



# TOWNSHIP OF SPRING PLANNING COMMISSION

**BERKS COUNTY, PA**  
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## Meeting Minutes August 3, 2023

Chairman Barry Ulrich called a meeting of the Township of Spring Planning Commission to order at 7:00 p.m. on Thursday, August 3<sup>rd</sup>, 2023 in the Public Meeting Room of the Township Administration Building. Upon roll call, Sarah Ehrlich, Ron Keating, Leroy Schannauer, George Stuck, and Jeremy Zaborowski, were present. Absent was Brad Weisman. Also present were Jim Moll, Director of Engineering and Planning Services, Jason Reichert, Township Assistant Engineer, Colin MacFarlane, Kozloff Stoudt, Aaron J. Wozniak, Director of Zoning and Codes and Jen Bensinger, Director of Information and Technologies. The following individuals also attended the meeting: Greg Bogia, Josh Imboden –resident 4 Shakespeare Dr. The following individual attended the meeting virtually: Sandra Imboden- resident 4 Shakespeare Dr.

### **OPEN TO THE FLOOR -**

#### **MINUTES:**

**July 6<sup>th</sup>, 2023 Meeting** – *Motion to approve the minutes of July 6<sup>th</sup>, 2023 meeting was made by Ms. Ehrlich, seconded by Mr. Schannauer. Upon roll call, Mr. Stuck abstained and all other members present voted affirmatively. Motion Carried*

**June 1<sup>st</sup>, 2023 Meeting** – *Tabled until next month.*

#### **NEW PLANS**

##### **2601 Penn Ave – (Tosco's Pizza) Revision to Record Final Plan**

(Review letter dated, August 2, 2023 is attached) Mr. Reichert reviewed the plans for the submittal of the Revision to Record Plans for the existing lot of the former Tavern of Penn located at the corner of Penn Avenue and Cecil Avenue. Applicant intends to develop the property into a Tosco Pizza & Family Restaurant. Applicant proposes a building addition, additional outdoor seating, relocation of existing driveway, and parking lot re-striping. Mr. Reichert reported the Zoning Hearing Board granted zoning relief in 2013 to owners of Tavern on Penn. (*see review letter attached for specific approvals granted*). Mr. Reichert reported the applicants submitted on June 15, 2023; however, due to several questions needing clarification, a discussion with the applicant was held in July to discuss the property. Based on said discussion, the applicant resubmitted revisions to the said plan on July 24<sup>th</sup>, 2023. The Applicant is requesting a "Revision to Recorded Plans" based on the Tavern on Penn land development plan – Phase 1 as approved in March of 2014. Mr. Stuck questioned since the former applicant did not complete Phase 1, will the applicant need Stormwater Management. Mr. Reichert responded

since there is no proposed increase in impervious coverage or alterations to the grading of the site, stormwater management would not be required. Entech Engineering will review plans at the Township Infrastructure Committee since applicant is required to demonstrate that there is sufficient sanitary sewer capacity for any increase in flow due to proposed project. After further discussion, the following motions were made:

*Motion made by Mr. Stuck and seconded by Mr. Zaborowski to recommend that Board of Supervisors approve the waiver request of the scale requirement Section 603(B)(2) to allow 1"=20' instead of the specified scale of 1"=50'. Upon roll call, all members present voted affirmatively. Motion Carried*

*Motion made by Mr. Zaborowski and seconded by Ms. Ehrlich to recommend that the Board of Supervisors accept the single-stage submittal for 2601 Penn Ave to proceed as a Revision to a Plan of Record. Upon roll call, all members present voted affirmatively. Motion Carried*

*Motion was made by Mr. Keating seconded by Mr. Stuck recommending that the Board of Supervisors grant conditional Final plan approval for 2601 Penn Ave conditioned upon items 1-10 in Township Engineer's review letter dated August 2, 2023 being satisfied. Upon roll call, all members present-voted affirmatively. Motion carried*

#### **Helping Harvest Parking Expansion – Final Plans**

(Review letter dated, August 2, 2023) Ms. Bensinger reported the applicant has submitted revised Final Land Development Plans for proposed expansion of the parking area serving their existing building located at 117 Morgan Dr. The plans show the addition of fifteen (15) new parking spaces between the existing parking lot and Morgan Dr. Reviewed were the revisions and pending outstanding items. After a brief discussion, a *motion was made by Mr. Stuck and seconded by Mr. Keating recommending that the Board of Supervisors grant conditional Final plan approval for Helping Harvest conditioned upon items in Township Engineers review letter dated August 2, 2023 be satisfied. Upon roll call, all members present voted affirmatively. Motion carried*

#### **ZONING REQUESTS**

##### **3738 Blimline Rd – Appeal of Zoning Officer Decision**

(Memo dated, August 2, 2023 is attached) Mr. Moll reported the applicants, have submitted an appeal to the Zoning Hearing Board regarding the decision made by the Zoning Officer. The application includes an addendum in which the applicants provide supporting evidence for their appeal. The applicants own 3738 Blimline Rd a 1.3-acre property. Said property consists of seven (7) separate parcels, which were created by the 1926 recorded subdivision plan for Springdale Heights. Located on the property is a residential structure, a detached garage, driveway and parking area. The residential structure contains up to five (5) existing apartment units, however, the property is located within the (RHA) Rural Holding Area District, where apartments are not a permitted use. The Township Zoning Officer has issued a Notice of Violation (NOV) in May 2023, to the applicants for the conversion of the single family dwelling into a multi-family building without having obtained the necessary permit approval from the Township. Discussion regarding the matters of health and safety concerns, no record of the dwelling conversion, electrical code deficiencies and lack of adequate sewage treatment. Aaron Wozniak, Township Zoning Officer discussed the zoning and codes issues relating to the property. *After further discussion, a motion made by Mr. Zaborowski, seconded by Mr. Keating*

*recommending that the Zoning Hearing Board uphold the decision of the Zoning Officer. Upon roll call, all members voted affirmatively except Mr. Ulrich who abstained. Motion carried.*

### **Service Electric – Special Exception for Public Utility Building**

(Review letter dated, August 2, 2023 is attached) Mr. Moll reported the applicant, has submitted a Special Exception request to the Zoning Hearing Board to allow Service Electric Cablevision to locate one of their Public Utility Facilities off Bradley Avenue. Said parcel is currently undeveloped and wooded with a drainage swale connecting the storm sewers from Spohn Rd to Shillington Rd. The property is bound to the southwest and southeast by residential homes of the Cornwall Terrace subdivision, Bradley Avenue and Spohn Rd to the northwest, and Shillington Rd to the northeast. Mr. Reichert stated the property is located in the MDS Moderate Density Suburban District, where a Public Utility Facility is listed as a special exception use. Applicant will be required to install a 20' foot buffer yard, which includes a planting screen or fence. Mr. Bogia clarified the facility is to store computers and other types of electrical equipment. Parking spaces provided are for an employee to come in if they would need to work on something and then leave. No stationed employees are proposed. Discussion with Mr. Bogia, Planning Commission, and residents Josh & Sandra Imboden of 4 Shakespeare Dr included concerns regarding development of property, green space preservation, buffer to SR 724, flooding, adjacent lot at corner of Shakespeare Dr. and Shillington Rd, and traffic. Mr. MacFarlane recommended to Mr. & Mrs. Imboden that they attend the Zoning Hearing Board scheduled for August 16<sup>th</sup>, 2023 with their concerns since this special exception is a use permitted by right. Zoning Hearing Board may be able to address concerns and make them required conditions. *A motion was made by Mr. Stuck and seconded by Ms. Ehrlich recommending the Board of Supervisors and Zoning Hearing Board that if the Special Exception is approved, the Zoning Hearing Board should apply the following conditions as listed in the Township Engineers review letter dated, August 2<sup>nd</sup>, 2023.*

- A. The required twenty-foot buffer yard, including a planting screen or fence, be provided anywhere the project directly abuts a residential use,*
- B. The drainage easement be expanded to encompass the existing floodway,*
- C. The small lot located behind 4 Shakespeare Dr, be absorbed into the subject parcel, or annexed to one of the adjacent parcels,*
- D. To not disturb more land and trees than what is necessary*

*Planning Commission considered the Special Exception request and chose not to make a recommendation as to whether the request should be granted. Upon roll call, all members present voted affirmatively. Motion carried*

### **Lilyfield Mini Warehouses request for Variances**

(Memo dated, August 1, 2023, is attached) Mr. Moll reported the applicant has submitted a revised application for zoning relief and revised land development plans solely as an exhibit for variance requests. The applicant withdrew the previous variance requests. The subject property is located within the Planned Business and Residential (PBR) District, where a self-storage facility is a use permitted by right, Section 319(B). Mr. Moll reviewed the differences between the previous and current variance requests as followed:

- *Section 319 (G) – Minimum Yard Requirements – Applicant proposes a 40'- side yard setback. A 50'- side yard setback is required in the PBR District.*
- *Section 319 (J) – Setbacks of Non-Residential Buildings from Residential Uses – A 75'- non-residential setback is required. Mr. Moll noted, "Various units encroach into this setback on both previous and current layouts. The degree of encroachment*

has been reduced”.

- *Section 324 (B)(88)(a) – Height of Structures* – Height of storage units is limited to 12’. Applicant is requesting a permitted structure height of 14’.
- *Section 324(B)(88)(g) – Fencing* - A 6’- high fence around a self-storage facility. The applicant proposes an 8’- high security fence.
- *Section 324(B)(88)(h) – Storage Use Restrictions* – Mr. Moll reports that use of individual storage units is restricted to household goods and business equipment, supplies, and records. Applicant proposes the storage of vehicles, which the Zoning Officer has determined *would not be permitted*.

The plans also no longer refer to one of the units as being used as an “owner occupied unit with an office”. Zoning Hearing Board scheduled for September 16, 2023. After further discussion, Planning Commission abstained from any recommendation to the Zoning Hearing Board.

#### **PENDING PLANS**

##### **10 Beaver Rd – Colony P LLC – Mini Storage**

*Nothing new to report*

##### **Spring Commons Apartments – Preliminary Plans (Extension of Time)**

The applicants have submitted an extension of time for the Preliminary Land Development plans. *A motion was made by Mr. Stuck and seconded by Ms. Ehrlich to recommend that the Board of supervisors grant the Extension of Time until December 8<sup>th</sup>, 2023. Upon roll call, all members present voted affirmatively. Motion carried 6-0*

##### **Lilyfield Mini-Storage – Preliminary Plans**

Applicant submitted revised Land Development Plans solely as exhibits for variance requests to the Zoning Hearing Board.

**ADJOURNMENT:** There being no further business, Barry Ulrich adjourned the meeting at 8:48p.m.

  
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Ron Keating, Secretary