

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
APRIL 6, 2004**

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, April 6, 2004 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald R. Wilson, Chairman called the meeting to order at 7:30p.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

ABSENT: Paul L. Schwartz

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

1. MINUTES

MOTION BY Mr. Bittig, seconded by Mrs. Geiger, to approve the minutes of the March 2, 2004 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 April 6, 2004 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. ANNEXATION PLAN (KERN/HAFER) – SKETCH PLAN OF RECORD, EXETER AUTOMOTIVE – SKETCH PLAN, KUBOVCSAK – SKETCH PLAN OF RECORD, R. M. PALMER – PRELIMINARY LAND DEVELOPMENT PLAN, GIESSUEBEL MINOR SUBDIVISION – SKETCH PLAN OF RECORD:**
MOTION BY Mr. Ruff, seconded by Mr. Bittig, to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. BARWIS – CONDITIONAL USE

Mrs. Franckowiak stated that Mr. Barwis applied to have an office in his home, located at 330 Pennsylvania Ave. for his construction business. There would be no customers coming to the house. He offered assurance that he would meet all the requirements of the Zoning Ordinance. He contacted all of their neighbors and the replies came back with no concerns. There would be no storage of any construction supplies. Mrs. Geiger asked if he would have any construction vehicles at the home. Mrs. Franckowiak stated that he only had his personal pickup truck, of which he provided a picture.

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

5. FANTASIA-DAVIS – CONDITIONAL USE

Mrs. Franckowiak stated that Dr. Fantasia-Davis submitted a package for a Doctor's office in their home, located at 480 Pathfinder Drive, as a conditional use, which was a use permitted by right. Dr. Fantasia-Davis had applied in 2001 and was given a Zoning Permit to operate an office in her home. The Zoning Ordinance required that it must commence within 6 months of getting the permit, but they started 8 months after getting the permit. She had recently started seeing patient's full time, capping the total at 30 per week. We received concerns from the neighbors about the types of patients that she might see. They were also concerned with the starting time, which had been addressed.

Mr. Bittig stated that the original application had listed 15 to 20 hours per week. Mrs. Franckowiak stated that was the original application and had since changed and was why we asked her to come back in and re-apply. Another concern by some of the neighbors was that she would be seeing sexual predators and offenders in her home. Dr. Fantasia-Davis has assured us that she was not licensed to address those issues. Typically she addressed family issues, stress issues, marriage issues. Mrs. Geiger asked if there would not be any occasion of someone like that coming to their home? Dr. Fantasia-Davis replied, "absolutely not". She had never treated perpetrators of crime or sexual issues, nor did she plan to. She just attended a workshop on assessing dangerousness of individuals. She also had two small children at home along with her 80 year-old Mother. She had a very thorough screening process before clients were even given directions to her home. Mrs. Geiger asked who sends them to her? Dr. Fantasia-Davis replied physicians, surgeons and insurance companies. She did not accept all referrals that were made. Mrs. Geiger asked if she applied prior to building her home. Dr. Fantasia-Davis stated that she had applied before she built her home so she would know if she could build the office.

* J. D. Krafczek arrived at this time

Dr. Fantasia-Davis stated that she had 18 years of experience in providing psychological services. Mrs. Geiger asked why she wanted to set up a home office? Dr. Fantasia-Davis replied because she had two small children and a senior citizen mother. All of her clients were stable, no one severely mentally ill. Mrs. Geiger stated that if they were stable they would not be coming to her. Dr. Fantasia-Davis stated that it depends on how you define stable. Unstable typically means they are not thinking clearly, they are not thinking properly and they are

Fantasia-Davis continued

acting out in ways that are self or other destructive. People like that need to be seen at the larger practices that can also provide medication. She provided directions to her home and where to park.

Public Comment

Mr. Philip Forester, 431 Pathfinder Drive, stated that they did not respond to the letter from Dr. Fantasia-Davis. Their concern was the amount of traffic on the cul-de-sac where children play and questioned if that office in a residential neighborhood was appropriate. Mrs. Franckowiak stated that they needed to keep in mind that the Zoning Ordinance allows for home offices whether it was a cul-de-sac, a dead-end street or a throughway. She was in compliance with the Zoning Ordinance. Offices of professionals have always been allowed. Mr. Littlehales stated that he did not see how one patient's car per hour would increase the traffic significantly. Mrs. Franckowiak stated that she understood what they meant about the kids in the cul-de-sac. We have had problems with kids playing in the cul-de-sac with basketball nets and things like that and they just don't belong playing in the cul-de-sac. Mrs. Geiger stated that they might be concerned about coming into the cul-de-sac and not watching for children playing. Dr. Fantasia-Davis stated that in her directions and verbally, she let them know they must be careful and watch for children playing. She treats a lot of professionals. In her letter she included a summary of the type of people she saw. Mrs. Franckowiak asked Dr. Fantasia-Davis to explain her screening process to the neighbors. Dr. Fantasia-Davis stated that typically she gets a call from a Physician, etc. They would give her some background on the patient. She contacts the client and asks for the type of symptoms they were experiencing. Based on that assessment she determines if she would send out a patient information package, which was seven pages long. She asks questions about their family, any history of legal action, past or present. Also alcohol and illegal substance use, history of hospitalization for surgeries or mental health. When they return that she then would determine if that was something she could work with.

Mrs. Geiger stated that in her directions where they were heading west bound on 422; it said to turn left onto Shelbourne. That would take them into Shelbourne Square Shopping Center. Mr. Littlehales stated that they needed to add the jug-handle for all turns onto Shelbourne.

Mr. Ruff asked if she was presently seeing patients in their home? Dr. Fantasia-Davis replied that yes, she was. Mr. Ruff asked if basically she was planning on increasing the amount of patients she was seeing? Dr. Fantasia-Davis replied that yes, it would be from 20 to 30 patients per week. The Planning Commission suggested submitting a new application and new directions for the Conditional Use package.

Mr. Wilson wanted to state that he was not in favor of that type of situation on a cul-de-sac, but the only rules we have were in our zoning, which allow that.

MOTION BY Mr. Littlehales, seconded by Mr. Ruff, to recommend the Board of Supervisors grant approval for the Conditional Use, which was presently being practiced, to include a slight increase in the amount of patients being seen. The motion carried unanimously.

6. MEISTER SUBDIVISION- PRELIMINARY PLAN - Bill Meister

GVC reviewed the Meister Subdivision Preliminary Plan (reference letter dated March 31, 2004).

Mr. Meister wanted to explain one of the comments in the GVC review letter, item #2 under SALDO, which mentioned the swale. The swale came down through both properties. The note that GVC wanted to have placed on the plan concerning the swale would place restrictions on things that have already been done on the property. They were hoping to not have to place those restrictions there. Mr. Meister passed around pictures to show the area they were talking about. They have already added a fishpond on the property. They were looking for guidance on what note to put on the plan rather than the note suggested by GVC. Mr. Peifer stated that they were not concerned as to what was happening today, but what could take place in the future. They were concerned about someone blocking it off. Mr. Meister stated that there was a pipe and riprap in the area. They could restructure the note on maintaining the swale. Mr. Meister stated that the other issue was for the plan to show the name and seal of the registered engineer or surveyor responsible for the plan. They would do that on the final plan.

Mr. Meister stated that they were looking for Preliminary Plan approval.

MOTION BY Mr. Krafczek, seconded by Mrs. Geiger, to recommend the Board of Supervisors grant approval of the Meister Subdivision Preliminary Plan. The motion carried unanimously.

Mr. Meister asked what to do about the easement for the plan when they go before the Board of Supervisors? Mr. Ruff stated that they would say that the Planning Commission and the Engineer determined that the easement did not need to be shown on the plan, because they were not changing anything or creating a new drainage path.

7. KEMP SUBDIVISION – SKETCH PLAN FOR RECORD - John Huck

GVC reviewed the Kemp Subdivision Sketch Plan for Record (reference letter dated March 9, 2004).

