

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 5, 2002

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, February 5, 2002 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald Wilson, Chairman called the meeting to order at 7:30 p.m.

COMMISSION MEMBERS: Donald R. Wilson, Chairman
John W. Bittig, Vice Chairman
John F. Ruff, Secretary
Paul L. Schwartz
Dottie Geiger
Laurie Elliot

OTHERS IN ATTENDANCE: Cheryl Franckowiak, Zoning Officer
Craig Peifer, GVC Consulting Engineer
Pattie Geise, PC Secretary

ABSENT: J. D. Krafczek

1. MINUTES

The minutes of the January 3, 2002 Planning Commission Meeting were approved (Ruff, Schwartz, Bittig, Geiger and Elliot voting in favor, Wilson abstaining) with the following corrections:

Item 3. Pathfinder Meadows Section 2 - Preliminary Plan

There was extensive discussion regarding the wetland and the stream. A representative from the University Rifle Club expressed concerns about impeding the outflow of the stream. The maintenance of the safety/sound barrier wall will be reverted to the individual property owner. The University Rifle Club will assure that the water way will remain open.

The following business was discussed:

2. HECKER SUBDIVISION – SKETCH PLAN FOR RECORD - Gene Lamana

Mr. Lamana was here to ascertain the status of the Planning Commission review of the sketch plan of record. He received a copy of the letter from the Planning Commission (July 13, 2001) recommending the Board of Supervisors approve the Hecker Subdivision with a note on the plan stating that any additional subdivision would require a cul-de-sac.

Prior to this Planning Commission meeting there was discussion from the neighbors concerning the existence of the cul-de-sac and the effect it would have on the neighbors.

HECKER SUBDIVISION CONTINUED

He had done research on this issue and found in 1983 when the Marywood Addition Subdivision was approved, Exeter Township entered an agreement with the subdivider (Mary Stanckowicz Christ) acknowledging that the subdivision, at the cul-de-sac, at the end of the street existed and that it would have to be improved to Township standards unless the owners of lots 1 and 2 and 51% of those land owners would consent (put the money up with the Township or improve it to Township standards). As a matter of contract, the BOS said this "street" would exist for Township purposes and leave it in that state unless each one of the landowners would petition for this. Mr. Schwartz responded that the terms of the contract changed when you add a property.

Mr. Lamana stated that the Municipalities Planning Code has always stated that the only requirement for a street upon which a lot would abut would be mud free and passable.

Mr. Lamana stated his point was that if they would offer to put it up for dedication they would have to put up the money or they would have to build to those standards. No one is offering it for dedication and it is not intended for dedication. The Municipalities Planning Code in 1983 only said that it had to be mud free and passable.

Mr. Lamana stated that the present SALDO defines street to include: street, avenue, boulevard, etc. and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private; it does not define a street as a public street or dedicated street.

Mr. Lamana asked the Planning Commission to pass a resolution tonight recommending to the BOS approve the Sketch Plan of Record as submitted by Heckers.

Mr. Bittig stated that the street is not a Township street it has never been dedicated therefore it is a right-of-way over the two properties below. Those property owners previously came in and stated that they had never been contacted. The Hecker's were directed to work with the neighbors and come in with a written agreement for the maintenance of the private street.

Mr. Lamana stated that the written agreement is only between lots 1 and 2 (the Heckers and Dr. Enlow). Mr. Bittig stated that they couldn't go over the private right-of-way; they don't own the property below.

Mr. Lamana stated that he knew what the law is regarding the private right-of-way, and when you have a recorded subdivision plan, it's a matter of contract with the Township SALDO. This board cannot adversely affect his clients right as landowners to develop their piece of ground. Mr. Schwartz stated that the Heckers have a responsibility to protect everyone rights including the Township's rights and all the Planning Commission asked them to do is work it out with their neighbors.

HECKER SUBDIVISION CONTINUED

Mr. Lamana stated that they cannot work it out with their neighbors because the landowners that were the complainants refuse to contribute to the maintenance of that road and, by their refusal, prevents the Hecker's from exercising their legitimate right as a land owner to subdivide their property, which is a private matter concerning only the neighbors. They need to address their rights in a civil equity action and not the public body.

