

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
TUESDAY, AUGUST 5, 2003

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, August 5, 2003 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald R. Wilson, Chairman called the meeting to order at 7:30 p.m. followed by the Pledge to the Flag.

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

ABSENT: Laurie Elliott

OTHERS IN ATTENDANCE: Craig Peifer, GVC Consulting Engineer
Cheryl Franckowiak, Zoning Officer
Linda Cusimano, Recording Secretary

1. MINUTES

MOTION BY Mr. Ruff, seconded by Mrs. Geiger, to approve the minutes of the July 1, 2003 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Ruff, seconded by Mr. Schwartz, to approve the agenda of the August 5, 2003 Planning Commission meeting as submitted. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

1. **EXETER ARTESIAN WELL TREATMENT FACILITY–FINAL LAND DEVELOPMENT PLAN: MOTION BY** Mr. Schwartz, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.
2. **MILLER SUBDIVISION – SKETCH PLAN OF RECORD: MOTION BY** Mr. Schwartz, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.

Approve applications for review continued

3. **SHELBOURNE SQUARE SHOPPING CENTER – PRELIMINARY PLAN: MOTION BY** Mr. Schwartz, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.
4. **47TH & OAK PARKWAY SUBDIVISION – SKETCH PLAN OF RECORD: MOTION BY** Mr. Schwartz, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.

The following business was discussed:

4. HANEY – CONDITIONAL USE

Mr. Haney returned with the proposed home occupation to operate a guitar service business at 460 Wegman Road. Previously he proposed operating the business from the garage on his property. Home Occupations were not allowed in residential accessory structures.

Mr. Haney stated his wife graciously allowed him to operate the business from the recreation room of their home.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors grant approval for the conditional use for Mr. Haney. The motion carried unanimously.

5. SIEGLE – CONDITIONAL USE

Mrs. Siegle was proposing a home occupation to operate a baked goods and specialty food business at 4550 Green Tree Road.

Mrs. Siegle stated that she would be using her kitchen to prepare baked good and other specialty food that she intended to sell at farmer's markets, mini-markets, craft shows, and other similar establishments. She did not intend to have customers or vendors visiting the location in order to conduct business.

Mrs. Franckowiak stated that Mrs. Seigle met all the requirements for the home occupation.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend the Board of Supervisors grant approval for the conditional use for Mrs. Seigle. The motion carried unanimously.

6. ROYAL VIEW ESTATES-REVISED SKETCH PLAN – C. Wesley Seitzinger

GVC reviewed the Royal View Estates Revised Sketch Plan (reference letter dated July 30, 2003).

Mr. Seitzinger presented the Royal View Estates Revised Sketch Plan. Mr. Seitzinger stated that they had a wetlands study done and they had a letter showing there were no wetlands on the tract. They had perks and probes done on the site and most lots would have standard septic systems. Two would have sand mounds and two would have drip systems.

Mr. Wilson asked if they would run down the comments on GVC's letter. Mr. Seitzinger stated they would all be addressed with the next submission.

Mrs. Geiger asked how they would address the steep slopes on the lots. Mr. Seitzinger stated they would have building restriction lines. It would be written on the plans that there would be no building allowed in those areas. Mr. Ruff stated that Lot 1 was a flag lot and it should be noted on the plan that no further subdivision would be allowed. Mr. Wilson asked if they would have individual driveways on each lot? Mr. Seitzinger stated yes. Mr. Bittig asked how they planned to get driveways on a couple of the lots. Mr. Seitzinger stated they would need to remove some of the banks to place driveways at that location. Mr. Schwartz asked if they had enough lot frontage on lot 6 to qualify as a building lot? Mr. Seitzinger stated that there was 350 feet along the front of that lot.

Mr. Seitzinger stated that they would dedicate the land on the other side of the road to the Township for widening of the road. They had shown on the plan that they would widen the road on their property, not on the neighbors located on the other side of Hartman Road.

Mr. Bittig asked if all the home sites would be to the front of the properties? Mr. Seitzinger stated that yes; they would all be in the front areas of the lots. All the perks and probes were done in the front areas.

Mr. Schwartz stated that he spoke his piece at the last meeting on the plan. He still felt the same about the development. Mr. Seitzinger stated that they looked at the plan and there was no way they could put a road in there and they followed the Subdivision and Land Development Ordinance with planning the area.

Mr. Krafczek asked if they had reduced the amount of lots from eight to six? Mr. Seitzinger stated that they had and they followed the depth to width ratio. Mr. Krafczek asked where they planned to build on lot 6 with the utility easement there? Mr. Seitzinger stated that they would place it either in front or behind the easement. He also stated that the front of the properties were all flat and the rear areas were steep slopes so they would be unable to develop those areas.

Royal View Estates continued

Mr. Wilson asked if there were any other comments? Mr. Schwartz stated that there had to be a better way to do the plan. They were at the concept stage of the plan, we should say no, this was not the concept we want in our Township. He understood that they met the minimum requirements of the ordinance. But, we were not at the stage where we review it against the minimum requirements; we are reviewing it against the concept. Mr. Krafczek stated that he would note that there was a three-acre minimum and they had a 37-acre tract with 6 lots so what the township was getting in return was an average lot size of almost 6 acres. They were taking almost 40 acres off and only placing six houses on them, so in the RC district that was an advantage.

MOTION BY Mr. Krafczek seconded by Mr. Bittig to approve the sketch plan for Royal View Estates. The motion failed to carry with Mr. Krafczek voting in favor and Mr. Wilson, Mr. Bittig, Mr. Ruff, Mrs. Geiger and Mr. Schwartz voting opposed.

Mr. Wilson stated that there were too many driveways on a narrow road as Mr. Schwartz stated that was not what we were looking for in the Township and they were welcome to take it to the Board of Supervisors. Mr. Seitzinger stated that they may have to. Mr. Bittig stated that they would have to come back as a Preliminary Plan before doing so.

7. EXETER ARTESIAN WELL TREATMENT FACILITY–FINAL LDP - Jim Pilkerton

GVC reviewed the Exeter Artesian Well Treatment Facility Final Land Development Plan (reference letter dated July 31, 2003).

Mr. Pilkerton presented the Exeter Artesian Well Treatment Facility Final Land Development Plan. Mr. Wilson asked if they received the D.E.P. permit for the facility. Mr. Pilkerton stated that they had not yet received the permit. Mr. Peifer stated that anything else for the facility was housekeeping. Mr. Bittig stated that the Board of Supervisors approved the waivers for monumentation and certificate of accuracy for the plan. Did they approve the waiver for the wetlands? Mr. Pilkerton stated that they didn't believe they had. Mr. Bittig stated that we would need to put that in front of the Board for a waiver for wetland delineation. We needed that for the record.

Mr. Wilson asked if they would be doing piping at that location. Mr. Pilkerton stated that they received the General Permit BDWM-GP 5 for crossing the stream.

Mr. Krafczek asked if they could hold off on the plan for the next Planning Commission meeting? Mr. Pilkerton stated that they could do that.

Mrs. Franckowiak stated that they could present the waiver for the wetlands to the Board and proceed from there.

Exeter Artesian Well Treatment Facility Final Plan continued

Mr. Schwartz stated he recommend that the minutes show that all issues have been satisfied except the D.E.P. permit and the wetlands delineation waiver and when they are approved then we can approve the plan. We would put them on the next agenda. They could bring the plans in to Cheryl and after approval we could sign them.

Mr. Pilkerton thanked the Planning Commission.

8. READING PEDIATRICS – PRELIMINARY LAND DEVELOPMENT PLAN

- Jana Eppihimer

GVC reviewed the Reading Pediatrics Land Development Preliminary Plan (reference letter dated July 31, 2003).

Ms. Eppihimer presented the Reading Pediatrics Preliminary Plan for a medical office building located on Lorane Road just behind the Commerce Bank. Ms. Eppihimer stated that the Sewer Authority passed the plan for the lateral connection. They were waiting for the flow rate for the fire hydrant from the PA American Water Company. Ms. Eppihimer also stated that concerning the comment in the GVC letter for the handicapped spaces, the plan they submitted were ADA approved spaces. Mr. Schwartz stated that they would need to meet the requirements of the Township Zoning Ordinance for handicapped spaces. Ms. Eppihimer replied that was fine.

Mr. Bittig asked if they had the review of the Storm Water report. Ms. Eppihimer stated that it hadn't been reviewed yet. Mr. Peifer stated that the comments in the letter were carried over from the previous report; he would issue comments after completion of the review.

Mr. Bittig asked where they were for curbing and sidewalks on the plan. Mr. Peifer stated that on Lorane Road at Commerce Bank they did not have curbing in the rear of the location, we determined that it would not be required along Lorane Road.

Mr. Bittig asked what cartway width was required? Ms. Eppihimer stated that Hafer Place was a private street. Mr. Peifer stated that the width appeared to be 43-feet.

Mr. Wilson asked if there were any other comments? Mr. Schwartz stated it looked as though they needed a little clean up work. Mr. Bittig stated they needed the storm water review and the flow rates for the hydrant.

Ms. Eppihimer asked for conditional approval for the Preliminary Plan. Mr. Wilson stated that they would need to come back next month with those items completed; they would probably be able to move along then.

