

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
FEBRUARY 7, 2006**

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, February 7, 2006 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
Dottie Geiger
Richard Littlehales
Paul L. Schwartz
Gary L. Shane

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. Ruff, to approve the minutes of the January 5, 2006 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Littlehales, seconded by Mr. Ruff, to approve the agenda of the February 7, 2006 Planning Commission meeting with the addition of Boone Project Stormwater review and the removal of the Oplinger Property Informal Discussion. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

A. APPLEBEES AT SHELBOURNE SQUARE – FINAL PLAN; DEMOSS STREET HEALTH CLUB – PRELIMINARY PLAN; WAL-MAR STORE #1777 – SKETCH PLAN: MOTION BY Mr. Littlehales, seconded by Mr. Bittig to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. G.A.S. ACCESS PIONEER CROSSING ENERGY LLC – PRELIMINARY PLAN

- Stephen Bensinger
- Bill Fox
- Chris Hartman
- Ryan Inch
- Kai Voorhees

GVC reviewed the G.A.S. Access Pioneer Crossing Energy LLC Preliminary Plan (reference letter dated February 3, 2006).

Mr. Bensinger stated that they felt that they could address all of the items in the GVC review letter and at the end of the discussion they would ask for Preliminary Plan Approval. Under Zoning Ordinance item #2 concerned Section 642, their plan was submitted prior to the advertisement of that Section, but they met all those requirements. Mr. Peifer stated that one of those requirements was a 5-acre lot. Mr. Bensinger replied that would be discussed under item #3 but they would meet the rest of the requirements of Section 642. He then stated that item #3 concerned the 5-acre lot and Chris Hartman had written a letter in response to that. Mr. Fox stated that he had interaction with the special solicitor, Mr. Hartman, relating to some of the issues and provided him with additional information. One of the issues was whether it was an accessory use. He felt that it was not necessary to address the issue because the landfill had a host community agreement that was entered into by the Township Board of Supervisors in October of 2000. He and Mr. Hartman have gone over some of the provisions of the agreement, which provided two things: (1) The Township would issue any approvals that may be required for the landfill that was permitted by the PA DEP in accordance with the terms and the conditions of the landfill permit (2) Global resolution of any potential Zoning issues, in that the Township and the landfill resolve those issues. The permit itself, which Mr. Hartman did not have the benefit of a full copy, had certain provisions in it. One of which was a harms benefit analysis, which specifically refers to the beneficial use project that was named "Ingenco" as the subcontractor. A minor modification has since replaced Ingenco with G.A.S. Access as the subcontractor. The permit provided for the use of methane gas to energy. It not only provided for that in the harms benefit analysis, also in permit condition #1 that stated "the benefits and litigation measures referred to in the analysis, was a permit condition and has to be provided by Pioneer Crossing". He believed that the position was that the beneficial use of the gas was part and parcel of the permit that had been approved by DEP, which was referred to in the Host Community Agreement as something that the Township had to go along with. That did not mean that the Township lost control over the process. There were certain setback requirements and other items that they had to meet in the land development process. In the permit application, that he provided to Mr. Hartman, was their response document to DEP, which specifically referred to how they would beneficially use the gas and the application that was to be filed on February 28, 2002. It was filed and ultimately approved by DEP and incorporated into the permit. Mr. Bittig asked what they have done about item #13, the Ida Mascara Recreational Park? The facility sat directly on the approved footprint to be used for the park. Mr. Fox stated that a minor permit modification had been submitted to move the park to a different location on the landfill. When the Host Community Agreement was looked at, the project was globally provided for and they probably would not have to address the issue about accessory use. The Township Ordinance provided that you could have more than one principal use on the same lot as long as the Supervisors approved that. Even if it was not considered an accessory use, it was a classic match, a landfill with a gas to electric generation plant. Instead of burning off the gas, they would be generating electricity.

G.A.S. Access/Pioneer Crossing continued

He then asked the Planning Commission, after receiving advice from Mr. Hartman, to recommend that the Board of Supervisors allow two principal uses on the same lot which would put them in compliance with the Zoning Ordinance and other legal requirements. They were prepared to have conditions put on the plan as mentioned by Mr. Hartman; that they meet the setbacks for the electrical generation use as provided in the Zoning Ordinance; the facility would only use and burn methane gas to generate electricity; they would meet DEP air quality permit approvals and approval of the minor permit modifications. Instead of a lease agreement they would give G.A.S. Access a license or easement. That should satisfy all the comments in the letter from Mr. Hartman.

Mr. Hartman confirmed that he had conversations with Mr. Fox concerning the project. He came at the issues at a different direction than Mr. Fox. Mr. Fox came at it from the DEP permitting and pre-emption side of the analysis. He, in contrast, looked first at the Township Zoning Ordinance and tried to find whether there was any reason why the project could not comply with our Ordinance. With that approach his conclusion was that it should be characterized as a principle use. Under Section 642 of the pending Ordinance, the project had been designed to comply with that Section with respect to setbacks. The one issue that was a stumbling block concerned the interpretation of Section 601 of the Zoning Ordinance, which allowed the Board of Supervisors to permit more than one principle use on a single lot. Many Townships have Sections in their Ordinances like that one, but in other Townships Ordinance on the same topic there was usually an express requirement that each use separately met the dimensional regulations of the Township. Exeter's Ordinance did not contain that express language. According to the Municipality's Planning Code we have to construe any ambiguity in the wording of the Ordinance in the favor of the property owner. Therefore, on the five-acre issue, after having looked more carefully at the wording of Section 601, it was his conclusion that the Board of Supervisors may approve the plan permitting the two principal uses on a single lot without any defined five-acre area for the energy generation facility. Another part of his analysis was whether a subdivision was required, as indicated in his letter to the Planning Commission. If a lease was the arrangement between G.A.S. and the landfill then a subdivision was necessary and the lot area requirement was needed. Mr. Fox indicated that it would be possible for the arrangement to be in the form of a license or easement. He would prefer a license because there was case law on different uses specifically with cell towers and billboards, where the courts have found a lease was a subdivision under the MPC. With a license agreement that would not a subdivision. That would remove one of the concerns with the subdivision question. Then the Board of Supervisors may apply Section 601 of the Zoning Ordinance to permit the two uses with the following conditions: (1) the arrangement would not be a lease but preferably be a license; (2) a note on the plan that the exclusive source of the fuel for the facility would be landfill gas; (3) they would meet all the dimensional regulations under Section 642 of the pending Zoning Ordinance, specifically the setback requirements; (4) that proof of the approval by DEP of the substitution of the new energy company from the prior named company, Ingenco, and unless that was approved by DEP the argument about pre-emption under the host agreement would not apply. Mr. Fox has indicated that an application was pending to cause that transfer to occur and the Township could approve the plan with that condition, as the project could not move forward without that. Mr. Schwartz asked who the applicant was? He then stated that previously Ingenco came in as the applicant and they did not have a right to propose land development on someone else's property. He assumed that G.A.S Access Energy had no legal right to propose the land development. Mr. Fox stated that if the application had to be amended to place F R & S Pioneer Crossing as the applicant they would do that. Mr. Hartman stated that if G.A.S. Access Energy was the applicant they did not have the right to be the applicant. If G.A.S. and Mr. Fox

G.A.S. Access/Pioneer Crossing continued

would be amenable to substituting the Landfill as the applicant for the land development that would be consistent. Mr. Bittig asked about the hours of operation? Mr. Fox replied that gas operation was 24 hours a day as were the flares.

Mr. Bensinger stated that he believed they met the environmental performance standards and they would obviously meet any DEP standards. Mr. Bittig stated that we needed technical confirmation that under stagnant air conditions, under 609.1.b, that they would not exceed the EPA standards at the boundary lines. Mr. Voorhees stated that he did the analysis of the emissions. The emissions for NOX were higher; all the other emissions were pretty much the same. CO2 emissions were 10% higher. They used state of the art technology to lower NOX emissions as much as possible with the engines. They ran a "worse case scenario" when they submitted the application to DEP, they assumed they had a wet landfill gas that would be burned in the engines. They put in filters and a cooling process to get rid of the moisture. They cooled the gas down to 40 degrees Fahrenheit and then heat it up to 100°. It got rid of 70 to 75% of the moisture in the gas. Then the dry gas goes into the engines and that reduces the emissions. The engines use a lean burn technology that reduces the NOX emissions drastically. If you burn the gas at the flare, the emissions do not go anywhere. With the engines the emissions shoot higher and the impact would actually be in Delaware. It would not have a local impact. They met all the EPA standards. Mr. Bittig asked if they could provide the concentrations for stagnant air conditions over three hours/24 hours, the PPM against EPA standards. Mr. Voorhees replied that they would do that.

Mr. Bensinger stated that item #9, with the Environmental Performance Standards and the Environmental Assessment Statement, they have addressed those issues. Mr. Peifer stated that he would check that out. Mr. Bensinger stated that they would have three service trucks a week and an oil truck to service the engines and possibly two UPS trucks a week. The trucks that came in would be able to do a three or four-point turn and Mr. Peifer had suggested adding another access. Mr. Peifer stated that a tandem axle truck would be used and he did not feel they would be able to do a three or four point turn. Mr. Wilson stated that it would be better for fire safety to add the additional access. Mr. Bensinger stated that they would pave the driveways and the parking area and the Stormwater addressed that. Another item was the waiver request for Section 4.241, which required all existing utilities and other significant manmade or natural features within the proposed subdivision or Land development and within 50' of the boundaries of the proposed land development to be shown on the plans.

MOTION BY Mr. Ruff, seconded by Mr. Bittig to recommend the Board of Supervisors waive the requirement of SALDO Section 4.241 because of the limited impact on the entire property it was sufficient to show the impact just in the area that the gas plant would be located. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Schwartz, Mr. Ruff, Mr. Shane voting in favor and Mrs. Geiger voting opposed.

Mr. Inch stated that the original plan from 2000-2001 was a conceptual plan that showed the Ida Mascaro Park in the location of the energy plant. A minor permit modification was submitted to DEP to allow for the existence of both the plant and the park. The park would be built further to the south. He then provided a plan showing the changes. The landfill and G.A.S. felt that resolved the issue in GVC's review letter. Mr. Schwartz stated that he was concerned about issues with noise because of the close proximity of the recreation area to the power plant. Mr. Voorhees replied that the PPM report should show how they would take care of any concerns. There would be less than 65dba within thirty-three feet which was less than the

G.A.S. Access/Pioneer Crossing continued

noise inside a car traveling at 65mph. Mr. Wilson stated that there was also a concern with emissions if the plant was still in operation when the park was in use. Mr. Schwartz asked if they planned any buffer between the plant and the park? Mr. Inch replied it would be a fence and whatever was planted there now. Mr. Schwartz stated that if there were plants already there, by the time the park was built they would be mature and that would help with visual screening and to help buffer some of the noise. Mr. Bensinger stated that they would take a look at that, as there might be an area where trees could be planted. He then handed out the original application for the PNDI search.

Public Comment

Thomas Howell, 820 Lorane Road, asked if they were planning to submit an air model of the fall-out area? Mr. Voorhees replied yes that they would. Mr. Howell suggested that they look at the fall-out area of the Calpine Ontelaunee plant.

Mr. Bittig asked about item #5 under Stormwater concerning the size of the pipe, would they explain that? Mr. Bensinger replied that the pipe was a pre-existing non-conforming 12' pipe and all stormwater was directed into the wetland area.

Mr. Bensinger stated that took care of all the bold items and everything else could be handled at Final Plan stage. They were requesting Preliminary plan approval. Mr. Schwartz asked if we had a legal right to approve it as submitted, because of the need for the change of applicant? Mr. Hartman stated that Mr. Fox could fill out an application with the needed changes now and then it would facilitate the process.