Mr. Huck stated there were minor revisions made to the plan. The subdivision was located on Lorane Road. They were creating new property lines with no improvements being proposed. They were looking for a waiver of the Environmental Assessment Statement.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.283 for an Environmental Assessment Statement, due to the fact there were two existing residential units on the property and they were just subdividing to create two lots. The motion carried unanimously.

Mr. Huck stated that for comment #9 on the smokehouse, it would be moved to the east to be located on one parcel only. Mr. Wilson asked that they be sure to maintain the appropriate setbacks when they do that.

Mr. Huck stated that for item #2 for the gross area of the tract, it says it must be corrected. Mr. Peifer stated that the source of the title does not add up to the area on the plan. Mr. Huck stated that the title line included the area in the right-of-way. Mr. Peifer stated that they could look at that later and clear it up.

Kemp Subdivision continued

Mr. Peifer stated that item #4 states that they would be sharing the water supply and it would continue the arrangement until such time that one (1) of the lots was sold outside of the family. They would need to add a note to the plan stating that. Mr. Huck stated that note 8 showed that.

Mr. Peifer stated that they added the site distance for the driveways to the plan. Mr. Huck stated that the two driveways have been in existence for 40 years. They would continue to use them as they have been. Mr. Peifer stated that the concern was with the extended pad area on the driveway at the barn and how that area was used. Mr. Huck stated they brought pictures to show that. The Planning Commission looked at the pictures.

Mr. Huck stated that for item #5 concerning the ownership questions, they had a copy of a document to submit to the Planning Commission.

Mr. Bittig asked Mr. Peifer where we stand with the plan? Mr. Huck stated that they believed that the appropriate changes have been made on the plan. Mr. Peifer stated that he would need to check the plan to be sure all the changes were correct. Mr. Huck asked if they could get conditional approval for the plan?

MOTION BY Mr. Littlehales, seconded by Mr. Ruff, to recommend conditional approval to the Board of Supervisors for the Kemp Subdivision Sketch Plan for Record upon Great Valleys approved review for the updated plan. The motion carried with Mr. Bittig, Mr. Ruff, Mr. Littlehales, Mr. Krafczek, Mrs. Geiger voting in favor and Mr. Wilson voting opposed.

8. HUBERT A. BRICKEY PROPERTY – SKETCH PLAN OF RECORD

GVC reviewed the Hubert A. Brickey Property Sketch Plan of Record (reference letter dated April 2, 2004).

No one was present to represent the plan so it was not discussed.

9. ANNEXATION PLAN (KERN/HAFER) – SKETCH PLAN OF RECORD - C. Wesley Seitzinger

GVC reviewed the Annexation Plan (Kern/Hafer) Sketch Plan of Record (reference letter dated April 2, 2004).

Mr. Seitzinger presented the Annexation Plan of Kern/Hafer, which was an annexation between two adjoining property owners. The annexation was located on the eastern side of Gibraltar Road south of its intersection with Hafer Road. The Kerns bought the property from their parents in 1986/87. They built a retaining wall and they want to acquire a 16' strip so the retaining wall would be on their property. It was an annexation only. They have addressed all the issues in the GVC review letter except the one concerning the soils. They have the new soils map but they could not read it. There would be no construction there. They changed the setback lines because there was water and sewer. They put the notes on the plan concerning pre and post annexation.

Mr. Bittig stated that with the annexation they could subdivide the Kern lot with two 9,000 sq-ft lots.

Annexation Plan continued

Mr. Peifer stated they would be non-conforming lots. They could ask them to put a note on the plan, no further subdivision. Mr. Bittig stated no subdivision within 10 years of approval. Mr. Peifer checked and stated that was on the plan.

Mr. Seitzinger asked if they could get plan approval?

Mr. Peifer stated that most of the comments in the review letter were either drafting or notes on the plan.

MOTION BY Mr. Littlehales, seconded by Mr. Ruff, to recommend the Board of Supervisors approve the Annexation Plan of Kern/Hafer Sketch Plan of Record. The motion carried unanimously.

10. EXETER AUTOMOTIVE – SKETCH PLAN - Brian Boyer

GVC reviewed the Exeter Automotive Sketch Plan (reference letter dated April 2, 2004).

Mr. Boyer presented the Exeter Automotive Sketch Plan, which was located between S.R. 0422 and Hafer Road between Gibraltar Road and Lorane Road. Mr. Boyer stated that the two-acre parcel was west of the Wawa. They plan on a 5200 sq-ft garage for repairs and a proposed retail space. They plan on doing one preliminary plan for Phase 1 and when they were ready to develop the rest of the property they would return with another Land Development Plan for that. Mrs. Geiger asked if both of the dwellings would be torn down? Mr. Boyer replied yes, with the final development they would. Mr. Boyer stated that with the first phase it would be the garage and the tarot card reader. Mr. Bittig stated that presently it was a non-conforming lot and did not meet the standards of the ordinance and the existing use was non-conforming. The property did not have enough frontage, they needed 150-ft. Mr. Boyer stated they had the required frontage on Hafer Road. It was a reverse frontage lot. Mr. Wilson asked where they were proposing the entrance? Mr. Boyer stated that with Phase 1 they were proposing an entrance to the garage on Hafer Road. When they return later with the retail use they would then need the PennDOT Highway Occupancy Permit. Mrs. Geiger asked what the garage would be used for? Mr. Boyer stated that they would be doing repairs; their other location was for the lubes, etc. The cars would be dropped off to be repaired, then picked up later in the day. Mr. Littlehales asked what the future retail use would be? Mr. Boyer replied that it was unknown. Mr. Ruff asked how much traffic would be going out onto Hafer Road? Mr. Boyer replied that it would be approximately 20 per day. Mr. Bittig stated that the retail use would have to exit onto Hafer Road also, because PennDOT would not allow entrance and exiting onto 422. Mr. Boyer stated that they planned to have an entrance only onto the property from 422.

Mr. Bittig stated that in Zoning Section 704; the proposed use must not be more detrimental with respect to traffic, congestion, noise, etc. Mr. Wilson stated that was for a residential street. Mr. Bittig replied it was. Mr. Wilson stated that it was not, because Wawa was supposed to exit onto Hafer, but they could not because the grade was more than 10%. Mr. Wilson stated that was a commercial property. Mr. Bittig stated that they would have an inadequate deceleration lane into the property. Mr. Peifer asked if they were proposing a one-way in on 422? Mr. Boyer replied yes, they did not want to interfere with the Wawa entrance next to it.

Exeter Automotive continued

Mr. Boyer stated that with item #8 under Zoning, for the through street and the 18 spaces, they would correct that with the preliminary plan. Item #10 talks about the Environmental Performance Standards, which they would do. With item #14, they do have the driveway set five feet off of the property line. With the reference to the deed line, they were still working on the survey. Item #15 for the Environmental Assessment Statement, they would ask for a waiver at the preliminary plan stage. Mr. Bittig stated that the EAS does talk about Stormwater Management. What they were looking at was taking a tract that was largely in vegetation and would be adding impervious coverage. Where would the water go? Mr. Boyer stated that they would be looking at possible underground infiltration. With the Conservation District, since it was more than one-acre disturbance, they might have to look at underground. Item #4 under SALDO for the right-of-way of Hafer Road, was that a collector street? Mr. Peifer stated that under section 5.216, all existing roads right-of-way increase to a 60-ft right-of-way.