9. **LITTLE VIEW HILL SUBDIVISION – SKETCH PLAN** – Andrew Kent

GVC reviewed the Little View Hill Subdivision (reference letter dated July 30, 2003).

Mr. Kent presented the Little View Hill Subdivision located along the southern side of Hafer Road, west of its intersection with Lorane Road. Mr. Kent stated that lot 5 along Kent Drive was currently a garage and they were proposing to build it into a residence. In GVC's, review letter under Zoning Ordinance #1 it states "The applicant should provide documentation demonstrating that a legally recorded right-of-access exists for Kent Drive". He had all kinds of legal papers on Kent Drive but couldn't make out what they were declaring it. Mrs. Franckowiak stated that the Township was recognizing Kent Drive as a driveway not a road. It was a common driveway. They would have to say that the garage, as a residential accessory structure, was fine because it was not considered a front yard. However, with the proposed subdivision and the plan to turn it into a dwelling then they would not meet the setback requirements. Mr. Kent stated that if that were the case then they would just lose a building lot.

Mr. Bittig stated that if they would continue with this plan, they would not be considered a brief subdivision because all the lots would not face an existing road.

Mr. Peifer stated that even if Kent Drive were determined to be a street, then the garage would be a nonconforming structure. To be able to continue with converting the garage into a dwelling they would have to go in front of the Zoning Hearing Board for a variance on the front yard setback.

Mr. Kent stated that they would be sure to have the required sight distance for the driveways. How would the Planning Commission feel about the Environmental Assessment Statement, do they need one? Mr. Schwartz asked what was on the site previously? Mr. Kent stated that it was residential. Mr. Bittig stated it was not a sensitive area. Mr. Schwartz stated that there was no Historical use on the site.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors grant a waiver of the requirement for an Environmental Assessment Statement (SALDO Section 4.283 as defined in the Exeter Township Zoning Ordinance #500 Section 633). The motion carried unanimously.

Mr. Kent asked if it was necessary to go with a 54-foot right-of-way width? They showed a 40-foot right-of-way based on the right-of-way for the Wawa. Mr. Schwartz asked if we got a 54-foot right-of-way for Wawa? Mr. Wilson stated that they didn't have access on Hafer Road. Mr. Kent stated that they felt the traffic there wouldn't warrant that roadway width.

Mr. Peifer stated that we should determine whether curb or sidewalk would be required. Mr. Kent stated they would like to ask for a waiver request for curb and sidewalks. They would place a

Little View Hill continued

4-foot shoulder in place of the curb. Mr. Bittig stated that the new SALDO states they would need curb and sidewalks. Mr. Schwartz stated that there was a lot more traffic generated on the road with the Wawa.

Mrs. Geiger stated that with the possibility of cars parking in the street, they should widen the street. Mr. Schwartz stated that they don't need to widen the street, just the right-of-way. Mr. Wilson stated that we could look at Lorane Road; they didn't have to put in sidewalks. We really needed them there. It would not be a good idea to say no to sidewalks here.

MOTION BY Mr. Schwartz, seconded by Mrs. Geiger, to not waive the requirements for curbs and sidewalks. The motion carried unanimously.

MOTION BY Mr. Bittig, seconded by Mr. Wilson, to require a 30-foot right-of-way from the centerline. The motion carried unanimously.

Mr. Kent thanked the Planning Commission for their time.

10. YEAKLEY SUBDIVISION – PRELIMINARY PLAN – Jana Eppihimer

GVC reviewed the Yeakley Subdivision Preliminary Plan (reference letter dated July 31, 2003).

Ms. Eppihimer presented the Yeakley Subdivision Preliminary Plan located along Schoffers Road west of its intersection with Rugby Road.

Mr. Wilson stated that in the GVC letter the only thing in bold was the statement about shared driveways. We found that shared driveways were not acceptable. If you look at the minutes for the May meeting they could see where we stood on that issue. We'll pull the minutes for that meeting. Ms. Eppihimer stated that their plan fell under the old SALDO. Mr. Wilson stated that the shared driveway plan was not acceptable under the old SALDO. We felt a cul-de-sac was a better plan even though we do not like cul-de-sacs. Mr. Schwartz stated that looking at the minutes of the May meeting it was very clear that the shared driveway design was not acceptable. Mr. Krafczek asked if that was one big driveway in the middle? Ms. Eppihimer replied that it was. Mr. Krafczek stated it looked like one big parking lot in the middle. Who actually owns the driveway? Ms. Eppihimer stated there would be a shared driveway easement. Mr. Schwartz stated that a looped driveway concept might work for a legal township road making snow removal easier. Ms. Eppihimer stated that sight distance could be a problem with that plan. The speed limit sign for the curve is 15/20 miles per hour. Mr. Bittig stated that this was a 35-mph road.

Yeakley Subdivision continued

Lisa Bingaman of 880 Schoffers Road stated that she had comments to bring before the Planning Commission. Where that driveway or cul-de-sac would come out onto the road sits between two sharp turns, no matter what the speed limit signs say, people would be traveling 40 to 50 mph around those turns. There was no visibility for the driveway. The other issue she had concerns with was storm drainage. They have existing storm drainage problems. Storm water runs from that property across the street into a field and then onto their property. She shared pictures with the Planning Commission members. Mrs. Bingaman stated that the pictures showed the problems from a moderate rainfall. She wanted to present those comments now. The Planning Commission reviewed the pictures.

Mr. Krafczek asked how many acres were there? Ms. Eppihimer stated 3.14 acres.

Mr. Wilson asked for any other comments. Mr. Bittig stated they needed to address the sight distance concern. Mr. Schwartz stated that we thought we gave them direction the last time. Mr. Krafczek stated that maybe they could look at a long skinny cul-de-sac, but we didn't like the shared driveway.

Ms. Eppihimer thanked the Planning Commission.

11. SHELBOURNE SQUARE SHOPPING CENTER – PRELIMINARY PLAN

- Amit Mukherjee
- Robert Bauer

GVC reviewed the Shelbourne Square Shopping Center Preliminary Plan (reference letter dated July 31, 2003).

Mr. Mukherjee presented the Shelbourne Square Shopping Center Preliminary Plan located at the intersection of S.R. 422 and Shelbourne Road. Mr. Mukherjee stated that they are proposing to subdivide 6.2 acres out of the property. Mrs. Geiger asked where that was actually located, near Rays Yamaha? Mr. Bittig stated that it was along the dirt and gravel road. Mr. Mukherjee stated they wanted to subdivide the 6.2 acres for future tenant space. They know that when that happens they will come with Land Development plans.

Mr. Bittig asked if the proposed roadway was designed for both ingress and egress on the eastbound lane of 422? Mr. Mukherjee stated yes. Mr. Wilson asked if they were proposing to build the access back through the lot to the shopping center now? Mr. Bauer stated that yes, originally we were just going to do the subdivision, but in a conference we had with the Township engineer they felt the Township would rather see the road be built now. Mr. Wilson asked if they were planning to build on lot 1 at this time. Mr. Bauer stated that they would bring a land

Shelbourne Square continued

development plan later when they find a tenant. The road would be hugging the easement. Mr. Wilson asked if they wanted to build the road now because their Penn Dot Highway Occupancy runs out in 2005. Mr. Bauer stated yes, they want to attract a tenant and the parcel itself will be a Shelbourne Associate. Mr. Krafczek asked if they would have an agreement for the access to the Shopping Center? Mr. Mukherjee stated that one of the comments by the engineer was about the Cross Access Easement Agreement being established. They would do that.

Mr. Joe Juneniski stated that he had a problem with more traffic going out onto 422. There was a traffic light at the other entrance and he felt that was sufficient. Mr. Schwartz stated that the shopping center was never designed to have just one entrance and exit. It was designed for two entrances in the beginning. The intent was to relieve a lot of the pressure from the other intersection. Mr. Ruff stated that it made a lot of sense having the exit with the proposed Jug Handle from eastbound 422 with more people coming out at the light. It will help to lessen the flow. Mr. Schwartz stated with Home Depot open, sometimes there was a 45-minute wait to get out of the shopping center at the light. Mr. Bittig stated that it would relieve the flow similar to the second exit at the Wal-Mart.

Mrs. Geiger asked if they knew who the proposed tenant would be? Mr. Bauer stated no, they needed the subdivision done before they could market it.

Mrs. Geiger asked if there would be a deceleration lane into the proposed driveway? Mr. Peifer stated that it was on the plan.

Mr. Wilson asked if there were any other issues to be addressed. Mr. Bauer asked for a deferral of the Environmental Performance Standards, Water Resource Study and Environmental Assessment Statement.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend a deferral of the Environmental Assessment Statement (SALDO Section 4.283 as defined in the Exeter Township Zoning Ordinance #500 SECTION 633), the Water Resource Study (SALDO Section 5.99) and submission demonstrating compliance with Environmental Performance Standards (SALDO Section 609) until such time that a Land Development Plan was presented for the actual use of the lot. The motion carried unanimously.

Mr. Wilson stated that originally he did not like the exit lane to 422 because of problems with the traffic coming out onto 422, not that he did not want any access there.

