

Maidencreek Township Board of Supervisors and Planning Commission Meetings  
April 23, 2008

Attending:

Board of Supervisors: Claude Beaver, Roy Timpe, Joseph E. Rudderow III,

Planning Commission: David Brown, Richard Thren, Jim Schoellkopf, Jr., Joel High,

Staff: Stephanie Dake – Roland & Schlegel, Tom Unger and Karen Pollock – Systems Design Engineering, Inc., Diane Hollenbach – Manager & Recording Secretary

Guests: Jon Malsnee, Nick Paluch, Dave Zwicky, Ron Reybitz, David A. Tranquillo, Lynn Houghton, Eric Houghton

Claude Beaver called the April 23, 2008 meeting of the Maidencreek Township Board of Supervisors to order at 7:03 p.m. in the Maidencreek Township Municipal Building.

David Brown called the Maidencreek Township Planning Commission meeting to order at 7:04 p.m. in the Maidencreek Township Municipal Building.

**Wilson and Mary Heffner Planning Module**

A motion was made by Jim Schoellkopf, seconded by Joel High, upon the recommendation of the engineer, to authorize the Planning Commission Chairman to sign the Pennsylvania Department of Environmental Protection Planning Module for an on lot sewage disposal system for one additional home for the property located at 1206 Pleasant Hill Road, Fleetwood and forward the planning module to the Board of Supervisors for action. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

The Planning Commission Chairman turned the meeting over to the Board of Supervisors.

**Wilson and Mary Heffner Planning Module**

A motion was made by Roy Timpe, seconded by Joseph Rudderow, upon the recommendation of the engineer, to authorize the Chairman of the Board of Supervisors to sign the Pennsylvania Department of Environmental Protection Planning Module for an on lot sewage disposal system for one additional home for the property located at 1206 Pleasant Hill Road, Fleetwood. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

**Hoch Road Culvert Project**

A motion was made by Roy Timpe, seconded by Joseph Rudderow, to authorize Systems Design Engineering, Inc. to send the notice of intent to award to Desco Construction for the Hoch Culvert Project in the amount of \$108,638.00. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

**Crossings at Maidencreek**

Tom Unger of Systems Design Engineering (SDE) explained that the developer of the Crossings at Maidencreek has proposed phasing the construction of the subdivision. Phasing is allowed; however a phasing plan and a revised final plan showing only the

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first phase(s) to be constructed must be submitted to the Township for plan review, approval and recording.

The Board of Supervisors Chairman turned the meeting over to the Planning Commission.

**Review of the Draft SIA Zoning Ordinance Amendment**

The Planning Commission reviewed the April 2008 draft of the SIA Zoning Ordinance Amendment. Noise was discussed at length. The Commission felt that rather than tell property owners how to mitigate noise, they would rather use the Noise Ordinance standards and allow property owners to achieve the standards themselves. Jim Schoellkopf felt that the Noise Ordinance needed some work. Fence height was discussed. Fifteen feet as proposed is not a standard fence height.

The following information was provided by representatives of PPL and W.D. Zwicky. The equipment for the electrical generation plant will be enclosed in more of a housing constructed primarily of uninsulated sheet metal rather than a building. There will be some portions near the instrumentation that will be insulated. The 69kb electric transmission wire is not allowed to be installed underground per P.U.C. regulations.

PPL believes that the ordinance definition of biomass allows for the burning of engineered wood but asked for clarification. The Board members raised concerns regarding emissions from burning engineered wood. Corstacks in Reading currently burns engineered wood and is regulated through the PA DEP Air Quality Permit. Plywood containing copper and chromium and marine plywood can not be burned anywhere and must be land filled. Fuel will be manually and electronically separated prior to burning. The ash is tested and the air is monitored. A Berks County volunteer environmental committee will review the air permit before the PA DEP review. The plant proposed for Buena Vista Road is considered a minor source of emissions. Similar units are being used by St. Mary's Hospital and Bloomsburg Greenhouse. PPL will provide a list of what the air is monitored for.

Tom Unger clarified that the annual certification letter the Township is proposing is simply a letter from the owner of the power plant stating that they are in compliance with all federal, state and local regulations. No studies or independent certifications are being asked for on a yearly basis.

The traffic impact analysis was discussed and the Commission agreed to leave it as worded in the ordinance. The Environmental Impact Analysis was discussed. Representatives from PPL had some concerns with identifying probable adverse effects as required in section 1324.F.12 and 13; however, no changes were proposed.

A motion was made by Dick Thren, seconded by Jim Schoellkopf, to recommend to the Board of Supervisors the draft Zoning Ordinance Amendment to the Special Intensified Agriculture Zoning District and additional performance standards with the following changes:

- Article XII, Section 1204.A.1. Strike the current language from this paragraph and revise to state that all activity shall be governed by the Maidencreek Township Noise Ordinance as amended;
- Article XIII, Section 1323.A.5.a. Security fencing shall be no less than ten feet;

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- Article XIII, Section 1323.A.6.b. Per the Public Utility Commission regulations, electric utility lines above a certain size kba shall be exempted from being installed underground;
  - Article XIII, Section 1323.B.7.1. Strike the current language of this paragraph and revise to state that all flammable or explosive liquids, solids or gases shall be stored in accordance with federal, state and local regulations;
  - Article XIII, Section 1323.B.7.2. Change the word "structure" to "method";
  - Article II, Section 204 Add to the definition of biomass: nonhazardous engineered wood, and clarify that the waste pallets and waste crates shall be wood and not plastic;
  - Article XII, Section 1202.D.1. Add the word "compost" to "Manufacture of landscape, soil and fuel product," and clarify the type of fuel products allowed to be manufactured.
- Hearing no questions on the motion, all members voted, "Aye." Motion carried.

The Planning Commission Chairman turned the meeting over to the Board of Supervisors.

**Request to Put a Church in the Industrial Zoning District**

Diane Hollenbach explained that a church is not a permitted use in the Industrial Zoning District and an occupancy permit and zoning permit for a church was recently denied. The Church is considering pursuing a variance and wanted to know if the variance was obtained, what would be required after that. After some discussion, the Board of Supervisors suggested that the manager should communicate that as a worst case scenario, they should plan on filing a land development plan. A land development plan could require conformance with new regulations on parking, lighting, landscaping, etc.

**Revisions to the Zoning Ordinance – Agricultural Zoning**

Dave Brown reported that through the cooperation of many people in the agricultural community, the Planning Commission, Systems Design Engineering and Clyde Myers of the Penn State Agricultural Extension, the Planning Commission felt that they had drafted reasonable agricultural regulations that would allow for viable farming operations. Care was taken in regards to the ACRE law when imposing setback standards. The Planning Commission is proposing to divide the Agricultural District into two types of districts. The area currently zoned agricultural between Route 222 and Maidencreek Road would continue to be Agriculture and allow all uses currently allowed in the agricultural zoning ordinance, which includes golf courses and other recreational uses. The area currently zoned agricultural from the Perry Township line to Maidencreek Road and from the South side of Route 222 to the Richmond Township line would be changed to an Agricultural Preservation District which would promote the preservation of farmland for agricultural purposes. Golf Courses and recreation would not be a permitted use.

Mr. Brown questioned the requirement in the ordinance to obtain a soil erosion and sedimentation plan from the Berks County Conservation District when constructing a greenhouse. Diane Hollenbach responded that it is not a Township requirement, but when a project disturbs 5000 square feet of earth or greater, an erosion and sedimentation plan is required by the Berks County Conservation District.

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Mr. Brown pointed out the addition of an exotic animal restriction in section 1338, which would prohibit keeping certain dangerous exotic animals. Mr. Brown also felt that the Township should consider changing the zoning of the single family homes along Maidencreek Road in Molltown to R1 – Low Density Residential from Agriculture. These lots, with their on lot wells and septic systems, are too small to support an agricultural operation. The regulation of drilling wells and wellhead protection was briefly discussed; however that will need to be an ordinance separate from the zoning ordinance.

Joe Rudderow asked if the Planning Commission considered allowing an extension of the Agricultural Zone across Route 222 into the proposed Agricultural Preservation Zone for Route 222 road improvements. Mr. Brown stated that a lot of that farmland was already preserved by selling of development rights to the State, and Penn DOT may have a problem obtaining the land. Claude Beaver asked if the Ag regulations covered boarding animals. Mr. Brown responded that the regulations cover boarding of horses under riding academies and boarding of dogs under kennels.

A motion was made by Jim Schoellkopf, seconded by Dick Thren, to approve the Agricultural and Agricultural Preservation Draft regulations and forward them to the Supervisors. Hearing no questions on the motion, all members voted, "Aye." Motion carried.

Having no other business, a motion was made by Dick Thren, seconded by Jim Schoellkopf, to adjourn the April 23, 2008 Planning Commission meeting. The Chairman asked for public comment on the motion. Hearing none, all members voted, "Aye." Motion carried. Meeting adjourned at 10:12 p.m.

Since there was no further business, a motion was made by Roy Timpe, seconded by Joe Rudderow, to adjourn the April 23, 2008 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 10:13 P.M.

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Township Secretary, April 24, 2008

Cc: Board of Supervisors  
Eugene Orlando, Roland & Schlegel, Solicitor  
Systems Design Engineering, Inc., Township Engineer  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Patrick Donovan, Maidencreek Township Authority General Manager  
JoAnn Schaeffer, Maidencreek Township Authority Secretary  
Robert Hobaugh, Jr. Esq., Stevens & Lee, Authority Solicitor  
Barbara Hassler, Tax Collector  
Daniel Miller, Blandon Fire Company Chief  
Chief Scott W. Eaken, Northern Berks Regional Police

Park & Recreation Board  
Planning Commission