

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
NOVEMBER 1, 2004**

The Rescheduled Meeting of the Exeter Township Planning Commission was held on Monday, November 1, 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
Paul L. Schwartz

OTHERS IN ATTENDANCE: Joseph Rogosky, GVC Consulting Engineer
Cheryl Franckowiak, Zoning Officer
Linda Cusimano, Recording Secretary
Eric Gardecki, GIS Administrator

1. MINUTES

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to approve the minutes of the October 5, 2004 Planning Commission meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mrs. Geiger, seconded by Mr. Bittig, to approve the agenda of the November 1, 2004 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. **MILLER SUBDIVISION – SKETCH PLAN; PAULEY ANNEXATION – SKETCH PLAN OF RECORD:**
MOTION BY Mr. Ruff, seconded by Mr. Schwartz, to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. JOHN SPENCER – ZONING CHANGE REQUEST – Eugene LaManna, Esq.

Mr. LaManna stated that he was an attorney representing John Spencer, who filed a petition to rezone property. They actually wanted to change the zoning map. In the petition they had a map attached showing the area they were requesting to have rezoned. It ran along Shelbourne Road and Rugby Road and bordered property up to Stonetown and Schoffers Road. Mr. Spencer's property sat in the middle of the Cohen Tract. There have been proposals regarding the Cohen Tract brought before the Board. When that was brought to the Board, Mr. Spencer came to him and they analyzed the area. Looking at the area that was outlined, all of the development in that location was currently single-family detached residential. The undeveloped property which was essentially the Cohen Tract, was zoned Medium Density Residential, which would allow, under the

Spencer rezoning continued

current zoning, a very intense use of the Cohen Tract. The Property south of Rugby Road was zoned Suburban Residential 1, which allows single-family, detached residential. They were proposing to extend that zone south of Rugby road and move it in a northerly direction along Shelbourne, Brookside Court, Schoffers and Stonetown Road. Then the actual use of the ground would be in conformance with the proposed zoning. They would then request that the Harlan Cohen piece be allowed to be developed as single-family detached residential. The benefits to the Township would be storm drainage, streets, fire, police protection, etc. Currently they could have intense development in the center of single family detached. They believe that honoring that request to rezone would not cause any "spot zoning" and would be good long term planning for the Township.

Mr. Wilson asked what the size of the Spencer lot was? Mr. LaManna replied 3 to 4 acres; the Cohen Tract was 21 to 25 acres. Mr. LaManna stated that he did not want to focus on the Cohen Tract, but that was the catalyst for the rezoning request. The proposal for town homes to be placed on the side of a hill could cause huge stormwater issues. Mr. Bittig stated that the proposed change would preclude three existing uses by right for that area. It would preclude single-family semi-detached, two-family detached and town homes, not just one use. Mr. LaManna stated they understood that, but that it would provide for single-family detached residential and that was 100% of the existing use in the area, except for the Cohen Tract. Mr. Wilson asked if they saw the letter from Mr. Cohen? Mr. LaManna replied they had not. Mr. Wilson gave them a copy. Mr. LaManna stated that they understood that Mr. Cohen would be opposed to the proposal because he had a vested interest in trying to maximize the value of his land by trying to make the most intense development possible. They were appealing to the long term planning issues in Exeter Township. It would be detrimental in allowing townhouses, semi-detached or duplexes in that area. It would result in a decrease in the ratables in the area. Mrs. Geiger stated that allowing townhouses would not be good for the traffic flow. Currently Rugby road was a "mess". With all of the development in that area, it already had increased the flow of traffic. The roadways have not been improved, nor should they have to be. It would be asking for trouble in allowing multi-dwellings in that area. Mr. Bittig stated that should the Commission recommend the change to the Supervisors, by the time they go through the process, Mr. Cohen and the developers could have a plan in and there would be no way to stop it. It would be a matter of timing. They could not do an ordinance change within two months. Mr. LaManna stated that they were aware of the timing. They would deal with the legal issues in the courts. Mr. Bittig stated that the Township would have to deal with it, not the individual. Mr. Schwartz stated that it appeared that everything in that tract had been developed. Mr. Cohen's might be the last undeveloped property in the entire area. Mr. LaManna stated yes, absolutely. Mr. Schwartz asked how does that not constitute "spot zoning"? That would be the only property affected by the rezoning. Mr. LaManna replied that it did not. "Spot zoning" deals with the Township in the aggregate and all they were requesting the Township to do was to move the zoning lines in a northerly direction, they were not singling out a particular piece. Mr. LaManna stated that if they asked the Township to rezone the Cohen property that would be spot zoning. With asking the Township to move the zoning line to encompass a large area, which was merely an extension of zoning to reflect the actual use of the property, that was not "spot zoning". Mr. Schwartz stated that it would only affect one property, so that would be "spot zoning" and the Township might be in court because of it. Mr. LaManna stated that they were only asking the Township to do what would be the right thing to do concerning the long term planning of the Township and not whether or not something would or would not go to court. Mr. Ruff stated that the minimum size of a parcel that allowed Townhouses in the current zoning was 5 acres. Did they have any idea how many 5 acres or more properties that were located in that area?