Mr. Bauer stated that they wanted to discuss #7 & #8 on the GVC letter. Mr. Peifer stated that the access drive should be designed as a collector street. Mr. Bauer stated that they would do that work voluntarily. Mr. Ruff stated you have to put the entranceway in where Penn Dot prefers.

Turkey Hill continued

Mr. Wilson stated his concern was with the car lights from the cars using the drive through. They should use shrubs to block the headlights from oncoming traffic. Mr. Oswald stated they could provide for that.

Mr. Oswald asked if they needed to do #8 & #9 on the GVC letter. Mr. Schwartz stated that the Environmental Performance Standards needed to be done, just to document it. Mr. Bittig stated just a one page paper should do it.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend the Board of Supervisors grant a waiver of the requirement for an Environmental Assessment Statement (SALDO Section 4.283 as defined in the Exeter Township Zoning Ordinance #500 Section 633). The motion carried unanimously.

Mr. Wilson asked if they addressed Handicapped Parking? Mr. Oswald stated they would.

Mr. Oswald thanked the Planning Commission.

13. 47th & OAK PARKWAY SUBDIVISION – SKETCH PLAN OF RECORD

- Daniel Laudenslayer
- Gus Kotsakis

GVC reviewed the 47th & Oak Parkway Subdivision Sketch Plan of Record (reference letter dated July 30, 2003).

Mr. Laudenslayer presented the 47th & Oak Parkway Subdivision Sketch Plan located on the southeast corner of 47th St and Oak Parkway. The subdivision was where they had a burned out dwelling. They proposed to make two lots from the one original lot. The original parcel was made of three lots from the Green Tree Acres. The area met the zoning ordinance for two lots. In Mr. Peifer's letter under Zoning for the site triangle they plan to do that. Also for the Environmental Assessment Statement for the property, would they be able to get a waiver? Mr. Schwartz asked if they cleaned up the site, was the site inspected by the Township? Mrs. Franckowiak stated that Greg observed the demolition. Mrs. Geiger asked if they removed all of the other building there? Mr. Laudenslayer stated they cleared everything out.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend the Board of Supervisors grant a waiver of the requirement for an Environmental Assessment Statement (SALDO Section 4.283 as defined in the Exeter Township Zoning Ordinance #500 Section 633). The motion carried unanimously.

47th & Oak Parkway continued

Mr. Laudenslayer stated that the sanitary sewer & utility easement was needed to bring the electric across Lot 2 to service Lot 1.

Mr. Wilson asked if both lots would access Oak Parkway? Mr. Laudenslayer stated yes they would.

Mr. Laudenslayer stated that concerning item #7 for the street, do they need the 54-foot right of way for Oak Parkway, 27-feet from the centerline of the street? Mr. Bittig stated that they should read Section 5.4276, which deals with collector streets. Mr. Laudenslayer stated that they would need to move the building envelope. Mr. Bittig stated that the street does have a lot of traffic. Mr. Laudenslayer asked if the Planning Commission would like to see a right of way of 30-feet off of 47th and 27-feet off of Oak Parkway? That would make it hard for building on Lot # 1. The minimum radius was 30-feet. Mr. Krafczek asked what the square footage of the home would be? Mr. Kotsakis stated 2200. Mr. Bittig stated that the plan showed a 55-foot radius now. Mr. Laudenslayer stated that was what was there now. Mr. Schwartz asked if that was the radius of the right-of-way not the street? Mr. Bittig stated that was correct. Mr. Laudenslayer stated that using the minimum radius, then that would push back the building setback. The easiest thing would be to cut 5-feet off the radius. Mr. Wilson asked what a Zoning Variance cost? Mrs. Franckowiak stated \$750.

Mr. Laudenslayer asked if curb and sidewalks were required? Currently there were none adjoining the property. Mr. Peifer stated that it might cause a drainage problem in doing so. They should ask Clarence Hamm (Highway Superintendent) for his opinion on curbing and sidewalks and go from there.

Mr. Wilson stated that they would need to go to the Zoning Hearing Board for a variance. Mr. Schwartz stated that they could get creative and arrange the house on the lot differently.

Mr. Laudenslayer stated that they would have to wait to see what Clarence has to offer on whether they need to put in curb and sidewalk.

Mr. Schwartz asked if there was storm sewer there? Mr. Laudenslayer stated not in that area. Mr. Schwartz stated that we would have to check with Clarence and get his opinion and go from there. Mr. Wilson asked if we could have an answer for them by Friday? Mrs. Franckowiak stated that we could do that.

Mr. Laudenslayer thanked the Planning Commission.

14. GRIESEMER – INFORMAL DISCUSSION – Rich Hetrich

Mr. Hetrich stated he was there to represent the Griesemers on whether they could build a second dwelling on their property, or would it be best to subdivide the property into two parcels? They would prefer to do separate pieces. They were under the impressions that they needed to get a subdivision plan approved to build a second dwelling. They would like some ideas on which direction to take and how to get it approved. They could subdivide into two tracts; one part being 3 acres and the other tract would be just under 3 acres. Mr. Schwartz stated they would need a variance to subdivide. Mr. Hetrich stated they wanted to find out the best way to do it to not spend too much money in the process. Mr. Schwartz stated that their options were to subdivide or build a second dwelling on the property. Obviously, they can't subdivide. Mr. Hetrich stated that another option is to obtain some neighboring property from a relative to make the second tract meet the 3-acre minimum. Mr. Schwartz stated they wouldn't need much, just ¼ acre.

Mrs. Greisemer stated that they were told at one time that since it was in the family they could just build another house on the property. Then we weren't sure how to get a permit. We have gotten financing for it. Mr. Ruff stated Section 601 in the SALDO "Not more than one structure housing a permitted or permissible principal use may be erected on a single lot unless a development plan is submitted to and approved by the Board of Supervisors". Mrs. Franckowiak stated they could take a development plan to the board with their intentions. They could get on the agenda for the Board of Supervisors meeting August 11th.

Mr. Hetrich asked what the Planning Commission prefers to see. Mr. Schwartz stated that the best course would be to do a legal subdivision. The second course would be a subdivision with a variance. The third choice would be to build the second dwelling on the property. The reason that was the third choice, basically for now, the dwellings were in the family. In the future it may not be that way and it would be hard to subdivide the property.

Mr. Hetrich stated that the best way to proceed would be to acquire the extra land. Mr. Wilson stated that it would be best to see two three-acre lots. Mr. Bittig stated that they would need to do an annexation and subdivision. Mr. Peifer stated with a Sketch Plan of Record. Mr. Hetrich asked if they would not need to go to the Board of Supervisors unless they decided to go with building two dwellings without the subdivision and annexation? Mr. Bittig stated that was correct.

Mr. Hetrich thanked the Planning Commission for their time.

15. MATT BRENNAN – INFORMAL DISCUSSION

Mr. Brennan stated he was returning with another plan for the Brickey Property based on the comments from the last time. He was asking for comments from the Planning Commission to see how the new plan looked before he would continue on to do the Sketch Plan of Record. As before

Matt Brennan continued

He was planning to annex some land to his property, some to his neighbor's property and have two large building lots equally 4+ acres. Previously it was suggested that he get a variance for the road frontage because he had road frontage of 40-feet. Because of that he bought an additional piece of property to bring the frontage up to 60-feet.

Mr. Brennan asked if he could have right-of-way to his property in the rear? Mr. Schwartz asked what the purpose would be to that? Mr. Brennan stated that then he could access to his property at the rear. Mr. Ruff stated that we didn't see any problem with that. Mr. Brennan stated that they had the surveyor out. He just wanted to be sure he covered all the bases before he submitted the final plan.

Mr. Peifer asked if he planned to remove the sheds on the property lines? Mr. Brennan stated yes, he would, one was already removed.

Mr. Brennan asked if they saw any problem with the plan? Mr. Wilson stated they should place a note on the plan that no further subdivision is allowed. Mr. Brennan stated that he would do that.

Mr. Brennan thanked the Planning Commission for their time.

16. LON SEITZ – INFORMAL DISCUSSION

Mr. Seitz stated that he was representing Barrie Pease from Pineland Road. Mr. Pease owned 25 acres on Pineland Road. He presented the plan for a subdivision of that property. Previously the plan went to the Zoning Hearing Board with 18 lots. They received a variance from the Zoning Hearing Board to allow the road into the development thru the Agricultural Preservation District for safe sight distance. Mr. Seitz presented a new plan that would have fewer, bigger lots, a shorter road for the Township to maintain and would provide sanitary sewer for the development. In order to do this plan they wanted to swap land out of the Low Density Residential District back into the Agricultural Preservation District. Mr. Seitz stated that with the old plan there was 17.1 acres of the AP District, with the swap they would get 17.3-acres back. They knew that it hadn't been done before but they felt it would be good planning. They agreed to place on the plan that there would be no further development. With the development change they would have less storm water runoff. The lots would change from 18,000 sq ft lots to over 24,000 sq ft lots.

Mr. Ruff asked how would that legally fit in with the Zoning Hearing Board decision. Mr. Seitz replied there was the problem with that, but he wanted to go in front of the Board of Supervisors on August 11th and he would present the plan to them for their recommendations on how they should handle it. They needed the authority to make the changes with the Zoning. He was looking for the Planning Commissions recommendation to the Board.

