

**MINUTES**  
**EXETER TOWNSHIP PLANNING COMMISSION MEETING**  
**DECEMBER 2, 2008**

The Regular Meeting of the Exeter Township Planning Commission was held on Tuesday, December 2, 2008 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  
Greg T. Unger  
Gregory A. Shantz

**ABSENT:** Gary L. Shane

**OTHERS IN ATTENDANCE:** Craig Peifer, GVC Consulting Engineer  
Cheryl Franckowiak, Zoning Officer  
Linda Cusimano, Recording Secretary

**1. MINUTES**

**MOTION BY** Mr. Bittig, seconded by Mr. Shantz, to approve the minutes of the November 5, 2008 Planning Commission Meeting as presented. The motion carried unanimously.

**2. AGENDA**

**MOTION BY** Mr. Unger, seconded by Mr. Schwartz, to approve the agenda of the December 2, 2008 Planning Commission meeting with the addition of Dellinger Property Variance Request. The motion carried unanimously.

The following business was discussed:

**3. CUSTOM PROCESSING – FINAL LAND DEVELOPMENT PLAN** – Bruce Rader  
- Joe Dolan

GVC reviewed the Custom Processing Final Land Development Plan (reference letter dated November 25, 2008).

Mr. Rader stated that Mr. Schwartz and Mr. Bittig came out to the site to look at the trees. Mr. Schwartz stated that most of the trees were over the bank and well out of the disturbance area. He thought that the only trees that would be removed were a line of spruce trees. Mr. Bittig stated that according to the tree inventory they were Virginia pines. Mr. Bittig asked if they summed up the number of inches they need to replace?

Mr. Rader stated that the tree report stated that the trees to be replaced were not high value trees. They list 86 trees and only two were high value. Mr. Bittig stated that he went through the report and counted 59 trees that need to be replaced per Ordinance, with a total replacement of 377 inches. They just need to have that in writing somewhere. Mr. Peifer stated that would end up in the escrow account. Mr. Rader stated that they could do that. Mr. Schwartz stated that it did not seem to be that many trees in the disturbance area, most of the trees listed in the report do not appear to be in the area to be disturbed. They were highlighted in the report

### **Custom Processing continued**

as being disturbed, but they are not. Mr. Schwartz further stated that he did not remember all of these trees in this area. Mr. Peifer asked if Liberty generated a plan that showed the location of those trees? Their appendix B only highlighted the trees that were recommended for preservation. Mr. Rader replied that he did not think so. Mr. Peifer asked how they tagged the trees? They gave them labels so he assumed that they were tagged. Mr. Bittig noted that the report stated that the highlighted trees were the ones in the area to be removed; if that was not the case, they needed to correct the report. Mr. Schwartz and Mr. Bittig both agreed that the report had many more trees listed in the disturbance area than what was actually located there. Mr. Peifer asked what would cost more, to count the trees or pay replacement of 300 plus inches. Mr. Dolan replied that they would re-count them. Mr. Bittig asked if they took into consideration the County comment about the visibility of the structure. Mr. Peifer replied that was handled last month.

Mr. Rader asked if they should do a plan that shows what trees would be coming out? Mr. Peifer replied that they should modify the report to show the amount of trees that are in the area of disturbance. Mr. Wilson stated that they should show the correct count of trees to be removed so we could see what the amount of replacement trees would be. Mr. Schwartz stated that should be submitted with your replacement calculations. Mr. Rader asked if that should be on a plan going to the Board? Mr. Peifer replied that it usually showed on the existing conditions plan. Mr. Rader asked about the Stormwater Operations fund; was that a part of the Improvements Agreement? Mr. Peifer replied that it was a separate agreement and payment. Mr. Littlehales stated that under Lighting, #4 appeared to be due to some confusion or typo on the plan; they should take a look at that and clarify. Mr. Rader asked if that should be straightened out? Mr. Peifer replied that it should be corrected. Mr. Bittig asked if we got the copy of the Hazard report? Mr. Peifer replied that they were going to supply the Phase I Environmental report, but he had not yet received it. Mr. Dolan replied that it was dropped off to the Township. Ms. Cusimano stated that she never received it, but would check the next day and see if it just wasn't given to her. Mr. Bittig asked how they were doing on the fire prevention requirements? Mr. Dolan stated that they were waiting for the water company to test the water pressure. Mr. Schwartz stated that there were enough outstanding issues that the Planning Commission would need to see another submission before we could give approval. Mr. Dolan acknowledged that they needed the water pressure, the tree count and the Environmental Hazard report.