Spencer rezoning continued

Mr. LaManna replied that there might be one, Mr. Smolkowicz's property, which had 7 acres.

Public Comment

Theodore Smolkowicz, 91 Rugby Road, stated that concerning the concept of "spot zoning", if they added up some of the properties, they could be sold and aggregated. Then they would be able to build town homes. So that could not be constituted as "spot zoning". Mr. Ruff stated that they would have to do an annexation. We were concerned about the legalities of the request. We need to create a legal defense. Mr. LaManna stated that we were creating legal "bugaboos" that do not exist. Mr. Ruff, Mr. Schwartz and Mr. Littlehales agreed that they did exist. Mr. LaManna stated that "spot zoning" was a "red herring". There would be 1 to 3 parcels that would be adversely affected by the request and that did not constitute "spot zoning". It did not mean that just because there was one property affected it was "spot zoning". Mr. Schwartz stated that it would be up to the courts. In their petition, all the reasons they state applied to the Cohen Tract.

* J. D. Krafczek arrived at this time.

Ruth Benderoth, 331 Shelbourne Road, stated that they were confused how the small parcel was zoned SR1, in the first place. Wasn't that "spot zoning"? Mr. Ruff replied that the area was zoned MDR. The Planning Commission had the Zoning Map put up so they could see the area in question. Mr. Wilson stated that the area was MDR, but they chose to build single-family homes there.

Mr. Littlehales quoted the Pennsylvania Supreme Court decision in the case of Schubach v. Silver (1975) "It is well settled that an ordinance can not create an "island" of more or less restricted use within a district zoned for a different use or uses, where there are no differentiating relevant factors between the "island" and the district....thus, singling out of one lot or a small area for a different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the owner of that lot or to the economic detriment, in invalid "spot zoning". Simply put (from the Schubach decision) "spot zoning" is considered to be: a small area of land singled out and treated as an "island" of use for more or less restrictive use without any differentiating relevant factors between the island and the surrounding district." Mr. LaManna stated that the case was precisely supporting their position. They were not singling out any particular ground for different use. They had delayed the discussion of the petition so the Township Solicitor, Mr. John Hoffert would be at the meeting, but he was not. As they stated earlier they were just asking the Township to do what would be the right thing to do concerning the long term planning of the Township. Mr. Wilson stated that when they make a motion, they would just be passing that along to the Board of Supervisors. It would ultimately be a Supervisors issue.

Mr. Koch stated that he represented Mr. Cohen. Without belaboring the points discussed earlier, obviously the Planning Commission had identified the petition for what it was. It was a petition that was designed to rezone his clients' property. Mr. Spencer was located in the middle of the tract of ground. Mr. Spencer was asking the Township to do that which they could not do for themselves. Mr. LaManna had indicated that the petition was brought on by the Cohen Tract. Mr. Koch's client was opposed to the rezoning. The area was zoned MDR, and just because the surrounding property had been developed as single-family, that did not mean it should not be developed as MDR. There would be three potential uses that would be lost, as pointed out by Mr. Bittig. Those uses should not be tossed out.

Spencer rezoning continued

MOTION BY Mrs. Geiger, seconded by Mr. Schwartz, to recommend the Board of Supervisors consider rezoning the tract as shown on the map provided in the petition by John Spencer, from MDR to SR1. The motion failed to carry with Mrs. Geiger, Mr. Wilson, Mr. Littlehales voting in favor and Mr. Schwartz, Mr. Krafczek, Mr. Bittig, Mr. Ruff voting opposed.

