

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

PLANNING COMMISSION

MAY 18, 2023

4444 WALBERT AVENUE, ALLENTOWN, PA 18104

GoToMeeting <https://global.gotomeeting.com/join/757430189>.

A G E N D A

Estimated Time

AGENDA ITEM #0 – AGENDA REVIEW

7:00 pm

A. Blue Barn Subdivision Major Plan 2020-107

7:00 pm

B. Amending Section 350-42(h) Height Exception 2023-501

7:20 pm

AGENDA ITEM #1 – CALL TO ORDER

7:30 pm

AGENDA ITEM #2 – PLEDGE OF ALLEGIANCE/ROLL CALL/MEETING RULES

7:30 pm

AGENDA ITEM #3 – APPROVAL OF MINUTES

7:35 pm

Minutes of the April 20, 2023 meetingpage 2

AGENDA ITEM #4 – SUBDIVISION REVIEW

**A. Blue Barn Road Subdivision
Major Plan 2020-107**

7:40-8:30 pm

Request For Sketch Plan Review.....page 7

1. Staff Presentation
2. Applicant Presentation
3. Courtesy of the Floor.
4. Planning Commission Decision

AGENDA ITEM #5 – ZONING ORDINANCE AMENDMENTS

A. Amending Section 350-42(h) Height Exception

8:30-8:45 pm

Zoning Amendment 2023-501.....page 41

1. Staff Presentation
2. Courtesy of the Floor
3. Planning Commission Decision

AGENDA ITEM #6 – TRANSPORTATION INFRASTRUCTURE UPDATE

8:45 pm

AGENDA ITEM #7 – COURTESY OF THE FLOOR

8:50 pm

AGENDA ITEM #8 – ADJOURNMENT

9:00 pm

NOTE: Estimated time is only a guide. Applicants are expected to be on time.

Wilson asked the members if they had any changes to the minutes. Hearing none, Chairman Wilson called for a motion to approve the minutes as submitted. Mr. Hite suggested that Planning Commission members attending remotely should be so indicated under “Members In Attendance”. Solicitor Zator stated that it is not required under the Sunshine Act. The sentiment of the Commission was to do so in the future. Mr. Leuthe noted that he was no longer Board Assistant Secretary. Mr. Leuthe made a motion to that effect. Mr. Hite seconded the motion, and it passed unanimously.

AGENDA ITEM #4 – SUBDIVISION REVIEW

A. Ridge Farm Final Plan Phase 1B Major Plan 2017-101 Request For Final Plan Review

Chairman Wilson stated that the Ridge Farm Final Plan Phase 1B project has been removed from the evening’s agenda at the request of the applicant.

AGENDA ITEM #5 – ZONING ORDINANCE AMENDMENTS

A. Amending Section 350-42(h) Height Exception Zoning Amendment 2023-501

Chairman Wilson asked Mr. Adams to review the amendment.

Mr. Adams reviewed the history of the amendment, noting that a recent zoning appeal brought into question the meaning of the Section. He stated that the amendment was first presented to the Planning Commission at their March 16th meeting. He stated that the amendment was brought to the Public Safety Commission at their April 3rd meeting to ascertain the greatest height at which rescues can be effected. The PSC’s comment was that rescues could be effected at any height. With that information, staff decided to remove the Special Exception subsection and rely upon aesthetics to keep the maximum height and exceptions thereto consistent with current regulations. He also stated that the question of the meaning of “attached” had also been raised. He opined that the meaning, be it structurally attached or superficially attached, was functionally irrelevant. The regulations regarding maximum building/structure height and exceptions thereto would apply, regardless of whether the structure in question was in physical contact with another structure or free-standing.

Solicitor Zator inquired as to whether there was a consideration with regard to a free-standing “Appurtenance”.

Mr. Adams stated that there was, but the free-standing “Appurtenance” would have to comply with the Maximum Height Limitation within the Zoning District, and anything that exceeded that limitation would have to comply with all portions of this Section, including width, depth and setback limitations.

Mr. Dugan inquired as to the maximum height a stovepipe could have if placed on top of a ten-foot high boiler structure in a 50-foot maximum height district.

Ms. Harrier stated that the height would be measured from grade.

Mr. Adams stated that a 40-foot pipe would still be under the Maximum Height Limitation for the zoning district.

Ms. Harrier noted that the pipe would have to exceed the Maximum Height Limitation in order for this “Exceptions” Section to apply.

Solicitor Zator stated that subsection (2)(A)(ii) states that the height increase is calculated from the Maximum Height Limitation for the Zoning District and not the height of the building, therefore the maximum height that would be permitted under this Section in a zoning district that has a 50-foot Maximum Height Limitation would be 70 feet measured from grade.

Chairman Wilson suggested that the amendment is close to complete and that another month to allow staff to polish it and return it to the Planning Commission for a final review may be appropriate.

Mr. Dugan inquired as to whether subsection (2)(A)(iii) applied only to the part of the “Appurtenance” that exceeds the Maximum Height Limitation of the zoning district.

Mr. Adams stated that he is correct. It would not apply to the portions of the building/structure that comply with the Maximum Height Limitation within the zoning district.

Ms. Harrier stated that, in a zoning district with a 50-foot Maximum Height Limitation, if a building had a stovepipe that reached 60 feet, the highest ten-foot portion of the pipe would have to adhere to the setback.

Mr. Hite noted that a non-conforming Use, such as a residential property within a commercial district, should be looked as, as the additional height could really impact the resident’s viewshed. He also suggested that the “Appurtenances” could also interfere with electronic signals as well.

Mr. Adams suggested that a double setback could be required between dissimilar uses, such as Residential and Industrial.

Mr. Hite and Chairman Wilson opined that such a solution was appropriate.

There was no further discussion.

**B. Adding Section 350-13(f) Certificate of Use
Zoning Amendment 2022-504**

Chairman Wilson asked Mr. Adams to review the amendment.

Mr. Adams reviewed the history of the amendment. He noted that the Planning Commission first reviewed the Amendment at their March 16th meeting and made no

comments. He stated that there were no changes to the Amendment in the interim. He also noted that it was pointed out in the Agenda Review that subsection (f)(3) makes reference to subsections (1)(A) through (E), but there is no subsection (1)(E). He stated that the errant subsection will be corrected.

Chairman Wilson opined that the proposed Amendment could be a useful addition to allow better compliance with the Zoning Ordinance.

Mr. Dugan inquired as to whether other municipalities use this concept.

Mr. Adams stated that parts of this Amendment were taken from the Zoning Ordinance of a Township in the Carlisle area.

Ms. Harrier pointed out that the Certificate of Use (CU) will be used to assist in the completion of projects and will serve as documentation that a project has been completed.

Mr. Dugan opined that a CU would provide clarity and closure for an applicant.

Mr. Leuthe opined that the CU would not be an additional burden to a property or business owner and would be used to enforce regulations that the property or business owner has already agreed to.

Mrs. Kelly opined that the Zoning Officer seems confident that the Amendment would be useful and that it could be amended if experience shows a deficiency in it.

Mr. Leuthe made a motion to recommend adoption of the proposed Amendment to the Board of Commissioners.

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

AGENDA ITEM #6 – TRANSPORTATION INFRASTRUCTURE UPDATE

The was no Transportation Infrastructure Update.

AGENDA ITEM #8 – COURTESY OF THE FLOOR

Mr. Mike Lopsonzski of 3781 Walbert Avenue stated that he is part of a Rezoning Request for 4248 Huckleberry Road that has been in limbo for the past three-and-a-half years. He stated that he understands that the Comprehensive Plan has been adopted and would like some clarification as to the status of the request.

Mr. Adams reviewed the history of the request, noting that a request to rezone the approximately seventeen-acre property north of Snowdrift Road along the west side of PA Route 309 from the current RR and NC to HC was referred to the Planning Commission by the Board of Commissioners in July of 2019. He stated that the Planning Commission reviewed the request at their September 2019 meeting and took the application under advisement.

Mr. Dugan asked for more information and requested that the Solicitor review the process.

Solicitor Zator stated that a rezoning is a legislative act that will require staff and Planning Commission recommendation before the Board of Commissioners consider it.

Mr. Lopsonzski stated that he thought that the Comprehensive Plan would rezone the property.

Solicitor Zator stated that the Comprehensive Plan does not rezone property; rather it provides recommendations and should be taken into account by the applicant when making a rezoning request.

Mr. Lopsonzski suggested that he could get a provision to keep the current zoning intact while allowing him to create and maintain a Self-Storage facility, approval of which would expire if and when the Self-Storage business ends.

Solicitor Zator opined that Mr. Lopsonzski was referring to a Use Variance, which is typically very difficult to secure.

Mr. Leuthe suggested that Mr. Lopsonzski secure the services of a good land use attorney to assist him.

Chairman Wilson suggested securing an attorney and then working with staff to develop a formal request presentation.

Mr. Lopsonzski indicated that he has the support of his neighbors and is willing to move forward with that support in-hand.

Chairman Wilson stated his concern with rezoning a property to support one proposed Use and then having the applicant change the proposed Use once the zoning is changed.

Solicitor Zator stated that there are legal tools available to minimize that risk.

Mr. Lopsonzski stated his willingness to take on additional restrictions to ensure that he will build the building he proposes.

AGENDA ITEM #9 – ADJOURNMENT

Chairman Wilson requested a motion to adjourn at 8:26 p.m. Mr. Leuthe made the motion, Mr. Hite seconded the motion and it passed unanimously.

ADOPTED THIS DATE:

ATTEST:

Secretary

Chairman

BLUE BARN ROAD SUBDIVISION
MAJOR PLAN 2020-107
ATTACHMENTS

- 1. Memorandum**
- 2. Site Plan**
- 3. Township Engineer Review dated May 11, 2023**
- 4. Township Water & Sewer Engineer Review dated May 5, 2023**
- 5. Public Works Department Review dated May 8, 2023**
- 6. Community Development Department Review dated May 11, 2023**
- 7. Fire Marshal Review dated May 5, 2023**
- 8. Applicant Correspondence**
 - A. Property Deed**

TO: PLANNING COMMISSION

FROM: GREGG R. ADAMS, PLANNER

**SUBJECT: BLUE BARN ROAD SUBDIVISION
MAJOR PLAN 2020-107
REQUEST FOR SKETCH PLAN REVIEW**

DATE: MAY 12, 2023

**COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, H. BENDER, D. MANHARDT,
L. HARRIER, D. TETTEMER, J. SCHWEYER, L. PEREIRA, ESQ, D. JAINDL,
SUB. FILE 2020-107**

LOCATION AND INTENT:

An application to further develop the following properties: Tract 1, the 10.58 acre property PIN 547702122303 on the west side of Blue Barn Road north of Clauser Road zoned RR Rural Residential; Tract 2, the 43.44-acre property located at 5123 Chapmans Road zoned RR Rural Residential; Tract 3, the 1.1-acre property PIN 547701028357 at the northwest corner of Chapmans Road and Blue Barn Road zoned RR Rural Residential; Tract 4, the 9.6-acre property PIN 546790861069 at the southwest corner of Chapmans Road and Blue Barn Road zoned RR Rural Residential and R-5 Medium Density Residential; and Tract 5, the 25.095-acre property PIN 547700879525 at the southeast corner of Blue Barn Road and Chapmans Road zoned R-4 Medium Density Residential. The plan proposes to subdivide: Tract 1 into five lots between 1.02 and 2.59 acres in size; Tract 2 into seventeen lots between 1.00 and 4.32 acres in size, a 14.91-acre Open Space, and 2,122 linear feet of new road; no change to Tract 3 proposed; Tract 4 into 11 lots between 0.23 and 1.68 acres in size, 0.94-acre open space, and 450 linear feet of new road; and Tract 5 into 45 lots of at least 9,600 sq ft in size, 4.27 acres of open space, 3,323 linear feet of new road and stormwater management areas. David Jandl is the owner. Jandl Land Company is the applicant.

PREVIOUS TOWNSHIP CONSIDERATION:

At their October 15, 2020 meeting, the Planning Commission reviewed and made comments upon Blue Barn Road Subdivision Major Sketch Plan 2020-107.

REVIEWING AGENCIES COMMENTS:

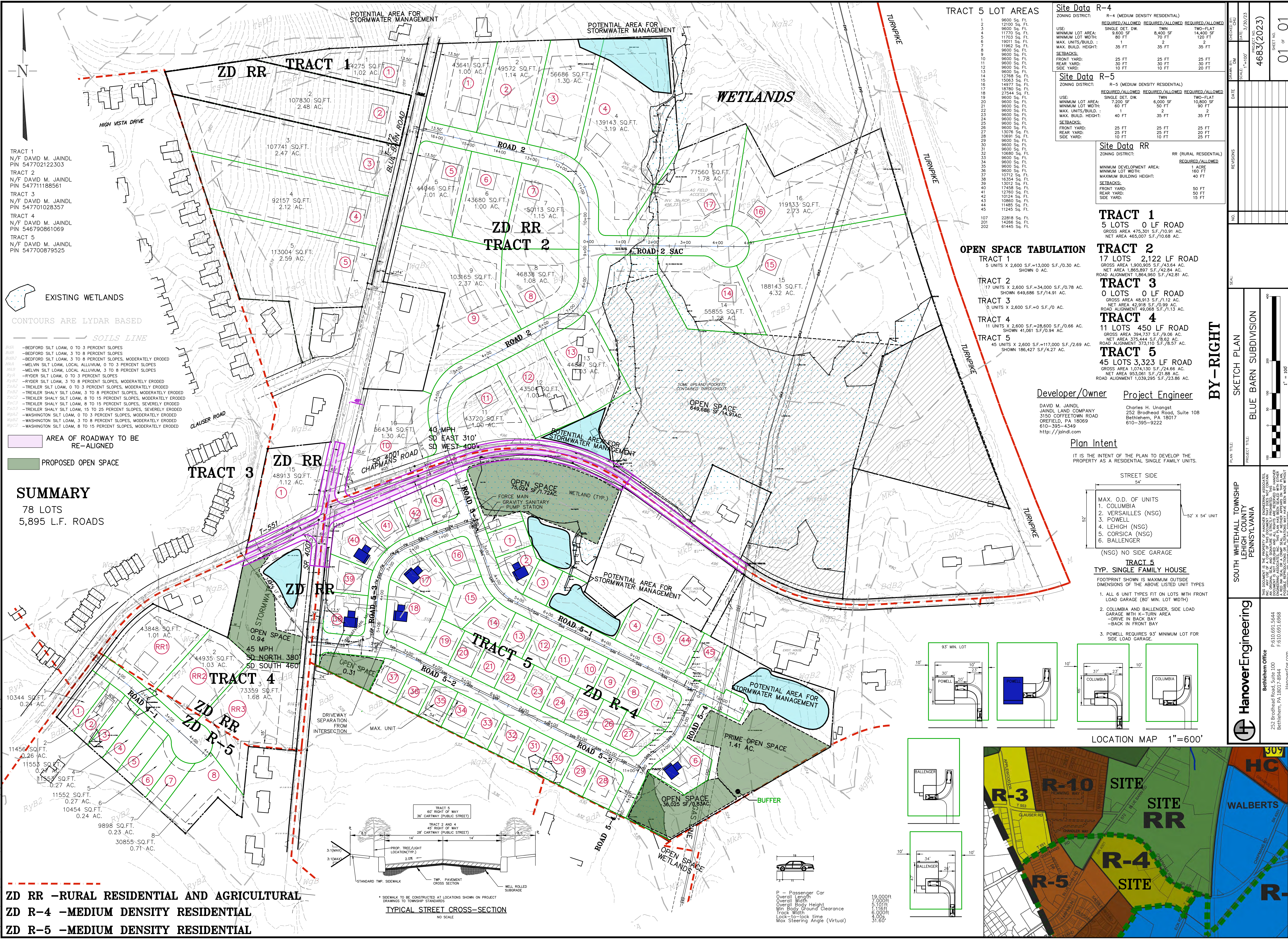
- A. Township Engineer** – Mr. David Tettemer’s comments are contained in his review dated May 11, 2023. Mr. Tettemer offers comments to assist in the preparation of the Preliminary Plans.
- B. Township Water & Sewer Engineer** – Mr. Jason Newhard’s comments are contained in his review dated May 5, 2023. Mr. Newhard offers comments to assist in the preparation of the Preliminary Plans.

- C. **Township Geotechnical Consultant** – Comments from the Township Geotechnical Consultant were not available at the time of this writing.
- D. **Public Works Department** – The comments from the Public Works Department are contained in Manager Herb Bender’s review dated May 8, 2023. His comments related to sewer service, fire flow, snow removal easements, road width, and stormwater BMP ownership and locations.
- E. **Lehigh Valley Planning Commission** – The comments of the Lehigh Valley Planning Commission have not been received at the time of this writing.
- F. **Lehigh County Conservation District** – The comments of the Lehigh County Conservation District have not been received at the time of this writing.
- G. **Pennsylvania Department of Transportation** – The comments of the Pennsylvania Department of Transportation have not been received at the time of this writing.
- H. **Pennsylvania Department of Environmental Protection** - The applicant is to obtain approvals from the PA Department of Environmental Protection for wetland disturbance, NPDES Permits, and Sewage Facilities Planning Module Exemption.
- I. **Landscape and Shade Tree Commission** – The Landscape and Shade Tree Commission will review the Preliminary Plan submission.
- J. **Public Safety Committee** – The Public Safety Commission reviewed the plan at their October 5, 2023 meeting and made no comments to the plan.
- K. **Parks and Recreation Board** – Should the applicant propose fees in lieu of open space dedication or a combination of fees and land dedication, the applicant shall be required to present the plan to the Parks and Recreation Board for their recommendation regarding the proposed open space prior to presenting the open space plan to the Board of Commissioners, in accordance with SALDO Section 312-36(d)(4)(G). Should the applicant propose open space dedication only, the applicant is encouraged to present the plan to the Parks and Recreation Board for their recommendation regarding the proposed open space prior to presenting the open space plan to the Board of Commissioners to ensure that the land proposed to be dedicated is deemed suitable by the Board of Commissioners, in accordance with SALDO Section 312-36(d)(4)(C). The Parks and Recreation Board typically meets on the second Monday evening of the month.
- L. **Community Development Department** – The Department’s technical review is dated May 11, 2023 and provides comment pertaining to zoning issues, open space, water and sanitary sewer service, erosion and sedimentation control requirements, street lighting, sidewalks, MS4 program, plan detail, postal delivery, school bus pick-up, outside agency plan submission requirements, coordination with the development of adjoining tracts, and Official Map and Comprehensive Plan consistency.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:

The Department recommends that the applicant utilize the comments of the reviewing agencies and those of the Planning Commission to assist in the preparation of the preliminary plans.

Deadline dates to act on the plan are not applicable to sketch plans



TRACT 1
N/F DAVID M. JAINDL
PIN 547702122303

TRACT 2
N/F DAVID M. JAINDL
PIN 547711188561

TRACT 3
N/F DAVID M. JAINDL
PIN 547701028357

TRACT 4
N/F DAVID M. JAINDL
PIN 546790861069

TRACT 5
N/F DAVID M. JAINDL
PIN 547700879525

EXISTING WETLANDS

CONTOURS ARE LYDAR BASED

SOILS LINE

AREA OF ROADWAY TO BE RE-ALIGNED

PROPOSED OPEN SPACE

SUMMARY

78 LOTS
5,895 L.F. ROADS

ZD RR -RURAL RESIDENTIAL AND AGRICULTURAL
ZD R-4 -MEDIUM DENSITY RESIDENTIAL
ZD R-5 -MEDIUM DENSITY RESIDENTIAL

TRACT 5 LOT AREAS			
1	9600 Sq. Ft.	0.22 AC.	FL.
2	12100 Sq. Ft.	0.28 AC.	FL.
3	9600 Sq. Ft.	0.24 AC.	FL.
4	11770 Sq. Ft.	0.27 AC.	FL.
5	11703 Sq. Ft.	0.27 AC.	FL.
6	19011 Sq. Ft.	0.44 AC.	FL.
7	11962 Sq. Ft.	0.28 AC.	FL.
8	9600 Sq. Ft.	0.24 AC.	FL.
9	9600 Sq. Ft.	0.24 AC.	FL.
10	9600 Sq. Ft.	0.24 AC.	FL.
11	9600 Sq. Ft.	0.24 AC.	FL.
12	9600 Sq. Ft.	0.24 AC.	FL.
13	9600 Sq. Ft.	0.24 AC.	FL.
14	12768 Sq. Ft.	0.30 AC.	FL.
15	15063 Sq. Ft.	0.35 AC.	FL.
16	14977 Sq. Ft.	0.35 AC.	FL.
17	18780 Sq. Ft.	0.43 AC.	FL.
18	27544 Sq. Ft.	0.63 AC.	FL.
19	9600 Sq. Ft.	0.24 AC.	FL.
20	9600 Sq. Ft.	0.24 AC.	FL.
21	9600 Sq. Ft.	0.24 AC.	FL.
22	9600 Sq. Ft.	0.24 AC.	FL.
23	9600 Sq. Ft.	0.24 AC.	FL.
24	9600 Sq. Ft.	0.24 AC.	FL.
25	9600 Sq. Ft.	0.24 AC.	FL.
26	9600 Sq. Ft.	0.24 AC.	FL.
27	13076 Sq. Ft.	0.31 AC.	FL.
28	10691 Sq. Ft.	0.26 AC.	FL.
29	9600 Sq. Ft.	0.24 AC.	FL.
30	9600 Sq. Ft.	0.24 AC.	FL.
31	9600 Sq. Ft.	0.24 AC.	FL.
32	10600 Sq. Ft.	0.26 AC.	FL.
33	9600 Sq. Ft.	0.24 AC.	FL.
34	9600 Sq. Ft.	0.24 AC.	FL.
35	9600 Sq. Ft.	0.24 AC.	FL.
36	9600 Sq. Ft.	0.24 AC.	FL.
37	10712 Sq. Ft.	0.26 AC.	FL.
38	16354 Sq. Ft.	0.38 AC.	FL.
39	13012 Sq. Ft.	0.31 AC.	FL.
40	17458 Sq. Ft.	0.40 AC.	FL.
41	12780 Sq. Ft.	0.31 AC.	FL.
42	10124 Sq. Ft.	0.25 AC.	FL.
43	10860 Sq. Ft.	0.26 AC.	FL.
44	11448 Sq. Ft.	0.28 AC.	FL.
45	11245 Sq. Ft.	0.28 AC.	FL.
107	22818 Sq. Ft.	0.52 AC.	FL.
201	14266 Sq. Ft.	0.33 AC.	FL.
202	61445 Sq. Ft.	1.40 AC.	FL.

OPEN SPACE TABULATION			
TRACT 1	5 UNITS X 2,600 S.F.=13,000 S.F./0.30 AC.	SHOWN 0 AC.	
TRACT 2	17 UNITS X 2,600 S.F.=44,200 S.F./1.01 AC.	SHOWN 0 AC.	
TRACT 3	0 UNITS X 2,600 S.F.=0 S.F./0 AC.		
TRACT 4	11 UNITS X 2,600 S.F.=28,600 S.F./0.66 AC.	SHOWN 41,061 S.F./0.94 AC.	
TRACT 5	45 UNITS X 2,600 S.F.=117,000 S.F./2.69 AC.	SHOWN 186,427 S.F./4.27 AC.	

TRACT 1
5 LOTS 0 LF ROAD
GROSS AREA 475,301 S.F./10.91 AC.
NET AREA 465,007 S.F./10.68 AC.

TRACT 2
17 LOTS 2,122 LF ROAD
GROSS AREA 1,905,905 S.F./43.84 AC.
NET AREA 1,865,897 S.F./42.84 AC.
ROAD ALIGNMENT 1,864,960 S.F./42.81 AC.