MOTION BY Mr. Ruff, seconded by Mr. Littlehales to recommend the Board of Supervisors approve the G.A.S. Access Pioneer Crossing Energy LLC Preliminary Plan with the following conditions: (1) meet the conditions in the letter dated February 2, 2006 from Christopher Hartman; Hartman, Hartman, Howe & Allerton, P.C. (2) The modified application is approved by D.E.P. (3) Applicant provides adequate proof that they met the E.P.A. three hour/24 hour particulate and N.O.X. limits at both the fence line and at the future park location. (4) They were the licensee and not a lessee. (5) Only landfill gas is used (6) The plan met the setback requirements. The motion carried unanimously.

5. MB INVESTMENTS – BOONE PROPERTY STORMWATER PLAN – Ryan Inch

GVC reviewed the MB Investments – Boone property Stormwater Management Plan (reference letter dated February 7, 2006).

Mr. Inch stated that they were seeking stormwater management plan approval for the Boone property. It was not a land development plan, there was no proposed use for the property, and it was just the intent of the property owner to grade the property to make it suitable for future development. Mr. Peifer stated that the first bold item concerned the PMHC. The second one concerned the issue of tree removal, and as indicated several members of the Planning Commission and a forester walked the site. The Planning Commission requested that the detention basin be moved and we were waiting for the tree inventory list or plan. Mr. Inch stated that they have moved the basin away from the steep slope area. They would not disturb any area 50-ft from the wetlands and stream bank. The site was mostly ash trees, some Virginia pines and small hickories

Boone Property continued

that have not met the mature diameter of 8 inches. They have flagged trees and numbered them. They would finish the inventory and use that when they did the land development plan. Mr. Bittig stated that they would need to do replacement trees. Mr. Inch stated that they have a bond for the site as required for Stormwater Management.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff to recommend the Board of Supervisors approve the Stormwater Management Plan for the MB Investments - Boone property subject to the comments in the review letter of February 7th being addressed, also, that they address the Highway Occupancy Permit issue and submit the tree inventory. The motion carried unanimously.

6. APPLEBEE'S AT SHELBOURNE SQUARE – FINAL PLAN – Nick McAndrew

GVC reviewed the Applebee's Land Development Final Plan (reference letter dated February 2, 2006).

Mr. McAndrew stated that he brought in 4 copies of the approved E & S plans. There were no proposed deed restrictions. They sent in details of the Improvements Agreement. Concerning item #4 under stormwater, they were hoping to infiltrate into an existing basin, but with the testing done that morning they hit bedrock so they would be infiltrating in another area. They would submit the Operational Maintenance Manual. Mr. Peifer stated that we would prefer that the Operational Maintenance Manual be 8 ½ by 11 inches. Mr. Schwartz asked if they provided architectural drawings for the building. Mr. McAndrew stated they were back at the office but that it would be a typical Applebee's. Mr. Wilson stated that it would be an improvement to the area. Mr. McAndrew stated that he wanted to say thank you to Cheryl and Linda as they did a great job helping them with the plan and that Exeter Township was great to work with.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig to recommend the Board of Supervisors approve the Applebee's at Shelbourne Square Final Plan subject to meeting all the items listed in GVC review letter dated February 2, 2006. The motion carried unanimously.

7. ASINO FARMS – PRELIMINARY PLAN – SuSanne Creveling

GVC reviewed the Asino Farms Subdivision Preliminary Plan (reference letter dated February 2, 2006).

Mrs. Creveling stated that GVC recommended using the manhole invert as the benchmark so they were requesting a waiver of Section 4.240 to allow using the manhole invert as the benchmark.

MOTION BY Mr. Bittig, seconded by Mr. Schwartz to recommend the Board of Supervisors waive the requirement of SALDO Section 4.240 and allow them to use the manhole invert as the benchmark. The motion carried unanimously.

Mrs. Creveling stated that they would be working with the Fire Marshal and the water company. Item #32 concerned the reverse frontage waiver that was tabled until the plan for the landscaping and the berm were provided. It was now shown on the plan. Mr. Bittig asked what type of vegetation they planned to place there? Mrs. Creveling replied that they had a combination of ornamental shrubbery and evergreens.

Asino Farms continued

Mr. Shane asked if they would be planted along the top of the berm. Mrs. Creveling replied yes, they would. Mr. Wilson stated that he felt that granting the waiver would leave us open for other people asking us to waive the requirement. Mr. Schwartz stated that we did not grant the waiver for Windy Willows because they were not able to shield the rear yards.

MOTION BY Mr. Schwartz, seconded by Mr. Shane to recommend the Board of Supervisors waive the requirement of SALDO Section 5.523, reverse frontage minimum rear yard depth of 75' for lots # 9, 10, 11 and 12 due to the fact that they provided an adequate landscaped berm to shield the rear frontage lots from the road. The motion carried with Mr. Bittig, Mr. Shane, Mrs. Geiger, Mr. Schwartz, Mr. Ruff, Mr. Littlehales voting in favor and Mr. Wilson voting opposed.

Mrs. Creveling stated that with item #40 for the fire hydrants, they would place them where the Fire Marshal requested. Under Stormwater management #1 they would address that. They were requesting Preliminary Plan Approval.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig to recommend the Board of Supervisors grant Preliminary Plan approval for the Asino Farms Subdivision subject to all items in the GVC Review letter dated February 2, 2006 being addressed at Final Plan stage. The motion carried with Mr. Bittig, Mr. Littlehales, Mrs. Geiger, Mr. Schwartz, Mr. Ruff, Mr. Shane voting in favor and Mr. Wilson voting opposed.

8. WOODGATE III – REVISED PLAN - David Shafkowitz
- Brian Focht

GVC reviewed the Woodgate III revised land development plan (reference letter dated February 3, 2006).

Mr. Shafkowitz stated previously they had a waiver request that was denied by the Board of Supervisors and they have changed the plan and they were now in compliance. They addressed the concern for parking with reduction in units and adding community parking areas. They had a total of 280 parking spaces. They have the water company letter. Mr. Bittig asked if they had the letter from the sewer authority? Mr. Peifer replied that he had not seen one. Mr. Focht stated that they would get a letter from the authority and they were looking for revised plan approval.

MOTION BY Mr. Ruff, seconded by Mr. Schwartz to recommend the Board of Supervisors approve the Woodgate III revised plan subject to receiving an approval letter from the Sewer Authority. The motion carried with Mr. Bittig, Mr. Littlehales, Mrs. Geiger, Mr. Schwartz, Mr. Ruff, Mr. Shane voting in favor and Mr. Wilson voting opposed.

9. EXETER GOLF CLUB ESTATES PHASE V – REVISED RETAINING WALL – Gary McEwen
- Stephen Bensinger

Mr. McEwen stated that it was brought to their attention by Great Valley that the wall that was being constructed in Exeter Golf club Estates Phase V along Linkside Court deviated from to what was on the approved plan. They would like to propose a change to the detail on the sheets from what was originally proposed. The previous wall was to be built out of stone from the site. Mr. Peifer stated that it was to be a dry laid stone wall and the intent was not that it was native to the site. Mr. Bensinger replied that the

Revised retaining wall EGCE V continued

previous developer, Mr. Filippini, wanted to cut costs and planned on using stone from the site. Mr. Bittig stated that we had quite a discussion, during the planning process for the development, concerning the wall and the aesthetics of the wall because of the neighboring properties on Linree Avenue. Mr. McEwen stated that it called for a limestone wall and their interlocking wall was more of an earth tone than the gray quarry stone. They submitted plans for the wall to GVC and GVC felt the wall was acceptable from a structural standpoint. They currently had the wall under construction. Their geotechnical people had concerns over compaction for the previous wall design because there was no grid work that tied back into the bank. They felt that the interlocking wall was a far superior wall in the long run than the dry stacking wall because of the nature of the construction. If the aesthetics of the wall was a concern they would meet with the residents and place landscaping to shield the backdrop. They currently did not have a landscape plan. Mr. Schwartz asked what materials they were using and what were the dimensions of the wall? Mr. McEwen replied that the highest exposed section was 13-feet, the length of the wall was just a little over 300-feet. Pictures were passed around showing what was already built. Mr. Shane asked why they made the change, was there a structural difference? Mr. Bensinger stated that the previous wall was designed, engineered and approved by the Township. The new wall was a substitute. Mr. Ruff asked why the split block facing was chosen as there were other options available that would have been in keeping with the original design? Mr. McEwen replied that the size of the stone met the requirements and they had good experience with that type of wall. Mr. Ruff stated that he agreed that it was a better wall but the color was not good. The aesthetic value of the new wall was negative. Mr. Schwartz stated that it would be good in an industrial site, but it was in a residential area and was not an appropriate choice of material. It was not in keeping with what we approved. We were not arguing with the material choice, a monolithic 300-foot wall with every stone identical was not what we approved. Mr. McEwen stated that he was sorry that he was not here for the approval of the wall and they had submitted the wall change to the Township Engineer and they did not receive those comments.

Mr. Peifer stated that the wall going up in this location was to be a stone wall. Mr. McEwen produced a letter concerning walls from GVC and asked if that was the letter being referred to? Mr. Peifer replied that the letter should have referred to specific lots. The letter was in reference to walls going up on the lots within the development. Mr. McEwen stated that they were there to try to make the adjustments they needed to make so they could move forward with the project.

Public Comment

Thomas Hazel, 71 Linree Ave, stated that the Planning Commission took the time to review the plan and approve the flat-stacked stone wall. He had looked at it and felt that if there had to be a wall at least it was natural and attractive. When Ed Fink was out at the site and the foreman was told the material was wrong and that if they proceeded to build it then it would be at their own risk, they continued to build it another 6-feet at their own risk. They did not care about my home value and what was approved. The staid look of the wall in the pictures was obviously unattractive. No matter how many trees you plant in front of it, it would not take away the starkness of the wall. He would appreciate not approving the change based on two facts (1) They built without approval (2) They maintain that they did not build without approval, which we know was not the case. Aesthetically it was more suited for a shopping center.

Revised retaining wall EGCE V continued

John Small, 75 Linree Ave, stated that he seconded Mr. Hazel's comments and appreciated his complaint that initiated the action taken. He provided pictures of the area behind him before the construction was started and the brush and trees were removed. No amount of landscaping would do justice to the way the property looked before. No amount of landscaping could hide that eyesore (wall). Mr. Wilson stated that when the property was being developed, the members of the Commission were concerned of the steep drop between the upper lots and the lower lots. We were concerned but they had the right according to zoning to build and the only thing we could do was ask for that type of wall to stop any water runoff and erosion onto the properties below. Mr. Small stated that they were willing to accept the wall with the original design and that was what they expected.

Todd Oleson, 79 Linree Ave, stated that he seconded what Mr. Small's comments about the trees. He also stated that there was a beautiful tree line located there previously which they decided to destroy and put in a hideous wall. They could have moved the wall back and left the trees. He was also concerned with the fact that he did not see any protection for the top of the wall. What would stop people or cars from falling off the edge of it? There should be some sort of a safety barrier there. Earlier there was discussion on tree inventory, tree replacement and buffer zones, where was that type of talk when the project was being discussed?

Robin Oleson, 79 Linree Ave, stated that their concern was how the construction company ran things; the way they came in like a bull in a china shop. She asked if they could continue making changes that benefit themselves without any respect to the people on the other side of the wall. She then asked if the ground would come to the top of the wall, and, if so wouldn't they have water runoff from that? They had police come to their house to have them move something without Slouch first asking them to move it. They were concerned about how Slouch was treating the families on the other side of the property. We understand the need for development and could not expect them to stop, but we want to be considered when things happen. We appreciate being heard.

Mr. Wilson asked if the ground behind the wall would be level with the wall? Mr. McEwen replied that it would be below the wall by 6 inches. Although the plan does not show anything on the top of the wall, they were proposing railing at the top. Mrs. Oleson asked if that would be railing to stop people or cars or both? Mr. Bensinger replied that he believed there would be guide rails, but he would need to check that. Mr. McEwen stated that with the concern for drainage, the weep holes were just for pressure relief for the wall, to keep hydrostatic pressure off of the wall. Behind the wall there was a perforated pipe and inlets that would collect water to the downside of the slope. Previously there was water coming down that slope. Mr. Oleson replied, "not like it was now", there were washouts on his property. Mr. Bensinger stated that the stormwater was designed in accordance with the ordinance and basically we cannot allow any more water off of the site after the development than before the development. Once the ground got stabilized it would be better. According to the Conservation District any swale must be stabilized within 30 days. Mr. Bittig asked if there were silt fences up in that area? Mr. McEwen replied that the plan called for silt fence in some areas and wood chip berms in other areas. Mr. Peifer stated that if the wood chip berms were not working they were supposed to put in the silt fence as an alternate. Mr. McEwen stated that in the area where they were discussing, they removed them to start the wall and there was an area above the wall that protected from anything coming down over. Mr. Schwartz stated that the silt fence would not stop water from coming through; it would just stop the silt.

Revised retaining wall EGCE V continued

Terry Derr, 83 Linree Ave, stated that his neighbors pretty much touched on all of the concerns but we should not lose focus on the main issue. Runoff, drainage and height of the wall were discussed. The height of the wall cannot be changed. The bottom line was a mistake was made and in business when you make a mistake you have to correct it and it costs money. They were making excuses by saying it was a better wall. The fact of the matter was they made a mistake, so correct it. The Planning Commission approved a stone wall and the wall being built was not the wall that was approved. The rules were set and they needed to live by those rules. Mr. McEwen stated that they sent in the plans with the design of the wall, a picture of the wall with a cross section, the layout of the wall, and the face of the wall to the Township engineers.

Mr. Wilson asked if, in their letter, it stated that the wall was different than the original plan? Mr. McEwen replied no, it did not. Mr. Schwartz asked if the letter asked them to approve the design or the structural engineering issues involved, but that really did not matter. They probably looked at that exactly as they asked them to do, for the structural design and the engineering standpoint, which was fine and appropriate in certain circumstances. But it was not an acceptable excuse nor was it an acceptable alternative. We have an approved plan that called for a stone wall, if they would like to do something other than that it required the Planning Commission's approval. Mr. Bensinger replied that was what they were asking for. Mr. Schwartz stated that what they had already started to build was not acceptable. If they would like to propose something else we would listen, but what they were currently building was not acceptable. Mr. Derr stated that he liked what he was hearing in the fact that the current wall would not be acceptable, but he would like to make a suggestion to create a "win, win" situation, so the developers were happy, we're happy and allow us to come up with suggestions that would not cost more than what the costs already were, but also would be feasible and look appropriate for the neighbors. Mr. Schwartz stated that there were other alternatives, other block patterns and blocks that have various colors and textures that would be more appropriate for the area. Mr. Small stated that he and his neighbor at 71 Linree represented 200-feet of the 300-foot wall, if the developer could make them happy, that should make everyone happy. Mr. Schwartz stated that in fairness to the developer, the proposed wall would outlast and cause fewer problems than the cut stone wall, but the issue was the block they chose was inappropriate for the setting. Mr. Ruff agreed that the wall being built was much more durable than the previously proposed wall. Mr. McEwen asked if they should come back with other alternatives to the Planning Commission? The Planning Commission agreed that they should meet with the neighbors and work it out, then after everyone was satisfied with the selection bring it back for approval. Mr. Wilson stated that when they came back with the new submittal they should show the appropriate safety measures at the top.

Cynthia Nesbitt, 87 Linree Ave, stated that they have a 50-foot mound of rock and clay behind them. All summer there was no rain and she was asking if the contractor would kindly come and wash down the houses. There was clay and dust blowing down on the houses and they were a mess. Could they clean our houses and water down the dirt as they were working? Mr. McEwen replied that they would talk to the contractor and see if they could do that.

10. EAST GATE – PRELIMINARY PLAN – Andy Kent

GVC reviewed the East Gate Preliminary Plan (reference letter dated February 3, 2006).

Mr. Kent stated that the project was a four-lot subdivision off of Gibraltar Road with the Deer Run subdivision located behind it.

East Gate continued

Mr. Bittig asked if that was the east entrance to Deer Run? Mr. Kent replied that he agreed that it would be a better plan that way. Mr. Bittig stated that they should design it as such.

Mr. Kent stated that with item #1, they would correct that. They agreed with item #4 to preserve the trees and any trees that would come out they would re-plant. With item #5 for the status of Old Gibraltar Road, they could not find anything on that, so they were asking the Township to provide that information.

Mrs. Franckowiak stated that she would check that out. Mr. Kent stated that for item #8, they haven't thought about that, but they would do so. For item #11, concerning streetlights, they felt they were required. Mr. Peifer stated that they should space them according to the Ordinance. Mr. Littlehales stated that they would need to follow the new Lighting Ordinance # 612 that was recently adopted. Mr. Kent stated that with item #12 for the centerline stakeout, would they need to do that? Mr. Schwartz replied that, going back to the previous comment concerning the trees, typically some members of the Planning Commission do a site walk for the trees and the stakes would show the location of the street to help determine whether some tree removal would be involved. Mr. Kent asked if they could set up a time to do that? Mr. Schwartz replied that after they do the stakeout he should call Cheryl or Linda to co-ordinate that. Mr. Kent stated that they would show the steep slope areas. Item #25 concerned the storm water detention, they did not know if they would dedicate it to the Township or Homeowners Association. Mrs. Franckowiak stated that the Township did not take detention ponds so they would need to go to the Homeowners Association. Mr. Schwartz asked how the sight distance was? Mr. Kent replied that the sight distance was great both ways. They were unsure what part of Gibraltar Road belonged to the Township and what part belonged to PennDOT. Mrs. Franckowiak replied that we would check with Clarence. Mr. Bittig stated that with the Stormwater Management and the waterway that ran through there, they would need permits to do anything there and they might need the Army Corps of Engineers. Mr. Kent replied that they were working on a bridge to cross the wetlands and felt that they had that covered. Mr. Bittig stated that they did not do a traffic study because it was a 4-lot subdivision, but if that became the east entrance to Deer Run they would need to do one and they would also need to design the intersection as an arterial street. Mr. Schwartz asked what the proposed street width was? Mr. Kent replied a 60-foot right-of-way and a 40-foot cartway. Mr. Schwartz stated that it narrowed down to 24-feet just before Gibraltar Road to avoid wetlands. It would be ok because there was no parking at the entrance, but it would be odd coming in the entranceway. Mr. Bittig asked if there would be sidewalks? Mr. Kent replied yes, on both sides. Mr. Bittig asked about the easement showing for the north property owner, what was the legal status for that? Mr. Kent replied that it just stated that they had a right to use the driveway and no width was showing. Mr. Peifer asked if that would be annexed to them? Mr. Kent replied no, it would just be an easement. Mr. Peifer asked who would own it? Mr. Kent stated that would be owned by the people on whose lot it was located. Mr. Schwartz stated that if they would combine the plan with the Deer Run Subdivision it would make more sense. Mr. Peifer stated that we would ask them to show how they would interconnect.

**11. DEMOSS STREET HEALTH CLUB – PRELIMINARY PLAN - Bruce Rader
- Pat Dolan**

GVC reviewed the DeMoss Street Health Club Preliminary Plan (reference letter dated February 3, 2006).

Mr. Rader stated that they were proposing a 49-foot, three story health club with a mezzanine level.

DeMoss Street Health Club continued

Mr. Dolan provided two sketches of the exterior design of the building. Mr. Rader stated that item #1 under zoning concerned if a health club was a permitted use in the HC district. Mrs. Franckowiak stated that it was considered a personal service establishment under 501.2.G. Mr. Rader stated that item #2 concerned providing a landscape buffer along the property line because of an existing residential use across the street from the proposed health club. Mr. Wilson stated that was set back pretty far from the street and there was commercial property located there also. Mr. Rader stated that they had some proposed trees located there. Mr. Wilson asked if they wouldn't be in the line of sight coming out of DeMoss Road? Mr. Schwartz asked Mrs. Franckowiak what she thought about that? Mrs. Franckowiak replied that she did not feel it was necessary because that was across the street, not next to development. Mr. Rader stated that with item #7, they would do a temporary construction easement. With item #8 they would shift the easement and put parking along the eastern part. Mr. Bittig asked who had that easement? Mr. Rader replied that was for the bank and they were just planning to shift the cartway within the easement. Mr. Peifer stated that they would need to look at the easement language as to whether they could encroach into it and secondly they would need to get written agreement with the user of the easement. Mr. Rader stated that they would get that for the solicitor to review. Mr. Peifer stated that they would need to check the easement to see if that was allowed. Mr. Dolan replied that their solicitor checked the easement agreement. There was no language that stated that you could not encroach in that area. He then stated that they would approach Patriot Bank for their acceptance. Mr. Wilson stated that we would like to see the view of the building from the Gibraltar Road and the SR422 side. Mr. Dolan replied that they were working on that. Mr. Schwartz stated that we needed to discuss the architectural value of the building. Mr. Rader stated that item #9 concerned the parking spaces and if the Zoning Officer felt that the calculations for the parking were appropriate. Mrs. Franckowiak replied that they were. Mr. Rader stated that they were requesting a waiver of the Environmental Assessment Statement.

MOTION BY Mr. Schwartz, seconded by Mr. Ruff to recommend the board of Supervisors not grant a waiver of the requirement of SALDO Section 633 for an Environmental Assessment Statement because it was not something that was complicated, only a two or three page report. They should go through the process and they did not need an engineer, they just needed to go through the checklist and see what applied or not. The motion carried unanimously.

Mr. Rader stated that they had a waiver request for a plan scale of 1" = 30'.

MOTION BY Mr. Ruff, seconded by Mr. Bittig to recommend the Board of Supervisors grant a waiver of the requirement of SALDO Section 4.21 and allow the plan scale of 1" = 30'. The motion carried unanimously.

Mr. Rader stated that they were proposing to plant some new trees and would do a landscape plan for them, would that be acceptable? Mr. Schwartz stated that they should inventory the trees and replace them as required by ordinance. Mr. Rader stated that item #10 concerned the request of a waiver of a traffic study, however since less than 20,000 sq. ft. of gross floor area was proposed then a traffic study was not necessary. Mr. Peifer asked what the gross floor area of the building would be? Mr. Dolan replied that it was 19,400 sq. ft. Mr. Bittig stated that with the mezzanine area they were over 20,000 sq. ft.

DeMoss Street Health Club continued

MOTION BY Mr. Bittig, seconded by Mr. Shane to recommend the Board of Supervisors deny the waiver of the requirement of SALDO Section 5.981 and require a Traffic Impact Study be done for the DeMoss Street Health Club. The motion carried unanimously.

Mr. Dolan asked what parameters were needed? Mr. Schwartz stated that major intersections should be included. Mr. Bittig stated that GVC would do a recommendation letter, then we would review it and pass it on to the Board of Supervisors.

Mr. Rader stated that they were looking for waivers from Section 4.284, Environmental Hazard Report and Section 4.287, Water Resources Study.

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales to recommend the Board of Supervisors waive the requirement of SALDO Section 4.284, Environmental Hazard Report as there previously was nothing located on that site. The motion carried unanimously.

Mr. Ruff asked if they proposed any infiltration as a part of stormwater management? Mr. Rader replied yes, they would be doing infiltration. Mr. Ruff stated that was what we would be looking for with a Water Resource Study because they would have public water and sewer.

MOTION BY Mr. Ruff, seconded by Mr. Shane to recommend the Board of Supervisors waive the requirement of SALDO Section 4.287, Water Resource Study, as they would be doing infiltration on the site. The motion carried unanimously.

Mr. Rader stated that items #15 & 16 concerned curbing and sidewalks. They were not proposing sidewalks and curbing and would like the Township's view on those items. Mr. Wilson stated that he would like to see curbing along DeMoss Road. Mr. Radar stated that their Stormwater report indicated taking run-off from DeMoss Road and taking it into an infiltration area. The Planning Commission agreed that they should check with Clarence Hamm, Highway Superintendent concerning curbs. Mr. Ruff stated that if Clarence said no to curbs than they would not need sidewalks. Mr. Wilson stated that he would like to see curbs and sidewalks. Mr. Rader stated that the stormwater comments would be addressed when he met with Mr. Peifer on Friday.

Mr. Schwartz stated that he did not like either design of the building and felt that the building was out of character for the area except for Patriot Bank. He suggested that they look at all the other buildings in the area, the Township building, the veterinarians office, funeral home, Beverly Manor, Sovereign Bank, and the medical office building. He then stated, "We have a much different architectural style." The building would stick out like a sore thumb. Mr. Dolan stated that was the purposeful intent of the owner; that the building was to have a sports complex feel to it, rather than a colonial style. Mr. Schwartz replied that he understood that but they would be putting it in an area that had all colonial style buildings. Mr. Shane stated that he did not feel it had to be colonial. Mr. Bittig stated that it would need to be reasonably compatible. Mr. Schwartz stated that health centers usually were chrome and glass look, but that would not be the site to put a chrome and glass building. They could use red brick instead of gray. Mr. Rader stated that was not a Township requirement. Mr. Bittig stated that they could work with us or not. Mr. Dolan stated that he understood what we were saying and did not want to fight on it, but asked that the Planning Commission be considerate of the

DeMoss Street Health Club continued

owners concerns and what they wanted to accomplish. He understood about the neighborhood, but there was also a Turkey Hill and Arby's. Mr. Bittig replied that we had a number of things that should not be. Mr. Dolan stated that his point was that although there may be a couple of colonial buildings the area was quite diverse. Their client was looking for a prototype concept to be replicated. Mr. Rader asked which concept the board preferred. The Planning Commission consensus was neither. Mr. Dolan stated that in order to take the comments back to their client, what did they need to accomplish, architecturally speaking? Mr. Wilson replied that brickwork in keeping with the surrounding buildings. Mr. Schwartz replied that they should just take a look around the neighborhood and take features from the surrounding buildings. Mrs. Franckowiak asked if the owner would definitely want to build the proposed building; where was our right to say that they could not build it? Mr. Schwartz replied that we were allowed to review the architectural drawings and comment on them. Mrs. Franckowiak replied that she understood that, but where was the Township criteria? Mr. Shane asked about the other side of the building, how did that look? Mr. Dolan replied that it resembled an office building. Mr. Dolan stated that they would take the comments back to the client and work on the project, but in general, for the Planning Commission to consider, what would the state of architecture be in this country if we never pushed the envelope. Mr. Shane stated that he did not agree with the rest of the Board that it would have to be colonial. Mr. Dolan replied that he was confused, because if he looked around, as requested, what was in keeping with the area? Mr. Shane stated that, although they wanted to create an image, they needed to speak to the context a little better. Mr. Wilson stated that brickwork would look better than stone.

12. WAL-MART STORE #1777 – SKETCH PLAN – Todd Steiger

GVC reviewed the Wal-Mart #1777 expansion Land Development Sketch Plan (reference letter dated February 3, 2006).

Mr. Steiger stated that he first wanted to thank the staff, Cheryl, Linda and Craig, who met with us a few times and helped us become familiar with the Township Ordinances. He then stated that the existing site for Wal-Mart was an 115,000 square foot store, with a 55,000 sq. ft. Weis Market and 10,000 sq. ft. retail complex that was built 15 years ago. Wal-Mart was growing and they wanted to expand their store into a Super Center. They wanted to expand by approximately 95,000 sq. ft. with a tire & lube express and drive-thru pharmacy. They would be purchasing the Weis property and consolidating that with the Wal-Mart property. The site was Highway Commercial and was accessed by right in, right out on 422 and from the traffic signal on 422 onto Lincoln Road into the Wal-Mart. The store would be expanded to sell groceries and would include a drive thru garden center. There would also be a fueling station on the north side of the site. They believed they had a "by right" plan and felt that they did not need any zoning variances. Based on the comments in the GVC review letter they needed to look at the open space area and the landscaping interior to the parking area. They provided extra parking spaces but in order to make the 5% landscaping within the parking area they might have to eliminate 20-22 spaces. There was an existing stormwater basin in the rear of the property on the south side, one along 422 and another one east of the site. As a part of the project one of the basins would be filled in and they would provide underground storage. They would like to take the entire roof run-off and infiltrate that. They have not yet prepared a Traffic Impact Study. They had public sewer and water but they needed to check if they would need extra sewage and to check the fire flows for the site. There was an existing buffer along the south side and the east side of the property. They would make sure that they met the buffer requirements. They would be submitting a new lighting plan.

Wal-Mart continued

Mr. Steiger then stated that for the architectural design standards, would they need to submit elevations? Mr. Schwartz replied that we want to see what it would look like. Mr. Steiger stated that they did a Phase 1 Environmental Site Assessment, would that be acceptable for the Environmental Hazard Report? Mr. Ruff replied that would be good. Mr. Steiger stated that one of the waivers they might be looking for would be to submit the Preliminary Plan as a Preliminary/Final. Would the Planning Commission entertain that? Mr. Bittig replied that we usually need to see both Preliminary and Final. Once they got Preliminary approval, Final Plan approval moved fast. Mr. Wilson asked what the new building would look like? He had seen a very nice looking Wal-Mart down by Ambler off the turnpike. Mr. Steiger asked what color the building was?

Mr. Wilson replied that it was white with white dormers on the roof. Mr. Steiger stated that the design for the building wouldn't be completed until March 1st. Mr. Wilson stated that he would prefer to not see the usual blue and gray.

Mr. Littlehales stated that he would like to see them direct traffic to the entrance along 422, as the traffic coming into the Lincoln Road access was atrocious. Mr. Wilson stated that he was also concerned about the Lincoln Road access as the trucks always run over the curbing. Mr. Littlehales stated that the turn radius was terrible. Mr. Steiger stated that one of the bolded comments concerned the proposed truck traffic flow within the site. Mr. Peifer stated that they should submit the turning movements to demonstrate that they can make the turns.

Public Comment

Thomas Howell, 820 Lorane Road, asked if the flow of the trucks supplying Wal-Mart would go drive into the area of the drive-thru pharmacy? Mr. Steiger replied that they would be exiting from that area.

Mr. Howell asked where they would come in? Mr. Steiger replied that they would come in from 422 and from Lincoln Road. Mr. Howell stated that the guide rails along Lincoln Road were all messed up from truck traffic. He was also concerned with the trucks driving in front of the building where pedestrians crossed. Mr. Steiger replied that it was currently that way as it was a pre-existing condition.

13. INFORMAL DISCUSSION – 900 LORANE ROAD – Thomas Ludgate

Mr. Ludgate stated that 900 Lorane Road was a 4½-acre property located just beyond where Lorane Road and Painted Sky Road connected. They wanted to turn it into 4 lots, one with the existing house, one with a 4,000 sq. ft. barn and two other lots. Lots # 1, 2 & 3 all would have proper frontage, area and setbacks. The problem would be that it would create a 30-foot access strip for lot #4 if they would preserve the barn. There was enough frontage to make it into four lots with the proper frontage, but then they would need to knock down the barn, because the lot line would go through the barn. Would the 30-foot access be allowed so they could preserve the barn. Mr. Littlehales asked if they would be converting the barn? Mr. Ludgate replied that was the intent. Mr. Bittig stated that the issue was the 140,000 sq. ft. tract located at the rear that someone might want to subdivide in the future. Mr. Bittig also stated that they would need to put in a permanent deed restriction so that it could not be further divided, ever. Mr. Ludgate replied that they could do that. Mr. Ruff and Mr. Schwartz both agreed that was the only way they would support the plan. Mr. Peifer stated that they would need to meet the sight distance for the new driveways.

14. INFORMAL DISCUSSION – 30 BEECHAM ROAD – Thomas Ludgate

Mr. Ludgate stated that previously they were in with a plan showing four lots and the Planning Commission really was not in love with that so now they were back with a plan showing three lots. Lot #3 was a large lot with the existing house; lot #1 and 2 were the existing barn and another existing house. Mr. Littlehales stated that it looked much better than the previous plan. Mr. Bittig asked what the sizes of the lots were? Mr. Ludgate replied that they were 52,000 sq. ft., one acre and 156,000 sq. ft. Mr. Bittig stated that they met the minimum lot size and had no new houses other than converting the barn. Mr. Littlehales asked if they would have any new driveways? Mr. Ludgate replied that they already existed. Mr. Bittig stated that the Township would have to grant relief for the lot depth to width ratio for the one lot.

15. INFORMAL DISCUSSION – CHURCH LANE

No one was present to discuss the project

16. INFORMAL DISCUSSION – EJKS ENTERPRISES/DECARLOS PRODUCE ADDITION

- Ed Kopetz

Mr. Kopetz presented concept plans for the DeCarlo's Market along 422. He stated that they had two different options for the addition. The first option was to expand the present market and connect it to the frame shop. That expansion would be 1,800s.f. 30-feet by 60-feet. The area they would be expanding between the two buildings was already macadamized and not a parking area. They would be replacing macadam with roof. The second plan showed knocking down the frame shop and putting in a 3,600 sq. ft. addition. Originally they had a 4,107 sq. ft. building that was used for the produce market. Either plan would put the addition on the current macadamized area. They wanted to find out if they would need to just get a building permit or if they would need to go through Land Development? Mrs. Franckowiak stated that she would look for Land Development; the reason she sent them to Greg Koontz was to see if they would be able to attach the two buildings with our newly adopted building codes. She also stated that with the Land Development we would need to see landscaping and parking. The Planning Commission agreed that they would need to do Land Development Plans. Mr. Wilson asked what the use would be? Mr. Kopetz replied that it would be a Beer Distributor and also a portion would be for DeCarlo's produce. The owners of DeCarlo's would like to downsize and the framers would also like a larger area. The Beer Distributor would use around 4,200 sq. ft. and would be comparable to the Beer Mart. Mr. Wilson stated that either plan would be acceptable. Mr. Schwartz stated that as we have been getting re-development along 422 we have been trying to improve the area and would like to see landscaping along 422.

17. APPEAL PETITION - ZAJAC

The Planning Commission stated that they discussed and took action on the Zajac Appeal Petition previously.

18. SALDO UPDATE

Mr. Bittig stated that along with the SALDO changes we would also need to address changes to the Stormwater Management Ordinance and we should make those changes together. The Planning Commission agreed to discuss the SALDO changes at the workshop on Thursday, February 9th.

ADJOURNMENT

MOTION BY Mr. Schwartz, seconded by Mr. Ruff, to adjourn the February 7, 2006 meeting of the Exeter Township Planning Commission at 11:41 p.m. The motion carried unanimously.

Respectfully Submitted,

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

lrc

Correspondence to:

- BOS: G.A.S. Access Pioneer Crossing Energy Preliminary Plan approval and waiver request
- BOS: Boone Property Stormwater Management Plan
- BOS: Applebee's Final Plan approval
- BOS: Asino Farms Preliminary Plan approval and waiver requests
- BOS: Woodgate III revised Plan of Record approval
- BOS: DeMoss Street Health Club waiver requests
- ZHB: Zajac Appeal Petition