Mr. Schwartz stated that there were enough “teeth” in our Zoning Ordinance to restrict the use of that particular property without “muddying” the water on our Zoning Map. We have steep slope requirements, stormwater requirements, etc. They would cover the issues on that piece of property. We should not need to change the zoning to handle that. If a multi-unit residential development comes across our table, we would apply our zoning strictly and they would need to comply with that. Mr. Ruff stated that it was not Mr. Cohen’s fault that all the other developers chose to put single-family dwellings in. The zoning was in place a long time, someone else could have put town homes in, but they chose not to.

Public Comment

Barry Ziegler, 15 Longview Drive, stated that they were concerned with the fact that they have wells and if the property were covered with pavement, what effect would it have on their wells and who would have to pay for that? That was something that was very important to the surrounding neighbors with wells. Mr. Schwartz replied that there was a section in the ordinance that covers ground water resources.

Ruth Benderoth, 331 Shelbourne Road, asked if it would be the developers’ responsibility to insure that the water runoff from their development was held in retaining ponds? If in the future they would find that their basements were flooding (more than now) or that their wells would dry up, would the board hire a litigator to go to the developer to sue them? That would come out of their pockets. As residents of Exeter they count on the board to hold their interest in hand. Shelbourne flooded with all the rain they have had and people told them that it did not happen before all of the development occurred in the area. That would also be a problem.

Mr. Schwartz stated that under the new ordinance, we have better stormwater controls. Mr. Bittig asked how large was the Cohen Tract? Mr. Koch replied 26 acres. Mr. Bittig stated that they would need to take two acres off due to the steep slopes. Mr. Koch stated that they were aware of the limiting factors to the tract. Mr. Bittig stated that they might be able to put in 120 Town homes or almost 100 single-family homes. There might be a difference of 20 units.

5. GUS KOTSAKIS - INFORMAL DISCUSSION – Gus Kotsakis Daniel Laudenslayer

Mr. Laudenslayer stated that Mrs. Betty Carter, 549 Lincoln Road, had a dilemma. They had too much land to take care of and were hoping to sell some off. They printed up some ideas for the property and wanted to get ideas from the board on how best to develop the land. Mrs. Carter would like to keep the barn (which was non-conforming) for storage. The best place to access Lincoln Road, for site distance, was where the existing gravel drive was located. The size of the parcel would allow for three or more homes on a cul-de-sac, but they would prefer to make two lots that would share the access point with the existing property owners’ driveway onto Lincoln Road. The Zoning Ordinance allowed flag lots, but it mentioned that it must meet the SALDO and the

Gus Kotsakis informal continued

permission of the Planning Commission. They were looking for support from the Planning Commission. Mr. Schwartz stated that he did not like that the houses in the rear could look into the bedrooms of the house in the front. It ruins the privacy for the homeowners. Mr. Laudenslayer stated Mrs. Carter would be in living in the front home so was aware that someone would be living behind her. They could provide screening and move the one house over to help with that. They exceeded the lot depth to width ratio. Mr. Ruff asked what the property was zoned? Mrs. Franckowiak replied SR2. Mr. Ruff stated they could slam a lot of homes in there. Mr. Bittig stated they could put in nice homes. Mr. Kotsakis stated that there were some nice trees in the rear of the property that would be saved.

Mr. Laudenslayer stated that zoning stated they needed 30-ft of frontage, and then there was a reference to the section in the SALDO, which stated they had to have a 30-ft flag. There was also a point in zoning that the flag had to support the width of a service alley, which was 12½-ft on both sides of centerline. Which would be 25-ft wide. Mr. Schwartz asked what they had there? Mr. Laudenslayer stated they had 30-ft at the road and it narrowed near the barn. Mr. Schwartz asked if the barn could be moved? Mr. Kotsakis replied no, if they tried to move it, it could collapse. They wanted input before they brought in a plan to the Township. Mr. Wilson stated that he felt those types of properties could cause more problems for the Township. Where would the driveways access Lincoln Road? Mr. Laudenslayer replied that they would like to use one common area that all three driveways would connect to one point of access to Lincoln Road. They would provide an easement. The Planning Commission agreed that they preferred two additional homes instead of putting in the amount allowed by zoning.

