

Lower Heidelberg Township
Planning Commission Minutes
Monthly Meeting
September 08, 2014

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

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

The Chairman called the meeting to order at 7:10 p.m. The minutes for the August 11, 2014 regular meeting were reviewed. **On Motion** by Mr. Nevitt, second by Mr. Levan, to approve the minutes of August 11, 2014. Motion passed unanimously. Mr. Levan announced that there were no development plans for review.

Time Extensions

On Motion by Mr. Nevitt, second by Mr. Moser, that the Planning Commission recommends that the Board of Supervisors approve the 90-day extension request for the **Papermill Estates Subdivision**, extending the review period to December 15, 2014, but only if the written extension request is submitted to the Board of Supervisors no later than September 15, 2014; and that if the written extension request is not received by September 15, 2014, the Planning Commission recommends that the Board of Supervisors deny the application based upon the following reasons:

- 1) Failure to comply with the recommendations of the Fire Marshal dated 7/22/10 regarding road width and specifications;
- 2) Failure to provide sidewalks per §653 of the SALDO;
- 3) Failure to submit Home Owners Association documents for review and approval;
- 4) Failure to address the outstanding issues set forth in the Township Engineer's review letter of 7/2/10;
- 5) failure to provide an operations and maintenance plan for approval by the Township;
- 6) Failure to provide street light details;
- 7) Failure to modify or revise paving details per the Township Engineer's recommendations.

Motion carried unanimously.

On Motion by Mr. Levan, second by Mr. Nevitt, that the Planning Commission recommends that the Board of Supervisors approve the 90-day extension request for the **Green Valley Dental** plan, extending the review period to December 15, 2014. Motion carried unanimously.

On Motion by Mr. Levan, second by Mr. Seip, that the Planning Commission recommends that the Board of Supervisors approve the 90-day extension request for the **Heffner Estates Subdivision**, extending the review period to January 10, 2015. Motion carried unanimously.

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Mr. Crotty noted that there was no need for any action from the Planning Commission on Cacoosing Crossing North, as the Commission has previously recommended Preliminary Approval. Any need for an extension will be handled by the Board of Supervisors at the September 15, 2014 meeting.

Other Business

Ms. Stevens presented a Planning Module Application package for the Heffner Estates Subdivision. She explained that this a full application package, not an exemption request, and as such requires a review and recommendation from the Planning Commission to authorize the Chairman to sign the application. She explained that the subdivision will utilize an On-Lot system, and thus is not eligible for the exemption process. Each lot will have a de-nitrification process. The Commission members reviewed the application submitted. On Motion by Mr. Nevitt, second by Mr. Seip, to authorize Chairman Levan to sign the Agency Review Section C of Component 4A of the Municipal Planning Review of the Planning Module Application for Heffner Estates. Motion passed unanimously.

Mr. Crotty presented the sample ordinances which the Commission began discussing at the August meeting. Changes to Chapter 26, §521d of the SALDO were reviewed. The language has been changed to reflect that lots having an area greater than three times the minimum required lot area are exempt from the lot depth to width ratio, provided the lot is a minimum of five acres. There has been no change to the fire hydrant section. There are no changes to the definitions section; all references to DER will now refer to DEP. The section on consultant fees will refer to the process to challenge professional review fees. Mr. Moser asked if the section on fire hydrants covers the possibility of vandalism and redesigning the hydrants so that only the Fire Department can open them. Mr. Crotty said this would be covered as the method of connection is subject to the approval of the Fire Marshal.

The sample ordinance for invasive plants was discussed. Mr. Nevitt reported that he spoke with the Berks County Extension Service; they felt the DCNR list was too inclusive, and will provide him with a narrowed down list for the Commission to review. He asked Solicitor Crotty if it would be possible to classify the plant list into: 1) absolutely prohibited and 2) allowed, but subject to a buffer zone. Mr. Crotty said this would be possible. Mr. Nevitt suggested that after Berks County Extension gets back to him with their list, the Planning Commission could then break the list down into the two groups. Mr. Moser asked if there is any way for the Township to recoup the cost of enforcing the provisions of the ordinance. Mr. Crotty replied that the Second Class Township Code provides for recouping the cost of enforcement remedies through property liens. Mr. Levan said the Planning Commission will look at this sample ordinance again at next month's meeting.

The sample pipeline ordinance was reviewed. Mr. Crotty presented three different versions of the ordinance. The first two versions, as previously discussed at the August meeting, involve either a change to the Zoning Ordinance, or an amendment to the Subdivision and Land Development Ordinance.

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In addition to these, Mr. Crotty also presented a third alternative, which is an amendment to Chapter 13 (Health and Safety) coupled with a revised SALDO addition. Discussion centered on these new draft ordinances as well as the pros and cons of trying to regulate the pipelines via this combination, as opposed to making a change to the Zoning Ordinance, which would involve South Heidelberg and Wernersville.

The use of minimum setbacks was discussed. If a Public Utility is installing the pipeline, they are exempt from the Subdivision and Land Development process. Mr. Moser asked if a pipeline installed near a residential section could damage the aquifer, how is the Township able to make sure it is safe. Mr. Crotty said the Township cannot regulate anything operational, only the setbacks. Mr. Nevitt said he checked with PSATS and they do not have a model pipeline ordinance. He was able to find some information from the Pipeline and Informed Planning Alliance, a copy of which was given to the Commission members. Mr. Crotty noted that any change to the Zoning Ordinance will need agreement with both Wernersville Borough and South Heidelberg Township; for that reason the stand-alone ordinance might be the way to approach the issue. Mr. Crotty said he would talk to the other two municipalities to get their input. Mr. Levan noted that the Commission will wait for Mr. Crotty to speak to the other municipalities before the next meeting, at which time the discussion will continue.

Mr. Levan noted that the September Planning Commission Workshop has been cancelled and asked the Secretary to post a notice at the Township Building the week before the meeting.

Mr. Levan asked for public comment. There was no public comment.

Adjournment

On Motion by Mr. Levan, second by Mr. Nevitt, to adjourn at 8:25 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Connors, Recording Secretary

Approved on: October 13, 2014