

**Tulpehocken Township Planning Commission Meeting
September 5, 2019**

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

The Planning Commission meeting began at 7:35 p.m. and continued with the pledge to the American Flag.

John Zimmerman made a motion to approve the minutes from the August 1, 2019 Planning Commission meeting, seconded by Robert Sattazahn and approved unanimously.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Time expires September 13, 2019.

The Township Engineer emailed the developer, Louie Hurst to get an update to support the request for the time extension. Mr. Hurst's response was that they needed to regroup and find another builder last year. New construction was completed in April 2019 and the urgency for the sewer permitting was not as pressing. Mr. Hurst is looking to possibly have the pump station and force main designed to construct together. He stated that they are looking to submit the second phase the 1st quarter of 2020. The Township did renew the HOP permit with DEP. The Township still has a corrective action plan (CAP) with DEP for the Lancaster Avenue Pump Station. This limits the number of connections to this pump station to five per year.

The Township Solicitor stated that the only circumstance where the Township may want consider no longer excepting time extensions for Phase II would be if the zoning would be changed in that area once another development would come in. However as long as the plan is consistence with the current zoning and comprehensive plan there really isn't a compelling reason to deny or reject the request for the time extension.

John Zimmerman stated that there is a concern with the top coat of the macadam in the development. The Township should review the status of the existing financial security for the incomplete improvements and we have the right to ask him to refresh the escrow to match current construction costs.

It was discussed that the house for sale may be priced too high for our area and the style may not be as favorable to people in our area.

Pioneer Management LLC, the applicant's engineer, presented a time extension letter to the Township for a 180 day time extension. *Robert Sattazahn made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 180 day time extension to March 11, 2020. Seconded by Laverne Frey. Gary Deck and Scott Hetrick approved. John Zimmerman opposed. Motion passed (4-1)*

John Zimmerman made a motion to recommend to the Board of Supervisors to review the escrows for the incomplete infrastructure costs. Seconded by Laverne Frey and approved unanimously.

New Plans:

David G. Martin Farm Subdivision: This plan is located at 32 Bordner Road. This is a 253 acre property that will be divided into 2 subdivision lots and is located in the Effective Agricultural Preservation (EAP) zoning district. The one lot will be 172 acres and the other 80 acres. There will be 3 future broiler barns which were approved through Land Development in June 2019. Red Barn hasn't received a response from the state farm preservation board yet. A non-building waiver was submitted to DEP, no response to date.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant conditional final plan approval with the conditions listed below. Seconded by John Zimmerman and approved unanimously.

- *Mack Engineering Inc. review letter dated September 5, 2019*
- *Verification there is approval of the subdivision through both the county and state farm preservation boards*
- *Bethel Township approval*
- *DEP approval of the non-building waiver*

The original conservation easement only allowed one additional house. As part of the subdivision process, the applicant will need to identify which of the two lots the house would go on. The preservation boards are looking for tillable ground to go with each lot. They don't want to see waste land on one and good ground all on the other lot. They want to see that there is enough tillable ground on each lot that they are economically viable for an independent agricultural operation.

Walk-In Discussions: None.

Other Business:

Stephanie Fulk was present to discuss proposed hemp greenhouses to possibly be located at 14 Wintersville Road. This parcel is 5.02 acres and she would be leasing the land from the current property owners, Anthony and Nancy Wenger. She is proposing four 30 x 96 foot freestanding greenhouses. This does exceed the definition of Land Development. Ms. Folk would be cultivating seedlings from other plants selling the starter plants to the local farmers for them to plant later and harvest the crop. This would be just as a wholesale business to sell to farmers in Berks County and surrounding counties for approximately six weeks out of the year.

The Township Solicitor stated that if a waiver of land development is granted and the project looks to expand in the future, the applicant would need to present a new plan to the Planning Commission and a new request for a waiver of land development would be needed at that time.

The greenhouses will be placed in a 2 acre field. The greenhouses maybe considered temporary structures. The posts will be concreted into the ground. The structures could possibly be exempt from building requirements.

Ms. Fulk and her sister will primarily be doing this business. She is looking to hire approximately ten employees just during the six week period when farmers come to purchase and also two months prior to selling time. Due to having employees, she may be required to provide ADA accessibility. There is an existing dirt driveway and she plans on having it remain dirt at this time. Parking will be minimal. Sanitary will be handled by use of a portal toilet. She plans on drilling a well for this project.

The Township Solicitor stated that the Township should require a copy of the applicant's state hemp permit to verify that she has been approved for this. This is to verify that we are not authorizing something that is not permitted by the state. She will need to apply for the hemp permit sometime this fall.

