

**WASHINGTON TOWNSHIP PLANNING COMMISSION  
MINUTES  
AUGUST 6, 2009**

**CALL TO ORDER**

The meeting of the Planning Commission was called to order at 7:00 p.m. by Chairman, Russell Drabick on Thursday, August 6, 2009, at the Washington Township Municipal Building. The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

The following members were present: David Moyer, Tom Jordan, Mark Bedle, David Heimbach, Rose Martin, Jennifer Cunningham, Susan Brown, Planning Commission Secretary, Steve Price, Esquire, representing Mogel, Speidel, Bobb & Kershner, Dwight Powell, Engineer representing Evirotech & Associates, Inc.; and seven (7) people in attendance.

Absent:

**TAPING OF MEETING**

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

**APPROVAL OF MAY 7, 2009 MEETING MINUTES**

A motion was made by Mark Bedle and seconded by David Moyer to approve the minutes, as prepared, for the May 7, 2009 meeting of the Planning Commission. **No public comments received.**

All ayes

**NEW SUBMITTAL**

None

**SUBDIVISION REVIEW**

**Gehringer Farms Phase I Revised:**

Mr. Dave Shafkowitz and Mr. Nick Fiola were present this evening representing the Gehringer Farms Phase I Revised Plan. Mr. Shafkowitz stated the approval letter was received from WTMA for the sewer connections and the NPDS application is pending approval. Mr. Moyer questioned when Gehringer Road would be finished. Mr. Shafkowitz will check with John Backenstose and get an answer for Mr. Moyer tomorrow.

Ms. Cunningham questioned the status of the notices that were to have been mailed out by Bursich. It was noted at the May 7<sup>th</sup> meeting that some residents within 500 feet did not receive the notices that were sent out with respect to the four (4) additional homes. At that time it was stated the notices would be re-mailed. It was noted in the May 7, 2009 minutes that Mr.

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Shafkowitz stated he would send notices out to all property owners within 500 feet. Mr. Shafkowitz committed to getting the notices out prior to the August 27<sup>th</sup> Board of Supervisors meeting.

Engineer Powell questioned the status of permits and approvals. Mr. Fiola stated the NPDS has been submitted, the sewage planning has been obtained and the water supply will be obtained.

A motion was made by Rose Martin and seconded by Mark Bedle recommending conditional approval based upon the July 12, 2009 Envirotech Review Letter, NPDS Permit approval, obtaining four (4) additional EDU's from WTMA, E & S approval, obtaining approval for the water supply and the timely mailing of the notices to residents within 500 feet. **No public comments received.**

All ayes

## **COMMUNICATIONS**

**Volunteer Barto Fire Company Letter** regarding the West Tract. Chief Matt Bakes was present to answer any questions. Chief Bakes stated having access to a property is very important and saves a lot of time. The concern is only having access to the front of the buildings Mr. Mingey is going to build creates great concern for the fire department. Chief Bakes stated there will be cars in the front of the building since that is the location of the parking area which will make it even more difficult for the fire department to have access to the building in the event of an emergency. It was suggested by Mark Bedle that a copy of the letter be mailed to Mr. Mingey and Mr. Terry Parish and request a response from Mr. Mingey and/or Mr. Parrish to the Planning Commission, the Board of Supervisors and the Volunteer Barto Fire Company.

Mr. Bedle stated in the past the Volunteer Barto Fire Company expressed their concern that subdivision plans were being approved without the involvement of the fire department and wanted to know if that situation has been corrected. Chief Bakes stated the fire department has been receiving the subdivision plans and reviewing them for emergency management purposes. Mr. Price stated it is important that Mr. Mingey receive a copy of the letter outlining the fire departments concerns.

Mr. Price suggested taking a look at the Land Development Ordinance to see some general language with respect to emergency access.

## **ADDITIONAL ITEMS**

### **Act 537 Plan Update:**

Mr. Stuart Rosenthal, Gilmore & Assoc. Inc., Engineer for WTMA was present this evening to give a brief presentation of the Act 537 Plan Update and address any questions or concerns from the Planning Commission. Mr. Rosenthal stated this is a Township Plan and a Township responsibility and is ultimately adopted by the Board of Supervisors and is the guiding instrument for sewage management within the township. Mr. Rosenthal has been working on the Act 537 for about two (2) years now. Mr. Rosenthal briefly reviewed items within the Plan such as the existing 250,000 gallon per day capacity at the Treatment Plant, two pump stations, one located at Swamp Creek and one located on Weinsteiner Road. The Plant is currently handling approximately 180,000 gallons per day on average or about 2/3 capacity of its designed flow at

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this time. The WTMA has rights to 100,000 gallons of capacity of the Bally Treatment Plant and at this time WTMA is using very little of that capacity. Chapter six (6) of the Plan is a key chapter which identifies and projects growth in the township. A need for two (2) expansions has been projected. The Treatment Plant expansion would take the current capacity from 250,000 gallons per day to 500,000 gallons per day with an increase in the level of treatment, which WTMA is on notice from DEP that will take place and will probably take place next year at the time of the renewal of the NPDS Permit. The NPDS Permit is up for renewal next year and DEP has already informed WTMA we will be expected to comply with higher standards of treatment. The cost estimate in this report includes the additional treatment to meet the new regulations. Mr. Rosenthal explained Washington Township would be going on record, provided the Act 537 goes to DEP before the renewal cycle, with the compliance schedule adopted by the Board of Supervisors and if DEP approves the Plan, it would become the overriding schedule.

It was asked if the 100,000 gallons of capacity at the Bally Treatment Plant would ever be used within ten (10) years. Mr. Rosenthal stated it would be a matter of whether or not there is a project on the Shuhler Farm. There are four hundred fifty (450) EDU's reserved for the Shuhler Farm for use in the Bally Treatment Plant. For the additional capacity at the Bally Treatment Plant there is a projected swap of facilities in the works so there would be no cost to the Authority for this capacity.

Ms. Cunningham asked if all this goes through and they expand the Plant and development stays slow and the Plant will then have over the capacity needed. Mr. Rosenthal explained that we do not want a repeat of what happened when the system was initially built, and that is the Plant was built in anticipation of development and the development never happened. This over anticipation put a huge financial burden on the Authority and continues to be a financial burden today. Ms. Cunningham stated that even though EDU's have been reserved by Developers currently WTMA is not receiving the usage fees for all those EDU's so how does the WTMA anticipate breaking the cycle of debt. Mr. Rosenthal stated the \$5 million expansion does not solve this problem. There are various financial options being considered to hopefully resolve the issues the WTMA is currently facing. Mr. Price explained the WTMA is trying to fix a fifteen (15) year old problem that has to be addressed and also meet the demands of the future and be fiscally prudent to build what is anticipated to accommodate the township. Mr. Rosenthal stated the need for construction will not be until 2012 or 2013 and if that appears to be too soon that can also be pushed back even further.

Mark Bedle asked how much interaction Mr. Rosenthal has had with the Developers of the various properties. Mr. Rosenthal explained that he has contact each Developer in order to get a sense of their rate of development and they are not committing to anything. Mr. Rosenthal contacts the Developers each year for information to be included in the annual Chapter 94 Operations Report which is a requirement of the DEP.

