

WASHINGTON TOWNSHIP PLANNING COMMISSION MINUTES MARCH 2, 2023

CALL TO ORDER

Chairman, Carl Schaeffer called the Planning Commission meeting to order at 7:05 p.m. on Thursday, March 2, 2023, at the Washington Township Municipal Building.

ROLL CALL

The following members were present: Carl Schaeffer, Frank Gehringer, Romnie Long, Mark Bedle, Daniel Stauffer, Planning Commission Secretary, Susan Brown; Joan London, Solicitor, John Weber, LTL Engineers. There was four (4) members of the public in attendance this evening.

Absent: Russell Drabick, 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 Planning Commission Secretary was taping the meeting this evening.

MINUTES OF FEBRUARY 2, 2023 MEETING

A motion was made by Frank Gehringer and seconded by Mark Bedle to approve the minutes as prepared for the February 2, 2023 Planning Commission meeting.

All ayes

SPECIAL REQUEST

None

NEW SUBMITTAL

Richard Black Minor Plan – Two lot minor plan submitted 1/31/23. Dan stated the property is part of an approved subdivision. PADEP placed limitations on lots and size due to nitrate levels in the soil and ground water, so how do those restrictions impact this subdivision. Mr. Weber stated this is lot #4 from the Franola Subdivision which is being proposed to be divided into two (2) lots and on the original Plan this piece was proposed to be two (2) lots. A motion was made by Dan Stauffer, seconded by Mark Bedle accepting the Richard Black Minor Subdivision Plan for review.

All ayes

SUBDIVISION REVIEW

Eddinger Propane Land Development Plan – dated July 22, 2022

- **Berks County Planning Commission Review Letter – dated 1/27/23**
- **LTL Review Letter – dated 2/16/23**

Mr. Weber explained this involves a 2,160 square foot accessory building located in the Agricultural Zoning District. There was a variance granted to allow construction of a commercial facility in the Agricultural Zoning District in September 2021 which allowed 19,500 square feet of development area in the Agricultural Zoning District and this plan is proposing 13,660 square feet. There was discussion regarding Berks County Planning Commission review letter, comment #2, which says the proposed structure size and expanded gravel area are larger than the granted size stated in the August 17, 2021 Zoning Hearing Board of Washington Township variance decision note. Mr. Weber said he will check into this.

Also discussed was the LTL Review Letter page 2, item 2, the Plan shows two separate properties owned by Eddinger divided by a deed line. It is noted that these two properties were consolidated by a previous plan which is recorded in the Berks County Recorder of Deeds Office in PBV 307, Pg. 1 It is also noted however, that the Berks County Assessment Parcel Viewer still shows the two separate properties. A condition of approval should be to record the deed.

Item #13 has to do with site lighting. This building will be for small delivery truck parking and is unsure about any proposed outdoor lighting. Mr. Grauel will discuss with property owner.

Item #15 regarding property line buffer seems to be unnecessary since the area is wooded. There are some trees along the property line and the adjacent property is farmed. A waiver request will be required for this item.

J.D. McGovern Land Development Plan – dated February 3, 2023

- **OTM driveway access letter – dated 2/3/23**
- **OTM response letter – dated 2/3/23**
- **LTL Review letter – dated 2/23/23**

Dan said there was a lot of previous discussion about the access to the property. Dan talked about the width of Bales Lane however Mr. Weber indicated Bales Lane width is not the issue, the issue is site distance and the reason PADOT will not issue the HOP. Mr. Grauel stated they have made multiple contacts to PADOT and their response is they are not denying the permit but they are not issuing a permit. PADOT recognizes this is an existing lane and the only access to the property. Mr. Grauel suggested possibly the township would consider entering into a Hold Harmless Agreement with Mr. McGovern. Ms. London said a Hold Harmless Agreement would need to be backed up by insurance for granting access to a PADOT road without a PADOT permit. Ms. London said the township can consider the Hold Harmless Agreement but understand that the agreement carries the risks that it may not hold up. As part of the Zoning Hearing decision for Mr. McGovern's property, the access issue needed to be resolved. Ms. London explained the

property, in the past, was used as a quarry and the property is really not fit for anything other than what it is being used for which is why the variance was granted but the decision did require a resolution of the access issue with either PADOT or with a private owner. Ms. London asked Mr. McGovern if he has considered a private road condemnation action to which Mr. McGovern said no. Ms. London suggested discussing this with his attorney. Dan stated he believes the Private Road Act has been declared unconstitutional. Mr. Grauel stated Mr. McGovern is looking to put up a temporary structure, such as a pole barn, to work on his vehicles out of the weather and asked is there any way that request can be moved forward. Mr. Weber said the building permit would not be approved because of the pending Land Development Plan. Mr. Weber said this would need to be discussed with the Board and would take special consideration and couldn't provide an answer now. Mr. Weber also said there are concerns regarding the sewer disposal on the property and asked if there is any consideration to connecting the office trailer to the public sewer. Mr. McGovern said there is a sewer line that comes onto the property however he explained that the current office is probably a temporary office and would like to put the permanent office within the proposed pole barn. It would be a waste of money to connect the sewer to the temporary office and later have to rerun the line to the permanent office. *No action taken.*

SUBDIVISION EXTENSIONS

A motion and second is needed recommending the following Subdivision Extensions:

A motion was made by Mark Bedle, seconded by Frank Gehringer to recommend the following extension be granted.

J.D. McGovern Land Dev. Plan **04/06/23 to 07/05/23**
All ayes

A motion was made by Dan Stauffer, seconded by Frank Gehringer to recommend the following extension be granted.

Eddinger Propane Land Dev. Plan **04/05/23 to 07/04/23**
All ayes

A motion was made by Mark Bedle, seconded by Frank Gehringer to recommend the following extension be granted.

D'Angelo Minor Plan **04/05/23 to 07/04/23**
All ayes

ADDITIONAL ITEMS

None

COMMUNICATIONS

- BOS meeting minutes dated January 26, 2023.

ANNOUNCEMENTS

The next Board of Supervisors Meeting is scheduled for Thursday, March 23, 2023 at 7 p.m.

NEXT MEETING

The next Planning Commission meeting is Thursday, April 6, 2023 at 7:00 p.m.

Melcher Plan Discussion

Mr. Weber stated the Bella Vista Lane is a private lane as listed in the Washington Township records. The Township Ordinance does allow properties to be subdivided if there is access to a private street. Upon discussion with the Solicitor there would need to be a legal right of way established for Bella Vista Lane however there is nothing stating that the private lane has to be brought up to public street standards. Dan asked if the bridge on Bella Vista would be subject to inspections since there is a business operating on the property. Mr. Weber said this is another plan that is not cut and dry. Dan said in order to subdivide not only do you need road access, you also need road frontage. Ms. London said if this would be granted, not only would there need to be an easement agreement but also maintenance agreement to make sure the access is kept up to reasonable standards. Ms. London said you can subdivide off of a private street, the question is what standard does it have to be up to, to constitute a street as opposed to a lane. Dan also stated isn't it true that any long driveway with a residence not close to the road gets a label and a sign with a name put on just for emergency and safety purposes. Mr. Weber said a lot of the private lanes were established when the street addressing where redone throughout the county. This will be on the agenda for the April meeting.

ADJOURNMENT

A motion was made by Mark Bedle and seconded by Frank Gehringer to adjourn the meeting at 8:25 p.m.

All ayes

Respectfully submitted,

Susan J. Brown
Planning Commission Secretary