#### **4. REDNER'S FUELING STATION – PRELIMINARY LAND DEVELOPMENT PLAN**

– Nick McAndrew

GVC reviewed the Redner's Fueling Station Preliminary Land Development Plan (reference letters dated November 26, 2008 and December 1, 2008).

Mr. McAndrew stated that Redner's was planning on building a fueling station at the Shelbourne Square Shopping Center. It would be facing the Shopping Center. Mr. McAndrew noted that item #3 stated that not more than one structure housing a permitted principal use might be erected on a single lot unless approved by the Board of Supervisors. The applicant requested that the Planning Commission recommend the Board allow the additional use. Mrs. Franckowiak replied that going through the planning process and receiving approval for the plan would cover this item. Mr. Bittig asked if it was a convenience store? Mr. McAndrew responded no, it was a fueling station. When you shop at Redner's and spend \$100 you receive points on your fuel card to purchase gas for less. Mr. Bittig stated that he did not see anything in zoning that would allow for this. Mrs. Franckowiak replied that it was considered retail and as such was an allowed use.

### **Redner's Fueling Station continued**

Mr. Wilson asked if the fueling station would be covered with the current stormwater detention? Mr. Peifer replied that when they did the Applebee's they calculated the impervious area up to 75% even though that was more than the area was being covered for the Applebee's. Mr. McAndrew stated that they would have snouts that would treat the stormwater before it entered the detention areas. Mr. Bittig stated that the stormwater treatment letter was interesting, it stated that it was a "hot-spot" and that they wouldn't infiltrate because of the use, but it was their use. Mr. Peifer replied, right, that was correct. Mr. Bittig stated that it wouldn't be a hot spot if the use weren't there. Mr. Peifer replied that they were only dealing with the run-off from the pump area, which they were handling by running it through a water quality facility to clean it up before the water was discharged. Mr. Peifer stated that he did not see an issue with that. The Ordinance stated that if they were going build "this", then we don't want you to infiltrate because of the potential to contaminate ground water. Mr. Unger asked how the fuel trucks would access the site. Mr. McAndrew replied that they submitted truck turn detail. He further stated that for the loading area, he was waiting for Redners to provide that information to add to the plan. Mr. Bittig asked if they submitted plans to DEP?

Mr. McAndrew replied that they submitted plans to the County Conservation District at the same time plans were submitted to the Township. They also sent out letters to the Water Company and the Sewer Authority requesting service, but have not received anything back yet. Mr. McAndrew asked about #4. Mr. Peifer replied that they should have a cross access agreement in place, even though it was the same owner now, but that could change in the future. Mr. McAndrew agreed that there should be easements for the stormwater facilities, but instead of providing meets and bounds, would a general note on the plan stating that the Township has the right to access the site to inspect the Stormwater facilities be sufficient? Mr. Peifer stated that we should ask the Solicitor if the note was adequate. Mr. McAndrew stated that they have provided the Hazard report and EAS report and asked if the Planning Commission and EAC reviewed that? He further stated that they had a letter from the EAC that stated "no comment". Mr. Schwartz stated that the EAC would review that at the next meeting. Mr. McAndrew stated that there was a question about landscaping; would they need to do landscaping? They did not have a lot of area to do landscaping, the front island could have some shrubs, however they needed to stay out of the clear site area and there were some other areas where they could place some shrubs. Mr. Schwartz asked if they could put in a buffer between them and the Applebee's. Mr. McAndrew replied that they did not want to plant trees there, as they might need to be removed if they would develop that area. Mr. Schwartz stated that he would like to see something on the lot, not necessarily trees. Mr. McAndrew replied that they could put in some shrubs on the lot. Mr. McAndrew asked if they needed a lighting plan, as all of the lights would be underneath the canopy. Mr. Littlehales stated that he did not want to see a "Sheetz glare bomb" and the Ordinance called for cut-off recessed canopy lights, not drops. Mr. McAndrew replied they would do the lighting plan. Mr. McAndrew further stated that they would request a waiver of the Traffic Impact Study. Mr. Shantz asked if the general public would be able to use the fueling station? Mr. McAndrew replied that it would be open to the public, but more geared towards customers at the Redner's. Mr. Shantz asked if the majority of the Redner's customers would be using the fueling stations? Mr. McAndrew replied that it was geared more towards the Redner's customers. There would not be a lot of added traffic. Mr. Schwartz stated that realistically he did not see that as a destination for people to get gas. Mr. Bittig stated that they would need to provide a written request for the waiver and then we could address that. Mr. McAndrew stated that they would comply with all the Stormwater comments. He then asked if they would be allowed to return as Preliminary/Final Plan? The Planning Commission agreed that they could do that.

**5. AEM ARCHITECTS OFFICE BUILDING – FINAL LAND DEVELOPMENT PLAN**

– Scott Miller

GVC reviewed the AEM Architects Office Building Final Land Development Plan (reference letter dated November 26, 2008).

Mr. Miller stated that they were returning with the Final Plan for this land development. Under SALDO item #10, they would provide a final version of that report with the name of the firm/individual that was responsible for the report. He further stated that under Stormwater, they would address the issue of the swale. Around the building they had two lawn inlets on the back of the building that had 6” PVC pipe that runs through to the swale and carries it down to the inlet and into an underground stormwater facility. The area in the back was so small that a 6” PVC pipe would handle the flow of water, but the Ordinance requires a minimum of 15” pipe. They were requesting a waiver from that requirement of Section 310.D.7. The roof was directed to the front and will discharge into the swale. They were also looking for a waiver of the Lighting Ordinance Section 6.A, to allow a ratio of 5:1 instead of 4:1 and the max. to min of 22:1 instead of 20:1. They were close to acquiring the LEED certification that they were looking for. They could not get the 4:1, but got 5:1. The lighting fixtures were LEED certified and they had to do a balancing act in order to get the LEED certification and meet the lighting Ordinance. Mr. Littlehales stated that they should provide a gray scale rendering as supporting document for the waiver request.

**MOTION BY** Mr. Littlehales, seconded by Mr. Shantz to recommend the Board of Supervisors waive the requirement of Lighting Ordinance, Section 6.A, and allow a ratio of 5:1 and the max. to min. of 22:1. The motion carried unanimously.

**MOTION BY** Mr. Shantz, seconded by Mr. Bittig to recommend the Board of Supervisors waive the requirements of Stormwater Ordinance Section 310.D.7 and allow the 6” PVC piping as GVC agreed this size would be adequate to handle stormwater. The motion carried unanimously.

Mr. Miller asked for conditional Final Plan approval.

**MOTION BY** Mr. Shantz, seconded by Mr. Unger to recommend the Board of Supervisors grant Final Plan Approval for AEM Office Building Land Development plan subject to addressing all outstanding items in the November 26, 2008 GVC review letter. The motion carried unanimously.

**6. RHINO BUILDING SERVICES – Scott Miller**

GVC reviewed the Rhino Building Services Preliminary Land Development Plan (reference letter dated November 25, 2008).

Mr. Miller stated that this was a new plan; they were converting an existing structure for a new use. The Ordinance required land development review for a change in use. The building was located along Perkiomen Ave with an alley located in the back. It was previously listed as residential, but was used as storage and limited office. They were proposing to turn the building into an office for the Rhino Services, which was a cleaning service. There would be no cleaning supplies; it would just be an administrative office with two to three employees. Mr. Miller further stated that the existing building was 1 ½ story brick building, with only one change. They would move the existing metal shed up against the existing one story garage for storage. They would be adding a little more paving in the rear. The entrance would be one way coming off of Perkiomen Ave. Mr. Bittig stated that the lot already had a number of existing non-

### **Rhino Building Services continued**

conformities. Mr. Miller replied that was correct. Mr. Bittig asked who owned the alley. Mrs. Franckowiak replied that she did not think there was any ownership involved, just an alley that everyone had the right to use. Mr. Bittig stated that four properties use it and then there was a sign that said, "no trespassing", he just felt that was unusual. Mrs. Franckowiak asked if Mr. Miller checked into the ownership of the alley?

