

Lower Heidelberg Township  
Planning Commission Minutes  
Monthly Meeting  
March 10, 2014

The Lower Heidelberg Planning Commission's regularly scheduled meeting was held at the Lower Heidelberg Township Building on the above date.

Present were: Vice Chairman Neal Nevitt and Members William Moser and Ronald Limpus. Also attending were Solicitor Ryan Jennings and Engineers Ryan Rhode (GVC) and Glenn Neuhs (SSM). Absent were Chairman Michael Levan, Member David Seip and Engineer Pamela Stevens (SDE).

Vice-Chairman Nevitt called the meeting to order at 7:08 p.m. The minutes for the February 10, 2014 regular meeting were reviewed. **On Motion** by Mr. Limpus, second by Mr. Moser, to approve the minutes of February 10, 2014. Motion passed unanimously.

**Timberlake Phase II Lot 9 – Final Review**

Kirk Barnett presented for Grande Construction. The SSM review letter of February 28, 2014 was discussed. The one page plan shows the creation of three lots for single family detached dwellings from the original 56,194 square feet Lot 9, to be labeled Lot 9A, 9B and 9C. Mr. Barnett said that the majority of the review letter comments have now been addressed. Mr. Barnett noted that he has a letter from the Zoning Officer, stating that the slopes greater than 25% are man-made. The required recreation fee will be paid with the building permit application. The ownership certification has been completed; some of the wording needed revised, and that is now complete. Mr. Barnett explained that the Planning Module exemption has been submitted to the Township. He noted that GVC did receive a letter confirming water service availability from Wernersville Municipal Authority.

**On Motion** by Mr. Limpus, second by Mr. Moser, to recommend to the Board of Supervisors to approve the Timberlake Phase II Lot 9 Final Plan, subject to: the satisfaction of the outstanding conditions as outlined in the SSM review letter of February 28, 2014; the acquisition of the Planning Module exemption; applicant shall obtain all necessary outside agency approvals, including DEP, Berks County Conservation District, PennDOT and the applicable sewer treatment facility; submission to the Township of the fees in-lieu-of recreation services at the time of the respective phase approvals; and payment of any outstanding bills for professional services from the Township. Motion passed unanimously.

**Timberlake Lot 68 Annexation Plan - Sketch**

Kirk Barnett presented for Grande Construction. The SSM review letter of February 28, 2014 was discussed. The one page plan shows the creation of an annexation parcel, Lot 68A, from Lot 68. The new parcel, Lot 68-A, will be annexed to the adjoining Earnest and Earnest-Hospidor property. Mr. Barnett noted that there will need to be a draft deed for the Earnest/Earnest-Hospidor property; the legal description will be included with the final plan presentation.

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The location of the existing utilities and the tract boundaries will be added to the final plan. The applicant would like direction from the Planning Commission as to the installation of the required sidewalk for Lot 68A. The money has already been escrowed, but the applicant feels that it might make more sense not to install a sidewalk at that location. The applicant intends to request a formal waiver with the final plan submission. With the pond there, it would be better to keep it private, as opposed to encouraging foot traffic nearby. Mr. Rhode noted that there is a steep drop off there, heading toward the pond lot and the location for the sidewalk will be inconvenient for the future owner to maintain. Mr. Limpus asked with the extent of the wetlands at that location, what is the intention for building. Mr. Barnett said it will be a single-family dwelling. Mr. Nevitt asked if the pond is included in the stormwater management plan. Mr. Barnett said it is not.

Mr. Barnett said that all required items as outlined in the SSM letter will be taken care of; existing improvements will be shown on the final plan. Elevations for the sanitary and storm sewers will be added as well as the net/gross lot areas. Existing features will be added to the final plan. The required note pertaining to no disturbance of delineated wetlands will be added to the plan, along with the note required covering no further subdivision of the parcel. The outhouse referred to in the SDE comments section of the letter is no longer on the property. Water and sewer services will be shown on the final plan.

Mr. Neuhs asked about the comments from Solicitor Crotty. Mr. Jennings responded that the comments pertained to the SALDO issues from note number one of the SSM review letter involving the notation on the plan and written confirmation. Mr. Barnett said he spoke with the Ernests and explained that the Township has requested a confirmation letter. The applicant has already prepared the letter, which he will present with the final plan. Mr. Nevitt clarified that Mr. Barnett agrees to the conditions of the review letter, and will ask the Board of Supervisors for a waiver from the required sidewalk. Mr. Barnett agreed; if sketch plan approval is given, he will submit the final plan with all required changes and plan notes.

**On Motion** by Mr. Nevitt, second by Mr. Moser, to recommend to the Board of Supervisors to approve the Timberlake Lot 68 Annexation Sketch Plan, subject to the conditions as set forth in the SSM review letter of February 28, 2014. Motion passed unanimously. Mr. Limpus asked if the motion covers the waiver request for the sidewalk. Mr. Barnett said he would formally request the waiver with the final plan submission.

**Cacoosing Crossing North – Preliminary Plan**

Aristides Otero presented for the applicant, Greth Homes. The SSM review letter of March 3, 2014 was discussed; most of the items are "will comply" or have been addressed. The applicant is proposing to pay a fee in-lieu-of providing open space area. The Environmental Assessment Statement is being prepared and will be submitted with the next plan submission, if not sooner.

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A waiver from the lot depth-to-width ratio for Lots 1 and 6 has been submitted. Mr. Otero said he would request the decision on the waiver if the Commission is agreeable. Mr. Rhode said he did not have a problem with Lot 1 and 6, but had concerns about the stormwater management basin between Lots 16 and 17. It fits the ordinance requirements, but is very small. He spoke with the applicant's engineer and they are willing to work with those constraints. Mr. Neuhs commented that there should be no problem with fitting houses on Lots 1 and 6. Mr. Otero said he has received the Fire Marshal's review and it has been forwarded to the Township. There is currently a question between the scale of the street trees as drawn and the location of driveways or laterals; this will be addressed. Mr. Nevitt asked if the applicant intends to record the Existing Resource and Site Analysis Map. Mr. Otero replied that will be done. Mr. Nevitt asked if a note should be put on the plan about the agricultural use. Mr. Neuhs explained that the note will inform the lot purchasers about the noise, smell and conditions of living in an Agricultural zone, and would be a good idea. Mr. Otero agreed.

Mr. Rhode noted that at the previous Planning Commission meeting, the applicant had agreed to install sidewalks for the houses fronting on Gaul Road. Mr. Otero outlined for the Commission the changes to the sidewalk layout, and the widening of the shoulder for Gaul Road. Mr. Rhode noted that if parking is allowed on the western side of Gaul Road, people will probably park there for sporting events. If this is the case, which location makes the best sense to get people across the road safely. Resident William Koch noted that the Township currently has "No Parking" signs posted on both sides of Gaul Road. Mr. Rhode noted that with the proposed improvements to the road, homeowners will most likely park there. Mr. Limpus asked the reason behind the current "No Parking" signs. Mr. Nevitt said they were posted for safety reasons. Mr. Rhode said if there is parking on both sides of the road, it effectively makes the road narrower; people running between the parked cars for to reach the sporting events creates a very unsafe situation. If the road is widened, then you gain the space for parking on one side. The applicant expressed his desire that there would be no parking on Gaul Road. Mr. William Koch noted that when Wilson West Middle School was built, the Planning Commission approved extra parking on the grass for events. The area was built with crushed stone, with the grass being laid on top. Wilson needs to provide an entrance/exit lane to the grass area, so that drivers can be made aware of it. If this could be accomplished, there would be no need for parking on Gaul Road. Mr. Nevitt asked if there is sufficient parking for the parcel owners. Mr. Otero said the average driveway length for the homes on Gaul Road is 50 feet; the applicant feels this will be sufficient for the homeowners' needs. The direction from the Commission to the applicant is that the Planning Commission would be agreeable to no parking on Gaul Road.

The Erosion and Sedimentation Control Plan has been prepared and submitted to the Berks County Conservation District; the applicant is awaiting their review. The applicant agrees to provide an improvements guarantee prior to final plan approval. Mr. Rhode said the Township likes to see the Conservation District comments at preliminary plan phase to see what their concerns may be.

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Applicant also agrees to revise the Post Construction Stormwater Management Plans to include the observation, inspection and maintenance requirements associated with the individual homeowner's ownership of the BMP's. Mr. Nevitt asked about item 2 under General Comments; Mr. Rhode said they have verbally agreed to add those line items to the construction escrow. Mr. Rhode said the improvements proposed for Gaul Road are not extended beyond the Mia Drive intersection because there is a corroded corrugated pipe that should be replaced. The applicant is willing to extend the road improvements at that point if the Township is agreeable to getting rid of the pipe. It will be easier for the Township to obtain the necessary permits. The applicant is working on plan details for connection of proposed roadways to existing Township streets.

Mr. Otero said that the Sewer Planning Module has been submitted to the Township. SDE requested updated plans; as soon as they are finalized he will forward them. Mr. Koch, neighboring parcel owner, asked to address the Commission and handed out copies of recent correspondence from his engineer. He requested that the Commission review the comments before making a final decision. Mr. Otero said the applicant is requesting a conditional preliminary approval. Mr. Nevitt said an approval would be premature. Mr. Rhode reminded the Commission that the Berks County Conservation District letter and the operations and maintenance agreement should be received before preliminary approval is given.

**On Motion** by Mr. Nevitt, second by Mr. Limpus, to recommend to the Board of Supervisors to approve a waiver from SALDO section 521(d) for width-to-depth ratio for Lots 1 and 6. Motion passed unanimously.

**Green Valley Estates West – Preliminary Plan**

James McCarthy and Kirk Barnett presented for Grande Construction. The SSM review letter of February 28, 2014 was discussed. Mr. McCarthy said that revised plans have been submitted, and most of the items are "will comply". Mr. Neuhs commented that the Zoning Officer did review the slopes, and there are some slopes that are not man-made that will need to be protected; the wetland areas need to be identified by metes and bounds. Mr. McCarthy said that will be done, and that they will not be impacting the slopes in that area. Mr. Neuhs said the tree quantities on the landscape plan need to be revised to show the trees on the plan view. The applicant still needs to clarify the ownership and maintenance of the open space. Mr. McCarthy noted that there will be no open space. The applicant will relocate utility poles once they obtain preliminary plan approval. Mr. Rhode noted that the Traffic Impact Study was submitted; the applicant's engineer agreed to the revisions as suggested by GVC. The revisions have no impact on the project. Mr. Barnett agreed to add the comments to the report and agreed to look at three other intersections in the area for level of service; he does not anticipate it will change the report itself. Mr. Rhode said the Erosion and Sedimentation Control Plan has been submitted, but they are awaiting that review from the Conservation District.

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Mr. Rhode noted that there has been discussion as to how the floodplain is shown; Mr. McCarthy said they established a new FEMA line and updated the contours on the stream corridor to match the detail cross sections. The FEMA line as shown on the submitted plan is the correct one. Mr. Rhode commented that the Township prefers to see phasing lines for the development end at intersections. Mr. McCarthy said because of the mix of semi-detached and single family dwellings, there really is not a logical break to put at an intersection and a sewer breakpoint. Mr. Barnett said if the applicant would dedicate the street in Phase 1 up to the intersection, the rest of the street would then have to wait till Phase 2 is dedicated. Mr. Rhode asked if the dedication could be delayed until the entire street is completed. Mr. Barnett said that the realignment of Gaul Road is in Phase 1. Mr. Grande commented that he would prefer not to change the phasing lines. Mr. Rhode suggested building the sewer line out to Gaul Road, and let the inner roads be Phase 2. Mr. Grande said he would not be dedicating Phase 1 until he is finished with Phase 2.

Mr. McCarthy said the applicant is asking for a conditional preliminary approval; there are timing issues with the construction of the sanitary sewer through the Green Valley Country Club property, requiring that it be done by May 1st. Mr. Rhode asked if that sewer run will be on the E&S Permit; Mr. Barnett said that is separate.

Mr. Nevitt asked if the applicant has an assignment or easement to build the sewer through the Country Club; Mr. McCarthy said they do. The agreement runs with the land. Mr. Barnett said it is fairly shallow sewer, and it can be done by May 1st if they can get the preliminary plan approval. Mr. McCarthy said there are no plan issues to address; just outside agency approval. Mr. Barnett noted that a conditional approval does not give the applicant the right to start the sanitary sewer; they must still wait until they receive the E&S approval. Mr. Rhode said his primary concern had been the floodplain, but that issue has been satisfactorily addressed. Mr. Nevitt noted most of the conditions in the review letter are for final plan approval. Mr. Barnett said any additional information received will be forwarded to the Supervisors in time for their meeting on Monday, March 17, 2014.

**On Motion** by Mr. Nevitt, second by Mr. Moser, to approve the Preliminary Plan for the Green Valley Estates West Subdivision, conditioned on the compliance of the outstanding items outlined in the SSM review letter of February 28, 2014, and upon the applicant providing additional information as requested by GVC, prior to the Board of Supervisors meeting of March 17, 2014. Motion passed unanimously.

