet No. 2 (Notes) of the Development Plan shall be included in the record plan set.
 - C. The Subdivision Plan shall be:
 - i) Included in the record plan set;
 - ii) Revised to depict the footprints of the individual units and apartment building in the Revised Development; and
 - iii) Revised to keep all roads and common areas in parcel for common ownership.
6. Prior to the issuance of building permits, Owner/Developer shall provide to the Borough a proposed Declaration of Planned Community (the "Declaration") that complies with the requirements of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 et seq. (the "Act"), to the satisfaction of the Borough Solicitor, which shall be recorded prior to the issuance of any certificate of occupancy permits, and contains all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to:
 - A. The Association shall be responsible for the maintenance, repair and restoration of all of the privately-owned roadways, curbing, sidewalks, parking areas, subsurface and surface storm water management facilities and BMPs, emergency access easement areas, open space areas, trails and other recreational amenities, street lights, signage, street trees, lawn areas and landscaping constructed or installed on the Property.

- B. The Association shall be responsible for all snow removal from the private roadways, parking areas and sidewalks on the Property.
 - C. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed to avoid safety hazards.
 - D. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property to inspect, repair, replace and maintain the storm water management BMP facilities located on that portion of the Property in the Borough in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.
 - E. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough.
 - F. Disclosures, and a requirement that such disclosure be included in any and all agreements of sale and/or leases for any portion of the Revised Development, that the Property is adjacent to an existing and legal outdoor motor raceway, which generates loud noises during race events from time to time throughout the year.
 - G. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough.
7. Prior to or simultaneously with the recording of the Plans, Owner/Developer, its heirs, successors and/or assigns agrees to voluntarily contribute Fifty Thousand and 00/100 Dollars (\$50,000.00) to a 501(c)(3) corporation, to be identified by the Borough of Phoenixville, in support of affordable housing.
8. Owner/Developer, its heirs, successors and/or assigns agrees to voluntarily contribute annually Four Thousand and 00/100 Dollars (\$4,000.00) to the Borough for its Downtown Economic Revitalization Program. Beginning in January 2022 as a part of the Original Development, and continuing each January thereafter as a part of the Revised Development said contribution shall run in perpetuity with the Borough's Downtown Economic Revitalization Program. In the event that the Downtown Economic Revitalization Program is discontinued, the annual contribution shall no longer be required.

9. In support of the proposed offer of dedication of a 2.19 acre portion of parcel 15-4-10 and parcel 15-4-13 towards the MDM Nature Preserve, at or prior to recording of the Final Plan, Owner/Developer agrees to voluntarily contribute Five Thousand Three Hundred Dollars (\$5,300) towards the cost of a Phase I Environmental Site Assessment Report (Phase I ESA) by the Borough Engineer.
10. In the event that easement rights to construct a full-access connection from Road 'A' in the Revised Development to the existing Ashburn Road across the property located to the southeast of the Property are offered to the Owner/Developer, its successors and/or assigns on or before the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then such full-access connection, sidewalks, realignment of the Schuylkill River Trail, and other and associated improvements shall be constructed by Owner/Developer, its successors and/or assigns, as a part of the Revised Development as shown on the Ashburn Concept Plans. In addition, in the event that such connection is made, three (3) traffic calming speed tables shall be installed on Ashburn Street and one (1) traffic calming speed table on Road B, all in locations determined by the Borough's Traffic Engineer, as well as a fifth speed table at the Schuylkill River Trail crossing. The estimated cost of constructing the Ashburn Road connection and associated improvements depicted in the Ashburn Concept Plan shall be submitted as a part of the submission of the estimated cost of the construction of the overall Revised Development, as required by Paragraph 15 below, and such cost shall be secured as a part of the financial security posted for the overall Revised Development.

In the event that easement rights to construct a full-access connection from Road 'A' in the Revised Development to the existing Ashburn Road across the property located to the southeast of the Property do not become available until after the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then Owner/Developer, its successors and/or assigns, shall deposit a financial contribution to the Borough for improvements along Fillmore Street, as conceptually outlined in the recommendations of the TIS, or as otherwise determined by the Borough to be in the best interest of the community, in an amount equal to the estimated cost of construction of the Ashburn Road full-access connection depicted in the Ashburn Concept Plans. Such contribution shall be made in full to the Borough before any additional certificate(s) of occupancy are issued and before the financial security posted for the project may be released. If the Ashburn Road full-access connection is constructed, then no financial contribution related to the Fillmore Street improvements shall be required.

11. In the event that easement rights to construct an emergency access road, but not a full-access connection, from Road 'A' in the Revised Development to the existing Ashburn Road across the property located to the southeast of the Property are offered to or secured by the Borough, on or before the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then Owner/Developer, on the behalf of itself, its successors and assigns, agrees to construct a twelve (12) foot wide asphalt emergency access road between the

Schuylkill River Trail and the existing Ashburn Road to the satisfaction of the Borough. In the event that the Ashburn Road full-access connection is constructed, the construction of an emergency access road shall no longer be required.

12. The Schuylkill River Trail is an existing trail and open to the public. At any such time that work on or around the trail is anticipated, Owner/Developer shall provide the Borough advance notification to ensure the public is aware of such proposed work subject to the following:
 - A. On days where work on the trail occurs, it will be restored to allow pedestrian and bicycle travel by compacting damaged areas, placing stone and cold patch or using road plates. Signage will remain to provide notice of trail condition. The method of trail restoration, at end of each day, will be coordinated with and approved by the Borough; and
 - B. During days where trail crossing will be used intermittently to allow for construction vehicles to pass or similar type limited interruptions, the trail will have flaggers and signs to control the flow of traffic and provide advanced warning of construction activity ahead; and
 - C. If any portion of the trail is required to be temporarily closed without any ability to pass due to safety reasons, an alternate route will be provided by Owner/Developer to the extent feasible, in order to redirect pedestrian and bicycle traffic around such closure and to connect back up with the trail. Any such temporary redirection shall be coordinated with the Borough and shall be limited in duration to the best of Owner/Developer's ability; and
 - D. To the extent feasible, no trail work will occur on recognized holidays or weekends (Friday 5:00 pm to Monday 7:00 am.)
13. Prior to recording the Plans, Owner/Developer shall enter into the following agreements, which agreements shall be to the satisfaction of the Solicitor and recorded prior to or simultaneously with the recording of the Plans:
 - A. A Public Access and Maintenance Easement Agreement for the roadways and sidewalks located on the Property.
 - B. A Public Access and Maintenance Easement Agreement for the public open space, trailhead, trail parking spaces and trail located on the Property.
 - C. An emergency access easement agreement to the benefit of the Borough upon the Property, for the area(s) identified on the Plans to be subject to such an easement.

- D. A road construction easement agreement to the benefit of the Borough upon the Property, for the area(s) identified on the Plans to be subject to such an easement.
 - E. A utility easement agreement to the benefit of the Borough for the public utilities located within the Property boundary.
 - F. A Temporary Construction Easement with the landowner of the Archdiocese Parcel for the construction of the driveway extension, grading and any other work to be conducted on the Archdiocese Parcel as a part of the Revised Development.
 - G. A Temporary Construction Easement and Permanent Drainage and Maintenance Easement with the landowner of the Hastings Parcel for the construction of the stormwater management facilities, grading and any other work to be conducted on the Hastings Parcel as a part of the Revised Development.
14. Prior to recording the Plans, Owner/Developer shall cause the following agreements to be entered into, which agreements shall be to the satisfaction of the Solicitor and recorded prior to or simultaneously with the recording of the Plans:
- A. A Public Access and Maintenance Easement Agreement executed by the landowner of the Hastings Parcel for the benefit of the Borough and the public for the trail located on Hastings Parcel, for the area(s) identified on the Plans to be subject to such an easement.
 - B. A utility easement agreement executed by the landowner of the Hastings Parcel for the benefit of the Borough for the public utilities located within the Hastings Parcel property boundary.
15. Prior to recording the Plans, Owner/Developer shall enter into a Land Development and Financial Security Agreement (“Agreement”) with the Borough of Phoenixville. The Agreement shall be satisfactory to the Borough Solicitor and Owner/Developer shall obligate itself to complete all of the public improvements shown on the Plans in accordance with Borough criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code. In order to complete the Agreement, Owner/Developer shall provide to the Borough an estimation of costs for the completion of the public improvements, which shall be satisfactory to the Borough Engineer.
16. Although the maintenance of all stormwater collection, detention and conveyance facilities shall be the responsibility of Owner/Developer, its successors and assigns, Owner/Developer shall, prior to the recording of the Plans, execute a Stormwater Management BMP Operation and Maintenance Agreement (“O&M Agreement”)

with the Borough to reserve easements in favor of the Borough so that the stormwater facilities may be maintained by the Borough (with all expenses charged to Owner/Developer, its successors and assigns) in the event that the maintenance responsibilities of the stormwater facilities are not fulfilled after reasonable notice to do so, including without limitation any and all stormwater management facilities located on the Hastings Parcel. The terms and conditions of the O&M Agreement shall be satisfactory to the Borough Solicitor, and the O&M Agreement shall be recorded simultaneously with the Plans.

17. Prior to the issuance of any construction or earth disturbance permits for the Revised Development, Owner/Developer shall provide the Borough with all required approvals from the Chester County Conservation District, the Pennsylvania Department of Environmental Protection, and Pennsylvania Department of Transportation.
18. The Revised Development shall be constructed in strict accordance with the content of the Plans, the notes on the Plans, and the terms and conditions of this Final Approval Resolution.
19. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans and Notes to the Plans and this Final Approval Resolution shall be borne entirely by Owner/Developer and shall be at no cost to the Borough, including, without limitation, reimbursement to Phoenixville Borough for any and all outstanding Planning Commission and/or Borough escrow amounts.
20. Prior to the start of construction, Owner/Developer shall contact the Borough Engineer to request the scheduling of a preconstruction meeting with the Borough, and shall provide the Director of Planning and Code Enforcement and the Borough Engineer with a digital copy of a pre-construction video showing the project site and surrounding area, and shall provide the Borough Engineer with five (5) hard copies of the Plans to be stamped "Approved for Construction." Since the Revised Development is not phased, at the preconstruction meeting and prior to the issuance of any construction or earth disturbance permits for the Revised Development, any desired progressive construction of the required improvements shall be submitted to and approved by the Borough Engineer and Borough Director of Planning and Code Enforcement.
21. Owner/Developer shall provide the Borough Manager and the Borough Engineer with at least forty-eight (48) hours notice prior to the initiation of any construction, grading or ground clearing (regardless of whether such grading or ground clearing is for the construction of private or public improvements) to initiate inspection of the installation of improvements so that the Borough may certify that all appropriate erosion and sedimentation control facilities and measures have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Borough) have been installed to protect sensitive areas (e.g. proposed

infiltration facilities, trees scheduled to be preserved, etc.) during the construction of the Development, all of which must be certified by the Borough Engineer as properly installed before any construction, grading or ground clearing activities may begin (regardless of whether such grading or ground clearing is for the construction of private or public improvements).

22. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees and the funding of all escrows under the Agreement must be accomplished within ninety (90) days of the date of this Resolution, unless a written extension is granted by the Borough of Phoenixville. Until the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed or recorded, nor shall any building permits be issued. In the event that the fees have not been paid and the escrow has not been funded within ninety (90) days of this Resolution (or any written extension thereof), this contingent preliminary/final approval shall expire and be deemed to have been revoked.
23. Under the provisions of the Pennsylvania Municipalities Planning Code, the Owner/Developer has the right to accept or reject conditions imposed by Borough Council upon final approval. If, for any reason, the Owner/Developer fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of receipt of this Resolution, then this approval shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the conditions set forth above, including but not limited to those more specifically described in consultant review letters identified in Paragraphs 2, 3 and 4, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED and RESOLVED at a public meeting of the Phoenixville Borough Council, Chester County, Pennsylvania, in lawful session duly assembled, this 9th day of May, 2023.

PHOENIXVILLE BOROUGH COUNCIL

By: _____
Jonathan M. Ewald
President, Borough Council

ENACTED this 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

ACCEPTANCE

The undersigned states that they are authorized to execute this Acceptance which is the subject matter of this Resolution, that they have reviewed the conditions imposed by Borough Council in the foregoing Resolution and that they accept the conditions and agree to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

FRANKLIN PHOENIXVILLE, LP

By: _____

Print Name

Print Title

Date

HASTINGS INVESTMENT CO, INC

By: _____

Print Name

Print Title

Date

Exhibit “A”



**REMINGTON
& VERNICK
ENGINEERS**

Croton Road Corporate Center
555 Croton Road, Suite 401
King of Prussia, PA 19406
O: (610) 940-1050
F: (610) 940-1161

April 7, 2023

Mr. E. Jean Krack
Borough Manager
Borough of Phoenixville
351 Bridge Street, 2nd Floor
Phoenixville, PA 19460

**Re: Major Revision – Review #3
Odessa Development
Borough of Phoenixville
RVE File # PCBP037**

Dear Jean:

Remington & Vernick Engineers (RVE), on behalf of the Borough of Phoenixville (Borough), has reviewed the following submission materials in connection with the application referenced above:

- Plans entitled “Final Subdivision and Land Development Plans Odessa Development – Major Revision” (73 Sheets), dated 5/27/2020 and last revised 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Major Revision – Review #2 (Engineering) response letter, dated 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Final Subdivision and Land Development – Second Plan Review (Major Revision) (Planning) response letter dated 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Odessa Residential Project Site Lighting – RSX (1 Sheet), dated 6/13/2022, prepared by Illuminations, Inc. of West Chester, PA.
- Post-Construction Stormwater Management Narrative, dated 7/22/2021 and last revised 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Ashburn Road Connection Concept – Odessa Development (Sheet Nos. 23, 33, 39, 45, 69, and lighting plan Sheet No. 1), dated 5/27/2020 and last revised 10/27/2022, excepting the lighting plan which is dated 1/11/2022) prepared by BL Companies of King of Prussia, PA.
- Subdivision / Lot Line Adjustment Plan for Franklin Phoenixville, L.P. (1 Sheet) dated 9/22/2021 and last revised 10/26/2022, prepared by Bercek & Associates of Royersford, PA.

A preliminary land development plan for the Odessa Development was approved by the Borough on 1/12/2016. A final land development plan for the Odessa Development was approved by the Borough on 12/14/2021. Both the preliminary and final land development plans included a roadway connection to Ashburn Road. However, the Applicant has been unable to provide the Borough with information establishing its legal right to construct the roadway connection to Ashburn Road. In anticipation of this, the applicant has proposed eliminating the roadway connection to Ashburn Road. It was determined that the proposed amendment represents a major revision.

Based on our review of the materials submitted, RVE has provided comments listed below. An abridged listing of outstanding comments from the most recent engineering review letter has been provided, followed

by a list of waivers and comments from the Major Revision determination letter. Please note that any underlined comments represent items that must be addressed prior to receiving approval.

I. ENGINEERING COMMENTS

1-11. *Per the RVE review letter dated 3/28/2022, these items were previously satisfied or waived.*

12. Provide the seal of the professional land surveyor responsible for the plan (§22-402.2.5). *The Applicant states that the seal and signature will be added to Plan Sheet 15 of 70 prior to final approval after all other outstanding comments are addressed.*

13-147. *Per the RVE review letter dated 7/8/2022, these items were previously satisfied or waived.*

148. *On the Site Plan (SP-06), at the corner of Road C, revise the inner and outer curb radii to 20' and 42', respectively, to match the radii used on Road C just to the north. Label the outside radius on the plan. The radii are not labeled. Item satisfied.*

149. *On the Grading Plan (Sheet GD-02), revise proposed contours 206-211 at the parking lane along Road C. Item satisfied.*

150. *On the Overall Site Plan (Sheet SP-01), the sheet number is not appearing correctly. Item satisfied.*

151. *On the General Notes (Sheet GN-01), revise Note 117 to include the date when the ordinance was enacted and to ~~leave a blank for the resolution to be hand-written in later~~. The conditions of approval resolution has been approved and the ordinance date has been added. Item satisfied.*

152. *On the Sanitary Utility Easement Plan, Water Utility Easement Plan & Utility & Right-of-Way Plan (EP-01, -02 & -03), include a note for each right-of-way and easement (construction easement, water, sewer, drainage, trail) stating that the Borough is offered a perpetual offer of dedication for each. Site Work General Note 143 has been added. Item satisfied.*

153. *On the Sanitary Utility Easement Plan (EP-01), provide a 30' easement width for sanitary sewer between SMH-24 & SMH-28 due to bury depths in excess of 20'. The 30' easement has been provided from SMH-11 to SMH-28. Item satisfied.*

154. *On the Site Plan (SP-06), the curb at the end of the emergency access road should be called out as depressed curb. Item satisfied.*

155. *On Grading Plan (GD-06), the 201 contour to the south of the emergency access road entrance should stop when it changes direction, and a portion of the line should be trimmed.*

156. *On Grading Plan (GD-06), there is a callout for retaining wall in the ravine that should be removed. Item satisfied.*

157. *On Grading Plan (GD-06), there is text overlap at the roadway centerline stationing, at the intersection of Road A and Road C. Item satisfied.*

158. *On Fire Truck Circulation Plan (TT-01), the fire truck used for the emergency access road appears to be a different model but should be the same model as shown throughout the rest of the site. The fire truck is double overlapping printed. Item satisfied.*
159. *On Site Utility Plan (SU-06), the water and gas lines should be shown to connect to the existing utilities even if the locations of existing utilities are approximate. The end of the gas line is currently approximately 40' away from the existing gas line. The callouts for the lines should also point to the lines shown. They currently do not point to the correct locations. Item satisfied.*
160. *On Details-Stormwater (DN-06), the MRC Control Structure Detail does not match with what is shown on the plans. The CS-A outlet pipe invert elevation is 189.21 on the plans. The CS-C structure top elevation is 202.52 on the plans. CS-A outlet pipe invert elevation revised to 189.21. CS-C structure top elevation revised to 202.20. Item satisfied.*
161. *On Details-Stormwater (DN-06), BMP-1 has a top elevation of 198.00 but also has a grade elevation at the lowest at 198.00. There should be cover over the BMP at all points. Lowest elevation is 198.50. Item satisfied.*
162. *On Details-Stormwater (DN-06), the MRC Basin Detail appears to be different than the one on the approved plans. Please clarify the reasoning for this change. The Applicant states that the stormwater design has been modified based on the NPDES review and approval. Item satisfied.*
163. *On Storm Profiles (PR-03), profile EW-1.A to MRC-A there is text overlap and it appears that may be pipes or structures that are not shown. Item satisfied.*
164. *On Utility Profiles (PR-10), profile SMH-31 to SMH-37 does not show SMH-37 on the profile. Profile SMH-35 to SMH-36 does not show SMH-35. Item satisfied.*
165. *On Utility Profiles (PR-11), profile Water Main (± Road C) shows a conflict at 2+00 as there is a utility pipe crossing through the water main. Item satisfied.*
166. *On Landscaping Plan (LL-06), the plaza area does not match up with the area shown on the site plans. It appears that the plaza area extends onto the trail which is not depicted on the site plan. The plaza appears to be smaller on the Landscape Plan and plantings are shown in that area. The plaza area should match on both these plans. Item satisfied.*
167. *On the Site Lighting Plan, the plan should include the proposed trees and vegetation that might interfere with lighting (§27-601.6.A.1). Item satisfied.*
168. *On the Site Lighting Plan, the following two notes shall be included on the plan. "Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval." "The Borough reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this chapter and as otherwise agreed upon by the Borough, and if appropriate, to require remedial action at no expense to the Borough" (§27-601.6.C). Added to Sheet GN-01 as Site Work General Note 142. Item satisfied.*
169. *On the Record Plan (RP-01), there is some text overlap, and some text is hard to read. The previous plans had a background mask for text to make it easier to read. Some text overlap remains. Item satisfied.*

170. An updated Stormwater Management Report shall be provided as a BMP has been removed and the other BMP's sizes have been changed. Item satisfied.
171. On the Record Plan (RP-01) and others, adjust the boundary of Lot 2 to include the area of Road C to its intersection with Township Line Road. This adjustment provides the townhouse portion of the development with two (2) entrances without the need for access agreements and other such agreements.
172. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of all water mains constructed as a part of the development and an easement for the area thereover for access, operation, and maintenance of the same."
173. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of all sewer mains constructed as a part of the development and an easement for the area thereover for access, operation, and maintenance of the same."
174. On the Record Plan (RP-01) and each easement plan, include a statement that "The location of any water easements and sewer easements shown on Sheet Nos. EP-01, EP-02, and EP-03 of the development plans shall be adjusted at the completion of the project based on the final constructed locations of water and sewer infrastructure".
175. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of a blanket stormwater easement across the project tract for access, inspection and maintenance of stormwater conveyances and stormwater management BMPs. This easement shall not be construed to obligate the Borough to inspect or maintain stormwater conveyances and stormwater management BMPs".
176. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a proposed right-of-way along the area of Road C from 15' west of staked townhouse Unit 1/2 to its intersection with Township Line Road.
177. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a 16' emergency access easement from the Schuylkill River Trail to the intersection of Road A and Road C.
178. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a 16' emergency access easement along the proposed trail from Township Line Road to the Schuylkill River Trail.
179. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), adjust the specific storm easement shown near the Schuylkill River Trail to ONLY capture areas that are outside of the project tract. Areas within the project tract will be covered by the blanket stormwater easement discussed above.
180. On the Record Plan (RP-01), include a statement that "All roads and sidewalks within the development shall be open to public use."

181. On the Subdivision/Lot Line Adjustment Plan (or on the Record Plan), remove topographic features and add proposed lots for each stacked townhouse, apartment building, etc. for property description and assessment purposes.

II. SEWER & WATER COMMENTS

1. Provide a letter indicating the availability of public sanitary sewer service from the Borough of Phoenixville (§22-424.1.B). *Item satisfied.*
2. Provide a letter indicating the availability of public water service from the Borough of Phoenixville (§22-425.2). *Item satisfied.*
3. Provide an updated sewer and water feasibility report based on the revised plan (§22-402.2.E). *Item satisfied.*
4. Provide a letter from the Borough's Fire Marshal indicating that a sufficient number of fire hydrants have been included in the design. Fire hydrants shall be placed at minimum 500' intervals. *A note has been provided that states "Fire hydrant location and spacing to be confirmed by Borough's Fire Marshall prior to construction." Item satisfied.*
5. Add the following note to the utility plan: "All internal water and sewer lines are considered private and subject to compliance with the Borough Plumbing Code." *Item satisfied.*
6. Extend a new sewer main along the west side of Unit Nos. 84-92 for future connectivity of adjoining properties. *Item satisfied.*
7. Extend a new sewer main to facilitate connection of adjacent properties east of Unit Nos. 162, 160, 136 & 138. *Item satisfied.*
8. The plans shall call out the size and materials of construction (if known) of the existing water and sewer mains (§22-304.2). Borough records indicate that the existing water main in Ashburn Road is 8" diameter and the existing water main in High Street is 10" diameter. Borough records indicate that the existing sanitary main in High Street is 8" diameter vitrified clay pipe. *Piping sizing does not seem to agree with given dimensions. Please provide additional explanation. Additionally, provide piping materials, when known. Item satisfied,*
9. The Site Utility Plan (SU-6) shows an existing water main installed from Fillmore Village, across the ravine and ending near the Schuylkill River Trail. It is our understanding that this water main has not yet been installed. Please revise the plan to show this new water main connecting the development to existing water mains at the intersection of Ashburn Road and Simmons Al. & Lopata Rd. *Item satisfied.*
10. The Site Utility Plan (SU-6) does not show the new water mains recently installed along the Schuylkill River Trail. Revise the plans to show current as-built information. *Item satisfied.*

11. The Site Utility Plan (SU-6) shows an apparent realignment of water main near the ravine. As mentioned previously, we have no record of any water main being installed in this area and would believe a meeting between the RVE, Borough Staff and the designer would be appropriate to coordinate this part of the design. *Item satisfied.*
12. Specify whether the buildings will be sprinklered or served by fire hydrants. If the buildings will be sprinklered, there must be a dedicated fire service which is metered separately from the domestic water service, and all meters shall be placed in outside meter pits. *Add a note to the plans stating "Sprinkler Rooms will be accessible to Borough Staff from the exterior of the building. Sprinkler Rooms will be solely utilized for the purpose of housing meters. Storage and other purposes shall be prohibited within the Sprinkler Rooms." Item satisfied.*
13. Specify the sizes and materials of construction of the proposed water service connections on the Utility Plan. *Item satisfied.*
14. Include calculations to support sizing of water services and sewer laterals. Note that the Borough's standard details are intended mainly for residential connections and that multi-family buildings may require larger services and laterals. *Calculations will be provided under separate cover. Item satisfied.*
15. PA DEP has approved the Sewer Facilities Planning Module for this project. RVE will meet with the Borough and design engineer to discuss any additional steps to be taken based on the revised design, including discussion of how adjacent properties would be connected to new sanitary sewer mains proposed by this project. *Applicant states that they are submitting a Sewer Facilities Planning Module for the neighboring Trieste Development. As the Sewage Facilities Planning Module has been approved for a higher number of EDU's than are currently proposed, this item will be considered satisfied at this time.*
16. Note: The matter of sewer and water tapping fees shall be coordinated directly with the Borough. *Acknowledged.*
17. On the Overall Site Utility Plan (SU-01) and others, there are numerous combined sanitary sewer laterals serving the stacked townhome units. Provide a sanitary main with a terminal manhole collecting sewer laterals from the stacked townhome units. Each set of stacked townhomes (2 units) can have a single shared sewer lateral connected to the sanitary main. *Item Satisfied.*
18. Provide 18" vertical separation or 10' horizontal separation between all sanitary mains and potable water mains. All crossings should be shown on the respective sanitary sewer profiles. Any crossings that cannot maintain the separation required shall be encased as given on the Borough's Standard Construction Details. Multiple crossings have not been shown on the proposed Sanitary Sewer main profiles. All utilities crossings should be shown and labeled. Applicant states this will be comply in a future submission. Sanitary sewer mains shall be installed beneath water mains or encased.
19. *Provide separation as required in Comment #15 near SMH-23. Applicant states this will be comply in a future submission. Horizontal separation is less than 10' and SMH is less than 5' in depth. It is not clear how required separation is being maintained. Item satisfied.*

