

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
APRIL 3, 2007

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, April 3, 2007 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
Richard Littlehales, Vice Chairman
John W. Bittig, Secretary
Gary L. Shane

ABSENT: Greg T. Unger
Paul L. Schwartz
Gregory A. Shantz

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. Littlehales, seconded by Mr. Bittig to approve the minutes of the March 6, 2007 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Bittig, seconded by Mr. Shane to approve the agenda of the April 3, 2007 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. READING CENTRAL CATHOLIC HIGH SCHOOL – FINAL PLAN; GEISHAUSER SUBDIVISION – FINAL PLAN: MOTION BY** Mr. Shane, seconded by Mr. Bittig to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. READING CENTRAL CATHOLIC HIGH SCHOOL – FINAL PLAN – Henry Koch, Jr.

GVC reviewed the Reading Central Catholic High School Final Land Development Plan (reference letter dated March 30, 2007).

Mr. Koch stated that there was one bolded comment in the review letter and that had been resolved. He then stated that they were looking for Final Plan approval to move on to the Board of Supervisors. Mr. Bittig stated that there might not be any bolded items, but there were some items that needed to be discussed. He then stated that there was an item that was not in the review letter and asked if the Planning Commission and the Board of Supervisors had waived the requirement of SALDO Section 5.2352, 12-foot travel lanes and parking on both sides of the street. Mr. Koch stated that he did not recollect that item. Mr. Peifer stated that they offered to widen Ritters Road.

Reading Central Catholic High School continued

Mr. Bittig stated that the parking was never addressed, even though parking should not be allowed on Ritters Road. Ms. Cusimano asked if that wasn't a requirement when a new street was added? Mr. Bittig replied that they were realigning the curve through their property so that would be a new street that should have been caught a while ago. He then stated that another item in the review letter was the Stormwater Agreement and Maintenance Manual for Stormwater Controls, had they been received? Mr. Koch replied that was an item that would be a part of the Supervisors submission for the Final plan. It was his understanding that it was a Supervisors issue. Mr. Bittig stated that, for completeness, those were items were not submitted. Mr. Koch replied that they would be submitted and provided to the Supervisors. Mr. Bittig then asked about the jurisdiction for the installation of the pipe under Ritters Road? Mr. Peifer stated that they were carrying stormwater, not the creek that was reviewed by the Conservation District. Mr. Bittig then asked who would have jurisdiction on them, as that was a Township right-of-way? Mr. Peifer stated that they would need an HOP for the project. Mr. Bittig stated that there was not an HOP involved for the project. Mr. Peifer replied that a Township HOP would be needed; a street opening permit would be needed at the time of installation. Mr. Koch stated that the pipes would also be a part of the improvements agreement. Mr. Bittig stated that there were two other items. One was with the Fire Marshal comments, it looked as though there were some open items, had those items been addressed? Mr. Koch replied yes, they had. Ms. Cusimano stated that she had given the plans to the Fire Marshal and he returned the plans with a big Ok on it. Mr. Bittig stated that the last item was that the applicant was under direction by the Board of Supervisors to revise the traffic study. He then asked if that was delivered? Mr. Koch replied that it had not been delivered, and it was requested by the Board and would fall under the Supervisors jurisdiction. They would submit that before they requested final plan approval by the Supervisors. Mrs. Franckowiak stated that it would be submitted and reviewed by GVC and the comments would be submitted to the Board. Mr. Koch agreed. Mr. Hartman stated that if the Planning Commission wanted to have some kind of condition on any recommendation it might make that said if the traffic study submitted to the Board of Supervisors would trigger some change to the plans that it would need to come back to the Planning Commission for further review. He then asked if they had any objections to that? Mr. Koch replied that they had no objection to the recommendation being subject to GVC review letter of March 30th that would incorporate that automatically. If the Planning Commission would like to have that as a "fail safe" it was fine by them. Mr. Hartman stated that he did not think the March 30th letter said what would happen as a consequence of an action by the Board of Supervisors on the traffic study. Mr. Koch stated that the traffic study would be submitted to GVC for their review so they would be reviewing it for the Board of Supervisors. If it would be submitted to the Planning Commission it would be reviewed by the same entity, so it was an exercise in futility. Their purpose was to submit it to the Board of Supervisors who requested it, and GVC's comments would be addressed by the Board of Supervisors. Mr. Hartman stated that if the Supervisors response to the Great Valley comments on the traffic study were to trigger some physical modifications to the plan, he would think that would be something the Planning Commission would want to have some input on as it could trigger other adjustments to the plans. Mr. Koch stated that if the Supervisors would want to send it back to the Planning Commission at that time they would have a perfect right to do that, and they would not have a problem with that. But to say that the applicant would agree to that condition, the answer was no. But if the Supervisors would request that it was the Board's right to do so. Mr. Hartman stated that obviously the Planning Commission was a recommending body and they had the authority to give the Board of Supervisors some idea about what their wishes would be if the Traffic Study would trigger changes. Mr. Koch stated that he wanted to clarify that it was not a traffic study; it was a traffic count that was being conducted. There were five intersections with three of them being proposed by the developer with two intersections that were added by the Board of Supervisors. They were the following: Route 562 and Ritters Road/Walnut Road; Route 562 and Oley Turnpike/Shelbourne Road; Ritters Road and Oley Turnpike Road; Ritters Road and Farming Ridge Blvd.; and Route 562 and Farming Ridge Blvd.

Reading Central Catholic High School continued

Public Comment

Jordan Bausher, 391 Ritters Road, stated that he had two concerns about the pipe running under Ritters Road and he was wondering if that was what was discussed as a bridge on Ritters Road for the Owatin Creek. He then asked whether the engineering was warranted for that and had the EPA approved any increase in the size of that pipe? Mr. Peifer replied that the Owatin Creek pipe was not changing, it was the other existing storm pipes down further. Mr. Bittig stated that it was the double 15-inch diameter pipe south of the driveway that ran down in the cornfield that was being discussed. Mr. Bausher asked at what point would the decision be made to change the one at the Owatin Creek? Mr. Bittig replied that was not a part of their development plan. He then stated that he knew that Mr. Bausher went to a great expense to put a matching culvert under his driveway. If the culvert for the Owatin Creek would be increased, then his question would be who would be paying the cost to put in a matching culvert under Mr. Baushers driveway? Mr. Bausher stated that dealing with the water downstream would be a problem, which would be discussed at a later date. He then stated that another item was the widening of Ritters Road with large costs involved. He knew that it was late in the game for this, but why not just direct the traffic in off of Rt. 562? That would save a great expense. He then thanked the Planning Commission. Mr. Littlehales stated that he believed that several members on the Planning Commission made that suggestion, but were shot down by their engineers who stated that could not be done due to topographical problems. Mr. Littlehales then asked that we address the suggestion by Mr. Hartman concerning any changes made to the plan that they were sent back to the Planning Commission for review.

MOTION BY Mr. Littlehales, seconded by Mr. Shane to recommend the Board of Supervisors, in the event the plan would change due to the traffic counts, that the plan be sent back to the Planning Commission for review. The motion carried with Mr. Bittig, Mr. Shane, Mr. Littlehales voting in favor and Mr. Wilson voting opposed.

Mr. Bittig stated that he wanted to restate his long-standing position, which was eloquently reiterated by Mrs. Starr at the March 26th Board meeting. It was his firm belief that the applicant, at the conditional use hearing, offered expert testimony that was either incompetent or misleading. Quoting Mr. Koch “is it your professional opinion that with modifications that this project would not generate traffic such as that was hazardous or unduly congested or that unduly congested conditions would exist?” Mr. Bittig then stated that the response from Mr. Bogia was “correct”. That was the testimony that their people gave and now we were stuck with the “god awful” mess at Rt. 562 and Shelbourne and it will get worse every day. The MPC says “too bad” we lose, but he would not support the project without that problem being solved. The Board was committed to their plan, so be it. Mr. Wilson asked if there was a motion to approve the plan?

MOTION BY Mr. Wilson seconded by Mr. Shane to recommend the Board of Supervisors approve the Reading Central Catholic High School Final Land Development Plan. The motion failed to carry with all members voting opposed.

Mr. Koch asked that they pass a motion to recommend rejecting the plan and forward that on to the Board.

MOTION BY Mr. Littlehales, seconded by Mr. Bittig to recommend the Board of Supervisors reject the Reading Central Catholic High School Final Land Development Plan due to traffic impact. The motion carried unanimously.

Mr. Wilson stated that his position was that, even at Preliminary Plan, he was not happy and not just with traffic, but also with water runoff from the property and sinkhole possibilities. He then stated that they were welcome to take it to the Supervisors.

5. GEISHAUSER SUBDIVISION – FINAL PLAN – John Hoffert

GVC reviewed the Geishauser Subdivision Final Plan (reference letter dated March 28, 2007).

Mr. Hoffert stated the Geishauser Subdivision was a two-lot subdivision situated on the north side of Oley Turnpike Road. Lot #1 had an existing residence on it; Lot #2 was the proposed dwelling lot. The outstanding comments in the GVC review letter had been addressed. The plans have been signed and sealed. For item #12, they added a note to the plan relative to the driveway runoff. There was an existing catch basin on either side of the driveway and the driveway was to be pitched to direct the stormwater into the catch basins, not onto the street. There would be no private deed restrictions. As for the E & S control plans the Board allowed a deferral and the note was added to the plan that they would need to be obtained at building permit stage. He further stated that he handed in the electronic file and appendix A that had been notarized by the owners. They were obtaining the cost estimate for the improvements agreement. He then asked for Final plan approval.

Mr. Wilson asked if this was the plan that the Fire Marshal was concerned about the driveway? Mr. Hoffert replied yes and they had addressed that issue with the Fire Marshal and they were also adding a dry hydrant.

MOTION BY Mr. Shane, seconded by Mr. Bittig to recommend the Board of Supervisors approve the Geishauser Subdivision Final Plan. The motion carried unanimously.

Public Comment

Joseph Gumeniski, 13 Fairview Chapel Road, stated that he had nothing against this subdivision, but he just sat here during Central and the Planning Commission refused to approve their plan because of the traffic. Now they were allowing this one house, then next month two more, with more traffic. If you would not allow them to build the school with more traffic, why allow homes with more traffic? It was still allowing something to one person that they didn't allow another. Mr. Bittig replied that it was the 300 to 500 carloads that was the problem. Mr. Gumeniski asked who was going to stop it? Mr. Bittig replied that there was virtually no land available in that area unless the zoning changes. If and when the Supervisors change the zoning, this Township will be dead. That was up to the Supervisors. Mr. Gumeniski stated that Mr. Schwartz or Mr. Wilson kept arguing about impervious surface, just look outside the door. The entire area around this building was impervious. Mr. Wilson stated that if Mr. Gumeniski went back and looked at the record, he had voted against a number of developments because of the traffic. He voted against many of them. Mr. Gumeniski stated that someone voted for it. Mr. Wilson replied that his position never changed. Mr. Gumeniski stated that they seemed to always go through. Mr. Wilson replied that the Planning Commission voted against Central, but the Supervisors had every right to approve it. Mr. Bittig stated that the Board of Supervisors would undoubtedly approve it.

**6. INFORMAL DISCUSSION – PA AMERICAN WATER - Craig Darosh – Paul Mourt
- Jim Gables**

Mr. Darosh stated that Pa American Water Company planned to add a tank at the reservoir along Church Lane and to upgrade the booster pump with a new below grade booster pump on Scotland Drive. The main reason for the project was to improve the security, especially since last week's problem. The above ground concrete tank had the latest hatches and fenced in area, so it would be more secure than what they had now.

Mrs. Franckowiak stated that the reason they were at the meeting was similar to the pump station on Lincoln Road. Before they did the construction we wanted to be sure that the Planning Commission was in agreement that Land Development was not needed. Last night at the Board meeting a motion was made and passed for the Board to send a letter in support of the project and to expedite it. Mr. Wilson asked if they would be monitoring the hatches electronically? Mr. Darosh replied yes they would. Mr. Mourt stated that the Water

Pa American Water Company continued

Company has a deficiency of storage for the current demands of the Township. On Church Lane they had two concrete reservoirs. They would be replaced with one circular tank at grade and 15-feet above grade.

Mr. Bittig asked if the reservoirs were being replaced with the 300,000-gallon tank? Mr. Mourt replied yes, that they would knock the reservoirs off below grade, fill them in and re-grade with topsoil. He then stated that they would not have to do tree removal as the area was already cleared. Mr. Gables stated that the booster station at Exeter Golf Club Estates would fill the tank. He further stated that presently the pumps at that location were too small to fill the new tank. They needed to keep the old pump in service while the new pump building was being built. The Planning Commission agreed that it was needed and told them to go for it. Mrs. Franckowiak stated that they would need to apply for building permits for the project.

7. VARIANCE REQUEST – 31 BEECHAM DRIVE - Bryan Walt

Mrs. Franckowiak asked if they had any questions about the variance? Mr. Littlehales asked for a brief overview. Mrs. Franckowiak stated that they had several structures on the property and the owner wished to connect two of the structures thereby violating the rear yard setback. She explained to Mr. Walt that he would have to go through the variance proceeding, and that was his desire. Mr. Walt stated that he was the owner of the old “money pit”. Mr. Bittig asked if they were connected to sanitary sewer? Mr. Walt replied that they were in the process of doing that. Mrs. Franckowiak stated that they met yesterday and the permits have been obtained. Mr. Bittig asked about the additional boundary on the print. Mr. Walt replied that it was for stormwater conveyance. The addition itself was to link into the old summer kitchen. The summer kitchen was a dilapidated 20 x 24 structure and he wanted to restore that and add on to the main house and link the house and the summer kitchen together. Mr. Bittig asked what the enclosed area was? Mr. Walt stated that it was a walkway. He further stated that it sat within 3 to 4 feet of the rear yard setback; he would like to put in the addition for elderly family members. Mrs. Franckowiak stated that it was the intent to be a single-family dwelling – no additional kitchen. Mr. Walt stated that there was no neighbor behind him, just a pond.

MOTION BY Mr. Shane, seconded by Mr. Littlehales to recommend the Zoning Hearing Board approve the variance request for 31 Beecham Drive as there were no residences directly behind their property. The motion carried unanimously.

8. SEXUAL PREDATOR ORDINANCE AND GROUP HOMES ORDINANCE

Mrs. Franckowiak stated that this came about because the Board wanted to introduce an Ordinance regulating group homes and she felt that if they wanted to regulate that, then they should regulate where sexual predators lived. She also stated that she was more concerned about where they lived than where people with disabilities resided. She asked that the Planning Commission offer their comments. Mr. Bittig stated that he marked some items in the draft Ordinance. He further stated that we needed to be sure that the definitions match our Zoning Ordinance. Mrs. Franckowiak stated that she thought they wanted to actually incorporate this and the group home regulations into our Zoning Ordinance and not have a stand-alone ordinance. Mr. Bittig stated that his biggest concern was that we do have a number of violent sexual predators under the age of 18 and this draft excluded them. He felt that we should also address the case of juvenile offenders. He further stated that we needed to have the Ordinance reviewed by legal counsel. Mrs. Franckowiak stated that we could take the comments to the Board and ask that Chris Hartman review it. Mr. Wilson stated that he heard of a challenge on an Ordinance like this one. He then stated that it was the consensus of the Board to pass it along to the Supervisors to allow Chris Hartman to review the Ordinance.

Sexual Predator and Group Homes Ordinance

Mrs. Franckowiak asked how they felt about the Group home Ordinance? Mr. Bittig stated that we would need a definition of violent crime. We should add “or have been charged with violent crime and remanded to supervised group care”. Mrs. Franckowiak stated that she disagreed with trying to label people and regulate them that way. In a group home or not, she could have an out of control kid. Mr. Littlehales stated that he hated this concept, if you didn’t have a group home where did these people live. He further stated that he agreed that they should avoid a cluster of them. Mr. Shane stated that the whole phrase “potentially violent behavioral disorders” could mean anything. Mrs. Franckowiak stated that she didn’t know how many times we had calls from neighbors complaining because a neighbor did something they disliked, now with the group homes neighbors were calling it a business. These people needed a place to live and if she had a child like that and they could be integrated into society and live in a nice single family home, it all came down to the caregivers not watching good enough. She did not feel that we needed another piece of law that we could not enforce. Mr. Wilson asked about the group homes we have now, what type of person lived there? Mrs. Franckowiak stated that they were not group homes, but were single-family homes. She then replied that most of homes were for mentally challenged and handicapped people. We did have some behavioral people; it was her understanding that the doors and windows were alarmed. Mr. Littlehales stated that they were not attacking people. Mr. Bittig stated that they were socially challenged. Mrs. Franckowiak stated that when a complaint came in Supportive Concepts always addressed them. Mr. Wilson stated that they he was not in favor of regulating these homes; they needed some place to live. Mrs. Franckowiak stated that the Board directed Mr. Hoffert to draft an Ordinance and now the Planning Commission should offer their comments.

MOTION BY Mr. Littlehales, seconded by Mr. Shane to recommend the Board of Supervisors reject the proposal for a Group Homes Ordinance. The motion carried with Mr. Wilson, Mr. Littlehales, Mr. Shane voting in favor and Mr. Bittig voting opposed.

9. BAUSER CONDEMNATION

Ms. Cusimano stated that we received a letter from Jon Malsnee’s office concerning the condemnation of the Bausers property for the school district and asked that the Planning Commission offered their comments and recommendations. Mr. Peifer stated that wouldn’t it nullify the conditional use conditions; one of the items was that they had to make the Bauser’s lot a conforming lot. Mr. Bittig stated that the school board filed a taking of 110 of the Bausers’ 150 acres and we have not seen a subdivision plan.

Public comment

Jordan Bauser, 391 Ritters Road, stated that the declaration had a drawing submitted with a 40-acre parcel for subdivision, but they had not subdivided yet. Mr. Bittig stated that by executing the taking they owned the land, but we did not know what they owned. Mr. Bauser stated that when they do a taking the condemner must state specifically in the condemnation documents precisely what the metes and bounds were of the property they were taking and that which remained. That was in the document that he had. Mr. Bittig stated that we did not get that and, absent the defining document, it would be hard to comment.

MOTION BY Mr. Littlehales, seconded by Mr. Bittig to recommend against the acquisition of the land for the following reasons: 1) The taking of agricultural preservation land was not a process we should condone. 2) The location of property would cause an impact on the community, both with traffic and living conditions. 3) Services would have to be expanded which would increase our tax liability. 4) There was no definition of the land given to us, although one had been done with the taking. 5) There was no subdivision process undergone for the remnant parcel. 6) In lieu of the fact that we turned down Central Catholic building in the same area because of the traffic situation. 7) It was also not consistent with the Berks Vision 20/20 plan. 8) It was not consistent with the Joint Comprehensive Plan. The motion carried unanimously.

10. JOINT COMPREHENSIVE PLAN – SET WORKSHOP DATE

The Planning Commission agreed to meet on Tuesday April 24, 2007 at 7 pm. to discuss changes to match our Zoning to the Joint Comprehensive Plan.

11. GENERAL DISCUSSION

Mr. Bittig asked what action would be needed to send a letter to the Board of Supervisors concerning plans that were due with no activity. Mrs. Franckowiak replied that was not needed as Mr. Hoffert was drafting a letter to be sent. She also understood that there were legal issues holding up the Exeter Golf Club Estates Phase VI.

Mr. Littlehales stated that in the letter concerning Stonersville, there was an item about lighting and he wondered if anyone let them know that we had a Lighting Ordinance that addressed those issues?

Mrs. Franckowiak replied that we talked to them and explained that along with the other concerns they had.

Mr. Wilson stated that there was one point with the Bausher condemnation that he would like to amend the motion to add that the school district was looking at a site for three schools against the recommendation that we made to look at the site for one school. He would like to include that in the motion.

MOTION BY Mr. Littlehales, seconded by Mr. Bittig to amend the previous motion for the Bausher Condemnation to include the fact that the school board was looking to build three schools on the site and the Planning Commission only recommended one school to be built on the site. The motion carried unanimously.

Mr. Wilson stated that he received a booklet titled “New life, New style” from Paul Schwartz, which showed what shopping centers should look like in this day and age. He further stated that was relevant as we had the question that came up with Ironwood and how it would be laid out. The Planning Commission agreed to pass it around.

ADJOURNMENT

MOTION BY Mr. Shane, seconded by Mr. Littlehales, to adjourn the April 3, 2007 meeting of the Exeter Township Planning Commission at 9:10 pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig
Planning Commission Secretary

lrc

Correspondence to:

BOS: Reading Central High School Final Plan
BOS: Geishauser Subdivision Final Plan
BOS: Sexual Predator and Group Homes Ordinance
ZHB: Variance request – 31 Beecham Drive
Jon Malsnee: Bausher Condemnation

