

**TOWNSHIP OF SOUTH WHITEHALL**  
**LEHIGH COUNTY, PENNSYLVANIA**  
**PLANNING COMMISSION**

**REGULAR SESSION**

**MINUTES**

**FEBRUARY 18, 2021**

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in a virtual meeting held on GoToMeeting.com.

Members in attendance:

William H. MacNair, Chairman  
Brian Hite, Vice-Chairman  
Alan Tope, Secretary  
Diane E. Kelly  
David Wilson

Staff members in attendance:

Gregg Adams, Planner  
Laura Harrier, Zoning Officer  
David Manhardt, Director of Community Development  
Anthony Tallarida, Assistant Township Engineer  
Jennifer Alderfer, Assistant Township Solicitor

**AGENDA ITEM #1 – CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairman MacNair called the meeting to order at 7:45 p.m. He announced that all meetings are electronically monitored. He then led the assembled in the Pledge of Allegiance.

**AGENDA ITEM #2 – APPROVAL OF MINUTES**

Chairman MacNair announced that the minutes of the November 19, 2020 meeting were distributed prior to this evening's meeting for review and comment. Chairman MacNair asked the members if they had any changes to the minutes. Hearing none, Chairman MacNair called for a motion to approve the minutes as submitted. Mrs. Kelly made a motion to that effect. Mr. Hite seconded the motion and it passed unanimously.

**AGENDA ITEM #3 – COMPREHENSIVE PLAN UPDATE SUMMARY**

Chairman MacNair stated that there was currently an opening on the Planning Commission and that interviews to fill the opening would be occurring soon.

Mr. Manhardt stated that the Phase III Survey has been closed, with over 600 responses taken. He stated that staff is analyzing the results to provide guidance to the Working Groups. He stated that Phase IV is coming and the Kick-Off meeting is being scheduled.

**AGENDA ITEM #4 – SUBDIVISION REVIEW**

**A. PREMIER CENTER LUXURY APARTMENTS  
CONDITIONAL USE 2020-601  
REQUEST FOR CONDITIONAL USE REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to further develop the property located at 1151 Bulldog Drive. The following individuals indicated interest:

David Bach	1431 N. 40th Street
David Burke	4436 Buck Trail Road
Steve Dutton	1510 North 40th Street
Monica Hodges	1707 Penns Crossing
Chris Holdridge	1214 Country Lane
John Karoly	4236 Winchester Road
Paraskevoula Papageorgiou	4011 Winchester Road
James Pumante	4272 Winchester Road
Susan Rehrig	1308 Antler Court
Jacob Roth	1499 White Oak Road
Dennille Schuler	4334 Valley Drive
Don Sheatsley	1411 Hampton Road
Susan Shortell	4405 Parkland Drive
Lee Solt	3731 Manchester Road
Mark Stutz	4207 Winchester Road
David Torrey	1351 Deerfield Drive

At the request of Chairman MacNair, Mr. Adams read the Community Development Department’s recommendation into the record. The Department recommended that the Planning Commission utilize the comments of the reviewing agencies to develop conditions of approval for the application.

Attorney James Preston, Engineer Kevin Markell, Traffic Engineer Rob Hoffman, Architects Seth Shapiro and Matt Koenig, and Anthony Ganguzza were present to present the plan and answer questions. Attorney Preston stated that the project has been before the Planning Commission before and the applicant has answered the Planning Commission’s questions. He stated that the applicant will grant the extension to the required timeframe in which the Township shall review the plan.

Chairman MacNair inquired as to whether the traffic impact of the proposed project would be worse than any other permitted use on the site.

Attorney Preston stated that the application is consistent with the Zoning Ordinance and the applicant is only requesting one SALDO waiver.

Traffic Engineer Hoffman stated that the HC zoning district permits Shopping Centers, Banks and Office Parks, all of which could generate significantly more traffic than the project proposed.

Mr. Wilson inquired as to whether the other uses have been considered in the context of the property.

Traffic Engineer Hoffman stated that no other layouts have been considered.

Mr. Wilson inquired as to whether the traffic generation potential of the other uses is based on random assumptions.