20. *On the Site Utility Plan (SU-02) and others, identify the following sanitary manholes with exterior drops: SMH 10, SMH-15, SMH-16, SMH-19 & SMH-24. Applicant states this will be comply in a future submission. Item satisfied.*
21. *Water and sewer details should be revised to comply with the Borough's most recent standard details. Current details will be provided under a separate cover. Item satisfied.*
22. *On the Site Utility Plan (SU-02), provide a fire hydrant or permanent blow-off near Units 99/100. Item satisfied.*
23. *On the Site Utility Plan (SU-02 & -04) provide a looped water main from Units 91/92 along Road C to proposed water main at the intersection of Road C & Alley 4. Provide a fire hydrant at the intersection of Road A and Road C. Hydrant should be provided on Western intersection of Road A and Road C. Item satisfied.*
24. *On the Site Utility Plan (SU-03), provide a fire hydrant or permanent blow-off near Units 153/154 or provide a loop around Units 155/156 to proposed water main in Fillmore Street (preferred). Item satisfied.*
25. *On the Site Utility Plan (SU-04), provide a 10' horizontal offset between the water main and sanitary main from SMH-35 to SMH-37. Vertical offset appears to be less than 18". Item satisfied.*
26. *On the Site Utility Plan (SU-05), relocate the fire hydrant near Units 67/68 to the intersection of Road A and Alley 4. Item satisfied.*
27. *On the Site Utility Plan (SU-05), provide a separate domestic water and fire service from the water main to the proposed apartment building. Currently, separate domestic water and fire services are shown from the water meter vault to the building. A combination type water meter vault is permitted. Provide a detail similar to Borough requirements of the proposed meter vault. Item satisfied.*
28. *On the Site Utility Plan (SU-05), the sanitary main from SMH-25 to SMH024 is more than 24' deep and only 3' away from proposed porches of Units 111-130. Provide a 15' offset from dwelling units (consider switching with storm sewer from MH-C.2 to MH-C.4). Item satisfied.*
29. *On the Site Utility Plan (Sheet SU-06), provide a 10' horizontal offset between the water main and sanitary main from SMH-8 to SMH-10. Vertical offset appears to be less than 18". Item satisfied.*
30. *On the Site Utility Plan (Sheet SU-06), provide a straight alignment for the proposed water main from Ashburn Rd (near SMH-7). The existing water main installed along the Schuylkill River Trail can be cut and spliced with a 45° bend leading to a tee connection to the proposed water main from Ashburn Rd. Item satisfied.*
31. *On the General Notes (Sheet GN-01) revise Note 110, to require SDR-26 PVC due to bury depths in excess of 15'. Item satisfied.*

III. WAIVERS

In a Waiver Request Letter, dated 9/23/2021, the Applicant listed the following waivers that were previously granted (Resolution No. 2016-08):

1. ~~Section §22-305.C – Impact statements. The developer states that they have previously paid for a traffic impact study for the northern section of the Borough including alignments for the Northern Relief Road and has an agreement with the Borough that this previous traffic impact study releases the requirement for a future traffic impact study.~~ *Due to the significant differences made by the applicant between the approved preliminary land development plan and the current final land development plan, RVE does not believe that this waiver remains valid. The Applicant indicates that this waiver is no longer applicable.*
2. Section §22-402.2.F – Hydrogeology Study. No wells are proposed and the property will be serviced by public water.
3. Section §22-605.2.B(2) – If parking is to be permitted along a collector or local access road, an additional 10 feet of cartway width shall be required for parking along each side of the street. The Applicant is providing an additional eight (8) feet in width to accommodate parallel parking.
4. Section §22-605.3.D – Street grades at intersections shall be less than 4% on all approaches measured within 75 feet of the intersection of right-of-way lines. The road from the Odessa Development at the Northern Relief Road is greater than 4% to accommodate the through connection to Fillmore Street (this is a function of the onsite grade difference).
5. Section §22-605.3.E – The slope ratio of basin banks shall not be less than four to one horizontal to vertical. The proposed slopes are industry standard and still allow for maintenance. Flatter slopes would not allow sufficient space that is allocated.
6. Section §22-605.5.F – Local access streets with minimum radius of 20'. The applicant states that 15' radii are provided which allow a 40' long fire truck to maneuver without 'jumping' the curb. *RVE will carefully review the vehicle circulation plans to ensure maneuverability for design vehicles. Condition satisfied.*
7. Section §22-605.10.H – Suitable species of street trees. The Applicant will coordinate with the Borough Planner for trees that are not within the acceptable list. The proposed street trees have been used elsewhere within the Borough.
8. Section §22-606.C.(5) – ADA curb ramps shall be provided for sidewalks of all new street intersections. ADA curb ramps shall be placed in line of travel, not on curved curb sections. ADA curb ramps will be provided for sidewalks at all intersections and will comply with current PennDOT criteria.
9. ~~Section §22-608.3.D – The entire parking lot perimeter shall be buffered and landscaped. The parking lots are adjacent to the buildings that they serve and additional landscaping would impede access to the buildings.~~ *The Applicant indicates that this waiver is no longer applicable.*
10. Section §22-612.4.D.(2) – No slope in excess of 25% shall be built on without a conditional use approved by Borough Council. Requirement is not applicable in this zoning district, however, a waiver was granted.

11. Section §22-613.4.F – The maximum slope of the earthen detention basin embankments shall be four horizontal to one vertical. The proposed slopes (3:1) are industry standard and still allow for maintenance. Flatter slopes cannot be accommodated in the space that is allocated.
12. Section §22-613.6.C(6) – Storm sewers outside of the right-of-way require a 20' wide easement. The Applicant will provide a blanket easement for the property.

Per Resolution 2021-46, the Applicant has been granted additional waivers as follows:

1. Section §22-402.2.C – to not provide existing features within 100' of the tract boundaries. *With the exception of the proposed improvements on UPI No. 15-4-53, RVE agrees that adequate survey information has been provided. ~~Additional survey information must be shown for the proposed improvements shown on UPI 15-4-53.~~ Additional survey information has been added for UPI 15-4-53. Waiver granted 12/14/2021.*
2. Section §22-603.2 – to allow a block length less than the minimum 800' (474'). *RVE has no objection to this waiver. Waiver granted 12/14/2021.*
3. Section §22-605.3.B – to allow street grades to exceed the maximum 10%. *Approximately 120' of Road B will exceed the maximum allowable grade of 10% (12.1%). The grade of Road B is reduced to 7.4% before reaching the intersection of Road C. RVE has no objection to this waiver. Waiver granted 12/14/2021.*
4. Section §22-605.4.B(1) – to allow roadway centerline radii to be less than the recommended AASHTO standards. *The applicant is proposing to provide signage and a speed table to ensure safety. Contingent on the applicant addressing various signage related comments, RVE has no objection to this waiver. Waiver granted 12/14/2021.*
5. *Section §22-608.4.A – to allow landscaped planting strips around non-residential parking lots to be less than 10' wide (4'). The parking lot is in close proximity to an alley. RVE has no objection to this waiver request. Waiver granted 12/14/2021.*

IV. MAJOR REVISION

1. The applicant must provide a revised land development plan showing the new layout, including the elimination of a roadway connection to Ashburn Road, for review by the Borough Planning Commission and Borough Council. *Item satisfied.*
2. The applicant should provide the Borough with an offer of dedication for right-of-way necessary for a future roadway connection from Township Line Road to Ashburn Road (Section 22-605.1.J). Site improvements, stormwater management facilities and other utilities should be laid out to facilitate the future construction of a roadway connection. *Item satisfied.*
3. The TIS shows that the project will decrease the overall Level of Service for the intersections of Fillmore Street & Franklin Avenue and Schuylkill Road (S.R. 0023) and Township Line Road. The applicant should incorporate recommendations from the TIS to mitigate these impacts. *The applicant*

has agreed to a post-construction traffic study upon PennDOT's completion of analysis and improvements at Route 23. Item satisfied.

4. On Fillmore Street, the existing railway bridge is posted with a 3-ton weight limit that restricts truck traffic. Without the connection to Ashburn Road, trucks will continue to avoid Fillmore Street and will be required to access the site from Township Line Road. *The applicant has acknowledged this comment.*
5. If the roadway connection to Ashburn Road is not made, the TIS includes recommends improving the Fillmore Street/Ashburn Road/Bunning Road intersection to address awkward geometric and operational conditions. *RVE is providing a concept plan and cost estimate. The applicant has agreed to contribute towards a percentage of these costs. Item satisfied.*
6. If the roadway connection to Ashburn Road is not made, the TIS recommends upgrading Schuylkill River Trail crossing of Fillmore Street with a signalized pedestrian signal and crossing improvements. *RVE is providing a concept plan and cost estimate. The applicant has agreed to contribute towards a percentage of these costs. Item satisfied.*

3/8/2023 Meeting Comments:

7. Ashburn Extension required plan notes: *Item satisfied.*

“If easement rights to construct a full-access connection from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract do not become available until after the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then the Applicant, its successors and/or assigns, shall deposit a financial contribution to the Borough for improvements along Fillmore Street as conceptually outlined in the recommendations of the “Transportation Impact Study, Odessa Mixed-Use Development”, dated 4/19/2022, prepared by McMahon Associates, Inc. of Exton, PA, or as otherwise determined by the Borough to be in the best interest of the community, in an amount equal to the estimated cost of construction of the Ashburn Road full-access connection. Such contribution shall be made in full to the Borough before any additional certificate(s) of occupancy are issued and before the financial security posted for the project may be released. If the Ashburn Road full-access connection is constructed, then no financial contribution related to the Fillmore Street improvements shall be required.

In the event that easement rights to construct a full-access connection from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract are offered to the Applicant, its successors and/or assigns on or before the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then such full-access connection and associated improvements shall be constructed by the Applicant, its successors and/or assigns, as a part of the development as shown on the plans entitled “Ashburn Road Connection Concept” (6 sheets), dated 10/27/2022, prepared by BL Companies of King of Prussia, PA.”

8. At each vehicle access to the trail, provide a plan note as follows: ‘Provide two (2) lockable swing gates (Borough Standard)’. *Item satisfied.*

9. “In the event that easement rights to construct an emergency access road, but not a full-access connection, from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract are offered to or secured by the Borough, on or before the later of the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then the Applicant, on the behalf of itself, its successors and assigns, agrees to construct a 12 foot wide asphalt emergency access road between the Schuylkill River Trail and the existing Ashburn Road to the satisfaction of the Borough. In the event that the Ashburn Road full-access connection is constructed, the construction of an emergency access road is no longer required.” *Item satisfied.*
10. Provide a plan note as follows regarding water valves: ‘Provide gate valves on each branch of all water main nodes and on all fire hydrants.’ *Item satisfied.*
11. Provide a note on the lighting plan regarding providing wall packs on the south side of the apartment building. *Item satisfied.*
12. Provide a note in the Post-Construction Stormwater Management Narrative regarding the installation of MRC-D. *Item satisfied.*
13. On the Cover Sheet (CV-01) – Sheet List Table - add an asterisk next to Sheet Number 19 (Overall Site Plan) to be recorded. Sheet 19 includes required project notes.

RVE’s recommendation for approval is contingent upon the applicant satisfactorily addressing each underlined comment and submitting revised plans and other materials. In conjunction with any resubmission, the applicant must provide a response letter using the same numbering system and explaining how each underlined comment has been satisfactorily addressed.

Should you have any questions, please feel free to contact our office in King of Prussia, PA at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS
By



Owen M. Hyne, P.E., C.E.A., Senior Associate
Borough Engineer

OMH/rag/jb

cc: Franklin Phoenixville, LP, Applicant
BL Companies, Applicant’s Engineer
Baer Romain & Ginty LLP, Attorney
David Boelker, Borough of Phoenixville, Dir. of Planning & Code Enforcement (via e-mail)
Scott Denlinger, Esp., Wisler Pearlstine
John Yurick, P.E., McMahon Associates
Adrianne Blank, Gilmore & Associates, Inc.

Christopher J. Fazio, P.E, C.M.E., Executive Vice President
James Bulicki, P.E.

Exhibit “B”



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 5, 2023

File No. 22-02121

David Boelker, Zoning Officer
Borough of Phoenixville
351 Bridge Street, 2nd FL
Phoenixville, PA 19460

Reference: Final Subdivision and Land Development -**Third Plan Review (Major Revision)**
Odessa Development
Tax Map Parcel Number: 15-4-56 and 15-4-49

Dear Mr. Boelker:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regards to the Final Subdivision and Land Development application for Odessa Development prepared by BL Companies, plan dated May 27, 2020, **revised March 16, 2023**. The site is approximately 15.858 acres and is in the MG-Mixed Use Growth zoning district. The development plan proposes the construction of stacked townhouses (166 units), and a 4-story apartment building (224 Units), for a total of 390 units. The layout includes 12,162 SF of Commercial Space, and 775 parking spaces, deletion of the Northern Relief Road, reconfiguration of proposed internal roadway network and all associated grading, storm water facilities, utility layout, landscaping, and lighting to accommodate the changes. Required public open space reserves 2.6 Acres of the site. The project site is served by public water and sewer. A forty (40') wide PECO power line easement runs north-south through the western side of the tract and the Schuylkill River Trail runs along the eastern portion of the site.

