



Wednesday, August 2, 2023
Board of Commissioners Meeting – 7:00 PM

1. CALL TO ORDER

A. Roll Call

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS

- A. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the Township website for the Public's access.
- B. Public /Virtual Meeting Rules
- C. Board of Commissioners Met in Executive Session on the following dates to discuss Legal and Personnel Matters:

4. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items

5. MINUTES

- A. July 19, 2023 - Board of Commissioners Meeting Minutes.

6. ORDINANCES

- A. An Ordinance Amending the South Whitehall Township Zoning Ordinance by adding Section 350-13(f) Zoning Certificate of Use; And, Providing for a Severability Clause, Retention of Rights to Enforce Clause, a Repealer Clause, and an Effective Date.
- *Motion to Proceed with Advertising of said Ordinance - Regarding a September 6, 2023, Hearing for Possible Adoption of said Ordinance.*
- B. 457B Ordinance Amendment - Motion Requesting Permission for Pension Solicitor, Eckert Seamans, to Prepare Ordinance Amendment, as well as Plan Document.
- *Motion to Authorize Township Manager to work with Pension Solicitor, Eckert Seamans, to prepare Ordinance Amendment, as well as the Plan Document.*

7. RESOLUTIONS

- A. A Resolution of the Board of Commissioners of South Whitehall Township Authorizing the Execution of an Intergovernmental Cooperation Agreement Pursuant to 53 Pa. C.S.A. §2307 ("Intergovernmental Cooperation") by and between South Whitehall Township and the County of Lehigh, and Further

Authorizing the Execution and Delivery of said Document by the Township Manager

- *Motion to Approve said Resolution, which Authorizes Township Manager to Execute and Deliver Tower Usage License Agreement.*

B. A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled "Proposed ATM Kiosk Tilghman Square Shopping Center"

- *Motion Granting Approval of Applicant's "Waiver from Land Development" Application.*
 - *Staff has no objections to the waivers requested or the approval of the Application.*

C. A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled "Broadway Sidewalk Grading Plan For Tilghman Square Shopping Center"

- *Motion Granting Approval of Applicant's "Waiver from Land Development" Application.*
 - *Staff has no objections to the approval of the application, and no objections to the waivers/deferrals requested, with the exception of the request to waive SALDO Sections 312-12(b)(6) and (7).*

8. MOTIONS

A. Motion to Proceed with Capital Improvements - Roof Replacements on Three (3) of the Water Stations.

- *Motion Granting Permission for the Purchasing of Roof Materials for Replacement of the Roofs of Three Water Stations.*

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Meeting Dates and Current Vacancies

10. DIRECTION/DISCUSSION ITEMS

A. Possible Scheduling of BOC "Special Meeting" for Purposes of Discussing and Consideration of Approval the Residential Municipal Solid Waste Collection Disposal and Recycling Services Contract for South Whitehall Township.

- *Motion to Proceed with the Scheduling of a BOC "Special Meeting" for Purposes of Discussing and Consideration of Approval of the Residential Municipal Solid Waste Collection Disposal and Recycling Services Contract for South Whitehall Township.*

B. America 250 PA Legacy Project

- *Motion to allow for the submission of a preliminary scoping application to the America 250PA Committee in the amount of \$3,543,287.22 for consideration of funding for the Kohler Ridge Park project.*

C. August 8, 2023, Route 309 Betterment Project Meeting - General Information

11. OLD BUSINESS

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements

- *Motion to Authorize Payment of Invoices & Disbursements*

14. EXECUTIVE SESSION

A. Scheduled Accordingly.

15. ADJOURNMENT

A. Motion to Adjourn.



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Minutes

AGENDA SECTION: MINUTES

SUBJECT: July 19, 2023 - Board of Commissioners Meeting Minutes.

SUGGESTED ACTION:

ATTACHMENTS:



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: ORDINANCES

SUBJECT: An Ordinance Amending the South Whitehall Township Zoning Ordinance by adding Section 350-13(f) Zoning Certificate of Use; And, Providing for a Severability Clause, Retention of Rights to Enforce Clause, a Repealer Clause, and an Effective Date.

SUGGESTED ACTION:

- *Motion to Proceed with Advertising of said Ordinance - Regarding a September 6, 2023, Hearing for Possible Adoption of said Ordinance.*

ATTACHMENTS:

[2023.07.26_CD_PLANNING__-_BOC_Packet_Excerpt_Certificate_of_Use_to_Advertise_for_Hearing_and_Possible_Adoption_-_2022-504.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	July 26, 2023
SUBJECT:	Zoning Ordinance Amendment - Section 350-13(f) Zoning Certificate Of Use for Advertisement of Hearing and Possible Adoption
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

Staff has recently become aware of the limitations of the issuance of a Certificate of Occupancy (CO) to require non-Building Code approvals. The issuance of a CO is required by the State-wide Building Code when the building or structure in question has met the minimum standards of the State-wide Building Code. The issuance of a CO cannot be withheld if the building or structure does not comply with other Township regulations or lacks approvals from the Township or some other outside agencies. Staff has been searching for a better tool with which compliance may be achieved and has noted that other municipalities have instituted a Zoning Certificate of Use. The Certificate of Use (CU) certifies that a project or building/structure is in compliance with the municipal Zoning Ordinance and all other applicable Ordinances, rules and regulations. Those projects or buildings/structures operating a Use without a Zoning CU may face enforcement action by the Zoning Officer. This provides the Township with a stronger tool with which to gain compliance with Township and other outside agency regulations that are typically harder to gain compliance with on their own.



The CU would be issued after a Zoning Permit is issued and all conditions of approval (if any) are satisfactorily addressed. Should the Zoning Permit be part of a larger project, the CU would not be issued until the project has complied with all other applicable Ordinances, rules and regulations deemed necessary by the Township. This will assist the Township in requiring that, for example, a proposed sidewalk be satisfactorily completed along the frontage of a commercial property prior to the occupying business opening.

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

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

The Planning Commission reviewed the draft Ordinance at their March 16th meeting and made no comments.

The Planning Commission reviewed the draft Ordinance at their April 20, 2023 meeting and unanimously recommended adoption of the draft Ordinance to the Board of Commissioners.

At their May 3, 2023 Meeting, the Board of Commissioners directed staff to transmit the draft Ordinance to the Lehigh Valley Planning Commission for their review.

On June 23, 2023, the LVPC commented that the draft Ordinance demonstrates "evolution and adaptability of government", as consistent with Policy 1.1 of Future LV: The Regional Plan.

- **Action Requested:**

Staff requests direction with regard to the draft Zoning Ordinance Amendment and stands ready to answer any questions related to the draft Ordinance. Options before the Board:

- Should the Board of Commissioners feel sufficiently comfortable, they could direct staff to advertise a hearing and possible adoption of the draft Ordinance for the September 6, 2023 Board of Commissioners meeting.
- Alternately, the Board could request that a different date be advertised for a hearing and possible adoption.
- Alternately, if the Board feels that the draft Ordinance should be amended, the Board could direct staff to amend the current draft Ordinance (and provide staff with an understanding of the specific changes to be made). Any amendment to the draft Ordinance would require another review by the LVPC prior to advertising the amended draft Ordinance for a hearing and possible adoption. Staff would return the amended draft Ordinance to the Board and request direction that the amended draft Ordinance be transmitted to the LVPC for their review.
- Alternately, the Board could request that staff table the draft Ordinance, either for a set timeframe or permanently.

- **Budget Line Item (if applicable):**

Not applicable.

- **Attachments:**

Draft Ordinance Memo

LVPC Review Dated June 23, 2023

Draft Ordinance



STEVEN GLICKMAN
Chair

CHRISTOPHER AMATO
Vice Chair

KEVIN SCHMIDT
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

June 23, 2023

Gregg Adams, Planner, Community Development Department
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699

**RE: Zoning Ordinance Amendment, Addition of Zoning Certificate of Use
South Whitehall Township
Lehigh County**

Dear Steering Committee Members:

The Lehigh Valley Planning Commission (LVPC) will consider the subject application at its Comprehensive Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items largely happens during the Committee meeting. Both meetings are virtual, and we encourage your participation. The LVPC will issue a follow-up letter after the Commission meeting if Commission members have any additional comments. Meeting participation details are below:

- *LVPC Comprehensive Planning Committee Meeting*
 - June 20, 2023, at 12:00 PM
 - <https://lvpc.org/meetings.html>
- *LVPC Full Commission Meeting*
 - June 22, 2023 at 7:00 PM
 - <https://lvpc.org/meetings.html>

The Draft zoning ordinance amendment proposes to add Section 350-13(f), creating a Zoning Certificate of Use. The Township has noted a limitation in its existing ordinances. Currently, the Township only has requirements for the issuance of a Certificate of Occupancy which follows compliance with the minimum standards of the state building code. However, the Certificate of Occupancy cannot be withheld if the building or structure does not comply with other Township regulations or lacks approvals from other outside agencies. The Certificate of Use certifies that a project or building/structure is in compliance with the municipal zoning ordinance and all other applicable ordinances, rules, and regulations. The Certificate of Use would be issued after the Zoning Permit is issued and all conditions of approval (if any) are approved.

These proposed amendments demonstrate 'evolution and adaptability of government' (of Policy 1.1).

Municipalities, when considering ordinance amendments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article I§105, Article III§303, §304 & §306(a), Article VI§603(j)]. Please send a copy of any final amendments that are adopted, per the requirements of the MPC. If you have any questions regarding the content of this letter, please do not hesitate to call.

If you have any questions regarding the content of this letter, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Dean Severson".

Dean Severson
Director of Regional Planning

Cc: Tom Petrucci, Township Manager
David Manhardt, Township Director of Community Development

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____
(Duly Adopted _____, 2023)**

AN ORDINANCE AMENDING THE SOUTH WHITEHALL TOWNSHIP ZONING ORDINANCE BY ADDING SECTION 350-13(f) ZONING CERTIFICATE OF USE; AND, PROVIDING FOR A SEVERABILITY CLAUSE, RETENTION OF RIGHTS TO ENFORCE CLAUSE, A REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, The South Whitehall Township Board of Commissioners adopted a new Zoning Ordinance on April 5, 2017, which became effective on April 10, 2017; and

WHEREAS, The South Whitehall Township Board of Commissioners recognizes that the Zoning Ordinance may require adjustments as the new regulations are put into practice; and

WHEREAS, The South Whitehall Township is desirous of a tool to better enforce zoning and other Township regulations, particularly with regard to permits and other approvals that typically are approved with conditions; and

WHEREAS, The Zoning Certificate of Use, utilized to denote the satisfaction of all conditions of approval and compliance with the Zoning Ordinance, appears to be a suitable tool to the task; and

WHEREAS, pursuant to Section 609 of the MPC, 53 P.S. 10609, the Township is authorized and empowered to enact amendments to the South Whitehall Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

WHEREAS, The South Whitehall Township Planning Commission reviewed the following amendments to the South Whitehall Township Zoning Ordinance at its duly advertised public meetings on April 20, 2023 and recommended approval thereof; and

WHEREAS, The South Whitehall Township Board of Commissioners has conducted a public hearing pursuant to public notice concerning the following amendments to the South Whitehall Township Zoning Ordinance; and

WHEREAS, after public hearing pursuant to public notice, The South Whitehall Township Board of Commissioners desires to ordain and enact the amendments to the South Whitehall Township Zoning Ordinance as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by The South Whitehall Township Board of Commissioners and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1.

To Section 350-13, add a new subsection (f) Zoning Certificate of Use:

(f) Zoning Certificate of Use. The purpose of a Zoning Certificate of Use ("Certificate of Use" or "CU") is to certify that the premises comply with all other applicable Ordinances, rules, and regulations of the Township and may be used for the purpose set forth in the Certificate of Use. A Certificate of Use shall be secured from the Zoning Officer prior to the Use or occupancy of any land, structure, or building for which a zoning permit is required. A Zoning Certificate of Use shall be issued once the applicant demonstrates to the satisfaction of the Zoning Officer that the subject property is compliant with the Zoning Ordinance and all other applicable ordinances, rules, and regulations of the Township. A copy of the Certificate of Use shall be kept upon the premises and shall be displayed upon request made by any officer or employee or agent of South Whitehall Township. Issuance of a Certificate of Use is not, nor shall it be deemed to be, a warranty or guaranty by the Township that the lot is fit for the particular use set forth in the permit and the Township shall not be liable in any way to the owner or occupant for the issuance of the Certificate of Use.

(1) A Zoning Certificate of Use shall be issued by the Zoning Officer after each of the following circumstances apply, unless otherwise permitted by this Ordinance. In the event that multiple conditions below apply, the Zoning Certificate of Use shall be issued after all of the applicable conditions have been satisfied.

(A) After the Zoning Officer has determined that all Conditions of Approval of the associated Zoning Permit (if any) have been satisfied.

(B) After the Zoning Officer has determined that all Conditions of Approval of any applicable Zoning Appeal or similar application have been satisfied.

(C) After the Zoning Officer has determined that all applicable Conditions of Approval of any applicable Land Development or similar application have been satisfied.

(D) After the Zoning Officer has determined that a Certificate of Occupancy with no conditions has been issued or all conditions of a Conditional Certificate of Occupancy have been satisfied.

(2) The Zoning Officer may attach any conditions as appropriate to the Zoning Certificate of Use. Each condition shall include a specified timeframe within which the condition is to be addressed.

(3) A Zoning Certificate of Use may be issued prior to any or all of the conditions enumerated in subsection (1)(A) through (D) above if the applicable condition is made a condition of approval of the Zoning Certificate by the Zoning Officer.

(4) Should a Zoning Certificate of Use required by this section not be issued prior to the expiration of the underlying Zoning Permit, said property is considered to be in violation of the Zoning Ordinance and subject to all applicable enforcement actions.

(5) A property owner may be subject to the penalties of Section 350-15 under the following conditions:

(A) Failure to secure a valid Zoning Certificate of Use prior to the commencement of a new Use.

(B) Failure to address a condition of approval of an issued and currently valid Zoning Certificate of Use within the specified timeframe.

SECTION 2. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4. REPEALER

Any ordinance, resolution and/or other regulation of the Township, or any parts of ordinances, resolutions and/or other regulations of the Township, including but not limited to all prior zoning ordinances and amendments or parts of prior zoning ordinances and amendments, including prior zoning maps, which are inconsistent herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective on the first day of the month following the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this ____ day of _____, **2023** by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners. As part of this Ordinance, the Board

of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS
SOUTH WHITEHALL TOWNSHIP**

Diane Kelly, President

ATTEST: _____
Monica Hodges, Assistant Secretary



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Ordinance

AGENDA SECTION: ORDINANCES

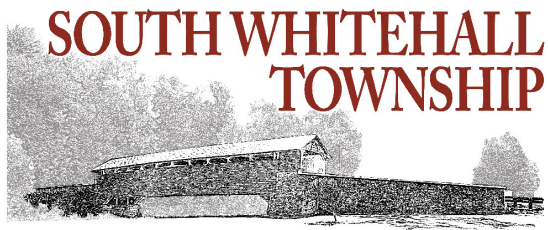
SUBJECT: 457B Ordinance Amendment - Motion Requesting Permission for Pension Solicitor, Eckert Seamans, to Prepare Ordinance Amendment, as well as Plan Document.

SUGGESTED ACTION:

- *Motion to Authorize Township Manager to work with Pension Solicitor, Eckert Seamans, to prepare Ordinance Amendment, as well as the Plan Document.*

ATTACHMENTS:

[457 B Ordinance and Plan Document- Request for Labor Counsel to Develop Ordinance and Plan Document.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	July 26, 2023
SUBJECT:	457B Ordinance Amendment - Motion Requesting Permission for Pension Solicitor, Eckert Seamans, to Prepare Ordinance Amendment, as well as the Plan Document.
COPY TO:	H. Bender; T. Dickert; T. Fehnel

- **Background Information:**

Earlier this year, the South Whitehall Township Department Police Department Union inquired whether it would be possible to allow for alternative investment plan managers for the Township's 457 (B) Deferred Compensation Plan. Currently, Nationwide and Valic (Corebridge) are the approved investment managers for the plan.

The 457 (B) Deferred Compensation Plan is a voluntary plan offered by the Township in which plan participants may make contributions that are not matched by the Township. The plan allows for pre-tax deductions of any amount contributed into the plan; this is consistent with IRS regulations.

Plans of deferred compensation described in IRC section 457 are available for certain state and local governments and non-governmental entities tax exempt under IRC Section 501. Plans eligible under 457(b) allow employees of sponsoring organizations to defer income taxation on retirement savings into future years. Contributions to a 457(b) plan and earnings on the investments are both tax-deferred.

Upon review of the existing 457 (B) adoption Ordinance (Part I, Administrative Legislation, Pension Plans, Article II, Deferred Compensation Plans, Chapter 58-14), which is provided below for reference, the U.S. Conference of Mayors Master Prototype Deferred Compensation Program (and its corresponding investment options) were referenced. The ordinance is no longer consistent with the current plan documents in use and the investment managers that are utilized. It is important to note that the ordinance was adopted on February 3, 1993 and has never been updated.

§ 58-14. Establishment of plan.

A. The Commissioners of the Township of South Whitehall hereby establishes the South Whitehall Township Deferred Compensation Plan ("plan"), by adopting the U.S. Conference of Mayors Master Prototype Deferred Compensation Program ("program") and its attendant investment

options, in the form appended hereto, for the voluntary participation of all eligible employees and elected officials of the Township of South Whitehall.

B. The Township Manager is hereby authorized to execute such agreements and contracts as are necessary or convenient to implement the plan through the program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the participants' deferrals and other minor administrative matters, there is to be no cost to the Township for its implementation of the plan through the program.

C. The Director of Finance is hereby authorized to execute, on behalf of the Township, individual participation agreements with each eligible person desiring to participate in the plan. The Director of Finance is also authorized to act as the administrator of the Plan, representing the Township under the program.

The plan documents in use were provided by Nationwide/Valic. It is the recommendation of the Township Manager to engage the Labor Attorney for the purpose of assisting the Township with the preparation of a new plan ordinance and a plan document that is consistent with both Township practices and relevant IRS regulations.

- **Projected Outcomes:**

- a) A 457 (B) plan document that is specific to South Whitehall Township and not provided by an investment manager.
- b) A 457 (B) plan document that allows for additional investment managers to be approved by the Township as determined to be appropriate.
- c) A revised Ordinance (Chapter 58-14) that accurately reflects current Township practices.
- d) A 457 (B) plan document that provides clear and concise guidance to both the Plan Administrator (Township Manager) and plan participants (former and current employees), as applicable, on what is permitted in terms of plan administrative actions (including but not limited to plan withdrawals, plan emergency withdrawals, contribution limits, and loans, as applicable and in accordance with relevant IRS regulations).
- e) A 457 (B) plan document that provides clear regulations on requirements for investment managers, including custody of records, fiduciary authority, and fees.

- **Action Requested:**

Official action by way of a motion to authorize the Township Manager to work with the Labor Attorney (Eckert Seamans) to produce a revision to Chapter 58-14 and a 457 (B) plan document that is specific to South Whitehall Township and consistent with IRS requirements.

- **Budget Line Item(s) (if applicable):** *Please indicate approved budget amount for specified project(s).*

\$75,000.00 was appropriated to General Fund Line Item 01404102-40953 (Labor Legal Counsel) as part of the approved 2024 Budget. To date, \$11,172.37 in costs have been incurred in this line item, thereby giving \$63,827.63 available in the line item. This project is projected to cost approximately \$4,000.00, as confirmed by Labor Legal Counsel.



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township Authorizing the Execution of an Intergovernmental Cooperation Agreement Pursuant to 53 Pa. C.S.A. §2307 ("Intergovernmental Cooperation") by and between South Whitehall Township and the County of Lehigh, and Further Authorizing the Execution and Delivery of said Document by the Township Manager

SUGGESTED ACTION:

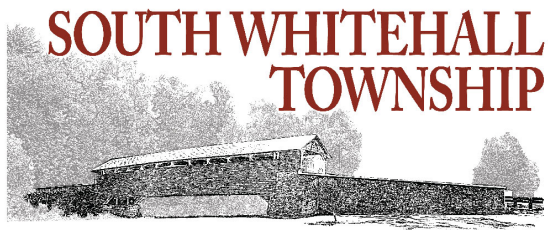
- *Motion to Approve said Resolution, which Authorizes Township Manager to Execute and Deliver Tower Usage License Agreement.*

ATTACHMENTS:

[Memorandum- South Whitehall and Lehigh County Tower Usage License Agreement.pdf](#)

[Resolution- Tower License Agreement with Lehigh County.pdf](#)

[Tower Usage Agreement \(01121679-2xA8EEA\).pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	July 27, 2023
SUBJECT:	Resolution Authorizing the Execution of the Tower Usage License Agreement between South Whitehall Township and the County of Lehigh
COPY TO:	H. Bender; T. Fehnel

- **Action Requested:**

A motion is requested from the Board of Commissioners to approve the below Resolution:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT PURSUANT TO 53 Pa. C.S.A. §2307 (“INTERGOVERNMENTAL COOPERATION”) BY AND BETWEEN SOUTH WHITEHALL TOWNSHIP AND THE COUNTY OF LEHIGH AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF SAID DOCUMENT BY THE TOWNSHIP MANAGER

Background Information:

On November 6, 2013, South Whitehall Township and Lehigh County entered into a ten (10) Tower License Agreement that provided for the mutual use of properties owned by the Township (Huckleberry Reservoir) and Lehigh County (Cedarbrook Senior Care and Rehabilitation). The Tower License Agreement provided for the use of these properties in a manner that is mutually beneficial and reciprocating and is enclosed herein for reference.

The Agreement provides for each entity to have space at the respective properties for access to and storage of telecommunications equipment. Both Township and County officials have reviewed the inventory list and determined it to be acceptable.

Both the Township and the County have reviewed the draft Tower License Agreement and have determined it, following modifications, to be mutually acceptable to execute a new Tower License Agreement, which is enclosed along with the corresponding Resolution. The Resolution meets the requirements for intergovernmental cooperation pursuant to Chapter 23 of Title 53 of the Pennsylvania Consolidated Statutes.

- **Budget Line Item(s) (if applicable):** *Please indicate approved budget amount for specified project(s).*

N/A

Enclosures

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

RESOLUTION No. 2023- __

(Duly Adopted August 2, 2023)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL
TOWNSHIP AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
COOPERATION AGREEMENT PURSUANT TO 53 Pa. C.S.A. §2307
("INTERGOVERNMENTAL COOPERATION") BY AND BETWEEN SOUTH
WHITEHALL TOWNSHIP AND THE COUNTY OF LEHIGH AND FURTHER
AUTHORIZING THE EXECUTION AND DELIVERY OF SAID DOCUMENT BY THE
TOWNSHIP MANAGER**

WHEREAS, SOUTH WHITEHALL TOWNSHIP, a First-Class Township organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at 4444 Walbert Avenue, Allentown, PA 18104-1699 (hereinafter referred to as the "TOWNSHIP"); and

WHEREAS, COUNTY OF LEHIGH, a County of the Third Class, organized and existing under the laws of the Commonwealth of Pennsylvania, pursuant to its Home Rule Charter, with offices located at 17 South Seventh Street, Allentown, Lehigh County, PA 18101 (hereinafter referred to as the "COUNTY"); and

WHEREAS, TOWNSHIP is the owner of a tower site located on the premises known as Huckleberry Reservoir and located at 1878 Brickyard Road, Allentown, South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania, hereinafter referred to as "Township Tower Site"; and

WHEREAS, COUNTY is the owner of a tower site located on the premises known as Cedarbrook Senior Care and Rehabilitation and located at 350 South Cedarbrook Road, Allentown, South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania, hereinafter referred to as "County Tower Site"; and

WHEREAS, TOWNSHIP AND COUNTY each desires to grant a revocable license to the other for the purpose of using a portion of each other's tower site for the storage of equipment as more fully described in a Tower Usage Agreement, which is attached hereto and incorporated herein as though more fully set forth at length as Exhibit "A", pursuant to Chapter 23 of Title 53 of the Pennsylvania Consolidated Statutes, 53 Pa.C.S. §§ 2301 – 2317 (hereinafter referred to as the "Agreement").

WHEREAS, the conditions of agreement in the case of cooperation between TOWNSHIP and COUNTY are as set forth and more fully described in the Agreement and are incorporated herein; and

WHEREAS, the Agreement's objectives and purposes, including the powers and scope of authority delegated therein, are set forth in the Agreement and incorporated herein; and

WHEREAS, the duration of the Agreement shall be ten (10) years from the date it is fully-executed. The parties shall have the option to renew the Agreement for one (1) like period by mailing written notice to each other at least ninety (90) days before the expiration of the term of the original Agreement. Either party may terminate this Agreement for any reason at any time by mailing written notice to the other party, which shall become effective ninety (90) days after it has been mailed; and

WHEREAS, the manner in which personal property shall be managed and licensed is set forth in the Agreement and incorporated herein; and

WHEREAS, TOWNSHIP may adopt the Agreement by means of Resolution of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania.

BE IT RESOLVED, that the Board of Commissioners of the Township of South Whitehall, hereby approves and adopts the Tower Usage Agreement attached hereto and incorporated herein as though more fully set forth at length as Exhibit “A”, and that Thomas Petrucci, as Township Manager, is hereby authorized to execute and deliver, in the name and behalf of the Township, the Agreement, and any and all agreements, documents, certificates and instruments, and to do or cause to be done any and all further acts and things as they may deem necessary and desirable in order to carry into effect the purposed and intent of this Resolution.

FURTHER RESOLVED, that all Resolutions and parts of resolutions inconsistent herewith be, and the same are hereby repealed.

DULY ADOPTED, this 2nd day of August, 2023 by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

SOUTH WHITEHALL TOWNSHIP
BOARD OF COMMISSIONERS

By: _____
Diane Kelly, President

ATTEST:

Monica Hodges, Township Secretary

EXHIBIT “A”

TOWER USAGE LICENSE AGREEMENT

THIS AGREEMENT is made this _____ day of July, 2023, by and between SOUTH WHITEHALL TOWNSHIP, a First-Class Township organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at 4444 Walbert Avenue, Allentown, PA 18104-1699 (hereinafter referred to as the “TOWNSHIP”),

AND

COUNTY OF LEHIGH, a County of the Third Class, organized and existing under the laws of the Commonwealth of Pennsylvania, pursuant to its Home Rule Charter, with offices located at 17 South Seventh Street, Allentown, Lehigh County, PA 18101 (hereinafter referred to as the “COUNTY”).

RECITALS

- A. TOWNSHIP is the owner of a tower site located on the premises known as Huckleberry Reservoir and located at 1878 Brickyard Road, Allentown, South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania, hereinafter referred to as “Township Tower Site.”
- B. COUNTY is the owner of a tower site located on the premises known as Cedarbrook Senior Care and Rehabilitation and located at 350 South Cedarbrook Road, Allentown, South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania, hereinafter referred to as “County Tower Site.”
- C. Each party hereto desires to grant a revocable license to the other for the purpose of using a portion of each other’s tower site for the storage of equipment as more fully described herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and **INTENDING TO BE LEGALLY BOUND HEREBY**, the parties hereto agree as follows:

- 1. Incorporation of Recitals. All “RECITALS” are hereby incorporated herein by reference as if the same were fully set forth at length.
- 2. Grant of Rights. Each party hereby grants the other party a revocable license to use and occupy a portion of the respective tower sites for the storage of equipment identified on Exhibit “A” attached hereto and incorporated herein.

(A) **ACCESS TO EQUIPMENT**. The parties shall have the right to enter the tower site of the other party for maintenance and to carry out all its functions under its Federal Communications Commission license(s), subject to the terms and conditions of this Agreement. Access shall be granted on a twenty-four (24) hour basis, and will include a set of keys, combinations or other instruments necessary to access the site. Each time a party enters the site of the other party, it shall inform the other party of the entry and the

subsequent departure. It is the responsibility of each party to keep their floor space clean and free of debris, spare parts, etc. Back-up batteries are permitted at the sites; however, they shall not emit caustic or explosive gases.

(B) **EQUIPMENT INSTALLATION AND MAINTENANCE.** Each party shall be responsible for all equipment installation costs for its own equipment placed at the site of the other party. Such equipment shall be maintained in a professional operating condition. Each party shall also be solely responsible for mitigating radio interference to equipment already in place at the other party's site whether owned by the party or another user of the site. Each party shall also install and maintain its equipment at the other party's site in such a manner that it does not damage or weaken in any manner the site property.

(C) **TOWER LIGHTING.** Each party shall be solely responsible for maintaining its site, including required tower structure lighting or marking, in accordance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations, and shall indemnify each other from any enforcement actions or penalties, including but not limited to reasonable attorneys' fees, that may be assessed as a result of a violation of such rules and regulations.

3. **Term.** The term of this Agreement is for ten (10) years commencing on the date set forth above (the "Term"). The parties shall have the option to renew this Agreement for one (1) like period by mailing written notice to each other at least ninety (90) days before the expiration of the term of the original Agreement. Either party may terminate this Agreement for any reason at any time by mailing written notice to the other party, which shall become effective ninety (90) days after it has been mailed. Upon termination, the cost of the removal of equipment shall be borne by the terminating party. Any equipment remaining at the site after the termination becomes effective shall become the property of the site owner unless otherwise agreed by the parties. Removal of equipment from the site absent written notice required hereunder shall not result in a termination of the license.
4. **No License Fee.** The parties acknowledge and agree that there is and shall be no license fee separate and apart from the mutual promises and other good and valid consideration given pursuant to this Agreement.
5. **License Not a Lease.** This Agreement gives mutual licenses to each party and is not to be construed as in any way granting to either party any leasehold or other real property interest.
6. **Risk of Loss.** The parties shall individually bear the entire risk of loss, theft, destruction or damage of or to any part of its own equipment ("loss or damage") located at the other party's site from any cause whatsoever, whether or not covered under this Agreement in the event of loss or damage.
7. **Indemnification.** Each party shall exonerate, defend, indemnify and save harmless the other party, and its governing Board, committees and commissions (including the

individual members thereof), its elected and appointed officers and officials, and its manager, representatives, advisors, insurers, engineers, solicitors, other professional consultants, appointees, employees, agents, independent contractors, and assigns (collectively, the "Indemnified Parties") from any and all claims, actions, awards, verdicts or judgments (collectively, "Claims"), together with reasonable counsel and expert witness fees, pertaining to, relating to, resulting from, caused by, sustained in connection with, based upon or arising out of the use of licenses granted hereunder, for damages or injuries, including death, to person or properties pertaining to, relating to, resulting from, caused by, sustained in connection with, based upon or arising out of access to the tower sites and storage of equipment as well as any conditions created by the aforesaid access or storage whether or not contemplated by this Agreement; and if requested by the Indemnified Parties, to assume without expense to Indemnified Parties, the defense of any claims or actions against the Indemnified Parties, or any of them. Each party expressly agrees that the obligation of indemnity under this Paragraph extends to an action, lawsuit or claim alleging negligence of the indemnitee.

8. Insurance. Each party shall procure a commercial general liability policy with limits of liability of no less than Two Million Dollars (\$2,000,000.00) aggregate for bodily injury and/or death; One Million Dollars (\$1,000,000.00) each occurrence and Two Million Dollars (\$2,000,000.00) aggregate property damage; and automobile liability insurance coverage with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence. Each party's policies shall name the other party and the Indemnified Parties as additional insureds. Each party shall provide a copy of the liability insurance policy endorsement(s) for the coverage of the other party and the Indemnified Parties and the declaration page(s) by which the other party and the Indemnified Parties are named as additional insureds. This information shall be delivered to the parties not later than three (3) days following any request made by either party. Insurance shall be obtained on an occurrence, not a claims made, basis. No such policy shall be terminated or materially modified without at least fifteen (15) days prior written notice to the other party.
9. Assignability. A party shall not (a) assign, transfer, pledge or otherwise dispose of this Agreement or any interest therein or (b) sublet the other party's site or permit it to be used by anyone other than its own employees, agents or contractors without first receiving written consent from the opposite party, which shall not be unreasonably withheld.

Each such assignee shall have all the rights and the obligations of the assigning party under this Agreement. In spite of any such assignment, the assigning party warrants that the other party shall quietly enjoy the use of the site, subject to the terms and conditions of this Agreement. Subject to the foregoing, the Agreement inures to the benefit of and is binding on the respective heirs, legatees, personal representatives, successors and assigns of both parties.

10. Compliance with all Laws. Each party shall comply with all applicable statutes, ordinances, regulations and requirements of all governmental entities, including federal,

state, county or municipal, whether now in force or hereafter enacted.

11. Availability of Services. Each party hereby acknowledges and agrees that radio coverage will not be available at all times, that radio coverage for all on-street and in-building locations within a coverage area is impossible, that each party is responsible for all of its own transmissions and that neither party is responsible to the other party for transmission errors or corruption of transmissions that may result from such unavailability or for any other reason. The parties further acknowledge and agree that each is in no way responsible for the content or availability of any additional services provided by the other party. The sites are provided “as is” and “as available,” and the parties do not warrant uninterrupted service or error-free operation. The parties shall not be liable to each other for loss of profit or other consequential damages resulting from the theft, destruction or disrepair of their equipment with the exception of provisions contained in this Agreement.
12. Title, Personal Property. Except as otherwise set forth in this Agreement, the radio equipment stored at each respective site is, and shall at all times remain, the property of the respective party, and neither party shall have any right, title or interest in the equipment of the other party. The radio equipment stored at each tower site is, and shall at all times be and remain, personal property although it may now or hereafter become in any manner fixed or attached to real property or any improvements. Any changes, additions or alterations to a tower site shall become compound parts of that tower site, excepting equipment owned by the other party, which is added to said tower site under the terms and conditions of this Agreement, and title shall immediately vest in the site owner and be governed by the terms of this Agreement.
13. Defaults and Remedies.
 - (A) A party shall be in default under this Agreement if:
 1. It fails to perform or observe according to its terms any covenants contained in this Agreement, or any other instrument or document executed in connection with this Agreement;
 2. It becomes insolvent (however defined), ceases business as a going concern, makes an assignment for the benefit of creditors, or causes a petition for receiver or in bankruptcy to be filed by or against that party (including a petition for reorganization or an arrangement); or
 3. It commits or fails to commit any act that results in jeopardizing the rights of the other party or causes that party to deem itself insecure as to its rights.
 - (B) If a party is in default under this Agreement, the other party, with or without notice to the defaulting party, shall have the right to terminate this Agreement immediately.
14. Notices and Demands. Service of all notices under this Agreement shall be sent by United

States certified mail, return receipt requested or any recognized overnight delivery service requiring a signed receipt upon delivery addressed to the party involved at its respective address set forth above or to such other address as the parties may hereafter substitute by written notice. A copy of any notice to the Township shall also be sent to its Solicitor. A copy of any notice to the COUNTY shall also be sent to the attention of the County of Lehigh, Department of Law, 17 S. Seventh Street, Allentown, Pennsylvania 18101.

15. No Recording. This License Agreement shall not be recorded.
16. Tax Consequences. Neither party assumes any liability or makes any representation as to the treatment of this Agreement by any federal, state or local taxing authority.
17. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the Commonwealth of Pennsylvania, and exclusive jurisdiction over this Agreement shall be had in the several Courts of Lehigh County, Pennsylvania.
18. Warranties. Neither party warrants the fitness, merchantability, design, condition, capacity, suitability or performance of the properties provided. The parties make no express or implied warranties of merchantability or of any other kind and makes available its property “as is” and “with all faults.” The parties acknowledge they are not manufacturers and have made no recommendations with respect to the properties. No defect, regardless of its cause or consequences, shall relieve either party from performance under this Agreement.
19. Taxes.
 - (A) The TOWNSHIP hereby certifies, as a condition precedent to the execution of this Agreement and as an inducement for the COUNTY to execute same, that it is not “delinquent” on any taxes owed to the COUNTY. “Delinquent” is hereby defined as the point in time at which the collection of the tax becomes the responsibility of the Lehigh County Tax Claim Bureau.
 - (B) The TOWNSHIP further agrees, as a specific condition of this Agreement, that it shall remain current on all of the taxes it owes to the COUNTY. Should the TOWNSHIP become delinquent on any taxes it owes to the COUNTY during the term of this Agreement, the TOWNSHIP may be deemed to be in breach of this Agreement by the COUNTY and, in addition to any other remedies at law for such breach, the TOWNSHIP hereby specifically agrees and authorizes the COUNTY to apply all funds when due to the TOWNSHIP directly to the taxes owed to the COUNTY until said taxes are paid in full.
 - (C) In the event the TOWNSHIP becomes delinquent, it hereby authorizes the COUNTY to make payments to the taxing authority for the COUNTY to bring the TOWNSHIP’s County taxes current.

20. Undue Influence. The TOWNSHIP agrees not to hire any COUNTY Personnel who may exercise or has exercised discretion in the awarding, administration, or continuance of this Agreement for up to and including one year following the termination of the employee from COUNTY service. Failure to abide by this provision shall constitute a breach of this Agreement.
21. Non-Discrimination Clause. In carrying out the terms of this Agreement, both parties agree not to discriminate against any employee or client or other person on account of race, color, religion, gender, national origin, age, marital status, political affiliation, sexual orientation, gender identity or expression, or physical or mental disabilities as set forth in the Americans With Disabilities Act of 1990. TOWNSHIP and COUNTY shall comply with the Contract Compliance Regulations of the Pennsylvania Human Relations Commission, 16 Pa. Code Chapter 49, with any pertinent Executive Order of the Governor and with all laws prohibiting discrimination in hiring or employment opportunities.

The provisions of this section must also be included in any sub-contract TOWNSHIP enters into to perform the scope of this Agreement.

22. Right-To-Know.

(A) TOWNSHIP understands that this Agreement and records related to or arising out of this Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. Sections 67.101-3104, (“RTKL”).

(B) If the COUNTY needs TOWNSHIP’s assistance in any matter arising out of the RTKL related to this Agreement, COUNTY shall notify TOWNSHIP using the legal contact information provided in this Agreement. TOWNSHIP, at any time, may designate a different contact for such purpose upon reasonable prior written notice to COUNTY.

(C) Upon written notification from the COUNTY that it requires TOWNSHIP’s assistance in responding to a request under the RTKL for information related to this Agreement that may be in TOWNSHIP’s possession, constituting, or alleged to constitute, a public record in accordance with the RTKL (“Requested Information”), TOWNSHIP shall:

1. Provide the COUNTY, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in TOWNSHIP’s possession arising out of this Agreement that the COUNTY reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the COUNTY may reasonably request, in order to comply with the RTKL with respect to this Agreement.

(D) If TOWNSHIP considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that TOWNSHIP considers exempt from production under the

RTKL, TOWNSHIP must notify the COUNTY and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of TOWNSHIP explaining why the requested material is exempt from public disclosure under the RTKL.

(E) The COUNTY will rely upon the written statement from TOWNSHIP in denying a RTKL request for the Requested Information unless the COUNTY determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the COUNTY determine that the Requested Information is clearly not exempt from disclosure, TOWNSHIP shall provide the Requested Information within five (5) business days of receipt of written notification of the COUNTY's determination.

(F) If TOWNSHIP fails to provide the Requested Information within the time period required by these provisions, TOWNSHIP shall indemnify and hold the COUNTY harmless for any damages, penalties, costs, detriment or harm, including attorney's fees, that the COUNTY may incur as a result of TOWNSHIP's failure, including any statutory damages assessed against the COUNTY.

(G) The COUNTY will reimburse TOWNSHIP for costs associated with complying with those provisions only to the extent allowed under the fee schedule established by the Office of Open Records.

(H) TOWNSHIP may file a legal challenge to any COUNTY decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts; however, TOWNSHIP shall indemnify the COUNTY for any attorney's fees and costs incurred by the COUNTY as a result of such a challenge and shall hold the COUNTY harmless for any damages, penalties, costs, detriment or harm that the COUNTY may incur as a result of TOWNSHIP's actions, including any statutory damages assessed against the COUNTY, regardless of the outcome of such legal challenge. As between the parties, TOWNSHIP agrees to waive all rights or remedies that may be available to it as a result of the COUNTY's disclosure of Requested Information pursuant to the RTKL.

(I) TOWNSHIP agrees to comply with any final decision of either the Office of Open Records or the Pennsylvania Unified Judicial System concerning RTKL related matters.

(J) TOWNSHIP's duties relating to the RTKL are continuing duties that survive the expiration of this Agreement and shall continue as long as TOWNSHIP has Requested Information in its possession.

23. Miscellaneous.

(A) This instrument constitutes the entire agreement between the parties, and shall not be amended, altered or changed except by a written agreement signed by the parties EXCEPT to the extent that the parties desire to make additions, deletions or modifications from time to time during the term of this Agreement to the equipment list

on Exhibit “A”. Exhibit “A” may be amended, altered or changed at any time provided written notice of such change is provided to the other party pursuant to Paragraph 14 herein.

(B) Each party shall provide upon request from the other such resolutions and other documents as shall be requested from time to time.

(C) Time is of the essence with this Agreement.

(D) Any failure to require strict performance by one party from the other party, or any waiver of any provision of this Agreement, shall not be construed as a consent or waiver of any other breach of the same or any other provision.

(E) If any portion of this Agreement is deemed to be invalid, such invalid portions shall be stricken and the remainder of the Agreement shall remain in full force and effect.

(F) Headings or titles to the paragraphs of this Agreement are solely for the convenience of the parties and are not an aid to the interpretation of this Agreement.

(G) This Agreement is not intended to be and shall not be interpreted to be a consumer contract.

[INTENTIONALLY BLANK]

IN WITNESS WHEREOF, each party has caused this Agreement to be executed on the date indicated below.

WITNESS:

SOUTH WHITEHALL TOWNSHIP

Thomas R Petrucci, Township Manager

WITNESS:

COUNTY OF LEHIGH

Phillips M. Armstrong, County Executive

EXHIBIT "A"

LEHIGH COUNTY:

Equipment Description

Serial Number

One 19" equipment rack with:
1 channel bank
1 ACP UPS with Batteries
4 voting receivers with one antenna and cable.

SOUTH WHITEHALL TOWNSHIP:

Equipment Description

Serial Number

All on one 19" equipment rack:
1-Tait TB8100 FD/EMS alerting transmitter
1-Tait TB7100 Paging Receiver
1-Zetron Model 66 Paging Controller
1-Power Supply for above equipment
1-GPS Receiver
1-APC UPS with Batteries
Related antennas and cabling on the SWT-owned tower.



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Community Development

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

SUBJECT: A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled "Proposed ATM Kiosk Tilghman Square Shopping Center"

SUGGESTED ACTION:

- *Motion Granting Approval of Applicant's "Waiver from Land Development" Application.*
 - *Staff has no objections to the waivers requested or the approval of the Application.*

ATTACHMENTS:

[2023.07.27 CD PLANNING - BOC Packet Excerpt Approving Proposed ATM Kiosk Tilghman Square Shopping Center - 2023-704.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	July 27, 2023
SUBJECT:	A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled “Proposed ATM Kiosk Tilghman Square Shopping Center”
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

An application to further develop the property located at 4680 Broadway. The application proposes the removal of ten parking spaces in order to construct a drive-up ATK Kiosk on a 0.0382-acre portion of the 33.778-acre property. The property is zoned Highway Commercial-1 HC-1 (Special Height Limitation) and is served by public water and sanitary sewer. The owner is Tilghman Square Associates, L.P. The applicant is P.W. Campbell Contracting Company.

EXPLANATION OF THE “WAIVER FROM LAND DEVELOPMENT PROCESS”

While the proposed work may be considered *de minimus*, it meets the definition of “Land Development” in the South Whitehall Township Subdivision and Land Development Ordinance (SALDO) and therefore qualifies for land development review under said Ordinance.

In accordance with SALDO Section 312-48, the Board of Commissioners may waive or modify any SALDO Sections at their discretion which will “exact undue hardship because of peculiar conditions pertaining to the applicant’s land or the nature of the application”.

The “Waiver from Land Development” application is a request to, at a minimum, waive SALDO Article III “Submission Procedures and Requirements for Major Plans”, Article IV “Submission Procedures and Requirements for Minor Plans”, Article V “Required Improvements, Agreement(s) and Inspections(s) For All Subdivisions” and Article VI “Location and Standards of Improvements For All Subdivisions”. Section 312-48 details the minimum requirements for Modifications and Waivers and requires that plans comply with the requirements of Section 312-12(b) unless individual Sections therein are otherwise waived. The Township Engineer may also require compliance with specific Sections within the above-

mentioned Articles if deemed to be necessary for a proper plan review. At their discretion, the Board of Commissioners may also make exceptions to the Sections waived or modified (requiring the applicant to comply with the Section “excepted”).

REVIEWING AGENCIES’ COMMENTS

Township Engineer - The comments of the Township Engineer are contained in Mr. Anthony Tallarida’s review dated July 17, 2023. Mr. Tallarida’s comments pertain to SALDO waiver requests, frontage improvements, owner permission to work within a drainage easement, lease area depiction, underground utility detail, signage, plan detail, and plan certifications.

Township Geotechnical Consultant – The comments of the Township Geotechnical Consultant are contained in Mr. Chris Taylor’s review dated July 12, 2023. He recommends that standard notes/details/specifications addressing sinkholes be included on the plan.

Public Works Department – The comments from the Public Works Department are contained in Manager Herb Bender’s review dated March 23, 2023. He recommends caution with regard to the nearby storm sewer pipe.

Zoning Officer – The comments of the Zoning Officer are contained in Ms. Laura Harrier’s review dated July 21, 2023. Her comments pertain to parking lot tree requirements.

Public Safety Committee – The Public Safety Commission reviewed the plan at its July 3, 2023 meeting and reported no comments.

- **Action Requested:**

The applicant requests approval of the “Waiver from Land Development” application. Staff has no objections to the waivers requested or the approval of the application.

- **Attachments:**

Plan

Project Narrative

Applicant’s Revised Waiver Request Letter

Township Engineer Review dated July 17, 2023

Township Geotechnical Consultant review dated July 12, 2023

Public Works Department Review dated July 13, 2023

Zoning Officer Review dated July 21, 2023

Resolution

PROPOSED ATM KIOSK

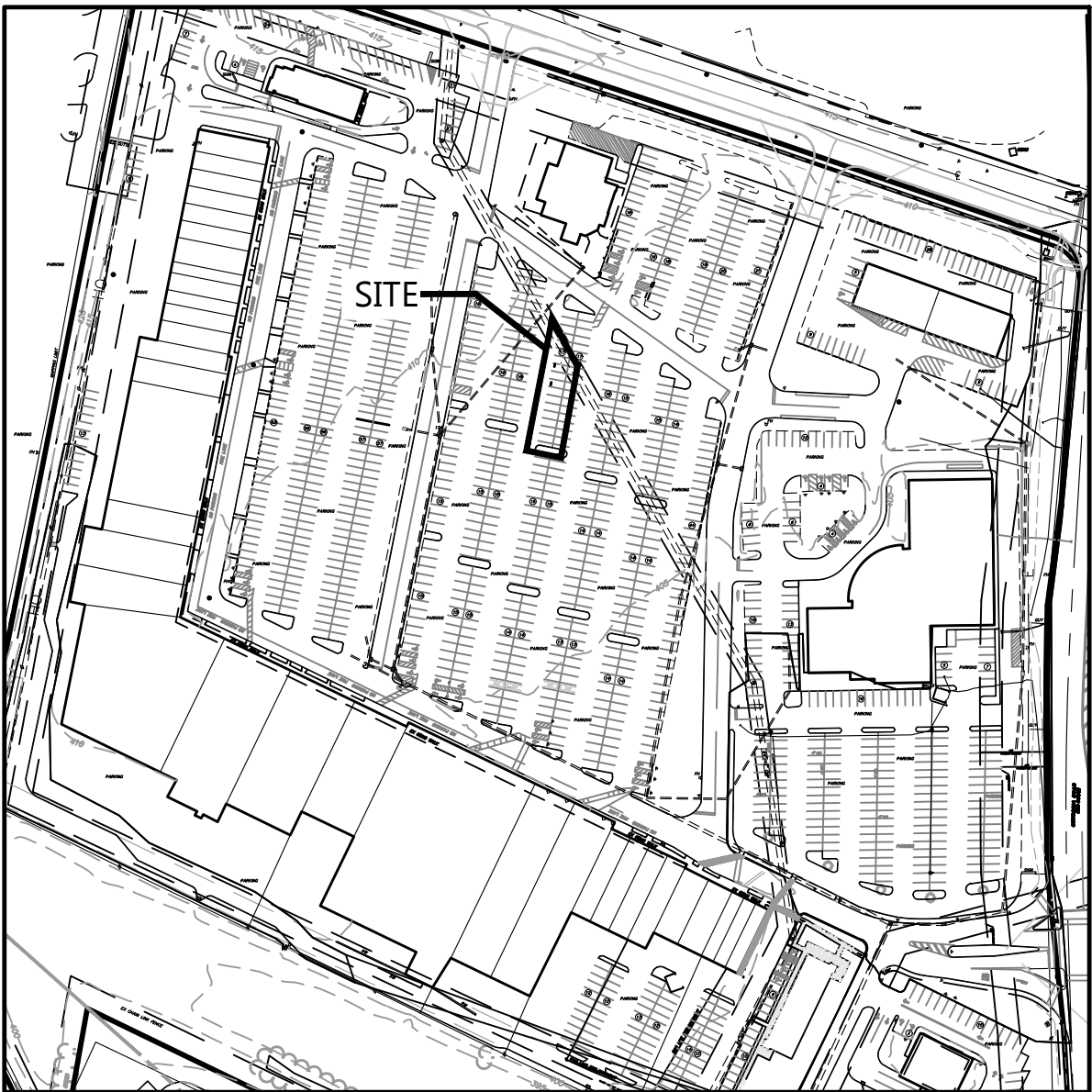
PREPARED FOR

TILGHMAN SQUARE SHOPPING CENTER

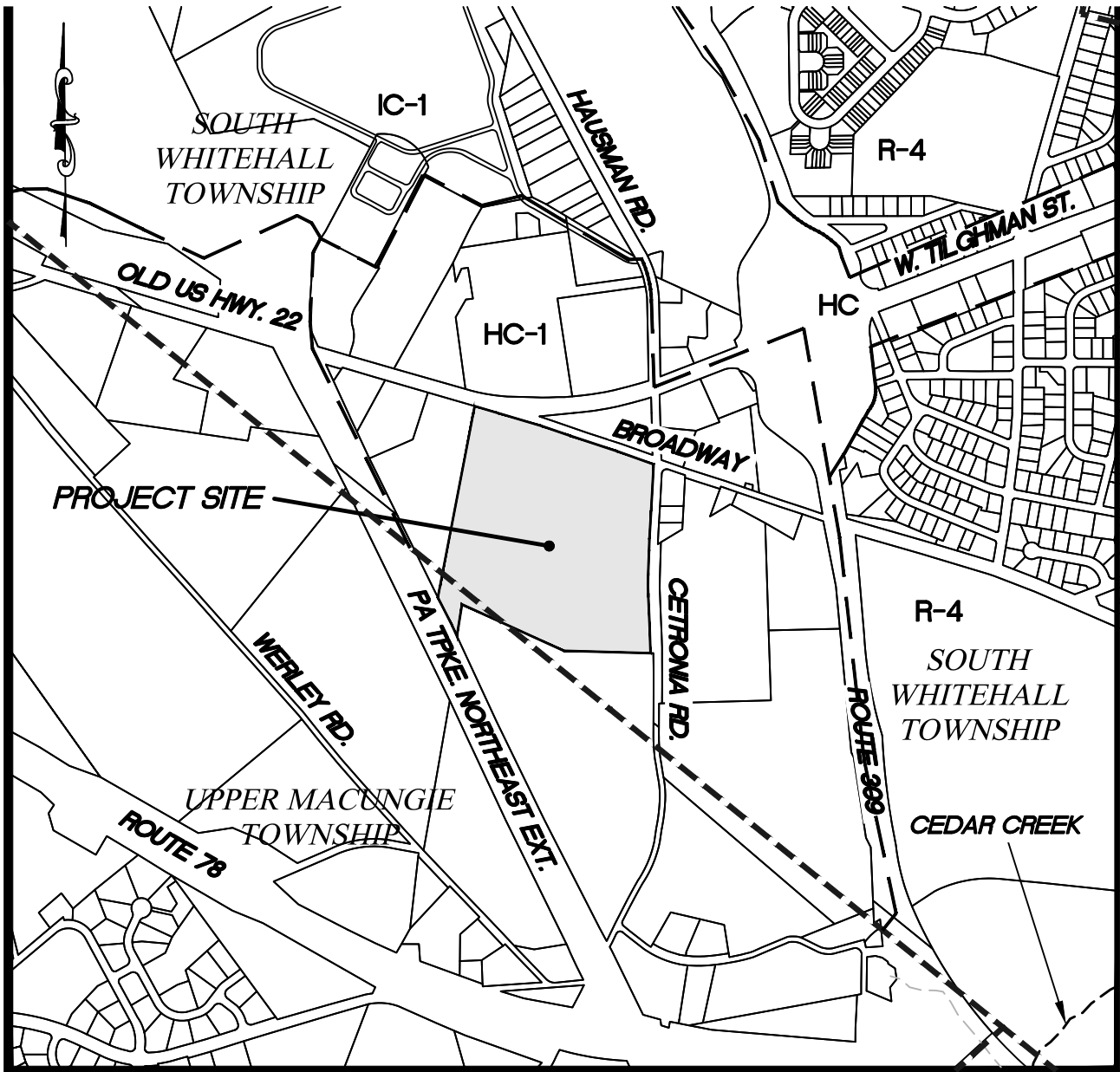
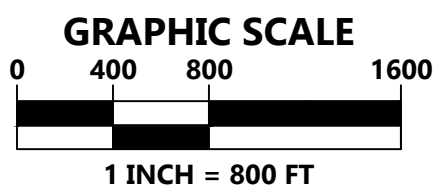
SITUATED IN

SOUTH WHITEHALL TOWNSHIP

LEHIGH COUNTY, PENNSYLVANIA



SITE LOCATION



LOCATION MAP

SCALE 1" = 800'

APPLICANT

P.W. CAMPBELL CONTRACTING CO.
109 ZETA DRIVE
PISSTBURGH, PA 15238

OWNER

TILGHMAN SQUARE ASSOCIATES, LP
1250 ROUTE 28 STE 101
BRANCHBURG, NJ 08876

SITE INFORMATION

SITE ADDRESS:
TILGHMAN SQUARE SHOPPING CENTER
4680 BROADWAY
ALLENTOWN, PA 18104
PARID: 547664723501
DEED REF: 2009049471

STATEMENT OF INTENT

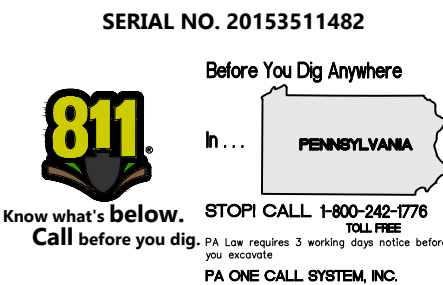
IT IS THE INTENT OF THE APPLICANT TO CONSTRUCT A BANK ATM KIOSK WITHIN THE PARKING AREA OF THE EXISTING LANDS OF THE TILGHMAN SQUARE SHOPPING CENTER, IDENTIFIED AT THE LEHIGH COUNTY ASSESSMENT OFFICE AS PARID 547664723501.

PLAN NOTATION

THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES (VCEA) IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

F:\shilpa\0625\0625\TILGHMAN SQUARE SHOPPING CENTER\ATM KIOSK.dwg Jackson 6/12/2023 8:12:08 AM

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN A DIGITAL IMPRESSED OR COLORIZED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.



VAN CLEEF ENGINEERING ASSOCIATES, LLC
1685 VALLEY CENTER PARKWAY, SUITE 100
BETHLEHEM, PA 18017
WEB: WWW.VANCLEEFENGINEERING.COM
PHONE (610) 332-1772

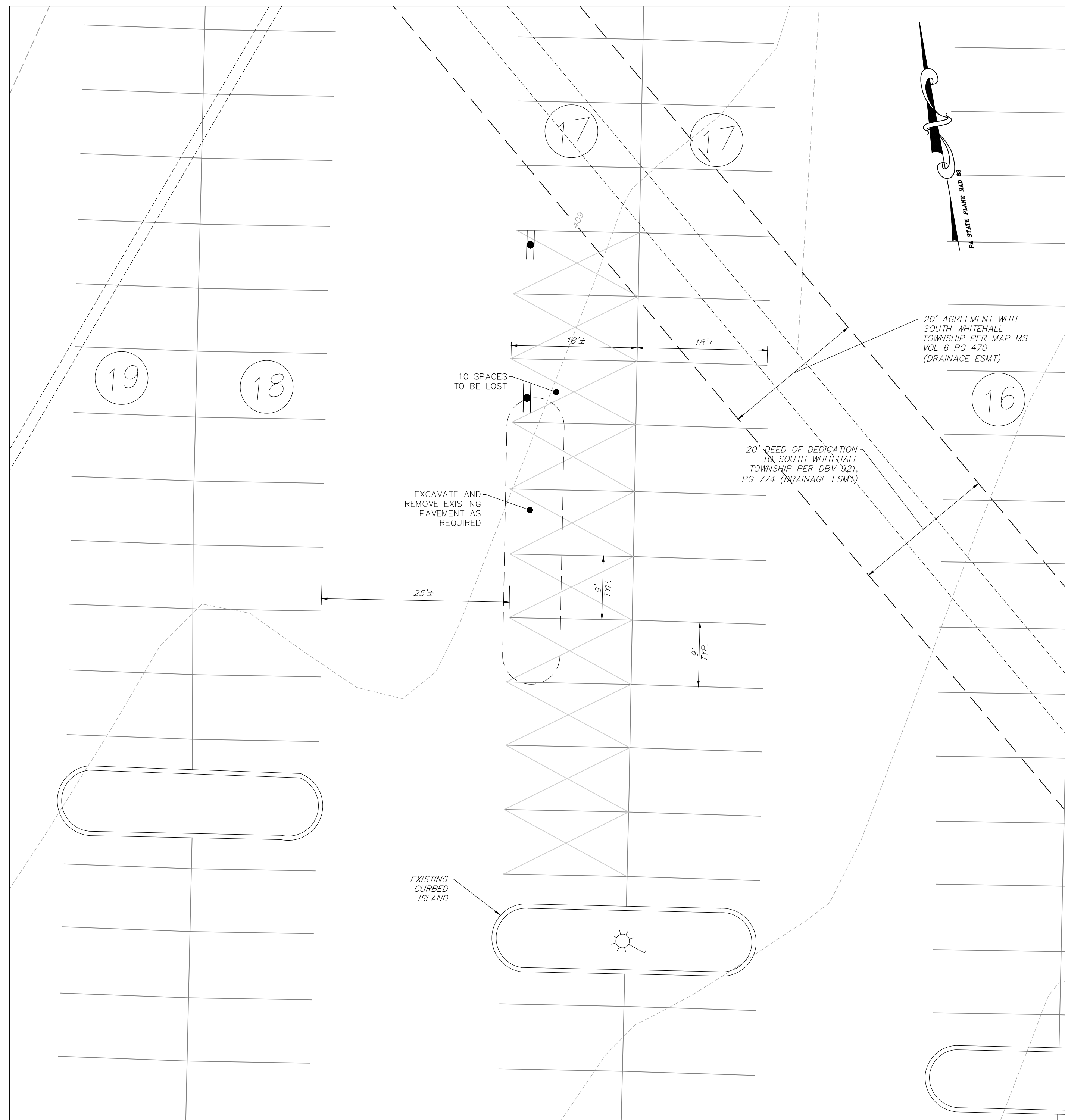
ENGINEER'S STATEMENT

I, MARK A. BAHNICK, A REGISTERED PROFESSIONAL ENGINEER OF THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THIS PLAN CORRECTLY AND ACCURATELY REPRESENT THE LOTS, BUILDINGS, STREETS, PARKING AREAS, WALKWAYS AND OTHER STRUCTURES AND IMPROVEMENTS SHOWN THEREON.

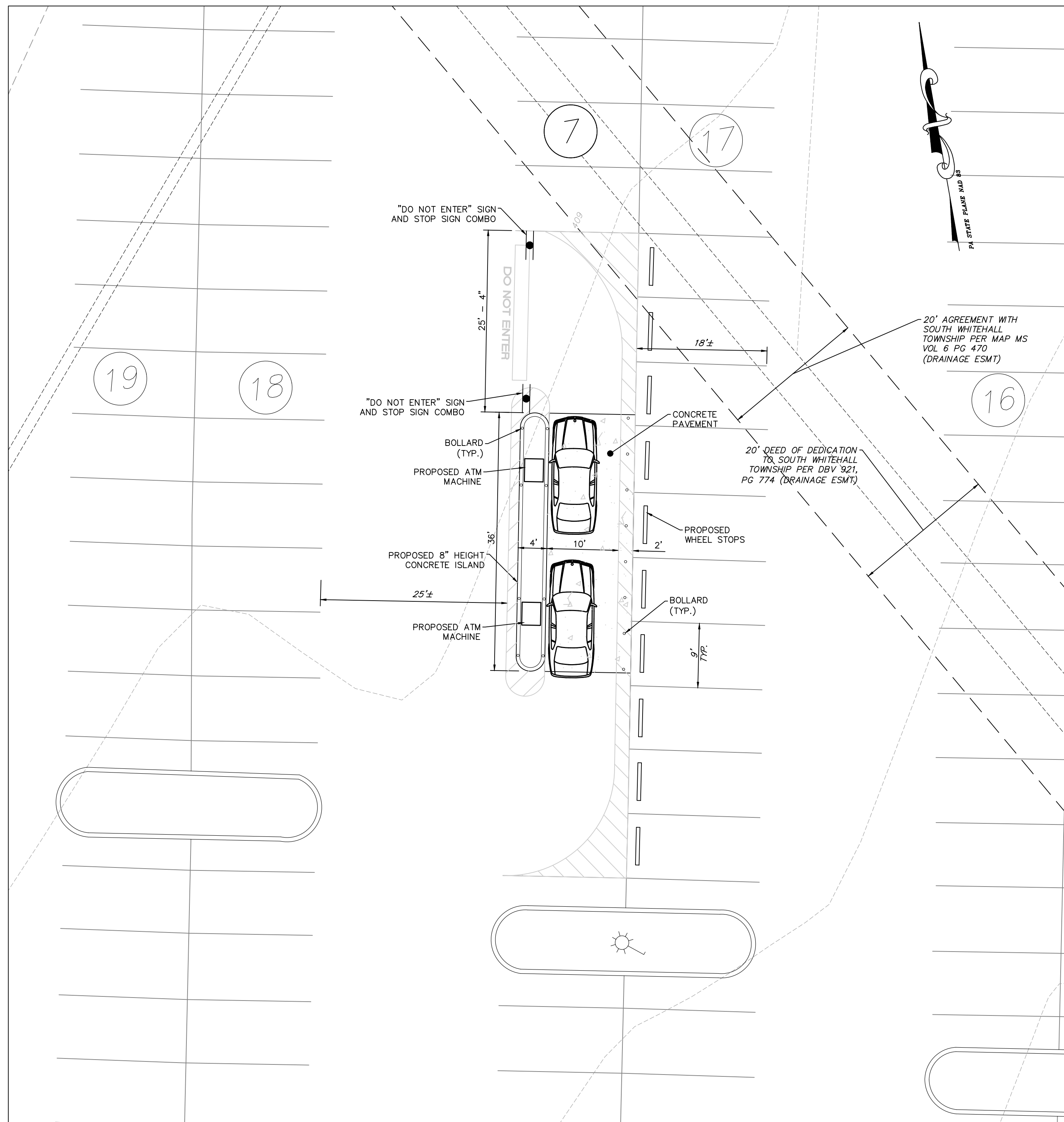
Mark A. Bahnick
06/08/23
DATE

MARK A. BAHNICK, P.E.
VAN CLEEF ENGINEERING ASSOCIATES
1685 VALLEY CENTER PARKWAY, SUITE 100
BETHLEHEM, PA 18017
PA PROFESSIONAL ENGINEER LIC. NO. PE-037877-E





EXISTING FEATURES/DEMO PLAN



SITE IMPROVEMENT PLAN

PARKING ANALYSIS

TAKEN FROM MOST RECENT LAND DEVELOPMENT RECORD PLAN
DATED 09/17/2015, LAST REVISED 05/09/2017

TOTAL REQUIRED PARKING SPACES	1,182
TOTAL PROVIDED PARKING SPACES	1,338
10 SPACES ELIMINATED THROUGH PROPOSED PROJECT	
REVISED TOTAL PROVIDED PARKING SPACES	1,328

DEMOLITION NOTES

- PROPOSED WORK WILL ELIMINATE TEN (10) EXISTING PARKING SPACES. PARKING ANALYSIS FROM PREVIOUS DEVELOPMENTS PROVIDED TO DEMONSTRATE THAT ADEQUATE PARKING REMAINS FOR THE CURRENT SHOPPING CENTER USES. NO ADDITIONAL PARKING REQUIRED FOR PROPOSED USE.
- CONTRACTOR SHALL SAW-CUT EXISTING PAVEMENT 24" OFF OF PROPOSED FACE OF CONCRETE PAD TO ALLOW FOR INSTALLATION OF PROPOSED PAD.
- SITE PLAN DOES NOT PROVIDE INFORMATION REGARDING PROPOSED ELECTRICAL AND/OR CATV SERVICE TO PROPOSED ATM MACHINE. SEE PLANS BY OTHERS FOR THIS INFORMATION.
- ALL EXCAVATED PAVEMENT AREAS SHALL BE RESTORED PER PAVEMENT SECTIONS PROVIDED ON DETAIL SHEET.

CONSTRUCTION NOTES NOTES

- SEE DETAILS ON NEXT SHEET FOR SPECIFICATIONS REGARDING THE PROPOSED CONCRETE MEDIAN, AREAS OF ASPHALT AND CONCRETE PAVEMENT, AND CONCRETE BOLLARDS.
- EXISTING ASPHALT SHALL BE MILLED 1.5" DEPTH FOR 12" FROM SAW-CUT LINE OF EXCAVATED PAVEMENT TO ALLOW FOR PROVISION OF 1.5" WEARING COURSE OVERLAP JOINT. SEE DETAILS NEXT SHEET.
- SEE PLANS BY OTHERS FOR SPECIFICATIONS SURROUNDING CONSTRUCTION OF ATM MACHINES AND ELECTRICAL AND CATV SERVICES TO PROPOSED ATM MACHINE.
- ALL PAVEMENT MARKINGS SHALL BE PROVIDED AS SHOWN, IN ACCORDANCE WITH STANDARDS FROM PENNDOT PUBLICATION TC8600.

MAP LEGEND

PROPERTY LINE	— — — — —	PIN/CONCRETE MONUMENT	○/□
RIGHT-OF-WAY LINE	— — — — —	SPOT ELEVATION	X 377.4
ADJACENT PROPERTY LINE	— — — — —	DRAINAGE INLET (C-TOP/M-TOP)	⊗
EASEMENT LINE	— — — — —	DRAINAGE MANHOLE	⊗
BUILDING SETBACK LINE	— — — — —	DRAINAGE ENDWALL	⊗
ROADWAY CENTERLINE	— — — — —	SANITARY MANHOLE	⊗
WOODEN FENCE LINE	— — — — —	FIRE HYDRANT	⊗
CONTOUR LINE	— — — — —	WATER VALVE	⊗
TREE LINE	— — — — —	WATER SHUTOFF	⊗
CONCRETE CURBING	— — — — —	WATER MANHOLE	⊗
CONCRETE SIDEWALK	— — — — —	GAS VALVE	⊗
STORM SEWER PIPE	— — — — —	UTILITY POLE	⊗
SANITARY SEWER	— — — — —	LIGHT POLE	⊗
WATER LINE	— — — — —	DECIDUOUS/EVERGREEN TREE	⊗
GAS LINE	— — — — —		
OVERHEAD ELECTRIC	— — — — —		
UNDERGROUND ELECTRIC	— — — — —		

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN A DIGITAL IMPRESSED, OR COLORIZED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

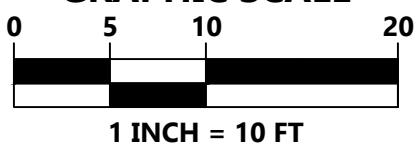
REV DESCRIPTION AUTH DATE

SERIAL NO. 20153511482

Before You Dig Anywhere

811 h... PENNSYLVANIA
Know what's below. STOP! CALL 1-800-242-7776
Call before you dig. PA Law requires 3 working days notice before dig. (except for emergency work.)
PA ONE CALL SYSTEM, INC.

GRAPHIC SCALE



PLAN NOTATION
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Mark A. Bahnick
MARK A. BAHNICK
PENNSYLVANIA PROFESSIONAL ENGINEER
LIC. NUMBER PE-037877-E



VAN CLEEF ENGINEERING ASSOCIATES, LLC
1655 VALLEY CENTER PARKWAY, SUITE 100
METHUEN, PA 16817
WEB: WWW.VANCLEEFENGINEERING.COM
PHONE (610) 332-1772

SITE PLAN

FOR

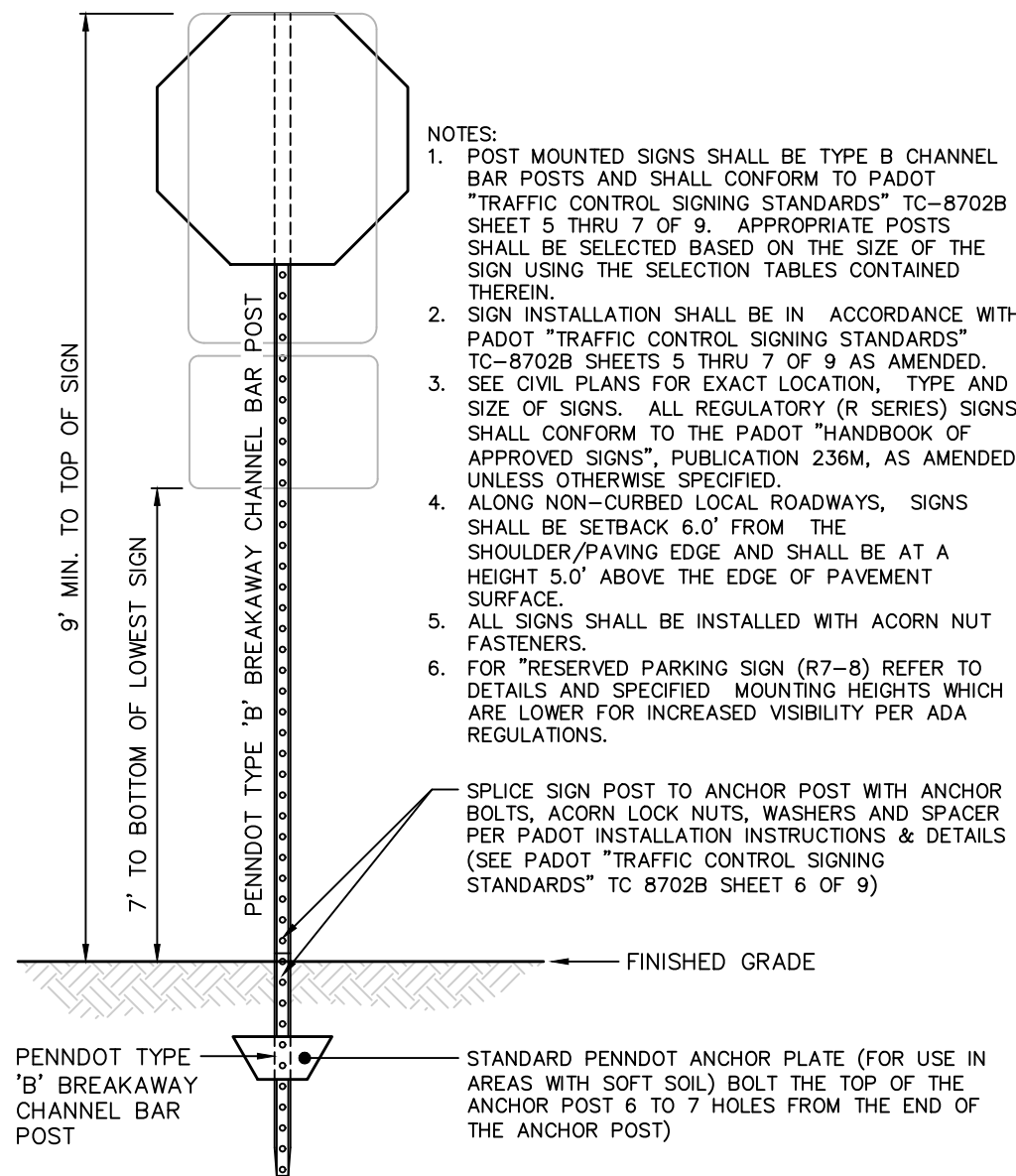
**TILGHMAN SQUARE
SHOPPING CENTER**

DATE: JUNE 8, 2023
SCALE: 1" = 10'
DESIGNED BY: RDJ
DRAWN BY: RDJ
CHECKED BY: MAB
JOB NUMBER: 09-02-SWT

TMP'S 48-010-100

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

02 of 03

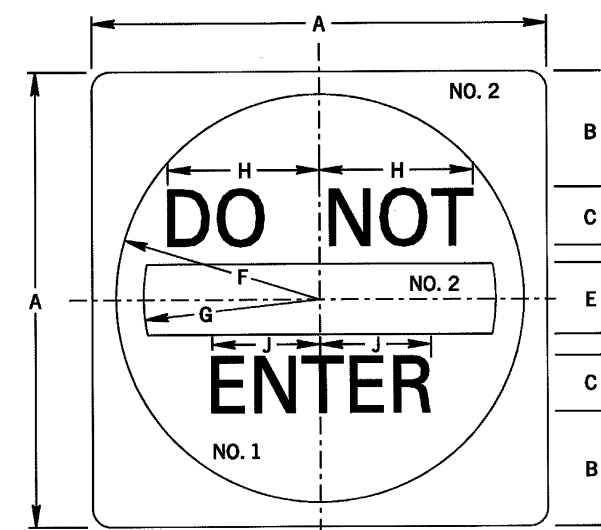


SIGN POST MOUNTING DETAIL

N.T.S.

R5-1
DO NOT ENTER SIGN

- (a) Justification. The Do Not Enter Sign (R5-1) shall be authorized for use to prohibit traffic from entering a restricted road section.
- (b) Placement. The R5-1 sign should normally be mounted on the right-hand side of the roadway, facing traffic entering the roadway or ramp in the wrong direction. However, a second sign on the left-hand side of the roadway may be justified, particularly where traffic may be approaching in a turn.
- (c) Size. The standard size of the R5-1 sign shall be 30" x 30" for single lane conventional highways, 36" x 36" for multi-lane conventional highways and expressways, and 48" x 48" for freeways.

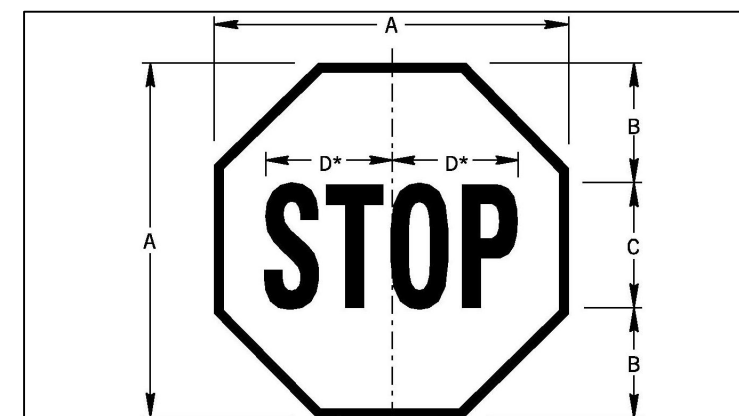


DIMENSIONS - IN										
SIGN SIZE A x A	B	C	D	E	F	G	H	J	BLANK STD.	
30" x 30"	6.6	4D	1.9	5	14.6	12.4	9.9	7.9	B3-30	
36" x 36"	7.6	5D	2.4	6	17.6	15	12.4	9.8	B3-36	
48" x 48"	11	6D	3	8	23.6	20	14.9	11.8	B3-48	

COLOR:

NO. 1:
LEGEND:
WHITE (REFLECTORIZED)BACKGROUND:
RED (REFLECTORIZED)NO. 2:
BACKGROUND:
WHITE (REFLECTORIZED)

APPROVED FOR THE SECRETARY OF TRANSPORTATION

By: *Mark A. Bahnick* Date: 02-29-12
Chief, Traffic Engineering and Permits Section
Bureau of Maintenance and Operations

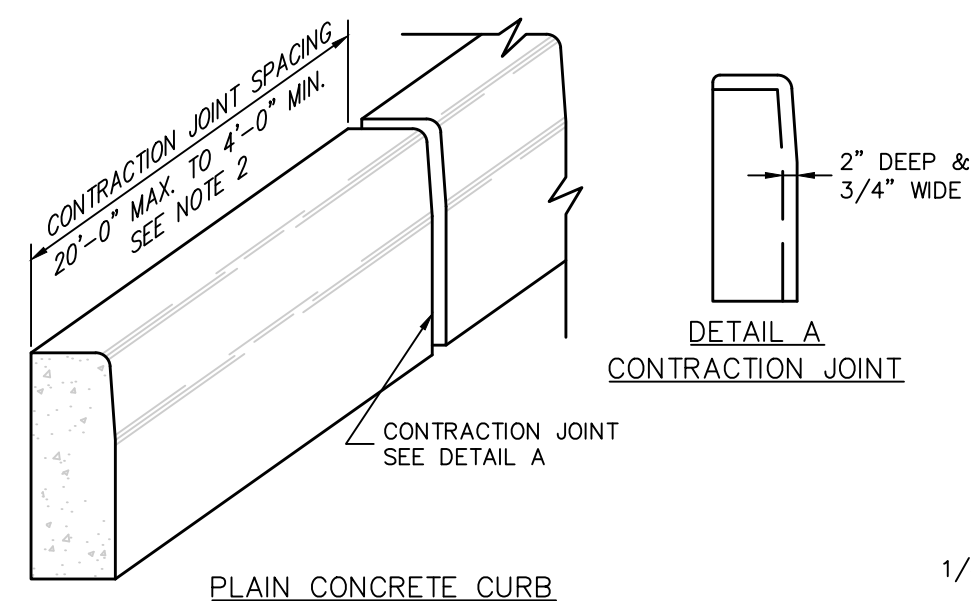
DIMENSIONS - mm (IN)						
SIGN SIZE A x A	B	C	D	BOR- DER	BLANK STD.	
600 x 600 (24" x 24")	200 (8)	200C (8C)	254 (10)	15 (0.6)	B1-600 (B1-24)	
750 x 750 (30" x 30")	250 (10)	250C (10C)	318 (12.5)	20 (0.8)	B1-750 (B1-30)	
900 x 900 (36" x 36")	300 (12)	300C (12C)	381 (15)	20 (0.8)	B1-900 (B1-36)	
1200 x 1200 (48" x 48")	400 (16)	400C (16C)	508 (20)	30 (1.2)	B1-1200 (B1-48)	

*REDUCE SPACING 40%

COLOR:
LEGEND AND BORDER: WHITE (REFLECTORIZED)
BACKGROUND: RED (REFLECTORIZED)

R1-1 (STOP SIGN)

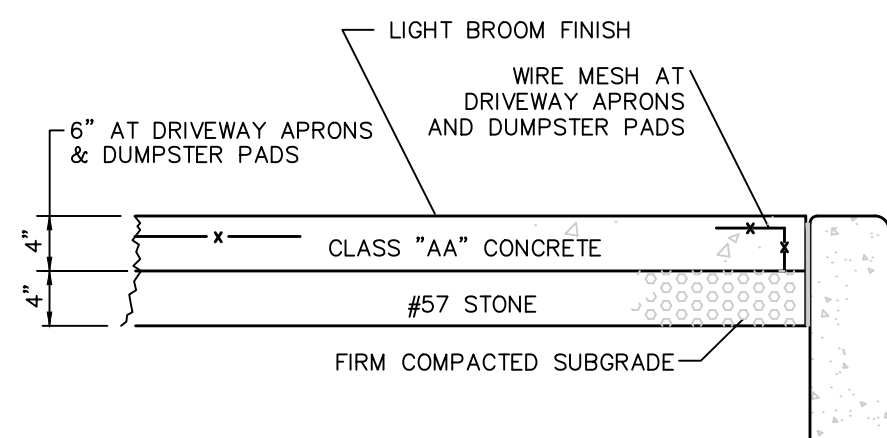
N.T.S.



- NOTES:
- PROVIDE MATERIALS AND CONSTRUCTION MEETING THE REQUIREMENTS OF PUBLICATION 408, SECTIONS 630 FOR PLAIN CONCRETE CURB AND DEPRESSED CURB, SECTION 640 FOR PLAIN CONCRETE CURB AND FOR PLAIN CONCRETE CURB GUTTER.
 - SPACE CONTRACTION JOINTS IN UNIFORM LENGTHS OR SECTIONS.
 - PLACE 3/4-INCH PREMOLDED EXPANSION JOINT FILLER MATERIAL AT STRUCTURES AND AT THE END OF THE WORK DAY. CUT MATERIAL TO CONFORM TO AREA ADJACENT TO CURB OR TO CROSS SECTIONAL AREA OF CURB.

CONCRETE CURB DETAIL

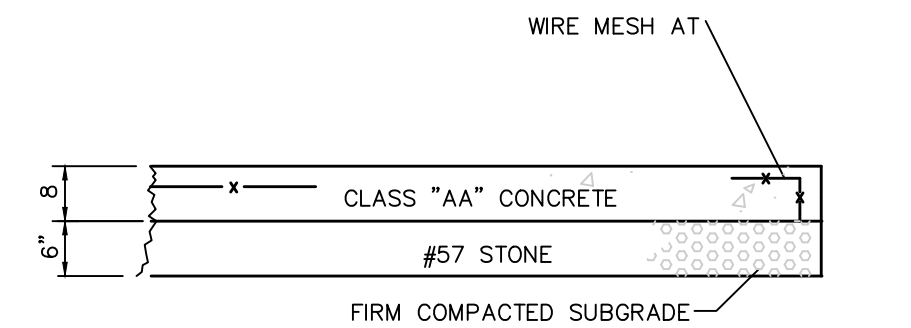
N.T.S.



- NOTES:
- REINFORCEMENT: 6 X 6 - 10/10 WELDED WIRE MESH, 6/6 AT 1' DRIVEWAY APRONS CRACK CONTROL JOINTS: 1/4" X 1" DEEP AT 4' INTERVALS
 - EXPANSION CONTROL JOINTS: 9" INTERVALS WITH 3/8" PREMOLDED ASPHALT IMPREGNATED EXPANSION JOINT FILLER
 - PROVIDE EXPANSION CONTROL JOINTS BETWEEN CONCRETE MEDIAN SURFACE AND CONCRETE CURB FROM CONCRETE SURFACE TO BASE OF STONE.
 - ISOLATED JOINTS: AT BUILDING WALLS AND OTHER RIGID STRUCTURES, USE PREMOLDED EXPANSION JOINT FILLERS

CONCRETE MEDIAN DETAIL

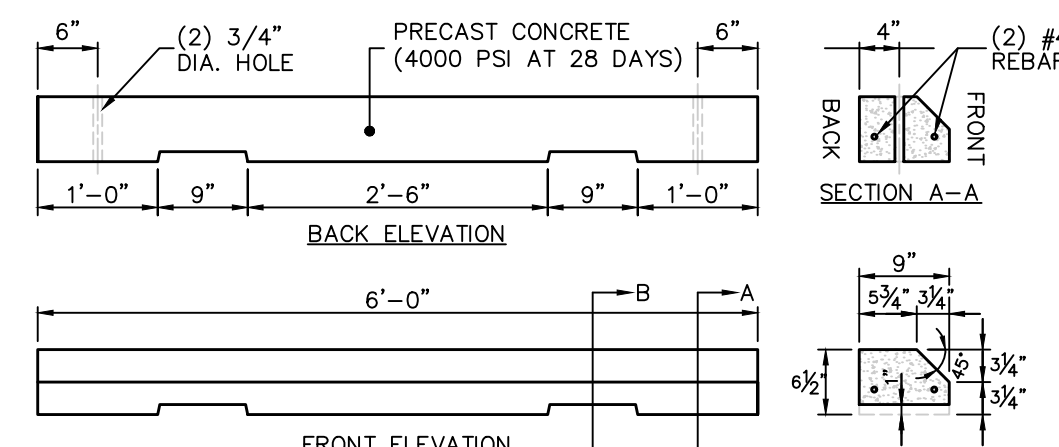
N.T.S.



- NOTES:
- REINFORCEMENT: 6 X 6 - 10/10 WELDED WIRE MESH, 6/6 AT 1' DRIVEWAY APRONS CRACK CONTROL JOINTS: 1/4" X 1" DEEP AT 4' INTERVALS
 - EXPANSION CONTROL JOINTS: 20' INTERVALS WITH 3/8" PREMOLDED ASPHALT IMPREGNATED EXPANSION JOINT FILLER
 - ASPHALT IMPREGNATED EXPANSION JOINT FILLER
 - ISOLATED JOINTS: AT BUILDING WALLS AND OTHER RIGID STRUCTURES, USE PREMOLDED EXPANSION JOINT FILLERS

CONCRETE PAD DETAIL

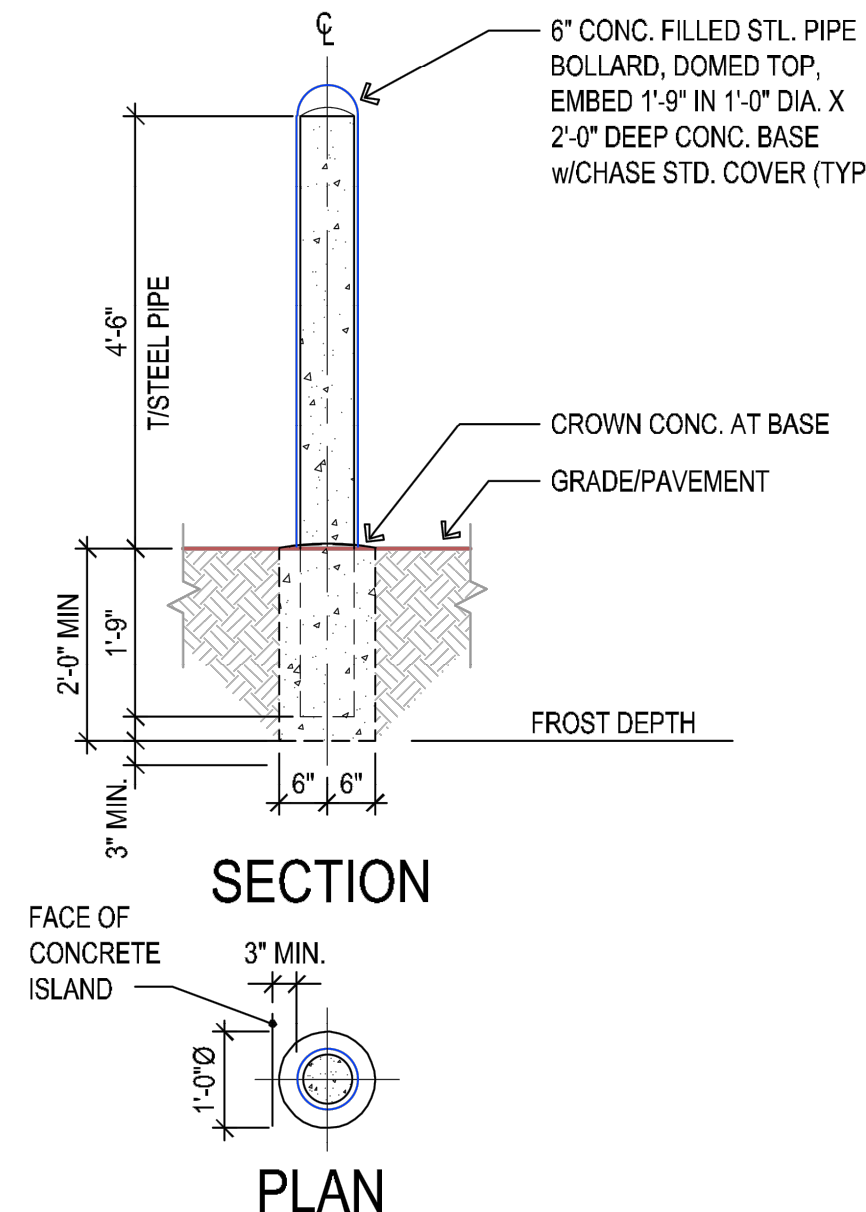
N.T.S.



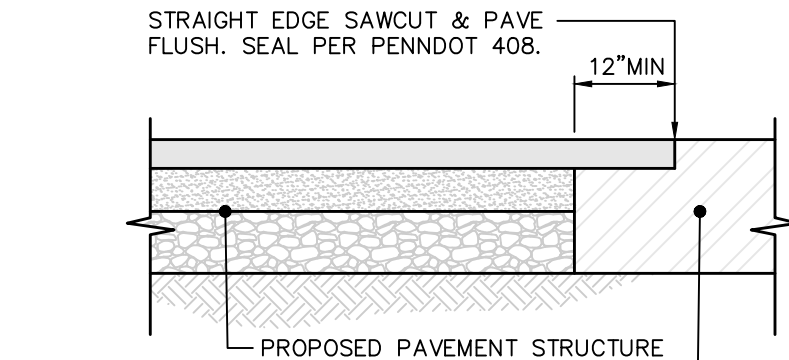
- NOTE:
- WHEEL STOP SHALL BE A CONTRASTING COLOR THAN THE PAVEMENT SURFACE

CONCRETE WHEEL STOP DETAILS

N.T.S.



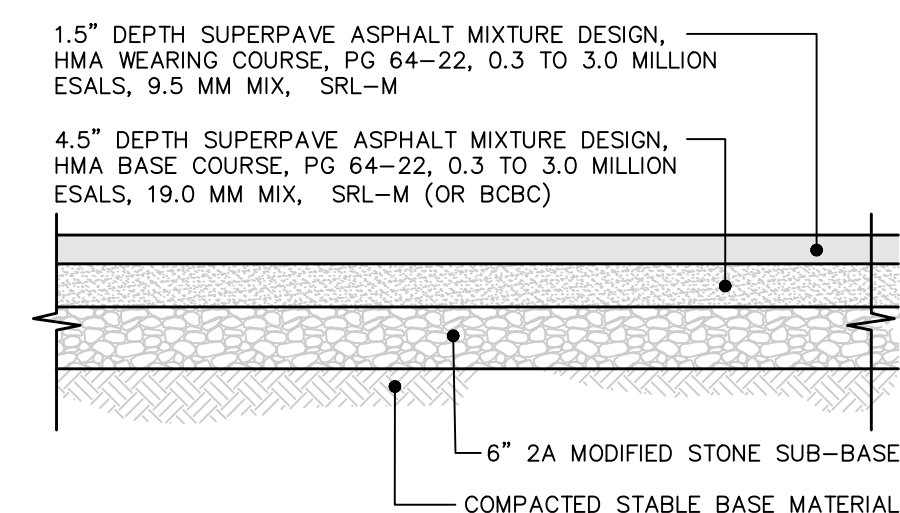
BOLLARD DETAIL

A7
A104 1/2" = 1'-0"

- NOTE:
- ALL MATERIALS SHALL BE APPLIED AND CONSTRUCTED IN ACCORDANCE WITH PADOT FORM 408, LATEST EDITION

PAVEMENT JOINT DETAIL

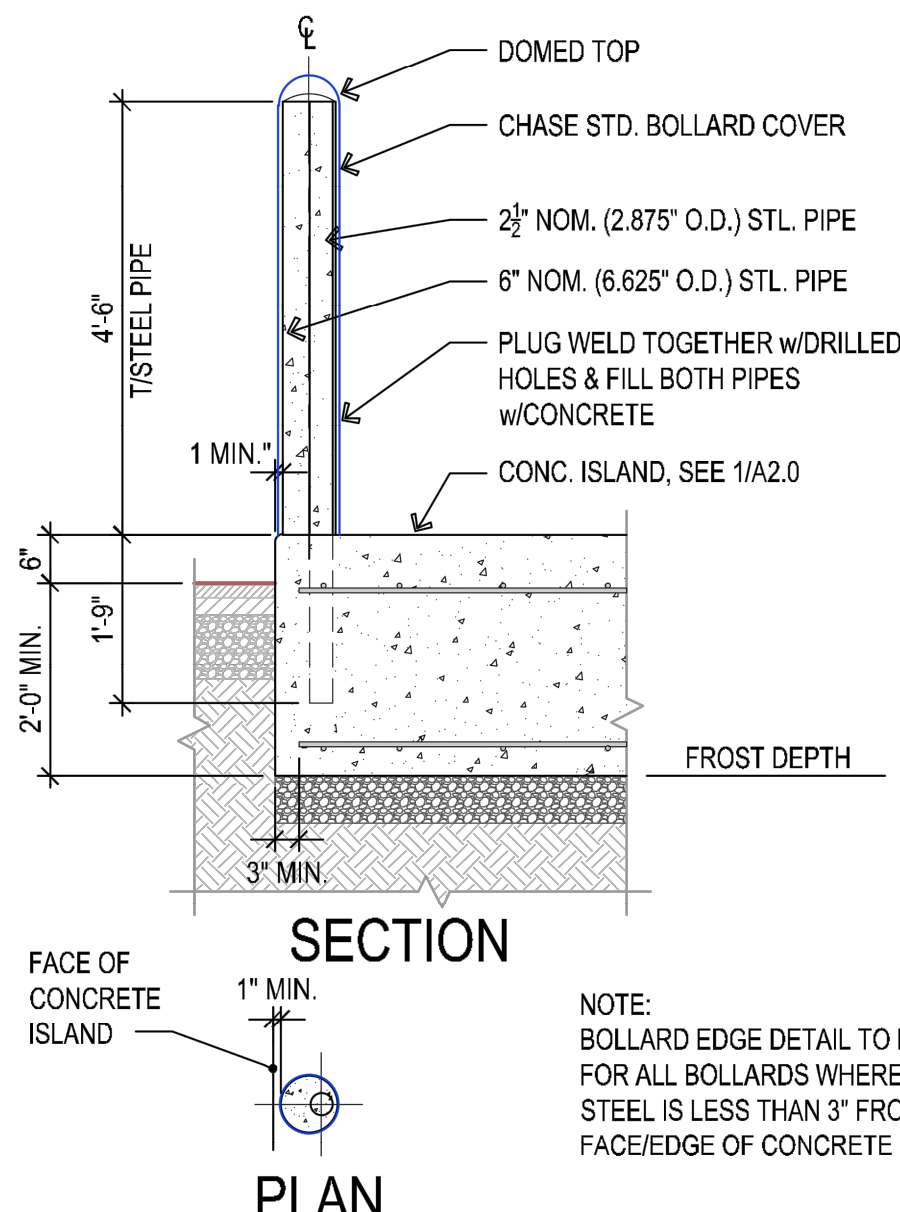
N.T.S.



- NOTES:
- ALL SPECIFIED MATERIAL DEPTHS ARE MINIMUM DEPTHS AFTER COMPACTION.
 - ALL MATERIALS SHALL BE APPLIED AND CONSTRUCTED IN ACCORDANCE WITH PADOT FORM 408, LATEST EDITION

PAVEMENT DETAIL

N.T.S.



FRONT BOLLARD DETAIL

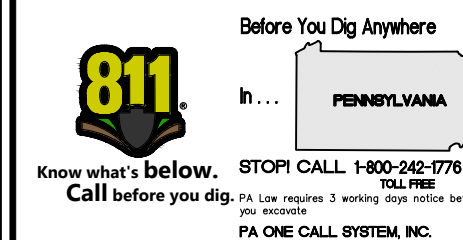
A4
A104 1/2" = 1'-0"

PLAN NOTATION

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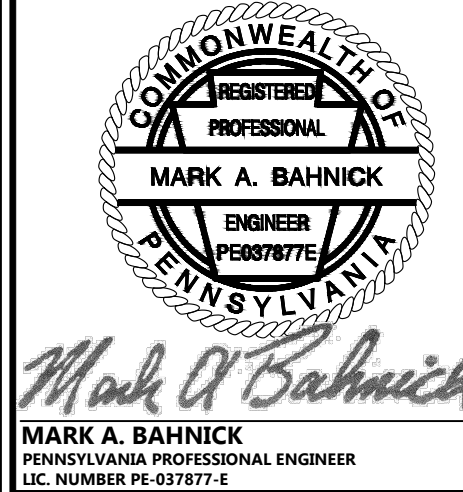
REV DESCRIPTION AUTH DATE

SERIAL NO. 20153511482



PLAN NOTATION

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CONSTRUCTION
DETAILS

FOR

TILGHMAN SQUARE
SHOPPING CENTER

DATE: JUNE 8, 2023
SCALE: AS NOTED
DESIGNED BY: RDJ
DRAWN BY: RDJ
CHECKED BY: MAB
JOB NUMBER: 09-02-SWT

TMP'S 48-010-100

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

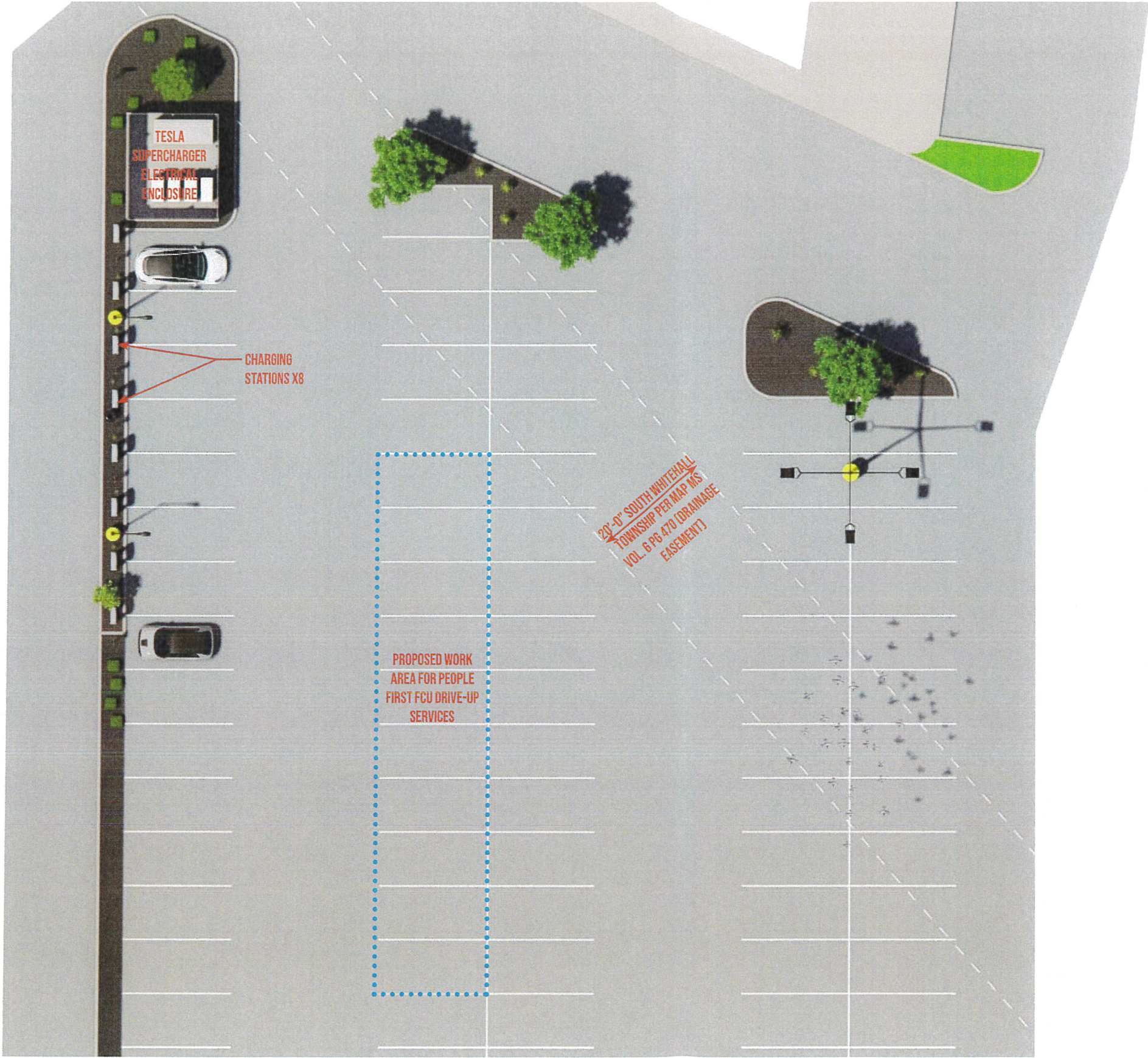


NEW BRANCH OFFICE INLINE TENANT FIT-UP + DRIVE-UP

INITIAL SKETCH PLAN REVIEW MEETING

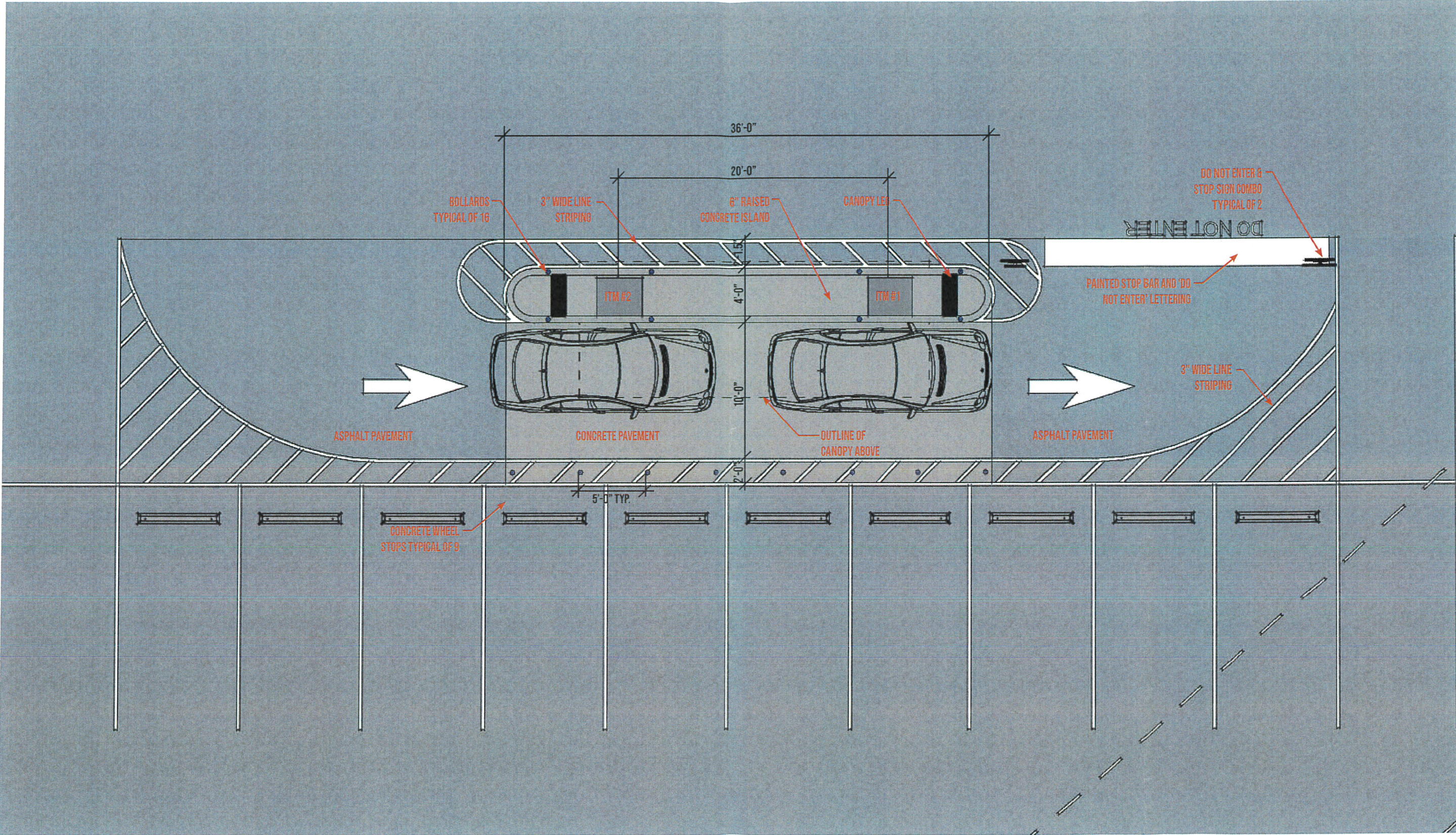
TILGHMAN SQUARE SHOPPING CENTER
SOUTH WHITEHALL, PA

MAY 18TH, 2023



EXISTING SITE PLAN | MAY 18TH, 2023

Note: All plans, elevations, & renderings are schematic and for illustrative purposes only. Final design is subject to field verification. Final materials and color selections are to be verified during the design development stage. Final construction methods, materials, details, codes & budgets are based on the approved permit construction documents.



PROPOSED DRIVE-UP FLOOR PLAN | MAY 18TH, 2023

Note: All plans, elevations, & renderings are schematic and for illustrative purposes only. Final design is subject to field verification. Final materials and color selections are to be verified during the design development stage. Final construction methods, materials, details, codes & budgets are based on the approved permit construction documents.



DAYTIME RENDERED SCENES | MAY 18TH, 2023

Note: All plans, elevations, & renderings are schematic and for illustrative purposes only. Final design is subject to field verification. Final materials and color selections are to be verified during the design development stage. Final construction methods, materials, details, codes & budgets are based on the approved permit construction documents.



DUSK RENDERED SCENES | MAY 18TH, 2023

Note: All plans, elevations, & renderings are schematic and for illustrative purposes only. Final design is subject to field verification. Final materials and color selections are to be verified during the design development stage. Final construction methods, materials, details, codes & budgets are based on the approved permit construction documents.

Project Narrative

Tilghman Square Shopping Center ATM Kiosk
4680 Broadway, South Whitehall Township, Lehigh County, PA

The owners of the Tilghman Square Shopping Center (Tilghman Square Associates, LP), in cooperation with PW Campbell (representing the applicable banking agency) are proposing the construction of an ATM Kiosk to be located within the existing parking facilities of the Tilghman Square Shopping Center. In so proposing they are seeking to receive Township approval through the Waiver of Land Development process.

The proposed construction will required the removal of Approximately 300 s.f. of existing asphalt pavement to support the construction of a ATM kiosk housing two (2) separate ATM machines oriented one behind the other in a linear fashion set within a row of existing parking spaces within the current shopping center parking lot. The impact on parking will be the loss of ten (10) spaces. Full studies of the required parking within the shopping center have been undertaken during previous projects, and the available parking remains adequate. Tables reflecting such are included on the plans.

The loan site impactful construction will be an 8" height concrete median, approximately 36' in length and 4' in width, containing two (2) separate ATM machines. Electrical and CA/TV lines will be accessed through existing site services. There is no proposed sanitary, water, nor storm system construction proposed. Pavement restoration will be provided as needed, and striping/re-striping will be provided per plan. Concrete parking bumpers are proposed, along with plastic coated concrete bollards to separate parked cars from impacting the drive-thru customers.

No other impacts to existing areas are proposed. The minimal impact suggests review and/or comment from the County Conservation District is not required, and submission will not be made for review unless requested by the Township.

July 27, 2023

David Manhardt
Director of Community Development
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

RE: Tilghman Square ATM Kiosk
Waiver Request Letter
South Whitehall Township, Lehigh County
VCEA: 09-02-SWT

Dear Mr. Manhardt -

On behalf of the applicant for the above-referenced project, Tilghman Square Associates, LP, we are submitting plans reflecting a proposed sidewalk under the application process for a Waiver of Land Development, under the direction of Gregg Adams. As a part of that application we are providing this Waiver Request Letter identifying those portions of the South Whitehall Township Subdivision & Land Development Ordinance (SALDO) for which we are seeking waivers. That list is as follows:

SALDO §312-12(B)(8) – Site Data

The proposed project is the construction of an ATM kiosk within an existing parking area. Site data provided at that time and has not changed since that approval. Where additional land development may have been undertaken by the Owners, separate approvals were obtained.

SALDO §312-12(B)(15) – Existing and Proposed Contours within 400 feet

The proposed project is limited to an area of 1,630 s.f. within an existing parking row. No benefit is gained from providing these contours.

SALDO §312-12(B)(18) – Water courses and trees

The proposed project is limited to an area of 1,630 s.f. within an existing parking row. There are no watercourses, and no impact to any trees. Reflection of existing trees does not affect the proposed construction.

SALDO §312-12(B)(19) – Existing features within 100 feet

The proposed project is limited to an area of 1,630 s.f. within an existing parking row well within the area. This proposed construction will have no effect on existing features outside of the property.

F:\jobfile\0902SWT\0902SWT - 2023\Doc\2023\07-27-27 Waiver Request Letter - ATM.docx

OFFICE LOCATIONS

www.vancleefengineering.com

Lebanon, NJ
908-735-9500

Hamilton, NJ
609-689-1100

Toms River, NJ
732-573-0490

Freehold, NJ
732-303-8700

Bethlehem, PA
610-332-1772

Hillsborough, NJ
908-359-8291

Mt. Arlington, NJ
862-284-1100

Phillipsburg, NJ
908-454-3080

Doylestown, PA
215-345-1876

Leesport, PA
610-670-6630



SALDO §312-12(B)(21) – Sidewalks, trails, driveway, street, easements and rights-of-way within 400 feet of the site

All applicable easements are reflected. Extending this view to 400' provides no benefit.

SALDO §312-12(B)(22) – Soils

Excavation will be minimal. Knowledge of the surrounding soils provides no benefit.

Thank you for your consideration of these requests.

Sincerely,

Van Cleef Engineering Associates

A handwritten signature in blue ink that reads 'Ronald D. Jackson'.

Ronald D. Jackson, P.E.

Project Engineer

cc: Gregg Adams, South Whitehall Township
David Eickmeyer, Larken
Victor Kelly, Larken

MEMORANDUM

TO: Mr. Gregg R. Adams via e-mail
 Planner, Community Development Department
 South Whitehall Township

FROM: Mr. Anthony F. Tallarida, PE *AFT*
 Manager, Municipal Engineering Services

SUBJECT: South Whitehall Township
 Proposed ATM Kiosk – Tilghman Square
 Shopping Center
 Waiver from Land Development
 Process Request #2023-704

DATE: July 17, 2023

COPIES: Mr. Thomas R. Petrucci, MPA
 Township Manager
 South Whitehall Township

Mr. David Manhardt, AICP
 Director of Community Development
 South Whitehall Township

Mr. Herb Bender
 Director of Township Operations
 South Whitehall Township

Mr. Mike Elias
 Public Works Utility and MS4 Program Coordinator
 South Whitehall Township

Ms. Tracy J.B. Fehnel
Insurance Administrator & Executive Assistant
South Whitehall Township

Ms. Laura M. Harrier, BCO
Building Code Official/Zoning Officer
South Whitehall Township

Mr. John G. Frantz, CFEI, BCO
Fire Marshal, Building Code Official
South Whitehall Township

Joseph A. Zator, II, Esq.
South Whitehall Township Solicitor
Zator Law

Jennifer R. Alderfer, Esq.
Assistant South Whitehall Township Solicitor
Zator Law

Mr. Geoffrey A. Reese, P.E.
Director of Environmental Planning
Lehigh Valley Planning Commission

Mr. Ronald D. Jackson, P.E.
Project Engineer
Van Cleef Engineering Associates, LLC

Mr. James Caliendo
P.W. Campbell Contracting Co.

Mr. David B. Gardner
President/CEO
Tilghman Square Associates, LP

(all via e-mail)

Mr. J. Scott Pidcock, PE, RA, Township Engineer

South Whitehall Township Ordinances:

Zoning Ordinance (ZO)

Subdivision and Land Development Ordinance (SALDO)

Stormwater Management Plan (SMP)

See attached list for documents reviewed.

Proposal:

Replacement of 10 parking spaces in the existing Tilghman Square Shopping Center parking lot with 2 ATM kiosks;

Pavement re-striping;

Installation of bollards;

HC-1 – Highway Commercial – Special Height Limitation Zoning District.

Waivers/Deferrals/Variations:

None to date (see Waiver Comment below).

Recommendation:

Engineering approval not recommended at this time.

jfw/laf

Enclosures

THE PIDCOCK COMPANY

South Whitehall Township
 Proposed ATM Kiosk – Tilghman Square
 Shopping Center
 Waiver from Land Development
 Process Request #2023-704

July 17, 2023

REVIEW COMMENTS

A. Planning/Zoning

1. A waiver from the Land Development review process as outlined per SALDO §312-48(e) has been requested. We have reviewed the information accordingly. Additionally, in a letter dated June 8, 2023, the Design Engineer requested waivers from the following SALDO requirements:
 - a. SALDO §312-11 – Preliminary Plan submission procedure – we have no engineering objection to this request;
 - b. SALDO §312-12 – Preliminary Plan submission drawing requirements – we can support this request provided the information needed to address the comments below is submitted;
 - c. SALDO §312-13 – Final Plan submission procedure – we have no engineering objection to this request; and
 - d. SALDO §312-14 – Final Plan submission and drawing requirements – we have no engineering objection to this request.

In the event waivers or deferrals are ultimately granted, add a Waiver Note to reflect the dates of approval, and the Board which took the action;

2. Property frontage improvements are required along Broadway (e.g., cartway widening) (SALDO §312-26(a) and §312-35(b) pertain). We note that curb currently exists along Broadway. Additionally, plans have recently been submitted for the construction of sidewalk along Broadway in this area of the Township. The Developer may wish to discuss a deferral of these improvements with the Township;
3. We defer to the Zoning Officer regarding the acceptability of the proposed signage, ZO §350-48(s)(10); and
4. Drive-through queuing areas may need to be provided, ZO §350-42(c).

B. General

1. The project site is located in the Little Lehigh Creek Watershed Act 167 Subarea 183. No additional impervious surface is proposed, therefore this project qualifies for an exemption from the release rate and water quality requirements contained in SMP §196-17.A;
2. Obtain permission from the owner of the drainage easement for any work within the drainage easement limits;

3. Any lease area associated with the ATM should be shown on the plan for determination by the Solicitor's Office of any subdivision requirements;
4. We recommend that the plans be revised to specify the proposed power lines/cables will be installed underground;
5. For clarity, identify the size of the proposed traffic signs, SALDO §312-12(b)(42). We note per PennDOT Publication 236, a sign that is mounted back-to-back with a R1-1 sign (Stop sign) should stay within the edges of the R1-1 sign. If necessary, the size of the R1-1 sign should be increased so that any other sign installed back-to-back with it remains within the edges of the R1-1 sign. Alternatively, signs could be mounted on 2 separate posts; and
6. Provide the following information:
 - a. Name and address of the Applicant, SALDO §312-12(b)(4)(D);
 - b. Site Data in accordance with SALDO §312-12(b)(8);
 - c. Existing and proposed contour information (elevations identified), SALDO §312-12(b)(15);
 - d. Benchmark with vertical datum information, SALDO §312-12(b)(16);
 - e. Existing features per SALDO §312-12(b)(18), §312-12(b)(19), §312-12(b)(21), and §312-12(b)(22);
 - f. Landscape Plan to the satisfaction of the Landscape and Shade Tree Commission, SALDO §312-12(b)(36); and
 - g. Site lighting plan, SALDO §312-12(b)(37).

C. Policy and Information

1. Address any concerns of the Public Safety Commission to their satisfaction;
2. Add a note to the Plan to indicate the location of existing utilities is the responsibility of the Developer/Design Engineer and the locations of such facilities have not been reviewed by The Pidcock Company or the Township. The Developer/Design Engineer is responsible for confirming the location of all utilities and to avoid conflicts of the same with proposed improvements. Significant efforts to resolve such conflicts, including but not necessarily limited to redesign, construction delays, utility relocations, etc., may result if conflicts with existing utilities are encountered during construction; and
3. Provide Certifications/Acknowledgements/Statements in accordance with SALDO §312-48(e)(2), §312-12(b)(6), and §312-12(b)(7). Upon submission of plans for recording, all Statements and Certifications shall be signed and sealed/notarized as applicable.

The comments noted above are the result of our engineering review. We have not reviewed items associated with legal, zoning, geotechnical, lighting, water/sanitary sewerage systems, environmental, frontage streetscape improvements, building code, public safety, and other non-engineering issues, which should be reviewed by the appropriate Township Staff and Consultants.

THE PIDCOCK COMPANY

South Whitehall Township
Proposed ATM Kiosk – Tilghman Square
Shopping Center
Waiver from Land Development
Process Request #2023-704

List of Plans and Supplemental Information
Prepared by Van Cleef Engineering Associates, LLC and
Last revised June 8, 2023, except as noted

1. Cover Sheet, Sheet 1 of 3;
2. Site Plan, Sheet 2 of 3;
3. Construction Details, Sheet 3 of 3
4. Waiver request letter; and
5. Project Narrative (undated).

In addition, we have received the following information in support of the Application:

1. Waiver Request Application, dated June 12, 2023; and
2. Rendering Packet, prepared by PW Campbell Studio 109 Designs Inc., and dated May 18, 2023.



HanoverEngineering

252 Brodhead Road • Suite 100 • Bethlehem, PA 18017-8944
Phone: 610.691.5644 • Fax: 610.691.6968 • HanoverEng.com

July 12, 2023

Mr. Gregg Adams, Planner
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699

RE: Geotechnical Engineering Review of
Provided Documents
Proposed ATM Kiosk Tilghman Square
Shopping Center Waiver from Land
Development Request 2023-704
South Whitehall Township, Lehigh County,
Pennsylvania
Hanover Project SWT23-11(011)

Dear Mr. Adams:

Hanover Engineering (Hanover) has reviewed the information received on June 23, 2023 via email. Reviewed documents pertaining to the geotechnical aspects of the proposed project at the above-referenced site consisted of the following:

1. Project Narrative, undated.
2. Letter referenced as "Tilghman Square ATM Kiosk Waiver Request Letter", prepared by Van Cleef Engineering Associates (VCEA), dated June 8, 2023.
3. Engineering plan set entitled "Proposed ATM Kiosk Prepared for Tilghman Square Shopping Center", Sheets 1 of 3 through 3 of 3 inclusive, prepared by VCEA, dated June 8, 2023, unrevised.

Based on our review, it is our understanding that the applicant is proposing the construction of an ATM kiosk to be located within the existing parking facilities of the Tilghman Square Shopping Center. The proposed construction will involve the removal of about three hundred square feet (300 sf) of existing asphalt pavement and the installation of two (2) separate ATM machines on a concrete median. The project will require the loss of ten (10) parking spaces. No sanitary sewer, storm sewer, or water service construction is proposed. The applicant has requested a waiver of the Land Development process. We offer the following comment:

1. Provide standard notes/details/specifications on the plans which address the discovery, investigation, and remediation of sinkholes.

Mr. Gregg Adams
Planner

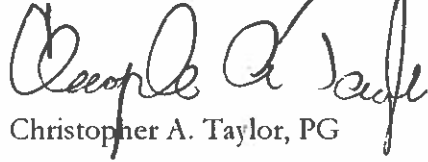
2

July 12, 2023

We trust that this is the information that you require. Should you have any questions or concerns regarding this information, please do not hesitate to contact our office.

Respectfully,

HANOVER ENGINEERING

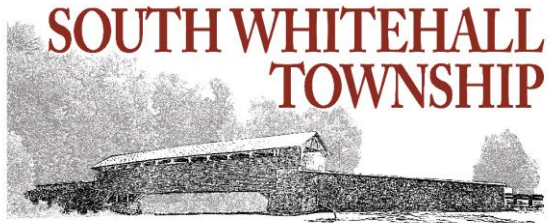


Christopher A. Taylor, PG

cat:jlw2

S:\Templates-FORMS\0000-2016-FinalApprovedTemplates\Letterhead-Bethlehem(BW)(2016).doc

cc: Mr. Dave Manhardt, Director of Community Development (via email)
Mr. Herb Bender, Public Works Director (via email)
Mr. Anthony F. Tallarida, PE, The Pidcock Company (via email)
Mr. Mark Gnall, PE, The Pidcock Company (via email)
Mr. David Gardner, Tilghman Square Associates, L.P.
Mr. Ronald D. Jackson, PE, Van Cleef Engineering Associates

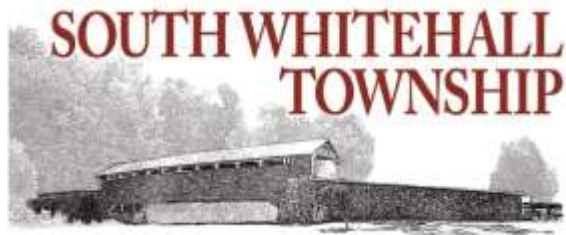


INTEROFFICE MEMORANDUM

TO: DAVE MANHARDT, DIRECTOR OF COMMUNITY DEVELOPMENT
FROM: HERB BENDER, PUBLIC WORKS MANAGER
DATE: JULY 13, 2023
SUBJECT: PROPOSED ATM KIOSK TILGHMAN SQUARE SHOPPING CENTER
WAVER FROM LAND DEVELOPMENT 2023-704

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

1. Be cautious of storm sewer pipe.



MEMORANDUM

TO: Planning Commission

FROM: Laura Harrier, Zoning Officer

DATE: September 13, 2018

SUBJECT: Subdivision Plan Review
Plot 886 LLC Lot Line Adjustment
Major Subdivision #2018-202
Plan Dated August 15, 2018

COPIES: D. Manhardt, G. Adams, J. Alderfer, Esq., A. Tallarida, Applicant

The plan has been reviewed for zoning compliance and offers the following comments. The parking requirements are being maintained with the proposal and will remain compliant with the number of spaces required for the shopping center even with the removal of 10 spaces.

The following comment should be addressed.

1. *Section 350-48(o)(2) Off-Street Parking. Provide one shade tree for every 10 parking spaces located in a planned manner within or adjacent to the parking lot areas. Where more than 50% of a parking area is effectively precluded from planting shade trees because of an overhead power line electric utility restriction, the foregoing shade tree requirement shall not apply to those spaces located within the area that is restricted by such electric utility requirement; provided, however, that substitute plantings as may be deemed to be appropriate by the Township may be required to the extent they are not in conflict with the utility restriction. The Township shall have the right to confirm specific landscaping restrictions with the utility company.*

Show and label on the plan the required parking lot trees within the entire shopping center parcel. The proposed finished number of spaces is 1328, therefore, requiring 133 parking lot trees.

Laura Harrier
Zoning Officer, Community Development

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

**RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)**

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED “PROPOSED ATM KIOSK
TILGHMAN SQUARE SHOPPING CENTER”**

WHEREAS, P.W. Campbell Contracting Company, pursuant to Article 3 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for approval for a land development for the construction of a drive-up ATM Kiosk within the parking lot of Tilghman Square Shopping Center on a 0.0382-acre portion of the 33.778-acre property located at 4680 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania; and,

WHEREAS, this proposal is reflected on plans prepared by Van Cleef Engineering, entitled *“PROPOSED ATM KIOSK TILGHMAN SQUARE SHOPPING CENTER”*, dated June 8, 2023; and,

WHEREAS, all sections of the Subdivision and Land Development Regulations cited herein refer to sections of the Subdivision and Land Development Regulations that were last revised April 1, 2019, and are applicable to this plan based on the submission of the initial application in June 12, 2023; and,

WHEREAS, the South Whitehall Township Subdivision and Land Development Regulations, consistent with the Pennsylvania Municipality’s Planning Code (“MPC”), sets forth regulations for formal review requirements, as well as drawing requirements, for property improvements defined as subdivisions and/or land developments; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included on the plan be waived, and staff is persuaded that the waiver would be appropriate, as the data provided on the indicated plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(18) of the Subdivision and Land Development Ordinance pertaining to the showing of existing watercourses, wetlands, bodies of water, floodplains, significant tree masses and other significant features to be shown on the plan be waived, and staff is persuaded that the

waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that for the Project, the Board of Commissioners of the Township of South Whitehall hereby grants to P.W. Campbell Contracting Company a waiver from the requirements of Article III Submission Procedures and Requirements for Major Plans (except for section 312-12(b) as required by Section 312-48), Article V Required Improvements, Agreement(s) and Inspection(s) For All Subdivisions, and Article VI Location and Standards of Improvements For All Subdivisions, with such waiver being subject to the Applicant's compliance with the following conditions:

1. This Resolution does not in any way waive or modify: any other requirements of South Whitehall Township; any requirements of the South Whitehall Township Authority; any other applicable laws, ordinances, orders, or regulations; or applicable requirements of any County, Commonwealth of Pennsylvania, Federal or other governmental agencies. Any and all such requirements, including all permits and approvals incident thereto, are to be obtained by the Applicant and are not to be considered waived or modified by this Resolution. Such outside agency reviews, approvals and permits may include by way of example but not limitation the following: Highway Occupancy Permit requirements of the Pennsylvania Department of Transportation ("**PennDOT**"); stormwater-related requirements of the Lehigh County Conservation District ("**LCCD**") and/or the Pennsylvania Department of Environmental Protection ("**DEP**"); the South Whitehall Township Zoning Ordinance, the South Whitehall Township Building Code, and any other requirements of South Whitehall Township, including any requirements related to parking.
2. All costs and expenses of the Township, including without limitation, the fees of the Township Engineer and Township Solicitor and/or other consultants relative to

review and approval of Applicant's waiver request, this Resolution, and attending to the conditions in this Resolution following adoption of this Resolution, shall be the responsibility of Applicant. The failure of Applicant to promptly pay invoices in accordance with applicable Township procedures for subdivision/developments review and approval shall give the Township the right to refuse to issue any additional permits until such time as all invoices have been paid in full and the Township escrow procedures have been complied with by the Applicant.

3. All fees associated with submission of a plan for land development, including application fees to cover expenses incurred through review of the plan by Township staff, shall be the responsibility of the Applicant.
4. The Applicant shall address to the satisfaction of the Township Engineer, the comments of the Mr. Anthony Tallarida as contained in his review letter dated July 17, 2023.
5. The Applicant shall address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor as contained in his review letter dated July 12, 2023.
6. The Applicant shall address to the satisfaction of the Public Works Department, the comments of Mr. Herb Benderas contained in his review letter dated July 13, 2023.
7. The Applicant shall address to the satisfaction of the Zoning Officer, the comments of Ms. Laura Harrier as contained in her review letter dated July 21, 2023.
8. If the requirements of LCCD and/or DEP include the installation or construction of any stormwater best management practices structures or facilities or if either agency requires construction or installation of any new stormwater management structures or facilities or modification of any existing stormwater management structures or facilities, the Applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities in form acceptable to the Township.
9. Applicant shall be required to provide the Township with an engineered record plan, signed by the Applicant and sealed by a registered professional engineer and/or professional land surveyor, as applicable, to be placed on file with the Community Development Department prior to issuance of a UCC-regulated permit.
10. Unless authorized to the contrary in writing by the Township Manager, no permits shall be issued to Applicant until the fulfillment of each of the foregoing conditions.
11. That the applicant shall reconcile all open invoices for Township engineering and legal services prior to any UCC-regulated permit being issued, and that the applicant shall remit payment for any and all required fees to the satisfaction of the Township Manager, the Community Development Department, the Finance Department, and the Public Works Department, prior to any UCC-regulated permit being issued.
12. The Applicant shall satisfy all conditions of this Resolution within twelve (12) months from the date hereof. The Applicant's failure to do so shall render the approval null and void.

13. If for any reason any condition or conditions of this Resolution (or any portion(s) thereof) shall be held by a forum of competent jurisdiction to be invalid, illegal, void, or unenforceable in any respect or to any extent, this Resolution shall automatically be deemed to be null and void in its entirety and shall be deemed to have been immediately and automatically repealed as if it had never been passed. The Applicant acknowledges that each and every term and provision hereof is an essential, material component to the Township's approval of the Applicant's waiver request.
14. In the event that the Township becomes involved in litigation of any kind relating to the Project other than a direct appeal by the Applicant of the Township's approval of this Resolution, such as an appeal of this Resolution by an adjoining property owner or a third party, or an attempt to collaterally challenge any conditions of this approval by means other than a timely appeal of this Resolution, the Applicant, on behalf of itself and its agents, representatives, successors and assigns, hereby agrees to exonerate, indemnify, protect, defend (through legal counsel of Township's choice) and save harmless the Township and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns (collectively, the "Township Representatives"), from any and all claims, lawsuits, proceedings, actions, disputes, causes and rights of action, expenses, losses, allegations, demands, charges, injuries, costs (including, without limitation, attorneys' fees, engineers' fees and other costs and expenses incurred, including expert witness fees), damages (including, without limitation, compensatory, consequential or punitive damages), sanctions, and liabilities of every kind, character and manner whatsoever, in law or in equity, civil or criminal, administrative or judicial, contract, tort (including, without limitation, negligence of any kind) or otherwise ("Claims"), pertaining to, relating to, resulting from, caused by or arising out of the Township's approval of the waiver request as evidenced by this Resolution.

The requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included on the plan is hereby waived.

The requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(18) of the Subdivision and Land Development Ordinance pertaining to the showing of existing watercourses, wetlands, bodies of water, floodplains, significant tree masses and other significant features to be shown on the plan is hereby waived.

The requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers,

petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features is hereby waived.

The requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits is hereby waived.

DULY ADOPTED this **2nd** day of **AUGUST, 2023**, by the Board of Commissioners of Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Monica Hodges, Assistant Secretary

APPLICANT ACCEPTANCE OF CONDITIONS

RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED “PROPOSED ATM KIOSK
TILGHMAN SQUARE SHOPPING CENTER”**

The undersigned Applicant/Owner for the Project described in the foregoing referenced Resolution, in consideration of the grant of the approval of the waiver from the formal planning, Subdivision and Land Development Plan review and approval requirements of SALDO by the Commissioners of South Whitehall Township, and intending to be legally bound hereby, does affirmatively accept the conditions of the grant of the waiver set forth in the foregoing Resolution and does waive any and all rights which Applicant would otherwise possess to contest the imposition of said conditions, both at law or in equity.

WITNESS/ATTEST:

APPLICANT:

P.W. Campbell Contracting Company

Witness

Applicant

Printed Name

Printed Name

Date: _____



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Community Development

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

SUBJECT: A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled "Broadway Sidewalk Grading Plan For Tilghman Square Shopping Center"

SUGGESTED ACTION:

- *Motion Granting Approval of Applicant's "Waiver from Land Development" Application.*
 - *Staff has no objections to the approval of the application, and no objections to the waivers/deferrals requested, with the exception of the request to waive SALDO Sections 312-12(b)(6) and (7).*

ATTACHMENTS:

[2023.07.31 CD PLANNING - BOC Packet Excerpt Approving Tilghman Square Broadway Sidewalk - 2023-703.pdf](#)

[2023.07.31 RESOLUTION 2023-____ - Waiver from Land Development Tilghman Square Broadway Sidewalk Approval Resolution - 2023-703.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	July 27, 2023
SUBJECT:	A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled “Broadway Sidewalk Grading Plan For Tilghman Square Shopping Center”
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

An application to further develop the property located at 4680 Broadway. The application proposes the construction of a sidewalk along Broadway on a 0.1198-acre portion of the 33.778-acre property. The property is zoned Highway Commercial-1 HC-1 (Special Height Limitation) and is served by public water and sanitary sewer. The owner and applicant is Tilghman Square Associates, L.P.

EXPLANATION OF THE “WAIVER FROM LAND DEVELOPMENT PROCESS”

While the proposed work may be considered *de minimus*, it meets the definition of “Land Development” in the South Whitehall Township Subdivision and Land Development Ordinance (SALDO) and therefore qualifies for land development review under said Ordinance.

In accordance with SALDO Section 312-48, the Board of Commissioners may waive or modify any SALDO Sections at their discretion which will “exact undue hardship because of peculiar conditions pertaining to the applicant’s land or the nature of the application”.

The “Waiver from Land Development” application is a request to, at a minimum, waive SALDO Article III “Submission Procedures and Requirements for Major Plans”, Article IV “Submission Procedures and Requirements for Minor Plans”, Article V “Required Improvements, Agreement(s) and Inspections(s) For All Subdivisions” and Article VI “Location and Standards of Improvements For All Subdivisions”. Section 312-48 details the minimum requirements for Modifications and Waivers and requires that plans comply with the requirements of Section 312-12(b) unless individual Sections therein are otherwise waived. The Township Engineer may also require compliance with specific Sections within the above-mentioned Articles if deemed to be necessary for a proper plan review. At their discretion, the

Board of Commissioners may also make exceptions to the Sections waived or modified (requiring the applicant to comply with the Section “excepted”).

REVIEWING AGENCIES’ COMMENTS

Township Engineer - The comments of the Township Engineer are contained in Mr. Anthony Tallarida’s review dated March 31, 2023. Mr. Tallarida notes that no engineering review is necessary as all proposed improvements are private and, because of the limited nature of the improvements, the improvements are exempt from the Stormwater Management Ordinance.

Public Works Department – The comments from the Public Works Department are contained in Manager Herb Bender’s review dated June 2, 2023. He reports no comments.

Zoning Officer – the comments of the Zoning Officer are contained in Ms. Laura Harrier’s review dated July 21, 2023. Ms. Harrier reports no zoning issues.

Public Safety Committee – The Public Safety Commission reviewed the plan at its June 5, 2023 meeting and reported no comments.

Landscape and Shade Tree Commission – The Landscape and Shade Tree Commission reviewed the plan at its May 22, 2023 meeting and reported no comments.

LANTA – The comments of LANTA are contained in Ms. Molly Wood’s review dated July 25, 2023. She recommends that a concrete pad and pedestrian path to the proposed sidewalk be constructed to serve the existing bus stop.

- **Action Requested:**

The applicant requests approval of the “Waiver from Land Development” application.

Staff has no objections to the waivers/deferrals requested (*with the exception of the request to waive SALDO Sections 312-12(b)(6) and (7)*) and to the approval of the application.

- **Attachments:**

Plan

Project Narrative

Applicant’s Revised Waiver Request Letter

Township Engineer Review dated July 13, 2023

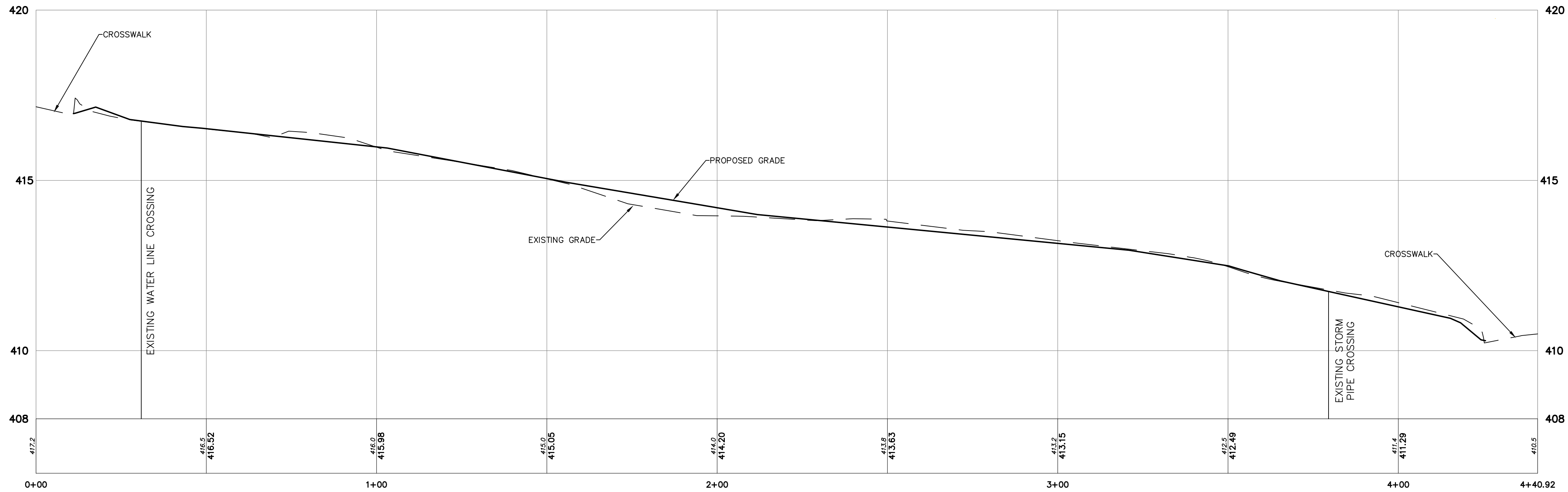
LANTA Review dated July 25, 2023

Resolution



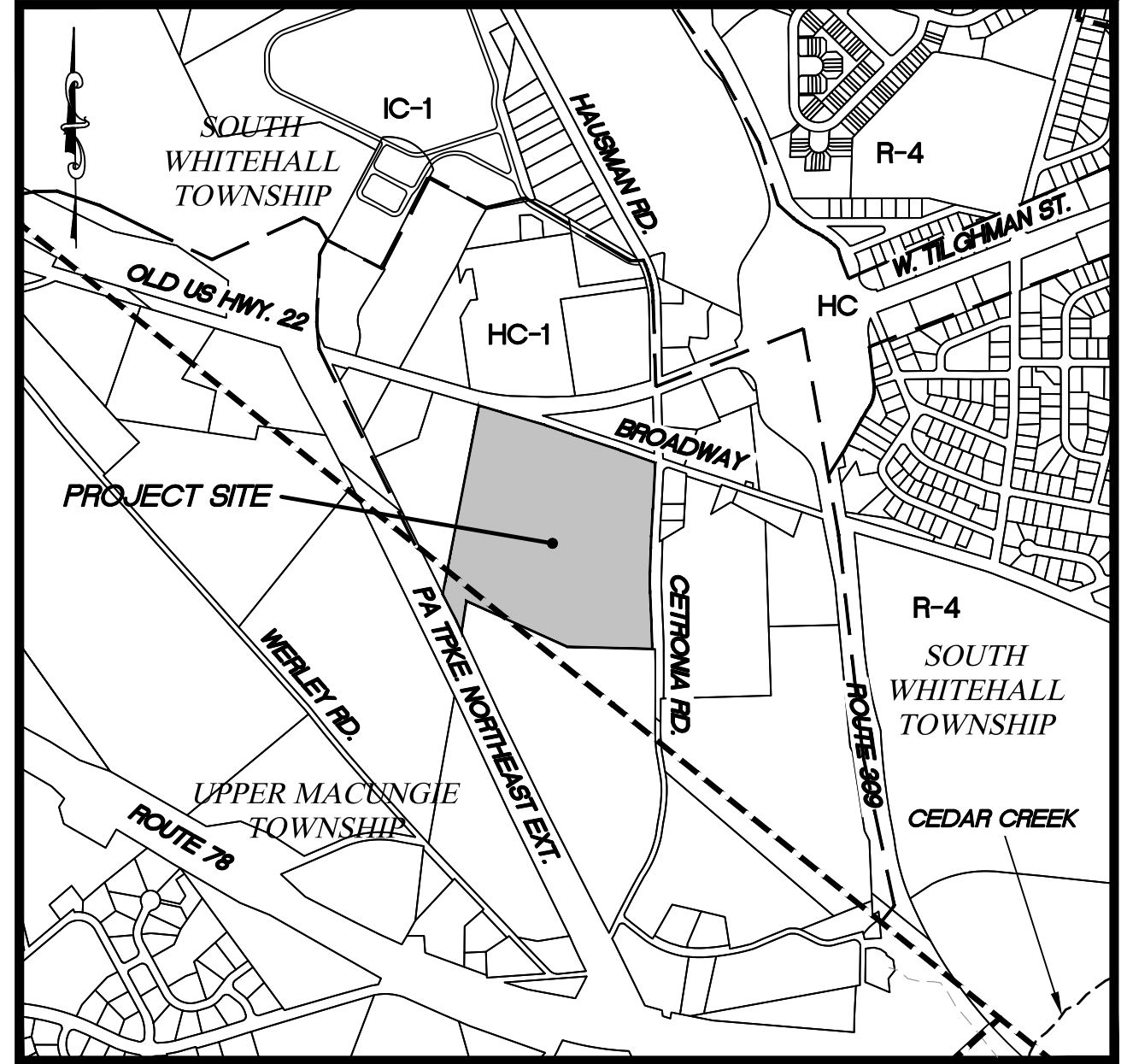
Broadway Sidewalk Grading Plan for Tilghman Square Shopping Center Waiver from Land Development 2023-703

Location Map



ALIGNMENT - SIDEWALK SECTION 1

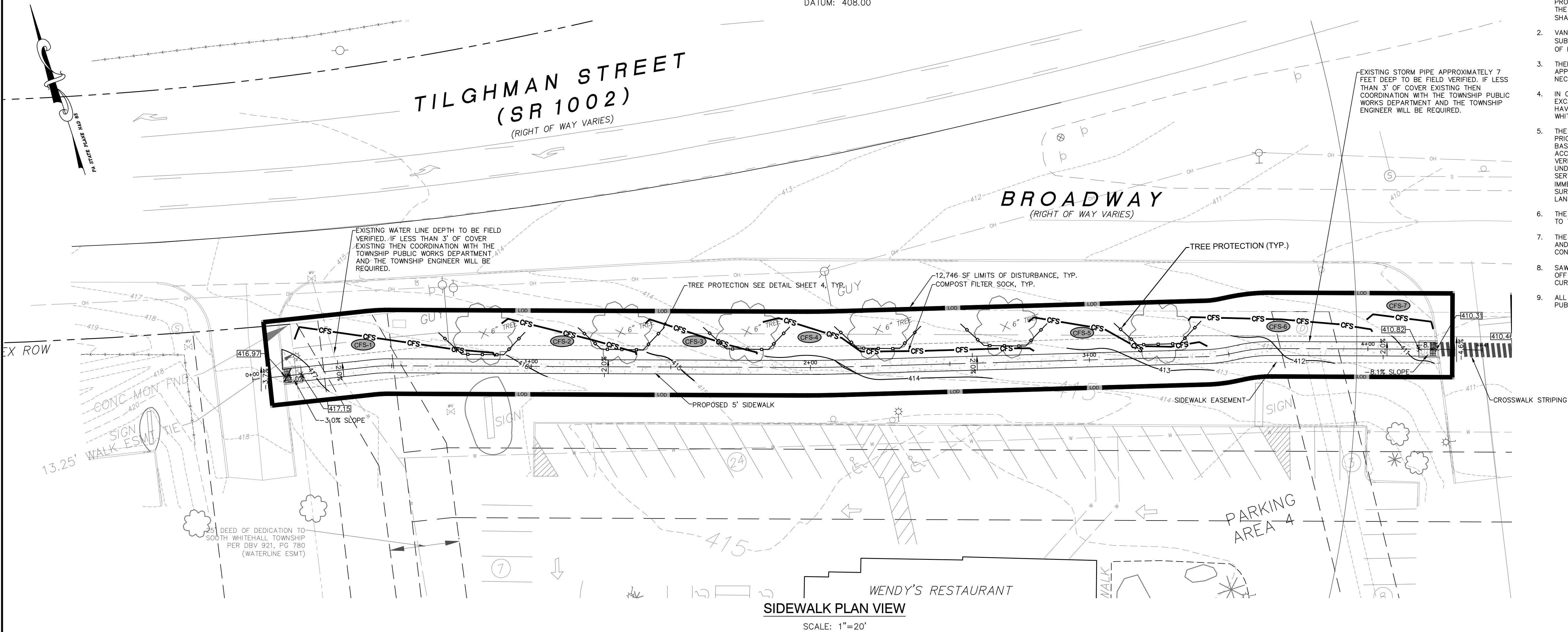
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DATUM: 408.00



SITE LOCATION MAP
SCALE: 1"= 1,000'

NOTES:

- ANY INCONSISTENCIES OR AMBIGUITIES IN THE DRAWINGS SHALL IMMEDIATELY BE REPORTED TO VAN CLEEF ENGINEERING ASSOCIATES IN WRITING WHO SHALL PROMPTLY ADDRESS SUCH INCONSISTENCIES OR AMBIGUITIES. WORK PERFORMED BY THE CONTRACTOR AFTER THE DISCOVERY OF SUCH INCONSISTENCIES OR AMBIGUITIES SHALL BE DONE AT THE CONTRACTOR'S RISK.
- VAN CLEEF ENGINEERING ASSOCIATES MAKES NO REPRESENTATION AS TO SUBSURFACE CONDITIONS ON THE PROJECT SITE (I.E. THE EXISTENCE OR LOCATION OF ROCK, WATER TABLE, ETC.).
- THERE SHALL BE NO CHANGES OR DEVIATION FROM THESE PLANS UNLESS APPROVED BY THE ENGINEER. SUCH PLAN CHANGES, SHOULD THEY BECOME NECESSARY, ARE SUBJECT TO SOUTH WHITEHALL TOWNSHIP ORDINANCES.
- IN COMPLIANCE WITH ACT 38, ALL CONTRACTORS OR OTHERS PERFORMING ANY EXCAVATION ON THIS PROJECT SHALL CONTACT ALL COMPANIES AND UTILITIES WHO HAVE FILES UNDER THE ACT AS HAVING UNDERGROUND UTILITIES IN SOUTH WHITEHALL TOWNSHIP.
- THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE UTILITIES AT LEAST 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION. ALL UTILITIES HAVE BEEN IDENTIFIED BASED ON THE BEST AVAILABLE INFORMATION AND LISTED ON THESE PLANS IN ACCORDANCE WITH THE PA ONE CALL REQUIREMENTS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF THE EXISTING UTILITIES AND ALL EFFORTS SHALL BE UNDERTAKEN TO PROTECT EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE. ANY DAMAGE TO THE UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE. RESTORATION OF ALL EXISTING SURFACE IMPROVEMENTS DAMAGED OR ALTERED DURING CONSTRUCTION, INCLUDING LANDSCAPING, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY PERMITS RELATIVE TO THE CONSTRUCTION SHOWN ON THE APPROVED PLANS.
- THE CONTRACTOR SHALL INSPECT THE EXISTING SITE/PROJECT AREA CONDITIONS AND VERIFY ALL QUANTITIES AND MATERIALS PRIOR TO THE START OF CONSTRUCTION.
- SAWCUT AND REMOVE EXISTING PAVEMENT AT PEDESTRIAN RAMP LOCATIONS 24" OFF FACE OF EXISTING CURB TO ALLOW FOR REMOVAL OF EXISTING FULL DEPTH CURB AND CONSTRUCTION OF PROPOSED FLUSH CURB AND CURB TAPERS.
- ALL PAVEMENT MARKINGS SHALL BE PROVIDED IN ACCORDANCE WITH PENNDOT PUBLICATION 111, TC-8600.



SIDEWALK PLAN VIEW

SCALE: 1"=20'

LEGEND	
PROP.	EXIST.
GRADING CONTOUR	
SIDEWALK	
CURBING	
DEPRESSED CURB	
STORM MANHOLE	
INLET - TYPE C	
INLET - TYPE M	
WINGED HEAD WALL	
STORM DRAIN PIPE	
FIRE HYDRANT	
THRUST BLOCK	
GATE VALVE	
SAN. SEWER LINE	
SAN. SEWER LATERAL	
WATER MAIN	
WATER LATERAL	
GAS LINE	
RIGHT-OF-WAY LINE	
BUILDING SETBACK LINE	
UTILITY EASEMENT	

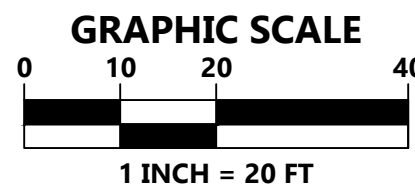
SERIAL NO. 20153511482

Before You Dig Anywhere



PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN A DIGITAL IMPRESSED, OR COLORIZED INK SEAL, OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

TOTAL LIMIT OF DISTURBANCE: 0.74 ACRES



DATE: JANUARY 6, 2022	SCALE: 1"=20'
DESIGNED BY: RDJ	DRAWN BY: RDJ
CHECKED BY: MAB	JOB NO. 09-02-SWT
DATE: MAY 16, 2023	DATE: MAY 16, 2023

I HEREBY CERTIFY THE ABOVE PLAN AND SURVEY TO BE CORRECT IN ALL ITS DETAILS.

Mark A. Bahnick
MARK A. BAHNICK, P.E.
PENNSYLVANIA PROFESSIONAL ENGINEER LICENSE NUMBER PE-037877-E

Van Cleef
ENGINEERING WITH FOCUS

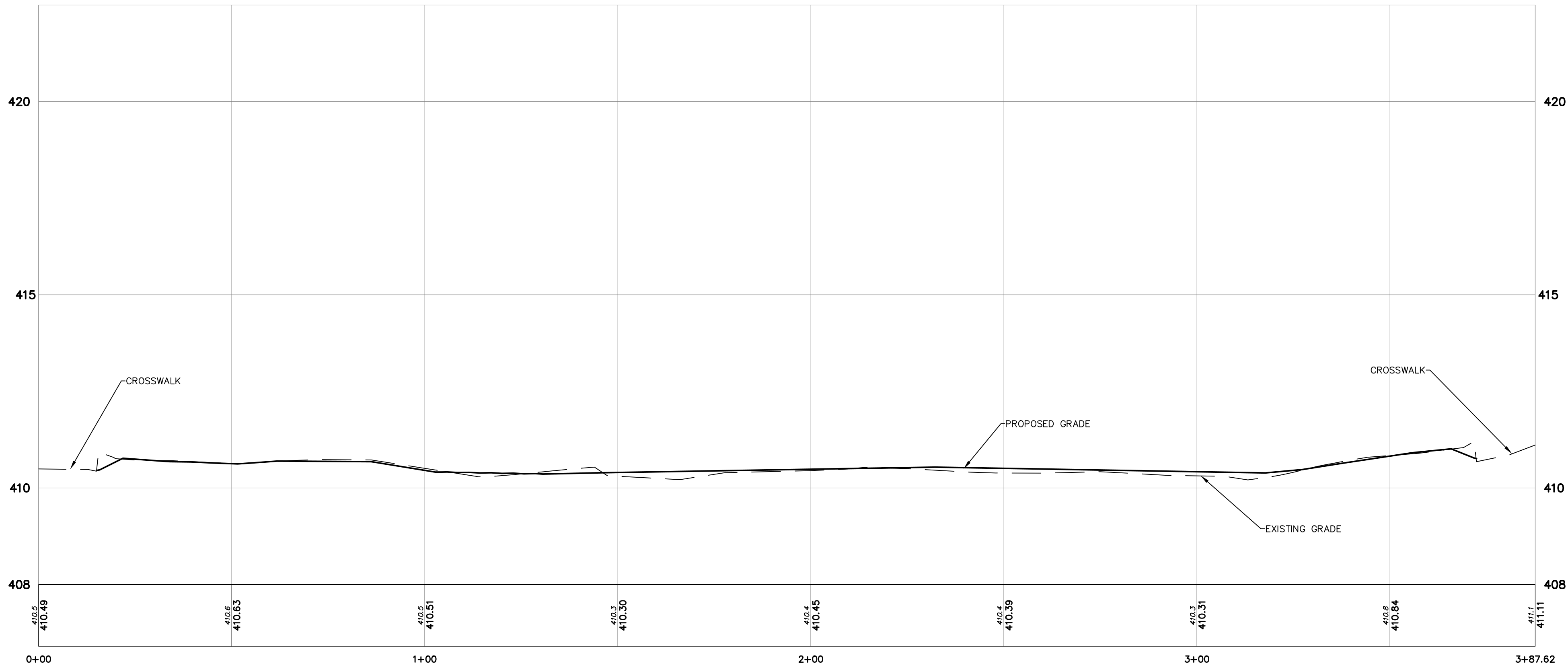
VAN CLEEF ENGINEERING ASSOCIATES, LLC
1685 VALLEY CENTER PARKWAY, SUITE 100
BETHLEHEM, PA 18017
WWW.VANCLEEFENGINEERING.COM
PHONE (610) 332-1772

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Eastern Pennsylvania and Delaware

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Water/Wastewater

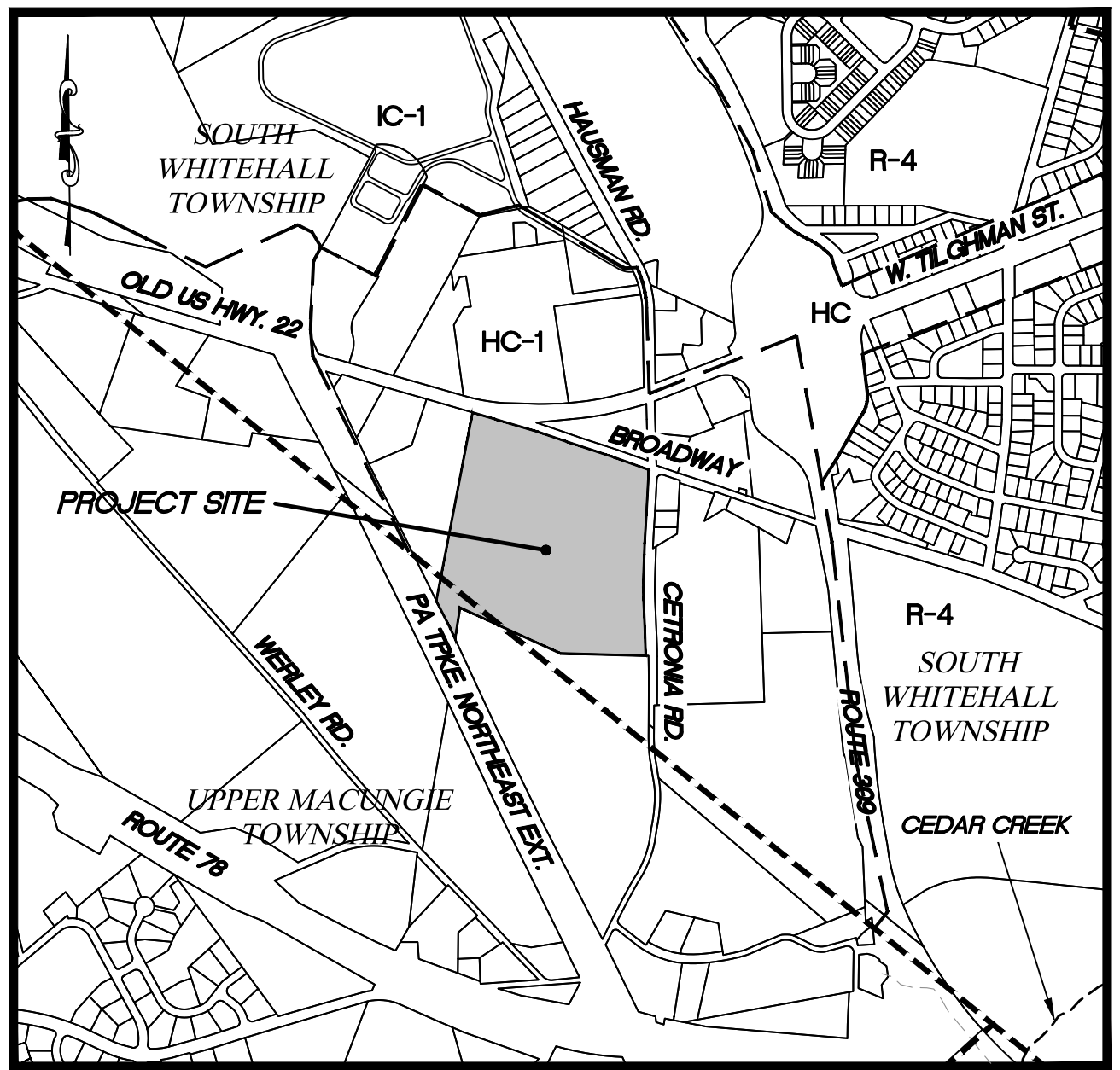
BROADWAY SIDEWALK GRADING PLAN
FOR
TILGHMAN SQUARE SHOPPING CENTER
SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PA

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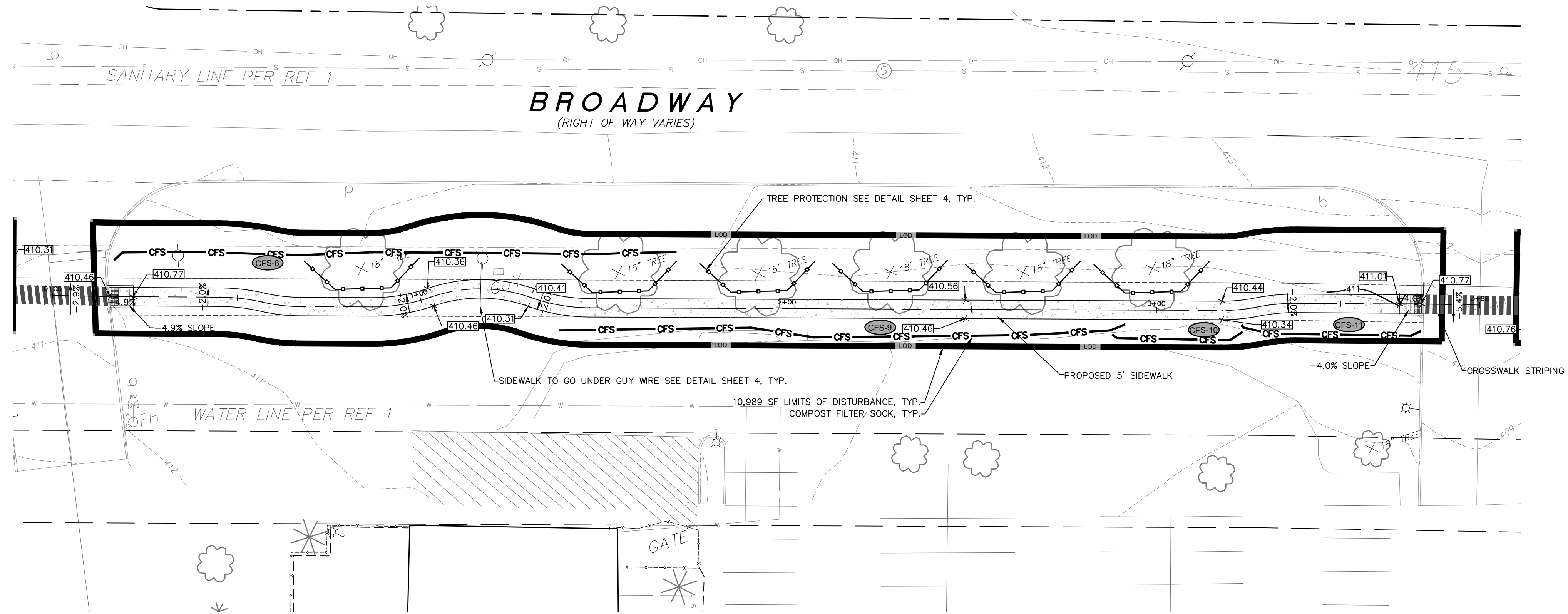


ALIGNMENT - SW SECTION 2

SCALE: H: 1"=20' V: 1"=2'
DATUM: 407.50



SITE LOCATION MAP
SCALE: 1"= 1,000'

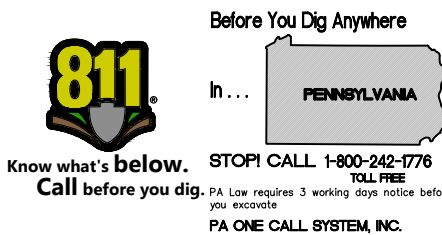


SIDEWALK PLAN VIEW

SCALE: 1"=20'

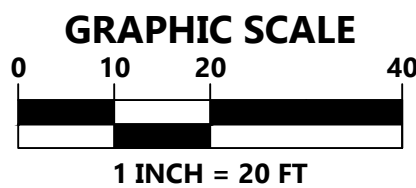
LEGEND	
PROP.	EXIST.
GRADING CONTOUR	
CURBING	
DEPRESSED CURB	
STORM MANHOLE	
INLET - TYPE C	
INLET - TYPE M	
WINGED HEAD WALL	
STORM DRAIN PIPE	
FIRE HYDRANT	
THRUST BLOCK	
GATE VALVE	
SAN. SEWER LINE	
SAN. SEWER LATERAL	
WATER MAIN	
WATER LATERAL	
GAS LINE	
RIGHT-OF-WAY LINE	
BUILDING SETBACK LINE	
UTILITY EASEMENT	

SERIAL NO. 20153511482



PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN A DIGITAL IMPRESSED, OR COLORIZED INK SEAL, OF THE RESPONSIBLE PROFESSIONAL, SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES, IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

TOTAL LIMIT OF DISTURBANCE: 0.74 ACRES



DATE: JANUARY 6, 2022	SCALE: 1"=20'
DESIGNED BY: RDJ	DRAWN BY: RDJ
CHECKED BY: MAB	JOB NO. 09-02-SWT
I HEREBY CERTIFY THE ABOVE PLAN AND SURVEY TO BE CORRECT IN ALL ITS DETAILS.	
Mark A. Bahnick MARK A. BAHNICK, P.E. PENNSYLVANIA PROFESSIONAL ENGINEER LICENSE NUMBER PE-037877-E	
MAY 16, 2023 DATE	



VAN CLEEF ENGINEERING ASSOCIATES, LLC
1685 VALLEY CENTER PARKWAY, SUITE 100
BETHLEHEM, PA 18017
WEB: WWW.VANCLEEFENGINEERING.COM
PHONE (610) 332-1772

With Offices in New Jersey,
Eastern Pennsylvania and Delaware

Bridges/Highways
Construction Inspection
Environmental
Geotechnical/Dams
Landscape Architecture
Local/Regional Planning
Municipal Engineering
Site Development
Surveying/Aerial Drones/GIS
Water/Wastewater

BROADWAY SIDEWALK GRADING PLAN

FOR

TILGHMAN SQUARE SHOPPING CENTER

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PA

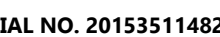
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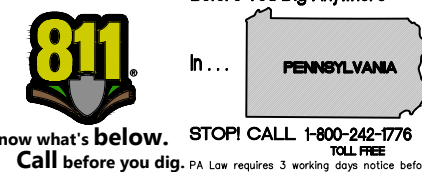
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DATUM: 405.00



SCALE: 1"=20'

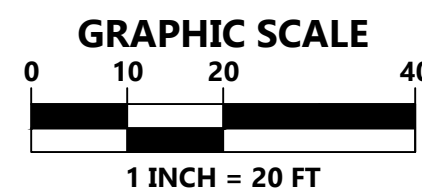


Before You Dig Anywhere



PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN A DIGITAL, INK SEAL OF THE REGISTERED PROFESSIONAL ENGINEER SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. REVISIONS TO THIS PLAN FOR ANY PURPOSES OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

TOTAL LIMIT OF DISTURBANCE: 0.74 ACRES



**I HEREBY CERTIFY THE ABOVE PLAN AND
SURVEY TO BE CORRECT IN ALL ITS DETAILS.**

Mark A. Bahnick

MARK A. BAHNICK, P.E.

PENNSYLVANIA PROFESSIONAL ENGINEER LICENSE NUMBER PE-038777-E

DATE: JANUARY 6, 2022

SCALE: 1"=20'

DESIGNED BY: RDJ

DRAWN BY: BDI

CHECKED BY: MAR

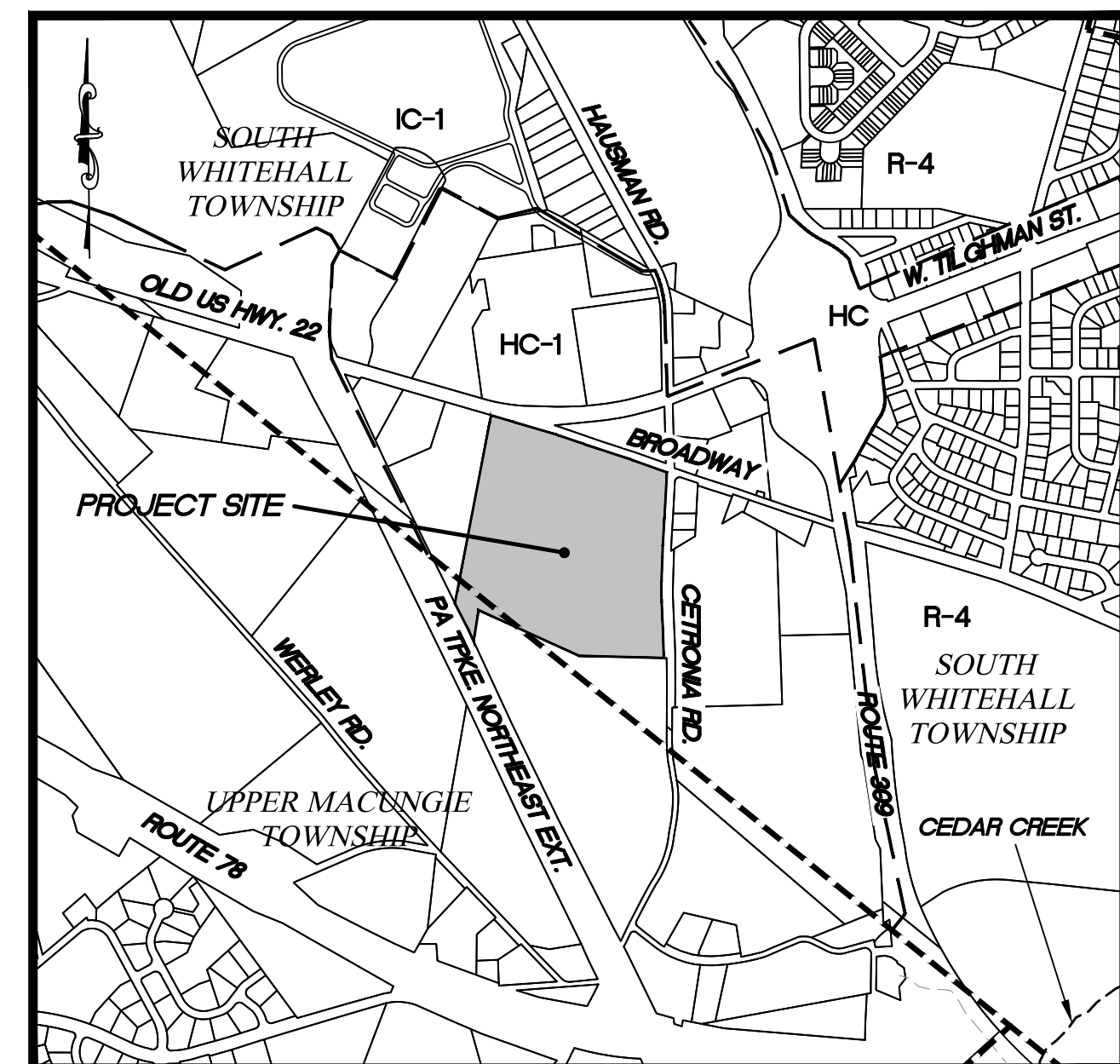
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17

MAY 16, 2023
DATE

DATE



SITE LOCATION MAP
SCALE: 1" = 1,000'

	PROP.	<u>LEGEND</u>	EXIST.
GRADING CONTOUR	— 346 —		
SIDEWALK	—————		
CURBING	—————		
DEPRESSED CURB	—————		
STORM MANHOLE	Ⓜ		Ⓜ
INLET - TYPE C	Ⓜ		Ⓜ
INLET - TYPE M	Ⓜ		Ⓜ
WINGED HEAD WALL	Ⓜ		Ⓜ
STORM DRAIN PIPE	—————		—————
FIRE HYDRANT	Ⓜ		Ⓜ
THRUST BLOCK	◀		Ⓜ
GATE VALVE	Ⓜ		Ⓜ
SAN. SEWER LINE	—————		—————
SAN. SEWER LATERAL	—————		—————
WATER MAIN	—————		—————
WATER LATERAL	—————		—————
GA S LINE	—————		—————
RIGHT-OF-WAY LINE	—————		—————
BUILDING SETBACK LINE	—————		—————
UTILITY EASEMENT	—————		—————



Van Cleef
ENGINEERING WITH FOCUS

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**SOUTH WHITEHALL TOWNSHIP
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Bridges/Highways
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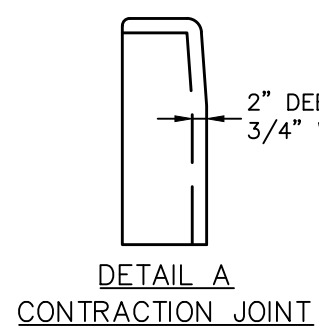
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STANDARD EROSION AND SEDIMENT CONTROL PLAN NOTES

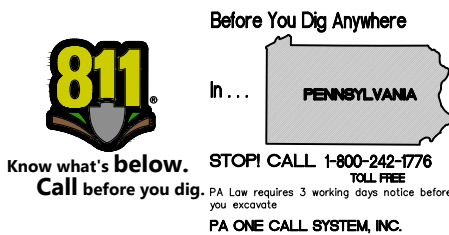
- ALL EARTH DISTURBANCES, INCLUDING CLEARING AND GRUBBING AS WELL AS CUTS AND FILLS SHALL BE DONE IN ACCORDANCE WITH THE APPROVED DRAWINGS (STAMPED, SIGNED AND DATED BY THE REVIEWING AGENCY) MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES. THE REVIEWING AGENCY SHALL BE NOTIFIED OF ANY CHANGES TO THE APPROVED PLAN PRIOR TO IMPLEMENTATION OF THOSE CHANGES. THE REVIEWING AGENCY MAY REQUIRE A WRITTEN SUBMITTAL OF THOSE CHANGES FOR REVIEW AND APPROVAL AT ITS DISCRETION.
- AT LEAST 7 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, INCLUDING CLEARING AND GRUBBING, THE OWNER AND/OR OPERATOR SHALL INVITE ALL CONTRACTORS, THE LANDOWNER, APPROPRIATE MUNICIPAL OFFICIALS, THE E&S PLAN PREPARER, THE PCSM PLAN PREPARER, THE LICENSED PROFESSIONAL RESPONSIBLE FOR OVERSIGHT OF CRITICAL STAGES OF IMPLEMENTATION OF THE PCSM PLAN, AND A REPRESENTATIVE FROM THE LOCAL CONSERVATION DISTRICT TO AN ON-SITE PRECONSTRUCTION MEETING.
- AT LEAST 3 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, OR EXPANDING INTO AN AREA PREVIOUSLY UNMARKED, THE PENNSYLVANIA ONE CALL SYSTEM INC. SHALL BE NOTIFIED AT 1-800-242-1776 FOR THE LOCATION OF EXISTING UNDERGROUND UTILITIES.
- ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE PROVIDED ON THE PLAN DRAWINGS. DEVIATION FROM THAT SEQUENCE MUST BE APPROVED IN WRITING FROM THE LOCAL CONSERVATION DISTRICT OR BY THE DEPARTMENT PRIOR TO IMPLEMENTATION.
- AREAS TO BE FILLED ARE TO BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL.
- CLEARING, GRUBBING, AND TOPSOIL STRIPPING SHALL BE LIMITED TO THOSE AREAS DESCRIBED IN EACH STAGE OF THE CONSTRUCTION SEQUENCE. GENERAL SITE CLEARING, GRUBBING AND TOPSOIL STRIPPING MAY NOT COMMENCE IN ANY STAGE OR PHASE OF THE PROJECT UNTIL THE E&S BMPs SPECIFIED BY THE BMP SEQUENCE FOR THAT STAGE OR PHASE HAVE BEEN INSTALLED AND ARE FUNCTIONING AS DESCRIBED IN THIS E&S PLAN.
- TOPSOIL REQUIRED FOR THE ESTABLISHMENT OF VEGETATION SHALL BE STOCKPILED AT THE LOCATION(S) SHOWN ON THE PLAN MAP(S) IN THE AMOUNT NECESSARY TO COMPLETE THE FINISH GRADING OF ALL EXPOSED AREAS THAT ARE TO BE STABILIZED BY VEGETATION. EACH STOCKPILE SHALL BE PROTECTED IN THE MANNER SHOWN ON THE PLAN DRAWINGS. STOCKPILE HEIGHTS SHALL NOT EXCEED 35 FEET. STOCKPILE SLOPES SHALL BE 2H:1V OR FLATTER.
- IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO MINIMIZE THE POTENTIAL FOR EROSION AND SEDIMENT POLLUTION AND NOTIFY THE LOCAL CONSERVATION DISTRICT AND/OR THE REGIONAL OFFICE OF THE DEPARTMENT.
- ALL BUILDING MATERIALS AND WASTES SHALL BE REMOVED FROM THE SITE AND RECYCLED OR DISPOSED OF IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA. CODE 260.1 ET SEQ., 271.1, AND 287.1 ET. SEQ. NO BUILDING MATERIALS OR WASTES OR UNUSED BUILDING MATERIALS SHALL BE BURNED, BURIED, DUMPED, OR DISCHARGED AT THIS SITE.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ANY MATERIAL BROUGHT ON SITE IS CLEAN FILL. FORM PP-001 MUST BE RETAINED BY THE PROPERTY OWNER FOR ANY FILL MATERIAL AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE BUT QUALIFYING AS CLEAN FILL DUE TO ANALYTICAL TESTING.
- UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMPs SHALL BE MAINTAINED PROPERLY. MAINTENANCE SHALL INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT BMPs AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. THE OPERATOR WILL MAINTAIN AND MAKE AVAILABLE TO LEHIGH COUNTY CONSERVATION DISTRICT COMPLETE, WRITTEN INSPECTION LOGS OF ALL THOSE INSPECTIONS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEAN OUT, REPAIR, REPLACEMENT, REGRADEING, RESEEDING, REMULCHING AND RENETTING MUST BE PERFORMED IMMEDIATELY. IF THE E&S BMPs FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMPs, OR MODIFICATIONS OF THOSE INSTALLED WILL BE REQUIRED.
- SEDIMENT TRACKED ONTO ANY PUBLIC ROADWAY OR SIDEWALK SHALL BE RETURNED TO THE CONSTRUCTION SITE BY THE END OF EACH WORK DAY AND DISPOSED IN THE MANNER DESCRIBED IN THIS PLAN. IN NO CASE SHALL THE SEDIMENT BE WASHED, SHOVELED, OR SWEEP INTO ANY ROADSIDE DITCH, STORM SEWER, OR SURFACE WATER.
- AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 TO 5 INCHES – 6 TO 12 INCHES ON COMPACTED SOILS – PRIOR TO PLACEMENT OF TOPSOIL. AREAS TO BE VEGETATED SHALL HAVE A MINIMUM 4 INCHES OF TOPSOIL IN PLACE PRIOR TO SEEDING AND MULCHING. FILL OUTSLOPES SHALL HAVE A MINIMUM OF 2 INCHES OF TOPSOIL.
- IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE IN ANY AREA OR SUBAREA OF THE PROJECT, THE OPERATOR SHALL STABILIZE ALL DISTURBED AREAS, DURING NON-GERMINATING MONTHS, MULCH OR OTHER PROTECTIVE BLANKETING SHALL BE APPLIED AS DESCRIBED IN THE PLAN. AREAS NOT AT FINISHED GRADE, WHICH WILL BE REACTIVATED WITHIN 1 YEAR, MAY BE STABILIZED IN ACCORDANCE WITH THE TEMPORARY STABILIZATION SPECIFICATIONS. THOSE AREAS WHICH WILL NOT BE REACTIVATED WITHIN 1 YEAR SHALL BE STABILIZED IN ACCORDANCE WITH THE PERMANENT STABILIZATION SPECIFICATIONS.
- EROSION AND SEDIMENT BMPs MUST BE CONSTRUCTED, STABILIZED, AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF THOSE BMPs. E&S BMPs SHALL REMAIN FUNCTIONAL AS SUCH UNTIL ALL AREAS TRIBUTARY TO THEM ARE PERMANENTLY STABILIZED OR UNTIL THEY ARE REPLACED BY ANOTHER BMP APPROVED BY THE LOCAL CONSERVATION DISTRICT OR THE DEPARTMENT.
- UPON COMPLETION OF ALL EARTH DISTURBANCE ACTIVITIES AND PERMANENT STABILIZATION OF ALL DISTURBED AREAS, THE OWNER AND/OR OPERATOR SHALL CONTACT THE LOCAL CONSERVATION DISTRICT FOR AN INSPECTION PRIOR TO REMOVAL/CONVERSION OF THE E&S BMPs.
- AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMPs MUST BE REMOVED OR CONVERTED TO PERMANENT POST CONSTRUCTION STORMWATER MANAGEMENT BMPs. AREAS DISTURBED DURING REMOVAL OR CONVERSION OF THE BMPs SHALL BE STABILIZED IMMEDIATELY. IN ORDER TO ENSURE RAPID REVEGETATION OF DISTURBED AREAS, SUCH REMOVAL/CONVERSIONS ARE TO BE DONE ONLY DURING THE GERMINATING SEASON.
- FAILURE TO CORRECTLY INSTALL E&S BMPs, FAILURE TO PREVENT SEDIMENT-LADEN RUNOFF FROM LEAVING THE CONSTRUCTION SITE OR FAILURE TO TAKE IMMEDIATE CORRECTIVE ACTION TO RESOLVE FAILURE OF E&S BMPs MAY RESULT IN ADMINISTRATIVE, CIVIL, AND/OR CRIMINAL PENALTIES BEING INSTITUTED BY THE DEPARTMENT AS DEFINED IN SECTION 602 OF THE CLEAN STREAMS LAW. THE CLEAN STREAMS LAW PROVIDES FOR UP TO \$10,000 PER DAY IN CIVIL PENALTIES, UP TO \$10,000 IN SUMMARY CRIMINAL PENALTIES, AND UP TO \$25,000 IN MISDEMEANOR CRIMINAL PENALTIES FOR EACH VIOLATION.
- THE OPERATOR SHALL ASSURE THAT THE APPROVED EROSION AND SEDIMENT CONTROL PLAN IS PROPERLY AND COMPLETELY IMPLEMENTED.
- THE CONTRACTOR IS ADVISED TO BECOME THOROUGHLY FAMILIAR WITH THE PROVISIONS OF THE APPENDIX 64, EROSION CONTROL RULES AND REGULATIONS, TITLE 25, PART 1, DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBPART C, PROTECTION OF NATURAL RESOURCES, ARTICLE III, WATER RESOURCES, CHAPTER 102, EROSION CONTROL.
- CONCRETE WASH WATER SHALL BE HANDLED IN THE MANNER DESCRIBED ON THE PLAN DRAWINGS. IN NO CASE SHALL IT BE ALLOWED TO ENTER ANY SURFACE WATERS OR GROUNDWATER SYSTEMS.
- AT LEAST 7 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, THE OPERATOR SHALL PROVIDE NOTICE IN WRITING TO THE LEHIGH COUNTY CONSERVATION DISTRICT THAT EARTH DISTURBANCE ACTIVITIES WILL BE COMMENCING.

NOTES:

- PROVIDE MATERIALS AND CONSTRUCTION MEETING THE REQUIREMENTS OF PUBLICATION 408, SECTIONS 630 FOR PLAIN CONCRETE CURB AND DEPRESSED CURB, SECTION 640 FOR PLAIN CONCRETE CURB AND FOR PLAIN CONCRETE CURB CUTTER.
- SPACE CONTRACTION JOINTS IN UNIFORM LENGTHS OR SECTIONS AT MINIMUM EVERY 10 FEET.
- PLACE 3/4-INCH PREMOLDED EXPANSION JOINT FILLER MATERIAL AT MINIMUM EVERY 30 FEET, AT STRUCTURES, AND AT THE END OF THE WORK DAY. CUT MATERIAL TO CONFORM TO AREA ADJACENT TO CURB OR TO CROSS SECTIONAL AREA OF CURB.
- PORTLAND CEMENT CONCRETE USED IN THE CONSTRUCTION OF CURBS AND GUTTERS SHALL MEET THE MINIMUM 3,000 PSI TWENTY-EIGHT-DAY STRENGTH TEST ACCORDING TO ASTM STANDARDS.

CONCRETE CURB DETAIL
NOT TO SCALE

SERIAL NO. 20153511482



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GUY WIRE DETAIL DETAIL

SCALE: N.T.S.

SEEDING SPECIFICATIONS:

AGRONOMIC SPECIFICATIONS FOR LAWNS AND CONSTRUCTION SITES:

GENERAL NOTES:

- ALL DISTURBED AREAS THAT ARE NOT BEING GRADED, NOT UNDER ACTIVE CONSTRUCTION, OR NOT SCHEDULED TO BE PERMANENTLY SEEDED WITHIN 30 DAYS MUST BE TEMPORARILY STABILIZED AS PER SPECIFICATIONS BELOW.
- ALL EXPOSED AREAS WHICH ARE TO BE PERMANENTLY VEGETATED ARE TO BE SEEDED AND MULCHED WITHIN 10 DAYS OF FINAL GRADING.
- STRAW OF HAY MULCH IS TO BE APPLIED TO ALL SEEDINGS AT THE RATE OF 3 TONS PER ACRE.
- MULCH ANCHORING IS REQUIRED AFTER MULCHING TO MINIMIZE LOSS BY WIND OR WATER. THIS IS TO BE DONE USING ONE OF THE METHODS: SCRIMPING, LIQUID MULCH BINDERS, NETTINGS, ETC.] IN THE "STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL".
- EXISTING WEEDY AND POORLY-VEGETATED AREAS WITH LESS THAN 75 PERCENT PERENNIAL GRASS COVER MUST RECEIVE PERMANENT STABILIZATION (AS SPECIFIED BELOW).
- ALL BAGS NEED TO BE SAVED FOR LIME, FERTILIZER, SEED AND LIQUID MULCH BINDER (IF USED AS MULCH ANCHORING METHOD). SUCH PROOFS NEED TO BE SUBMITTED TO THE DISTRICT INSPECTOR FOR VERIFICATION OF MATERIALS AND QUANTITIES USED FOR ALL SEEDINGS.

SPECIFICATIONS: THE DEPARTMENT RECOMMENDS THE USE OF THE PENN STATE PUBLICATION "EROSION CONTROL & CONSERVATION PLANTINGS ON NONCROPLAND" AS THE STANDARD TO USE FOR THE SELECTION OF SPECIES, SEED SPECIFICATIONS, MIXTURES, LIMING AND FERTILIZING, TIME OF SEEDING, AND SEEDING METHODS. SPECIFICATIONS FOR THESE ITEMS MAY ALSO BE OBTAINED FROM PENN DOT'S PUBLICATION # 408, SECTION 804 OR BY CONTACTING THE APPLICABLE COUNTY CONSERVATION DISTRICT. UPON SELECTION OF A REFERENCE, THAT REFERENCE MUST BE USED TO PROVIDE ALL SPECIFICATIONS FOR SEEDING, MULCHING, AND SOIL AMENDMENTS.

TEMPORARY STABILIZATION WITH MULCH ONLY

STRAW OR HAY MULCH IS TO BE SPREAD UNIFORMLY AT THE RATE OF 3 TONS PER ACRE (TOTAL GROUND SURFACE COVERAGE). THIS PRACTICE IS LIMITED TO PERIODS WHEN VEGETATIVE COVER CANNOT BE ESTABLISHED DUE TO THE SEASON OR OTHER CONDITIONS. MULCH ALONE CAN ONLY BE USED FOR SHORT PERIODS AND WILL REQUIRE MAINTENANCE AND RENEWAL.

RECOMMENDED MINIMUM SEEDING SPECIFICATIONS

(TEMPORARY/INTERIM)	PURE LIVE SEED %	MINIMUM GERMINATION %	APPLICATION RATE lbs/1000sf	FERTILIZATION N-P205-K20 10-10-10 lbs/1000sf (lbs/acre)	AGRICULTURAL GRADE LIMESTONE APPLICATION RATE lbs/1000sf (Tons/acre)	MULCH TYPE	MULCH RATE lbs/1000sf
MIX T-1 (Use between the time period of March 15th through October 15th) Annual Ryegrass	98	90	1	11.5 (500)	46 (1Ton)	STRAW	140
(PERMANENT/FINAL)	PURE LIVE SEED %	MINIMUM GERMINATION %	APPLICATION RATE lbs/1000sf	FERTILIZATION N-P205-K20 10-20-20 lbs/1000sf (lbs/acre)	AGRICULTURAL GRADE LIMESTONE APPLICATION RATE lbs/1000sf (Tons/acre)	MULCH TYPE	MULCH RATE lbs/1000sf
LAWN SEED MIXTURES							
MIX P-1 (Sunny Areas)	95	85	3	23 (1,000)	275 (6Ton)	STRAW	140
Perennial Ryegrass	30	90					
OR Kentucky Bluegrass (Minimum 2 Species)	95	85					
MIX P-2 (Sun & Shade)	95	90	3	23 (1,000)	275 (6Ton)	STRAW	140
Perennial Ryegrass	60	90					
Kentucky Bluegrass	15	85					
Creeping Red Fescue	15	85					
MIX P-3 (Shade & Dry Soil)	95	90	4	23 (1,000)	275 (6Ton)	STRAW	140
Fine Fescue	95	90					
(Minimum 3 Species)	30% EACH						
MIX P-4 (Shade & Moist Soil)	95	90	4	23 (1,000)	275 (6Ton)	STRAW	140
Fine Fescue	50	90					
Rough Bluegrass	40	85					
LOW MAINTENANCE TURF AREAS							
MIX P-5	95	90	5	23 (1,000)	275 (6Ton)	STRAW	140
Perennial Ryegrass	30% EACH	90					
(Minimum 3 Species)							
MIX P-6	95	90	10	23 (1,000)	275 (6Ton)	STRAW	140
Tall Fescue	40% EACH	90					
(Minimum 2 Species)							

The following shall apply to all of the above seed mixtures:
Other Crop – Maximum 5%
Inert Matter – Maximum 5%
Weed Seed – Maximum 0.5%

References:

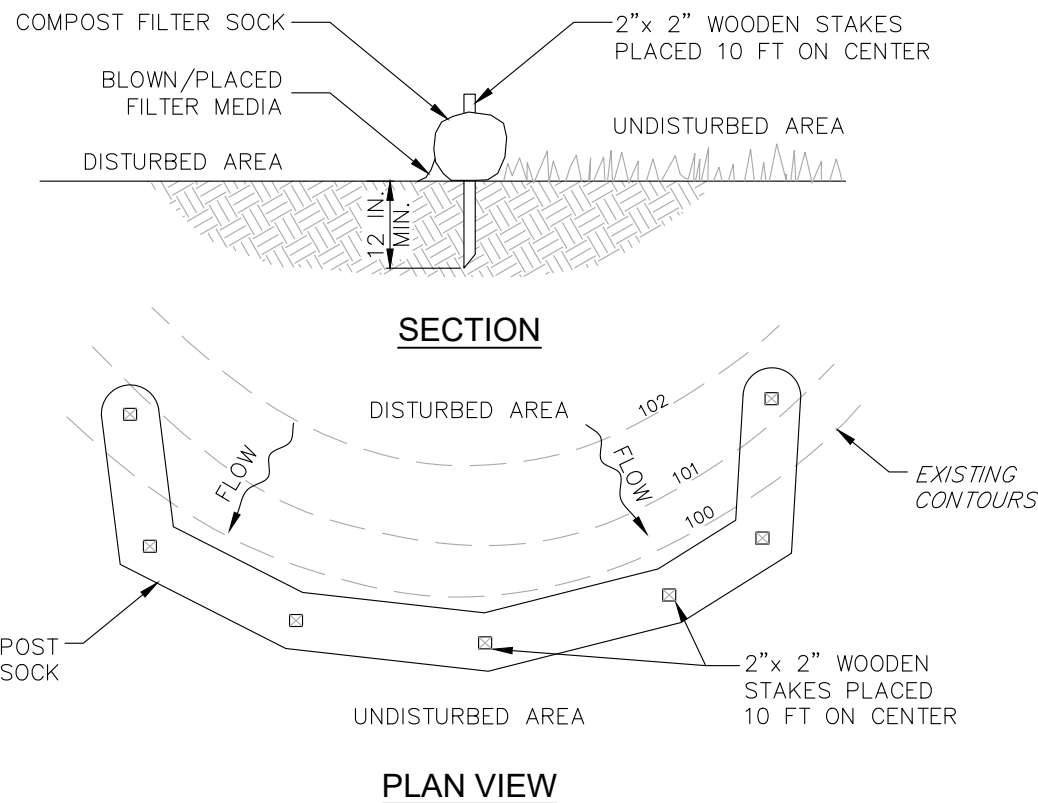
PennState College of Agricultural Sciences "Erosion Control & Conservation Plantings on Non-Cropland" (1997)
Pennsylvania State University, College of Agricultural Sciences, Extension Service, Special Circular 163
PennDOT Publication 408

ROADSIDE SLOPE SEEDING AND MULCHING SPECIFICATIONS

	TYPE	APPLICATION
LIME*	LIME	6 TONS/ACRE
FERTILIZER*	COMMERCIAL 10-20-20	1,000 LBS/ACRE
TEMPORARY SEEDING	ANNUAL RYEGRASS	2 LBS/1,000 S.F.
PERMANENT SEEDING ***	HAY OR STRAW	3 TONS/ACRE

* TO BE USED FOR BOTH TEMPORARY AND PERMANENT SEEDING
** OPTIMUM SEEDING
*** APRIL 1 TO OCTOBER 31

NOTE: SIX INCHES OF TOPSOIL TO BE SPREAD IN PROPOSED AREAS FOR THE ESTABLISHMENT OF VEGETATION



PLAN VIEW

NOTES:

SOCK FABRIC SHALL MEET STANDARDS OF TABLE 4.1 OF THE PA DEP EROSION CONTROL MANUAL. COMPOST SHALL MEET THE STANDARDS OF TABLE 4.2 OF THE PA DEP EROSION CONTROL MANUAL.

COMPOST FILTER SOCK SHALL BE PLACED AT EXISTING LEVEL GRADE. BOTH ENDS OF THE BARRIER SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN BARRIER ALIGNMENT. MAXIMUM SLOPE LENGTH ABOVE ANY BARRIER SHALL NOT EXCEED THAT SPECIFIED FOR THE SIZE OF THE SOCK AND THE SLOPE OF ITS TRIBUTARY AREA.

TRAFFIC SHALL NOT BE PERMITTED TO CROSS COMPOST FILTER SOCKS.

ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES 1/2 THE ABOVE GROUND HEIGHT OF THE BARRIER AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.

COMPOST FILTER SOCKS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. DAMAGED SOCKS SHALL BE REPAIRED ACCORDING TO MANUFACTURER'S SPECIFICATIONS OR REPLACED WITHIN 24 HOURS OF INSPECTION.

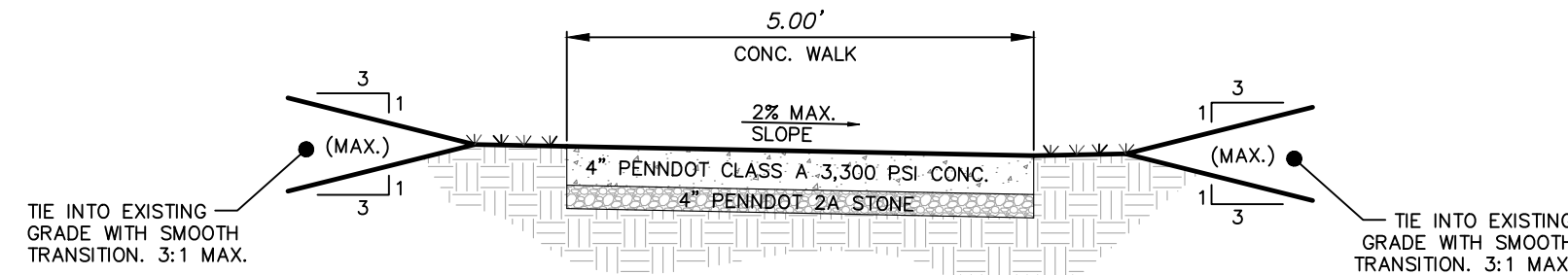
BIODEGRADABLE COMPOST FILTER SOCKS SHALL BE REPLACED AFTER 6 MONTHS; PHOTODEGRADABLE SOCKS AFTER 1 YEAR. POLYPROPYLENE SOCKS SHALL BE REPLACED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

UPON STABILIZATION OF THE AREA TRIBUTARY TO THE SOCK, STAKES SHALL BE REMOVED. THE SOCK MAY BE LEFT IN PLACE AND VEGETATED OR REMOVED. IN THE LATTER CASE, THE MESH SHALL BE CUT OPEN AND THE MULCH SPREAD AS A SOIL SUPPLEMENT.

STANDARD CONSTRUCTION DETAIL #4-1
COMPOST FILTER SOCK

NOT TO SCALE

- BED FOR CONCRETE SIDEWALKS SHALL BE THOROUGHLY COMPACTED BY TAMPING. JOINTS SHALL BE MADE EVERY 4 FEET (UNLESS NOTED OTHERWISE ON THE DRAWINGS) AND A SPACE OF 1/4 INCH TO 1/2 INCH LEFT BETWEEN BLOCKS AT EVERY FOURTH JOINT AND FILLED WITH PREPARED JOINT FILLER AT EACH JOINT, AT LEAST ONE HALF OF THE FABRIC WIRES SHALL BE CUT.
- LIMITS OF SIDEWALK RECONSTRUCTION SHOWN ON PLANS IS APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE TO EXTEND RECONSTRUCTION TO THE NEAREST EXISTING JOINT. MATCH EXISTING SIDEWALK SCORING PATTERN.

CONCRETE WALK (BROADWAY)
N.T.S.

CONSTRUCTION SEQUENCE

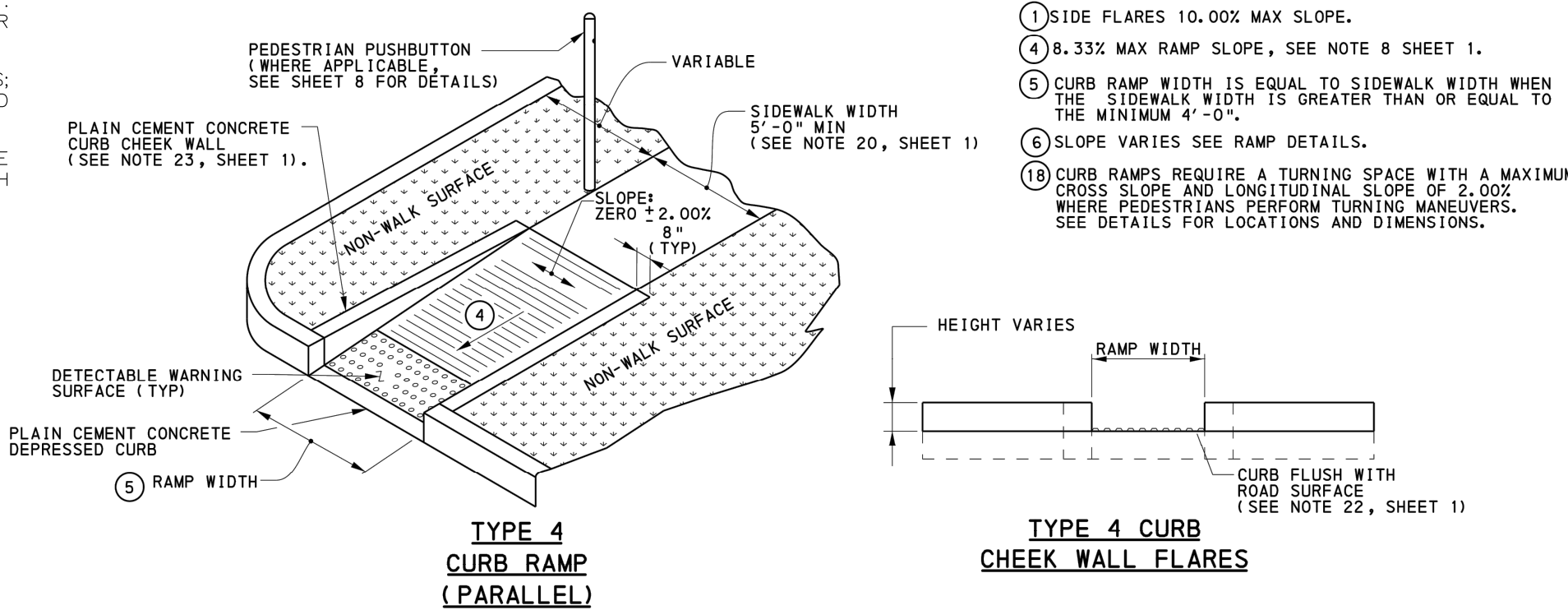
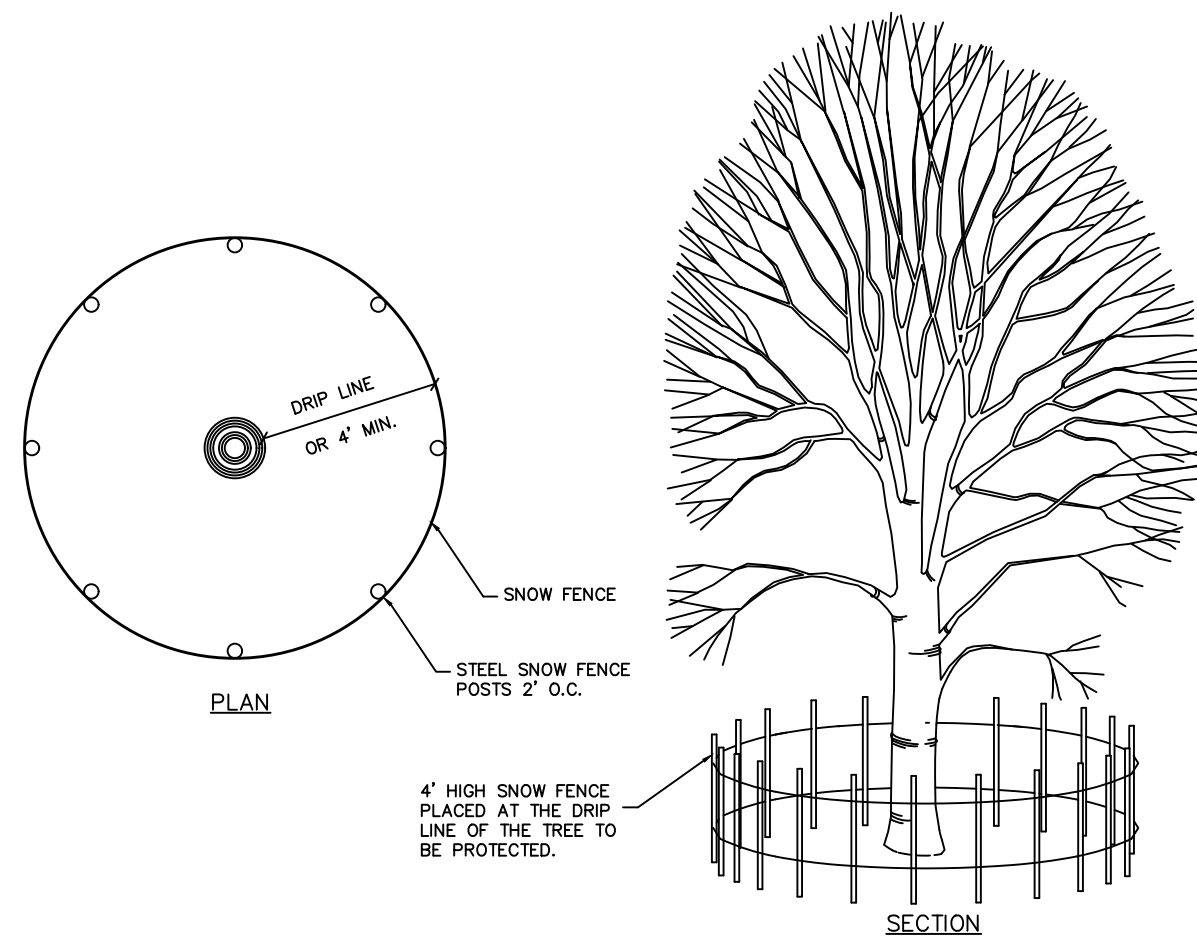
- AT LEAST 7 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, THE OPERATOR SHALL INVITE ALL CONTRACTORS INVOLVED IN THOSE ACTIVITIES, THE LANDOWNER, ALL APPROPRIATE MUNICIPAL OFFICIALS, THE EROSION AND SEDIMENTATION CONTROL PREPARER AND A REPRESENTATIVE OF LEHIGH COUNTY CONSERVATION DISTRICT (LCCD) TO AN ON-SITE MEETING.
- ALSO, AT LEAST 3 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, ALL CONTRACTORS INVOLVED IN THOSE ACTIVITIES SHALL NOTIFY THE PENNSYLVANIA ONE CALL SYSTEM INCORPORATED AT 1-800-242-1776 FOR BURIED UTILITIES LOCATIONS.
- NOTIFY LCCD THREE (3) DAYS PRIOR TO ANY EARTH DISTURBANCE.
- DISTURB ONLY AREAS THAT REQUIRE INSTALLATION OF EROSION AND SEDIMENTATION (E&S) CONTROLS UNTIL CONTROLS ARE STABILIZED AND FUNCTIONAL.
- EROSION AND SEDIMENT BMPs MUST BE CONSTRUCTED, STABILIZED AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF THOSE BMPs.
- INSTALL COMPOST FILTER SOCK AND TREE PROTECTION FENCING AS SHOWN ON APPROVED PLANS.
- SAW-CUT AND REMOVE EXISTING PAVEMENT AT PEDESTRIAN RAMPS 24" OFF EXISTING FACE OF CURB. REMOVE EXISTING PAVEMENT AND FULL DEPTH CURB. PROVIDE APPROPRIATE TRAFFIC PROTECTION DURING CONSTRUCTION.
- EXCAVATE SOIL TO DEPTH REQUIRED TO CONSTRUCT CONCRETE SIDEWALK SECTIONS. DEPOSIT EXCAVATED SOILS IMMEDIATELY DOWN-SLOPE OF SIDEWALK, UPSTREAM OF ASSOCIATED COMPOST FILTER SOCKS. DISPOSE OF EXCESS SOILS THROUGH APPROVED METHODS.
- CONSTRUCT CONCRETE SIDEWALK SECTIONS AND PEDESTRIAN RAMPS. RAMP CONSTRUCTION SHALL INCLUDE FLUSH CURB, CHEEK WALLS, AND DETECTABLE WARNING SURFACES.
- RESTORE PAVEMENT AS REQUIRED.
- REMOVE TOPSOIL, SEED, AND MULCH AT ANY AREAS ADJACENT TO CONSTRUCTED SIDEWALK WHERE NEEDED.
- PROVIDE CROSSWALKS PER APPROVED PLANS.
- EROSION AND SEDIMENT CONTROL BMPs CAN BE REMOVED ONCE FINAL STABILIZATION HAS BEEN ACHIEVED, DEFINED AS 75% VEGETATIVE COVER OVER DISTURBED AREAS.

ABACT BMP

TABLE 4.1
Compost Sock Fabric Minimum Specifications

Material Type	3 mil HDPE	5 mil HDPE	5 mil HDPE	Multi-Filament Polypropylene (MPP)	Heavy Duty Multi-Filament Polypropylene (HMP)
Material Characteristics	Photo-degradable	Photo-degradable	Bio-degradable	Photo-degradable	Photo-degradable
Sock Diameters	12" -48"	12" -48"	12" -48"	12" -48"	12" -48"
Mesh Opening	3/8"	3/8"	3/8"	3/8"	3/8"
Tensile Strength	26 psi	26 psi	26 psi	44 psi	202 psi
Ultraviolet Stability %	23% at 1000 hr.	23% at 1000 hr.	23% at 1000 hr.	100% at 1000 hr.	100% at 1000 hr.
Original Strength (ASTM G-155)	23% at 1000 hr.	23% at 1000 hr.	23% at 1000 hr.	100% at 1000 hr.	100% at 1000 hr.
Minimum Functional Longevity	6 months	9 months	6 months	1 year	2 years

* MULTI-FILAMENT POLYPROPYLENE (MPP) SOCK TO BE USED.

COMPOST FILTER SOCK SPECIFICATIONS
.. \DETAILS\SESC DETAILS\table 4.2 COMPOST STAND.tifCURB RAMP TYPE 4 DETAIL
(SEE PENNDOT RC-67M FOR MORE DETAILS)
NOT TO SCALE

NOTES:

- TREE PROTECTION SHALL BE PROVIDED FOR ANY AND ALL TREES TO BE PRESERVED DURING AND AFTER CONSTRUCTION.
- 4" HIGH SNOW FENCE SHALL BE PLACED AT THE DRIP LINE OF THE TREE AND ENCIRCLE THE ENTIRE TREE.
- BOARDS SHALL NOT BE NAILED TO TREES DURING CONSTRUCTION.
- ROOTS SHALL NOT BE CUT IN AN AREA INSIDE THE DRIP LINE OF THE TREE BRANCHES.
- TREE LIMB REMOVAL, WHERE NECESSARY, WILL BE DONE FLUSH WITH TRUNK OR MAIN LIMB AND BE PERFORMED UNDER THE IMMEDIATE SUPERVISION OF A LICENSED NURSERYMAN. ANY PRUNING SHALL BE DONE IN CONFORMANCE WITH THE AMERICAN NATIONAL STANDARD FOR TREE CARE OPERATIONS - TREE, SHRUB, AND OTHER WOODY PLANT MAINTENANCE - STANDARD PRACTICES (PRUNING) (ANSI A300 PART 1).

TREE PROTECTION DETAIL
NOT TO SCALE

VAN CLEEF ENGINEERING ASSOCIATES, LLC
1685 VALLEY CENTER PARKWAY, SUITE 100
BETHLEHEM, PA 18017
WEB: WWW.VANCLEEFENGINEERING.COM
PHONE (610) 332-1772

With Offices in New Jersey,
Eastern Pennsylvania and Delaware

BROADWAY SIDEWALK GRADING PLAN
FOR

TILGHMAN SQUARE SHOPPING CENTER
SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PA

Bridges/Highways
Construction Inspection
Environmental
Geotechnical/Dams
Landscape Architecture
Local/Regional Planning
Municipal Engineering
Site Development
Surveying/Aerial Drones/GIS
Water/Wastewater

004
004

Project Narrative

Tilghman Square Shopping Center Broadway Sidewalk 4680 Broadway, South Whitehall Township, Lehigh County, PA

The owners of the Tilghman Square Shopping Center (Tilghman Square Associates, LP) are proposing the construction of a sidewalk along Broadway fronting on the northern edge of the shopping center property. This sidewalk was originally proposed during land development projects in 2012/2013. The construction of the sidewalks received deferment from the Board of Supervisors of South Whitehall Township, and the Township is now asking for its construction.

The proposed sidewalk will begin at the northwestern corner of the shopping center property. At this location a pedestrian ramp will be constructed at the existing driveway leading to the adjacent Ollie's outlet store. From this ramp, the sidewalk will extend westward, parallel to Broadway, the full length of the northern property line and connect to the existing sidewalk at the shopping center's northeast corner. During the length of the sidewalk it will cross two (2) separate entrance drives to the shopping center. At these locations, pedestrian ramps will be provided at each curb/pavement interface, and PennDOT Type C crosswalks will be provided. Topsoil, seed, and mulch will be provided over disturbed earthen areas. Pavement restoration will be provided where pavement is removed for pedestrian ramp construction.

The construction will create 5,220 sf of new impervious coverage, including the concrete sidewalks, detectable warning surfaces, and curb replacement. No other improvements are proposed.

The proposed construction will require basic erosion and sediment controls. These include compost filter socks and tree protection fencing.

July 27, 2023

David Manhardt
Director of Community Development
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

RE: Tilghman Square Broadway Sidewalk
Waiver Request Letter
South Whitehall Township, Lehigh County
VCEA: 09-02-SWT

Dear Mr. Manhardt -

On behalf of the applicant for the above-referenced project, Tilghman Square Associates, LP, we are submitting plans reflecting a proposed sidewalk under the application process for a Waiver of Land Development, under the direction of Gregg Adams. As a part of that application we are providing this Waiver Request Letter identifying those portions of the South Whitehall Township Subdivision & Land Development Ordinance (SALDO) for which we are seeking waivers. That list is as follows:

SALDO §312-11 – Preliminary Plan: Submission Procedure

This project is being submitted as a Waiver of Land Development. The normal actions of the Township followed during the Land Development process are not applicable.

SALDO §312-12.B(6) & §312-12.B(7) – Plan Requirements – Signed Statements

As the proposed work is completion of a sidewalk construction that was deferred at the time of the original land development application (approximately 10 years ago), there is no need to provide these statements in association with the work occurring now.

SALDO §312-12.B(24), §312-35.A(6)(f), – Sight Distances

The proposed sidewalks intersect with driveways accessing shopping centers, not State or local roadways. Sight Distances are more than adequate for the proposed use.

SALDO §312-12(B)(8) – Site Data

The proposed project is the completion of a deferred sidewalk that was reviewed and approved during a previous land development application. Site data was provided at that time and has not changed since that approval. Where additional land development may have been undertaken by the Owners, separate approvals were obtained.

F:\jobfile\0902SWT\0902SWT - 2023\Doc\2023\07-27-27 Waiver Request Letter - Sidewalk.docx

OFFICE LOCATIONS

www.vancleefengineering.com

Lebanon, NJ 908-735-9500	Hamilton, NJ 609-689-1100	Toms River, NJ 732-573-0490	Freehold, NJ 732-303-8700	Bethlehem, PA 610-332-1772
Hillsborough, NJ 908-359-8291	Mt. Arlington, NJ 862-284-1100	Phillipsburg, NJ 908-454-3080	Doylestown, PA 215-345-1876	Leesport, PA 610-670-6630

SALDO §312-12(B)(14) – Site Boundary

The proposed project is limited to a linear feature along the northern portion of the property to be constructed. A full description of the property is unnecessary, and the sidewalk is proposed in the location previously agreed upon on earlier record plans.

SALDO §312-12(B)(15) – Existing and Proposed Contours within 400 feet

The proposed project is limited to a linear feature along the northern portion of the property to be constructed, essentially, at-grade. No benefit is gained from providing these contours.

SALDO §312-12(B)(17) – Names of adjacent landowners

The proposed project is the completion of a deferred sidewalk that was reviewed and approved during a previous land development application. The eastern edge of the proposed sidewalk intersects an existing sidewalk on lands owned by the Applicant. North of the proposed construction is found State owned or local owned road rights-of-way. The western end of the sidewalk extends onto an adjacent property, the ownership of which is identified on the plans. All lands south of the area of construction are part of the shopping center owned by the Applicant. That ownership of concern is provided. All other tracts of land adjacent to the overall property are in no way affected by the proposed construction.

SALDO §312-12(B)(19) – Existing features within 100 feet

The proposed project is limited to a linear feature along the northern portion of the property to be constructed. Existing features at the ends of the proposed sidewalk are reflected. Any further extent is unnecessary.

SALDO §312-12(B)(20) – Existing features within 100 feet

There are no existing buildings affected by this construction.

SALDO §312-12(B)(21) – Sidewalks, trails, driveway, street, easements and rights-of-way within 400 feet of the site

All applicable easements are reflected. Extending this view to 400' provides no benefit.

SALDO §312-12(B)(22) – Soils

Excavation will be minimal. Knowledge of the surrounding soils provides no benefit.

SALDO §312-12(B)(29) – Setbacks

The proposed construction is not bound by any municipal setbacks.

SALDO §312-12(B)(35) – Staging

The is no proposed staging of construction.

SALDO §312-26(A) and SALDO §312-35(A)– Roadway Improvements

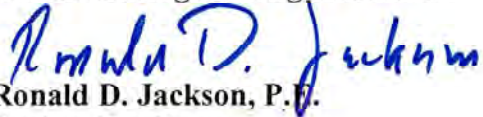
The proposed project is the completion of a deferred sidewalk that was reviewed and approved during a previous land development application. The approved project which



received deferral for the sidewalk also deferred required roadway improvements. The Applicant desires to extend that deferral.

Thank you for your consideration of these requests.

Sincerely,
Van Cleef Engineering Associates


Ronald D. Jackson, P.E.
Project Engineer

cc: Gregg Adams, South Whitehall Township
David Eickmeyer, Larken
Victor Kelly, Larken

MEMORANDUM

TO: Mr. Gregg R. Adams via e-mail
 Planner, Community Development Department
 South Whitehall Township

FROM: Mr. Anthony F. Tallarida, PE *AFT*
 Manager, Municipal Engineering Services

SUBJECT: South Whitehall Township
 Broadway Sidewalk Grading Plan for
 Tilghman Square Shopping Center
 Waiver from Land Development
 Process Request #2023-703

DATE: July 13, 2023

COPIES: Mr. Thomas R. Petrucci, MPA
 Township Manager
 South Whitehall Township

Mr. David Manhardt, AICP
 Director of Community Development
 South Whitehall Township

Mr. Herb Bender
 Director of Township Operations
 South Whitehall Township

Mr. Mike Elias
 Public Works Utility and MS4 Program Coordinator
 South Whitehall Township

Ms. Tracy J.B. Fehnel
Insurance Administrator & Executive Assistant
South Whitehall Township

Ms. Laura M. Harrier, BCO
Building Code Official/Zoning Officer
South Whitehall Township

Mr. John G. Frantz, CFEI, BCO
Fire Marshal, Building Code Official
South Whitehall Township

Joseph A. Zator, II, Esq.
South Whitehall Township Solicitor
Zator Law

Jennifer R. Alderfer, Esq.
Assistant South Whitehall Township Solicitor
Zator Law

Mr. Geoffrey A. Reese, P.E.
Director of Environmental Planning
Lehigh Valley Planning Commission

Mr. Ronald D. Jackson, P.E.
Project Engineer
Van Cleef Engineering Associates, LLC

Mr. David B. Gardner
President/CEO
Tilghman Square Associates, LP

(all via e-mail)

Mr. J. Scott Pidcock, PE, RA, Township Engineer

South Whitehall Township Ordinances:

Zoning Ordinance (ZO)

Subdivision and Land Development Ordinance (SALDO)

Stormwater Management Plan (SMP)

See attached list for documents reviewed.

Proposal:

Installation of 5,220 square feet of concrete sidewalk along the Tilghman Square
Broadway frontage.

Waivers/Deferrals/Variations:

None to date (see Waiver Comment below).

Recommendation:

Engineering approval not recommended at this time.

mjg/laf

Enclosures

South Whitehall Township
 Broadway Sidewalk Grading Plan for
 Tilghman Square Shopping Center
 Waiver from Land Development
 Process Request #2023-703

July 13, 2023

REVIEW COMMENTS

A. Planning

1. A waiver from the Land Development review process as outlined per SALDO §312-48(e) has been requested. We have reviewed the information accordingly. Additionally, in a letter dated May 31, 2023, the Design Engineer requested waivers from the following SALDO requirements:
 - a. SALDO §312-11 – Preliminary Plan submission procedure – we have no engineering objection to this request;
 - b. SALDO §312-12(b)(6) and §312-12(b)(7) – Provision of Applicants Statements and Review Scope Note. We do not recommend this waiver and request this information be provided;
 - c. SALDO §312-12(b)(14), §312-12(b)(19), §312-12(b)(20), §312-12(b)(21), §312-12(b)(22), §312-12(b)(23), §312-12(b)(26), and §312-12(b)(41) – Provision of a site boundary with a closure of 1 in 10,000, existing manmade features, buildings within 100 feet of the site, manmade features within 400 feet of the site, soil types, water and sanitary services, location and dimension of all easements and lots dedicated or reserved for public use, and a zoning plan. As it relates to this request, we recommend that at a minimum, all applicable easements be identified on the plan (e.g., 70-foot access easement along the western property line);
 - d. SALDO §312-13 – Final Plan submission procedure – we have no engineering objection to this request; and
 - e. SALDO §312-14 – Final Plan Submission and drawing requirements – we have no engineering objection to this request.

In the event waivers or deferrals are ultimately granted add a Waiver Note to reflect the dates of approval, and the Boards which took the action; and

2. Property frontage improvements are required along Broadway (e.g., cartway widening) (SALDO §312-26(a) and §312-35(b) pertain). We note that curb currently exists along Broadway in this area of the Township. The Developer may wish to discuss a deferral of these improvements with the Township.

B. General

1. Clearly identify property lines. It appears work may be proposed beyond the Tilghman Square property limits along the western edge of the site (e.g., in proximity to the Ollies' driveway). Obtain any easements as applicable. The western extent of the sidewalk/ramp should be discussed with the Township Staff to accommodate future extension of the sidewalk along Tilghman Street. We note that the proposed location shown on the plans is in an area that will make construction of a future ramp on the opposite side of the driveway and extension of the sidewalk along Tilghman Street difficult because of existing grades and fencing;
2. We note 5,220 square feet of additional impervious surface is proposed with the current proposal. Document proper stormwater management of the increased impervious cover. If the project is exempt from the requirements of the SMP based upon the standards in SMP §296-17, a narrative should be provided to explain the reasons for the exemption while also showing that the runoff from the additional impervious cover will not affect any neighboring properties;
3. We note the following survey related comments:
 - a. Provide metes and bounds for the sidewalk easements. Revise the easements so that the proposed sidewalk will be centered within the easement, SALDO §312-12(b)(25); and
 - b. Tie the easements to property boundaries as applicable.
4. Obtain permission for any work within the easements (notably the waterline easement);
5. Expand the plan information to include all applicable information for the existing storm sewer easement (Sheet 1). Also, obtain approval from the owner for work within the easement;
6. Clearly identify the limits of existing PennDOT and Township rights-of-ways along Tilghman Street (PennDOT) and Broadway (Township). Obtain Highway Occupancy Permit(s) for any work within the PennDOT right-of-way;
7. The following are comments concerning accessibility on the land development site plans. The review is based on Chapter 11, Appendix E and related accessibility provisions of the 2021 International Building Code (IBC) adopted by the Pennsylvania Construction Code Act 45 as amended (PAUCC), Accessible and Usable Buildings ICC A117.1 2017 (ICC A117.1) referenced in the IBC, and the Pennsylvania Department of Transportation Publication RC-67M (PennDOT RC-67M):
 - a. Provide grading information (e.g., spot elevations) to confirm that the cross slope of the sidewalk route will not exceed 2 percent (Sheets 1 and 3); and
 - b. Provide detailed 1" = 5'-0" scale plans of each curb ramp with spot elevations at the corners of ramps, detectable warnings, landings, and transitions to road grade.

The Township's Accessibility Code Official may have additional review comments during building permitting. We recommend contacting the Code Official to confirm the above comments and discuss any other applicable accessibility requirements;

8. Identify the required and available sight distances based on PennDOT criteria for the existing driveways. Depict the required sight distances on the Plan utilizing sight lines and label the available sight distances, SALDO §312-35(a)(6)(F) and §312-12(b)(24);
9. Provide an updated Traffic Signal Permit Plan for the Broadway/Cetronia Road/Hausman Road intersection to reflect the proposed sidewalk;
10. Provide the name and address of the Applicant, SALDO §312-12(b)(4)(D);
11. Provide Site Data in accordance with SALDO §312-12(b)(8);
12. Provide existing and proposed contours within 400 feet of the site, SALDO §312-12(b)(15). Given the scope of the plan and the information provided, we could support a waiver from this requirement;
13. Provide a benchmark and note its datum, SALDO §312-12(b)(16);
14. Provide names of owners of immediately adjacent land, SALDO §312-12(b)(17). The Developer may wish to discuss a waiver of this requirement with the Township;
15. Identify any rock outcrops, stone fields, closed topographical depressions, and other features of ground subsidence, etc. or the absence of such features should be noted, SALDO §312-12(b)(18);
16. Identify existing/proposed reference monuments, SALDO §312-12(b)(27);
17. Show property setbacks as applicable, SALDO §312-12(b)(29);
18. Show all utility crossing on the Profiles, SALDO §312-12(b)(34);
19. Provide details of the proposed crosswalk striping; SALDO §312-12(b)(42); and
20. Identify any staging, SALDO §312-12(b)(35).

C. Policy and Information

1. All required outside agency permits and approvals should be identified on the plans. These may include, but may not necessarily be limited to:
 - a. Lehigh Valley Planning Commission, SALDO §312-12(a)(10);
 - b. An Erosion & Sedimentation Control Plan approval letter from the LCCD, SALDO §312-12(a)(13) and §312-12(b)(39);
 - c. PADEP, SALDO §312-12(a)(12); and
 - d. LANTA, SALDO §312-12(a)(14).

Copies of all correspondence, including all data submitted to outside agencies regarding required permits and approvals, should be provided to the Township and our office;

2. Matters pertaining to the water distribution and sanitary sewerage systems should be directed to the Department of Public Works. We have not reviewed these items;
3. Add a note to the Plan to indicate the location of existing utilities is the responsibility of the Developer/Design Engineer and the locations of such facilities have not been reviewed by The Pidcock Company or the Township. The Developer/Design Engineer is responsible for confirming the location of all utilities and to avoid conflicts of the same with proposed improvements. Significant efforts to resolve such conflicts, including but not necessarily limited to redesign, construction delays, utility relocations, etc., may result if conflicts with existing utilities are encountered during construction; and
4. Upon submission of plans for recording, all Statements and Certifications shall be signed and sealed/notarized as applicable. Provide Certifications/Acknowledgements/Statements in accordance with SALDO §312-48(e)(2) and §312-12(b)(6). Also, provide stormwater management statements in accordance with SALDO §312-39(h) on a sheet to be recorded as applicable.

The comments noted above are the result of our engineering review. We have not reviewed items associated with legal, zoning, geotechnical, lighting, water/sanitary sewerage systems, environmental, frontage streetscape improvements, building code, public safety, and other non-engineering issues, which should be reviewed by the appropriate Township Staff and Consultants.

South Whitehall Township
Broadway Sidewalk Grading Plan for
Tilghman Square Shopping Center
Waiver from Land Development
Process Request #2023-703

List of Plans and Supplemental Information
Prepared by Van Cleef Engineering Associates, LLC and
Last revised April 25, 2023, except as noted

1. Broadway Sidewalk Grading Plan, Sheets 1 through 4 of 4;
2. Waiver request letter, dated May 31, 2023;
3. Letter of Transmittal, dated May 17, 2023; and
4. Project Narrative (undated).

In addition, we have received the following information in support of the Application:

1. Waiver Request Application, dated May 12, 2023.

Gregg R. Adams

From: Molly Wood <mwood@lantabus-pa.gov>
Sent: Tuesday, July 25, 2023 10:40 AM
To: Gregg R. Adams
Cc: David Manhardt; AJ Jordan
Subject: LANTA Comments for Broadway Sidewalk Grading Plan at Tilghman Square - 7.25.23

Gregg,

The Lehigh and Northampton Transportation Authority (LANTA) has reviewed the submitted Broadway Sidewalk Grading Plan for Tilghman Square Shopping Center in South Whitehall Township and offers the following comments.

LANTA currently provides public transportation directly to the project site, with an eastbound Bus Stop ID 6992 located along the property frontage on Broadway, farside of the entrance driveway in front of the Red Robin restaurant. LANTA appreciates all efforts to propose a new sidewalk network along this transit corridor which will benefit pedestrians accessing the bus stop location.

Typically, bus stop connectivity also needs access to the curb to allow for proper boarding/alighting for the bus stopping along the curb. LANTA strongly recommends including a 5' bus stop landing pad and sidewalk that connects from the curb to the proposed sidewalk, and a 10'x6' concrete pad adjacent to the requested landing pad, to accommodate a future bus shelter that LANTA will provide. The specific location of the requested bus stop landing pad and shelter pad, and pedestrian path from the curb to the proposed sidewalk can be determined based on engineering evaluation along the Red Robin block of the Broadway sidewalk plan.

LANTA recommends further engagement with Molly Wood at mwood@lantabus-pa.gov to discuss any additional bus stop details.

Thank you,
Molly

**Molly S. Wood, AICP**

Planner/Land Use Specialist
Lehigh and Northampton Transportation Authority
1060 Lehigh Street, Allentown, PA 18103
PH: 610-439-1376
mwood@lantabus-pa.gov
www.lantabus.com

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

**RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)**

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED
“BROADWAY SIDEWALK GRADING PLAN FOR TILGHMAN SQUARE
SHOPPING CENTER”**

WHEREAS, Tilghman Square Associates, L.P., pursuant to Article 3 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for approval for a land development for construction of sidewalk along Broadway on a 0.1198-acre portion of the 33.778-acre property located at 4680 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania; and,

WHEREAS, this proposal is reflected on plans prepared by Van Cleef Engineering, entitled “***BROADWAY SIDEWALK GRADING PLAN FOR TILGHMAN SQUARE SHOPPING CENNTER***”, dated May 16, 2023 and last revised May 16, 2023; and,

WHEREAS, all sections of the Subdivision and Land Development Regulations cited herein refer to sections of the Subdivision and Land Development Regulations that were last revised April 1, 2019, and are applicable to this plan based on the submission of the initial application in May 17, 2023; and

WHEREAS, the South Whitehall Township Subdivision and Land Development Regulations, consistent with the Pennsylvania Municipality’s Planning Code (“MPC”), sets forth regulations for formal review requirements, as well as drawing requirements, for property improvements defined as subdivisions and/or land developments;

WHEREAS, the South Whitehall Township Board of Commissioners believes that under the circumstances it is unnecessary for this Project to be reviewed and approved as a subdivision or land development.

WHEREAS, the applicant has requested that the requirement of Section 312-11 of the Subdivision and Land Development Ordinance pertaining to the Preliminary Plan Submission Procedures be waived, and staff is persuaded that the waiver would be appropriate, as the Waiver From Land Development application waives that Section; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(6) and (7) of the Subdivision and Land Development Ordinance pertaining to statements required to be shown and signed on the plan be waived, and *staff is not supportive of the request*; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included

on the plan be waived, and staff is persuaded that the waiver would be appropriate, as the data provided on the indicated plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(14) of the Subdivision and Land Development Ordinance pertaining to the showing of the boundaries of the tract showing bearings and distance be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(17) of the Subdivision and Land Development Ordinance pertaining to the showing of the names of the owners of the immediately adjacent land be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing the location, character and elevation of any building within 100 feet of the tract be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(24) of the Subdivision and Land Development Ordinance pertaining to the submission of evidence that the safe sight distance measurement can be met for non-residential driveways

be waived, and staff is persuaded that the waiver is appropriate, as the project proposes no new driveways and is strictly for the construction of sidewalk; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(29) of the Subdivision and Land Development Ordinance pertaining to the showing of all applicable setbacks be waived, and staff is persuaded that the waiver is appropriate, as the setback information is not relevant to the project; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(35) of the Subdivision and Land Development Ordinance pertaining to the showing of sequential staging be waived, and staff is persuaded that the waiver is appropriate, as no staging is proposed; and,

WHEREAS, the applicant has requested that the requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements be deferred, and staff is persuaded that the deferral is appropriate to the extent shown on the plan and, while would otherwise be waived as part of the application, should be noted as a deferral within this Resolution; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements be deferred, and staff is persuaded that the deferral is appropriate to the extent shown on the plan; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(a)(6)(F) of the Subdivision and Land Development Ordinance pertaining to the showing of clear-sight triangles be waived, and staff is persuaded that the waiver is appropriate, as the project proposes no new driveways and is strictly for the construction of sidewalk and the Waiver From Land Development application waives that Section.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that for the Project, the Board of Commissioners of the Township of South Whitehall hereby grants to Tilghman Square Associates, L.P., a waiver from the requirements of Article III Submission Procedures and Requirements for Major Plans (except for section 312-12(b) as required by Section 312-48), Article V Required Improvements, Agreement(s) and Inspection(s) For All Subdivisions, and Article VI Location and Standards of Improvements For All Subdivisions, with such waiver being subject to the Applicant's compliance with the following conditions:

1. This Resolution does not in any way waive or modify: any other requirements of South Whitehall Township; any other applicable laws, ordinances, orders, or regulations; or applicable requirements of any County, Commonwealth of Pennsylvania, Federal or other governmental agencies. Any and all such requirements, including all permits and approvals incident thereto, are to be obtained by the Applicant and are not to be considered waived or modified by this Resolution. Such outside agency reviews, approvals and permits may include by way of example but not limitation the following: Highway Occupancy Permit requirements of the Pennsylvania Department of Transportation ("**PennDOT**"); stormwater-related requirements of the Lehigh County Conservation District ("**LCCD**") and/or the Pennsylvania Department of Environmental Protection

(“DEP”); the South Whitehall Township Zoning Ordinance, the South Whitehall Township Building Code, and any other requirements of South Whitehall Township, including any requirements related to parking.

2. All costs and expenses of the Township, including without limitation, the fees of the Township Engineer and Township Solicitor and/or other consultants relative to review and approval of Applicant’s waiver request, this Resolution, and attending to the conditions in this Resolution following adoption of this Resolution, shall be the responsibility of Applicant. The failure of Applicant to promptly pay invoices in accordance with applicable Township procedures for subdivision/developments review and approval shall give the Township the right to refuse to issue any additional permits until such time as all invoices have been paid in full and the Township escrow procedures have been complied with by the Applicant.
3. All fees associated with submission of a plan for land development, including application fees to cover expenses incurred through review of the plan by Township staff, shall be the responsibility of the Applicant.
4. The Applicant shall address to the satisfaction of the Township Engineer, the comments of the Township Engineer as contained in his review letter dated July 13, 2023.
5. If the requirements of LCCD and/or DEP include the installation or construction of any stormwater best management practices structures or facilities or if either agency requires construction or installation of any new stormwater management structures or facilities or modification of any existing stormwater management structures or facilities, the Applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities in form acceptable to the Township.
6. Applicant shall, prior to any permits being issued by the Township, dedicate or cause to be dedicated to the Township, such sidewalk and/or temporary construction easements as contemplated by SALDO. The dedication shall be by deed of dedication in form acceptable to the Township Solicitor, and shall be accompanied by an opinion of record title in form acceptable to the Township Solicitor prepared by the Applicant’s counsel (who must not be affiliated with the Applicant, must be licensed to practice law in Pennsylvania and must maintain an office in Pennsylvania) to satisfy the Township Solicitor that the dedication is free and clear of all liens and encumbrances that could affect the Township’s use of said property. The Applicant shall furnish to the Township Solicitor a legal description for the dedicated area that has been approved by the Township Engineer, a copy of the current recorded deed for the property showing current ownership and reciting the deed book volume and page reference.
7. Applicant shall be required to provide the Township with an engineered record plan, signed by the Applicant and sealed by a registered professional engineer and/or professional land surveyor, as applicable, to be placed on file with the Community Development Department prior to issuance of any permits.

8. Unless authorized to the contrary in writing by the Township Manager, no permits shall be issued to Applicant until the fulfillment of each of the foregoing conditions.
9. The Applicant shall satisfy all conditions of this Resolution within twelve (12) months from the date hereof. The Applicant's failure to do so shall render the approval null and void.
10. If for any reason any condition or conditions of this Resolution (or any portion(s) thereof) shall be held by a forum of competent jurisdiction to be invalid, illegal, void, or unenforceable in any respect or to any extent, this Resolution shall automatically be deemed to be null and void in its entirety and shall be deemed to have been immediately and automatically repealed as if it had never been passed. The Applicant acknowledges that each and every term and provision hereof is an essential, material component to the Township's approval of the Applicant's waiver request.
11. In the event that the Township becomes involved in litigation of any kind relating to the Project other than a direct appeal by the Applicant of the Township's approval of this Resolution, such as an appeal of this Resolution by an adjoining property owner or a third party, or an attempt to collaterally challenge any conditions of this approval by means other than a timely appeal of this Resolution, the Applicant, on behalf of itself and its agents, representatives, successors and assigns, hereby agrees to exonerate, indemnify, protect, defend (through legal counsel of Township's choice) and save harmless the Township and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns (collectively, the "Township Representatives"), from any and all claims, lawsuits, proceedings, actions, disputes, causes and rights of action, expenses, losses, allegations, demands, charges, injuries, costs (including, without limitation, attorneys' fees, engineers' fees and other costs and expenses incurred, including expert witness fees), damages (including, without limitation, compensatory, consequential or punitive damages), sanctions, and liabilities of every kind, character and manner whatsoever, in law or in equity, civil or criminal, administrative or judicial, contract, tort (including, without limitation, negligence of any kind) or otherwise ("Claims"), pertaining to, relating to, resulting from, caused by or arising out of the Township's approval of the waiver request as evidenced by this Resolution.

The requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included on the plan is hereby waived.

The requirement of Section 312-12(b)(14) of the Subdivision and Land Development Ordinance pertaining to the showing of the boundaries of the tract showing bearings and distance is hereby waived.

The requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed

contours on the entire tract and adjacent land within 400 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(17) of the Subdivision and Land Development Ordinance pertaining to the showing of the names of the owners of the immediately adjacent land is hereby waived.

The requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features is hereby waived.

The requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing the location, character and elevation of any building within 100 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits is hereby waived.

The requirement of Section 312-12(b)(24) of the Subdivision and Land Development Ordinance pertaining to the submission of evidence that the safe sight distance measurement can be met for non-residential driveways is hereby waived.

The requirement of Section 312-12(b)(29) of the Subdivision and Land Development Ordinance pertaining to the showing of all applicable setbacks is hereby waived.

The requirement of Section 312-12(b)(35) of the Subdivision and Land Development Ordinance pertaining to the showing of sequential staging is hereby waived.

The requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements is hereby deferred.

The requirement of Section 312-35(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements is hereby deferred.

DULY ADOPTED this **2nd** day of **AUGUST, 2023**, by the Board of Commissioners of Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Monica Hodges, Assistant Secretary

APPLICANT ACCEPTANCE OF CONDITIONS

RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED “BROADWAY SIDEWALK
GRADING PLAN FOR TILGHMAN SQUARE SHOPPING CENTER”**

The undersigned Applicant/Owner for the Project described in the foregoing referenced Resolution, in consideration of the grant of the approval of the waiver from the formal planning, Subdivision and Land Development Plan review and approval requirements of SALDO by the Commissioners of South Whitehall Township, and intending to be legally bound hereby, does affirmatively accept the conditions of the grant of the waiver set forth in the foregoing Resolution and does waive any and all rights which Applicant would otherwise possess to contest the imposition of said conditions, both at law or in equity.

WITNESS/ATTEST:

APPLICANT:

Tilghman Square Associates, L.P.

Witness

Applicant

Printed Name

Printed Name

Date: _____

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

**RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)**

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED
“BROADWAY SIDEWALK GRADING PLAN FOR TILGHMAN SQUARE
SHOPPING CENTER”**

WHEREAS, Tilghman Square Associates, L.P., pursuant to Article 3 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for approval for a land development for construction of sidewalk along Broadway on a 0.1198-acre portion of the 33.778-acre property located at 4680 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania; and,

WHEREAS, this proposal is reflected on plans prepared by Van Cleef Engineering, entitled “**BROADWAY SIDEWALK GRADING PLAN FOR TILGHMAN SQUARE SHOPPING CENNTER**”, dated May 16, 2023 and last revised May 16, 2023; and,

WHEREAS, all sections of the Subdivision and Land Development Regulations cited herein refer to sections of the Subdivision and Land Development Regulations that were last revised April 1, 2019, and are applicable to this plan based on the submission of the initial application in May 17, 2023; and

WHEREAS, the South Whitehall Township Subdivision and Land Development Regulations, consistent with the Pennsylvania Municipality’s Planning Code (“MPC”), sets forth regulations for formal review requirements, as well as drawing requirements, for property improvements defined as subdivisions and/or land developments;

WHEREAS, the South Whitehall Township Board of Commissioners believes that under the circumstances it is unnecessary for this Project to be reviewed and approved as a subdivision or land development.

WHEREAS, the applicant has requested that the requirement of Section 312-11 of the Subdivision and Land Development Ordinance pertaining to the Preliminary Plan Submission Procedures be waived, and staff is persuaded that the waiver would be appropriate, as the Waiver From Land Development application waives that Section; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(6) and (7) of the Subdivision and Land Development Ordinance pertaining to statements required to be shown and signed on the plan be waived, and *staff is not supportive of the request*; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included

on the plan be waived, and staff is persuaded that the waiver would be appropriate, as the data provided on the indicated plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(14) of the Subdivision and Land Development Ordinance pertaining to the showing of the boundaries of the tract showing bearings and distance be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(17) of the Subdivision and Land Development Ordinance pertaining to the showing of the names of the owners of the immediately adjacent land be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing the location, character and elevation of any building within 100 feet of the tract be waived, and staff is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits be waived, and staff is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(24) of the Subdivision and Land Development Ordinance pertaining to the submission of evidence that the safe sight distance measurement can be met for non-residential driveways

be waived, and staff is persuaded that the waiver is appropriate, as the project proposes no new driveways and is strictly for the construction of sidewalk; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(29) of the Subdivision and Land Development Ordinance pertaining to the showing of all applicable setbacks be waived, and staff is persuaded that the waiver is appropriate, as the setback information is not relevant to the project; and,

WHEREAS, the applicant has requested that the requirement of Section 312-12(b)(35) of the Subdivision and Land Development Ordinance pertaining to the showing of sequential staging be waived, and staff is persuaded that the waiver is appropriate, as no staging is proposed; and,

WHEREAS, the applicant has requested that the requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements be deferred, and staff is persuaded that the deferral is appropriate to the extent shown on the plan and, while would otherwise be waived as part of the application, should be noted as a deferral within this Resolution; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements be deferred, and staff is persuaded that the deferral is appropriate to the extent shown on the plan; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(a)(6)(F) of the Subdivision and Land Development Ordinance pertaining to the showing of clear-sight triangles be waived, and staff is persuaded that the waiver is appropriate, as the project proposes no new driveways and is strictly for the construction of sidewalk and the Waiver From Land Development application waives that Section.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that for the Project, the Board of Commissioners of the Township of South Whitehall hereby grants to Tilghman Square Associates, L.P., a waiver from the requirements of Article III Submission Procedures and Requirements for Major Plans (except for section 312-12(b) as required by Section 312-48), Article V Required Improvements, Agreement(s) and Inspection(s) For All Subdivisions, and Article VI Location and Standards of Improvements For All Subdivisions, with such waiver being subject to the Applicant's compliance with the following conditions:

1. This Resolution does not in any way waive or modify: any other requirements of South Whitehall Township; any other applicable laws, ordinances, orders, or regulations; or applicable requirements of any County, Commonwealth of Pennsylvania, Federal or other governmental agencies. Any and all such requirements, including all permits and approvals incident thereto, are to be obtained by the Applicant and are not to be considered waived or modified by this Resolution. Such outside agency reviews, approvals and permits may include by way of example but not limitation the following: Highway Occupancy Permit requirements of the Pennsylvania Department of Transportation ("**PennDOT**"); stormwater-related requirements of the Lehigh County Conservation District ("**LCCD**") and/or the Pennsylvania Department of Environmental Protection

(“DEP”); the South Whitehall Township Zoning Ordinance, the South Whitehall Township Building Code, and any other requirements of South Whitehall Township, including any requirements related to parking.

2. All costs and expenses of the Township, including without limitation, the fees of the Township Engineer and Township Solicitor and/or other consultants relative to review and approval of Applicant’s waiver request, this Resolution, and attending to the conditions in this Resolution following adoption of this Resolution, shall be the responsibility of Applicant. The failure of Applicant to promptly pay invoices in accordance with applicable Township procedures for subdivision/developments review and approval shall give the Township the right to refuse to issue any additional permits until such time as all invoices have been paid in full and the Township escrow procedures have been complied with by the Applicant.
3. All fees associated with submission of a plan for land development, including application fees to cover expenses incurred through review of the plan by Township staff, shall be the responsibility of the Applicant.
4. The Applicant shall address to the satisfaction of the Township Engineer, the comments of the Township Engineer as contained in his review letter dated July 13, 2023.
5. If the requirements of LCCD and/or DEP include the installation or construction of any stormwater best management practices structures or facilities or if either agency requires construction or installation of any new stormwater management structures or facilities or modification of any existing stormwater management structures or facilities, the Applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities in form acceptable to the Township.
6. Applicant shall, prior to any permits being issued by the Township, dedicate or cause to be dedicated to the Township, such sidewalk and/or temporary construction easements as contemplated by SALDO. The dedication shall be by deed of dedication in form acceptable to the Township Solicitor, and shall be accompanied by an opinion of record title in form acceptable to the Township Solicitor prepared by the Applicant’s counsel (who must not be affiliated with the Applicant, must be licensed to practice law in Pennsylvania and must maintain an office in Pennsylvania) to satisfy the Township Solicitor that the dedication is free and clear of all liens and encumbrances that could affect the Township’s use of said property. The Applicant shall furnish to the Township Solicitor a legal description for the dedicated area that has been approved by the Township Engineer, a copy of the current recorded deed for the property showing current ownership and reciting the deed book volume and page reference.
7. Applicant shall be required to provide the Township with an engineered record plan, signed by the Applicant and sealed by a registered professional engineer and/or professional land surveyor, as applicable, to be placed on file with the Community Development Department prior to issuance of any permits.

8. Unless authorized to the contrary in writing by the Township Manager, no permits shall be issued to Applicant until the fulfillment of each of the foregoing conditions.
9. The Applicant shall satisfy all conditions of this Resolution within twelve (12) months from the date hereof. The Applicant's failure to do so shall render the approval null and void.
10. If for any reason any condition or conditions of this Resolution (or any portion(s) thereof) shall be held by a forum of competent jurisdiction to be invalid, illegal, void, or unenforceable in any respect or to any extent, this Resolution shall automatically be deemed to be null and void in its entirety and shall be deemed to have been immediately and automatically repealed as if it had never been passed. The Applicant acknowledges that each and every term and provision hereof is an essential, material component to the Township's approval of the Applicant's waiver request.
11. In the event that the Township becomes involved in litigation of any kind relating to the Project other than a direct appeal by the Applicant of the Township's approval of this Resolution, such as an appeal of this Resolution by an adjoining property owner or a third party, or an attempt to collaterally challenge any conditions of this approval by means other than a timely appeal of this Resolution, the Applicant, on behalf of itself and its agents, representatives, successors and assigns, hereby agrees to exonerate, indemnify, protect, defend (through legal counsel of Township's choice) and save harmless the Township and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns (collectively, the "Township Representatives"), from any and all claims, lawsuits, proceedings, actions, disputes, causes and rights of action, expenses, losses, allegations, demands, charges, injuries, costs (including, without limitation, attorneys' fees, engineers' fees and other costs and expenses incurred, including expert witness fees), damages (including, without limitation, compensatory, consequential or punitive damages), sanctions, and liabilities of every kind, character and manner whatsoever, in law or in equity, civil or criminal, administrative or judicial, contract, tort (including, without limitation, negligence of any kind) or otherwise ("Claims"), pertaining to, relating to, resulting from, caused by or arising out of the Township's approval of the waiver request as evidenced by this Resolution.

The requirement of Section 312-12(b)(8) of the Subdivision and Land Development Ordinance pertaining to the site data to be included on the plan is hereby waived.

The requirement of Section 312-12(b)(14) of the Subdivision and Land Development Ordinance pertaining to the showing of the boundaries of the tract showing bearings and distance is hereby waived.

The requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed

contours on the entire tract and adjacent land within 400 feet of the tract is hereby waived.

The requirement of Section 312-12(b)(17) of the Subdivision and Land Development Ordinance pertaining to the showing of the names of the owners of the immediately adjacent land is hereby waived.

The requirement of Section 312-12(b)(19) of the Subdivision and Land Development Ordinance pertaining to the requirement to show the location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features is hereby waived.

The requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing the location, character and elevation of any building within 100 feet of the tract is hereby waived.

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The requirement of Section 312-12(b)(22) of the Subdivision and Land Development Ordinance pertaining to the showing of soil types and mapped limits is hereby waived.

The requirement of Section 312-12(b)(24) of the Subdivision and Land Development Ordinance pertaining to the submission of evidence that the safe sight distance measurement can be met for non-residential driveways is hereby waived.

The requirement of Section 312-12(b)(29) of the Subdivision and Land Development Ordinance pertaining to the showing of all applicable setbacks is hereby waived.

The requirement of Section 312-12(b)(35) of the Subdivision and Land Development Ordinance pertaining to the showing of sequential staging is hereby waived.

The requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements is hereby deferred.

The requirement of Section 312-35(a) of the Subdivision and Land Development Ordinance pertaining to the construction of required right-of-way improvements is hereby deferred.

DULY ADOPTED this **2nd** day of **AUGUST, 2023**, by the Board of Commissioners of Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Monica Hodges, Assistant Secretary

APPLICANT ACCEPTANCE OF CONDITIONS

RESOLUTION NO. 2023-____
(Duly Adopted August 2, 2023)

**A RESOLUTION GRANTING A WAIVER OF CERTAIN SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE REVIEW AND APPROVAL
REQUIREMENTS FOR A PLAN ENTITLED “BROADWAY SIDEWALK
GRADING PLAN FOR TILGHMAN SQUARE SHOPPING CENTER”**

The undersigned Applicant/Owner for the Project described in the foregoing referenced Resolution, in consideration of the grant of the approval of the waiver from the formal planning, Subdivision and Land Development Plan review and approval requirements of SALDO by the Commissioners of South Whitehall Township, and intending to be legally bound hereby, does affirmatively accept the conditions of the grant of the waiver set forth in the foregoing Resolution and does waive any and all rights which Applicant would otherwise possess to contest the imposition of said conditions, both at law or in equity.

WITNESS/ATTEST:

APPLICANT:

Tilghman Square Associates, L.P.

Witness

Applicant

Printed Name

Printed Name

Date: _____



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Public Works

ITEM TYPE: Motion

AGENDA SECTION: MOTIONS

SUBJECT: Motion to Proceed with Capital Improvements - Roof Replacements on Three (3) of the Water Stations.

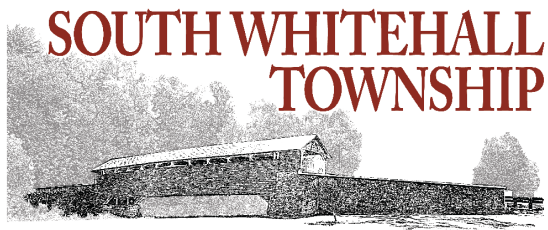
SUGGESTED ACTION:

- *Motion Granting Permission for the Purchasing of Roof Materials for Replacement of the Roofs of Three Water Stations.*

ATTACHMENTS:

[Memo Replacement water station roofs.pdf](#)

[Roof Quotations.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Herb Bender
DATE:	July 28, 2023
SUBJECT:	Replacement of Water Station Roofs
COPY TO:	T. Petrucci, T. Dickert, M. Elias,

- **Background Information and/or Justification of Expense:**
Public Works Utilities is respectfully requesting approval to move forward with replacing three water station roofs. The three roofs that will be replaced are Springhouse Station, Whitehall Station, and Quail Hollow Station. The cost of this project for just the materials is \$4,572.67 and Public Works will install the new roofs. This project was not in the budget for 2023 but due to the savings from Public Works doing all the framework to Whitehall Station we had savings of \$20,000.
- **Action Requested:**
Public Works is respectfully requesting a motion to approve the purchase of roof materials.
- **Budget Line Item (if applicable):**
Water Facilities Capital (06431003/40730) \$35,000 was budgeted in 2023 after the new doors at Whitehall and Cedarbrook stations cost of \$14,120 there is a balance left of \$20,880.

ESTIMATE **SPRINGHOUSE WATER STATION**

84 LUMBER CO.

07/18/23 3:09 PM

PAGE 2

NAME: SOUTH WHITEHALL TOWNSHIP

CODE: 6077025200-000-000

ADDRESS: 4444 WALBERT AVENUE

ALLENTOWN, PA 18104

PHONE: (610) 398-0401 FAX:

PROJECT: cs#1140 - 8

STORE: 0204 - ALLENTOWN

ADDRESS: 4732 CHAPMANS RD

PHONE: (610) 395-2048

ASSOCIATE: CHUCK MCGRATH

EST DATE: 07/18/23 START: / /

THIRD JOB

	P.O.S.#	QTY	DESCRIPTION	PRICE	EXTENDED
1.	88411	10	30 GAF BARKWOOD	144.00	1440.00
2.	88411	2	RIGE CAP	91.99	183.98
3.	E 2530600	3	SHINGLE STARTER ROLL	9.68	29.04
4.	E 6561100	13	F5S WHT ALUM DRIP LNGFACE	5.12	66.56
5.	E 8780000	1	1-1/4X120 COILROOF 7.2M	52.60	52.60
6.	E 1240800	1	UNBOXED I&W 1.95SQ	78.16	78.16
7.	E 1500000	3	15# ASTM 4869 FELT 4SQ	16.95	50.85

----->
TOTAL \$1,901.19



444 WALBERT AVENUE
ALLEN TOWN, PA 19004-1890

QUOTATION WORKSHEET

REQUISITION # _____

PUBLIC WORKS DEPARTMENT

DATE July 20, 2023

SUMMARY OF VENDOR QUOTATIONS

VENDOR 1 VENDOR 2 VENDOR 3 VENDOR 4

ITEM	DESCRIPTION/COMMENTS	QTY	U/C	U/C	U/C	U/C
1	METAL Roofing For QUAIL Hollow and Wire Mesh STATION	2671	48	2674	50	NA
	TOTAL	2671	48	2674	50	
	06431003 40730 9du 7/24/23					

VENDOR	PHONE	FAX	CONTACT
1 Quarry Ridge Roofing	(610) 683-5312	(610) 683-3207	
Notes:			
2 94 Lumber	(610) 395-2048	() -	
Notes:			
3 ABC Supply	(610) 866-6700	() -	
Notes:			
4	() -	() -	
Notes:			

Quarry Ridge Roofing, Inc.

405 Quarry Rd.
Kutztown, PA 19530

Estimate

Date	Estimate #
5/24/2023	3770

Name / Address
SOUTHWHITE HALL TOWNSHIP

Ship To

P.O. No.	Project

Description	Qty	Cost	Total
6' 6" BROWN	20	25.61	512.20T
10'-2" DRIP EDGE #60 BROWN	10	17.50	175.00T
RESIDENTIAL RAKE 10FT. BROWN	4	24.00	96.00T
RIDGE CAP 10FT BROWN	3	28.00	84.00T
EVERLAST BOTTOM FILLER 2	32	2.25	72.00T
LP VENTED FILLER 2	20	5.90	118.00T
BROWN 24" 50' COIL STOCK ROLL	2	135.00	270.00T
EVERLAST 12" BROWN VENTED SOFFIT	10	42.00	420.00T
BROWN 1.5 SCREWS	2.5	12.00	30.00T
BROWN 2" SCREWS	3	12.00	36.00T
BROWN TRIM NAIL	1	14.00	14.00T
J-CHANNEL 10FT BROWN	14	12.00	168.00T
		Sales Tax (6.0%)	\$119.71
		Total	1995.20 \$2,114.91

Customer Signature _____

Phone #	Fax #
610-683-5312	610-683-3207

Quarry Ridge Roofing, Inc.

405 Quarry Rd.
Kutztown, PA 19530

Estimate

Date	Estimate #
5/24/2023	3769

Name / Address
SOUTHWHITE HALL TOWNSHIP

Ship To

		P.O. No.	Project
Description	Qty	Cost	Total
8' 7" BROWN	8	33.76	270.08T
10'-2" DRIP EDGE #60 BROWN	6	17.50	105.00T
BROWN 1.5 SCREWS	2.5	12.00	30.00T
RIDGE CAP 10FT BROWN	2	28.00	56.00T
RESIDENTIAL RAKE 10FT. BROWN	4	24.00	96.00T
EVERLAST BOTTOM FILLER 2	32	2.25	72.00T
LP VENTED FILLER 2	8	5.90	47.20T
		Sales Tax (6.0%)	\$40.58
		Total	676.15 \$716.86

Customer Signature _____

Phone #	Fax #
610-683-5312	610-683-3207

ESTIMATE WHITEHALL WATER STATION

84 LUMBER CO.

07/18/23 3:09 PM

PAGE 1

NAME: SOUTH WHITEHALL TOWNSHIP

CODE: 6077025200-000-000

ADDRESS: 4444 WALBERT AVENUE

ALLENTOWN, PA 18104

PHONE: (610) 398-0401 FAX:

PROJECT: CS#1140 - 8

STORE: 0204 - ALLENTOWN

ADDRESS: 4732 CHAPMANS RD

PHONE: (610) 395-2048

ASSOCIATE: CHUCK MCGRATH

EST DATE: 07/18/23 START: / /

P.O.S.#	QTY	DESCRIPTION	PRICE	EXTENDED
** DELIVERED				
JOB 1				
2.	88412	130	36" METAL ROOFING	3.81 495.30
3.	88400		20 P/C AT 79"	
4.	88412	10	10'6 DRIP EDGE	12.05 120.50
5.	88412	4	10'6 RIDGE CAP	34.60 138.40
6.	88412	20	INSIDE CLOSURE FOAM	1.20 24.00
7.	88412	20	VENTED FOAM CLOSURE	13.70 274.00
8.	88412	500	1.5 SCREWS	0.11 55.00
9.	88412	750	2" SCREWS	0.12 90.00
10.	E 3062000	2	24X50 WH/BRN AL COIL	153.41 306.82
11.	88405	10	VINYL BROWN CV SOFFIT	22.00 220.00
12.	88405	14	1/2 J BROWN VINYL J	14.99 209.86
13.	88405	1	1-1/4 BROWN TRIM NAILS	7.89 7.89
			TOTAL	\$1,941.77

ESTIMATE **QUAIL HOLLOW**

84 LUMBER CO.

07/18/23 3:09 PM

PAGE 2

NAME: SOUTH WHITEHALL TOWNSHIP

CODE: 6077025200-000-000

ADDRESS: 4444 WALBERT AVENUE

ALLENTOWN, PA 18104

PHONE: (610) 398-0401 FAX:

PROJECT: cs#1140 - 8

STORE: 0204 - ALLENTOWN

ADDRESS: 4732 CHAPMANS RD

PHONE: (610) 395-2048

ASSOCIATE: CHUCK MCGRATH

EST DATE: 07/18/23 START: / /

1.	88412	68.660	36" METAL ROOFING	3.81	261.59
2.	88400		8 PC AT 103"		
3.	88412	6	10'6 DRIP EDGE	12.05	72.30
4.	88412	2	10'6 RIDGE CAP	34.47	68.94
5.	88412	4	10'6 RES RAKE	22.05	88.20
6.	88412	8	INSIDE CLOSURE	1.20	9.60
7.	88412	8	VENTED CLOSURE	13.70	109.60
8.	88412	750	1 1/2 SCREWS	0.11	82.50
----->				TOTAL	\$692.73



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Correspondence/Informational

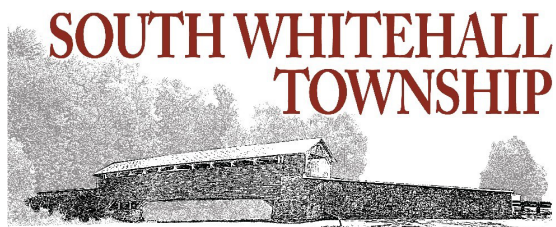
AGENDA SECTION: CORRESPONDENCE AND INFORMATION ITEMS

SUBJECT: Meeting Dates and Current Vacancies

SUGGESTED ACTION:

ATTACHMENTS:

[Upcoming Meetings and Current Vacancies.pdf](#)



UPCOMING MEETINGS AND CURRENT VACANCIES

UPCOMING MEETINGS: Details posted on website.

- Monday, August 7th, 7PM – Public Safety Commission
- Tuesday, August 8th, 6PM – PennDOT Public Plans Display for the Route 309 Betterment Project in NWT and SWT—Lehigh County.
- Thursday, August 10th, 10A – Civil Service Commission
- Tuesday, August 15th, 6PM – SWT Landscapes Plan Meeting #2 – Agricultural Resources
- Wednesday, August 16th, 7PM – Board of Commissioners

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission – 1 Alternate Vacancy
2. Environmental Advisory Council - 3 Vacancies
3. Green Advisory Council - 2 Vacancies
4. Landscape Shade Tree Commission - 1 Vacancy
5. Zoning Hearing Board - 3 Alternate Vacancies



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Direction/Discussion

AGENDA SECTION: DIRECTION/DISCUSSION ITEMS

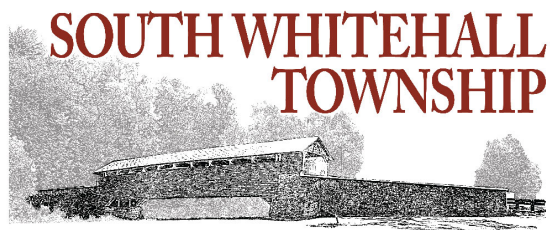
SUBJECT: Possible Scheduling of BOC "Special Meeting" for Purposes of Discussing and Consideration of Approval the Residential Municipal Solid Waste Collection Disposal and Recycling Services Contract for South Whitehall Township.

SUGGESTED ACTION:

- *Motion to Proceed with the Scheduling of a BOC "Special Meeting" for Purposes of Discussing and Consideration of Approval of the Residential Municipal Solid Waste Collection Disposal and Recycling Services Contract for South Whitehall Township.*

ATTACHMENTS:

[Direction and Discussion- Request for Scheduling of BOC Special Meeting- Residential Solid Waste and Recycling Bids.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	July 26, 2023
SUBJECT:	Possible Scheduling of BOC "Special Meeting" for Purposes of Discussing and Consideration of Approval of the Residential Municipal Solid Waste Collection Disposal and Recycling Services Contract for South Whitehall Township
COPY TO:	H. Bender; D. Zackeru; T. Fehnel

- **Background Information:**

On July 26, 2023 at 10:00 AM, the Township opened the bids for the Residential Municipal Solid Waste Collection, Disposal, and Recycling Services from January 1, 2024, through December 31, 2026 (or December 31, 2028, if five (5) year option selected by the Township). Three (3) bids were received from three (3) different firms (J.P. Mascaro, Waste Management and Whitetail Disposal).

Per the specifications, the Township intends that the Contract shall be awarded within forty-five (45) days following the date the proposals are publicly opened and read.

To give staff adequate time to review the bids and to ensure that the public meeting in which the bids are reviewed and considered are given adequate time (in lieu of doing so during a regular public meeting in which there are other agenda items), it is recommended to schedule a special public meeting for this purpose. A special meeting is defined by the Sunshine Law as a public meeting in which a public agency conducts business that is not part of the regular scheduled meetings. Special meetings must be advertised.

Looking at the Township monthly calendar for August, recommended dates are either Monday, August 21, 2023 or Wednesday, August 23, 2023 at 6:00 PM. With respect to the latter, the Zoning Hearing Board is meeting at 7:00 PM on that same night. Accordingly, the preference for scheduling is Monday, August 21, 2023 at 6:00 PM.

- **Action Requested:**

Consideration of approval of a special public meeting on Monday, August 21, 2023 or Wednesday, August 23, 2023 at 6:00 PM to review and consider the Residential Municipal Solid Waste Collection, Disposal, and Recycling Services from January 1, 2024, through December 31, 2026 (or December 31, 2028, if five (5) year option selected by the Township).

- **Budget Line Item(s) (if applicable):** *Please indicate approved budget amount for specified project(s).*

General Fund Line Item 01406002-40342 – Advertising



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Direction/Discussion

AGENDA SECTION: DIRECTION/DISCUSSION ITEMS

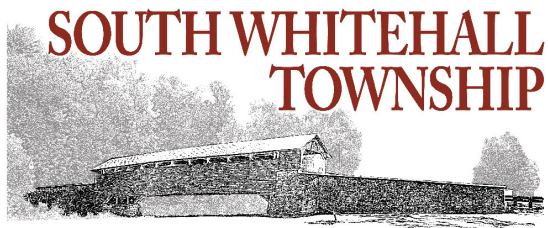
SUBJECT: America 250 PA Legacy Project

SUGGESTED ACTION:

- *Motion to allow for the submission of a preliminary scoping application to the America 250PA Committee in the amount of \$3,543,287.22 for consideration of funding for the Kohler Ridge Park project.*

ATTACHMENTS:

[Memorandum for Direction and Discussion- America 250PA Project.pdf](#)
[Kohler Ridge Park - Phased Cost Estimates.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	July 27, 2023
SUBJECT:	Consideration of America 250PA Project(s)
COPY TO:	H. Bender; D. Manhardt; C. Strohler; L. Matula; T. Fehnel

- **Background Information:**

The Pennsylvania Commission for the United States Semiquincentennial (America250PA) was established by the legislature and Governor in 2018 to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the founding of the United States, Pennsylvania's integral role in that event, and the impact of its people on the nation's past, present, and future.

America250PA hopes to engage all citizens of the Commonwealth, from all 67 counties, bring the Commonwealth's history into the conversation so Pennsylvanians can better understand the origins and multiple perspectives of issues facing our Commonwealth & nation today, use history to encourage and inspire future leaders, celebrate the contributions of Pennsylvanians to our Commonwealth's history but also to our Nation's history, leave a lasting impact on the next generation and to spark an interest in which will ignite the drive for them to appreciate all the triumphs, trials and tribulations to which contributed to the Commonwealth for which they are now writing their own history.

Retrieved from https://www.america250pa.org/Mission_And_Purpose on July 27, 2023.

Proposals located in Lehigh County are being accepted for consideration of funding by way of the America250PA program until August 22nd. The criteria for inclusion is flexible, with all of the below items generally eligible for inclusion into the program:

- Agriculture
- Arts and Culture
- Commerce and Workforce
- Diversity
- Education and Innovation
- Environment
- Government
- Health & Wellness
- History & Preservation
- Legacy

- Nature
- Military, Veterans and Women
- Technology
- Tourism

Projects should have a general nexus between the 250th Anniversary of the United States and the above criteria. Funding levels for projects fit under the below four (4) funding levels, with no matching funds required:

Level 1- up to \$250,000.00

Level 2- \$250,000.00 to \$1,000,000.00

Level 3- \$1,000,00.00 to \$2,500,000.00

Level 4- \$2,500,000.00 +

• **Option(s) for Consideration):**

With the recent completion of the *Comprehensive Plan*, the Township is in the process of commencing numerous planning implementation projects focusing around zoning regulations, active transportation, historic resources, utility and infrastructure planning, pedestrian safety, and landscape/open space preservation. In terms of projects that have already undergone an extensive planning process, almost all are either in progress or funded by way of separate grant programs (ex. Jordan Creek Greenway, Covered Bridge Park, and Vistas Park, among others). One program that has undergone a preliminary planning process but has not been moved forward to any stage of post-planning implementation is the Kohler Ridge Park Master Plan. In other words, the Township has developed a concept Master Plan, but the project has not yet undergone the required process for final engineered and architectural design drawings.

Kohler Ridge Park Master Plan

The Kohler Ridge Park Master Plan was developed through a partnership between South Whitehall Township (SWT) and a planning team led by Omnes, a landscape architecture, planning, and art studio in Easton, PA. The Department of Conservation and Natural Resources provided assistance with funding the Master Plan. The Kohler Ridge Park is envisioned as a passive park that utilizes three (3) parcels totaling 25.7 acres of property that was acquired by the Township to provide an accessible setting that allows residents and visitors to engage with nature.

The Kohler Ridge Park Master Plan is found on the Township website at: <https://www.southwhitehall.com/services/municipal-projects/kohler-ridge-park> (Note- due to size limitations, it cannot be included in the meeting packet; please click the link to view the Master Plan).

After careful vetting and consideration of a multitude of project concepts, Township staff opines that the Kohler Ridge Park project may fit under the umbrella of the America 250PA program; specifically, under the specific listed criteria of environment, government, legacy, and nature.

The latest cost estimates for the conceptual Kohler Ridge Park are enclosed for reference. All together the ten (10) Phases total **\$3,543,287.22** not including alternate roofs options for the eco barn (Note- Township staff would not recommend inclusion of the alternate roofs options due to the associated increased maintenance costs).

Recognizing that many of the options delineated in each of the phases of the Kohler Ridge Master Plan may not make it into any final build-out version of the facility, if the Board of Commissioners is inclined to seek funding through American 250PA program for this project, the recommendation is to submit a preliminary scoping application for the consideration of the American 250PA committee using the overall budget figure of \$3,543,287.22, which would be subject to change once this project goes to the next phase of final engineering/design.

The final configuration and build-out of the park would be subject to change in accordance with the identified comments of adjoining residents, Township staff, and additional review/comments from the governing body. As phases of the park may be eliminated or revised, the overall cost of the project could be adjusted.

Additionally, the final configuration and build-out of the park would need to weave local historical elements into its aesthetic design language, including signage, to provide a direct nexus to the goals of the America 250PA program. With the park providing a view of the Jordan Valley, opportunities exist to tell the local historical story of this area through use of signage and design cues that could be incorporated into the park design.

Consideration of Additional Maintenance/Personnel Costs

In a supplemental report which was not finalized as part of the Kohler Ridge Master Plan, the firm ETM Associates, LLC attempted to identify all associated operation and maintenance costs that would be added as a result of the full build-out of all phases of this park. The report included operation and maintenance considerations for groundskeeping, horticultural, natural resource management, and specialized services (as applicable). The estimate prepared at that time postulated that the park completed to all phases would add about \$93,300.00 in additional maintenance costs and approximately seven-hundred-seventy-three (773) maintenance hours per year specifically related to this park (including relevant personnel time and supplies).

Township management estimates that the inclusion of this park will necessitate hiring two (2) additional Public Works full-time employees, including one (1) laborer and one (1) operator. For reference, the 2023 annual compensation (not factoring in overtime) of a Laborer I is \$52,145.60 (\$93,239.03 including benefits) and \$62,771.85 (\$104,772.97 including benefits) for an Operator III.

It is important that the governing body is aware of the additional maintenance and personnel costs relative to this park project; even if the Township receives grant funding for the initial construction costs, the long-term maintenance and personnel costs will not be accounted for in any grant funding.

- **Conclusion(s):**

Recognizing that many of the options delineated in each of the phases of the Kohler Ridge Master Plan may not make it into any final build-out version of the facility, if the Board of Commissioners is inclined to seek funding through American 250PA program for this project, the recommendation is to submit a preliminary scoping application for the consideration of the American 250PA Committee using the overall budget figure of \$3,543,287.22, which would be subject to change once this project goes to the next phase of final engineering/design. In this way the Township can ascertain if this project is aligned with the goals of the America 250PA program for possible inclusion of funding. As noted above, the deadline for submissions to this program is August 22nd. Township staff views this initial scoping application as a way for the Committee to sort and vet through the voluminous amount

of application submissions to this program. The Committee may not ultimately decide that this project is consistent with the goal of the America 250PA program.

- **Action Requested:**

Official action to allow for the submission of a preliminary scoping application to the America 250PA Committee in the amount of \$3,543,287.22 for consideration of funding for the Kohler Ridge Park project.

Enclosures

07

COST ESTIMATE + PHASED CAPITAL DEVELOPMENT PLAN

COST ESTIMATE

This section includes cost estimates for various phases of the master plan, which provide a path forward for phased capital development of Kohler Ridge Park. The planning team recommends the implementation of key phases of “highest priority” for the park to be successfully open to the public, while other phases are considered additional amenities that would further enhance the park experience but are not necessary. The phasing estimate at right denotes these distinct phases.

The cost estimate on the following pages used cost resources provided by Dharam Consulting, and the planning team interpreted their cost guidelines to establish the capital development plan. This estimate should be considered an “order-of-magnitude” cost instead of an official cost opinion.

ELEVATED COSTS

Due to acute inflation, material shortages, and supply chain challenges, the costs shown in the estimate are elevated above “normal” levels that were experienced prior to the COVID-19 public health crisis. The costs shown are roughly 20% higher than the costs and labor would “normally” be. This should be noted by SWT when applying for grants and planning for future implementation, as the costs may vary (greater or lesser) from current estimates. Because of this variation, the costs are shown with no escalation per phase; this should be calculated with current inflationary escalation based upon the projected year of implementation.

CONTINGENCIES

A 12% contingency has been applied to each planning phase in order to account for the ambiguity of the cost estimate in the early planning stages.



PRIORITY

PHASE

COST

TOTAL WITH SOFT COSTS + CONTINGENCY

SEE PAGE

BASE SCOPE / HIGHEST PRIORITY

1	SITE PREPARATION, ACCESS & PARKING	\$362,815.00	\$504,312.85	
2	MEADOW & FOREST REGENERATION	\$167,846.00	\$233,305.94	
3	ECO-BARN OPTION A (NOT INCLUDING ADD-ALTS FOR GREEN ROOF, SOLAR ROOF, OR WATER TREATMENT)	\$664,450.50	\$923,586.20	
SUBTOTAL		\$1,195,111.00	\$1,661,204.99	

MID-TERM ADD-ON SCOPE

4	OVERLOOK LOOP	\$507,848.00	\$629,731.52	
5	LEARNING GROVE	\$81,500.00	\$113,285.00	
6	WILLOW GROVE, SIGNAGE & SITE AMENITIES	\$33,865.00	\$47,072.35	
7	FOOD FOREST & CRAFT GARDENS	\$88,650.00	\$123,223.50	
8	NATURAL PLAY AREA	\$195,430.00	\$271,647.70	
SUBTOTAL		\$907,293.00	\$1,184,960.07	

LONG-TERM "NICE TO HAVE" SCOPE

9	CANOPY WALK	\$294,320.00	\$409,104.80	
10	ECOLOGICAL ART - BRICK INSTALLATION WITH BIRD HABITAT TOWERS	\$207,206.75	\$288,017.38	
SUBTOTAL		\$501,526.75	\$697,122.18	

PHASE ONE: SITE PREP & ACCESS

PHASE SUMMARY

This first phase focuses on access to the western parcel for parking, and also demolishes the existing house and garage. Improvements include permeable parking, a central bioswale in the parking area, pathways, and site signage. Planting improvements are limited to clearing of hazardous trees and invasive species, as well as installing a bermed native buffer surrounding the property.

PRE-CONSTRUCTION PLANNING COSTS

Prior to this work being completed, SWT should apply for all necessary stormwater and building permits. A geotechnical investigation should also take place, as outlined in Chapter 05.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$151,500.00	
1	Site Protection & Erosion Control	1	LS	\$10,000.00	\$10,000.00	
2	Silt Fencing	1000	LF	\$4.00	\$4,000.00	
3	Temporary Parking/Staging	2500	SF	\$4.00	\$10,000.00	
4	Remove Site Stockpiles					Public Works to complete prior to mobilization
5	Utility Protection	1	LS	\$2,500.00	\$2,500.00	
6	Site Grading & Cut/Fill - EcoBarn and Parking Area	5000	CY	\$25.00	\$125,000.00	
DEMOLITION & EARTH MOVING					\$54,025.00	
7	Demolish House / Garage and Driveway	5000	SF	\$8.00	\$40,000.00	
8	Stockpile/clean stones from house	1	LS	\$3,500.00	\$3,500.00	
9	Demolish existing septic/cesspool	1200	SF	\$8.00	\$9,600.00	
10	Backfill former septic/cesspool	37	CY	\$25.00	\$925.00	
11	Remove or backfill voids under parking area					Requires geotechnical investigation
UTILITIES					\$83,600.00	
12	Parking Bioretention swales	2000	SF	\$30.00	\$60,000.00	
13	Stormwater Perforated Drain, Storm Pipe & Fittings	100	LF	\$65.00	\$6,500.00	
14	Stormwater Outlets	3	EA	\$850.00	\$2,550.00	
15	Stormwater Inlets	3	EA	\$850.00	\$2,550.00	
16	Stormwater Structure & Pump Station	1	EA	\$12,000.00	\$12,000.00	
SITE ELEMENTS					\$20,700.00	
17	Entryway - Corten Steel Signage at Gabion Wall	1	EA	\$4,000.00	\$4,000.00	
18	Site Portal Entry with Signage (and Foundation)	1	EA	\$15,000.00	\$15,000.00	
19	Parking Signage	1	EA	\$500.00	\$500.00	
20	Portable Restroom Allowance - 1 year	12	MO	\$100.00	\$1,200.00	
HARDSCAPE					\$19,140.00	
21	Lay Aggregate Paving for parking	140	CY	\$35.00	\$4,900.00	
22	Site Walls from Reclaimed Stone	550	SF	\$20.00	\$11,000.00	
23	Welded Wire Mesh Gabion Basket Walls	80	SF	\$30.00	\$2,400.00	
24	Site Walls aggregate backfill	21	CY	\$20.00	\$420.00	
25	Guardrails at entry	21	CY	\$20.00	\$420.00	
LANDSCAPE					\$33,850.00	
26	Soil testing	10	EA	\$110.00	\$1,100.00	
27	Site perimeter berm - soil & mulch	325	CY	\$30.00	\$9,750.00	
28	Trees - Bare Root (1-1.5" caliper)	150	EA	\$75.00	\$11,250.00	Planting to be done by volunteers
29	Buffer planting - Woody Shrubs - 3 Gallon	450	EA	\$25.00	\$11,250.00	Planting to be done by volunteers
30	Buffer planting - Spread Seed mix for perennials	10	LB	\$50.00	\$500.00	Seed spreading can be done by volunteers
				SUBTOTAL - HARD COSTS	\$362,815.00	
SOFT COSTS & CONTINGENCIES						
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
32	Bond Mobilization and Layout	1	12.00%	\$43,537.80	\$43,537.80	
33	Contingency	1	12.00%	\$43,537.80	\$43,537.80	
34	Professional Fees - Design and Engineering	1	15.00%	\$54,422.25	\$54,422.25	
				SUBTOTAL - SOFT COSTS	\$141,497.85	
				GRAND TOTAL	\$504,312.85	

PHASE TWO: MEADOW & FOREST REGENERATION

PHASE SUMMARY

The restoration of the forest begins with initial mowing and/or controlled burn. Forest restoration includes clearing hazardous and diseased trees, as well as trees within "regeneration zones." Trails are established, along with diverse understory planting and erosion control at the reservoir.

PRE-CONSTRUCTION PLANNING COSTS

Prior to this phase, a tree survey shall be developed by an arborist. It should outline hazardous and diseased trees to be removed, as well as existing trees and their size/species. A landscape architect could design and assist with meadow restoration.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$236,500.00	
1	Tree removal + stump seating, wood chips for trails	1	ALLOW	\$45,000.00	\$45,000.00	Tree survey to determine amount
2	Prune birch at oldfields	1	ALLOW	\$1,500.00	\$1,500.00	
DEMOLITION & EARTH MOVING					\$40,150.00	
3	Utility Protection (pipeline at Southern Parcel)	1	LS	\$1,500.00	\$1,500.00	Labor for staking could be a volunteer effort Labor for placement could be a volunteer effort
4	Place riprap stone at reservoir outfall	40	CY	\$20.00	\$800.00	
5	Crib Log Erosion Control	90	EA	\$125.00	\$11,250.00	
6	Deer Fencing at regeneration zones	2075	LF	\$4.00	\$8,300.00	
7	Gates at Regeneration Zones	6	EA	\$425.00	\$2,550.00	
8	Form trails: cut understory, lay mulch	2250	LF	\$7.00	\$15,750.00	
LANDSCAPE - MEADOW					\$35,291.00	
9	Soil testing	10	EA	\$110.00	\$1,100.00	13 lb/acre. Spreading by volunteers 300 lb/acre. Spreading can be by volunteers
10	Seed Mix in Meadow - Grand Diversity Mix (Prairie Moon Nursery)	12	EA	\$2,718.00	\$32,616.00	
11	Sow low-mow eco-grass	300	EA	\$5.25	\$1,575.00	
LANDSCAPE - FOREST					\$45,905.00	
12	Soil testing	4	EA	\$110.00	\$440.00	7 acres. 13 lb/acre. Spreading can be by volunteers Planting can be done by volunteers.
13	Seed Mix - Shady Woodland in Forest Clearings & Regeneration zones (Prairie Moon Nursery)	7	EA	\$6,120.00	\$42,840.00	
14	Understory Trees - Bare Root (1-1.5" caliper)	35	EA	\$75.00	\$2,625.00	
				SUBTOTAL - HARD COSTS	\$167,846.00	
SOFT COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
15	Bond Mobilization and Layout	1	12.00%	\$20,141.52	\$20,141.52	
16	Contingency	1	12.00%	\$20,141.52	\$20,141.52	
17	Professional Fees - Design and Engineering	1	15.00%	\$25,176.90	\$25,176.90	
				SUBTOTAL - SOFT COSTS	\$55,310.40	
				GRAND TOTAL	\$233,305.94	

PHASE THREE: ECO-BARN

PHASE SUMMARY

This option for the Eco-Barn includes a timber-frame eco-barn with flexible space capable of holding 35 people, and space for SWT storage. The estimate includes grading, walls, and pathways necessary for the steep grade change. It also includes bathrooms with composting toilets. The cost for a septic system has been included for any use of running water within the building.

PRE-CONSTRUCTION PLANNING COSTS

Design-build or integrated design services for Architecture should be considered to arrive at a lower cost for design, materials and labor. Other professional services should include a survey; Civil, MEP, and Structural Engineering; and Architecture and Landscape Architecture.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
DEMOLITION & EARTH MOVING					\$11,400.00	
1	Excavation for Basement, slabs, steps, etc.	150	CY	\$50.00	\$7,500.00	
2	Fine grading of soils - Remove & deposit / regrade at parking area and outside ecobarn; coordination w. PH1	120	CY	\$20.00	\$2,400.00	
3	Dewatering	1	ALLOW	\$1,500.00	\$1,500.00	
DRIVEWAY & RETAINING WALLS					\$99,275.00	
4	Aggregate paths - includes excavation & hauling	140	CY	\$35.00	\$4,900.00	
5	Vehicular access path - asphalt & aggregate base, excavation & hauling	115	CY	\$50.00	\$5,750.00	
6	Accessible ramp - concrete, aggregate base, excavation & hauling	140	CY	\$50.00	\$7,000.00	
7	Accessible ramp handrail - powdercoated finish	220	LF	\$200.00	\$44,000.00	
8	Accessible ramp handrail - powdercoated finish	1075	SF	\$35.00	\$37,625.00	
FOUNDATIONS & SLABS					\$45,383.50	
9	4' CIP Spread Footings - Concrete	40	CY	\$150.00	\$6,000.00	
10	4' CIP Spread Footings - Reinforcement	4000	LB	\$1.50	\$6,000.00	
11	4' CIP Spread Footings - Formwork	1290	SF	\$11.00	\$14,190.00	
12	Slab on Grade - Concrete	18	CY	\$150.00	\$2,700.00	
13	Slab on Grade - Reinforcement	1450	SF	\$1.50	\$2,175.00	
14	Slab on Grade - Formwork	116	SF	\$11.00	\$1,276.00	
15	Crushed Stone under Slab on Grade	24	CY	\$20.00	\$480.00	
16	Vapor Retarder	1450	SF	\$4.25	\$6,162.50	
17	French drain at basement outside wall	160	LF	\$40.00	\$6,400.00	
COMPOSTING TOILET INFRASTRUCTURE					\$56,475.00	
18	Excavation & Bilco Door Steps	1	LS	\$3,000.00	\$3,000.00	
19	Basement - Concrete	3	CY	\$150.00	\$450.00	
20	Basement - Reinforcement	3250	SF	\$1.50	\$4,875.00	
21	Basement - Formwork	1650	SF	\$11.00	\$18,150.00	
22	Composting Toilets	2	EA	\$15,000.00	\$30,000.00	
BATHROOM FINISHES					\$4,400.00	
23	Sink Mirror	2	EA	\$125.00	\$250.00	
24	Hand Dryer	2	EA	\$500.00	\$1,000.00	
25	Exhaust Fans	2	EA	\$400.00	\$800.00	
26	Tile	1350	SF	\$1.00	\$1,350.00	
27	Finishes & Fixtures	1	ALLOW	\$1,000.00	\$1,000.00	
SUPERSTRUCTURE					\$110,250.00	
28	Timber Frame	1450	SF	\$35.00	\$50,750.00	
29	CLT Frame & Roof Frame	1700	SF	\$35.00	\$59,500.00	
EXTERIOR & ROOF					\$119,138.75	
30	Cedar Siding	1575	SF	\$21.25	\$33,468.75	
31	Insulation	1575	SF	\$6.00	\$9,450.00	
32	Vapor Barrier (Walls & Roof)	3255	SF	\$8.00	\$26,040.00	
33	Joint Sealant	1575	SF	\$1.00	\$1,575.00	
34	Steel Roof	1650	SF	\$20.00	\$33,000.00	
35	Insulation	1650	SF	\$7.50	\$12,375.00	
36	Aluminum Gutter & Drain	190	LF	\$17.00	\$3,230.00	
DOORS & WINDOWS					\$46,150.00	
37	Casement Windows - 5x5'	6	EA	\$3,000.00	\$18,000.00	
38	Casement Windows - 1.5x4'	6	EA	\$2,000.00	\$12,000.00	
39	Exterior Door	1	EA	\$3,400.00	\$3,400.00	
40	Barn Door	1	EA	\$6,375.00	\$6,375.00	
41	Interior Sliding Barn Door	3	EA	\$2,125.00	\$6,375.00	
INTERIOR					\$20,881.25	
42	Interior Gypsum Walls	625	SF	\$12.75	\$7,968.75	
43	Paint	1650	SF	\$1.05	\$1,732.50	
44	Concrete Countertops	22	SF	\$65.00	\$1,430.00	
45	Cabinets	9	LF	\$250.00	\$2,250.00	
46	Movable Furnishings - Adirondack Chairs	6	EA	\$250.00	\$1,500.00	
47	Movable Furnishings - Wood Tables & Chairs	3	EA	\$2,000.00	\$6,000.00	

PLUMBING & SEWER					\$39,970.00
48	Water closet & rough-in	2	EA	\$1,800.00	\$3,600.00
49	Kitchen sink & rough-in	2	EA	\$1,200.00	\$2,400.00
50	Lavatory & rough-in	2	EA	\$900.00	\$1,800.00
51	Hose Bib	2	EA	\$400.00	\$800.00
52	Domestic water service - pipes & insulation	30	LF	\$50.00	\$1,500.00
53	Domestic water service - fittings	9	LF	\$70.00	\$630.00
54	Backflow preventer	1	EA	\$6,000.00	\$6,000.00
55	Heat trace	30	LF	\$8.00	\$240.00
56	Cast Iron Pipe, 2"	30	LF	\$20.00	\$600.00
57	Cast Iron Pipe, no hub 4"	30	LF	\$30.00	\$900.00
58	Sanitary Pump	1	EA	\$1,500.00	\$1,500.00
59	Replace septic tank and field	1	EA	\$20,000.00	\$20,000.00
HVAC					\$21,750.00
60	Radiant floor heating	1450	SF	\$15.00	\$21,750.00
ELECTRICAL					\$50,520.00
61	Temporary Light & Power	1	EA	\$5,000.00	\$5,000.00
62	Connection to city electrical (excavation, hauling, underground wiring & tubing)	1	ALLOW	\$15,000.00	\$15,000.00
63	Panelboards & Disconnect	1	EA	\$4,500.00	\$4,500.00
64	Copper Wiring	24	CLF	\$55.00	\$1,320.00
65	EMT Tubing	600	CLF	\$5.00	\$3,000.00
66	Outlet boxes	4	EA	\$600.00	\$2,400.00
67	Duplex	20	EA	\$40.00	\$800.00
68	Light controls	1	EA	\$1,000.00	\$1,000.00
69	Light fixtures	30	EA	\$400.00	\$12,000.00
70	Wall Pack	8	EA	\$500.00	\$4,000.00
71	Ceiling-mounted fan/light	1	EA	\$1,500.00	\$1,500.00
LIFE SAFETY					\$12,140.00
72	Exit Light LED	1	EA	\$450.00	\$450.00
73	Fire Extinguishers	3	EA	\$295.00	\$885.00
74	Fire Alarm Cable	3	CLF	\$275.00	\$825.00
75	EMT Tubing	300	LF	\$4.50	\$1,350.00
76	Control Panel	1	EA	\$3,000.00	\$3,000.00
77	Strobe & Horn	2	EA	\$165.00	\$330.00
78	System Programming	1	EA	\$1,000.00	\$1,000.00
79	Smoke/Carbon Monoxide Detector	4	EA	\$1,000.00	\$4,000.00
80	Pull Station	1	EA	\$140.00	\$140.00
81	Tamper & Flow Connect	1	EA	\$160.00	\$160.00
GROUNDING & LIGHTNING PROTECTION					\$5,942.00
82	Grounding rod, copper clad	6	EA	\$135.00	\$810.00
83	Ground wire, copper	2	CLF	\$625.00	\$1,250.00
84	Exothermic weld	6	CLF	\$70.00	\$420.00
85	Trenching	200	CLF	\$6.00	\$1,200.00
86	Lightning protection, air terminal and base	6	EA	\$55.00	\$330.00
87	Lightning protection, copper cable	160	LF	\$6.75	\$1,080.00
88	Lightning clips	6	EA	\$10.00	\$60.00
89	Lightning rod base plate	6	EA	\$132.00	\$792.00
AUDIO/VISUAL INFRASTRUCTURE					\$5,025.00
90	EMT Tubing	300	LF	\$4.50	\$1,350.00
91	Speaker	2	EA	\$1,000.00	\$2,000.00
92	Projector	1	EA	\$1,000.00	\$1,000.00
93	Equipment Connections	3	EA	\$135.00	\$405.00
94	Cabling	3	CLF	\$90.00	\$270.00
LANDSCAPING					\$15,750.00
95	Slope Stabilization Planting	3000	SF	\$5.00	\$15,000.00
96	Trees - Bare Root (1-1.5' caliper)	10	EA	\$75.00	\$750.00
				SUBTOTAL - HARD COSTS	\$664,450.50

Planting can be done by volunteers.

SOFT COSTS & CONTINGENCIES					
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL
97	Bond Mobilization and Layout	1	12.00%	\$79,734.06	\$79,734.06
98	Contingency	1	12.00%	\$79,734.06	\$79,734.06
99	Professional Fees - Design and Engineering	1	15.00%	\$99,667.58	\$99,667.58
				SUBTOTAL - SOFT COSTS	\$259,135.70
				GRAND TOTAL	\$923,586.20

PHASE THREE: ECO-BARN (CONT'D)

ADD-ALTERNATES

Add-alternates for sustainable systems such below have been included in the master plan for consideration, but not calculated within the base budget on the previous pages.

ADD-ALTERNATES (NOT INCLUDED IN FEE ABOVE)						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SOLAR ROOF					\$115,030.00	
1	Solar Panels	829	SF	\$70.00	\$58,030.00	
2	Battery Pack	1	EA	\$12,000.00	\$12,000.00	
3	Distribution Panel 480V	1	EA	\$7,500.00	\$7,500.00	
4	Transformer & Rough-in	1	EA	\$20,000.00	\$20,000.00	
5	Space & Build-out of electrical closet	50	SF	\$350.00	\$17,500.00	
GREEN ROOF					\$117,900.00	
6	Deduct Standing Seam Steel Roof	1650	SF	\$(20.00)	\$(33,000.00)	
7	Sedum Mat	1650	SF	\$24.00	\$39,600.00	
8	Green Roof Soil	1650	SF	w/ above		
9	Needled Miner Wool	1650	SF	w/ above		
10	Drain Plate	1650	SF	w/ above		
11	Honeycomb geo grid	1650	SF	\$5.00	\$8,250.00	
12	Metal Edging	160	LF	\$15.00	\$2,400.00	
13	Insulation	1650	SF	\$7.50	\$12,375.00	
14	Vapor Barrier	1650	SF	\$8.50	\$14,025.00	
15	Waterproofing Membrane	1650	SF	\$20.00	\$33,000.00	
16	Structural Reinforcement	1650	SF	\$25.00	\$41,250.00	
RAINWATER RE-USE SYSTEM					\$61,750.00	
17	Eliminate Septic System	1	ALLOW	\$(20,000.00)	\$(20,000.00)	
18	Above Ground Storage Tank	1	EA	\$10,000.00	\$10,000.00	
19	Pump	1	EA	\$10,000.00	\$10,000.00	
20	Piping	1475	SF	\$15.00	\$22,125.00	
21	Chemical Treatment System	1475	SF	\$10.00	\$14,750.00	
22	Controls	1475	SF	\$5.00	\$7,375.00	
23	Space & Build-out of treatment closet	50	SF	\$350.00	\$17,500.00	

PHASE FOUR: OVERLOOK LOOP

PHASE SUMMARY

The Overlook Loop is an ADA-accessible experience at the top of the ridge, made of decking and sitting on piers. The estimate includes the elements to construct this experience, as well as the striping of two ADA-accessible parking spots along the existing street.

PRE-CONSTRUCTION PLANNING COSTS

An allowance for structural engineering and landscape architecture are included to develop construction documents. A civil engineer or architect may also be necessary for permitting, especially if stamped documents are necessary.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$17,000.00	
1	Site access & erosion control	1	ALLOW	\$5,000.00	\$5,000.00	Was done in phase 2; this is specific to necessary tree clearing or understory
2	Temporary Utilities	1	ALLOW	\$5,000.00	\$5,000.00	
3	Dewatering	1	ALLOW	\$2,000.00	\$2,000.00	
4	Site Clearing for foundations & bases	1	ALLOW	\$5,000.00	\$5,000.00	
OVERLOOK LOOP					\$489,924.00	
5	Substructure Foundations	2195	SF	\$20.00	\$43,900.00	25-30-year lifespan vs. 10-15 year lifespan for synthetic Trex decking
6	Helical Piles - max 28'	2195	SF	\$75.00	\$164,625.00	
7	Metal Deck Framing	2195	SF	\$7.00	\$15,365.00	
8	Thermally Modified Ash Decking	2195	SF	\$20.00	\$43,900.00	
9	Steel Framed Railings	588	LF	\$300.00	\$176,400.00	
10	X-Tend Mesh Panels	2352	SF	\$17.00	\$39,984.00	
11	Wood Lean Rail with HDPE Signage	15	LF	\$350.00	\$5,250.00	
12	Signage for Parking, ADA & Safety Warnings	1	ALLOW	\$500.00	\$500.00	
HARDSCAPING					\$924.00	
13	ADA Parking - Striping on existing asphalt	462	SF	\$2.00	\$924.00	
LANDSCAPING						
14						Regeneration zones Included in Phase 2 estimate
				SUBTOTAL - HARD COSTS	\$507,848.00	
SOFT COSTS & CONTINGENCIES						
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
15	Bond Mobilization and Layout	1	12.00%	\$60,941.76	\$60,941.76	
16	Contingency	1	12.00%	\$60,941.76	\$60,941.76	
17	Professional Fees - Design and Engineering	1	15.00%	\$76,177.20	\$76,177.20	
				SUBTOTAL - SOFT COSTS	\$121,883.52	
				GRAND TOTAL	\$629,731.52	

PHASE FIVE: LEARNING GROVE

PHASE SUMMARY

The Learning Grove creates a space at the base of the quarry for environmental education. The estimate includes gabion basket walls and seating, as well as adjacent slides & boulder stairs that are embedded within the side of the quarry

PRE-CONSTRUCTION PLANNING COSTS

Professional servies should include disciplines of Civil Engineering and Landscape Architecture. Geotechnical support may also be necessary; this will be dependent upon the findings of the geotechnical surveying that will take place in/prior to Phase 1.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$4,000.00	
1	Fine site grading	8000	SF	\$0.50	\$4,000.00	
SITE ELEMENTS					\$23,880.00	
2	Gabion basket retaining Walls	228	SF	\$35.00	\$7,980.00	
3	Gabion basket retaining Walls - Wood Seating	228	SF	\$50.00	\$11,400.00	
4	Recycled concrete access path - aggregate base, excavation & hauling	100	CY	\$45.00	\$4,500.00	
PLAY					\$71,500.00	
5	Metal Slide - 15' Long	15	LF	\$1,275.00	\$19,125.00	Included in Phase 1
6	Metal Slide - 30' Long	30	LF	\$1,275.00	\$38,250.00	
7	Boulder Stairs	30	TONS	\$255.00	\$7,650.00	
8	Boulder Stairs & Slide - Excavation & Hauling	185	CY	\$35.00	\$6,475.00	
LANDSCAPING					\$6,000.00	
9	Perennial Planting at Slides	1000	SF	\$6.00	\$6,000.00	
				SUBTOTAL - HARD COSTS	\$81,500.00	

SOFT COSTS & CONTINGENCIES					
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL
10	Bond Mobilization and Layout	1	12.00%	\$9,780.00	\$9,780.00
11	Contingency	1	12.00%	\$9,780.00	\$9,780.00
12	Professional Fees - Design and Engineering	1	15.00%	\$12,225.00	\$12,225.00
				SUBTOTAL - SOFT COSTS	\$31,785.00
				GRAND TOTAL	\$113,285.00

PHASE SIX: WILLOW GROVE, SIGNAGE + SITE AMENITIES

PHASE SUMMARY

The Willow Grove is an area adjacent to the proposed Learning Grove and Natural Play that introduces seating that can be used for crafts or outdoor education. Signage is also included in this phase of work, intended for along the existing pathways and parking area.

PRE-CONSTRUCTION PLANNING COSTS

Professional services should include Landscape Architecture if any guidance on grading, planting, or furnishings is required.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$3,250.00	
1	Fine grading	6500	SF	\$0.50	\$3,250.00	
SIGNAGE					\$23,400.00	
2	Sculptural Entry Portal at Trailhead - Corten Steel					Included in Phase 1
3	Educational Signage	7	EA	\$1,200.00	\$8,400.00	
4	Smaller Signage	100	EA	\$150.00	\$15,000.00	
FURNISHINGS					\$3,000.00	
5	Movable Furnishings - Chairs	12	EA	\$250.00	\$3,000.00	
LANDSCAPING					\$4,215.00	
6	Understory Trees - Bare Root (1-1.5" caliper)	22	EA	\$75.00	\$1,650.00	Planting can be done by volunteers.
7	Seed Mix - Understory	4	LB	\$235.00	\$940.00	Spread rate: 10 lb/acre. Seed spreading can be done by volunteers
8	Mulch for seed bulking	6500	SF	\$0.25	\$1,625.00	1 acre / Seed spreading to be done by volunteers
				SUBTOTAL - HARD COSTS	\$33,865.00	

SOFT COSTS & CONTINGENCIES					
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL
9	Bond Mobilization and Layout	1	12.00%	\$4,063.80	\$4,063.80
10	Contingency	1	12.00%	\$4,063.80	\$4,063.80
11	Professional Fees - Design and Engineering	1	15.00%	\$5,079.75	\$5,079.75
				SUBTOTAL - SOFT COSTS	\$13,207.35
				GRAND TOTAL	\$47,072.35

PHASE SEVEN: FOOD FOREST + CRAFT GARDENS

PHASE SUMMARY

The Food Forest is a garden outside of the Eco-Barn that can be used for education or community garden. Its maintenance depends upon the labor of a part-time gardener, and should be implemented only if/when SWT can commit to supporting such a position.

The estimate includes all walls, pathways, planting, and furnishings in this area.

PRE-CONSTRUCTION PLANNING COSTS

Professional servies should include disciplines of Landscape Architecture and Civil Engineering if any guidance on grading, planting, or furnishings is required.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$4,500.00	
1	Fine site grading	9000	SF	\$0.50	\$4,500.00	
SITE ELEMENTS					\$37,630.00	
2	Gabion basket retaining Walls	228	SF	\$35.00	\$7,980.00	
3	Gabion basket retaining Walls - wood seating	228	SF	\$50.00	\$11,400.00	
4	Gabion basket retaining Walls - excavation & hauling	100	CY	\$40.00	\$4,000.00	
5	Recycled concrete access path - aggregate base, excavation & hauling	30	CY	\$45.00	\$1,350.00	
6	Compost Bays - 20x15' Slab	300	SF	\$8.00	\$2,400.00	
7	Compost Bays - CMU Enclosure	300	SF	\$25.00	\$7,500.00	
8	Compost Bays - Gate	1	EA	\$3,000.00	\$3,000.00	
FURNISHINGS					\$26,600.00	
9	Movable Furnishings - Harvest Tables	3	EA	\$2,000.00	\$6,000.00	
10	Movable Furnishings - Chairs	36	EA	\$250.00	\$9,000.00	
11	Trash, Recycling, Rain Barrel & Composting Supplies	6	EA	\$1,500.00	\$9,000.00	
12	Misc. Gardening Supplies for Storage	1	EA	\$2,000.00	\$2,000.00	
13	Insect Hotels	6	EA	\$100.00	\$600.00	
LANDSCAPING					\$19,920.00	
14	Understory Trees - Bare Root (1-1.5" caliper)	10	EA	\$75.00	\$750.00	Planting can be done by volunteers.
15	Seed Mix - Grand Diversity Mix (Prairie Moon Nursery)	5	LB	\$235.00	\$1,175.00	Spread rate: 10 lb/acre. Seed spreading can be done by volunteers
16	Mulch for seed bulking	20000	SF	\$0.25	\$5,000.00	1 acre / Seed spreading to be done by volunteers
17	Woody Shrubs - 10 Gallon Container	16	EA	\$25.00	\$400.00	
18	Perennials - 3 Gallon Container	300	EA	\$20.00	\$6,000.00	
19	Sow low-mow eco-grass	110	EA	\$4.50	\$495.00	Spread Rate: 220 lb/acre. Seed spreading can be done by volunteers
20	Mulch for eco-grass seed bulking	20000	SF	\$0.25	\$5,000.00	Seed spreading to be done by volunteers
21	Garden Fencing (deer-proof)	220	LF	\$5.00	\$1,100.00	
				SUBTOTAL - HARD COSTS	\$88,650.00	

SOFT COSTS & CONTINGENCIES					
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL
22	Bond Mobilization and Layout	1	12.00%	\$10,638.00	\$10,638.00
23	Contingency	1	12.00%	\$10,638.00	\$10,638.00
24	Professional Fees - Design and Engineering	1	15.00%	\$13,297.50	\$13,297.50
				SUBTOTAL - SOFT COSTS	\$34,573.50
				GRAND TOTAL	\$123,223.50

PHASE EIGHT: NATURAL PLAY

PHASE SUMMARY

The Natural Play area is intended as an additional amenity within the forest that supports families with children. The estimate includes three play elements, as well as costs for adjacent gabion walls and seating. Permeable mulch paving and two large trees within the play area are included in the estimate. No drainage is anticipated.

PRE-CONSTRUCTION PLANNING COSTS

Professional services should include disciplines of Landscape Architecture and Civil Engineering if any guidance on grading, planting, or furnishings is required.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$4,250.00	
1	Fine site grading	8500	SF	\$0.50	\$4,250.00	
SITE ELEMENTS					\$17,000.00	
2	Gabion basket retaining Walls	200	SF	\$35.00	\$7,000.00	
3	Gabion basket retaining Walls - Wood Seating	200	SF	\$50.00	\$10,000.00	
4	Stump seating					Place remnants reclaimed from Phase 2 tree clearing
PLAY					\$153,090.00	
5	Play Structure - Main	1	EA	\$75,000.00	\$75,000.00	
6	Play Structure - Stepper Cluster M4	1	EA	\$13,200.00	\$13,200.00	
7	Play Structure - Log Piles 8.2	1	EA	\$25,200.00	\$25,200.00	
8	Installation	1	EA	\$39,690.00	\$39,690.00	
HARDSCAPING					\$18,150.00	
9	Mulch - material, excavation, and hauling	185	CY	\$30.00	\$5,550.00	
10	Aggregate base for mulch - material, excavation, and hauling	280	CY	\$45.00	\$12,600.00	
LANDSCAPING					\$2,940.00	
11	Understory Trees -B&B , 4" CAL	2	EA	\$1,000.00	\$2,000.00	Planting can be done by volunteers.
12	Seed Mix - Understory	4	LB	\$235.00	\$940.00	Spread rate: 10 lb/acre. Seed spreading can be done by volunteers
				SUBTOTAL - HARD COSTS	\$195,430.00	
SOFT COSTS & CONTINGENCIES						
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
13	Bond Mobilization and Layout	1	12.00%	\$23,451.60	\$23,451.60	
14	Contingency	1	12.00%	\$23,451.60	\$23,451.60	
15	Professional Fees - Design and Engineering	1	15.00%	\$29,314.50	\$29,314.50	
				SUBTOTAL - SOFT COSTS	\$76,217.70	
				GRAND TOTAL	\$271,647.70	

PHASE NINE: CANOPY WALK

PHASE SUMMARY

The Overlook Loop is an ADA-accessible experience at the top of the ridge, made of decking and sitting on piers. The estimate includes the elements to construct this experience, as well as the striping of two ADA-accessible parking spots along the existing street.

PRE-CONSTRUCTION PLANNING COSTS

Professional servies should include disciplines of Structural Engineering and Landscape Architecture to develop construction documents. A Civil Engineer or Architect may also be necessary for permitting, especially if stamped documents are necessary. Given the location at the top of the quarry ridge, a geotechnical engineer may be necessary.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION					\$34,250.00	
1	Site access & erosion control	1	ALLOW	\$15,000.00	\$15,000.00	
2	Dewatering	1	ALLOW	\$4,250.00	\$4,250.00	
3	Temporary Utilities	1	ALLOW	\$10,000.00	\$10,000.00	
4	Site Clearing for foundations & bases	1	ALLOW	\$5,000.00	\$5,000.00	Was done in phase 2; this is specific to necessary tree clearing or understory
OVERLOOK LOOP					\$259,600.00	
5	Substructure Foundations	1450	SF	\$12.00	\$17,400.00	
6	Helical Piles - max 15'	1450	SF	\$37.00	\$53,650.00	
7	Metal Deck Framing	1450	SF	\$7.00	\$10,150.00	
8	Thermally Modified Ash Decking	1450	SF	\$20.00	\$29,000.00	25-30-year lifespan vs. 10-15 year lifespan for synthetic Trex decking
9	Steel Framed Railings	295	LF	\$300.00	\$88,500.00	
10	X-Tend Mesh Panels	1450	SF	\$17.00	\$24,650.00	
11	Overhead Trellis Beamms	1450	SF	\$25.00	\$36,250.00	
12	Signage for Environmental Education and Safety Warnings		ALLOW	\$500.00	\$-	
LANDSCAPING					\$470.00	
13	Seed Mix - Understory	2	LB	\$235.00	\$470.00	Spread rate: 10 lb/acre. Seed spreading can be done by volunteers
				SUBTOTAL - HARD COSTS	\$294,320.00	

SOFT COSTS & CONTINGENCIES					
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL
14	Bond Mobilization and Layout	1	12.00%	\$35,318.40	\$35,318.40
15	Contingency	1	12.00%	\$35,318.40	\$35,318.40
16	Professional Fees - Design and Engineering	1	15.00%	\$44,148.00	\$44,148.00
				SUBTOTAL - SOFT COSTS	\$114,784.80
				GRAND TOTAL	\$409,104.80

PHASE TEN: ECOLOGICAL ART - BRICK INSTALLATION WITH BIRD HABITAT TOWERS

PHASE SUMMARY

An ecological art installation is included as an additional creative amenity that was enjoyed by the public in the engagement process, but also come at a large expense. Cost is included for creating a chimney swift tower that mimics the brick kilns and chimney towers that once stood on site.

PRE-CONSTRUCTION PLANNING COSTS

Structural engineering is anticipated for the chimney swift towers/brick kiln, as well as foundations of the sculpture.

BASE COSTS						REMARKS
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
SITE PREPARATION						
1	Site access & erosion control in meadow	1	ALLOW	\$4,000.00	\$4,000.00	
2	Fine site grading	8500	SF	\$0.50	\$4,250.00	
3	Dewatering	1	ALLOW	\$4,250.00	\$4,250.00	
4	Temporary Utilities	1	ALLOW	\$15,000.00	\$15,000.00	
5	Site Clearing for foundations & bases	2000	SF	\$0.13	\$260.00	
BRICK KILN - CHIMNEY SWIFT TOWERS						
10	Brick - Sever Weathering	1750	EA	\$40.00	\$70,000.00	
11	Metal Flashing	157	SF	\$60.00	\$9,420.00	
12	Foam Insulation	1750	SF	\$4.00	\$7,000.00	
13	Treated Plywood	1750	SF	\$5.00	\$8,750.00	
14	Treated Plywood at top	1	EA	\$125.00	\$125.00	
15	Ventilation	3	EA	\$200.00	\$600.00	
16	Footings - Concrete	16	CY	\$150.00	\$2,400.00	
17	Footings - Reinforcement	2000	LB	\$1.90	\$3,800.00	
18	Footings - Formwork	440	SF	\$10.00	\$4,400.00	
19	Excavation & Hauling	32	CY	\$35.00	\$1,120.00	
BRICK KILN - ARCHES						
20	Brick - Sever Weathering	1475	EA	\$42.50	\$62,687.50	
21	Footings - Concrete	7	CY	\$150.00	\$1,050.00	
22	Footings - Reinforcement	875	LB	\$1.90	\$1,662.50	
23	Footings - Formwork	590	SF	\$10.00	\$5,900.00	
24	Excavation & Hauling	14	CY	\$35.00	\$490.00	
LANDSCAPING						
25	Sow low-mow eco-grass	2	EA	\$5.25	\$10.50	Spread Rate: 300 lb/acre. Seed spreading can be done by volunteers
26	Mulch for eco-grass seed bulking	125	SF	\$0.25	\$31.25	
				SUBTOTAL - HARD COSTS	\$195,430.00	
SOFT COSTS & CONTINGENCIES						
ITEM NO.	ESTIMATE ITEM	QTY	UNIT	UNIT COST	TOTAL	
27	Bond Mobilization and Layout	1	12.00%	\$23,451.60	\$23,451.60	
28	Contingency	1	12.00%	\$23,451.60	\$23,451.60	
29	Professional Fees - Design and Engineering	1	15.00%	\$29,314.50	\$29,314.50	
				SUBTOTAL - SOFT COSTS	\$76,217.70	
				GRAND TOTAL	\$271,647.70	



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Direction/Discussion

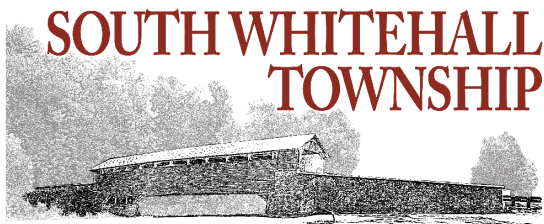
AGENDA SECTION: DIRECTION/DISCUSSION ITEMS

SUBJECT: August 8, 2023, Route 309 Betterment Project Meeting - General Information

SUGGESTED ACTION:

ATTACHMENTS:

[2022.07.28 CD DIRECTOR - BOC Memo - 309 Betterment Open House.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

To:	Board of Commissioners
From:	David Manhardt, AICP
Date:	July 28, 2023
Subject:	Route 309 Betterment Project Meeting August 8 th , 2023.

- **Background Information:**

South Whitehall Township staff, along with our colleagues at North Whitehall, have worked with the 309 Betterment Project Management team to schedule an Open House to occur August 8th at the South Whitehall Township building from 6:00 pm to 8:00 pm. At the time of this memo PennDOT has not posted any materials online. As soon as materials are posted Township staff will provide links to PennDOT materials through the Township website. Below is the press release included on the Township website:

PennDOT Announces Online and Public Plans Display for SR 0309-14M Roadway Betterment Project in North and South Whitehall Townships, Lehigh County

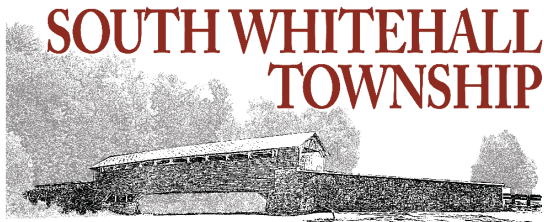
Allentown, PA – The Pennsylvania Department of Transportation (PennDOT) invites the public to a public and online plans display regarding the State Route 0309 Roadway Betterment project located in North and South Whitehall Townships, Lehigh County. The purpose of this project is to address safety concerns, improve the signalized intersections and provide continued safe and efficient access on State Route 0309 through Lehigh County.

A public plans display will be held on Tuesday, August 8, 2023 from 6 p.m. to 8 p.m. at the following location:

South Whitehall Township
4444 Walbert Ave
Allentown, PA 18104

The project extends from Walbert Ave to Shankweiler Rd along SR 0309 and includes new traffic signals and improvements at 6 intersections. These intersections are Walbert Ave, Chapman's/Pope Road, Huckleberry Road, Lime Kiln Road, Orefield/Kernsville Road and Shankweiler Rd. The Tributary to Jordan Creek culvert will be widened to improve sight distance between Snow Drift and Huckleberry Roads and provide additional width for turn lanes at the Huckleberry Rd intersection. Widening and improvements to provide 12' travel lanes and 8' shoulders will be conducted as well as turning lanes, drainage, guide rail, signing and paint upgrades.

The roadway will be under construction for approximately 2 years, however traffic will be maintained during construction. Three detours will be utilized for the project, one for Church



MEMORANDUM FOR AGENDA ITEMS

Road (0.7 mile detour, 4 to 6 week duration), another for SR 4003 Orefield Road (2.7 mile detour, 6 to 8 week duration) and the third detour will be SR 0309 for work on the bridge over the Jordan Creek (6.4 mile detour, one weekend duration).

Access to driveways and businesses within the project limits will be maintained at all times during construction.

Work is expected to begin during the later part of the 2024 construction season and finish during the 2026 construction season.

The purpose of the plans display is to introduce the project and receive public input regarding any questions or concerns with the project. It is also an opportunity for the public to review and comment on the project's potential effect upon Cultural Resources pursuant to the Advisory Council on Historic Preservation's 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act.

The project documents can be made available in alternative languages or formats if requested. If you need translation/interpretation services or have special needs or have special concerns that require individual attention, please contact Megan Fallon, Project Manager, at (610) 783-3757 or email at c-mfallon@pa.gov.

Pursuant to Title VI of the Civil Rights Act of 1964, PennDOT does not discriminate on the basis of race, color, national origin, gender, age, or disability. If you feel that you have been denied the benefits of, or participation in a PennDOT program or activity, you may contact the Pennsylvania Department of Transportation, Bureau of Equal Opportunity, DBE/Title VI Division at 717-787-5891 or 800-468-4201.

For more information on projects occurring or being bid this year, those made possible by or accelerated by the state transportation funding plan (Act 89), or those on the department's Four and Twelve Year Plans, visit www.projects.penndot.gov.

Subscribe to PennDOT news in Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill counties at www.penndot.gov/District5.

Follow local PennDOT information on Twitter at www.twitter.com/511PAAllentown or at www.facebook.com/PennsylvaniaDepartmentofTransportation/.



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BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 2, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Payment of Invoices

AGENDA SECTION: MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

SUBJECT: Invoices and Disbursements

SUGGESTED ACTION:

- *Motion to Authorize Payment of Invoices & Disbursements*

ATTACHMENTS: