



Municipality of Norristown

Municipal Council

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Crandall O. Jones
Municipal Administrator

VIA REGULAR MAIL

April 29, 2020

Andrew W. Knox, Esq.
Timoney Knox, LLP
400 Maryland Drive
Ft. Washington, PA 19034
aknox@timoneyknox.com

RE: Response to Right-to-Know Request

Dear Mr. Knox:

On February 21, 2020, I received as the Right-to-Know officer for the Municipality of Norristown ("Municipality") your right-to-know request that contained six (6) requests for various records relating to Ordinance No. 20-03. Pursuant to Section 901 of the Right-to-Know Law (65 P.S. §67.901), the Municipality initially responded to your request by letter dated February 28, 2020 requesting a 30-day extension as permitted by law. Subsequently, and due to the COVID-19 emergency and disaster, the Municipality reached out again by email on March 30, 2020 requesting an additional 30-days to respond to which you kindly agreed.

Initially, please be aware that pursuant to Section 301 of the Right-to-Know Law ("RTKL"), the Municipality is required to provide public records as defined by the law and that are in the Municipality's possession. The Municipality has the right to deny or redact a record based on the enumerated exemptions listed in Section 708 of the RTKL. Additionally, the law does not require a public agency to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Your six (6) requests, and the Municipality's response to each are as follows:

1. “Copies of communications between the Borough of Norristown, the Norristown Municipal Council, and Montgomery County Planning Commission regarding Ordinance No. 20-03.” Attached is a copy of the Montgomery County review letter dated November 26, 2019. While the RTKL does not require the Municipality to provide written answers or explanations to questions, given your cooperation with granting a further extension due to COVID-19, please be aware that Ordinance No. 20-03 was submitted to the County Planning Commission electronically on or about October 24, 2019 as referenced in the County Planning Commission Review letter. Because of the electronic submission format, the Municipality has no document further documents to provide.

2. “Copies of communications between the Borough of Norristown, the Norristown Municipal Council, and Zoning Hearing Board regarding Ordinance No. 20-03.” After a reasonable search, the Municipality was unable to locate any public records responsive to this request.

3. “Copies of communications and applications received by the Borough of Norristown and Norristown Municipal Council regarding the enactment of Ordinance No. 20-03.” Attached are copies of email communications relating to Ordinance No. 20-03 as well as copies of the word attachments. These documents have been redacted as permitted by the RTKL to exclude privileged attorney-client communications.

4. “Copies of documents received by the Borough of Norristown and Norristown Municipal Council regarding the enactment of Ordinance No. 20-03.” To the extent not already covered by the preceding question, attached is a copy of the December 2019 Norristown Planning Commission meeting minutes wherein Ordinance No. 20-03 was discussed prior to enactment. Also attached are copies of the affidavit of publication from the Times Herald regarding Ordinance No. 20-03, a copy of the transmittal to Council regarding Ordinance No. 20-03, and a copy of the signed Ordinance No. 20-03 as enacted.

5. “Communications between the Borough of Norristown and the Norristown Municipal Council regarding a professional engineer review of Ordinance No. 20-03.” After a reasonable search, the Municipality was unable to locate any responsive public records. To the extent that you intended to reference communications with the Municipality’s Land Planning Consultant, Geoffrey Grace, please see the emails referenced in response to Request 3 above.

6. “Copy of professional engineer review of Ordinance No. 20-03.” After a reasonable search, the Municipality was unable to locate any responsive public records. To the extent that you intended to reference the Norristown Planning Commission review or the Montgomery County Planning Commission review, please see responses to Requests 1 and 4 above.

Enclosed are copies of the above referenced documents that you requested. The cost of copying will be \$4.25, at a rate of \$0.25 per page, and postage of \$5.15. Please remit payment in the form of a check made payable to the Municipality of Norristown in the amount of \$9.40 and forwarded to Administration Department at 235 East Airy Street, Norristown, PA 19401.

If you have any questions or need additional information regarding this matter, please feel free to contact me at cjones@norristown.org. Please be aware that you have a right to appeal any denial of information in writing to the Office of Open Records, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. If you choose to file an appeal you must do so within 15 business days of the mailing date of this letter, as outlined in Section 1101.

Sincerely,



Crandall O. Jones, ICMA-CM
Municipal Administrator/CAO

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

November 26, 2019

Ms. Jayne Musonye, Director of Planning and Municipal Development
Municipality of Norristown
235 East Airy Street
Norristown, Pennsylvania 19401-5048

Re: MCPC #19-0260-001
Plan Name: Zoning Ordinance Amendment - Signs
Municipality of Norristown

Dear Ms. Musonye:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on October 24, 2019. We forward this letter as a report of our review.

BACKGROUND

The Municipality of Norristown proposes to amend its sign ordinance to reflect the "Convenience store with gas pumps" use that was added as a Class II permitted use in the CR Commercial Retail Zoning District on April 18, 2017

COMPREHENSIVE PLAN COMPLIANCE

We find the proposal to be generally consistent with the planning goals and objectives identified for commercial development in the Norristown Comprehensive Plan (2009).

RECOMMENDATION

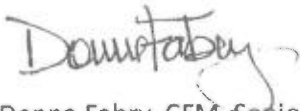
The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal without comment. The Montgomery County Planning Commission (MCPC) supports the applicant's proposal without comment as we have found it to be generally consistent with the municipality's comprehensive plan.

CONCLUSION

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Donna Fabry, CFM, Senior Open Space Planner
dfabry@montcopa.org – 610-278-3445

c: Rashad Bates, Chair, Norristown Planning Commission
Sean Kilkenny, Municipal Solicitor
Khaled Hassan, PE, Municipal Engineer

Jayne Musonye

From: Careless, Robert M. <RCareless@cozen.com>
Sent: Monday, August 26, 2019 10:04 AM
To: Jayne Musonye
Cc: sean@skilkennylaw.com; Patrick Hitchens; Weiss, Ross; Betsy Helsel
Subject: RE: Norristown signage

Good morning Jayne,

Following up on the below exchange and Geoff's review of the signage. Any update?

Thanks,
Bob



Robert M. Careless
Associate Attorney | Cozen O'Connor
One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103
P: 215-665-4798 F: 215-701-2464
Email | Map | cozen.com

From: Careless, Robert M.
Sent: Thursday, August 15, 2019 9:52 AM
To: 'Jayne Musonye' <Jmusonye@norristown.org>
Cc: sean@skilkennylaw.com; Patrick Hitchens <patrick@skilkennylaw.com>; Weiss, Ross <RWeiss@cozen.com>; Betsy Helsel <bhelsel@norristown.org>
Subject: RE: Norristown signage

Jayne – thank you. The signage issue and the pending appeal of the ZHB decision is delaying and could jeopardize the Royal Farms project. Anything to move this along promptly would be best.

Thanks,
Bob



Robert M. Careless
Associate Attorney | Cozen O'Connor
One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103
P: 215-665-4798 F: 215-701-2464
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From: Jayne Musonye <Jmusonye@norristown.org>
Sent: Thursday, August 15, 2019 9:29 AM
To: Careless, Robert M. <RCareless@cozen.com>
Cc: sean@skilkennylaw.com; Patrick Hitchens <patrick@skilkennylaw.com>; Weiss, Ross <RWeiss@cozen.com>; Betsy Helsel <bhelsel@norristown.org>
Subject: RE: Norristown signage

****EXTERNAL SENDER****

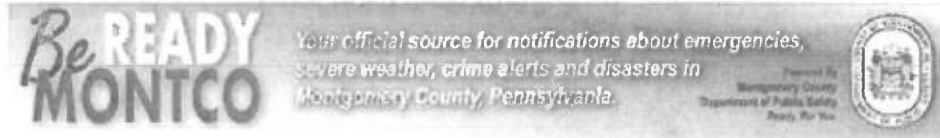
Bob,

Yes, we did hire Geoff Grace as our third party professional planner and he is taking a look at our signage among other zoning other matters. I will keep you abreast of the proposed changes.

Sincerely,

Jayne Musonye
Director of Planning
and Municipal Development
Municipality of Norristown
235 East Airy Street
Norristown, PA 19401-5003
610.270.0450
610.270.2892 - Fax
jmusonye@norristown.org

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From: Careless, Robert M. [<mailto:RCareless@cozen.com>]

Sent: Wednesday, August 14, 2019 9:20 PM

To: Jayne Musonye <jmusonye@norristown.org>

Cc: sean@skilkennylaw.com; Patrick Hitchens <patrick@skilkennylaw.com>; Weiss, Ross <RWeiss@cozen.com>

Subject: Norristown signage

Jayne,

I spoke with Patrick earlier today who mentioned that Norristown has hired an outside/third party planner to assist Municipal Staff. Back in 2017, the Municipality passed an Ordinance, which, among other things, made certain zoning amendments in connection with shopping centers. At that time, however, the Municipality decided to not pursue any amendments to signage. Considering the recent decision by the ZHB (which has been appealed by KKR/Marina Kats) along with the addition of the third party planner to assist Staff, I am reaching out to ask the Municipality to revisit the signage amendments that relate to shopping centers. We respectfully think that the current size and amount of signage that is permitted for shopping centers is deficient and should be reviewed/amended by adding, among other things, an increase in the size of freestanding signs (currently only 15 SF is permitted; we asked for 168 SF to give you an idea of

what is standard), an increase in the number of wall signs (only one is permitted and is only permitted to be 35 SF); the allowance for gas canopy signs (none are permitted currently), to allow fuel dispenser signs (none are permitted currently) and to allow directional signage (none are permitted currently). The current standards could be an impediment to the Royal Farms and discourage other retailers from coming into Norristown who have specific requirements for signage.

After you have a chance to review internally, please let me know the Municipality's position on moving forward with an amendment.

Thanks,
Bob



Robert M. Careless
Associate Attorney | Cozen O'Connor
One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103
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Email | Map | cozen.com

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Jayne Musonye

From: Betsy Helsel
Sent: Thursday, October 17, 2019 2:35 PM
To: Patrick Hitchens; Jayne Musonye
Cc: Jayne Musonye; Courtney Richardson; Geoffrey Grace
Subject: RE: Draft Ordinance
Attachments: Gas Canopy 101719.doc

Patrick,
Please see attached. I copied Geoffrey Grace, our municipal planner, so he can quickly review.
Thanks
Betsy

From: Patrick Hitchens [mailto:patrick@skilkennylaw.com]
Sent: Thursday, October 17, 2019 2:10 PM
To: Jayne Musonye; Betsy Helsel
Cc: Courtney Richardson
Subject: RE: Draft Ordinance

Jayne and Betsy –



Best,
Patrick

Patrick M. Hitchens, Esq.
KILKENNY LAW, LLC
519 Swede St.
Norristown, PA 19401
patrick@skilkennylaw.com
Office Phone: (484) 679-8150
Direct Dial: (484) 602-9284 ext. 6
Fax: (610) 879-3778



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From: Patrick Hitchens

Sent: Friday, October 4, 2019 3:15 PM

To: Jayne Musonye <Jmusonye@norristown.org>; Betsy Hiesel <bhiesel@norristown.org>

Cc: Courtney Richardson <courtney@skilkennylaw.com>

Subject: FW: Draft Ordinance

Jayne and Betsy –



Best,
Patrick

Patrick M. Hitchens, Esq.

KILKENNY LAW, LLC

519 Swede St.

Norristown, PA 19401

patrick@skilkennylaw.com

Office Phone: (484) 679-8150

Direct Dial: (484) 602-9284 ext. 6

Fax: (610) 879-3778



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From: Careless, Robert M. <RCareless@cozen.com>
Sent: Thursday, October 3, 2019 1:41 PM
To: Patrick Hitchens <patrick@skillennylaw.com>
Cc: Weiss, Ross <RWeiss@cozen.com>
Subject: Draft Ordinance

Patrick,

Attached is a draft of the proposed ordinance to amend the signage use table under Section 320-328. The draft is still being reviewed by my clients but we wanted to get the ball rolling with Norristown's review. I'll provide additional comments (if any) in a redline to this version.

Thanks,
Bob



Robert M. Careless
Associate Attorney | Cozen O'Connor
One Liberty Place, 1650 Market Street, Suite 2800 | Philadelphia, PA 19103
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Jayne Musonye

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Sent: Monday, August 26, 2019 12:26 PM
To: 'Careless, Robert M.'
Cc: sean@skilkennylaw.com; Patrick Hitchens; Weiss, Ross; Betsy Helsel
Subject: RE: Norristown signage

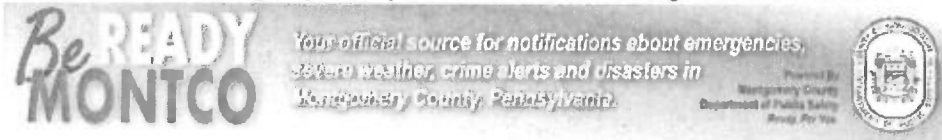
Bob,

We are working on a text change. Will provide you with the details soon.

Sincerely,

Jayne Musonye
Director of Planning
and Municipal Development
Municipality of Norristown
235 East Airy Street
Norristown, PA 19401-5003
610.270.0450
610.270.2892 - Fax
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Subject: RE: Norristown signage

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Subject: RE: Norristown signage

****EXTERNAL SENDER****

Bob,

Yes, we did hire Geoff Grace as our third party professional planner and he is taking a look at our signage among other zoning other matters. I will keep you abreast of the proposed changes.

Sincerely,

Jayne Musonye
Director of Planning
and Municipal Development
Municipality of Norristown
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