

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

AUGUST 19, 2021

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

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

Staff members in attendance:

Gregg Adams, Planner
Anthony Tallarida, Assistant Township Engineer
Jennifer Alderfer, Assistant Township Solicitor
Leo DeVito, Township Alternate Solicitor

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

Chairman MacNair called the meeting to order at 7:05 p.m. He announced that all meetings are electronically monitored. He then led the assembled in the Pledge of Allegiance.

AGENDA ITEM #2 – COMPREHENSIVE PLAN WORKING GROUPS RECOMMENDATIONS PRESENTATION

Hannah Clark and Chris Rabasco of Michael Baker International were present to present the results of the Working Groups. Ms. Clark described the Working Group process to date. She reviewed the Guiding Principles established at the beginning of the Comprehensive Plan update. She then reviewed the Working Groups actions for Housing and Transportation, describing the existing conditions, the ranking of the existing conditions by the Working Group members, the suggestions of the LVPC experts, the results of the brainstorming session following the suggestions, and the Working Group's ranking of the recommendations that emerged from the brainstorming session.

Mr. Rabasco repeated the descriptions of the process for the Community Facilities and Community Utilities Working Groups.

Ms. Clark repeated the description of the process for the Resource Protection Working Group.

Mr. Wilson inquired as to “middle housing”.

Ms. Clark stated that “middle housing” is housing accessible to working class people and considered to be entry-level housing. She stated that “middle housing” is not subsidized.

Mr. Mulqueen inquired as to local government/PennDOT interactions.

Ms. Clark stated that such interactions are ongoing and there were good conversations on the current relationship.

Chairman MacNair inquired as to the Planning Commission final product. He noted that farmland preservation, traffic and funding are the big issues that seemed to be discussed in most Working Groups. He inquired as to the Planning Commission Workshop meetings coming up.

Mr. Manhardt stated that the Planning Commission should be delving deeper into the proposed recommendations to build out the updated Comprehensive Plan.

AGENDA ITEM #3 – APPROVAL OF MINUTES

Chairman MacNair announced that the minutes of the June 17, 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. Hearing none, Chairman MacNair called for a motion to approve the minutes as submitted. Mr. Hite made a motion to that effect. Mr. Tope seconded the motion and it passed unanimously, 6-0.

AGENDA ITEM #4 – SUBDIVISION REVIEW

A. BUILDING ADDITION 4815 CRACKERSPORT ROAD MAJOR PLAN 2021-104 REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to further develop the property located at 4815 Crackersport Road. There was no response.

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 recommend preliminary/final plan approval to the Board of Commissioners subject to the applicant complying with the following conditions:

1. If deemed to be necessary, the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, 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 shall be provided prior 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 August 13, 2021.
3. That the applicant address to the satisfaction of the Township Water & Sewer Engineer, the comments of Mr. Jason Newhard, as contained in his review dated August 11, 2021.
4. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated August 4, 2021.
5. That the applicant address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated August 13, 2021.
6. That the applicant address to the satisfaction of the Public Works Department, the comments of Mr. Herb Bender, as contained in his review dated August 10, 2021.
7. If deemed to be necessary, 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.
8. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
9. That the applicant complies with the recommendation of the Public Safety Commission as contained in Fire Marshal John Frantz's review dated August 4, 2021.
10. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission.
11. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned.
12. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
13. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Attorney Chris McLean, Engineer Martin Smith, and John Wishner McMahon accompanied Dominick Baker of Triple Net Investments and Rusty Johnson of US Express Trucking (the tenant) to present the plan and answer questions. Mr. Johnson stated that US Express has 20 employees onsite (15 mechanics and 5 office staff) with

24/7 security onsite as well. He stated that the typical traffic is 30 trucks per day. He stated that the site has a restriction on trucks idling and that the use of batteries is required. He stated that the typical length of stay for a vehicle is between one and three days. He stated that the site includes vending machines, washing machines, showers and a lounge for the drivers, and secure storage for the truck and trailer. He stated that the busiest times for the site are the afternoon and evening hours. He stated that the site is an OTR shop and uses dedicated drivers.

Mr. Mulqueen inquired as to the functions of the mechanics.

Mr. Johnson stated that there are three shifts of mechanics for 24/7 availability. He stated that US Express will be hiring local mechanics to fill the positions.

Mr. Hite inquired as to the shift schedule for the mechanics.

Mr. Johnson stated that the schedules have not been set yet.

Mr. Hite inquired as to whether the mechanics will work on any truck brought in or would be exclusive to US Express.

Mr. Johnson stated that the mechanics' work would be exclusive to US Express and their subsidiaries.

Mr. Hite inquired as to whether there would be a dedicated area for tow-ins.

Mr. Johnson stated that the dedicated areas may be in flux and dependent upon the traffic at the time.

Mr. Hite noted the fifty feet of space between the doors and the parking spaces.

