

Maidencreek Township Planning Commission
Wednesday, September 1, 2010

Attending: Jim Schoellkopf, Joel High, David Anspach, Jeff Futchko, Matt Davenport, Eugene Orlando, Jr. – Orlando Law Office, Tom Unger and Karen Pollock– Systems Design Engineering, Inc., Diane Hollenbach – recording secretary

Guests: Scott Miller, Rick Longacre and Chris Bradley

Jim Schoellkopf called the Maidencreek Township Planning Commission regular meeting to order at 7:30 p.m. in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

APPROVAL OF THE AGENDA

A motion was made by Dave Anspach, seconded by Jeff Futchko, to approve the agenda for the Maidencreek Township Planning Commission regular meeting. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried.

APPROVAL OF PRIOR MEETING MINUTES

A motion was made by Jeff Futchko, seconded by Dave Anspach, to waive the reading of the August 4, 2010 regular meeting minutes and approve the minutes as presented. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried.

ACCEPTANCE OF PLANS -None

COMMUNICATIONS -The Commission was given several brochures on upcoming classes.

PUBLIC COMMENT - None.

ENGINEER'S AGENDA

SUBDIVISION STATUS CHECKLIST

All plans were current.

PLAN REVIEWS

Village at Summit Crest Phase III–The September 1, 2010 Systems Design Engineering Inc. review letter for the plan was distributed and discussed. The plan is revision number 26 and proposes to construct 83 manufactured housing units and a community center with connection to the Maidencreek Township sewer system and a private water system. The plan was granted a special exception by the Zoning Hearing Board on July 13, 2009 and the Planning Commission recommend approval of 17 waivers to the Township Subdivision and Land Development Ordinance and conditional preliminary plan approval for the previous plan prior to this revision. The plan was not granted any approvals by the Board of Supervisors and was back before the Commission because the developer made changes to the plan.

Outstanding Items:

- The Erosion and Sedimentation Plan is still being revised.
- The property deed contains several purparts. SDE would like to review the most current deed and asked that there be one description for the entire lot.
- The seventeen waivers are still applicable to the plan, but the Planning Commission upon the advice of their solicitor will rescind their previous recommendation of preliminary plan approval

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and reaffirm their previous recommendation for the plan waivers should they recommend approval of this revised plan.

- The plan should note that it supersedes the previous preliminary plan submittal.
- The Summit Crest III Final Plan showing public water should be withdrawn.
- The solicitor, pending further research into Act 46 of 2010, advised that the Special Exception is probably extended until 2013.
- The private driveways for the DeCaesar and Valeriano properties must have an easement and right of way agreement to access the public roadway. Access must be provided for both properties during construction.
- The tree line that remains around the perimeter of the property and is acting as screening must be shown on the plan.
- Seven parking spaces show a grade of 12%. The developer stated that these spaces could be removed as they are above the parking requirement for the development.
- The sanitary sewage on the site requires review by the Maidencreek Township Authority.
- The PA DEP Planning module approval for the additional flow is outstanding due to two hits of wildlife considered endangered species. The DEP staff required to review this is currently working on the oil spill in Louisiana.
- The water supply has not been approved by the PA DEP and plans showing this revision should be submitted.
- Plan notes should reference sections in the Townships Codification of Ordinances.
- Notes 15, 16 and 17 have been removed from the plan and must be put back on.
- The plans for the retaining wall shall be made a part of the plan.
- Note 36 states: The community shall be built as a single legal entity and shall be retained in single ownership. All common facilities to support the needs of the residents of the community shall remain under a single ownership, **unless otherwise noted**. When questioned, the developer stated that the phrase, “unless otherwise noted” referred to the community water system which is intended to be owned by a separate entity for liability purposes. Karen Pollock questioned if this would make the water system a public utility and subject to the Public Utility Commission regulations. Mrs. Pollock also pointed out that the PA DEP water application and permit should reflect the name of the water company.
- Note 57 refers to access easement for the DeCaesar property but does not mention the Valeriano property. The note would be negated when easements and right of way agreements are put in place.

Rick Longacre stated that he was present to advise the Commission about the constructability of the site, the site balancing and clearing. He stated that the rock on the site is a metamorphic rock which will require drilling and blasting. The blasting will not affect area wells.

The Commission took no action on the plan.

SOLICITOR’S COMMENTS – None

OLD BUSINESS

Joint Comprehensive Plan – Jim Schoellkopf and Diane Hollenbach reviewed some of the agricultural areas that the Berks County Planning Commission is recommending be changed to residential in the

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future land use portion of the Joint Comprehensive Plan. Shannon Rossman of the Berks County Planning Commission asserts that a Township must provide additional zoning for residential growth in their Comprehensive Plan based upon the amount of residential development that occurred within the last ten years.

The Planning Commission was vehemently opposed to this and authorized that a letter be sent to the Berks County Planning Commission and Joint Planning Commission stating that the Maidencreek Township Planning Commission does not want to reduce the presence of agriculture in the township by converting agricultural land into residential developments. For the past two years, the Commission has been working to upgrade the Township Zoning Ordinance to promote agricultural preservation. The Commission believes that there is a sufficient inventory of approved home lots and the focus of the Township Supervisors and Planning Commission over the last five years has been to promote commercial and industrial development in order to provide jobs and bolster the tax base. The Commission asked that they be shown where it states the Township must provide additional land for residential zoning based on past development rates.

Wind Regulations – The revised draft of the Wind Energy Conversion Systems (WECS) Ordinance was distributed to the Commission. The following changes were made to the draft:

1. WECS that are accessory to the principle structure may be in any zoning district but the property must have an area of at least one acre.
2. Each WECS installed on a property must meet all the dimensional criteria (setbacks) of the ordinance.
3. The following sentence was added to the ordinance, “No more than one (1) wind energy system shall be located on any one (1) residential lot.” This will allow business, industry and agriculture to have more than one WECS, if they meet the dimensional criteria, as their needs for electricity are greater than the average home’s.
4. The definition of a WECS was modified to read, “A device consisting of one turbine and associated mechanism(s) and supporting components, which installed above ground for the purpose of generating electrical energy. Turbine types may include, but are not limited to, wind driven turbines, horizontal-axis wind turbines, vertical-axis wind turbines and wind mills.”
5. The ordinance does not list colors that WECS should be but instead states, “...the entire system (hub and rotors) shall be a non obtrusive color that blends with the surroundings.”

A motion was made by Matt Davenport, seconded by David Anspach, to recommend the prompt adoption of the Zoning Ordinance amendment for wind energy systems as accessory structures. Hearing no questions on the motion, all members voted, “Aye.” Motion carried.

NEW BUSINESS

Seven Year Review of the Maidencreek Township Agricultural Security Area

A motion was made by Matt Davenport, seconded by David Anspach, to recommend to the Board of Supervisors that no changes be made to the Agricultural Security Area and that the Township continues to encourage the preservation and continuation of agriculture in the Township. All members voted, “Aye.” Motion carried.

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Variance Request for 207 Genesis Drive – The Commission reviewed the plans for an in ground pool in a required front yard. The property is on a corner lot and has two front yards. The Commission noted that the front yard dimensions on the plan showing the pool were greater than the front yard shown on the plan submitted when the home was built . The plan submitted with the pool permit to the Zoning Officer showed still slightly different setbacks. The correct dimensions of the property and the proposed setbacks should be clarified at the Zoning Hearing. The Commission questioned if the fence will obstruct the view of the road.

A motion was made by Dave Anspach, seconded by Matt Davenport, to recommend, based on the information provided to them, the Zoning Hearing Board deny the variance requested for 207 Genesis Drive as there appears to be ample room in the back yard and the fence may obstruct the view of the roadway. All members voted, “Aye.” Motion carried.

Having no other business, a motion was made by David Anspach, seconded by Joel High, to adjourn the regular meeting. The Chairman asked for public comment on the motion. Hearing none, all members voted, “Aye.” Motion carried. Meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Diane E. Hollenbach, secretary

CC:	Board of Supervisors	Tom Unger, SDE	Barbara Hassler
	Planning Commission	Eugene Orlando, Solicitor	Chief Scott Eaken
	Park & Recreation	Patrick Donovan	Dan Miller
	Authority	Zoning Hearing Board & Alt.	