

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
MONDAY, NOVEMBER 3, 2003

The Rescheduled Meeting of the Exeter Township Planning Commission was held on Monday, November 3, 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
Richard Littlehales
J.D. Krafczek
Dottie Geiger

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

ABSENT: Paul L. Schwartz

1. MINUTES

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to approve the minutes of the October 7, 2003 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to approve the agenda of the November 3, 2003 Planning Commission meeting as submitted. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

A. AAA EXETER LAND DEVELOPMENT SKETCH PLAN: MOTION BY Mr. Bittig, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.

B. MILLER COMMERCIAL SUBDIVISION – PRELIMINARY PLAN: MOTION BY Mr. Bittig, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.

Approve applications for review continued

- C. FOWLER MINOR SUBDIVISION – SKETCH PLAN FOR RECORD: MOTION BY**
Mr. Bittig, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.
- D. BURKHOLDER – SKETCH PLAN OF RECORD: MOTION BY** Mr. Bittig, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.
- E. BRIAN PUSCH SUBDIVISION – SKETCH PLAN: MOTION BY** Mr. Bittig, seconded by Mr. Ruff, to accept the plan for review as presented. The motion carried unanimously.

Mr. Wilson stated that the first order of business was to welcome Mr. Richard Littlehales to the Planning Commission. Mr. Littlehales term runs out December 2005. Mr. Wilson thanked him for taking the time to volunteer for the position.

The following business was discussed:

4. ROGER KAUFMAN – GREAT OAKS SPRING WATER – INFORMAL DISCUSSION

Mr. Kaufman presented their plan to place a water vending machine in the parking lot of Bowlorama.

Mr. Kaufman stated that they operate five locations with the vending machine. Mrs. Geiger asked what size bottles they would be distributing? Mr. Kaufman stated they would not be distributing bottles; they actually have a bulk vending machine that was approved by the DEP. The shelter houses storage tanks. The customers bring their own bottles to fill from the machine. Mr. Littlehales asked if they would be selling bottles for the customers to fill? Mr. Kaufman stated they offer that at some locations, but Bowlorama and the Bowl Grille did not decide if they had the room to do that. They planned to place the vending machine next to the Bowlorama sign in the front parking lot.

Mrs. Franckowiak stated that Mr. Kaufman needed to know if they would need to do a Land Development Plan or a building permit application. Mr. Wilson asked what was done for the Drive thru news? Mrs. Franckowiak stated they did a building permit for that. Mr. Ruff stated that they already had impervious surface so they would not be increasing runoff. Mrs. Franckowiak stated that traffic and parking was the main concern. Mr. Ruff asked what the projected volume would be at that location? Mr. Kaufman stated that customers typically purchase 5 to 10 gallons per visit, with 200 to 500 gallons per day. Mr. Ruff stated that according to their diagram they

Roger Kaufman informal discussion continued

were not placing the vending machine in a critical parking area. Mr. Wilson asked what their delivery dates would be? Mr. Kaufman stated that they were usually on Monday, Wednesday and Friday mornings. Mr. Wilson stated that the only other comment that would need to be addressed was the back of the building was facing the highway so they would need to check the sign ordinance to see what was allowed. Mr. Ruff asked Mrs. Franckowiak if she was satisfied with the amount of control she would have over the construction and signage with the building permit application? Mrs. Franckowiak stated that she was ok with that. They just wanted to be sure that a building permit would be sufficient for the project. Mr. Ruff stated that it was already a developed site and not really changing much. They did not have to worry about Stormwater Management and traffic was not a problem. In his opinion a building permit covers it. Mr. Wilson asked if we all agree to the building permit. The Planning Commission agreed.

Mr. Kaufman thanked the Planning Commission.

5. LAVENDER - VARIANCE - Jon Lavender

Mr. Lavender stated that they owned a property that was approximately 1³/₄-acres and filed a building permit to do a garage, driveway and basketball court. They wanted to increase the size of the basketball court to accommodate their four children. The problem was that the total allowable paved area for their property was 10% because they have on-site water and on-site sewer. Exeter did not have a sewer line running down Hafer Road. They could run a line down Hafer Road to hook up to the sewer on Gibraltar Road. The cost to that would be \$37,000. They would hate to abandon the sand mound septic system that was only four years old. They were looking for a variance to increase the allowable paved area to 20%.

Mr. Bittig asked what the total coverage on the lot was? Mr. Lavender stated that the total covered area was 25%. So that would leave them with 75% grass area. Mr. Bittig stated that they would be ok if public water and sewer ran up Hafer Road. Mr. Lavender stated it did not, but if it did they would have to connect. The property to the east of theirs had been sold and a 4-lot subdivision was proposed which would have public water and public sewer. Mr. Bittig stated that with public water and sewer 20% would be allowable. Mrs. Franckowiak stated that they could run a sewer line down to Gibraltar Road. They talked to Paul from the treatment plant and they could tap into the main but that would not be the most desirable way to go. They would need to dig up the road right-of-way on Hafer Road. Mr. Lavender's idea was that knowing with public water and public sewer they would be in their rights to do the 20% coverage. It was an unusual situation.

