

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
OCTOBER 2, 2007

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, October 2, 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
Paul L. Schwartz
Greg T. Unger

ABSENT: John W. Bittig, Secretary
Gary L. Shane
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. Schwartz, to approve the minutes of the September 4, 2007 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to approve the agenda of the October 2, 2007 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

- A. FAIRVIEW CORNER – FINAL PLAN; KLEINSMITH SUBDIVISION – SKETCH PLAN: MOTION BY** Mr. Littlehales, seconded by Mr. Unger, to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. EXETER COMMONS – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

- Henry Koch – Russ McFall
- Kevin Trapper – Don Jacobs
- Jeremy Fogel

GVC reviewed the Exeter Commons Preliminary/Final Land Development Plan (reference letters dated September 14, 17 and 28, 2007).

Mr. Koch stated that they had one waiver request as well as four review letters that they wanted to address. He then stated that the first letter to discuss was the September 14th letter from Tony Maize, where he

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reviewed the HOP and the Traffic Impact Study. Mr. Maize requested additional information and that was supplied and he believed that Mr. Maize concluded that the submission of additional information from Traffic Planning and Design supported the conclusions that they were asking for and the letter was a summary of the results. He further stated that there were no items that needed to be discussed.

Mr. Koch stated that the second letter was from Craig Peifer dated September 17th, which was a review of the HOP application and there were no bolded items. They were prepared to address the letter if needed. Mr. Unger asked Craig to summarize the letter. Mr. Peifer replied that it stated the outstanding comments and what was left to be completed before the HOP permit would be issued. Mr. Unger asked if the letter stated that it was acceptable? Mr. Peifer replied no, the letter stated what was left to be done. Mr. Unger asked why there were no bold comments? Mr. Peifer replied that bold comments were ones that were typically discussed. Mr. Koch stated that there were issues raised that had to be addressed with PennDOT. Mr. Koch then stated that the third letter was also dated September 17th. The first bold item concerned the fiscal subdivision; they had supplied a draft copy of the prototype of the shopping center agreement to Mr. Hoffert and Mr. Peifer for review. With that agreement and notes on plan regarding fiscal subdivision, those concerns were addressed. Mr. Koch stated that they had discussions with the Solicitor and Township representatives concerning the Sun Oil property and the situation would require either a condemnation or deed in lieu of condemnation. Mr. Hoffert was of the opinion that with this arrangement, Sun Oil did not need to sign the plan certification of ownership even though part of their property would be included on the plan. That letter should be forthcoming from Mr. Hoffert. The review also stated that the condemnation should be noted on the plan. Mr. Peifer responded that however it's addressed should be noted on the plan. Mr. Koch stated that the buffer yard landscaping on sheet 9 was indicated on that sheet and had been addressed. Mr. Schwartz stated that the Board of Supervisors stated that the construction easement would be acceptable so the Board would need to address that. Mr. Koch stated that they had the letter from the Board and those comments would be included and stabilization would be addressed with them. Mr. Unger asked when they would engineer the wall? Mr. Trapper replied that they were in the process of doing the Geotech investigation on the site. They would be doing some more test pits to see what quality and type of rock were located there. That would give them the background data to engineer the wall. They would be looking at aesthetics, economics and stability of the wall. The wall would be engineered and the drawings would be signed and sealed by an engineer. Then that would be submitted, reviewed and approved prior to construction of the wall. The engineering process was ongoing. Mr. Unger asked if the engineering would be done prior to approval of the plan? Mr. Trapper replied no, because part of the plan was the concept of the wall and the calculations would go out to the site contractor and they did not want to limit them to just one specific wall system. They would get a contractor to work with their engineer to come up with an engineered set of plans prior to any issuance of the building permit. Mr. Unger stated that the design of the wall might significantly impact the plan. Mr. Trapper replied that they were confident that the plan allowed sufficient room for the wall; they could not and would not reduce the rear drive as they had zone limits. Mr. Unger stated that he was not comfortable with not knowing that the 50-foot wall could actually be built in the area that was shown on the plan. They were telling him that they don't know that. Mr. Trapper stated that he did not say they did not know that, they were saying that until they were done with the Geotech reports, they did not know the exact type or the engineering details of the wall. Mr. Unger stated that they should have that completed prior to the approval of the plan so they would know that it could be done. Mrs. Franckowiak asked that if it could not be done would that not then necessitate a revision to the plan? If they could not do it, with the approved final plan, then they would need to come back to revise the plan. Mr. Unger asked if that wouldn't be too late? Mrs. Franckowiak replied no, they either met the plan and built according to the plan or came back with a revision. Mr. Koch

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replied that in other cases they had done field revisions and came back and revised the plan. Mr. Schwartz stated that was what happened in a residential subdivision, a wall was shown, and it was not according to the approved plan. Mr. Unger stated that then we have an approved plan and they might build it even though it might or might not be suitable. Again he did not see a reason why the engineering could be done before we approved the plan. They have done tremendous amounts of engineering already, why not the wall?

Mr. Trapper replied that, as Mr. Schwartz stated, they would have one system approved, then it would go out to contractors to bid and they would have a different wall system that would work and still be safe, but it was different and there were timing issues. They typically do this when they were working with the contractor and at the end of the day the plan would have a registered engineer's seal on it, the Township and the Engineer would review it and then they would ask for a permit to build the wall. They did not intend to build a wall that was not designed and approved by the engineer. Mr. Unger replied that he understood his point, but he was not comfortable with that.

Mr. Koch stated that the next item was 4.B, the idle time issue. They were proposing to make all tenants aware of the desire to limit idling time and if there was an issue they would post signs at all drive-thru locations. Mr. Schwartz suggested posting the signs. Mr. Wilson stated that the signs could not be enforced. Mrs. Franckowiak replied that we did not have an ordinance that we would enable us to enforce that.

Mr. Schwartz replied that they should design it so it was not an issue and the signs reminded people that it was an issue. Mr. Koch agreed to erect the signs. Mr. Peifer stated that the individual applicants could submit their report as to how they would keep the drive-thru moving so that cars do not idle for more than two minutes. Mr. Koch then asked about the topsoil issue. Mrs. Franckowiak responded by stating that we would handle the project the same as other projects. If the soil had to be taken off-site, it was taken off-site.

Mr. Koch stated that the next item was the tree issue. While he believed that the methodology with respect to the statistical analysis was approved by the Planning Commission, they had never resolved the issue of replacement. He would offer that their engineer would sit down with the Township engineer and figure out the value of the trees and the cost associated with planting them, then put that money into escrow with the improvements agreement. That money would be there for the Township to use when the Township decided how to address the issue. Mr. Schwartz agreed with that approach and suggested that, during the development of the site, the Planning Commission have a "sit-down" with the Supervisors to come up with ideas. He further stated that Don Wilson's idea of using that money to purchase development rights in the AG Preservation district was a good one. Mr. Wilson stated that he felt the money should be used for environmental purposes or improving our parks, anything but the general fund account.

Mr. Koch stated that Mr. Hoffert would address Item #5. The last comment was 35.B, for the water quality issue and our Water Resource Study. They had placed the author in touch with Mr. Peifer and they were revising that report based on their discussion. Mr. Koch stated that the next review letter was dated September 28th: Stormwater and Lighting. Item #12, they would re-examine the calculations and work that out with Mr. Peifer to resolve that. Item #16 concerned highly technical issues; they would improve the current system and would submit the redesign, which would result in showing no surcharge. With regards to the maintenance and operation, they agreed that the note be placed on the plan and the Maintenance & Operation agreement would be recorded. Concerning Item #21, they agreed with the statement that the calculations indicate a surcharge, but in reality this was not the condition that existed today. They had talked with many people and Township representatives and no one recalled a surcharge. But they assumed that was the baseline and they would improve the situation. Mr. Schwartz asked if they would explain how they were improving that? Mr. Jacobs addressed the HOP issue, when they stated that they were improving the system

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it meant that they would be reducing the flow through the pipes. Mr. Schwartz asked if it would be larger detention or smaller pipes? Mr. Jacobs replied that the general concept was to provide enough detention on site that it would make up for additional impervious surface due to the roads with a pipe system running along DeMoss Road and down Gibraltar Road to 422 and then from 422 to the east. Mr. Jacobs also stated that where the existing pipes were to remain, there would be less flow after the development was built.

Mr. Wilson asked if the planning concerned the shopping center itself and did not consider the widening of 422 or was that part of the overall plan? Mr. Koch replied that it was a unified approach by both engineers.

Mr. McFall stated that the Stormwater applied to both on and off site together. Mr. Koch moved on to the waiver request letter submitted to the Township to get a recommendation from the Planning Commission to install CMP 96" pipe. They were aware of maintenance issues and were willing to accept that.

Mr. Littlehales asked how they would address those issues? Mr. Koch replied that the pipes had a fifty-year life and it would be part of the maintenance agreement. Mr. Peifer replied that they would need to do inspections several times each year and at 96" they could probably walk through those pipes. Mr. Littlehales stated that they have given those waivers before so he would not have a problem doing so again. Mr. Unger asked what precedence did we have prior to this? Mrs. Franckowiak replied Ruby Tuesday.

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to recommend the Board of Supervisors waive the requirement of Stormwater Management Ordinance Section 310.D.7 and allow CMP 96" pipe to be used as they would not be dedicated to the Township and the owners would be required to maintain them. The motion carried unanimously.

Mr. Koch stated that the sewer module exemption letter was received. The Fire Marshal comments were addressed and they have complied with all supplemental information. He then asked the Planning Commission to adopt a motion recommending the Board of Supervisors approve the Preliminary/Final plan subject to the outstanding conditions listed in GVC's review letters of September 17th and 28th.

Public Comments

Jordan Bausher, 391 Ritters Lane, stated that it looked as though DeMoss Road connected to 47th street and the long-range road plan would not carry DeMoss Road through that property where it could have connected to the cross-town connector. That extension would have worked out by giving circulation around the school area and he was disappointed that the plan did not show DeMoss Road going through the property. He was wondering if anyone reviewed this information with PennDOT? Mr. Wilson pointed out the September 12th letter from the Board of Supervisors and item #2 stated: "The Cross-town Connector project has not been discussed for quite some time. As far as the current Board is concerned, the project is tabled. While they feel the connection would make sense, there simply is not \$5 to \$8 million dollars in Township funds to construct this roadway. In addition, the \$1.5m appropriated by St. Lawrence Borough towards the bridge has expired; and, more than likely has been spent on other County projects". Mr. Wilson stated that with DeMoss Street showing as a "paper street" on the official map, the Board was taking action on removing that paper street.

Mr. Wilson asked if the HOP was received? Mr. Koch replied that would be a final plan issue. Mr. Schwartz stated that this was the final plan. Mr. Koch replied that the final plan would be subject to receiving the HOP. In the MPC they could have the final plan recorded without the HOP by putting a note on the plan. That was not their intent. They had a meeting scheduled for Thursday with PennDOT; they had been working on getting the permit approved. All of their financing was tied to having an approved HOP. Mr. Schwartz asked

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for clarification if the highway design was included with the final plan? Mr. Fogel replied that all of that had to be finalized on the HOP before they could get started. Mr. Schwartz asked how far along were they with PennDOT? Mr. Trapper replied that they had been meeting with PennDOT for the last two years. As far as fully engineered plans, they submitted those in May, received a review letter with comments and re-submitted the beginning of September and received a letter for that on Friday. They were down to no major issues and some housekeeping issues that they hoped to address on Thursday. The right-of-way acquisitions were moving along fairly strongly. They did not have that in hand but were confident that there were no big roadblocks. Mr. Peifer stated that it looked as though they cut their comments in half.

Jordan Bausher, 391 Ritters Lane, asked about the timing of the improvements on 422, would they be before, during or after construction of the project? Mr. Trapper replied that the improvements of 422 and connection of DeMoss Road and the construction of the site work and buildings in the shopping center would all go on concurrently over a period of about 16 months. None of the stores would be open until all of the off-site improvements were completed, inspected and dedicated to the Township or signed off by PennDOT. Mr. Koch stated that they would be working with the police department during the construction.

James Witman, 106 W. 47th Street, asked if the construction of 422 would be done during the day or night? Mr. Jacobs replied that traffic control plans were a significant portion of the HOP plans submitted to PennDOT and were being reviewed. He also stated that they could not comment on the night / day issue as of yet. There might be some portions of 422 done during the night, which would make sense.

Mr. Littlehales stated that he wanted to bring up a sore point: the fact that the Board of Supervisors had brushed away the concern about pedestrian accommodations. He did not see why we could not put in a pedestrian tunnel similar to the one that existed at Park City, underneath all six lanes of Route 30, to Long Park. That was very similar to what we have down here. He was not comfortable with elderly and young people crossing so many lanes along 422. He did not feel that an "above ground" pedestrian crossing was adequate. Mrs. Franckowiak stated that our ordinance did not require having tunnels or even bridges built; they were providing pedestrian crossings in compliance with PennDOT. Mr. Littlehales stated that common sense said that was not adequate and although it was more expensive it would be a more satisfactory way to solve the problem. Mr. Wilson stated that if it concerned public safety we could ask for that. Mr. Schwartz stated that SALDO has a section for crosswalks. Mr. Koch responded by saying that they have incorporated crosswalks in the design to PennDOT as required and PennDOT approved of that.

Mr. Unger stated that they had a huge property with lots of stormwater issues that were still being dealt with. Mr. Unger then asked what the outstanding issues were with stormwater. They stated they were going to address the issues but they were asking for approval tonight. Mr. Koch replied subject to the satisfaction of the comments in the review letter and they would be addressed. Mr. Schwartz stated that the same thing happened with Central Catholic, we asked if they would be doing infiltration and they had experts come in to tell us exactly why they could not do infiltration on their site. Previously, it was stated that the situation on this site was similar, so don't count on infiltration. He did not recall any further discussion on that.

Mr. McFall stated that geotechnical reports were submitted to the Township that indicated infiltration would be unsafe. Mr. Peifer stated that was one that was being reviewed now. He further asked Mr. McFall to explain what they were doing on the site. Mr. McFall replied that even though they couldn't infiltrate they still had to meet the volume requirements. They were doing evapotranspiration pools and bio-swales. They would hold water and have water tolerant plants that would use the water and it would drain within 96 hours.

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All the areas would be lined with clay liners to avoid infiltration. Mr. Unger asked what the impervious ratio was on the property? Mr. McFall replied 84.36% impervious. Mr. Unger asked what was allowed?

Mr. Schwartz replied 85%. Mr. Unger stated that if there was any one issue that gets engineers and Townships in trouble, it was stormwater. He just did a rough calculation and there was .25 million gallons that had to be stored and released back out again. Sooner or later there would be storms that overtop the 100-year storm and it would fill up and spill off of the property. Could they explain to him how they would deal with that much water and where would it go? Can they tell him that they would not flood one day?

Mr. McFall replied that the system was designed for the 2 – 5 – 10 – 25 and up to the 100-year storm. There were depressed areas that could have ponding in the parking lot if we have storms larger than the 100-year storm. Mr. Unger asked where the water would go? Mr. McFall replied downhill, along 422, as does everything else. Mr. Unger asked what was going to flood? Mr. McFall replied that they have designed this for the 100-year storm and if we had a greater storm everything would flood, not just from their development. Mr. Koch stated that they would be releasing less than what comes off the site today.

James Witman, 106 W. 47th St., stated that an area that would be affected would be at the intersection of Gibraltar Road and Oak Parkway that always floods badly.

Mr. Unger stated that he was concerned about the trailer park. Mr. Schwartz stated that he was concerned with the aquifer and ground water recharge and he hadn't seen anything done to address that. Mr. Koch stated that they would be asking their tenants to try to incorporate water savings in their designs.