Traffic Engineer Hoffman stated that he is considering a shopping center similar to Tilghman Square without the outparcels. He notes that Tilghman Square is approximately 20 acres in size – similar to that of the Park View parcel. He also noted that two fast food restaurants would generate more traffic than the proposed use and the parcel can accommodate much more than two fast food restaurants.

Mr. Wilson noted that the applicant's Traffic Impact Study (TIS) indicated that significant delays would result at the intersection of Bulldog Drive and Ridgeview Drive.

Attorney Preston stated that South Whitehall Township can improve the road system. He stated that the traffic impacts generated by the use are considered typical for the use proposed. He stated that the applicant will participate in off-site traffic improvements during the land development stage, but it would not be appropriate to discuss the matter at the Conditional Use phase.

Mr. Wilson stated that he is trying to square the standards of Section 350-18(b)(1)(H) and noted that the standard could be object.

Attorney Preston stated that the project cannot be denied for incremental increases to off-site traffic.

Mr. Hite inquired as to whether the applicant had demonstrated that the adverse impacts are no worse than any other permitted use in the HC zoning district or the TND Overlay district.

Attorney Preston stated that they were not and that the impacts are what would be anticipated from this permitted use.

Mrs. Kelly recited Section 350-18(b)(1)(H) and stated that the TIS indicates that there are significant changes in level of service at several intersections.

Attorney Preston stated an example, noting that a studied intersection will experience a drop in the level of service from C to D between now and the completion of the proposed project. He asked if the reduction in service is due solely to this project or to the collection of all of the traffic generated in the area. He stated that the courts

have held that the developer can generate no more traffic than would be expected from the permitted uses.

Mr. Hite inquired as to how that can be proved.

Attorney Preston stated that it is not the applicant's burden to prove.

Mr. Wilson stated that it is not the applicant's burden if the standard is subjective, but it is if the standard is objective.

Mrs. Kelly inquired as to the Solicitor's opinion.

Solicitor Alderfer stated that she agreed somewhat with Attorney Preston, but that his statement was somewhat simplified. She stated that the standards of Section 350-18(b) are generally subjective but that there are some objective standards. She stated that the applicant hasn't presented evidence that the traffic generated by the proposed use is no worse than the traffic that could be generated by any other permitted use. She stated that the applicant probably could present such evidence, but that it has not yet been presented.

Attorney Preston stated that the applicant hasn't proven that there are other permitted uses that could generate more traffic, but stated that other permitted uses would generate more traffic.

Solicitor Alderfer inquired as to whether the traffic engineer could provide proof that there are permitted uses that would generate more traffic.

Attorney Preston inquired as to whether the proposed use will generate the traffic that is expected for this kind of use.

Traffic Engineer Hoffman stated that it would.

Attorney Preston inquired as to whether the site could be developed with permitted uses that would generate more traffic than the proposed use.

Traffic Engineer Hoffman stated that it could.

Mr. Hite inquired as to the quantifiable amount of traffic that another permitted use could generate.

Traffic Engineer Hoffman stated that the proposed use will generate 379 trips during the PM Peak and 3,540 total trips daily. He stated that two fast food restaurants would generate 4,240 total trips daily and that a 100,000 square foot shopping center would generate approximately 4,500 total trips daily.

Attorney Preston stated that anyone could look at a given intersection and state that this development would cause a drop in the level of service, but actually all traffic generated within the area would be responsible. He stated that if the use is permitted the project cannot be denied due to too much traffic.

Mr. Hite inquired as to why the nearby intersections were studied.

Traffic Engineer Hoffman stated that the study was requested by the Township Engineer.

Attorney Preston stated that the applicant is not opposed to working with the Township during the land development phase.

Mr. Wilson inquired as to what Attorney Preston's stated means.

Traffic Engineer Hoffman stated that the applicant is willing to do some improvements or contribute money to the Township for improvements.

Mr. Hite stated that the applicant is under no obligation to do so.

Attorney Preston agreed, stating that the applicant never has been under that obligation.

Mr. Hite asked for quantifiable information as to the traffic to be generated by what's being proposed as well as by what is permitted.

Attorney Preston stated that the applicant has proven that the proposed use will create no more traffic than would be expected for that use. He stated that it would be different if the use generated twice the traffic than would be expected for the use.

Mr. Tope stated that the density of dwelling units on the site is approximately 19 units per acre.

Mr. Ganguzza stated that the residential component of the development is limited to 15 units per acre. He stated that the density proposed is 12.6 units per acre. He stated that the mixed-use portion is located within the commercial component and the commercial component has no stated density limit. He stated that the density in the commercial component is limited by factors such as land area, parking, impervious surface and open space requirements.

Mr. Adams agreed with Mr. Ganguzza's statement.

Mr. Wilson inquired as to the Zoning Officer's comment regarding the Design Manual, specifically the elevations required for the parking garages.

Mr. Shapiro stated that two additional pages will be provided within the Design Manual to show elevations for the mixed-use buildings, including the parking garages. He presented a black and white rendering of the garage elevations showing the entrances and proposed screening.

Mr. Tope inquired as to how tall the mixed-use buildings are proposed to be.

Mr. Shapiro stated that they are proposed to be between forty-five and fifty feet tall. He noted that there may be some taller decorative features proposed. He stated that all of the tall buildings are required to be set back 300 feet from the residential neighbors, with a maximum height of sixty feet permitted.

Mr. Ganguzza pointed out that the townhouses have a maximum height requirement of thirty-five feet.

Mr. Wilson inquired as to the system of mail delivery.

Mr. Ganguzza stated that mail and package delivery will be to the units, although there may be some gang boxes in the internal buildings.

Mr. Hite inquired as to whether the townhouses will be accessed from Crackersport Road.

Mr. Ganguzza stated that there will be pedestrian access from Crackersport Road but garage and vehicular access will be from the alley to the rear.

Mr. Hite stated that visitors may be likely to park along Crackersport Road, which may indicate a need to widen the road.

Mr. Wilson inquired as to the rents to be charged for the apartments.

Mr. Ganguzza stated that both the townhouses and the apartments will be market rate rentals. He stated that the apartments will be at luxury rates – expecting between \$1,600 and \$1,800 per month for an apartment and \$2,000 for a townhouse. He noted that the rates are in line with similar rentals in the surrounding area.

Mrs. Kelly noted that many garages are used for storage and the on-street parking may be utilized more.

Mr. David Burke of 4436 Buck Trail Road recited Section 350-18, noting that a Conditional Use may be approved if compatible with surrounding neighborhoods, as well as not creating excessive traffic.

Ms. Susan Rehrig of 1308 Antler Court inquired as to how “Luxury” is defined.

Attorney Preston stated that there is no definition related to the real estate use. He stated that a high quality development is expected.

Mr. David Torrey of 1351 Deerfield Drive inquired as to whether LANTA has been contacted regarding mass transit service.

Mr. Ganguzza stated that LANTA was contacted but their response in writing was that they do not intend to serve the site.

Mr. Torrey pointed out that he served on the LANTA Board and that the intent of LANTA is to serve high-density mixed-use developments. He stated his concerns with getting a bus in and out of the site.

Mr. Ganguzza stated that the applicant has submitted turning templates to the Township, including those for busses and emergency equipment. He stated that both types of equipment can navigate the site. He stated that the applicant contacted Parkland School District and bus stops were placed onsite where the School District wanted them.

Mr. Chris Holdridge of 1214 Country Lane inquired as to why the Ridgeview Drive/Parkland road intersection was not studied. He noted that it is a cut-through for the neighborhood to avoid the Bulldog Drive/Ridgeview Drive intersection.

Traffic Engineer Hoffman stated that the intersection was not included in the scoping by the Township Engineer.

Mr. Burke submitted two slides containing density information for the surrounding neighborhoods. He noted the issues with congestion with Bulldog Drive, Crackersport road and Winchester Road.

Mr. Don Sheatsley of 1411 Hampton Road stated that traffic is the main issue and inquired as to what has been done to address it.

Ms. Monica Hodges of 1707 Penns Crossing stated that the traffic will impact the existing neighborhood and that the development is not in character with the surrounding neighborhood.

Mr. Steve Dutton of 1510 North 40<sup>th</sup> Street inquired as to the number of school-aged children the development would generate and what impact that would have on the local schools.

Mr. Manhardt stated that the Township does meet with Parkland School District annually to discuss new development.

Mr. Paraskevoula Papageorgiou of 4011 Winchester Road stated that the traffic generated by the proposed development will impact the surrounding community.

Mr. David Bach of 1431 N. 40<sup>th</sup> Street stated his agreement with the concerns so far. He stated that the development is not compatible with the surrounding neighborhood. He stated that it proposes excessive density. He stated that the TIS is not accurate, as the trips anticipated for Winchester Road are too low and for the AM Peak. He noted that there 26 bus stops on Winchester Road.

Mr. Jacob Roth of 1499 White Oak Road stated his concerns for additional traffic on Winchester Road, noting that many drivers exceed the speed limit. He stated that recent development have had a detrimental impact on the existing neighborhoods.

Mr. Mark Stutz of 4207 Winchester Road stated his concerns with additional traffic and noted that Parkland School District will handle the increased students.

Ms. Susan Shortell of 4405 Parkland Drive stated that many residents use Winchester road to exit the neighborhood to the east and Parkland Drive to exit it to the west. She noted that Parkland Drive is now a bus route out of the neighborhood to avoid the Bulldog Drive/Ridgeview Drive intersection.

Mr. Lee Solt of 3731 Manchester Road inquired as to whether the business vehicles associated with the commercial portion of the development were considered in the TIS. He stated his concerns with additional traffic.

Traffic Engineer Hoffman stated that the commercial vehicles were considered in the TIS.

Mr. John Karoly of 4236 Winchester Road stated that the Township had turned down a Conditional Use application for twenty additional trips per day thirty years ago.

He stated that a Conditional Use is a permitted Use but the applicant must still prove that he can achieve the standards. He cited a number of cases where excessive traffic was cited as a reason for denial of a Conditional use application and upheld in the courts.

Ms. Dennille Schuler of 4334 Valley Drive stated her concerns with traffic and density.

Mr. James Pumante of 4272 Winchester Road inquired as to whether there was a plan without direct access to Crackersport Road and Winchester Road. He favored only one access road onto Bulldog Drive.

Mr. Tope made a motion to recommend to the Board of Commissioners that the plan be denied.

Mrs. Kelly seconded and the motion passed unanimously. 5-0.

Mrs. Kelly asked the residents gathered to participate in the upcoming Comprehensive Plan process.

**B. PROPOSED FLEX BUILDING 1215 HAUSMAN ROAD  
MAJOR PLAN 2018-106  
REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to develop the property located at 1215 Hausman Road. The following individuals indicated interest:

Lorinne Bodner                      Len Santee Trucking 1264 Hausman Road

At the request of Chairman MacNair, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies' comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Engineer Paul Szewczak and Attorney Blake Marles accompanied Mr. Anthony Baldo to present the plan and answer questions. Attorney Marles explained that Butz Construction owns the subject parcel and the project has been languishing because the owner thought that he could pre-market the use. No qualified buyers have approached the applicant to date, so the applicant has decided to move forward with the application for a Flex Space Use rather than a Warehouse and Distribution Use. He stated that the applicant will address all of the reviewing agencies' comments and is seeking a conditional approval. He also stated that the applicant will grant the Waiver from the Time Limitation to Review the Plan.

Mr. Wilson inquired as to the zoning comments.



Attorney Marles stated that the guide rail and wall should not be within the required setbacks and the plan will be revised to move them out.

Chairman MacNair noted that some of the stormwater drains directly onto Hausman Road and flows along and across the road to reach the closest available inlet at the northeast corner of the Hausman Road/Crackersport Road intersection. He stated that it should be piped into the stormwater system.

Engineer Szewczak stated that the stormwater management proposed onsite will result in a net decrease of stormwater reaching Hausman Road. He stated that he could look piping the runoff if that was what the Planning Commission desired.

Mr. Hite stated that the stormwater along Hausman has been an issue in the past, particularly in freezing weather. He stated that piping the stormwater would improve safety at that intersection.

Engineer Szewczak inquired as to the Zoning Officer's comment regarding the Truck Court.

Mr. Adams suggested that he contact Laura Harrier for clarification.

Ms. Lorinne Bodner of Len Santee Trucking stated her concerns with runoff from the site. She stated that her operation is on the parcel to the north of the site and that there is a concern that water will pond on the Santee site. She also stated that the applicant had installed metal poles on the Santee property without permission. She inquired as to whether the drainage pit will be above or below ground.

Engineer Szewczak stated that it will be an above-ground detention basin.

Ms. Bodner inquired as to whether the site will be raised. She inquired as to the required setbacks.

Engineer Szewczak stated that he would meet with the Zoning Officer to work out the zoning issues and that the poles will be removed.

Ms. Bodner inquired as to whether there will be standing water on the site. She cites issues with mosquitos.

Engineer Szewczak stated that the wetlands will hold water but spray irrigation will disperse the water occasionally.

Ms. Bodner inquired as to her recourse should water issues worsen.

Attorney Marles stated that such an issue would be a private property dispute and that she would need to prove that the development caused the change. He noted that the applicant's site is lower than the Santee site, so the drainage issues should improve.

Ms. Bodner inquired as to road widening on the Santee property.

Attorney Marles stated that any widening would occur within the right of way of Hausman Road and not on the neighboring properties.

Ms. Bodner inquired as to whether the telephone pole is to be removed.

Engineer Szewczak stated that it will be relocated to beyond the new paved area.

Mr. Wilson inquired as to how the spray irrigation is to function during the winter months.

Engineer Szewczak stated that PA DEP regulations require that the system be turned off during the winter, as there is less rain during the winter.

Mr. Wilson inquired as to whether Engineer Szewczak was confident that the plan will meet the Act 167 requirements.

Engineer Szewczak stated that he was.

Mr. Hite expressed his appreciation for the proposed sidewalks.

Mrs. Kelly made a motion to take the plan under advisement to afford the developer the time necessary to address the reviewing agencies' comments.

Mr. Tope seconded and the motion passed unanimously, 5-0.

#### **AGENDA ITEM #5 – TRANSPORTATION INFRASTRUCTURE UPDATE**

Mr. Tallarida stated that not much is occurring at this time, due to the winter construction freeze.

#### **AGENDA ITEM #6 – COMPREHENSIVE PLAN UPDATE**

Mr. Manhardt noted that his summary at the beginning of the meeting was fairly comprehensive. He noted that volunteers to staff the Working Groups will be needed and suggested that the Planning Commission members consider where they may help out.

Mrs. Kelly suggested putting invitations into the monthly utility bill mailings.

Mr. Manhardt stated that staff considered an article in the Township newsletter, but the newsletter will be published long after Phase 4 starts. He stated that he could try to get invitations placed into the utility bill mailings. He also stated that the Comp Plan Blog may be shifted onto the new website.

Mrs. Kelly suggested adding push notifications on the new website.

Mr. Manhardt stated that the feature is available but it must be implemented and staff trained first.

Mrs. Kelly complimented staff on the new website.

Mr. Hite suggested an ad or press release for the Parkland Press.

**AGENDA ITEM #7 – COURTESY OF THE FLOOR**

Mr. Adams reviewed the plans for the March agenda, including the Cedarbrook Skilled Nursing plan and the Motor Vehicle Service Facility Zoning ordinance Amendment.

Mr. Solt inquired as to whether trucking companies are required to remove the snow from the tops of their trailers before they leave the facility.

Mr. Adams stated that the Township has no requirement.

Mr. Hite stated that it is Commonwealth law. He suggested that such capabilities could be an amenity for Warehouses.

Mr. Tallarida noted that the LVPC has added a few amenities to their model Ordinance and snow removal was one of the amenities.

Mr. Manhardt stated that we could add it as well.

**AGENDA ITEM #8 – ADJOURNMENT**

Chairman MacNair requested a motion to adjourn at 10:12 p.m. Mrs. Kelly made the motion, Mr. Mr. Tope seconded the motion and it passed unanimously.

**ADOPTED THIS DATE: March 18, 2021**

**ATTEST:**

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**Secretary**

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**Chairman**