Mr. Bittig asked that with the basketball court being 6,000 square feet, what were they planning to do about the stormwater runoff? The paved area of the court would cause 100,000 gallons of

Lavender Variance continued

water runoff a year. Did they have a county approved E & S plan? Mr. Lavender stated that they did not have an E & S plan because it was under 5,000 square feet originally. They had already strawed and seeded the area. With the stormwater runoff, they were planning to plant 120 arborvitae trees along the front of the basketball court. It would be a barrier wall. They were going to pitch the court at 1% towards the front of the property towards the arborvitae to water the trees. If the water does get past the trees at that point there was a 3,000 square foot grass area that it would run across first. Mr. Bittig asked if they would need an infiltration trench. Mrs. Geiger asked Mr. Peifer what he felt about that? Mr. Peifer stated that they should have good stabilized grass and that was a good way to take away water and also to place a berm along the backside of the arborvitae in front of Hafer Road to pond the water, that would also help.

Public Comment

Mr. Thomas Howell, Hafer Road, stated that there already was a problem with water running down Hafer Road onto Gibraltar Road. It runs down the north side of Gibraltar Road to the catch basin down below. In that area, it ponds out a little bit. If Mr. Lavender adds all that surface on his property there will be a lot more water runoff as far as he was concerned.

Mrs. Geiger stated that they heard Mr. Lavender was planning to have trees, grass and a berm to alleviate any problems with water runoff. Mr. Lavender stated that they would be putting the trees the full length of the court and also 150-ft along the side of their property with the same planting situation between them and the neighbors.

MOTION BY Mrs. Geiger, seconded by Mr. Ruff to recommend the Zoning Hearing Board grant approval for the Variance for Jon & Amy Lavender to allow for 20% total paved area. The motion carried unanimously.

6. AAA EXETER LAND DEVELOPMENT – SKETCH PLAN - Thomas Ludgate
Leon Schwartz

GVC reviewed the AAA Exeter - Sketch Plan (reference letter dated October 31, 2003).

Mr. Ludgate presented the AAA Exeter Land Development Sketch Plan. The proposed development was located on northwestern corner of SR 422 and Pineland Road. Mr. Ludgate stated they would have a more respectable name for the plan at a later date. There were currently two houses sitting on the lots. There were two separate lots, each with a driveway. It is zoned Highway Commercial. They have a residential neighbor so they would have a buffer zone between the properties. What they were proposing were two separate uses sharing parking and an access point. The smaller building was proposed to be a Dunkin Donut/Baskin Robbins and the

AAA Exeter continued

other building would be retail, but they did not have a proposed use yet. They were proposing one entrance onto Pineland Road and would like to get an entrance in and an exit out onto 422. They would be preserving the buffer on the rear and the sidelines. The plan meets the lot coverage, it meets the open area and they believe they would meet the Stormwater Management; they may have to go underground with that.

Mr. Bittig asked if they have a drive-thru planned for the Dunkin Donut? Mr. Ludgate stated that they would definitely have a drive-thru. Mr. Bittig asked what the traffic flow would be? Mr. Ludgate stated that depending on the direction they came from they could access through Pineland Road, go through the drive-thru and go back out the exit onto 422. Or they could exit back out onto Pineland Road. They may need to add a deceleration lane on 422. They haven't approached Penn DOT as of yet. They were still working on where the area of ingress and egress would be. Mr. Peifer stated that the plan was not the plan that was submitted. Mr. Ludgate stated that they had taken the plan to Dunkin Donut and they wanted it changed to show the ingress and egress at those locations.

Mr. Wilson stated that it was a bad section of highway there. There were at least two fatalities at that location. It would be a safety issue. Mr. Ludgate stated that all the entrances would have to be approved by Penn Dot. They would review the plan and give their recommendations. Mrs. Geiger stated they might have a problem with people doing a U-turn at the light to be able to go into Dunkin Donut. She would prefer to see the entrance and exit onto Pineland Road.

Mr. Wilson asked about the 30-ft drop off in the back of the property? Mr. Ludgate stated that they would be building a retaining wall in the rear of the property. Mr. Wilson stated that he was concerned about the amount of fill they would need for the rear of the property. Mr. Ludgate stated that they would be sure to stabilize the site. Mr. Wilson stated that there was also buried trash on that property that they would have to remove before improving the site. The property used to be his parents and when they moved in they needed to push all the previous owners trash into a pit. Mr. Schwartz asked what type of trash was buried there? Mr. Wilson stated that it was household trash.

Mr. Bittig asked what the extent of the impervious coverage was? Mr. Ludgate stated that it was under the total limit. They were supposed to have 25% open area and they were in the high 40's. Total paved area was around 40% and 16% building. Mr. Bittig stated they would need to do a water resource study on that tract. They might need to do an infiltration system for the stormwater. Mr. Peifer stated that the only problem with doing an infiltration system in the rear, would be the 30 foot fill in the back with the retaining wall and the possibility of the stormwater coming through the retaining wall. Mr. Ludgate stated that they could put the infiltration at the bottom instead.

AAA Exeter continued

Mr. Ludgate stated that in the GVC letter it stated they needed to do 30-ft right-of-way, curb and sidewalks. They would do the curbing; however, do they need to do the sidewalks? Mr. Bittig stated that there wasn't any sidewalk in that area now.

Mr. Ludgate stated that they were proposing shared parking and they would have a cross-easement agreement with the two businesses. GVC's review letter stated they need to have a four-foot separation between the two. Mr. Peifer stated that he didn't know if there was any other example of a property line with a middle of the driveway going through it. Mr. Ludgate asked if there was any history of shared parking? Mr. Peifer stated he did not know. Usually, when they have shared parking, it was one big lot.

Mr. Ludgate stated that was all they needed to go over with the GVC review letter. They need to shift the lot lines because the Dunkin Donut does not need the larger lot. Also they have the traffic issues. Mr. Littlehales stated they needed to deal with Penn DOT. Mr. Ludgate stated their next stop would be with Penn DOT.

Mr. Ludgate thanked the Planning Commission.

7. MILLER COMMERCIAL SUBDIVISION – PRELIMINARY PLAN – John Hoffert, PLS

GVC reviewed the Miller Commercial Subdivision - Preliminary Plan (reference letter dated October 31, 2003).

Mr. Hoffert presented the Miller Commercial Subdivision Preliminary Plan. The proposed subdivision was located on the southern side of SR 422 and west of Fairview Chapel Road. It was a three-lot subdivision. Lot #1 consists of a 2-acre tract of land, which was currently vacant, somewhat open area with about 2/3rds existing brush and trees. Lot #2 was the existing Service Electric building and Church all on an 8-acre parcel. The residual tract was 27½ acres in size. Cardinal drive was the main access into the property over all. There was an existing driveway currently on the lot line between Lots 1 & 2. All improvements exist except for the proposal of the new lot. The plan was basically setting up lot lines to place the lots for sale. Lot #2 would be sold to the owners of Service Electric Corporation. Lot #1 would be put up for sale to anyone interested.

Mr. Bittig asked where the access to lot #2 was located? Mr. Hoffert stated that it was Cardinal Drive. There was also a 40-ft access point directly on 422. Mr. Bittig asked if they had the H-O-P for that? Mr. Hoffert stated they were all existing access points. Mr. Bittig stated that they may exist, but do they have an H-O-P for the second access. Mr. Hoffert stated they would research that.

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Miller Commercial Subdivision continued

Mrs. Geiger asked if that was the area where they were excavating? Mr. Hoffert stated they were doing excavation there just to open up the lot a bit. Mrs. Geiger asked if they knew what they did with the dirt and trees in that location? Mr. Hoffert stated he was not involved with the excavation so he did not know the answer to that.

Mr. Hoffert asked for direction on some of the issues in the GVC letter. With item #2 they have a question concerning the community water supply system. The tract had a water main that comes out and services all the buildings in that area. It also extends in front of the Service Electric building. They plan to extend the water supply service to include Lot #1. They understand that the definition of the community water system involves 10 or more residential units. The system exists today serving multiple commercial sites. Was there an interpretation that one would need to qualify as a community water system? Mr. Peifer stated that if it does meet the definition then they would need to demonstrate that; it meets local and state ordinances and regulations that govern water systems.

Mr. Hoffert stated that with comment #3 for the proposed use of lot #1, until the lot was sold they do not know the intended use for the lot. It would be a use permitted by right. There would be a note placed on the plan that at the time of development a land development plan would be submitted.

Mr. Hoffert stated that they show a clear site triangle on existing driveways. The only other question was with the shared driveway. Exeter Township does not allow shared driveways other than for residential. The driveway already exists and it was 30-ft wide, it seems rather silly to put another driveway in to access lot 1. They were not requesting that today, just looking for guidance. Would you be favorable, if requested, to waive that for something already existing? Mr. Peifer stated that they do not have the right to waive that, it was in the Zoning. Mr. Hoffert asked if they shifted the lot line so the entire driveway was completely in lot #1, then would that satisfy the ordinance? Mr. Peifer stated that was correct.

Mr. Hoffert stated that they have a question relative to SALDO. USGS mapping indicated a spot elevation at the intersection of 422 and Fairview Chapel Road. They tied to that for the benchmark. The GVC review letter stated they needed to use a known established benchmark, not a spot elevation. They felt it was acceptable because it was on the USGS map. Would that be acceptable along with the specific elevation? There was no benchmark in that area. They were just asking for an interpretation for that. Mr. Ruff stated that they could put a benchmark on the property and have that placed on the plan. Mr. Hoffert stated that they could get the appropriate datum for an existing concrete monument on the northeast corner of the site and then reference that on the plan.

Miller Commercial Subdivision continued

Mr. Hoffert stated that there was no proposed construction at the site so they would not need to have an Erosion and Sediment Control Plan. There were appropriate notes listed on the plan that if further development was proposed for lot #1 a land development plan must be submitted and reviewed.

Mrs. Geiger stated that comment #7 states that every effort should be made to preserve existing, mature and healthy trees on lot #1. Approximately ½ of lot one was covered with trees. Mr. Hoffert stated that there would be a note placed on the plan.

Mr. Hoffert stated that they assumed the Stormwater Management Plan would only be needed at the time of development of lot #1. Also, concerning the Environmental Assessment Statement, wouldn't that only be needed at time of development? They did not know what was going in on lot#1 and everything else was existing, would that be required along with the Traffic Impact Study and the Water Resources Study? The plan was just for lot lines not development. Would those items be deferred until time of development? Mr. Peifer stated that was correct.

