

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

**REGULAR SESSION**

**MINUTES**

**OCTOBER 21, 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

Staff members in attendance:

Gregg Adams, Planner  
David Manhardt, Director of Community Development  
Anthony Tallarida, Assistant Township Engineer  
Joseph Zator, Township Solicitor  
David Tettermer, Alternate Township Engineer (for 2020-103)  
Leo DeVito, Alternate Township Solicitor (for 2020-103)

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

Chairman MacNair called the meeting to order at 7:40 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 August 19 and September 16, 2021 meetings 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 of the August 19, 2021 meeting. Mr. Tope noted that, in the eighth paragraph on page 6 of 10, "denial" should be replaced with "deny". 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 unanimously. Chairman MacNair asked the members if they had any changes to the minutes of the September 16, 2021 meeting. It was suggested that the minutes of the September 16, 2021 meeting be deferred until a quorum of Commissioners who were at the September 16, 2021 meeting be present to vote on those minutes. The September 16, 2021 meeting minutes were tabled.



Mr. Hite pointed out that the sidewalk for the push and Pull project was deferred until the adjoining tract was developed.

Engineer Peters stated that he is concerned that more curbing will disrupt the flow to the existing wetlands. He stated his concern for protecting pedestrians on a sidewalk if there was no curbing in place.

Mr. Hite inquired as to whether the applicant has contacted PennDOT.

Traffic Engineer Terry stated that there have been no conversations with PennDOT to date.

Mrs. Kelly inquired as to the Township Engineer's thoughts on the curbing issue at Grammes Road.

Mr. Tettemer stated that curbing could be designed for that area, but more study would be required along Grammes Road.

Attorney Schock inquired as to the Township Engineer's thoughts about the curbing along PA Route 309 downstream of the driveway.

Mr. Tettemer opined that it would be acceptable to defer sidewalk in that area if the necessary access required by PennDOT is available and that the area be graded in a manner that will allow sidewalk connection in the future.

Mr. Hite opined that it is important to have pedestrian access at the PA Route 309 driveway, as LANTA will stop there and the area will be utilized by pedestrians walking to the future warehouses on Chapmans Road.

Engineer Peters stated his intent to provide sidewalk southeast of the PA Route 309 driveway and pedestrian access to the LANTA bus stop. He noted that he cannot disturb the high-value wetlands, therefore providing sidewalk northwest of the driveway will be problematic.

Mr. Tettemer stated that he'd like to discuss the issue more before he makes his recommendation.

Attorney Schock stated that the applicant intends to comply with item #13 of the Township Engineer's review but that the site does not have the necessary frontage to comply with item #14. He noted that a waiver is required.

Traffic Engineer Terry stated that he will defer to PennDOT regarding the location of both driveways. He stated that he will identify how much left-hand turn length will be required on north-bound Chapmans Road at the PA Route 309 intersection.

Attorney Schock stated that the applicant had to pick a location to start the conversation.

Mr. Hite stated that, absent a Traffic Impact Study (TIS), the length of the left-hand turn lane cannot be calculated. He stated his concern with the curve in Chapmans Road at the Grammes Road intersection.

Mr. Adams noted that shoulder work at that curve is planned as part of the 4741 Chapmans Road Warehouse project.

Mr. Tettermer stated that the shoulder work has been done. He stated that the TIS is necessary to determine the impact of the project and the location of the driveway.

Chairman MacNair inquired as to why the driveway cannot exit onto Grammes Road.

Engineer Peters stated that there is insufficient stacking onsite if the traffic cannot turn left onto Chapmans Road.

Mr. Adams inquired as to why the applicant chose to approach the Zoning Hearing Board before meeting with PennDOT.

Attorney Schock stated that he struggled to determine which step should be first and settled on the Zoning Hearing Board to start the conversation. He noted that the retaining wall issue may be resolved by clarifying the plan with an additional label.

Engineer Peters stated that he will clarify the retaining wall height above adjacent grade.

Mr. Hite inquired as to the possibility of electric car charging stations.

Attorney Schock stated that Wawa will do a study and determine the demand. He noted that charging stations at another nearby location seems to indicate that they will very likely be located at this suite as well.

Mr. David Tomasic of 1636 North 28<sup>th</sup> Street inquired as to parking for trucks.

Attorney Schock noted that there are no diesel pumps to be offered and the canopy over the pumps is not high enough to accommodate tractor trailers.

Mr. Tomasic opined that truck drivers will want coffee and other items and inquired as to where they are to park while obtaining them.

Attorney Schock stated that the site is not providing any spaces as the applicant doesn't want trucks on the site.

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

Mr. Tope seconded and the motion passed unanimously, 4-0.

**B. RIDGE FARM  
MAJOR PLAN 2017-101  
REQUEST FOR PRELIMINARY PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to develop the properties located at Huckleberry Road PIN 548746422139 (111.1787 acres zoned TND Residential Cluster Overlay), Huckleberry Road PIN 548767544734 (4.7220 acres zoned TND Residential Cluster

Overlay), 2523 Huckleberry Road PIN 548767273685 (1.5152 acres zoned TND Residential Cluster Overlay), 2582 Huckleberry Road PIN 548757625489 (12.1020 acres zoned TND Residential Cluster Overlay), 1802 North Cedar Crest Boulevard (31.9644 acres zoned R-4 and TND Residential Cluster Overlay), Huckleberry Road PIN 548727343134 (15.9785 acres zoned RR-2), Cedar Crest Boulevard PIN 548726571146 (13.6657 acres zoned RR), Huckleberry Road PIN 548727303984 (0.4063 acres zoned RR), Cedar Crest Boulevard PIN 548726323076 (6.6854 acres zoned R-2), 1926 Cedar Crest Boulevard (2.2555 acres zoned R-2) and 1928 Cedar Crest Boulevard (0.3138 acres zoned R-2). The following individuals indicated interest:

Monica Hodges	1707 Penns Crossing
Roseann Paciotti	Saratoga Court
Ray Piovesan	Bryant Street
Callie Price	Walbert Avenue
David Tomasic	1636 North 28 <sup>th</sup> Street

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. However, should the Planning Commission find the plans sufficient to advance them to the Board of Commissioners the Department recommends the applicant comply with the following conditions:

1. That 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 October 15, 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 October 19, 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 October 18, 2021.
6. That the Applicant obtains a letter from the Lehigh Valley Planning Commission approving the stormwater management plan.
7. 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.
8. That the Applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module.

9. That the Applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the right-of-way of Cedar Crest Boulevard.
10. That the Applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the right-of-way of Walbert Avenue.
11. That the Applicant complies with the August 13, 2021 recommendation of the Parks and Recreation Board. Further, the Applicant shall obtain a final recommendation from the Parks and Recreation Board for each Phase or sub-Phase prior to the Final approval of each Phase or sub-Phase.
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 shall dedicate Ridge Lane to the Township. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
14. That the Applicant shall dedicate Road I between the intersection with Ridge Lane and the intersection with Huckleberry Road to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
15. That the Applicant shall dedicate additional right-of-way along the frontage of Huckleberry Road at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
16. That the Applicant shall dedicate additional right-of-way along the frontage of Guth Road at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
17. That the Applicant shall dedicate additional right-of-way along the frontage of Focht Avenue at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed

roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.

18. That the Applicant shall dedicate additional right-of-way along the frontage of Buchman Street at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
19. That the Applicant shall dedicate additional right-of-way along the frontage of Cedar Crest Boulevard at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
20. That the Applicant shall dedicate additional right-of-way along the frontage of Walbert Avenue at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
21. That the applicant shall dedicate a blanket easement for municipal stormwater inspection and maintenance to the Township. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and cites the deed book volume and page reference.
22. That the Applicant shall agree, upon satisfactory completion of all storm sewer, water, and sanitary sewer facilities shown on the plan as intended for dedication to the Township, to execute formal Bills of Sale for said facilities, so as to convey said facilities to the Township for nominal consideration.
23. That the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance.
24. That the bike/pedestrian paths along Walbert Avenue and Cedar Crest Boulevard located on private property be placed within a bike/pedestrian easement that ensures public access, places the maintenance responsibilities on the property owner or Homeowner's Association, and guarantees the Township the right, but not obligation, to maintain the path at the expense of the property owner or Homeowner's Association.

25. That the street trees along Walbert Avenue and Cedar Crest Boulevard located on private property be placed within a bike/pedestrian easement that places the maintenance responsibilities on the property owner or Homeowner's Association and guarantees the Township the right, but not obligation, to maintain the trees at the expense of the property owner or Homeowner's Association. In addition, the ordinance and/or plan approval obligation for maintaining and replacing street trees also shall apply to the trees being placed within the bike/pedestrian easement.
26. 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.
27. That the Applicant address to the satisfaction of Township CD Director, Township Engineer and Township Solicitor that all rights deemed necessary by them for road access, road connections and rights of way indicated on the plans in the area of Buchman Street and Dawes Street have been obtained by Developer, and that opinions of record title, where deemed advisable by the Township Solicitor or Engineer, be provided.
28. That the Applicant shall: provide, to the satisfaction of the Township, a visual and noise buffer between Cedar Crest Boulevard and the single family homes west of Cedar Crest Boulevard; place the buffer within a "Buffer Easement"; place the responsibility for the maintenance of the Buffer (to the satisfaction of the Township) to the Homeowner's Association; and guarantee the Township the right, but not the obligation, to maintain the Buffer at the expense of the Homeowner's Association.
29. That the Applicant shall ensure that the Township's right to enforce the speed limit on all private roads to be maintained by the HOA be guaranteed to the satisfaction of the Township.
30. That the Applicant shall address all issues and obtains all approvals deemed necessary to secure the necessary water and sanitary sewer services from South Whitehall Township Board of Commissioners prior to the recording of the Final Plan for Phase 2 or any sub-Phase of Phase 2.
31. That the Applicant shall secure all public improvements and execute all required agreements related to each Phase of the development prior to the recording of the first or only Final Plan for the particular Phase of construction. The Applicant shall restrict, by Deed Restriction or similar instrument approved by the Township Solicitor's office, the property under the remaining unconstructed Phases (or unconstructed sub-Phases within the Phase in which active construction is approved) to remain Open Space in perpetuity, to be maintained by the HOA, until such time that the Final Plan for the particular Phase or sub-Phase is recorded. No Final Plan shall be permitted to be recorded if said Final Plan will cause the portion of the Ridge Farm tract proposed to be developed under the TND Residential Cluster Overlay as a whole to no longer comply with the TND Residential Cluster Overlay District regulations.
32. That the applicant coordinates with the Township Engineer's office to have addresses assigned to the plan of record.
33. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
34. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Attorney James Preston, Engineer Jason Engelhardt and Traffic Engineer Rob Hoffman were present to present the plan and answer questions. Attorney Preston reviewed the recommended conditions of approval, noting that the majority of them were not unexpected and that the applicant had no issues with any of them. He noted that there previously had been three major issues to be resolved and that two of the



three were resolved – the Mobility Easement and the downstream stormwater capacity. He stated that the final issue – access to Buchman and Dawes Streets – was being resolved. He stated that the property owners along Buchman Street have surrendered their claims to unopened Buchman Street and the applicant believes that the Township will be adequately protected. He stated that the applicant is working with the City of Allentown and LCA to achieve the emergency access easement and that the City will recommend that the Mayor grant the applicant the easement with conditions, however the Mayor cannot grant the easement until their appraisal has been completed. He stated that the Township Solicitor’s condition should be sufficient to protect the Township and ensure that the access is secured, or the applicant must return to the Planning Commission with a revised plan. He requested that the Planning Commission recommend conditional approval to the Board of Commissioners.

Mr. Hite noted that the Community Development Department is recommending that the plan be taken under advisement.

Attorney Preston reviewed each of the proposed conditions and inquired as to which would have to be resolved before the applicant could return to the Planning Commission for a recommendation. He inquired as to what the Community Development Department is looking for.

Mr. Adams stated that he was looking for an acceptable resolution to the Buchman Street access issue.

Attorney Preston reviewed the process to secure the necessary rights to Buchman and Dawes Streets.

Mr. Adams inquired as to the Township Solicitor’s opinion.

Solicitor Zator stated that the proposed condition would protect the Township.

Mr. Adams stated that he would not contradict the opinion of the Township Solicitor.

Chairman MacNair inquired as to whether the Township Solicitor found the proposed conditions acceptable.

Solicitor Zator stated that he found Condition #27 acceptable and would defer to staff on the remainder.

Mrs. Kelly inquired as to the Township Engineer’s opinion of the remaining conditions.

Mr. Tallarida stated that the Township Engineer’s office has worked on six submissions to date and there are still some comments outstanding, some are to be addressed at Final Plan submission and the remainder to be addressed prior to plan recording.

Mrs. Kelly inquired as to the Geotech review, noting that some basins still exceed Township standards. She inquired as to how changes to meet the Township standards may affect the design.

Mr. Tallarida stated that if there are items that must be redesigned to meet Township standards, the Township Engineer's office will review the changes. Any major design changes would have to be returned to the Planning Commission for their recommendation.

Mr. Adams noted that he specifically asked the Township Geotechnical Consultant Chris Taylor as to whether any of his remaining comments were sufficient to hold up a Preliminary Plan approval recommendation and he has stated that they would not.

Mrs. Roseann Paciotti of Saratoga Court inquired as to the difference between a rain garden and a basin. She noted that recent earth-moving activity uphill of Saratoga Court has created a stormwater issue in her neighborhood and was concerned with the karst geology and sinkholes.

Engineer Engelhardt stated that raingardens are shallower than basins and that basins are designed to capture stormwater and release it slowly. He stated that a portion of the stormwater originating uphill of Country Crossing will be captured and diverted to the basin northeast of Yellowstone Road, where it will enter the stormwater system and be piped to Cedar Crest Boulevard and on down to US Route 22. He stated that significantly less stormwater will enter Country Crossing after the development has been completed.

Mrs. Paciotti inquired as to how long it would take to complete the development above Country Crossing.

Engineer Engelhardt stated that the area is within Phase 2 and would probably be constructed in five years.

Mr. David Tomasic of 1636 North 28<sup>th</sup> Street inquired as to when the road improvements required by PennDOT would be done.

Traffic Engineer Hoffman stated that there is a substantial amount of work to be done and the applicant is working with PennDOT to determine the phasing of the work.

Mr. Ray Piovesan of Bryant Street inquired as to when the road will be built.

Traffic Engineer Hoffman stated that the project is large and complicated and PennDOT is working with the applicant to determine the phasing of the construction.

Mr. Tallarida requested that the applicant keep the Township Engineer in the loop with regard to the PennDOT phasing schedule.

Mrs. Callie Price of Walbert Avenue inquired as to whether the stormwater management system will drain into the Country Crossing detention pond.

Engineer Engelhardt stated that the new stormwater management system will drain to Walbert Avenue and Cedar Crest Boulevard, and then continue into the stormwater pipes along the east side of Cedar Crest Boulevard.

Mrs. Price inquired as to why the Country Crossing piping under Walbert Avenue is being upgraded.

Traffic Engineer Hoffman stated that PennDOT will not allow a like-for-like replacement, as their standards have changed and will not allow the existing type of pipe to be installed. He stated that PennDOT now requires a larger pipe for the same flow.

Mrs. Monica Hodges of 1707 Penns Crossing noted that Redwood Court is also experiencing stormwater issues. She inquired as to whether the Public Safety Commission is satisfied with the design of the Mobility Easement.

Mr. Adams reported that their last review indicated that they had no issues with the design of the Mobility Easement.

Mr. Hite inquired as to whether the Community Development Department had any issues with recommending conditional approval.