TRACT 3
0 LOTS 0 LF ROAD
GROSS AREA 48,913 S.F./1.12 AC.
NET AREA 42,918 S.F./0.99 AC.
ROAD ALIGNMENT 49,068 S.F./1.13 AC.

TRACT 4
11 LOTS 450 LF ROAD
GROSS AREA 394,737 S.F./9.06 AC.
NET AREA 375,444 S.F./8.62 AC.
ROAD ALIGNMENT 373,110 S.F./8.57 AC.

TRACT 5
45 LOTS 3,323 LF ROAD
GROSS AREA 1,074,130 S.F./24.66 AC.
NET AREA 953,061 S.F./21.88 AC.
ROAD ALIGNMENT 1,039,295 S.F./23.86 AC.

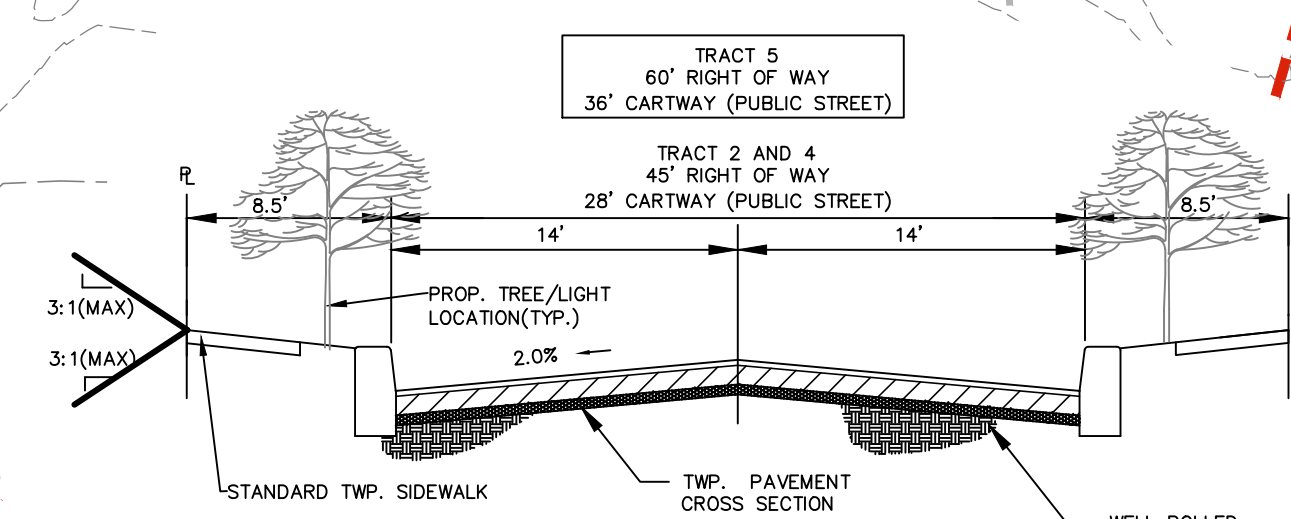
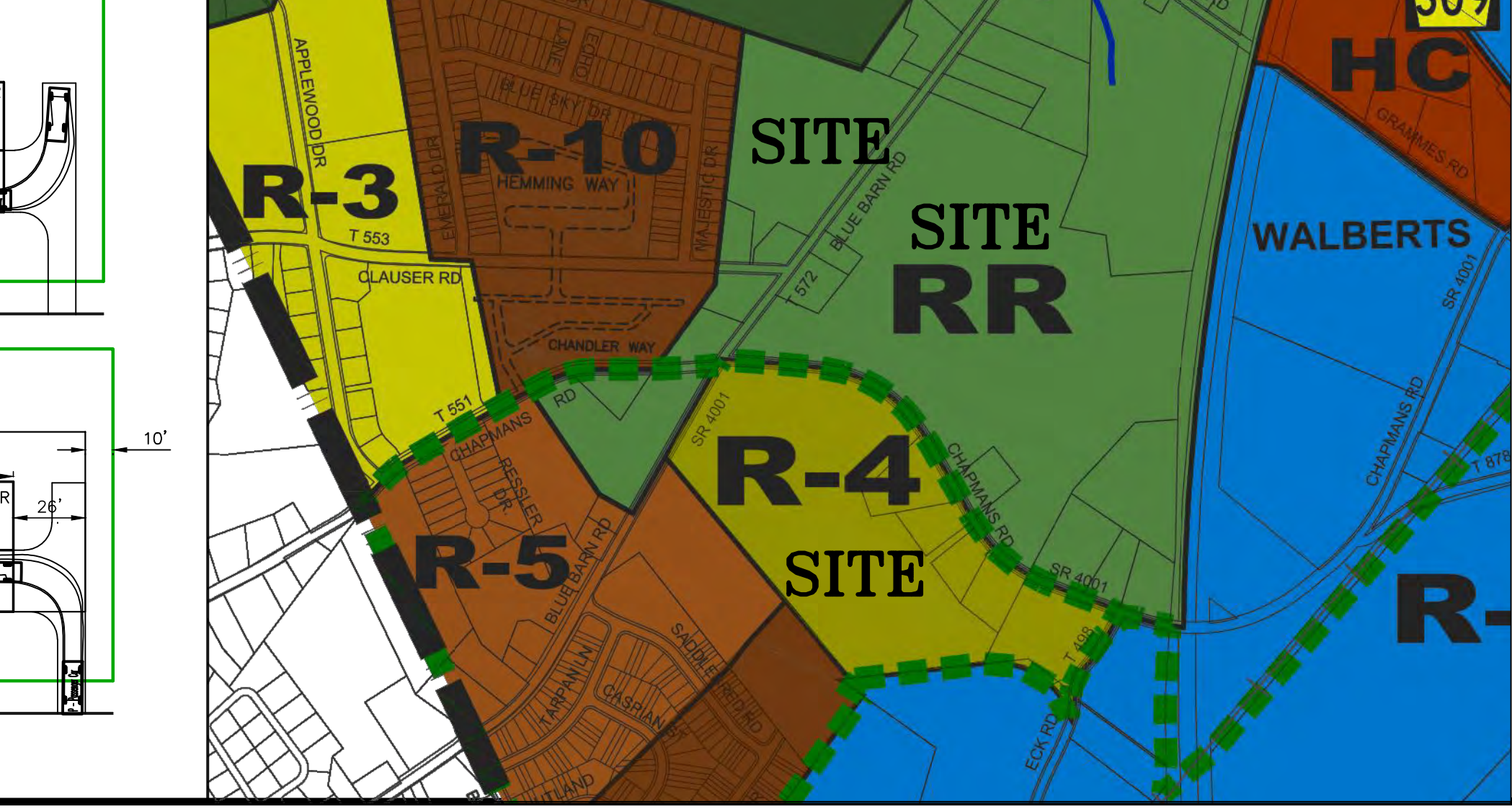
Developer/Owner Project Engineer

DAVID M. JAINDL
JAINDL LAND COMPANY
3150 COFFEETOWN ROAD
ORFIELDF, PA 18069
610-395-4349
http://jaindl.com

Charles H. Unangst
252 Broadhead Road, Suite 108
Bethlehem, PA 18017
610-395-9222

Plan Intent

IT IS THE INTENT OF THE PLAN TO DEVELOP THE PROPERTY AS A RESIDENTIAL SINGLE FAMILY UNITS.



19,000ft
7,000ft
5,10ft
1,16ft
6,000ft
4,00ft
31.60°

P - Passenger Car
Overall Length
Overall Width
Overall Body Height
Min. Body Ground Clearance
Track Width
Lock-to-lock Time
Max. Steering Angle (Virtual)

DATE: 3/20/23
SCALE: 1"=100'
PROJECT NO: 4683(2023)
SHEET NO: 01 OF 01

REVISIONS

NO. DATE DESCRIPTION

PLAN TITLE: SKETCH PLAN
PROJECT TITLE: BLUE BARN SUBDIVISION

TOWNSHIP: SOUTH WHITEHALL TOWNSHIP
COUNTY: LEHIGH COUNTY
STATE: PENNSYLVANIA

HanoverEngineering
Bethlehem Office
252 Broadhead Road, Suite 100
Bethlehem, PA 18017-6544
F: 610.931.6544
P: 610.931.6585
hanovereng.com



May 11, 2023

Gregg Adams, Planner
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

RE: Blue Barn Subdivision
South Whitehall Township, Lehigh County, Pennsylvania
Sketch Plan Review
SWT File Application No. 2020-107

Dear Gregg:

Materials reviewed as submitted for the Applicant by Hanover Engineering Associates, Inc. include the following:

- A. Sketch Plan, Sheet 01 of 01, dated 3/30/23;
- B. Copy of Subdivision & Land Development Review Application;
- C. Copy of Transmittal from Hanover Engineering Associates, Inc. to South Whitehall Township;
- D. Copy of Parcel Deeds;
- E. Copy of Transmittal from Hanover Engineering Associates, Inc. to Lehigh and Northampton Transportation Authority (LANTA);
- F. Copy of Transmittal from Hanover Engineering Associates, Inc. to United States Postal Service;
- G. Copy of Application Completeness Review letter.

PROPOSAL: This submission proposes developing five tracts of land into a 78-lot residential single family dwelling subdivision. The subdivision is located across five existing tracts of land adjacent to the intersections of Blue Barn Road (T-572 to the north and SR 4001 to the south) and Chapmans Road (T-551 to the west and SR 4001 to the east). A summary of the tracts is as follows:

- Tract 1, located northwest of the Blue Barn Road and Chapmans Road intersection, is a 10.91 acre tract of land that is currently agricultural land. This tract is proposed to be subdivided into five (5) lots, each with direct access off Blue Barn Road. These lots are proposed to be served by public water and on-lot sewage disposal. This tract is located within the R-R Rural Residential and Agricultural zoning district.

- Tract 2, located northeast of the Blue Barn Road and Chapmans Road intersection, is a 43.64-acre tract of land that contains an existing single-family dwelling with accessory structures. The land currently is partially utilized for agriculture, while the remaining is wooded with wetlands. This tract is proposed to be subdivided into seventeen (17) lots, accessed by 2,122 linear feet of proposed roadway. These lots are proposed to be served by public water and on-lot sewage disposal. Potential stormwater management areas are proposed on two separate areas within this tract. The tract is located within the R-R Rural Residential and Agricultural zoning district.
- Tract 3, located at the northwest corner of the intersection of Blue Barn Road and Chapmans Road intersection, is a 1.12-acre tract of land currently utilized for agriculture. This tract is not proposed to be subdivided. This lot is proposed to be served by public water and on-lot sewage disposal. The tract is located within the R-R Rural Residential and Agricultural zoning district.
- Tract 4, located southwest of the Blue Barn Road and Chapmans Road intersection, is a 9.06-acre tract of land currently used for agriculture. This tract is proposed to be subdivided into eleven (11) lots, accessed by 450 linear feet of proposed roadway. These lots are proposed to be served by public water and sanitary sewer. A potential stormwater management area is proposed within this tract. The tract is partially located within the R-R Rural Residential and Agricultural and R-5 Medium Density Residential zoning districts. This tract is also located within the Innovation Overlay district (TND-Residential Cluster).
- Tract 5, located southeast of the Blue Barn Road and Chapmans Road intersection, is a 24.66-acre tract of land that is currently mostly utilized for agriculture. The remaining portion of the tract includes woodlands with wetlands. This tract is proposed to be subdivided into forty-five (45) lots, accessed by 3,323 linear feet of proposed roadway. These lots are proposed to be served by public water and sanitary sewer. Three potential stormwater management areas are proposed within this tract. The tract is located in the R-4 Medium Density Residential zoning district. This tract is also located within the Innovation Overlay district (TND-Residential Cluster).

Our zoning and engineering comments are based on the South Whitehall Township Zoning Ordinance, dated 4-5-2017 by Ord. No. 1018 and by subsequent amendments; the South Whitehall Township Subdivision and Land Development Ordinance, dated 8-18-2010 by Ord. No. 923; amended and restated in its entirety 4-19-2017 by Ord. No. 1019 and by subsequent amendments; the Stormwater Management ordinance, adopted on 1-3-2001 by Ord. No. 724; amended in its entirety by Ord. No. 1066 and by subsequent amendments; and are as follows:

ZONING COMMENTS:

1. **Zoning § 350-24(c)(3)** – The frontage width of Lots 15 and 16 shall be verified. It is noted that the frontage widths may be honored at the setback line, provided the length of the right-of-way line equals at least 60% of the required frontage, in accordance with § 350-42(l)(1).
2. **Zoning § 350-24(c)(3), SALDO § 312-36.B.(1)(a)** – The front and rear yard setbacks shown on Lots RR1, RR2 and RR3 should be 50 feet. In addition, no side yards are shown for Lots 1-8 and Lot RR3 on Tract 4. Furthermore, no setbacks are shown on Tract 3.
3. **Zoning § 350-24(c)(7)** – The Site Data table for the R-5 zoning district lists incorrect side and rear yard setbacks for Two-Flat uses. It is noted that the plan does not propose two-flat uses, but this table shall be revised for accuracy.
4. **Zoning § 350-42(t)** – All front yards and other setback lines shall be measured from the ultimate right-of-way. For Blue Barn Road and Chapmans Road, the ultimate right-of-way width shall be eighty feet (80').

SALDO COMMENTS:

5. **SALDO § 312-10.B.(4)** – A signed statement that the applicant is the owner, or authorized by the owner to make application for the land proposed to be subdivision shall be included on the Sketch Plan.
6. **SALDO § 312-10.B.(5)(a)** – The gross areas listed for each tract do not match the acreages on the provided deeds. Please clarify.
7. **SALDO § 312-10.B.(5)(d)** – The type of water supply system shall be provided on the Sketch Plan.
8. **SALDO § 312-10.B.(5)(e)** – The type of sewage disposal system(s) shall be provided on the Sketch Plan.
9. **SALDO § 312-10.B.(5)(h)** – The required number of parking spaces, impervious coverage, and driveway separation measurements shall be provided on the Sketch Plan.
10. **SALDO § 312-10.B.(6)** – A location map showing the general location of receiving streams shall be provided on the Sketch Plan. In addition, it is noted that the USGS StreamStats website delineates an unnamed tributary that has headwaters near the intersection of Blue Barn Road and Chapmans Road and flows to the northeast

through Tract 2. This shall be investigated and consulted with DEP to determine if this is a defined watercourse.

11. **SALDO § 312-10.B.(9)** – Proposed lot and street layout with dimensions of lots and street rights-of-way to the nearest foot shall be provided on the Sketch Plan.
12. **SALDO § 312-10.B.(10)** – Property boundaries within 200 feet of the site shall be shown. It is also noted that it appears that the High Vista Drive right-of-way terminates at the boundary of Tract 1 and shall be shown accordingly on the Sketch Plan. In addition, Chandler Way and the associated right-of-way shall be identified on the plans.
13. **SALDO § 312-10.B.(11)** – Sequential staging (phasing) of development within the subdivision shall be provided on the Sketch Plan.
14. **SALDO § 312-10.B.(12)** – Limits of existing woodlands and any other natural features shall be shown on the Sketch Plan.
15. **SALDO § 312-12.A.(9); SALDO § 312-12.A.(11);** – For preliminary plan submissions, the applicant shall submit the plan to the Pennsylvania Department of Transportation (PennDOT) for review, regardless of whether or not any changes are proposed along the state highway. Copies of all correspondence between the applicant and PennDOT, and all issued permits, shall be provided to the Township.
16. **SALDO § 312-35.A.(6)(a)** – Intersections of local streets with arterial street shall not be permitted unless otherwise approved by the Board of Commissioners with the advice of the Township Engineer.
17. **SALDO § 312-35.A.(6)(c)** – Intersections shall intersect at 90°. It appears that the Road 5-1/Road 2 intersection with Chapmans Road is less than 90°. This should be revised.
18. **SALDO § 312-35.A.(6)(e)[1]** – Centerlines of intersecting streets shall be offset a minimum of eight hundred feet (800') from the nearest intersecting street along arterial streets. It is noted that Blue Barn Road and Chapmans Road are both classified as Minor Arterial roadways on the Official Map of South Whitehall Township. The following proposed intersections have less than the required offset from adjacent streets and shall be revised accordingly:
 - A. Road 4-1 at intersection with Chapmans Road. This intersection appears to be offset slightly from Chandler Way on the opposite side of the street. The roadway shall be designed so the centerline is aligned with the centerline of Chandler Way.

- B. Road 2 at the intersection with Blue Barn Road. This intersection is less than 800' from the centerline of Clauser Road. These intersections are approximately 760' apart as proposed.
- C. Road 2/Road 5-1 at the intersection with Chapmans Road. This intersection is located less than 800' from the centerline with Blue Barn Road. These intersections are approximately 430' apart as proposed.
19. **SALDO § 312-35.A.(6)(f)** – At every intersection of a public street with another public street, there shall be triangular areas deemed to be clear sight triangles. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions. The clear sight triangles should be plotted to verify any potential impacts to building restriction lines.
20. * **SALDO § 312-35.B.(2)(b)[1]** – Dead-end streets, other than stub and cul-de-sac street, shall be prohibited. Road 5-1 is proposed to extend beyond the intersection with Road 5-4 and dead-ends. In addition, a stub street is proposed at the terminus of Road 5-4 and ends at the edge of the adjacent property to the south. The Planning Commission should review the proposed dead-end street and stub street and may wish to provide comment.
21. * **SALDO § 312-35.B.(2)(b)[2]** – To provide an integrated street system, all stub streets of abutting subdivisions shall be incorporated into the proposed street system. It is noted that High Vista Drive is a stub street that appears to abut Tract 1. The Planning Commission should review the potential to connect to High Vista Drive and may wish to provide comment.
22. **SALDO § 312-35.B.(2)(b)[3]** – A snow dropoff area shall be provided at the terminus of the cul-de-sac turnaround areas.
23. **SALDO § 312-35.B.(3)(a)[1]** – Curbs are required on all public and private streets. All intersections shall be rounded by a minimum radius of 30 feet and extend at least 20 feet beyond the point of tangency.
24. **SALDO § 312-35.B.(3)(a)[2][a]** – To provide adequate and proper pedestrian circulation, sidewalks shall be required within all subdivisions along public streets or private ways.
25. **SALDO § 312-35.B.(3)(a)[3]** – Concrete curb ramps shall be constructed at all crosswalk locations. All such ramps shall be constructed or installed in accordance with the Township standard construction documents (latest revision), the designs and specifications currently utilized by the Pennsylvania Department of Transportation, the Americans with Disabilities Act, and the International Building Code (as applicable).

26. **SALDO § 312-35.B.(3)(a)[4]** – Concrete driveway aprons shall be installed for all driveways which will cross an existing or proposed sidewalk.
27. **SALDO § 312-35.B.(3)(a)[7]** – The maximum grade permitted for local street is 7%. It is noted that the existing topography within Road 2 has existing slopes of approximately 13% and greater. Significant grading may be necessary to construct this roadway to Township standards.
28. **SALDO § 312-35.B.(3)(b)[1]** – Arterial streets (Blue Barn Road and Chapmans Road) shall have a eighty-foot (80') right-of-way and a fifty-foot (50') cartway. Right-of-way should be dedicated along Blue Barn Road and Chapmans Road. The plan appears to show a dedicated right-of-way of 60' along Blue Barn Road and Chapmans Road.
29. * **SALDO § 312-35.B.(3)(d)[1]** – Local street cross sections shall be in accordance with Township standard construction documents (latest revision). It is noted that the proposed Typical Street Cross-Section for Tract 5 includes a 60' wide right-of-way and 36' wide cartway in accordance with the Local Streets Typical Cross Section. The plan proposes a 45' wide right-of-way and 28' wide cartway within Tracts 2 and 4 on the Typical Street Cross-Section. This alternative typical street cross section may be permitted with prior approval by the Township staff. Township staff should review to determine the acceptance of the alternative street cross section.
30. **SALDO § 312-36.B.(1)(b); SALDO § 312-38.E.** – The minimum lot area requirements, as required by the Zoning Ordinance of South Whitehall Township, may be increased by the Board of Commissioners in accordance with the results of the soil percolation tests required pursuant to § 312-38 if the space requirements for septic tanks and drainage fields warrant such an increase.
31. **SALDO § 312-36.B.(3)** – The lot lines of corner lots shall be rounded to a minimum radius of 20 feet. The lot lines on Lots 1 and RR1 shall be rounded at the intersection with Chapmans Road.
32. * **SALDO § 312-36.B.(5)** – No residential lot shall have direct access to an arterial street. Where no alternative means of access exists for a property to be subdivided only one lot depth deep, the extent of such access shall be minimized through the use of shared driveways or other means. It is noted that Lots 1-5 on Tract 1, Lot 1 on Tract 3, and abutting lots on Tracts 2 and 5 have the potential to propose direct access to Blue Barn Road and/or Chapmans Road. The Planning Commission should review and may wish to comment on the proposed lot access.

33. **SALDO § 312-36.B.(6)(b)** – Setbacks on corner lots shall apply from both ultimate street rights-of-way. The setbacks on Lots 1 and RR1 do not appear to be correctly shown.
34. * **SALDO § 312-36.D.(1)** – The Board of Commissioners, with the advice of the school district serving South Whitehall Township, may require the developer of residential subdivisions to reserve land to be conveyed to the school district for school sites. The plan shall be submitted to the Parkland School District with a preliminary plan submission.
35. * **SALDO § 312-36.D.(2)** – The Board of Commissioners may require any developer to reserve land to be conveyed or dedicated to the Township to provide facilities for fire and police protection, library, indoor recreation or other municipal services. The developer should discuss this requirement with the Board of Commissioners.
36. **SALDO § 312-36.D.(4)(b)[1]** – The required amount of open space for Tract 2 is incorrectly tabulated under the Open Space Tabulation.
37. **SALDO § 312-36.D.(4)(b)[3]** – The area shown as Prime Open Space on Tract 5 has slopes greater than 6% and would not qualify as prime open space as a whole or part.
38. * **SALDO § 312-36.D.(4)(c)[1]** – Land to be dedicated as open space shall be suitable, prior to dedication, for its intended purpose, as determined by the Township Board of Commissioners. The Planning Commission should review the open space proposal and may wish to comment.
39. **SALDO § 312-36.E.(2)** – Easements for the installation of underground conduits for electric power, telephone, and television cable lines shall be provided so that each lot or leased unit can be practically served. The location of such easements shall meet the approval of all firms providing electrical utilities and the approval of the Township Engineer and Planning Commission. Such easements shall have a minimum width of 20 feet.
40. **SALDO § 312-37** – The Township Public Water Engineer should comment on the aspects of the public water service.
41. **SALDO § 312-38** – The Township Public Sanitary Sewer Engineer should comment on the aspects of the public sanitary sewage disposal system.
42. **SALDO § 312-38.D.** – Tracts 1, 2, and 3 appear to be served by on-lot sanitary sewage disposal systems. The design of the on-lot sewage disposal system for

subdivisions shall be reviewed and approved by the Township Sewage Enforcement Officer (SEO).

43. **SALDO § 312-39** – Stormwater management facilities shall be provided where necessary to adequately control storm runoff in accordance with all applicable state and local laws and to protect the general public and prevent undue damage to public and private property.
44. **SALDO § 312-39.A.(5)** – A subsurface collection system with catch basins shall be used in all areas in which street curbs and gutters are required.
45. **SALDO § 312-39.F.(2)** – Any drainage structures that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation.
46. **SALDO § 312-40** – Within the right-of-way of streets or street tree easements, as applicable, adjacent to or in new subdivisions, the developer shall plant shade trees. Site locations, land use, topography, natural and historic features shall be considered by the developer and the Township Shade Tree Commission in selecting and approving species.
47. **SALDO § 312-41.A.(1)(a)** – The developer shall be responsible for making necessary arrangements with the municipality and the public service company involved for streetlights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures.
48. * **SALDO § 312-41.A.(2)** – Planting strips and other site improvements provided in order to absorb a reasonable noise from arterial streets shall be approved by the Township Planning Commission and Shade Tree Commission, if applicable. The Planning Commission should review and comment on whether planting strips or other site improvements are necessary, in particular lots abutting Blue Barn Road and Chapmans Road.

