

**Tulpehocken Township Planning Commission Meeting
November 5, 2020**

Present: Planning Commission Members: Robert Sattazahn, John Zimmerman, Laverne Frey, Chris Hartman, Matt Mack, Heather Claman

Planning Commission members not in attendance: Gary Deck and Scott Hetrick.

The Planning Commission meeting began at 7:41 p.m. and continued with the pledge to the American Flag.

John Zimmerman made a motion to approve the minutes from the September 3, 2020 Planning Commission meeting, seconded by Robert Sattazahn and approved unanimously. Planning Commission didn't meet in October 2020 due to lack of business.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Time expires March 12, 2021. The Township Engineer stated that Met-Ed will not maintain the light poles. If Met-Ed does not put the light poles up, they will not maintain them. The Township will be maintaining the poles. Mr. Hurst stated that he is waiting for the work order. All of the applications are submitted.

The Township Engineer received the exhibit plans for the right of way for the road which contains the ability for the Township to take the dedication of the lights and the Township Solicitor is reviewing the plans as well. The developer will have the lights charged to make sure that they are working and converted to LED, the lights will be inspected and the Township Solicitor will finalize the documents and then everything will need to be recorded.

The Township Solicitor commented of the possibility of having a higher street light tax for the district. The Township may want to add an additional amount to build up a repair account. John Zimmerman stated to possibly have the developer to put a little amount towards the street light tax as it isn't fair to the property owners to pay more than someone else would. Phase II light poles should be similar to Phase I. If Met-Ed would have similar light poles then maybe Met-Ed could install the light poles. Met-Ed would charge \$8.50 per light per month for energy use only, not maintenance since the Township will be taking care of this.

The Township Engineer stated that he asked Mr. Hurst again about the sinkhole on Thistle Court. The Township has a sewer camera which would be helpful to put the camera down to see if it was the pipe that settled.

Pioneer Management is working at Phase II. Probe holes were dug this week. They are looking to submit plans in December.

John Zimmerman stated that the Township should look at the plans for Phase I as for sidewalk installation on the corner of Thistle Court and Meadowlark Lane which is now owned by Mt.

Aetna Bible Church. If the sidewalks are on the recorded plan, the sidewalks will need to be installed.

Sketch Plan for Cherry Hill Mennonite School: Since this is a Sketch Plan it is not considered an official submission and there would not be a time clock for the plan. The Township Solicitor stated that Section 204 of the SALDO states that submission of a sketch plan shall not constitute official submission of a plan except in the case of the exemptions identified in Section 213. If it was a sketch plan of record, then the 90 day time clock would be needed.

New Plans:

Sketch Plan for Solitude Farm: This 104 acres property is located at 50 West Four Points Road. The applicants are proposing to subdivide four (4) acres and sell three (3) residential lots for future construction of single family dwellings with their own primary and backup septic testing, infiltration berm or some kind of Stormwater facility for the house. This plan will be reviewed as a sketch to final plan.

The Township Engineer stated that sight distance will need to be reviewed to be sure that there is enough. The amount of sight distance is based on the speed limit on the road. A planning module, E & S plan and Stormwater will be needed.

Sketch Plan of Record Forry Subdivision: The applicant, Mr. Forry is proposing to subdivide a 1.10 acre lot to build a single family dwelling along the Gravel Pit Road side of the property located at 7 Midway Road. The total acreage for the overall tract is 109.28 acres. The residue lot acreage will be 108.19 and there is no planned development for the residue lot.

This is a simple plan. A Stormwater plan is needed for review. E & S plan needs to be reviewed by the Conservation District and the perks and probes needs to be submitted to DEP as an exemption. The new lot will need to be able to control its on Stormwater. The Township Engineer recommended to the applicant, Samuel Forry, that he may want is Engineer to design the Stormwater plan a little be bigger than what is needed for the proposed house. That way if he would want to put a pole building or any other structure on the property, he would not need to go through additional Stormwater requirements.

