TOWNSHIP OF CUMRU PLANNING COMMISSION
REGULAR MEETING APRIL 7 , 2025

The regular meeting of the Cumru Township Planning Commission was called to order at 6:00 p.m. by Chairperson Allen Gibson. Other members in attendance were Vice-Chairman Terry Hand, Barb Dietrich, Richard Keffer, Bev Leonti, Gerald Potochnik and alternate Keith Zielaskowski. Others in attendance were Solicitor Kelsey Frankowski, Solicitor Daniel Becker, Manager Jeanne E. Johnston and Secretary Patricia A. Wylezik-Pfeiffer. Steve Hoffman of Great Valley Consultants was available electronically. Jesse Morey was excused with prior notification. Alternates Clancy Herr and Thomas Woleslagle were absent.

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Pledge to the Flag.

NOTICE:
Public comment will be accepted in person. Please include your first name, last name and address for all comments. Any comments without a name or address will not be considered. To accommodate as many people as possible, we request that each person's comments be limited to 3 minutes. The meeting comment period is limited to a total of 60 minutes. This time period may be extended at the discretion of the Planning Commission. While public comments will be given due consideration, immediate responses will be done at the discretion of the Planning Commission.

PUBLIC

Attendance: Greg Leonti, Curvin Brubaker, Dennis Wahl, Frantz Joseph, Joe D'Ascenzo, and Joe D'Ascenzo III.

APPROVE MINUTES

ON MOTION OF MRS. LEONTI, SECOND OF MR. HAND, A UNANIMOUS VOTE TO APPROVE THE PLANNING COMMISSION MINUTES FROM MARCH 3, 2025, AS SUBMITTED.

PLANS

2022- 06 MORGANTOWN COMMERCE PARK (NORTHPOINT)
EXPIRATION DATE – BY STIPULATION

(Preliminary/Final Plan) Owners: Route 10 Realty, LLC/NorthPoint Development, LLC; Agent: Schlouch, Inc., Michael Hartman; Location: Morgantown Road and Freemansville Road; plan no. 21403110; Proposal summary: Construction of a large warehouse.
This plan is listed for tracking purposes and will not be discussed at this meeting.

HAWTHORNE RIDGE APARTMENTS

(Final Plan) Owner: KEVTIMRP, L.P. c/o Metropolitan Management Inc. ; Agent: C2C Design Group; Location: 1910 Philadelphia Ave (SR724) ; Project No. MET-CMU-01;

Parcel ID #39531500464142; Proposal Summary: Construct 200 apartment units, garages, a dog park, a playground, a clubhouse and pool utilizing public water and public sewer facilities. This plan is subject to a court settlement stipulation.

1. Revised Final Land Development Plan from C2C, dated 4/03/25

Atty. Daniel Becker, Adrianne DeLaere, John Rathfon, Atty. Gregg Adelman and Shawn D'Ignazio were present to represent the plan.

Atty. Becker gave a short history of the plan which was first proposed in 2007. There were many different proposals and the plan was denied in 2016 due to issues such as number of units and slope of the roads. Litigation ensued. The new proposal is for 200 units. The roads, sewer and water will be private. The court approved the plan with conditions as set forth in the stipulation agreement.

The plan is before the Planning Commission today for signatures in order to get the plan recorded.

Mrs. Leonti thanked Atty. Becker for the sharing the history before the Planning Commission was asked to sign the plan.

Mr. Hand asked about a 2nd access. The answer was that the maximum number of units allowed for a single access is 200 so that is the number of units proposed for this plan.

Mr. Hoffman stated that he has been involved with reviewing the plan for many years and that there are no significant outstanding issues. He recommended signing the plan.

ON MOTION OF MR. GIBSON, SECOND OF MRS. LEONTI, A UNANIMOUS VOTE TO APPROVE THE PLANNING COMMISSION TO SIGN THE HAWTHORNE RIDGE APARTMENT PLAN DATED 4/30/2025.

INFORMAL DISCUSSION

A.) 2939 Welsh Rd.

Owner: Curvin Brubaker; Parcel ID #39439403304531; Proposal Summary: Construct a 5000 ft^2 building to house 4000 egg laying chickens.

1) The property is located in the AG district.
2) Owner is requesting a waiver of land development.

Curvin Brubaker presented a proposed plan for a 5000 ft^2 building to house 4000 egg laying chickens on his property at 2939 Welsh Rd. He and his family, including 6 children, run a farm with other animals at this location.

There was discussion about setbacks, nutrient management (animal feces), delivery vehicles, and how many animal pounds constitutes an animal unit. Mr. Brubaker stated that the manure would be used for the 30 acres of hay and could be stored in a barn as needed. The total number of animals on the land should be documented for the records. Mr. Brubaker, who has been in the poultry industry for many years, confirmed that the building would be odor-controlled and well-ventilated.

Mr. Hand asked about cleaning out the barn every 60 weeks or approximately once per year. The answer was yes to completely cleaning the barn within that time frame.

It was recommended that Mr. Brubaker start with a survey to produce a detailed plot plan.

Mr. Hoffman said that, at minimum, an E & S plan and a stormwater plan would be needed. He recommended hiring an engineer to help with a plan to show the property boundaries, contours, streams, etc. which would be required for the E & S and stormwater plans.

Ms. Johnston did not recommend a waiver of land development at this time.

Mr. Potochnik suggested thinking long-term and that land development could help with future planning. It would be cheaper to do the surveying and land development now.

Mr. Brubaker wanted to avoid the extensive land development costs.

Ms. Johnston said that there would be a cost to review the plan and make suggestions.

Mr. Hoffman suggested submitting under a stormwater plan which would cost approximately $2000.

Mr. Brubaker asked how he should handle this. The answer was to choose a surveyor and that person could answer his questions.

B.) 2399 Lancaster Pike

Owner: Giovanny Pascal; Parcel ID #39439509073143; Proposal Summary: Build a 30 ft. x 60 ft. 2-story accessory garage with water.

1) The property is located in the MUGC district.
2) The owner received ZHB relief to build a "30 ft. x 60 ft., 1000 ft^2, 1-story accessory garage" in 2022. (APP No. 781) Since 30 ft. x 60 ft =1800 ft^2, how is the discrepancy resolved?
3) Administration believes that land development would be required.
4) Applicant desires to add a second story, a toilet room and a truck washing bay to this building. ZHB decision requires further application to the ZHB for expansion. Does this constitute expansion requiring application to the ZHB?

Ms. Dietrich recused herself from the discussion.

Giovanny Pascal discussed his plan to build a 2-story accessory garage with water on his property at 2399 Lancaster Pike. The dimensions were always supposed to be 30 x 60 ft. He would like to be able to wash his cars/trucks inside the building. The upper level would be for storage.

There was discussion that altering the plan that received ZHB relief would require going back to the ZHB. It was suggested that a copy of the ZHB application and transcript be reviewed to determine if Mr. Pascal needs to go back to the ZHB.

There was also discussion about needing land development or requesting a waiver of land development. Mr. Pascal claimed that he had previously received a waiver of land development. Ms. Johnston said that administration would look in the PC minutes for a waiver of land development.

Mr. Keffer asked if this was a habitable building or an accessory structure. Mr. Pascal said that it would be an accessory structure used as part of his business.

Mr. Hoffman recommended submitting a plan for review before deciding about a waiver.

There was discussion about contacting Shillington Water Authority about water usage for a truck washing facility and getting permission. A future owner could change the use and wash more trucks.

Mr. Allen recommended that he come back with a more detailed plan.

C.) 1173 Cedar Top Rd.

Owners: Gretchen and Jerry Morris; Parcel ID #39530513144755; Proposal Summary: Owner would like to pave a 20 x 20 parking pad to the right of the house.

1) The proposed new parking area would constitute a second driveway. A waiver to SALDO section 509(E)would be required.
2) A survey should be required due to proximity to the property line.
3) Sight distance is a concern
4) Stormwater might be required
5) The property is located in the HR district. The owner received ZHB relief to operate a single chair beauty salon in 2021 (APP No. 765). ZHB decision requires further application to the ZHB for expansion. If the waiver is granted, does this constitute expansion requiring application to the ZHB?

Jerry Morris said that they had put in a parking pad previously and they wanted to stone not pave the access.

Ms. Johnston stated that a 2nd driveway would require a waiver to the SALDO and that the 1st 50 ft would have to be paved. All surface would be considered impervious for stormwater.

Atty. Frankowski stated that parking had not been discussed with the ZHB and was not part of the decision.

Ms. Johnston recommended that a survey should be done to determine sight distance and make sure that a safety issue is not being created.

Mr. Hoffman agreed with the owner getting a survey for the property line and to measure sight distance.

D.) 427 Hain Rd.

Frantz Joseph is interested in purchasing the property; Parcel ID #39438512870017; Lot #2 of the Hain Road Subdivision. Applicant questions how many semi-detached and single-family homes can be built on this 5.43-acre property. What, if any, relief might be needed.

1) The property is located in the MR district.
2) No public sewer.
3) No public water.
4) Access configuration for multiple units would be a concern.

Frantz Joseph stated that he was interested in constructed 5-6 homes on this 5.43-acre parcel for a family compound. The parcel would have 1 owner.

There was discussion about possible subdivision for each dwelling to be on its own lot and the need for a shared access driveway with a cul-de-sac. In the MR district with on-lot water and on-lot septic, the minimum requirement is 1 acre. A shared driveway is limited to 3 units maximum. There is no home on the lot at this time. In theory, there could be a maximum of 5 houses but the reality would be closer to 3. There is also a drainage easement shown on Lot 2 of the original subdivision. The land in this area is not flat, so topography could be an additional concern.

Mrs. Wylezik-Pfeiffer explained that the SEO would require testing to confirm that each lot had 2 viable areas for an on-lot septic system that were each at least 100 ft. from the well.

Ms. Johnston explained that this area could be required to put in public sewer in the future. There have been septic failures on some of the pre-existing non-conforming smaller lots that do not have the land area to install a new on-lot system.

Mr. Keffer voiced concern about failing septic systems polluting the water aquifer. He suggested drilling a well to test the water quality.

E.) Titus Clean Industries

Owner: Recycle The World, Inc (Joe D'Ascenzo); Parcel ID #39531600105762; Proposed Summary: Reactivate the facility.

1) The property is located in the GI district.
2) Is this facility a public utility or a private utility? A private utility requires a special exception.

Joseph D'Ascenzo and Joseph D'Ascenzo III represented Titus Clean Energy. They would like to reactivate the facility and the question is whether this is a public or private utility. They asserted that it always was a public utility and should continue to be a public utility governed by the Federal Energy Regulatory Commission (FERC) and operated through PJM.

Mr. Keffer asked if they had shareholders.

Ms. Johnston explained that classifying as public or private is the difference between needing a special exception from the ZHB or being a permitted use by right.

There was discussion. Mr. Hoffman said that he was leaning toward public utility. The old Titus station produced electricity from coal. The new facility is proposing using nature gas and bio-engineered fuels. This facility would sell to PJM and PJM would sell to others. The D'Ascenzos said that the facility is already connected to the grid.

It was decided that Atty. Frankowski would communicate with Joseph D'Ascenzo III in order to give a clear answer based on all the information.

There was additional discussion about using mostly rail but possibly having some truck traffic. Mr. Potochnik asked about receiving grant funding for the railroad project. Mr. Joseph D'Ascenzo said that they received a partial grant of approximately $1 million and they paid the matching approximately $1 million.

They hope to supply 240 megawatts of power.

F.) 471 Hunters Rd.

Owner: Dennis and Sheryl Wahl; Parcel ID #39439401370081; Proposed Summary: Build a third accessory building (detached garage). Owner had received ZHB relief for pool setbacks in 2016. Nonspecific relief was requested for a garage. (APP No. 700) The property owner now desires to build the garage and asks if the ZHB decision is applicable.

1) The property is located in the RC district. The lot is 1.82 acres (pre-existing); minimum lot size is 3 acres.
2) ZHB granted relief for Section 920 (A)(2)(b) pertaining to pool setbacks in 2026 (APP No. 700).
3) ZHB decision doesn't reference the ordinance Section [903.1 (B)(3)] pertaining to the garage setbacks, but included the words " additional garage" in item #7 in the decision. Does the owner need to apply to the ZHB for clarification?

Dennis Wahl appeared to discuss whether the zoning relief he had previously received is still applicable for building a garage. He maintains that he had been told that the relief was good forever.

Atty. Frankowski confirmed that he had constructed the pool but not the garage.

Ms. Johnston asked Mr. Wahl if he could reposition the proposed garage lengthwise to lessen the side yard setback relief needed. Mr. Wahl said no.

Ms. Johnston stated that it appeared that he had applied for the pool and added the garage later. The section of the ordinance referencing setback relief for a garage was not in the application or decision..

Atty. Frankowski stated that she will look at the application and advertisement to see what relief was requested.

Ms. Johnston agreed to look at the advertisement proof to determine if the owner needs to go back to the ZHB.

Mr. Wahl stated that his neighbor will probably complain. Atty. Frankowski replied that while that could be a factor, the neighbor alone would not determine the outcome. The ZHB would decide.

Ms. Johnston encouraged everyone to attend the Steering Committee Open House on Wednesday April 9, 2025, at the Governor Mifflin Intermediate School Cafeteria from 6-8 p.m. She also reminded the PC about completing the Steering Committee community survey.

Ms. Johnston reported about changes in polling places for Cumru precincts 1, 4 and 5. These changes were made by the Berks County Election Services, not Cumru Township. There are flyers available and notices will be sent to affected voters.

ADJOURNMENT

ON MOTION OF MRS. LEONTI, SECOND OF MS. DIETRICH, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:00 P.M.

Respectfully submitted,

Patricia A. Wylezik-Pfeiffer
Secretary