

TILDEN TOWNSHIP PLANNING COMMISSION

Tuesday, December 16, 2014
Regular Meeting

The Tilden Township Planning Commission met in the Township Municipal Building with the following present, Dale Keener, JoAnn Rahausser, Thomas Hojnowski, William Byassee, Anna Shollenberger, township engineer, Greg Haas, township supervisors, Gene Schappell, Carl Spatz and Fred Herman. A copy of the attendance roster is on file with the secretary.

Chairman, Dale Keener called the meeting to order at 7:35 P.M. followed by the pledge of allegiance.

APPROVAL OF MINUTES

A motion was made by William Byassee and seconded by JoAnn Rahausser to approve the minutes of November 18, 2014. Upon roll call, Byassee voted yes, Rahausser voted yes and Keener voted yes. Hojnowski was absent for the November 18th meeting.

CABELA'S OUTPARCEL SUBDIVISION – PRELIMINARY/FINAL PLAN

Mark Magrecki, Mark Kitzmiller and Pete Eisenhauer were present at the meeting relative to the Cabela's Outparcel Subdivision.

Mr. Magrecki discussed the township engineer's comments as follows:

Note: The plans still contain the following notes which propose to defer the installation of water lines and facilities, sanitary sewer conveyance facilities, and buffer yards within Lot 2 until the submittal and construction associated with a future land development plan for Lot 2.

Regarding Water Supply

Cover sheet, General Note # 4 – "Public water must be provided to each lot at the time a land development is submitted."

Sheet 8.1 – "The proposed water line extension is to serve Lot 2. The installation of this extension will be performed in conjunction with the construction of the land development plan and erosion control/NPDES Permit for Lot 2."

Regarding Sanitary Sewer

Cover sheet, General Note # 5 – “Public sewer must be provided to each lot at the time a land development is submitted.”

Sheet 8.0 – “The proposed sanitary sewer extension is to serve Lot 2. The installation of this extension will be performed in conjunction with the construction of the land development plan and erosion control/NPDES Permit for Lot 2.”

Regarding Buffer Yards

Sheet 5.1 – “Proposed buffer for Lot 2. Installation of this feature is required in association with the future development of Lot 2.”

Chapter 25 – Stormwater Management

1. An erosion & sediment pollution control plan shall be prepared and deemed adequate by the Berks County Conservation District (BCCD). [Sec. 303.(a) and Sec. 403.(a)(4)]

The plans depict E&SPC facilities for the work associated within Lot 1 for the parking lot reconfigurations only. The Applicant’s Engineer has requested a wavier (modification) to defer this requirement until future land development plans for Lots 2 & 3 are approved.

Chapter 27 – Subdivision and Land Development Ordinance (SALDO)

1. The plan shall first be submitted as a Preliminary Plan. The plan has been submitted as a Preliminary/Final Plan. [Sec. 301.(b), Sec. 303.(a) and Sec. 304.(a)]

I have no engineering issues with this chosen submittal process for this project. Therefore, I have reviewed the plan according to all preliminary and final plan requirements.

2. Approval of the method of sewage disposal must be obtained from the PA DEP for proposed Lots 2 & 3. [Sec. 303.(d)(10), Sec. 403.(d)(10) and Sec. 505.(c)]
3. An erosion & sediment pollution control plan shall be prepared and deemed adequate by the BCCD. [Sec. 303.(c)(2)(iii), Sec. 304.(d)(2), Sec. 402.(e), Sec. 403.(d)(12) and Sec. 508.(c)(2)]

See response for Chapter 25, comment # 1.

4. An agreement between the Applicant and Blue Mountain Water Cooperative for water supply to proposed Lots 2 & 3 shall be provided. The agreement shall also

establish ownership and maintenance of the water supply system. Blue Mountain Water Cooperative must also approve the proposed water supply design to these lots. A copy of the agreement and a letter approving the design shall be provided. [Sec. 304.(d)(4) and Sec. 506.(a)]

5. A construction cost estimate shall be provided for the required site improvements. An 'Improvement Agreement' must then be executed. The presentation of As-Built Plans shall be included within the agreement. [Sec. 304.(d)(10), Sec. 305.(a), Sec. 403.(d)(7), Sec. 406. and Sec. 601.(b)]

Two (2) revised 'Opinion of Probable Cost' computations have been provided, one for Lots 1 & 3 (having a total amount of \$99,311.30) and one for Lot 2 (having a total amount of \$372,604.10). These estimates are acceptable. Therefore, a total of \$471,915.40 of financial security shall be provided.

6. The plans shall be signed and sealed by the Engineer and Surveyor responsible for their preparation. The 'Surveyor's Certification of Accuracy' and the 'Engineer's Certification of Accuracy' statements provided on the cover sheet shall also be signed and dated. [Sec. 402.(c)(4), Sec. 403.(c)(4) and Sec. 403.(c)(7)]
7. The 'Wetlands Certification' provided on the cover sheet shall be signed and dated. [Sec. 402.(c)(15) and Sec. 403.(c)(24)]
8. The plan shows a proposed "Private Access Easement" along an existing access drive utilized for access to and from the Cabela's parking lot within Lot 2. Limitations for this easement shall be specifically described on the plan. [Sec. 403.(c)(16)]

These limitations should include who (or which Lot(s)) has rights of use, who is responsible for maintenance, what types of specific maintenance may be necessary. Another limitation should be that if in the future this access drive area is ever required to be upgraded/reconstructed/dedicated as a street, then all requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance with regards to streets at that time shall be met.

In addition to the placement of specific notes on the plan, an agreement should be presented between Cabela's (Lot 1) and the future owner of Lot 2. The Township's Solicitor should review this agreement once it is prepared.

9. The plan shows proposed "Storm Easements" within Lots 2 & 3. Limitations for these easements shall be specifically described on the plan. [Sec. 403.(c)(16)]

These limitations should include who is responsible for maintenance and what types of specific maintenance may be necessary.

10. The 'Statement of Ownership and Acknowledgement of Plan' provided on the cover sheet shall be signed and notarized. I recommend that the Township's Solicitor review the language contained within the statement regarding the dedication of right-of-way area for Cabela Drive. [Sec. 403.(c)(18)]
11. An 'Offer of Dedication' (copy of a draft right-of-way deed of dedication) shall be provided for the right-of-way area for Cabela Drive (gray area as depicted on the plan). The Township's Solicitor should review this document once it is received. [Sec. 403.(d)(4)]
12. A copy of any proposed deed restrictions shall be provided. [Sec. 403.(d)(5)]
13. The plan now depicts proposed sidewalks along the east side of Cabela Drive and the south side of Mountain Road from the Cigars International entrance to the cul-de-sac turnaround area. Call-outs for "Proposed Sidewalk" and a construction detail shall be added to the plan. [Sec. 602.(c)]

The Applicant's Engineer has responded, however, that they are still requesting "a waiver/deferral from installing sidewalks in conjunction with the subdivision plan."

14. The sanitary system to service Lot 2 shall be a public system (i.e. dedicated to the Township). This shall be clearly indicated on the plans. All necessary documentation concerning this dedication shall be coordinated with the Township's Solicitor. [Sec. 602.(e)(2)]

Chapter 32 – Zoning Ordinance

1. Sheet 5.1 shall be revised to propose Norway Spruce trees instead of Eastern Hemlock trees as per the information (Tree Detail Records) provided by the Applicant's Engineer. [Sec. 1609.(b)(1)]

General

1. The proposed western and southern Lot 3 property lines are located along the edges of an existing access drive and parking lot, respectively. I recommend that these proposed lines be shifted away from these features.

The following easement notes were reviewed and the township engineer will forward the information to the township solicitor for his review and comment, which relate to comments 8 and 9. The phrase "Any subsequent development associated with Lot 2 in

each note #3 shall be revised to “the future transfer of ownership of lot 2” (or similar language recommended by the township solicitor).

ACCESS EASEMENT NOTES

1. The access easement depicted on Lot 2 shall be in favor of Lot 1 for the purpose of ingress and egress to the existing parking lot located on Lot 1.
2. Cabelas Retail Inc is the current Owner of all lots proposed on this plan and will maintain the areas shown on the plans subject to Note 3 below.
3. Any subsequent development associated with Lot 2 will require the submission of a formal access agreement between Lot 1 and Lot 2 to the Township. This agreement will outline the maintenance responsibilities and also identify any limitations imposed on access by either party.

