

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
MARCH 5, 2012**

The Regular Meeting of the Exeter Township Planning Commission was held on Monday, March 5, 2012 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
John W. Bittig, Vice Chairman
William R. A. Rush, Secretary
Gary L. Shane

ABSENT: Christy Staudt
Greg T. Unger
Cheryl Franckowiak, Zoning Officer

OTHERS IN ATTENDANCE: Joe Rogosky, GVC Consulting Engineer
Linda Cusimano, Recording Secretary

1. MINUTES

MOTION BY Mr. Shane, seconded by Mr. Bittig, to approve the minutes of the February 6, 2012 Planning Commission Meeting as presented. The motion carried Mr. Wilson, Mr. Bittig, Mr. Shane voting in favor and Mr. Rush abstaining.

2. AGENDA

MOTION BY Mr. Bittig, seconded by Mr. Shane, to approve the agenda of the March 5, 2012 Planning Commission meeting. The motion carried unanimously.

3. PIONEER CROSSING RECYCLE CENTER – PRELIMINARY PLAN – Ryan Inch

GVC reviewed the Pioneer Crossing Recycle Center Preliminary Plan (reference letter dated March 2, 2012).

Mr. Inch stated that there wasn't much left to complete for Preliminary Plan, they provided the traffic information in a response letter earlier that day. Mr. Inch further stated that they had verbal approval that the Township had sewer capacity. Mr. Fred Reigle, P C (Sewer Authority Solicitor) stood up and stated that he was there for another matter, but wanted the Planning Commission to know that the Township has the capacity and after they determined the amount of EDU's needed for the project a letter would be issued. Mr. Inch asked for Preliminary Plan approval. Mr. Shane asked if they provided the colored renderings of the building. Mr. Inch responded that they are undecided and have a few different directions on the design. Mr. Shane & Mr. Bittig checked SALDO and found that it is a requirement for Preliminary Plan; however the rendering need not be the final design.

- GVC would generate the comments for the new traffic information and provide them to the Township.
- An easement agreement will be provided for the fire access easement through the adjoining property and sent to the Township Solicitor for review.
- Mr. Inch would provide the colored renderings at the next Planning Commission meeting to move forward to obtain Preliminary Plan approval.

Public Comment

Carolyn Brunschwyler, 525 S. Baumstown Rd, stated she was speaking as an Exeter Township resident, not as an EDAC member. She felt that with limited land for new business, we need to create additional revenue. We should talk about innovative planning tools, one being impact studies. She thought that by having impact studies we could save the Township engineering costs by reducing time spent with the Planning Commission. When she saw that the recycling center was on the agenda tonight, she used that application to discuss some possible components:

- **Traffic:** According to the original landfill agreement landfill trucks have not been permitted to use Township roads, why should it be different for a recycling center. Would approval to use Lincoln Road for the recycling center set precedence with the Landfill when it once again expands?
- **New Bridge over SR345:** How were they planning to connect Lincoln Road & South Baumstown Road after the bridge was built and how Mr. Mascaro would access his property under the bridge?
- **Recycling Center:** What kind of revenue would a recycling center produce for the Township and were there benefits to the Township for hosting such an enterprise. Would this facility be in competition with the Berks County Solid Waste Authority recycling facility? Wasn't there already a recycling center at the landfill?
- **Zoning:** Do our current zoning regulations fully address recycling centers, do we differentiate between a minor recycling center and a major recycling center?
- **Workforce:** What type of a workforce are we trying to attract to make our Township sustainable?
- **MB Investments sign along SR422:** MB Investments has had a sign up along 422 that says "coming soon 7,500 to 30,000sf modern office space". Nothing has been developed there and there has been no indication of anything coming there. What image in the Township do we want to market to people that are traveling on SR345 and the eastern sector of SR422 which is our eastern gateway to our Township.

Ms. Brunschwyler further stated that we need to be innovative in creating a marketplace that generates additional revenue to offset tax increases and keep our budget balanced. Mr. Wilson responded that we have an office building in a prime location in the Township (West Neversink Road) and that building hasn't been filled, how could we expect someone else to build additional office buildings. Mr. Rush stated that he understood everything that she shared, we are all residents and we want to live in the best Township possible. It is not our job to determine, when someone comes before us, what the odds of success or the terms of economic impact are going to be, although he wishes it were. Our greater concern is the regulations, we only touch one portion which is whether or not certain requirements have been complied with for someone who wishes to do something with a piece of property. He understood her personal concerns and personally his opinion on life is that when you buy a piece of property, then you should do whatever you want with it as long as it doesn't affect someone else, but that simply is not the reality as there are certain regulations, ordinances, and codes that must be complied with. Mr. Wilson stated that this Recycling Center is located in an area that has been designated as Light Industrial; if it wasn't recycling it could be something else. He didn't worry about the vehicle traffic because there was already a corporate center on Lincoln Road. As far as having the landfill and a recycling center at the landfill, he took some computers to that recycling area and he felt that you had to drive all through the landfill to deposit the items and adding this recycling center would be a lot more convenient. Mr. Wilson also felt that it wouldn't have an impact on odors and noise and there were no residential houses close to it. He thought it was an ideal use for the property. Mr. Inch commented on the truck traffic, the landfill is not actually banned from using Township roads, but there is an approved hauling route. They built another access off of SR345 so there was no need for trash trucks to drive on Lincoln Road unless they are servicing that area or coming from the treatment plant. As far as setting a precedent for the future, it wouldn't because they have no need for the trash trucks to go on Lincoln Road. Mr. Inch further stated that PennDOT would be adding a ramp to access the property below the bridge.

Ms. Brunschwyler asked if anyone saw the plans for the new bridge. Mr. Rogosky replied that there was some information that was recently sent to us (GVC), we reviewed the drainage issues related to the bridge project and submitted that back to PennDOT. They are relocating the intersection just slightly away from the original location. Currently everything is in design so we haven't received the final approved plans. Mr. Rogosky further stated that he would check if PennDOT could provide a concept plan to put on the Township website.

Lisa VanderLaan, 5560 Boyertown Pike, stated that this was another example of a new building going up in the Township without recommendations or guidance on what type of building the Township would like. The area is zoned Light Industrial, but it doesn't mean that the building had to be ugly. Without planning within the Township all the buildings are just a hodge-podge of looks. With all due respect to Mr. Inch, she lived across the street from a Mascaro property and only when they needed approval from DEP to get the landfill expansion, they gave the property to the Fire Company to lease. They did that to help their negotiations with DEP. Ms. VanderLaan stated that she suspected the recycling center would be successful and a help for the Township. If we did not plan things, then we would continue to have the problems with buildings and structures. We needed to work on planning to be cohesive. She would ask that the Planning Commission would, in the future, do something in the Township to plan what appearance or designs we would like to see and have a procedure to approve what the new buildings would look like. Mr. Wilson replied that a number of years ago we wanted to have a say in what buildings would look like, but we do not have any review process or control over what the buildings would look like. We can only make sure that they meet the Uniform Construction Code. Ms. VanderLaan stated that you have been directed by the Board of Supervisors at their last meeting to review the ordinances, so now would be the time to make those changes. Mr. Shane stated that it is a requirement of SALDO that they need to provide colored renderings of the building for preliminary approval. We could look at what they were proposing and in this case they planned to provide a few different drawings as they haven't formally decided what the building would look like. Mr. Wilson stated that previously he didn't want Wal-mart to look like the "blue box", and Wal-mart complied with the earth tone building even though we didn't have any right to make them do that. Ms. VanderLaan stated that where she came from, they tell the developers what the buildings had to look like and in the case of the Taco Bell they tried to fight that requirement. They had good planning and that is what the Township needs to do here. Mr. Rush stated that we can write ordinances to say absolutely anything we wanted to, but what we have here is differing opinions. We can write an ordinance to have them build exactly how we want them to look, but as Ms. VanderLaan stated Taco Bell fought it and who pays for that fight. We want to make money for the Township and not waste money and time on unnecessary bureaucratic process through lawsuits. Mr. Rush further stated that Ms. VanderLaan wanted well written ordinances which is good. Well written Ordinances take time, you don't want to do them quickly because that just gives us sloppy ordinances that lead to lawsuits which cost money and then we end up with over written Ordinances with too many laws and rules. He did not feel that the Planning Commission was here to be a glorified uptight Homeowners Association. That isn't our purpose but if we can stretch the ordinance to create a certain ambiance that's fine. The track record of this particular group of commissioners is that we share both of your (Mrs. Brunschwylar & Ms. VanderLaan) concerns. If you look at the business architect of the last five years versus previous development, the difference is incredible. Exeter Commons and the new Dunkin Donuts are great examples. We need new businesses to want to come in and buy into that idea and that takes an extraordinary amount of time, but we are heading in the right direction. Mr. Wilson stated that we have been told that we are supposed to be business friendly and then we turn around and say "let's put rules on them that they have to be built a certain way". Ms. VanderLaan stated that people are attracted to well planned areas. She then asked if we didn't already have a recycling center at the landfill. Mr. Wilson replied that the landfill recycling just took white goods, not cans, bottles, etc. There is nothing like this in the Township. The company that picks up our Township recycling, I believe, takes those items to Kutztown. Having the recycle center located here in the Township helps our environment. Mr. Wilson stated to Mr. Inch that he should return next month with colored renderings and we can go from there. Mr. Rogosky stated that GVC would review the traffic data.

5. VARIANCE REQUEST – 123 W. 37TH ST. – Fred Reigle, PC & John Mullen

Mr. Reigle stated that Mr. Mullen was looking to replace an existing shed with a garage which will encroach 5 feet into the side yard setback. They need a dimensional variance of approximately 160sf total and were looking for a recommendation from the Planning Commission. Mr. Mullen has contacted the immediately adjoining neighbors most affected by the construction and they have consented in writing. It will be built similar to the architecture of the home. Mr. Reigle stated that the garage would allow Mr. Mullen to keep his expensive automobiles under lock & key and out of sight. Mr. Shane asked what the hardship was for the variance request. Mr. Reigle replied that because of the elevations and contours to build the garage with the proper setbacks would require the removal of the existing retaining wall and a substantial amount of earth removal would have to take place. Mr. Mullen stated

that the existing retaining wall was two feet thick and varied between four and eight feet tall and retains a large amount of soil and also holds a red birch tree and a maple tree which shades the deck. He did not want to remove those trees along with the extensive amount of earth removal that would be required if they needed to take out the existing retaining wall. Mr. Shane asked how they would access the lower level garages. Mr. Mullen replied that those garages would be used for lawn tractors, etc. and the access area would be grass. Mr. Bittig stated that you could access across the property at the curb cuts on Circle Ave. Mr. Mullen replied that he had no intentions of paving that area of his property. Mr. Rogosky stated that another issue with the garage would be the height requirements as the Zoning Officer indicated that they would also need a variance for the height of the building. In the ordinance it reads that the maximum height of an accessory structure is 20ft but under the definition you have to look at the grade along the foundation wall and take the average. As an example if you have 20ft in the front and 30ft in the back then 25ft would be the actual height. The way the plans show the garage then a variance on the height requirements would also be needed. Mr. Reigle replied that they would send in an amended variance request.

MOTION BY Mr. Shane, seconded by Mr. Bittig to recommend the Zoning Hearing Board grant the side yard and height variance request for 123 W 37th St. with the condition that the building be used only for that which it is being proposed for at this time. The motion carried unanimously.

6. VARIANCE & SPECIAL EXCEPTION REQUEST – Rugby Road Apartments

The applicant seeks approval to complete the alleged initial construction of 410 Rugby Road by finalizing one (1) additional apartment unit in the existing building for a total of three (3) units. Applicant also seeks approval to complete the alleged initial construction of 416 Rugby Road by finalizing two (2) additional apartment units in the existing building for a total of four (4) units. Applicant also intends to construct a detached garage (40 x 100) for the purpose of storing personal property and parking vehicles of the residences of the apartments and owner.

Mr. Bittig shared concerns that we would be creating “tomorrows’ slums today” by allowing the variance and special exception for this property. Mr. Rush stated that he shared Mr. Bittigs concerns because it was telling that the people seeking this were not here tonight to discuss the application. These individuals own property in other Boroughs and Townships locally. There was very similar situation in Mohnton to what they are requesting here, which is taking an existing property and instead of doing what is necessary to improve the property where you would then go to ask for a variance, they simply try to cram as much as possible on the existing property without making any improvements, doing the bare minimum to achieve more income, but the problem is that they become an eyesore. Mr. Bittig stated that this will go to the Zoning Hearing Board before our next meeting and there are other issues with the same property. They currently have 4 dwelling units and that requires 12 onsite parking spaces, he checked it out and if they add more crushed stone they might get twelve, but they only have 10 right now. By today’s standards they don’t meet the ordinance and they want to put in more. The ordinance also calls for apartments to have paved parking and access drives, they have crushed stone. The owner also wants to put in a 4,000sf garage down below the apartments, which runs afoul of stormwater and zoning requirements of the maximum length of 40ft long. Mr. Shane stated that they didn’t even supply drawings showing what they planned to do. Mr. Wilson stated that he would like to know how they determined what they were originally allowed to build there. Mr. Bittig stated that he would supply a letter stating all of the deficiencies for this application to add to the Zoning Hearing Board recommendation letter.

MOTION BY Mr. Bittig, seconded by Mr. Rush to recommend the Zoning Hearing Board deny the application for the variance and special exception request for 410 and 416 Rugby Road due to noncompliance of all of the applicable Ordinances. The motion carried unanimously

7. GENERAL DISCUSSION

Public Comment

Jordan Bausher, 391 Ritters Road, stated that he was concerned with street lighting at two of our larger developments, Farming Ridge and Pathfinder Valley; he drives on Farming Ridge Blvd. and Pennsylvania Ave and the street lighting on foggy nights is more confusing than helpful. He felt safer driving in Reading than there.

Mr. Bittig stated that on foggy nights it is bad no matter where you drive. Mr. Wilson replied that our lighting ordinance has attempted to reduce lighting pollution to save dark skies.

Ms. VanderLaan asked that the Planning Commission revisit ordinances to make the Township business friendly and make changes to portions of the ordinances that don't make sense anymore. She further stated that the Board had directed the Planning Commission to start working on ordinances. There was to be a joint meeting between the EDAC and the Board of Supervisors. She thought that the Planning Commission should also be involved with that because we know the ordinances directly. Ms. VanderLaan further stated that she also has suggestions for changes to the ordinances. Mr. Wilson replied that we had the meeting between the EDAC and the Board of Supervisors, the next meeting would be with EDAC and Planning Commission which he planned to bring up before tonight's meeting ended. Ms. VanderLaan stated that she wanted the Planning Commission to take into consideration auxiliary buildings in Rural, Rural Conservation, and Agriculture Preservation Zoning Districts. There are several buildings that could benefit those changes one being the church property along SR562 where several businesses were previously located. Zoning there currently does not allow for that. There are no allowances in our ordinances for existing buildings that are large enough to use for any other purpose. Mr. Wilson stated that would fall under adaptive reuse. Ms. VanderLaan replied that it doesn't work for two businesses under one roof. Mr. Bittig responded that was a legitimate concern and that would be something we could expand the adaptive reuse to cover. Mr. Wilson stated that she should let Cheryl or Linda know as they could then put that on the list of items to be revised. Ms. VanderLaan stated that she was concerned with the burning ordinance, and felt it should be revised to allow more burning on certain properties. Mr. Wilson replied that this would be an issue to be brought before the Board of Supervisors. The Planning Commission can make a recommendation, but it would go before the Board of Supervisors for approval. Mr. Wilson stated that the Planning Commission would meet with the EDAC and wanted to see if the members wanted to meet at the EDAC regularly scheduled meeting this month, which would be Monday, March 19th at 7pm. The attending Planning Commission members agreed to meet at the EDAC's regularly scheduled meeting. Mr. Wilson stated that we planned to discuss how we can change our ordinances to attract new businesses to the Township; square footage of adaptive reuse, widening the 422 business district, etc. We want to look at Zoning and SALDO and maybe architectural standards. Mr. Rogosky suggested that they might need to check with PSATS as the Township might need to form an architectural advisory committee. Mr. Wilson stated that the Board will be doing the interviews with the applicants for the EDAC, PC and EAC next Monday night.

ADJOURNMENT

MOTION BY Mr. Bittig, seconded by Mr. Rush, to adjourn the March 5, 2012 meeting of the Exeter Township Planning Commission at 8:45pm. The motion carried unanimously.

Respectfully Submitted,



William R.A. Rush
Secretary

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