Lon Seitz continued

Mrs. Geiger stated that the land goes into a big gully there, how do they propose to work that?
Mr. Pease stated that the gully is just beyond the development. They would have deed restrictions to keep the woodlands at the rear of the properties.

Mrs. Geiger asked what they would do about the water runoff problems that may occur? Mr. Seitz stated that they would be placing infiltration beds to handle the water runoff. Mr. Ruff stated that we like infiltration beds to recharge the ground water in the area.

Mr. Pease stated that they did not want to see any A. P. land be lost in the Township. That was why they felt the land swap would be best for all parties involved. The area to the rear would never be able to be developed because there would be no access to it. They wanted to place deed restrictions concerning that on the plan so it could not be developed. Mr. Krafczek asked why they needed to go to the Zoning Hearing Board originally? Mr. Pease stated because the road into the development was on the wrong side. Mr. Seitz stated that 50 feet of the road was in the AP District. They came to the Planning Commission to gain their support for the land swap. Mr. Ruff stated that it made perfect sense. Mrs. Geiger stated that she was pleased with the plan, as it was now rather than the previous plan.

Mr. Seitz stated that they were not looking for additional relief already granted from the Zoning Hearing Board, just asking for the same relief, but revised a little.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to send a letter to the Board of Supervisors stating that Mr. Lon Seitz presented two plans to the Planning Commission for the development of the Barrie Pease property along Pineland Road. The Planning Commission favors the idea of a land swap of Low Density Residential for Agricultural Preservation in the development of the property. The motion carried unanimously.

17. PALECEK – APPEAL PETITION

Mrs. Franckowiak stated that they received an appeal petition for the Zoning Hearing Board. The Palecek's purchased an apartment building next to their current business. When they originally came into the township for a building permit they assured us that they were not changing the use of the building, which was currently an apartment building. Mr. Schwartz stated that was the one with the big sign in the window for office space. Mrs. Franckowiak stated that they now want to pave the whole lot and we suggested they do a Land Development Plan for storm water runoff. Mr. Bittig added and highway access. Mrs. Franckowiak stated that they maintained it would remain residential. Next thing you know we drive by and there was that sign stating Office Space. They believe that they don't have to do a Land Development Plan. Our position was that it was a substantial change in use and would need the Land Development Plan. They have come back with an appeal petition to the Zoning Hearing Board. Mr. Krafczek stated they would definitely need a

Palecek continued

Land Development Plan. Mr. Schwartz asked if the previous use was residential? Mrs. Franckowiak stated that yes it had always been residential. That was our stand; they would need to go through Land Development with the substantial change in use. Mr. Bittig stated that they would need to follow Section 809 in our Ordinance, where substantial change in use requires a Land Development Plan. Mr. Peifer stated that the Palecek's position was that provision of the ordinance was not in keeping with the MPC. Mr. Schwartz stated that the Zoning Officer ruled correctly, that they were challenging the validity of the Ordinance, not the decision of the Zoning Officer.

Mr. Wilson stated that we agree with the Zoning Officer on the need for a Land Development Plan for the Palecek property. They should do one and we want one. Mr. Bittig stated we should add that it was in keeping with SALDO Section 809 for substantial change in use and that it was consistent with the MPC Section 107.

18. GENERAL DISCUSSION – ZONING HEARING BOARD RECOMMENDATIONS

Mr. Bittig stated that he did attend the Zoning Hearing Board and stated his facts for St. Catharine's. Mr. Bittig stated that the Zoning Hearing Board stated that our letters don't have any bearing on their decision. So he was sworn in as a citizen to give his views on the subject. Maybe one of us needs to be at the Zoning Hearing Board meeting to give testimony. Mrs. Franckowiak stated that the Planning Commission was an advisory board. Mr. Krafczek stated that our Ordinance states that we send our recommendations. Mr. Bittig stated they don't necessarily have to follow them.