**6. DUTCH COLONY – INFORMAL DISCUSSION - Mr. Robert Ludgate, Sr.
Ken Wagner**

Mr. Ludgate stated that the proposed restaurant was the same except for the change in the entrance. The hotel would be reduced from 64 to 58 rooms. The separate banquet area was now combined with the lounge. They had an outdoor terrace for dining. Mr. Wagner stated there would be 100 less seats overall. Mr. Ludgate stated there would be less parking and paving requirement. The retail pad was enlarged 500-sq.ft. They would be saving green space. They were requesting permission to proceed directly to Final Plan. Mr. Schwartz asked if the indoor pool would have a connection? Mr. Wagner replied it would have a breezeway. They would have far less disturbance than the original plan. It would be more practical. They had the approved H.O.P.

MOTION BY Mr. Schwartz, seconded by Mrs. Geiger, to recommend permitting Dutch Colony to proceed with revised Final Plan per the Sketch Plan provided. The motion carried unanimously.

7. EXETER COMMUNITY LIBRARY – PRELIMINARY PLAN - Mr. Robert Ludgate, Sr.

GVC reviewed the Exeter Community Library Preliminary Plan (reference letter dated October 29, 2004).

Mr. Ludgate stated that there was one bold comment in the review letter. There were a number of minor issues to be dealt with. Mr. Wilson stated that the bold comment concerned the detention basin. Mr. Ludgate stated that they had a glitch in calculations. They showed the rainfall as more intense for post development than pre-development. They would correct the glitch in the calculation and they would comply with the ordinance.

Exeter Community Library continued

Mr. Bittig asked what the available sight distance for the driveways would be? Mr. Ludgate replied that with the driveway placed on the curve, the sight distance would be unlimited in both directions. Mr. Wilson asked if they had the sewer and water company letters? Mr. Ludgate stated they would come in due time. Mr. Schwartz stated that they could defer those issues to Final Plan.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend the Board of Supervisors grant conditional approval for the Exeter Community Library Preliminary Plan with the condition that all outstanding issues would be resolved at Final Plan Stage. The motion carried unanimously.

8. GIESSUEBEL SUBDIVISION – PRELIMINARY/FINAL PLAN – Dave Giessuebel

GVC reviewed the Giessuebel Subdivision Preliminary/Final Plan (reference letter dated October 27, 2004).

Mr. Giessuebel asked if there would be any questions before he asked for Plan Approval? Mr. Ruff asked if all the comments were addressed? Mr. Giessuebel replied that the plan would be signed and sealed. The deed restrictions were on the plan. They would provide the arc-view shape file.

MOTION BY Mr. Ruff, seconded by Mr. Schwartz, to recommend the Board of Supervisors approve the Giessuebel Subdivision Preliminary/Final Plan after the certificate of ownership was executed. The motion carried unanimously.

9. PAULEY ANNEXATION PLAN – SKETCH PLAN OF RECORD - Greg Bogia

GVC reviewed the Pauley Annexation Sketch Plan of Record (reference letter dated October 27, 2004).

Mr. Bogia stated that the larger tract that they were planning to annex a portion off of belonged to Mr. Dan Pauley's Father. Mr. Pauley had been mowing the property for the last 25 years and would like to keep that portion before they sell their Father's property. They were located in the RC district, which was a three-acre minimum. The biggest hurdle listed in the review letter was the gross and net issue. Klapperthal Road was a dead end street. Was the Township really planning on making that road wider? They would like to request a waiver of Section 5.216. Mr. Bittig asked what the current right-of-way width was? Mr. Bogia replied that it was 33-ft, with a cartway of around 18-ft. Mr. Bogia stated they would like to make the two tracts more conforming. If the Planning Commission would like, they could place a note on the plan that no further subdivision would be allowed. Mr. Ruff stated that the Berks County Conservancy owned the property at the end of Klapperthal. It would be unlikely that they would develop that property.

MOTION BY Mr. Bittig, seconded by Mr. Littlehales, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.216, to allow the Pauley Annexation to maintain the current right-of-way width of 33-ft. for Klapperthal Road. The motion carried unanimously.

Mr. Bogia stated that they would put the easements on the plan. Mr. Wilson asked that no further subdivision be placed on the plan. That should help with the waiver. Mr. Bogia asked about the sewage enforcement officer looking at the plan? Mrs. Franckowiak stated that they should have Berks Envirotech look at the septic system and send us a letter stating that they were sufficient and working.

10. SCI SERVICES INC. – PRELIMINARY PLAN – Paul Ylvisaker
Andrew Conner
Brian Focht

GVC reviewed the SCI Services Inc. Preliminary Plan (reference letter dated October 1, 2004).

Mr. Ylvisaker stated that they had a 54-lot town home development in the UR Zoning District. The tract was environmentally and ordinance challenged. The first bold comment in the review letter was under zoning, the dead end parking area would encroach in the steep slope area. They would have a conservation area, but a portion would be disturbed for that parking area. Mr. Bittig stated they could develop a smaller area to stay out of the steep slopes. Mr. Ylvisaker stated that they planned to show the conservation easement on the land development plan, not the minor subdivision plan, because there would be no building involved with the minor subdivision plan. Mr. Rogosky stated that they should show them on all the plans. Mr. Conner stated that they would need to go through the conservation easement to connect to the utilities. They did not show them on the minor subdivision plan because they wanted to show the areas they would need to disturb to connect to the utilities and create the easements from there. Mr. Rogosky asked what utilities would they be connecting to in that location? Mr. Conner replied sanitary and water. Mr. Bittig asked where the sanitary tied in? Mr. Conner replied there was a manhole on Rimby Lane. Mr. Ylvisaker stated that Clayborne Road was unopened and they were not sure if there would be manholes they could tie into at that location.

Mr. Gardecki printed out a map that showed water and sewer located on Clayborne Road, however it was unsure if they had been installed. Mr. Wilson asked if Clayborne was a paper street. Mrs. Franckowiak stated there was only a small portion that was dedicated to the Township. Mr. Conner stated that they would work to preserve the trees. They would provide a buffer along the Funeral Home. They would add a note to the plan that they could not further develop the property.

Mr. Ylvisaker stated they brought in the Environmental Assessment Statement. They were working on resolving the issue for the conservation easement. They were in the process of working on the Traffic Impact Study. They were waiting for the results for the PNDI. They would do a Water Resource Study. They requested a waiver for the size of the plans. For item #18, they would like to propose an emergency exit. They would have a challenge in order to connect to Clayborne. Mr. Schwartz stated that the last time we looked at the site, they were planning on building in phases. The first phase would be limited to 20 units until the road was connected through Clayborne. They could finish the development after Clayborne was opened. Mr. Ylvisaker stated their concern was when Clayborne would be opened. Was there an improvements agreement in place? Mr. Rogosky replied no, they would need to check with Dick Rimby when they would be planning to build in that area.

Mr. Ylvisaker stated that with item #19, the cul-de-sac street, they were calling it a common access parking area. They were dead end parking areas. They provided a turn-around for fire equipment. Mr. Schwartz stated that with 54 units on a cul-de-sac, they were planning on an emergency access. There was no road located there for the emergency access. They would still need to phase the building of the town homes. Mr. Wilson asked if that was parking area, where was the road to access the property. Mr. Ylvisaker replied that there was no road; it was access drives and aisle ways. Mr. Wilson stated that somewhere it was stated that access to developments could not be parking. All of the townhouse developments in Exeter have streets. To build 54 units they would need two means of access. Only 20 homes were allowed on a cul-de-sac.

SCI Services, Inc. continued

Mr. Ylvisaker stated that they were looking for direction from the Planning Commission on whether they should put in curbs and sidewalks along West Neversink Road. Mr. Schwartz stated that they should continue the sidewalk and curbs where they were already located on the north side of West Neversink Road.

Mr. Ylvisaker stated that with item #25, they would request the fee in lieu of land. Mr. Schwartz stated that it would need to be taken up with the Board of Supervisors.

11. MILLER SUBDIVISION – SKETCH PLAN – Karen Krater

GVC reviewed the Miller Subdivision Sketch Plan (reference letter dated October 28, 2004).

Mrs. Krater stated that the property was 26.9 acres with two zoning districts. In the Highway Commercial District they were proposing 9 commercial lots. The second parcel was in the SR2 district and they were proposing 57 residential lots, with a total of 66 lots. The zoning district line runs through the property and as indicated in the review letter it stated that a variance might be needed. If you look in Section 302.8, the Zoning Officer has the leeway to move a zoning district line by 50-ft. when two zoning districts occur in one parcel. Mrs. Franckowiak had agreed with that. The access would be off of 422 and Cardinal Drive. The second access was proposed to continue onto Alice Drive and Budd Street. Donald Peiffer and Harold Hart owned the land located there. Mr. Bittig asked how they would gain access to that property?

Mrs. Krater replied that they were researching that. Mr. Bittig stated that they have steep slope areas on the tract that they could not go into. They were proposing a road across a ravine that was 30-ft deep. Forino proposed the same thing 1200-ft south from there. DEP and the Army Corp of Engineers consider that to be waterways of the U.S. Mrs. Krater stated that they have been in contact with the different agencies that would be required. They were in the “research” mode. Mr. Bittig stated that they were planning on putting houses right where the waterways run. Mrs. Krater stated that they thought they were ditches, not running streams. Mr. Bittig asked where the right-of-way was located for the detention pond dedicated to the Township, which was located south of the development? Mrs. Krater replied that they had that question also. Mr. Gardecki printed out a map that showed the access was an easement through property located on Budd Street. Mr. Bittig stated that they did not provide a soils map. Mrs. Krater stated they would do that. With item #4, they would provide the landscape screening. Mr. Schwartz stated that the comments state side and rear yard, what about the front of the commercial property that face residential properties across the street. They would need to be screened by ordinance. Mrs. Krater stated that they could do the screening with the land development plan. Mr. Ruff stated that they would need to put a note on the plan.

Mrs. Krater stated that with item #6, they would look at different access points. They would label the contours on the plan. With item #9, in what section would they look for that? Mr. Bittig replied in Section 4.242. He walked the site and they had a nice mix of Oak, Maple and White Pine. They would need to mark all trees that were 6” in diameter on the plan. They can take 20% off of the lots. When DEP and the Army Corps take a look at the site, they could have major changes in the design.

Mrs. Krater stated that with item #5, providing access to the lands to the west, they were all lands of Peifer and Hart and had access along Claire Drive. Mr. Bittig stated that there would be no way to provide access from their tract because of a steep drop. Mrs. Krater stated that they would build up Cardinal Drive to Township standards. For item #7, they would put a note on the plan that all lots cannot be further subdivided.

Miller Subdivision continued

Mrs. Krater stated that they were still working on item #8. They would do a Traffic Study. Mr. Wilson asked where people would be able to access the different directions on 422? They would only have a right in and a right out. Mrs. Krater replied that they would need to turn around at the split on 422 to head west from the development and coming from the east they would need to turn around at the jug handle at Wendy's. That was the problem with a limited access development. For item # 14, lot depth to width ratio, they would look at the design of the project. If they had a couple of lots, would we entertain a waiver? Mr. Bittig replied for a couple, yes, not the 20% they had on the plan. Mrs. Krater asked about the recreational open space, did they need that or pay the fee in lieu of? Mr. Schwartz replied that would be a Supervisors issue. Mrs. Krater asked about item #26, for the sidewalks, did they need to put them on Cardinal Drive? Mr. Wilson stated that they should provide sidewalks on at least one side of Cardinal Drive up to the radius to 422.

12. PINEVIEW RIDGE (PEASE) – PRELIMINARY PLAN - Barrie Pease

GVC reviewed the Pineview Ridge Subdivision Preliminary Plan (reference letter dated October 29, 2004).

Mr. Pease stated that the Water Resource Study was done and would be submitted. He then asked how they could handle the comment concerning the trees located on the tract? Mr. Ruff stated that the Planning Commission had met on site with other developers to help them with that issue. We could do that with them. Just call the Engineering Department and they would help set that up.

Mrs. Geiger asked about the comment in the letter that stated they were working on the frontage problem, how were they doing that? Mr. Pease replied that they were surveying the properties and would do an annexation if needed.

13. G & G HOUSING – APPEAL OF INCORRECT DECISION OF ADMINISTRATIVE OFFICIAL & VARIANCE

Mrs. Franckowiak stated that she received a phone call from Dave Miller asking if “apartment units” were permitted in the zoning district where G & G Poultry was located? She responded “no”. Mr. Miller provided photos of what appeared to be individual sleeping quarters, complete with beds and some bathroom facilities and refrigerators. She called them to see what they were doing and the general Manager stated that they needed to make 5 break rooms for the Rabbis that do the slaughtering of the chickens. They were only allowed to work for an hour and forty-five minutes and then they had to take a forty-five minute break. Even though they live in Brooklyn and New Jersey, they sleep at the Quality Inn on 422 every night. She spoke with Mayer Grunbaum and he said they commute every day. They did not need five rooms, they needed ten rooms. They were equipped with beds and refrigerators. They were quoting religious exemptions and being unsure she asked Mr. Hoffert about that. Mr. Hoffert suggested they take it to the Zoning Hearing Board. She asked the Board of Supervisors if the separate building with the ten sleeping quarters could be considered as an accessory use to the Light Industrial Zoning District. The Board of Supervisors sent it to the Zoning Hearing Board. They were creating ten individual private bedrooms. They stated that they were not permanent residences, but there might be an occasional emergency. If that were an accessory use, then no over night stays would be allowed. Mr. Bittig stated that it might be ripe for abuse. Mr. Schwartz asked what the abuse would be? Mr. Bittig replied not so much for the people who were there now, but it could become a dormitory for migrant workers.

G & G Housing continued

Mrs. Franckowiak stated that it could become sleeping accommodations for the currant workers. Mr. Schwartz stated that they would not want to routinely sleep in a place that butchers chickens. Mr. Littlehales stated that it was part of the religious routine. Mr. Schwartz stated that it was grueling work for the Rabbis and they needed a place to rest. Mrs. Franckowiak asked why they would need private bedrooms, why not a break room? Mr. Littlehales replied that it could be they needed a private retreat. Mr. Bittig stated that we do not have provisions in our ordinance that handles that. Section 603 sets the guidelines for accessory use and sleeping quarters were not provided there. That would need to go to the Zoning Hearing Board. Mr. Krafczek stated that was something that the Zoning Hearing Board would need to address. Mrs. Franckowiak stated that if the Board of Supervisors could say that was considered accessory, but we would impose conditions, that would be fine. But she did not feel comfortable making the decision on her own. That was why it would go to the Zoning Hearing Board. The Planning Commission would need to offer their opinion to the Board of Supervisors.

MOTION BY Mr. Ruff, seconded by Mr. Krafczek, to recommend the Zoning Hearing Board allow the ten break rooms as long as no overnight stays were allowed. The motion carried with Mr. Krafczek, Mr. Ruff, Mrs. Geiger, Mr. Wilson, Mr. Bittig, Mr. Littlehales voting in favor and Mr. Schwartz abstaining because he announced that he would be representing G & G Poultry at the Zoning Hearing.

14. GENERAL DISCUSSION

Mr. Wilson stated that he received a letter from Michele Franklin stating that the Joint Planning Commission would be meeting on November 17th, but he received a letter from the Township stating that the Board of Supervisors were not interested in continuing with the Joint Planning. We would still need to do our Comprehensive Plan.

Ms. Cusimano stated that the Kubovcsak Subdivision was coming up on its due date and had not provided a time extension.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to recommend the Board of Supervisors reject the Kubovcsak Subdivision based on the reasons stated in the GVC review letter, unless they grant a waiver prior to December 6th. The motion carried unanimously.

Public Comment

Thomas Howell, 4970 Hafer road, asked for an explanation concerning Commonwealth Waterways that were discussed previously. Mr. Bittig stated it was called Surface Waters of the Commonwealth. DEP and the Army Corps controlled and monitored those areas. Mr. Howell stated that they covered up the Waterways of the Commonwealth at Eastwick off of Lorane Road. As long as he could remember it was always wet there. Mr. Bittig stated that DEP and the Army Corps were becoming more proactive and that would be happening a lot less.

ADJOURNMENT

MOTION BY Mr. Ruff, seconded by Mr. Schwartz, to adjourn the November 1, 2004 meeting of the Exeter Township Planning Commission at 10:45 p.m. The motion carried unanimously.

Respectfully Submitted,

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

Correspondence to:

BOS: Giessuebel Minor Subdivision Preliminary/Final Plan approval
BOS: Exeter Community Library Conditional Preliminary Plan approval
BOS: Kubovcsak Subdivision Sketch Plan for Record
BOS: Pauley Annexation Waiver request
BOS: John Spencer Zoning Change Request
ZHB: G & G Housing – appeal of incorrect decision of Adm. Official & Variance