The farmland (residue lot) is in land preservation, however this 1.10 acre lot was not included in the land preservation.

The applicant's Engineer, C2C Design, will address the comments in the Township Engineer's review letter and plan to come to the December meeting. The applicant questioned whether he will be able to start construction before winter. The Township Engineer stated that he may be completed with the process directly with the Township, however the Township does not have control on the outside agencies, such as the Conservation District and DEP, for the additional

requirements prior to the plans being recorded and zoning and building permits being issued. It could possibly take additional time due to COVID-19.

Walk-In Discussions: None.

Other Business: None.

Cherry Hill Mennonite School applied for a special exception variance from Section 643.01 of the Zoning Ordinance. This is proposed to be located on part of Larry Dean Martin's property along Teen Challenge Road and would be south of the Lions Club in Rehrersburg. It is located in the Rural Residential zoning district.

The Township Engineer stated that the radius on Lions Park Drive may need to be widened coming off Teen Challenge Road.

Connecting to the public sewer system will need to be discussed and reviewed on the best options.

Laverne Frey stated that it may be a good idea to have a right turning lane and expand the shoulder to make a deceleration lane. And if there is going to be a single entrance, it should be wide enough for two vehicles to pass if needed.

The Zoning Hearing Board can add additional conditions if they choose.

The Township Solicitor stated Section 643.01-Public or private school approved by the Pennsylvania Department of Education. And the following uses are permissible subject to Zoning Hearing Board approval pursuant to Sections 1060-Requirements for special use and 1150-Special exception uses. For the school to get approval, they need to show that they are a public or private school approved by the Pennsylvania Department of Education and they have to show that they are not going to have any adverse impact on the community.

Commercial buildings with a well have need to obtain a DEP permit. This is a new requirement and will be part of the Township Engineers review of the land development plan in the future.

Robert Sattazahn made a motion to instruct the Township Engineer to prepare a letter to the Zoning Hearing Board addressing street and signage recommended by the Planning Commission. Seconded by John Zimmerman and approved unanimously.

The Township Solicitor has provided a draft resolution declaring support for greater enforcement of existing state and federal statutes concerning foreign ownership of agricultural land. Based on the research performed, the Township Solicitor believes that there is a law in place in Pennsylvania, however it is not being enforced adequately. The state is not creating a record of foreign ownership of land to the extent that they are able to enforce the prohibition against aliens owning over one hundred (100) acres. The Township Solicitor's recommendation is to try and

urge the people already responsible for administering this law do a better job at the state level. At the federal level no information was found. It would be appropriate to urge our national representatives to put some law in place to control foreign ownership of agricultural lands. This is to try and get our state officials to do a better job enforcing Pennsylvania law and to encourage our federal representatives to seek some federal legislation which would limit foreign ownership of agricultural land. And then if the Township Board of Supervisors would adopt this Resolution, copies of this would be sent to the Pennsylvania Secretary of Agriculture who is responsible for the administration of the current law and to the state and federal legislators who represent Tulpehocken Township.

If there would be no response from the representatives, then in three (3) months the Township would send a follow up correspondence. Robert Sattazahn suggested that the Resolution be sent to the Berks County Farm Bureau and Berks County Grange.

The Township Solicitor will revised the Resolution and add the Berks County Farm Bureau and Berks County Grange to receive copies of the Resolution as well.

John Zimmerman made a motion to recommend to the Board of Supervisors to adopt the Resolution concerning foreign ownership of agricultural land and forward correspondence to the Pennsylvania Secretary of Agriculture, to state and federal legislators who represent Tulpehocken Township, Berks County Grange and Berks County Farm Bureau. Seconded by Robert Sattazahn and approved unanimously.

The Tulpehocken Township Recreation Board had a meeting on October 15, 2020 and has recommendations for the Planning Commission to address. The Recreation Board would like that the Township use Bethel Township's "Fee in Lieu" calculation described in Chapter 3, page 21 of the Joint Municipal Comprehensive Plan for a fifty (50) unit or under subdivision, a single residential lot would be a one-time \$1,000 fee and for a subdivision of fifty-one (51) units or more would pay a fee based on recommendations from the Township Solicitor and Engineer.

