



# TOWNSHIP OF SPRING

BERKS COUNTY, PA

2850 WINDMILL ROAD  
SINKING SPRING, PA 19608  
Tel. (610) 678-5393  
Fax. (610) 678-4571  
www.springtwpberks.org

## BOARD OF SUPERVISORS MEETING MINUTES

January 3rd, 2023

**OPENING OF MEETING:** Chairperson Stuck called a regular business meeting of the Board of Supervisors to order at 7:40 p.m. on Tuesday, January 3<sup>rd</sup>, 2023 in the Public Meeting Room of the Township of Spring Administration Building, located at 2850 Windmill Road, Spring Township, Berks County, Pennsylvania.

**ROLL CALL:** Upon roll call, Supervisors Stuck, Kocher, Royer, and Wertz were present. Ms. Smith did not attend. Also present were: John Groller, Paul Darrah, Jen Bensinger, Jim Moll, Aaron Wozniak, Chief Powell, Chief Hackman, Fire Marshal Troy Hatt, and Daniel Becker, Esq. Also in attendance was Steve Buck from Stevens and Lee on behalf of Spring Commons. Attending via Zoom were Judy Houck and Ed Schwarz, the owner of Spring Commons.

**AGENDA AMENDMENTS:** Emergency Repair Contract – 1 Year Extension added to action Items #11 Resolution 2022-16A Traffic Signal Maintenance Agreement added to Solicitor.

*A motion was made by Mr. Wertz, seconded by Mr. Royer, to amend the agenda. Upon roll call, all in attendance voted affirmatively. MOTION CARRIED*

**OPEN TO THE FLOOR:** None

**ACTION ITEMS FOR APPROVAL:** All items requiring action by the Board are listed below. Comments and discussion points are listed under the corresponding item.

1. Minutes from December 22<sup>nd</sup> Meeting
2. List of Bills for Approval
  1. **General Fund - \$234,900.26**
  2. **Refuse Tax Fund - \$52,084.89**
  3. **Sewer District #3 Fund - \$66,248.71**
  4. **Fire Protection Fund - \$93,014.28**
  5. **Capital Fund- \$ 130,293.47**
3. Adopt Ordinance # 452-International Fire Code 2018
4. Purchase Order PW-2023 -001-Savage 61. Com- 2022 Ram 2500

**ACTION ITEMS FOR APPROVAL:** (Continued)

5. Purchase Order PW-2023-002- Jeep Sands- 2022 Ram 3500
6. Purchase Order PR-2023-005-New Holland Ford – 2023 Bronco
7. Authorize Police Station Boiler Replacement Project  
Ms. Houck stated that the boiler has been struggling since it was installed. It has been determined that it is insufficient for that building. Funds have been budgeted for this project. The first part of the project is the design work and bid specifications. There is a Purchase Order from Great Valley Consultants for \$6,202.00 to handle the design work and observations for that project.
8. Purchase Order PO-22-001-Savage 61.Com- Qty-2- 2023 Dodge Durango
9. Personal Leave  
Chief Powel reported that an officer had requested two weeks of personal time to assist his wife upon the birth of their baby.
10. Authorization to Recruit for Vacant Public Works Position
11. Emergency Repair Contract – 1-year Extension  
Mr. Moll explained that the Township has to approve the Emergency Repair Contract every two years. The contract is good for one year, but we can extend it for another year. Mr. Moll requested authorization for approval of Change Order No. 1 to extend the Emergency Repair Contract for another year.

*A motion was made by Mr. Kocher, seconded by Mr. Wertz, to approve items #1-#11. Upon roll call, all in attendance voted affirmatively. Mr. Wertz abstains from fire fund 14. MOTION CARRIED*

**TOWNSHIP DIRECTORS**

A. Zoning/Building Codes Department – No Report

B. Parks and Recreation Department

1) Cacoosing Meadows Park – Kitchen Damage

Ms. Houck reported that there was kitchen damage at Cacoosing Meadows Park. She had met with the insurance agent the preceding Friday and plans to meet with the contractors next week to obtain an estimate for the repairs. Mr. Wertz asked if the recommendation was to repair the structure or rebuild it. Ms. Houck stated that the insurance agent did not see any reason that the kitchen would need to be rebuilt. The agent believes that it is repairable. Mr. Stuck asked, given the structure's age, if we wanted to take the money from the insurance company for the repair and look to rebuild it. Ms. Houck stated that would be up to the Board of Supervisors and that she does not know what that cost would be and if the rebuild could be completed before the rental season. One of the biggest challenges will be the walk-in cooler. That unit is no longer available. The Township would have to rethink how it wants to address that if it still wants to offer that service at this location. Board Discussion follows with Mr. Kocher bringing up a point of the number of flooding events at this location in the last several years. Mr. Wertz recommended that Township wait until we receive an estimate back from the insurance company and go from there.