STORMWATER MANAGEMENT COMMENTS (Chapter § 296):

49. **Section § 296-14; Section § 296-18.R.(5), SALDO § 312-39.E** – No regulated earth disturbance activities within the Township shall commence until approval by the Township and the Lehigh County Conservation District of an erosion and sediment control plan for construction activities. An erosion and sediment control plan and DEP NPDES permit for stormwater discharges is required for regulated earth disturbance activities under Pa. Code Chapter 102.

50. **Section § 296-14.D.** – It is noted that wetlands are delineated on Tracts 2, 4, and 5. Wetland disturbances appear to be proposed on several areas within the subdivision, including for the Road 1 cul-de-sac; the Road 2 cul-de-sac; Road 5-2 at the intersection with Blue Barn Road; and potentially for the development of Lots 2 and 3 on Tract 4 and Lots 30 and 31 on Tract 5. The applicant shall consult with DEP on the limitations and Chapter 105 permit requirements for indirect and direct disturbances to wetlands. In addition, a copy of the Wetland Delineation report should be submitted to the Township.
51. **Section § 296-15.H.** – Where an applicant intends to use infiltration BMP's, the applicant shall conduct a preliminary site investigation, including gathering data from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in Appendix G. The investigation shall determine depth to bedrock, depth to the seasonal high-water table, soil permeability and location of special geologic features, if applicable. This investigation may be done by a certified Sewage Enforcement Officer (SEO) except that the location of special geologic features shall be verified by a qualified geotechnical professional. Additionally, the Township Geotechnical Consultant or its authorized representative shall be notified of the soil testing in order to observe such testing as determined to be necessary.
52. **Section § 296-15.I.(4)** – It is noted that various areas are designated as potential stormwater management areas on Tracts 2, 4, and 5. If intended for infiltration, applicable required setback distances shall be adhered to. It is noted that the potential stormwater facility on the eastern portion of Tract 5 is located approximately ten feet (10') from the downslope existing dwelling. If infiltration is intended, at least a 40' setback shall be maintained. It is noted that the Pennsylvania BMP Manual recommends a 100' setback for infiltration facilities upslope of building foundations.
53. **Section § 296-15.S.** – The applicant shall request, in writing, public water suppliers to provide the Zone I Wellhead Protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection Wellhead Protection regulations, for any public water supply within 400 feet of the site. It is noted that the Township Official Map delineates an approximate groundwater recharge basin within a portion of Tract 4. The applicant shall verify from the public water supplier whether any wellhead protection areas may impact development on the subject tracts.
54. **Section § 296-16** – The site proposes more than 10,000 square feet of impervious cover and therefore a drainage plan is required in accordance with the Stormwater Management ordinance. The site lies with Subarea 118 of the Jordan Creek Watershed Act 167 Plan and within Subarea 172 of the Little Lehigh Creek Watershed Act 167. Both subareas are designated as a 30/100 release rate district.

The two-year post-development peak discharge rate must be controlled to 30% of the predevelopment two-year runoff peak. Further, the ten-, twenty-five, and 100-year post-development peak runoff rate must be controlled to the stated percentage of the predevelopment peak.

55. **Section § 296-22.C.(1)** – The drainage plan shall be submitted by the developer to the Lehigh Valley Planning Commission as part of the preliminary plan submission.
56. **Section § 296-27** – Water volume controls shall be implemented using the design storm method in Subsection A in this Section.
57. **Section § 296-29** – Except as required by Chapter 102, a riparian buffer easement shall be provided for a minimum of 35 feet from the top of streambank on each side of a stream. The riparian buffer shall comply with the requirements of this Section. The applicant shall investigate and consult with DEP whether a stream exists on any of the tracts. NPDES permit requirements may require a greater buffer width.
58. * **Section § 296-38** – The Sketch Plan shows a total of six (6) potential stormwater management areas. Five (5) areas are located on non-building lots that also include adjacent open space areas to be dedicated to the Township. The remaining area, located on Tract 2, straddles Lots 3 and 4. The Township Staff and the Planning Commission should review and may wish to comment on their preference for stormwater facilities to be dedicated to the Township. It is recommended that stormwater facilities be contained on a single lot.

GENERAL TRAFFIC COMMENTS:

59. The proposed development proposes multiple accesses to a State Highway (SR 4001, Chapmans Road and Blue Barn Road) and as such, Highway Occupancy Permitting will be Required by PennDOT. The Applicant should submit a scoping application to the Department to determine the scope of improvements needed.
60. A Traffic Impact Analysis for the projected year of opening should be provided that includes operational analysis of the Chapmans Road/Blue Barn Road intersection, as well as all proposed site driveways.
61. Waivers to the Township SALDO are required pertaining to the distance of the proposed driveways to the intersection of the Chapmans Road/Blue Barn Road intersection (See SALDO Comments). Any waiver requests should be accompanied by documentation that Intersection Sight Distance (ISD), or at a minimum, Safe Stopping Sight Distance (SSD) is met for proposed driveway access

locations, as well as analysis of the impact of the proposed driveway location on the Chapmans Road/Blue Barn Road intersection.

- 62. The Plan depicts the realignment of the Chapmans/Blue Barn Intersection to eliminate the existing offset alignment of Chapmans Road. Detailed Geometry plans should be provided for review by the Township and PennDOT.

GENERAL COMMENTS:

- 63. * It is noted that the Deed includes the following language: "Under and Subject nevertheless to the express covenant and restriction that, for and during the term of the natural life of the within Grantor, (1) Grantee shall not subdivide the land described herein in any manner whatsoever, including, without limitation, the sale of less than the entire land described herein,...". The Township Solicitor should review and provide comment on the ability to subdivide the subject tracts of land.
- 64. The driveway located to the south of the Road 5-2 intersection with Blue Barn Road should be shown on the plans.
- 65. It is recommended that Lot 5 on Tract 1 have restricted access to Clauser Street.
- 66. The applicant should clarify the intended use on Tract 3.
- 67. The applicant should clarify the intent of the subdivided parcel of land on Tract 5 that is located between the two existing dwelling that abut this parcel.
- 68. The proposed Chapmans Road right-of-way shall be aligned with the existing rights-of-way to the immediate west of Tract 3.

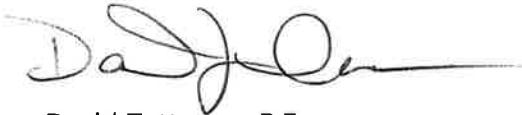
* Item for review and/or action by the Planning Commission.

This information is provided for a Sketch Plan review and should be used by the developer for the preparation of a preliminary and final subdivision plan.

If there are any questions regarding this review, please contact the this office.

Sincerely,

Keystone Consulting Engineers, Inc.



David Tettermer, P.E.

cc: Tom Petrucci, SWT Manager (petruccit@southwhitehall.com)
Dave Manhardt, SWT Director of Community Development (manhardtd@southwhitehall.com)
Herb Bender, SWT Director of Operations (benderh@southwhitehall.com)
Mike Elias, SWT Public Works Utility and MS4 Program Coordinator (Eliasm@southwhitehall.com)
Tracy Fehnel, SWT Executive Assistant (fehnel@southwhitehall.com)
Laura Harrier, SWT Building Code Official / Zoning Officer (harrierl@southwhitehall.com)
John Frantz, SWT Fire Marshal / Building Code Official (frantzj@southwhitehall.com)
Lisa Pereira, Township Solicitor (lisapereira@broughal-devito.com)
Dave Crowther, PG, SWT Geotechnical Consultant (dcrowther@KCEinc.com)
Geoff Reese, Lehigh Valley Planning Commission (greese@lvpc.org)
David M. Jaindl, Jaindl Land Company (david.jaindl@jaindl.com)
Charles Unangst, PE, Hanover Engineering (cunangst@hanovereng.com)

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May 5, 2023

Mr. Gregg Adams, Planner
South Whitehall Township
4444 Walbert Avenue
Allentown PA 18104

Re: Blue Barn Rd. Major Subdivision
Land Development #2020-107
Review of Sketch Plan
SSM File 103400.0051

Dear Mr. Adams:

This correspondence is provided as a review of the Sketch Plan submitted for the above referenced project dated March 30, 2023 prepared by Hanover Engineering Assoc. The project is the subdivision of 78 residential lots located at the SE intersection of Chapmans and Blue Barn Roads. We have the following comments regarding the water and sewer utilities:

General Comments:

1. Upon plan submission, a statement should be provided on the plans that indicate if the utilities will be dedicated to South Whitehall, and easements provide if located in private roads or access ways.

Water Comments:

2. The proposed development is within the Eck Road Booster Station Zone. Upon plan submission, SSM and/or the Twp. will require an analysis of how the development may impact the booster station, especially in a fire demand.

Sanitary Sewer Comments:

3. The Twp. is requesting that the lots to the north of Blue Barn be served by sanitary sewer. Note the topography may require a pumping station.
4. Upon Preliminary Plan Approval, the appropriate sewer planning module must be submitted to the PA DEP.

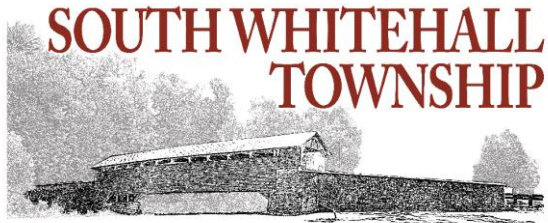
Please contact us should you have any questions, or require any additional information regarding our comments.

Sincerely,
Spotts, Stevens and McCoy

A handwritten signature in blue ink that reads "Jason M. Newhard".

Jason M. Newhard, CCM, LO
Manger, Construction Mgt. Services
Environmental Engineering
jason.newhard@ssmgroup.com

cc: SWT, PW



INTEROFFICE MEMORANDUM

TO: DAVE MANHARDT, DIRECTOR OF COMMUNITY DEVELOPMENT

FROM: HERB BENDER, PUBLIC WORKS MANAGER

DATE: MAY 8, 2023

SUBJECT: BLUE BARN RD. SUBDIVISION

MAJOR PLAN 2020-107

The Public Works Dept. reviewed the above project and has the following comments:

1. We are requesting the entire subdivision be sewerred.
2. Fire flow supply may be an issue.
3. Snow easement within all cul-de-sacs
4. road width to be 36 feet with driveways not being called out.
5. All storm water BMPs remain private.
6. Stormwater BMPs should not cross property boundaries.

SOUTH WHITEHALL TOWNSHIP

4444 Walbert Avenue, Allentown, PA 18104-1699
www.southwhitehall.com • (610) 398-0401

May 11, 2023

Mr. David M. Jaindl
Jaindl Land Company
3150 Coffeetown Road
Orefield, PA 18069

Re: Blue Barn Road Subdivision
Major Plan 2020-107
Sketch Plan Review

Dear Mr. Jaindl:

The purpose of this letter is to report zoning and non-engineering related comments that are to be addressed. My comments follow:

Zoning

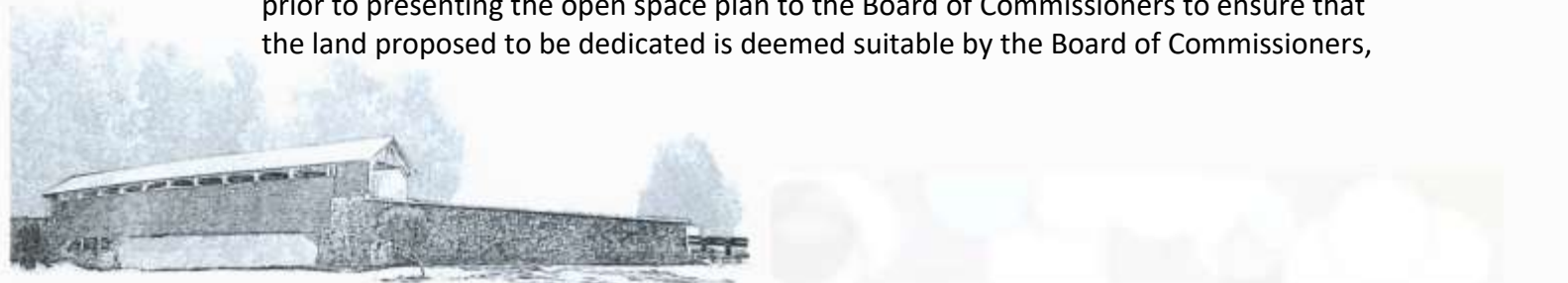
1. The sketch plan proposes to develop 5 parcels of land for 78 residential single-family dwellings.
2. The Township Engineer has provided zoning comments contained in their May 11, 2023 review letter that address zoning comments as presented on the sketch plan.
3. Additional comments may be forthcoming based on future submissions and reviews.

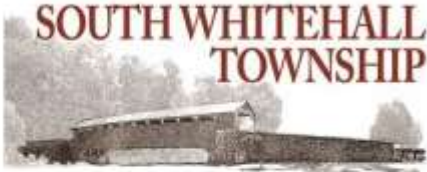
Fire Inspector

1. The Fire Inspector reported no comments at this time. The Public Safety Commission reviewed the plan at their October 5, 2023 meeting and made no comments to the plan.

Open Space and Recreation

1. Should the applicant propose fees in lieu of open space dedication or a combination of fees and land dedication, the applicant shall be required to present the plan to the Parks and Recreation Board for their recommendation regarding the proposed open space prior to presenting the open space plan to the Board of Commissioners, in accordance with SALDO Section 312-36(d)(4)(G). Should the applicant propose open space dedication only, the applicant is strongly encouraged to present the plan to the Parks and Recreation Board for their recommendation regarding the proposed open space prior to presenting the open space plan to the Board of Commissioners to ensure that the land proposed to be dedicated is deemed suitable by the Board of Commissioners,

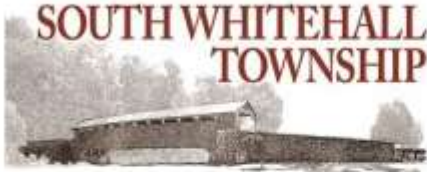




in accordance with SALDO Section 312-36(d)(4)(C). The Parks and Recreation Board typically meets on the second Monday evening of the month.

Water & Sewer

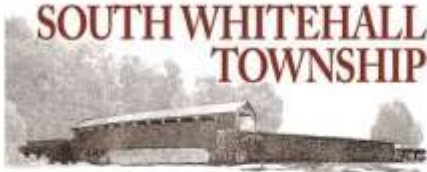
1. The applicant is to request allocations for water and sewer from the South Whitehall Township Board of Commissioners. Please be aware that the Board of Commissioners now charges both allocation fees and tapping (connection) fees. The applicant must address all water and sewer service issues, and obtain all approvals deemed necessary by the South Whitehall Township Board of Commissioners. You are advised to contact the Township Public Works Manager Herb Bender, as soon as practicable, to learn of, or confirm any or all of:
 - a. The amount of any water and/or sewer **allocation fees**. The application is available on the Township website under Water/Sewer Forms/FAQs/Links. The fee for the allocation(s) will be due with the submission of the application;
 - b. The amount of any water and/or sewer **connection fees**. The fees are due at or before the building permit is to be issued. Application is also available on the Township website under Water/Sewer Forms/FAQs/Links;
 - c. The amount of any **contributions** that would cover the cost of extending the water and/or sewer system so that it can serve your development.
2. The applicant is to contact the PA Department of Environmental Protection to determine what Sewage Facility Planning requirements are to be met for this development.
3. Where individual on-lot sanitary sewage disposal systems are proposed, the applicant shall either install such facilities or require by deed restrictions or otherwise as a condition of sale of each lot within the subdivision that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. The minimum standards as set forth in Rules and Regulation, Title 25, Pennsylvania Department of Environmental Protection shall be observed by the developer or the owner of the lot, in accordance with Section 312-38(d) of the Subdivision and Land Development Ordinance. A note shall be added to the plan.
4. Where individual on-lot sanitary sewage disposal systems are proposed, the plan is to be amended to show percolation test locations for each proposed lot pursuant to Section 312-38(d)(2) of the Subdivision and Land Development Ordinance. It is recommended that the testing be completed prior to the plan being advanced to the Board of Commissioners. Please be advised that "marginal" soils may require larger lot sizes.



5. An Erosion and Sediment Control Plan is required for any earth disturbance activity of more than 5,000 square feet pursuant to Section 296-11(B) of the South Whitehall Township Codified Ordinance (Stormwater Management Plan).
6. The plan is to be forwarded to PPL for a recommendation on street lighting per Section 312-41(a)(1) of SALDO with Preliminary Plan submission.

Legal and Other

1. Township policy with regard to the deferral of sidewalk and curbing has changed and deferrals shall no longer be granted as a matter of course. The applicant should be prepared to discuss compliance with SALDO Section 312-35(b)(3)(A)(ii).
2. The Township Solicitor and Township Engineer may want to comment upon the legal requirements of the MS4 program with regard to any private stormwater management facilities.
3. 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.
4. The developer shall contact the United States Postal Service to review the accepted method of mail delivery within the proposed development. Any proposed community mail collection and/or delivery structures shall be shown on the plan, with an identifying note describing the structure and number of postal customers to be served by the structure.
5. The developer shall contact the Parkland School District to review the pick-up and drop off of school-aged children, including bus stop location(s), bus shelter(s), and bus access and egress.
6. Please consider the following in placement locations for street trees:
 - a. Placement over inlets should be avoided;
 - b. Provide ample clearance from street lights and hydrants.
7. That a note be added to the site plan stating that the applicant is responsible for joining the PA One Call system and is responsible for the marking of all underground utilities prior to the utilities being formally accepted by and dedicated to the Township.
8. Confirmation of a plan submittal to PennDOT and LANTA shall be provided.
9. Signature Blocks and Certifications to appear on each plan sheet to be recorded.
10. There is a residential development (1569 Blue Barn Road major Plan 2020-106) proposed on the adjoining lot immediately south of the site. The Community



Development Department highly recommends that the two plans be coordinated with regard to all aspects of site development, including, but not limited to, internal vehicular and pedestrian access, access to the surrounding road network, stormwater management, water and sanitary sewer utilities, and open space and recreation.

11. Reinforcing the comment above, consideration should be given to a potential intersection onto Blue Barn Road from the Posocco tract to the immediate south. Proposed Road 5-2 is only 380 feet from the intersection of Blue Barn and Chapmans Roads (SALDO Section 312-35(a)(6)(E)(1) requires an 800-foot offset) and approximately 780 feet from the existing intersection of Blue Barn and Saddlebred Roads. It is likely that a road intersection from the Posocco tract will be proposed within that 780-foot distance. Staff strongly recommends coordination with the adjoining developer to reduce the number of potential street intersections on Blue Barn Road south of the Chapmans Road intersection.
12. Staff would not be supportive of the alternative Local Road Cross-Section proposed for Tract 4. Due to the density proposed, the residences will likely be adversely impacted by the loss of on-street parking along one side of the proposed street.
13. A roundabout should be considered for the Chapmans Road/Blue Barn Road intersection.
14. Staff notes that the Correction Deed includes a covenant preventing the subdivision or development of the tract during the natural life of the seller. The applicant should be prepared to elaborate on the covenant's impact upon this application.

Waiver and Deferral Request Commentary

No waivers or deferrals are requested at this time.

Official Map & Comprehensive Plan

1. The Official Map depicts the subject parcel as underlain by karst geology and fronting minor Arterial Roads (Chapmans Road and Blue Barn Road)
2. The Comprehensive Plan indicates natural areas within and adjoining the tract. Natural areas should be a priority for preservation when possible. In some cases, development can be supported in these areas but may require site-level analysis.

The Comprehensive Plan envisions the Jordan Valley Land Use Type to the north of Chapmans Road and east of Blue Barn Road. The goal of the Jordan Valley is to preserve the rural and historic character of the Jordan Valley by:



- Preserving natural resources and important landscapes through incentives and cooperation with landowners
- Enhancing crossroad villages with attention to the surrounding landscape
- Encouraging the continuation of active agriculture by allowing uses consistent with operations of working farms
- And incentivizing the utilization of Conservation Subdivisions for future land development.

Place types envisioned within the Jordan Valley include:

- Open Space
- Agriculture
- Rural
- Conservation Subdivision

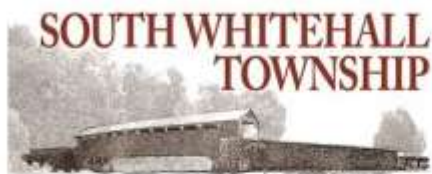
The Comprehensive Plan envisions the Neighborhood Residential Land Use Type to the south of Chapmans Road and west of Blue Barn Road. The goal of the Neighborhood Residential is to:

- Encourage housing types to address the needs of all income levels
- Support opportunities for local-serving small business development where appropriate
- Evaluate pedestrian safety and connectivity
- Encourage walkability within neighborhoods and to other land use types
- Consider traffic calming and congestion relief where possible
- And utilize streetscaping, facades, and beautification techniques to create sense of place and preserve community character.

Place types envisioned within the Neighborhood Residential include:

- Open Space
- Agriculture
- Conservation Subdivision
- Small-Lot Residential
- Multi-Family Residential
- Mixed Residential
- Neighborhood Center

Staff notes the benefits of providing a Neighborhood Center for the growing residential neighborhoods south of and surrounding the Blue Barn/Chapmans Road intersection in South Whitehall and Upper Macungie Townships.



Your plan is scheduled to be reviewed by the Planning Commission on Thursday, May 18, 2023 at 7:30 p.m. in the South Whitehall Township Municipal Building located at 4444 Walbert Avenue. The meeting will also be streamed live via GoToMeeting. To access the meeting through your phone, dial 1-224-501-3412 and, when prompted, enter 757 430 189 to join the meeting. To access the meeting through your computer, go to <https://global.gotomeeting.com/join/757430189>.

If you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg R. Adams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gregg R. Adams, Planner
Community Development Department

cc:	T. Petrucci	H. Bender	D. Manhardt	L. Harrier
	M. Elias	J. Frantz	L. Pereira, Esq.	D. Tettermer
	J. Schweyer	File #2020-107		

Gregg R. Adams

From: John G. Frantz
Sent: Friday, May 5, 2023 6:50 AM
To: Gregg R. Adams
Subject: Blue Barn Road Subdivision 2020-107

Gregg,

The PSC had no comments to the plan.

John G. Frantz, CFEI, BCO

Fire Marshal, Building Code Official
South Whitehall Township
4444 Walbert Avenue
Allentown PA 18104-1699
610-398-0401 (office)
610-398-1068 (fax)
www.southwhitehall.com



This email message, including any attachments, is intended for the sole use of the individual(s) and entity(ies) to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone this email message including any attachments, or any information contained in this email message. If you have received this email message in error, please immediately notify the sender by reply email and delete the message. Thank you.

Prepared By:

Thomas K. Noonan, Esquire
Noonan & Prokup
526 Walnut Street
Allentown, PA 18101-2394
610-433-5211

Return To:

Joseph A. Zator, II, Esquire
Zator Law
4400 Walbert Avenue
Allentown, PA 18104-1619
610-432-1900

PIN 546790861069 1 Tile 475616
547701028357 1 Tile 475713
547702122303 1 Tile 475713
547700879525 1 Tile 475713
547711188561 1 Tile 475713
547721047320 1 Tile 475713

This Correction Deed

Made this 9th day of September, 2013.

BETWEEN **JOYCE E. HOWELLS**, widow, as successor in interest to her spouse, Roger A. Howells, deceased, of South Whitehall Township, Lehigh County, Pennsylvania, "Grantor," party of the first part,

AND

DAVID M. JAINDL, of South Whitehall Township, Lehigh County, Pennsylvania, "Grantee," party of the second part,

WITNESSETH, that in consideration of ONE (\$1.00) DOLLAR, in hand paid, the receipt whereof being hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, and Grantee's heirs and assigns forever,

Parcel No. 1:

ALL THAT CERTAIN message, tenement and lot or piece of land, situate in the Township of South Whitehall, County of Lehigh and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a certain point on line of land now or late of Alexander Guth and Dewald Kuntz; thence along land now or late of said Dewald Kuntz North 38 degrees 30 minutes West 41.7^{688.05ft} perches to a post; thence along the same South 67 degrees 30 minutes West 26.5^{437.35ft} perches to a post; thence North 22 degrees 30 minutes West 11.3 perches to a post; thence South 76 degrees 45 minutes West 13.5^{222.75ft} perches to a post; thence North 00 degrees 15 minutes East 19^{313.5ft} perches to a post; thence along land now or late of M. G. Hoffman and late of Dewald Hoffman North 86 degrees 30 minutes West 63.7^{1051.05ft} perches to a Chestnut tree; thence along land now or late of the Lutheran Church Congregation North 89 degrees West 31.4^{518.1ft} perches to a post; thence along land now or late of Moses Heberly South 12 degrees 45 minutes East 66.7^{1100.55ft} perches to a post; thence along the same and land now or late of William Diehl South 17 degrees 30 minutes West 43.5^{717.75ft} perches to a post; thence North 60 degrees 15 minutes West 17 and ^{280.5ft} tenths perches to a post; thence South 66 degrees West 6^{99ft} perches to a post; thence South 43 degrees West 25.9^{427.35ft} perches to a post; thence along land now or late of Charles Kuntz South 42 degrees 15 minutes East 52.9^{872.85ft} perches to a post; thence North 38 degrees East 36.5^{602.25ft} perches to a post; thence South 47 degrees 30 minutes East 17.7^{292.05ft} perches to a post; thence South 70 degrees 30 minutes East 41.5^{684.75ft} perches to a post; thence along land now or late of Jonas Kuntz North 65 degrees East 37^{610.5ft} perches to a post; thence North 10 degrees East 52^{858ft} perches to a White Oak tree; thence North 19 degrees East 22^{363ft} perches to a post along land now or late of the said Alexander Guth; thence along the same North 69 degrees East 35^{577.5ft} perches to the place of beginning. CONTAINING 110 acres 14 perches neat measure.

LESS AND EXCEPTING the following conveyances: Deed Book Volume 1239, Page 84; Volume 738, Page 484; Volume 741, Page 69; Volume 750, Page 9; Volume 806, Page 521; Volume 813, Page 393; Volume 860, Page 654; Volume 869, Page 343; Volume 872, Page 473; Volume 872, Page 556; Volume 873, Page 341; Volume 874, Page 241; Volume 877, Page 318; Volume 898, Page 42; Volume 900, Page 113; and Volume 931, Page 210; it being the intent of the Grantor to convey all, but not more than, the parcels shown on the assessment records of said Lehigh County as follows:

* Blue Barn Road	546790861069 1 Tile 475616	(9.6 acres)
* Blue Barn Road	547701028357 1 Tile 475713	(1.1 acres)
* Blue Barn Road	547702122303 1 Tile 475713	(10.58 acres)

* Chapmans Road	547700879525 1 Tile 475713	(25.095 acres)
5123 Chapmans Road	547711188561 1 Tile 475713	(43.44 acres)

BEING THE REMAINING PART OF THE SAME PREMISES which Roger A. Howells and Joyce E. Howells, his wife, by Deed dated August 22, 1977, and recorded in the Office of the Recorder of Deeds in and for the County of Lehigh, at Allentown, Pennsylvania, in Deed Book Volume 1239, Page 968, granted and conveyed unto Roger A. Howells and Joyce E. Howells, husband and wife, as tenants by the entirety; the said Roger A. Howells having since died November 8, 2009, title thereafter vested solely in the said Joyce E. Howells, surviving spouse, by operation of law.

Parcel No. 2:

ALL THAT CERTAIN messuage, tenement and lot or piece of land, situate in the Township of South Whitehall, County of Lehigh and Commonwealth of Pennsylvania, bounded and described as a composite of surplus parcels number 735 and 736 as follows, to wit:

BEGINNING at a point in the western right-of-way line of the Pennsylvania Turnpike opposite center line station 685 + 02.21, 100 feet distant therefrom measured at right angles; thence along land now or late of J. P. Saylor North 73 degrees 12 minutes 35 seconds West 507.82 feet to a point; thence along land now or late of Kathryn S. Howells the following three courses and distances: (1) North 17 degrees 02 minutes 25 seconds East 358.56 feet to a point; (2) North 67 degrees 02 minutes 25 seconds East 16.50 feet to a point; and (3) North 63 degrees 50 minutes 35 seconds East 189.01 feet to a point on the said western right-of-way line; thence along said line by a curve to the left, having a radius of 11,559.19 feet, an arc distance of 611.68 feet to a point, the place of beginning.

CONTAINING 3.48 acres, more or less.

NOW BEING shown on the assessment records of said Lehigh County as
* Chapmans Road 547721047320 1 Tile 475713 (3.48 acres).

BEING THE SAME PREMISES which Roger A. Howells, and Joyce E. Howells, his wife, by Deed dated November 14, 1985, and recorded in the Office of the Recorder of Deeds in and for the County of Lehigh, at Allentown, Pennsylvania, in Deed Book Volume 1363, Page 241, granted and conveyed unto Roger A. Howells and Joyce E. Howells, husband and wife, as tenants by the entirety; the said Roger A. Howells having since died November 8, 2009, title thereafter vested solely in the said Joyce E. Howells, surviving spouse, by operation of law.

UNDER AND SUBJECT nevertheless to the express covenant and restriction that, for and during the term of the natural life of the within Grantor, (1) Grantee shall not subdivide the land described herein in any manner whatsoever, including, without limitation, the sale of less than the entire land described herein, and (2) Grantee shall not construct and/or maintain and/or use any building or structure whatsoever on the land for residential or commercial purposes other than the existing single family residence for residential purposes, and the existing barn for commercial agricultural or storage purposes, to the intent that the land be strictly maintained "as is" as open space/timberland/farmland with the existing single family residence and barn. Notwithstanding the foregoing, Grantor reserves and shall have the right to waive any of the foregoing restrictive covenants, with any such waiver(s) to be exercised in her sole discretion.

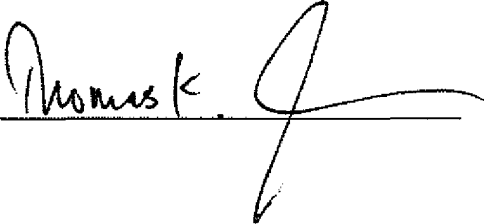
TOGETHER WITH THE BENEFIT OF, AND UNDER AND SUBJECT TO, any easements, covenants and restrictions that appear in the chain of title and/or are visible on the ground, provided, however, that the recital of the within mentioned easements, covenants and restrictions shall not be construed as a revival thereof in the event that they, or any of them, have expired by limitation or for any other reason whatsoever.

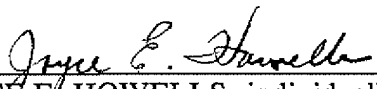
This is a correction Deed given wholly without consideration to correct the Deed recorded as 2013033973 in the following respects: (1) to correct the name of the purchaser (whose middle initial was incorrectly stated in the prior Deed) and (2) to add Volume 931, Page 210, to the conveyances excepted from Parcel No. 1 (which exception was omitted from the prior Deed).

And said Grantor does hereby warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered
In the Presence of

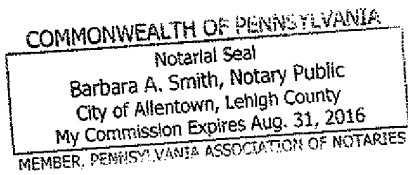


 (LS)
JOYCE E. HOWELLS, individually and as
successor in interest

COMMONWEALTH OF PENNSYLVANIA)
: SS.:
COUNTY OF LEHIGH)

On this, the 9th day of September, 2013, before me, a Notary Public, the undersigned officer, personally appeared **JOYCE E. HOWELLS**, widow, individually and as successor in interest, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.



Barbara A. Smith

NOTARY PUBLIC

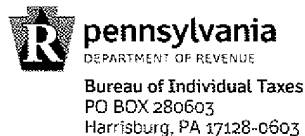
I hereby certify that the precise address of the within Grantee is:

3150 COFFEETOWN RD.
OREFIELD, PA 18069-2511

Mary K. Busch

-Attorney

REV-183 EX (04-10)



REALTY TRANSFER TAX STATEMENT OF VALUE

See reverse for instructions.

RECORDER'S USE ONLY	
State Tax Paid	
Book Number	
Page Number	
Date Recorded	

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. If more space is needed, attach additional sheets.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Joseph A. Zator, Esquire		Telephone Number: (610) 432-1900	
Mailing Address 4400 Walbert Avenue	City Allentown	State PA	ZIP Code 18104

B. TRANSFER DATA

Grantor(s)/Lessor(s) Joyce E. Howells		
Mailing Address 5123 Chapmans Road		
City Orefield	State PA	ZIP Code 18069

C. Date of Acceptance of Document

Grantee(s)/Lessee(s) David M. Jaindl		
Mailing Address 3150 Coffeetown Road		
City Orefield	State PA	ZIP Code 18069

D. REAL ESTATE LOCATION

Street Address Chapmans & Blue Barn Roads		City, Township, Borough South Whitehall Township	
County Lehigh	School District Parkland	Tax Parcel Number see attached	

E. VALUATION DATA - WAS TRANSACTION PART OF AN ASSIGNMENT OR RELOCATION? Y N

1. Actual Cash Consideration 995,000.00	2. Other Consideration + 0.00	3. Total Consideration = 995,000.00
4. County Assessed Value see attached	5. Common Level Ratio Factor x 1.0	6. Fair Market Value = see attached

F. EXEMPTION DATA

1a. Amount of Exemption Claimed 100%	1b. Percentage of Grantor's Interest in Real Estate 100%	1c. Percentage of Grantor's Interest Conveyed 100%
-----------------------------------------	-------------------------------------------------------------	-------------------------------------------------------

Check Appropriate Box Below for Exemption Claimed.

- Will or intestate succession. _____
(Name of Decedent) (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust _____
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) _____

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party 	Date 9-10-2013
-----------------------------------------------------	-------------------

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

EXHIBIT A**TRANSFER DATA**

<u>Tax Parcel #</u>	<u>Address</u>	<u>Assessed Value</u>	<u>CLR Factor</u>	<u>F/M Value</u>
546790861069-1	Blue Barn Road	\$172,700.00	1.0	\$172,700.00
547701028357-1	Blue Barn Road	\$ 70,800.00	1.0	\$ 70,800.00
547702122303-1	Blue Barn Road	\$146,100.00	1.0	\$146,100.00
547700879525-1	Chapmans Road	\$347,100.00	1.0	\$347,100.00
547711188561-1	5123 Chapmans Road	\$762,300.00	1.0	\$762,300.00
547721047320-1	Chapmans Road	\$ 84,600.00	1.0	\$ 84,600.00
			TOTAL	\$1,583,600.00

Transfer tax paid on full and valid consideration of \$995,000.00

ANDREA E. NAUGLE
LEHIGH COUNTY CLERK OF JUDICIAL RECORDS



Recorder of Deeds Division
Deborah A. Casciotti, Chief Deputy
Lehigh County Courthouse
455 W. Hamilton Street - Room 122
Allentown, PA 18101-1614
(610) 782-3162

***RETURN DOCUMENT TO:**

ALL AMERICAN SETTLEMENT SERVICES, LLC
 4400 WALBERT AVE.
 ALLENTOWN, PA 18104

Instrument Number - 2013034842

Recorded On 9/10/2013 At 3:22:21 PM

* Instrument Type - DEED

Invoice Number - 183735 User ID: AME

* Grantor - HOWELLS, JOYCE E

* Grantee - JAINDL, DAVID M

* Customer - SIMPLIFILE LC E-RECORDING

***Total Pages - 8**

*** FEES**

STATE WRIT TAX	\$0.50
STATE JCS	\$23.50
RECORDING FEES	\$19.00
AFFORDABLE HOUSING	\$11.50
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$60.00
TOTAL PAID	\$119.50

I hereby CERTIFY that this document is
 Recorded in the Recorder of Deeds Office
 of Lehigh County, Pennsylvania



Andrea E. Naugle

Andrea E. Naugle
 Clerk of Judicial Records
 Recorder of Deeds Division

LCGIS Registry UPI Certification
On September 10, 2013 By SC

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2013034842



**ZONING ORDINANCE AMENDMENT
SECTION 350-42(H) HEIGHT EXCEPTIONS
ATTACHMENTS**

- 1. Memorandum**
- 2. Draft Ordinance Amendment**

TO: PLANNING COMMISSION
FROM: GREGG R. ADAMS, PLANNER
SUBJECT: ZONING ORDINANCE AMENDMENT
SECTION 350-42(H) HEIGHT EXCEPTIONS

DATE: MAY 3, 2023

COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, H. BENDER, D. MANHARDT,
L. HARRIER, J. ZATOR, ESQ., J. ALDERFER, ESQ, A. TALLARIDA, S. PIDCOCK

Background Information:

Through a recent Zoning appeal, staff discovered that Section 350-42(h) Height Exceptions is sufficiently ambiguous as to merit clarification. The current Section appears to be intended to permit certain features typically located on the roof or attached to the side of a building to exceed the Maximum Height permitted within a given Zoning District. The subsection requiring the clarification states: When attached to the roof of an existing or proposed Building, and not otherwise permitted as an Accessory Use, the height of the Building(s), Structure(s), or portion thereof, shall not exceed one hundred forty (140%) percent of the height of the Principal Building. The ambiguity stems from whether the 140% of the height of the Principal Building is measured from grade or from the roof. In a Zoning District wherein the Buildings are limited to 50 feet, an additional 140% could result in either a 70-foot total height (when measured from grade) or a 120-foot total height (when measured from the 50-foot-high roof). Obviously, the 70-foot Maximum Height of a Building within the IC-1 Zoning District further amplifies the possible maximum height (168 feet). Staff opines that the 140% stated in the Ordinance refers to a measurement from grade and would like to amend the Section to clarify that point.

At their February 15, 2023 meeting, the Board of Commissioners directed staff to move forward with the proposed Zoning Ordinance Amendment.

The Township Solicitor's office reviewed the draft amendment, and their comments were incorporated into the current draft.

The Planning Commission first reviewed the proposed Amendment at their March 16th meeting and made no comments.

During discussions on the matter after the March 16th Planning Commission meeting, staff determined that a number of other clarifications could be made within the Section and within other associated Sections. Initially, staff also opined that it may be prudent to allow certain features to achieve a height greater than the afore-mentioned 140% limit through a Special Exception review by the Zoning Hearing Board. At their April 3rd meeting, the Public Safety Commission reviewed the draft Ordinance and stated that there is no limit to the height that rescues could be made. Staff discussed the matter further and decided that the current requirements should stand and that the Special Exception option should be removed. This change is reflected in the version below and was the only change made between the March 16th and April 20th Planning Commission meetings.

At their April 20th meeting, the Planning Commission reviewed the revised Amendment. Staff noted that, with safety concerns removed from the height limitation discussion, the driving factor in determining the maximum height would be aesthetics. Staff discussed the concept of clarifying “attached”, as there had been confusion over the meaning – a superficial connection versus a structural connection. Staff noted that the proposed Amendment would cap the height of the “Appurtenance” regardless of whether it was on top of the building, structurally attached to the side of the building, or cosmetically attached to the side of the building, and inquired as to whether the “attachment” mattered. The Planning Commission made no comment on the question. Finally, the Planning Commission suggested increasing the buffer between dissimilar Use Categories, i.e. Residential, Commercial, Industrial, etc. Staff implemented the suggestion within subsection (2)(A)(iii). Staff also added a new sentence within subsection (2)(A)(i) regarding buildings split by property lines, such as Twins or Townhomes, wherein the 25% width and depth limitation on “Appurtenances” shall apply only to the part of the Building on the same property as the Appurtenance in question. This restriction would prevent the owner of one half of the Twin from using his neighbor’s width and depth allowance, thereby preventing the neighbor from adding his or her own “Appurtenance”.

As with all Ordinance amendments:

This text indicates explanations of proposed amendments.

This text indicates existing Ordinance Sections when used for reference or as examples.

This text indicates existing text within proposed amendments.

~~**This text** indicates proposed deletions within proposed amendments.~~

***This text** indicates proposed additions within proposed amendments.*

The current Zoning Ordinance Section 350-42(h)

(h) Height Exceptions.

(1) When otherwise listed or interpreted as a permitted Use in this Ordinance, the following Buildings, Structures or portions thereof may, under certain conditions, exceed the height limitation established elsewhere in this Ordinance:

(A) Incinerator, chimney, vent pipe, antenna, public utility Structure, commercial radio and/or T.V. transmission tower, water tank, cupola, clock tower, dormer, spire, belfry, enclosure for service equipment, elevator bulkhead, stage tower, and scenery loft.

(2) The following conditions shall be met:

(A) When attached to the roof, or the side of an existing or proposed Building, the base of the Building(s), Structure(s), or portion(s) thereof shall not cumulatively exceed twenty-five (25%) percent of the base width and depth of the existing or Principal Building.

(B) When attached to the roof of an existing or proposed Building, and not otherwise permitted as an Accessory Use, the height of the Building(s), Structure(s), or portions(s), thereof shall not exceed one hundred forty (140%) percent of the height of the Principal Building.

(3) It is the intent of this section to control the Height of Buildings and Structures, not only to fulfill the general purpose of Section 350-02, but to also comply with Act 161, 1980, Pennsylvania State Legislature, amending the Airport Zoning Law of 1945 (2 P.S. 1550).

Proposed Changes

→ Staff recommends that Section 350-42(h) Height Exceptions be amended as follows:

(h) Height Exceptions. When otherwise listed or interpreted as a permitted Use in this Ordinance, ~~the following certain~~ Buildings, Structures or portions thereof may, under certain conditions, exceed the height limitation established ~~elsewhere in this Ordinance~~ ***in the Zoning District Schedules of Section 350-24(c):***

(1) Permitted Exceptions

(A) Incinerator, chimney, vent pipe, antenna, public utility Structure, commercial radio and/or T.V. transmission tower, water tank, cupola, clock tower, dormer, spire, belfry, ***steeple, minaret,*** enclosure for service equipment, elevator bulkhead, stage tower, ~~and~~ scenery loft, ***or other similar features not otherwise regulated under this Ordinance. For the purposes of this subsection (h) Height Exceptions, these permitted exceptions shall be known as “Appurtenances”.***

(B) Such Appurtenances shall not be places intended primarily for human occupancy; they are to be unoccupied or occupied only occasionally and for short periods of time, typically for the maintenance of the structure or equipment therein.

(2) Zoning Officer Approval of Height Exceptions

~~(BA) The following conditions shall be met~~ ***The Zoning Officer may approve exceptions to the Maximum Height of Building/Structure permitted in Section 350-24(c) (“Maximum Permitted Height”) for the Appurtenances listed in subsection (h)(1) above under the following conditions:***

(i) When attached to ~~the roof, or the side of~~ an existing or proposed Building, the ~~base of the Building(s), Structure(s), or portions(s), thereof~~ ***width of the Appurtenance(s) exceeding the height limitation as measured at the Maximum Permitted Height shall not cumulatively exceed twenty-five (25%) percent of the base width and base depth of the existing or Principal proposed Building as measured at grade, and the depth of the Appurtenance(s) exceeding the height limitation as measured at the Maximum Permitted Height shall not cumulatively exceed twenty-five (25%) percent of the depth of the existing or proposed Building as measured at grade. Should the Building be divided by a property line, the requirements of this subsection apply only to the part of the Building on the same property as the Appurtenance in question.***

(ii) When attached to ~~the roof of~~ an existing or proposed Building, and not otherwise permitted as an Accessory Use, the ~~Height of the Building(s), Structure(s), or portions(s), thereof~~ ***Appurtenances shall not exceed one hundred forty (140%) percent of the height of the Principal Building Maximum Permitted Height permitted in Section 350-24(c), as measured in accordance with the definition of Height in Section 350-05(d).***

(iii) All portions of the Appurtenances that exceed the Maximum Permitted Height shall be set back from any property line the distance equal to the Height at that spot on the Appurtenance. Should the Use Category (Commercial, Industrial,

Residential, etc.) of the Building or Structure to which the Appurtenance is attached be dissimilar to the Use Category of a Use on an adjoining property, the above-mentioned setback shall be doubled with regard to that adjoining property.

(3) It is the intent of this section to control the Height of Buildings and Structures, not only to fulfill the general purpose of Section 350-02, but to also comply with **Act 164, 1984, Pennsylvania State Legislature, amending** Act 161, 1980, ~~Pennsylvania State Legislature,~~ amending the Airport Zoning Law of 1945 (2 P.S. 1550), **and Federal Aviation Regulation Part 77.**

Proposed Clean Version

(h) **Height Exceptions.** When otherwise listed or interpreted as a permitted Use in this Ordinance, certain Buildings, Structures or portions thereof may, under certain conditions, exceed the height limitation established in the Zoning District Schedules of Section 350-24(c):

(1) Permitted Exceptions

(A) Incinerator, chimney, vent pipe, antenna, public utility Structure, commercial radio and/or T.V. transmission tower, water tank, cupola, clock tower, dormer, spire, belfry, steeple, minaret, enclosure for service equipment, elevator bulkhead, stage tower, scenery loft, or other similar features not otherwise regulated under this Ordinance. For the purposes of this subsection (h) Height Exceptions, these permitted exceptions shall be known as “Appurtenances”.

(B) Such Appurtenances shall not be places intended primarily for human occupancy; they are to be unoccupied or occupied only occasionally and for short periods of time, typically for the maintenance of the structure or equipment therein.

(2) Zoning Officer Approval of Height Exceptions

(A) The Zoning Officer may approve exceptions to the Maximum Height of Building/Structure permitted in Section 350-24(c) (“Maximum Permitted Height”) for the Appurtenances listed in subsection (h)(1) above under the following conditions:

(i) When attached to an existing or proposed Building, the width of the Appurtenance(s) exceeding the height limitation as measured at the Maximum Permitted Height shall not cumulatively exceed twenty-five (25%) percent of the width of the existing or proposed Building as measured at grade, and the depth of the Appurtenance(s) exceeding the height limitation as measured at the Maximum Permitted Height shall not cumulatively exceed twenty-five (25%) percent of the depth of the existing or proposed Building as measured at grade. Should the Building be divided by a property line, the requirements of this subsection apply only to the part of the Building on the same property as the Appurtenance in question.

(ii) When attached to an existing or proposed Building, and not otherwise permitted as an Accessory Use, the Height of the Appurtenances shall not exceed one hundred forty (140%) percent of the Maximum Permitted Height permitted in Section 350-24(c), as measured in accordance with the definition of Height in Section 350-05(d).

(iii) All portions of the Appurtenances that exceed the Maximum Permitted Height shall be set back from any property line the distance equal to the Height at that spot on the Appurtenance. Should the Use Category (Commercial, Industrial, Residential, etc.) of the Building or Structure to which the Appurtenance is attached be dissimilar to the Use Category of a Use on an adjoining property, the above-mentioned setback shall be doubled with regard to that adjoining property.

(3) It is the intent of this section to control the Height of Buildings and Structures, not only to fulfill the general purpose of Section 350-02, but to also comply with Act 164, 1984, Pennsylvania State Legislature, amending Act 161, 1980, amending the Airport Zoning Law of 1945 (2 P.S. 1550), and Federal Aviation Regulation Part 77.