Engineer Smith stated that the doors along the north side are for tractors only. The canopy area is for pre- and post-work inspections. The west end is for full trailer drive-through with a truck wash. He presented the truck turning exhibit. He presented the truck route exhibit showing the primary route to US 22 via Crackersport Road, Hausman Road and PA Route 309.

Mr. Hite inquired as to whether there would be fueling onsite.

Engineer Smith stated that all fueling will be on the road and never onsite.

Mr. Hite inquired as to the State requirement to remove snow from the top of trailers.

Mr. Johnson stated that he was unaware of that requirement but would check on it.

Chairman MacNair inquired as to the handling of hazardous materials onsite.

Engineer Smith stated that the trailer materials are not handled onsite and that petroleum products from the trucks will be the only hazardous materials handled.

Mr. Johnson stated that spill control areas are included within the shops, including spill containers and MSDS sheets.

Mr. Hite inquired as to whether the trailers are owned by US Express and whether they are dry trailers or reefers.

Mr. Johnson stated that the trailers are mostly dry trailers owned by US Express.

Chairman MacNair inquired as to the sidewalks.

Engineer Smith stated that the plan does not propose sidewalks, as they were deferred with the previous plan approval.

Mr. Wilson inquired as to whether the existing right-of-way width meets Township standards and state that sidewalks should be shown on the plan.

Engineer Smith stated that the right-of-way does meet Township standards but pointed out the wall on the adjoining property to the east and that the nearest LANTA bus stop is at PA Route 309 and Ridgeview Drive.

Mr. Mulqueen inquired as to whether there is a zoning issue. He inquired as to whether shade trees would impact the sidewalk.

Mr. Adams stated that the trees required by the previously-approved plan were installed per the Township standards and are still present and in good health. He opined that the Shade Tree Commission's review would unlikely to impact the plan.

Zoning Officer Laura Harrier clarified the Township's position on the application with regard to conditional use approval. She noted that the current Use was previously approved before the Zoning Ordinance was amended to change the Use to a Conditional Use. She stated that the application was not required to go through conditional use review because the proposed Use is consistent with the previously-approved Use.

Mr. Adams stated that staff would like to add a Condition #14 requiring the inclusion of the plan note detailing the prior approval and conditional use.

Attorney McLean stated that the condition was acceptable.

Mr. Hite inquired as to whether there are other prior sidewalk deferrals in the area, such as Interspace Airport Advertising or the 4845 Crackersport Road flex building.

Mr. Adams stated that there are but he was uncertain of their locations. He stated that staff will research the matter.

Solicitor DeVito suggested that the applicant be required to submit a written request to defer the sidewalk to the Planning Commission with justification for the deferral.

Mr. Hite stated his preference for requiring the construction of the sidewalk.

Mr. Manhardt stated that the Department typically reviews an area wherein sidewalk is to be constructed and looks at the existing sidewalk network and the deferrals in the area to determine if it would be an appropriate time to call in the deferrals to create a more complete sidewalk network. He noted that such a call-in would allow the property owners to coordinate the installation and perhaps benefit from bidding a larger amount of work.

Chairman MacNair and Mrs. Kelly agreed with Mr. Hite to require the sidewalk.

Mr. Mulqueen opined that if the sidewalk is to be required, it would be a good time to call in the adjoining deferrals.

The Planning Commission had a discussion of the mechanics of calling in deferrals and coordinating between property owners.

Mr. Mulqueen suggested that a conditional Certificate of Occupancy can be issued pending the construction of the sidewalk, with the Certificate of Occupancy being issued after the sidewalk is constructed.

Mr. Tallarida pointed out that if the sidewalk is required, the work is to be secured and the project cannot enter the Maintenance Period until it is constructed.

Mr. Manhardt pointed out that a conditional Certificate of Occupancy allows normal operations and the incentive to obtain the full Certificate of Occupancy is sufficiently small so as to be deterred by an expense such as constructing a sidewalk.

Mr. Mulqueen stated that he is okay with requiring the sidewalk but wants to encourage cooperation between the neighbors with Township assistance.

Solicitor DeVito suggested that the Planning Commission memorialize the discussion by voting to deny the deferral request and recommend that the Board of Commissioners call in any adjoining sidewalk deferrals in the area so that a continuous sidewalk be installed.

Mr. Hite made the afore-mentioned motion.

Mr. Tope seconded and the motion passed unanimously, 6-0.

Mrs. Kelly made a motion to support the applicant's request to waive 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.

Mr. Hite seconded and the motion passed unanimously, 6-0.

Mr. Tallarida pointed out that the applicant may wish to waive the requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing of the location, character and elevation of any building within 100 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. He noted that the Township Engineer has no objections to the requests, with the exception of the details in the area of the sidewalk tie-ins.

Mr. Hite made a motion to support the applicant's request to waive the requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing of the location, character and elevation of any building within 100 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, with the exception of the area at the sidewalk tie-ins.

Mrs. Kelly seconded and the motion passed unanimously, 6-0.

Mr. Tope 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, the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, 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 shall be provided prior to the plan being recorded.
2. That the applicant addresses to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated August 13, 2021.
3. That the applicant addresses to the satisfaction of the Township Water & Sewer Engineer, the comments of Mr. Jason Newhard, as contained in his review dated August 11, 2021.
4. That the applicant addresses to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated August 4, 2021.
5. That the applicant addresses to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated August 13, 2021.
6. That the applicant addresses to the satisfaction of the Public Works Department, the comments of Mr. Herb Bender, as contained in his review dated August 10, 2021.
7. That the applicant adds a note to the plan addressing the comments of the Zoning Officer's review dated August 16, 2021, to the satisfaction of the Zoning Officer and Township Solicitor.
8. If deemed to be necessary, 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.
9. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
10. That the applicant complies with the recommendation of the Public Safety Commission as contained in Fire Marshal John Frantz's review dated August 4, 2021.
11. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission.

12. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned.
13. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
14. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Mr. Mulqueen seconded and the motion passed unanimously, 6-0.

AGENDA ITEM #5 – TRANSPORTATION INFRASTRUCTURE UPDATE

Mr. Tallarida stated that there is an LVTS meeting this week . He noted that the Let Date for the Tilghman Street Interchange Project is in 2022. He noted that the US Route 22 improvement Project between 15th Street and I-378 is to start engineering and then phase beyond 2022.

Mr. Mulqueen inquired as to the inclusion of sound walls during the widening.

Mr. Tallarida stated that the matter is being discussed.

AGENDA ITEM #6 – COMPREHENSIVE PLAN UPDATE

Mr. Manhardt stated that staff will review the Working Group recommendations and come before the Planning Commission with a rough draft of each chapter in turn, so that when the final chapter is delivered the foundation for the Land Use Map will be in place. He noted that the work required will have to be assessed to determine if a consultant will have to be brought in.

Chairman MacNair suggested reviewing each draft chapter against the 2009 Comp Plan and then updating as needed. He inquired as to the use of the models in the process.

Mr. Manhardt suggested that the Land Use Map be developed first and then run the map through the models to determine the impacts, and then tweak the map as needed.

Chairman MacNair noted that so many recommendations generated by the Working Groups depended upon funding and on outside agencies. He inquired as to the outcome if PennDOT is not cooperative, particularly with some development models.

Mr. Mulqueen inquired as to how the Comp Plan can help with PennDOT cooperation. He noted that the State roads are in poor shape and that is driving traffic onto Township roads. He asked how we can coordinate with PennDOT to support the development envisioned by the Comprehensive Plan.

Mr. Wilson suggested that the development or improvement is placed in the Comp Plan and Official Map, which then supports the project's position on the TIP.

Mr. Hite stated that inclusion in the Comp Plan and Official Map shows thought and support of the project or improvement.

Mr. Manhardt stated that the LVPC married the Long range Transportation Plan and the Comprehensive Plan and the Township intends to do something similar.

Mr. Mulqueen stated the difficulties of coordinating with PennDOT with regard to the Hills at Winchester plan.

Mr. Manhardt pointed out that the LVPC is more involved with PennDOT and the Township is now working more with the LVPC.

Mr. Mulqueen suggested using local legislators as well.

Chairman MacNair inquired as to how open space preservation can be effected.

Mr. Manhardt described a Transfer of Development Rights program, which grants “development rights” to areas the Township wants preserved and allows the owners to sell those rights to developers to use in areas where development is wanted.

Mr. Mulqueen stated that the County has money for preservation but the Township must contribute to get the funds.

Mr. Manhardt stated that such funding is for preservation. He noted that the challenge for staff and policymakers is locating areas to increase density.

Chairman MacNair opened the floor to comments.

Mr. Robert Haine of 1731 Independence Court stated his concerns for stormwater with the Ridge Farm plan. He noted that a large amount of stormwater comes down a small ravine uphill of Independence Court and floods that area around he house. He noted that the Ridge Farm plan show two houses to be built over that ravine.

Mr. Tallarida stated that the current Ridge Farm plan proposed an upstream storm sewer system to capture the runoff. He noted that the design is not yet complete.

Mrs. Monica Hodges of 1707 Penns Crossing noted that Ridge Farm is off the agenda but still listed on the website.

AGENDA ITEM #7 – CORRESPONDENCE

No comments.

AGENDA ITEM #8 – COURTESY OF THE FLOOR

None.

AGENDA ITEM #9 – ADJOURNMENT

Chairman MacNair requested a motion to adjourn at 9:21 p.m. Mr. Mulqueen made the motion, Mr. Tope seconded the motion and it passed unanimously.

ADOPTED THIS DATE: October 21, 2021

ATTEST:

Secretary

Chairman