

**Tulpehocken Township Planning Commission Meeting
May 6, 2021**

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

Other persons attending the meeting: Michael Thorley from Chrisland Engineering for Cherry Hill Mennonite School, other representatives for the Cherry Hill Mennonite School, Melvin Lapp and Samuel Forry.

The Planning Commission meeting began at 7:37 p.m. and continued with the pledge to the American Flag.

Robert Sattazahn made a motion to approve the minutes from the April 1, 2021 Planning Commission meeting, seconded by John Zimmerman and approved unanimously.

Public Comments: None.

Active Plans:

Preliminary/Final Subdivision for Cherry Hill Mennonite School: The Township Engineer stated that the plan does now address the screening for the parking along the road. Expanding the entrance coming into the parking lot should be extended some more. The intersection of Teen Challenge Road and Lions Park Drive was discussed. The turning template was done and there was approximately forty-two (42) square feet or forty-six (46) square feet of additional impervious area. The issue is that it is outside of the right of way to get that. The Township will hopefully be able to work with the Lions Club to get that area. A condition could be that the Township would be required to get the right of way area from the Lions Club and let the School start and in the meantime, the additional right of way would be obtained. In the future, the Township could possibly widen Lions Club Drive down to the Township owned lot for better traffic flow.

The sewer pipe will be a four (4) inch pipe and have a long run with a saddle connection. At Lions Park Drive a manhole and clean out will be constructed. The Township Engineer had asked that a tee (T) could be placed in the lateral along the Township lot for the future of the Township lot in case there is a building on this lot.

NPDES and E&S comments still need addressed. A planning module exemption was given to the Township Engineer to complete. The school is asking for 2 edu's for the sanitary sewer. The Township will require the school to enter an agreement to monitor the proposed well usage and install a meter.

A lock box should be provided. The type of lock box is to be coordinated with the Fire Chief.

John Zimmerman recommended green giant arborvitae as the buffer between the school and Lions Club.

The school will rent out the school to families occasionally on Saturdays and Sundays. The intent still needs to be a school.

The following waivers are being requested:

- Section 602.3-Curb. *Due to the fact of the large size of the residual property and the rural character of the development and adjoining properties, asking for relief from installing curb.*
- Section 602.4-Sidewalk. *Due to the fact of the large size of the residual property and the rural character of the development and adjoining properties, asking for relief from installing sidewalk.*
- Section 602.12-Buffer. *Alternative: Provide buffering as depicted on plan between the new lot and the properties to the north as well as screening for the dumpster.*

Robert Sattazahn made a motion to recommend to the Board of Supervisors to grant the waivers listed above, seconded by Gary Deck and approved unanimously.

Time expires June 2, 2021. Chrisland Engineering, the applicant's engineer, presented a time extension letter to the Township for a 90 day time extension. John Zimmerman made a motion to recommend to the Board of Supervisors to grant the time extension request for Cherry Hill Mennonite School as a 90 day time extension to August 31, 2021. Seconded by Robert Sattazahn and approved unanimously.

John Zimmerman made a motion to recommend conditional plan approval with the conditions in the Township Engineers letter. The applicant's Engineer will address items in the Township Engineers letter dated May 3, 2021 and work at the conditions listed that way there is less outstanding and at that point the Township Engineer will send an updated letter to Board of Supervisors. This way, the plan doesn't need to come back to the Planning Commission again. Seconded by Robert Sattazahn and approved unanimously.

Capitol City Remodelers, LLC: The Township Engineer stated that the applicant's representative hasn't submitted an application to PennDOT for the HOP permit yet and they are still working on E&S. The applicant's Engineer would like to clean up the plan and letter before presenting the plan. The waiver request will be addressed next month.

Time expires June 2, 2021. Burget & Associates, Inc., the applicant's engineer, presented a time extension letter to the Township for a continuance until the August 2021 Board of Supervisors meeting, which would be August 25, 2021. John Zimmerman made a motion to recommend to the Board of Supervisors to grant the time extension request for Capitol City Remodelers, LLC as a time extension to August 25, 2021. Seconded by Robert Sattazahn and approved unanimously.

New Plans:

Mt. Meadows Phase 2-Final Plan: Mr. Hurst has dropped off the money for the fee in lieu of land. The escrow will not be approved by the Township until E&S approval is given. The Township Solicitor will be doing a blanket easement to give the Township Engineer the ability to go in and do inspections. John Zimmerman stated that somewhere on the plan it should be noted which lots can not have additional impervious area. The lots in Phase II are somewhat larger than in Phase I.

