

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
FEBRUARY 6, 2007

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, February 6, 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
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. Littlehales, seconded by Mr. Schwartz, to approve the minutes of the January 4, 2007 Planning Commission meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Shane, seconded by Mr. Bittig, to approve the agenda of the February 6, 2007 Planning Commission meeting with the addition of Home Occupation – 4835 Farming Ridge Blvd. – cake decorating supplies. The motion carried unanimously.

The following business was discussed:

3. HOME OCCUPATION – 4835 FARMING RIDGE BLVD. – CAKE DECORATING SUPPLIES

Cheryl Scheuring, owner of 4835 Farming Ridge Blvd., proposed selling cake decorating supplies from her home. The business would be by appointment only; off-street parking was available; all other zoning regulations were met and responses from all designated neighbors were favorable.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors approve the home occupation for 4835 Farming Ridge Blvd. The motion carried unanimously.

4. GEISHAUSER SUBDIVISION – PRELIMINARY PLAN – John W. Hoffert

GVC reviewed the Geishausser Subdivision Sketch Plan of Record (reference letter dated February 2, 2007).

Mr. Hoffert explained that it was a 10-acre property and their intent was to subdivide one additional single-family lot. The authority signed off for sanitary connection. The appropriate easements had been set aside to maintain sight distance as required. He then stated that the review letter showed the plan as a Sketch Plan of Record, but he wanted to be sure it was corrected as they had recently submitted the subdivision as a Preliminary Plan. Under Zoning Ordinance, the driveway comment had been addressed on the new plans; the E.A.S. had been supplied; and, relative to SALDO, the plans would be signed, sealed and notarized at Final Plan stage. Concerning item #13, the proposed sanitary sewer connection was revised on the plan. There would be no area dedicated as open space, so the client would pay fee in-lieu-of. They addressed item #15 with the Planning Commission, but they were deferring that waiver until all other issues were addressed at the Board of Supervisors level. Concerning item #16, Mr. Peifer stated that he was concerned about the catch basin in the driveway; but there were catch basins on either side so it was ok.

Mr. Hoffert stated that the Township should be in possession of the sanitary DEP letter and that should also address comment #2. He then stated that he received the Fire Marshal review letter and since the driveway exceeded 150' in length the code stated that it must be at least 20' wide. He then stated that they expected an approval letter as they discussed the proposed changes with the Fire Marshal. They intended to pave a 12' driveway and install geo textile grass reinforced meshing to be designed to handle emergency vehicles, rather than a massive driveway for only one home. They would be using the same material for the needed turn-around for the emergency vehicles. Mr. Hoffert further stated that they were correcting the storm water related items. Mr. Bittig asked if that included extending the infiltration area by five feet. Mr. Peifer responded that Mr. Hoffert would look at the calculations and see if they agreed. They also intended to install a simple outlet structure of stone pit with PVC for water to drain.

Mr. Bittig stated that he had looked the plan and then asked if they showed a true 30' right-of-way from the centerline of road? Mr. Hoffert responded that the existing 33' right-of-way was shown and they also showed the 60' ultimate right-of-way. Mr. Bittig requested that the plan show the real 30' dimension. Mr. Peifer agreed and stated that they would also need to do deeds of dedication for the difference between the existing and proposed right-of-way.

Mr. Shane asked about the 8' strip geo textile material, was it pervious or impervious? Mr. Hoffert replied that it was a meshed matting; the grass could grow and simulate complete grass and yet would be stabilized for heavy traffic. He then stated that the fire code was brutal for a single-family home with driveways exceeding 150'.

Mr. Hoffert then asked for Preliminary Plan approval. Mr. Schwartz stated that he did not see anything that couldn't be addressed at Final Plan stage.

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to recommend the Board of Supervisors grant Preliminary Plan approval subject to all outstanding items in the February 2, 2007 GVC review letter being addressed at Final Plan stage. The motion carried unanimously.

5. WAHL SUBDIVISION – WAIVER REQUESTS – Dr. Robert Wahl

Dr. Wahl addressed the Planning Commission and stated he was here many months ago with a subdivision plan and now wanted to check into the idea of subdividing only a 3-acre lot for use by his in-laws along Limekiln Road instead of the lot along Hartman Road. He then stated that Mr. Bensingler provided a letter for clarification. He placed the previous plan on the board. Mr. Bittig stated that his personal feeling was that it would be better to carve out a fully compliant 3-acre stand-alone lot instead of an annexation.

Mr. Peifer stated that the adjoining property owner could then purchase that. Mr. Schwartz asked if the letter was a formal waiver request letter. Ms. Cusimano replied yes, they were looking for recommendations to the Board by the Planning Commission. Mr. Bittig stated that the first item concerned showing the contour lines of the entire tract. He then stated that contour lines should be provided only for the newly created lot; and suggested that Mr. Bensingler provide the Township with elevation information they already obtained for the steep slope area along Hartman Road.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.239; contour lines be provided over the entire tract and allow contours to be shown only on the proposed lot along with the detail previously provided for the original steep slope lot. The motion carried unanimously.

Mr. Littlehales asked about the wetland issue, was the wetland delineation really needed? Mr. Peifer replied that there was a stream corridor on the existing lot and the review letter was for the original plan that showed the stream near the previously proposed lot.

MOTION BY Mr. Bittig, seconded by Mr. Littlehales, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.359; wetland delineation, as the lot was not located near the stream. The motion carried unanimously.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 4.283; Environmental Assessment Statement, as only one lot was proposed. The motion carried unanimously.

Mr. Schwartz stated that item #18 about the shoulders should be deferred to Clarence Hamm, Highway Superintendent. Ms. Cusimano stated that she had talked to Mr. Hamm and he felt it was not needed and that Limekiln Road was a PennDOT road.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Section 5.239; provide shoulders along Hartman and Limekiln roads as Clarence Hamm, Highway Superintendent, felt they were not needed and also that Limekiln Road was a state road. The motion carried unanimously.

Mr. Bittig requested that, when the plan came back in, they should show the 30' from centerline right-of-way as the original plan only showed 27'. Dr. Wahl replied yes, they would do that.

Mr. Schwartz asked Mr. Peifer about the waiver for requiring monuments, what would he suggest?

Mr. Peifer suggested placing monuments on both roads, two monuments on Hartman Road and two monuments on Limekiln Road. Dr. Wahl asked why would we need them on Hartman Road when the new lot was on Limekiln. Mr. Peifer replied because of the new right-of-way.

Wahl Subdivision continued

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors waive the requirement of SALDO Sections 6.209 and 6.211; placement of monuments and metal markers to allow for two monuments on the eastern and western edges of the property along Hartman Road; two monuments on the eastern and western edges of the property along Limekiln Road for a total of four monuments and pins at the remaining corners of the new property. The motion carried unanimously.

Mr. Bittig stated that Dr. Wahl should have Steve Bensinger call Mr. Peifer if they had any questions.

Public Comment

Jordan Bausher, 391 Ritters Road, stated that he wanted to draw attention to the Planning Commission on a statement that was made and incorrect in the Board of Supervisors minutes. It made mention of the amount the School District was paying for their property. In the minutes it was stated as 46 million, it should have been 4.6 million. It was important to them, personally, and suggested that the Planning Commission look at that before going further. Mr. Littlehales stated, "So noted".

Thomas Howell, no address given, stated that he wanted to mention that the Geishouser Subdivision, with the long driveway, would need to plow snow in the driveway to a 20-foot width for emergency vehicles.

6. ZONING ORDINANCE REVISIONS

Ms. Cusimano stated that the packet the Planning Commission was given in their bins was what the Board of Supervisors approved at the January 15th workshop. The Berks County Planning Commission letter, dated January 16th, stated the Boards recommendations and the Planning Commissions recommendations.

Mr. Bittig suggested working from the January 16th letter. He further stated that some of the items were never addressed in public. Ms. Cusimano corrected that statement by pointing out that they were discussed at the public workshop on January 15th where the advertisement stated they were interviewing applicants for the Planning Commission openings and any other business that would come before the Board. Mr. Schwartz asked what we were supposed to do with Zoning. Mrs. Franckowiak stated that the Planning Commission should review the changes and let the Board know their views on the Board proposed changes.

Mr. Bittig asked why the change to 501.1? Ms. Cusimano stated that it was to address where someone owned the building and a portion of the land. Mr. Peifer stated that was the unified control. Mr. Schwartz stated that he did not understand the issue. Mrs. Franckowiak replied that it was because of lot lines and setbacks.

Mr. Schwartz stated that the Board had now added shopping center as a use by right. Mrs. Franckowiak stated that was because if a challenge came up instead of just having retail listed, Shopping Center would cover that. Mr. Schwartz stated that the property was zoned Highway Commercial but they wanted to put in a shopping center, so we should just re-zone it to Shopping Center Commercial. Mrs. Franckowiak stated that the Promenade was a shopping center, but it was zoned Highway Commercial. Also, there was no definition for shopping center in the Ordinance. A comparison was made between the two districts.

Zoning Ordinance continued

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to recommend the Board of Supervisors not add Shopping Center as a use permitted by right because we felt it was totally unnecessary, lacking legal definition, and we did not concur with the addition. Also, with Section 501.1, do not add “as a part of a shopping center” in the specific intent. The motion carried unanimously.

Mr. Schwartz stated that, concerning the hairpin striping, he pulled into the lot at Circuit City that had hairpin striping and he checked out how people pulled into spaces. So he took a picture and they were parked all over the place.

Mr. Wilson asked about Section 608.3, was that the next item to be discussed? Mrs. Franckowiak stated that was where we were reducing the open area, but adding in 10% of landscaping. Mr. Bittig stated that we weren't talking that much. Mrs. Franckowiak replied right, that was their point; if it wasn't that much, why require it? Mr. Wilson replied because we were trying to look at more than just the Exeter Commons site. Mr. Littlehales stated that we worked hard to get that language, that should remain the same.

MOTION BY Mr. Littlehales, seconded by Mr. Shane, to let the Board of Supervisors know that we do not concur with any changes to 608.3 and that should remain as the Planning Commission recommended. The motion carried unanimously.

Mr. Wilson stated that next item to discuss was 611.16. Mr. Bittig stated that he felt the two-foot buffer was not large enough to plant landscaping as required by ordinance. That was why we came up with the five foot all around. Mr. Wilson stated that the Weis Markets out at Rockland Street had the landscaped islands and before the first snow they marked the islands with orange stakes so people would know where the islands were for plowing and not to put the salt there.

MOTION BY Mr. Bittig, seconded by Mr. Shane, to recommend to the Board of Supervisors that Section 611.16 should remain as the Planning Commission recommended, the reason being that the five foot wide buffer could be landscaped, the existing requirement of a two foot wide buffer could not be landscaped. The motion carried unanimously.

Mr. Wilson stated that the next item to discuss was 611.2 A & B. Mr. Schwartz stated he felt that the Planning Commission gave a reasonable compromise and that probably the project was so thin on being workable that no matter how reasonable the compromise was, the economics were not going to work for the developer. Mr. Bittig asked if it wasn't just to maximize the project yield? Mr. Schwartz replied that they were probably just thin on money. Mrs. Franckowiak replied that the project required over ten million dollars in improvements along 422. Mr. Littlehales stated that we shouldn't change all our regulations to fit one project. Mrs. Franckowiak stated that the Board was looking at the opportunity to get a huge retail center to enhance the tax base. Mr. Schwartz stated that the problem was that they changed our entire Ordinance. Mr. Bittig stated that it would ripple through the entire 422-corridor. Mr. Littlehales stated that they were portraying us as anti-commercial and that was not the case. Mrs. Franckowiak replied that for the past five years the climate of the Board has been “lets see what we can do to attract commercial”. Everyone has been looking at economic development, from the state to the county to the local municipality and the Board wanted to do their part. Mr. Bittig stated that was fine and we supported major reduction of open space requirements and gross parking requirements.

Zoning Ordinance continued

Mr. Peifer stated that if all of the small spaces were away from the stores, the only time they would be used was at Christmas time. Mr. Schwartz stated that was what we tried to do. Mrs. Franckowiak replied that was what the Board proposed now.

Mr. Shane stated that at the one workshop we discussed ADA spaces and the comment was made that there was no requirement for the length of the ADA spaces. That was not true. Item #24 stated that the ADA space meets the length of the adjoining parking spaces. He then stated that ADA spaces must be 20' long. Mr. Peifer stated that he believed that there also was a change made to the requirement of the buffer space between them. Mr. Bittig stated that the Ordinance should meet the requirements for ADA compliance, especially item #24.

MOTION BY Mr. Bittig, seconded by Mr. Schwartz, to recommend to the Board of Supervisors that Section 611.2 should remain with A & B as agreed to at the January 11th workshop. The motion carried unanimously.

7. GENERAL DISCUSSION

Wilson stated that two time extensions were needed; one for SFS Intec, which we have; however the Central Catholic plan was about to expire but no time extension had been received.

MOTION BY Mr. Bittig, seconded by Mr. Schwartz, to remind the Board of Supervisors that they must act in absence of a time extension to address open issues, otherwise the plan was deemed approved. The motion carried unanimously.

Mr. Bittig stated that with our Unapproved Subdivision List, there were quite a few plans that have been getting time extensions and there had been no activity on them. He felt that it was time for the Township to stop granting time extensions if there was no activity. Mr. Schwartz stated that his understanding of the MPC was that government must act within the time frame established and it was at the discretion of the developer, not the municipality to grant extensions. He further stated that was to protect the developer from being strung out for years by municipalities that did not want to grant approvals. Mr. Peifer stated that some places grant an extension and say if there was no movement within a certain period of time on the plan then we would take action to reject the plan. With all the Ordinance changes, sometimes developers want to hang onto the old Ordinances. Mr. Bittig stated that even our SALDO stated that final plans are due within one year of Preliminary Plan approval and time extensions might be granted for a period not to exceed one additional year. Mr. Peifer stated that the MPC might not support that section; he thought it was five years between Preliminary to Final. Mr. Bittig suggested that Mr. Hoffert review our timeline requirements for compliance with the MPC.

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales to recommend the Board of Supervisors review the list of unapproved subdivisions and as new extensions came in, they approved the time extension with the proviso that it would be the last extension and that they would take action to reject the plan unless there was additional action. The motion carried with Mr. Shane, Mr. Bittig, Mr. Littlehales, Mr. Schwartz voting in favor and Mr. Wilson voting opposed.

General Discussion continued

Mr. Bittig asked why the developers were being called for time extensions. Ms. Cusimano replied that she was informed that was how it was to be done at classes she took at Albright. Also she asked Troy Bingaman (Township Manager) to check with the Township Solicitor and Mr. Hoffert supported that. Mr. Bittig stated that if that were missed we would have a deemed approval. Ms. Cusimano replied that he would not have to worry about that because she would not let that happen.

Mr. Bittig asked what the procedure was when plans were submitted. Ms. Cusimano replied that she reviewed the submission for compliance. Mr. Bittig stated that some submissions were not complete; they were missing items. Ms. Cusimano stated that when the items were not there she contacted the developers and let them know that they have to supply the reason why they were not submitting that item. Mr. Bittig stated that the SALDO stated that the Planning Commission Secretary should assure that the application was complete and then asked who was the Planning Commission Secretary? Ms. Cusimano replied that would be you, Mr. Bittig. Mrs. Franckowiak stated that it was implied that it was Township Staff, which would be the Recording Secretary, Linda Cusimano. Mr. Bittig stated that we needed to correct that in our SALDO in the future.

ADJOURNMENT

MOTION BY Mr. Schwartz, seconded by Mr. Bittig, to adjourn the February 6, 2007 meeting of the Exeter Township Planning Commission at 9:06 pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig
Planning Commission Secretary

lrc

Correspondence to:

- BOS: Wahl Subdivision – waiver requests
- BOS: Geishauer Subdivision – Preliminary Plan approval
- BOS: Scheuring – Home Occupation
- BOS: Zoning Ordinance comments letter
- BOS: Time Extension procedure letter