**M I N U T E S**

**LOWER SWATARA TOWNSHIP REGULAR MEETING**

**PLANNING COMMISSION MARCH 24, 2022 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present in person:

Chauncey Knopp, Chairman Kaylee Justice, LST Planning/Zoning Coordinator

James Young, Vice Chairman James Diamond, LST Solicitor

Kimber Latsha Shawn Fabian, HRG

Dennis Fausey Tonya Condran, Recording Secretary

Dale Messick

Others present:

Matthew Fisher, R.J. Fisher & Associates

Others present via Zoom:

Alexa Korber, DCPC

Matt McAffrey, Berks Homes

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the February 24, 2022, meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Messick. All were in favor. Minutes were approved.

**NEW BUSINESS:**

**Preliminary/Final Land Development Plan for Penn Preserve –** Planning Commission File #PC2022-03, 10.01 acres in zoning district R-U (Residential Urban) at the southeast corner of Route 283 and Lumber Street, Middletown PA 17057. Applicant is proposing 23 single family lots. Applicant is requesting a waiver for relief of the preliminary plan requirement (Section 404).

Mr. Knopp asked when the last time was that this was reviewed by the Planning Commission.

It was answered that the last time this was before the Planning Commission was in 2017. The Developer at the time decided not to move forward with it, listed it for sale, and now Berks Homes is the equitable owner.

Matthew Fisher, of R.J. Fisher & Associates, came to the microphone, introduced himself and Matt McAffrey from Berks Homes, and gave a background of the plan. He said that in general the plan is relatively unchanged from what was reviewed in 2017. The main gist of the change is that it will be brought up to the current NPDES standards. He informed that they have a valid permit currently, but it is expiring in June, so it is basically unrealistic for the Builder to be able to meet that deadline, so they will go through a new NPDES permit renewal process.

Mr. Fisher went on to explain that on the site there are three main basins: A, B, and C. Basin B remains relatively unchanged from what the main design was. Basins A & C both roughly double in size and that is where two of the building lots were lost. Previously the plan had 25 buildable lots, now it went down to 23. In addition to that, in re-working those basins, there are individual rain gardens on those lots. There were a couple small property line tweaks in the middle of the circle. Lastly, a couple of the swales were tweaked by a couple feet just to give a little bit of extra depth. He said that is really the gist of the changes from the 2017 plan.

Mr. Fausey asked if there would be a HOA (Homeowners Association).

Mr. Fisher replied that yes, there will be a HOA.

Mr. Fausey asked if the HOA would be responsible for the catch basins.

Mr. Fisher said that is correct.

Mr. Messick asked if the infrastructure itself on the stormwater system would be turned over to the Township or Municipal Authority.

Mr. Fisher explained that how it typically works is when you have a public dedicated street, the Township takes responsibility for the ones in the streets. The ones outside of the streets, in relation to the basins, the homeowners would be responsible for those.

Mr. Fabian added that if you have infrastructure in the streets that have a definable discharge, if there were any problems, the Township would fix them in the road itself.

Mr. Diamond added that there may be some anomalies, like a stormwater pipe that was servicing something else that passed through a property.

Mr. Fisher said that the outlet structures in the basins will be HOA’s responsibility and the majority of the rest of it would be in the public streets and the Township’s responsibility.

Mr. Messick clarified that anything in the public property would be Township responsibility.

Mr. Fabian said LSTMA would take ownership of that then as the manager of the storm sewer system.

Mr. Knopp asked if there were any other questions from the Planning Commission.

There were none at this time.

Mr. Knopp asked Mr. Fabian for any further input.

Mr. Fabian said that when we finally do get to the opinion of probable cost to set up for financial security, we tend to clarify what’s dedicated quantity and what’s not dedicated quantity, so those will be tracked separately then.

Mr. Fabian added that a lot of his comments are clerical in nature.

Mr. Knopp asked about stormwater in Basin C.

Mr. Fisher said that the Ordinance only applies to basins greater than 3 feet. This basin is only 2.5 feet deep, so it wouldn’t apply.

Mr. Fabian said that on the NPDES side of it, the DEP would still have a standard with DEP to follow up on that. He added that this is the one he thought might be most problematic.

Mr. Messick said the reason he brought this up was that if the Township would have any need to get back onto private property, there should be an easement shown there for the Township’s responsibility of the inlet or the discharge. So, he feels an easement should be shown on the plans.

Mr. Diamond interjected that it is shown on Sheet 3 of the plans.

Mr. Fabian said the only comment he had on easements is on Lot 1. He feels it is a little tight, it is not the whole way up to the top of the grading. So, trying to get an access through the drainage easement might be a little problematic in there. But there is also a note that allows us from the closest public entrance to come back into any of these right-of-ways. The other easements seem to be in order.

Mr. Knopp asked Ms. Korber for any comments.

Ms. Korber said her only comment was about the catch basins that were discussed earlier, so she got her answer in that discussion. She also had questions on stormwater but feels Mr. Fabian would be the one to talk to on that.

Mr. Knopp asked if anyone else had any questions or comments.

There were none at this time.

Mr. Knopp asked the Planning Commission to address the waivers.

1. Preliminary Plan to Final Plan:

* Mr. Young made the motion to recommend approval since they did sit down with Township Staff on January 27, 2022 to be in substantial compliance with the Ordinance.
* Mr. Latsha seconded that motion.
* All were in favor.

1. Waiver requested to allow de minimis increase in the 1-year storm from 0.11 cfs to 0.25 cfs.

* Mr. Fabian and Mr. Fisher explained this waiver and stated it should not have any impact on the property whatsoever. HRG is comfortable with this.
* Mr. Young stated that he would defer to Mr. Fabian’s judgement and made the motion to recommend granting the de minimis waiver on the 1-year storm.
* Mr. Latsha seconded the motion.
* All were in favor.

The waivers were both recommended for approval.

Mr. Knopp then asked the Planning Commission for their thoughts on the Plan overall.

* Mr. Latsha made the motion to recommend approval with stipulation that all of the comments from the staff would be complied with.
* Mr. Fausey seconded the motion.
* All were in favor.

Plan was approved for recommendation to the Board of Commissioners.

**OTHER BUSINESS:**

The next Planning Commission Meeting will be scheduled for Thursday,

April 28, 2022, at 7:00 P.M.

**ADJOURN:**

A motion was made by Mr. Messick and seconded by Mr. Latsha to adjourn the meeting. All were in favor.

Meeting adjourned at 7:14 P.M.

Respectfully Submitted,

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Kaylee Justice, Planning & Zoning Coordinator