

PHOENIXVILLE BOROUGH COUNCIL

Tuesday, January 14, 2025

7:00 PM

MINUTES

(Minutes approved by Borough Council on February 11, 2025)

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. Kirkner	Present
Mr. Moore	Present
Mr. Strenfel	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

III. Public Comment

Valerie Griffiths, resident. She stated she is here tonight to oppose the project at 224-226 Nutt Road that has been before the Planning Commission. She expressed her concerns with the many facets of the project including the height, its proximity to the road way, the parking on the site and the construction of the project and its negative effects on the parking for the current residents of Milligan and Morris Streets.

Gregory Schreiner, resident. He is also opposed to the proposed project at 224-226 Nutt Road, and stated the back of his property is right across from the project site. He would love the building to be three stories and not four but honestly, he doesn't want this building. He expressed his concerns about the waiver and variance given to project that could affect the rights of the current residents, and he hopes in the future the rights of current residents would be considered before waivers of Variances are approved on projects.

Mr. Denlinger explained what the commentators are referring to is the development application for 224 Nutt Road that received a recommendation for approval from the Planning Commission this past Thursday. Borough Staff was not going to turn that around and ask Council to consider the recommendation less than a week later. He stated

this project is likely going to be on the February Council Agenda, and the public will have an opportunity to make public comments, not just during the public comment period, but during the consideration of that land development application. He encouraged residents interested in the project to check the Agenda for Council in February as well as the March Agenda as there is no guarantee this item will be on the agenda for the meeting next month.

Florence Mano, resident. She stated she is here to speak about the project at 224 - 226 Nutt Road. She expressed her concerns with the removal of two homes and replacing them with a four-story building in the Corridor Development Zone. This zone directly abuts a residential zone and will share Milligan Street as an access point where originally the plan was to use a portion of Milligan Street to occupy the sidewalk and planting buffer required for the parking at the apartment. She stated there is already not enough parking on Milligan and the addition of this project will add to the parking issues of the neighborhood. She stated other concerns including trash collection, the widening of the entrance to Milligan Street at Lincoln Avenue and the increase of residents on the current sewage infrastructure.

Regina Solntzeff, resident. She stated the rear of her property is along Milligan Street on the corner. She has a fence around the property and a utility pole on her side of the fence. She has concerns with the trash collection, deliveries from places like Amazon and all the additional traffic on Milligan Street.

IV. Presentations

A. Square at Bridge and Main – Kristen Loughry, Ground Reconsidered.

Kristen Loughry presented the various ideas for the Square at Bridge and Main, including the lighting, seating, and entertainment sections of the park. The results of the community engagement were presented to share the ideas from the community and what potential park users would like to see in the park, of which the largest cited need was a public restroom.

V. Consent Agenda:

A. Approval of the December 10, 2024 Regular Meeting Minutes.

B. Items from Personnel and Public Safety Committee.

1. Motion to appoint Jennifer Chandler to the Tree Advisory Commission for the unexpired term of June 30, 2025.
2. Motion to appoint Jeffrey Jones to the Civil Service Commission – Alternate for the unexpired term of January 31, 2029.
3. Motion to appoint Koretta McGhee to the Human Relations Commission for the term of March 31, 2028.

4. Motion to adopt a Resolution reappointing Maureen Ahearn to the Zoning Hearing Board for a new term expiring January 31, 2030.
5. Motion to reappoint Leo Scoda as the Vacancy Board Chairperson with term expiring December 31, 2025.
6. Motion to notify the Civil Service Commission to commence the testing process and submission of an updated Eligibility List for Lieutenant.

Ms. Burckley made a Motion to approve the Consent Agenda. Seconded by Mr. Weiss.

Motion Approved 7-0.

VI. Communications/Council Participation

Ms. Burckley stated the Firebird Festival is a little bit different this year, obviously, because of the burn ban. She reported the Firebird will take place on February 1, 2025, which is the 1st Saturday of February. The committee has had a really great meetings with Borough staff to discuss crowd control, limits on the crowd and a gate entrance to the event. We will be monitoring the crowd. We will be limiting the crowd and there will be a gate entrance. There is no fee. It is a free community event, put on by volunteers and fully fundraised. Last year the decision was made to ensure the bird burn is done in a safe and appropriate way. Shuttle information and updates on the festival will be publicized on the website and she expressed her gratitude to the Borough Staff and Firebird Committee on the communication and planning for this year's event.

Mr. Kirkner stated that he has had the opportunity to utilize the newly completed sidewalks on Mowere Road that Firebird attendees will be able to use this year. He reported that the Plastic Bag Ban that began at the beginning of 2025 has already been transitioned at Acme and Giant.

Mr. Moore echoed Mr. Kirkner's appreciation for the great accomplishment with the Mowere Road reconstruction. He has seen individuals already walking with shopping bags from Westridge toward the trailhead to go downtown. He asked for some clarification on the hearing scheduled for the Ward Redistricting on February 3, 2025, at the Chester County Justice Center, specifically filing objections, contributing to the hearing and what will occur at the hearing.

Mr. Denlinger explained as Council may remember, there were certain qualifications under the statute that had to be met in proposing the Borough's reapportionment, based on the population, number of registered voters and number of voters in the most recent election. To clarify, this was not this past Presidential Election, it was the election prior to that, and the court will ensure that all those qualifications and requirements have been met at the hearing. He stated his understanding is that to participate you'd have to file an objection but doesn't know that for sure as this part of the process is required to be processed by the County Voter Services. Staff and he have been encouraging them to move this process along and his expectation would be that you need to become what's

known as a party in that matter to participate. If there are objections, then the court will consider the validity of those, but he thinks it's really a credit to this Council and their use of consultants to come up with the best ways to reapportion the Borough based on pure data. He stated you don't see that in every municipality and those are the municipalities where you're more likely to see challenges. He stated he is not saying that someone couldn't object to the Borough's reapportionment. However, this reapportionment was really data driven, and he believes an objector would have a much harder hill to climb.

Mr. Moore stated he tends to agree with Mr. Denlinger and wanted to ensure the public was aware of the hearing and that at this point the decision is now being handled by the County Board of Elections.

VII. Mayor's Report

Mayor Urscheler reported that he had the opportunity to attend a production of a Christmas Carol at the Springer Studios in Kimberton. He congratulated the Colonial Theatre on their incredible job on the New Year's Eve Party and he thanked Borough Staff, the Police Department, Fire Department and Public Works Department for their help in bringing the Eagles Bus to Phoenixville.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions.

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. Review ZHB Application from Three Six Properties, LLC located at 472 Nutt Road appealing a notice of violation of Zoning Ordinance § 27-606.4.A.(11)(a) (Window sign shall consist of words or a logo, or both, but shall not have any painted background), to determine whether to take no action, send the Borough Solicitor to the January 15, 2025 Zoning Hearing Board Meeting, or send written statement to the Zoning Hearing Board.

Mr. Denlinger explained this Zoning Hearing Board application is the appeal of a Notice of Violation of the Zoning Ordinance. On October 16th the Borough Codes Department issued a notice of violation to the owner of 472 Nutt Road, which is the location of the Rita's Italian Ice for the installation of an impermissible window sign. There were two sections that were noted to be in violation that the windows sign shall not have a painted background obstructing the view into the building, and that window signs shall not obstruct more than

20% of the total storefront and not more than 50% of any single glass windowpane. This sign was determined by the Code Enforcement officer to have a background that covered 100% of the glass pane. The applicant appealed these violations to the Zoning Hearing Board, stating that he thinks it's safer to have the obstructed view and the appeal of a notice of violation to the Zoning Hearing Board is slightly different than a typical zoning hearing board application, where we see for a variance or a special exception, where and in this case. The Borough Zoning Officer will attend and testify and justify the identification of the violation and the issuance of the notice of violation. So, as always, council may take a position on this Zoning Hearing Board application, or may take no action, and if Council would be interested in taking a position, he suggested that the position be to support the interest of the Borough and the application of the Zoning Ordinance.

Ms. Dugan made a Motion to send the Borough Solicitor to the January 15, 2025 Zoning Hearing Board Meeting. Seconded by Mr. Weiss.

On the Question:

Mr. Ewald asked if the recommendation is to send the Zoning Officer or the Solicitor.

Mr. Denlinger clarified the Zoning Officer always goes so a Motion is not necessary. The Motion is if the Council would like to support the Zoning Officer. Council could authorize to send the solicitor in person or to authorize him to prepare a letter to be sent to the Zoning Hearing Board.

Mr. Kirkner asked what Mr. Denlinger would prefer, to attend in person or to send a letter.

Mr. Denlinger stated he doesn't have a preference and that you accomplish the same thing with a letter, and it is likely more economical.

Mr. Kirkner stated he would like to have the Motion amended to send a letter and not the Solicitor in person.

Ms. Dugan and Mr. Weiss agreed to the amendment of the Motion to send a letter to the Zoning hearing Board and not the Solicitor in person.

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

- B. Motion to approve/deny the request from KSM Architects to waive Land Development for PACLC (Pennsylvania Child Learning Center) located at 310 Main Street.

