



## BOARD OF COMMISSIONERS

**PUBLIC MEETING, 6P**

**AGENDA-MINUTES**

**Thursday, November 11, 2021**

**1. CALL TO ORDER: 6 p.m.**

Roll Call taken as follows:

Commissioner Wolk: HERE  
Commissioner Long: HERE  
Commissioner Setton: HERE  
Commissioner Kelly: HERE  
Commissioner Morgan: HERE

**Attendees:**

Commissioner Christina (Tori) Morgan, President  
Commissioner Diane Kelly, Vice President  
Commissioner Michael Wolk, Assist. Secretary  
Commissioner Joe Setton  
Commissioner Ben Long  
Joseph Zator, Twp. Solicitor, Zator Law  
Anthony Tallarida, Twp. Engineer, The Pidcock Company  
*\*Not in attendance*

Randy Cope, Interim Township Manager/Dir. of Twp. Operations  
Herb Bender, PW Manager\*  
Mike Elias, PW Utility & MS4 Coordinator\*  
Mike Kukitz, Parks & Rec Manager\*  
Scott Boehret, Finance Manager\*  
Chief Glen Dorney, SWT Police Department  
Dave Manhardt, Director of Community Development  
Tracy Fehnel, Exec. Assistant\*

**2. PLEDGE OF ALLEGIANCE**

**3. NOTIFICATION: All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.**

**\*(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)**

**4. HEARING:**

**a. Premier Center Luxury Apartments Conditional Use Hearing**

For the record, Gallagher Reporting & Video had a court stenographer in attendance for this meeting.

President Morgan said for the record, that prior to this meeting, the Board did meet in Executive Session for legal advice.

President Morgan thanked everyone who was involved in these proceedings, which have been a very long, but important process. As the proceedings continue tonight with a vote, it is the Board's hope that everyone in attendance remains respectful and mindful of others no matter what your personal viewpoint might be on this particular subject.

Attorney Zator went over logistics of meeting at this time, before moving to a vote. The only thing that will be occurring this evening with respect to the conditional use hearing is a vote by the Board of Commissioners.

A MOTION was made by Commissioner Wolk to deny approval of the Premier Center Luxury Apartments' Conditional Use. The motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

Commissioner Wolk: AYE  
Commissioner Setton: AYE  
Commissioner Long: AYE  
Commissioner Kelly: AYE  
Commissioner Morgan: AYE

MOTION carried to deny conditional use for the Premier Center Luxury Apartments.

Clarification of votes:

Commissioner Wolk – The Applicant has not met the burden of proof required by the SWT Zoning Ordinance 350-18 for the granting of conditional uses. I vote YES to deny.

Commissioner Long – YES, to deny.

Commissioner Setton – YES, to deny. The last few months we have heard pros and cons regarding this development. We must understand that the landowner and/or the developer have the legal rights to develop their property consistent with the law. This property will some day be developed into something, and not everyone will agree with its concept. I believe most of us do want to see something different. Whatever is developed in this property, it is here to stay for many years to come. It is important to mention that what is good and safe to the Township is good and safe to the developer. I am not convinced that the traffic study introduced by the developer of this project was sufficient or accurate. Therefore, I vote YES (to deny).

Commissioner Kelly – I do not believe the developer met the burden of proof for conditional use for this property. I vote YES (to deny).

Commissioner Morgan – Based on the testimony provided during these proceedings, this has been a long and difficult decision to make. Based on the proceedings, I believe the traffic study was in fact insufficient. Therefore, my vote is also YES (to deny).

Solicitor Zator said this vote concludes the conditional use proceedings.

5. **COURTESY OF THE FLOOR:** None.

6. **EXECUTIVE SESSION:** None.

7. **ADJOURNMENT:** At 6:08P, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to adjourn. All in favor; none opposed.

8. **APPROVED:** November 17, 2021

On November 17, 2021, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the November 11, 2021, Premier Center Luxury

Apartments Conditional Use Hearing VOTE TAKEN Meeting Minutes as presented. All in favor; none opposed.