

**WASHINGTON TOWNSHIP PLANNING COMMISSION
REORGANIZATION MINUTES
JANUARY 6, 2022**

CALL TO ORDER

Carl Schaeffer called the reorganization meeting of the Planning Commission to order at 7:00 p.m. on Thursday, January 6, 2022, at the Washington Township Municipal Building.

TEMPORARY OFFICERS

TEMPORARY CHAIRPERSON

A motion was made by Daniel Stauffer and seconded by Mark Bedle to appoint Carl Schaeffer as temporary Chairperson in order to receive nominations for the position of Chairperson of the Planning Commission for 2022. **No comments received.**

All ayes

A motion was made by Mark Bedle and seconded by Daniel Stauffer appointing Richard Sichler as temporary Secretary to record nominations for Chairperson and Vice-Chairperson of the Planning Commission. **No comments received.**

All ayes

NOMINATIONS FOR CHAIRPERSON

A motion was made by Daniel Stauffer and seconded by Mark Bedle to nominate Carl Schaeffer as Chairperson of the Planning Commission for 2022. **No comments received.**

All ayes

**CARL SCHAEFFER DECLARED CHAIRPERSON OF THE
PLANNING COMMISSION FOR 2022.**

NOMINATIONS FOR VICE-CHAIRPERSON

A motion was made by Daniel Stauffer and seconded by Mark Bedle nominating Frank Gehringer for Vice-Chairperson. **No comments received.**

All ayes

**FRANK GEHRINGER IS DECLARED VICE-CHAIRPERSON OF
THE PLANNING COMMISSION FOR 2022.**

The meeting was turned over to the newly elected Chairperson, Carl Schaeffer.

PLANNING COMMISSION RULES AND REGULATIONS

A motion was made by Mark Bedle and seconded by Frank Gehringer re-adopting the Washington Township Planning Commission Rules and Regulations. **No comments received.**

All ayes

MINUTES ARE OFFICIAL REPORT FROM THE PLANNING COMMISSION TO THE BOARD OF SUPERVISORS

A motion was made by Mark Bedle and seconded by Frank Gehringer re-affirming that the Planning Commission Minutes are the official report from the Planning Commission to the Board of Supervisors. **No comments received.**

All ayes

REGULAR MEETING WAS CONVENED

ROLL CALL

The following members were present: Carl Schaeffer, Frank Gehringer, Rommie Long, Daniel Stauffer, Russell Drabick, Mark Bedle, Township Manager and Acting Secretary, Rich Sichler; Joan London, Kozloff Stoudt, John Weber, LTL Consultants. There was one (1) member of the public in attendance and four (4) representatives of Spring Valley Village present.

Absent: Jennifer Cunningham

TAPING OF MEETING

The meeting was recorded as an aid in the preparation of the Minutes. It was noted no one other than the acting Planning Commission Acting Secretary was taping the meeting this evening.

APPROVAL OF MINUTES OF AUGUST 5 AND DECEMBER 2, 2021 MEETINGS

A motion was made by Frank Gehringer and seconded by Daniel Stauffer to approve the Minutes, as prepared from the August 5, 2021 meeting of the Planning Commission. **No comments received.**

All ayes

A motion was made by Mark Bedle and seconded by Frank Gehringer to approve the Minutes, as prepared from the December 2, 2021 meeting of the Planning Commission. It was noted that “December” was misspelled in the draft copy of the minutes and the motion was amended to approve the minutes with the correct spelling.

All ayes with the exception of Rommie Long who abstained from voting (due to not being present at the December meeting).

SPECIAL REQUEST

Spring Valley Village II, LLC (SVV) had requested to appear before the Planning Commission to present a Land Planning Assessment for 2115 Old Route 100. SVV was represented by Eric and Lee Jon Williams, Attorney Greg Adelman, and Land Use Planner Brian Seidel. Mr. Seidel had previously provided to the Township a Land Planning Assessment Report, copies of which had been provided to the Planning Commission Members.

Mr. Seidel presented a map depicting the property in question which he described as being approximately 17 acres and located between Old Route 100 and the Spring Valley Village development and being located in the General Industrial (GI) zoning district. Mr. Seidel stated that what is to be discussed is the rezoning of the property to allow an expansion of SVV. His stated basis of the report and discussion was his review of the zoning regulations and the County's comprehensive plan, with the intent to assess the suitability of the property and to discuss the opportunities for development.

Mr. Seidel noted that the property is located within a General Industrial zoning area, the only area in the Township with such zoning. He noted that the majority of properties within the General Industrial area are existing residential properties with the exception of a self-storage facility. He referenced the report he provided as providing a review of the Comprehensive Plan, fiscal impacts and zoning impacts. Jumping to the conclusions of his report, Mr. Seidel noted that the Comprehensive Plan states the Township receives that majority of its taxable income from residential developments with a trend of a reduced commercial tax base and an increasing residential tax base. He also stated that the 2020 Berks County Comprehensive Plan also indicates that the Township has an increasingly older community with 30% of the residents are over the age of 55.

Mr. Seidel also stated that the property is identified as a designated growth area which refers to high and medium density residential areas. He feels that considering the property for residential development would be consistent with the Berks County Comprehensive Plan.

Again referring to his provided report, Mr. Seidel explained that to evaluate the development possibilities of the property they formulated a residential sketch with 35 single family homes similar to the existing homes in SVV. Details include privately maintained and owned homes in a 55 and up age qualified residential community with privately owned streets. Mr. Seidel expressed that this type of development would have low impacts on the school system by not increasing the amount of school age children.

For comparison Mr. Seidel explained that the report also provides an alternative development utilizing the current General Industrial zoning. He feels that limitations to commercial or industrial development of the property include steep slopes, stormwater management needs of large buildings, and environmental constraints. His review of the two development scenarios leads him to the conclusion that there are more positives to the age qualified residential development of the property than to a commercial development.

Mr. Bedle asked if the property was zoned in two different districts. Mr. Weber explained that a small portion of the property, with the stream as the boundary, is part of the High Density Village zoning district but is likely not developable.

Mr. Bedle asked how it would be connected to SVV and if it would have to be connected through a small strip of land owned by the Township that is present between the subject

property and SVV. Mr. Seidel confirmed that the subject parcel in the residential scenario would be connected by internal private roads that would cross the Township property to the existing SVV and not have direct access to Old Route 100.

Mr. Bedle asked about the availability of public sewage capacity for the proposed residential use. Mr. Weber stated that sewage capacity would be beyond the scope of the concept for a possible zoning change that was being discussed this evening.

Mr. Stauffer asked what is total acreage of the General Industrial zoning district. No one was certain of the total acreage of the GI District. Mr. Seidel stated that of the 21 total parcels located within the General Industrial district one had an existing commercial use and the rest were all residential.

Mr. Stauffer stated that his understanding is that the Municipal Planning Code requires the Township to allow for and zone every type of use. Mr. Stauffer recalled that when the original zoning districts for the Township were established with the help of the Natural Lands Trust with the goal of having a variety of sufficiently sized districts to withstand court challenges. Mr. Stauffer felt that the original sizes of the zoning districts need to be maintained based on his recollection of the advice provided by the Natural Lands Trust. Mr. Adelman, the land owner's counsel, responded that he did not believe that Mr. Stauffer's assessment of zoning challenges was correct. Mr. Adelman went on to explain his belief that even if some of the land zoned as General Industrial was currently developed as residential, it does not diminish the total acreage identified as General Industrial and subsequently does not expose the Township to challenges for failure to provide industrial zoned ground. Ms. London generally agreed with Mr. Adelman but stressed that during the consideration of rezoning there has to be a consideration that a reasonable amount of land available for land uses that would be in demand. Ms. London also stated the standard for a commercial or industrial fair share challenge requires a higher burden of proof than a residential challenge.

Mr. Stauffer asked that if the SVV proposal were to move ahead if it would require a zoning change. Mr. Adelman said yes and Ms. London stated that such a request would be made to the Board of Supervisors. Mr. Stauffer asked if the applicant had any other land that they would consider rezoning as General Industrial to make up for the amount lost in the requested rezoning. Mr. Eric Williams said that while it is not his property that the Diamond Disposal property owner might be willing to reconsider the rezoning of his property to General Industrial.

Ms. Long asked if this same request for rezoning had recently been made to the Board of Supervisors. Mr. Weber confirmed that this request was made to the Supervisors recently and they did not express an interest in making the change. Mr. Adelman said they were interested in revisiting the request with the recent change in Supervisors.

Mr. Eric Williams explained that his request is different than one that had been made by Mr. Tom Palmer, the previous property owner in that it would not require direct access to Old Route 100 as traffic from the homes would be routed through the existing SVV

access locations. Mr. Williams also believes that a commercial or industrial use of the subject property would have adverse traffic impacts on Old Route 100 and that the proposed residential use would avoid such traffic impacts while providing a financial benefit to the Township.

Ms. London asked if the fiscal impact analysis considered any other commercial/industrial uses besides a 54,000 square foot warehouse. Mr. Seidel explained that his analysis was based on the largest building they could fit on the subject property that they expected would could reasonably expect to be a viable option rather than considering all possible commercial/industrial uses. Mr. Seidel also stated that they had to consider the handling of stormwater in the proposed use as it reduces the size of the lot available for the proposed building.

Eric Williams also pointed out the utility easement along the side of the property that limits the developable area. Mr. Seidel stated the he utilized the Berks County Commercial and Industrial Land Suitability Tool in the evaluation of the property and the tool did not identify the parcel as suitable for commercial or industrial use. Mr. Bedle questioned the use of the tool based on some of the areas it does identify as suitable.

Mr. Stauffer asked for a clarification of how the property would be accessed if developed residentially. Mr. Seidel stated that it would utilize the existing SVV access to Stauffer Road and that only an emergency entrance to Old Route 100 would be constructed. Mr. Stauffer asked if the ordinance requires a minimum of two accesses locations for 35 residential units. Mr. Seidel stated that the single regular access location and the emergency access may be appropriate. Mr. Bedle stated that what is proposed is consistent with what has been previously approved for the existing SVV community. Mr. Weber stated that a waiver would be required.

Mr. Schaeffer asked what SVV is asking from the Planning Commission. Mr. Adelman replied that the request would be for a recommendation on how the Planning Commission views the request and for the Planning Commission to provide their input to the Board of Supervisors.

Mr. Stauffer asked if the study compared traffic considerations for the various property uses considered. Mr. Seidel replied not specially but generally the proposed residential use would have similar of lower traffic pressure than any commercial or warehouse development. Mr. Seidel also restated the perceived benefit of having the residential traffic being routed to the existing SVV access locations rather than new entrances on to Old Route 100.

Mr. Weber pointed out the age restricted population does not typically add traffic load during the typical peak traffic hours. Ms. Long disagreed, stating that the existing SVV development does add significant traffic during peak hours. Mr. Adelman expressed his understanding of how the age restrictions work for SVV.

Mr. Bedle asked if SVV only has access to Stauffer Road. Eric Williams confirmed that was true with no frontage on any of the other nearby public roads.

Mr. Bedle expressed that the residents along Old Route 100 would prefer a residential development over a commercial or industrial use. Mr. Eric Williams added that the current residents of SVV would also prefer a residential use. Mr. Stauffer stated that he still has concerns but they might be mitigated with the swapping of other properties to General Industry zoning to offset the loss of 17 acres. Ms. Long asked Ms. London about the status of the Diamond Disposal property and if they had met the requirements the Township placed on them. Joan said that they had not met the requirements, including access to Old Route 100 at this time.

Ms. London formed a motion recommending consideration of the request for rezoning of 2115 Old Route 100 subject to discussion of the possibility of offsetting the loss in General Industrial zoning district with other parcel or parcels being changed to General Industrial and open space considerations that would provide higher quality open space within the subject parcel. Mark Bedle made the motion and it was seconded by Russel Drabick. **No comments received.**

All ayes

PUBLIC COMMENT

Mr. Tom Palmer addressed the Planning Commission with his concerns for the proposed roundabout the is being shown in the plans for the Edison Walk subdivision.

Mr. Weber stated that after the discussion at the December Board of Supervisors meeting he talked to the traffic consultant for Edison Walk and the traffic consultant stated that there is not a physical constraint in the design that would prevent Mr. Palmer from turning left out of driveway to head southbound on Route 100. Mr. Weber relayed that he expressed the Board's concern to the traffic consultant that homeowners adjacent to the roundabout having to cross the roundabout traffic pattern. Mr. Weber also passed on the Board's suggestion to the traffic planner that the driveway shown on the plan be flipped to allow users to enter the roundabout with the normal flow of traffic. Mr. Weber reports that the suggestion is being considered. Mr. Weber also found out that the plan still needs to be reviewed by the Pennsylvania Department of Transportation.

Mr. Palmer also expressed a concern with the topography of his driveway and property that will cause stormwater to enter the highway. Mr. Palmer stated another one of his concerns is that this puts him in a shared driveway situation with no information on how the driveway is maintained. Mr. Weber stated that those details would need to be worked out particularly since the depicted driveway is located within the PADOT right of way.

Mr. Bedle asked if Mr. Palmer also owns the vacant flag lot to the rear of his home. Mr. Palmer stated that he does and that if he would either sell or develop the flag lot in the future it would also have access and stormwater issues with the roundabout.

Mr. Palmer asked Mr. Weber if a decision was made on the final configuration of the driveways. Mr. Weber stated that a decision has not been made and the plan is still under review. Mr. Weber will let the traffic consultant know that a potential third driveway is involved and will Mr. Weber will respond directly to Mr. Palmer with what he finds out.

NEW SUBMITTAL

16 Kutztown Road Minor Subdivision Plan – Submitted 12/21/21 by Shadeland Development Group with appropriate fees.

This Plan consists of 2 lots on a total of 100.92 acres. The Plan is before the Planning Commission this evening for acceptance only, the first review will not take place until the March Planning Commission meeting.

A motion to accept the plan for review was made by Mark Bedle and seconded by Frank Gehringer. **No comments received.**

All ayes

Schwenkfelder Road Minor Subdivision Plan – Submitted 12/21/21 by Kelly Group with appropriate fees.

This Plan consists of 3 lots on a total of 78.02 acres. The Plan is before the Planning Commission this evening for acceptance only, the first review will not take place until the March Planning Commission meeting.

A motion to accept the plan for review was made by Frank Gehringer and seconded by Mark Bedle. **No comments received.**

All ayes

Joan London explained that both of these plans are under the litigation settlement agreement that is pending full signatures. Mr. Bedle asked about the scope of the Planning Commission review. Mr. Weber stated that they would be reviewed under the regulations for a minor subdivision. Mr. Stauffer asked if the Planning Commission will be asked to review more detailed plans. Mr. Weber stated that the Schwenkfelder Road property will be a minor subdivision with three residential lots only and those lots cannot be further subdivided. Mr. Weber stated that the Kutztown Road property will eventually contain up to 37 lots that will require further subdivision.

SUBDIVISION REVIEW

None

SUBDIVISION EXTENSIONS

A motion was made by Mark Bedle and seconded by Frank Gehringer recommending the approval of the following Subdivision Extension:

Rose A. Gross Minor Plan 02/12/2022 to 05/12/2022

No comments received.

All ayes

ADDITIONAL ITEMS

Component 4A, Planning Module for Land Development, 849 Forgedale Road is in front of the Commission. Mr. Weber explained that this was recently submitted and can wait until the February meeting if so desired. Mr. Weber explained the recent improvements to the property by Roark Americana and that the Planning Module approval is for septic system to be located on the far side of the creek from the buildings on the property. Mr. Weber explained that the system would handle up to 1,200 gallons per day of wastewater from the two existing dwelling units on the property and a proposed learning center in an existing building that could accommodate up to 20 people per day.

Mr. Weber reviewed the questionnaire and addressed Commission questions about the required studies and approvals for historical significance and bog turtles.

A motion was made by Mark Bedle and seconded by Daniel Stauffer authorizing the Chairperson to sign the Component-4A, Planning Module for Land Development for 849 Forgedale Road.

No comments received.

All ayes

COMMUNICATIONS

- A copy of the Board of Supervisors meeting minutes from Dec. 16, 2021.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled for February 3, 2022 at 7:00 p.m.

The next Board of Supervisors meeting is scheduled for January 27, 2022 at 7:00 p.m.

ADJOURNMENT

A motion was made by Mark Bedle and seconded by Frank Gehringer to adjourn the meeting at 8:24 p.m.

All ayes

Respectfully submitted,

Richard J. Sichler
Acting Planning Commission Secretary