

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
JANUARY 2, 2008

The Regular Meeting of the Exeter Township Planning Commission was held on Wednesday, January 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
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. Littlehales, seconded by Mr. Bittig, to approve the minutes of the December 4, 2007 Planning Commission Meeting as presented. The motion carried unanimously.

2. AGENDA

MOTION BY Mr. Bittig, seconded by Mr. Schwartz, to approve the agenda of the January 2, 2008 Planning Commission meeting. The motion carried unanimously.

3. APPROVE APPLICATIONS FOR REVIEW

A. BOSCOV'S EAST/FULTON BANK – PRELIMINARY LAND DEVELOPMENT PLAN: MOTION BY Mr. Littlehales, seconded by Mr. Shantz, to accept the preceding plan for review. The motion carried unanimously.

The following business was discussed:

4. RE-ORGANIZATION & SET MEETING SCHEDULE & RE-SCHEDULE NOVEMBER MEETING DATE

MOTION BY Mr. Bittig, seconded by Mr. Littlehales to elect Mr. Donald Wilson as Chairman of the Planning Commission for the year 2008. The motion carried with Mr. Shantz, Mr. Unger, Mr. Littlehales, Mr. Bittig, Mr. Schwartz, Mr. Shane voting in favor and Mr. Wilson abstaining.

MOTION BY Mr. Unger, seconded by Mr. Schwartz to elect Mr. Richard Littlehales as Vice Chairman of the Planning Commission for the year 2008. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Schwartz, Mr. Shane, Mr. Shantz, Mr. Unger voting in favor and Mr. Littlehales abstaining.

MOTION BY Mr. Shane, seconded by Mr. Littlehales to elect Mr. John Bittig as Secretary of the Planning Commission for the year 2008. The motion carried with Mr. Shantz, Mr. Unger, Mr. Wilson, Mr. Schwartz, Mr. Shane, Mr. Littlehales voting in favor and Mr. Bittig abstaining.

MOTION BY Mr. Bittig, seconded by Mr. Littlehales to continue to hold the Planning Commission meetings the first Tuesday of each month at 7:30pm, with the exception of the November Planning Commission which would be moved to the day after Election Day, Wednesday, November 5th at 7:30pm. The motion carried unanimously.

5. CONDITIONAL USE – 2 VALLEY DRIVE – SHELLY BROWER

Mrs. Franckowiak stated that Shelly Brower was proposing to give piano lessons in her home, which would be given only on Monday thru Friday from 3pm to 8pm. She met all the requirements in the Zoning Ordinance. Mr. Bittig asked where the customers would park their cars? Mrs. Franckowiak replied, in the driveway.

MOTION BY Mr. Schwartz, seconded by Mr. Bittig to recommend the Board of Supervisors grant the conditional use for Shelly Brower. The motion carried unanimously.

6. BOSCOV'S EAST/FULTON BANK - PRELIMINARY LDP - Greg Bogia

GVC reviewed the Boscov's East/Fulton Bank Preliminary Land Development Plan (reference letter dated December 27, 2007).

Mr. Bogia presented the plan and stated that the project area was already paved and the new design would provide more green space. Mr. Unger asked if the curbing already existed? Mr. Bogia replied some yes, some no. Mr. Bogia then stated that these issues would be discussed; but suggested as it related to stormwater; they would propose a sheet flow situation.

Mr. Wilson looked at the plan and talked about specific intersections for the bank and said that he thought it was ludicrous the way it was laid out and suggested placing it somewhere else on the lot. Mr. Bogia responded that Fulton Bank helped locate the building and designed the traffic movements. Mr. Unger asked how they were dealing with #3 under zoning: the 100-ft setback? Mr. Bogia acknowledged that the building encroached into the setback and a trip to the Zoning Hearing Board was necessary. Mr. Unger

Boscov's/Fulton Bank continued

asked if the variance would be for 55-ft against the 100-ft required? Mr. Bogia replied yes, and he looked at a lot of buildings up and down 422; many businesses were located close to 422, Speedies was one of them. Mr. Wilson replied that they should be realistic; Speedies was there long before there was a Zoning Ordinance to regulate that. Mr. Unger asked if anything was occurring at that point of the road with widening as it related to the Exeter Commons project? Mr. Bogia replied no, it wasn't in that scope of the work. Mr. Shane asked since the plan showed more green area than what was already there would there be a wider green strip along 422? Mr. Bittig replied no, it would not be wider. Mr. Littlehales stated because of the lighting posts being relocated they would want to check out Lighting Ordinance #612, Section 9.a.2.b concerning non-conforming lighting. Mr. Bogia replied that they would be addressing lighting in future submissions. Mr. Littlehales stated that cobra-head lights would not conform. Mr. Unger asked for an explanation of #5 under zoning. Mr. Bittig replied that the pad site sat on two separate lots with two different owners and a legal opinion needed to be rendered. Mr. Bittig also suggested annexing one area to another to alleviate that. Mr. Bogia responded that they would address that. Mr. Unger asked about #9 concerning the elimination of parking spaces from Boscov's and the other areas. Mr. Bogia replied that they would need to do a count of the spaces and compare it with the Ordinance. He further stated that if they did not have the amount needed they would request a variance. Mr. Bittig stated that they would also need to do hairpin striping in their lots.

Mr. Bittig stated that they needed to demonstrate compliance with Sections 604.4 and 608.3, which had to do with the amount of area that had to be landscaped. He then stated that they did not have the proper tree species; they must match the new Ordinance #652. Mr. Bogia replied that they would do that. Mr. Unger asked about easements over the property lines? Mr. Bogia responded that Mr. Boscov's was president of both property ownership companies and granted all connections. Mr. Unger asked if it was a leased pad? Mr. Bogia replied that they were not creating a separate parcel. Mr. Wilson asked if there were any other questions? There were none.

7. VARIANCE REQUEST - 4758 KILLIAN AVE

Mrs. Franckowiak stated that someone stopped in the office to ask about building on this lot and there was an obscure Section (701.2) in our Zoning Ordinance that stated: "Any lot held in single and separate ownership on the effective date of this Ordinance which does not meet the minimum size or width requirements of the Zoning District may be used for any use permitted in that district; however, if two or more lots, combination of lots, or portions of lots with continuous frontage in single ownership that do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance". Mrs. Franckowiak further stated that whoever owned it used the undeveloped parcel as accessory to the main parcel with either a shed or a gazebo. Mr. Essig told her that by virtue of the fact they did that they merged the two lots together, although not on one deed. Mr. Bittig stated that they also had three issues: they would create two non-conforming lots, they would create a non-conforming side yard setback, and there was a 20-ft wide easement, which would create a restricted building area. Most people do not want a square house. Mrs. Franckowiak stated that the neighbors would be here in full force to show opposition. She further stated that she felt bad to have to tell the people about this section of the Ordinance. Mr. Bittig stated that we would see more and more of this as land becomes less available. Mrs. Franckowiak replied that they were not looking to subdivide, as it already was two lots. Mr. Schwartz stated that the two lots were conforming at the time they were originally subdivided. Mr. Unger stated wouldn't that be considered a taking? They had two lots, now someone tells

Variance request continued

them that they no longer do. Mr. Shantz replied he felt that was right and they could make a compelling hardship argument that it was non-conforming and now you took that away from them. Mrs. Franckowiak stated that there was just one deed with two per parts, would that mean it was considered two separate lots. Mr. Shantz replied that there were two legal descriptions, which meant two lots on one deed. Mr. Peifer stated that most municipalities have that restriction in their zoning also. Typically you never catch it because the lot sells and by the time you find out it has gone through the transfer. Mr. Peifer further stated that you don't find out unless someone comes in and asked the question concerning the lot and then they got caught. Mr. Schwartz stated that we did not want to set up a system where, when people try to do the right thing, they get punished. Mr. Bittig asked if the Zoning Hearing Board granted relief, could they apply a stipulation that anyone who builds on that lot shall not be eligible for any variances? Mr. Shantz replied that they could impose that; they could apply any conditions they would like. Mrs. Franckowiak asked about the fact that they put up the gazebo, what about that? Mr. Shantz replied that was why he would like to have more information, such as when the gazebo was placed on the property, what size it was, what was it used for. All of those questions needed to be answered to help in a decision. Mr. Schwartz stated that it was a temporary structure and could be removed. Mr. Bittig stated that we send letters to the Zoning Hearing Board, but they don't carry any weight. Mrs. Franckowiak replied that it was in our Zoning Ordinance that the Planning Commission should review the application and send a letter to the Zoning Hearing Board, but it was not in the MPC. Mr. Shantz stated that if that was how the Zoning Hearing Board felt, and then we just wasted twenty minutes to discuss this. Ms. Cusimano stated that since we were redoing the Zoning Ordinance, why don't we remove that section? Mrs. Franckowiak asked if the Planning Commission still wanted to review variance applications knowing that the Zoning Hearing Board typically did the opposite from what we recommended? Mr. Schwartz replied yes, because the Zoning Hearing Board changes from time to time. Mr. Peifer asked if the Planning Commission was represented at the Hearing, because if the letter was just sent without having someone there, they did not have to do anything with the letter because it could not be cross-examined. Mr. Bittig replied that he typically attends when he was able to.

MOTION BY Mr. Schwartz, seconded by Mr. Unger to recommend the Zoning Hearing Board grant the variance request for 4758 Killian Ave subject to a provision that no further variances for setbacks be granted on the existing non-conforming parcel. The motion carried with Mr. Bittig, Mr. Unger, Mr. Shane, Mr. Schwartz, Mr. Shantz voting in favor and Mr. Wilson, Mr. Littlehailes voting opposed.

8. REMINDER – ZONING WORKSHOP – THURSDAY, JANUARY 24, 2008

Mr. Wilson reminded the Planning Commission about the Zoning Workshop on Thursday, January 24, 2008 at 7pm. Also the Joint Workshop meeting with the School District and the Board of Supervisors January 16th at 7:30pm, location to be announced at a later date. Mrs. Franckowiak stated that to prepare for that meeting we were having Eric do a map of all parcels that could be further subdivided. Mr. Bittig was in the office today with some ideas as to what areas would need to be eliminated. Mr. Schwartz asked if that was to help with a "build out" number to discuss that night? Mrs. Franckowiak replied yes, Troy came up with a general idea for that, so we wanted to come up with a realistic number. Mr. Bittig stated that the School Board provided a seat for every student on the school buses, students were not walking and that was ridiculous. They needed to build schools where the students lived.

Public comment

Louise Swartley, 31 Troxel Road, stated that back when the school thing started she contacted Carly Dixon from the Pennsylvania Department of Education. Exeter School District would not build on land larger than

General discussion continued

the acreage that the state would reimburse the district. That was why Exeter always built according to the State's rules of 4 to 5 years projection that they got from the Township. Mr. Bittig replied that they did not get the numbers from us, they used outside consultants who were always wrong. He further stated that 3 to 4 years ago we gave them the numbers that we had that Exeter had been approving approximately 50 new homes per year for the last 8 years. Mrs. Swartley stated that the maximum number of acreage for schools differs from Elementary, Middle and High School. High Schools maximum acreage for reimbursement was 40 acres. They would not get reimbursement for over 40 acres. Mr. Bittig stated that St. Lawrence Borough met with members of the School Board and the Borough asked them about making Lausch School three stories high. The School Board stated that they couldn't go with that height because of zoning, and the Borough replied that they would change that in Zoning. Mr. Bittig further stated that St. Lawrence was willing to accommodate them on the height and the School Board didn't like that. Mr. Schwartz stated that we should show what sites, while not ideal, were acceptable and then we could put them on our official map to lock them in. Mrs. Swartley stated that the school district had two locations where they already owned land; why not build there, as they already own the land?

Linda Focht, 50 Glen Oley Drive, asked where the joint meeting was taking place and was the public invited? Mr. Wilson replied that we did not know where it was to be held, but the public was invited. Mrs. Franckowiak stated that as soon as we have a location we would put it on the website.

Mr. Wilson passed out pamphlets from the Center for Community leadership for courses that would be of interest for Planning Commission members. Mr. Schwartz stated that he had been on their advisory panel since it began and they try to have good seminars and programs for municipalities. If anyone ever saw a need for something, please let him know and he would be happy to put that on the agenda.

Mrs. Franckowiak asked about building green? Mr. Schwartz replied that was on their agenda. He further stated that he passed out an article for everyone to read before our zoning workshop.

Mr. Wilson stated that he wanted to thank Gary Shane for coming back on board for another four years.

ADJOURNMENT

MOTION BY Mr. Shane, seconded by Mr. Schwartz, to adjourn the January 2, 2008 meeting of the Exeter Township Planning Commission at 8:48pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig
Planning Commission Secretary

lrc

Correspondence to:

BOS: Conditional Use – 2 Valley Dr. – Shelly Brower
ZHB: Variance request: 4758 Killian Ave