

**Tulpehocken Township Planning Commission Meeting
March 4, 2021**

Present: Planning Commission Members: Scott Hetrick, Robert Sattazahn, John Zimmerman, Gary Deck, Chris Hartman, Matt Mack and Heather Claman. Laverne Frey was absent.

Other persons attending the meeting: Mike Thorley from Chrisland Engineering (Cherry Hill Mennonite School and the John & Crystal Alspaugh plan), representatives for the school, Jim Henke from Pioneer Management (Mountain Meadows) Louie Hurst and his daughter Elise.

The Planning Commission meeting began at 7:31 p.m. and continued with the pledge to the American Flag.

Robert Sattazahn made a motion to approve the minutes from the February 4, 2021 Planning Commission meeting, seconded by John Zimmerman and approved unanimously.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Jim Henke, from Pioneer Management, Louie Hurst from Alden Management and Louie's daughter Elise were all present to discuss the plan. Jim Henke addressed the Phase II Preliminary Plan comments from 2007 and resubmitted a revised Phase II to present currently.

Electronic plans were sent to the Berks County Planning Commission and they stated that their comments are the same. The plan really did not change from when they saw it years ago.

Phase II is basically an extension of Clover Drive. It consists of 43 lots. A major change is that the open space is now going to be added to three (3) of the lots that are being proposed. Lot# 48 will own the detention basin, lot# 50 and Lot# 56 will also be larger lots.

DEP has made things more comprehensive. A traditional retention basin where codes would want it a certain way, it has certainly changed. Stormwater infiltration has to be done throughout the project and extensive codes need to be meant by DEP. The Phase II NPDES permit is needing to be amended. The detention basin for Phase II now has unique grading and landscaping. The detention basin was originally going to be a wet pond. The intent is to lengthen the path of water as water comes into the basin, it will hit berms and meander around and it gives more time for sediment to filter out and settle into the ground and infiltrate. There is a micro pool which will be approximately 3.4 feet deep. Other depressions will fill up first and then as water comes in it drains back down.

There will be trenches in the backyards of the homes in Phase II. Roof leaders from the roof drains will be tied into the stone pits and covered with topsoil.

There is a new pump station and force main being proposed for Phase II.

The Township Engineer commented that there should be an easement to allow municipal staff and the Township Engineer access to backyards to make sure that infiltration trenches are

working properly. There is a note #18 on the plan which states upon presentation of proper credentials, duly authorized representative of Tulpehocken Township may enter at reasonable times upon a lot to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by the Tulpehocken Township Stormwater Management Ordinance.

There is an operation and maintenance agreement at settlement. The developer presents the operation and maintenance agreement to the buyer and the buyer signs an agreement stating that they are recognizing the requirements, maintenance and future maintenance of the trench or detention basin on their property moving forward. Any time the property is sold, the new owner should be made aware of these requirements. The developers engineer stated that it is encouraged when the deed is prepared, even if it is started with the legal description subject to a drainage easement or operation and maintenance. This is something that triggers future sales that the deed will reference such requirements.

A blanket easement would give us the ability to go in and do the inspections. The Township Solicitor stated that there should be a note to generally cross reference the operation and maintenance agreement and to include the legal description.

Louie Hurst stated that there is a separate letter for each lot. The Township Solicitor stated the operation and maintenance agreement will list what the BMP's are but doesn't describe the detail maintenance plan to preserve those BMP's. If the trench would fail after the lot is purchased, it would be the responsibility of the home owner unless in the agreement of sale or if there is some other agreement with the developer, or they have a warranty or guarantee. As for the Township, we are going to look at the homeowner for responsibility.

As for street lights, Phase II street lights will match Phase I. Met-Ed should hopefully be out soon to energize Phase I street lights.

Lester Feick was present for the meeting. He spoke about the plan for future snow removal once the Township will take over the streets.

Park, recreation and open space is the big topic for the evening. Gary Deck stated that the township has a recreation committee that is ready for recreation space to be developed in the Township. The Township is now looking for fee in lieu of land for Phase I and Phase II. Louie Hurst stated that he would have never thought that we would still be discussing this development in 2021. Originally the requirements were met with open space and now the Township would prefer money to put towards a recreation area in the Township. There are a total of 93 lots. Phase I has 50 lots and Phase II has 43 lots. Mr. Hurst stated that he would like to work with the Township to come to an agreement on a dollar amount per lot. He is familiar with this process and has seen anywhere from \$1,000-\$2,000 per lot.

The silo will be taken down and graded. Mr. Hurst stated that he did discuss some land swap with Mr. Dennis Martin or an easement, however those negotiations didn't amount to anything.

At the recreation meeting held on February 25, 2021, it was discussed of the possibility of a pocket park to be developed on the currently owned church parcel. Mr. Hurst stated that he is

not opposed to contacting the church if that is an option the Township wishes to seek. It is not certain if the church has any plans for this parcel of land.

John Zimmerman stated that the lot is basically being mowed by the church. There is no sidewalk along this church owned lot. There really should be sidewalk there as it continues through the development and people do walk through the development and will walk out on the street when they go along this lot. It would just connect with the development to continue the sidewalk. The recorded plan of Phase I was reviewed, and sidewalk was noted along that lot as it was a building lot at the time before it was sold to the church. Mr. Hurst stated that it was overlooked and he agrees that the sidewalk should be along this lot. He will see that the sidewalks are installed as part of Phase I.

John Zimmerman stated there is an issue with water sitting on the church owned lot. The rain water collects at the bottom of the hill near the curbing on Thistle Drive and has nowhere to go and has to drain into the ground over time. This water also sits in the yard of 7 Thistle Court which land connects with the church's land. There is a storm drain and it was mentioned that there should be some sort of culvert and then the water could go directly into the storm drain.

John Zimmerman also stated that the total acreage according to the SALDO calculates out to approximately 8.2 acres plus 2 acres improved. There is not much land to be given, the Township is looking for money instead.

The Township Engineer stated that since lots have already been sold, we should probably have some sort of agreement for lots already occupied as that would then be used as seed money for grants that the Township is going to apply for in the near future.

The Planning Commission members, Township Engineer, Township Solicitor and Lester Feick excused themselves to an executive session in the garage to discuss numbers on what to charge per lot.

The Township Solicitor stated that the Planning Commission is proposing two (2) fee in lieu of land options to Mr. Hurst. Option 1-\$2,500.00 per lot with the forty (40) lots in Phase I that permit applications have already been submitted for to be paid before final plan for Phase II is submitted. And then the remaining 53 lots in both Phase I and Phase II, the fee per lot will be paid when the building permits are obtained for those lots. This would total \$232,500.00. Option 2-\$2,150.00 per lot and the forty (40) lots in Phase I that the permit applications that were already submitted would need to be paid before final plan for Phase II is submitted. The remaining 53 lots would need to be paid when the plan for Phase II is recorded. This option would total \$199,950.00. The difference between the two (2) options is \$32,550.00. This would take care of all open space for the entire Mountain Meadows development.

Mr. Hurst stated that it is a higher amount than he had hoped for. He will need to discuss with his partners before giving a response to the options above. The Township Solicitor stated that the Township has started a process and they have a vision for recreation in the community. There is a lot of enthusiasm currently to keep this moving along. The DCNR grant process takes

money to get money. The Township Solicitor pointed out that nothing has been paid for in regards to recreation fees since this project started over 15 years ago. Mr. Hurst stated that it has been an interesting journey and things look to be turning around currently.

Mr. Hurst asked if this would take care of all open space and recreation fee requirements. The Township Solicitor confirmed yes, these options are what are on the table. Mr. Hurst stated that he will have a response to the Township prior to the Board of Supervisors meeting on Wednesday March 10, 2021.