Mr. McCarthy asked where the additional requested information should be sent; Mr. Rhode replied that any additional information should be sent directly to SSM, SDE and GVC engineers' offices.

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**Glen Gery Minor Subdivision – Preliminary/Final Plan**

Gregg Bogia and Eric Vorgity presented for the applicant. The SSM review letter of March 3, 2014 was discussed. The plan shows a 4.9 acre lot being subdivided from the Glen Gery tract, and is separated from the remainder of the Glen Gery tract by Sweitzer and Wagner Roads.

Mr. Bogia said he had a conversation with Solicitor Crotty regarding the need for a special exception for the creation of the lot. Mr. Jennings explained that the settlement agreement for Glen Gery was reviewed. The note needs revision as it is too broadly drafted. At some time in the future, if the lot is to be developed, additional zoning approval will be needed. Mr. Nevitt commented that as far as zoning, the lot is five acres of agricultural land; do you look at the parent tract or is it a stand alone. If it is by itself alone, then they will be entitled to one residence by right for that five acre parcel. Mr. Vorgity said the agreement outlines this lot will be based on the current zoning; that would make it a by-right use. Mr. Bogia said he will work with Mr. Jennings to revise the note to the plan. Mr. Nevitt questioned that if someone buys the five acre parcel and wants to put a residence on it, they would not have to go for zoning relief because they would have the right to do that. Mr. Vorgity concurred, and said if they would want to build two houses, then they would have to get zoning relief to do that. The applicant understands that they are applying for a one house subdivision; if the subsequent buyer of the lot wants to go through a new subdivision process, that will be on them. He believes it will be a one house development. Mr. Bogia said he will put a note on the plan that any further subdivision needs to go before the Board of Supervisors. Mr. Vorgity said he will get the note addressed quickly, put it on the plan, and take it to the Board of Supervisors. Then it will be an approved subdivision for one house, and he has the sale for one house.

Mr. Neuhs clarified the lot is not served by public sewer. Mr. Bogia said there was a perc test done in 2004; Mr. Vorgity said the test will be rerun this week. Mr. Moser asked if the parcel would have to be connected to public sewer since the line is at the corner of the intersection. Mr. Bogia said the line is more than 120 feet away.

Mr. Rhode asked about the SSM review letter of February 28, 2014. Mr. Bogia said they did not receive that letter, only the March 3, 2014 letter. A copy of the earlier letter was produced for the applicant. Mr. Bogia said that there should be no problem complying with the outstanding issues. Mr. Rhode clarified that the applicant is asking for a waiver of Section 344, and not Section 347 as specified in the waiver request. Section 344 pertains to the submission of the plan as a preliminary/final at the Planning Commission's discretion. Mr. Nevitt said he did not believe the applicant needed a waiver for this; Mr. Rhode agreed. The applicant does request waivers from the curb and sidewalk requirements.

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**On Motion** by Mr. Nevitt, second by Mr. Limpus, to recommend to the Board of Supervisors to approve a waiver from SALDO Section 652 for required curbs and Section 653 for required sidewalks for the Glen Gery Minor Subdivision. Motion passed unanimously.

**Time Extensions**

**On Motion** by Mr. Limpus, second by Mr. Nevitt, that the Planning Commission recommends that the Board of Supervisors approve the extension request for the **Cacoosing Crossing North Subdivision**, extending the review period to June 16, 2014. Motion carried unanimously.

**On Motion** by Mr. Nevitt, second by Mr. Limpus, that the Planning Commission recommends that the Board of Supervisors approve the extension request for the **Papermill Estates Subdivision**, extending the review period to June 16, 2014. Motion carried unanimously.

**On Motion** by Mr. Nevitt, second by Mr. Limpus, that the Planning Commission recommends that the Board of Supervisors approve the extension request for the **Green Valley Dental** project, extending the review period to June 16, 2014. Motion carried unanimously.

**Other Business**

Mr. Nevitt announced that the next Planning Commission workshop will be held on Wednesday, March 26<sup>th</sup> at 7:00 p.m., at the Township Building.

Mr. Nevitt asked for any other public comments; there were none.

**Adjournment**

**On Motion** by Mr. Limpus, second by Mr. Moser, to adjourn at 9:10 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Conners, Recording Secretary

Approved on: April 14, 2014