Clover Drive is a concern for snow removal. The Township Engineer noted in his review letter to provide snow easements on lots 58, 64 and 74. These lots were picked due to having a larger frontage area. It would probably only happen during major snow events. The pros and cons were discussed. John Zimmerman suggested to take lot 64 and make part of the lot that you could push snow onto. This would be taking away building area for this lot. If you do not have the easements, the street would be narrow if it would give a major snow event and the Township will need to haul the snow out of the development. *Gary Deck made a motion to recommend to the Board of Supervisors to have the note for snow easements for lots 58, 64 and 74 removed from the Township Engineer's review letter. Seconded by John Zimmerman and approved unanimously.*

The old pond from Phase I does not have a fence. **The newly proposed wetland basin A is designed to hold several feet of water in some portions.** There are concerns with the depth of the side slopes and some areas will hold water all of the time. There are certain requirements that need to be met with the Conservation District as part of the wetland pond design. The home owner will be added to the permit. Mr. Hurst is the original owner so the only way that he can be removed is when the permit is closed out. This basin is located on lot 48. The Township does not have a fencing regulation. The Township Solicitor recommends a fence be installed due to size and depth of basin. *John Zimmerman made a motion to recommend to the Board of Supervisors to require the developer to erect a fence around the contour line of the entire wetland basin A for security purposes on lot 48. Seconded by Robert Sattazahn and approved unanimously.*

John Zimmerman stated that Met-Ed came and hooked the final wires up for the street lights today. They stated that they don't have the final approval to turn the disconnect on. Is that something that comes from the Township? The residents in the development have received a street light tax bill starting March 1, 2021. Who has to tell Met-Ed to turn on the lights? Gary Deck stated that this should be on the Board of Supervisors agenda for discussion at the May 12, 2021 meeting.

John Zimmerman mentioned the silos. There should be notes on the plan to demolish the silos as well as an escrow for that amount. The silos are currently on the future lot 57.

John Zimmerman questioned the sub-base paving situation on Phase I. The final paving for Phase I will not occur until construction traffic is finished traveling the roads in the development.

The Township Engineer stated that there is approximately \$400,000.00 in escrow regarding the finishing of the road. The roads will not be turned over and dedicated to the Township until the development is completed.

Sketch Plan for Record Shirk Farm Annexation: This plan is located along Teen Challenge Road. The plan is rearranging properties as follows:

- Annex Lot A from 41 Teen Challenge Road and consolidate it with 37 Teen Challenge Road.
- Annex Lot B from 41 Teen Challenge Road and consolidate it with 45 Teen Challenge Road.
- Annex Lot C from 41 Teen Challenge Road and consolidate it with 37 Teen Challenge Road.
- Lot 1 is the residue of 41 Teen Challenge Road and will have a total of 11.5 acres after the annexation is complete.
- Consolidate residue land of 41 Teen Challenge Road and 37 Teen Challenge Road that are on the west side of Teen Challenge Road, referred to as Residue 1 and Residue 2, with other adjacent land of the applicant.

The Township Engineer stated that there is some clean up for this plan. The plan will need to show Lot 1 having an existing septic that is good and that there is a back up location.

The Township Engineer stated that we want to make sure that there aren't any more developmental rights on the new lots. This needs to be verified on the plan as well.

The plan shows a ten (10) foot wide private right of way (known as Gobbler Run Lane) between 41 Teen Challenge Road and 45 Teen Challenge Road. The private right of way is wider than that currently. A standard private road is twenty-five (25) foot. The private road name should be noted on the plan as well. *John Zimmerman made a motion to recommend to the Board of Supervisors to request that the private road, Gobbler Run Lane, be labeled as twenty-five (25) foot right of way instead of ten (10) foot right of way. Seconded by Robert Sattazahn, four (4) Planning Commission members voted in favor, Gary Deck abstained.*

Other Business:

Shoestring Industries-Lot# 1 has sold to Melvin Lapp. The new owner is changing the stormwater plan for his lot. The developer would like to delay the shoulder widening to be done with the construction of the new house. E & S approval for Lot #1 is still being reviewed. As soon as there is approval from the Conservation District, the Township Engineer will conduct a final review on the amended escrow amount that is now being proposed. The agreements for this subdivision plan that were recorded in 2015 will need to be amended and Lot #1 will need to be updated with the new owner's name and changed from Shoestring Industries. There is an agreement for an underground basin currently, because the new owner of Lot #1, Melvin Lapp is taking over and redesigning something else, a new escrow will need to be listed in Melvin Lapp's name and a maintenance document stating that he is now taking care of the stormwater for Lot #1. The Township Solicitor will need to draft these agreements and they will need to be signed by Mr. Lapp and the Board of Supervisors. An E&S plan will also need to be submitted

and signed and recorded with Berks County Planning Commission. Mr. Lapp would like to have everything done prior to June 12 as he will be getting married then and be away for the next month.

Shoestring Industries initially posted an escrow with the Township to verify that if something happens there is money in place for those improvements to occur. Now, Mr. Lapp is replacing Shoestring Industries for Lot #1. Shoestring Industries will want their escrow back for Lot #1. The question was asked to Mr. Lapp if a conversation occurred between Mr. Lapp and Shoestring Industries for Shoestring Industries to be released from their financial obligation to the Township for Lot #1. Mr. Lapp stated that he isn't sure that this occurred.

There are also road improvements that need to happen as well. The shoulder widening and poles need to be relocated. Mr. Lapp has submitted his zoning and building applications. However, the Township will not issue a use and occupancy for zoning or building until the road improvements are completed. Shoestring Industries has stated to Mr. Lapp that the pole has been relocated. The Township does not feel that this is the case.

The NPDES permit expired for this plan. The Conservation District will now only treat E&S for each individual lot. The Township Solicitor stated that if the Township releases the \$32,505.00 for Lot #1 through the letter of credit Shoestring Industries has, that should go to Mr. Lapp if that was the agreement between Mr. Lapp and Shoestring Industries. There was a verbal agreement with Mr. Lapp and Shoestring Industries that the E&S improvements were approved, not constructed. The Township Solicitor stated that the agreements are basically year to year. The Township does not have a practice amending the agreements to extend the term. We just let the agreements keep going as long as the letter of credit is still good. The Township could hypothetically state that the time to perform the improvements has expired. The Township has never done that in the past. The letter of credit is through Jonestown Bank. The Township Solicitor reviewed the letter of credit. The initial expiration date on the face of the letter was June 12, 2016, one year after issuance. The terms are that the letter of credit should automatically be extended without amendment for additional year periods from the present expiration date or any future expiration date unless Jonestown Bank would send the Township notification in writing not less than forty-five (45) days prior to such expiration date by overnight mail service. This letter of credit will not be renewed for any such additional period. It is considered an "ever green" letter of credit. It continues indefinitely unless forty-five (45) day advanced noticed is given in which case the Township would make a claim on it if the bank would refuse to extend the letter of credit.

***There is a note on the plan that states the entire proposed widening, grading and moving of utility poles will need to be completed prior to any zoning permits being issued for any of the lots. All proposed work should be to the satisfaction of the Township Road Master and Township Engineer.**

The Township Engineer recommended that Mr. Lapp talk to Shoestring Industries regarding the note on the plan. Since Mr. Lapp had to redo his E&S, suggest to Shoestring Industries to leave their escrow in place and then once Lot #1 is completed, ask for the escrow release for Lot# 1.

The developer told Mr. Lapp that they don't have time to do the improvements. The Board of Supervisors would have to convert the condition (note on the plan) to another condition. A reasonable condition would be to have the widening be completed prior to use and occupancy permits being issued for Mr. Lapp's house on Lot #1. Mr. Lapp would be taking a risk. Mr. Lapp would need to write a waiver letter to the Board of Supervisors.

The Township Solicitor stated if Mr. Lapp did the improvements for Lot# 1 on his own, the Township could not use the escrow for that lot to pay Mr. Lapp for doing the improvements. On the other hand, we could make a claim on the escrow and do the work ourselves and bid it out.

The Township Engineer stated to Mr. Lapp that a waiver letter could be submitted requesting the Board of Supervisors issue a zoning permit with the condition that no use and occupancy permit can be issued for the house being constructed on Lot #1 until the road improvements have been completed.

Forry Subdivision- Plans have been received for the Planning Commission to sign. The Planning Commission recommended for the Board of Supervisors to grant conditional plan approval at the December 3, 2020 Planning Commission meeting. *Robert Sattazahn made a motion to recommend to the Board of Supervisors to re-approve the Forry Subdivision plans, seconded by John Zimmerman and approved unanimously.* Two (2) copies of the Improvements Agreement and the Stormwater Maintenance Agreement were given to Mr. Forry who was present at the meeting this evening. **The agreements will need to be signed and notarized by Mr. Forry and returned to the Township along with the escrow and stormwater fees. Mr. Forry asked if the excavator could start moving dirt on May 17, 2021. The Township Engineer stated that he will make sure that the zoning permit is issued prior to May 17, 2021.**

Gary Deck commented that he attended a Zoom meeting for Berks Municipal Partnership. Berks County is running out of land to build homes. They are trying to change up the developments, not have cookie cutter developments. Berks County is looking to possibly change the assessment for the improved lots and keep the assessment as an unimproved lot for the developers. That will help keep the prices down for the buyers. The average new home owner cannot afford a new home in the country anymore.

Robert Sattazahn made a motion to adjourn the meeting at 10:16 p.m., seconded by Gary Deck and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary