



# BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center  
1238 County Welfare Road, Suite #260  
Leesport, PA 19533  
(610) 378-1844 Fax (610) 378-7983  
www.countyofberks.com/dept/deptofag

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**County Commissioners:**

Christian Y. Leinbach, Chair  
Kevin S. Barnhardt  
Michael S. Rivera

**Board Members:**

David L. Phillips, Chair  
James R. Coker, Vice Chair  
Robert E. Kopfer

Robert B. Ludgate, Sr., PE, PLS  
Kimberly J. McGrath  
Jeremy R. Meck

Steven C. Mohn  
Clyde A. B. Myers  
Louise A. Swartley

**Ex Officio:**

Robert C. Ziegenfus, Ph.D.

**Solicitor:**

Mark R. Sprow, Esq.

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## **Minutes from the September 30, 2020 Meeting**

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, September 30, 2020 at 7:39 PM via virtual platform “**Microsoft Teams.**” David Phillips, Chair, called the meeting to order. Board members present included Robert Kopfer, Jeremy Meck, Steve Mohn, Clyde Myers, David Phillips. Also in attendance were Mark Sprow, Esq. Special Counsel for the Board; Amanda Burkard-Sell and Kimberly Fies, Staff and Tami Hildebrand, Executive Director.

### **I. PUBLIC COMMENTS ON AGENDA ITEMS – None.**

### **II. APPROVAL OF MINUTES**

**Motion: A motion was made to approve the minutes of the August 26, 2020 meeting, as drafted. (R. Kopfer, S. Mohn)**

**Discussion: None**

**Vote: Motion approved.**

### **III. STATUS OF RECOMMENDATION UPDATES**

- Tami Hildebrand reported that since this report was previously distributed to the Board there were no changes.
- Docket #0059 will be discussed in Old Business.

### **IV. OLD BUSINESS**

#### **A. 2020 LESA Ranking - Second Selection**

- Hildebrand emailed the results of the third selection of the 2020 LESA Ranking to the Board prior to the meeting.
  - She noted that of the 14 selected applications in the second round, eight (8) are proceeding and six (6), representing 413.01 acres, have withdrawn from selection; however, all six landowners have indicated they want to be reranked in 2021.
  - The funds forfeited by those withdrawals provided funding for the selection of one additional application, #31 Docket #0059 at the score of 47.95.
    - A selection letter was sent to landowners of Docket #0059. The landowners contacted the office to request that the entire farm of 71.77-acres be preserved. Since 2000, the application had been ranked as 60.59-acres because the landowners wanted to exclude 10 acres from the application.
    - Hildebrand directed the applicant to write a letter to the Board to make that request. The letter was received on September 14<sup>th</sup>, prior to the September’s Board meeting deadline.
    - Hildebrand reviewed the potential changes to the score if the Board would approve this request. She noted that there would be available funding to purchase an easement on the additional acreage if the resulting score of the re-rank would be within the range of selected scores.

**Motion:** A motion was made to re-rank Docket #0059 with the entire acreage of 71.77. The staff is authorized to select the re-ranked application if the resulting score is within the range of previously selected scores. (C. Myers, R. Kopfer)

**Discussion:** None

**Vote:** Motion approved.

B. Berks County Conservation District – Nominations for Farmer Director

- Hildebrand reviewed the candidates nominated by the Board at the August meeting. She reported that she was informed by the Chief Clerk that one of the candidates nominated by the Board, Lynette Gelsinger, was not interested in serving on the Conservation District Board.
- No further nominations were brought forward.

V. **NEW BUSINESS**

A. Conveyance Report

- Hildebrand reviewed the report with the Board:
  - Under transferred with concerns:
    - Settlement # 660.0 – the transfer was done incorrectly; Attorney Sprow will contact the landowner’s attorney one more time.
    - Settlement #594.0 – the incorrect transfer was resolved today.

B. Settlement #258.0 Nolt – Rural Enterprise Expansion Request

- Hildebrand presented Nolt’s request to expand an existing building.
  - This 67.7-acre farm was preserved on April 30, 2003 and is located in Maxatawny and Longswamp Townships.
  - AquaJet Services is a custom waterjet cutting and metal fabricating business, consisting mainly of welding, assembly, and repairs, but not production. The work is directed through business to business, but it also serves the local community.
  - With this request, the Nolt’s are proposing to construct a 60’x 80’ addition to the shop on the west side or an 80’ x 100’ addition on the east side.
  - In March 2006, the Nolt’s requested to construct two sections totaling 3,600 square feet to the existing shop. This request was never executed.
  - In 2014, the existing barn was renovated without notifying the Board. The wooden floor was replaced with concrete for parking heavy equipment. The renovations also included a space for smaller fabricating jobs for business use. However, the Nolt’s now report that this is inconvenient because it is not connected to the main shop and the hip-roof design does not allow for the installation of an overhead crane.
  - In August of 2018, Nolt submitted a Modification form requesting that the existing 20’ x 30’ shed be replaced by a 50’ x120’ pole building and a solar panel array to be installed in the pasture area. A month later, he submitted a revised Modification Form removing the solar panel array, but requesting the shed replacement with a 50’ x 120’ pole building to store agricultural equipment, a 20’ x 25’ (+/-) shop office and a 55’ x 60’ (+/-) addition to the existing shop that was previously approved in 2006. The Board approved this request.
  - In the letter accompanying Nolt’s most recent request, he reported that Maxatawny Township advised him to prepare a 30-year business plan in order to apply for a variance that would cover every proposal. The Township is also interested in knowing the decision from the Board regarding this request.

- The Board reviewed the aerial photograph provided by the engineering firm that displayed the buildings marked for expansion relative to this request and for additional future expansions.
- Jeremy Meck asked if the engineer's sketch noted any stormwater or infiltration plans for the run-off for this expansion. Kim Fies stated that there were none after reviewing the sketches. Phillips reported that an expansion of 1,000 square feet or more, requires a stormwater plan. Many projects install infiltration pits below-grade, however, it is very expensive.
- Bob Kopfer voiced concern about the capacity of the slurry store with the expansion of the business. If there is more water going to be utilized for the business, the slurry store contents will need to be hauled away by tankers, which will increase the traffic flow.
- Hildebrand suggested that the expansion could necessitate the hiring of additional employees and could also result in the increase usage of tractor trailers, which will also increase the inflow and outflow of traffic.
- Clyde Myers asked how much area around this farm is preserved. Fies estimated that 80% of the farm is bordered by preserved farmland owned by the DeLong's, Zimmerman's, Snyder's, and Leid's. Myers shared his concern that this is not a business that generally serves the agricultural community.
- Fies noted that engineer's sketch suggests two areas that will extend the curtilage in the future. One area noted on the west side will relocate the driveway and the other is identified as a Future Gravel Area on the east side. Though this area is not in ag production, it is being mowed as yard.
- Steve Mohn commented that with the expansion Nolt is considering, it appears that the business is running out of space and suggested it is time that the landowner consider relocating to an industrial site.
- Phillips added that growth on preserved farms is great, however, this request seems to go beyond the allowances. The Board agreed that this request, by far, exceeds the ACE Program guidelines for a Rural Enterprise.

**Motion: A motion was made to deny Nolt's most recent request to expand the existing shop by 60' x 80' on its west side and 80' x 100' on its east side, but to hold to its 2006 approval for Nolt to add two sections totaling 3,600 square feet to the existing shop.**

**(C. Myers, R. Kopfer)**

**Discussion: None**

**Vote: Motion approved.**

## VI. EXECUTIVE DIRECTOR'S REPORT

### A. Easement Modification Requests

- Settlement #410.0 – Edward Stokes
  - This 26.5-acre farm located in Oley Township was preserved on February 13, 2007. Stokes is requesting to construct a 28' x 16' equipment/tool shed besides the existing barn. This request is acceptable under the terms of the easement.
- Settlement #576.0.FD – Paul & Diane Schlenker
  - During the annual inspection conducted in July, the completed construction of a 16' x 24' two-story hunting cabin had been discovered. The cabin does not have water or septic service. The landowner understands that the Board considers this structure as a

temporary second residence and therefore, will need to be removed if they or future landowners request to construct a permanent residential structure.

**B. October 28, 2020 BCALPB Meeting location**

- Hildebrand reported that beginning in October, the Agricultural Center will be opened for use by groups of eight (8) or more. She survey the Board to determine the member's interest in holding its October 28<sup>th</sup> Board meeting at the Agricultural Center.
- The Board discussed the possibilities of resuming its meetings at the Ag Center but agreed that this format seems to be working and they would prefer to continue it.
- The Board thanked Heather Berger of the County's Information Systems department for her assistance in facilitating these meetings and for ensuring that the Board follows the proper protocols.

**Motion: A motion was made to continue holding BCALP Board meetings virtually until further notice.**

**(R. Kopfer, J. Meck)**

**Discussion: None**

**Vote: Motion approved.**

**VII. CITIZEN COMMENT / BUSINESS FROM THE FLOOR – None**

**EXECUTIVE SESSION**

**Motion: A motion was made to offer the cap of \$2,500 per acre to Dockets #1903, #2007, #1906, #2008, #2015, and #2018. (R. Kopfer, J. Meck)**

**Discussion: None.**

**Vote: Motion carried unanimously.**

**Motion: A motion was made to adjourn the meeting at 9:22 PM.**

**(R. Kopfer, S. Mohn)**

Respectfully submitted,

*Signature on file.*

Tami S. Hildebrand  
Executive Director