Mr. Hurst stated that recreation has always been somewhat of a sticking point even when he sat on the opposite side of the table and was on the planning commission. He has seen energy like this come out and all of the sudden money is being spent and two (2) years later there is all of this infrastructure and now it needs maintaining and only being minimally utilized. He is only stating this as a caution. He has seen this happen in rural areas where there are a couple zealous people that are all about getting all of this recreation started and grants are obtained and then the grants dry up and then the property is just sitting there.

The Township Engineer stated that basically the planning module and NPDES items will remain outstanding. Mr. Hurst stated that his goal would be because they can construct under the preliminary plan and infrastructure, without the NPDES and E&S plan in place. The pump station permit through DEP isn't in place yet, but he is hopeful that will work out and wants to keep things moving.

The Township Engineer stated that the Planning Commission will make a motion to have the Planning Commission Chairman sign the Component 4A this evening. *Gary Deck made a motion to have the Planning Commission Chairman, Scott Hetrick sign the Component 4A, seconded by John Zimmerman and approved unanimously.*

John Zimmerman did question Mr. Hurst if he would look into the water issues on the church lot. Mr. Hurst stated that if he were to improve the lot as a park he would address any water issues, however due to the Township requesting fee in lieu of land, this is no longer an option. Mr. Hurst asked if he is able to make a deal with the church and buy the lot back and do an infrastructure, could that come off the dollar amount contribution proportionally dollar for dollar. The Township would have to know what that value would be. The Township Engineer stated that the money in the Township's hands is worth a lot more. Mr. Hurst stated that answered his question, he will not plan on talking to the church.

The following SALDO waivers have been requested:

- 1. Section 302.1. To allow plan scale of 1 inch=75 feet. Waiver to allow 1 inch = 150 feet. This waiver request was granted in Phase I.*
- 2. Section 302.5.B.4. Vertical scale of profiles. This waiver request was granted in Phase I.*
- 3. Section 301.1. Slope of basin bottom. This section was under the old SALDO from when Phase II was initially submitted.*

4. *Section 501.2.C.1.(e). Requires cartway of 36 feet if parking is proposed. Plan proposes 34 feet. This waiver request was granted in Phase I.*
5. *Section 502.1.L.(a). Length. Blocks shall have a minimum length of five hundred feet (500) and a maximum length of one thousand six hundred feet (1,600). Maximum length for this plan is two thousand five hundred feet (2,500). This waiver request was granted in Phase I. This section was under the old SALDO.*
6. *Section 502.1.M.1.(d). The depth of residential lots should not be less than one (1) or more than three (3) times their width. This waiver request was granted in Phase I. There are a handful of lots that this section would affect. This section was under the old SALDO.*
7. *Section 501.2.M.2.d. Lot width in excess of lot depth. This waiver request was granted in Phase I and under the old SALDO.*
8. *Section 602.3. Curbs. This waiver was granted in Phase I.*

Robert Sattazahn made a motion to recommend to the Board of Supervisors to grant the eight (8) waivers for the Sections listed above, seconded by John Zimmerman and approved unanimously.

Robert Sattazahn made a motion to recommend conditional Preliminary Plan approval with the following conditions, seconded by John Zimmerman and approved unanimously.

- *The Township Engineer's review letter dated February 28, 2021*
- *The developer, Mr. Louie Hurst will have a response to the Board of Supervisors for the March 10, 2021 meeting, on whether he agrees to the amount of fee in lieu and which option he would chose to accept.*

New Plans:

Preliminary/Final Subdivision for Cherry Hill Mennonite School: This plan was submitted in 2020 as a sketch plan. It is proposed to be located on 10 acres of Larry Dean Martin's property along Teen Challenge Road. There is a small pond that drains down into a wetland area. There will be a gravity line next to the Township owned lot. There will need to be an agreement to have a meter installed to keep track of the amount of water being used.

There will be approximately a dozen vehicles coming and going to and from the school. The widening of Lions Park Drive right off of Teen Challenge Road was discussed again. There may be a possibility of getting an easement from the Lions Club. The area that has not be filled in on the Township owned lot along Lions Park Drive will be filled in when the sewer line is installed next to the lot.

The Planning Commission recommended a rolled asphalt curb being a good option at the entrance. They do not feel that sidewalk is needed for this plan.

There is a pad shown for a dumpster. The Township Engineer would like screening for the dumpster to be noted on the plan as well as turning templates for the largest vehicle.

There will be required signage place along Teen Challenge Road for the school area.

The road is 22 feet wide. It would help to have it a little bit wider at the entrance. John Zimmerman stated that it may be a good idea that there is a fence to block the parking area along Teen Challenge Road so that the headlights for the cars parked do not shine onto traffic traveling on Teen Challenge Road.

Lighting was discussed to have some sort of lighting at the entrance/exit.

The applicant and their engineer will be back for another plan review next month.

Preliminary/Final Plan for John & Crystal Alspaugh: This plan is located at 401 Woleber Road and is primarily in Jackson Township, Lebanon County. The northeast corner of the property is located in Tulpehocken Township, Berks County. The plan does not affect Tulpehocken Township due to minimal disturbance. *Gary Deck made a motion to recommend to the Board of Supervisors to defer comments on the plan as it does not affect the Tulpehocken Township. Seconded by Robert Sattazahn and approved unanimously.*

Preliminary/Final Plan for Capitol City Remodelers, LLC: This plan is located along Route 419 just south of the intersection of Rehrersburg Road and Four Point Road on a 2.8-acre parcel. It is located in the Industrial/Commercial zoning district. This plan will consist of eight (8) storage units with a parking area. The Township Engineer has a concern with the changing of the grading right up to the property line. There is no water or sewer for this plan. A PennDot permit will need to be obtained for the driveway. A couple questions that came up were if a gate will be at the entrance and if it will be fenced all around the units? Is there a proposed office area? Will there be a dumpster on the property?

The Planning Commission will address the waiver requests at the April meeting.

Other Business: Lot #1 of the Shoestring Industries Subdivision has sold recently. The NPDES permit expired April 2020 and needs to be renewed before a zoning/building permit is issued. Matthew & Hockley Associates, LTD. submitted a letter dated February 11, 2021 to the Township stating that they are working at the renewal. The Township Engineer did state that there are line items for the roadway improvements, which includes the relocation of the poles. The poles have not been removed to date. The roadway improvements should be done when the first lot is being constructed.

There are issues with tractor trailers using Woleber Road. There are signs posted on Lebanon County road coming into Tulpehocken Township that limit tractor trailers. The easiest way to do a road ordinance, would be geometrically to show that the truck can not stay in its lane when turning. This would be done with a survey and truck turning templates.

Gary Deck mentioned that he was on a meeting call regarding the Little Swatara/Chesapeake Bay Watershed. It discussed the watershed planning.

Wayne Bowen did talk with Lorne Possinger, the regional supervisor with DCNR. They are hoping to keep things moving to get a grant application in before the April 14 deadline. Ann Yost is going to get a cost estimate for a master plan which will be needed if we want to go for a grant. Master plans require a 50% match. Property that is not owned in fee simple must be controlled through a permanent easement or long-term lease agreement, at the time of application. The term of agreement must be for a minimum of 25 years. DCNR typically does not fund rehab projects for buildings unless a feasibility is first completed. They typically steer the municipality towards PA DCED for funding buildings.

It was asked if anyone spoke to Larry Dean Martin yet, and Gary Deck said no, not yet. Or the Mennonite School? No, not as of yet.

John Zimmerman made a motion to adjourn the meeting at 10:14 p.m., seconded by Robert Sattazahn and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary