

**MINUTES**  
**EXETER TOWNSHIP PLANNING COMMISSION MEETING**  
**JUNE 7, 2010**

The Regular Meeting of the Exeter Township Planning Commission was held on Monday June 7, 2010 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. Donald R. Wilson, Chairman called the meeting to order at 7:00 p.m. followed by the Pledge to the Flag.

**COMMISSION MEMBERS:** Donald R. Wilson, Chairman  
Paul L. Schwartz, Vice Chairman  
John W. Bittig, Secretary  
Richard Littlehales  
Greg T. Unger  
William Rush

**ABSENT:** Gary L. Shane

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

**1. MINUTES**

**MOTION BY** Mr. Littlehales, seconded by Mr. Rush, to approve the minutes of the April 5, 2010 Planning Commission Meeting as presented. The motion carried with Mr. Wilson, Mr. Schwartz, Mr. Littlehales, Mr. Rush voting in favor and Mr. Bittig, Mr. Unger abstaining.

**2. AGENDA**

**MOTION BY** Mr. Schwartz, seconded by Mr. Littlehales, to approve the agenda of the June 7, 2010 Planning Commission meeting. The motion carried unanimously.

**3. ZONING – SIGNS/BILLBOARDS**

Ms. Franckowiak stated that a few more items needed to be changed under signs. The Township received a letter from Lamar that outlined items that were problematic for Lamar. Eric Gardecki mapped out the areas where signs/billboards were allowed and show, with the exclusions, where they would still be allowed to erect billboards. Mr. Crotty stated that one of the allegations in Lamar's letter was that if you apply all the setback restrictions collectively they could not erect a billboard anywhere in the Township and Mr. Gardecki's map shows that is not the case. Mrs. Franckowiak stated that he mapped all the areas that were 500ft from an intersection, 300ft from a residential zone and 300ft from a residentially used property. All of those items were mapped from the County data. Mrs. Franckowiak showed the Planning Commission the mapped area on Mr. Gardecki's computer. The Planning Commission agreed to keep the setback provisions as they were. The Planning Commission also agreed to the following.

- The change interval for electronic signs should be changed from 60 seconds to 15 seconds.
- §390-69.B.12 should be changed to read 30ft from the edge of cartway closest to the sign.
- §390-69.D (2)(c)[4] should be changed to read 300ft from any other off-premise freestanding sign.

The following business was discussed:

#### **4. GROUP HOMES**

Mrs. Franckowiak stated that the Board of Supervisors had a meeting at the Reiffon School on May 24<sup>th</sup> with the public concerning Group Homes. Out of the meeting there came some other suggested changes to incorporate in the Ordinance. Mrs. Franckowiak further stated that there was a public hearing on June 14<sup>th</sup>. All of these items would be discussed at the public hearing on the 14<sup>th</sup> in addition to any comment the public might raise that the Board would want to incorporate into the Ordinance. Mr. Crotty would do an advertisement and the earliest it would be adopted would be the 28<sup>th</sup> of June. Mr. Crotty stated one proposed change was to limit it to the R (rural) zoning district instead of also allowing it in the RC (rural conservation) and AP (agriculture preservation) zoning districts. Mrs. Franckowiak stated that the Board felt rather than opening it up to other zoning districts, it would be best to just restrict it to the one that has already been identified. As an example, the Landfill is only allowed in one zoning district, so we only had to allow it in one zoning district.

Mr. Crotty stated that the other change was with the definition of Group home, very slightly, to a building constituting a household .... and to couple that change with the change to setback, keeping ½ mile setback and add clarification language so that the ½ mile setback is measured either from the property line of another property on which a group home/institutional use/educational/state licensed daycare center is operated or a building in which those uses are operating, whichever is the greater setback. The concern that was raised that one property could become a “compound” and this would limit that. Mr. Crotty also stated that the particular group home operator that is before the Township now, agreed to make available to the Township the nature of the offenses by the juveniles, so he added that language that the information would go to the Chief of Police for safety review and the Zoning Officer for zoning review within three days of the admission. Mr. Crotty further stated that we would prohibit sexual offenders and violent offenders from these types of facilities under the public health, safety, and welfare rule so the neighborhood residents are protected to the utmost.

Mr. Littlehales asked if that was allowed. Mrs. Franckowiak replied that we could not ask for the particular child and their offense, we could just ask in general what type of offense and they were fine with that.

#### **Public Comment**

**Lisa VanderLaan, 5560 Boyertown Pike**, replied that they (Adelphoi) were fine with that because the Township could not uphold that. Mr. Crotty replied that the notification requirement would assist the Township in enforcing that in a zoning perspective and monitoring from a public safety perspective.

Mr. Wilson stated that the Chief of Police then would know how to respond to any problems. He further stated that a resident can get a building permit, but that does not mean you have to comply with that, only if someone would complain, or you would get caught doing it incorrectly. Ms. VanderLaan stated that, first, before the Board meeting on the 24<sup>th</sup> she had an opportunity to speak with the COO of Adelphoi Village and she asked him personally, in front of witnesses, what their intention was with the property and if they did intend to expand. He did say, point blank, that they were looking to expand on that property. He also told us the model that they were putting in Exeter was different than every model they had with the exception of one unit in the state of Pennsylvania. Every unit they have is in a high density, 3 to 5 ft distance between buildings. She further stated that she feels that Exeter is worried about a challenge because Adelphoi identified a particular property in the rural residential zone in which they'd like to establish their group home and believes this is a direct conflict of Adelphoi's business model. The only rural facility is Greystone which is for serious offenders and was also one of the units that did MST therapy; multi systemic therapy is for serious criminal offenders and serious behavioral disorders. They said at the meeting that they wanted to use this property to expand that part of their system. Mrs. Franckowiak replied that they said potentially. Ms. VanderLaan stated that they were not putting people that are having trouble at home in our neighborhood; they wanted to put in

### Group Homes continued

serious offenders. Adelphoi would not need 9.8 acres of land to house 14 children; they could put them in any place, any neighborhood and any Township. Mrs. Franckowiak replied that we talked to them and they wanted to limit it to one and they were fine with it. Ms. VanderLaan stated that with the ½ mile limitation and having it in just one zoning district, it would force them to only be able to have one group home; don't you think that would be challenged? Mr. Wilson replied that we only have one landfill in this Township and as long as we allow it somewhere. Ms. VanderLaan stated that Hamburg stopped this by considering them as a hospital. Mrs. Franckowiak replied that she raised that issue with our Solicitor and that would not fly because of the Township definition. Mr. Crotty replied that we could not hang our hat on that because of the Township Definition and because of the purported purpose of the facility. Mr. Schwartz stated that they were looking at it as a way to "kill it" and that would be a mistake, we do not want to stop it, we want to regulate it. Mr. Bittig stated that with the regulations, we have reduced them to having 14 children, precluded the MST by the nature of the offenses allowed, and they must report the offenses to Zoning and the Chief of Police, that would handle the issue of public safety. Ms. VanderLaan replied that by law, they were not required to tell anyone what children are in this facility. Mr. Bittig replied that was why our Attorney wrote this in the regulations; we did not want Adelphoi to do whatever they wanted. Ms. Franckowiak asked Mr. Crotty if we had the regulations so they must report to us, or is what she was saying true that they could thumb their nose?

Mr. Crotty replied that the draft ordinance that was being revised would require them to make known to the Township the types of the offenders that reside in the facility. That would be a condition of the special exception decision. They would have to agree with that in order to move forward with the use. Then if they agreed to that, they could not come back later to challenge it. Mr. Rush stated that it would prevent them from saying "Little Johnny Smith" was arrested for "this". It would not prevent us from seeing that out of the fourteen residents there; #1's offenses, #2's offenses, etc. that way they would not be violating privacy rights. Ms. VanderLaan asked if anyone determined what the definition of serious criminal offenses or sexual offences were. Mr. Rush replied that violent and sexual offenses are strictly defined. Ms. Franckowiak read the definition of violent offense and stated in addition to that we have added to the definition of Group Home "no group home shall be licensed to provide treatment for adjudicated sex offenders, fire setters, murderers, kidnappers, armed robbers, or juveniles diagnosed with violent psychiatric disorders". Mr. Crotty added that sexual offenders is also defined as a person who has been convicted or adjudicated delinquent of an offense as set forth in 42 Pa.C.S. § 9795.1 (relating to registration of sexual offenders).

**Louise Swartley, 31 Troxel Rd**, asked if it was true that Adelphoi (as a nonprofit organization) would not pay property taxes. She further stated that she called, but did not get an answer from the tax assessor's office.

Mr. Crotty replied that he was not sure; we would need to check into it. Mrs. Swartley asked if they did not need to pay property taxes, couldn't something be added to the Ordinance that they should at least pay a yearly contribution since they would be using services. Mr. Crotty replied that it would be more appropriate to be handled as a condition at the special exception hearing. Mr. Wilson stated that not all nonprofit organizations do not pay taxes.

Mrs. Franckowiak stated that she knew this was a little off track, but brought up the fact that the School District just bought one of our largest chunks of highway commercial, they just effectively taken that off the tax rolls, was there something we could impose on them as they would have tenants in the building and would be getting rent, wasn't there something the Township and the County could do to keep the building on the tax rolls. Mr. Crotty replied that he thought that it depended on the type of use they would make of the building. Even the Township could have a property that was being used as say a rental property and that could be taxed. Mr. Rush stated that, as a tax attorney, not all nonprofits are created equal and in some instances do pay taxes.

**5. PROCEDURAL DISCUSSION**

Mrs. Franckowiak stated the Township is making an effort to eliminate all paper and all information for the Board of Supervisors is now sent by way of electronic email. We are looking to hook everyone up at every Planning Commission meeting with a laptop. In the meantime we need to set up emails for everyone and Eric will set up a Planning Commission workspace through the Township internet/website and Eric will teach everyone how to log onto our SharePoint system to review all submitted items for the agenda prior to the meeting. Every month before the meeting Linda and I will upload those items. Mrs. Franckowiak further stated that if they wanted to print the items out they could, but once this was implemented we would not be providing paper. Mr. Gardecki would be in attendance to give the Planning Commission an overview of SharePoint at the next meeting.

**6. SPECIAL EXCEPTION – HUMANE SOCIETY**

Mrs. Franckowiak stated that the Humane Society amended their application and asked the Planning Commission to review it and make their recommendation. Mr. Wilson stated that the Planning Commission already “rubber stamped” it at the previous meeting. Mrs. Franckowiak asked the Planning Commission to think about the possibility of taking an acre in each of the Township Parks and fence that acre in for a dog park. Mr. Wilson replied that he would be against that because in this location, they would be policed and maintained by the Humane Society. If they were in the Township Parks we would have to maintain them. Mrs. Franckowiak felt that it would be policed by the dog people. Mr. Schwartz stated that would only be good in a large park setting, as not all people are “dog” people. The Planning Commission all agreed that the Humane Society proposal was a worthwhile endeavor.

**ADJOURNMENT**

**MOTION BY** Mr. Schwartz, seconded by Mr. Unger, to adjourn the June 7, 2010 meeting of the Exeter Township Planning Commission at 8:22pm. The motion carried unanimously.

Respectfully Submitted,

John W. Bittig  
Planning Commission Secretary

lrc

Correspondence to:

ZHB: Special Exception – Humane Society