

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

NOVEMBER 18, 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

Staff members in attendance:

Gregg Adams, Planner
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 7:33 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 September 16 and October 21, 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 September 176, 2021 meeting. Hearing none, Chairman MacNair called for a motion to approve the minutes as submitted. Mr. Hite made a motion to that effect. Mrs. Kelly seconded the motion and it passed 4-0, with Mr. Tope abstaining. Chairman MacNair asked the members if they had any changes to the minutes of the October 21, 2021 meeting. Hearing none, Chairman MacNair called for a motion to approve the minutes as submitted. Mr. Mrs. Kelly made a motion to that effect. Mr. Hite seconded the motion and it passed 4-0, with Mr. Mulqueen abstaining.

AGENDA ITEM #3 – COMPREHENSIVE PLAN UPDATE SUMMARY

Mr. Manhardt stated that the first Planning Commission Comprehensive Plan Workshop is scheduled for Tuesday January 11, 2022, the meeting room has been reserved and the meeting will be advertised.

AGENDA ITEM #4 – SUBDIVISION REVIEW

A. KRATZER ELEMENTARY SCHOOL MAJOR PLAN 2021-103 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 2200 Huckleberry 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. 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 address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated November 12, 2021.
3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his reviews dated July 9, 2021, November 2, 2021 and November 10, 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 November 12, 2021.
5. That the applicant address to the satisfaction of the Public Works Department, the comments of Mr. Herb Bender, as contained in his review dated October 27, 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 work within the right-of-way of Whitehall Avenue.
10. That the applicant complies with the September 14, 2021 recommendation of the Parks and Recreation Board.
11. That the applicant complies with the October 29, 2021 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 shall dedicate additional right-of-way for Whitehall Avenue to achieve an ultimate right-of-way for a collector road. The dedication of road right-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 right-of-way is free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way.
14. 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.
15. That the plan be amended to include a note referencing the "State Highway Law" pursuant to Section 508.6 of the PA Municipalities Planning Code and Section 312-12(a)(9) of the Subdivision and Land Development Ordinance.
16. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
17. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Engineer Scott McMackin of Cowan Associates was present to present the plan and answer questions. He stated that most of the remaining comments were clean-up and minor in nature. He stated that he will comply with all of them.

Mrs. Kelly inquired as to whether the applicant's request related to the right-of-way improvements should be considered as a waiver or as a deferral.

Mr. Tallarida opined that they should be considered as a deferral.

Engineer McMackin stated that he had no issues with that consideration.

Mrs. Kelly inquired as to the Zoning comment related to the off-street loading zone.

Engineer McMackin stated that he will note the comment, but stated that there are no proposed modifications to the existing parking or driveways.

Chairman MacNair inquired as to the number of test and borings had been done in association with this project.

Engineer McMackin stated that there have been 4 infiltration tests and 11 borings related to the building footprints. He noted some additional test and stated his satisfaction with the soil infiltration results.

Chairman MacNair stated that the Planning Commission would not grant a favorable recommendation to the requests to waive SALDO Sections 312-11 and 312-12.

Engineer McMackin withdrew his request to waive Sections 312-11 and 312-2.

Mrs. Kelly made a motion that the Planning Commission support that 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.

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

Mr. Tope made a motion that the Planning Commission support that 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 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.

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

Mr. Hite made a motion that the Planning Commission support that applicant's request to defer the requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance to require the indication on the plan and construction of all required public improvements along the frontages of Huckleberry Road and Whitehall Avenue to the extent shown on the plan, and the requirement of Section 312-35(b) of the Subdivision and Land Development Ordinance pertaining to the requirement to construct street right-of-way improvements along Huckleberry Road and Whitehall Avenue to the extent shown on the plan.

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

Mr. Hite made a motion that the Planning Commission support that applicant's request to waive the requirement of Section 296-9.J of the Stormwater Management

Ordinance that a basin located within areas identified by the LCCD as sinkhole-prone shall be lined.

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

Mr. Hite made a motion that the Planning Commission support that applicant's request to waive the requirement of Section 296-9.K of the Stormwater Management Ordinance that the prohibition of groundwater recharge without the written approval of the Township Geotechnical Consultant.

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

Mr. Tope made a motion that the Planning Commission support that applicant's request to waive the requirement of Section 296-12.I(3) of the Stormwater Management requiring that soils intended for infiltration BMPs shall have a permeability greater than or equal to 0.5 inches per hour and less than or equal to 12 inches per hour.

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

Mr. Hite made a motion that the Planning Commission support that applicant's request to waive the requirement of Section 296-12.I(4) of the Stormwater Management Ordinance that infiltration facilities be set back 15 feet downgradient or 100 feet upgradient from building foundations.

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

Mr. Hite made a motion to recommend preliminary/final 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 address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated November 12, 2021.
3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his reviews dated July 9, 2021, November 2, 2021 and November 10, 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 November 12, 2021.

5. That the applicant address to the satisfaction of the Public Works Department, the comments of Mr. Herb Bender, as contained in his review dated October 27, 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 work within the right-of-way of Whitehall Avenue.
10. That the applicant complies with the September 14, 2021 recommendation of the Parks and Recreation Board.
11. That the applicant complies with the October 29, 2021 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 shall dedicate additional right-of-way for Whitehall Avenue to achieve an ultimate right-of-way for a collector road. The dedication of road right-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 right-of-way is free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way.
14. 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.
15. That the plan be amended to include a note referencing the "State Highway Law" pursuant to Section 508.6 of the PA Municipalities Planning Code and Section 312-12(a)(9) of the Subdivision and Land Development Ordinance.
16. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.

17. 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, 5-0.

**B. LONG’S WATER TECHNOLOGY
MAJOR PLAN 2021-106
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 1567 Hausman Road. The following individuals indicated interest:

Bonnie Bortz	1551 Hausman Road
Ron Jerdon	Jerdon Construction Services

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 developer time to address the reviewing agencies’ comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Engineer Adam Smith accompanied Mr. Jim Carroll to present the plan and answer questions.

Mr. Carroll stated that he had purchased Long’s Water Technology in 1988 and that he wants to continue to stay in the Township, but stated that there is a small window for the project to move forward and remain on track.

Engineer Smith stated that the plan proposes a 5,600 square foot building and a parking lot. He stated that he had requested a deferral of the sidewalk during the project’s last review before the Planning Commission, as there is no sidewalk on the adjacent properties and the inclusion of sidewalk within the plan would result in the requirement for an NPDES permit, which would greatly lengthen the approval process. He stated that the Planning Commission had asked whether the LCCD would require an NPDEWS permit if the Township deferred the improvements and then called them in after the construction had been completed. He stated that he had put the question to the LCCD and learned that they would not require an NPDES permit if the project was complete and the site stabilized. He then noted that the reviewing agencies’ comments had been received and that two issues remain: the angling of the stormwater discharge pipe and the downstream stormwater impacts. He stated that he had met with staff and had created a new plan for the future improvements to the frontage.

Mr. Hite inquired as to when the plan had been sent to staff.

Engineer Smith stated that it had been set at 9:00 a.m. that morning. He stated that it’s purpose was to show that a feasible stormwater option was available.

Chairman MacNair stated that the Planning Commission would want to see the details of the future improvements. He inquired as to how the additional month to generate those details would impact the applicant's schedule. He opined that he would defer the improvements until a specific date.

Mr. Hite and Mrs. Kelly voiced their concern with being able to review the detailed plan.

Mr. Tallarida stated that the proposed plan is a concept plan, but does appear to work. He stated that he would need to see the details before making a recommendation.

Mr. Mulqueen inquired as to when the Township Engineer would need to have the details in hand.

Mr. Tallarida opined that they should be delivered before the Thanksgiving holiday.

Engineer Smith stated that he could deliver the details before Thanksgiving. He stated that he would prefer to get a favorable recommendation from the Planning Commission, work with the Township Engineer and submit the completed plan to the Board of Commissioners in mid-December. He inquired as to whether the Planning Commission is amenable with the plan, other than the stormwater portion.

The consensus of the Planning Commission was that they were.

Mr. Hite stated his concerns with the impact of the plan on the neighbor to the south.

Engineer Smith stated that he had reviewed the plan with the Bortz's.

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

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

**C. RIDGE FARM FINAL PLAN PHASE 1A
MAJOR PLAN 2017-101
REQUEST FOR FINAL 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. The following individuals indicated interest:

Callie Preci	3404 Walbert Avenue
Robert Ruhe	2442 Huckleberry Road
Cindy Smith	2442 Huckleberry 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 developer time to address the reviewing agencies' comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Engineer Jason Engelhardt accompanied Attorney James Preston to present the plan and answer questions. He stated that the plan is centered on the Commercial Village and focusses on the Medical Office Building at the corner of Cedar Crest Boulevard and Walbert Avenue. He stated that the plan proposes to start with a simple portion of the overall plan, get the necessary approvals and start construction. He stated that a revised Highway Occupation Permit application had been recently submitted and that an NPDES permit application for the lower half of the property is currently on its second expedited review. He stated that Tomas Comitta Associates have review the plan and that their comments will be addressed and more detail provided with the next plan submission. He stated that he will address the Township Engineer's comments and will provide supplemental stormwater calculations and a partial Traffic Impact Study of the traffic to be generated by Phase 1A. He stated that he has spoken with PennDOT and will create a supplemental analysis of the two proposed driveways and traffic light timing.

Chairman MacNair inquired as to the timeline and the milestones for achieving each of the conditions of approval of the Preliminary Plan.

Attorney Preston stated that the Buchman Street access documents are complete and have been recorded. He stated that the documentation for the Dawes Street access will be complete shortly.

Assistant Solicitor Alderfer stated that the Township Solicitor's office is in the process of reviewing the afore-mentioned documents.

Attorney Preston stated that, because of how the conditions are structured, some will be addressed later in the project.

Mr. Hite inquired as to the status of the LANTA bus stop and whether final plans have been submitted.

Engineer Engelhardt stated that the bus stop remains a discussion between PennDOT and LANTA. He stated that he will design whatever is wanted, but that PennDOT will have the final say on the matter.

Mr. Hite inquired as to whether the applicant has considered simply completing Phase 1 at one time.

Engineer Engelhardt stated that he had spoken with staff and determined that the sanitary sewer for all of Phase 1 needs to be completed at the same time. He stated that the Medical Office Building needs to be constructed first and as soon as possible but that the rest of Phase 1 is not ready for construction yet. He stated that the remainder of Phase 1 is planned to be the next Final Plan submission.

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

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

AGENDA ITEM #5 – TRANSPORTATION INFRASTRUCTURE UPDATE

Mr. Tallarida stated that the paving window has now closed. He stated that the Township Engineer is working on a project to list all of the roads dedicated to the Township to be placed on the PennDOT map so that the Township will get Liquid Fuels tax. He also noted that a recent WFMZ article stated that there would be about \$380 million dollars coming to the Lehigh Valley in infrastructure Bill funding, of which the PA Route 309 Improvements Project is hopefully a part.

AGENDA ITEM #6 – COMPREHENSIVE PLAN UPDATE

Mr. Manhardt noted nothing further with the Update.

Mrs. Kelly inquired as to whether the Workshop meeting will be advertised.

Mr. Adams stated that they would, both in the paper and on eth Township website.

Mr. Manhardt stated that they would be advertised as Joint BOC/PC meetings to allow Commissioners to attend.

AGENDA ITEM #7 – 2022 MEETING DATES

Mr. MacNair confirmed that the third Thursday of the month produces no holiday conflicts for the 2022 calendar year.

Mr. Adams stated that he would advertise those dates for the Planning Commission's regular meeting.

AGENDA ITEM #8 – COURTESY OF THE FLOOR

Attorney Erich Schock and Traffic Engineer Peter Terry presented a revised plan for 1810 PA Route 309. Attorney Schock stated that the new proposal eliminates the need for setback relief and has shifted the Chapmans Driveway closer to Grammes Road.

Traffic Engineer Terry stated that the scoping request has been submitted to PennDOT and the applicant is waiting for a response.

Attorney Schock stated that the applicant will be before the Zoning hearing Board in November to request Special Exception approval and a variance from the required driveway offset from the PA Route 309/Chapmans Road intersection and the Chapmans Road/Grammes Road intersection.

Chairman MacNair inquired as to the location of the bus stop.

Traffic Engineer Terry stated that it would be located where PennDOT wants it located.

Mr. Hite noted that he likes sidewalk.

Mr. Mulqueen inquired as to the work on the curve on Chapmans Road noted in the approval of the 4147 Chapmans Road Warehouse.

Traffic Engineer Terry stated that the plan show the existing condition at present. He stated that he will change the plan if the improvement is made. He stated that he will request a meeting with PennDOT and the Township to discuss the scope of improvements.

Mr. Hite inquired as to the left-hand turn arrow to Chapmans Road on northbound PA Route 309.

Traffic Engineer Terry stated that he must live with PennDOT's regulations.

AGENDA ITEM #9 – ADJOURNMENT

Chairman MacNair requested a motion to adjourn at 8:38 p.m. Mrs. Kelly made the motion, Mr. Hite seconded the motion and it passed unanimously.

ADOPTED THIS DATE: December 16, 2021

ATTEST:

Secretary

Chairman