

**Lower Heidelberg Township Board of Supervisors
BOS Meeting Minutes
Special Meeting for Final Plans of Glen Ridge Estates
May 26, 2020 Virtual Meeting**

The Lower Heidelberg Township Board of Supervisors held the Special Meeting remotely through the Zoom Platform on the above date. The Special May meeting for the consideration of the Glen Ridge Estates development was duly advertised to be held electronically through the Zoom application via telephone and the internet. Present were Chairman Michael Keltz, Vice-Chairwoman Deborah P. Scull, Member Cheryl Johnson, Township Solicitor Andy Bellwoar, Police Chief Thomas Deiterich, Township Engineer Ryan Rhode (KE), Zoning and Code Officers Glenn Kraft and Andrew Kraft, and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were Lori Haag, David Kurtz, Gregg Bogia, Eric Vorgity, Joe Margusity, Attys. Dan Becker and Keith Mooney, Linda Williams, Neal Nevitt, Kristi Gage-Linderman, Jessica Jones, Kathy Dorward, and Bret Sarge.

Chairman Keltz called the meeting to order at 7:03 p.m., and led the pledge to the flag. Mr. Keltz then turned the meeting over to the Township Solicitor, Andy Bellwoar.

Mr. Bellwoar welcomed the attendees to the Board of Supervisors Special Meeting. He had the following opening statements and comments: The meeting was duly advertised to address the application of the Glen Ridge Estates for Final Plan approval of two out of five Phases. For the attendees, Mr. Bellwoar gave an overview of what will happen at tonight's meeting and also to give a background to the plan application.

Mr. Bellwoar continued with the Board of Supervisors meeting is run by the Chairman. Any action by the Board of Supervisors will be by a motion, second, and a roll call vote. Before action on a motion, the Chairman will ask for any public comment. As with all Township meetings, there is a limitation on the amount of time for speaking. There is a 3 minute time limit per speaker. He understands that there were some questions submitted previously to the Township Manager, so we may address them in context of presenting the matter to the Board of Supervisors. Questions can also be submitted via e-mail to the Township Manager or through the Zoom Chat.

Mr. Bellwoar continued with the background history of the plan that was submitted many years ago and was an application for the development of the Glen Gery Tract of land of approximately 176 plus or minus acres initially with all new homes on 2 acre lots spread over the entire acreage. The Township fought the application and the result was the developer appealed to the Court of Common Pleas at the State Level and in 1983 the appeal went through a Civil Rights Lawsuit at a Federal Level with due process. . After years of litigation, settlement discussions ensued, and there was a Resolution in 2009 with a Settlement Agreement that was approved by the Court of Common Pleas. The lengthy agreement addresses some issues and outlines the review process by the Township Engineer including the plan submittal and review, and resubmittal and re-review. In the course of the planning and reviews, it was suggested to cluster the plan to the southern area. In 2016, the Board of Supervisors approved the cluster concept as this idea preserved open space. The Court of Common Pleas approved the Amendment to the Settlement Agreement.

Mr. Bellwoar noted that revised plans were prepared and reviewed and the Cluster plan changes were made. The Traffic Study was updated for the Cluster development. Ultimately a Preliminary Plan was approved in January 2018. The impact of the Preliminary Plan approval cannot be understated as this guides the Board of Supervisors in going forward with the Final Plans.

Mr. Bellwoar continued that the plan applicant is pursuing Final Plan approval in 5 Phases and tonight there are 2 Phases, Phase 1A with 17 single family homes and the Townhouse Phase with 32 Townhomes. These plans have been through the planning, plan submittal, review, revisions, and resubmittals by the applicant; and this is more than what most municipalities do with a Court Order Settlement. Most municipalities do not have the applicant go through the review process this plan set did. The Township Engineer is now satisfied the Final Plans for Phases 1A and the Townhouse Phase meet the Township Ordinances and Court Order.

Mr. Bellwoar continued with when the Township approves a plan for development, it does so in writing and attaches conditions to the approval which includes the developer-applicant in entering into a Developer's Agreement, Financial Security Agreement, Stormwater Management Operation and Maintenance Agreement. These are some of the key documents as conditions of approval. There is a 13 page Motion of Approval with 22 Conditions designed to ensure development built out in accordance with the approved plans. The Motion of Approval was circulated to the Supervisors prior to the meeting. This Motion of Approval is for the Phase 1A and Townhouse Phase only and dated for today. The Motion of Approval has Findings of Fact and Discussion, and for instance the background of the Preliminary Plan approval in January 2018 for the cluster development of 128 units in 5 Phases. Part of the Subdivision will include dedication of approximately 35 acres to the Township known as Lot A, and a Residue Lot for a single family residence and deed restricted with no further subdivision permitted. The cluster development that was approved by the Court included several waivers such as: lot to width ratio for certain lots, timing of the payment of the recreation fee, no curbing or sidewalk along Sweitzer and Wagner Roads, no sidewalks on the interior roads, type of piping for storm sewer facilities, and less than 25% of the lots in any phase. This subdivision will be served by Public Water and Public Sewer. The interior roads will be offered for dedication to the Township but not the Townhouse roads, Staplehill and Hubbardton Courts. The Township has also entered into other conditions since Wagner Road was reconstructed, that Wagner Road will not be used by and of the development construction vehicles, and the Residue Lot must be deed restricted from further subdivision.

