

**MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
JUNE 15, 2015**

The Regular Meeting of the Exeter Township Planning Commission was held on Monday, June 15, 2015 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 Shane
Mehmet Arslan

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

ABSENT: Glen Powell
Cheryl Franckowiak, Zoning Officer

1. MINUTES

With clarification on the School District's Zoning Hearing Board Application Discussion. Mr. Bittig stated the School District definitely needs to replace the Kerr Road facility and has requested a Special Exception to construct a Transportation Center at the Owatin Creek School; he felt the location and access is a cause of concern. Mr. Bittig stated in the Zoning Ordinance under Special Exception schools are an allowed use; but he questioned if a full blown transportation center is considered an Accessory Use. He felt Accessory Uses would need to be determined by the Zoning Hearing Board. Mr. Bittig stated Section 390.96, Article H Special Exceptions, Paragraph 1, Item D; of the Zoning Ordinance states "*Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.*" All members present concurred that the proposed access is a major concern for safety reasons. Mr. Wilson stated another area of concern is the potential impact on the wetlands and the trail system.

MOTION by Mr. Bittig, seconded by Mr. Arslan to pass along this information to the Zoning Hearing Board. Motion carried unanimously.

MOTION by Mr. Bittig, seconded by Mr. Arslan to approve the minutes of the May 18, 2015 Planning Commission. Mr. Bittig's Motion carried with Mr. Bittig, Mr. Arslan, and Mr. Wilson voting in favor and Mr. Shane abstained.

2. AGENDA

MOTION by Mr. Shane, seconded by Mr. Arslan to approve the agenda of the May 18, 2015 Planning Commission meeting. The motion carried unanimously.

3. FILIPPINI ANNEXATION SUBDIVISION II – PRELIMINARY PLAN

John DiGiamberardino discussed Fee-in-Lieu of Open Space; he stated in respect to comment #2 of the review letter, the lot will be transferred to Mr. Druzba within the next two to three weeks. He felt the rest of the issues, other than the Open Space extension appear to be standard. Mr. Bittig questioned under comment #4 on the review letter; parcels B1 and B2, regarding the parcel that went to Scalese instead of Gettis. Mr. Bittig questioned how this happened; he stated the plan was signed, sealed and recorded.

Mr. DiGiamberardino stated he never had a written agreement from Mr. Gettis, the property was transferred to Scalse; he stated that he understands Mr. Bittig's issue and the solution might lie in how they deal with the Open Space requirements. Mr. DiGiamberardino suggested modifying the final plan that was approved and during the modification this issue can be addresses. Mr. Bittig stated this needs to be resolved; Mr. DiGiamberardino felt this wasn't an issue and stated that once the transfer goes through it will be resolved. Mr. DiGiamberardino asked how the Planning Commission would like this to be resolved; Mr. Rogosky stated the easiest way to resolve this is to revise the Plan of Record. Mr. DiGiamberardino stated they can do a revision of the plan of record and correct the problem; he felt by doing this it wouldn't change the substance of the plan itself. Mr. Bittig stated his only concern is that if this doesn't get closed out correctly there could be litigation. Mr. Bittig stated the Planning Commission Secretary searched the County records and this lot shows up as an orphaned triangular piece; he stated this issue needs to be resolved. Mr. DiGiamberardino stated it was his belief that Mr. Scalse took that piece; he stated he'll research this and have it corrected. Mr. Rogosky stated Mr. Hoffert would address the other comments in the review letter. He stated the Board of Supervisors granted a deferral for lot 1I and advised Mr. DiGiamberardino that he will be required to ask the Board of Supervisors for a revision to the waiver because lot 2I is subject to that same requirement of installation of curb and sidewalk. Mr. Rogosky stated the Ordinance requires curb and sidewalks and since a new lot has been created the Ordinance applies. Mr. Rogosky recommended the Planning Commission recommend the Board of Supervisors defer sidewalk and curb requirements for these two (2) lots.

MOTION by Mr. Shane, seconded by Mr. Bittig that the Planning Commission recommend deferral of the sidewalk and curb requirements for lots 1 & 2 in Filippini Annexation Subdivision II. Motion carried unanimously.

4. FILIPPINI ANNEXATION SUBDIVISION II – WAIVER REQUEST

Mr. DiGiamberardino stated they need to get these two (2) lots resolved in this last annexation in order to come back with what will be the final subdivision plan. He stated they understand the Ordinance requires Open Space and ultimately they want to give the residents of the development the same Open Space that they had before. He stated he's hoping to defer the Open Space cost if the Planning Commission would suggest they'd rather have the Fee-in-Lieu until a time when they will actually know the numbers that are going to be adequate to pay the \$221,000. fee; he has two (2) suggestions to resolve this:

1. Incorporate this plan into the plan that was approved, create a revision/modification
 - A. address the Gettis issue, if they have to
 - B. technically they are out of the Open Space analysis because of the date of the plan
 - C. submit a full annexation plan that is combined and reviewable as a package opposed to as two (2) pieces.
2. Recognizing and consideration of a request to waive the Open Space or Fee-in-Lieu requirement based on the understanding and consideration that nobody anticipated there would be such a horrendous cost.

Mr. Filippini questioned if the Township acquires the land, would it be available for public use by anyone; Mr. Wilson stated that if the Township acquires the land it would be public use land and not necessarily restricted to his development. Alisha Venezia, 34 Linree Ave., questioned which Open Space they are discussing. She stated if it's the fairway land, the residents were told it would stay Open Space for 99 years; she stated they were told it would remain clean and green, that a subdivision would not be built on that land and the developer would maintain it; the Township wouldn't be responsible for doing it. Mr. Filippini stated he made this attempt with Berks County Conservation District, but he was refused because it's a golf course and they wouldn't take it. Mr. DiGiamberardino stated that there was a misunderstanding as to what was told to Mrs. Venezia when she purchased the property. Mrs. Venezia stated that she was told several years ago that the Open Space could not be subdivided into apartments, townhouses, or to be anything; she stated it is an upscale neighborhood and the Township stated it would stay an open green space. She stated when

MINUTES OF JUNE 15, 2015 PLANNING COMMISSION – PAGE 3 OF 5

Mr. Filippini sold part of his golf course rearranging it from 18 holes to 9 holes to build the homes on Linree Ave. everyone's deeds were changed to stay as an open green area. Mr. Bittig stated that was probably 20 years ago. Mr. DiGiamberardino stated that if this is what Mrs. Venezia is looking for then Open Space may be an option. He stated they understand that there needs to be some Open Space when they submit this package. Mr. DiGiamberardino questioned if:

A. Can they not resolve this portion with the subdivision or

B. If they are going to resolve it with this portion of the subdivision can they do it with the land.

Mr. Wilson stated that the Board of Supervisors will have to make this decision, they have the final say; he stated personally he would prefer the Open Space. Mr. Wilson stated that there is nothing in the Township that defines what the Open Space should look like; he stated it could go back to the wild data state, it would not have to be mowed, it doesn't have to be anything. Mrs. Venezia stated she was told that, it could stay as Open Space, but they agreed he would have to mow it twice a year. Mr. Wilson stated that he wouldn't have to mow it. Mrs. Venezia questioned if he would need to mow it in the annexes; Mr. Wilson stated no, he would not have to mow it if it were going back to its natural state. Mrs. Venezia questioned that it would stay Open Space, green land, all the trails, the wetlands and everything; she questioned all the subdivisions that he sold behind that area, if those residents would be able to mow that area if they wanted to or are they not allowed to touch it. Mr. Wilson stated that if they are decided to that particular part it would be their responsibility to maintain it. Mr. Filippini stated that he wanted to maintain it, but he kept hitting stumbling blocks and wasn't able to. He stated that he contacted all the residents and asked if they would be interested in purchasing the lots behind them; he stated that only a few replied to him. He stated that he is trying to maintain the concept; he stated he doesn't want playgrounds, soccer fields, etc. in there. Mr. Rogosky questioned how much Open Space area is still available; Mr. Filippini stated 40 some acres. Mr. Rogosky stated there is still a considerable amount of Open Space area left; he stated the question is if the Township is in favor of keeping the Open Space or taking the money for the Fee-in-Lieu of. He stated tonight the Planning Commission needs to decide if they are in favor of keeping the Open Space area instead of the fee and then make a recommendation to the Board. Mr. Bittig stated he would prefer to keep the Open Space as much as possible. Mr. DiGiamberardino agreed with Mrs. Venezia; he would like to keep it Open Space; he stated they are not opposed to the idea, but if they're bound by the 99 year covenant stating they can never develop it then the \$221,000. evaluation makes absolutely no sense. Mr. Rogosky stated that the total tract area is 48 acres+/-; out of that area so many acres would remain as Open Space; the other option would be to not propose any Open Space area, but instead pay the Township based on a \$221,000 Fee-in-Lieu of and the Township takes that money to use it for Parks & Rec, but at the same time it gives them the option to take the land. Mr. Arslan questioned when they do their recommendation in regards to the Open Space what about the maintenance; Mr. Wilson stated that wouldn't be a concern at this point. Mr. Rogosky clarified that it be dedicated Open Space to the Township or it could be part of a homeowner association.

Mr. DiGiamberardino questioned if they recommend the land vs. the Fee-in-Lieu, if they would be inclined to make a recommendation would it be that they defer the Fee-in-Lieu if they don't go with the Open Space. Mr. Shane questioned if we designate a percentage; Mr. Wilson stated it's in the SALDO. Mary Brickner, 327 Gibraltar Road; she stated she is building a home between two existing homes and questioned why it is taking over seven (7) months to get these two (2) lots approved; she questioned why the green space is an issue now instead of when they are ready to develop that part of the land. Mr. Wilson stated the Open Space needs to be part of the recorded deed. Mr. Bittig clarified that the original annexation plan was approved and recorded two (2) years ago; he stated there are still two (2) issues that Mr. Filippini needs to resolve; he stated this plan was submitted three (3) months ago, not seven (7) months ago. Mr. Bittig stated he would like to see the issues resolved and move on with this Preliminary Plan. He stated the Open Space issue is for future consideration. Mr. DiGiamberardino would like to resolve this with a note on the plan.

Mrs. Brickner stated the two (2) new lots in the annexation are not taking away from the Open Space; she stated that she is building on lot 11. She doesn't understand why they need to complicate it with bringing in this issue; she stated she's not going to wait five (5) years for this to happen.

MOTION by Mr. Wilson, seconded by Mr. Arslan that the Planning Commission recommends the Board of Supervisors accept the Open Space based on the calculations in our SALDO for this annexation subdivision; if the Supervisors decide they want Rec Fees in lieu of Open Space then the Planning Commission recommends the Board of Supervisors defer the Rec Fees until such time as the next phase is completed. Motion carried unanimously.

Mr. DiGiamberardino questioned if the Planning Commission knows the percentage; Mr. Rogosky stated it's complicated because it takes into consideration how much, what the percentage of 6% slopes are; he stated for that reason he doesn't want to throw a number out. Mr. Wilson stated the calculation will be based on what is in our SALDO. He stated that they only allow 25% to be 6% or more. Mr. DiGiamberardino stated that someone had to come up with the number; Mr. Rogosky stated he did for the calculation, but for the Open Space area for the Fee-in-Lieu he wants to make sure the area is correct. He stated that the slopes need to be taken into consideration. Mr. Rogosky doesn't want to throw a number out there and be wrong; he stated he would prefer to be accurate. Jean Staples, 31 Linree Avenue stated that if it wasn't for the Exeter Informant many residents wouldn't have known about this meeting tonight and asked if there was some way to let the residents know when there is going to be a meeting. Mr. Wilson stated the meeting schedule is available on the website; he also stated that the Planning Commission meets every third (3rd) Monday of the month at 7:00 PM. Mr. Filippini questioned the 6% grade; Mr. Rogosky stated that he is not disputing it, he is just being hesitant because when land is supposed to be dedicated to recreation there are five (5) different criteria that have to be met; he stated when they are calculating the area if there is a 15% slope they can't consider that area as part of the Open Space, along with floodplain and wetland areas.

Mr. Wilson stated the pond area cannot be included in the calculations.

5. PLANNING MODULE – 5451 OLEY TURNPIKE RD – DR. WEGMAN

Mrs. Cusimano stated Dr. Wegman has submitted a request to install a new septic system on his property; he would like to install a larger one than what is currently there. Mr. Arslan questioned how much larger it will be; Mr. Wilson stated there are no restrictions on how large the system could be. Mr. Wilson stated as long as he has a perked area he can put a septic system in as long as it doesn't affect anything else regarding building plans. Mrs. Cusimano stated that the Zoning Officer would look at the module and answer the zoning questions, approving the signing of the module did not approve additional zoning use on the property.

MOTION by Mr. Bittig, seconded by Mr. Shane to direct the secretary to sign the Planning Module for 5451 Oley Turnpike Rd. Motion carried unanimously.

6. GENERAL DISCUSSION

Mr. Wilson questioned if anyone had given consideration to the Steering Committee regarding the changes to the Zoning. Mr. Wilson discussed the following items:

- No height restrictions for commercial; Mr. Wilson stated this shouldn't matter since commercial buildings are required to be sprinklered.
- Apartments for the elderly; Mr. Bittig stated that as long as it meets the IBC, the IFC and the ICC it should not be an issue.
- Lots must be of a size to have two (2) perk areas outside of the building footprint if public sewer is not available; Mr. Wilson stated it shouldn't matter what size the lot is as long as you can get two (2) perk areas on it, then build on it; he stated they've already had scenarios where once a system fails and there is only an area for one perk test there's a problem of getting a sand mound on the property. Mr. Shane questioned if Mr. Wilson was suggesting do away with lot size requirements and just have

a number of perk areas; Mr. Wilson stated yes, as long as they have two (2) perk areas outside of the well and the house.

- Mixed Use in Commercial; Mr. Wilson felt this should be allowed in Residential; it gives more sense of community.
- Mixed Use in Single Structure; Mr. Shane stated that he doesn't understand the new district (PBOI) that they're trying to create; he stated he doesn't understand why they would restrict that and have no residential there.
- Revise parking requirements in Commercial; Mr. Wilson felt that we require too much space that is never used. He stated we allow for the 2 or 3 times a year when the lot is full, the rest of the year no one parks there. Mr. Wilson clarified that our requirements exceed what the developer requires.
- Ratio of size of house to lot; Mr. Wilson stated for example Mississippi does not allow small houses to be built on large lots, they have a requirement stating the house has to cover so much of the lot. Mr. Rogosky stated that we don't really have this problem because our subdivisions are built by developers. Mr. Arslan felt that as long as it's within the setbacks it should be fine. Mrs. Cusimano stated that when the lot sizes changed due to impervious surface, people now come in for permits for sheds, etc. and they are denied because they have restricted space. She recommended going back to the numbers they were at before to alleviate this situation.

ADJOURNMENT

MOTION BY Mr. Bittig, seconded by Mr. Shane, to adjourn the June 15, 2015 meeting of the Exeter Township Planning Commission at 8:23pm. Motion carried unanimously.

Respectfully Submitted,



Gary L. Shane,
Secretary

lrc