

# **TILDEN TOWNSHIP PLANNING COMMISSION**

**Tuesday, November 21, 2017  
Regular Meeting**

**The Tilden Township Planning Commission met in the Township Municipal Building on Tuesday, November 21, 2017 with the following present: Dale Keener, Sharon Enevoldson, Christopher Forte, Greg Kozlowski, secretary, Anna Shollenberger and township engineer, Greg Haas, Absent: Joshua Breslin. A copy of the attendance roster is on file with the secretary.**

**The meeting was called to order by Chairperson Dale Keener at 7:30 P.M. followed by the pledge of allegiance.**

## **APPROVAL OF MINUTES**

**A motion was made by Greg Kozlowski, seconded by Chris Forte to approve the minutes of the October 17, 2017 meeting. Upon roll call, Kozlowski, Forte, Enevoldson and Keener voted yes.**

## **PUBLIC PARTICIPATION**

**There were twenty-three (23) members of the public present at the meeting relative to the proposed logistics park ordinance to express their opposition and concerns. The chairman allowed each individual three minutes.**

**The public expressed the following concerns: A warehouse in the area will be a problem and affect the quality of life for everyone. Additional traffic in the Township and on I-78, a two lane roadway, will create a traffic grid log. Trucks deviating from the required route and traveling the township roads. Impact on the township roads, since the roads are not constructed for the heavy truck traffic. Additional truck traffic has been created as a result of Wal-mart and the trucks are in a resident yard late at night. The closing of a portion of Pine Road will create problems for emergency equipment. Where will the trucks spend their waiting time and the impact upon public businesses.**

**Inquired when this proposal was presented to the Township. A resident checked with the township office relative to any proposed development in the Township and the township employees were reluctant to give a direct answer. The public is being kept in the dark. Also, since this is an important issue it should be put on the township's phone messaging system.**

**Landscape buffering and the obstruction of the mountain. There will be an increase in crime and drugs. The logistics park does not comply with the township's joint comprehensive plan. Tax revenues – will the township actually receive \$350,000 or \$35,000.**

Times change and 20 years from now could have a big empty building, the tax revenue would decrease, saddled with a larger Police Department and a possibility of a paid fire department.

The adjacent property owner, Thomas Werley, inquired about the proposed boundary lines. Engineer explained as to where the proposed boundary lines are located and stated that Thomas Werley's property is included in the overlay district. Mr. Werley stated that he is opposed to the rezoning of his property.

During the course of the public participation, Mr. Keener explained the procedures for overlay zoning etc. Also explained the Commission responsibilities and they are only a recommending body. The township supervisors make the final decisions. The township engineer explained the conditional use requirements, the traffic impact study and the responsibilities of the applicant.

A resident thanked the Planning Commission members for listening to their concerns.

#### **WALNUT ACRES – REVISED PRELIMINARY PLAN**

There was no one present to represent Walnut Acres.

The engineer's comments dated October 31, 2017 were as follows:

#### **Chapter 23 – Sewers and Sewage Disposal**

1. A Sewage Facilities Planning Module shall be approved by the PA DEP for the three (3) proposed community collection and onlot disposal systems and the three (3) individual onlot disposal systems. [Part 2] (see also Chapter 27, comment # 1)

#### **Chapter 25 – Stormwater Management**

1. The erosion and sediment pollution control (ESPC) plan shall be deemed adequate by the Berks County Conservation District (BCCD). A copy of the final ESPC Plans and the adequacy letter shall be provided. [Sec. 303.(A) and Sec. 403.(A)(4)] (same as Chapter 27, comment # 2)
2. A National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities shall be approved by the BCCD or the Pennsylvania Department of Environmental Protection (PA DEP). A copy of the final Post Construction Stormwater Management (PCSM) Plans and the permit shall be provided. [Sec. 303.(c), Sec. 303.(d), Sec. 306.(e), and Sec. 404.] (same as Chapter 27, comment # 3)

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3. The infiltration, water quality and streambank erosion protection objectives shall be met. Infiltration testing shall be performed at all proposed Infiltration Basins and the results included within the Stormwater Control Narrative. [Sec. 304.(b)(6), Sec. 304.(b)(7), Sec. 305., Sec. 306. and Sec. 307.] (*see also Chapter 27, comment # 9*)
4. Items within the table at the 'Basin Section' detail provided on sheet number 28 shall be revised as follows based on revisions within the Stormwater Control Narrative. [Sec. 403.(a)(2) and Sec. 403.(d)(1)]
  - a. "D2" for Basin C1 shall be 30" rise x 36" span
  - b. "L" for Basin C2 shall be 15.86
5. The two (2) required Landowner Statements shall be provided on the Plan and signed by the Landowner. [Sec. 403.(b)(22) and Sec. 403.(e)(5)]
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7. . I had previously computed this amount to be \$5,096.06. [Sec. 706.(a)]

**Chapter 27 – Subdivision and Land Development Ordinance (SALDO)**

1. Approval of the method of sewage disposal shall be obtained from the PA DEP for the project. A Sewage Facilities Planning Module shall be provided to the Township. [Sec. 303.(a)(1)(iii), Sec. 303.(d)(10), Sec. 304.(d)(3), Sec. 505. and Sec. 902.(b)] (*see also Chapter 23, comment # 1*)
2. The ESPC plan shall be deemed adequate by the BCCD. A copy of the final ESPC Plans and the adequacy letter shall be provided. [Sec. 303.(c)(2)(iii), Sec. 304.(d)(2), Sec. 402.(e) and Sec. 508.(c)(2)] (*same as Chapter 25, comment # 1*)
3. An NPDES Permit for Stormwater Discharges Associated with Construction Activities shall be approved by the BCCD or the PA DEP. A copy of the final PCSM Plans and the permit shall be provided. [Sec. 304.(d)(3) and Sec. 508.(c)(2)] (*same as Chapter 25, comment # 2*)
4. General Note # 5 provided on sheet number 01 states that "All proposed roadways are hereby offered for dedication to Tilden Township." Normally, the Supervisors would need to determine if they are willing to accept dedication and, if so, a

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maintenance guarantee and offer of dedication (Right-of-Way deed of dedication) would be required. [Sec. 306.] (*However, see 'Certification of Order', comment # 1*)

Should the Supervisors be willing to accept dedication, I recommend construction oversight of the street be required. Since this is only a Preliminary Plan and thus a Developer's Agreement will not be provided, it is important that a procedure be in place to allow the Township to inspect the street construction as it progresses. Particularly important to be observed is the placement of fill material to be installed at the low point of the street.

5. The Plans shall be signed and sealed by the Engineer and Surveyor. The provided 'Certification of Accuracy' and 'Design Professional Certification' statements
6. provided on sheet number 01 shall also be signed, sealed and dated. [Sec. 402.(c)(4)]
7. Details for the proposed sanitary sewer systems shall be provided on the Plan. [Sec. 402.(c)(14)(vii) and Sec. 505.]
8. Recreation facilities shall be provided. [Sec. 402.(c)(14)(viii), Sec. 402.(c)(14)(ix), Sec. 602.(n) and Sec. 905.(a)(4)]

The Applicant's Engineer had previously stated that a contribution fee for each additional dwelling unit will be provided in lieu of dedicating recreational areas.

9. The 'Wetland Delineation Certification' provided on sheet number 01 shall be signed and dated. [Sec. 402.(c)(15)]
10. The locations of all soil test probes and percolation test holes and/or infiltration tests for sewage disposal and stormwater management shall be shown and labeled on the Plan. [Sec. 402.(f)(6) and Sec. 404.] (*see also Chapter 25, comment # 3*)

Sheet numbers 25, 26 & 27 do show locations where infiltration tests seem to have been performed. However, these tests were not performed at the locations of the bottoms of the basins or at the proposed bottom elevations of the basins in accordance with Chapter 25. Therefore, further testing is necessary.

11. Street lights shall be shown and detailed on the Plan if required by the Supervisors. [Sec. 602.(l)]

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Sheet number 20 does depict four (4) proposed “colonial style 12’ lamp posts” along the street spaced at distances of approximately 670 feet. Sheet number 18 shows a detail for the lamp posts. If the Supervisors are satisfied with this proposal, then this comment can be removed from this memorandum.

12. Adequate, safe and convenient arrangement for pedestrian circulation throughout the site shall be provided. Also, pedestrian walkways shall be provided to “blend into the site”. [Sec. 901.(e) and Sec. 906.(a)(2)(ii)] (*see also Chapter 32, comment # 1*)

In lieu of providing concrete sidewalks and/or a walking path through the site, the Plan currently proposes to pave the shoulders of the street with bituminous material along both sides and around the cul-de-sac turn-around area. If the Supervisors are satisfied with this proposal, then this comment can be removed from this memorandum.

13. Curbs along the proposed street may be required. [Sec. 901.(e)] (*see also Chapter 32, comment # 2*)

The Plan does not propose any curbing. I have no engineering issues regarding this matter. If the Supervisors are satisfied with this proposal, then this comment can be removed from this memorandum.

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**Chapter 32 – Zoning Ordinance**

1. Adequate, safe and convenient arrangement for pedestrian circulation throughout the site shall be provided. [Sec. 404.(b)(5)] (*see also Chapter 27, comment # 11*)
2. Generally, sidewalks and curbs shall be provided in the area adjacent to the housing and may not be required on approach roadways. [Sec. 404.(c)(8)] (*see also Chapter 27, comments # 11 and # 12*)

**'Certification of Order'**

***The following item is a condition imposed by the Zoning Hearing Board in their 'Certification of Order' dated May 27, 2011 which granted a special exception to allow for the construction of a residential cluster development.***

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1. "(c) The Applicant shall establish a Homeowners' Association in accordance with applicable law including, but not limited to, the Tilden Township Subdivision and Land Development Ordinance. The Homeowners' Association shall be responsible for and attend to required maintenance and improvements of streets, sidewalks, storm water drainage areas, on-site septic systems, water systems (if any), "common" areas, and address related matters."

Please note that this condition requires the proposed street to be **private** and owned and maintained by the Homeowners' Association. Therefore, the Applicant must appear before the Zoning Hearing Board to obtain a revised 'Certification of Order' which will allow for the street to be dedicated to the Township, or propose the street to be privately owned and maintained.

**General**

1. The two (2) 'Certification of Ownership, Acknowledgment of Plan' statements provided on sheet number 01 should be signed and notarized.
2. The Plan shows a proposed access easement from Holly Drive to Lot 30 labeled as "Easement To Be Granted In Favor of Steven & Marlene Skoloda Through Lands Now or Formally Timothy K. Shollenberger". Additional detail for this area should be shown on the Plan. There exists several large trees and two (2) driveways in this area. A draft copy of the easement agreement should be provided with this Preliminary Plan. A copy of the executed easement agreement will need to be provided in conjunction with the Final Plan submittal.
3. The 'Waivers Granted' listing note # 3 provided on sheet number 01 should be revised as follows.
  - a. "Planning Commission" should be changed to "Board of Supervisors"
  - b. "February 28, 2017" should be changed to "June 21, 2017"
4. The 'Waivers Requested' note provided on sheet number 01 can be deleted as a waiver from Chapter 25, Section 305.(k) is not necessary for this project.
5. Currently a 'Conditional Preliminary Plan Approval Agreement' has been presented by the Applicant to the Supervisors for consideration. Several of the items listed within the Agreement may now be able to be deleted as they have been satisfactorily addressed by this revised Plan. Furthermore, other items could be deleted based upon actions by the Supervisors concerning several comments herein.

Due to the time extension expiring on December 31, 2017, a motion was made by Greg Kozlowski, seconded by Chris Forte to recommend to the Board of Supervisors that the plan be denied based upon the township engineer's review comments, dated October 31, 2017, unless the applicant submits a letter requesting an extension of time prior to the Board of Supervisors' meeting on December 13, 2017. Upon roll call, Kozlowski, Forte, Enevoldson and Keener voted yes.

**PROPOSED LOGISTIC PARK OVERLAY ORDINANCE**

The engineer gave a brief background on how the Logistics Park Ordinance was prepared. He stated that upon the completion of his review of the proposed ordinance, all of his comments and recommendations were included in the draft.

After discussing the various sections of the proposed ordinance, a motion was made Greg Kozlowski, seconded by Dale Keener that the planning commission does not recommend amending the Zoning Ordinance, Chapter XXXII of the Code of Ordinances by adding section 405 which provides for a "Logistics Park Overlay District" to establish a special overlay to certain properties in the underlying R-2 Zoning District. Upon roll call, Kozlowski, Keener, Forte and Enevoldson voted yes. The vote was unanimous.

**SUGGESTED RESCHEDULING JANUARY, 2018 MEETING**

A motion was made by Dale Keener, seconded by Chris Forte, in the event the chairman's travel schedule is to be out of town, to reschedule the meeting from January 16, 2018 to Tuesday, January 23, 2018. Upon roll call, Keener, Forte, Kozlowski and Enevoldson voted yes.

**ADJOURNMENT**

Since there was no further business, a motion was made by Greg Kozlowski, seconded by Sharon Enevoldson to adjourn the meeting. The meeting was adjourned at 9:53 P.M. Upon roll call, Kozlowski, Enevoldson, Forte and Keener voted yes.

Attest:

Anna M. Shollenberger, Secretary

