

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
OCTOBER 5, 2004**

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, October 5, 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
Paul L. Schwartz

ABSENT: Dottie Geiger
Cheryl Franckowiak, Zoning Officer

OTHERS IN ATTENDANCE: Craig Peifer, GVC Consulting Engineer
Linda Cusimano, Recording Secretary
Eric Gardecki, GIS Administrator

1. MINUTES

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to approve the minutes of the September 7, 2004 Planning Commission meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to approve the agenda of the October 5, 2004 Planning Commission meeting with the addition of Exeter Community Library waiver request and the removal of SCI Services Inc. – Preliminary Plan as they were unable to attend. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. **SCI SERVICES, INC. – PRELIMINARY PLAN, EXETER GOLF CLUB ESTATES PHASE VI – PRELIMINARY/FINAL PLAN, MAHLON A. & VERA M. KERSCHNER – SKETCH PLAN OF RECORD: MOTION BY** Mr. Schwartz, seconded by Mr. Ruff, to accept the preceding plans for review. The motion carried unanimously.

* JD Krafczek arrived at this time.

The following business was discussed:

4. EXETER COMMUNITY LIBRARY – WAIVER REQUEST

Mr. Wilson stated that at a previous meeting the Exeter Community Library wanted to request a waiver of the Environmental Assessment Statement and we told them to submit that in writing. They were here tonight with the written request.

Exeter Community Library continued

MOTION BY Mr. Bittig, seconded by Mr. Ruff, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.283 for an Environmental Assessment Statement. The motion carried unanimously.

5. SHAW BRIEF SUBDIVISION – FINAL PLAN - Robert Miller

GVC reviewed the Shaw Brief Subdivision Final Plan (reference letter dated September 29, 2004).

Mr. Miller stated that under Zoning, item #1 concerned the speed limit on Huyett Street. Mr. Boyer talked to Mrs. Franckowiak and she let him know that the ordinance was passed for the 25mph limit and just needed to be posted. Mr. Bittig stated that he did not see that in the Board of Supervisors last meeting minutes.

Mr. Miller stated that under SALDO item #1 for the deeds of dedication for Huyett Street and Gibraltar Road, they were faxed to Mr. Peifer. With item #2 for the historic and/or archaeological resources, they were waiting for the letter. Mr. Peifer stated that with item #3 for the improvements agreement, it was their intent to install the street trees and monuments and the plans would be held until that work was completed. Mr. Miller stated that they would have the plans signed and sealed for the certification of ownership, the client would be out of town until October 18th and they would have them signed before the Supervisors meeting. There would be no deed restrictions. They would submit the AutoCAD disk after the plan was reviewed. Mr. Bittig asked if the stormwater issued was addressed? Mr. Peifer stated that they redid the grading to eliminate the problem.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors approve the Shaw Brief Subdivision Final Plan contingent upon the posting of 25mph speed limit on Huyett Street, receipt of the Historic and Archaeological resources letter and the required signatures of ownership. The motion carried unanimously.

6. EXETER GOLF CLUB ESTATES PHASE VI – PRELIMINARY/FINAL PLAN - Stephen Bensinger

GVC reviewed the Exeter Golf Club Estates Phase VI Preliminary/Final plan (reference letter dated September 30, 2004).

Mr. Bensinger stated that they received the PA American Water Company approval. They have revised the plan to address the comments in the letter, so they were looking for conditional approval. Mr. Ruff asked what comments needed to be addressed? Mr. Bensinger replied they needed the PHMC response, response from the Exeter Township Authority and E & S plan approval. For the recreational impact fee, they added note #33 referencing that. They need to supply the Auto-Cad disc and the improvements agreement. They would also record the grading and utility plan. The stormwater issues were resolved. Mr. Bittig asked how they handled the stormwater? Mr. Bensinger replied they would have a detention pond to handle the two new houses. They could not do infiltration because the soil would not perk.

MOTION BY Mr. Ruff, seconded by Mr. Littlehales, to recommend conditional approval to the Board of Supervisors pending receipt of the response letter from PHMC, favorable response from the Exeter Township Authority, certification of ownership, certification of accuracy, improvements agreement and E & S approval from the Berks County Conservation District. The motion carried unanimously.

7. **FAIRVIEW PARK II – PRELIMINARY PLAN** - Stephen Bensinger

GVC reviewed the Fairview Park II Preliminary Plan (reference letter dated October 1, 2004).

Mr. Bensinger stated that concerning comment #5 in the review letter, there were conservation easements shown in that area. There were also two drainage ditches that have some steep slopes, but did not have the 20-ft difference. Mr. Peifer stated that some of the ravines should be included. Mr. Bensinger stated that the dark shaded areas were 25% grade or greater. The easement they created wraps around and included more than the steep slope areas, to try to preserve the woodlands. Mr. Bittig stated that he gave them the standard text note for steep slope areas to be protected. Mr. Bensinger stated that they have applied that note. Mr. Wilson stated that he was concerned that the ravines would be used for leaves and grass clippings. Mr. Bittig stated that they should head off the problem now. Mr. Bensinger stated that they could add a note to the plan. Mr. Bittig stated that they should do that on the properties that contain the ravines. Mr. Bensinger stated they could create notes for the deeds stating the owners needed to maintain ravine areas.

Mr. Bensinger stated that the Army Corp of Engineers and DEP would be doing an inspection of the property to determine wetlands jurisdictional determination. They would also determine the ravines and the waters of the United States and what permits would be needed to cross the ravines. They might have concerns that would change the plan entirely.

Mr. Bensinger stated that three months ago they addressed the access issue, and at that time they were told that the main and emergency access points should be switched. Last month it became a big discussion. They felt they met the requirements of the ordinance. They have a second means of access. It was an emergency access and it should remain an emergency access only. They believe they did what the Planning Commission asked them to do three months ago and have changed the plans accordingly. They were looking for a favorable approval of the access issue. Mr. Bittig stated that it was in the Streets Section of the Ordinance, Section 5.220, which stated that two accesses were needed if you have more than 20 dwelling units. It did not say "goat tracks". Mr. Schwartz stated that it did not say street either. Mr. Bittig asked if we would like to take a vote on the issue. Mr. Ruff stated that he had a question before the vote. What was the distance between the two access points? Mr. Bensinger replied approximately 175-ft. A lengthy discussion ensued on whether the two access points would have to be streets. Mr. Ruff stated for the record the Ordinance stated, "When developments are proposed with more than twenty residential dwelling units, a minimum of two means of ingress and egress shall be provided unless a waiver is granted by the Township Supervisors". It did not say ingress or egress by whom, just says ingress or egress. Mr. Krafczek stated that it should be more specific. Mr. Bittig stated that was something we should clean up when we update our SALDO. Mr. Wilson stated that when we went out to look at the property, we were under the impression that there would be bigger homes on larger lots. Also, to let everyone know that it was not a "back room meeting", it was discussed during a site survey.

Mr. Bensinger stated that again, they felt they met the Ordinance and had done what the Planning Commission asked them to do three months ago. Mr. Wilson asked if someone would entertain the motion to accept the plan with the accesses as shown. Mr. Krafczek stated that they did not need a waiver. Mr. Bittig replied no they did not, but were we going to recommend moving forward with the plan as proposed. Mr. Littlehales stated that he felt they met the intent of the Ordinance and it should be approved as shown on the plan. If the Ordinance was short, then it was up to us to change it. Mr. Krafczek agreed. Mr. Schwartz stated that 45 houses with one way in and out, would be a nightmare for the residents on their way to work and school in the morning.

Fairview Park II continued

Mr. Ruff stated that he agreed with Mr. Littlehales, he did not like the situation either, but the way the Ordinance was written he would have to vote in favor.

MOTION BY Mr. Littlehales, seconded by Mr. Krafczek, to accept the design of the access to the property with one main access and an additional emergency access. The motion carried with Mr. Wilson, Mr. Schwartz, Mr. Ruff, Mr. Krafczek, Mr. Littlehales voting in favor and Mr. Bittig voting opposed.

Public Comment

Charles Douglas, 370 Fairview Chapel Road, stated that they had just one question, would they be paving the emergency access? Mr. Peifer replied that they show it as 24-ft wide stone. Mr. Bittig stated it should be paved. Mr. Bensinger asked if it should be paved even though it was an emergency access and should it be chained off at both ends? Mr. Wilson stated that it would be chained off back at the development. Mr. Douglas asked if they would be putting in curb? The neighbor used that access to get to their garage. Mr. Bensinger asked if they have a driveway on the right-of-way? Mr. Douglas stated they used that to get to the rear of their property. Mr. Bensinger stated that they weren't aware of any written right-of-ways. Mr. Douglas stated that they used their right-of-way. Mr. Schwartz asked if Mr. Douglas had a driveway on Fairview Chapel Road? Mr. Douglas replied yes and stated that they have been cutting that right-of-way for the past 33 years. Mr. Bensinger stated that if it became a public street, they would provide curb cuts in that location. Mr. Schwartz stated we probably would not want curbs on that emergency access.

Thomas Howell, 4970 Hafer Road, stated that the situation seemed to be similar to the situation they had on their property, where all the abutting properties had rights to the easement and it was taken to court.

Mr. Bensinger stated that with comment #9 for lot depth to width ratio, they requested waivers, but did not receive them for lots # 25, 27, & 45. They wanted to re-ask for the waivers, they would not need them if they eliminated one lot, but then they would be left with awkward shaped lots. Mr. Schwartz stated that it might be premature to ask for waivers. They should wait until the Army Corp inspected the site and proceed from there.

Mr. Bittig stated that in the response letter dated September 21st under Stormwater Management, item #1 stated, "with respect to predevelopment versus post-development a Point of Interest, analysis has been completed for the Pessagno property. The calculation shows a peak discharge rate increase of 0.4 CFS to 0.7 CFS respectively for the 2-year to 100-year storm events when evaluated. The flow rates listed above do not take into consideration the reduction of peak flow rates as required by the Exeter Township Subdivision and Land Development Ordinance. The increases listed above range between a 1.77% increase to 2.06% increase above the pre-development peak discharge flow rate. Typical Act 167 ordinances stated that an increase of 1.0 CFS is considered de minimus, therefore we believe that this increase in flow should be acceptable".

Mr. Bittig stated that the Supervisors would not accept an increase. Mr. Wilson asked if they had the GVC letter October 5th Stormwater review letter? Mr. Bensinger replied that they had the letter but haven't read it yet. Mr. Wilson stated that they refer to that issue under item #1. Mr. Bensinger stated that they know the Supervisors position on that, but there was the possibility of the adoption of Act 167, which views stormwater a bit differently.

Fairview Park II continued

The review letter said that they could obtain written permission from the adjacent property owner to allow the additional discharge onto their property. Mr. Wilson stated that item #2 stated that they should extend the pipe to the proposed right-of-way line. Mr. Bensinger stated that they would look into that. Mr. Peifer stated that the plan note indicated that if the pipe was located in the right-of-way it would be RCP and out of the right-of-way it would be plastic. If it were dedicated to the Township it would have to be concrete.

Mr. Bensinger stated that the review letter stated that they did not recommend Preliminary Plan approval or conditional approval until issues with PADEP and the U.S. Army Corp of Engineers were resolved. So it might be a while until they return with the project. Mr. Bittig stated that they should be sure to keep up with the time extensions. Mr. Wilson stated that if they did not offer time extensions the only recourse would be for us to reject the plan. Mr. Bensinger stated that they would provide time extensions.

8. PEASE SUBDIVISION – PRELIMINARY PLAN - Lon Seitz
- Barrie Pease

GVC reviewed the Pease Subdivision Preliminary Plan (reference letter dated September 30, 2004).

Mr. Seitz stated that the Environmental Assessment Statement was completed yesterday. Under SALDO item #2, they have flagged trees and identified the access off of Pineland Road. They would save some Ash and Maple trees. There was a lot of scrub pine located there. They were proposing to replace 32 trees. Mr. Seitz invited the Planning Commission to come out to look at the site. Most of the good trees were located in the wetlands and that area would not be disturbed. Mr. Bittig stated that we understood the area where they have the roadway and the cul-de-sac would be cleared. Mr. Seitz stated that they would identify the trees that would remain on the building lots. Mr. Bittig stated that was the intent of the Ordinance, to try to save trees and also to replace ones that would be lost. Mr. Pease stated that they also wanted the woods to remain as a buffer between the development and their home. A lot of pine could not be saved because of ivy and vines. The osage orange trees would remain in the lower area. Mr. Bittig stated they should mark the trees on the plan that were on the building lots that should not be cut down. Mr. Seitz stated that the footprint for the house could change, so it would be hard to say what trees could definitely be saved. They could do that for the trees in the rear of the lots.

Mr. Seitz stated that item #5 concerned the low-level lights for the development. Mr. & Mrs. Pease have pulled specs to see which lights to use. They were determining which one to use and would provide that to the Township. Mr. Pease stated they liked the LA 26 light. Mr. Littlehales stated that they were extremely limited fixtures that were great for vandal resistance, but limited in distribution. Mr. Schwartz asked if they needed something at the entrance? Mr. Peifer replied that they should have one streetlight at the entrance. Mr. Seitz asked if it would need to be a typical Met-Ed streetlight? Mr. Littlehales replied it should have a cut off. Mr. Pease asked what they would need to satisfy the Ordinance with the light at the entrance? Mr. Littlehales replied that whatever they use for the low-level lighting, it might come in a larger watt version that could be put on 12 to 16-ft pole with a type three refraction that would cover the lighting. Mr. Schwartz stated that it must meet the Met-Ed streetlight; lamp and photo cell requirements.

Mr. Seitz stated that they were looking for a waiver of Section 4.287, for the Water Resource Study. Mr. Ruff asked if all twelve lots were on public sewer? Mr. Seitz replied yes. Mr. Ruff stated that a waiver was

Pease Subdivision continued

allowed only when they have on-site sewer system. The Planning Commission agreed that a Water Resource Study was needed.

Mr. Peifer stated that the property line and road were in misalignment where they have the street coming out to Pineland road; it was actually the neighbor's property. Mr. Seitz stated that they were working on resolving that issue.

Mr. Peifer stated they were looking for a waiver for sidewalks, it was discussed at a previous meeting and they were told to submit it in writing. They have provided the written request.

MOTION BY Mr. Littlehales, seconded by Mr. Schwartz, to recommend the Board of Supervisors waive the requirement of SALDO Section 6.204, for sidewalks, in the Pease Subdivision. The motion carried with Mr. Ruff, Mr. Krafczek, Mr. Bittig, Mr. Schwartz, Mr. Littlehales voting in favor and Mr. Wilson voting opposed.

Mr. Seitz stated that concerning the sight distance at the entrance, to the left there was 510-ft. It was predicated on removing brush and doing some grading. When the grading was completed, they would see up to the crest of the hill. Mr. Peifer asked if the pole would need to be moved when the grading was done?

Mr. Seitz replied no. The sight distance to the right was 290-ft. They plan to take a portion of the bank to improve it. The best they could do would be 320-ft because of the S curve. The Ordinance called for 379-ft, that was based on the 40mph speed limit that was posted. If anyone could navigate that curve at 25mph they would be lucky. Mr. Pease stated that most people coming out of the development would be turning to the right to head for 422. Mr. Seitz stated that when they shave off the bank they would be close to achieving the sight distance. Mr. Peifer stated that if the sight triangle was 10-ft back to get that sight distance, show that on the plan and put a restriction that no one plant something there.

Mr. Seitz stated they have a letter from Gannett Fleming with two or three comments on it. Mr. Bittig stated that the concern was where the sewer right-of-way was located. They might need to get right-of-way from the next-door neighbor. Mr. Seitz stated that they spoke to Kevin from Gannett and asked to get the right-of-way plans from them. They would work on that.

9. MAHLON A. & VERA M. KERSCHNER – SKETCH PLAN OF RECORD – Andy Kent

GVC reviewed the Mahlon and Vera Kerschner Lot Annexation Sketch Plan of Record (reference letter dated October 1, 2004).

Mr. Kent stated that the property was located at the corner of Schoffers and Daniel Boone Road. The three houses in the front had sewage systems that were on the adjoining properties. The one house was up for sale and they could not get a mortgage because the sewer system was not on the property. They want to annex the additional pieces so the sewage systems would all be on their own properties. It would also allow them additional room to move the wells if needed. They knew they would have to go to the Zoning Hearing Board. Would the Planning Commission support them? The Planning Commission agreed that they would support the plan. Mr. Peifer stated that the application would come back to the Planning Commission before the Zoning Hearing Board date.

Kerschner Annexation continued

Mr. Kent asked which Section in the SALDO would show what the right-of-way width for the street should be? Mr. Peifer replied that it was Section 5.216. Mr. Kent stated that they were also looking for a waiver of Section 5.514, lot depth to width ratio.

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.514, lot depth to width ratio, because it was not for additional development it was a matter of changing the lines to allow people to own their own septic systems and have additional room to put in a second septic system if the need arose. The motion carried unanimously.

10. MCGINNIS/BEAVER ANNEXATION – INFORMAL DISCUSSION – Robert Miller

Mr. Miller stated that Mrs. Beaver wanted to acquire an acre of land from the McGinnis's. They were looking for guidance from the Planning Commission on how to draw up the plan to be in compliance with the Ordinance. The discussion previously was if that could be called an annexation, it was suggested that they create an annexation and then place a right-of-way through it for the McGinnis's. The only problem would be that the McGinnis's would have no frontage. Mr. Bittig asked why they would not just purchase it as a stand-alone lot? Mr. Miller replied that they did not want to build on it, or ever have anything built on it. Mr. Ruff stated they could put a deed restriction on it. Mr. Miller asked if they would be required to do perk on that property or could they get a waiver? Mr. Bittig stated that they could put a permanent conservation easement on there, and then no one could build there. Mr. Peifer stated that they would still have to deal with the frontage issue. Mr. Miller stated that they could incur the extension of the dedication of the right-of-way of Ogden Drive so that lot would have frontage. That would help Mrs. Beaver because they did not have frontage, they just had right-of-way. They would need to extend it 120-ft. Mr. Peifer stated that they might be able to do a form B waiver as a non-building lot and that would put everyone on notice that sewage planning was not done. If that road was dedicated entirely they might have an issue about turn-arounds since it was not a cul-de-sac. Mr. Schwartz stated that Section 5.301 stated: "dead end streets are prohibited unless designed as cul-de-sac streets, provided that in the case of streets which are planned for future extension into adjoining tracts and which will be no longer that the depth of one lot and which will not be the primary means of access to any lot or dwelling unit, a turnaround does not have to be provided". It met the first test; it did not meet the second test because there was an existing dwelling on the lot that was served by that. Mr. Bittig stated that it could be waived. Mr. Miller stated that if they were going to extend it maybe they could waive the width of the cul-de-sac. What was the requirement for the turn-around? Mr. Peifer replied 60-ft.

Mr. Schwartz stated that obviously the cul-de-sac was not practical. They would need to request a waiver. Mr. Peifer stated that there was not going to be an additional person using the extension. Mr. Wilson stated that was pre-existing and not dedicated. The Board would be in favor as long as they met all the requirements. Mr. Miller stated that they would create one deed with two parcels.

11. GENERAL DISCUSSION

Mr. Wilson stated that he wanted to remind everyone that the November Planning Commission meeting would be held on Monday, November 1st since Election Day was on the 2nd.

General Discussion continued

Mr. Schwartz stated that the next Zoning Workshop would need to be set up after the changes were made to the Zoning Ordinance. Mr. Littlehales asked if anyone had looked over the model Ordinances he had written and if anyone had any comments would they send them to him by email?

Public Comment

Bruce Thompson, 63-1 Rock Road, stated that he was a resident at Laurel Springs and they had a memo to present to the Planning Commission concerning new construction behind their home. They were asking for consideration to withdrawing the approval of the building of three new buildings. Mr. Peifer asked where they were located? Mr. Thompson replied they were at the bottom of the hill from Laurel Springs Lane. They would be built on the side of a steep hill. Mr. Peifer stated that we did not see anything come through for that. They probably don't need any roads to be built. Mr. Thompson stated that it was approved in 1988 and there would be a through road. Mr. Peifer stated that if there was a real road, there should be a letter of credit being put up. Mr. Schwartz stated that was all private there. Mr. Peifer stated that then they would need a letter of credit for the sanitary sewer and the water. We haven't seen that. Mr. Littlehales asked what prompted them to come in? Mr. Thompson stated the builder told management that they would be building as soon as possible. Mr. Bittig stated that the time might have expired if they haven't done anything there for the past five years. Mr. Schwartz stated that they have been building there for years. Mr. Peifer stated that it all depended on how the plans were submitted. If it was submitted with phases, they would be ok. If they came in with each piece as a stand-alone plan, then the time limit would have expired. Mr. Thompson stated that they were concerned with them building townhouses on the side of a "cliff". Mr. Peifer stated that we would check to see what was submitted. Mr. Schwartz stated that he didn't think we had the authority to rescind it. Mr. Bittig stated that if it had legally expired then they could not build it. Mr. Thompson passed out the memo to the Planning Commission.

Charles Douglas, 370 Fairview Chapel Road, stated that with listening to the different plans, he was confused. With one plan the Planning Commission talked about sight distance, lighting and roads not aligning with other roads. Then with the plan for the development behind their property they did not discuss those issues and he thought they would also apply to the plan. Could someone explain that to him? Mr. Peifer stated that they were proposing streetlights in the development behind him, the Pease Subdivision was not. They wanted to do something different and that was why we were discussing lighting. Mr. Douglas asked about Pineland Road where the piece did not align and they said it would be addressed. Mr. Bittig stated that they had a frontage issue that needed to be resolved. They did not have frontage on Pineland Road and they were working with the neighbor to do an annexation. Mr. Douglas stated that he realized that roads and roofs shed water and run it into a particular area. He understood that a swale would be used on the property behind their house. They thought that the lawn would retain more water than the brush that was there today. Mr. Bittig stated that was why they did the Stormwater Study and the Water Resource Study to account for the water runoff. Mr. Douglas stated that they have a mosquito problem behind him and there was a lot of water in holes back there. Mr. Schwartz stated that they should fill those holes. Mr. Peifer stated that the Army Corp might find a lot of wetlands back there.

ADJOURNMENT

MOTION BY Mr. Ruff, seconded by Mr. Schwartz, to adjourn the October 5, 2004 meeting of the Exeter Township Planning Commission at 10:06 p.m. The motion carried unanimously.

Respectfully Submitted,

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

Correspondence to:

- BOS: Exeter Community Library waiver request
- BOS: Shaw Brief Subdivision Conditional Final Plan Approval
- BOS: Exeter Golf Club Estates Phase VI Conditional Preliminary/Final Plan Approval
- BOS: Pease Subdivision waiver request
- BOS: Kerschner Annexation waiver request