19. GENERAL DISCUSSION – POTENTIAL CHANGES TO HOME OCCUPATIONS

Mr. Ruff stated that he wanted to discuss the approach to Home Occupations, doing business in your home. He stated that he felt bad for the guy who wanted to do a business in his garage. He could see an office in the home, but why not have a Home Occupation in a residential accessory structure for a craftsman. Residential accessory structures were allowed by right. Mr. Wilson stated that years ago they received a complaint about people repairing and painting cars in their garage. Mr. Ruff stated that we would still have control over odors and noise coming from residential accessory structures. Mrs. Franckowiak stated that the definition of dwelling unit specifically excludes garages and garage areas. When you have a business in the attached garage and you convert it, then it becomes a part of the dwelling unit. Mr. Ruff stated that he felt it was discriminatory for a craftsman. Why is it when they have an existing building then why is it not allowed to have the business in that structure? He felt the ordinance was too restrictive. Mrs. Franckowiak stated that the setback requirements for accessory structures was less than for dwelling units. When you have someone working from his or her accessory structure closer to

Planning Commission minutes

General Discussion continued

their property lines then you may have problems with the noise. Mr. Ruff stated that he felt there could be some changes made as we do have controls. Mrs. Franckowiak stated that they were working on the new Zoning Ordinance and they were welcome to discuss that to make changes. Mr. Bittig stated that in the MPC no impact Home Occupations were not allowed in residential accessory structures. They were only allowed in the dwelling unit. Mr. Krafczek stated that with the whole element of no impact Home Occupation, if they put them in the dwelling unit, they wouldn't have much of an impact. He believed the whole idea of having them in the dwelling unit and not accessory structures was to keep the impact level low. They would have self-imposed restrictions. Mr. Schwartz stated that as long as they just kept it as a hobby and not charging for the work then that was ok. But if they started to charge for the work, then that would become a problem. Mr. Krafczek stated that as a hobby it would be something that they would not be working on as intensively as they would a business.

Mr. Schwartz stated he would not be attending the September 2nd Planning Commission meeting.

Mr. Wilson asked if there was anything else to be discussed? Mr. Bittig stated they needed to address the Exeter Golf Club Estates Phase VI. Their time was running out. Mr. Schwartz stated that it would be safe to send a letter to reject the plan. Mr. Krafczek stated that we should note that no one showed up tonight, no one presented us with plans to review. Mr. Ruff stated we need to send a letter to the Board informing them that the review period was up at Sept 2 and they should act on it unless an extension was requested by the developer. Mr. Peifer stated they should add the review letter to give them the basis for the rejection.

MOTION BY Mr. Ruff, seconded by Mr. Bittig to send a letter to the Board of Supervisors to inform them that the review period was up on September 2nd for the Exeter Golf Club Estates Phase VI. The Board will need to reject the plan at the August 25th meeting, unless a time extension was granted for the developer. The motion carried unanimously.

Mr. Schwartz stated they had one more item to discuss. Cheryl Franckowiak asked him to check with the Planning Commission about the Daniel Boone Homestead. The Pennsylvania Historical Museum Commission had been in back about a year ago. Since then, they dropped off a plan to Mrs. Franckowiak and needed guidance as to how to proceed with it. In looking at the minutes from the previous meeting for that, they were a bit fuzzy. His recollection was that we were asking them not to go through our planning procedures, but to submit copies, to us, of the plans they were submitting to the state. Was that how everyone remembers it? Mrs. Franckowiak stated they were just putting on an addition to the visitor's center. It was not a substantial change, so they would not have to go through Land Development. Now they are back to check to see how they should proceed. Mr. Schwartz stated that he believed that whatever they submitted to Labor & Industry, we should receive a copy of that for our files. Mr. Ruff stated that the actually parking area was going to remain the same, the roadway was going to stay the same, and the building was going to change a little bit. Mrs. Franckowiak stated that they would receive those plans at the building

General Discussion continued

permit stage. Did they need anything else for them to proceed with the work? Would they need to come before them with a presentation or for final stamp approval? Mr. Schwartz stated that what ever they submit to Labor & Industry, we should get a copy for our file and that would be sufficient.

Mr. Wilson stated that as a reminder for everyone, on Tuesday, September 23rd they would be having a meeting of the Joint Planning Commission. They would like all of the Planning Commission members to attend the meeting. They were heading towards the Final Joint Comprehensive Plan. The meeting time is 7:00 pm. The meeting will be held at the Exeter Township Municipal Building

ADJOURNMENT

MOTION BY Mr. Ruff, seconded by Mr. Krafczek, to adjourn the August 5, 2003 meeting of the Exeter Township Planning Commission at 11:33 pm. The motion carried unanimously.

Respectfully Submitted,

John F. Ruff, Jr., PE
Planning Commission Secretary

lrc

Correspondence to:

BOS: Haney – Conditional Use
BOS: Siegel – Conditional Use
BOS: Shelbourne Square Deferral request
BOS: Shelbourne Square Preliminary Plan Approval
BOS: Turkey Hill Waiver request
BOS: Little View Hill Waiver request
BOS: Exeter Artesian Well Water Treatment Facility Waiver request
BOS: 47TH & Oak Parkway Waiver request
BOS: Pineland Road Land Swap
ZHB: Palecek appeal