Mr. Miller replied that they had not, but they would. He then stated that under Zoning #3 they were looking at two to three employees and they had an existing non-conformity and did not want to add a lot of improvements to the property and still make it usable. If they would start to address some of the issues of setbacks and co-coordinating a re-configuration of the parking, what would happen was they would increase the amount of impervious and they would be adding more area that would deal with stormwater control and direct lighting. He felt that the owner wanted to keep it with minimal impact as possible with the improvements. The question would be how could they keep the existing non-conformities and address them by notes or a series of understanding with finalizing the plan. Mr. Bittig stated that none of the parking space sizes met zoning and they were too close to the alley. Mrs. Franckowiak stated that the original non-conformities were from a completely separate use and we did not worry about that with the residential use. Now that they were changing to a commercial use, those issues needed to be addressed. Mr. Bittig stated that the paved area was just for trash storage, now they would need to show where the trash storage would be located and Mr. Peifer raised the question on how they would access the handicapped parking space. Mr. Miller replied that they had three options, they could go to the Zoning Hearing Board and clarify the non-conformities or ask for relief; the third option was to re-configure the lot and add the additional paving to make it comply with the current regulations. They were trying to eliminate any increase in impervious area and stormwater issues when they were just converting a building that was being used as some type of commercial use. Mrs. Franckowiak replied that it was residential and when Mr. Snyder was operating two doors up, he came in to ask to be able to use it as storage only. There were no offices located there as far as the Township knew. Had he said that he was converting it to offices then he would have gone through Land Development also. Mr. Littlehales asked if they were only having two employees? Mr. Riegel replied that they would have at the most three employees and as far as trash was concerned, they would just use trash containers, not a dumpster. They would just be using the office for administrative use, billing, payroll, etc. He purchased the building out of Federal Courts and that was listed to him as being a commercial property. They bought all of the contents in the building for \$1,000: 40 computers, 12 desks, 50 filing cabinets and they were still sitting there. It was set up for office use. They currently had an office in Mt. Penn they outgrew that office. People coming and going from that location would be very minimal. Mr. Littlehales asked why they would need so many parking spaces since they don't have that many employees? Mr. Bittig replied that the Ordinance went by the size of the building.

Mrs. Franckowiak asked how they outgrew their current facility? Mr. Riegel replied that they bought a residential property that had only two rooms in it and they needed more room than that. Mr. Bittig stated that he would like to be able to see that they could pull this off, but we were just identifying issues that needed to be addressed in order for it to work. He further stated that the County pointed out that it would need to be ADA accessible. Mr. Miller replied that they were looking into that. They were also looking into the main issues when they were making this kind of conversion, what the definition of an existing non-conformity was. They would need to get together and come up with a way of doing that to comply. They did not want to increase the amount of impervious. Mr. Peifer asked if it would really increase the area, as they would just need to move the location of the impervious. Mrs. Franckowiak stated that if they were doing the conversion, then they needed to meet the requirements, because if they vacated and someone else would come in, then they would have to deal with it. She felt it should just be done now. Mr. Miller stated that Mr. Peifer brought up a good point, if they shuffled the impervious around they could meet the

## **Rhino Building Services continued**

requirements and meet the stormwater. Unfortunately the Zoning Hearing Board had a cost and time impact. Mr. Miller asked if there were any other issues that they needed to deal with other than the parking, lighting and environmental hazard. Mr. Shantz asked if anyone had a problem with this, subject to playing with some things? He felt that it would be the only possible use for the property, short of going back to residential and no one would want that. Mr. Bittig replied that it was a good use, but they would need to make it work. Mr. Miller then asked if they were able to address those issues, could they come back as a Preliminary/Final plan? The Planning Commission agreed that they could do that.

## **7. JUD LO, LLC FKA BRICKEY PROPERTY – REVISION TO SKETCH PLAN OF RECORD**

- Brian Kobularcik

GVC reviewed the Jud Lo, LLC fka Brickey Property revision to Sketch Plan of Record (reference letter dated November 26, 2008).

Mr. Kobularcik explained the plan history. Last year they came in to informally talk with the Planning Commission about leaving the lots the way they were but to provide shared driveway off of Stacy Court to provide access. At time the Planning Commission was ok with it. Since then, the Brennan's looked at the driveway location and now they wanted to do a revision to the Plan of Record to recombine the two lots back into one lot. Mr. Kobularcik further stated that item #4 under Zoning, the garage was shown on the previous plan and they would be removing that and would get a permit to do so. Item #5 concerning the steep slopes, they would turn the layers back on to show them and the permanent conservation easement would remain. Item #6, they were not planning to remove any trees. Mr. Kobularcik stated that under SALDO #1, the perimeter monuments had not been set, item #2, the zoning data would be corrected. Item #5, they would not need to go back to DEP for the Planning Module, they would check with the Authority to check if the proposed sewer lateral meets the standards. Item #6, they would add the note that at the time of grading they would get E & S approval. For item #8, they would add the sight distance for the driveway to the plan. Mr. Kobularcik stated that they came back to change the two lots into one so they would not have to do an Improvements Agreement for any public improvements. He did not think that they needed to do a fee-in-lieu of. Mr. Peifer replied that there would be a recreation fee charge at time of building permit. Mr. Kobularcik stated that under Stormwater Management, #2 and #3 were no problem. With #4, 5 6 & 7 they did not propose any detention facilities on the new plan as they were substantially reducing the amount of impervious. They would have two infiltration beds to take care of infiltrating water from the home that were 20 x 20 x 2ft. Did the Township need an easement agreement for two infiltration beds that were that size? They were not public improvements; all the stormwater would infiltrate into them. They would have to be constructed when the building permit was pulled. They would also need the E & S plan. There would be a lot of work that would need to be done in order to do easement agreements for the construction of the infiltration beds and the same for the Operations and Maintenance agreement. Mr. Peifer replied that those comments were because the Act 167 Ordinance which required these facilities that have easements and agreements that basically follow ownership of the land and for 10 years the Township had to inspect them. Mr. Kobularcik stated that he's never seen them on the individual lot level, because of the costs to review and to produce, they would ask that they would just add a note to the recorded plan that basically stated infiltration beds had to be constructed and the Township would have the right to inspect. They did not want to have to do easement agreements. Mr. Shantz stated that didn't we discuss that previously, that rather than having a specific easement, they would have a blanket easement that would allow the Township to access the property at any time. We could let the Solicitor make that determination, if the Solicitor was satisfied that would cut out a lot of expenses.

## **JUD LO LLC continued**

Mr. Kobularcik asked if we had the cost for the inspection fees? Mr. Peifer replied that would be calculated during the course of the review of the plan. Mr. Kobularcik replied that they could pay the fund to cover the inspections. Mr. Peifer stated that they would also need to do the written agreement following Appendix A of the Stormwater Ordinance and do #6. Mr. Kobularcik replied that they could execute the agreement and pay the fees. Mr. Peifer stated that if the Solicitor was ok with a blanket easement, they still should show an easement so the property owner would not place anything there. Mr. Kobularcik stated that the existing driveway was a 10' driveway and they could add a turnaround for fire apparatus at the end of the existing driveway. He was concerned with the fact that they needed to add an additional 10' to the existing driveway. Mr. Peifer stated that a waiver was not allowed for the width, however, what was accepted was rather than another 10' of paving, was to add stabilized turf. Mr. Kobularcik stated that it was an existing driveway, not a new one; so, even though it existed they would still need to add 10' to that? Mr. Peifer replied yes. Mr. Kobularcik asked if that was a part of the building permit process? Mr. Peifer replied that would be a part of the escrow and also the infiltrators. If they wanted to push that off until time of building permit, that would need to go to the Board of Supervisors and the Solicitor for approval. Mr. Kobularcik stated that they could show those items on the plan, but since nothing would be constructed at this time they would ask that it be a part of the building permit process rather than with an improvements agreement. The current escrow that was in place for the previous plan was \$90,000. That was due to expire in February and was the reason why they wanted to come in now so they could eliminate the need for that. Mr. Schwartz stated that escrow was out of our hands; they would need to go to the Board and the Solicitor. Mr. Kobularcik asked for conditional plan approval. Mr. Wilson stated that he would like to see a note on the plan that the property would not be further subdivided.

**MOTION BY** Mr. Unger, seconded by Mr. Bittig to recommend the Board of Supervisors grant approval for the JUD LO LLC revision to Sketch Plan of Record subject to any outstanding items in the GVC November 26, 2008 review letter being addressed and the addition of a note to the plan that the property would not be further subdivided. The motion carried unanimously.

## **8. INFORMAL DISCUSSION – LEGRANDE BUSH – Matt Kinsey**

Mr. Kinsey stated that he was representing Mr. Bush and his son and wanted to discuss a subdivision that was approved in 1984. It was located on Church Lane, and 8.4-acre parcel that was subdivided into two lots and Mr. Bush wanted to give each of his sons a parcel. Each parcel had a home built on them with their own septic and well. The plan was approved and signed, but unfortunately they did not have the plan recorded at the County. Mr. Kinsey stated that Mr. Bush wanted to continue with the subdivision and they wanted to see if we could re-sign the plan. He knew that the zoning had changed and the setbacks had changed also. He spoke with Mrs. Franckowiak a few weeks ago and she suggested coming in to talk to the Planning Commission for input on how to proceed. Mrs. Franckowiak stated that since this was done in 1984 it was done using the 1969 Zoning Ordinance. She then asked if the Bush's were willing to go through the review process again and have their engineer look at the plan? Mrs. Franckowiak further asked if they were just planning on subdividing the existing homes, not looking for another building lot and record the plan that was already approved? Mr. Kinsey replied that was correct, unfortunately Mr. Bush was under the impression that they could record the plan whenever they felt like it. They had all the signatures, even from the Berks County Planning Commission, just not the recorder of deeds office. Mrs. Franckowiak asked if they would record the plan as it was and then have the separate deeds drawn up? Mr. Kinsey replied yes. Mr. Peifer stated that it would have to go through the Township for a re-endorsement. Mr. Shantz stated that they might

### **Legrande Bush informal discussion continued**

need to go to the Zoning Hearing Board since the minimum lot sizes had changed. Mr. Kinsey stated that one lot was 3.221 and one at 2.625. Mr. Bittig stated that the minimum lot size in that district was now 3 acres. Mrs. Franckowiak asked what the Planning Commission felt? The Planning Commission felt that Mrs. Franckowiak should check with the Solicitor for his opinion. Mrs. Franckowiak stated that she would but, before she could do that, they would need to submit a letter stated that they would pay any fees associated with the review.

### **9. INFORMAL DISCUSSION – EGAN’S CONDO SUBDIVISION – Pamela Cala**

Ms. Cala stated that she was there to represent Mr. & Mrs. Dale Egan. They received a letter from Mrs. Franckowiak stating that they should come before the Planning Commission for Land Development approval. Mr. & Mrs. Egan owned a parcel of land at 6714 Perkiomen Ave. It was roughly a 3.4-acre parcel that had a 2-½ story stone building, a garage, and a car wash. It went through land development approval for the commercial development around 2003. What Mr. & Mrs. Egan would like to do was to create a commercial condominium, by recording a declaration of condominium; it was a form of ownership as opposed to subdivision. Ms. Cala further stated that our SALDO did address condominiums, as did the MPC. The difference was that the previous land development plan was approved and the improvements that were there were already constructed as a part of that process. If there would be any man-made change/improvements constructed at the time they would form the condominium, then that would prompt the need to come before the Planning Commission for land development approval. In this case, they were just interested in recording the declaration to create the condominium regime under the Uniform Condominium Act, a change in ownership, title. It did not go to use, or changing lot lines that were currently there. If they would come in to develop a raw piece of ground, it would clearly fall under the land development process. They would be superimposing a condominium regime ownership. They spoke with both Mrs. Franckowiak and the Solicitors office, Andrew Bellwoar and Mike Crotty, and gave them a copy of their declaration so it could be reviewed. It created the particular units and it defined the common areas. It would be conveyed to three unit owners who would own an undivided interest in the common elements around it. They were only changing the form of ownership. Parking was discussed and shown that all three owners would share the parking areas. Mrs. Franckowiak stated that she would just leave the decision in the hands of Andrew Bellwoar and Mike Crotty. The Planning Commission agreed.

### **10. DISCUSS LETTER FROM SCHOOL DISTRICT SOLICITOR**

Ms. Cusimano stated that there was a letter (in this evenings package) from Jon Malsnee, the solicitor for the Exeter School District. Mr. Bittig responded that the letter stated they were taking 92 acres from 108, what happened to the other 16 acres? Mrs. Franckowiak replied that they were subdividing and would possibly sell that at a later date. Mr. Bittig asked where the 16 acres were located. Mr. Wilson replied the upper estate lot. Mr. Bittig stated that since flag lots were not allowed, it would be a landlocked piece. Mrs. Franckowiak replied that would be a part of the Land Development process. Mr. Schwartz stated that our recommendation would be to submit plans and we would review them.

### **11. SCHOOL DISTRICT SPECIAL EXCEPTION APPLICATION**

Mrs. Franckowiak stated that we had the application from the School District for the special exception to build a K-4 school on the Amber Hill development parcel. They were looking for a recommendation from the Planning Commission to the Zoning Hearing Board to either support the application or not and why.

### **School District Special Exception continued**

Mr. Bittig stated that he did not approve it because he saw 16 acres that were landlocked. Mr. Shantz stated that had nothing to do with the application. Mrs. Franckowiak replied that would be addressed during the Subdivision and Land Development process, now we were talking only about the use. Mr. Bittig stated that as long as they met all terms and conditions of Zoning they should permit the special exception. Mr. Wilson stated that if they permitted the special exception showing one school on the property, would that exclude them from adding another school to the property? Mrs. Franckowiak replied that they would need to do land development for each addition. The property use was what they were requesting.

**MOTION BY** Mr. Unger, seconded by Mr. Shantz to recommend the Zoning Hearing Board grant the special exception for Exeter School District Elementary School (K-4) subject to a fully compliant land development plan at a later date. The motion carried with Mr. Bittig, Mr. Schwartz, Mr. Shantz, Mr. Unger, Mr. Littlehales voting in favor and Mr. Wilson voting opposed.

GVC reviewed the Scope of Traffic Study for the Exeter School District Elementary School (reference letter dated December 1, 2008).

The Planning Commission reviewed the GVC scope of Traffic Study letter.

**MOTION BY** Mr. Bittig, second by Mr. Schwartz to recommend the Board of Supervisors approve the recommended areas listed in the GVC letter plus the following intersections: S.R. 562 and Kerr Road; Farming Ridge Blvd. and S.R. 562. The motion carried unanimously.

### **12. SET DATE FOR JANUARY 2009 MEETING**

The Planning commission agreed to meet on Wednesday, January 7, 2009.

### **13. DELLINGER PROPERTY VARIANCE REQUEST** – Michael Hartman

Mr. Hartman stated that they were planning a two-lot subdivision at the intersection of Lorane and Hafer Roads. The plan showed the additional right-of-way width that was required by Township Ordinance. Because of that they would not meet the minimum lot area requirement so they applied for a variance request for relief from the minimum lot area requirements. Mr. Wilson stated that not only would they need the additional right-of-way, they would also need to install sidewalks. As of the last Supervisors meeting the consensus was that sidewalks must be constructed. They would not allow a note on the plan that sidewalks would be constructed at a later date if required by the Township. Mr. Wilson further stated that we would make our recommendation to the Zoning Hearing Board, but the Zoning Hearing Board would have the final say. Mr. Wilson felt that he did not see any hardship because they could construct one house on the lot.

Mr. Hartman stated that they perceived it to be a Township imposed hardship. The lot existed as it did and it had sufficient right-of-way around it and the SALDO required more and was waive-able, they could provide sidewalks without providing additional right-of-way. They wanted to build “green” buildings and would ask for the area reduction. Mr. Bittig stated that when the minimum lot size changed, it was quite a few years ago. It was a single-family unit lot and they created the hardship, we did not. Mr. Schwartz replied that they could not meet the five criteria to allow for a variance. Although he liked the idea of building “green”, build one, not two. He further stated that the Planning Commission should look at what concessions we could make for energy star certified building in the future.

### **Dellinger Property variance continued**

**MOTION BY** Mr. Schwartz, seconded by Mr. Bittig to recommend the Zoning Hearing Board to deny the variance request for the Dellinger Property as it failed to meet Zoning Ordinance Sections 902.7.A, 902.7.B, and 902.7C and the applicable Zoning has been in effect since July 25, 2005. The motion carried with Mr. Littlehales, Mr. Wilson, Mr. Unger, Mr. Schwartz and Mr. Bittig voting in favor and Mr. Shantz voting opposed.

Mr. Shantz stated that he could not make that recommendation without hearing their case.

### **14. GENERAL DISCUSSION**

Mr. Unger asked about the letter that was in the package that was written by Mrs. Franckowiak to the residents that lived near the Rite Aid Land Development, and specifically questioned why were we as Exeter championing the Rite Aid project? He further suggested it seemed that we were doing the developers work. Mrs. Franckowiak responded that we were not doing the developers work, the developer was just doing what the Engineer and staff suggested to address traffic and safety concerns, to run their access point out to Oak Circle. The developer had done that and based on some discussions it seemed as though four of the five Board Members were supportive of that access onto Oak Circle. Mrs. Franckowiak further stated that Clarence offered concern on behalf of the Township that with that circle located there it would be more confusing and he wanted to see a different configuration. She stated that prior to asking the developer to have engineered plans drawn up with his suggestions, it would be a good approach to reach out to the most affected property owners to solicit their comments before wasting anyone's time and efforts and money. Based on discussions between three of the four property owners with Township reps – they responded very favorably. They were in full support of concept one. They were in full support of the project, so no, we were not doing the developers work. Mr. Bittig asked about the fourth person. Mrs. Franckowiak replied that the homeowner herself did not express an opinion; rather she wanted Cheryl to discuss it with her son. Mrs. Franckowiak further stated that she was waiting to hear from him. Mr. Unger asked if it only affected those four property owners or did it affect the whole neighborhood? Mrs. Franckowiak replied that we reached out to the property owners that were most affected by the driveway location. We have talked to the developer about speed bumps so they would not have people trying to cut through the Rite Aid property. She felt that absent sending a letter out to everyone and getting a million different responses - this was the way to go. Mrs. Franckowiak further stated that the consensus of the people that we did talk to and the people that Rite-Aid talked to, was that they dealt with the traffic issue from when it was Fegely's Restaurant and it was confusing at that time. They recognized that Rite Aid was less of an impact than a higher traffic use. Mrs. Franckowiak stated that PennDOT responded by stating they would allow a right in and right-out along 422. Mr. Schwartz asked who directed Mrs. Franckowiak to send the letter? Mrs. Franckowiak replied that she talked to the Board Members and Mr. Wilson was not there that night and they offered that they supported the driveway coming out on Oak Circle. It was after that point that we realized that was the desired access and Clarence looked at that and he said that he had concerns about the configuration. But before we could tell Rite Aid to go back and draw something up the suggestion was made that we should to reach out to the residents. Why should we ask the developer, as the Township, if it were counter productive to what the residents would want to see? And that was why we sent the letter. Mr. Shantz stated that he read the letters and he felt that there was nothing wrong with them. He further stated that he did not see why we don't approach the property owners to get their positions. Was it all of the property owners that were affected, no. But why would you not talk to four or five people just to see what they were feeling. The

**General Discussion continued**

letters were not leading them any particular way; they were just summarizing their feelings. He did not think that getting their feedback was a bad thing. Mr. Schwartz stated that the proper venue was not in a letter and not in private discussions. The proper venue for those discussions was here. Mr. Littlehales stated that it was a violation of the Sunshine Act. Mr. Schwartz further stated that he didn't mean to be critical of Mrs. Franckowiak. Mrs. Franckowiak replied that he could be critical as she was the one to sign the letters, she wrote them, and she sent them out. She thought it was a great idea and each and every one of the residents said hey this was the first time that Exeter Township ever reached out and asked us anything. Mr. Schwartz replied that was fine, he was all for reaching out, but the venue was here not in a private meeting. We must have the input. Mr. Shantz responded that those same people would say that we never told them, there was a meeting that was advertised and there was an article in the paper, but they didn't show up, so no matter what you do, someone would say they didn't know. Mrs. Franckowiak replied that was correct. Mr. Unger stated that then we should send a letter to them to please attend a public meeting were this would be discussed.

Mr. Wilson stated that he understood that Mr. Bittig and Mr. Shantz asked to be re-instated. Mr. Wilson wanted to extend a thank you to them both.

**ADJOURNMENT**

**MOTION BY** Mr. Shantz, seconded by Mr. Unger, to adjourn the December 2, 2008 meeting of the Exeter Township Planning Commission at 10:20 pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig  
Planning Commission Secretary

lrc

Correspondence to:

BOS: AEM Office Building waiver requests

BOS: AEM Office Building Final Plan approval

BOS: JUD LO LLC fka Brickey Property revision to Sketch Plan of Record

BOS: Scope of Traffic Study for Exeter Township School District Elementary School

ZHB: Exeter Township School District Special Exception

ZHB: Dellinger Property Variance Request