

**Tulpehocken Township Planning Commission Meeting
April 2, 2009**

Present: Robert Sattazahn, Ray Daub, Scott Hetrick, Gary Deck, Laverne Frey, Pete Eisenbrown, Chris Hartman, Heather Claman and other interested persons.

The Planning Commission meeting began at 7:32 p.m.

The minutes from the March 5, 2009 meeting were reviewed and approved as written.

Public Comments: None.

E & E Self Storage: No discussion.

Mountain Meadows: A letter from Pioneer Management LLC was received requesting a 90 day time extension. *Gary Deck made a motion to recommend to the Board of Supervisors the time extension for review until July 23, 2009, motion second by John Zimmerman. All in favor, motion carried.*

Rossini Farm III: A Stormwater Management improvements agreement is still being discussed. *Gary Deck made a motion to recommend to the Board of Supervisors to reject the plan if a letter requesting time extension is not received by the next Supervisors meeting on April 13, 2009, motion second by Laverne Frey. All in favor, motion carried.* The Township's Solicitor will be in contact with the applicant's attorney to make them aware of the above request.

Gettel Acres: The project now indicates sidewalks shown everywhere on the plans. The plans appear to address the proper zoning requirements.

Under Section 501.2C.1 Additional Cartway, the plan must note a Penn DOT permit is required for any proposed upgrades to the intersection of Rehrersburg Street and SR 4008. This would be related to the development of Lot 2 and Phase 2 of the development.

Section 501.2.H.1 Sight Distance at intersections. A field meeting with the Township Road master was suggested to verify available sight distance. The Township Solicitor stated that the Ordinance does not specify sign spacing on township roadways. Penn DOT would have the decision of additional signage on the existing roadways.

Section 501.2.J. Street names are now on the plan as well. These proposed names must be approved by the Township and the Postmaster. The applicants engineer will provide a list of the proposed street names to the township office.

Section 501.2.O.3.a. Water Supply. STEP provided a review letter of a revised groundwater availability study. The results of the testing indicated that the SALDO requirement of 5 gpm per day of safe drinking water was met. Because each of the

proposed 111 lots will require an individual well, there is a possibility that some of the wells may not meet the SALDO requirements. The Township Solicitor made the suggestion that the Developer have a proposal written if the lots would not meet the SALDO requirements of gpm per lot. The Township Solicitor and Engineer will research standards and give recommendations to the Planning Commission Board.

Section 501.2.Q.1 Public Space. There has been 1.6 acres dedicated to the Township. This is adjacent to Lion's Park. The Township Recreation Board will have to give their recommendations.

Section 602.9 Street Lights. The design for the lighting for Phase 1 should be submitted around the middle of April according to applicant's Engineer. The detailed design of the lighting may require additional light poles and adjustments to the locations shown in order to meet coverage requirements. Some options for the lighting would be to have the Home Owners Association maintain the lights or have the street lights dedicated to the Township.

The Township Solicitor discussed sewer user fees for the new development. It has been mentioned that the Township should require the developer to pay the tapping fees before final plan approval. This would give the developer committed sewer capacity and if the developer would not pay, they may be at future development risk.

Ray Daub made a motion to recommend to the Board of Supervisors to conditionally approve the preliminary plan, Laverne Frey second the motion. Ray Daub, Laverne Frey, Robert Sattazahn, Gary Deck and Scott Hetrick were all in favor, with John Zimmerman opposing, motion carried.

Specific details of this motion include the following conditions (which should be expressed in a letter to the developer, with a signature line for the developer to acknowledge acceptance):

- 1. Street lights shall be dedicated to the Township for inclusion in a street light tax district, with a note so stating to be added to the final plan.*
- 2. The developer shall enter into an agreement with the Township, the terms of which shall be acceptable to the Township, providing what will occur if any well drilled on any lot does not produce the required minimum yield of 5 gallons per minute. (The developer, Ludgate, and Hartman Shurr shall all do research to determine what solution may be best.)*
- 3. Sewer tapping fees shall be paid for all units before final plan approval is granted in order to secure capacity in the sewage treatment plant, or the developer shall acknowledge before final plan approval that he may not be able to build any units for which capacity has not been secured, if the capacity in the treatment plant has been otherwise used or reserved at the time a building permit is requested.*

4. *The 1.6 acre active recreation area shown on the plan (next to the Lions Club Park in Rehrersburg) shall be dedicated to the Township, and the nature and timing of the improvements required to be made by the developer to said area shall be determined by the Township at the final plan stage.*
5. *Developer shall comply with all technical comments included in the April 1, 2009 Ludgate Engineering Corporation review letter at final plan stage.*
6. *No site work or building shall be commenced before final plan approval.*

Giorgio II Subdivision: The Township Solicitor and the Applicant's Attorney discussed this plan and from a zoning stand point, the plan is in compliance with the Township's Ordinance. The applicant has requested a waiver for Section 501.2.M.1.b to permit the lot line orientation as shown and also Section 501.2.M.1.d. to permit the lot depth to width ratio as shown. *John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver for Section 501.2.M.1.b and Section 501.2.M.1.d., Ray Daub second the motion. All in favor, motion carried.*

Scott Hetrick made a motion to recommend to the Board of Supervisors to approve the sketch plan for record, if the two waivers are approved, with the following conditions:

1. *The SEO has no adverse comments on the sewage planning for the subdivision.*
2. *Developer signature and notarization be added to plan.*

Gary Deck second the motion. All in favor, motion carried.

David R. Alspaugh: *Ray Daub made a motion to recommend to the Board of Supervisors to reject the plan if a letter requesting time extension is not received by the next Supervisors meeting on April 13, 2009, motion second by Laverne Frey. All in favor, motion carried.*

Ray Daub made a motion to recommend to the Board of Supervisors that if the plan is not rejected, as to the cul-de-sac street shown on the plan, which will serve 2 frontage lots and one lot to the rear of the frontage lots, the Board of Supervisors should require the street to be constructed to the location where the driveways for the 2 frontage lots split off of the cul-de-sac street: and that construction of the balance of the street not be required until the lot to the rear is developed. Also, if the Board of Supervisors decides that the street may be dedicated, no dedication should be permitted until the street is completely constructed. Gary Deck second the motion. All in favor, motion carried.

Camp Calvary: The Township Solicitor stated that the additional improvements that that the camp would like to make were submitted without an application fee. The Township is requesting that Camp Calvary enters a written agreement with the Township stating that they agree to convert the existing cash escrow of \$15,000.00 into an

application fee for the recently submitted land development plan plus an escrow for any review fees which exceed the application fee. Upon completion of the plan review, any unused amount will be returned to the camp.

Nelson & Anna Brubaker: The location of the subdivision is 5193 Route 419. The sketch plan for record is to annex land from mother and father to son and daughter-in-law. *John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver request under Section 301.1.M to have no contours, Gary Deck second the motion. All in favor, motion carried.*

Gary Deck made a motion to recommend to the Board of Supervisors, that if the waiver is approved, approval of sketch plan for record be granted, with the following conditions:

- 1. SEO has no adverse comments on the sewage planning for the subdivision.*
- 2. Township receives Berks County review letter.*
- 3. Developer signatures and notarization be added to plan.*

Ray Daub second the motion. All in favor, motion carried.

Ag Security Applications: Applications were submitted by the following applicants:

Levi & Doris Zimmerman – Route 419
Gerald & Doreen Martin – 133 Cherry Hill Road
Marlin & Arlene Hurst – 23 Little Swatara Church Road

Scott Hetrick made a motion to recommend to the Board of Supervisors to accept the above applications, Laverne Frey second the motion. All in favor, motion carried.

Zoning Hearing Board Application: The applicants are Mark Giambalvo and Lenmark LLC. The property is located at 5152 Route 419 and 5154 Route 419. The Township Zoning Ordinance lists two or more lots with continuous frontage in single ownership, which do not meet lot width or area requirements, shall be considered as an undivided parcel under Section 1052. This violates the Ordinance since each of the applicants own one of the parcels. *Gary Deck made a motion to recommend to the Zoning Hearing Board that the two lots stay as one parcel, John Zimmerman second the motion. All in favor, motion carried.*

Walk-In Discussions: None.

Laverne Frey made a motion to adjourn the meeting at 10:48 p.m., second by Scott Hetrick. All voted in favor. The meeting was adjourned.

Respectfully submitted,
Heather Claman, Planning Commission Secretary