Mr. Peifer asked if they were looking for any waivers? Mr. Hoffert stated that they would like to put that all in writing. They received the review for the plan today, so they would like to revise it and submit waivers that were absolutely necessary.

Mr. Hoffert stated that there was no sidewalk on Cardinal drive. They wanted to discuss the street issue. Cardinal drive had a 40-ft wide cartway with curbing on either side; it terminates at the end of the Service Electric fence. Obviously, future plans submitted showing the layout of that would demonstrate how that would tie in with the rest of the development of the residual tract. It stated in the review letter, cul-de-sacs should be terminated in a turn around. That was an existing situation, were there any modifications necessary for Cardinal Drive to be constructed for the development when in fact it had existing frontage along 422? Lot #2 would be sold to that road right-of-way. Mr. Peifer stated that they might want to talk to the Fire Marshal to see if there were any issues they may need to address. Mr. Ruff stated that if they waive the E & S they would have trouble doing any kind of roadwork in there. Mr. Hoffert asked if there would be a need for roadwork. The two lots have legal frontage and access. Mr. Ruff asked if there was a secondary access? Mr. Hoffert replied there was a secondary access to lot #2 and there was nothing to offer in dedication to Exeter Township. Mrs. Geiger asked if they wanted to develop something off of Cardinal Drive? Mr. Hoffert replied that at next months meeting they would have a layout of the entire residual tract. Mrs. Geiger asked if there was a house at the end of Cardinal Drive? Mr. Hoffert stated they believed it was a commercial use. Are we in agreement that due to the Lots 1 & 2 having existing frontage and access to 422, that no other improvements be required to Cardinal Drive at this time? They would agree that they might need to in the future. Mr. Wilson stated that would occur with the residual lot development.

Miller Commercial continued

Mr. Littlehales asked what the intent would be for the residual tract? Mr. Hoffert stated that it would mainly be residential in nature.

Mr. Wilson asked if there were any other comments or questions. There were none.

Mr. Hoffert thanked the Planning Commission.

8. **AUTHORIZE EXECUTION OF DOCUMENT FOR DEP PLANNING WAIVER AND NON-BUILDING DECLARATION FOR HAFER SUBDIVISION**

Six copies of DEP request for Planning Waiver & Non-building declaration forms were sent to the Township to be signed and dated by the Township Manager and the Planning Commission and be returned to DEP. Mr. Ruff signed and dated the forms and they would be sent back to DEP.

9. **HAFER ANNEXATION SUBDIVISION – SKETCH PLAN OF RECORD**

- John Hoffert, PLS

GVC reviewed the Hafer Annexation Subdivision Sketch Plan of Record (reference letter dated October 29, 2003).

Mr. Hoffert stated that the Hafer Annexation was merely conveyance of two parcels, 1 & 2, to the land owned by Scott L. Hafer and his brother, Greg D. Hafer, being conveyed by Lawrence and Elaine Hafer to their two children. The purpose was to enlarge their existing tracts. They were pre-existing, non-conforming lots and with the annexation it would make the lots more conforming than they were today.

The only outstanding item in the GVC review letter was that they file a disc with the Township and the Township had received that item.

Mr. Bittig stated that they needed to place on the plan the waivers that were granted by the Board of Supervisors. Mr. Hoffert stated that would be done.

MOTION BY Mr. Krafczek, seconded by Mr. Littlehales, to recommend the Board of Supervisors approve the Hafer Annexation/Subdivision Sketch Plan of Record. The motion carried with Mr. Bittig, Mr. Ruff, Mr. Krafczek, Mr. Littlehales, Mrs. Geiger voting in favor and Mr. Wilson abstaining. Mr. Wilson abstained because the parcel was adjacent to his own property.

10. PALECEK COMMERCIAL OFFICE LAND DEVELOPMENT PLAN - Greg Bogia
PRELIMINARY/FINAL PLAN

GVC reviewed the Palecek Commercial Office Land Development Preliminary/Final Plan (reference letter dated October 28, 2003).

Mr. Bogia stated that they wanted to run down some of the comments in the review letter. For comment #1 with the letter on the tank removal, they have corrected the address. On comment #3, they did submit a permit to Penn DOT. With item #4, they talked to Paul Herb from the Sewage Treatment Plan for the sewage connection. For comment #5 to get a letter of serviceability from the governing water company the property currently has a private well and they plan to utilize that, not connect to public water.

Mr. Peifer asked if they had the review from the Fire Marshal. Mr. Ruff stated that in the Ordinance it states that any future construction over 5,000sq-ft would require sprinkling. Since that was an existing structure it would not require sprinkling.

Mr. Bogia stated they were working on the cross easement agreement. The conservation letter was in process along with the H.O.P.

Mr. Bittig stated that all waivers needed to be noted on the plan. Mr. Bogia stated they would be sure to do that.

Mr. Bogia stated that concerning stormwater, it was an existing property and they have put in an underground drain system that has reduced the runoff by 5.30%. Mr. Bittig stated that was good. Mr. Bogia stated they were looking for a waiver of SALDO, Appendix 5, Section I.B.1. (2).