Mr. Bellwoar continued with the Township Engineer, Kraft Engineering and the Sewer Engineer Systems Design Engineering have submitted review letters and one of the conditions of approval includes addressing any issues in their review letters. The decision is dated May 26, 2020 and presented to the Board of the Approval of Phase 1A and Townhouse Phase and the waiver of 512.C to allow the cul-de-sacs as they appear on the plans. The approval is subject to the 22 conditions and no further subdivision of any of the other property in the development, and final plan approvals will be secured for the remaining 3 phases, the developer is to post a bond for repairs to Sweitzer Road and in the off chance, any damage to Wagner Road caused by the construction vehicles, a blanket easement be provided on the property to permit Township and Emergency personnel, utility installation, and access, that any and all permits be acquired, any issues in comment letters be addressed and all approvals from outside agencies. The developer will own and maintain all public improvements until such time, the Township accepts the offer of dedication, and this includes snow removal. One water connection from the Western Berks Water Authority will be provided to Lot A, and at no cost to the Township. If any individual lot contains encumbrance these must be noted on the deed and before the sale of the property a plot plan must be presented to the buyer with all of the encumbrances.

The developer must submit the HOA bylaws for review and approval, the development will need to pay the recreation fee in lieu of in the amount of \$600 per unit by phase, the developer will need to post financial security for public improvements, and lastly the written decision must be signed within 20 days from approval, and if not deemed denied.

Mr. Bellwoar continued with these are salient terms in the Motion and Condition of Approval, and recommends to the Chairman, to make a motion for approval, and then open up to any questions. The Motion would be as follows: Motion to Approve Phase 1A and the Townhouse Phase as per the Motion of Approval as presented to the BOS with the conditions set forth in the documents, and subject to the receipt of Berks County Planning Commission letters for both Phases. **On Motion** Mr. Keltz made the motion, seconded by Mrs. Johnson, and Mr. Bellwoar asked if there were any questions from the Supervisors. The Board stated they did not have any questions. Mr. Bellwoar then requested any public comments and requested that the Township Manager, Ms. Stevens list the questions she received prior to the meeting. Ms. Stevens noted that there were Traffic Study and Landscaping questions and noted that Township Engineer Mr. Rhode had researched both questions to provide answers at the meeting. Mr. Bellwoar stated that the Traffic Study was updated for the revised Cluster Plan and was approved and any conditions in the Study were made part of the plan approval. Mr. Rhode requested a plan to be screen shared so he could discuss the questions. He explained that on the plot plan near the Lot 1 area on Sweitzer Road abuts the Rosewood Hills HOA property. Near Lot 1 will be a detention basin and a forty foot buffer along the Lot 1 area and then along the open space abutting Rosewood Hills. This buffer was proposed as part of the plan to mirror the Rosewood Hills development in that the open space of Rosewood Hills would back up to the Glen Ridge buffer and future open space. Mr. Bellwoar asked if any of the existing vegetation of Rosewood Hills would be impacted, and Mr. Rhode stated that the Rosewood Hills vegetation will not be touched.

Mrs. Kristi Gage-Linderman at 3388 Harwood Lane requested to speak concerning her traffic concerns. She has seen an increase in commercial vehicles on Sweitzer and Wagner Roads. She requested continued communication on the traffic questions and concerns at State Hill and Sweitzer and the 3-way intersection of State Hill and Evans Hill Roads, and what the Township could do to address the issues. Mr. Rhode answered that the bridge on Prendergast Road is weight restricted so truck traffic could not be sent in that direction. Wagner Road was reconstructed and in communications with the Contractors, the construction traffic is to utilize State Hill Road to access Sweitzer Road. Mr. Rhode requested that if she sees traffic concerns to contact the Township Manager. The Township recognizes the increased traffic from Spring Ridge and Wernersville onto Faust, Wagner, Evans Hill, Paper Mill and Sweitzer. He is working with various agencies from the State to assist the Township in traffic planning and calming and he is actively looking into the traffic impacts in the Township and will revisit once the State is reopened. Mrs. Gage-Linderman thanked the Township Engineer and she will keep in touch.

Mr. Bellwoar then requested if the Chairman was ready for the roll call vote on the Final Plan approvals. Mr. Bellwoar asked for the roll call and it was: Mr. Keltz voted yes to approve, Mrs. Scull voted yes to approve, and Mrs. Johnson voted yes to approve the Phase 1 A and Townhouse Phase Final Plans with the conditions as noted. **The Motion for the Final Plan approvals for Phase 1A and the Townhouse Phase was passed with a unanimous vote.** The Board of Supervisors will sign the written Motion of Approval, and then the Motion of Approval will be sent out to the developer for his counter signature and approval.

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Mr. Bellwoar then asked if the Chairman was ready to adjourn the meeting. Mrs. Johnson made a **Motion to adjourn** and Mrs. Scull seconded. Mr. Keltz stated the meeting was adjourned and Ms. Stevens noted the time at 7:26 p.m.

Respectfully prepared,
Pamela J. Stevens
Manager/Secretary/Treasurer

Approved: 7/20/2020