

**CAERNARVON TOWNSHIP
BERKS COUNTY, PA
PLANNING COMMISSION
MEETING MINUTES
DECEMBER 20, 2022**

The Caernarvon Township Planning Commission held its Regular Monthly Meeting on December 20, 2022 in the Caernarvon Township Municipal Building located at 3307 Main Street, Morgantown, PA, and via Zoom, pursuant to notice and according to law.

MEMBERS IN ATTENDANCE

Sean Zerbey, Chairperson; Roger Keith, Member; Allen Styer, Member; Jeff Vickers, Member; Eric Brown, Siana, Bellwoar & McAndrew, Township Solicitor; Scott Anderson, Township Engineer; Michael Gill (via zoom), Buckley Brion McGuire & Morris LLP; Joan Bair, Township Administrator/Secretary.

CALL TO ORDER

Sean Zerbey, Chair, called the meeting to order at 7:30 PM with the Pledge of Allegiance.

COMMENTS FROM THE ASSEMBLY

No comments from the assembly.

CORRESPONDENCE

**PRD Application Extension Letter
XTL Extension Letter**

MINUTES OF THE PREVIOUS MEETING

Roger Keith made a motion to approve the minutes from the November 15, 2022 Planning Commission meeting. Allen Styer seconded the motion. Motion carried unanimously.

BUSINESS

- A. **Lots 27 and 28, Morgantown Business Park Sketch Plan Submittal** – Neil Fisher, Hankin Group, presented a sketch plan for the Morgantown Business Park, two separate lots at the end of the cul-de-sac on Hemlock Road. Mr. Fisher explained that currently there is interest in warehouse and office space, and other prospects are being considered for an available site. Parking spaces for frontage area and shared driveway requirements were discussed. Member Jeff Vickers discussed the Township's access for performing maintenance to local retention ponds/basins. Mr. Fisher will review the sewer easement to ensure that the Township's access requirements are met. In approximately two (2) months, a Preliminary/Final Plan Submission will be prepared for the Planning Commission's review.

At this time, 7:40PM, Solicitor Brown dismissed himself from the meeting.

At this time, 7:40PM, Member Jeff Vickers abstained from participating in discussions for the remainder of this meeting agenda. Member Vickers dismissed himself from the meeting.

- B. **Berks Homes Magnolia Greene Development** – The Members were provided the following for review: (1) Berks County Planning Commission Review Letter; (2)

Technicon Fire Marshall Review Letter; (3) Public Works Review Comments; and, (4) Township Engineer's Review Letter.

Engineer Anderson explained that a revised plan was received and reviewed.

Special Counsel Michael Gill proceeded to provide a legal summary and procedural framework for the PRD submission. Attorney Gill explained that the Planning Commission will need to discuss the PRD submission and provide a written report to the Board of Supervisors, to either recommend approval with conditions or recommend denial of the PRD application as submitted.

Attorney Gill reviewed the PRD submission and concluded that the scope of the application does not provide enough details regarding the impact on the Township's Open Space, Traffic, and Stormwater systems. Legal summary was provided as follows:

- (1) Zoning Ordinance 313, Section 628.13.c (Page 4, comment #10 on Engineer's December 20, 2022 Review Letter) – Proposed Common Open Space components are disjointed, 1 acre minimum requirement was reviewed. Applicant requested a modification for this requirement;
- (2) Stormwater Management – 25% minimum open space requirement was discussed. The Plans must demonstrate compliance;
- (3) Feasibility of water/sewer components and future stormwater management requirements was not provided on Plans;
- (4) Open Space Management Plan (Zoning Ordinance Section 598) has not been provided.

At this time, Charles Haws, Legal Representative for Green Hills Land, LLC (Magnolia Greene PRD) presented a supplemental letter to the Planning Commission Members addressing the applicant's requested modifications.

Engineer Anderson summarized the Kraft Engineering Review Letter dated December 20, 2022. Key discussion points covered are as follows:

- (1) Plan correction of 28 ft. minimum road width was confirmed by Gary McEwen, Berk Homes;
- (2) Additional parking (not on-street parking) for Townhomes was requested by the Members;
- (3) Mailbox Clusters location to be discussed with the Postmaster. The Commission also requested that sidewalk layout be reviewed for safety measures;
- (4) Infrastructure requirements during staging was discussed. Attorney Gill discussed the options for performing infrastructure and staging requirements simultaneously;
- (5) Definition of Open Space Plans and the requirement for active recreational area (Section 628.10.d) was reviewed. Charles Haws, Legal Representative for Green Hills Land, LLC (Magnolia Greene PRD) discussed the option of a fee in lieu of, or the option of the applicant procuring a recreational facility recommended by the Township's Parks and Recreation Committee, a facility that would benefit residents Township-wide;

- (6) Feasibility required for Stormwater calculations. Gary McEwen, Berks Homes, informed the Commission that infiltration testing will take place in the new year;
- (7) School feasibility study was requested by the Members;
- (8) Demonstration of safe access to IOP structures and off-street parking, Section 603, is not provided on submitted Plan;
- (9) Traffic Impact Study not provided as required by Township Ordinance #174;
- (10) Requested SALDO waivers was discussed;
- (11) Street Trees exist within the street right-of-way (ROW) on the side of the street where sidewalk is provided. Gary McEwen, Berks Homes, noted that trees should be moved outside of the ROW.

In conclusion, Special Counsel Michael Gill explained that he and Engineer Anderson will further discuss the plan review comments, in preparation for assisting the Planning Commission Members with drafting a recommendation letter to the Board of Supervisors for the scheduled January 10, 2023 hearing.

PUBLIC COMMENT

Sheila O'Rourke, Gibbel Kraybill & Hess LLP, voiced her opposition to a plan approval for the presented PRD application. Ms. O'Rourke reiterated that there is a lack of information for a plan approval.

Mr. Robinson, airport tenant, shared his concerns about the Board of Supervisors having such a short notice for the PRD application decision.

OTHER BUSINESS

- A. Plans Review Chart – Chart was reviewed.
- B. Sidewalk Maps Review – For next meeting.

MEMBER COMMENTS

No comments.

ADJOURN

Having no further business, Roger Keith made a motion to adjourn meeting. Allen Styer seconded the motion. Meeting adjourned at 10:43PM.

Respectfully Submitted,

Joan A. Bair
Secretary