

MINUTES
EXETER TOWNSHIP PLANNING COMMISSION MEETING
MARCH 16, 2015

The Regular Meeting of the Exeter Township Planning Commission was held on Monday, March 16, 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 L. Shane, Secretary
Mehmet Arslan

ABSENT: Glen Powell

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

ABSENT: Cheryl Franckowiak, Zoning Officer

1. MINUTES

MOTION BY Mr. Shane, seconded by Mr. Bittig to approve the minutes of the February 16, 2015 Planning Commission meeting. The motion carried with Mr. Wilson, Mr. Bittig, Mr. Shane, voting in favor and Mr. Arslan abstaining.

2. AGENDA

MOTION BY Mr. Bittig, seconded by Mr. Shane, to approve the agenda of the March 16, 2015 Planning Commission meeting. The motion carried unanimously.

3. FILIPPINI ANNEXATION SUBDIVISION II PRELIMINARY PLAN – John Hoffert, PLS

GVC reviewed the Filippini Annexation Subdivision II Preliminary Plan (review letter dated March 12, 2015)

The plan proposes four (4) residential annexation parcels; one (1) new residential lot, and one (1) open space residue parcel. All of the lots are located within the Exeter Golf Club Estates subdivision which is situated to the east of Shelbourne Road and north of Pennsylvania Avenue.

- The annexation parcels from the previously approved plan have not been conveyed/sold. They are in possession of Guiseppe Filippini Inc. and no new pin numbers have been assigned. The sale should be scheduled in the near future.
- The court has stepped in and the client is no longer Guiseppe Filippini Inc., it is now Berks County Court of Common Pleas. Additional annexations are to be conveyed in a court order. The previous annexations should reflect that they are owned by Guiseppe Filippini Inc.
- The issue of encroachments still exists; the Druzba's fence is located on another person's property. It will not go away until the property is conveyed. Mr. Hoffert felt that once this plan was approved all the parcels would be conveyed by court order due to bankruptcy.

Planning Commission minutes, March 16, 2015 Filippini Annexation Subdivision II continued Pg 2

Mr. Rogosky suggested to the Planning Commission that this was a legal issue and he would like to discuss with our Solicitor for a legal opinion on this matter as it was now out of the hands of the Filippini's and in the hands of the courts. Mr. Rogosky wanted to see how we should proceed with this legally. Mr. Rogosky further stated that this was a unique situation as the previous plan has been recorded but the transaction between the property owners has not taken place, one would think they have five years, maybe not, but this was why he needed to talk to our Solicitor because now it has an impact on some of the annexations of this plan. Mr. Rogosky was looking for an agreement from the Planning Commission to do this. The Planning Commission agreed.

- #3 under SALDO: wetlands, Mr. Hoffert stated that near parcels G & H there is an existing basin, he would like to take the original approved plans and scan an overlay to show the wetlands and creek etc. this would show that they are nowhere near those properties but would also add the 25ft riparian buffer as required by ordinance.
- Section 330-45: land contribution or fee-in-lieu-of land. Mr. Hoffert stated that they preferred to do the fee-in-lieu-of rather than land contribution for the one lot.

Mr. Shane asked about the open space for the original subdivision plan, where did we stand with that?

Mr. Rogosky replied that we did extensive amount of research: Ms. Cusimano pulled all of the plans for all of the phases and the Solicitor reviewed this. We found that the ordinance requirements at that time only assumed open space for the lot itself and not the total tract. There were recorded meeting minutes found that fee-in-lieu of was mentioned but records for payments backing that up were not found. The Township now has the option for fee-in-lieu-of.

MOTION BY Mr. Bittig, seconded by Mr. Shane to recommend the Board of Supervisors accept the fee-in-lieu-of rather than land contribution. The motion carried with Mr. Arslan, Mr. Wilson, Mr. Bittig, and Mr. Shane voting in favor.

Mr. Hoffert stated they were requesting a waiver/deferral from SALDO Sections 330-53 & 330-54: installation of curbs and sidewalks.

MOTION BY Mr. Wilson, seconded by Mr. Bittig, to recommend the Board of Supervisors defer the requirement to install curb and sidewalk along Scotland Drive as there currently are no curbs and sidewalks in that area. The motion carried with Mr. Arslan, Mr. Wilson, Mr. Bittig, and Mr. Shane voting in favor.

- Section 330-12A(8) trees – Mr. Hoffert stated they will comply.
- Section 330-13C(4) – Mr. Hoffert will provide name and seal of the registered surveyor responsible for the plan.
- Section 330-61 – Mr. Hoffert will set pins and label as required.
- Section 330-37 – DEP planning module has been sent – a new form has been sent back from DEP and the Township will process it. The water company approval letter has been received and provided to the Township.
- Section 330.12.A(3) total acreage on plan: Mr. Hoffert stated this will be shown.
- # 11 & 12 under SALDO are plan items and will be handled.

Mr. Rogosky stated that under General Comments #1 was just a general statement. Item #2 concerning the deeds was previously discussed along with item #3 concerning the fence on the Druzba's property.

- Item #4 about the encroachment on Parcel G: the plan has been revised to correct this.
- Item #5 riparian buffer has been added.
- Item #6 referred to comments from the Berks County Planning Commission. The plan will be corrected to show the 30 foot wide sanitary sewer easement.

Mr. Rogosky stated that they only issue remaining was with the residue lot and concerned the frontage and asked what the frontage was on that lot. Mr. Hoffert replied that the ordinance requires 60 feet at the street line and 80 feet at the building setback line and they did not have it also, it was a residual tract. We have 180 feet at street line and approximately 69.3 feet at the building setback line. Mr. Hoffert further stated that at the time they develop the tract into anything other than more annexation parcels, and then a zoning variance will be required. Mr. Bittig stated that the creation of lot 11 takes away the existing street frontage for the entire parcel. Mr. Hoffert replied that it was just a residue lot at this time and they could put a restrictive note that anytime this would be converted to any other use than residual, except annexation, they would need to apply for a variance at that time. Mr. Hoffert stated that he would go to John DiGiamb Bruno to ask for the legal language for the restrictive note, put it on the plan along with all the other corrections and submit to the Township for review and discussion for next month's meeting.

4. GENERAL DISCUSSION

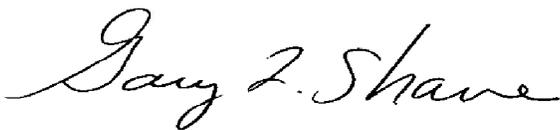
Public Comment

John Buccinno, owner of 35 47th Street, asked about the zoning changes along 422/Perkiomen Ave. They have acquired the property at the corner of 47th Street and Oak Parkway and would like to redevelop it into a retail/office neighborhood type facility. They weren't sure where the Township was at with rezoning. Mr. Wilson stated that the Steering Committee met last week and talked about where to expand the Highway Commercial/Mixed Use district. The mapping subcommittee is working on recommendations for this, but no decisions have been made. As for their property, the property line is at the alleyway and could we bring it down to Oak Parkway and to the old Hub Tool building? This was where the Mixed Use came into play. Could we allow for Mixed Use in this area, these were the questions that need to be asked. The Board needs to look at this completely as if we make a change for one area, then we have to be sure that it doesn't adversely affect others in that area. Mr. Buccinno stated that there is a need for more commercial in the Township, but they want to know if it would make sense for them to proceed with a variance to bring this property online or should they wait for a zoning change. They needed to evaluate what they should do. Mr. Wilson replied that even if everything would proceed with all the "ducks in a row" they would easily be looking at 6 months. Mr. Buccinno asked where they should go from here as it has been over a year and they were told probably by January/February they should know if their property was part of the rezoning. Mr. Wilson replied that they should go to the Board of Supervisors to ask them about it because they were told January and would like to know how to proceed. Also the Board has the final approval for what is presented for the zoning changes from the Steering Committee.

ADJOURNMENT

MOTION BY Mr. Shane, seconded by Mr. Arslan, to adjourn the March 16, 2015 meeting of the Exeter Township Planning Commission at 7:54 pm. Motion carried unanimously.

Respectfully Submitted,



Gary L. Shane,
Secretary
lrc