

**WASHINGTON TOWNSHIP PLANNING COMMISSION  
MINUTES  
FEBRUARY 1, 2024**

**CALL TO ORDER**

Chairman, Carl Schaeffer called the Planning Commission meeting to order at 7:00 p.m. on Thursday, February 1, 2024, at the Washington Township Municipal Building.

**ROLL CALL**

The following members were present: Carl Schaeffer, Frank Gehringer, Michael Ewing, Russell Drabick, Jennifer Cunningham, Daniel Stauffer, Secretary, Susan Brown; John Weber, LTL Engineers and Solicitor, Joan London. There was seven (7) members of the public in attendance this evening.

Absent: Mark Bedle

**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 JANUARY 4, 2024**

A motion was made by Frank Gehringer and seconded by Russ Drabick to approve the minutes as prepared for the January 4, 2024 Planning Commission meeting.

**All ayes**

**SPECIAL REQUEST**

None

**PUBLIC COMMENT**

None

**NEW SUBMITTAL**

**Eddinger Propane Land Dev. Plan** – submitted 1/11/24.

- Request for simultaneous review-dated 12/28/23
- Waiver request-dated 12/28/23
- E&S Plan approval-dated 3/28/23

Mr. Weber explained this is a revised plan of record. The size of the building was changed from the plan that was previously approved. Mr. Weber also stated the typical two-month review process is probably not needed in this case since this is a revised plan of record and would be fine with reviewing at the March meeting.

A motion was made by Michael Ewing and seconded by Jennifer Cunningham accepting the Eddinger Land Development Plan for review.

**All ayes**

### **SUBDIVISION REVIEW**

**Stauffer Road Minor Plan Rev. #2**-submitted 12/21/23. Mr. Richard Mingey was present this evening and requested conditional final approval. Mr. Mingey stated he has an approved court settlement for this subdivision. Mr. Mingey stated the plan was submitted in accordance with the settlement agreement and said the plan has been before the township for about a year. Mr. Mingey is suggesting on-lot seepage pits on each lot, commonly owned by both lot owners. Mr. Mingey feels the plan is very close to being ready to present to the Board of Supervisors for approval. Mr. Weber said there are still a number of outstanding items to be addressed. Mr. Weber said he does not agree with Mr. Mingey that the properties were included in the Planning Module for the West Tract and does not talk about other properties. Mr. Mingey said they included areas of future growth and originally included six units for Stauffer Road however it is not only four units. Mr. Weber asked if there is any documentation of this in the Planning Module since there is no mention of it in approval letter. Mr. Mingey will check into this. Mr. Mingey said they have to figure out some of the technical engineering requests but would obviously satisfy the engineering comments. The waiver request should be addressed before any approval is given. Dan Stauffer stated the property is designated as Towhee soils which indicates wetlands and stated the building envelope can not be in wetland areas. Dan asked if there has been a wetland study for this property. Mr. Weber stated there was a house on this location prior and did not think this was a wetland area. Mr. Stauffer asked if Mr. Weber is satisfied that this is not a wetland area and Mr. Weber stated he has not done a wetland delineation but does not think it is wetland however he can investigate it further. Mr. Weber said he thought it would be appropriate for the applicant to request a waiver from the landscape buffer requirement.

Motion made by Dan Stauffer, seconded by Russ Drabick to recommend granting a waiver from Section 107-32.E.(4) widening Stauffer Road to 28 feet wide and installing curbing to match existing roadway conditions.

**All ayes**

There were no motions made for waivers from Section 107-35.A or Section 107-36.A.

A motion was made by Michael Ewing, seconded by Jennifer Cunningham recommending to grant a waiver from Stormwater Section 99-51.C from using a minimum 15" pipe size as it is not warranted based on required flow capacity.

**All ayes**

Dan asked since there are four proposed wells on this one-acre lot should there be a water study done to make sure there is adequate water. Mr. Weber said the township does not require such a study. Mr. Mingey asked if he were to work with the Township Engineer with the required perimeter, rear yard or front yard landscape buffer to make the properties more attractive while also meeting the quantity of landscaping material per the ordinance but not placing landscaping along the side of the property due to the narrow



## **ADDITIONAL ITEMS**

**Solar Energy Systems draft ordinance review-**Ms. London stated the Planning Commission was provided a copy of a draft solar ordinance that has also been sent to the Berks County Planning Commission and is currently being considered for adoption by the Board of Supervisors. In the current Zoning Ordinance there is a Section 131-70 dealing with alternative energy systems including solar and wind energy systems which needs to be brought up to date. The current section deals only with accessory solar systems used to power homes or business on site but does not deal with principal solar energy systems which are the solar farms and large solar arrays which are the principal use of the property. Ms. London, after further review and discussions with John Weber, has provided additional revisions of the draft ordinance (*attached*) for the Planning Commissions consideration.

Accessory Solar Energy Systems (ASES) would be a use permitted by right in any zoning district. Michael suggested language such as a maximum permitted area would be the roof area and for non-roof mounted systems an area of 2,000 sq. ft. In section 131-70 G.4(c)iv Joan suggested an ASES shall provide power for the principal use of the property on which it is located and shall not be used primarily for the generation for the sale of energy to other users.

Dan Stauffer said he has been in contact with Joseph Conklin, Ed.D., Penn State University, Senior Educator and leads the Clean Energy team. Dan also said the EPA has determined and ruled that solar panels are not impervious meaning that precipitation falling on them rolls off and soaks into the ground and does not leave the site and Dan feels the sentence should be left as is. Mr. Weber said there is a document from PADEP that deals with solar panels and there is a concern that there is enough spacing between solar panels for the water to soak into the ground. Essentially what they are saying is there needs to be a space between panels that is equal to the width of the panel. If the panels are spaced in this configuration, then the design would be considered as a pervious design because there is enough spacing between the panels to allow for water to drop off and be absorbed.

Joan suggests removing the language about solar panels being considered impervious or not and state that the placement and configuration of solar panels shall be in accordance with PADEP guidance and regulations regarding stormwater management.

After review of Section 131-70.G(4)(c)(ix) and Section 131-70.G(4)(c)(xiv) it was agreed both sections could be eliminated.

Section 131-70.G(4)(e)(i) and (ii) Joan suggested the removal of (e) entirely.

The Principal Solar Energy Systems (PSES) permitted as a conditional use within the Commercial District, Light Industrial District, and General Industrial District. Joan and John suggested the addition of the Quarry District for conditional use. Michael Ewing asked about the addition of the Agricultural District to which Joan stated there is concern of taking over prime agricultural land and soils. It was stated that agrovoltaics is

becoming quite popular in other areas and do we want to exclude the ability to have farms use agrovoltatics here. Mr. Stauffer stated at last Thursday's Supervisors meeting the draft ordinance had been changed and the zoning districts had been confined to commercial and industrial and said the Supervisors are against this and said at the meeting in October Supervisor Tom Powanda said "there is nothing I hate more than to see a field full of solar panels and we are passing this ordinance to make sure that doesn't happen in Washington Township".

Michael stated there would need to be enough acreage for a solar farm to be feasible in WSC and do you require a minimum lot size, screening requirements, how do you address resident concerns with respect to seeing solar panels. Mr. Stauffer stated since 2019 he has been contacted by a dozen solar developers who have an interest in his property located at Sycamore Road and Old Route 100 which is a 21-acre field. The developers have told Mr. Stauffer that it is extremely limited as to where you can place a solar field because there needs to be access to three phase power source on the property, must be close to a sub-station with capacity and the lot owned by Mr. Stauffer is the only area the developers are looking at. Dan said what is happening is the Supervisors are zoning where it's not feasible. Michael said the technology is evolving so as the planning commission what we should be looking at is an ordinance that is good today and for the somewhat foreseeable future. There is a minimum lot size of five acres but should there be a maximum percentage of the existing lot that is allowed to be used. Dan stated he owns several different parcels of varying sizes and said it wouldn't make sense to only allow using 10% of a 20-acre lot. Joan again suggested a sliding scale and Michael said he likes the sliding scale idea. Dan doesn't like the sliding scale idea and would rather see a specified maximum lot size instead. Joan said with a sliding scale after a certain number of acres it is capped. Michael said there needs to be some type of control in place. Dan asked if the sliding scale would apply to all the districts and Joan said no because the rationale is to preserve the prime agricultural lands. The LI, GI and Commercial don't have that as a priority so they would not have a sliding scale.

Section 131-136 (a) Joan suggests changing the term "lot coverage" to "maximum impervious coverage", as "lot coverage" is not a defined term in the Zoning Ordinance. John stated the maximum percentage of impervious surface in WSC is 20% so if you are saying the panels are impervious surface for purposes of lot coverage then you can only do 20% so that is problematic.

Ms. London said a sliding scale needs to be developed and will get some ideas out to members before the next meeting.

Dan said he doesn't know what it did by adding Quarry but now if we are talking about percentage of coverage on a lot, if something is adopted that is not feasible that is restrictive zoning and it's not going to hold up. Michael said his understanding is that the term lot coverage is being removed because it's not a defined term.

Ms. London said if we are going to take out maximum lot coverage and replacing with maximum impervious we would probably want to again refer to the PADEP guidance discussed earlier which keeps it consistent.

Ms. London offered that in WSC you are allowed 20% impervious coverage so you configure the panels so it's not deemed impervious however Mr. Weber was not in favor and said they are different because one has to do with stormwater. John said from the standpoint of zoning lot coverage a solar panel meets that test, in other districts a larger lot coverage is allowed. Dan said if the township must be careful of exclusionary zoning. Ms. London said to remember with solar panels and solar farms not every business model of a use has to be zoned for it to avoid an exclusionary zoning challenge. De facto exclusionary, means it can't be done anywhere in the township, it's not feasibly anywhere in the township, that's exclusionary zoning however if it's provided for reasonably, that's not exclusionary. There is no requirement that says you must provide for ever size of solar farm or every type of commercial solar farm. Mr. Weber said just for comparison, the Commercial District you are allowed 45% impervious surface, Light Industrial and General Industrial you are allowed 60% impervious surface. Mr. Weber felt the only way around this is to have a different allowance for impervious coverage for solar panels however he's not sure if this is the best answer either.

Section 131-136(h) regarding landscape screening. Ms. London said the draft currently states that landscape screening shall be installed between the property line and required fence that abuts a residential district or use. Said screening shall include two staggered rows of evergreen trees, a minimum of six feet tall at the time of planting, placed fifteen feet on center. The question is, should there be landscape screening required when the solar field is by a road that is across from residential district or structure and also whether there should be buffering of other uses such as commercial use. The Commission concluded that if a solar farm is placed within the WSC District it needs to be buffered because it will be adjacent to a residential use.

Ms. London will make the changes and email them out to everyone and will also advise the Board of Supervisors of the Committee's recommendations.

## **COMMUNICATIONS**

- BOS meeting minutes dated December 21, 2023 & January 2, 2024
- Recreation Advisory Committee meeting minutes-dated 12/12/23

## **ANNOUNCEMENTS**

The next Board of Supervisors Meeting is scheduled for Thursday, February 22, 2024 at 7 p.m.

**NEXT MEETING**

**The next Planning Commission meeting is Thursday, March 7, 2024 at 7:00 p.m.**

**ADJOURNMENT**

A motion was made by Russ Drabick and seconded by Michael Ewing to adjourn the meeting at 9:11 p.m.

**All ayes**

Respectfully submitted,

Susan J. Brown  
Planning Commission Secretary