A regular meeting of the Planning Commission was held on Monday, August 9, 2021, in the Borough conference room.

The meeting was called to order at 7:08 p.m. by Mr. Fred Engelhardt, Chairperson. Members present were: Mr. Frederick Engelhardt, Mr. Tim Haring, Mrs. Pat Snyder (also Acting Recording Secretary) and Mr. Joel Seidel. Also present: Ms. Michelle Lopez, Community Development Office; and Mr. Gabriel Khalife, Borough Manager. Public Attendance: Denise Rogers; Joanne Yoder; Sue Bernhard (all representing John Monaghan Group); Dan Fogarty; and John Fry, Borough Residents

Public Comments on Non-Agenda Items
The representatives from John Monaghan Group related that they were in attendance to discuss the current parking requirement ordinance. They were told that this was on the meeting’s agenda, under Old Business, and there would be an opportunity at that time for public comment.

Approval of Minutes
Planning Commission members reviewed the July 12, 2021 Planning Commission meeting minutes. Motion to approve by Pat Snyder, seconded by Tim Haring. The motion passed by unanimous vote.

Planning Commission members reviewed the May 24, 2021 Planning Commission Workshop meeting minutes. Motion to approve by Tim Haring, seconded by Joel Seidel. The motion passed by unanimous vote.

Planning Commission members reviewed the June 28, 2021 Planning Commission Workshop meeting minutes. Motion to approve by Joel Seidel, seconded by Pat Snyder. The motion passed by unanimous vote.

Planning Commission members reviewed the July 26, 2021 Planning Commission workshop meeting minutes. As not all members had reviewed these minutes, Motion to table was made by Joel Seidel, seconded by Tim Haring. The motion passed by unanimous vote.

Reports
Ms Lopez updated Planning Commission members on some of the items the Community Development Office is working on.
• Small Cell Tower Legislation – will be active at the beginning of September
  o Mr. Seidel questioned the ATT tower at the corner of Whiteoak and Main Streets.
    Ms. Lopez said that under current zoning, it would be rejected as a conditional use, 
    but would be passed with the new legislation in September.
  o Ms Lopez stated that there are aesthetic requirements in the regulations; and that 
    the purpose of the legislation is to make 5G more prevalent
• New Plans for the next phase of the Hilltop subdivision were submitted
  o Had to be resubmitted due to a change of 10 feet in the elevation
• Ms Lopez stated that their office is getting a great number of permit requests
• Regarding applications for Zoning Hearing Board
  o 318 W Main St submitted a request for a change in use to a clothing store
  o Apartments of Elm - Raj Patel will be going to Zoning Hearing Board on August 18th 
    to discuss the variances that they are requesting
  o Mr Seidel asked if there was any update on “DK Lounge” and Ms Lopez said that the 
    plan is for the location to be a restaurant only, with a different tenant, who is a 
    relative of the prior tenant

Action Items
• Acknowledge/accept Lisa Ladd-Kidder’s resignation from the Planning Commission, 
  effective July 27, 2021
Motion to accept, with regret, the resignation of Lisa Ladd-Kidder from the Planning Commission 
(as she will be serving on Borough Council), was made by Mrs. Snyder, Seconded by Mr. Seidel. 
The motion passed by unanimous vote.

• Elect new Planning Commission Secretary, to serve in that position for the remainder of the 
  2021 calendar year
Motion to table the Secretary election until the September meeting was made by Mr. Seidel, and 
seconded by Mr. Haring. The motion passed by unanimous vote.

• Continue review of Subdivision and Land Development Sketch Plan Application for 
  “Apartments on Elm.” Extension of time for decision by the Kutztown Borough Planning 
  Commission valid to and including December 31, 2021
As stated earlier in the meeting, the applicant will be attending the August 18th Zoning Hearing 
Board meeting at the Train Station for the following requested various
  • Minimum of 2 acres required or Low-Rise Apartments
  • Minimum lot width of 200’
  • Maximum of 10 units per acre
The item will stay on the Planning Commission Agenda up to and included December 31, 2021

Motion to table the Sketch Plan Application for the “Apartments on Elm” was made by Mr. Haring, 
and seconded by Mr. Seidel. The motion passed by unanimous vote.
Old Business/Updates

- **Review draft ordinance revisions of Parking Requirements for Businesses in CC and C1 Districts**

Draft ordinance revisions were discussed
Ms Lopez stated that there was a review completed by Ms Lopez and Mr. Shawn Leidy of Barry Isett & Associates
  - They felt that the revisions would help to alleviate of number of the parking issue that have been seen
  - They had no recommendations, and saw no issues with the revisions
  - They believe that the revisions will help with change of use requests

There was a question from the public regarding when the revisions would go into effect
Mr Englehart replied that the ordinance revisions would need to be advertised, and then the Planning Commission’s recommendations would go to Borough Council.
Ms Lopez commented that the volume of zoning applications has been very high, and the agenda for Borough council will be posted on the Borough website

Following a brief discussion, motion was made by Mr. Seidel to recommend the revisions as presented to the draft ordinance, and seconded by Mr. Haring. The motion passed was unanimous vote.

New Business

- **Review draft ordinance amendment for Outdoor Dining**

The discussion from the July 26th Planning Commission Workshop meeting was reviewed. The majority of time spent related to the Minimum Clear Path measurement.

ADA minimum requirement is 36”

Public comment from Mr. Fogarty that our downtown is currently an under-utilized asset, and that if the Borough would like to attract more use options, we have to leverage our Main St. He would recommend not being stricter than the ADA guidelines, or what is approved in Reading, which is also 36” minimum

Public comment from Ms. Roger; Ms Yoder and Mr Bernhard of John Monaghan Group echoed Mr Fogarty’s comments

Ms Lopez said that the current ordinance includes a provision (in 168-6) that Borough Council must approve obstruction of the sidewalk

Decision was made to table the discussion until the August Workshop meeting

- **Discuss “Free Blockbuster” Community Project**

Discussion was had regarding some concerns including: parental concerns related to potential box contents; potential damage to the unit; and inappropriate use

Ms Lopez collected the comments and will take them to Community Development

- **Review the applications of Joey Dietrich and John Fry for the (1) open vacancy on the Planning**
Commission
Mr John Fry was in attendance (Mr Joey Dietrich had also been invited).
Mr Fry discussed that he had a vision for Kutztown as a small town with growth potential. Mr Fry is currently serving on the Zoning Hearing Board. After he was informed that he would have to resign from Zoning Hearing Board to be on Planning Commission, he requested to remove his Planning Commission Application
Commission will reach out to Mr. Dietrich and ask him to sign the conflict of interest form, and then we will review his application
Motion was made by Mr. Haring to accept Mr. Fry’s application withdrawal, and table voting on Mr. Dietrich’s application until the September meeting. Motion was seconded by Mr. Seidel. The motion passed was unanimous vote.

Set agenda for August 23, 2021 Planning Commission Workshop Meeting
Agenda items discussed and decided upon were: Outdoor Dining draft ordinance; and the Planning and Codes portion of the Hailstone report
Motion made by Mrs Snyder to accept the agenda items of the Workshop meeting, seconded by Mr. Seidel. The motion passed was unanimous vote.

Off Agenda
There was nothing to discuss off agenda.

Adjournment
With no further business to discuss, a motion was made by Mrs. Snyder and seconded by Mr. Seidel to adjourn the meeting. The motion passed by unanimous vote. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Patricia M. Snyder
Acting Recording Secretary