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO, Appendix 5, Section I.B.1. (2), to allow the existing ground cover conditions to be used to compute the runoff, rather than assuming the existing paving and building were cultivated land. The motion carried unanimously.

Mr. Bogia thanked the Planning Commission.

11. FOWLER MINOR SUBDIVISION – SKETCH PLAN FOR RECORD - John Wentzel

GVC reviewed the Fowler Minor Subdivision Sketch Plan For Record (reference letter dated October 31, 2003).

Fowler Minor Subdivision continued

Mr. Wentzel presented the Fowler Minor Subdivision Sketch Plan For Record. The proposed subdivision was located on the northwest corner of Gibraltar Road and Painted Sky Road. They were proposing to subdivide a lot off of the back portion of the property.

Mr. Wentzel stated that they wanted to go over some of the comments in the GVC review letter. The first item was about the existing stone garage; it was a pre-existing non-conforming structure.

The comment about the ultimate right-of-way being offset to what appears to be the existing right-of-way line. They did that so the building would not be sliced off by the right-of-way. Also related to that, the right-of-way line should be concentric with the curb radius. They were trying to find out where that should be located. Mr. Bittig stated that the additional right-of-way needed to be added so that in the future if the Township needed to widen Gibraltar Road then the garage would have to go. Better to do that now than to go thru eminent domain at a later date. We have other artifacts existing in right-of-ways today. Until such time in the future, when the Township would need to do road widening, then nothing would happen. Mr. Littlehales stated that the curve would have to be at the ultimate.

Mr. Wentzel stated that on item #3 where the Planning Commission should determine if they should file an Environmental Assessment Statement, they had the plan viewed by the Environmental Council. The Council commented that when any building was done on Lot 2 an E & S would be needed. They were not planning on doing any construction, just subdividing the lot. They realize there was an existing sewer line cutting through the property and they were planning on relocating that and they would be making use of the existing lateral. They were looking for a waiver of Section 5.514; the lot does not meet the lot depth to width ratio.

MOTION BY Mr. Bittig, seconded by Mrs. Geiger, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.514, lot depth to width ratio for Lot #2. The ratio as shown was that the depth was 0.67 times the width. The motion carried unanimously.

Mr. Wentzel stated that they would address all other issues and thanked the Planning Commission.

12. MEDI-CAP PHARMACY – PRELIMINARY/FINAL PLAN

- Bruce Radar
- John Lutz, II

GVC reviewed the Medi-Cap Pharmacy Preliminary/Final Land Development Plan (reference letter dated October 30, 2003).

Medi-Cap Pharmacy continued

Mr. Radar presented the Medi-Cap Pharmacy Preliminary/Final Land Development Plan located on the northwest corner of SR 422 and Gibraltar Road.

Mr. Radar stated that they had presented the plan for a drive-thru Pharmacy last month. They have cleaned up the plan. They received an approval letter from DEP. Also they have the PA American Water Company letter of serviceability.

Mr. Wilson asked about item #5 in the GVC review letter for the radii of the curb, had that been taken care of? Mr. Radar stated it was noted on the plan.

They were requesting waivers of SALDO Section 4.285, 4.286, 4.243 and 4.244.1.

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.285, Habitats of Threatened and Endangered Species. The motion carried unanimously.

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.286, Historical and Archaeological Resources. The motion carried unanimously.

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.243, cartway widths of streets as it pertains to SR 422. The motion carried unanimously.

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.244.1, right-of-way lines and cartway lines as it pertains to SR 422. The motion carried unanimously.

Mr. Bittig asked if the detention basin was checked out to be sufficient to cover the addition of the Pharmacy? Mr. Peifer stated that the survey revealed that while the outlet structure was installed properly, the basin volume was less than the design volume. It was partially filled in at some point in time. They were proposing to excavate that out. Mr. Radar stated they would be doing that after they received the approval of the Erosion and Sediment Control Plan that was submitted to Berks County. They were waiting for that approval before doing the project.

Mr. Bittig asked where we stand on the project? Mr. Peifer stated that with the calculations of stormwater, by the enlarging of the detention pond, they should be Ok.

Medi-Cap Pharmacy continued

Mr. Radar stated that they were looking for conditional approval so they would not have to continue into the next month. They expected the approval letter from the county before next months meeting and would like to be able to move forward with the project.

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend conditional approval for the Medi-Cap Pharmacy Preliminary/Final Land Development Plan contingent upon receipt of the Erosion and Sediment Control Plan approval letter from the Berks County Conservation District, the improvement agreement letter between the Township and the Developer be acceptable and that the plan indicates commitment on the part of the Developer to return the detention basin back to the original design configurations. The motion carried with Mr. Bittig, Mr. Ruff, Mrs. Geiger, Mr. Krafczek, Mr. Littlehales voting in favor and Mr. Wilson voting opposed.

Mr. Radar and Mr. Lutz thanked the Planning Commission.

13. KARPATI SUBDIVISION – SKETCH PLAN OF RECORD – Steve Bensinger

GVC reviewed the Karpati Subdivision Sketch Plan of Record (reference letter dated October 29, 2003).

Mr. Bensinger stated that they would like to go over some of the comments in the GVC review letter. Comment #1 in zoning for clear site triangle being shown for the existing driveways, the required and available sight distance were not indicated. At last months meeting they discussed that these driveways were already existing and they did not want to go out to measure the site distances because they may or may not meet the required site distances and they were pre-existing. They thought that it was acceptable to the board to show the clear site triangles on the plan. Mr. Ruff asked why they would need to do that? Mr. Peifer stated that they would need to show the required 75-ft site triangle. Mr. Wilson stated that he did not understand why it would be a problem when the driveways already existed. Mr. Peifer stated that it was in the Ordinance; it was up to the Planning Commission. Mr. Wilson stated that it was pre-existing so it would be a moot point. Mr. Peifer stated they should note that on the plan.

Mr. Bensinger stated concerning item #2 under zoning stating that it must be demonstrated that a driveway meeting the sight distance requirements of Section 613.7 can be established for the residue lot. They know that the Board of Supervisors did not support the establishment of a driveway for the residue lot, but they have sent a HOP to Penn DOT. If Penn DOT does not approve a driveway the Board of Supervisors suggested an easement using the existing driveways.

Mr. Bensinger stated that concerning item #5, the Sewage Enforcement Officer visited the site today and informed Mr. & Mrs. Karpati that everything was Ok, but they did not have a letter from him stating that. Item #6 for Sewage Facilities Planning Module on the residue lot, DEP agreed

Karpati Subdivision continued

that the planning module was not needed, as they were not increasing the sewage. At the time of development they would need to do the planning module and the Township would need the EDU's to be paid. Mrs. Franckowiak stated that typically the EDU's were paid with the Building Permit. Mr. Bensinger asked if the Planning Commission was in agreement on the planning module. Mr. Wilson stated that we agreed. Mr. Bittig stated that it should be noted on the plan that when any development would occur on the residue lot they must do a Sewage Facilities Planning Module at that time. Mr. Bensinger stated they would do that.

Mr. Bensinger stated that for comment #9 on the monuments and metal markers, they have set steel pins at the proposed lot corners. The monuments that were indicated in the review letters were to be placed at the right-of-way lines on Shelbourne Road. There would be approximately 3 or 4 monuments that they would need to place. Some of these can be set easily; some would be on the side of embankments. They would like to save their clients some money and not have to set all of them. Sometimes they allowed two consecutive monuments on the same line.

Mr. Wilson asked why they place these monuments. Mr. Peifer replied to delineate the roads. Mr. Ruff stated that the State would need to pay for the survey if they planned to widen the road not Exeter. He felt that two monuments would be enough for any surveyor to establish the right-of-way lines easily. Mr. Bittig stated that one could be placed in the rear corner and one in the front corner at the right-of-way line. Mr. Wilson stated that with the Shelbourne Road situation it does not make sense to place monuments along the road. In this case he would agree, but he did not want to set precedence for the Township. Mr. Littlehales stated that placing the monuments would be a larger hazard than a practicality considering the location.

MOTION BY Mr. Wilson, seconded by Mr. Ruff, to recommend the Board of Supervisors allow the placement of only two monuments on the Karpati Subdivision, one at the back corner and the other being placed on the northeast corner at Shelbourne Road specific to SALDO Section 6.209. The motion carried unanimously.

Mr. Bensinger thanked the Planning Commission.

14. BURKHOLDER – SKETCH PLAN OF RECORD - Stephen Bensinger

Mr. Bensinger presented the Burkholder Sketch Plan of Record, located on SR 422 before the split in Baumstown.

Mr. Bensinger stated that they talked to Mr. Peifer that day. Mr. Peifer indicated they were unable to do a review on the plan and asked them to come in and explain exactly what it was they wanted to accomplish with the Sketch plan. The Burkholders' own the Antique Shop on the north side of SR 422, approximately 7.3 acres. They have three different deeds that create this property. They

Burkholder Subdivision continued

want to cut a lot off with the existing house to give to their daughter. They would annex the back portion to the remaining amount. They had a Land Development Plan, with a detention pond, that was approved. It was shown on the plan because they did not want to lose the right to construct those buildings.

Mr. Bittig asked why they show the Penn DOT highway in the acreage for the lot they are dividing off? Mr. Bensinger stated that the deed includes the Penn DOT highway area. Mr. Bittig asked if Penn DOT never got the title to that piece of 422? Mr. Bensinger stated that it was still shown on the deed of the property and Penn DOT only has a right-of-way through there.

Mr. Peifer stated that the building for the Land Development Plan was never built and more than five years have expired, the Township would have three choices. Let them show it and retain their rights, have them redo it now under the new Ordinance to be sure they were under compliance, or remove it from the plan. Mr. Bittig stated that they should remove them from the plan since they have not been done, because it was more than five years. Mr. Bensinger stated they believed it was more than five years. They do not want to build now. They just wanted to know what their rights were in reference to the Land Development Plan. Mr. Bittig stated that they had lost their rights since the building had not been done and it was over five years since it was approved. Mr. Bensinger stated that they thought they had not lost their rights because it states that if they did not build in five years they would only lose their rights if the Zoning Ordinance had been changed and they did not think it had been changed. That was their legal question. Mr. Bittig stated that he did not believe there were any changes in setback requirements. Mr. Wilson stated that he did not believe it was worded that way. Mr. Peifer stated that after the five years the approval on the plan would become null and void. Mr. Wilson stated that they should not show the Land Development on the plan.

Mrs. Geiger asked if the house was residential use. Mr. Bensinger stated that it was a residence.

Mr. Bensinger stated they would be back next month and thanked the Planning Commission.

15. BRIAN PUSCH SUBDIVISION – SKETCH PLAN - Kevin Gibbons

GVC reviewed the Brian Pusch Subdivision Sketch Plan (reference letter dated November 3, 2003).

Mr. Gibbons presented the Brian Pusch Subdivision Sketch Plan. The proposed subdivision was located on the southern side of Littlefield Avenue. The plan proposes the creation of two new residential lots in addition to an existing dwelling that sits on the subject property at this time. The two proposed lots were designed as flag lots. Their

Brian Pusch Subdivision continued

intent was to sell off unimproved lots. With the purchase of the lots, they would need to address E & S at that time. They would each have their own driveways. The existing home has a wrap-around driveway, which would need to be redesigned. The lots would be on-site water and public sewer.

Mr. Littlehales asked if the lots would have any prep work? Mr. Gibbons stated they would be selling raw ground.

Mr. Bittig asked if they were asking for two flag lots? Mr. Gibbons stated that yes, they were. Mr. Bittig stated there was a legal question with flag lots where they should show that there be no further subdivision.

Mr. Wilson stated that in the review letter it stated there was a discrepancy in the lot corners. Mr. Gibbons stated that at the time of the original subdivision in 1906 that was set up as a buffer, a 10-ft wide alleyway that everyone had access to. Mr. Pusch stated that it was now a row of trees there. Mr. Gibbons stated they would show it correctly on the next plan.

Mr. Gibbons asked about the right-of-way of Littlefield Avenue, what should they show it to be? Mr. Bittig stated that the right-of-way must be the full width. Mr. Peifer stated that the right-of-way should be 30-ft measured from the centerline. Mr. Gibbons stated they would show that on the plan.

Mr. Gibbons stated that they were asking for a waiver of the width to depth ratio for the flag lots.

MOTION BY Mr. Wilson, seconded by Mr. Littlehales, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.514, width to depth ratio for the flag lots of the Brian Pusch Subdivision. The motion carried with Mr. Bittig, Mr. Ruff, Mr. Krafczek, Mr. Littlehales, Mrs. Geiger voting in favor and Mr. Wilson voting opposed.

Mr. Gibbons asked if they could waive the requirement of the E & S until development of the lots? Mr. Peifer stated that they do need to address the stormwater runoff issue. Also they should place on the plan that E & S control approval was needed at the building permit stage. Mr. Bittig stated they needed to do a Water Resource Study.

Mr. Littlehales asked what type of soil was located there? Mr. Gibbons stated that it was shale.

Brian Pusch Subdivision continued

Mr. Gibbons stated they were requesting a waiver of Section 5.84 until time of building permit, Section 6.202, full width paving of Littlefield Avenue, Section 6.203, installation of curbing and Section 6.204, installation of sidewalks.

MOTION BY Mr. Ruff, seconded by Mr. Littlehales, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.84, Erosion and Sediment Control approval, until time of building permit application. The motion carried unanimously.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 6.202 for the full width paving of Littlefield Avenue. The motion carried unanimously.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 6.203 for installation of curbing on both sides of Littlefield Avenue. The motion carried unanimously.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 6.204 for installation of sidewalks. The motion carried unanimously.

Mr. Gibbons asked if they could return with a Final Plan and skip Preliminary? Mr. Wilson stated they could return with a Preliminary/Final Plan.

Mr. Gibbons thanked the Planning Commission.

16. LAND DISPLAYS/APPEAL PETITION

Mrs. Franckowiak stated that Land Displays sent a letter that they were holding off on the appeal to resume negotiations with the Township.

MOTION BY Mr. Wilson, seconded by Mr. Bittig, to send a letter to the Zoning Hearing Board in support of the Board of Supervisors position that we have a sign ordinance, we do have billboards existing and we have an agreement with Lamar Advertising (then Penn Advertising). We would allow them to maintain existing Billboards even though they were not in compliance with the ordinance. They could maintain them but we would allow no more. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Ruff, Mr. Littlehales, Mrs. Geiger voting in favor and Mr. Krafczek voting opposed.

17. ERIC GARDECKI – ZONING MAP CHANGES

Mr. Gardecki returned to the Planning Commission with the proposed changes to the Zoning Map. The project was to have zoning lines follow the property lines, so as to not have one parcel in two or possibly three zoning districts. There were five areas that would not see a change: around the landfill, along 422, Daniel Boone Road, and Pineland Road. The committee did not feel comfortable making changes in those areas and want to discuss them in detail with the Board of Supervisors

MOTION BY Mr. Wilson, seconded by Mr. Bittig, to recommend the Board of Supervisors approve the Zoning Map changes presented that evening with the addition of 5 changes noted on the plan. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Ruff, Mr. Krafczek, Mr. Littlehales voting in favor and Mrs. Geiger voting opposed.

18. OFFICIAL VOTE ON JOINT COMPREHENSIVE PLAN

Mr. Wilson stated that the Joint Planning Commission met October 30th and discussed the Joint Comprehensive Plan. They voted that evening in favor of the plan and wanted to have that vote on record in the Planning Commission minutes.

ON OCTOBER 30, 2003 MOTION WAS MADE BY Mr. Wilson, seconded by Mr. Ruff, to approve the Exeter Township part of the Joint Comprehensive Plan for Amity Township, Exeter Township and St. Lawrence. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Ruff and Mr. Schwartz voting in favor.

Public Comment

Gail Hart, Buddies Nursery, asked if there were any changes or modifications to the plans made after the September 24th Joint Planning Commission meeting? Mr. Wilson stated that there was nothing modified on the Exeter side of the plan. The only changes being made were on the Amity side. Mr. Bittig stated that it does not change the zoning or anything else. Ms. Hart stated that two years after it was adopted it would. In the Pennsylvania Municipalities Planning code it stated that after a Joint Comprehensive Plan was adopted, the zoning would be required, by law, to be changed to match that of the Comprehensive Plan. It may not change the zoning now, but it would once it was adopted. The Zoning would change to whatever you have on the plan. Mr. Peifer stated that the Comprehensive Plan does not take precedence over the existing Zoning Ordinance. Ms. Hart stated that it was being presented to the public that the zoning would not change, however within two years of adopting the Comprehensive Plan the zoning must be changed to match that of the Comprehensive Plan. Mr. Bittig stated that we have three distinct areas that would adopt new Zoning Districts. Mr. Wilson stated that there was the Highway Office/Residential, The Country Club/Conference area and

Joint Comprehensive Plan continued

the Village/Commercial Mixed Use. Ms. Hart stated that she wanted to speak about the dangers of pedestrian traffic on Lincoln Road. At the meeting on September 24th the Village Concept was presented and proposed pedestrian traffic across 422, when she questioned that the next solution was to tunnel under 422 so pedestrians could cross under 422 to get to the proposed Metro Station. We were going to promote pedestrian traffic across 422 in the Baumstown area. She questioned if any of the Commission were at the 422 meetings for the needs study that was held at the Daniel Boone High School where Penn DOT presented concerns of increasing traffic flow on 422 and graded the intersections on how long you waited at the intersection. She could not understand how the Commission could promote pedestrians crossing 422, yet couldn't wait at a traffic light for 5 seconds without getting a failing grade. She felt that was not thought out very well as far as people milling around in a Village Concept. The Village Concept was fine like New Hope and Skippack, those were great places. But to promote the Village Concept in Baumstown on 422 does not make sense. Baumstown was not listed as a Village. What was previously designated as Highway Commercial and Light Industrial were now supposed to be considered a Village. It does not seem logical. A Village was supposed to be rural; this was 422, east and westbound with tractor-trailer traffic. The new plan would have Industrial next to Residential. That was what the new plan was presenting. If you look at the plan, Keystone Mobil Homes and Toms TV remain Highway Commercial, but everything they own now becomes a Village. If you want to make Baumstown a Village then make the whole piece a Village. Mr. Wilson stated that he did not realize there was a small piece not included in the Village. He would have changed that. Ms. Hart stated that they have presented a letter to the Planning Commission and the Board of Supervisors stating their position on the Comprehensive Plan. The Joint Planning Commission was not being consistent with the plan. By approving the plan they would be approving it incorrectly. Mr. Wilson stated that they would correct the plan before it would go to the Board of Supervisors for approval. It would not solve their problem. When he looked at the Village concept, he did not plan on crossing the highway. If Mascaro built the Office Complex on 422, the Village Concept would be good for people to work in the offices and live in the Village. We approved that tonight so we can move on to the next stage. Ms. Hart stated that they did not have a definition for a Village. How can they plan a Village without having a definition for it? Mr. Wilson stated that a Village could have a mixture of everything. We were not trying to punish anyone with our ideas. A Village would not stop them from building a mall. We want to move the plan on to the people who would make the decisions, which were the Board of Supervisors. Ms. Hart stated that it would be hard to agree with something that they did not know what they were agreeing to, it was a concept. Mrs. Franckowiak stated that based on what Ms. Hart was saying, that when we send out notices to people for the zoning changes, what if they object to that, would they

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be given consideration. Mr. Wilson stated that the Board of Supervisors could hear their objections.

ADJOURNMENT

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to adjourn the November 3, 2003 meeting of the Exeter Township Planning Commission at 11:44 pm. The motion carried unanimously.

Respectfully Submitted,

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

lrc

Correspondence to:

BOS: Karpati Subdivision Waiver Request
BOS: Hafer Annexation/Subdivision Sketch Plan of Record Approval
BOS: Fowler Minor Subdivision Waiver Requests
BOS: Palecek Commercial Office LDP Waiver Request
BOS: Medi-Cap Pharmacy Waiver Requests
BOS: Medi-Cap Pharmacy Conditional Approval
BOS: Brian Pusch Subdivision Waiver Requests
BOS: Zoning Map Changes
ZHB: Land Displays/Appeal Petition
ZHB: Lavender Variance request