Land development typically deals with accessibly, utilities, water and also sanitary. It is an agricultural operation, therefore landscaping would be exempt. The project would need to comply with Stormwater unless there is proof that the buildings are exempt from Stormwater based upon the use.

The applicant was planning on raising the greenhouses up with fill to avoid rain runoff. She would need to apply for an E&S permit through the conservation district. Another option would be to have stone as a top layer and not have earth disturbance. An E&S permit would then no longer be required. When the zoning application is completed, the applicant should let the Township know how she plans to proceed.

The parking area will need to be shown on the application as well. Wherever the office is, the path should be a gravel from the parking area to the office should be three feet in width and a hard compacted surface.

Ms. Fulk will need to provide a lease agreement with the property owner that states the owners give her consent to conduct this project.

Ms. Fulk has presented a written request for a waiver of land development. Gary Deck made a motion to recommend to the Board of Supervisors to grant a waiver of land development provided that she provides proof of the state permit being obtained. Seconded by John Zimmerman and approved unanimously.

It was advised that Ms. Fulk apply for a zoning permit for the greenhouses, not specifying they are for hemp. The Township will not issue a zoning permit without the applicant providing proof of the permit from the state. Then when she gets the state permit, reapply for the zoning permit to allow the hemp on the property.

If the Supervisors approve the waiver of land development, a zoning permit could be submitted to the Township and the parking area, shed and anything going on the property will need to be shown.

Ms. Fulk is hoping to have the business up and running by December.

The Planning Commission Secretary will reach out to the building and code official to verify what is required for building and ADA compliance.

The Planning Commission discussed the revisions of the Berks County Comprehensive Plan 2030 Draft Update. The Township Solicitor stated that it is the guide for the county government for land use planning for the next ten years. The county was split up into different areas. Typically rural conservation areas have steeper slopes with environmental restrictions. In Berks County there is a lot of rural conservation land that is being farmed in economically viable way. So there is a lot of successful farming operations in Berks County that are on rural conservation land. The opinion of the Township Solicitor is that the County is unfairly discriminating against people who are property owners in the rural conservation (RC) district to discourage them from preserving their farms. This is another effort to reduce the property owner's right to preserve farmland in Berks County. Areas have already been designated as future growth areas typically around interstate highway interchanges and now they are adding another major action with the RC district across the County.

The County will not borrow money for farmland preservation again with the current elected officials. They consider farmland preservation a bad idea in terms of economic development.

Robert Sattazahn stated that he would like to attend the Berks County Planning Commission Open House meeting for the draft revised Plan on September 17, 2019 from 6 pm-7:30 pm.

John Zimmerman made a motion to recommend to the Board of Supervisors to comment to the County that they over extended their authority to change the aspect of the RC district to almost eliminate the possibly for the property owner to get into farm preservation. Seconded by Scott Hetrick and approved unanimously.

The Planning Commission discussed the recreation fee. The Township Solicitor stated that there is no way to impose a tax just for recreation. An option would be to allocate a portion of the existing revenue the Township is getting currently. For example the per capita tax, the Township could allocate the revenue that is currently received to recreation space. The per capita tax fee is at the maximum to charge per the Township Solicitor.

The Township Solicitor stated that other counties set referendums years ago to set an earned income tax just for farm preservation but that can also be used for recreation. The Township could charge an earned income tax, however a referendum would be needed and approved by the taxpayers to impose an earned income tax just for recreation purposes.

The Township Engineer stated that the Township could collect donations/contributions from industries within the Township. It would be a one-time fee to collect from processing plants

such as Bell & Evans, Freebird etc. The processing plants do care how the public views their impact on the community.

Gary Deck stated Bethel Township collects a percentage from permits to allocate towards recreation fees. He also stated that Tulpehocken Township is one of the only Townships in Berks County that do not contribute funds to recreation space.

A concern mentioned was that we have the planning grant to help obtain a grant, however when that time comes, the Township will still need to match the funds of the grant. The Township Solicitor stated that the Township could use land that someone gives the Township as a way to match the funds.

Gary Deck mentioned the Rehrersburg Lions Club. The Lions Club would like to lease the land to the Township. The Township Solicitor stated that his concern is liability as for the Township being responsible if someone would end up getting hurt on the equipment and not being the owner.

The Lions Club property is 3.31 acres and the Township lot beside the Lions Club property is 1.52 acres. The deed for the Township lot has been recorded with the County. The Township could approach Larry Dean Martin regarding the purchase of his lot next to the Township lot on Lions Park Drive. It has been said that recreation space acreage would be more favorable if it exceeds 5 acres.

The Township Solicitor stated that liability insurance is needed whether the Township leases or would own the Lions Club. The Township needs to make sure that it is covered.

John Zimmerman made a motion to adjourn the meeting at 9:25 p.m., seconded by Laverne Frey and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary