

Maidencreek Township Planning Commission
August 1, 2012 7:00 pm

Present: James Schoellkopf, Jr., David Anspach, Joel High, Zack Moore, Eugene Orlando–Orlando Law Office, Tom Unger– Systems Design Engineering, Inc., Diane Hollenbach – Township Manager

Guests: David Zwicky, Kate Stoltzfus, Randi Peters, Kim Brown, Kathleen Thompson, David Brown, Lawrence Valeriano, Jr., Scott Miller, Chris Bradley

James Schoellkopf called the August 1, 2012 regular meeting of the Maidencreek Township Planning Commission to order at 7:00 p.m. in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

Approval of the Agenda

A motion was made by Zack Moore, seconded by Joel High, to approve the agenda as presented. Hearing no questions on the motion, all members voted, “Aye”. Motion carried.

Approval of Meeting Minutes

A motion was made by Zack Moore, seconded by Joel High, to waive the reading of the minutes and approve the minutes of the June 6, 2012 regular meeting as presented. Hearing no questions on the motion, all members voted, “Aye”. Motion carried

Acceptance of Plans - The Village at Summit Crest Final Plan was submitted for review in July.

Communications

Diane Hollenbach updated the Board on a change to the Municipal Planning Code that now requires Townships to report any approved residential development plans to the School District immediately after approval.

Public Comment – none

Engineer Agenda

Subdivision Status

All plans are current. The Corrado Commercial Plan was rejected by the Board of Supervisors and will be removed from the checklist. David Anspach asked if the lingering plans that have had no action in several years could be removed as well. As an example, the Dollar General Plan was approved with conditions in 2005. The conditions have not been met and the Dollar General is currently renovating another site for a store in Maidencreek Township. Could the plan be removed? Diane Hollenbach stated that the developer of the Dollar General Plan might want to market the plan to other commercial entities. Tom Unger questioned that the plans were past the five-year timeframe in the Municipal Planning Code and wouldn't they be required to be revised and meet the provisions of the revised Zoning Ordinance the Commission will be voting on later tonight? Gene Orlando agreed that this was probably the case with the Dollar General Plan because of its approval date. The other inactive plans would be under the Governor's Act 46 and Act 87, which extended plan approvals until July 2, 2016; so, the plans would fall into this extended period without having to meet the new zoning ordinance.

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Plan Review

Village at Summit Crest Final Plan – The Systems Design Engineering Review Letter of July 23, 2012 was distributed for the 83 manufactured home age restricted community plan that utilized the public sewer system and a community water system. The Commission asked only to discuss open items and Preliminary Plan Conditions that have not yet been met.

- **Combining into one common deed.** Tom Unger requested a deed plotting from the developer's engineer.
- **Provide access to adjoining properties using current right of way.** The plan provides a temporary access for the Valeriano and DeCaesar properties. This access will not be used for the project construction vehicles. Lawrence Valeriano, executor of the estate of Paul Valeriano addressed his concerns to the Planning Commission regarding access to the property. His is a land locked property and the access road has been in use for over fifty years. Mr. Valeriano believes there is an easement by prescription and necessity or implication. It is his position that the easement for the access road cannot be moved without an agreement. His intention is to sell the estate, the access road has been used for commercial vehicles in the past, and it may be desirous of the future property owner to continue to do so. Until there is a written, recorded agreement between the estate and Mr. Bradley, Mr. Valeriano stated he would file an objection to any plan approval. Gene Orlando, solicitor for the Township asked if there is an estimate of when an agreement might be reached. Both parties will be meeting soon to discuss the issue. Mr. Orlando clarified that is the Township's understanding that the roads in this development will never become public roads.
- **Entering into a business agreement with the Township.** Mrs. Hollenbach asked if the open space is to be dedicated as indicated in the review letter. Mr. Miller said it is not to be dedicated. Should there be a change in use, fee in lieu of open space would be required.

Since the water system is not being reviewed by the Authority, Systems Design Engineering will review it. Mrs. Hollenbach asked that the screening along Lee Spring Road be reviewed because all the natural vegetation has been removed.

Final Plan Items:

- Engineer or surveyor shall certify the accuracy of the survey.
- Lee Spring Rd right of way line should be dimensioned from the centerline of the road and proposed street ROW line bearing and distances should be shown.
- Proposed lot line distances and bearings are not shown. How will lease lot requirements, setbacks and separation be enforced?
- Certificate of Ownership and offer of dedication shall be signed and notarized. Wording regarding dedication to the public use and ownership does not match the Township Ordinance.
- A note shall be added to the plan stating Lot 84 shall connect to public sewer and the community water system within four months of system approval of flow.
- Storm water certification sheet needs to be signed.

All of the above issues were agreed upon by the Developer and his Engineer and will be corrected.

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- Storm water controls and best management practice operations and maintenance agreement must be executed.
- Open space and fee in lieu of open space must be discussed.
- An Improvements Agreement must be executed and financial security posted.
- A note should be added to the plan or contained within the Improvements Agreement, which specifies a time frame for the completion of the Community Center. Tom Unger suggested that the Community Center be built when a certain percentage of homes were sold. Gene Orlando suggested adding a definite end date so that after a set amount of years, the Community Center would be built regardless of how many homes were sold. Chris Bradley stated that he was not sure that he would be building this project once approved. He might wait two years to start and that the end date would be difficult. Diane Hollenbach asked if the existing Phases I and II would also be using the Community Center (yes). The Commission suggested that the Community Center be built when 40 to 50% of the units are occupied. The Developer's Engineer promised to come up with a proposal.
- The lease agreement language should be reviewed for items 8b Permits, 11 Sheds and 23 Manufactured home inspections. It is recommended that language be added regarding discharge of storm water onto the neighbor's property. Gene Orlando asked for a copy of the lease agreement.
- The Guidelines for Living should be reviewed for items 6A and 6B Permits and 4 Maintenance of Lot including Leasehold Improvements. Tom Unger questioned if the lots would be pinned. Scott Miller explained that there are no lot lines. The setbacks are to be determined by measuring twenty feet from the unit. Mr. Unger disagreed that the lots should change based on the size unit being placed. The Township regulations require a lot area of 5000 square feet and a minimum of 50 feet in width. Mr. Bradley said that they would be but the lots might not be at the exact spot shown on the plan. They might shift slightly depending on the unit size and if a garage was being built. It was suggested that at the time of the building permit, the applicant must certify that the lot meets all Township regulations. Tom Unger was concerned how the Zoning officer would verify the setbacks in the field without property pins. Scott Miller suggested that lines be painted on the curb.

Questions from the floor – Kathleen Thompson asked if there was screening along Lee Spring Road since the vegetation had been removed, if there were fences around the detention basin because she was concerned about her granddaughter's safety and what effect the community water system would have on all the neighboring property's wells. Scott Miller stated that there will be screening along Lee Spring Road and that there will be split rail fence around the detention basin. Mrs. Hollenbach stated that she thought the fence should be included in the cost estimate for the Improvement Agreement.

Chris Bradley stated that testing was performed for the PA DEP permitting of the community water system and it was determined the well has a limited effect on the neighbors' wells. The drop in the water level was not material but he will drill a new well for any neighbor that needs it if his system causes a problem. The Commission felt this statement should either be a note on the recorded plan or in an agreement.

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The Planning Commission took no action on the plan.

Solicitor Report – Mr. Orlando advised the Board of the Maidencreek Crossing Developer filing Chapter 7 Bankruptcy.

Old Business

Revision to the Zoning Ordinance and Map

A motion was made by Dave Anspach, seconded by Zack Moore, to recommend the following zoning map change to the Maidencreek Township Board of Supervisors: move the Special Intensified Agriculture zoning line on the northeast corner of the Zwicky Processing property to the edge of the property along Buena Vista Road that is now zoned Agriculture. Hearing no questions on the motion, all members voted, “Aye.” Motion carried.

A motion was made by Dave Anspach, seconded by Zack Moore, to recommend the following zoning map changes to the Maidencreek Township Board of Supervisors:

- A portion of the Reading Area Water Authority property that is zoned Industrial should be rezoned to Agricultural.
- Portions of properties in Limestone Acres on South View Road that are currently divided into two Zoning Districts: Local Commercial and High Density Residential should be rezoned entirely to High Density Residential.
- Properties owned by the Ringler family on Barlet Road currently zoned Medium Density Residential should be rezoned to Agriculture.
- Properties along Maidencreek Road currently zoned Agriculture should be rezoned to Low Density Residential.
- Properties South of West Wesner Road that are currently split by the Agriculture and Medium Density Residential Zoning District line should be rezoned as entirely Agriculture.
- Properties along Park Road in the Melrose Place and Village at Maidencreek Subdivision that are split into two Zoning Districts: Medium Density Residential and Local Commercial should be rezoned entirely Medium Density Residential.
- Three properties on Blandon Avenue that are near Excelsior Drive that are currently zoned Industrial should be rezoned to Medium Density Residential.

Hearing no questions on the motion, all members voted, “Aye.” Motion carried.

The Commission proceeded to discuss the revisions to the Zoning Ordinance. Tom Unger asked if the Commission wanted to revise the Agriculture regulation section to allow special intensive agriculture as a use by Special Exception or Conditional Use or allow it to remain a use by right. As there had been many years of review and changes to the document, they felt that it was time to pass it on to the Supervisors as is.

A motion was made by Joel High, seconded by Zack Moore, to recommend the Maidencreek Township Board of Supervisors adopt the revisions to the Zoning Ordinance. The Chairman asked for questions on the motion. Cate Stoltzfus and Randi Peters asked if the Commission was passing the Zoning Ordinance that allowed Special Intensified Agriculture in the Agriculture Zoning District and how the neighborhood would find out about the change and any hearings and meetings on the subject. Jim Schoellkopf stated that the Commission and

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Farmer Brown had worked a long time on the revisions and the Commission was sending the document on as is with the section that allows intensified agriculture uses in the agricultural zoning. The Supervisors may disagree with some things and send it back to the Commission. Diane Hollenbach added that this does not mean the Ordinance is adopted. The Board of Supervisors will review the document and when they are satisfied, a public hearing will be advertised in the Reading Eagle. There will not be any action on it in August, since the Supervisors are going to need time to read the ordinance.

New Business

Berks County Comprehensive Plan – The Commission had no comments. Diane Hollenbach asked what a County Comprehensive Plan should be addressing. She was concerned with some items in the plan such as the suggestion of a dedicated library tax, the recommendation that the County refuse to approve expansion of water and sewer service areas into Agricultural zoning unless there were malfunctioning systems and the section on Emergency Management. Gene Orlando stated that Comprehensive Plans should address land use issues and planning.

Having no other business, a motion was made by Zack Moore to adjourn the meeting. David Anspach seconded the motion. All members voted, “Aye.” Motion carried. Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Diane E. Hollenbach, secretary

NEXT MEETING: WEDNESDAY, September 5, 2012 @ 7 PM

CC:	Board of Supervisors	Tom Unger, SDE	Barbara Hassler
	Planning Commission	Eugene Orlando, Solicitor	Chief Scott Eaken
	Park & Recreation	Patrick Donovan	Dan Miller
	Authority	Zoning Hearing Board & Alt.	