Jill Skaist, 30 Devon Drive, stated that she read about technology today that makes paving pervious, why not use that in the development of the property? Mr. Wilson replied that the problem with that was they only remain pervious for a short amount of time, and then fill with dirt, salt etc. Mr. Schwartz stated that they did not want to infiltrate as the carbonate geology located under the property could cause sinkholes if they did infiltrate. That was a legitimate concern.

Mr. Littlehales stated that he wanted to read a letter from Anndria Ciabattoni into the record "Dear Exeter Planners: There is a lot of development happening along Perkiomen Ave between Giant, the old Fegely's site, and on E. Neversink. I would like to request that you make these future shopping centers more pedestrian friendly in their approach. At present there is no way to cross Perkiomen Ave from the Giant shopping center, should one care to shop at Boscov's, Staples, etc, or vice versa. In fact, there are even "NO pedestrian crossing" signs posted at each corner! It is also not very friendly should one care to cross from Blockbuster to the China Penn area. It would be nice if it were easy to move from one center to the next, avoiding heavy traffic. Connecting these for cars would also alleviate congestion. There are lots of people walking along E. Neversink every day. I'm sure they would appreciate an alternate route, or better yet, a sidewalk. Sincerely Anndria Ciabattoni, 15 E. 34th St. Reiffon". Mr. Unger stated that he appreciated the efforts that they put into their plan, the design and cost was high and he felt that he was close to being able to support approval of the plan, but, would like to see verification that the wall could be built. Also, he would like to see the stormwater problems resolved. He would support the plan, but not just yet. Mr. Schwartz stated that he agreed that the plan was not ready and felt they needed another month to resolve some of the major issues. He further stated that we typically grant conditional approval for minor items, not with items of this magnitude. Mr. Wilson stated that he was still not happy with the pedestrian access; still concerned about the Board of Supervisors condemning land for the project; the Township had approved the TIF with unanimous vote of the Board. He felt that the highway needed to be improved in that area, but he was concerned that we were

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mortgaging the future of the Township by doing that. He would like to see something from the tenants for green buildings. Mr. Koch asked for action from the Planning Commission. Mr. Wilson stated that the time on the plan runs out November 5 and the next meeting was November 7th and taking no action was a deemed approval. Mr. Wilson asked for a vote and move on with the project.

MOTION BY Mr. Unger, seconded by Mr. Littlehales to recommend the Board of Supervisors grant conditional approval for the Exeter Commons Preliminary/Final Land Development Plan. The motion failed to carry with all members voting opposed.

Mr. Koch asked if they would pass a motion to reject the plan? Mr. Schwartz replied that we would need to.

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to recommend the Board of Supervisors reject the Exeter Commons Preliminary/Final Land Development plan because of the outstanding items listed in GVC's review letters dated September 14, 17, and 28, 2007 unless a time extension was granted. The motion carried unanimously.

5. FAIRVIEW CORNER – FINAL PLAN - Madelyn Fudeman

GVC reviewed the Fairview Corner Final Plan (reference letter dated October 1, 2007).

Ms. Fudeman stated that in the October 1st review letter it appeared that the only outstanding issue related to PennDOT and they were still waiting for that. Comment #18 was also bold. Mr. Peifer stated that issue had been addressed. Ms. Fudeman stated that they would return when they had the HOP.

6. KLEINSMITH SUBDIVISION – SKETCH PLAN – John Hoffert

GVC reviewed the Kleinsmith Subdivision Sketch Plan (reference letter dated October 1, 2007).

Mr. Hoffert stated that there were currently two existing lots that would be re-configured to add a third lot. One lot had an existing home located there. They would comply with all the comments. They needed guidance on the tree ordinance. The project had fourteen trees and only one tree would be removed relative to the construction of the lot 2 dwelling. For the construction of one home and only losing one tree, must that tree be replaced? Mrs. Franckowiak stated that typically that was done with a timber harvest and a lot of tree removals. She did not feel it was the intent of the ordinance to replace just one tree. Mrs. Franckowiak asked the Planning Commission what their feelings were? Mr. Unger agreed that he did not feel it was the intent of the Ordinance to replace that one tree. Mr. Hoffert stated that they positioned everything else to keep the trees. He felt that they would rather remove the 20" tree and save the 40" tree. The Planning Commission agreed.

Mr. Schwartz stated that the EAC's comment was the need for sidewalks. Mr. Wilson stated that the school was directly across from the lots and students would need the sidewalks. Mrs. Franckowiak asked if they received the memo from Clarence Hamm, Highway Superintendent? Mr. Schwartz replied yes, and with all due respect to Clarence, he was looking at it in a different perspective. He further stated that he disagreed with Clarence. Mr. Hoffert stated that right now there were "spotty" irregular areas of sidewalk. Now it was an issue to have sidewalks since the students that reside on the west side of Lorane were bused to the school.

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Mr. Schwartz stated that was the problem, if they had sidewalks they would walk. Mr. Hoffert replied that was a school district issue; if they were not going to address the whole problem, why hit an isolated pocket where no one would use it.

Public Comment

Ira Kleinsmith, 617 Lorane Road, stated that the sidewalks that existed on the other side of Lorane were not on the side that would align with his property. What would be the purpose of putting in sidewalks on his property when there were no sidewalks directly across from his? Mr. Schwartz replied that eventually we would want to connect the system.

Thomas Howell, P.O. Box 4635, stated that they should check with the police department about how many accidents were at that location. That intersection was a dangerous one for kids to cross there. Mr. Schwartz replied that a crossing guard would cost a lot less than busing the students.

The Planning Commission agreed that they could put a note on the plan that the owner of the property would be responsible for the cost to put in curbs and sidewalks when required by the Township. Mr. Wilson stated that his concern was the addition of two homes, which would generate more traffic. Mr. Hoffert replied that it was one additional house, because there were already two lots located there. Mr. Hoffert asked if the Planning Commission would agree that the plan could move on to Final plan as allowed for in SALDO.

MOTION BY Mr. Schwartz, seconded by Mr. Unger, to permit the Kleinsmith Subdivision to move from sketch plan to Final plan as allowed for in SALDO for a Brief Subdivision Plan. The motion carried unanimously.

Mr. Unger stated that he wanted the Township to contact the school district transportation supervisor to see if sidewalks were added would they then have the students walk to school. Mrs. Franckowiak replied that she would contact them, however, wasn't it resolved by putting the note on the plan? Mr. Unger replied that he wanted their opinion, yes or no. Mr. Hoffert asked if they would need to provide additional right-of-way as commented in the review letter. Mr. Hamm's memo stated that the additional right-of-way was not needed and would be inconsistent with everyone in the area. The Planning Commission agreed with the Highway Superintendent.

7. INFORMAL DISCUSSION – C. J. Levan

Mr. Levan passed out a sketch plan for the property that was currently the Exeter Golf Course. Mr. Levan stated that Henry Filippini wanted to remove the last 9 holes of the course to put in a total of 178 units; 157 townhomes, 18 semi-detached, and 3 single-family homes. They planned to keep the roadways private and have green space that would be part of the homeowners association. The portion of the property along Shelbourne Road was commercial and would remain vacant until such time they would develop that.

Mrs. Franckowiak responded by saying that was not commercial, the clubhouse was there as a preexisting nonconforming use. That area was zoned Suburban Residential 3. Mr. Levan stated that there was a letter that was sent to the Board of Supervisors from the Planning Commission to rezone that area.

Mrs. Franckowiak replied that Mr. Filippini came in informally to discuss the possibility of changing the zoning and that never went any further. Mr. Levan stated that they would correct that. Mr. Schwartz asked if

Informal discussion continued

with the previous development, wasn't the golf course part of the required open space that was to remain? Mr. Levan replied no, it was not; there was a requirement for 10% open space, but they were not able to locate that on the plans. Mrs. Franckowiak asked if the homeowners living there didn't have covenants that stated the golf course was to remain? Mr. Levan replied no, there was a document given to them from Grande, but those documents were not recorded. They checked with a lawyer and those documents were not legal. He further stated that Henry had given Grande a document stating that he would not develop the remaining tract until Grande completed the construction. Mr. Levan then stated that he was told that there were two existing right-of-ways left between lots in order for the parcel to be developed in the future. Mr. Peifer stated that those access points could have been made to be able to take equipment in to maintain and mow the golf course.

Mr. Levan stated that the second thing he was told was that there was no consideration given to Henry for the open space. His understanding was that by law, if the Township were to condemn a piece of property, they would need to pay fair value of that property to the owner. Henry had never received any money for the covenant of open space area. Because he had not received any consideration, it was null and void.

Mr. Wilson asked what kind of money would Henry have expected? Mr. Levan replied that the homeowners would be paying a monthly fee that would have gone towards the maintenance of the golf course. He further stated that at future meetings Henry would have an attorney present if needed. Mr. Schwartz asked if there were any covenants between the property owners. Mrs. Franckowiak replied that previously a resident came in and showed the covenant that stated when she purchased the property those nine holes were to remain. We were going to be faced with irate residents and we would want that resolved before we could do anything with this plan. Mr. Levan replied that it was not done with a legal covenant that was recorded. He felt that was unethical. He would take that back to Henry. Mr. Unger asked if the plan listed the golf course as open space. Mr. Levan replied no, it was a public golf course. Mr. Wilson stated that previously that was an 18-hole golf course. When they took the first nine holes this issue came up and at that time Henry stated that he would keep the other nine holes. Mrs. Franckowiak stated that he was in here assuring us that it would remain and if we did not get that in writing, then shame on us. Mr. Levan stated that he did not want to waste Henry's time and money. Mr. Wilson stated that the access was substandard on Shelbourne Road. It sat on a bad curve and then to add an additional 178 units would be an issue for PennDOT. Mr. Schwartz stated that there were some site improvements done there; it was better, but it was still not good enough. Mr. Levan stated that there was another exit added, but he would check into that. Mr. Wilson stated that he saw buildings close to streams and there would be flood plain issues and wetlands that would need to be taken into consideration. Mr. Peifer stated that they would have problems with the cul-de-sac on the left side of the plan. The second access needed to be a full access, not an emergency. The number of units was too high for just one full access. Mr. Peifer referred to SALDO Section 5.220, which addressed the single access issue.

Mr. Unger stated that someone from the Township would need to look into whether they had the right to develop that property. Mrs. Franckowiak responded by saying that she and Linda would research the files and the minutes to see what could be found. Mr. Schwartz stated that there were serious legal issues that would need to be resolved before we would want to look at the plan, along with the items discussed earlier.

Mr. Peifer asked if there were trees on the property, as they would need to do a tree inventory. Mr. Levan replied that there were trees and they would check into that. Mr. Schwartz stated that the "show stopper" would be the Shelbourne Road access. Mr. Littlehales asked if they had the proper amount of parking spaces? Mr. Peifer stated that concerning the parking spaces, the garage did not count. Mr. Levan replied that they would have that. He then asked if they could attend a Supervisors meeting to discuss the plan. Mr. Wilson stated that they would need to contact Administration to see if they could place them on the agenda.

Informal Discussion continued

8. GENERAL DISCUSSION

Mr. Wilson stated that the next regular Planning Commission meeting would be on November 7th at 7:30pm.

The Planning Commission agreed to meet on October 25th at 7pm for a workshop on zoning.

Mrs. Franckowiak stated that Mrs. Palecek had come in with an idea to take the two-bay car wash on their property and enclose it to make it into an office. She then asked if the Planning Commission felt Land Development should be required for that? The Planning Commission agreed that it should be done as Land Development because it was a change in use.

ADJOURNMENT

MOTION BY Mr. Schwartz, seconded by Mr. Littlehales, to adjourn the October 2, 2007 meeting of the Exeter Township Planning Commission at 9:52 pm. The motion carried unanimously.

Respectfully Submitted,

Linda Cusimano
Planning Commission Recording Secretary

lrc

Correspondence to:

BOS: Exeter Commons waiver request
BOS: Exeter Commons Preliminary/Final plan/rejection