Mr. Schwartz stated that for the record the Planning Commission already approved their plan and that they should work it out with all properties involved.

Mr. Lamana asked the Planning Commission if they should come before the Planning Commission again with a grading plan (regarding the driveway and storm water runoff) to which the Planning Commission responded that the plans should be submitted and reviewed by Mr. Peifer (GVC).

3. COMMERCE BANK – LAND DEVELOPMENT PLAN - Jeff David, Evans Eng.

GVC reviewed the Commerce Bank Land Development Plan (reference letter dated February 1, 2002).

The proposed Land Development Plan is located on the southeast corner of Lorane Road and SR 422, currently the Amoco Station. Evans Engineering is proposing to remove the Amoco and three surrounding residential lots to erect a bank. It is located in the Highway Commercial District where banks are a use permitted by right.

Mr. David stated that there were 2 standard gas station accesses off Rt. 422 (odd angled in and out) which they propose to remove and have direct access in and out. The lower access is similar to the current access on Lorane Road. Mr. Schwartz stated that the Planning Commission suggested that Wawa line their driveway with the Amoco station and recommended checking the plan so they coincides .

He also stated that a drain would be placed, some sort of detention facility along the intersection of Lorane and Rt. 422. The landscaping would be Commerce Bank prototype with a buffer along the residential neighbors.

Mr. Bittig asked about the proposed detention basin being underground and where would it go? Mr. David responded that there is an existing basin there for the Amoco and the out flow would go to the same place which is an open outlet basin in the corner with an outlet structure located near Rt. 422 that discharges to an inlet box on Rt. 422.

COMMERCE BANK CONTINUED

Mr. Bittig stated that it might be a major problem due to the Country Club getting flooded out.

Mr. Schwartz asked if there would be any change in the total impervious cover, but Mr. David did not have an answer, he thought possibly a slight decrease.

Mr. Davis stated that the seller of the property would offer Commerce Bank a deal that they will close the gas station and remove tanks in accordance to DEP regulation and an Environmental Impact Study will be done.

Mr. Wilson stated that the reason the driveways were angled on Rt. 422 was to get the cars off faster instead of the cars coming to a complete stop (the angles should be larger) to which Mr. David agreed that the radius should be larger.

Mr. Wilson asked what would be done with the remaining lot to which Mr. David responded he wasn't sure that they had any plans for the lot only that they wanted it to remain separate. He said they would probably agree to making it a part of this lot if they need the "green space".

4. GLEN OLEY FARMS ANNEXATION – SKETCH PLAN FOR RECORD

- Steve Bensinger

GVC reviewed the Glen Oley Farms Sketch Plan for record (reference letter dated January 31, 2002).

The proposed subdivision is located in Glen Oley Farms between Sherwood Drive and Lowell Drive (part of Gladwynn Drive that was never constructed).

Driveways serving the properties, to which the land is being annexed, currently occupy the right-of-way. A portion of the driveway is shared in between the two adjoining property owners. The entire length of the driveway straddles the proposed property line.

Mr. Bensinger stated that it doesn't make any sense to construct it because the lots on either side of it have access off Sherwood Drive.

Lots 9, 19 and 16 will be annexed; lot 9 and 19 to the northern portion and lot 16 to the southern portion.

GLEN OLEY FARMS ANNEXATION CONTINUED

Mr. Wilson asked how the landowners felt about the street not being constructed? Mr. Falkenberg responded that they went to every lot owner in Glen Oley Farms and they have a court order.

Mr. Bensinger stated that the setback line would be adjusted to the proposed property line as a side yard setback. Being in a Rural District, it will include the minimum open space requirement of 80 percent.

A note will be placed on the plan stating there will be no further subdivision.

Mr. Bensinger agreed to address all Mr. Peifer's comments.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig to recommend the Board of Supervisors waive the recommended depth-to-width ratio for lots 16 and 19. The motion carried unanimously.

MOTION BY Mr. Bittig, seconded by Mr. Schwartz recommend the Board of Supervisors approve the Glen Oley Farms Annexation Sketch Plan for Record subject to Great Valley Consultant's final review, Mr. Hoffert's review of the court decision and all certifications being signed. The motion carried unanimously.

5. GLEN OLEY FARMS SECTION 3 – PRELIMINARY LAND DEVELOPMENT PLAN – Brian Boyer

There was no GVC review for Glen Oley Farm Section 3 Preliminary Land Development Plan.

The plan was approved in 1998 as a 22-lot subdivision with on-lot sewer and it now being subdivided as a 30-lot subdivision with public sewer (1-acre minimum acreage).

As discussed with the Board of Supervisors, a future pump station will be installed to serve the entire Glen Oley Farms subdivision.

They have adjusted some storm drainage and left the road in the exact location as it was before.

Mr. Falkenberg stated that they tried to keep it exactly like the Planning Commission recommended previously.

6. PATHFINDER MEADOWS - SECTION 2

Pathfinder Meadows Section 2 tract is located on the east side of Schoffers Road north of Walnut Road and east of Pennsylvania.

Mr. Boyer suggested that the Planning Commission act on the waivers.

Mrs. Elliot stated that the plan consisted of 93 lots and 22-lots require a waiver equaling approximately 25 percent of the lots and viewed it as a significant issue.

Mr. Bittig stated that the Berks County review was pretty significant as well and asked Mr. Boyer his views to which he responded that Mr. Kruger made an adjustment on his thinking about how they oppose a comprehensive plan. His review in 1998 suggested they look at a cluster development and this plan is a lot more direct. Mr. Boyer stated that they are resubmitting a plan that was previously an approved preliminary plan but was withdrawn due to issues with the Universal Rifle Club.

Mr. Bittig stated that they would have to guarantee that the wetland would not be disturbed at all and previous developments have already encroached and this must be put to an end; the laws must be toughened.

The attorney for Berks Construction would enforce all actions as they have in other developments (also place on the deeds) and if violations occurred they would be known.

Mr. Boyer stated that he would be going back to Mr. Kruger due to the 1998 letter being having no environmental issues.

Mrs. Elliot had concerns that making any recommendations on waivers being that there were environmental sensitive areas to be addressed.

Mr. Boyer stated that the sizes of the lots are over 10,000 s.f. and in a Medium Density Residential area the lot size could be 9,000 s.f.

Mr. Boyer asked again for the Planning Commission to recommend approval to the Board of Supervisors grant waivers for depth-to-width ratio on quite a few lots.

MOTION BY Mr. Schwartz, seconded by Mr. Wilson to grant all waivers discussed for lot depth-to-width ratio. The motion failed to carry.

PATHFINDER MEADOWS CONTINUED

Mr. Schwartz stated that there are a lot of waivers and it is not unusual for the PC to grant waivers, just not this excessive. He still had a concern that with the wetland hidden in the back of lots in the future which makes it almost impossible to enforce the ordinance regarding wetland encroachments.

Berks Construction's attorney stated that they could do several things to enforce the preservation of the wetland.

1. A note on the plan
2. A declaration signed by the home owner
3. The deed itself (restriction)

The Attorney also stated that the private owners themselves should enforce it.

Mr. Schwartz stated that there are an excessive number of waivers and a lot of the more reasons are to accommodate the wetlands.

Mr. Schwartz stated that there was a letter from Clarence Hamm, Highway Superintendent indicating of offering land for dedication: Lot B where the detention pond is proposed will be fine, if constructed in accordance with the SALDO but Lot C would be nothing but a maintenance problem creating more work. He also commented on the 80' right-of-way width from Ladderback Lane with a recommendation for consistency purposes to keep the right-of-way width for the entire length of the road.

Mr. Boyer stated that a traffic study would be done.

Mr. Demko stated that there was a future possibility that he may develop or sell his property adjacent to Pathfinder Meadows Section 2. With this phase now and the future possibilities of development they made need gravity feed for the sewer right-of-way and if he could get access to get a manhole or sewer line now so that if he developed it in the future, now may be a good time to work it into the plan.

Mr. Wilson told Mr. Demko that he could work that out with Berks Construction.

7. MEMORIAL CHURCH OF THE HOLY CROSS UNITED METHODIST CHURCH – SPECIAL EXCEPTION

Memorial Church is listed as equitable owner of Lot 100 on the Zoning Hearing Board application.

