

**MINUTES OF THE JULY 8, 2019
MEETING OF TRAPPE BOROUGH COUNCIL**

President Phil Ronca called to order the meeting of Trappe Borough Council July 8, 2019 at 7:00 p.m. at Trappe Borough Hall, 525 West Main Street, Trappe, Pennsylvania.

Those Present Were:

President Phil Ronca
Vice President Cathy Johnson
Stu Strauss
Brett Yeagley

Also Present:

Solicitor David Onorato

Absent:

T. Liberi
P. Webster
S. Martin
Mayor Wismer
T. Twardowski, Manager

President Ronca gave a brief overview of the purpose of the meeting this evening and then turned the meeting over to Solicitor Onorato.

Solicitor Onorato announced that Council was meeting this evening to discuss Ordinance #450 which originally was introduced and adopted by Council on April 8, 2019. The Ordinance clarifies that residential use is prohibited in the LI Zoning District. Council is re-considering the Ordinance as a challenge has been filed in Montgomery County stating that the adoption process was wrong. While the Borough is defending the adoption and believes it was correctly adopted, it was advised that it would be prudent to readopt Ordinance #450.

Solicitor Onorato introduced the following exhibits into the record:

- A. Ordinance #450
- B. Legal Advertisement published in the Pottstown Mercury June 17, 2019
- C. Legal Advertisement published in the Pottstown Mercury June 24, 2019
- D. Letter to the Montgomery County Law Library dated June 5, 2019
- E. Copy of the submittal to the Montgomery County Planning Commission June 5, 2019 through the web portal
- F. Letter to the Trappe Planning Commission introducing Ordinance #450 and stating that it will be on the June 18, 2019 agenda and will be considered by Borough Council July 8, 2019
- G. Letter from Trappe Planning Commission Chair dated June 19, 2019 recommending adoption.
- H. Letter from the Montgomery County Planning Commission dated June 25, 2019 recommending adoption
- I. Proof of Publication from the Mercury affirming that the legal notices appeared in both print and digital form on June 17 and June 24, 2019.

The Ordinance amendment is very simple. It states that Section 340-43 D, which pertains to the Limited Industrial Zoning District, is amended to include in the uses that are not permitted, Residential Use except as permitted by Paragraph C. Paragraph C currently allows and apartment combined with an industrial use for a watchman or caretaker of the building. It is the only residential use that is allowed in the LI currently and Ordinance #450 amends that to make it clear that all other residential uses are excluded.

D. Onorato opened the floor to questions from the audience.

Ms. Rotenberger – 258 Linden Drive – asked if the only section of Trappe that is zoned LI around the Viant (old UTI) property.

Mr. McCarthy – 219 Linden Drive – asked where the Mayor was.

Mr. Schiele – 762 Linden Drive – asked if the previous ordinance didn't say that you could or couldn't and you changed it so that it does say that?

Mr. Van Alstine – 27 Cherry Ave – would this ordinance prevent someone who wanted to build high-quality single-family homes or extend the park? Wouldn't that hurt the people of Trappe?

C. Johnson (Council Vice President) asked D. Onorato how someone could get relief if one wanted to build single family homes. D. Onorato responded that Council could consider a further amendment to allow that or one could go to the Zoning Hearing Board to request a variance.

Mr. Van Alstine – What is required for a variance? D. Onorato explained the process.

M. McCarthy – 219 Linden Drive – stated that there is already enough traffic and people cut through Holly Drive to avoid the traffic light, and people drive way too fast.

M. Hiergesell – 106 W. Seventh Ave – if you have an Ordinance that prohibits residential, can the Zoning Hearing Board change that? D. Onorato explained that the Zoning Hearing Board can grant a variance to a specific property granting relief from an Ordinance but there is hardship criteria that must be established in order to grant the variance. It would need to be established why the property couldn't be developed under its intended use. The Zoning Hearing Board does have the power independent of Borough Council to grant a variance under the law. However, Council has the right to be a party to oppose a variance.

D. Onorato closed the public hearing.

Motion to adopt Ordinance #450:

Moved: S. Strauss

Seconded: C. Johnson

Approved: 4-0

Motion to adjourn at 7:25 p.m.:

Moved: C. Johnson

Seconded: S. Strauss

Approved: 4-0

Respectfully submitted,

**Tamara D. Twardowski
Borough Secretary**