This resubmission is part of a major revision. The major revision is limited to the following items and the review is limited to the major revision items as follows:

- Eliminated connection to Ashburn Road. Adjusted grading, storm, landscaping and lighting accordingly per the removal of Ashburn Road connection.
- Emergency access remains the same near the south property line but loops internal to the site versus connecting to Ashburn Road.
- Addressed items from updated Traffic Impact Study as outlined by McMahon.

We offer the following comment for your consideration.

1. Design and Development Regulations

- a. As per ZO Section 27-402.2, new blocks shall be connected to the Borough network of streets, alleys, and sidewalks to enable a continuous vehicular and pedestrian network. The eliminated connection to Ashburn Road results in separated and disjointed street connections to neighboring developments. The applicant should explain how the design of the Major Plan Revision, without the Ashburn Connection, meets the requirement to connect to the Borough network of streets, alleys, and sidewalks.

The response indicates that “At the direction of the Borough, connecting the Odessa Development to Ashburn Road is not feasible at the present time and therefore the applicant is re-submitting the Major Revision plans showing the elimination of the connection. As discussed at the 3/8/22 meeting, notes on the Major Revision plan and additional add-on plans are included with the submission in the event the connection becomes possible in the future and the design can more closely meet the intent of the Zoning Ordinance.”

Item satisfied.

2. Lighting/Signage

- a. As per SALDO Section 27-601.2. A., outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public recreational access, and multifamily residential developments. A note has been added to the Lighting Plan stating, “Apartment building shall have wall pack lighting on south side of the building.” Plans should be revised to include height of the proposed wall packs, and cutsheet information with full cut-off criteria to mitigate off-site glare and to demonstrate compliance with the requirement of the ordinance.
- b. As per SALDO Section 27-601. C.(1), lighting for residential and recreational purposes shall be aimed to not create a nuisance by projecting light onto a neighboring use or property. There are areas where lighting is shown to be projecting onto the neighboring property. Plans should be revised to include notes and details demonstrating full cut-off and glare reduction device criteria to demonstrate compliance with this requirement of the ordinance.
- c. There are 8 parking spaces reserved for trail parking near the entrance drive off Township Line Road. Plans should be revised to include trail parking signage.

If you have any questions or require additional information, please do not hesitate to contact me by phone at (610) 587-8811 or by email ablank@gilmore-assoc.com.

Sincerely,



Adrienne L. Blank, R.L.A.
Landscape Architect
Gilmore & Associates, Inc.

ALB/sl

cc: Kestra Kelly (kkelly@blcompanies.com)
David Moskowitz (dhmoskowitz@gmail.com)
Owen Hyne, P.E., C.E.A., Remington & Vernick Engineers (Owen.Hyne@rve.com)

Exhibit “C”



Borough of Phoenixville

CHESTER COUNTY, PENNSYLVANIA

351 Bridge Street, 2nd Floor, Phoenixville, PA 19460

Phone: (610) 933-8801

DATE: April 27, 2023

MEMO TO: Borough Council

MEMO FROM: Planning Commission

APPLICATION TYPE: Final Land Development Plan - Major Revision

PROJECT NAME: Odessa

ZONING DISTRICT: Mixed-Use Growth (MG)

LOCATION: 1270 Fillmore Street

PRIMARY UPI#: 15-4-56

ACTION MEMO

The Borough Planning Commission, at its April 13, 2023 regular meeting, recommended by a vote of 7 to 0, that Borough Council approve, as a Final Land Development Plan Major Revision, pursuant to the Subdivision and Land Development Ordinance, as part of the above-referenced application, the Plan dated May 27, 2020 and last revised March 16, 2023.

The initially approved, pursuant to Borough Resolution No. 2021-46, Final subdivision, lot consolidation and land development plan proposed the construction of one (1) 3- to 4-story apartment building with two-hundred twenty-four (224) dwelling units, one-hundred sixty-eight (168) stacked townhouse units, totaling three-hundred ninety-two (392) dwelling units, with all associated grading, storm water facilities, utility layout, landscaping and lighting.

This Major Revision eliminates the connection to Ashburn Road, reroutes emergency access circulation within the project, addresses items identified in the updated Traffic Impact Study and proposes the construction of one-hundred sixty-six (166) stacked townhouse units and a 4-story apartment building with two-hundred twenty-four (224) dwelling units for a total of three-hundred ninety (390) dwelling units.

If Borough Council decides to approve the Plan, the Planning Commission recommends the approval be subject to any applicable requirements of the Borough's current Standard Action Memo Terms which are appended hereto and incorporated herein and the following conditions:

1. The Plan must be amended to address and comply with the Borough Land Planner's recommendations and comments as stated in their April 5, 2023 review letter.
2. The Plan must be amended to address and comply with the Borough Engineer's recommendations and comments as stated in their April 7, 2023 review letter.
3. The Plan must be amended to address and comply with the Borough Solicitor's recommendations and comments as stated during the April 13, 2023 Planning Commission meeting, listed as follow:
 - I. The Plan shall be updated to list and include all necessary parcel numbers and ownership acknowledgements (specifically on the record plan sheets).
 - a. Parcel Nos. shall include: 15-4-8.2, 15-4-10, 15-4-49, 15-4-56, and 15-4-56.1
 - b. Modify owner's acknowledgment for Franklin Phoenixville, LP – the record owner of 15-4-56 is Franklin Phoenixville, LP. It should read: "He is the President of Odessa Real Estate Investment, Inc., which is a limited liability corporation and the General Partner of Franklin Phoenixville, LP, the record owner of the properties identified as UPI Nos. 15-4-8.2, 15-4-49, 15-4-56, and 15-4-56.1."
 - c. Add an owner's acknowledgment for Hastings Investment Co., Inc., being the record owner of the approx. 1.25 acres area of UPI No. 15-4-10. It should read "He is the President of Hastings Investment Co., Inc., which is a limited liability corporation the record owner of a portion of the parcel identified as UPI No. 15-4-10."
 - II. Instead of being included as a "recorded-against" parcel, a temporary construction easement shall be entered into with the Church property.
 - III. Sheet 2 (Notes) shall be recorded.
 - IV. Sheet 18 (Easement Plan)
 - a. It shall be listed as a plan note that a blanket SWM Easement shall be provided.
 - b. Public access easement over trails, sidewalks and roads (RVE #180) shall be provided.
 - c. Show equivalent ROW area offered for dedication to Borough for Ashburn (including extension) and Road B.
 - V. Lot line adjustment/subdivision plan shall be a part of the overall & record plan set (RVE #181)
 - a. Shall indicate footprints for stacked townhouses and apartment building.
 - b. Shall keep roads in common open space.
 - VI. A Community Association shall be established that is responsible for the inspection, maintenance, repair and replacement of all private streets and alleys, sidewalks and trails, parking areas, SWM facilities, open spaces and other community improvements in the development.

No waiver additions or deletions were made part of this Major Revision.

The Borough's Standard Action Memo Terms, and the referenced review letters accompanying this Action Memo are incorporated herein. Council may impose conditions on any approval.

Thomas Carnevale
Planning Commission Chairperson

TC:dgb



Standard Action Memo Terms

1. The Applicant shall provide all information identified as to be provided and/or necessary in all Letters from Borough consultants and all Letters from Borough Department representatives.
2. The Plan shall be revised so that it complies with all the comments and requirements of the Borough Fire Department, which may complete its review after the Borough Engineer approves all plan revisions and/or additions and all specifications and details therefor, as required by the terms of the Borough's plan approval.
3. The Plan shall satisfy and comply with all comments issued by Borough consultants, including but not limited to, the Borough Engineer, the Borough Planner, the Borough Zoning Officer, the Borough Planning Director, the Borough Solicitor, and/or the Borough Public Works Department.
4. The Applicant, at its sole expense, shall provide all the improvements ("Improvements"), required by the Borough's final approval of the Plan. The Applicant shall provide the Borough with security for all such Improvements, as determined by the Borough Engineer. The security shall secure, for the Borough's benefit, all the developer's obligations under the Development Agreement. The Borough may require that the security not be provided by a bond.
5. If applicable, the Applicant shall obtain all zoning relief necessary for the Plan as finally and completely approved (in compliance with the conditions of approval and the Plans to be Approved). All such zoning relief must be final and unappealable before the Plan is recorded and before any building permits are issued for new work shown on the Plan.
6. The Applicant shall acquire, at its sole cost, all rights, easements and rights-of-way necessary to construct, use and maintain the improvements shown on the Plan, as finally and completely approved, and perpetually offer to dedicate to the Borough, in a form acceptable to the Borough, all such interests and rights, which are shown on such Plan and/or required by any condition of its approval to be so dedicated. Such improvements include, but are not limited to, all rights, as identified on the Plan, as finally and completely approved, for sanitary sewers, water supply facilities, stormwater management facilities, roads and all other public facilities. The Borough shall have the right, but not the obligation, to accept dedication and/or any other responsibility for such facilities and/or rights.
7. To the extent not expressly and specifically changed by the terms of these conditions, all conditions of all prior approvals of the preliminary land development plan, and all conditional use, special exception and/or variance application(s) are incorporated into this Plan approval as conditions.
8. The Plan's approval shall be made by written Resolution and shall include all the terms and conditions of the Borough form plan approval Resolution, modified as the Borough shall determine to fit this Application. The Resolution shall be the Borough decision on the Application as required by the Pennsylvania Municipalities Planning Code ("MPC"). Council's determination that it should approve the Application, with conditions, pursuant to this Action Memo, shall not be the decision required by the MPC (unless Council, pursuant to this section, makes the terms of this Action

Memo its final decision) and shall not be a limitation on the scope and/or terms of such a decision. The Borough shall have an additional 15 days, after rendering its decision, to mail such final decision, in writing, to the Applicant. For all purposes, the Borough shall be deemed to have effectively communicated its written decision to the Applicant when the decision is mailed, by first class U.S. mail, to the Applicant at the address shown on the Application, on this Memo, or any new address that the Planning Director has received prior written notice of from the Applicant. Notwithstanding anything else in these conditions (including but not limited to the provisions of this Section), if the Borough does not adopt and/or communicate to the Applicant a different final plan approval decision and/or Resolution, the terms of this Action Memo, as amended and/or adopted by Council, shall be the Council's decision on the Application and shall, for all purposes, be treated as communicated to the Applicant on the date the Applicant receives a copy of the Action Memo (including any modifications made by Council). If such communication to the Applicant is made within the MPC's required time period for decisions, as extended by the Applicant, the communication shall be treated as a timely decision for all purposes and there shall be no deemed approval of the Application for any purpose.

9. After approval by Council and before transferring any parcel created by the Plan and/or doing any work and/or improvements shown on the Plan, the Applicant must record the Plan. The record plan must be recorded before any permits to implement the Plan will be issued by the Borough. The Plan may be recorded only upon completion, to the Borough's satisfaction, of all conditions of approval which require plan amendments and the Borough Engineer's written certification, on the Plan, of such completion. The Borough may require any or all the Plan sheets, as finally approved, to be recorded.
10. Prior to the issuance of any building permits to implement the Plan, the Applicant and, if the Borough requires, the property owner, must enter into a Development Agreement, with the Borough, with terms and conditions satisfactory to the Borough, and must provide the requisite improvement security as identified by the Borough Engineer. The improvement security shall secure, for the Borough's benefit, the proper and timely completion of the developer's obligations under the Development Agreement. The Development Agreement may provide that the Borough may withhold and/or revoke permits if the developer is in default of its obligations thereunder.
11. No work shall be done to implement the Plan and no building permits shall be issued for any such purpose until the Development Agreement is executed, the agreements concerning sanitary sewer and water supply fees and sanitary sewer infiltration and inflow remediation are made, the Plans are finally approved in all respects and the requisite improvement security is posted to the Borough's satisfaction.
12. The Applicant and the property owner and all their respective heirs, successors and assigns (collectively the "Responsible Party[ies]") shall be responsible jointly and severally for all Borough review and other costs associated with achieving compliance with the conditions of final plan approval, as though the application for plan approval was pending, final approval had not been given and the conditions were required for final approval. All these conditions must be completed, to the Borough's satisfaction, before the Plan is recorded, before any work is begun and/or any permits issued to implement the Plan. In addition, all Borough review fees shall be paid in full prior to releasing the Final Plans for recording.
13. Where applicable, the Applicant shall submit HOA documents, condominium declarations or other similar documents to the Borough for review and approval prior to the recording of the Final Plans.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 5, 2023

File No. 22-02121

David Boelker, Zoning Officer
Borough of Phoenixville
351 Bridge Street, 2nd FL
Phoenixville, PA 19460

Reference: Final Subdivision and Land Development -**Third Plan Review (Major Revision)**
Odessa Development
Tax Map Parcel Number: 15-4-56 and 15-4-49

Dear Mr. Boelker:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regards to the Final Subdivision and Land Development application for Odessa Development prepared by BL Companies, plan dated May 27, 2020, **revised March 16, 2023**. The site is approximately 15.858 acres and is in the MG-Mixed Use Growth zoning district. The development plan proposes the construction of stacked townhouses (166 units), and a 4-story apartment building (224 Units), for a total of 390 units. The layout includes 12,162 SF of Commercial Space, and 775 parking spaces, deletion of the Northern Relief Road, reconfiguration of proposed internal roadway network and all associated grading, storm water facilities, utility layout, landscaping, and lighting to accommodate the changes. Required public open space reserves 2.6 Acres of the site. The project site is served by public water and sewer. A forty (40') wide PECO power line easement runs north-south through the western side of the tract and the Schuylkill River Trail runs along the eastern portion of the site.

This resubmission is part of a major revision. The major revision is limited to the following items and the review is limited to the major revision items as follows:

- Eliminated connection to Ashburn Road. Adjusted grading, storm, landscaping and lighting accordingly per the removal of Ashburn Road connection.
- Emergency access remains the same near the south property line but loops internal to the site versus connecting to Ashburn Road.
- Addressed items from updated Traffic Impact Study as outlined by McMahon.

We offer the following comment for your consideration.

1. Design and Development Regulations

- a. As per ZO Section 27-402.2, new blocks shall be connected to the Borough network of streets, alleys, and sidewalks to enable a continuous vehicular and pedestrian network. The eliminated connection to Ashburn Road results in separated and disjointed street connections to neighboring developments. The applicant should explain how the design of the Major Plan Revision, without the Ashburn Connection, meets the requirement to connect to the Borough network of streets, alleys, and sidewalks.

The response indicates that “At the direction of the Borough, connecting the Odessa Development to Ashburn Road is not feasible at the present time and therefore the applicant is re-submitting the Major Revision plans showing the elimination of the connection. As discussed at the 3/8/22 meeting, notes on the Major Revision plan and additional add-on plans are included with the submission in the event the connection becomes possible in the future and the design can more closely meet the intent of the Zoning Ordinance.”

Item satisfied.

2. Lighting/Signage

- a. As per SALDO Section 27-601.2. A., outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public recreational access, and multifamily residential developments. A note has been added to the Lighting Plan stating, “Apartment building shall have wall pack lighting on south side of the building.” Plans should be revised to include height of the proposed wall packs, and cutsheet information with full cut-off criteria to mitigate off-site glare and to demonstrate compliance with the requirement of the ordinance.
- b. As per SALDO Section 27-601. C.(1), lighting for residential and recreational purposes shall be aimed to not create a nuisance by projecting light onto a neighboring use or property. There are areas where lighting is shown to be projecting onto the neighboring property. Plans should be revised to include notes and details demonstrating full cut-off and glare reduction device criteria to demonstrate compliance with this requirement of the ordinance.
- c. There are 8 parking spaces reserved for trail parking near the entrance drive off Township Line Road. Plans should be revised to include trail parking signage.

If you have any questions or require additional information, please do not hesitate to contact me by phone at (610) 587-8811 or by email ablank@gilmore-assoc.com.

Sincerely,



Adrienne L. Blank, R.L.A.
Landscape Architect
Gilmore & Associates, Inc.

ALB/sl

cc: Kestra Kelly (kkelly@blcompanies.com)
David Moskowitz (dhmoskowitz@gmail.com)
Owen Hyne, P.E., C.E.A., Remington & Vernick Engineers (Owen.Hyne@rve.com)



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April 7, 2023

Mr. E. Jean Krack
Borough Manager
Borough of Phoenixville
351 Bridge Street, 2nd Floor
Phoenixville, PA 19460

**Re: Major Revision – Review #3
Odessa Development
Borough of Phoenixville
RVE File # PCBP037**

Dear Jean:

Remington & Vernick Engineers (RVE), on behalf of the Borough of Phoenixville (Borough), has reviewed the following submission materials in connection with the application referenced above:

- Plans entitled “Final Subdivision and Land Development Plans Odessa Development – Major Revision” (73 Sheets), dated 5/27/2020 and last revised 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Major Revision – Review #2 (Engineering) response letter, dated 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Final Subdivision and Land Development – Second Plan Review (Major Revision) (Planning) response letter dated 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Odessa Residential Project Site Lighting – RSX (1 Sheet), dated 6/13/2022, prepared by Illuminations, Inc. of West Chester, PA.
- Post-Construction Stormwater Management Narrative, dated 7/22/2021 and last revised 3/16/2023, prepared by BL Companies of King of Prussia, PA.
- Ashburn Road Connection Concept – Odessa Development (Sheet Nos. 23, 33, 39, 45, 69, and lighting plan Sheet No. 1), dated 5/27/2020 and last revised 10/27/2022, excepting the lighting plan which is dated 1/11/2022) prepared by BL Companies of King of Prussia, PA.
- Subdivision / Lot Line Adjustment Plan for Franklin Phoenixville, L.P. (1 Sheet) dated 9/22/2021 and last revised 10/26/2022, prepared by Bercek & Associates of Royersford, PA.

A preliminary land development plan for the Odessa Development was approved by the Borough on 1/12/2016. A final land development plan for the Odessa Development was approved by the Borough on 12/14/2021. Both the preliminary and final land development plans included a roadway connection to Ashburn Road. However, the Applicant has been unable to provide the Borough with information establishing its legal right to construct the roadway connection to Ashburn Road. In anticipation of this, the applicant has proposed eliminating the roadway connection to Ashburn Road. It was determined that the proposed amendment represents a major revision.

Based on our review of the materials submitted, RVE has provided comments listed below. An abridged listing of outstanding comments from the most recent engineering review letter has been provided, followed

by a list of waivers and comments from the Major Revision determination letter. Please note that any underlined comments represent items that must be addressed prior to receiving approval.

I. ENGINEERING COMMENTS

1-11. *Per the RVE review letter dated 3/28/2022, these items were previously satisfied or waived.*

12. Provide the seal of the professional land surveyor responsible for the plan (§22-402.2.5). *The Applicant states that the seal and signature will be added to Plan Sheet 15 of 70 prior to final approval after all other outstanding comments are addressed.*

13-147. *Per the RVE review letter dated 7/8/2022, these items were previously satisfied or waived.*

148. *On the Site Plan (SP-06), at the corner of Road C, revise the inner and outer curb radii to 20' and 42', respectively, to match the radii used on Road C just to the north. Label the outside radius on the plan. The radii are not labeled. Item satisfied.*

149. *On the Grading Plan (Sheet GD-02), revise proposed contours 206-211 at the parking lane along Road C. Item satisfied.*

150. *On the Overall Site Plan (Sheet SP-01), the sheet number is not appearing correctly. Item satisfied.*

151. *On the General Notes (Sheet GN-01), revise Note 117 to include the date when the ordinance was enacted and to ~~leave a blank for the resolution to be hand-written in later~~. The conditions of approval resolution has been approved and the ordinance date has been added. Item satisfied.*

152. *On the Sanitary Utility Easement Plan, Water Utility Easement Plan & Utility & Right-of-Way Plan (EP-01, -02 & -03), include a note for each right-of-way and easement (construction easement, water, sewer, drainage, trail) stating that the Borough is offered a perpetual offer of dedication for each. Site Work General Note 143 has been added. Item satisfied.*

153. *On the Sanitary Utility Easement Plan (EP-01), provide a 30' easement width for sanitary sewer between SMH-24 & SMH-28 due to bury depths in excess of 20'. The 30' easement has been provided from SMH-11 to SMH-28. Item satisfied.*

154. *On the Site Plan (SP-06), the curb at the end of the emergency access road should be called out as depressed curb. Item satisfied.*

155. *On Grading Plan (GD-06), the 201 contour to the south of the emergency access road entrance should stop when it changes direction, and a portion of the line should be trimmed.*

156. *On Grading Plan (GD-06), there is a callout for retaining wall in the ravine that should be removed. Item satisfied.*

157. *On Grading Plan (GD-06), there is text overlap at the roadway centerline stationing, at the intersection of Road A and Road C. Item satisfied.*

158. *On Fire Truck Circulation Plan (TT-01), the fire truck used for the emergency access road appears to be a different model but should be the same model as shown throughout the rest of the site. The fire truck is double overlapping printed. Item satisfied.*
159. *On Site Utility Plan (SU-06), the water and gas lines should be shown to connect to the existing utilities even if the locations of existing utilities are approximate. The end of the gas line is currently approximately 40' away from the existing gas line. The callouts for the lines should also point to the lines shown. They currently do not point to the correct locations. Item satisfied.*
160. *On Details-Stormwater (DN-06), the MRC Control Structure Detail does not match with what is shown on the plans. The CS-A outlet pipe invert elevation is 189.21 on the plans. The CS-C structure top elevation is 202.52 on the plans. CS-A outlet pipe invert elevation revised to 189.21. CS-C structure top elevation revised to 202.20. Item satisfied.*
161. *On Details-Stormwater (DN-06), BMP-1 has a top elevation of 198.00 but also has a grade elevation at the lowest at 198.00. There should be cover over the BMP at all points. Lowest elevation is 198.50. Item satisfied.*
162. *On Details-Stormwater (DN-06), the MRC Basin Detail appears to be different than the one on the approved plans. Please clarify the reasoning for this change. The Applicant states that the stormwater design has been modified based on the NPDES review and approval. Item satisfied.*
163. *On Storm Profiles (PR-03), profile EW-1.A to MRC-A there is text overlap and it appears that may be pipes or structures that are not shown. Item satisfied.*
164. *On Utility Profiles (PR-10), profile SMH-31 to SMH-37 does not show SMH-37 on the profile. Profile SMH-35 to SMH-36 does not show SMH-35. Item satisfied.*
165. *On Utility Profiles (PR-11), profile Water Main (± Road C) shows a conflict at 2+00 as there is a utility pipe crossing through the water main. Item satisfied.*
166. *On Landscaping Plan (LL-06), the plaza area does not match up with the area shown on the site plans. It appears that the plaza area extends onto the trail which is not depicted on the site plan. The plaza appears to be smaller on the Landscape Plan and plantings are shown in that area. The plaza area should match on both these plans. Item satisfied.*
167. *On the Site Lighting Plan, the plan should include the proposed trees and vegetation that might interfere with lighting (§27-601.6.A.1). Item satisfied.*
168. *On the Site Lighting Plan, the following two notes shall be included on the plan. "Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval." "The Borough reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this chapter and as otherwise agreed upon by the Borough, and if appropriate, to require remedial action at no expense to the Borough" (§27-601.6.C). Added to Sheet GN-01 as Site Work General Note 142. Item satisfied.*
169. *On the Record Plan (RP-01), there is some text overlap, and some text is hard to read. The previous plans had a background mask for text to make it easier to read. Some text overlap remains. Item satisfied.*

170. An updated Stormwater Management Report shall be provided as a BMP has been removed and the other BMP's sizes have been changed. Item satisfied.
171. On the Record Plan (RP-01) and others, adjust the boundary of Lot 2 to include the area of Road C to its intersection with Township Line Road. This adjustment provides the townhouse portion of the development with two (2) entrances without the need for access agreements and other such agreements.
172. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of all water mains constructed as a part of the development and an easement for the area thereover for access, operation, and maintenance of the same."
173. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of all sewer mains constructed as a part of the development and an easement for the area thereover for access, operation, and maintenance of the same."
174. On the Record Plan (RP-01) and each easement plan, include a statement that "The location of any water easements and sewer easements shown on Sheet Nos. EP-01, EP-02, and EP-03 of the development plans shall be adjusted at the completion of the project based on the final constructed locations of water and sewer infrastructure".
175. On the Record Plan (RP-01) and each easement plan, include a statement that "The developer shall offer in perpetuity to the Borough the dedication of a blanket stormwater easement across the project tract for access, inspection and maintenance of stormwater conveyances and stormwater management BMPs. This easement shall not be construed to obligate the Borough to inspect or maintain stormwater conveyances and stormwater management BMPs".
176. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a proposed right-of-way along the area of Road C from 15' west of staked townhouse Unit 1/2 to its intersection with Township Line Road.
177. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a 16' emergency access easement from the Schuylkill River Trail to the intersection of Road A and Road C.
178. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), provide a 16' emergency access easement along the proposed trail from Township Line Road to the Schuylkill River Trail.
179. On the Record Plan and Easement and Right-of-Way Plan (RP-01 & EP-03), adjust the specific storm easement shown near the Schuylkill River Trail to ONLY capture areas that are outside of the project tract. Areas within the project tract will be covered by the blanket stormwater easement discussed above.
180. On the Record Plan (RP-01), include a statement that "All roads and sidewalks within the development shall be open to public use."

181. On the Subdivision/Lot Line Adjustment Plan (or on the Record Plan), remove topographic features and add proposed lots for each stacked townhouse, apartment building, etc. for property description and assessment purposes.

II. SEWER & WATER COMMENTS

1. Provide a letter indicating the availability of public sanitary sewer service from the Borough of Phoenixville (§22-424.1.B). *Item satisfied.*
2. Provide a letter indicating the availability of public water service from the Borough of Phoenixville (§22-425.2). *Item satisfied.*
3. Provide an updated sewer and water feasibility report based on the revised plan (§22-402.2.E). *Item satisfied.*
4. Provide a letter from the Borough's Fire Marshal indicating that a sufficient number of fire hydrants have been included in the design. Fire hydrants shall be placed at minimum 500' intervals. *A note has been provided that states "Fire hydrant location and spacing to be confirmed by Borough's Fire Marshall prior to construction." Item satisfied.*
5. Add the following note to the utility plan: "All internal water and sewer lines are considered private and subject to compliance with the Borough Plumbing Code." *Item satisfied.*
6. Extend a new sewer main along the west side of Unit Nos. 84-92 for future connectivity of adjoining properties. *Item satisfied.*
7. Extend a new sewer main to facilitate connection of adjacent properties east of Unit Nos. 162, 160, 136 & 138. *Item satisfied.*
8. The plans shall call out the size and materials of construction (if known) of the existing water and sewer mains (§22-304.2). Borough records indicate that the existing water main in Ashburn Road is 8" diameter and the existing water main in High Street is 10" diameter. Borough records indicate that the existing sanitary main in High Street is 8" diameter vitrified clay pipe. *Piping sizing does not seem to agree with given dimensions. Please provide additional explanation. Additionally, provide piping materials, when known. Item satisfied,*
9. The Site Utility Plan (SU-6) shows an existing water main installed from Fillmore Village, across the ravine and ending near the Schuylkill River Trail. It is our understanding that this water main has not yet been installed. Please revise the plan to show this new water main connecting the development to existing water mains at the intersection of Ashburn Road and Simmons Al. & Lopata Rd. *Item satisfied.*
10. The Site Utility Plan (SU-6) does not show the new water mains recently installed along the Schuylkill River Trail. Revise the plans to show current as-built information. *Item satisfied.*

11. The Site Utility Plan (SU-6) shows an apparent realignment of water main near the ravine. As mentioned previously, we have no record of any water main being installed in this area and would believe a meeting between the RVE, Borough Staff and the designer would be appropriate to coordinate this part of the design. *Item satisfied.*
12. Specify whether the buildings will be sprinklered or served by fire hydrants. If the buildings will be sprinklered, there must be a dedicated fire service which is metered separately from the domestic water service, and all meters shall be placed in outside meter pits. *Add a note to the plans stating "Sprinkler Rooms will be accessible to Borough Staff from the exterior of the building. Sprinkler Rooms will be solely utilized for the purpose of housing meters. Storage and other purposes shall be prohibited within the Sprinkler Rooms." Item satisfied.*
13. Specify the sizes and materials of construction of the proposed water service connections on the Utility Plan. *Item satisfied.*
14. Include calculations to support sizing of water services and sewer laterals. Note that the Borough's standard details are intended mainly for residential connections and that multi-family buildings may require larger services and laterals. *Calculations will be provided under separate cover. Item satisfied.*
15. PA DEP has approved the Sewer Facilities Planning Module for this project. RVE will meet with the Borough and design engineer to discuss any additional steps to be taken based on the revised design, including discussion of how adjacent properties would be connected to new sanitary sewer mains proposed by this project. *Applicant states that they are submitting a Sewer Facilities Planning Module for the neighboring Trieste Development. As the Sewage Facilities Planning Module has been approved for a higher number of EDU's than are currently proposed, this item will be considered satisfied at this time.*
16. Note: The matter of sewer and water tapping fees shall be coordinated directly with the Borough. *Acknowledged.*
17. On the Overall Site Utility Plan (SU-01) and others, there are numerous combined sanitary sewer laterals serving the stacked townhome units. Provide a sanitary main with a terminal manhole collecting sewer laterals from the stacked townhome units. Each set of stacked townhomes (2 units) can have a single shared sewer lateral connected to the sanitary main. *Item Satisfied.*
18. Provide 18" vertical separation or 10' horizontal separation between all sanitary mains and potable water mains. All crossings should be shown on the respective sanitary sewer profiles. Any crossings that cannot maintain the separation required shall be encased as given on the Borough's Standard Construction Details. Multiple crossings have not been shown on the proposed Sanitary Sewer main profiles. All utilities crossings should be shown and labeled. Applicant states this will be comply in a future submission. Sanitary sewer mains shall be installed beneath water mains or encased.
19. *Provide separation as required in Comment #15 near SMH-23. Applicant states this will be comply in a future submission. Horizontal separation is less than 10' and SMH is less than 5' in depth. It is not clear how required separation is being maintained. Item satisfied.*

20. *On the Site Utility Plan (SU-02) and others, identify the following sanitary manholes with exterior drops: SMH 10, SMH-15, SMH-16, SMH-19 & SMH-24. Applicant states this will be comply in a future submission. Item satisfied.*
21. *Water and sewer details should be revised to comply with the Borough's most recent standard details. Current details will be provided under a separate cover. Item satisfied.*
22. *On the Site Utility Plan (SU-02), provide a fire hydrant or permanent blow-off near Units 99/100. Item satisfied.*
23. *On the Site Utility Plan (SU-02 & -04) provide a looped water main from Units 91/92 along Road C to proposed water main at the intersection of Road C & Alley 4. Provide a fire hydrant at the intersection of Road A and Road C. Hydrant should be provided on Western intersection of Road A and Road C. Item satisfied.*
24. *On the Site Utility Plan (SU-03), provide a fire hydrant or permanent blow-off near Units 153/154 or provide a loop around Units 155/156 to proposed water main in Fillmore Street (preferred). Item satisfied.*
25. *On the Site Utility Plan (SU-04), provide a 10' horizontal offset between the water main and sanitary main from SMH-35 to SMH-37. Vertical offset appears to be less than 18". Item satisfied.*
26. *On the Site Utility Plan (SU-05), relocate the fire hydrant near Units 67/68 to the intersection of Road A and Alley 4. Item satisfied.*
27. *On the Site Utility Plan (SU-05), provide a separate domestic water and fire service from the water main to the proposed apartment building. Currently, separate domestic water and fire services are shown from the water meter vault to the building. A combination type water meter vault is permitted. Provide a detail similar to Borough requirements of the proposed meter vault. Item satisfied.*
28. *On the Site Utility Plan (SU-05), the sanitary main from SMH-25 to SMH024 is more than 24' deep and only 3' away from proposed porches of Units 111-130. Provide a 15' offset from dwelling units (consider switching with storm sewer from MH-C.2 to MH-C.4). Item satisfied.*
29. *On the Site Utility Plan (Sheet SU-06), provide a 10' horizontal offset between the water main and sanitary main from SMH-8 to SMH-10. Vertical offset appears to be less than 18". Item satisfied.*
30. *On the Site Utility Plan (Sheet SU-06), provide a straight alignment for the proposed water main from Ashburn Rd (near SMH-7). The existing water main installed along the Schuylkill River Trail can be cut and spliced with a 45° bend leading to a tee connection to the proposed water main from Ashburn Rd. Item satisfied.*
31. *On the General Notes (Sheet GN-01) revise Note 110, to require SDR-26 PVC due to bury depths in excess of 15'. Item satisfied.*

III. WAIVERS

In a Waiver Request Letter, dated 9/23/2021, the Applicant listed the following waivers that were previously granted (Resolution No. 2016-08):

1. ~~Section §22-305.C – Impact statements. The developer states that they have previously paid for a traffic impact study for the northern section of the Borough including alignments for the Northern Relief Road and has an agreement with the Borough that this previous traffic impact study releases the requirement for a future traffic impact study.~~ *Due to the significant differences made by the applicant between the approved preliminary land development plan and the current final land development plan, RVE does not believe that this waiver remains valid. The Applicant indicates that this waiver is no longer applicable.*
2. Section §22-402.2.F – Hydrogeology Study. No wells are proposed and the property will be serviced by public water.
3. Section §22-605.2.B(2) – If parking is to be permitted along a collector or local access road, an additional 10 feet of cartway width shall be required for parking along each side of the street. The Applicant is providing an additional eight (8) feet in width to accommodate parallel parking.
4. Section §22-605.3.D – Street grades at intersections shall be less than 4% on all approaches measured within 75 feet of the intersection of right-of-way lines. The road from the Odessa Development at the Northern Relief Road is greater than 4% to accommodate the through connection to Fillmore Street (this is a function of the onsite grade difference).
5. Section §22-605.3.E – The slope ratio of basin banks shall not be less than four to one horizontal to vertical. The proposed slopes are industry standard and still allow for maintenance. Flatter slopes would not allow sufficient space that is allocated.
6. Section §22-605.5.F – Local access streets with minimum radius of 20'. The applicant states that 15' radii are provided which allow a 40' long fire truck to maneuver without 'jumping' the curb. *RVE will carefully review the vehicle circulation plans to ensure maneuverability for design vehicles. Condition satisfied.*
7. Section §22-605.10.H – Suitable species of street trees. The Applicant will coordinate with the Borough Planner for trees that are not within the acceptable list. The proposed street trees have been used elsewhere within the Borough.
8. Section §22-606.C.(5) – ADA curb ramps shall be provided for sidewalks of all new street intersections. ADA curb ramps shall be placed in line of travel, not on curved curb sections. ADA curb ramps will be provided for sidewalks at all intersections and will comply with current PennDOT criteria.
9. ~~Section §22-608.3.D – The entire parking lot perimeter shall be buffered and landscaped. The parking lots are adjacent to the buildings that they serve and additional landscaping would impede access to the buildings.~~ *The Applicant indicates that this waiver is no longer applicable.*
10. Section §22-612.4.D.(2) – No slope in excess of 25% shall be built on without a conditional use approved by Borough Council. Requirement is not applicable in this zoning district, however, a waiver was granted.

11. Section §22-613.4.F – The maximum slope of the earthen detention basin embankments shall be four horizontal to one vertical. The proposed slopes (3:1) are industry standard and still allow for maintenance. Flatter slopes cannot be accommodated in the space that is allocated.
12. Section §22-613.6.C(6) – Storm sewers outside of the right-of-way require a 20' wide easement. The Applicant will provide a blanket easement for the property.

Per Resolution 2021-46, the Applicant has been granted additional waivers as follows:

1. Section §22-402.2.C – to not provide existing features within 100' of the tract boundaries. *With the exception of the proposed improvements on UPI No. 15-4-53, RVE agrees that adequate survey information has been provided. ~~Additional survey information must be shown for the proposed improvements shown on UPI 15-4-53.~~ Additional survey information has been added for UPI 15-4-53. Waiver granted 12/14/2021.*
2. Section §22-603.2 – to allow a block length less than the minimum 800' (474'). *RVE has no objection to this waiver. Waiver granted 12/14/2021.*
3. Section §22-605.3.B – to allow street grades to exceed the maximum 10%. *Approximately 120' of Road B will exceed the maximum allowable grade of 10% (12.1%). The grade of Road B is reduced to 7.4% before reaching the intersection of Road C. RVE has no objection to this waiver. Waiver granted 12/14/2021.*
4. Section §22-605.4.B(1) – to allow roadway centerline radii to be less than the recommended AASHTO standards. *The applicant is proposing to provide signage and a speed table to ensure safety. Contingent on the applicant addressing various signage related comments, RVE has no objection to this waiver. Waiver granted 12/14/2021.*
5. *Section §22-608.4.A – to allow landscaped planting strips around non-residential parking lots to be less than 10' wide (4'). The parking lot is in close proximity to an alley. RVE has no objection to this waiver request. Waiver granted 12/14/2021.*

IV. MAJOR REVISION

1. The applicant must provide a revised land development plan showing the new layout, including the elimination of a roadway connection to Ashburn Road, for review by the Borough Planning Commission and Borough Council. *Item satisfied.*
2. The applicant should provide the Borough with an offer of dedication for right-of-way necessary for a future roadway connection from Township Line Road to Ashburn Road (Section 22-605.1.J). Site improvements, stormwater management facilities and other utilities should be laid out to facilitate the future construction of a roadway connection. *Item satisfied.*
3. The TIS shows that the project will decrease the overall Level of Service for the intersections of Fillmore Street & Franklin Avenue and Schuylkill Road (S.R. 0023) and Township Line Road. The applicant should incorporate recommendations from the TIS to mitigate these impacts. *The applicant*

has agreed to a post-construction traffic study upon PennDOT's completion of analysis and improvements at Route 23. Item satisfied.

4. On Fillmore Street, the existing railway bridge is posted with a 3-ton weight limit that restricts truck traffic. Without the connection to Ashburn Road, trucks will continue to avoid Fillmore Street and will be required to access the site from Township Line Road. *The applicant has acknowledged this comment.*
5. If the roadway connection to Ashburn Road is not made, the TIS includes recommends improving the Fillmore Street/Ashburn Road/Bunning Road intersection to address awkward geometric and operational conditions. *RVE is providing a concept plan and cost estimate. The applicant has agreed to contribute towards a percentage of these costs. Item satisfied.*
6. If the roadway connection to Ashburn Road is not made, the TIS recommends upgrading Schuylkill River Trail crossing of Fillmore Street with a signalized pedestrian signal and crossing improvements. *RVE is providing a concept plan and cost estimate. The applicant has agreed to contribute towards a percentage of these costs. Item satisfied.*

3/8/2023 Meeting Comments:

7. Ashburn Extension required plan notes: *Item satisfied.*

“If easement rights to construct a full-access connection from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract do not become available until after the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then the Applicant, its successors and/or assigns, shall deposit a financial contribution to the Borough for improvements along Fillmore Street as conceptually outlined in the recommendations of the “Transportation Impact Study, Odessa Mixed-Use Development”, dated 4/19/2022, prepared by McMahon Associates, Inc. of Exton, PA, or as otherwise determined by the Borough to be in the best interest of the community, in an amount equal to the estimated cost of construction of the Ashburn Road full-access connection. Such contribution shall be made in full to the Borough before any additional certificate(s) of occupancy are issued and before the financial security posted for the project may be released. If the Ashburn Road full-access connection is constructed, then no financial contribution related to the Fillmore Street improvements shall be required.

In the event that easement rights to construct a full-access connection from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract are offered to the Applicant, its successors and/or assigns on or before the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then such full-access connection and associated improvements shall be constructed by the Applicant, its successors and/or assigns, as a part of the development as shown on the plans entitled “Ashburn Road Connection Concept” (6 sheets), dated 10/27/2022, prepared by BL Companies of King of Prussia, PA.”

8. At each vehicle access to the trail, provide a plan note as follows: ‘Provide two (2) lockable swing gates (Borough Standard)’. *Item satisfied.*

9. “In the event that easement rights to construct an emergency access road, but not a full-access connection, from Road ‘A’ in the Odessa development to the existing Ashburn Road across the property located to the southeast of the development tract are offered to or secured by the Borough, on or before the later of the issuance of certificate(s) of occupancy for the apartment building and 50% of the townhomes, then the Applicant, on the behalf of itself, its successors and assigns, agrees to construct a 12 foot wide asphalt emergency access road between the Schuylkill River Trail and the existing Ashburn Road to the satisfaction of the Borough. In the event that the Ashburn Road full-access connection is constructed, the construction of an emergency access road is no longer required.” *Item satisfied.*
10. Provide a plan note as follows regarding water valves: ‘Provide gate valves on each branch of all water main nodes and on all fire hydrants.’ *Item satisfied.*
11. Provide a note on the lighting plan regarding providing wall packs on the south side of the apartment building. *Item satisfied.*
12. Provide a note in the Post-Construction Stormwater Management Narrative regarding the installation of MRC-D. *Item satisfied.*
13. On the Cover Sheet (CV-01) – Sheet List Table - add an asterisk next to Sheet Number 19 (Overall Site Plan) to be recorded. Sheet 19 includes required project notes.

RVE’s recommendation for approval is contingent upon the applicant satisfactorily addressing each underlined comment and submitting revised plans and other materials. In conjunction with any resubmission, the applicant must provide a response letter using the same numbering system and explaining how each underlined comment has been satisfactorily addressed.

Should you have any questions, please feel free to contact our office in King of Prussia, PA at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS
By



Owen M. Hyne, P.E., C.E.A., Senior Associate
Borough Engineer

OMH/rag/jb

cc: Franklin Phoenixville, LP, Applicant
BL Companies, Applicant’s Engineer
Baer Romain & Ginty LLP, Attorney
David Boelker, Borough of Phoenixville, Dir. of Planning & Code Enforcement (via e-mail)
Scott Denlinger, Esp., Wisler Pearlstine
John Yurick, P.E., McMahon Associates
Adrianne Blank, Gilmore & Associates, Inc.

Major Revision – Review #3
Odessa Development
Borough of Phoenixville
Page 12 of 12

Christopher J. Fazio, P.E, C.M.E., Executive Vice President
James Bulicki, P.E.

**RESOLUTION
2023 -**

**A RESOLUTION BY THE COUNCIL OF THE BOROUGH OF PHOENIXVILLE,
CHESTER COUNTY, PENNSYLVANIA SEEKING EXEMPTION FROM THE LIQUOR
CODE STATUTE REGARDING AMPLIFIED MUSIC BEING HEARD OFF THE
LICENSED PREMISES**

WHEREAS, The Borough Council confirms the Borough's support of the petition to substitute its municipal noise Ordinance Chapter 6, Part 4 for the Liquor Code Statute, in accordance with Section 4-493.1(b) of the Pennsylvania Liquor Code (47 P.S. § 4-493.1(b)); and

WHEREAS, The Codified Ordinances of the Borough of Phoenixville Chapter 6, Part 4 regulates noise in the Borough of Phoenixville; and

WHEREAS, The Borough Council, through its Police Department, desires to enforce Chapter 6, Part 4 of the Code of the Borough of Phoenixville in place of the Liquor Code Statute; and

WHEREAS, The Borough proposes the enforcement of Chapter 6, Part 4 to occur in the area defined on the Borough's Zoning Map as the area within the Downtown Historic District (HARB).

NOW, THEREFORE, BE IT RESOLVED, That the Borough Council of the Borough of Phoenixville hereby requests the Pennsylvania Liquor Control Board exempt the Borough of Phoenixville from the Liquor Code Statute regarding amplified music being heard off the licensed premises within the Downtown Historic District (HARB), and in support thereof authorizes the Borough Council President, Borough staff and the Borough Solicitor to prepare, execute and submit any required documentation to the Pennsylvania Liquor Control Board, including without limitation a petition, and schedule, advertise and hold any required hearings or meetings thereon.

PASSED by Borough Council this 9th day of May, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 9th day of May, 2023.

By: _____
Peter J. Urscheler, Mayor

ENACTED, this 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 9th day of May, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

Personnel and Public Safety Committee Meeting

Monday, May 1, 2023

6:00 pm

AGENDA

Committee: Chairwoman, Ms. Burckley, Ms. Webb, and Mr. Weiss

Mayor Urscheler

Staff: Mr. Krack, Ms. Getzfread, Chief Marshall, Chief Brazunas, and Ms. Donato (as needed).

Deputy Chief Dixon – TowerDIRECT

I. Call to Order. Mr. Weiss called the meeting to order at 6:02 pm. Ms. Burckley was excused.

II. Presentations - None

III. Committee Member Updates/Discussions - None

IV. New Business

A. Review Monthly Fire and Ambulance Reports.

Mr. Krack asked Deputy Chief Dixon if he had sent the report. He was able to provide during the meeting.

B. Consider request from Frank Markey for appointment to the Recreation Board for the vacant term expiring April 30, 2025.

Mr. Weiss asked Mr. Markey to give his background and reasons for wanting to be appointed to the Recreation Board.

Mr. Markey provided background that he has been a lifelong resident and has played on numerous softball teams which is his main interest. He feels he can provide additional knowledge of the use of the various fields in the parks.

Ms. Webb asked several questions which were answered by Mr. Markey.

Ms. Webb made a motion to recommend Borough Council appoint Mr. Markey to the vacant term expiring April 30, 2025. Seconded by Mr. Weiss. Motion passed 2-0.

C. Call for Residents interested in being appointed to various Boards and Commissions. Current vacancies exist on the Zoning Hearing Board, HARB, Recreation Board, and Human Relations Commission

Mr. Weiss reminded everyone of the various vacancies and the need for more volunteers to fill the openings.

V. Current Focus Business

A. PXV Inside Out

Mr. Krack reported that the opening will occur on Friday, May 26 and the series will run through October.

B. Emergency Management.

Mr. Krack reported that changes needed to be made to the existing documents and that he will call for a meeting with the next two weeks to finalize any needed information or make any necessary adjustments.

A. Community Policing

Mayor Urscheler gave a quick update.

D. Downtown Shuttle.

Mr. Krack reported that nothing new has occurred. He stated that since the costs for such an endeavor are currently beyond the scope of any budget consideration, he recommended this item be removed from the Agenda. The Mayor and Committee members agreed.

VI. Public Participation

Mr. Dennis Fenstermacher stated that since the signs have gone up noting that Heckle Street is one way going south, that measures were needed to require the trimming of vegetation at the top of the hill so cars and trucks can see around the corner.

Ginger Murphy thanked the Police Department for their participation in the Town Watch program. She also asked that additional traffic calming measures be introduced prior to the beginning of the PXV Inside Out series.

VII. Executive Session - None

VIII. Adjournment at 6:17 pm by Ms. Webb.

Next Meeting Date: Monday, June 5, 2023 at 6:00 pm.

Parks and Recreation Committee Meeting
Tuesday, April 18, 2023
6:00 pm

MINUTES

Committee: Chairman, Mr. Moore, Mr. Carminito, Ms. Dugan, and Mr. Weiss

Public Members: Janet Hunter

Staff: Mr. Krack, Ms. Gibbons, Ms. Getzfread, and Mr. Watson

- I. Call to Order at 6 pm. Ms. Hunter virtually.
- II. Public Participation on Non-Agenda Items - None
- III. Presentations - None
- IV. Committee Member Updates/Discussions

Ms. Gibbons reported the Rec Board did not meet this month. She stated they are still working on the Parks Comprehensive Plan, the ribbon cutting for the Mountain Bike Training Site is on June 1st and the grand opening will occur on June 3rd, and Valley Forge University's clean up day is April 19, 2023.

V. New Business

- A. Motion to recommend Borough Council approve a Temporary Community Event Application for the Phoenixville Farmers' Market under the Veterans Memorial Gay Street Bridge weekly on Saturdays from May through Thanksgiving, 2023 from 9:00 am to 12:00 noon. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for the Phoenixville Farmers' Market under the Veterans Memorial Gay. Seconded by Mr. Weiss.

Motion Approved 4-0.

- B. Motion to recommend Borough Council approve a Temporary Community Event Application for Lemonade Day Phoenixville in the 100 and 200 Block of Bridge Street on Saturday, June 3, 2023 from 11:00 am to 2:00 pm. This will occur during the normal closure of Bridge Street.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for Lemonade Day Phoenixville in the 100 and 200 Block of Bridge Street on Saturday, June 3, 2023 from 11:00 am to 2:00 pm. Seconded by Mr. Weiss.

On the Question:

Mr. Weiss asked for an explanation of the event.

Ms. Getzfread explained Lemonade Day is a National Event used to teach entrepreneurship to young adults and children by having them run their own lemonade stand.

Motion Approved 4-0.

- C. Motion to recommend Borough Council approve a Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for the Phoenixville Car Show at Reeves Park on Saturday, June 17, 2023 from 11:00 am to 3:00 pm. Street closure – Third Avenue between Main Street and Starr Street from 9:00 am to 4:00 pm. Seconded by Mr. Carminito.

Motion Approved 4-0.

- D. Motion to recommend Borough Council approve a Temporary Community Event Application for Alianzas 13th Annual Diversity Festival Celebration in the 100 and 200 Block of Bridge Street and Bridge and Main Street Parking Lot on Saturday, July 29, 2023 from 1:00 pm to 5:00 pm. This will occur during the normal closure of Bridge Street. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for Alianzas 13th Annual Diversity Festival Celebration in the 100 and 200 Block of Bridge Street and Bridge and Main Street Parking Lot on Saturday, July 29, 2023 from 1:00 pm to 5:00 pm. Seconded by Mr. Weiss.

Motion Approved 4-0.

- E. Motion to recommend Borough Council approve a Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for the Bed Races Event on Saturday, November 4, 2023 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street and B Street & Park Alley between Third Avenue and Fourth Avenue from 9:00 am to 2:00 pm. Seconded by Mr. Weiss.

Motion Approved 4-0.

- F. Motion to recommend Borough Council approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Ms. Dugan made a Motion to recommend Borough Council to approve the Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 9, 2023 from 5:00 pm to 10:00 pm. Street closure – Mowere Road between St. Mary's and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned on adherence to the Borough Staff's Memo for the event including the fire be extinguished at 10:30 pm. Seconded by Mr. Weiss.

On the Question:

Ms. Burckley stated she would amend the memo to reflect the time for the bird to be extinguished and will have it to Staff tomorrow.

Motion Approved 4-0.

VI. Current Focus Business - None

VII Public Participation - None

VIII. Adjournment at 6:18 pm by Mr. Carminito.

Next Meeting Date: Tuesday, May 16, 2023 at 6:00 pm

**Policy Committee Meeting
Tuesday, April 25, 2023
7:00 pm**

MINUTES

Committee: Chairman, Mr. Kirkner, Ms. Burckley, and Mr. Ewald

Staff: Ms. Getzfread and Mr. Boelker

- I. Call to Order at 7:00 pm – Ms. Burckley and Mr. Krack excused.
- II. Public Participation - None
- III. Presentations - None
- IV. Committee Member Updates/Discussions - None
- V. New Business

- A. Motion to recommend Borough Council schedule and advertise an Ordinance amending Chapter 10, Health and Safety, by adding a new Part 5 Plastics.

Committee members discussed many aspects of the proposed Ordinance including the enforcement, push back from retailers, potential fees, materials for approved bags and exemptions for organizations like PACS, 501c3, soup kitchens and the Hospital.

Mr. Ewald asked the committee and Staff to continue looking into this for the next meeting.

- B. Motion to recommend Borough Council schedule and advertise an Ordinance amending Chapter 15 – Motor Vehicles

Ms. Getzfread explained the Ordinance will add the new Church Street Parking Lot and cleans up some no parking and one-way issues on Heckle Street.

Motion to recommend approval by Mr. Ewald. Seconded by Mr. Kirkner.
Motion passed 2-0.

- C. Motion to recommend Borough Council schedule and advertise an Ordinance amending Chapter 1 Administration and Government, Part 4 Bureaus, Boards, Commissions and Agencies, A – Beautification Advisory Commission.

Ms. Getzfread explained this is to sunset the Beautification Advisory Commission. She stated the part will remain reserved should the Commission need to be reinstated.

Motion to recommend approval by Mr. Ewald. Seconded by Mr. Kirkner.
Motion passed 2-0.

VI. Current Focus Business

- A. Discussion regarding HARB/Sign review and approval. – No Action to Report.
- B. Enforcement of bans on reproductive health services. – No Action to Report.

VII Adjournment at 7:28 pm by Mr. Ewald.

Next Meeting Date: Tuesday, May 23, 2023 at 7:00 pm.

ORDINANCE NO 2023 -

BOROUGH OF PHOENIXVILLE CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE PHOENIXVILLE BOROUGH COUNCIL, CHESTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 15, “MOTOR VEHICLES AND TRAFFIC,” PART 2, “TRAFFIC REGULATIONS,” SECTION 15-201, “MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS,” AND SECTION 15-224 “LOADING AND UNLOADING ZONES” AND PART 4 “GENERAL PARKING REGULATIONS,” SECTION 15-402, “PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS” AND PART 7 “METERED PARKING LOTS” OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE.

The Council of the Borough of Phoenixville, Chester County, Pennsylvania hereby ORDAINS that:

SECTION 1.

Chapter 15, “Motor Vehicles and Traffic,” Part 2, “Traffic Regulations,” Section 15-224 “Loading and Unloading Zones,” is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Highway	Side	Between
Church Street	South	From a point 232 feet and 272 feet east of the southeast corner of Jackson Street. A No Parking Between Signs: Loading Zone Mondays 8:00 am -11:00 am. Signs should be placed at the points on the south side of Church Street facing west.

SECTION 2.

Chapter 15, “Motor Vehicles and Traffic,” Part 4, “General Parking Regulations,” Section 15-405, “Parking Prohibited At All Times In Certain Locations,” is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Street	Side	Between
<u>Heckle Street</u>	<u>Both</u>	<u>East Emmett Street and Oak Street</u>

SECTION 3.

Chapter 15, “Motor Vehicles and Traffic,” Part 7, “Metered Parking Lots,” Section 15-701, “Metered Parking Lots Established,” is hereby amended as indicated by the black line and strikeout

interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

§ 15-701 **Metered Parking Lots Established.**

The following are established as metered parking lots by the Borough of Phoenixville:

Lot Number	Street	Side	Parcel Number(s)
1	Prospect Street	South	15-9-343E, 15-9-303E, 15-9-304E, 15-9-311E, 15-9-315E, and 15-9-322.1E
2	Corner, Bridge Street and Main Street	Southeast	15-9-219 <u>E</u>
3	Taylor Alley	North and South	15-9-147E, 15-9-148E, and 15-9-149E
4	Mill Street	South	15-9-100E
5	Bridge Street	North	15-9-96.1 <u>E</u>
6	Wheatland Street	West	15-8-49 <u>E</u>
7	Ashland Street	North	15-9-157.1
8	Smithworks Boulevard	North	15-9-80
9	Church Street	North	15-9-352 <u>E</u>

SECTION 4.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or section hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, part or section thereof not been included herein.

SECTION 5.

All Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 6.

This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 13th day of June, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 13th day of June, 2023.

By: _____
Peter J. Urscheler, Mayor

ENACTED, this 13th day of June, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 13th day of June, 2023.

By: _____
E. Jean Krack, Borough Manager/Secretary

ORDINANCE 2023 -

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 1, "ADMINISTRATION AND GOVERNMENT," PART 4 "BUREAUS, BOARDS, COMMISSIONS AND AGENCIES" "A BEAUTIFICATION ADVISORY COMMISSION" BY REPEALING IN ITS ENTIRETY..

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby
ORDAINS that:

Section 1. Chapter 1 "Administration and Government," Part 4 "Bureaus, Boards, Commissions and Agencies," "A – Beautification Advisory Commission" is hereby repealed by deleting it in its entirety and replacing it with the following: [Reserved].

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 13th day of June, 2023.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 13th day of June, 2023.

By: _____
Peter J. Urscheler
Mayor

ENACTED this 13th day of June, 2023.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 13th day of June, 2023.

By: _____
E. Jean Krack
Borough Manager/Secretary

INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION, AND SUSTAINABILITY (ITTS)
COMMITTEE MEETING
Tuesday, April 18, 2023
7:00 PM

MINUTES

Committee: Chairman, Mr. Weiss, Ms. Burckley, Mr. Carminito, and Ms. Webb
Staff: Mr. Krack, Mr. Watson, and Ms. Getzfread

I. Call to Order at 7:00 pm

II. Public Participation

David Lutzker, resident. He asked about adding a second round of Public Participation at the end of the meeting so the public doesn't have to wait to the next meeting to respond to items discussed. He shared his support of the EV Stations in the Borough and he asked if the Borough would consider a fee on residents who don't take measures to control their storm water and discharge into the street.

III. Committee Member Updates/Discussions - None

IV. New Business

V. Infrastructure Updates

A. Stormwater Management

Mr. Krack reported that RVE is working on the study authorized by Council and he expects it will be around six months for the data collection and analysis to be complete.

B. The Phoenix Wheel

Mr. Krack explained the grant received for the project and the next steps for the Schuylkill River Heritage Center and the need for their fund-raising efforts to begin.

C. The Square at Main and Bridge

Mr. Krack explained the submission of the CRP Grant to the County for the project and shared some of the conceptual renderings Staff received from the Borough Engineer.

Mr. Carminito expressed his support of the project and his belief the square will bring much needed open space to the downtown and he likes the way the project is heading.

Ms. Burckley stated she loves the idea especially adding more green space in the Borough.

Mr. Weiss commented he likes the concept and asked Staff along with the committee and public opinion to help cultivate a list of what goals the space is looking to accomplish.

Mr. Krack explained Staff is aware this project will affect parking in the downtown. However, Staff continues to work toward replacing parking. The lot at 177 Church Street will be open soon and more information is being pushed out through social media to

inform residents, businesses and visitors on the locations of available parking adjacent to the downtown.

Ms. Burckley likes the idea of set goals and engaging the public on what they would like to see in the town square.

Ms. Webb expressed her concerns on the loss of handicapped spaces in the downtown.

Ms. Getzfread spoke about the infrastructure in the square including vending areas and the maintenance of the square.

Mr. Weiss stated he likes the tiered seating concept for the square.

Mr. Carminito stated he feels Staff and Council should pursue giving up the parking at Main and Bridge and move forward with the Square at Main and Bridge concept.

VI. Transportation Updates

A. Engineering Reports – Next one will be in July of 2023.

B. Starr and Nutt Intersection

Mr. Krack stated the Notice to Proceed will be issued next week and construction will begin in June or July of this year.

C. Bridge and Starr Street

Mr. Krack stated Staff submitted a grant to the County for \$950,000 for the project.

Ms. Getzfread stated she expects we would hear about the any grant awards in the fall time frame.

D. Paradise and Hall Street

Mr. Krack explained the Paradise Paving project will be going out to bid and Staff is still engaged with the developers of Paradise Village on their portion of Hall Street.

E. Mowere Road

Mr. Krack reported we submitted a grant application for Mowere Road. Should that be awarded there is a plan in place to get the much-needed improvement work on Mowere completed, by end of year.

F. North Street – Nothing to Report

G. French Creek Trail

Ms. Getzfread stated a DCNR grant was submitted for the project and the scope of work and costs have increased to repair the erosion on the bank of the French Creek.

Mr. Carminito asked about the responsibilities of repairs to the creeks bed when erosion occurs along the banks.

Mr. Krack explained how the responsibilities are determined and explained why the Borough is looking to fund the repairs along the French Creek Trail.

H. Train Station

Mr. Krack explained that SRPRA submitted a grant to fund the Amtrak Train Line from Philadelphia to Reading. He stated awards should be announced around July of this year.

VII. Sustainability Updates

A. PXVNEO

Mr. Watson provided an update on the project and the last items that need to be addressed to begin the processing of Biosolids at PXVNEO.

B. EV Charging Stations

Ms. Getzfread reported Mr. Krack, Ms. Logan and she are submitting information to DVRPC to take part in CFI funding for additional stations in the Borough. This would increase the number in the Borough from 42 to 58 EV Stations.

C. Municipal Building Solar Proposal

Mr. Krack reported the Borough Engineer is designing and engineering the project now and he expects to have the design and costs in the next few weeks.

VIII. Technology Updates

A. Website

Ms. Getzfread stated the redesign is moving along and should be launched soon.

B. Council Microphones

Mr. Krack acknowledged the microphones in Council Chambers are failing and Staff is working with Delco Solutions for pricing on a new system. He stated a few years ago the Borough joined a class action lawsuit against Monsanto for their Round-Up product and on April 17th the Borough received the payment of \$17,000 from it. He stated this money can be earmarked to replace the failing microphone system in Council Chambers.

IX. Public Participation

David Lutzker, resident. He expressed his support of the Square at Main and Bridge. He asked the Borough to include the public in the planning of the square, he suggested a parking solution including shuttles from parking farther out to the downtown and he asked the project at Main and Bridge to be mindful of not covering the Mural in the lot.

X. Adjournment at 8:02pm by Ms. Burckley.

Next Meeting Date: Tuesday, May 16, 2023 at 7:00 pm

FINANCE COMMITTEE MEETING

Tuesday, April 25, 2023

6:00 pm

MINUTES

Committee: Chairwoman Ms. Dugan, Mr. Ewald, Mr. Kirkner, and Mr. Moore

Staff: Mr. Krack, Ms. Getzfread, Ms. Koza-Lubinsky, Ms. Donato, and Ms. Niemczuk

I. Call to Order at 6:00 pm.

II. Public Participation - None

III. Committee Member Updates/Discussions - None

IV. New Business

- A. Motion to recommend Borough Council approve the 2022 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$387,605.54.

Motion to recommend approval by Mr. Kirkner. Seconded by Mr. Moore.
Motion passed 3-0.

- B. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 2/1/2023 - 2/28/2023 in the amount of \$687,855.14.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- C. Motion to recommend Borough Council approve the 2023 Pre-Paid dated 3/1/2023 - 3/31/2023 in the amount of \$807,736.18.

Motion to recommend approval by Mr. Kirkner. Seconded by Mr. Moore.
Motion passed 3-0.

- D. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 2/1/2023 - 2/28/2023 in the amount of \$20,251.19.

Motion to recommend approval by Mr. Kirkner. Seconded by Mr. Moore.
Motion passed 3-0.

- E. Motion to recommend Borough Council approve the 2023 Pre-Paid Credit Card Statement dated 3/1/2023 - 3/31/2023 in the amount of \$77,520.03.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- F. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 2/28/2023 in the amount of \$49,208.60.

Motion to recommend approval by Mr. Kirkner. Seconded by Mr. Moore.
Motion passed 3-0.

- G. Motion to recommend Borough Council approve the 2023 Pre-Paid ACH dated 3/31/2023 in the amount of \$38,337.32.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- H. Motion to recommend Borough Council approve the Budget Increase 2023-10 in the amount of \$161,781.00 from Restricted General Fund Balance to General Capital Project Fund (French Creek Trail) for work on the French Creek Trail Project.

Ms. Getzfread explained the grant submission made and the current state of the embankment along the proposed French Creek Trail. She stated the funds are currently restricted in fund balance and are being moved to begin the trail improvement and construction process.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- I. Motion to recommend Borough Council approve the Budget Increase 2023-12 in the amount of \$32,780.00 from General Fund Balance to General Fund – Legislative (Real Estate) for Just Compensation to Fillmore Village (\$10,544.00) and 425 Bridge Street (\$22,236.00).

Ms. Getzfread explained Fillmore Village is for the Ashburn Road Extension and 425 Bridge Street is for the Right of Way for the Hall Street connection to Paradise Street.

Motion to recommend approval by Mr. Kirkner. Seconded by Mr. Moore.
Motion passed 3-0.

- J. Motion to recommend Borough Council approve the Budget Increase 2023-13 in the amount of \$8,405.00 from Parking Fund Balance to Parking Fund Capital (Body Cameras) for the purchase of body cameras.

Mr. Kirkner asked how many cameras this is providing.

Ms. Getzfread explained it will purchase six cameras. It was included as an ask in the 2023 Budget, however the Police Department had submitted a grant for

cameras and was going to repurpose the old ones to the Parking Dept. The grant was not funded and we are requesting the money be allocated for the purchase.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- K. Motion to recommend Borough Council approve the Borough Engineer's proposal for engineering services for solar panels on Borough Hall.

Mr. Moore asked if this was for the full scope of the project.

Ms. Getzfread explained the engineering will make the project shovel ready and will include the cost of estimate for panels and installation.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

- L. Motion to recommend Borough Council approve a Resolution authorizing the submission of a Sewage Facilities Program (SFP) Grant to the Commonwealth Financing Authority.

Mr. Kirkner asked for clarification of the request.

Ms. Getzfread outlined the ACT537 plan needed for the WWTP to ensure the plant can manage the Borough's growth. The grant will cover 50 percent of the cost and it will create a plan for the next 10-15 years for the Borough's Sewage Infrastructure.

Motion to recommend approval by Mr. Moore. Seconded by Mr. Kirkner.
Motion passed 3-0.

Ms. Getzfread reported we received compensation from the Monsanto Class Action Lawsuit in the amount of \$17,000.

Ms. Dugan asked how the funds would be utilized.

Ms. Lubinsky stated the finds have been recorded in the General Fund and can be used to offset any expense for the Borough.

Mr. Moore stated he feels the funds should be used for green space such as trees and Borough Planters.

Mr. Kirkner stated since it is for Round-Up he feels it should be used for weed and pest control in the Borough's Parks.

V. Adjournment at 6:22 pm by Mr. Moore.

Next Meeting Date: Tuesday, May 23, 2023 at 6:00 pm