MEMORIAL CHURCH CONTINUED

The property is located along Boyertown Pike (SR 562) and its western boundary is Schoffers Road. There is a residential dwelling located on the property and the current use is residential. The property is part of the proposed Amber Hill Subdivision, Lot 100.

The present zoning classification of the property is R-Rural District. They are proposing a church which is a use permitted by special exception.

Mr. Bittig had a concern that if we recommend that this church be granted it would give them the legitimacy for the whole Amber Hill Subdivision and this is only one lot.

Mr. Wilson felt that the Church wanted to get out of Reading, for a better location, but he had concerns about traffic and referenced St. Catharine's Church.

Mr. Schwartz stated that they were proposing access off Boyertown Pike and they were going to observe their hours of operation so as not to conflict with St. Catharine's Church.

Mr. Bittig stated that the church would be on 38-acres and that this would be a good use with the wetland surroundings.

MOTION BY Mr. Bittig, seconded by Mr. Ruff to recommend the Zoning Hearing Board grant a special exception to the Memorial Church subject to first separating this church from Amber Hill.

Mr. Peifer suggested that they ask the church to limit their lot to what they absolutely need right now; otherwise their lot lines are going to dictate what happen with "Amber Hill" in the future.

Mr. Bittig withdrew his motion.

MOTION BY Mr. Ruff, seconded by Mr. Bittig to recommend the Zoning Hearing Board grant a special exception to the Memorial Church recognizing that the special exception applies to the entire tract of land since there is no Amber Hill subdivision, Lot No. 100 does not exist. Any further subdivision will be subject to the church subdividing back to Mr. Greth in the future and will require a future subdivision plan to be represented to the Planning Commission in the future.

8. FLEETWOOD INDUSTRIES – VARIANCE REQUEST

- Mr. Ludgate

This property is a steeply sloped unimproved lot with an area of 4.66-acres located at the corner of Prospect Street and Butter Lane.

FLEETWOOD INDUSTRIES CONTINUED

If the application is approved, the Phoebe property will be purchased by the petitioner from the owner and annexed to the adjoining 7.97-acre property already owned by Fleetwood Industries located in St. Lawrence

They were advised that they needed a variance to extend the present use, about 120-ft. into Exeter Township. Not only the physical building but an access way that would go beyond the building so that everything that is affected by the project is within the 120-ft. area. Mr. Ludgate stated that the majority of the project is in Neighborhood Commercial District and only a small portion in the Suburban Residential District.

Mr. Wilson had concerns about the water going down the slope to Nick's Chat-A-While and should be observed at some point.

The addition will be cut into the hill and the emergency access will not be from the Exeter side and Mr. Bittig asked that a note be placed on the plan.

Mr. Ludgate stated that there will be no entrances to the building or off-street parking on the Exeter side of the property. The access drive will not exceed 10 percent unless the Planning Commission or Zoning Hearing Board request the emergency drive be extended.

MOTION BY Mr. Schwartz, seconded by Mrs. Geiger to recommend the Zoning Hearing Board grant a variance to Fleetwood Industries, Inc. for it is an appropriate use and it meets the requirements of the variance. The minimum necessary relief is appropriate for the site. The motion carried unanimously.

9. STORM WATER MANAGEMENT BASIN ECOLOGICAL RETROFIT PROGRAM

Ms. Davis asked the Planning Commission to draft a letter for the existing storm water management basins in the Township offering support for this project.

MOTION BY Mr. Bittig, seconded by Mr. Schwartz to accept the letter of recommendation from the Planning Commission written by John Ruff. The motion carried unanimously.

10. ADJOURNMENT

MOTION by Mr. Schwartz seconded by Mr. Bittig, to adjourn the February 5, 2002 meeting of the Exeter Township Planning Commission at 10:11 p.m. The motion carried unanimously.

Respectfully submitted,

John F. Ruff, PE
Planning Commission Secretary

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Correspondence to: BOS – Pathfinder Meadows Section 2 – waiver requests.
ZHB – Memorial Church of the Holy Cross – Special Exception
ZHB – Fleetwood Industries – Variance Request
Deb Davis – Stormwater Management basin ecological retrofit program