

**PLANNING COMMISSION
MINUTES OF MONTHLY MEETING
November 12, 2012**

The monthly meeting of the Longswamp Township Planning Commission was held at the Longswamp Township Municipal Building, 1112 State Street, Longswamp Township, Mertztown, Pennsylvania, 7:30 p.m., prevailing time as previously advertised and posted.

ROLL CALL

Officials Present: Richard Meier, Chairman, Frank Karoly, and David River. Also in attendance were Jill Smith, PE, Hanover Engineering and Jill Nagy, Esquire, Solicitor, Steve Wyka, Supervisor, and Michael Sacks, Supervisor.

ATTENDANCE

No members of the public were in attendance

CALL TO ORDER

Chairman Meier called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES

Approval of the minutes of the September, 2012 meetings was tabled, pending final review.

ENGINEER'S REPORT

The Engineer's Reports for the October, 2012 Board of Supervisors Meetings were read:

Board of Supervisors Meeting of October 9, 2012:

1. *The Board of Supervisors passed a motion to accept the final plans for signing and recording for the Frederick Annexation Plan conditional to Maxatawny approving the plans and the Developer addressing the comments in Hanover Engineering's review letter.*
2. *The Board of Supervisors passed a motion authorizing Jim Birdsall to attend the Berks County Planning Commission meeting scheduled for October 10, 2012 to answer any questions they may have regarding Longswamp Township's Act 537 Plan.*
3. *Jill Nagy distributed a draft Timber Harvesting Permit Ordinance for review and discussion by the Board. The Board tabled further review of the Ordinance until their next meeting in November.*

Board of Supervisors Meeting of October 23, 2012:

Meeting Cancelled.

NEW BUSINESS

Agricultural Security Application

An application was received from Leroy S. Anders, whose property is located in both District and Longswamp Townships. A motion was made by Frank Karoly and seconded by David River to recommend to the Board of Supervisors approval of the application to add the parcel into the Township Agricultural Security Area. All in favor.

Time Extension for East Penn Manufacturing Parking Expansion

The Applicant is requesting a 3-month time extension for review of the plan to March 6, 2013. A motion was made by Frank Karoly and seconded by David River to recommend the Board of Supervisors approve the extension. All in favor.

Township Act 537 Plan

A discussion was held regarding the Township revised Act 537 Plan and it was noted the Township is currently in the public comment period. The Chairman asked the PC members to forward to him any comments they may have regarding the revised Plan, so that they could be incorporated into a comment letter to the Board of Supervisors.

Comprehensive Plan Update

At the previous meeting, the Planning Commission passed a motion requesting that the Board of Supervisors allow Jill Smith and Jill Nagy to begin reviewing the 2004 Eastern Berks County Regional Comprehensive Plan (EBCRCP) and make suggestions for revisions to the Plan in light of current changes/lack of changes within the Township over the last eight (8) years.

The memo prepared by the Solicitor dated August 10, 2012 to the BOS, the PC and the Engineer was discussed. It was recommended that Section 9 of the revised Plan should take into account the Township's revised Act 537 Plan. A suggestion was made to have the Board of Supervisors notify the Brandywine Heights Area School District of the planned update and request their suggestions. It was noted the Engineer's office has requested an electronic copy of the EBCRCP from Harry Roth (Roth Plans), the planning consultant in Lancaster, PA who prepared the original 2004 plan, but has not received a response to date. As an alternative, Jill Nagy suggested calling Berks County to inquire as to whether we can obtain an electronic copy of the 2004 document if we do not hear back from Mr. Roth.

In addition, Jill Smith circulated a memorandum from Steve Dellinger of Hanover Engineering, wherein he outlined preliminary comments regarding the population and growth assumptions contained in the 2004 Plan compared to the current data now available from the

2010 Census. It was noted Frank Karoly performed a section-by-section review in September for the Township's use during the Comprehensive Plan review.

Berks County Emergency Response Tower

Jill Nagy informed the Township Planning Commission the County has submitted a Conditional Use Application and a Zoning Hearing Application for construction of a communication tower in Longswamp Township for use by the Berks County Emergency Services. Jill Smith reviewed the letter she prepared dated February 7, 2012 to the Board of Supervisors outlining the issues she saw in reviewing the County's "sketch" plan for the proposed communicate tower.

It was noted the Zoning Hearing Board meeting is scheduled for November 20, 2012 for the Hearing Board's consideration of several zoning variances being requested by the County. Variances include relief for the height of the tower (305'), relief for driveway grades exceeding 10%, a variance for the parcel size (10,000 square feet vs. the requirement for 1 acre), and relief from landscape screening. The County's argument is that meeting the Zoning Ordinance requirements presents an economic burden, not that the Zoning Ordinance requirements could not be met. It was noted that generally variances may not obtain solely due to economic issues.

Jill Nagy also noted that per the lease agreement between the County and the property owner, once the County has approval for the tower they will be allowed to have co-locators (other 'tenants') on the tower. Per new Pennsylvania legislation, other co-locators do not have to go through the Conditional Use process to add antennas on an approved tower, but consideration of the tower's structural integrity with multiple co-locations must be addressed before permit approval.

The lease for the parcel, which is private property, states that the property owner will share in any profits made by the County.

The Planning Commission discussed drafting a memorandum to the Zoning Hearing Board and/or the Board of Supervisors which notes a public safety concern over the access road and dismantling of the tower should the County relinquish ownership. The Solicitor was directed to draft a memorandum, noting that the Planning Commission has reviewed the information provided and believes that as long as the variance for the tower height and road access are used purely for the benefit of the County, then the Planning Commission supports granting the requested variances. Variances should be conditioned upon ownership by Berks County and should there be a change in ownership of the cellular tower for the Berks County Emergency or addition of other 'tenants', the contract should be subject to renegotiation with the Township, and the Zoning Hearing Board consider this condition in any variance granted.

Authorization for the Chairman to sign Planning Module

A motion was made by Frank Karoly and seconded by David River to authorize the Chairman to sign the Component 4A of the Sewage Facilities Planning Module for the Peter Silverman property. All in favor.

PUBLIC COMMENTS

None at this time.

ADJOURNMENT

A motion was made to adjourn the meeting by David River at 9:35 pm and seconded by Frank Karoly. All in favor.

Respectfully submitted,
David Q. River, Recording Secretary