Mr. Bedle had the following questions:

- The West Tract will be connected to the public sewer and owned by WTMA. **Yes**
- There is discussion regarding the off-set of the cost for the additional EDU purchase from the Bally Municipal Authority in the amount of approximately \$380,000 in a trade off the public water supply, supplying Victoria Village and the Washington Elementary School

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for the sewer capacity. **Yes, there has been communication between the Bally Borough Solicitor and the WTAM Solicitor and there is correspondence that the Bally Municipal Authority is agreeable but documentation is not finalized.**

- Is the cul-de-sac west of Bally Borough on public sewer. **Yes, it is on public sewer and the WTMA owns that sewer and it goes to the Bally Treatment Plant.**
- Why were two (2) different peaking factors used when the calculations were done on the pumping stations. **As the pump station increases in size the peaking factor goes down. The peaking factor reflects the size of the pump station.**
- The Developer financing was an option turned down, why do we not have that option. **There are a number of issues and constraints and Developers who do not have money. It is the Township and Municipal Authority responsibility to provide services that are adequate and compliant with DEP regulations.**
- Ten years down the road are we going to be in this position again. Are we going to reach capacity in our township that we just can't develop any more. **DEP will not let you do that, if you reach capacity of your system you must provide capacity for your customers and Developers who go through the approval process you cannot say you do not have the capacity. DEP is going to say you must take the Act 537 Plan and update it and come up with a plan for capacity.**
- Is it realistic to think there will only be two (2) other hook ups per year in the entire township for the next ten (10) years. **A lot of the land in the service area is already developed or is already in the projected projects.**
- When sewer is run for the projected developments is there an ordinance in place that requires existing homes to connect to the system and does your miscellaneous projection include all the homes that will be hook up in addition to the already approved developments. There are six or seven homes that will be within 150' of the sewer main. **Not all of the homes because sewers are internal to the project and they are included in the miscellaneous count.**
- Is it realistic to think that magically in 2009 there will be a budget surplus. **Up until recently the anticipated agreement with Barto Mall was they would make up the shortfall each year by purchasing EDU's. The magic is done on table six (6) reflecting Barto Mall making up the shortfall. The financing will be addressed at the Board of Supervisors meeting. The Township is ultimately responsible.**

Mr. Moyer asked if the projection remains at 2013 and the development doesn't happen would the Township be obligated to proceed with the expansion. Mr. Rosenthal stated the Township would need to go back to DEP and let them know the compliance schedule is no longer valid because development hasn't taken place and the township does not have the resources or the need to move forward.

Mr. Moyer asked about upgrades to the Weinstein Pump Station. Mr. Rosenthal explained upgrades to Weinstein are a maintenance issue and is not an Act 537 issue. There is no growth projected in the Weinstein service area. Mr. Bedle stated the cash flow projection should incorporate any maintenance expenses whether they are inside or outside the Act 537. Mr. Rosenthal agreed with Mr. Bedle. Mr. Moyer asked if the projection includes any new sewer lines and Mr. Rosenthal stated there are no new sewer lines all new sewer lines would be built by developers.

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Mr. Bedle asked how much infiltration there is to the system. Mr. Rosenthal indicated there are some problems in the Weinstein service area particularly during heavy rain events. Mr. Moyer suggested adding the Weinstein upgrades to the capital expenses and Mr. Rosenthal stated he did make a note of Mr. Moyer's request.

Mr. Rosenthal explained the process now as DEP requires the Act 537 Plan Updated needs to be considered by the Township Planning Commission and either through minutes or correspondence it must be documented that the Planning Commission considered, reviewed and commented on the Plan and if necessary respond to any of the comments made this evening. Mr. Rosenthal stated he will take the minutes and specifically any recommendations or requests such as incorporating additional capital funds in the cash flow for a useful Weinstein Pump Station and put a response into the report itself. Mr. Rosenthal stated he would discuss with the WTMA Board Members what type of upgrades and equipment they would like in the cash flow. Mr. Rosenthal explained there needs to be a public comment period of thirty (30) days. Mr. Bedle requested for Mr. Rosenthal contact the Developers again to review their development plans.

**Public Comments:**

**Jim Roma, 5 Apple Street**-stated the facts and figures should be considered very carefully.

**AUGUST MEETING SUBDIVISION EXTENSIONS**

A motion was made by Rose Martin and seconded by Mark Bedle to ratify the actions taken at the June 25, 2009 Board of Supervisors meeting approving the following subdivision extensions:

<b>Melcher/Quaker Homes</b>	<b>07/07/09 to 10/04/09</b>
<b>George Sterner Sketch Plan</b>	<b>07/07/09 to 10/04/09</b>
<b>Clover Hill Sketch Plan</b>	<b>07/07/09 to 10/04/09</b>
<b>Charles Hoffman Sketch Plan</b>	<b>07/07/09 to 10/04/09</b>
<b>Back Country Road</b>	<b>07/07/09 to 10/04/09</b>
<b>Bally Well #4</b>	<b>07/21/09 to 10/18/09</b>
<b>Gehring Farms Phase I Revised</b>	<b>05/16/09 to 08/14/09</b>

**Public Comment:**

**Jim Roma, 5 Apple Street**-In the Code Book it states the applicants have to submit written extension letters, have they done that according to 107-14 (e). It was explained these are ninety (90) day extensions. A signed form is received within the ninety (90) day time period from developers. Mr. Price explained the developer is granting the township a ninety (90) day extension the township is not giving them an extension. Otherwise the Planning Commission would have to reject or approve the plan.

Mr. Roma stated these plans have had preliminary approval longer than five (5) years. Mr. Roma states it is also in the Code Book if they have received preliminary approval from the date of approval they have five (5) years to proceed with the plan and they have not met that. Mr. Price explained they have a five (5) year protection. If a plan is approved your plan is not subject to zoning changes and other changes for five (5) years. If you make substantial

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improvements in that development you are grandfathered in. If someone received preliminary plan approval ten (10) years ago and the plan is sitting in limbo and many things have changed they don't have that protection. If they take the plan to the final stage they may be better off submitting another preliminary plan. Mr. Bedle questioned after five years the Planning Commission has the right to say the plan can be reviewed but it will be reviewed based on current zoning and Mr. Price stated yes that is correct. Mr. Moyer stated his concern is the Hoffman and Sterner plans since they are only sketch plans. Mr. Price stated if there are concerns with plans sitting in limbo the Township Engineer should review the status of the plans and provide a detailed report for each plan so the developers can be contacted and questioned as to what their intentions are. The following five plans should be reviewed by the Engineer for dates they were submitted, preliminary approval dates and what the current status is and have a report available at the September meeting:

- Melcher/Quaker Homes
- George Sterner
- Charles Hoffman
- Back Country Road
- Clover Hill

All ayes

A motion was made by Rose Martin and seconded by David Moyer to ratify the actions taken at the July 23, 2009 Board of Supervisors meeting approving the following subdivision extensions:

<b>Stinley Subdivision</b>	<b>08/05/09 to 11/03/09</b>
<b>Gehring Farms Phase I Revised</b>	<b>08/15/09 to 11/12/09</b>

**No public comments received.**

All ayes

A motion was made by Rose Martin and seconded by David Moyer approving the following subdivision extension:

<b>West Side</b>	<b>08/28/09 to 12/27/09</b>
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**No public comments received.**

All ayes

## **ANNOUNCEMENTS**

Mr. Bedle stated correspondence was received from the water supplier for West Tract, Superior Water, has there been any resolution to this issue. Mr. Price stated he saw a litigation matter in the Berks County Law Journal but has not heard anything else. Mr. Price also stated this is an internal matter between Barto Mall and Superior Water.

**Mr. Mark Stinley, Weinsteiger Road**-asked if there is anything his Engineer needs to work on prior to next months meeting so they can keep things moving. Mr. Price stated John Aston should give him a call.

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**Jim Roma, 5 Apple Street**-questioned if the Planning Commission will be getting the Alternative Energy Ordinance draft. Mr. Price stated they did get the draft and it was then put out for comment.

**ADJOURNMENT**

A motion was made by David Heimbach and seconded by Mark Bedle to adjourn the meeting at 8:55 p.m.

All ayes

Respectfully submitted,

Susan J. Brown  
Planning Commission Secretary