

District Township Planning Commission
BUSINESS MEETING
September 6, 2023

Call to Order

The BUSINESS meeting of the District Township Planning Commission was held on September 6, 2023 at the Township Municipal Building, 202 Weil Road, Boyertown, PA 19512. Piper Sherburne called the meeting to order at 7:05 p.m. We had a quorum. In attendance were Planning Commission members Piper Sherburne, Louis Farina, and Michael Carr. Ronald Leibowitz, and Eric Strauss were not present. Secretary, Kim Schroeder was present. Also present were solicitor, Chris Garrell and engineer, John Weber.

Agenda

The September 6, 2023 BUSINESS meeting agenda was posted to the District Township website and municipal building on 9/5/23.

Minutes

A motion was made by Mr. Carr, seconded by Mr. Farina, to approve the minutes of the August 2, 2023 Business Meeting. All in favor.

Correspondence:

- Albright Subdivision and Land Development Review Course

Current Plans: None

New Plans: None

Old Business:

Hardship: A condition pertaining to the land in question that 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.

Lot Size: The area of land contained within the limits of the property lines bounding that area excluding:

- A. Areas within an existing or proposed, public or private, easement of right-of-way: and
- B. The access strip of a flag lot, floodplains, wetlands, watercourses, and slopes 25% and over.

Additional Modifications to Article III

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 rejections, 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. All applications for approval of a plan, whether preliminary or final, shall be acted upon by the governing body not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 days period shall be measured from the 30th day following the day the application has been filed. (revised)

Section 306 – Final Plan Application

H. Final Plan Recordation.

4. Proof of recording of the final plan with the Recorder of Deeds shall be provided to the Township before proceeding with the sale of lots and no lot shall be sold nor development commenced prior to final plan approval and recording. If a plan includes creation of lots or reconfiguration of lot lines, creation of the lot(s) or redrawing of lot lines is ineffective unless and until final plan is approved and recorded. Any purported conveyance prior to plan recording is a violation of this ordinance. (revised)

Section 308 – Plans Exempted from Standard Procedures

A. Revised Subdivision and/or Land Development Plans.

Removed 7 (a-b-c-d) and 8 and replaced with the following:

7. In every case where a plan alteration conforms to the above, the applicant shall submit a Revised Subdivision/Land Development Plan. A Revised Subdivision/Land Development Plan may be submitted as a final plan for approval. A Revised Subdivision/Land Development Plan shall follow the requirements for submission of a final plan in accordance with Section 306 and 403 of this Ordinance, with the exceptions noted below:
 - a. A Feasibility Report on Sewer and Water Facilities as described in Section 405 of this Ordinance is not required for a Revised Subdivision/Land Development.
 - b. A Traffic Evaluation Study as described in Section 406 of this Ordinance is not required for a Revised Subdivision/Land Development.
 - c. A Conservation Plan as described in Section 408 of this Ordinance is not required for a Revised Subdivision/Land Development.

C. Lot Annexation Plans.

Removed 1 and 2 and replaced with the following:

1. The applicant shall submit an Annexation Plan. An Annexation Plan may be submitted as a final plan for approval. An Annexation Plan shall follow the requirements for submission of a final plan in accordance with Section 306 of this Ordinance. An Annexation Plan shall be prepared to the standards specified in Section 404 of this Ordinance.
2. The following additional plans and studies are not required for an Annexation Plan:
 - a. A Feasibility Report on Sewer and Water Facilities as described in Section 405 of this Ordinance is not required for an Annexation Plan.
 - b. A Traffic Evaluation Study as described in Section 406 of this Ordinance is not required for an Annexation Plan.
 - c. Wetlands Study as described in Section 407 of tis Ordinance is not required for an Annexation Plan.
 - d. A Conservation Plan as described in Section 408 of this Ordinance is not required for an Annexation Plan.

Removed D – Natural Subdivisions

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, undue hardship **would result**. 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. **(revised)**
- D. **The Planning Commission will request requests for waiver as part of their review process.** The Planning Commission will review the request to determine (1) if compliance with the provisions of the Ordinance creates an undue hardship or appears to be unreasonable as it applies to the particular property or (2) if the applicant demonstrates that an alternative proposal will allow for equal or better results, and take such action as it shall deem necessary or advisable in the public interest. **(revised)**
- F. The granting of a modification shall not be contrary to the public interest and shall observe the intent and purpose of this Ordinance. **(Removed old F)**

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

Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the Zoning Ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Township Zoning Hearing Board or Board of Supervisors, as applicable, prior to **plan approval**. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Township Zoning Hearing Board or Board of Supervisors, as applicable. (**revised**)

New Business: SALDO Article IV – Plan Requirements

Section 401 – Sketch Plan

Sketch Plans may be drawn by the landowner, subdivider, or developer, or by his engineer, surveyor or agent and should include sufficient data to make a discussion with the Township Planning Commission meaningful. Sketch plans shall contain the following information drawn legibly to scale but not necessarily showing precise dimensions:

- A. Tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record.
- B. Name and address of the developer (if applicable) and landowner.
- C. Name of the individual and/or the firm that prepared the plan.
- D. Name of the municipality in which the subdivision/land development is located.
- E. North point, scale (written and graphic) and date.
- F. Name of proposed subdivision or other identifying title.
- G. **Zoning district lines within or abutting the property. (added)**
- H. Significant topographical and physical features including bodies of water, quarries, floodplains, soil types, and tree masses and existing vegetation, structures, and suspected wetlands (as determined from the Berks County Soil Survey, National Wetland Inventory Maps or DEP).
- I. **Existing street cartway and right-of-way lines and widths for streets within or adjacent to the property. (added)**
- J. Proposed general street and lot layout.
- K. **Approximate lot size. (added)**
- L. A location map with sufficient information to enable the location of property.
- M. Statement of total acreage of the tract being subdivided or developed.

- N. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
- O. Statement explaining the methods of water supply and sewage disposal to be used

Section 402 – Preliminary Plan

Preliminary subdivision plans and/or land development plans shall be prepared by a **licensed professional engineer or surveyor and be in accordance with the following: (revised)**

A. Drafting Standards

- 1. a. If the average size of the proposed lots in the subdivision is **three (3) acres or larger**, the plan may be drawn to a scale of one-inch equals one hundred feet. **(revised)**
- 2. Stays as written
- 3. Stays as written
- 4. Preliminary Plans and all submitted prints thereof shall be made on **plan sheets 24 inches by 36 inches**. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5). **(revised)**
- 5. **A plan index, listing the title of each plan sheet included in the submission. (added)**
- 6. Stays as written

B. Location and Identification.

- 1 thru 8 - Stay as written**
- 9. **Zoning district lines within or abutting the subdivision. (added)**
- 10. **A key map for the purpose of locating the property being subdivided/developed drawn at a scale not less than one-inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, and water courses, within one thousand (1,000) feet of any part of the property. Where applicable, the approximate distance to the nearest existing street shall be shown. A scale and north point shall be indicated. (revised)**
- 11. Source of title, deed, book, page, plan book (if applicable), and tax **parcel** number. **(revised)**

C. Existing Features

- 1 and 2 - Stay as written**

3. The names of all proposed and recorded abutting subdivisions and land developments and the book and page or instrument number where recorded. (added)
4. The names of all adjacent landowners; both adjoining and across existing rights-of-way, along with the deed book and page, or instrument number where recorded and tax parcel number for adjacent properties. (revised)
5. Stays as written
 - a. Stays as written
 - b. The location, size, and ownership of the following features: sanitary sewer mains, water supply mains, fire hydrants, utility lines, buildings, and storm water management facilities. (revised)
 - c. The location of existing easements and rights-of-way and the purpose for which they have been established. (revised)

D. Proposed Layout and Features (revised)

1 thru 9 - Stay as written

10. Tentative profiles along the centerline of cartway (pavement) of each proposed public or private street including corresponding centerline stationing. Such profiles shall show existing and proposed grades and all proposed utilities within the street. (revised)
11. Stays as written
12. Storm water management and erosion and sediment control data and plans designed in accordance with the Township Stormwater Management and Earth Disturbance Ordinance. (revised)
13. Stays as written
14. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood insurance rate map profiles and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed roads, fills, utilities, buildings, storm water management, and erosion control facilities. (revised)

15 thru 17 - Stay as written

18. Location, type, and size of all landscaping and screening elements as required by Section 511 of this Ordinance. (added)

New 19 and 20 - Stay as written

21. A statement on the plan indicating any special exception, conditional use or variance, if applicable, related to the property, along with a **listing** of any Zoning Hearing Board or Board of Supervisors decision, so that any conditions imposed will be readily evident. **(revised)**

New 22 and 23 - Stay as written

24. **A maximum number of lots allowed calculation conducted in accordance with Section 631 of the Zoning Ordinance. (added)**

25. A statement of the intended use of all lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the deed book and page **or instrument** number **where recorded. (revised)**

New 26-28 - Stay as written

29. **On all subdivision and/or land development plans involving tracts that contain natural watercourses, the plan shall show both riparian buffer zones, as described in Section 512 of this Ordinance, as well as existing features and vegetation within such buffer zones. The plan shall also detail proposed improvements to stabilize, preserve, and enhance riparian buffer zones, and shall list riparian buffer maintenance provisions as set forth in Section 512C. (added)**

E. Certificates, Notifications and Reports – Stays as written

Public Participation: None

Adjournment:

With no further business to come before the Planning Commission, a motion was made by Mr. Carr, seconded by Mr. Farina, to adjourn the BUSINESS meeting at 7:55 p.m. All in favor.

Respectfully submitted,

Kim Schroeder
District Township Planning Commission Secretary