The Recreation Board would also like to have Mt. Meadows install recreational facilities in Phase II such as a pocket park or walking trail and to pay a Recreation Impact Fee (Fee in Lieu).

The Township Solicitor commented that the state law authorizes recreation fees needed to have a plan that identifies improvements for recreation purposes to provide to your community. In addition, there needs to be an estimated cost for those improvements. The amount of lots is determined based on the zoning for residential development. Then the cost of the improvements is divided by the number of residential lots that are allowed and that would generate a calculated cost per lot to get the desired recreation improvements. Bethel Township's ordinance did something similar to that.

There is nothing in place in the Township SALDO right now to directly charge a fee in lieu. What is currently in the Township SALDO is a requirement that if there is a development with over fifteen (15) units the developer would need to dedicate twenty-five (25) percent of the tract

for open space and recreation areas. When calculating open space such calculations should not include areas within existing streets rights of way, flood plains, wetlands, utility rights of way, Stormwater facilities, or slopes in excess of twenty-five (25) percent. Mountain Meadows is clearly over that amount of units. This ordinance would require Mountain Meadows to have 8.25 acres to be set aside for open space and recreation areas and of that 8.25 acres the ordinance requires twenty-five (25) percent be improved by the developer for active recreation facilities for the use of the general public such as but not limited to lakes, playgrounds, pools, basketball courts, tennis courts, baseball, other playing fields, recreation or community centers.

The Township Solicitor stated that, according to Section 503(11) of the Pennsylvania Municipalities Planning Code, a subdivision and land development ordinance may include provisions requiring the public dedication of land suitable for the land use intended; and upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination, for park or recreation purposes as a condition precedent to final plan approval, provided that: the provisions of this paragraph shall not apply to any plan or application, whether preliminary or final, pending at the time of enactment of such provisions. Accordingly, the Township cannot enact any new recreation fee regulation that would apply to Mountain Meadows Phase I and II, because the plan applications for those phases have already been submitted to the Township.

The ordinance includes definite standards for determining the proportion of the development to be dedicated and the amount of any fee to be paid in lieu thereof. The Township does have a definite regulation in place and it does apply to the Mountain Meadows development for the twenty-five (25) percent of the net acres. The land or fees or combination are only to be used for the purpose of providing, acquiring, operating or maintaining park or recreational facilities assessable to the development. So the space does not need to be onsite, as long as it is nearby. The governing body has a formally adopted recreation plan and the park and recreational facilities are in accordance with definite standards and principals contained in the subdivision and land development ordinance. The obligation for Mr. Hurst as the developer for Mountain Meadows 8.25 acres approximately plus improvements of two (2) acres.

John Zimmerman stated that it was discussed at the Recreation Board meeting as to where would the Township purchase land that would be suitable to have recreation space. An option would be to purchase additional land from Larry Dean Martin that is next to the recreation lot the Township currently owns in Rehrersburg. The Tulpehocken Area School District Administrative Office land was also discussed. Could the Township ever acquire the property?

The Township would need to place any recreation funds (fee in lieu of land) into a separate interest bearing account clearly identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities.

The Planning Commission minutes should be forwarded to the Recreation Board Chairman. The Public use and service areas section in the SALDO is listed in Article 5 Section 501 Q.1.

The Planning Commission Secretary presented a meeting date schedule for 2021 for the Planning Commission to review. All dates listed are satisfactory to the present members, Township Solicitor and Township Engineer. Planning Commission meeting dates to be advertised for 2021:

January 7	July 1
February 4	August 5
March 4	September 2
April 1	October 7
May 6	November 4
June 3	December 2

Robert Sattazahn made a motion to adjourn the meeting at 9:40 p.m., seconded by John Zimmerman and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary