

SCHUYLKILL TOWNSHIP PLANNING COMMISSION

MEETING DATE: MAY 17, 2023

Curt English called the meeting to order at 7:30pm. Members in attendance were: Michael Bauer, Peter Bigelow and alternate Tom Gresko. Barbara Cohen arrived at 7:45pm. Michael Pellegrino, Andrew Jacob, David Demey and alternate Michael Walker were absent. Township Engineer Paul Boettinger and Township Solicitor William Brennan were also present. P. Bigelow made a motion to approve the meeting minutes from the April 19, 2023, meeting. M. Bauer seconded the motion. All approved.

Michael Shiring, attorney from Riley Riper Hollin & Colagreco, spoke on behalf of AQUA Pennsylvania regarding the Reeves property development plans. M. Shiring advised that he has recently been retained by AQUA and was requested to attend the Planning Commission on their behalf to voice the concerns they have with the development of this parcel. He stated that AQUA has just recently become aware of these plans. AQUA has five main concerns. 1.) The amount of stormwater & pollution that will enter the reservoir from this development as the discharge areas/outfalls that are shown on the plans are close to the intakes of the AQUA reservoir. 2.) A & B stormwater outfall areas discharge into shallow areas and that can cause algae blooms. 3.) increased trespassing & access to the reservoir is a concern. 4.) The emergency access shown goes over a high pressure main. AQUA requires dredging access. 4.) Flooding concerns with the increased stormwater. 5.) Disturbing a protected habitat that has eagles nests, and many other thriving wildlife.

Todd Pohlig, Pohlig Builders for the Reeves property, stated they will be willing to meet with AQUA to discuss these concerns. John Snyder, attorney for T. Pohlig, said they are here to get this by-right plan back on track. That they had a recommendation from the Planning Commission in 2009, and they feel that this Planning Commission doesn't need to make a recommendation and that they are ready to go to the Board of Supervisors with this plan for approval. B. Brennan questioned if that was the case, why has this been in the review process since July 2022, with multiple reviews and meetings trying to resolve the outstanding issues. The Planning Commission in 2009, did recommend approval using 2006 ordinances with the caveat that all engineering matters were satisfied. In 2014 parties came to an agreement to put this plan on hold to pursue PRD options. B. Brennan stated based on the passage of time, new engineers, new Planning Commission members, etc., it is not unreasonable for these plans to be reviewed. There is nothing in the Municipal Planning Code that precludes this. B. Brennan said that the Township Engineer just issued their third review today, May 17th, and that there has been no review of the Select Sites plan. The 2009 Planning Commission recommendation was not clear and the Township is simply trying to be clear and concise with the reviews. J. Snyder said they believe they still belong in front of the Board of Supervisors, that they tried to play fair and participate in these new reviews but after pages and pages of reviews and \$70,000 in fees, they don't want to go through with this anymore, as their position remains it is unnecessary. B. Brennan said he disagrees, that there are still many outstanding engineering issues. J. Snyder said they would be happy to go through the 2009 engineering review letter from Gilmore & Associates, as the new T&M Associates reviews are redundant. B. Brennan asked P. Boettinger if he was prepared to go through the 2009 Gilmore review letter. P. Boettinger said he is not prepared to discuss the Gilmore review at this time. B. Brennan asked if he could review the Gilmore letter and his review letter and put together a list of all outstanding items. P. Boettinger said if he is directed by the Board to do so, he will. P. Bigelow asked if this was the same plan

that was reviewed in 2006/2008. J. Snyder said yes, same plan, 51 homes with private connection to E. Philip Drive. J. Snyder said it's ready for the Board of Supervisors, as the Planning Commission recommended approval with legal issues to be discussed with the Board of Supervisors. J. Snyder said briefs were filed back in 2008 or 2009 regarding the E. Philip access, the sewer easement issues that were raised in Gilmores 2009 letter are legal issues, not engineering. M. Bauer said that after P. Boettinger reviews the 2009 Gilmore letter they can discuss it at the next meeting. P. Bigelow said that J. Snyders stance is that this Planning Commission doesn't matter. M. Bauer said that his stance doesn't matter, that they will continue to review the plan as is the job of the Planning Commission and give their recommendation. B. Cohen thanked the applicant for their patience and persistence and stated she would like to simplify the process. J. Snyder said they are not prepared to respond to the review letter issued today by T&M but they will listen if P. Boettinger goes through it. M. Bauer said that the letter from AQUA says that there was significant changes to the plans. J. Snyder said that they've been discussing this plan with AQUA since 2006 which led to an easement agreement for the access. J. Snyder said he feels there won't be any problems. M. Shirling said he will need to review thoroughly the plans and agreements that occurred. P. Boettinger said they will review the Gilmore letter against the April 2023 plans. J. Snyder agreed. P. Boettinger reviewed the main points in the latest review letter. Page 8 D5, Sedgley Farm driveway culvert, M. Bauer questioned why the 14" pipe is increasing. P. Boettinger stated that the pipe is currently undersized and they are putting it to the size it should be. P. Boettinger has requested wetlands verification on the size area of the wetlands, that it is a concern that they will need wetland mitigation. P. Bigelow asked if wetlands can move over 15 years. P. Boettinger stated it is possible they can increase or decrease in size. An updated PNDI study is required. Page 17, E21 references the road geometry and horizontal curvature of the East Philip connection, this will need to be revised. The cul-de-sac will change designation to secondary feeder, which will require a 60' right of way, the plans show 50'. M. Bauer asked if this would be private do they still need to meet secondary feeder requirements. B. Brennan responded that this is one of the legal struggles the Township is dealing with. Page 19, E29 references sidewalks. Township wants sidewalks on both sides of the road with the exception of Sedgley lane and the emergency access, plans show sidewalks on one side. T. Pohlig said they feel strongly that narrower roads and sidewalks on one side is better. Less impervious coverage, slower traffic speeds, the ordinance calls for sidewalks and they are providing it. Page 19 references the double frontage lots created on Dorchester, that the one foot wide strip of land doesn't qualify as open space. J. Snyder said that this was decided by Judge Nagle that this is not double frontage. B. Brennan argued that the Nagle decision was based on the Belmont Terrace side of Sedgley. Page 23, discusses AQUA's approval/issues with the project. J. Snyder said that these are private agreements and are not public or Township issues, that these were confidential and not public and they didn't appreciate them being part of the engineering review letter. B. Brennan stated that the agreement was an exhibit in the PRD hearings and is public record. Page 27, dedication of the roads and bridge. Township has concerns for the maintenance/repairs to the bridge if the Township does not take dedication of the roads. M. Bauer questioned why the bridge is an issue with dedication. P. Boettinger said if it were private, how would the HOA pay to maintain or repair it if it were damaged, as it would be a large expense. J. Snyder said that it is not a bridge, it is a culvert, there is not air underneath it, there is land. P. Boettinger stated the Zoning Hearing Board referred to this in their decision as a bridge. J. Snyder said they will review the T&M review letter and respond.

Public Comment

F. Mercurio Spruce Grove Ln – Questioned if the Planning Commission includes residents thoughts and concerns in their decision making or if it is just based on technical items. C. English said they will consider all comments. J. Snyder said that the MPC only provides denial of plans due to non-compliance with requirements, not just because it is unliked. Mercurio asked if E. Philip would be used as a construction entrance. T. Pohlig stated that it possibly could be.

E. Jantzen Galway Ln – Opposes the plan. 51 houses on a peninsula is too many. How can the Township be sure that the environmental studies they are doing are unbiased. P. Boettinger said he doesn't feel any engineer would falsify reports. T. Pohlig advised that all environmental studies have been updated.

M. Haag Dorchester Way – Concerned about the culvert under Sedgley lane access. It will need to have a grate to stop debris from clogging pipe. Thanked T. Pohlig for cleaning up the Belmont Terrance area of debris previously. Concerned about the buffer between the Dorchester homes, and asked if a traffic signal would be provided at Sedgley & Valley Forge Road. P. Boettinger said PennDot states that it doesn't warrant a light. B. Cohen questioned when Penndot made that decision, that since 2009 traffic has increased and feels that their should be a light. Greg Richardson, Traffic Engineer for Pohlig, stated that the studies still do not warrant a light. It is based on the number of vehicles coming in/out the new road, not the main road.

Resident, Dorchester – Concerned with flooding. Thinks plan with wider streets and sidewalks on both sides is better. Wants all issues to be addressed prior to any recommendations.

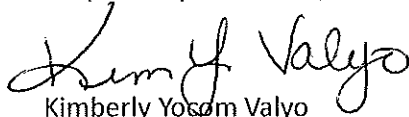
J. Mraz Meadowbrook Ln – Concerned with why they are not made to follow current ordinances. If streets are not dedicated, will buses go down the roads. Will the County review the plan again.

K. Hilyard Valley Forge Rd – Concerned with the culvert under Sedgley. If it gets blocked it will flood her property, who will maintain the grate. P. Boettinger said if undedicated roads, it would be HOA responsibility. If dedicated, it's in the right of way, and therefore Township responsibility.

P. Bigelow asked B. Brennan about the strip of land titled Belmont Terrace and who owned it. Brennan said the Township has done an extensive title/deed search and have come up with no known heirs to the owner from the 1930's.

With no further public comment, at 9:35pm a motion to adjourn the meeting was made by B. Cohen. C. English seconded and adjourned the meeting.

Respectfully submitted,



Kimberly Yocum Valyo

Zoning Officer

Next Meeting Date: June 21, 2023