

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
NOVEMBER 7, 2007

The Regular Meeting of the Exeter Township Planning Commission was held on Wednesday, November 7, 2007 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Richard Littlehales, Vice 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
Greg T. Unger
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. Schwartz, seconded by Mr. Unger, to approve the minutes of the October 2, 2007 Planning Commission Meeting as presented. The motion carried with Mr. Schwartz, Mr. Unger, Mr. Littlehales, Mr. Shane, voting in favor and Mr. Bittig, Mr. Shantz abstaining.

2. AGENDA

MOTION BY Mr. Unger, seconded by Mr. Schwartz, to approve the agenda of the November 7, 2007 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

A. **KLEINSMITH SUBDIVISION – FINAL PLAN: MOTION BY** Mr. Schwartz, seconded by Mr. Bittig, to accept the preceding plan for review. The motion carried unanimously.

The following business was discussed:

4. HOME OCCUPATION – SHINGLE – 4821 BRIARWOOD CIRCLE

Mrs. Franckowiak stated that Mr. Shingle would like to run a landscaping business from his home. He would have an office where he would take calls. He would park his truck on his own property and there would be no signage. She discussed the need to meet all of the requirements and Mr. Shingle offered assurance that he would do so. There were concerns by two neighbors that Mr. Shingle might be in violation. The Shingles did not know that they needed a permit for a home occupation. When she received a complaint form she reached out to the Shingles and explained that they would need to do the home occupation application. She made them aware that, if at any time they were not in compliance, it would result in zoning enforcement action against

Home occupation continued

them. The application was complete and they were offering assurance that they would meet every requirement of the Zoning Ordinance so she recommended passing that along to the Board of Supervisors. Mr. Bittig stated that he went to Briarwood Circle today and saw that they had a pick-up truck in the driveway with equipment on the back and there were two vehicles parked in the cul-de-sac in front of the home and he presumed they were employees, which was not allowed by ordinance. Mrs. Franckowiak asked if he knew for a fact they were employees? Mr. Bittig replied that all parking was to be off street on a paved area. Mrs. Franckowiak stated that she agreed with that, but to say that they were employees without proof was bold. Mr. Bittig stated that they could only have one employee and no external storage of equipment and that was a concern by the neighbors, supplies out on skids. The other concern was no additional noise beyond the property line. He further stated that if they could meet all of these requirements then they could get the conditional use. If they cannot, it was not allowed. Mrs. Franckowiak replied that if Mr. Shingle offered assurance and signing that they would comply then we had to give him that opportunity. She further stated that she sat down with Mr. Shingle and went over every requirement and if he received the Zoning Permit and she received one complaint, she would be out there and there would be a \$1,000 a day fine. Mr. Shingle stated that there would be no outside storage of equipment; he kept that in the garage.

Public Comment

Cecelia Sapira, 4823 Briarwood Circle, stated that the reason they came to the Township was because Mr. Shingle had not previously complied with the Ordinances and did not until they came in to complain to the Township. Her fear was that they would comply for a while and then they would not. She further stated that Mr. Shingle told her that he paid the mortgage on his home and he would do whatever he wanted and he also put up a fence without a permit. Mr. Littlehales responded by stating that we could not consider any of that, we could only consider whether they would meet the Ordinance and, if they did not, then there were actions to be enforced. Mrs. Sapira asked if they did not comply, then all we would do was contact the Township? Mrs. Franckowiak replied that they should just call her.

Dr. Joseph Sapira, 7823 Briarwood Circle, stated that this was his only home and that why this was important to him. He asked if there were any lawyers present and asked what the Shingles' lawyer's name was to be sure there was no conflict of interest. There was none so he continued. Mr. Sapira asked who looked at the property besides Mr. Bittig? No one had. Mr. Sapira asked who read the initial complaint? Mrs. Franckowiak replied that she did. Mr. Sapira asked who had read his impact statement and he wanted to know if anyone had questions concerning that? He asked if property value maintenance was considered with the Ordinance. Mr. Sapira read from the Ordinance. He further stated that Mrs. Shingle was the bookkeeper so they already had two people working from the home. Mrs. Franckowiak stated that the initiating factor was his complaint, and that she immediately contacted the Shingles and they admitted that they had no idea that they needed a zoning permit. Going through the conditional use process was the first step, which would enable her to issue a zoning permit. If they could assure us that they would meet each and every requirement, then they would get the zoning permit. If, after that time they were not compliant, she would immediately start enforcement action. As it related to property values, we would not be able to address that with this process. They would need to proceed under the Property Maintenance Ordinance. They would need to get a certified appraisal of their property on its own merits; then get an appraisal of their property taking into consideration the neighbors operation and if it showed a substantial decrease in value, we would take it to the District Justice. We could not determine what would be a substantial decrease; only the judge could do that. Mr. Sapira stated that the Shingles had a gravel pit on their property that they parked vehicles on and they did not have asphalt on top. They would end up with a rocky mud pit. He further stated that he could not believe

Home occupation continued

that Mr. Shingle was not aware of the Township Ordinances. He felt that Mr. Shingle should be fined for what he did. Mrs. Franckowiak asked Mr. Shingle if it was his intention to use the “gravel pit” for part of his parking as they discussed and that it would not be allowed for the business? Mr. Shingle replied that, no, he would not, but he would get a building permit to get it paved for parking later. Mr. Unger asked, if he did that, would he be in compliance with the zoning? Mrs. Franckowiak replied yes. Mr. Unger asked if the trailer would be parked outside? Mrs. Shingle replied that was a vehicle, not equipment. Mrs. Franckowiak asked if it was used strictly for the home occupation? Mr. Shingle replied no. Mr. Schwartz asked if it was registered in the name of the business or an individual name? Mr. Shingle replied it was under his name. Mr. Unger stated that, if everything were stored inside the garage, he would not have a problem with the home occupation.

Ralph Jeschonnek, 4818 Briarwood Circle, stated that the Shingles truck was being parked with the trailer in the driveway and the truck encroached half way into the sidewalk and Cheryl informed them that if Mr. Shingle did that it was a federal offense and from that day on she actually informed him that he can't have the truck / trailer in the driveway with the truck off onto the sidewalk where you walk. Mrs. Franckowiak replied that was not true, she never had that conversation with anyone. Mr. Jeschonnek replied that it was with his wife. Mrs. Franckowiak replied that never happened. Mr. Jeschonnek stated that Cheryl informed her that it was federal offense. Mrs. Franckowiak replied that was absolutely not true, his wife was making up stuff because she never talked to her about that. Mr. Jeschonnek stated that then it was ok to park your truck like that? Mr. Littlehales replied by saying that was a different Ordinance entirely. Mr. Jeschonnek stated that now the truck and trailer were parked in the gravel pit. Mr. Schwartz asked about the lighting issue? Mrs. Franckowiak replied that she explained to Mrs. Jeschonnek that was under another Ordinance and that would be addressed. Mr. Schwartz asked about the noise issue? Mrs. Franckowiak replied that now that they know this then that should not be a problem. Mr. Schwartz asked if they could reasonably comply with the noise issue of the compressor used for sharpening the blades. Mr. Shingle replied that they would close the garage door when they did that.

MOTION BY Mr. Bittig, seconded by Mr. Shane to recommend the Board of Supervisors approve the Conditional Use for 4821 Briarwood Circle subject to the following conditions: all non-compliant conditions be brought into conformance, specifically the paving of the gravel parking area if it was to be used for the home occupation; inside storage of all equipment including the trailer and no signage be allowed. The motion carried unanimously.

Mr. Shantz commented that he disagreed with the paving of the gravel and the definition of equipment with respect to the trailer.

5. EXETER COMMONS – PRELIMINARY/FINAL PLAN – Henry Koch, Jr. - Kevin Trapper
- John Martinez

GVC reviewed the Exeter Commons Preliminary/Final Land Development Plan (reference letter dated November 2, 2007).

Mr. Koch stated that they did not have the H.O.P., but that could not be a condition for plan denial. They were here to ask again for recommendation of approval. Mr. Unger asked Mr. Peifer to briefly outline outstanding issues. Mr. Peifer replied the H.O.P., E & S approval, lands acquired by Sunoco before the plan could be recorded, seals and signatures, improvements agreement and other minor drafting issues. Mr. Peifer

Exeter Commons continued

asked where they were with their E & S plans? Mr. Trapper replied that they had no NPDES permit yet. It had been submitted to Berks and DEP; they met with them several times and were working thru the process. They did not see any issues. Mr. Bittig stated that was a condition in our Ordinance for Final plan approval. Mr. Koch responded by asking to make that a condition of approval. Mr. Unger asked if there were any major outstanding issues with the NPDES? Mr. Trapper replied that they were checking the calcs; they met with them twice and would be meeting with them to go over the outstanding issues. Mr. Unger asked if they're receptive to the concept that they're proposing? Mr. Koch asked if they're looking for an answer as it related to the BMPs? Mr. Trapper replied, yes, they talked about the site and infiltration; they came up with a concept of handling all of that. Now they were just looking at all the details. Mr. Bittig asked about the Stormwater Management Report. He stated that he went through it and looked in there for anything that addressed their design compliance with Section 308.A.2. He then stated that they did it for 308.A.1 for offsite flow, etc.; but they didn't, or he couldn't find anything in the report on 308.A.2.

*** Mr. Wilson arrived**

Mr. Koch asked if that was for water quality? Mr. Bittig replied, no, that was the allowable discharge off site; the fair share of downstream capacity. He was concerned with two areas; Trout Run at Painted Sky Road – which was an open trough subject to flooding and the other was the dual 30" pipe system under the Reading Country Club driveway. Mr. Martinez stated that he was not prepared to address that however, those calculations were provided. Mr. Peifer stated that it was a separate submittal outside the Stormwater Report, but submitted at the same time. Mr. Schwartz asked if Great Valley reviewed that and concurred? Mr. Peifer replied yes and they did. Mr. Bittig responded by stating that we should have had them take it down to Painted Sky because that was the critical area. Mr. Peifer replied that they're getting thru the Valley Ridge Farms detention pond in order to get to the Painted Sky location and in the other direction it was evaluated in the storm sewer on 422 at Gibraltar Road. Mr. Bittig stated that they did not ask them to do the complete job; not doing a complete job exposes the Township to flooding conditions at Painted Sky and the Country Club property and he felt that was wrong. He further stated that if the Township Engineer did not give them direction to take it through the entire watercourse that was incorrect. Those were both critical points.

Mr. Peifer replied that Mr. Bittig could not take the discharge at their development and apply it to a bridge that far away; there were times of concentration involved and that number would diminish by the time it got to that bridge, it was hinged on time. Mr. Bittig replied that he understood the time of concentration, but when we got into flood conditions then TC went out the window. Mr. Peifer responded that TC was always there, it did not go out the window. Mr. Bittig stated that there was no provision for that in our Ordinance. Mr. Peifer stated that TC had to come into play or it was irrelevant. Mr. Bittig felt that they should do TC for the area he previously pointed out. Mrs. Franckowiak asked Mr. Peifer if that was reviewed under the Ordinance as the Township Engineer? Mr. Peifer replied, yes, our direction was the swale and the 30-inch pipe in Green Tree Road and that had been in the review letter almost from day one. Mr. Koch responded by saying that every study they submitted, they were well within the accepted parameters of their percentage of participation. There was one area that they were entitled to 40% and they were at 24%. Mr. Koch further stated that he felt the Engineer had done "one hell of a job" for the Township in investigating the stormwater issues on this project and it was unfortunate that the issue was coming up now. Mr. Bittig responded by stating that he did not remember this issue coming up previously. Mr. Koch replied that the issue came up with the 15-inch pipes and Mr. McFall addressed the issue of entitlements and that they were not using more than their entitled capacity.

Exeter Commons continued

Mr. Bittig stated that with the tree issue, they should go to the Zoning Hearing Board to get relief for the replacement trees, because neither the Planning Commission nor the Board of Supervisors had the authority to grant relief. We would give you a recommendation, but neither the Supervisors nor we could authorize that. Mr. Koch asked what the issue was as it was addressed previously? Mrs. Franckowiak replied that it had been addressed, there were three to four thousand trees that had to be replaced and we previously discussed handling this project the same as the Berkshire Bank project. Because that site was so small and could not handle the planting of the trees, they were allowed to replace the trees on Township owned property. When it came up that this project had so many trees we felt that we could handle this project the same as that one. The Planning Commission agreed, the Board agreed and now Mr. Bittig was indicating to everyone that we could not do that, now they had to go to the Zoning Hearing Board. Mrs. Franckowiak further stated that if they took it to the Zoning Hearing Board, we could potentially lose all of the replacement trees. Mr. Bittig stated that the Board of Supervisors overstepped their authority on the Berkshire Bank project. Mrs. Franckowiak responded that it was the right thing to do. Mr. Bittig replied that it might be the right thing to do, but we did not have the authority, it needed to go to the Zoning Hearing Board. Mr. Koch stated that the Board of Supervisors had established precedence and they even came back to the Commission and got the blessing of the methodology and agreed to escrow the cost of the trees and the cost of planting. And, to quote

Mr. Schwartz: "we must ensure that the escrow fund was used for environmental enhancement of the community and not go into the general fund". Mr. Koch further stated that they relied on that and to bring it up at this time was totally inappropriate. Mr. Schwartz replied that the fact that we made a mistake before did not change the legality of it. We were all on board with the concept, but the question was a legal question, who had the authority to say that was a good idea and we should endorse that. Mr. Schwartz stated that he felt it should go to the Zoning Hearing Board and putting that money in escrow to be handled at a later date would be fine. It should not hold up the approval of the plan. Mr. Shantz stated that he agreed with that however, why would we make that determination? We should take that question to the Township Solicitor and get a legal ruling from him. Mrs. Franckowiak stated that she would do that. Mr. Schwartz stated that he did not agree with that. Mr. Koch stated that there was something known as equal protection clause under the law and they were denying equal protection to this project and he did not want to go there, but was asking for conditional approval for the plan with the condition on this issue being resolved.

Public

Louise Swartley, 31 Troxel Road, asked how replacement trees were figured? Mr. Koch replied that there was a formula, based on the trees that were growing there now. They needed to take the radius of the tree divide it in two and come up with trees with a caliper of 2 ½ inches at breast height and with that formula they needed to replace 3,600 trees. Mrs. Swartley then asked if the Township needed to hire someone to plant the trees? Mr. Koch replied that the developer would need to pay for the placement of the trees. Mrs. Swartley asked how the amount was figured? Mr. Schwartz stated that at the last meeting it was agreed that they would set up a fund that would cover the cost of the trees and planting to be part of the improvements agreement and would be figured out at that time.

Jordan Bausher, Ritters Lane, stated that DeMoss Road was a Township road and it was about to be improved. How would that evolve, would the design of that be of the Township Engineer and how would the road look? Mr. Peifer replied that the developer designs that as a part of their Highway Occupancy Permit and there was a roll of plans in the Engineering Department that he could look at. Mr. Koch stated that it was designed and approved and would be built by the developer at the developer's expense. Mr. Peifer stated that there were two plans; one was for the Land Development and the other was the Highway Occupancy Permit plan.

Exeter Commons continued

Mr. Bittig asked about what was being done with the current detention pond on the Turkey Hill property? Mr. Peifer replied that it was being replaced. Mr. Bittig asked if they reviewed the plans for that? Mr. Peifer replied that they would be doing underground storage. Mr. Schwartz asked if the flooding behind the trailer court was resolved? Mr. Peifer replied yes. Mr. Unger asked how the Highway Occupancy Permit was looked at in reference to this project? Mr. Koch replied that there was a specific provision in the MPC that states that the issuance of a Highway Occupancy Permit cannot be utilized as a basis for denying final plan approval. The developer could go ahead (it was not their intent) and put a note on the plan that before that highway was occupied, the HOP was needed. They would be getting the HOP from PennDOT before they started the project. They had no problem with the release of the plans conditioned upon the issuance of the HOP. Mr. Shane asked about the retaining wall behind the facility, the minutes reflected that they would be doing geotechnical investigation to see if that could be done and his question was could that be engineered? Mr. Koch replied that would be an issue at the time of the Building Permit. The reports would be submitted and the plans would be engineered, the details would be signed and sealed and the Township Codes official would review that and determine if it would be acceptable. Until they knew what conditions would be on-site, they could not engineer the wall and it would be submitted at time of building permit application.

Walter Gubernot, 206 W. 46th St., asked if there were provisions for pedestrian crosswalks across 422?

Mr. Littlehales responded by stating that there would be a pedestrian crossing. Mr. Schwartz stated that down in Baltimore they had a very workable system and he was not sure what they had in mind for the 422 crossing area. He would like them to look at a system like Baltimore where the signal actually had a count down timer on it and would let you know how much time you had to get across. So he wanted to mention that.

Michelle Barrett, 121 W. 47th St., stated that she was working with “Complete the Streets” and the “National Center for Safe Routes to School”. They were coming to the Exeter Community Library on Saturday, November 10, 2007 from 10am to 4pm. to lead workshops on that issue. Mrs. Barrett further stated that she wanted to extend an invitation for everyone interested to attend. Mr. Koch stated that he gave a copy to his clients. Mrs. Barrett asked for confirmation of anyone who would be attending as soon as possible.

Mr. Wilson stated that concerning the traffic situation and the plans for the improvements that would be required from the by-pass and the entrance into their development, had we seen final plans as what they would be? Mr. Koch replied that they did not have the HOP as of this time. They have had several meetings with PennDOT and at least three submissions. The plans the Township had now were at least the concept of what would be acceptable to PennDOT. PennDOT might “tweak” it, but the concept was there.

MOTION BY Mr. Unger, seconded by Mr. Schwartz, to recommend the Board of Supervisors approve the Exeter Commons Land Development Preliminary/final Plan conditioned on the following: All outstanding items in the November 2, 2007 GVC review letter being addressed; receipt of the NPDES permit for the erosion and sedimentation control; escrow for the trees based on Supervisor’s decision on tree replacement; maximize pedestrian safety at the 422 crossing; make sure that the HOP and the project coincide together; release of plans contingent on receiving the HOP. The motion carried with Mr. Schwartz, Mr. Littlehales, Mr. Unger, Mr. Shantz, Mr. Shane, Mr. Bittig voting in favor and Mr. Wilson voting opposed.

Mr. Wilson stated that he never voted for conditional approval.

6. FAIRVIEW CORNER

No one was present to discuss the plan.

7. KLEINSMITH SUBDIVISION – FINAL PLAN - John Hoffert

GVC reviewed the Kleinsmith Subdivision Final Plan (reference letter dated November 2, 2007).

Mr. Hoffert stated that the subdivision was a three-lot subdivision with an existing home. Mr. Peifer stated that there was nothing bolded, however he just received the Stormwater report and had not had time to review that. He further stated that he could not comment on their Stormwater waiver request. Mr. Hoffert explained that they sub-contracted their drainage for infiltration work to Kraft Engineering and they only just received that information. Mr. Hoffert then stated that he felt every other issue for the subdivision had been resolved. Mr. Schwartz stated that note 10 talked about the sidewalks and last month we agreed to put a note on the plan, was that done? Mr. Hoffert replied that a waiver request was previously submitted and the note that was placed on the plan similar to a previous plan that was approved. They were deferring curbs and sidewalks until the Township would deem it necessary. Mr. Schwartz replied that was fine. Mr. Bittig asked about the right-of-way width? Mr. Hoffert replied that it was found that the existing right-of-way was acceptable at last months meeting. If sidewalk was to be installed the right-of-way width would be sufficient. Mr. Schwartz stated that we also received a letter from Clarence Hamm, Highway Superintendent that stated we did not need the additional right-of-way. Mr. Bittig replied that his concern was with the fact that cars were parked along Richard and Rittenhouse at 2 in the afternoon and that wasn't even the peak hour for the school. We had a traffic congestion problem in that area and to allow them to proceed without getting the required right-of-way wasn't good. We weren't going to do anything with it but it would be there for future use. The Ordinance calls for additional right-of-way. Mr. Bittig stated that he would not vote on those items without getting the additional right-of-way. Mrs. Franckowiak asked if they submitted a waiver request for that? Mr. Hoffert replied that they did have a waiver for the curb and sidewalks, but did not write one for the right-of-way. He further stated that, based on the last meeting, they asked if additional right-of-way was needed and the Planning Commission concurred that it would not be necessary; congestion would not be increased by two additional lots. They felt that would be a diminimus impact on the area and based on that they felt that additional r-o-w was not needed and still felt that way. Mr. Bittig replied that we have been consistent with obtaining additional right-of-way on all previous plans. Mrs. Franckowiak replied that they could submit a written waiver request and the Planning Commission could make a recommendation to the Board to support or deny it and go from there. Mr. Bittig replied that they would need to submit a waiver request. Mr. Wilson stated that the street should be widened because the school was increased in size and the school was asked about the need for sidewalks and he heard the answer from them that they did not want that because Lorane Road was too dangerous. Two weeks ago at a Supervisors meeting when they were discussing the schools on the Bausher property, the comment was made by a School Board member that it was an ideal location because kids could walk to it. He felt that Ritter Road and Lorane Road were no different. Mr. Hoffert replied that there was a crossing guard located at Lorane Road, but the school decided to not have the kids cross the road because of the high speed in that area. Mr. Hoffert stated that they would submit a waiver request as if they required a right-of-way of 30-ft from centerline then he would ask his client to walk away. He already had two lots; he would lose the third lot. Mr. Schwartz stated that he was not sure what way he would vote, 30-ft was the required width, and perhaps we could waive the amount of additional right-of-way.

8. INFORMAL DISCUSSION –CAST RITE METALS – John Hoffert

Mr. Hoffert stated that he was before the Commission to see if Land Development was necessary for Cast Rite Metals. There was an existing manufacturing company located along Fairview Chapel Road and Claire Drive. They had two existing sheds located on existing macadam and it was fenced in. They store their wood pallets and castings in the sheds. They would like to construct a 40 x 60 shed, with no sewer or water connection, where they would store their trucks as they are having problems with vandalism. They would be exempt from Land Development if they would be coming in with only a 2,500sf structure. This structure was 2,400, however, they were also planning to put a roof between two existing sheds in order to make a place to keep the pallets dry from inclement weather. They spoke with Cheryl and she asked them to come in to the meeting to discuss that with the Planning Commission. Would putting on the roof constitute another structure and take away the exemption for Land Development? Mr. Schwartz asked if there was any change in impervious? Mr. Hoffert replied no, it already existed. Mr. Bittig asked if the roofed area would be like a breezeway? Mr. Hoffert replied yes, there were two existing sheds and they put the pallets between those two sheds and the weather was causing them to deteriorate. They wanted to shield them from the elements.

Public comment

Joe Gumeniski, 130 Fairview Chapel Road, stated that Cast – Rite had been very good neighbors, but he wanted to ask if the shed would be located at the rear of the property along Claire Drive? Mr. Hoffert replied yes that was correct. Mr. Gumeniski stated that then it would not be along the front of the property on Fairview Chapel. Mr. Hoffert replied no, not in the front.

Mr. Peifer stated that the section that Cheryl was quoting actually had two conditions: the lesser of 2,500sf or 25% of the existing building coverage. Mr. Hoffert replied that it was less than 25%. The Planning Commission agreed that they would not need to do Land Development. Mr. Wilson reminded them that any security lighting that they would want to put up had to adhere to our new Lighting Ordinance. Mr. Hoffert replied that he was sure they would.

9. INFORMAL DISCUSSION – BRENNAN/BRICKEY – E.J. Walsh – Brian Kobularcik

Mr. Walsh stated that previously the property was approved and recorded as a two-lot (flag lots) subdivision with the access off of Rugby Road. When the owners began the process of trying to build the access they ran into some problems with the steepness of the hill going down to Rugby. They were trying to be environmentally friendly and would like to put in a shared easement to bring those driveways out onto Stacy Court. Nothing else would change, just the access. The sanitary sewer would also come out onto Stacy. They were looking for input from the Planning Commission before submitting plans to the Township.

Mr. Kobularcik stated that the owners bought the property to stop a large a development from going on that property. They needed to recoup some of the costs with respect to what they were doing. There were issues with stormwater coming down onto Rugby Road. There was a sizable cut coming through the access area and when they talked to him he suggested bringing the driveway in on their property off of Stacy Court. The environmental impact would be a lot less in doing that. Mr. Walsh stated that the new driveway would cut across the slopes so there would be minimal grading. They would still meet the stormwater requirements of the Township. Mr. Wilson stated that the frontage requirement was met with the flag lot access. He was concerned with allowing them to access from a point in the cul-de-sac; would they still have frontage?

Mr. Kobularcik replied that they did not need frontage along the cul-de-sac to meet that requirement; they had that with the area along Rugby Road. Mr. Wilson felt that they were circumventing what we intended

Informal discussion continued

in the first place and he wasn't sure that was legal. Mr. Unger asked if they would be creating an easement through someone else's property. Mr. Kobularcik replied that they would be allowing an access easement through their own property. He felt that putting the easement in would alleviate the stormwater issues onto Rugby Road. The disturbance for that access would be sizeable. Mr. Unger asked if there would be an easement agreement for that? Mr. Walsh replied yes, and that it would be recorded. Mr. Wilson asked how wide the access was off of Rugby? Mr. Walsh replied 30-ft. Mr. Wilson then asked the width of the access off of the cul-de-sac? Mr. Kobularcik replied that he was not sure. Mr. Wilson stated that he felt that they were approved for a 30-ft access and now they were coming back and trying to sneak in a 20-ft driveway some place else. Mr. Wilson further stated that he felt this was a better idea in this case, but that it might cause ramifications for the future with other developments. Mr. Schwartz stated that the Planning Commission had originally discussed bringing the access in off of the cul-de-sac, but the property owners were not amenable to that. Mr. Kobularcik stated that the owners would like to submit a revision to the recorded plan. Mr. Unger asked if there were setbacks for easements? Mrs. Franckowiak replied no. Mr. Bittig stated that they would need to provide a wide enough driveway and a turn-around at the end to handle emergency vehicles to satisfy the Fire Marshal. Mr. Kobularcik replied that they would comply with all the requirements. Mrs. Franckowiak stated that they might also need to put in a cistern.

10. VARIANCE REQUEST – BOSCOV'S AND FULTON BANK

The variance request for Boscov's and Fulton Bank was discussed. Mr. Schwartz stated that he would not be participating in the discussion.

It was stated that the request was for relief of (1) front yard set-back from 100' to 42' to reflect the actual condition (Fulton Bank), (2) side yard set-back from 50' to approximately 20' caused by transfer of a 30' wide strip to the Township for use by Exeter Commons, and (3) rear yard set-back from the 50' requirement. Mr. Bittig stated that he believed that the rear yard request was premature, especially since no plans had been submitted and the amount of relief was not specified in the application.

MOTION BY Mr. Shantz, seconded by Mr. Littlehales to recommend the Zoning Hearing Board grant the first two variances set forth in the appeal and that they approve the third variance conditioned upon the Zoning Hearing Board receiving a letter from the Board of Supervisors indicating that they were interested in dedicating that 30-ft right-of-way adjacent to the Exeter Commons property to the Township. The motion carried with Mr. Wilson, Mr. Shane, Mr. Shantz, Mr. Littlehales, Mr. Unger voting in favor, Mr. Bittig voting opposed and Mr. Schwartz abstaining

11. SCOPE OF TRAFFIC STUDY – MILLER II SUBDIVISION

GVC reviewed the scope of traffic study for the Miller II Subdivision (reference letter dated October 24, 2007).

MOTION BY Mr. Bittig, seconded by Mr. Shane, to recommend the Board of Supervisors, in addition to the recommended areas listed in the October 24, 2007 GVC letter, to include the following intersections: Budd Street at Fairview Chapel Road; Fairview Chapel Road at Lincoln Road and Sunset Manor Place at Rt422. The motion carried unanimously.

12. REMINDER – PLANNING COMMISSION WORKSHOP – NOVEMBER 14TH 7PM

Mr. Littlehales reminded the Planning Commission to attend the workshop on Wednesday, November 14, 2007. Mr. Bittig stated that he wanted to make note an item for when we work on our SALDO. That concerned the steep slope section. Mr. Wilson stated that he wanted to have something put in for flag lots that the frontage must be used to gain access.

ADJOURNMENT

MOTION BY Mr. Bittig, seconded by Mr. Shane, to adjourn the November 7, 2007 meeting of the Exeter Township Planning Commission at 10:24 pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig
Planning Commission Secretary

lrc

Correspondence to:

BOS: Shingle – Home Occupation - withdrawn
BOS: Exeter Commons Preliminary/Final plan
BOS: Scope of Traffic Study – Miller II Subdivision
ZHB: Boscov's and Fulton Bank Variance request