

Bern Township Planning Commission Meeting of January 12, 2021

Present: Planning Commission Members: Russ Adams, James Dailey, Glenn Sweigert, and Steve Tricarico

Keith Mooney, Solicitor; Kent Morey, Engineer, Spotts, Stevens and McCoy, Inc.

Meeting was called to order at 7:33 pm by vice chairman Steve Tricarico.

Reorganization: Mr. Don Ballou resigned his position effective December 31, 2020. Mr. James Dailey made a motion to appoint Mr. Steve Tricarico as chairman. The motion was seconded by Mr. Glenn Sweigert and all voted in favor. Mr. Sweigert made a motion to appoint Mr. James Dailey as vice chairman. Mr. Tricarico seconded the motion, and all voted in favor. Mr. James Dailey made a motion to appoint Mr. Glenn Sweigert as Secretary. Mr. Tricarico seconded the motion, and all voted in favor.

Minutes: A motion to accept the minutes of the December 8, 2020 meeting was made by Mr. Dailey. The motion was seconded by Mr. Sweigert. All voted in favor and the motion was carried.

Subdivision/Land Development Plans:

Grandview Final Subdivision Plan: Mr. Chuck Frantz representing Grandview Estates did not have any questions or comments about Mr. Kent Morey's review letter dated January 6, 2021. He stated that they will comply with all comments. Mr. Morey noted that the final plan submission will need to include Planning Modules, Sections 154-13.B(4)(b) and 154-20.I.

Mr. Mooney recommended approving the plan subject to SSM's letter of January 6, 2021 which includes the need to submit the planning Modules. Mr. Tricarico made a motion to accept the plan with the condition noted. Mr. Sweigert seconded the motion. All voted in favor and the motion passed.

Discussion of Commercial Parking Requirements for potential zoning change

Mr. Tricarico said that developers are taking exception to the township's parking requirements because they claim that the ordinance requirements are too extreme. Mr. Adams agreed noting that parking is more restrictive here than in other jurisdictions. He added that any change should include the flexibility for an option to have the maximum number of parking spaces, but not be required to pave them because there would be fewer employees for a warehouse using robotics.

Mr. Dailey recommended basing the parking on the building square footage with modifications to reduce the spaces per square foot for larger buildings. He also expressed concern that the

estimated number of employees would come from the developer and if the building changes ownership or is used differently, then the parking needs may change.

Mr. Tricarico stated that developers should have the ability to extend paved parking area if more spaces are required. The current requirement is to have two parking spaces per 1,000 square feet of building. He suggested that the ordinance require the developer to set aside an area for future parking needs and that the developer just pave spaces for the currently number of employees. He noted that the space must be useable in the future if there are more employees.

Mr. Tricarico also said that paving the parking spaces has stormwater impact that would require a detention pond. He recommended keeping the ordinance as is, but not require paving all of the parking spaces. The developer would only pave parking spaces based on the number of employees.

Mr. Brian Potts, Township Manager, said that the ordinance needs to be consistent with the developer's needs so they can fit the employees' cars. Employees could park on unpaved space, so someone needs to monitor the parking. He advised that it's easier to address this situation early in the process, not retroactively.

Mr. Adams asked how we will know if their number of employees increases. Mr. Keith Mooney, Township Solicitor, answered that the tax receipts would show the number of employees.

Mr. Tricarico mentioned that the international zoning code is consistent with what Bern Township has now. He recommended keeping the township as open as possible.

Ms. Irene Reed, Township Supervisor's Chair, noted that warehouses in both Perry and Windsor Townships are surrounded by acres of empty parking spaces. She further stated that it is better to build according to the number of employees in a warehouse that uses robotics. We don't need to build all of the parking spaces if they're not needed.

Mr. Tricarico agreed that there is no need for that much paved parking area.

Mr. Sweigert added that it would be better to have a detention pond instead of parking spaces. The owner could pave additional spaces if ownership or usage changes.

Mr. Tricarico suggested keeping the ordinance of 2 parking spaces per 1,000 square feet of building, but the owner can decide how many parking spaces are paved.

Mr. Mooney added that the ordinance requires adequate parking in addition to the 2 spaces per 1,000 square feet requirement. The parking calculation for the employees would be in addition to the parking space required based on the square footage calculation.

Mr. Morey concurred with Mr. Mooney's suggestion.

Mr. Potts recommended leaving the ordinance as is. The developer will identify the number of spaces needed and only pave that which is necessary. They would set aside expansion space in the event that is needed.

Mr. Adams said that they need to require the owner to identify the number of employees annually if they don't pave the entire amount required by the square footage calculation.

Ms. Reed suggested that the Berks EIT tax would identify the number of employees. Mr. Potts said that the Township gets one check from Berks EIT and is not separated by company. Ms. Reed recommended that the employer notify the Township of the number of employees they have on an annual basis.

Mr. Tricarico said that we could compare one year's amount to the next. In addition, the community will notice if the number of cars increases or if cars are parked on grass or gravel. He thinks that enforcement won't be an issue.

Mr. Mooney asked if the employee calculation should be based on the total number of employees or per shift, or per the two largest shifts? This needs to be addressed in the ordinance.

Mr. Tricarico recommended that the calculation be based on the two largest shifts. Mr. Adams concurred with this recommendation.

Township resident, Ms. Jennifer DeLong, asked if limiting the number of parking spaces impacts the requirement for 40% impervious surface or open space?

Mr. Tricarico then asked about the stormwater requirements and open area requirements. What is defined as an open area? Mr. Morey responded that because the definition of open area does not specifically exclude stormwater facilities, it would be allowed. Open area is defined as "Free of all buildings, pavement, outside storage and structures." Mr. Mooney concurred stating that a detention basin is open space. Mr. Potts concurred with this recommendation.

Ms. Reed observed that a detention basin is still a manmade structure. Mr. Mooney disagreed saying that a walking trail is similarly manmade but is still an open space. He added that we've been interpreting it to date as open space. Ms. Reed expressed concern that we keep the area as green as possible, referring Low Impact Development which is a stormwater management approach. Mr. Morey said that detention basins are planted with trees and grass.

Mr. Tricarico said that if the detention basin isn't included in the open space requirement, the developer will need more land to comply with the Township's requirements. Mr. Potts said that his definition of open space has been "an area that does not have an impervious surface, such as parking lots or buildings. ... Something that doesn't have a manmade covering overtop of it."

Mr. Tricarico said that if the detention basin is not going to add to our potential stormwater problems, then the basin may be considered open space. Then he asked, if basins are not included as open space, are we forcing the developer into too much expense? Mr. Mooney answered that the township would be seen as “business unfriendly.” Mr. Mooney said that if you take away the basin as open space, then developers may not want to build here because it’s too restrictive. Mr. Potts said that the developer could ask for a variance.

Ms. Reed shared information about other municipality restrictions. Mr. Mooney explained that you’re asking a developer to build a certain sized parking lot, set aside land for future parking that can’t be considered open space calculations and design stormwater basins that also don’t count towards open space. You essentially take away 20-30% of what would have been open space and require the developer to buy more land than they need now.

Mr. Adams said that a detention pond should be considered part of open space, because it’s open. It is not being used for parking or a building. It’s open space and should be considered that. Mr. Tricarico agreed that it should be considered open space. Mr. Mooney said that it is currently considered open space, so why change it? Mr. Adams said that it should not be changed. No one has ever complained about it.

Solicitor: There are two zoning hearings coming up.

Adjournment: Russ Adams made a motion to adjourn the meeting which was seconded by James Dailey. All voted in favor. The meeting was adjourned at 8:30 pm.