

MINUTES

1. CALL TO ORDER

Chairman McKeon called the monthly meeting of the Berks County Planning Commission to order at 3:01 p.m. The meeting was held on Wednesday, August 11, 2021 as a virtual meeting using the platform Microsoft Teams.

The following members were present:

Thomas C. McKeon, Chair
Jodi L. Gauker, Vice-Chair
James A. Adams, Secretary
Glenn R. Knoblauch
Douglas P. Rauch, Esq.
Christopher J. Spohn

Not in Attendance:

James C. McCarthy
Lee C. Olsen, AIA, NCARB
David H. Turner

Also Attending:

Heidi B. Masano, Acting Solicitor
Cheryl A. Auchenbach, Planner III
Michelle D. Franklin, Subdivision Planner III
Michael D. Golembiewski, Trans. Modeler
Devon B. Hain, Trans. Planner II
David N. Hunter, Sr., AICP, Executive Director
Matthew F. McGough, Intergovernmental Planner
Laura F. Mursch, Planner II
Ashley J. Showers, Assistant Director
Amanda M. Timochenko, Planner II
Pauline R. Klopp, Office Support IV
Information System Production
Barbara Lopez, Admin. Assist. to Commissioner Rivera
Derek Harris, Economic Development Coordinator
Jeremy Zaborowski, BCIDA
Three viewers on YouTube (1 from Reading Eagle, Heather Berger - IS)

2. PUBLIC COMMENT

There was no public comment.

3. REPORTS OF OFFICERS AND COMMITTEES

A. Executive Director's Report

David Hunter informed the Commission that he had just emailed a legislative update to the Commission from Katie Hetherington-Cunfer, GRCA for their information. He informed the Commission that as a precursor to JazzFest, there is a free concert being held at the Liederkrantz tomorrow, August 12th, at 7:00 p.m. It is titled "Music on the Mountain".

Mr. Hunter informed the Commission of the PA Downtown Conference being held at the DoubleTree from September 12th-14th.

Mr. Hunter spoke about the Tri County Passenger Rail Committee. He mentioned that the committee meets monthly and are coordinating the effort to return passenger rail to Reading. The committee is looking to hold municipal meetings in each of the three counties, (Berks Chester, Montgomery) inviting elected officials and planning commissions from municipalities located along the rail line between Reading and Philadelphia. This meeting is by invitation only and Berks County Planning Commission members will be invited to attend. Berks County's meeting is scheduled for Tuesday, October 5, 2021 at 6:00 p.m. as a virtual meeting.

Mr. Hunter informed the Commission of the next Smart Growth Meeting taking place on September 29th. They are moving forward with discussion on housing. Tim Daley, Habitat for Humanity, will be speaking at that meeting.

The next Planning Commission meeting will have Oliver Bass, National Lands Trust, as a guest along with Professor's Conway who will be sharing their research on E-Commerce.

B. Solicitor's Report – Sunshine Act Amendments

Heidi Masano informed the Commission that Governor Tom Wolf signed Act 65 of 2021 into law on June 30, 2021. This law amends the Sunshine Act. These changes are intended to facilitate public attendance and participation at public meetings and to foster better public understanding of a public agency's deliberations and decisions. The new provisions take effect on August 29, 2021. All public agencies must be prepared to implement these changes in time for September meetings. Three major items we must comply with are 1) the public agency (BCPC) must publish a meeting agenda detailing business items that will be, or may be, the subject of deliberation or official action at that meeting at least 24 hours before. Specifically, the agenda must be posted or published as follows: on an internet website; at the location of the meeting and at the principal office of the agency. You must provide copies of the agenda to individuals in attendance.

Moreover, these amendments severely restrict the ability to take action of items that are not specifically included in the pre-published agenda. Once the agenda is posted or published it is considered to be final. Per previous understandings of the Sunshine Act this doesn't apply to conference sessions, working sessions or executive sessions that are not required to be open meetings. These changes do apply to committee meetings.

There are four limited circumstances under which you can take official action on business that is not on a published agenda: 1) the business item relates to an emergency involving a clear and present danger to life or property; 2) the business item arises 24 hours before the meeting and the matter is de minimus in nature and does not involve an expenditure of funds or entering into a contract 3) the business item arises during the meeting by a resident or taxpayer, however we could only take official action to refer the matter to staff for research and inclusion on an agenda of a future meeting, or, if the matter is de minimus, does not involve any expenditure of funds or entering into a contract you can take official action 4) the business item is added to the agenda by the majority of the planning commission through an amendment to the agenda to include this additional matter. You have to announce the reasons why you amend the agenda and allow for public comment before the vote and thereafter the agenda has to be posted on your website and out front of the office, no later than the first business day after the meeting.

Mrs. Masano mentioned that we should be proactive when preparing agendas and put any upcoming items onto the agenda we may know are forthcoming, that way they can always be tabled till the next month if they are not ready for that meeting.

Ashley Showers asked for clarification on whether or not these amendments effect the various groups/committees that staff participates in through this office such as the UCC Board of Appeals and the MS4 Steering Committee, to name a few. Mrs. Masano said she could speak about this after the meeting.

4. CONSENT AGENDA

A. Approval of Minutes of July 14, 2021

B. Letter of Consistency for Wyomissing Borough CFA Grant for Lincoln Avenue and Brandywine Road Flood Mitigation Project

Staff received a request for a letter of consistency from Wyomissing Borough for their application to the Commonwealth Financing Authority's Flood Mitigation Program Grant to implement the Borough's Lincoln Ave./Brandywine Road Flood Mitigation project. The Borough plans to undertake the construction of a stormwater improvement project at the intersection of Brandywine Road and Lincoln Avenue, for the purpose of mitigating significant flooding events at that location. The Borough has experienced flooding issues from heavy rainfall events over the past several years. The Borough states that one of the main contributors to the flooding is an existing underground pipe that encloses an unnamed tributary to the Wyomissing Creek. Since its installation in the 1980's several residents have made unauthorized storm pipe connections. This combined with its age, normal wear and tear, and corrosion of the corrugated metal pipe (CMP), the structural integrity of the pipe is severely compromised. The goal is to rehabilitate this pipe by first removing the unauthorized storm pipe connections and then apply a spray on liner to repair and seal the deterioration. The Borough's application states that the completion of this project as engineered would ensure that the stormwater within the CMP is safely conveyed to the discharge point through the CMP without flooding residents' yards. This project would allow for the rehabilitation of approximately 2,300 feet of CMP. The project can be constructed in two phases. Each phase is currently estimated at \$650,000, for a total project cost of \$1,300,000. The Borough is

requesting a Flood Mitigation grant of \$500,000 in the 2021 funding cycle to construct Phase I of the flood mitigation project, and commits to providing the required \$150,000 in matching funds to complete Phase I.

Staff prepared a letter of support stating consistency with the Berks County Comprehensive Plan 2030 Update.

C. Reports for Approval

- Land Development & Subdivision Activity Report & Summary
- Endorsed Land Development & Subdivision Activity Report

MOTION: Jodi Gauker made a motion to approve the consent agenda. The motion was seconded by Doug Rauch and passed unanimously.

5. Letter of Consistency – Amity Township Water/Sewer TIF District – Jeremy Zaborowski

The Berks County Industrial Development Authority has requested that the County Planning Commission review the draft Amity Township Water/Sewer TIF District Plan for consistency with the County's Comprehensive Plan. Tax Increment Financing (TIF) is a financing tool that allows local governments to invest in public infrastructure improvements up front to encourage economic development within a designated district. Tax revenue from future gains in real estate values pay for the new infrastructure improvement. Legislation authorizing TIF was passed by Pennsylvania in 1990 and Berks County approved a TIF Objectives and Policy resolution in 2010. The County's last Policy Statement requires that a TIF project be reviewed by the County Planning Commission for consistency with the County's Comprehensive Plan.

The objective of this TIF project is to provide water and sewer infrastructure to the designated TIF district in Amity Township comprised of two properties along Amity Park Road totaling 112.85 acres. These two properties will be developed into a high-end age-restricted housing development (Highland Place) with 343 single family detached and duplex homes, as referenced in the Amity Township TIF District application. Amenities, including a community club house, swimming pool, tennis courts, fitness center, trails, outdoor gathering areas, and a community garden will be held in common through a homeowner's association. The proposed public improvements constitute offsite water and sewer upgrades and extensions. A 10-inch water line will be extended from Route 422 north approximately 10,560 feet to access the site. A 6-inch sewer line will be extended 5,570 feet from Limekiln Road to the site. The TIF District will have a term of 20 years. It is hoped that the project will spur additional development within the remaining portion of the PBOI Zoning District. The three taxing bodies that have jurisdiction within the area of the project and will have to approve the project are the County of Berks, Amity Township, and Daniel Boone School District.

Staff findings regarding the proposed TIF District (112.85 acres):

The site is zoned PBOI-Planned Business Office Industrial District. The purpose of the zoning district is to provide for business, office, and light industrial development in a unified, attractive, campus-like environment. Uses permitted by right include office use, various light manufacturing laboratory and industrial research uses, hospitality uses, restaurant establishments, business and personal services, warehouse facilities operated in conjunction with another permitted use, and Continuing Care Retirement Community (CCRC). Age-restricted housing is allowed within a

CCRC. It is noted that the PBOI district was amended in 2015 to add the CCRC use, and staff noted at that time that the use was inconsistent with the County Comprehensive Plan 2030-as the PBOI district was designated as a “Areas Suitable for Commercial/Industrial Growth”.

The site falls within a proposed sewer service area as designated by the Amity Township Act 537 Plan.

Public water within the Township is provided by PA American Water. At this time, it is staffs understanding that an extension agreement is still being finalized with PA American Water.

In June 2021 staff reviewed a preliminary subdivision plan for Highland Place, a proposed 339-unit age-restricted residential development located on the two parcels designated for the TIF. The review stated that the proposed age-restricted residential development was not consistent with the Berks County Comprehensive Plan 2030 Update. It noted that the site is identified by the Plan Update as an Economic Development Area (EDA), and that the proposed residential development does not meet the Economy Policies of Chapter 7 associated with EDA’s.

Staff notes that the remaining portion of the PBOI Zoning District would benefit from the sewer and water infrastructure extensions associated with the TIF project. However, the remaining PBOI district has marginal transportation access to Route 422, and is fragmented due to substandard local roads, a natural gas pipeline, and environmental constraints (floodplain and topography).

The Berks County Comprehensive Plan 2030 Update identifies the proposed designated TIF District (112.85-acre parcel) as a Future Growth Area and an Economic Development Area (EDA). While the proposed project is consistent with land use policies associated with the Future Growth Area, it is not consistent with the overarching purposes associated with Economic Development Areas. In EDA’s, it is recommended that municipalities plan for commercial and industrial development which will provide quality employment opportunities and tax base generation. It is also recommended that municipalities restrict residential development in EDA’s.

As stated above the purpose of the project being submitted to the County Planning Commission is to determine if the TIF project is consistent with the County’s Comprehensive Plan. It is staff’s opinion that the improvement/extension of public water and sewer service to enable the construction of the proposed residential development within an Economic Development Area is not consistent with the Berks County Comprehensive Plan. Staff prepared a letter stating such.

Chris Spohn stated that from the Smart Growth Housing side, we would like to see this type of development going on in the County but wondered if there wasn’t a better place for it.

Jeremy Zaborowski gave a history on the property and stated that it has been an area with a strong interest for growth with Amity Township for at least a decade. He mentioned that the IDA’s perspective has always been that since this project complies with the local zoning of the site, the over-arching goal is to open up development for the entire 600 acres, not just the 112-acre parcel. Mr. Zaborowski stated his understanding of the TIF policy as follows: Projects need to be reviewed by the Planning Commission for consistency with the Berks County Comprehensive Plan, but consistency is not a requirement of the County’s policy for approval. He would like to know if that is the Planning Commission’s interpretation.

Chris Spohn stated that in his experience with Hamburg School District, typically everyone waits for the school district to agree to use a TIF for the property tax reduction. He asked if the school district involved in this project has agreed to the TIF. Mr. Zaborowski answered that the school district has voted to move forward on the project and agreed to the basic terms of the TIF as well as voting to guarantee 70% of the funds that would be going toward the TIF. He stated that the Township Planning Commission and Board of Supervisors have also reviewed and approved moving forward with it, covering the remainder of the guarantee, and also contributing the same level of support for the TIF.

Tom McKeon stated that the Planning Commission can accept the letter stating the project is not consistent with the County Comprehensive Plan, but the ultimate decision on the TIF rests with the County Board of Commissioners. Tom McKeon and Jim Adams would both have to abstain with Mr. McKeon being a former employee of the IDA and Mr. Adams being on the board of the IDA. Mr. Hunter asked if we needed to have a quorum for a vote with these two abstentions. Mrs. Masano was not sure and asked if there was a timing issue for this to be voted on today. Mr. Zaborowski stated that it could wait another month if there was concern with the vote. Mrs. Masano stated that she would recommend tabling the vote until next month. Mr. Zaborowski said he was fine with that and till then maybe a meeting could be set up with the County Solicitor to make sure everyone's interpretation of the TIF policy is accurate.

MOTION: Doug Rauch made a motion to table the vote on the Amity Township TIF until next month. Jodi Gauker made a motion to second and the motion passed unanimously.

Mr. Hunter asked the Commission how they would want to move forward with meetings, whether they be hybrid, in-person or virtual. He stated that he does need to speak with the County CAO about whether we outfit the 14th Floor Library for hybrid meetings or use the 13th Floor Commissioner's Boardroom which is already outfitted for hybrid meetings. Mrs. Masano suggested the discussion with the CAO happen before the Commission members decide what they would prefer.

Chris Spohn suggested having the BCPC monthly meetings throughout various municipalities in the County, possibly holding a meeting in a municipality where there are current projects being discussed on the agenda. Tom McKeon stated that he sees value in going out to various municipalities. Mr. Hunter mentioned that the Board of County Commissioners voted to take their meetings out to various locations in the County and he would discuss this with the County CAO.

6. ADJOURNMENT

MOTION: Chris Spohn made a motion to adjourn and the meeting adjourned at 3:50 p.m.

Thomas C. McKeon, Chairman

James A. Adams, Secretary