

Tulpehocken Township Planning Commission Meeting
April 6, 2017

Present: Robert Sattazahn, Scott Hetrick, John Zimmerman, Ray Daub, Gary Deck, Chris Hartman, Matt Mack and Heather Claman.

Members absent from the meeting: Laverne Frey.

The Planning Commission meeting began at 7:30 p.m. and continued with the pledge to the American Flag.

The minutes from the March 2, 2017 meeting were reviewed and approved as written.

Public Comments: None.

Active Plans:

Mountain Meadows Phase 2: Time expires September 6, 2017. The developer for Mt. Meadows, Louie Hurst was present to discuss the progress with the development. The developer is hoping that the momentum picks up for the development. There is a local builder that is considering to start working in the development and the Mr. Hurst is hopeful at the local builder will advertise and attract people to buy homes in the development. The Planning Commission discussed extending the plan and the Township Solicitor stated that the land development plan is appropriate and a revised plan will need to be presented due to the sale of part of the original plan for Phase II.

The recreation space could be turned over to the Township prior to Phase II. If the developer were to build enough road to create legal frontage, the Township property could become a lot and dedicated to the Township. The Township could then begin developing the recreation area. This may help with the selling of the homes because some people look for those amenities.

John Zimmerman stated that the Recreation Board is concerned that the recreation area will only be dedicated to the Township in Phase II which may only be developed years from now. The Recreation Board would like to have it now to work at space and it could be less expensive at this time.

An option would be to re-phase the plan. Mr. Hurst would need to discuss these options with his partners from a financial point. The Township needs to be cautious. The Township Solicitor stated if the Township allows a final plan to be recorded, the Township need to have a developer's agreement that is very clear that there would be no financial liability to the Township.

The developer does not want to extend to the recreation area until the sewer capacity issues are resolved. As of this meeting date, any additional connections are suspended. The Township Enginner stated there is an issue with the Township's Part II permit due to DEP (Department of Environmental Protection) approving the original permit for 80 GPM (gallons per minute) and the Lancaster Ave Pump Station is nowhere near that capacity and the pumps cannot physically pump that much. DEP states that they should not have approved it originally for that much. So

DEP stated that the Township needs to amend the Part II permit to do what is going through the pump station now, for the near future and then have a Phase II part of it to expand out to what the current pump station can physically handle with just adding a pump before any upgrades happen. The Township Engineer will be working on this with DEP and will also keep the Developer involved as well. The homes for Phase I should be secure once the CAP (Corrective Action Plan) that DEP currently has for the Lancaster Avenue Pump Station is lifted. This CAP is due to a dual pump issue that DEP is monitoring. DEP has enacted a policy that if there is dual pump activity, it may mean that there is an I and I issue or the existing Pump Station is not sized properly. The Township needs to provide information to DEP and they (DEP) will work with the Township to release the 2 edu's from 2016 and the allowed 5 edu's for 2017 once the information is reviewed and deemed acceptable. The Township Engineer stated that he feels that we should be able to get the 7 edu's released as early as next week and he will be working with DEP for the Part II permit to include Phase I of Mountain Meadows. Phase II of the development will require an upgrade to the Pump Station which the developer was told from the beginning.

Some of the Planning Commission members stated that something needs to be done. The Township needs to get Politician's involved and other municipalities because these policies that DEP is enacting are unrealistic. The Township should wait to see if the 7 edu's will be released first and then start meeting with local legislature.

Mr. Hurst stated that he will talk to his partners about the recreation space being dedicated to the Township prior to Phase II starting, however he would be reluctant to dedicate the recreation area without more than five (5) guaranteed sewer connection permits

The CAP at the Lancaster Avenue Pump Station will terminate once we have one year issue free. As of right now, per DEP the monitoring period may have restarted in July of 2016. The Township could appeal and get DEP's legal counsel involved and get a settlement and work out the situation. Once it gets up to the department level, then they may start to get reasonable.

The Township should challenge DEP with their policy once the additional edu's are released so that the Developer can move forward.

Townhouses could be an option for Phase II of Mountain Meadows due to a lesser cost and people downsizing.

Camp Calvary: Time expires September 5, 2017. No discussion.

Met-Ed Substation: Time expires May 31, 2017. No discussion.

New Plans:

Walk-In Discussions: None.

Other Business:

The Planning Commission discussed the Zoning Hearing Board Application for TW Construction for a variance from Section 641 of the Tulpehocken Township Zoning Ordinance of 2013, as amended, to allow construction for a 60 foot by 120 foot warehouse to store material for the business. It also proposes a conference room and office. This would be located at 31 Witman Road, Tulpehocken Township, and said property being situated within the RR – Rural Residential District.

Based on its review the Planning Commission made a recommendation to the Zoning Hearing Board to deny the application request. The Planning Commission feels that since it is a stand-alone building not attached to the residence, it does not pose a hardship and should be built in the Industrial Commercial District of the Township.

Scott Hetrick made a recommendation to the Zoning Hearing Board to deny the application request. Robert Sattazahn seconded the motion. Four members voted in favor, Ray Daub opposed, motion carried.

The Planning Commission discussed snow removal in the villages in the Township. The members reviewed a sample snow removal ordinance from Jefferson Township and feel that the Township should consider these regulations. This would state that anyone in charge or control of any building or lot of land fronting or abutting on a paved sidewalk is responsible for snow, ice, hail, sheet or frozen precipitation removal within twenty-four (24) hours after the end of any winter weather precipitation. *John Zimmerman made a motion to recommend to the Board of Supervisors to consider a snow and ice removal ordinance where sidewalks exist. Scott Hetrick seconded the motion. Four members voted in favor, Robert Sattazahn opposed, motion carried.*

The Planning Commission discussed regulations for medical marijuana growing/processing and dispensaries, amend and add regulations for wireless communications facilities and amend sign regulations. The state legislature has decided that there should be medical marijuana as a lawful use of land in Pennsylvania for both growing and dispensing. In any zoning district that allows commercial uses, the Township must allow the dispensing of medical marijuana on the same basis as you allow other commercial uses. The growing of medical marijuana is to be allowed where Townships allow industrial uses. In Tulpehocken Township, there is a single district Industrial/Commercial so the place where this use should be permitted is the same district for both the growing and dispensing. The Township is required under state legislation to follow the law. This will be a cash business due to being illegal under the federal law. If this is a medical solution, the Township should embrace it but make sure that it doesn't get out of hand.

The wireless communications regulations would be to regulate towers to increase access to internet due to the deficiency in volume due to all of the people on the system. Our ordinance now only deals with cell towers. The Township will continue to regulate and only be allowed in the Environmental Protection (EP) District or if there is an existing structure with low elevations, it will be allowed in any district in the Township. The Township could collect a fee for installation of these towers. A question was asked if the Township could regulate how many towers each company can install within a certain area. The Township Solicitor will look into this and will inquire with the Berks County Planning Commission.

The Planning Commission also reviewed the business sign section as well. In Section 10 for temporary signs it states that such signs shall not exceed twelve (12) square feet in area. The Planning Commission would like that changed to thirty-two (32) square feet in area.

John Zimmerman made a motion to recommend to the Board of Supervisors to consider the ordinance for medical marijuana growing/processing and dispensaries, amend and add regulations for wireless communications facilities and amend sign regulations with the change in Section 10 regarding the temporary sign size to increase from twelve (12) square feet to thirty-two square feet. Scott Hetrick seconded the motion. All in favor, motion carried.

Scott Hetrick made a motion to adjourn the meeting at 10:00 p.m., seconded by Ray Daub. All voted in favor. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary