

**MINUTES  
EXETER TOWNSHIP PLANNING COMMISSION MEETING  
NOVEMBER 18, 2013**

The Regular Meeting of the Exeter Township Planning Commission was held on Monday, November 18, 2013 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  
Gary L. Shane, Secretary  
Greg T. Unger

**ABSENT:** Glen Powell

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

**3. MINUTES**

**MOTION BY** Mr. Shane, seconded by Mr. Bittig to approve the minutes of the October 21, 2013 Planning Commission meeting with the change under public comment, Beverly Pauley, to read “if she lived on a farm then this would not be an issue”. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Shane voting in favor and Mr. Unger abstaining.

**2. AGENDA**

**MOTION BY** Mr. Unger, seconded by Mr. Bittig, to approve the agenda of the November 18, 2013 Planning Commission meeting. The motion carried unanimously.

**3. ROC – RESTRICTED OFFICE COMMERCIAL DISTRICT – revisions from the Board of Supervisors**

Ms. Franckowiak stated that Dr. Wegman, who recently acquired the former Administration building in Reiffton, came to the Planning Commission in April and shared with the members his ideas for that building. When he left it seemed that everyone was on the same page. As the Planning Commission was working on the changes that he had discussed it became evident that the retail part was missing. So a few weeks ago Dr. Wegman met with Mr. Rogosky, Ms. Cusimano and Ms. Franckowiak. We shared with him where the Planning Commission was with modifying the Ordinance as some changes were made and adopted. Dr. Wegman shared that the percentages wouldn't work for him. Dr. Wegman came to the Board and Ms. Frankowiak had prepared a memo for the Board stating based on everything that has been going on, maybe the best fix would be to look at the Neighborhood Commercial District because the specific intent for both districts were identical. The Board is suggesting instead of changing ROC to NC, we should keep the ROC designation and the uses permitted by right and add “and any other uses permitted in the Neighborhood Commercial District with the exception of drive-thru services”. They have set a public meeting for Monday, December 23<sup>rd</sup> and now the Planning Commission needs to pass along a recommendation to the Board. They are also changing the Zoning Map to incorporate the small parcel next to this lot (also owned by Dr. Wegman) into the ROC zone. Mr. Bittig stated that special exceptions and conditional uses were not included in the changes.

Ms. Franckowiak replied that the only changes being made was in uses by right, no changes were being made to those sections. Mr. Bittig stated that he had serious reservations with this change as we were remiss when we created the ROC Zone, we did not get the proper words for the intent. Reiffton was one of the areas we wanted to preserve and keep the aesthetics. He particularly did not agree with boarding kennels in Reiffton. He further stated that we shouldn't just “rubber stamp” the recommendation from the Board. Ms. Franckowiak replied that this was a “short term boarding kennel” the intent of this was to provide services on a daily basis to the surrounding residents, how many residents work full time and they don't want to leave their dogs alone all day. We have ordinances in place; noise, screening and other safeguards in place. There already is a “short term boarding kennel” on 562 and we have

not had one complaint about this one that has Sagebrook, a brand new development, right in their back yard. Mr. Bittig stated that neither he nor Ms. Franckowiak resided in Reiffton. Ms. Franckowiak replied that was correct, but we have the procedure of public comment and public hearing. She was generating a personalized notice to every resident, not just people in that zone but everyone in that surrounding area to make them aware of the changes that the Board is contemplating. The Board was trying to enhance the tax base and the main road, Perkiomen Ave, which gets 55,000 vehicles a day, runs through Reiffton so this could be advantageous to every property in that zone and the surrounding area. Mr. Bittig asked why they were doing away with the special exception and conditional use section in ROC. Ms. Franckowiak replied that they were not doing away with it – they were only pointing out the changes to that section – those items would remain. Mr. Bittig stated that he was not in agreement with these changes. Ms. Franckowiak stated that with the condition the Township was in we were trying to enhance the tax base. Mr. Bittig replied that the Board is obligated to enhance the tax base, but this commission was not obligated to enhance the tax base, and we do not pull strings to help just one commercial endeavor. Ms. Franckowiak responded by saying that she doesn't know how many times someone has come in with an idea for a business, and she shares with them the Boards vision to welcome businesses and help them establish their business in Exeter, then she has them come before the Planning Commission and they are always met with opposition and roadblocks and it makes her look like a liar. It is the Township vision and the only Board that is not “onboard” is the Planning Commission. We want to enhance the tax base, and if someone wants to invest in the Township, we are here to help them as long as it does not have a detrimental effect on the surrounding properties. Mr. Rogosky asked if the cafeteria section was being taken out. Ms. Franckowiak replied yes, as restaurant is included with the addition. Mr. Shane asked if this change would go through then Dr. Wegman could move forward with his plans. Ms. Franckowiak replied yes. Mr. Shane agreed with the changes. Ms. Franckowiak stated that the Board was looking for a recommendation from the Planning Commission that is required by the MPC, the public hearing has been set for December 23, 2013.

#### **Public Comment**

**Lisa VanderLaan, Boyertown Pike**, stated that there was a lot of talent in this room and a lot of knowledge, but this commission is restrictive, she saw that when she came in to discuss the changes in the AP zone. She knew that some of Mr. Bittig's concerns were for issue of quality of life; however, she disagreed with Mr. Bittig's statement and felt that it was absolutely their job as a Planning Commission to help build the community and it was their responsibility to protect property values, and the tax base was the best way to do that. This zone already has 55,000 cars a day. The Board has made it pretty clear as to how they want to enhance the tax base. She has the result of the last survey and people are dying under the weight of the taxes in this Township. The Planning Commission absolutely has to be an integral part of the planning process for this to work. Mr. Shane replied that the motion will reflect that. Ms. VanderLaan stated that she did not feel it was right that some of the members felt it was being “shoved down their throats”, the Board was very considerate for the amount of time the Planning Commission put into the changes to the ROC zone. The Planning Commission has been working on this one since April and it was time to move it forward. Mr. Bittig replied that he did misspeak and for that he apologized to everyone. We do have an obligation, but not to approve “lock, stock and barrel”, we should be the balancing act and that was all he was attempting to do. He would not prevail but he just wanted to make his views clear. Mr. Wilson stated that he would vote for it, but that was to give the neighbors the opportunity to come in for the hearing, they would have the final say as to what they want in their neighborhood. If they did not agree with the changes, then the Board would have to address it or try to convince them. Mr. Unger stated that he agreed with Mr. Wilson, in the past he would make a motion and then vote against it, he would explain that it needed to be made in order for it to be discussed. This was a good motion to go forward to the Board of Supervisors, but please listen to the people who come out to speak, because if they are totally against it then it shouldn't be changed. Ms. Franckowiak stated that was fair, bring it to the public hearing and listen to them.

**MOTION BY** Mr. Unger, seconded by Mr. Shane, to recommend the Board of Supervisors move forward with their revisions: adding the accessory lot into the ROC zone and amend the ROC Zoning District striking cafeteria and adding any other uses permitted by right in the Neighborhood Commercial Zoning District with the exclusion of any type of drive-thru. The motion carried with Mr. Wilson, Mr. Unger, Mr. Shane voting in favor and Mr. Bittig voting opposed.

#### 4. REVIEW & COMMENT – ACT 537 PLAN REVISIONS

The revised Act 537 plan was discussed. Mr. Bittig had taken the revision home with him to read and bring back comments to the Planning Commission. Mr. Bittig stated that he made comments that were provided on the workspace. Mr. Bittig felt that the primary portion of the revisions should be supported by the Planning Commission. He further stated that we have had problems with our sewer trunks; the Antietam creek, Schuylkill River, and Heisters Creek, all of which had failures in recent years. The thrust of the Act 537 plan was to update those trunks. The capacity of the treatment plant was more than what is currently needed and more than what was projected for future use, so no upgrade of the treatment plant was needed. In reviewing this there was one thing thrown in that was a concern to him. There was an ongoing special study of the Glen Oley Farms Section 1 & 2. It was to determine if there was a need to alleviate well water contamination. The environmental attorney hired by the residents said that no, there was some nitrate contamination, but that had nothing to do with sewage. Mr. Bittig further stated that nitrates do not come from sewage; it comes from agriculture which could be miles away. The special study was still ongoing and his personal feeling was that unless that special study detects significant e-coli / coliform contamination then that area should not be subject to public sewage. Mr. Bittig further stated that the population numbers were incorrect in the document. Mr. Unger asked what they were looking for. Mr. Bittig replied that part of it was they want to update the lines. Mr. Unger stated that he did not have a chance to look at it and was made aware that it was on the agenda for the October meeting, of which he was not in attendance.

Mr. Unger stated that we would want them to put in the biggest line that we could, so we don't have to redo the lines in the future. Mr. Unger further stated that this document takes years to do, so they could start with good population numbers, but when they complete the document, they can end up being wrong. Mr. Rogosky agreed. Mr. Unger stated that this one of the few times that the Planning Commission has a bigger say than the Board of Supervisors. If the Planning Commission does not approve this it does not go anywhere, DEP will not take it. The Planning Commission has to sign off on it, and then the Board of Supervisors has to sign off on it. Mr. Unger asked that the Planning Commission moved on to the next item on the agenda and come back to the Act 537 plan to discuss later on in the meeting.

#### 5. CHICKENS

Ms. Franckowiak stated that we have been getting a lot of calls over the last couple of years asking if residents could have chickens and if they are not in AP, RC or Rural zoning districts and you don't meet the criteria in the Ordinance, then no, you may not have chickens. People have indicated that they have an interest, in the last survey we received comments where residents were asking to look at the idea of changing the zoning to allow for chickens. Mr. Unger asked what the question was on the table. Ms. Franckowiak replied that since then we talked about looking at allowing chicken as long as it was not detrimental to the neighbors, no roosters making noise, etc. and then what was the best way to come up with criteria and how would we restrict it. Recently we had a complaint about a neighbor that had chickens; we had to go out to say that they were not in the right zone to have chickens. So we have people that are for and against having chickens. Ms. Franckowiak also stated that Beverly Pauley was here and she had handed out a publication about chickens.

**Beverly Pauley, 81 Fourth Ave**, stated that she did not pass out the papers to scare people, but rather, to inform them. Some people were for and some were against. Mr. Bittig stated that some people felt that chickens were pets, but they are not pets, they are farm animals. Mr. Shane replied that to some people they could be pets. Mr. Shane further stated that there were examples in the webinar where if you restrict the number of chickens depending on the size of the property. He further stated that other municipalities have made it work so he felt that was worthy of consideration although he understood where Mrs. Pauley was coming from. Mrs. Pauley replied that the webinar was misleading as they did surveys of cities, not townships. The setbacks they talk about were for much smaller setbacks as cities have smaller lots. Ms. Franckowiak asked Mrs. Pauley to explain what she meant about setbacks because to her setbacks were where you were going to house the chickens from property lines. Mrs. Pauley replied that with a city compared with a township the lot sizes allowing chickens would be smaller. Mr. Shane responded stating that the Harris Township (provided from the webinar) has the following: "in order to have two chickens you need between 3,000 and 6,000 sq. ft., up to eight chickens you need at least 21,000 sq. ft. Mr. Unger asked if that

would allow chickens in his neighborhood? Ms. Franckowiak replied that we were just looking at having a discussion because across the Township as you may or may not know around Easter time schools do the project of hatching an egg and then the parents would call and say we live in Jackson Meadows, can we bring home the chicken and we let them know that they can't based on the Zoning Ordinance regulations. So while we are looking at lot sizes we also have to look at the animal equivalent unit so we are not looking at actual lot sizes, to have a horse you have to have a minimum of two acres to have any horses more than that we have to go by the weight of the animal. So for the chickens it would depend on what kind of chicken you have and then we would need to look at the animal equivalent unit.

**Lisa VanderLaan, Boyertown Rd,** replied that was only if a chicken would continue to be an agricultural animal. She further stated that an agricultural use was when someone is raising something to make a profit. The trend in the United States for chickens is for people to be able to get their own eggs and to teach their children responsibility. Mrs. Pauley replied that you can teach your children responsibility in other ways. Ms. VanderLaan replied that we have mass murders because children are not being taught morals; our own schools are having problems. This is the country; we are not Reading, Philadelphia, or Harrisburg. This was a farming community and now we have taken away the rights of the people who were able to do that. The question here is what is a farm animal versus a pet. It may be in our ordinance, but there is nothing in the state laws that say you must do that. I don't believe the Township is looking at having 500 chickens in someone's back yard. Ms. Franckowiak replied that there was the debate from people; is it an animal or is it a pet? We have the maintenance and control of animals and pets ordinance. Across the board whatever it was you decide to have on your property, unless it is spelled out in the Ordinance (which could be changed) you have the obligation to keep that animal/pet on your own property, you have to clean up after it and whether you take it out on a leash or not, you have to keep it under your control at all times, otherwise you are subject to the fines. Mr. Unger asked if we were talking about free range chickens that are allowed to run around the yard. Mr. Shane replied that we wouldn't have to allow that, it could be a penned chicken coop.

**John Walsh, 1106 Strawberry Run,** stated that one of the comments made earlier was that the Planning Commissions objective was to protect property values. If someone is looking to buy a house in Farming Ridge and someone has a chicken coop in the next yard, do you honestly think it won't affect property value. You mentioned about Glen Oley and one of the contaminants found in the drinking water was nitrates. Were you aware one of the contaminants from chicken manure is nitrates? Mr. Wilson replied that the biggest problem in Glen Oley Farms was nitrates from the fertilizer that was put on the fields. Another contaminate for your well, was if you fertilized your lawn. When you put weed & feed on your lawn that will go into your well. Mr. Walsh stated that there was a guy on Rt562 and Ritter Lane who has chickens, he sees them every time he drives down Rt562. Mr. Bittig replied that was the AP zone which allowed for chickens. Mr. Unger asked how we govern chickens now. Ms. Franckowiak replied that we govern chickens as agriculture because they show up in the animal equivalent unit table in the definition section of the zoning ordinance. We allow for that use in the Rural, Rural Conservation and the AP zone provided that based on the number of chickens you have doesn't exceed the weight as provided in the table. Mr. Unger replied that we should leave it alone. Mr. Walsh stated that he bought his property because it was zoned residential, and for what was allowed and what was not allowed. Now you want to come in and change that he felt it was a bait and switch, just leave it alone. Ms. Franckowiak replied that was fine, but please understand why we are having this discussion. We have had phone call after phone call from people asking if they could have chickens and because they can't would we please look into this and that was what we are doing. Ms. VanderLaan stated her question here was; what is the difference of a chicken pen on a small lot to accommodate two chickens and a dog house, as far as property value goes. And with nitrates in the well water, there are far more dangerous things in cat and dog feces than there are in chicken feces. Ms. VanderLaan suggested having a public hearing to see what the residents have to say. Mr. Unger stated that it would need to be on the public ballot for the next election because we would not be able to notify everyone in the township, so that would be the way to go. But he felt that the Board should just leave it alone.

**Amber Patton, 91 Fourth Ave,** stated that as residents we should be allowed to help make the decisions on what we are allowed to do with our properties. Mr. Unger asked if she was pro chicken or not. Mrs. Patton replied that she was pro chicken. She further stated that we all live here, we are all residents, we all pay taxes, so everyone

should have a say, not just us but majority as a whole. There are people for and against it. But as a community shouldn't we also have a say. Mr. Shane asked what zoning district she lived in. Mrs. Patton replied SR0, on Fourth Ave. Mr. Shane asked if her chickens were penned. Mrs. Patton stated that when the initial problem between her and her neighbor came up the top of the pen was not covered after that we covered the pen and got rid of the rooster. Occasionally they got loose as do cats. **Mr. Patton** stated that they hoped the township would set regulations and guidelines. Mr. Shane stated that in the Penn State handout the chicken pens can look as good as or better than dog pens. Ms. Franckowiak replied that it came down to criteria. Mr. Unger stated that he does pretreatment for a living and chicken excrement is one of the dirtiest of all of them. It carries salmonella and other diseases. The runoff will come down into the swale and every other yard. Ms. VanderLaan replied that Township can tell people what they can or can't do with their property so it shouldn't be based on personal opinion, but on what is best for the Township. Ms. Franckowiak agreed and stated that it all came down to public health and safety. When we first introduced the home occupation regulations it was limited to offices of an accountant, an engineer or a lawyer. That was too restrictive, so we changed the criteria to not label everything and make it something everyone could enjoy. So she looked at this the same way, also you would need to clean up after the chickens.

**Linda Focht, 50 Glen Oley Drive**, stated that in Glen Oley Farms they have all kinds of restrictions, for one, I can't hang out my wash, but I knew that when we moved there. Ms. Franckowiak replied that those were private deed restrictions. Mrs. Focht further stated that as far as chickens were concerned she felt that it should be up to each community and further stated that it should be brought up with surveys before you make a decision on allowing chickens in residential communities. She couldn't hang up her wash, but there were hundreds of geese that fly onto the lake down the street from her house and if she wants to walk around there she has to walk through geese crap, if you wanted to talk about nitrates from animal waste people have dogs, so there is waste all over. Her neighbors have a rabbit hutch, and their feces goes onto the ground also. If you limit the number of chickens allowed in a residential area then she felt it was up to the neighborhood to allow it. Ms. VanderLaan replied that Pennsylvania was a property right state, so she did not feel it should be up to the neighbors to tell you what you can do on your own property. She further stated that in zones that have smaller lots, then chickens might not be a good idea, but in areas with larger lots it might make sense. Our country is based on agricultural uses. Mr. Unger asked what Ms. VanderLaan felt was a big enough lot. Ms. VanderLaan replied that any other place she lived you had to have an acre. Another thing in our ordinance was that you can't have a garden in your front yard, which meant you could not have a tomato plant in your front yard. The ordinance allows for passive agriculture, but it can't be in your front yard. Who are we to tell people they can't have three chickens in their backyard because the neighbors don't want it. Ms. Franckowiak replied how about instead of having it as a use permitted by right, why not make it a conditional use so if someone wants chickens in any zone, they would have to come in and do an application and all of the neighbors would know they want to raise chickens, then the neighbors can come in with comments. I would still get to have my chickens, but, based on what is said at the public hearing, the Board or Zoning Hearing Board would say ok, based on the comments here are the setbacks for their lot size. Mr. Rogosky stated that they would also need to pay a fee. Ms. VanderLaan stated that it should be in a survey. Mr. Unger replied what response do you get back, would you get a representative sample of everyone in the Township. Ms. VanderLaan replied that here are the responses from the survey before last. Mr. Unger asked what that survey was for. Ms. VanderLaan replied that it was a general question about what do you like or not like about the Township. There were 180 people who responded and chickens were not included in this survey, however there were three people who wanted to be allowed to have chickens. Mr. Unger stated 180 responses out of 10,000 households wasn't enough.

**Lynn Mugno, 1102 Strawberry Run**, before you do anything about chickens she felt that a study should be done on the cleanliness of chickens and how hard they are to take care of and about the diseases that chickens can carry. Mrs. Mugno passed out an article that was in the Reading Eagle. She further stated that she wasn't opposed to animals, she loved animals, but this animal in particular if it was not taken care of properly and it is not handled accurately we could have an epidemic/pandemic in Exeter Township. It really was just that simple. Mr. Wilson stated that the article was about a woman in Taiwan that they traced back to bird flu that was circulating in chickens on the island. Mrs. Mugno stated that keeping them in the agriculture areas was a wonderful idea as we haven't had any issues with that, but if that changes you are opening up Pandora's Box. Mr. Wilson stated that if the neighbor of the Patton's hadn't complained we wouldn't have known that they had chickens. If someone comes in and files a

complaint about something then we take action on it. Unless it is a glaring health & safety issue we weren't out looking for problems. We are hoping that everyone is abiding by the rules and regulations of the Township.

Ms. Franckowiak also stated that we can't be out on everyone's property everyday making sure that some form of either unknowing an ordinance or just plain basic bad human behavior isn't taking place, that was why we rely on someone, typically a neighbor, to say hey, we have a concern. We are handling it nicely this way. Mr. Shane stated that leaving it the way it was would be the easy way out. It would be incumbent upon us to at least take it a step further and take a closer look at it. Mr. Bittig stated that maybe this has to go out into public forum to get the sense of the community, but at least for the interim he would support leaving it as it currently stands.

**MOTION BY** Mr. Unger, seconded by Mr. Bittig to recommend the Board of Supervisors allow the chicken regulations to remain as they stand. The motion carried with Mr. Wilson, Mr. Unger, Mr. Bittig voting in favor and Mr. Shane voting opposed.

Ms. Franckowiak stated that this recommendation would go to the Board and she would share the discussion and everyone could come to the meeting. Mr. Wilson stated that the Board would decide if they want to put it in a survey and make changes to the ordinance.

**4. REVIEW & COMMENT – ACT 537 PLAN REVISIONS – continued.**

Mr. Unger stated that he quickly reviewed the ACT 537 plan recommendation and it looked as though in the next five year term (excluding the Glen Oley extension) they were looking into replacing about 4 ½ miles of pipe anywhere from 14 inch to 36 inch interceptors and with the Glen Oley Extension approaching 6 million dollars of repairs and replacement. He was assuming the authority knows about the study and is looking to fund this.

Mr. Unger further stated that he couldn't tell where the line sizes were coming from and going to, he would hope that someone who has the ability to spend time on it is looking at this on a 20 year term. Mr. Unger asked what we needed to do tonight. Ms. Cusimano replied that the Planning Commission needed to present their comments and recommendations to the Authority. Mr. Unger still wasn't prepared to make a recommendation without all the facts as the plan typically addresses areas that need to be sewered. Mr. Bittig replied that the only new area was Glen Oley Farms. Ms. Franckowiak replied that it was her understanding that after the study was done it was up to DEP to decide if that area had to be sewered, it was out of our hands. Mr. Bittig stated it was his recommendation to the Planning Commission that the Glen Oley Farms Section 1 & 2 area not be subject to public sewer. It was the official document of Exeter Township and he was making the following recommendation:

**MOTION BY** Mr. Bittig, seconded by Mr. Shane, to recommend approval of the Exeter Township, Berks County Authority Act 537 plan addendum except for the addition of Glen Oley Farms Section 1 and 2, unless the special study detects significant coliform contamination of the area's ground water. Also, recommend sending the document back to the originator and have them correct obvious population errors (Table 3) and finally recommend the Figure 6 and Table A1 be clearly and boldly labeled with the caveat "for potential sewer planning only" to avoid misinterpretation or misuse. The motion carried unanimously.

**ADJOURNMENT**

**MOTION BY** Mr. Bittig, seconded by Mr. Shane, to adjourn the November 18, 2013 meeting of the Exeter Township Planning Commission at 8:55 pm. Motion carried unanimously.

Respectfully Submitted,



Gary L. Shane,  
Secretary