Mr. Denlinger explained this is an application for the division of space in an

existing building. Currently there is a daycare on the 1st floor, with administrative offices in the basement of this building, and the second and 3rd floors are apartments. The application is to reallocate space, so that the second floor can be used for the daycare, and the 4th floor can be used to move the administrative offices to the 4th floor out of the basement, and use the basement, then as storage. Because it is the reallocation of space this does qualify as a land development project, the applicant has requested a waiver of land development because it's in an existing building. Typically, these waivers go through Planning Commission first, but because of the holidays and how things played out, the Planning Commission did not have an opportunity to review this request, but it does have consultant reviews. In order to not have the applicant wait for the February Planning Commission review and then a March Borough Council decision, this item is before you tonight. He stated he doesn't personally have a position on this, but he defers to the Zoning Officer and the Borough Engineer. He stated there was a letter in your packet regarding this request.

Mr. Moore made a Motion to deny the request from KSM Architects to waive Land Development for PACLC (Pennsylvania Child Learning Center) located at 310 Main Street. Seconded by Mr. Weiss.

On the Question:

Ms. Dugan stated it seems their major problem is the pickup of the daycare students and problems with traffic at the location. She expected someone to be present to provide an explanation of how it works and make some sort of presentation.

Mr. Denlinger stated the Council was provided with everything that was provided to the Zoning Officer.

Mr. Moore state he has confidence in Mr. Boelker's and Mr. Denlinger's assessment of the information provided by the applicant.

Motion Approved 7-0.

X. Public Hearings

XI. Resolutions/Ordinances

A. Motion to adopt a Resolution acknowledging Heather Bird for her service on the Human Relations Commission.

Ms. Burckley made a Motion to adopt a Resolution acknowledging Heather Bird for her service on the Human Relations Commission. Seconded by Mr. Weiss.

Motion Approved 7-0.

Mr. Ewald read the Resolution aloud for the record.

- B. Motion to adopt a Resolution for the sale and disposition of personal property valued at or below \$2,000.

Ms. Burckley made a Motion to adopt a Resolution for the sale and disposition of personal property valued at or below \$2,000. Seconded by Mr. Weiss.

Motion Approved 7-0.

- C. Motion to adopt an ordinance amendment to Chapter 22 “Subdivision and Land Development”, Part 6 “Impact Statements”.

Mr. Denlinger stated it was noticed when preparing for this evening’s meeting some of the procedural requirements still need to be fulfilled so Staff and he are asking the Council for a Motion to Table this item.

Ms. Burckley made a Motion to Table an ordinance amendment to Chapter 22 “Subdivision and Land Development”, Part 6 “Impact Statements”. Seconded by Mr. Weiss.

Motion to Table Approved 7-0.

XII. Reports of Committees, Boards, and Commissions

- A. Historical and Architectural Review Board – Ms. Dugan
- B. Planning Commission - Mr. Moore
- C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported the next meeting is January 29, 2025, and will be in person at the Schuylkill Township Building.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the current and upcoming camps and programs at the Recreation Center including Chester County Food Bank, Positive Coaching Alliance programs, sports equipment yard sale, yoga classes, Safe Sitter instruction and of course Pickleball.

- E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito stated there was no meeting this month. In 2025 TAC will have

more planting sites identified, and he welcomed Jennifer Chandler to the Commission.

F. Human Relations Commission – Ms. Burckley

Ms. Burckley welcomed Koretta McGhee to the Commission and thanked Heather Bird for her service on the Commission. She reported they continue to chip away at their score card and training with the PAHRC.

XIII. Council Action referred from:

A. Personnel and Public Safety Committee – Ms. Burckley

Ms. Burckley reminded the public that anyone who wants to get involved and volunteer their service and time can attend. She stated it's very important to have that engagement from our community and from those that represent our community. Interested residents with questions about any of the boards or commissions can reach out to their council person or reach out to her.

B. Parks and Recreation Committee – Mr. Moore

Mr. Moore stated there was no meeting in December and the next meeting is January 21, 2025, at 6pm.

C. Policy Committee – Mr. Carminito

Mr. Carminito stated there is nothing to report and the next meeting will be on January 28, 2025, at 7 pm.

D. Infrastructure/Technology/Transportation/Sustainability Committee – Mr. Weiss

Mr. Weiss reported there was no meeting in December and there are two major updates out of ITTS. Borough Hall has had solar panels installed on the roof and the reopening of Mowere Road.

E. Finance Committee – Ms. Dugan

1. No action to report.

XIV. Public Comment

None

XV. Communications/Council Participation

Mr. Kirkner stated he wanted to thank and acknowledge the Borough Staff for their

outreach in engaging the business community to ensure a smooth transition for the Plastic Bag Ban.

XVI. Staff Reports are in the packets.

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

XVII. Adjournment

Mr. Ewald stated Council will be adjourning into Executive Session to discuss matters of personnel related to the Pension Plan, discussing a matter of real estate and litigation related to the condemnation of 395 Bridge Street, discussing a matter of real estate and litigation, related to the condemnation of 425 Bridge Street, and discussing a matter related to potential purchase of real estate located along Mowere Road.

8:12 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack
Borough Manager

Transcribed by: Jennifer Logan
Administrative Assistant
January 2025