

Maidencreek Township Planning Commission  
Tuesday, August 11, 2009

Attending: Jim Schoellkopf, Jr., David Brown, Joel High, Jeff Futchko, Eugene Orlando, Jr. – Orlando Law Offices, Karen Pollock– Systems Design Engineering, Inc., and Diane Hollenbach - recording secretary

Guests: Henry Koch, Dr. Robert Hanna, Craig Momose, Dan Becker, Tim Krall, Vicki Krall, Claude Beaver, Joseph Rudderow III, David Zwicky, David Weiss, Eugene Martin, Matt Doll, Michael Hartman, Jason Nix, Chris Bradley, Scott Miller

Jim Schoellkopf called the Maidencreek Township Planning Commission regular meeting to order at 7:30 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 Jeff Futchko, seconded by Joel High, to approve the agenda for the Maidencreek Township Planning Commission regular meeting. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried.

**APPROVAL OF PRIOR MEETING MINUTES**

A motion was made by Joel High, seconded by David Brown, to waive the reading of the July 1, 2009 regular meeting minutes and approve the minutes as presented. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried.

**ACCEPTANCE OF PLANS**

A motion was made by David Brown, seconded by Joel High, to accept the Excelsior Industrial Park Lots 42, 43 and 44 Annexation Plan for review. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried.

**COMMUNICATIONS** – Diane Hollenbach stated that there is a Planning Commission Seminar that the Commissioners may attend and the registration form is in the Commissioners’ packets.

**PUBLIC COMMENT –**

**David Weiss and Gene Martin of Tornado Recycling/Diversified Energy Partners, Inc., Lancaster PA** – Mr. Weiss explained that his company recycles municipal solid waste in the form of alternative fuel under a PA DEP General Permit. He and Mr. Martin are looking at building their facility on the 24 acre lot at 1246 Maidencreek Road owned by Mr. Zwicky. The property is zoned Industrial and Mr. Weiss felt that his business was manufacturing. The facility would operate 5 days a week/ 20 hours per day and process 500 tons of municipal solid waste a day on a single line system. The process would be done under roof and they planned to use some of the existing mushroom houses. There is onsite water and sewer that is adequate for the processing and there are plans to use bottled water for drinking. The product that Diversified Energy Partners would make would be blended with Mr. Zwicky’s alternate fuel product. The facility would utilize the municipal solid waste on a first in/first out basis and expects two to four collector trucks per hour and one to two trailers per hour traveling to the WD Zwicky facility on Buena Vista Road. A traffic study will be performed. Mr. Weiss stated that his goal is to order his equipment this year. His company uses local businesses and would bring jobs to the area.

David Brown asked what Mr. Weiss considered municipal solid waste and if the facility was capable of using sewage sludge. Mr. Weiss responded that the PA DEP definition includes things like curbside trash and sludge but it is not his intent to use sewage sludge although the facility would be capable of using it. The facility will have the latest in air abatement technology (a baghouse, afterburner and thermal oxidizer). There are no plants like the one Mr. Weiss intends to build in the United States but there are some in Europe. Met Ed has been contacted. The facility will be energy positive. The 500 tons of waste will be converted into 350 tons of fuel. If this fuel is burned, it would equal 10 megawatts of electricity. The system uses only 4 megawatts of electricity to make the 350 tons of fuel.

Joel High asked how much waste is used. Mr. Weiss stated that the waste is dumped on the tipping floor and manually separated. There is also size reduction equipment. The metals and PVC are removed for recycling. This accounts for 6 to 10% of the waste. The Planning Commission had no further questions. Mr. Weiss added that he is planning to submit a land development plan in a few weeks and requested a letter stating that the use complies with the zoning district. The Township Solicitor advised that the Zoning Officer would be the person to issue such a letter after reviewing plans and information.

#### **ENGINEER'S AGENDA**

##### **Review Period Expiration James Hardie**

Dan Becker, for James Hardie Building Products, Inc. stated that James Hardie continues to work on the issues. Changes are being made to the latest revision of the plan and will be submitted to Can Corporation of America for review then submitted to the Township. Mr. Becker requested a 120 day review period extension of time.

Henry Koch, Jr. for Can Corporation of America stated that his client opposed the time extension and asked the Commission not to recommend it. Can Corporation does not feel that James Hardie has been working on the comments in the Systems Design Engineering review letters.

Dan Becker stated that he thought that the two parties had been making progress and was taken by surprise by Can Corporation's position this evening. Mr. Becker added that this was moving slower because the plans were being reviewed by Can Corporation prior to every submission to the Township.

Dr. Robert Hanna of Can Corporation believed that there had been no progress since July of 2008. The items in the engineer's review letter are still not completed.

Eugene Orlando, Jr., counsel for the Planning Commission was concerned that this plan and the two parties' negotiations were taking longer than the Township was led to believe. In his legal opinion, Can Corporation has no standing to tell the Township Planning Commission what to do but it has been the Township's policy to hear what everyone has to say.

Karen Pollock of Systems Design Engineering stated that some items in the review letter had been addressed. There were a few issues that were outstanding and believed that the next submission would take care of those issues.

Maidencreek Township Planning Commission  
Tuesday, August 11, 2009

A motion was made by Jeff Futchko, seconded by Joel High, to recommend that the Board of Supervisors grant the James Hardie Land Development Plan a one hundred twenty day time extension per the developer's request. The Chairman asked for public comment on the motion. Hearing none, Joel High and Jeff Futchko voted, "Aye." David Brown voted, "Nay." Jim Schoellkopf abstained. Motion carried.

**PLAN REVIEWS**

Village at Summit Crest, Phase 3 Preliminary Plan – Scott Miller of Stackhouse Bensinger, engineer for the developer, stated that a meeting would be held on Friday with Systems Design Engineering to review the technical issues and the water issues of the plan. Mr. Miller indicated that the waivers to allow slant curb, macadam sidewalk and individual post lights instead of street lights will be listed on the plan. Diane Hollenbach asked that the unlit parking areas and intersections still have street lights as previously discussed.

Mr. Miller asked if he could bring in an alternate landscaping plan for the area along Lee Spring Road. Mobile Home Parks are required to be screened on all sides. The tree line will stay along the exterior of the property but an evergreen screen along Lee Spring Road may not work very well. The Commission agreed to review an alternate plan.

Karen Pollock asked if there were any comments from the PA DEP on the water system. Scott Miller stated that there had been an initial meeting with the Water Resource Division and the draft package is ready to go. The PA DEP wants the new and the old systems connected.

James Hardie – Tabled. Developer no longer present.

Excelsior Industrial Park Lots 42, 43 & 44 Annexation Plan – This plan annexes a 53 foot wide strip of land from the Praise Christian Fellowship property to the Isimac Machine Company property in the Excelsior Industrial Park. Systems Design had very few comments on their August 11, 2009 review letter.

A motion was made by Dave Brown, seconded by Joel High, to recommend the Board of Supervisors grant final plan approval to the Excelsior Industrial Park – Lots 42, 43 and 44 Annexation Plan conditional upon completion of the items outlined in the August 11, 2009 Systems Design Engineering Inc. review letter, which is incorporated by reference, consolidation of the deeds into one deed that will be recorded at the time the annexation plan is recorded, and adding notes as recommended by the solicitor upon his review including but not limited to a note stating that the annexation parcel is not a separate tract. The Chairman asked for public comment on the motion. Hearing none, all members voted, "Aye." Motion carried.

Villa at Maiden Creek Conditional Use – Karen Pollock distributed the August 11, 2009 review letter of the Villa at Maiden Creek submission for their conditional use hearing. The plan shows a 120 unit assisted living and congregate care facility at the intersection of Park Road and Hoch Road. The lot is number 332, which is part of the Golden Manor III subdivision. The developer does not propose to utilize the existing detention basin in that development but to retain the

Maidencreek Township Planning Commission  
Tuesday, August 11, 2009

water in a basin under the parking lot. Matt Doll, counsel for the applicant stated that he believes this project will improve the quality of life for the neighborhood and there will be minimal impact on traffic. The service that will be impacted the most is the ambulance with an increase of about two calls per week.

David Brown asked about the building height and Mr. Doll responded that it would be three stories. Mr. Brown suggested that they look at the lighting at the Rajah Shrine Complex as this is a good example of good lighting. Mr. Schoellkopf suggested and the other members agreed that they do not recommend sidewalks along Park Road and perhaps the applicant would want to look at a crosswalk on Hoch Road.

A motion was made by David Brown, seconded by Joel High, to inform the Board of Supervisors that the Planning Commission supports granting a conditional use to the Villa Maiden Creek Land Development Plan for the proposed use of a congregate care facility and assisted living facility. The Chairman asked for public comment on the motion. Hearing none, all members voted, "Aye." Motion carried.

Custom Milling – Tabled.

**SOLICITOR'S COMMENTS** – None

**OLD BUSINESS** - None

**NEW BUSINESS**

Berks County Planning Commission - Diane Hollenbach informed the Commission that the Berks County Planning Commission had a grant to revise two Joint Municipal Comprehensive Plans. Maiden Creek Township has been asked if they are interested in being included in the Fleetwood-Richmond Plan provided that those two municipalities agree to allow us to join.

Having no other business, a motion was made by Jeff Futchko, seconded by Joel High, to adjourn the August 11, 2009 Planning Commission meeting. The Chairman asked for public comment on the motion. Hearing none, all members voted, "Aye." Motion carried. Meeting adjourned at 9:27 p.m.

Respectfully Submitted,

Diane E. Hollenbach, secretary

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.	