**TOWNSHIP DIRECTORS** (Continued)

B. Parks and Recreation Department (Continued)

1) Cacoosing Meadows Park – Kitchen Damage (Continued)

Those in attendance agreed with Mr. Wertz’s statement to wait for the estimate from the insurance company.

2) Pavilion Policy Updates

Ms. Houck requested approval to update the Pavilion Rental Policies. The policy has been reviewed by the Insurance Company, Park and Recreation Board, and the Township Fire Marshal regarding the amusements that people have been bringing in, such as bounce houses, etc. Ms. Houck requested approval pending final approval from the Solicitor.

C. Engineering/Planning Department

1) 2601 Cleveland Ave – Variance Requests

Mr. Moll explained that the applicant proposes to have a hair salon within their detached garage on their residential property. A hair salon is not a use permitted by right in the urban zoning district. Approval would have to come as a home occupation. Home Occupation regulations require that the business occurs within the dwelling. The applicant is requesting two variances, which would allow the hair salon to be in the detached garage. The applicant states that the hair salon will take up about 60% of the detached garage. The Planning Commission has looked at this and recommended that the variances be granted. Mr. Royer asks if they would install a covered walkway between the house and the garage, would that be considered attached? Mr. Moll responds that typically attached garages are viewed as part of the principal structure but given the distance and the slope of the land, that does not seem feasible. Mr. Wozniak added that they would have to meet the Building Code regarding the percentage of windows and that it would have to be enclosed and heated for it to be considered a corridor. Mr. Wertz asked if there was sewer and water back there and if they would have to connect. Mr. Wozniak responded that their salon license would require them to have water and sewer. They would have to pump up to the house. Mr. Stuck mentioned that the applicant stated at the Planning Commission meeting that the garage had finished space. Mr. Moll noted that what facilities exist at the garage need to be clarified. Mr. Wozniak stated that if the Township is still required to approve it, the Township would have to confirm valid sewer, electric, and water. Mr. Royer asked if the house has its sewer and water and the garage has water, could the garage have its own cesspool? Mr. Wozniak responded no, the garage is too close to the sewer, and they must connect. They can run lines to the house and add pumps if necessary. Mr. Moll asked Mr. Wozniak if they would be required to have a public bathroom. Mr. Wozniak suspects so, especially since the garage is detached from the house. He stated that the Building Code regulations would cover that.

*A motion was made by Mr. Royer seconded by Mr. Wertz recommending approval of the 2 variances from the Zoning Hearing Board conditional upon verification of adequate connection to Municipal sewer and water systems. All in attendance voted affirmatively. MOTION CARRIED*

2) Spring Commons – Variance Requests

Mr. Moll explained Spring Commons, the office complex next to the Township Building, has made a request to the ZHB to allow apartments. The applicant has amended their application to include special exception approval because that is required. They are proposing to go in under the mixed-use regulations. This is the first development to come in under those regulations.

**TOWNSHIP DIRECTORS** (Continued)

C. Engineering/Planning Department (Continued)

2) Spring Commons – Variance Requests (Continued)

There are (4) four existing office buildings on the property now. The original land development plans show up to (6) six buildings, but the last two were never built. The parking was constructed but not the buildings themselves. They would like to remove two existing office buildings and replace those with (3) three apartment buildings. What they are requesting from the Zoning Hearing Board is relief from the mixing regulations. When you have a mixed-use development, there are mixing use ranges. The offices fit into the allowable range. The applicant's proposal for three (3) garden apartment buildings exceeds the maximum of 50 % residential. They propose 64% residentially. At the same time, they are supposed to have group 2 uses, which are typically retail and restaurants. They are not proposing any of these uses. The applicant is asking for a variance of the minimum floor area of those uses. They have applied to the Zoning Hearing Board, and the Planning Commission reviewed it. The Planning Commission recommended that the variances and special exception be granted with the condition that it is determined that there is adequate sanitary sewer capacity due to the use change. This development flows to the Wyomissing Interceptor, which is currently at max capacity. The Township is in the process of designing an upgrade for the line. Mr. Royer stated he likes the idea of Mixed Use Development; it is important for the community. He asked the applicant if they had thought about retail or restaurants for that space. Mr. Buck, on behalf of the owners of Spring Commons, replied that they have looked at that over the last year. With the current grades and slope, there is no way to get a curb cut onto Shillington Road. Without that curb cut, visitors for retail and restaurants would have to come around to Windmill Rd to access the site, which is just not viable for those uses. Retail requires drive-by and easy in-and-out access. As of right now, there was a fire in one of the buildings. The Offices are currently at 50 % occupancy. Combining the uses and making the site viable again would be nice. Mr. Stuck stated that he recalls the conversation at the Planning Commission, where the applicant said the development had never reached full capacity. Mr. Buck agreed. Mr. Buck noted that the development is roughly 25-30 years old. Mr. Stuck pointed out that, in that time, many economic cycles had come and gone, and nothing worked. Ed Schwarz, the owner of Spring Commons, added that the property was purchased in 2000, and \$1,000,000 cash was invested into the property. It was full at that time. Things changed dramatically in the office market during that time, even before Covid. The pandemic made matters worse. We have not taken out a dime in the past 15 years with that investment sitting there dead in the water. When we had the fire, we asked what is the point of rebuilding and putting that insurance money back into a building that cannot be rented out. We intend to build upscale 30-unit, 3-building, 2-story apartments with 9-foot ceilings, patios, washer and dryer units, and adequate outdoor parking. Rent is north of \$2000.00 a month, which should enhance the neighborhood next to the Township Building. Mr. Schwarz stated that they intend to demolish (2) two 14,000 sqft office buildings and would be looking to transfer the sewer capacity of those two buildings to the applicable number of apartment units. If the sewer line is not ready, we will wait to complete the last apartment building until adequate sewer is available. Mr. Moll responded if you do obtain zoning relief from the Zoning Hearing Board, you will move onto the land development stage, and we may have to memorialize that with notes on the plan.

**TOWNSHIP DIRECTORS** (Continued)

C. Engineering/Planning Department (Continued)

2) Spring Commons – Variance Requests (Continued)

*A motion was made by Mr. Royer seconded by Mr. Wertz recommending approval for the two variances and the special exception, conditional upon there being adequate sewer capacity in the Wyomissing Interceptor. Upon Roll Call, all in attendance voted affirmatively. MOTION CARRIED*

- D. Finance Department - No Report
- E. Human Resources - No Report
- F. Public Works - No Report

**PUBLIC SAFETY**

- A. Police Department – No Report
- B. Township of Spring Fire Rescue Services – No Report
- C. West Side Regional EMA – No Report

**SOLICITOR** – Resolution 2022-016A – Traffic Signal Maintenance Agreement

We have received information from Metropolitan Development Group regarding the Hofmann Tract Development. In March, the Board signed an agreement for the traffic signals on 422. There was a resolution attached to that agreement. The resolution approves the appropriate Township official to sign the agreement. Penn Dot returned the resolution stating that it was inappropriate because it did not specifically name the Township official that signed the agreement. Penn Dot requests that the resolution be amended to state that this is an amended agenda along with the statement, The appropriate Municipal Official of the Township of Spring, George Stuck III, Chairman of the Board of Supervisors of the Township, be added to the resolution.

*A motion was made by Mr. Wertz, seconded by Mr. Kocher. Upon roll call, all in attendance voted affirmatively. MOTON CARRIED*

**OLD BUSINESS:** – None

**NEW BUSINESS:** None

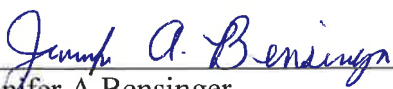
**ANNOUNCEMENTS:**

1. There was an executive meeting held prior to this meeting to discuss matters of personnel and potential litigation.
2. Next meeting will be held at 7:00 p.m. on Monday, January 23<sup>rd</sup>, 2023.

**ADJOURNMENT:**

There being no further business, Chairperson Stuck adjourned the meeting at 8:11 p.m.

Respectfully submitted,

  
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Jennifer A Bensinger  
Information Systems Manager