Mr. Boyer stated that if they were developing the entire tract they would need to do the traffic study. If they just do the first phase would they need the traffic study? Mr. Bittig stated that they would need the traffic study for the full use. Mr. Peifer stated that the section on traffic study was for a nonresidential land development located within one-quarter mile of an intersection involving an arterial road or two collector roads. Mr. Krafczek asked if phase one would just be coming in off of Hafer Road with no access to 422? Mr. Boyer replied that the Tarot Card reader would have the access off of 422, but the Automotive business would use the access from Hafer Road. Mr. Krafczek asked if they could access the business through the Tarot Card property? Mr. Boyer replied that they would need to drive over dirt and grass. Mrs. Geiger stated they could put up a barricade there. Mr. Boyer asked if they could request the waiver for the traffic study for Phase 1 and then they would do a traffic study when the retail portion was done? Then they would know exactly what type of business would be going into the location and their traffic use. Mr. Peifer asked when they come back with the preliminary plan would it then be just phase 1? Mr. Boyer replied, just phase 1. Mr. Krafczek asked if it would remain one-lot, not a subdivision? Mr. Boyer replied that it would be one-lot. Mr. Ruff stated that if they would come back in five years for the second phase, then there would be a change in traffic compared to today. He felt it would be better to do the traffic study with the second phase. Mr. Krafczek stated that once they know what the future use would be, they could take actual figures. Mr. Bittig stated that he was concerned with the amount of traffic onto Hafer Road, and that the Township would need to improve that road.

MOTION BY Mr. Krafczek, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement for SALDO Section 5.981; the Traffic Impact Study until such time they come in with the second phase of the Exeter Automotive Land Development Plan. The motion carried with Mr. Wilson, Mr. Ruff, Mr. Krafczek, Mrs. Geiger and Mr. Littlehales voting in favor and Mr. Bittig voting opposed.

Mr. Peifer stated that they would need to add a note to the plan that the Traffic Impact Study would be required for the second phase of the plan.

Mr. Boyer stated that with item #11 for the Water Resource Study, they were on public water, so would they be required to do that? Mr. Bittig stated that we're looking at the water balance, they need to get the water back into the ground. Mr. Boyer stated that infiltration was part of NPDES. Mr. Bittig stated that the Water Resource Study should be pretty simple.

Exeter Automotive continued

Mr. Boyer asked about #12, would they need to put in curb and sidewalks? Mrs. Franckowiak stated they were putting it in across the street, but not along the Wawa. Mr. Krafczek stated that if we were worried about infiltration, the more grass the better. Mr. Littlehales stated they should do the curbing. Mr. Wilson stated that they should do the curb to stabilize the area, but not the sidewalk. Mr. Boyer stated they would request a waiver for the sidewalks with the preliminary plan.

Mr. Boyer stated that was all they had and thanked the Planning Commission.

11. KUBOVCSAK – SKETCH PLAN OF RECORD - C. L. Frantz
- Gary Kubovcsak

GVC reviewed the Kubovcsak Sketch plan of Record (reference letter dated April 2, 2004).

Mr. Wilson stated that under zoning item #1 concerning the turnaround for the driveway on the Residue lot, it extended over the sanitary sewer easement. They needed written authorization from the Sewer Authority. Mr. Bittig asked if they had that? Mr. Frantz stated for that home an occupancy permit had been issued and the driveway was in without the turnaround. Mr. Wilson asked if the building permit had a turnaround on it? The file was checked and there was no turnaround on the permit. Mr. Wilson stated that if the file showed no turnaround then it was not needed.

Mr. Wilson stated that with item #3 the preparation of an Environmental Assessment Statement could be waived under Section 4.283 of the SALDO. Mr. Frantz stated they prepared a waiver request for that. The subdivision was a three-lot subdivision, with an existing home on the residue lot. Mr. Bittig stated that they would need that. Mr. Ruff stated that we were concerned with the maintenance of the lawn and runoff into the stream that was behind the property.

Mr. Wilson stated that item #4 for the clear site triangle for Prospect Street; the proposed vehicular turnaround area on Lot 1 extends onto the required clear sight triangle. Mr. Frantz stated that was correct. It was not a permanent structure it was a turnaround. Mr. Bittig stated that there would be a car in there that would block the visibility. People may park there. That was a public safety issue.

Mr. Wilson stated that for item #4 under SALDO lot #2 had a width in excess of its depth. Mr. Frantz stated that they had requested a waiver for that, the depth was 100 and the width was 110 with a total area of 13,414 sq. ft. Mr. Krafczek asked if they needed it to be that size to place a house there? Mr. Frantz replied, yes. They were looking at a redesign of the house due to the electrical line on the property. If they would move the lot line then they would have the problem with the residue lot. Mr. Peifer asked if there was an easement associated with the electric line? Mr. Frantz replied that the house had to be 9-ft from the wire. Mr. Bittig asked if they had a sanitary sewer line through that tract also? Mr. Frantz replied yes. Mr. Wilson asked if they would be able to put a house on those lots without encroaching on those easements? Mr. Frantz replied yes. Mr. Bittig asked if they now show the 30-ft right-of-way on Butter Lane? The new SALDO Section 5.216 stated that existing roadways that were substandard now have to go to a 60-ft right-of-way, 30-ft from centerline.

Kubovcsak continued

Mr. Wilson stated that item #5, the private driveways must be located at least 80 feet from the intersection of the nearest street cartway lines. Mr. Frantz stated that Butter Lane was a collector street and Prospect was a minor street. Mr. Peifer stated that section states that as long as there was a collector involved it was 80 feet. Mr. Frantz stated they would request a waiver for that.

Mr. Wilson stated that item # 7 states that the Township should determine if the stone curb that exists should remain or be replaced. If they would be upgrading the sidewalks then the curb should also be replaced.

Mr. Bittig stated that with item #9 for the shade trees, they were showing species from the old tree list. They would need to get the new street ordinance that showed the approved tree list for their landscape plan.

Mr. Peifer stated that they were proposing infiltration trenches on at least two lots. Mr. Frantz stated that they have that on the residue lot also. Mr. Peifer asked if they were flowing to the street? Mr. Kubovcsak replied that they were gravity fed to the street. Mr. Frantz stated that the pipes were the retention facility. Mr. Peifer stated they should connect to the stream. Mr. Frantz asked if that wasn't against the ordinance? Mr. Peifer replied that it would require a waiver. Mr. Bittig stated it would be a better alternative.

Mr. Peifer stated that he was still reviewing the flood plain study. Mr. Bittig stated that we were interested in what the HEC-RAS analysis had to say. We want to see the delineation of the flood plain. According to the FEMA flood plain maps, the entire area is in the flood plain. Mr. Peifer stated that flood plain map showed it in Zone X. Mr. Peifer stated that they would need to go to FEMA to get the mapped changed. Mr. Frantz stated that they would do that.

Public Comment

Donald Klopp, 2904 Filbert Street, stated that the intersection floods at Prospect and Butter Lane and tops over and runs down to the stream. Last week when it rained, and it did not rain hard, their sump pump was working hard. Mr. Wilson asked if the creek overflowed onto their property? Mr. Klopp stated that they had never seen the creek overflow. With hurricane Agnes it had come up to the top; but, the sewers backed up. Mr. Bittig stated that they were getting stormwater intrusion into the sewer system. Mr. Klopp asked how they planned to sewer the property? Would they be crossing the stream? Mr. Frantz replied that they were putting grinder pumps to force feed down to the manhole. They would be going into the manhole in the street area. Mr. Klopp stated that the manhole overflows too. Mr. Wilson stated that they have the letter from the Antietam Valley Municipal Authority, which states they would need to put in the grinder pump. They did not have any objection to adding that to their system. Mr. Klopp stated that the watercourse behind their property was expanding all the time. They moved there in 1963 and at that time they could take two steps across the watercourse, now it's around 10-feet wider.

Mr. Wilson stated that was all of the comments in the letter. Mr. Bittig stated they had a number of issues they needed to comply with. Mr. Wilson stated it all depended on the flood plain delineation from FEMA. Mr. Ruff stated they also needed to address the clear site triangle for the driveway. Mr. Frantz stated that they can't move the driveway and were going to request a waiver for that. Mr. Wilson stated they might only be able to build one house instead of two.

Kubovcsak continued

Mr. Kubovcsak stated that he wanted to address the Planning Commission. He was the owner of the property. He felt he was being treated unfairly. They had done the wetland study and then needed to have it done a second time with considerable expense involved. Mr. Frantz stated that it was a flood plain study, not wetlands. Mr. Peifer stated that they needed to have that resolved by FEMA before they could continue with the subdivision plan. Mr. Bittig stated that right now it was considered a flood plain area by FEMA.

Mr. Kubovcsak stated that all they were asking for was two homes and we were making them put in sidewalks and curbs. Mr. Bittig stated that they were taking one lot, which already has one house and wanted to put in three. Mr. Kubovcsak stated that if they did not build on that lot then it would remain without sidewalks and curbs. They felt that it was an unfair burden for them to have to do that. Mr. Wilson stated that anytime someone wants to develop a property, then improvements have to be made. Mr. Bittig stated that these lots were the missing links to complete sidewalks in that neighborhood. A neighbor stated that on that corner the high school kids waited for the bus and the sidewalks would be a much-needed improvement there.

Mr. Kubovcsak asked if they could discharge water from the rain leaders to the street? Mr. Bittig stated that they would need a waiver for that.

12. R. M. PALMER – PRELIMINARY LAND DEVELOPMENT PLAN - Barry Weaver

GVC reviewed the R. M. Palmer Preliminary Land Development Plan (reference letter dated April 2, 2004).

Mr. Weaver stated that the plan they brought with them had some revisions. They would bring the lighting and landscape plan in with the next submission. Concerning the items listed under Zoning, item #3 for the Environmental Performance Standard, they would address that. Mr. Bittig asked what was currently on that property. Mr. Weaver stated it was a vacant lot. With item #9 concerning the slopes, the existing slopes were there from when the original property was excavated. They would not be disturbing anything. For item #10 they would do the Environmental Assessment Statement. For item #11, the Architectural Design Drawing would be submitted in the future. Under SALDO, item #4 concerning the trees, the trees around the perimeter would remain. There was one tree that would have to be relocated and they would do that. It would be shown on the landscape plan. With item #8 concerning slopes, would they need to do conservation easements?

Mr. Peifer replied if those were man made they would not apply. For item #9, the Traffic Study would be prepared. On item #12 they would prepare a Water Resource Study. Mr. Weaver asked for item #13, would they need to increase the right-of-way of Dennis Drive and Vanguard Drive? Mr. Ruff stated that they should show it, or they would need to request a waiver. Mr. Wilson asked if there were streetlights down there?

Mr. Weaver stated that there were streetlights on Vanguard. They would have lighting on the parking areas and the building. Mr. Peifer asked if there would be truck traffic in the evening? Mr. Weaver replied yes, in the busy season. Mr. Wilson stated it would be good to have a streetlight at Vanguard and one at Dennis.

Mr. Weaver stated that they were requesting a waiver of the maximum radius of 35 feet. They were showing a radius of 55-feet to accommodate the truck traffic. Mr. Ruff stated that it was a zoning issue, not in the SALDO. They would need to go for a variance with the Zoning Hearing Board.

R. M. Palmer continued

MOTION BY Mr. Ruff, seconded by Mr. Bittig to recommend the Zoning Hearing Board allow R. M. Palmer Company to have a 55-foot radius on the driveway to accommodate the tractor-trailer traffic. Zoning Section 615.3, states that the maximum radius allowed was 35-feet. The motion carried unanimously.

Mrs. Franckowiak stated they would check to see if that would be needed.

13. GIESSUEBEL MINOR SUBDIVISION – SKETCH PLAN OF RECORD - David Giessuebel

GVC reviewed the Giessuebel Minor Subdivision Sketch Plan of Record (reference letter dated April 6, 2004).

Mr. Giessuebel stated that they had an eleven-acre parcel along Butter Lane near Old Friedensburg Road. They planned to subdivide a 3-acre parcel for future residential use.

Mr. Wilson stated they should go over the GVC review letter. Mr. Peifer stated that item #3 under Zoning pertains to the portion of their property that was on the north side of Butter Lane and then a portion of PA American Water Company owns property on their side. They might want to have the lines straightened out to make the lots conforming. Mr. Giessuebel stated that they could talk to the Water Company about that.

Mr. Wilson stated that there was a previous subdivision, the Oswald Subdivision, that that property was a part of and on the plan it states “any further subdivision of a tract recorded under this section would require a review of the plan prepared in full accordance with the Major Subdivision procedures of the Land Subdivision Ordinance of that time.” Mr. Peifer asked if it had a ten-year limit on it? Mr. Wilson replied that it did not. Mr. Peifer stated that they would need to bring in the plan as a Preliminary Plan not a Sketch Plan of Record. Most of the items in the review letter do come from the Preliminary Plan section, but not all of them.

Mr. Giessuebel stated that with item #5 for the driveway being over 10%, they would pave that. Mr. Peifer asked about the condition of the driveway? The plan shows the trees encroaching on the driveway. Mr. Giessuebel stated that the driveway already existed and goes up to the foundation of the house. Mr. Peifer asked if the house was an old house? Mr. Giessuebel stated that it was currently under construction. It would be built this summer. Mrs. Geiger asked how many lots would there be? Mr. Giessuebel replied two lots. Mrs. Geiger asked if they would be selling that to a developer? Mr. Giessuebel replied that they would sell the residue lot to someone who would build a single residence there. In the Rural Conservation Zone they were allowed a three-acre minimum. For item #6 needing an easement, the plan was incorrect. They had a survey done that would show that.

Mr. Giessuebel stated that with item #20 concerning curbing and sidewalks, they would need guidance with that. Mr. Wilson stated that the other homes in the area were wooded down to the street. Mr. Giessuebel stated that they would have to put sidewalks over the stream. Mrs. Geiger asked if they had shoulders there? Mr. Giessuebel stated they were only around eight inches wide. Mr. Bittig stated they would need to get a permit from DEP to put a driveway across the stream. Mr. Giessuebel stated they had already done that. They were waiting for the GP permit for the pipe. Mr. Peifer stated that the new driveway should meet all the standards and some of the sections were steeper than the maximum allowed by the ordinance. Mr. Giessuebel stated that they had a driveway permit two years ago and it was already installed. They would be paving that.

14. MIRAVICH – VARIANCE REQUEST

John Joseph Miravich was requesting a variance from the Zoning Ordinance to build an attached garage to their home located at 123 Old Friedensburg Road. They were seeking relief of Section 403.4 for the building setback and Section 705.4, as the residential home will be more non-conforming due to the expansion. The unnecessary hardship would occur if the variance were not granted as the unique physical features of the property prevent an attached garage because the setback requirements were established after the residential home was built. An attached garage cannot be developed in accordance with the current Zoning Ordinance.

MOTION BY Mr. Krafczek, seconded by Mr. Littlehales, to recommend the Zoning Hearing Board grant the variance request by John Joseph Miravich, given the current layout of the house, it would be architecturally hard to put the garage anywhere else. There would be no harm by adding the addition that maintains the continuity of the home. The motion carried with Mr. Wilson, Mr. Krafczek, Mrs. Geiger, Mr. Littlehales voting in favor and Mr. Ruff, Mr. Bittig voting opposed.

Mr. Bittig and Mr. Ruff stated that they could not see a hardship.

15. DISCUSS DATE FOR ZONING WORKSHOP

The Planning Commission was unable to set a date with the available opening dates for the meeting room. It was agreed they would set a date for the next Zoning Workshop at the May 4th Planning Commission meeting.

ADJOURNMENT

MOTION BY Mr. Ruff, seconded by Mr. Krafczek, to adjourn the April 6, 2004 meeting of the Exeter Township Planning Commission at 11:00 pm. The motion carried unanimously.

Respectfully Submitted,

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

lrc

Correspondence to:

BOS: Barwis Conditional Use
BOS: Fantasia-Davis Conditional Use
BOS: Meister Subdivision Preliminary Plan Approval
BOS: Kemp Subdivision Waiver and Plan Approval
BOS: Hafer/Kern Annexation Plan Approval
BOS: Exeter Automotive Land Development Waiver Request
ZHB: Miravich Variance request