Mr. Adams stated that he did not.

Director Manhardt stated that he did not.

Mrs. Kelly inquired as to whether the Township will have a seat at the table with regard to the PennDOT improvements discussions.

Mr. Tallarida stated that the plan before the Planning Commission is a Preliminary Plan. He stated that each upcoming phase requires Final Plan approval and that each Final Plan will have to show the traffic created by that phase and the improvements to mitigate the impacts.

Mrs. Kelly reviewed the final plan approval process.

Attorney Preston confirmed the process outlined, noting that the traffic improvements will be planned and approved in phases.

Traffic Engineer Hoffman stated that PennDOT won't let the improvements drag out. He opined that there will likely be three phases of improvements, none of which will overlap intersections. He opined that each intersection's improvements will have to be done at one time.

Mrs. Kelly inquired as to the TND Consultant's review.

Mr. Adams noted that the TND review is more appropriately addressed at final plan phase. He noted that the Design Manual is in place and all phases will be reviewed against the Design Manual to ensure that they are consistent with the Design Manual.

Attorney Preston stated that compliance with the TND Consultant's review is Condition #2 of the Conditional Use approval.

Mr. Hite suggested that it could be added to the Preliminary Plan conditions of approval.

Mr. Adams recommended that a condition #35 be added: “That the Applicant addresses to the satisfaction of the Township TND Consultant, the comments of Mr. Thomas Comitta, as contained in his review dated June 23, 2020.”

Mr. Tomasic inquired as to what would occur if the traffic improvements fail after the improvements are built.

Mr. Hite noted that the roads are PennDOT roads. He stated that changes outside of the area of the improvements may have an adverse impact on the area of the improvements and PennDOT and the Township make every effort to include external impacts in the approved improvement plans.

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

1. That 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 October 15, 2021.
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5. That the Applicant addresses to the satisfaction of the Township TND Consultant, the comments of Mr. Thomas Comitta, as contained in his review dated June 23, 2020.
6. That the Applicant addresses to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated October 18, 2021.
7. That the Applicant obtains a letter from the Lehigh Valley Planning Commission approving the stormwater management plan.
8. 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.
9. That the Applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module.
10. That the Applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the right-of-way of Cedar Crest Boulevard.
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12. That the Applicant complies with the August 13, 2021 recommendation of the Parks and Recreation Board. Further, the Applicant shall obtain a final recommendation from the Parks and Recreation Board for each Phase or sub-Phase prior to the Final approval of each Phase or sub-Phase.

13. 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.
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18. That the Applicant shall dedicate additional right-of-way along the frontage of Focht Avenue at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
19. That the Applicant shall dedicate additional right-of-way along the frontage of Buchman Street at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed

roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.

20. That the Applicant shall dedicate additional right-of-way along the frontage of Cedar Crest Boulevard at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
21. That the Applicant shall dedicate additional right-of-way along the frontage of Walbert Avenue at a width acceptable to the Township. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the rights-of-way are free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
22. That the applicant shall dedicate a blanket easement for municipal stormwater inspection and maintenance to the Township. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and cites the deed book volume and page reference.
23. That the Applicant shall agree, upon satisfactory completion of all storm sewer, water, and sanitary sewer facilities shown on the plan as intended for dedication to the Township, to execute formal Bills of Sale for said facilities, so as to convey said facilities to the Township for nominal consideration.
24. That the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance.
25. That the bike/pedestrian paths along Walbert Avenue and Cedar Crest Boulevard located on private property be placed within a bike/pedestrian easement that ensures public access, places the maintenance responsibilities on the property owner or Homeowner's Association, and guarantees the Township the right, but not obligation, to maintain the path at the expense of the property owner or Homeowner's Association.
26. That the street trees along Walbert Avenue and Cedar Crest Boulevard located on private property be placed within a bike/pedestrian easement that places the maintenance responsibilities on the property owner or Homeowner's Association and guarantees the Township the right, but not obligation, to maintain the trees at the expense of the property owner or Homeowner's Association. In addition, the ordinance and/or plan approval obligation for maintaining and replacing street trees also shall apply to the trees being placed within the bike/pedestrian easement.

27. 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.
28. That the Applicant address to the satisfaction of Township CD Director, Township Engineer and Township Solicitor that all rights deemed necessary by them for road access, road connections and rights of way indicated on the plans in the area of Buchman Street and Dawes Street have been obtained by Developer, and that opinions of record title, where deemed advisable by the Township Solicitor or Engineer, be provided.
29. That the Applicant shall: provide, to the satisfaction of the Township, a visual and noise buffer between Cedar Crest Boulevard and the single family homes west of Cedar Crest Boulevard; place the buffer within a "Buffer Easement"; place the responsibility for the maintenance of the Buffer (to the satisfaction of the Township) to the Homeowner's Association; and guarantee the Township the right, but not the obligation, to maintain the Buffer at the expense of the Homeowner's Association.
30. That the Applicant shall ensure that the Township's right to enforce the speed limit on all private roads to be maintained by the HOA be guaranteed to the satisfaction of the Township.
31. That the Applicant shall address all issues and obtains all approvals deemed necessary to secure the necessary water and sanitary sewer services from South Whitehall Township Board of Commissioners prior to the recording of the Final Plan for Phase 2 or any sub-Phase of Phase 2.
32. That the Applicant shall secure all public improvements and execute all required agreements related to each Phase of the development prior to the recording of the first or only Final Plan for the particular Phase of construction. The Applicant shall restrict, by Deed Restriction or similar instrument approved by the Township Solicitor's office, the property under the remaining unconstructed Phases (or unconstructed sub-Phases within the Phase in which active construction is approved) to remain Open Space in perpetuity, to be maintained by the HOA, until such time that the Final Plan for the particular Phase or sub-Phase is recorded. No Final Plan shall be permitted to be recorded if said Final Plan will cause the portion of the Ridge Farm tract proposed to be developed under the TND Residential Cluster Overlay as a whole to no longer comply with the TND Residential Cluster Overlay District regulations.
33. That the applicant coordinates with the Township Engineer's office to have addresses assigned to the plan of record.
34. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
35. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Mr. Tope seconded and the motion passed unanimously, 4-0.

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

Mr. Tallarida reported that a new edition of the ITE has been published as of September 2021 and updates several uses and adds a number of new uses, including offices and new categories of retail.

Solicitor Zator inquired as to high-cube warehouses.

Mr. Tallarida reported that there are now four categories of warehouses.

Mr. Hite stated that there are not enough high-cube warehouses built to adequately study, so they will likely be included in the next edition.

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

Director Manhardt stated that staff has been trying to schedule a regular monthly meeting for the Comprehensive Plan Workshop.

Chairman MacNair stated his intention to set the schedule this evening. He noted that the third Thursday of every month appears to be clear for the regularly - scheduled Planning Commission meeting. He noted that the second Tuesday appears to be free of other township meetings and suggested that said date be scheduled for the Workshop meeting.

The consensus of the Planning Commission was to hold the Comprehensive Plan Workshop meetings be held on the Tuesday after the first Wednesday of the month.

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

Mr. Michael Lopsonzski of 3781 Walbert Avenue re-introduced himself as a developer interested in constructing a self-storage facility at PA Route 309 and Snowdrift Road. He noted that a rezoning request was submitted for the property and it was tabled pending the Comprehensive Plan adoption. He stated that his application is still active and will return once the Comprehensive Plan is adopted to reiterate his request. He stated that he has been in discussion with PennDOT and will request that a proposed driveway not cross PA Route 309 and be limited to a right-in/right-out driveway only.

**AGENDA ITEM #8 – ADJOURNMENT**

Chairman MacNair requested a motion to adjourn at 10:06 p.m. Mrs. Kelly made the motion, Mr. Tope seconded the motion and it passed unanimously.

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

**ATTEST:**

\_\_\_\_\_  
**Secretary**

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