

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

**REGULAR SESSION**

**MINUTES**

**APRIL 15, 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  
Diane E. Kelly  
Matthew Mulqueen  
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 February 23, 2021 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. Mr. Hite stated that there is no "U" in Osborne. Hearing no others, Chairman MacNair called for a motion to approve the minutes as amended. Mr. Hite made a motion to that effect. Mrs. Kelly seconded the motion and it passed 4-0, with Mr. Mulqueen abstaining.

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

Mr. Manhardt reviewed the Phase 4 meeting schedule.



Engineer Amit Mukherjee and Engineer Mike Nohara-LeClair accompanied Plant Manager Brian Blank to present the plan and answer questions. Engineer Mukherjee stated that he had no issues with the reviewing agencies' comments. He stated that the proposed improvements won't increase the number of employees, traffic, sewerage or impervious surface. He noted that it would result in a net decrease of 16 square feet of impervious surface on the site. He stated that the improvements are intended to improve the wastewater treatment process and control odors. He submitted the list of waiver and deferral requests and stated that it was the same list that had been approved in prior projects.

Chairman MacNair asked Engineer Mukherjee to explain the proposed process and point out the things to be replaced.

Engineer Nohara-LeClair stated that Nestle is upgrading the secondary sewage treatment system, which is currently an aerated sludge and clarifying pond. He stated that the proposed upgrades will allow Nestle to meet the lower nutrient particle requirements. He described the proposed process as a multi-chamber biological nutrient system that includes anoxic anaerobic bio reactor. He stated that the plan proposes to construct the new secondary treatment system while the existing system is in operation and switch over to the new system after four to six weeks, and then refashion the initial treatment lagoon to act as an emergency bypass lagoon.

Chairman MacNair inquired as to whether Lagoon 1B would be closed at the end of the process.

Engineer Nohara-LeClair stated that it would.

Mr. Hite pointed out that the applicant is required to provide a written justification for all waiver and deferral requests, as required by the PA MPC. He noted that a number of Planning Commission members were not on the Commission in 2016 and the rest may not have accurate memory of the justifications then.

Mr. Wilson inquired as to the justification for the waiver from the SALDO section requiring that the plan be recorded prior to the issuance of building permits. He inquired noted that it would be a challenge to properly construct a foundation on the existing basin.

Engineer Nohara-LeClair stated that the site preparation for the treatment building will involve the removal of all of the existing sediment and approximately three feet of clay.

Mr. Wilson inquired as to whether permits have been submitted and reviewed yet.

Engineer Mukherjee stated that they would be submitted per the Township's process.

Chairman MacNair inquired as to what exactly is typically in the Nestle wastewater.

Engineer Nohara-LeClair stated that the Nestle wastewater is typically high in meat, starches and calorics. He stated that the primary system removes the floating solids and grease and the secondary system adds water and treats the remainder biologically.

Chairman MacNair inquired as to whether the cooling water is treated.

Engineer Nohara-LeClair stated that it was treated chemically.

Chairman MacNair inquired whether the current system would be characterized as four basins plus treatment. He inquired as to the flow rate of the process.

Engineer Nohara-LeClair stated that the waste system's flow rate is 0.53 million gallons per day and the cooling water flow rate is between 0.63 and 0.65 million gallons per day.

Chairman MacNair inquired as to whether the wastewater is discharged to the Jordan Creek and, if so, where.

Engineer Nohara-LeClair stated that it does but was unsure of exactly where it joined the Jordan Creek.

Chairman MacNair inquired as to whether there was groundwater monitoring in place.

Engineer Nohara-LeClair stated that none is proposed with this project and he was unaware of any in the past. He note that the lagoons are clay-lined and the proposed upgrade will move the process to impervious concrete tanks

Ms. Connie Rabold of 4644 Huckleberry Road inquired as to whether the project area is located in relation to Huckleberry Road.

Mr. Tallarida presented that aerial image of the area.

Chairman MacNair moved to the waiver and deferral requests.

Mr. Mulqueen made a motion to recommend to the Board of Commissioners that the requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract and the requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract be waived.

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

Chairman MacNair moved to Section 312-35(b)(3)(A)(i)(1) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing on all private streets and for the ingress and egress of all parking lot access drives and non-residential driveways. He suggested that it be changed from a waiver to a deferral.

Engineer Mukherjee stated that the request applies to internal curbing only. He noted that it is a closed site with employees and restricted visitors and no public access.

Chairman MacNair inquired as to whether there is an internal speed limit.

Engineer Mukherjee stated that the internal speed limit is 10 mph.

Mr. Adams inquired as to the impact on stormwater management on the site.

Engineer Mukherjee stated that the stormwater management on the site has been reviewed repeatedly over the past twenty years and it depends upon the unimpeded flow to three discharge points, each within its own watershed. In accordance with the NPDES permit on the site, internal curbing would be undesirable.

Mrs. Kelly made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3)(A)(i)(1) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing on all private streets and for the ingress and egress of all parking lot access drives and non-residential driveways be deferred.

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

Mr. Mulqueen made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3)(A)(i)(1) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing on all public streets and for the ingress and egress of all parking lot access drives and non-residential driveways be deferred.

Chairman MacNair seconded and the motion passed unanimously, 5-0.

Mr. Mulqueen made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3)(A)(i)(2) of the Subdivision and Land Development Ordinance pertaining to the requirement for curbing in all internal driveways and private streets or roadways and off-street parking facilities be deferred.

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

Mr. Mulqueen made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks within all subdivisions be deferred.

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

Mrs. Kelly made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks along all public streets along the perimeter of the tract be deferred.

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

Mr. Mulqueen made a motion to recommend to the Board of Commissioners that the requirement of Section 312-35(b)(3) of the Subdivision and Land Development

Ordinance pertaining to the Right-of-Way and cartway standards, specifically the dedication of right-of-way to Township standards, be deferred.

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

Mrs. Kelly made a motion to recommend to the Board of Commissioners that the requirement of Section 312-40 of the Subdivision and Land Development Ordinance to plant street trees within the right-of-way of streets along the perimeter of the property, be deferred.

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

Chairman MacNair moved to Section 312-13(f)(3) of the Subdivision and Land Development Ordinance pertaining to the prohibition of the issuance of permits prior to the recording of the plan. He inquired as to the justification for the request.

Engineer Mukherjee stated that the plan approval process with the engineering typically approved first and then the subdivision agreements and legal issues settled next. He noted that both have to be settled before building permits can be issued for the project.

Mr. Wilson stated his concern that protections for the Township may be missed if the waiver is granted.

Mr. Adams stated that protections for the Township are put in place prior to the issuance of building permits, including a Pre-Security Construction Agreement, evidence of insurance and all other required protections.

Zoning Officer Laura Harrier noted that permits have 180 days to be issued after being approved and other issues may have an impact on the timeline of plan recording.

Mr. Adams noted that there is historical precedent with previous Nestle plan approvals, as well as other plan approvals across the Township.

Mr. Hite made a motion to recommend to the Board of Commissioners that the requirement of Section 312-13(f)(3) of the Subdivision and Land Development Ordinance pertaining to the prohibition of the issuance of permits prior to the recording of the plan be waived.

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

Mr. Hite made a motion to recommend preliminary/final approval to the Board of Commissioners subject to the applicant complying with the following conditions:

1. If deemed to be necessary, subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of necessary insurance coverage be provided to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated April 9, 2021.

3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated April 1, 2021.
4. That the applicant address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated April 9, 2021.
5. That the applicant obtains a review from the Lehigh Valley Planning Commission prior to the plan being presented to the South Whitehall Township Board of Commissioners.
6. That the applicant obtains a letter from the Lehigh County Conservation District approving the Soil Erosion and Sedimentation Control Plan pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance or that the applicant obtains a letter from the Pennsylvania Department of Environmental Protection and/or the Lehigh County Conservation District approving the NPDES Permit application pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance, as appropriate.
7. That the applicant complies with the April 5, 2021 recommendation of the Parks and Recreation Board.
8. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission.
9. If deemed to be necessary, that a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor be executed for the maintenance of the on-site stormwater management facilities.
10. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.

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

**B.        ROBERT RUHE SUBDIVISION  
             MINOR PLAN 2013-201  
             REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 2442 Huckleberry Road. The following individuals indicated interest:

Scott Aldun	2425 Dawes Street
John Lutz	2436 Huckleberry Road
Lee Solt	3731 Manchester 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 submitting a Waiver from the Time Limitation to Review the Plan.

Engineer Alan Fornwalt accompanied Jason and Cindy Smith and Robert Ruhe to present the plan and answer questions. Engineer Fornwalt reviewed the history of the project. He noted the prior waiver of the profile of the slope of the driveway. He noted that the slope has been revised and now meets the SALDO requirements. He stated

that Lot 2 will be the owner of the cul-de-sac and there will be access easements and maintenance agreements in place with the other lots. He noted that the lots were previously proposed to be on-lot septic but are now proposed to be on public water and sewer. He noted that the public water and sewer will preserve many of the trees that would have to be removed to accommodate on-lot septic systems. He noted that additional testing would have to be done to simplify the stormwater management designs. He stated that he wanted to review the waiver and deferral requests.

Mr. Wilson inquired as to whether the owner of the Lutz property would need to approve the plan, as the driveway would be coordinated with that property.

Engineer Fornwalt noted that the driveway is proposed to be split between the two properties and believes that the owner of the Lutz property has signed an agreement approving the plan.

Mr. Hite inquired as to the potential widening of Huckleberry Road. He noted that the Ridge Farm project will result in Huckleberry Road being widened and improved to Township standards to the western property line.

Engineer Fornwalt stated that the Ruhes do not own the Lutz property, which would create a gap in the right-of-way improvements. He stated that Huckleberry Road is currently at a 16.5 foot half-width. He noted that SALDO requires a 20-foot half-width with grading, curbing, sidewalks and street trees. He noted that the full improvements won't fit in front of the Lutz property. He stated that the applicant is open to some improvements, especially to the west of the driveway.

Mr. Hite opined that improvements west of the driveway would be acceptable. He inquired as to whether there are sidewalks proposed along the cul-de-sac.

Engineer Fornwalt stated that there were no sidewalks proposed along the cul-de-sac. He noted that there are space restraints due to the location of the existing buildings and parking areas. He inquired as to relief from the right-of-way standards along Huckleberry Road.

Mr. Adams suggested that the applicant's team work with the Township Engineer to develop a design and submit it for review.

Engineer Fornwalt stated that he's received good feedback so far and inquired as to whether the improvements to the east of the Lutz property could be waived.

Chairman MacNair suggested a deferral for the improvements not constructed. He stated that the applicant should show the improvements on the plan and then the Planning Commission will decide on what will be deferred.

Engineer Fornwalt inquired as to the Planning Commission's direction with regard to the waiver request for Section 11.14 regarding the requirement for a preliminary plan submission.

The consensus of the Planning Commission was that the request was reasonable.



Engineer Fornwalt stated that, with regard to the request to waive SALDO Section 11.32(a)(2)(C) regarding right-of-way and curb radii, he would put together a turning template graphic for the cul-de-sac.

Mr. Robert Ruhe pointed out that trash collection would be at the curb on Huckleberry.

Engineer Fornwalt stated that, with regard to the request to waive SALDO Section 11.32(a)(3)(E)(ii), he noted that the proposed driveway is at the location of the existing driveway and is proposed to be right-in/right-out only. He stated that he will work on the design and return to the Planning Commission for further review.

Mr. Hite inquired as to the extent of items covered by the cross-easements.

Engineer Fornwalt stated that the Ruhes' attorney will work with the Township Solicitor's office to bind all 4 properties with all applicable issues.

Mr. Lee Solt of 3731 Manchester Road inquired as to whether the Township had any plans to widen Huckleberry Road to Township standards to Whitehall Avenue.

Mr. Wilson stated that that the Township can only require improvements along the frontage of the property in question.

Mr. John Lutz of 2436 Huckleberry Road inquired as to whether the hump in Huckleberry Road along the frontage of the property will be removed.

Engineer Fornwalt stated that the applicant has no plans to re-profile Huckleberry Road, but that he can look at the issue.

Mr. Hite suggested that the issues be examined as the project moves forward.

Mr. Scott Aldun of 2425 Dawes Street stated that he resides next to the unopened portion of Roosevelt Avenue and inquired as to who would be responsible for damages if the water main breaks and his house is flooded.

Engineer Fornwalt reviewed the proposed utility design and noted that the proposed work to the Ruhe property is proposed to be owned and maintained by the Township within an easement provided by the applicant.

Solicitor Alderfer inquired as to whether the applicant has the authority to place the lines where proposed.

Mr. Aldun stated that he is evaluating his options with regard to granting the easement to the applicant.

Mr. Wilson inquired as to whether public water will be provided by South Whitehall or by LCA.

Mr. Hite suggested that the water in the area is mostly South Whitehall.

Engineer Fornwalt stated that he would grant the waiver to the time limitation to review the plan.

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

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

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

Mr. Tallarida stated that he has met with PennDOT and LCCD with regard to repairs to the Little Cedar Creek culvert under PA Route 309, and that the project is moving forward.

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

Mr. Manhardt reviewed the next steps in the process to get the Working Groups up and running. He then reviewed the concept for the Working Group meetings and finally reviewed the Planning Commission's role in Phase 5.

Chairman MacNair inquired as to the meaning of typology.

Mr. Manhardt stated that typologies are standardized types of developments which are to be used in the economic and traffic models. He stated that the models will be run before Phase 4 begins to give a baseline for the Working Groups, and then again during Phase 5 to reveal the impacts of the Working Groups' recommendations.

Mrs. Kelly inquired as to whether Mr. Poole will be returning to present.

Mr. Manhardt confirmed that both he and Scott Pasterski would be making presentations during Phase 4.

Chairman MacNair inquired as to whether the Planning Commission would be drafting the Comprehensive Plan in Phase 5.

Mr. Manhardt stated that they would take the recommendations of the Working Groups, select the most appropriate and draft the Plan.

The Planning Commission discussed the role of the Steering Committee during the 2009 Comprehensive Plan and came to the consensus that the Planning Commission should run Phase 5.

Mr. Hite inquired as to how many Planning Commission members should be involved with the Working Groups in Phase 4.

Mr. Manhardt stated that the Working Groups will attend weekly meetings, so their schedules will be busy. He noted that the videos of each meeting will be posted online and workbooks will be provided for each Group.

Mr. Adams stated that Phase 4 will be virtual but it is unknown whether Phase 5 will be.

Mr Hite inquired as to whether Michael Baker International will be running Phase 4.

Mr. Adams stated that they would.

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

Chairman MacNair inquired as to whether the Planning Commission Annual Report is acceptable.

The consensus of the Planning Commission was that it is acceptable and ready for presentation to the Board of Commissioners.

Mr. Adams stated that only one application will be on the agenda in May – 1215 Hausman Road Flex Building.

**AGENDA ITEM #8 – ADJOURNMENT**

Chairman MacNair requested a motion to adjourn at 9:46 p.m. Mrs. Kelly made the motion, Mr. Mulqueen seconded the motion and it passed unanimously.

**ADOPTED THIS DATE: June 17, 2021**

**ATTEST:**

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**Secretary**

\_\_\_\_\_  
**Chairman**