

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
MAY 3, 2005

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, May 3, 2005 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald R. Wilson, Chairman called the meeting to order at 7:30 p.m. followed by the Pledge to the Flag.

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

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

1. MINUTES

MOTION BY Mr. Bittig, seconded by Mr. Schwartz to approve the minutes of the April 5, 2005 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Littlehales, seconded by Mrs. Geiger to approve the agenda of the May 3, 2005 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. HESS/ROCK ANNEXATION – SKETCH PLAN OF RECORD; MYRICK SUBDIVISION – SKETCH PLAN: MOTION BY** Mr. Bittig, seconded by Mr. Ruff to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. RUOFF– CONDITIONAL USE

James Ruoff was proposing a home occupation to operate an insurance office at 4950 Hafer Road.

Mrs. Franckowiak stated that Mr. Ruoff wanted to do an insurance office in his home and he met all the requirements in the Zoning Ordinance. Mr. Ruoff was requesting to put a sign on the property, and it would be a small sign. He pointed out that the property across the street was zoned commercial. The Zoning Ordinance allowed for that.

MOTION BY Mr. Ruff, seconded by Mr. Littlehales to recommend the Board of Supervisors grant approval for the conditional use for Mr. Ruoff and to allow the 6 sq. foot sign because he was located across the street from a commercial zone and it would not be detrimental to the neighborhood. The motion carried unanimously.

5. BALTHASER – CONDITIONAL USE

George Balthaser was proposing a home occupation to operate an office in his home located at 4966 Hafer Road for Windsor Garden Design.

Mrs. Franckowiak stated that previously Mr. Balthaser wanted to conduct his landscaping business from his home and that was denied. Now he just wanted to run an office for the business from his home. He contacted the surrounding neighbors; some came back with concerns for potential abuse of the private road. The road was his only means of ingress and egress and he has hired his own employees to do work on his property, which was allowed. He would meet all the requirements of the Zoning Ordinance. He wanted to have a phone and do designing. If there were any concerns about the trucks, he currently has his vehicles and equipment stored at Scott's Car Wash. Mr. Bittig stated that it would be one of the conditions placed on the conditional use. One of the previous concerns was the use of vehicles on the private lane and having them parked on the property. Mrs. Franckowiak stated that she received a complaint the end of March and contacted Mr. Balthaser and explained the concern. That was when he shared that the business was not being run from the home, he was using his own employees to do the massive amount of landscaping on his property. She could not issue a citation, as she could see no violation. He should be given the opportunity to run the office from his home.

Public Comment

Mr. Thomas Howell, 4970 Hafer Road, stated that the private lane wasn't Mr. Balthaser's property, it was property owned by him and Mr. Hafer and other heirs of Sallie Hafer. It was stated in the Board of Supervisors minutes from one year ago that Mr. Balthaser should re-apply for the conditional use. So he was operating a business from his home for a year without permission from the Township. The fact was as a Second Class Township it stated that everyone elected and appointed needed to take an oath of office. It stated in the Pennsylvania Constitution that an individual had the right to enjoy their private property and as one of the owners he had a right to enjoy his property. At the meeting a year ago it was discussed that there would be only a small amount of traffic. That was not correct, as he had 95 photographs showing traffic going back and forth on the driveway, not consistent with the statement made by the attorney at the Supervisors meeting.

Balthaser conditional use (continued)

His complaint with Mr. Balthaser was that he advertised in the Pottstown and Reading Yellow pages. Mr. Balthaser was running a commercial business there. Previously it was stated that restrictions be placed that the employees did not go to the home to access the vehicles, the vehicles should be stored elsewhere for the employees to gain access to them. He had photographs that show employees going to the home to get the vehicles. There was a commercial truck parked on the Balthaser property. Mr. Balthaser should have come to the Township to apply for the office in his home. There were places that Mr. Balthaser could store his vehicles. Next to Zeswitz there was a storage business where commercial vehicles were stored. Mr. Howell showed photos of the Lance trucks parked at the storage business. He also showed photos of the dump truck on Mr. Balthaser's property. Mr. Howe stated that the paving was deteriorating from the truck traffic and showed photos of that. He wanted to enjoy the property that he owned. There was a court order issued for the lane. The history was that for a year the Balthaser's were in violation. He did not feel that Mr. Balthaser would abide by the rules.

Mrs. Franckowiak stated that Mr. Balthaser did have a pickup truck that has the emblem of his business on the side for his personal use. It was the same as an employee of a plumbing business who takes the company vehicle home. The lane was Mr. Balthaser's only means of ingress and egress to his property. As Mr. Howe stated there was a court order and it was a civil issue. Mrs. Geiger stated that she went back the driveway and did not see where the lane was broken up. There were speed bumps located there so people could not drive fast. When she got back to Mr. Balthaser's property, you would not believe that the house was only there for one year as the landscaping was beautiful. She then asked Mr. Howell if he had a deed to the lane? Mr. Howell replied that he had a fee title to the lane and to ask Mr. Hoffert to explain that. Mrs. Geiger stated that she took offense to Mr. Howe bringing the envelope containing his feelings about Mr. Balthaser to her personal residence.

Mr. Michael Kern, 259 Gibraltar Road, stated that he was speaking on behalf of Mr. Hafer who resided at 299 Gibraltar Road. He had horses that board along the lane. They were down there caring for the horses several times a day. He would verify what Mr. Howell stated, that they have seen a business run out of Mr. Balthaser's property. He had seen the trucks parked there on a nightly basis. Mrs. Franckowiak asked Mr. Kern if he actually went back to see what was happening at the property? Did he see the employees doing any kind of work? Mr. Kern replied that he saw someone come in and pick up a truck parked there. He saw the trucks parked there all summer long. He had asked what would be the repercussion of something like that happening. He was told that the surrounding citizens would police it. Mr. Hafer's concern was if they would give Mr. Balthaser the right to have an office at his home, would he abuse that right? They were told that originally it was a small business and now there was an ad that said it was a growing business. Apparently they were not told the truth. The right-of-way was 40-ft wide and the lane itself was 12 to 10-ft. If Mr. Balthaser had customers coming in and out there wasn't enough room for the cars to pass. Another question was who was liable for any damages that would happen there. There were currently 7 or 8 different vehicles going to that property. Was it only an office or would there be customers going there? Mr. Balthaser stated that he needed a place to draw and his truck was his means of transportation to and from work. Mr. Kern stated that he was concerned if he would have the access on the lane when he needed it. Mr. Bittig asked who authorized him to use that lane? Mr. Kern replied that his wife was a Hafer heir. Mrs. Geiger asked if Mr. Hafer had a deed to the lane? Mr. Kern replied that he believed he did. Mrs. Geiger then stated that the whole issue belonged in civil court, not at the Planning Commission.

Pineview Ridge (continued)

Mr. Littlehales asked in order to comply with PennDOT 201 what would they need to do, other than what they have done? Mr. Peifer replied that there would be other ways to determine the speed, other than placing the tubes on the road. They used just one method to determine speed. It could be driven with ball-bank indicators. Other developments along the road could be taken into consideration. Mr. Pease asked if that was to change the speed limit? Mr. Peifer replied yes. Mr. Pease stated that was not what they were trying to do.

Mr. Littlehales stated we were just trying to determine if the sight distance was safe. Mr. Schwartz stated that even with the one car that was traveling just over 36mph, they still have the safe sight distance of 310-ft. Mr. Bittig stated that the concern was the liability to the Township, in the event of an accident, would TPD indemnify the Township. Mr. Todd replied that they could not indemnify the Township, they could only recommend to the best of their abilities. Mr. Pease stated that according to the letter from Mr. Hoffert, their burden was to show that the intersection was not in and of itself, dangerous. They have shown that with the 29mph, 85th percentile, 240-ft of stopping distance was needed. They have 330-ft of road distance to stop, 310-ft. of sight distance. Mrs. Geiger stated they might want to place an advisory sign along with the stop sign to be aware of on coming traffic. Mr. Schwartz stated that the problem was for cars taking a left turn out of the proposed street; it was not a problem for cars making a right turn. The concern would be the Board of Supervisors accepting the liability issue. Mr. Wilson stated that he was concerned that it might open up problems for other roads.

MOTION BY Mr. Ruff, seconded by Mr. Bittig to recommend the Board of Supervisors waive the requirement of SALDO Section 5.293, for sight distance because it makes good planning “sense”, however, because of the liability concerns (of which the Planning Commission was not able to address), they also suggested that the Board should consider the liability that the Township might have to absorb. The motion carried unanimously.

Mr. Bittig asked if they would show the new property lines. Mr. Seitz replied yes, they would. Could they get a conditional approval? The Planning Commission agreed they would need to return with all the corrections on the Preliminary Plan before they move forward to Final Plan stage.

7. HESS/ROCK ANNEXATION – SKETCH PLAN OF RECORD – Andy Kent

GVC reviewed the Hess/Rock Annexation Sketch Plan of Record (reference letter dated April 27, 2005).

The proposed annexation is located on the eastern side of Church Lane Road and south of Sutter Lane. The Plan proposed the annexation of land from Sandra L. Rock and Barbara A. Herbst to Sandra Rock.

Mr. Kent stated that they would maintain a 50-ft wide strip to the rear property. Mr. Bittig asked what the purpose was for that? Mr. Kent replied that the owners wanted that to possibly add a driveway in the future. The daughter owned the one property and before they sold the fathers neighboring property, they wanted to add a buffer to her property. They would make the changes noted in the review letter. They would change the setback line back to over 200-ft. Would the monuments need to be placed along the ultimate right-of-way of Church Lane? Mr. Peifer replied yes. Mr. Bittig stated 30-ft from centerline. Mr. Kent stated he would do that. Mr. Schwartz stated that there were no comments from the EAC. Mr. Bittig stated that there were steep slopes on the property. Mr. Kent stated that the steep slopes were at the rear of the larger parcel. Mr. Kent then stated that they would clean up the plan and be back next month.

8. MYRICK SUBDIVISION – SKETCH PLAN – Karen Crater

GVC reviewed the Myrick Subdivision Sketch Plan (reference letter dated April 28, 2005).

The proposed subdivision was located on the ninety-degree bend on Fabers Road. The Plan proposes a four (4) lot Subdivision; two (2) of the lots contain existing dwellings.

Ms. Crater stated that the Myrick Subdivision contained approximately 17.7 acres of land. There was one deed that has two houses, one on the south side and one on the north side of Fabers Road. They would provide the minimum sight distance for the driveways. Ms. Crater replied that they would indicate any tree removal that would need to be done to obtain the sight distance. They would also show if any banks would need to be cut back. The existing driveway on lot three came in at an angle of less than 60 degrees. It was an existing non-conformity. Concerning comment #6 under Zoning, since there were two existing dwellings on the property, there was no construction in those areas; there would be just two additional building lots. It was their opinion that it would be minimal disturbance to the site. Could they get a waiver for the Environmental Assessment Statement? Mr. Bittig stated that there were wetlands on the one lot. Ms. Crater stated that was the lot that would not be disturbed. Mr. Bittig stated it was all one parcel, so when they subdivide they would have to address the issues. Proposed Lots 3 and 4 contained steep slope areas. They were subject to a permanent conservation easement. They would not be able to build there. Mr. Peifer stated that the way that section was written was the Conservation Easement applied to areas that were 25% or greater with a rise of 20-ft or more excluding anything that the Township allowed to be developed. It was required to get permission from the Board of Supervisors. Now would be their opportunity to say these were the areas they wanted to disturb of 25% or more and to get that permission. Mr. Bittig stated that the top of the eight-acre tract was an ideal location for a house. Ms. Crater stated that the perks were done at the top. Mr. Schwartz stated that they would need to get a driveway to it. Mr. Bittig stated that they would need to demonstrate that they could meet the grading requirements for the driveway. Ms. Crater stated that they would do that. Could they get a waiver of the Environmental Assessment Statement? Mr. Schwartz stated that we would like to see that, just show the areas to be disturbed. Mr. Ruff stated that it could be something as simple as one to two pages.

Ms. Crater stated that there was an alternate site for the sewer easement for lot 3 located on lot 4. It was suggested to be placed there by Tom Bagenstose. Mr. Bittig stated that there were other properties in the Township where the drain fields were located on another person's property. They could not sell those properties because they could not get a mortgage, as they do not own their own drainfields. We would not want to have a situation like that. It would need to be on site. Mr. Myrick stated that they could change the property lines for lot 3 and 4. But on lots 1 and 2, the people interested in lot 1 did not want to change the property line. They preferred the sewer easement. That was why they showed it on the plan that way. Mr. Schwartz asked if that was the only option. Mrs. Franckowiak stated that the lot line could be changed. Mr. Myrick stated that the concern would be that they would place something on the part of the parcel, possibly a junk car or something that would cause a problem. Mr. Peifer stated that they could make a deed restriction that nothing be placed in that area.

Ms. Crater asked if they would be allowed to move from Sketch to Final Plan stage as a Brief Subdivision?

MOTION BY Mr. Schwartz, seconded by Mr. Ruff to allow the Myrick Subdivision be accepted as a Brief Subdivision and move on to Final Plan stage. The motion carried unanimously.

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9. SET DATE FOR ZONING WORKSHOP/MEETING

Planning Commission agreed to meet for the next Zoning Workshop/Meeting on Wednesday May 18th at 7pm.

ADJOURNMENT

MOTION BY Mr. Ruff, seconded by Mr. Bittig, to adjourn the May 3, 2005 meeting of the Exeter Township Planning Commission at 8:50pm. The motion carried unanimously.

Respectfully Submitted,

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

lrc

Correspondence to:

BOS: Ruoff – Conditional Use
BOS: Balthaser – Conditional Use
BOS: Pineview Ridge waiver requests