DRAINAGE EASEMENT NOTES:

1. The drainage easements depicted on Lot 2 shall be in favor of Lot 1 for the specific purpose of stormwater runoff conveyance to the existing basin.
2. Cabelas Retail Inc is the current Owner of all lots proposed on this plan and will maintain the areas shown on the plans subject to Note 3 below.
3. Any subsequent development associated with Lot 2 that will alter the location of the existing conveyance facilities will require the submission of a formal agreement between Lot 1 and Lot 2 to the Township. This agreement will outline the maintenance responsibilities and also identify any limitations imposed by either party.

Because the Eisenhower plan has not been officially submitted they cannot provide an agreement between Eisenhower and Cabela's until the time when the land development plan is being considered.

The township engineer recommended that the Commission make a decision on the E&S plan or defer approval.

After a lengthy discussion, a motion was made by William Byassee, seconded by JoAnn Rahauer recommending to the Board of Supervisors to reject the waiver request (modification) on the Erosion and sediment pollution control plan for Lots 2 and 3. Upon roll call, Byassee voted yes, Rahauer voted yes, Hojnowski voted yes, Keener voted yes and Shollenberger voted yes.

There was a discussion on the TIF area. A motion was made by Dale Keener, seconded by Thomas Hojnowski to recommend to the Board of Supervisors that the two (2) new proposed lots from the Cabela's subdivision be withdrawn from the TIF area.

Upon roll call, Keener voted yes, Hojnowski voted yes, Byassee voted yes, Rahausser voted yes and Shollenberger voted yes.

A motion was made by Dale Keener, seconded by JoAnn Rahausser to recommend to the Board of Supervisors to waive the requirement for sidewalks on both sides of the street. A sidewalk shall be proposed along the access drive leading from Mountain Road to the existing Cabela's parking lot.

Upon roll call, Keener voted yes, Rahausser voted yes, Hojnowski voted yes, Shollenberger voted yes and Byassee abstained.

A motion was made by Dale Keener, seconded by JoAnn Rahausser to recommend to the Board of Supervisors that conditional approval be given on the Cabela's out-parcel preliminary/final plan subject to the following:

1. All notes relating to deferring the installation of water lines and facilities, sanitary sewer conveyance facilities and buffer yards within Lot 2 until the submittal and construction associated with a future land development for that lot shall be removed from the plans.
2. The waiver (modification) requested to allow for the preparation of an Erosion and Sediment Pollution Control (E&SPC) Plan for the proposed work within Lots 2 & 3 to be deferred not be granted. An E&SPC Plan shall be prepared and submitted to and deemed adequate by the Berks County Conservation District. A copy of the plan and adequacy letter shall be provided to the Township.
3. A waiver (modification) requested to allow for sidewalks to be provided on only one (1) side of the street be granted.
4. The proposed sidewalk along Cabela's Drive shall be eliminated and a sidewalk shall be proposed along the access drive leading from Mountain Road to the existing Cabela's parking lot.
5. The proposed landscaping for within the buffer yard in Lot 2 to be revised as discussed.
6. All outstanding issues from the Carbon Engineering review memorandum dated December 11, 2014 shall be satisfactorily addressed.

7. All issues herein shall be satisfactorily addressed within six (6) months from the date of action taken by the Board of Supervisors.

Upon roll call, Keener voted yes, Rahouser voted yes, Hojnowski voted yes, Shollenberger voted yes and Byassee abstained.

RETIRING PLANNING COMMISSION MEMBER

Dale Keener thanked Tom Hojnowski for his many years of service on the township planning commission.

ADJOURNMENT

Since there was no further business, a motion was made by William Byassee, seconded by Dale Keener to adjourn the meeting. The meeting was adjourned at 10:10 P.M. Upon roll call, Rahouser, Keener, Byassee, Hojnowski and Shollenberger voted yes.

Attest:

Anna M. Shollenberger
Secretary