

Lower Heidelberg Township Planning Commission
Meeting Minutes
October 10, 2016

The regular monthly meeting of the Lower Heidelberg Township Planning Commission was held at the Township Building, 720 Brownsville Road, Sinking Spring, on the above date. Present were: Chairman Michael Levan, Vice-Chair Neal Nevitt, and Members William Moser, Edward Emery and Dean Hartman. Also attending were Township Solicitor Andrew Bellwoar; Township Engineers Glenn Neuhs (SSM), Ryan Rhode (GVC) and Pamela Stevens (SDE).

Mr. Levan called the meeting to order at 7:03 p.m. and introduced Dean Hartman who was appointed by the Board of Supervisors to serve out the term of David Seip. The minutes from the September 12, 2016 meeting were reviewed. **On Motion** by Mr. Levan, seconded by Mr. Nevitt, to approve the minutes of September 12, 2016 as presented. Motion passed with Mr. Moser abstaining.

Paper Mill Estates – Final Plan

Steve Bensinger presented on behalf of the applicant. The SSM review letter of October 5, 2016 was discussed. Mr. Bensinger said the majority of the items in the letter have been addressed. The applicant would like to go back to the original scenario with the owner of Lot 5 being charged with the responsibility for the Stormwater basin maintenance. The plan has presented still has the responsibility charged to the collective owners of Lots 1 – 4; it will be changed upon final plan submission. Mr. Levan noted that during previous discussions of this issue the point was raised that the lot could be vacant at some time in the future, and that responsibility for the basin would then revert to the owners of Lots 1 – 4. Mr. Bellwoar said an agreement can be prepared that the initial responsibility will be the owner of Lot 5, with responsibility to revert to the owners of Lots 1 -4 if Lot 5 is vacant. Mr. Bensinger agreed and said it would be revised on the final plan. Mr. Bellwoar noted that he will prepare a storm water maintenance agreement; each owner will get a copy and the note will appear on the plan.

Mr. Bensinger noted that the Berks County Conservation District approval letter has been received; a copy was given to Mr. Levan. All remaining items are signature blocks and note revisions and are “will comply”. Mr. Levan asked if there were any other comments; there were none. **On Motion** by Mr. Levan, seconded by Mr. Nevitt, to recommend to the Board of Supervisors to grant Final Plan approval to the Paper Mill Estates Subdivision, conditioned upon adding the note pertaining to the storm water maintenance agreement, and the completion of any outstanding items from the SSM review letter of October 5, 2016. Motion passed unanimously.

Leibman Subdivision – Preliminary/Final Plan

Chuck Hess of McCarthy Engineering was present for the applicant. The SSM review letter of October 4, 2016 was discussed. The plan consists of two lots on State Hill Road, and the sale from Mr. Seip to Mr. Leibman is contingent upon an approved subdivision plan.

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Mr. Hess noted that if an existing septic system is not in use for one year, the septic system is considered null and void. Because of this, a separate new location was established for the proposed septic system. The testing for this new site has been submitted to SDE and found to be acceptable. There is an existing macadam driveway from the property from Lot 1 to State Hill Road, and a secondary driveway on Lot 2 near the three way stop that was permitted by PennDOT; that PennDOT permit has been inspected and closed out. Mr. Rhode noted that the driveway for Lot 2 is an existing driveway, and the permit was closed out from PennDOT. Mr. Neuhs noted that the Zoning Ordinance requires a setback from the intersection. Mr. Rhode said the driveway permit predated the installation of the three way stop signs. The Commission discussed the driveway in the context of the Zoning Hearing Board (ZHB) decision; the original ZHB file was produced and reviewed by Mr. Bellwoar. After discussion, the consensus was that the Zoning Ordinance refers to a proposed driveway for a new subdivision, but that the driveway in question was an existing driveway at the time of the Zoning Hearing Board decision. Therefore, the PennDOT approval will be accepted.

Mr. Levan asked for any additional comments. Ms. Stevens noted the requirement for the Planning Module which was submitted and reviewed by the Sewage Enforcement Officer. **On Motion** by Mr. Levan, seconded by Mr. Nevitt, to recommend that the Board of Supervisors approve and execute the resolution for Planning Modules for the Leibman Subdivision. Motion passed unanimously.

The applicant requests four waivers from the Subdivision and Land Development Ordinance (SALDO): waiver from Section 308 requiring a preliminary plan submission as the applicant has submitted Preliminary/Final plans; waiver from Section 652 requiring curbs; waiver from Section 653 requiring sidewalks; and waiver from Section 658 requiring concrete monuments. **On Motion** by Mr. Levan, seconded by Mr. Nevitt, to recommend that the Board of Supervisors approve waivers from Section 302 for preliminary plan submission, Section 652 for curbing, Section 653 for sidewalks and Section 658 for concrete monuments. Motion passed unanimously.

Mr. Levan asked if there were any additional comments. Mr. Neuhs noted that certain notes must be placed on the plan pertaining to the variance conditions granted by the Zoning Hearing Board, including the metes and bounds of protected areas. Mr. Hess said that these notes will be added for the final plan. **On Motion** by Mr. Levan, seconded by Mr. Moser, to recommend to the Board of Supervisors to approve the Preliminary/Final Plan for the Leibman Subdivision, conditioned upon the completion of the outstanding items discussed from the SSM review letter of October 4, 2016. Motion passed unanimously

Time Extensions

There were no requests for time extensions received this month.

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Other Business

The Commission reviewed the proposed Zoning Ordinance amendment as presented by the solicitor. Mr. Bellwoar explained that the amendment will allow a Health Fitness Center use in the I-2 District. This use will apply to South Heidelberg Township only. On Motion by Mr. Nevitt, seconded by Mr. Levan, that the Board of Supervisors proceed with the Zoning Ordinance amendment to include the Health Fitness Center use in the I-2 District in South Heidelberg Township. Motion passed unanimously.

Mr. Levan said that the last Planning Commission of the calendar year is scheduled for Wednesday, October 26th at 7:00 p.m.

Mr. Rhode reported that the Township has received notice that it must update the Floodplain Ordinance. Changes are being worked on and he hopes to have them to the Commission for review in time for the next meeting.

Mr. Nevitt reported that the Board of Supervisors recently approved an increase in the number of units at the Glen Gery project. Mr. Bellwoar noted that the agreement includes a fully engineered plan to be submitted to the Planning Commission for review consistent with the agreement. Mr. Nevitt noted his concern that the terms of the agreement limit the actual number of units solely by the wetlands and environmentally sensitive areas, and that in his opinion the Township has bargained away the right to consider these density issues when reviewing the plans.

Public Comment

Mr. Levan asked if there was any public comment; there was none.

Adjournment

On Motion by Mr. Levan, seconded by Mr. Moser, to adjourn at 7:58 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Conners, Recording Secretary

Approved on: December 12, 2016