

District Township Planning Commission
BUSINESS MEETING
August 2, 2023

Call to Order

The BUSINESS meeting of the District Township Planning Commission was held on August 2, 2023 at the Township Municipal Building, 202 Weil Road, Boyertown, PA 19512. Piper Sherburne called the meeting to order at 7:05 p.m. In attendance were Planning Commission members Piper Sherburne, Louis Farina, Michael Carr, and Ronald Leibowitz. PC member, Eric Strauss was not present. Secretary, Kim Schroeder was present. Also, present solicitor, Chris Garrell. Engineer, John Weber was not present.

Agenda

The August 2, 2023, BUSINESS meeting agenda was posted to the District Township website and municipal building on 8/1/23.

Minutes

A motion was made by Mr. Farina, seconded by Mr. Leibowitz, to approve the minutes of the June 7, 2023 Business Meeting. All in favor.

Correspondence: Berks County Greenway, Park, and Recreation Plan – no further action needed at this time.

Current Plans: None

New Plans: None

Old Business: SALDO Article II Definitions – **Revisions:**

Easement – An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for the specific limited purpose (such as to cross it for access to a public road). (From Black’s Law Dictionary)

Easement of Access: Deleted

Hardship: A condition pertaining to the land which makes literal enforcement of one or more provisions of this ordinance an undue or unreasonable burden provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. (Additional language added from MPC 512.1)

Wetlands Delineation: The defined boundary between a wetland and an upland, determined in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989, as revised. (Supplemental Sheet)

Lot Area: Reassessing to consider adding 3 good acres to definition.

SALDO Article III – Plan Processing Procedures

Section 301 – General – stays as written

Section 302 – Pre-Application Review (Sketch Plan)

Applicants are urged to discuss possible development sites and plan with **the staff of** the Township prior to submission of any plan. (Added, blue – Rest of paragraph stays as written)

- A. **Submission of Pre-Application (Sketch) Plans**. Prospective applicants submitting a pre-application plan for review by the Planning Commission shall include those items listed in Section 401 of this Ordinance. Plans shall be considered for informal review and discussion and shall not constitute formal filing of the plan with the Township. Plans shall be submitted ten (10) days prior to the regularly scheduled monthly meeting of the Planning Commission. All plan submittals shall be accompanied by a completed Appendix 23. (Replaces deleted paragraph)

Section 303 – Formal Application

All applications for approval of a subdivision plan **or** land development plan, or improvement construction plan shall be made by the developer filing an application form, to be supplied by the Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with the Township. (Revised)

Section 304 – Acceptance for Filing

- A. **Initial Application**. The Township shall have Fourteen (14) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance. No application shall be considered complete if the required filing fee is not paid. If defective, the application may be returned to the applicant with a statement of rejection, within the fourteen (14) day period; otherwise, **a submission is considered complete when it contains all elements referenced in Section 305(B) and /or 306(C) herein**. Acceptance for filing shall not, however, constitute a waiver of any requirement of this Ordinance. (Revised – Supplemental Sheet) – **revising further to include ninety (90) days for PC to review**

- B. **Amendments or Corrections to an Application** – Deleted

Section 305 – Preliminary Plan Application

- A. **Preliminary Plan Application** – Stays as written
- B. **Application Requirements**. All preliminary plan applications shall include the following:
1. **Ten (10)** copies of the preliminary plan. All plans shall be either black on white or blue on white, or color on white paper prints.
 2. Stays as written
 3. **One (1) original** of the **completed** application form (see Appendix No. 10).
 4. **One (1) original** of a completed fee schedule and the appropriate filing fee and deposit account.
 5. **Three (3)** copies of all reports required by Section 402.E.3.

6. One (1) original completed application form for the Berks County Planning Commission. (Added)

C. Planning Commission Review Process. At the first meeting of the Planning Commission after application is filed, no action will be taken except to formally accept the plan for review. The plan will be considered as a briefing item for general comments and introduction to the Township. The Planning Commission may discuss the preliminary plan application with the Developer or his agent at the next regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The Planning Commission may elect to take action on any subdivision or land development if deemed to be in order and all review comments from the Township staff, Township Engineer, and County Planning Commission are available. (Revised)

2nd paragraph – stays as written

D. Review by the Township Staff – stays as written

E. Board Review Process – stays as written

F. Notification of Board of Supervisors Action – stays as written

G. Compliance with the Board of Supervisors Action. If the Board conditions its preliminary plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a waiver by extending the effective time period. (Revised)

If the Board of Supervisors' approval of the plan contains conditions, Developer shall accept approval with conditions within fifteen (15) day of the approval or such approval shall be deemed automatically rescinded. (Replaces deleted paragraph)

H. Board of Supervisors Approval and Certification. Stays as written

I. Submission of Final Plan after Preliminary Approval:

Final Plans shall be submitted within five (5) years of approval of a preliminary plan. Failure to submit a final plan within five (5) years of the preliminary approval of the plan shall automatically rescind the preliminary approval and any subsequent plan submission shall be treated as a new preliminary plan subject to all ordinances existing at the time of the submission. (Changed, blue)

Section 306 – Final Plan Application

A. Prerequisites to Filing Final Plan Applications. Stays as written

B. Final Plan Application. Stays as written

C. Application Requirements. All final plans shall include the following:

1. Ten (10) copies of the final plan. All plans shall be either black on white or blue on white, or color on white paper prints.
2. Stays as written
3. One (1) original of the application form (see Appendix No. 10).

4. **One (1) original** of the completed fee schedule and the appropriate filing fee and deposit account.
 5. **Three (3)** copies of all reports required in Section 403.E.3 of this Ordinance.
 6. **One (1) original completed application form for the Berks County Planning Commission.**
 7. Stays as written
- D. Plan Requirements – Stays as written
- E. Township Action – Stays as written
- F. Compliance with Board of Supervisors Action. If the Board conditions its final plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a waiver by extending the effective time period. (Revised)

If the Board of Supervisors' approval of the plan contains conditions, Developer shall accept approval with conditions within fifteen (15) days of the approval or such approval shall be deemed automatically rescinded. (Replaces deleted paragraph)

- G. Final Plan Certification. After the Board's approval of the final plan and the required changes, if any, are made, the applicant shall proceed to prepare **seven (7)** sets of final plans which shall be presented **to the Board for signatures of the Chairman and Vice Chairman or their designees** (see Appendix No. 7). Final plans will not be signed by the Board if submitted more than ninety (90) days from the Board's final approval action unless the Board grants a waiver by extending the effective time period of the approval. The final plan or record plan shall not be signed nor recorded until the financial improvements' agreement is executed by all parties. (Revised)
- H. Final Plan Recordation
1. Stays as written
 2. Stays as written
 3. Stays as written
 4. Proof of recording of the final plan with the Recorder of Deeds shall**Discussing with Gene to get more feedback.**
 5. Stays as written
- I. Effect of Recording a Final Plan. Stays as written

Section 307 – Improvement Construction Plan

In the event Developer intends to construct improvements after preliminary plan approval but before final plan approval, the following provisions shall be complied with:

- A. Improvement Construction Plan Application. Stays as written
- B. Application Requirements. Stays as written
- C. Plan Requirements. Stays as written
- D. Compliance with the Board of Supervisors Action. Stays as written
- E. Improvement Construction Plan Certificate and Construction Authorization. Stays as written except add the following paragraph after #3.

Notwithstanding anything contained in Section 307 herein, the process set forth does not, in any way, impair or limit requirement for final plan approval and development in accordance with other provisions of this Ordinance.

Section 308 – Plans Exempted from Standard Procedures – Stays as written

Section 309 – Procedure for Requesting Consideration of a Modification of Provisions of this Ordinance.

- A. A modification of the minimum standards contained in this Ordinance may be submitted for review where literal compliance with the mandatory revisions is shown by the applicant to be unreasonable and to cause undue hardship. The applicant shall have the burden to demonstrate by substantive evidence (i) that the applicant shall use an alternative method which shall achieve equal or better results or (ii) that due to **peculiar conditions pertaining to the land in question, literal enforcement will exact undue hardship**. The applicant shall provide evidence that no practicable alternative is available which can meet overall project purposes. In considering whether an alternative is practicable, the applicant, and the Board shall consider cost, existing technology, logistics, project purposes and restrictions imposed by federal, state, and local statutes, laws, and regulations. (MPC 512.1A)
- B. Stays as written
- C. Stays as written
- D. Stays as written
- E. Stays as written
- F. Stays as written
- G. Stays as written

Section 310 – Compliance with Zoning Ordinance and Zoning Hearing Board Decisions.

Stays as written

Ms. Sherburne and Mr. Carr agreed to be representatives for District Township on the Berks County Joint Comprehensive Plan. Mr. Overberger will be the alternate.

New Business: SALDO – Article IV – Plan Requirements - Revisions

Public Participation: None

Adjournment:

With no further business to come before the Planning Commission, a motion was made by Mr. Farina, seconded by M. Carr, to adjourn the BUSINESS meeting at 8:07 p.m. All in favor.

Respectfully submitted,

Kim Schroeder
District Township Planning Commission Secretary

