

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

**PLANNING COMMISSION**

**DECEMBER 21, 2023**

4444 WALBERT AVENUE, ALLENTOWN, PA 18104  
GoToMeeting <https://global.gotomeeting.com/join/757430189>.

**A G E N D A**

	<b><u>Estimated Time</u></b>
<b><u>AGENDA ITEM #0</u> – AGENDA REVIEW</b>	<b>7:00 pm</b>
A. Act 537Plan Update	
B. Ruhe Subdivision Minor Plan 2013-201	
C. Section 350-42(e) Fences and Walls Zoning Ordinance Amendment	
<b><u>AGENDA ITEM #1</u> – CALL TO ORDER</b>	<b>7:30 pm</b>
<b><u>AGENDA ITEM #2</u> – PLEDGE OF ALLEGIANCE/ROLL CALL/ MEETING RULES</b>	<b>7:30 pm</b>
<b><u>AGENDA ITEM #3</u> – APPROVAL OF MINUTES</b>	<b>7:35 pm</b>
Minutes of the October 19, 2023 meeting..... page 2	
<b><u>AGENDA ITEM #4</u> – ACT 537 PLAN UPDATE</b> ..... page 15	<b>7:40-7:50 pm</b>
<b><u>AGENDA ITEM #5</u> – SUBDIVISION REVIEW</b>	
A. Ruhe Subdivision	<b>7:50-8:30 pm</b>
Minor Plan 2013-201	
<b><u>Request For Preliminary/Final Plan Review</u></b> ..... page 17	
1. Staff Presentation	
2. Applicant Presentation	
3. Courtesy of the Floor	
4. Planning Commission Decision	
<b><u>AGENDA ITEM #6</u> – ZONING ORDINANCE AMENDMENT</b>	
A. Section 350-42(e) Fences and Retaining Walls	<b>8:30-8:45 pm</b>
Ordinance Amendment 2023-504	
<b><u>Request for Ordinance Amendment Approval</u></b> ..... page 89	
1. Staff Presentation	
2. Applicant Presentation	
3. Courtesy of the Floor	
4. Planning Commission Decision	
<b><u>AGENDA ITEM #7</u> – TRANSPORTATION UPDATE</b>	<b>8:45 pm</b>
<b><u>AGENDA ITEM #8</u> – ELECTION OF OFFICERS</b>	<b>8:50 pm</b>
<b><u>AGENDA ITEM #9</u> – COURTESY OF THE FLOOR</b>	<b>8:55 pm</b>
<b><u>AGENDA ITEM #10</u> – ADJOURNMENT</b>	<b>9:00 pm</b>

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

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

**REGULAR SESSION**                      **MINUTES**                      **OCTOBER 19, 2023**

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

Brian Hite, Vice-Chairman  
Trevor Dombach  
Todd Fahringer  
Diane E. Kelly

Staff members in attendance:

Gregg Adams, Planner  
Laura Harrier, Zoning Officer  
Chris Stroehler, Long-Range Planner  
David Manhardt, Director of Community Development  
Herb Bender, Director of Operations  
Tom Petrucci, Township Manager  
Anthony Tallarida, Assistant Township Engineer  
Jennifer Alderfer, Assistant Township Solicitor  
Anthony Giovannini Jr., Alternate Township Solicitor

**AGENDA ITEM #0 – AGENDA REVIEW**

The Township Engineer, Township Solicitor, and staff reviewed the agenda items for the benefit of the Planning Commission members.

**AGENDA ITEM #1 – CALL TO ORDER**

Vice-Chair Hite called the meeting to order at 7:32 p.m. He announced that all meetings are electronically monitored.

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

Vice-Chair Hite led the assembled in the Pledge of Allegiance.

Mr. Adams called the roll and read the meeting rules.

### **AGENDA ITEM #3 – APPROVAL OF MINUTES**

Vice-Chair Hite announced that the minutes of the September 21, 2023 meeting were distributed prior to this evening's meeting for review and comment. Vice-Chair Hite asked the members if they had any changes to the minutes. Hearing none, Vice-Chair Hite called for a motion to approve the minutes as submitted. Mrs. Kelly made a motion to that effect. Mr. Fahringer seconded the motion and it passed unanimously.

### **AGENDA ITEM #4 – SUBDIVISION REVIEW**

Vice-Chair Hite stated that Ruhe Subdivision Minor Plan 2013-201 has been withdrawn from the evening's agenda at the request of the applicant.

**B. 1429 Eck Road Outdoor Storage  
Major Plan 2022-109  
Request for Preliminary/Final Plan Approval**

Vice-Chair Hite polled the audience for interested parties other than the developer regarding the application to develop the property located at 1429 Eck Road. There was no response.

At the request of Vice-Chair Hite, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies' comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Attorney Erich Schock and Engineer Alan Fornwalt were present to present the plan and answer questions. Engineer Fornwalt stated that he has received the agencies' reviews and has no issues. He stated that the Pushkar frontage raises issues that he'd like to resolve. He stated that there is a five-foot strip of land between the right-of-way of Eck Road and the Pushkar property and along the north side of the Pushkar property that is owned by TripleNet. TripleNet proposes to deed the land to Pushkar. The Township Engineer's review suggests frontage improvements along the frontage of the Pushkar property.

Attorney Schock stated that the five-foot strip is not wide enough to make full right-of-way improvements and requested a waiver of the requirement to improve the frontage of the Pushkar lot.

Vice-Chair Hite inquired as to whether there has been a conversation with the Pushkars on the matter.

Engineer Fornwalt stated that there has not.

Mr. Tallarida pointed out that there is much more truck traffic on Eck Road now.

Solicitor Giovannini recommended that the applicant's team has a conversation with the Pushkars before the Township acts.

Engineer Fornwalt stated that the applicant has time restrictions and that the issue should not linger.

Attorney Schock stated that he would be happy to continue to work on the plan while the matter is discussed with the developer.

Vice-Chair Hite inquired as to whether the applicant has looked at the proposed improvements to the frontage of the nearby junkyard in order to properly tie their frontage improvements in.

Engineer Fornwalt stated that he did not but was willing to look at the matter.

Mrs. Kelly suggested that the applicant's team confer with the applicant on the matter.

Vice-Chair Hite inquired as to the extent of the proposed sidewalk. He noted that there could be a crosswalk north of the driveway.

Engineer Fornwalt agreed.

Mrs. Kelly inquired as to whether the applicant would grant a waiver from the time limitation to review the plan.

Attorney Schock stated that he would.

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

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

**C. NPPC Allentown PA Facility New Municipal Water Service  
Major Plan 2023-105  
Request for Preliminary/Final Plan Approval**

Vice-Chair Hite polled the audience for interested parties other than the developer regarding the application to further develop the property located at 2050 Pope Road and install an approximately 4,400 linear foot waterline within the right-of-way of Huckleberry Road from Wehr Mill Road to 2050 Pope Road. The following individuals indicated interest:

Jennie Fiorito	4210 Huckleberry Road
Connie Rabold	4644 Huckleberry Road
Jennifer Sedora	4210 Huckleberry Road

At the request of Vice-Chair Hite, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission recommend preliminary/final plan approval to the Board of Commissioners subject to the applicant complying with the following conditions:

1. That the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, that sufficient security in a form acceptable to the Township be posted, that such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of insurance



coverage in an amount satisfactory to the Township in its sole discretion shall be provided prior to the plan being recorded.

2. That the applicant address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated October 12, 2023. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
3. That the applicant address to the satisfaction of the Township Water & Sewer Engineer, the comments of Mr. Jason Newhard, as contained in his review dated October 9, 2023. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
4. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated October 13, 2023. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
5. That the applicant address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated October 12, 2023.
6. That the applicant address to the satisfaction of the Zoning Officer, the comments of Ms. Laura Harrier, as contained in her forthcoming review.
7. That the applicant address to the satisfaction of the Public Works Department, the comments of Mr. Herb Bender, as contained in his forthcoming review. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
8. That the applicant complies with the forthcoming recommendation of the Public Safety Commission. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
9. That the applicant complies with the forthcoming recommendation of the Parks and Recreation Board. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed. Payment of any Open Space Fee shall be tendered prior to plan recording.
10. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
11. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed, including, but not limited to:
  - a) whether water and sewer allocation and tapping fees are required and, if required, the amount each fee will be. Unless otherwise agreed to by the Board of Commissioners, payment of Allocation Fees shall be tendered prior to plan recording. Unless otherwise agreed to by the Board of Commissioners, payment of Tapping Fees shall be tendered prior to Building Permit issuance.
  - b) whether a fair-share contribution will be required and, if required, the amount of the contribution. Unless otherwise agreed to by the Board of Commissioners, payment of any Fair Share Contribution shall be tendered prior to plan recording.
12. If deemed to be necessary, the applicant obtains a favorable review of the drainage plan from the Lehigh Valley Planning Commission prior to the plan being presented to the South Whitehall Township Board

- of Commissioners. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
13. That the applicant obtains a letter from the Lehigh County Conservation District approving the Soil Erosion and Sedimentation Control Plan or the NPDES Permit application pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance.
  14. If deemed to be necessary, the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
  15. That the applicant shall dedicate to the Township a utility easement of sufficient size in an area acceptable to the Township for accessing the water meter pit. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and an Opinion of Record Title shall be prepared by applicant's counsel indicating that the dedication is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the dedication that has been approved by the Township Engineer, and a copy of the current deed for the property showing current ownership and recording information.
  16. That the applicant shall dedicate a utility easement of sufficient size in an area acceptable to the Township for access and to perform maintenance on the 12" water line between the right-of-way of Huckleberry Road and the water meter pit. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and an Opinion of Record Title shall be prepared by applicant's counsel indicating that the dedication is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the dedication that has been approved by the Township Engineer, and a copy of the current deed for the property showing current ownership and recording information.
  17. That the Applicant shall agree, upon satisfactory completion of all water facilities shown on the plan as intended for dedication to the Township, to execute formal Bills of Sale for said facilities, so as to convey said facilities to the Township for nominal consideration.
  18. That the Applicant shall install the tap and connect the curb boxes to the main and pay for all costs incurred by the homeowners to connect the water laterals to the residential dwellings located at 4095 Huckleberry Road (PIN 547766479165), 4108 Huckleberry Road (PIN 547766245339), 4113 Huckleberry Road (PIN 547766265937), 4137 Huckleberry Road (PIN 547766067890), 4174 Huckleberry Road (PIN 547756849282), 4167 Huckleberry Road (PIN 547756787669), 4187 Huckleberry Road (PIN 547756652989), 4188 Huckleberry Road (PIN 547756535653), 4193 Huckleberry Road (PIN 547756551881), 4205 Huckleberry Road (PIN 547756452754), 4210 Huckleberry Road (PIN 547756335546), 4221 Huckleberry Road (PIN 547756159621), and 4236 Huckleberry Road (PIN 547756126871). In the event any property owner does not wish to connect to the public water system, the property owner shall be solely responsible for paying the fees assessed by the Township for electing not to connect pursuant to Township regulations. The maintenance period for the installation of these water lines shall coincide with the maintenance periods for the overall project. If deemed to be necessary, the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for streetlights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance.
  19. If deemed to be necessary, the applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor for the maintenance of the on-site stormwater management facilities.
  20. That the plan be amended to include a note referencing the "State Highway Law" pursuant to Section 508.6 of the PA Municipalities Planning Code and Section 312-12(a)(9) of the Subdivision and Land Development Ordinance.

21. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
22. That the plans are to be revised and deemed to be “clean” prior to them being presented to the Board of Commissioners.

Engineer Chris Williams and Attorney Stephanie Kobal accompanied Jeanne Lee of Nestle Purina to present the plan and answer questions. Engineer Williams started by updating the waiver and deferral request letter.

Vice-Chair Hite inquired as to whether there were any changes proposed to the manufacturing at the facility.

Engineer Williams stated that the proposal was to reduce reliance on wells and tie into a more dependable and higher-quality water source.

Mr. Dombach inquired as to any improvements at the Huckleberry Road entrance.

Engineer Williams stated that the widening would address rutting occurring at the edges of the current driveway. He noted that the applicant has decided to remove the improvements, as the driveway is not to be used by trucks. He noted that waiver requests one through five and nine fell under plan details not needed given the large size of the Nestle property.

Mr. Tallarida stated that he had no engineering objections to those six requests.

Engineer Williams, with regard to the request to waive SALDO Section 312-35(b)(3) right-of-way improvements, he stated that there is to be no increase in plant size, employee count or traffic as a result of the project. With regard to the request to waive SALDO Section 312-41(a)(1)(A) street lights, he stated that Huckleberry Road is in a rural setting and that there are no street lights nearby.

Mrs. Kelly inquired as to whether waivers or deferrals were being requested. She stated that she would support deferrals.

Engineer Williams stated that the request was for waivers.

Mr. Hite and Mr. Dombach stated that they would support deferrals.

Engineer Williams stated that he would request deferrals. With regard to the waiver of SALDO Sections 312-12(f)(3) and 312-43, he stated that he would prefer the work no be held up by the plan recording process.

Mrs. Kelly inquired as to the timeline for the project.

Ms. Jeanne Lee of Nestle Purina stated that the applicant is concerned with possible delays in the project.

Solicitor Alderfer suggested that the applicant stipulate the site work in a Pre-security Construction Agreement.

Attorney Kobal stated that the applicant would be willing to strike those two waiver requests.

Mr. Dombach suggested restoring the driveway improvements for future emergency use.

Ms. Lee stated that the entrance is strictly for employees and contractors and the plant is not set up to receive tractor trailers from that location.

Jennie Fiorito of 4210 Huckleberry Road requested clarification of proposed condition #18.

Attorney Kobal stated that the applicant needs to work out the details with the Township.

Ms. Fiorito inquired as to who at the Township she should contact with regards to costs if she decides refuse the connection.

Director Bender stated that she should contact him.

Ms. Fiorito inquired as to the source of the Township water.

Director Bender stated the sources included wells and City of Allentown water.

Ms. Fiorito indicated that she's seen the plan and inquired as to whether the residents have a say in where the curb box is to be located.

Director Bender stated that they did, as it is early in the planning process. He stated that he can work with the residents on this matter.

Ms. Fiorito noted that there is rutting along the shoulders of Huckleberry Road, particularly at the Church Road intersection. She noted that better signage is needed.

Jennifer Sedora of 4210 Huckleberry Road inquired as to the timeline for construction.

Engineer Williams stated that the applicant has just submitted the NPDES permit application and was planning on the second quarter of next year.

Director Manhardt stated that the Township will send letters to all affected residents.

Connie Rabold of 4644 Huckleberry Road stated her concerns with truck traffic. She noted that when PA Route 309 was shut down the trucks tried turning around in her driveway and caused damage. She suggested that this could happen with other driveways on Huckleberry during the construction.

Vice-Chair Hite stated that the Township is aware of the issue and will investigate it. He opined that Nestle will likely look into the matter as well.

Mrs. Rabold inquired as to whether Huckleberry Road will be shut down during construction.

Director Bender stated that the Township needs to look into the details and will inform the residents when the details are finalized.

Engineer Williams noted that the water line is proposed for the north side of Huckleberry Road.

Vice-Chair Hite reviewed the waiver/deferral requests.

Mrs. Kelly made a motion to support the applicant's request 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.

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

Mrs. Kelly made a motion to support the applicant's request 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.

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

Mr. Fahringer made a motion to support the applicant's request that the requirement of Section 312-12(b)(17) of the Subdivision and Land Development Ordinance pertaining to the provision of the names and addresses of all property owners within 300 feet of any boundary of the subdivision be waived.

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

Mr. Fahringer made a motion to support the applicant's request that the requirement of Section 312-12(b)(14) of the Subdivision and Land Development Ordinance pertaining to the identification of the tract showing bearings and distances in accordance with the criteria of a third order survey of the United States Coast and Geodetic Survey and ties to the nearest street monuments, be waived.

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

Mr. Dombach made a motion to support the applicant's request that the requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing of the location, character and elevation of any building within 100 feet of the tract be waived.

Mrs. Kelly seconded, and the motion passed unanimously, 4-0.

Mrs. Kelly made a motion to support the applicant's request that the requirement of Section 312-35(b)(3) of the Subdivision and Land Development Ordinance pertaining to the Right-of-Way and cartway standards, specifically the dedication of right-of-way to Township standards for Huckleberry Road, Church Road, and Pope Road be deferred.

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

Mrs. Kelly made a motion to support the applicant's request that the requirement of Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance that the developer shall be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures be deferred.

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

Mrs. Kelly made a motion to support the applicant's request 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.

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

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

1. That the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, that sufficient security in a form acceptable to the Township be posted, that such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of insurance coverage in an amount satisfactory to the Township in its sole discretion shall be provided prior to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated October 12, 2023. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
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8. That the applicant complies with the forthcoming recommendation of the Public Safety Commission. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
9. That the applicant complies with the forthcoming recommendation of the Parks and Recreation Board. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed. Payment of any Open Space Fee shall be tendered prior to plan recording.
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11. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned. The Applicant shall provide to the Community



Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed, including, but not limited to:

- c) whether water and sewer allocation and tapping fees are required and, if required, the amount each fee will be. Unless otherwise agreed to by the Board of Commissioners, payment of Allocation Fees shall be tendered prior to plan recording. Unless otherwise agreed to by the Board of Commissioners, payment of Tapping Fees shall be tendered prior to Building Permit issuance.
  - d) whether a fair-share contribution will be required and, if required, the amount of the contribution. Unless otherwise agreed to by the Board of Commissioners, payment of any Fair Share Contribution shall be tendered prior to plan recording.
12. If deemed to be necessary, the applicant obtains a favorable review of the drainage plan from the Lehigh Valley Planning Commission prior to the plan being presented to the South Whitehall Township Board of Commissioners. The Applicant shall provide to the Community Development Department written confirmation from the appropriate reviewing agency that all applicable comments have been addressed.
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  16. That the applicant shall dedicate a utility easement of sufficient size in an area acceptable to the Township for access and to perform maintenance on the 12" water line between the right-of-way of Huckleberry Road and the water meter pit. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and an Opinion of Record Title shall be prepared by applicant's counsel indicating that the dedication is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the dedication that has been approved by the Township Engineer, and a copy of the current deed for the property showing current ownership and recording information.
  17. That the Applicant shall agree, upon satisfactory completion of all water facilities shown on the plan as intended for dedication to the Township, to execute formal Bills of Sale for said facilities, so as to convey said facilities to the Township for nominal consideration.
  18. That the Applicant shall pay for all costs to install and connect the curb boxes and to connect the water laterals to the residential dwellings located at 4095 Huckleberry Road (PIN 547766479165), 4108 Huckleberry Road (PIN 547766245339), 4113 Huckleberry Road (PIN 547766265937), 4137 Huckleberry Road (PIN 547766067890), 4174 Huckleberry Road (PIN 547756849282), 4167 Huckleberry Road (PIN 547756787669), 4187 Huckleberry Road (PIN 547756652989), 4188 Huckleberry Road (PIN 547756535653), 4193 Huckleberry Road (PIN 547756551881), 4205 Huckleberry Road (PIN 547756452754), 4210 Huckleberry Road (PIN 547756335546), 4221 Huckleberry Road (PIN 547756159621), and 4236 Huckleberry Road (PIN 547756126871). In the event any property owner does not wish to connect to the public water system, the property owner shall be solely responsible for paying the fees assessed by the Township for electing not to connect pursuant to

Township regulations. The maintenance period for the installation of these water and sewer lines shall coincide with the maintenance periods for the overall project.

19. If deemed to be necessary, the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for streetlights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance.
20. If deemed to be necessary, the applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor for the maintenance of the on-site stormwater management facilities.
21. That the plan be amended to include a note referencing the “State Highway Law” pursuant to Section 508.6 of the PA Municipalities Planning Code and Section 312-12(a)(9) of the Subdivision and Land Development Ordinance.
22. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
23. That the plans are to be revised and deemed to be “clean” prior to them being presented to the Board of Commissioners.

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

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

Mr. Tallarida stated that the Transportation Improvement Plan has had changes: the PA Route 309 Betterment Project let date moved to June 2025; the PA Route 309/Tilghman Street Interchange was kept; and the Mauch Chunk intersection was delayed from May 2024 to May 2025.

Mr. Hite stated that they are waiting for approval from the Federal Highway Administration.

### **AGENDA ITEM #6 – 2024 MEETING DATES**

Mr. Adams requested formal action on the 2024 Meeting Dates presented in the packet (moving the Planning Commission Meeting from the third Thursday of the month to the second Thursday of the month and starting the meeting at 7:00 p.m.).

Mrs. Kelly made a motion to accept the 2024 meeting dates as proposed.

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

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

Manager Petrucci reviewed the Act 537 Plan Update and requested a favorable recommendation to the Board of Commissioners.

Vice-Chair Hite inquired as to whether the Update proposed now sewer areas.

Mr. Petrucci stated that the Update makes no real changes to the plan and is to be done to complete the dissolution of the South Whitehall Township Authority.



Mrs. Kelly made a motion to recommend adoption of the Act 537 Plan Update to the Board of Commissioners.

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

**AGENDA ITEM #8 – ADJOURNMENT**

Vice-Chair Hite requested a motion to adjourn at 8:33 p.m. A motion was made and seconded, and it passed unanimously, 4-0.

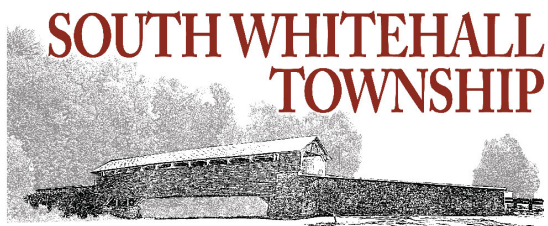
**ADOPTED THIS DATE:**

**ATTEST:**

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

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





**MEMORANDUM FOR  
AGENDA ITEMS**

<b>TO:</b>	South Whitehall Township Planning Commission
<b>FROM:</b>	Tom Petrucci, Township Manager
<b>DATE:</b>	December 15, 2023
<b>SUBJECT:</b>	Act 537 Sewage Facilities Plan Update Public-to-Public Wastewater Disposal System Transfer (DRAFT/REVISED)
<b>COPY TO:</b>	H. Bender; D. Manhardt; M. Elias; G. Adams; J. Alderfer; T. Fehnel

- **Background Information:**

The draft Public-to-Public System Transfer Act 537 Plan Update was prepared in order to officially recognize the transfer of the South Whitehall Township Authority to South Whitehall Township, as well as to address any previous planning that has not yet been implemented for the Township service area. Phase 2 of the Ridge Farms Major Plan is the only area in which additional development growth beyond the current approved sewer franchise area is provided for in the draft Act 537 Plan Update.

The draft Public-to-Public System Transfer Act 537 Plan Update is applicable to situations where a public entity intends to transfer the responsibilities of one municipal entity to another (in this case, effectuating the final transfer of the Authority to the Township as originally authorized by Ordinance No. 1021, which was adopted by the Board of Commissioners on May 3, 2017).

SSM Group was utilized for technical guidance concerning this portion of the project. Township staff, including a project team comprised of Executive, Community Development, and Public Works personnel, assisted with compiling all necessary background information and the drafting of mapping that was required for the project.

During the September 21, 2023 regular meeting of the South Whitehall Township Planning Commission, the Commission members Planning Commission reviewed the draft Act 537 Plan Update and unanimously recommended approval to the Board of Commissioners without conditions.

Following said removal and recommended action of approval, Township staff has further refined the narrative of the draft Public-to-Public System Transfer Act 537 Plan Update to make the following administrative changes:

- Confirms and clarifies the legal process by which the dissolution of the South Whitehall Township Authority must occur (and the specific legislative actions by ordinance and resolution that were previously taken by the Board of Commissioners to commence that process).

- Ensures that all existing intermunicipal agreements are accounted for in the narrative and corresponding appendices (and further explains the purpose and need for the intermunicipal agreements).
- Provides an updated map that clearly delineates all future known planning areas for the next five (5) to ten (10) years.
- Clarifies that Phase 1C of the Ridge Farms project includes 17 duplexes (34 units) and will require a separate Planning Module. It is anticipated that the entire Phase 1 of the Ridge Farms Project will begin within the next 5 years. Clarifies that Phase 2 of the Ridge Farms Project is anticipated to occur within the next ten (10) years.
- Adds language to ensure that the narrative is aligned with the formatting expected by the Pennsylvania Department of Environmental Protection.
- It is important to note that the substantive content of the mapping related to the sewer franchise area has not changed within this revised draft Act 537 Plan Update from the last version that was reviewed by the Planning Commission.

Since the narrative content and some of the appendices have changed, Township staff and legal counsel felt it necessary and appropriate from a procedural standpoint to resend the revised version of the Act 537 Plan Update to the Planning Commission for review and approval.

The revised version of the Act 537 Plan Update will be available at the following page of the Township website no later than Monday, December 18, 2023:

<https://www.southwhitehall.com/departments/public-works/water-and-sewer/act-537-sewage-facilities-plan-update-2023>

- **Action Requested:**

Official action is requested from the South Whitehall Township Planning Commission in the form of a motion to recommend approval of the revised draft Public-to-Public System Transfer Act 537 Plan Update to the Board of Commissioners without conditions.

**RUHE SUBDIVISION**  
**MAJOR SUBDIVISION #2013-201**  
**ATTACHMENTS**

- 1. Memorandum**
- 2. Site Plan**
- 3. Township Engineer Review dated December 14, 2023**
- 4. Township Water and Sewer Engineer Review dated December 14, 2023**
- 5. Township Geotechnical Consultant Reviews dated December 4, 2023**
- 6. Township Solicitor Letter dated February 18, 2014**
- 7. Public Works Department Review dated November 29, 2023**
- 8. Community Development Department Review dated December 14, 2023**
- 9. Zoning Officer Review dated October 26, 2023**
- 10. Fire Marshal Review dated November 27, 2023**
- 11. Public Safety Commission Review dated October 3, 2023**
- 12. Landscape and Shade Tree Commission Review dated October 12, 2023**
- 13. Parks and Recreation Board Memo dated May 12, 2020**
- 14. Lehigh Valley planning Commission Review dated October 19, 2023**
- 15. Planning Commission Minutes to date**
- 16. Applicant's Correspondence:**
  - A. Waiver Request Letter dated September 21, 2023**

**TO: PLANNING COMMISSION**  
**FROM: GREGG ADAMS, PLANNER**  
**SUBJECT: RUHE SUBDIVISION**  
**MINOR PLAN 2013-201**  
**REQUEST FOR MAJOR PLAN REVIEW**

**DATE: DECEMBER 15, 2023**

**COPIES: BOARD OF COMMISSIONERS, T. PETRUCCI, H. BENDER, D. MANHARDT, L. HARRIER, J. FRANTZ, J. ZATOR, ESQ., J. ADLERFER, ESQ, A. TALLARIDA, S. PIDCOCK, APPLICANT, SUB. FILE 2013-201**

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**LOCATION AND INTENT:**

An application to subdivide the property located at 2442 Huckleberry Road. The plan proposes to subdivide the 4.596-acre parcel into: Lot 1, containing the existing 2-story dwelling, barn and outbuilding on 1.0083 acres; Lot 2, containing 1.07673 acres; Lot 3, containing 1.0003 acres; and Lot 4, containing 1.0002 acres. All lots are proposed to be served by public water and private septic. The property is zoned R-4 Medium Density Residential. Robert H. Ruhe is the owner and applicant.

**PREVIOUS TOWNSHIP CONSIDERATION:**

At their April 15, 2021, July 21, 2016, November 19, 2015, February 20, 2014 and March 28, 2013 meetings, the Planning Commission reviewed Minor Subdivision #2013-201 Ruhe Subdivision and took the plan under advisement.

**REVIEWING AGENCIES COMMENTS:**

- A. Township Engineer** – The Township Engineer’s comments are contained in Mr. Anthony Tallarida’s review dated December 14, 2023. Mr. Tallarida is not recommending engineering approval at this time. His comments pertain to waiver and deferral requests, implications to the neighboring property, plan detail, stormwater management, MS4 requirements, traffic, outside agency review, street addresses, and legal considerations.
- B. Township Water and Sewer Engineer** – The Township Water and Sewer Engineer’s comments are contained in Mr. Jason Newhard’s review dated December 14, 2023. His comments pertain to plan detail.
- C. Township Geotechnical Engineer** – The Township’s Geotechnical Consultant’s comments are contained in Mr. Chris Taylor’s review dated December 4, 2023. His comments pertain to soil testing and sewage facilities planning.
- D. Township Solicitor** - Assistant Solicitor McLean’s comments are contained in his memorandum dated February 18, 2014. His comments pertain to the involvement of adjoining property and utility extension.

- E. Public Works Department** - The comments from the Public Works Department are contained in Manager Herb Bender's review dated November 29, 2023. The Department's comments pertain to hydrant flow, construction standards, stormwater management facility ownership, and water allocation and tapping.
- F. Lehigh Valley Planning Commission** – The comments from the Lehigh Valley Planning Commission are contained in Ms. Bambi Griffin Rivera and Evan Gardi's land development review dated October 19, 2023 review. Their comments pertain to Natural Resource Conservation Priority Area, flag lots, and refuse collection. Mr. Geoffrey Reese's stormwater review dated October 19, 2023 notes that the Drainage Plan is inconsistent with the Act 167 requirements.
- G. Lehigh County Conservation District** –The comments of the Lehigh County Conservation District have not been received at the time of this writing.
- H. Pennsylvania Department of Environmental Protection** - The applicant is to obtain approvals from the PA Department of Environmental Protection for NPDES Permits and Sewage Facilities Planning Module Exemption.
- I. Landscape and Shade Tree Commission** – The Landscape and Shade Tree Commission reviewed the plan at its September 25, 2023 meeting. Their comments have been adequately addressed.
- J. Public Safety Commission** - The Public Safety Commission reviewed the plan at their October 2, 2023 meeting and offered no additional comments. The Fire Marshal offers no comments.
- K. Parks and Recreation Board** – The Parks and Recreation Board reviewed the plan at its May 12, 2020 meeting and recommended that the developer contribute money in lieu of land dedication to meet the parks and open space requirements of the Subdivision and Land Development Ordinance.
- L. Community Development Department** - The Community Development Department's technical review letter is dated December 14, 2023 and provides comment pertaining to zoning, public safety comments, landscape and shade trees, recreation and open space dedication, water and sewer matters, legal and policy matters, plan recording requirements, waiver commentary, and Official Map and Comprehensive Plan consistency.

**COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:**

The Department recommends that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies' comments. The applicant has indicated an interest in the Planning Commission making formal recommendations on the applicant's waiver and deferral requests.

**Planning Commission deadline date to act on the plan: May 27, 2024**  
**Board of Commissioners deadline date to act on the plan: May 27, 2024**





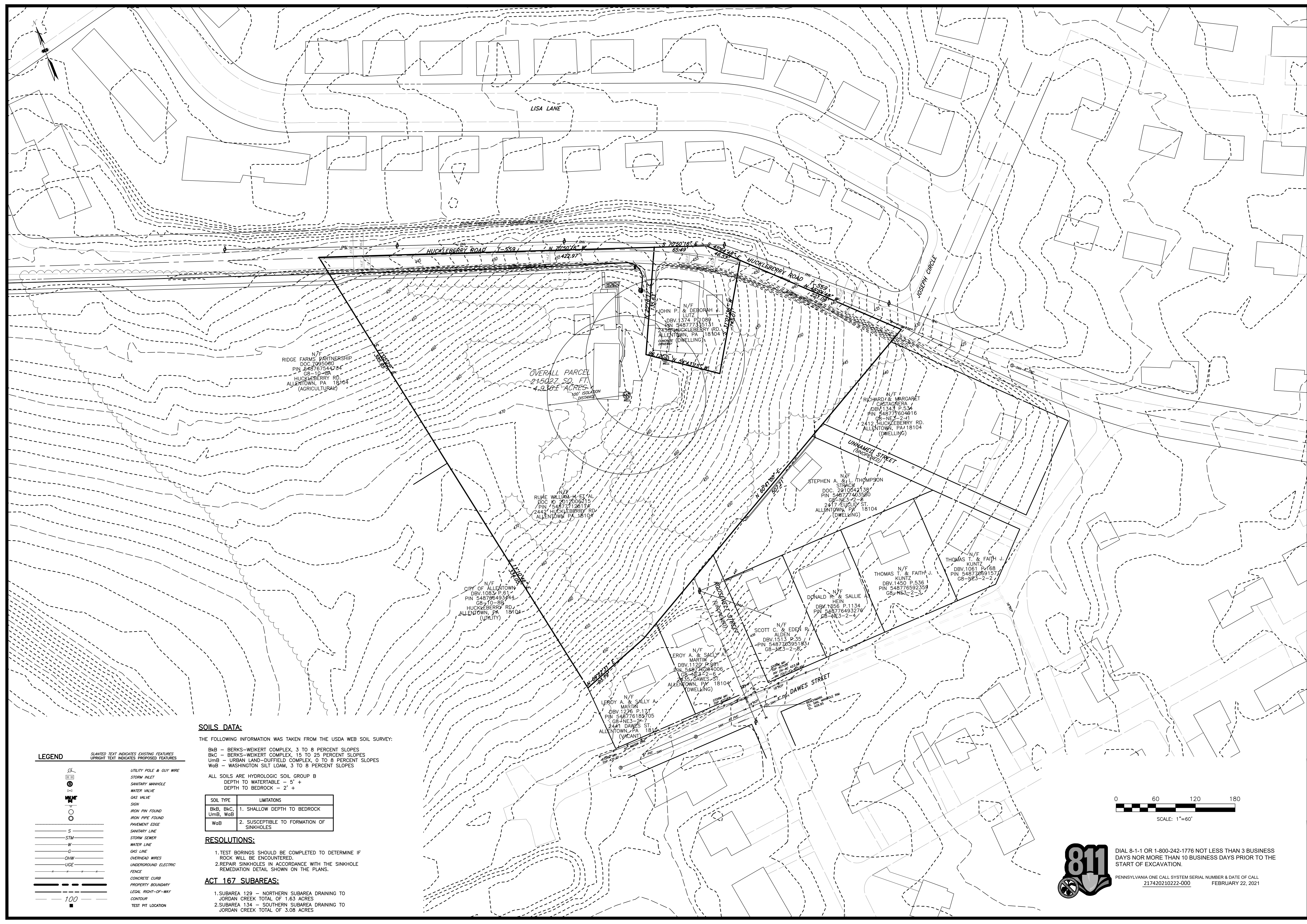
Ruhe Subdivision Location Map Minor Subdivision #2013-201











**SOILS DATA:**  
 THE FOLLOWING INFORMATION WAS TAKEN FROM THE USDA WEB SOIL SURVEY:

BkB - BERKS-WEIKERT COMPLEX, 3 TO 8 PERCENT SLOPES  
 BkC - BERKS-WEIKERT COMPLEX, 15 TO 25 PERCENT SLOPES  
 UmB - URBAN LAND-DUFFIELD COMPLEX, 0 TO 3 PERCENT SLOPES  
 WbB - WASHINGTON SILT LOAM, 3 TO 8 PERCENT SLOPES

ALL SOILS ARE HYDROLOGIC SOIL GROUP B  
 DEPTH TO WATERTABLE - 5' +  
 DEPTH TO BEDROCK - 2' +

SOIL TYPE	LIMITATIONS
BkB, BkC, UmB, WbB	1. SHALLOW DEPTH TO BEDROCK
WbB	2. SUSCEPTIBLE TO FORMATION OF SINKHOLES

**RESOLUTIONS:**

- TEST BORINGS SHOULD BE COMPLETED TO DETERMINE IF ROCK WILL BE ENCOUNTERED.
- REPAIR SINKHOLES IN ACCORDANCE WITH THE SINKHOLE REMEDIATION DETAIL SHOWN ON THE PLANS.

**ACT 167 SUBAREAS:**

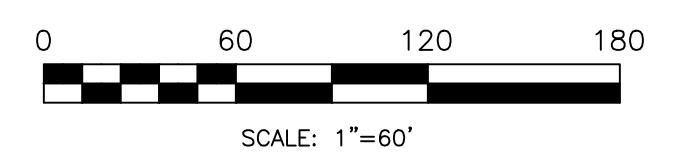
- SUBAREA 129 - NORTHERN SUBAREA DRAINING TO JORDAN CREEK TOTAL OF 1.63 ACRES
- SUBAREA 134 - SOUTHERN SUBAREA DRAINING TO JORDAN CREEK TOTAL OF 3.08 ACRES

**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
 UPRIGHT TEXT INDICATES PROPOSED FEATURES

UTILITY POLE & GUY WIRE  
 STORM INLET  
 SANITARY MANHOLE  
 WATER VALVE  
 GAS VALVE  
 SDV  
 IRON PIN FOUND  
 IRON PIPE FOUND  
 PAVEMENT EDGE  
 SANITARY LINE  
 STORM SEWER  
 WATER LINE  
 GAS LINE  
 OVERHEAD WIRES  
 UNDERGROUND ELECTRIC  
 FENCE  
 CONCRETE CURB  
 PROPERTY BOUNDARY  
 LEGAL RIGHT-OF-WAY  
 CONTOUR  
 TEST PIT LOCATION

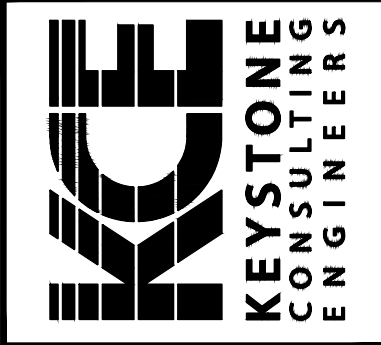
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DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.

PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
 217420210222-000 FEBRUARY 22, 2021

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 East Office: Bethlehem, West Office: Allentown, North Office: Kresgeville  
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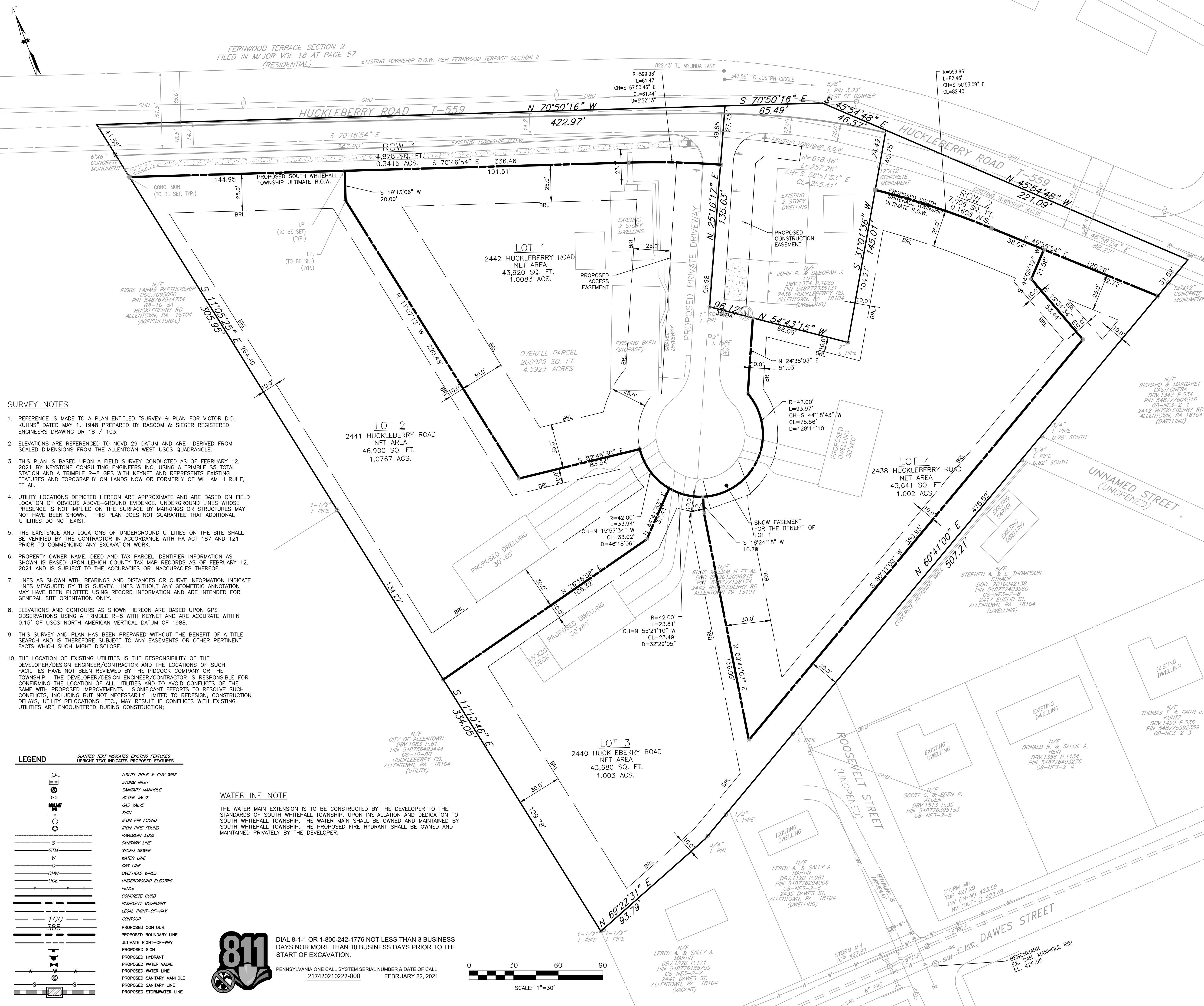
**EXISTING FEATURES (EXPANDED VIEW, 60 SCALE)**  
**RUHE MINOR SUBDIVISION PRELIMINARY/FINAL PLAN**  
 2442 HUCKLEBERRY ROAD  
 SOUTH WHITEHALL TOWNSHIP  
 LEHIGH COUNTY, PENNSYLVANIA

DESIGNED BY:	REVISIONS
KCE	BY DATE
MFC	MSN 06/16/2021
MFC/ARF	MSN 12/16/2021
March 05, 2021	IMK 09/20/2023
1" = 60'	IMK 11/17/2023
CW-20-128	
3 OF 23	



FERNWOOD TERRACE SECTION 2  
FILED IN MAJOR VOL 18 AT PAGE 57  
(RESIDENTIAL)

EXISTING TOWNSHIP R.O.W. PER FERNWOOD TERRACE SECTION II



**SURVEY NOTES**

- 1. REFERENCE IS MADE TO A PLAN ENTITLED "SURVEY & PLAN FOR VICTOR D.D. KUHN'S" DATED MAY 1, 1948 PREPARED BY BASCOM & SIEGER REGISTERED ENGINEERS DRAWING DR 18 / 103.
- 2. ELEVATIONS ARE REFERENCED TO NGVD 29 DATUM AND ARE DERIVED FROM SCALED DIMENSIONS FROM THE ALLENTOWN WEST USGS QUADRANGLE.
- 3. THIS PLAN IS BASED UPON A FIELD SURVEY CONDUCTED AS OF FEBRUARY 12, 2021 BY KEYSTONE CONSULTING ENGINEERS INC. USING A TRIMBLE S5 TOTAL STATION AND A TRIMBLE R-8 GPS WITH KEYNET AND REPRESENTS EXISTING FEATURES AND TOPOGRAPHY ON LANDS NOW OR FORMERLY OF WILLIAM H RUHE, ET AL.
- 4. UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE AND ARE BASED ON FIELD LOCATION OF OBVIOUS ABOVE-GROUND EVIDENCE. UNDERGROUND LINES WHOSE PRESENCE IS NOT IMPLIED ON THE SURFACE BY MARKINGS OR STRUCTURES MAY NOT HAVE BEEN SHOWN. THIS PLAN DOES NOT GUARANTEE THAT ADDITIONAL UTILITIES DO NOT EXIST.
- 5. THE EXISTENCE AND LOCATIONS OF UNDERGROUND UTILITIES ON THE SITE SHALL BE VERIFIED BY THE CONTRACTOR IN ACCORDANCE WITH PA ACT 187 AND 121 PRIOR TO COMMENCING ANY EXCAVATION WORK.
- 6. PROPERTY OWNER NAME, DEED AND TAX PARCEL IDENTIFIER INFORMATION AS SHOWN IS BASED UPON LEHIGH COUNTY TAX MAP RECORDS AS OF FEBRUARY 12, 2021 AND IS SUBJECT TO THE ACCURACIES OR INACCURACIES THEREOF.
- 7. LINES AS SHOWN WITH BEARINGS AND DISTANCES OR CURVE INFORMATION INDICATE LINES MEASURED BY THIS SURVEY. LINES WITHOUT ANY GEOMETRIC ANNOTATION MAY HAVE BEEN PLOTTED USING RECORD INFORMATION AND ARE INTENDED FOR GENERAL SITE ORIENTATION ONLY.
- 8. ELEVATIONS AND CONTOURS AS SHOWN HEREON ARE BASED UPON GPS OBSERVATIONS USING A TRIMBLE R-8 WITH KEYNET AND ARE ACCURATE WITHIN 0.15' OF USGS NORTH AMERICAN VERTICAL DATUM OF 1988.
- 9. THIS SURVEY AND PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS THEREFORE SUBJECT TO ANY EASEMENTS OR OTHER PERTINENT FACTS WHICH SUCH MIGHT DISCLOSE.
- 10. THE LOCATION OF EXISTING UTILITIES IS THE RESPONSIBILITY OF THE DEVELOPER/DESIGN ENGINEER/CONTRACTOR AND THE LOCATIONS OF SUCH FACILITIES HAVE NOT BEEN REVIEWED BY THE PIDCOCK COMPANY OR THE TOWNSHIP. THE DEVELOPER/DESIGN ENGINEER/CONTRACTOR 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.

**LEGEND**

Table with 2 columns: Symbol and Description. Includes symbols for utility pole & guy wire, storm inlet, sanitary manhole, water valve, gas valve, sign, iron pin found, iron pipe found, pavement edge, sanitary line, storm sewer, water line, gas line, overhead wires, underground electric, fence, concrete curb, property boundary, legal right-of-way, contour, proposed contour, proposed boundary line, ultimate right-of-way, proposed sign, proposed hydrant, proposed water valve, proposed water line, proposed sanitary manhole, proposed sanitary line, proposed stormwater line.

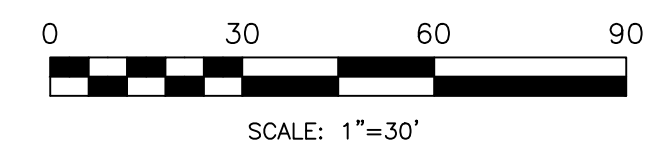
**WATERLINE NOTE**

THE WATER MAIN EXTENSION IS TO BE CONSTRUCTED BY THE DEVELOPER TO THE STANDARDS OF SOUTH WHITEHALL TOWNSHIP. UPON INSTALLATION AND DEDICATION TO SOUTH WHITEHALL TOWNSHIP, THE WATER MAIN SHALL BE OWNED AND MAINTAINED BY SOUTH WHITEHALL TOWNSHIP. THE PROPOSED FIRE HYDRANT SHALL BE OWNED AND MAINTAINED PRIVATELY BY THE DEVELOPER.



DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.

PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021



**OWNER'S STATEMENT:**  
THE UNDERSIGNED IS THE OWNER, EQUITABLE OWNER, OR HAS AN OPTION OR CONDITIONAL CONTRACT OF SALE ON THE LAND PROPOSED TO BE SUBDIVIDED OR DEVELOPED AND HAS NO LITIGATION OR LIENS EXIST OR ARE PENDING ON THE SITE.

**OWNER'S CERTIFICATION:**  
I BEING DULY SWORN ACCORDING TO LAW DEPOSE AND SAY THAT I AM THE SOLE OWNER OF THIS PROPERTY, IN PEACEFUL POSSESSION OF THE SAME, AND THAT THERE ARE NO SUITS PENDING AFFECTING THE TITLE THEREOF. I DO FURTHER DEPOSE AND SAY THAT I HAVE COMPLIED WITH ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20\_\_\_\_ BY WHICH THE TOWNSHIP BOARD OF COMMISSIONERS CONDITIONALLY WAIVED THE REQUIREMENTS OF THE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR THE PROJECT REFLECTED ON THIS PLAN. I AGREE THAT I SHALL EXONERATE, INDEMNIFY, PROTECT, DEFEND AND SAVE HARMLESS THE TOWNSHIP FROM ANY AND ALL CLAIMS, LAWSUITS, DAMAGES AND LIABILITIES OF EVERY KIND, CHARACTER AND MANNER WHATSOEVER PERTAINING TO, RELATING TO, RESULTING FROM, CAUSED BY OR ARISING OUT OF THE TOWNSHIP'S APPROVAL OF THE WAIVER REQUEST AS EVIDENCED BY RESOLUTION 20\_\_\_\_ ALL AS MORE FULLY OUTLINED IN RESOLUTION 20\_\_\_\_.

**ADJACENT OWNER'S STATEMENT:**  
THE UNDERSIGNED ACKNOWLEDGES ALL IMPROVEMENTS PROPOSED ON AND AROUND THE PROPERTY AT 2436 HUCKLEBERRY ROAD ARE LIMITED TO ADJUSTMENT OF DRIVEWAY AND GRADING TIE IN, HAVE BEEN AGREED UPON.

**APPROVED BY THE SOUTH WHITEHALL TOWNSHIP PLANNING COMMISSION:**

APPROVED \_\_\_\_\_ BY THE SOUTH WHITEHALL TOWNSHIP PLANNING COMMISSION.  
MONTH DAY YEAR

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL:**  
APPROVED \_\_\_\_\_ BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL.  
MONTH DAY YEAR

**TOWNSHIP WAIVER ACKNOWLEDGEMENT:**  
BASED UPON AND EXPRESSLY IN RELIANCE ON THE FOREGOING CERTIFICATIONS OF THE OWNER AND DESIGN PROFESSIONAL, THE WITHIN PLAN IS ACCEPTED BY SOUTH WHITEHALL TOWNSHIP AS THE PLAN SATISFYING ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20\_\_\_\_.

**PROFESSIONAL ENGINEER'S CERTIFICATION**  
I, ALAN R. FORNWALT, P.E., A REGISTERED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THE ACCOMPANYING APPLICATION, PLANS AND SUPPORTING DOCUMENTATION ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

ALAN R. FORNWALT P.E. PE 070819  
KEYSTONE CONSULTING ENGINEERS, INC.  
5012 MEDICAL CENTER CIRCLE, ALLENTOWN, PA 18106

**LEHIGH COUNTY RECORDER OF DEEDS:**

LEHIGH COUNTY OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

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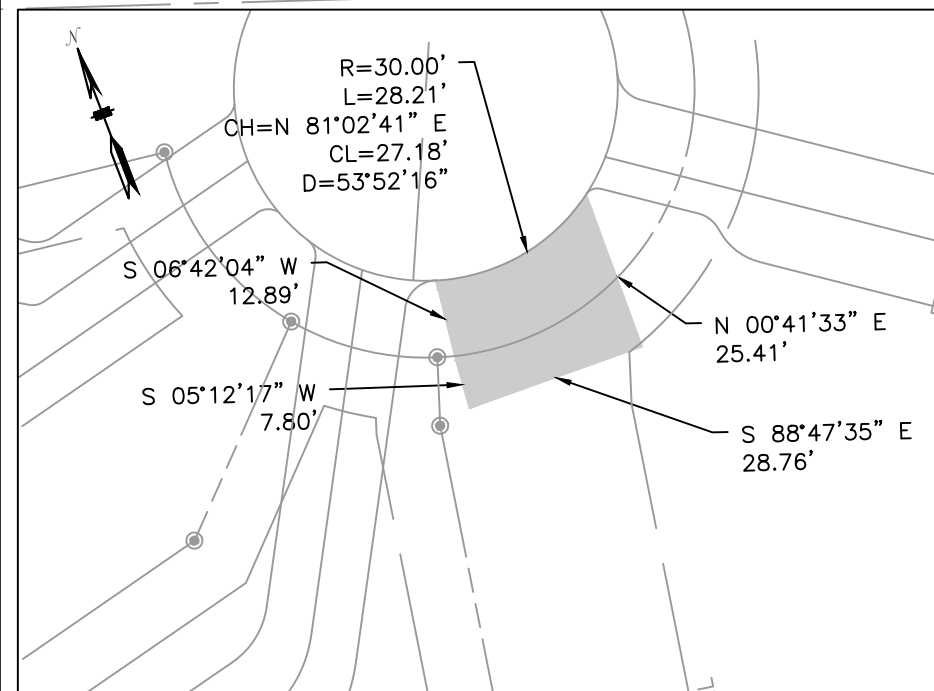
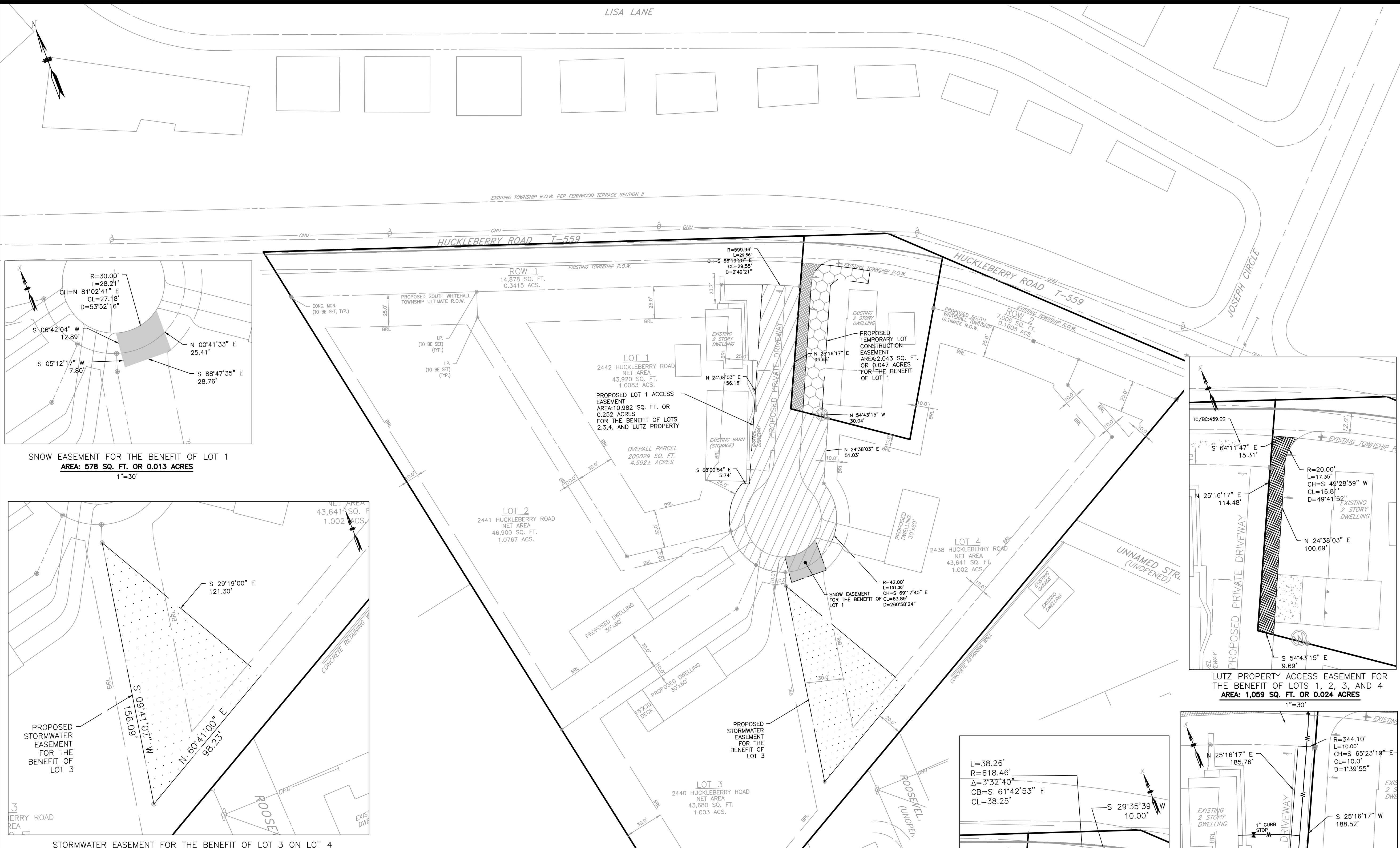


**SUBDIVISION PLAN**  
**RUHE MINOR SUBDIVISION PLAN**  
PRELIMINARY/FINAL PLAN  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

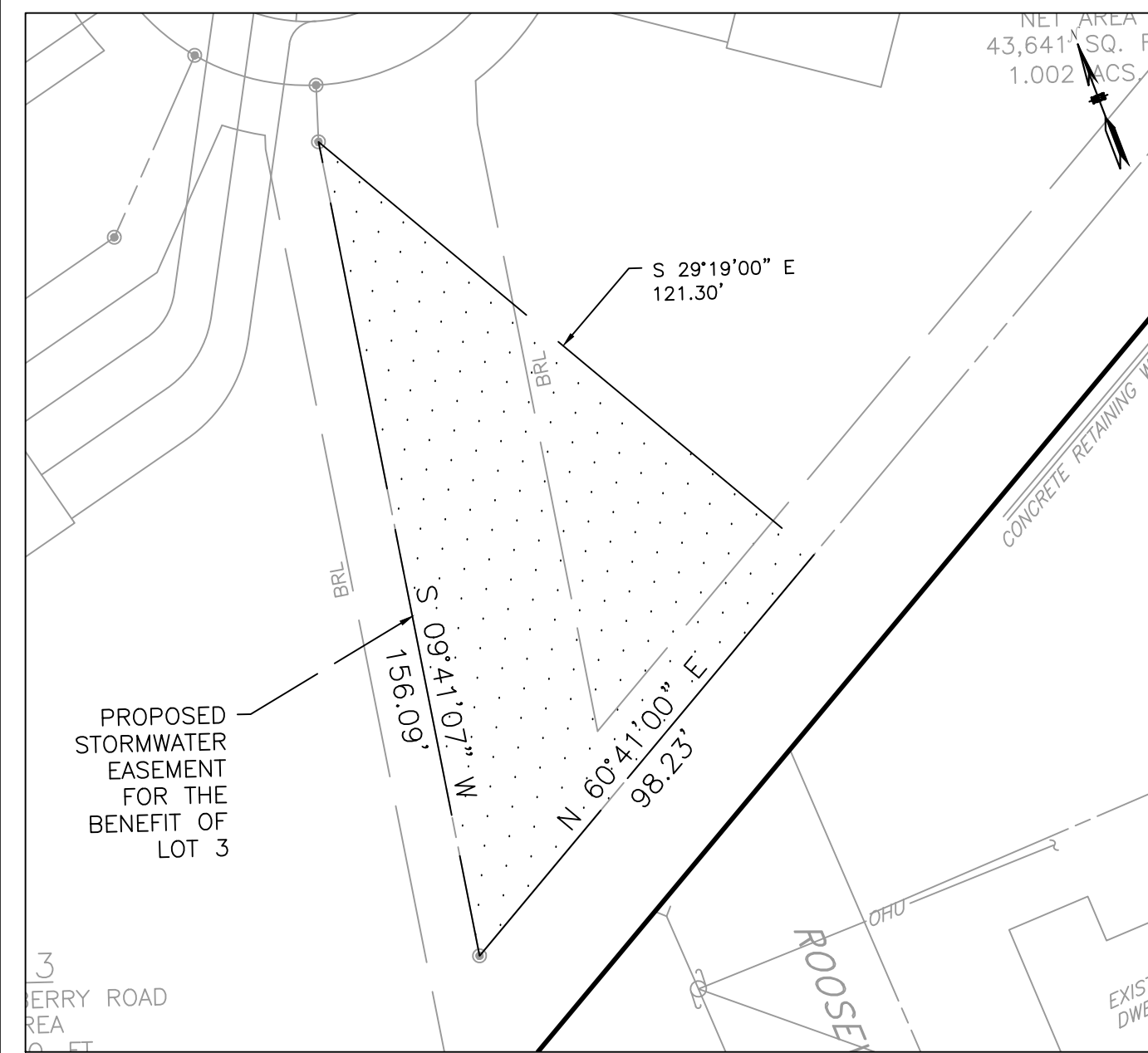
Table with columns: REVISIONS, DATE, BY, MSN, MFC/ARF, IMK, DATE, SCALE, JOB NUMBER, SHEET. Includes revision history and drawing details.



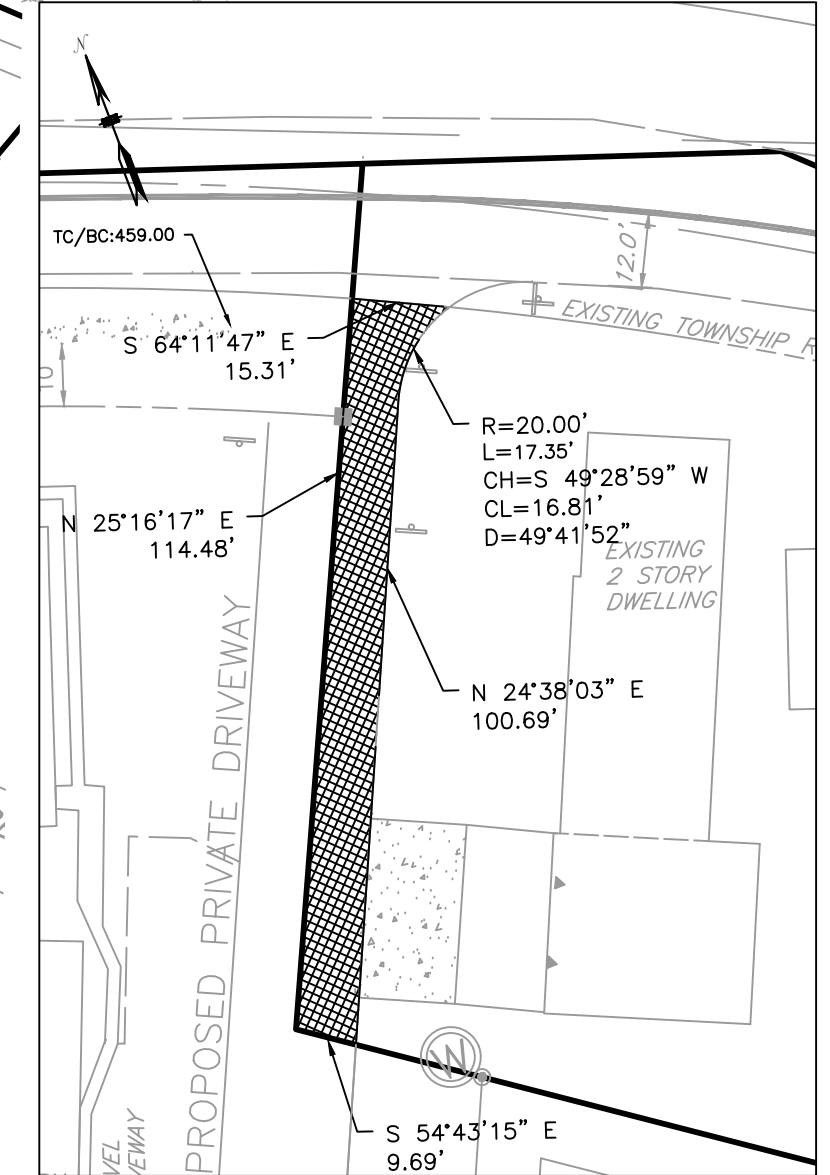
LISA LANE



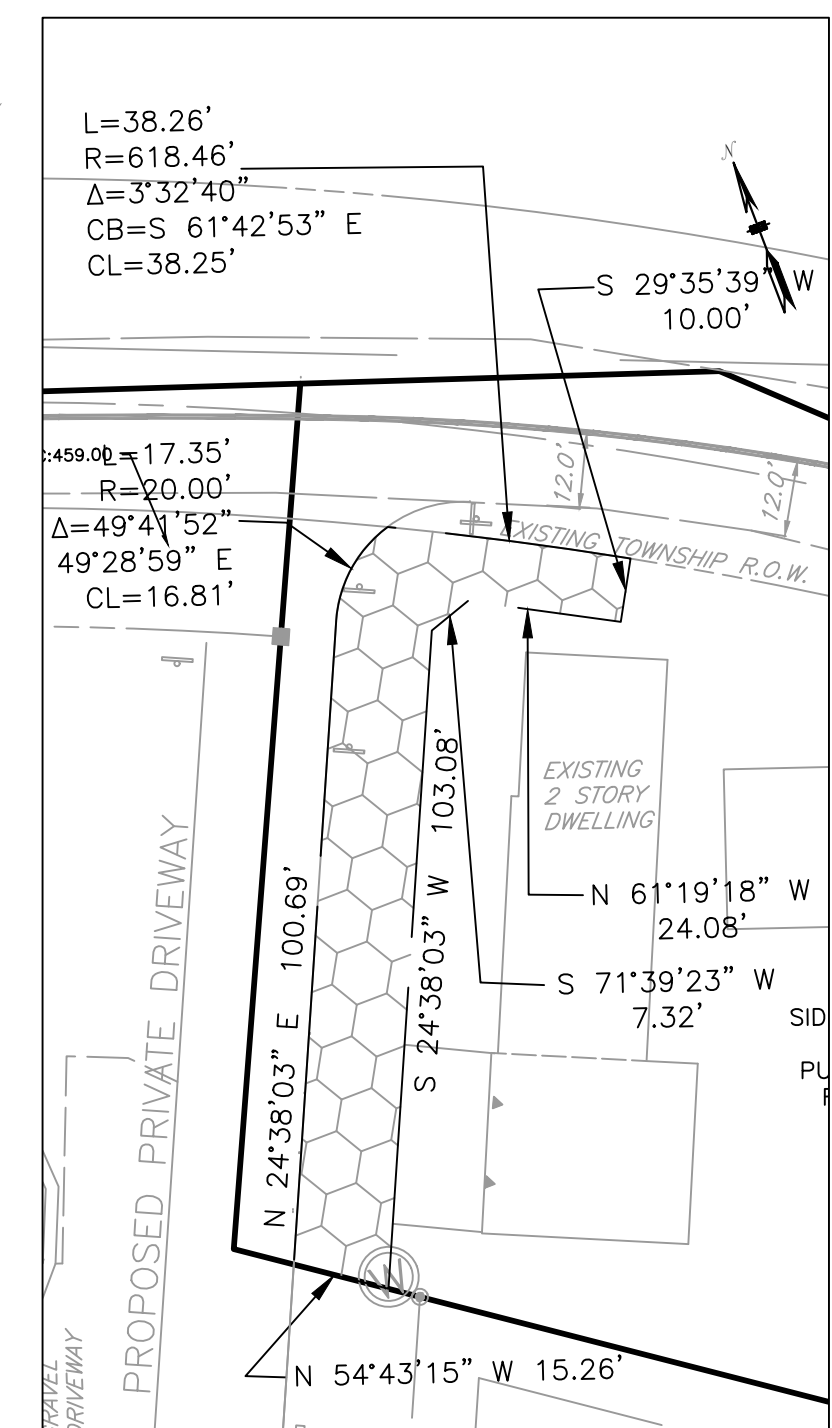
SNOW EASEMENT FOR THE BENEFIT OF LOT 1  
AREA: 578 SQ. FT. OR 0.013 ACRES  
1"=30'



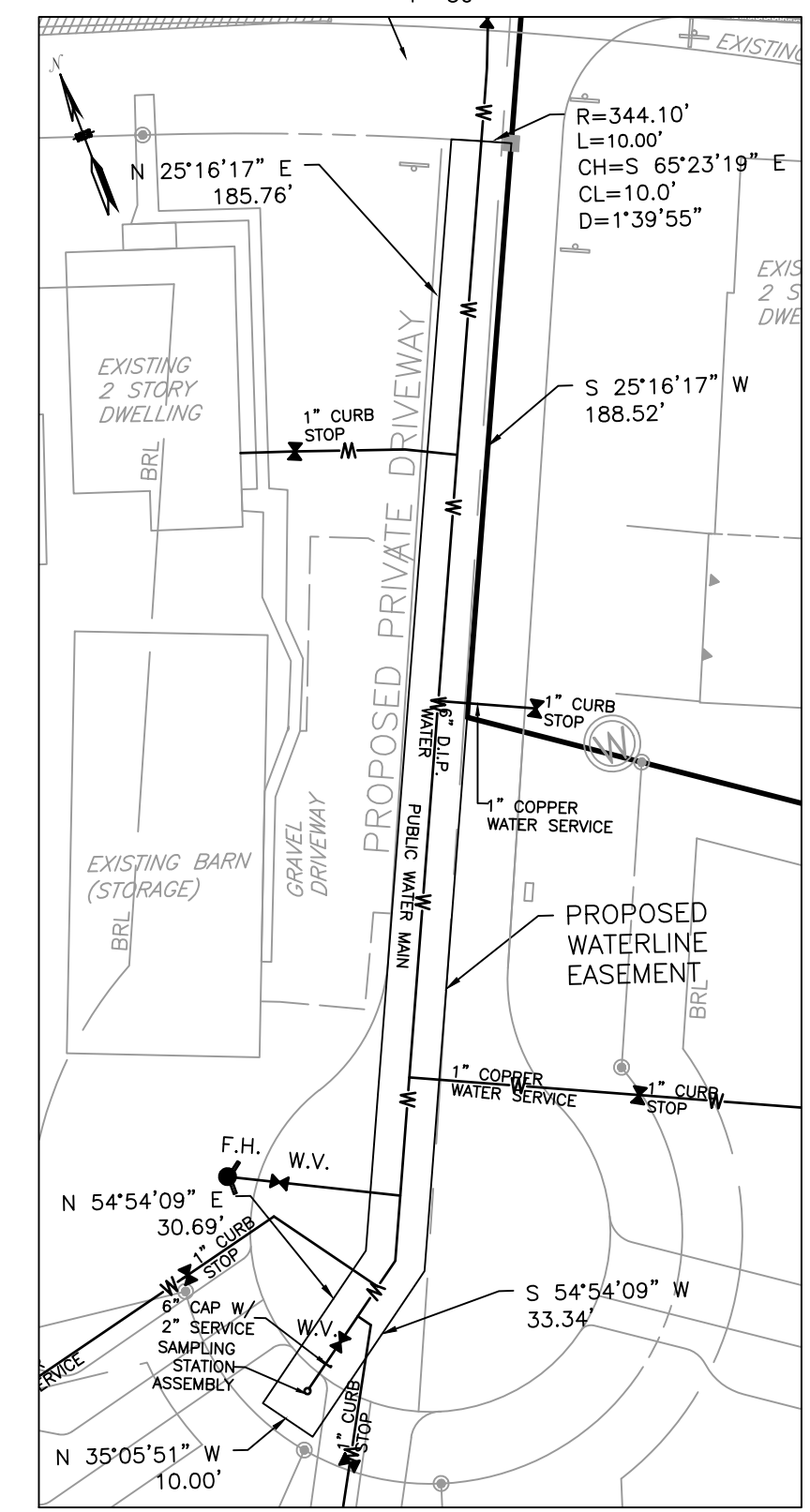
STORMWATER EASEMENT FOR THE BENEFIT OF LOT 3 ON LOT 4  
AREA: 5958 SQ. FT. OR 0.137 ACRES  
1"=30'



LUTZ PROPERTY ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1, 2, 3, AND 4  
AREA: 1,059 SQ. FT. OR 0.024 ACRES  
1"=30'



TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT OF LOT 1  
AREA: 2,043 SQ. FT. OR 0.047 ACRES  
1"=30'



WATER LINE EASEMENT ON LOT 1 FOR THE BENEFIT OF SOUTH WHITEHALL TOWNSHIP  
AREA: 2,193 SQ. FT. OR 0.053 ACRES  
1"=30'

**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

	UTILITY POLE & GUY WIRE
	STORM INLET
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
	IRON PIN FOUND
	IRON PIPE FOUND
	PAVEMENT EDGE
	SANITARY LINE
	STORM SEWER
	WATER LINE
	GAS LINE
	OVERHEAD WIRES
	UNDERGROUND ELECTRIC FENCE
	CONCRETE CURB
	PROPERTY BOUNDARY
	LEGAL RIGHT-OF-WAY
	CONTOUR
	PROPOSED CONTOUR
	PROPOSED BOUNDARY LINE
	ULTIMATE RIGHT-OF-WAY
	PROPOSED SIGN
	PROPOSED HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER LINE
	PROPOSED SANITARY MANHOLE
	PROPOSED STORMWATER LINE

**SURVEY NOTES**

- THIS PLAN IS BASED UPON A FIELD SURVEY CONDUCTED AS OF FEBRUARY 12, 2021 BY KEYSTONE CONSULTING ENGINEERS, INC. USING A TRIMBLE S5 TOTAL STATION AND A TRIMBLE R-8 GPS WITH KEYNET AND REPRESENTS EXISTING FEATURES AND TOPOGRAPHY ON LANDS NOW OR FORMERLY OF WILLIAM H. RUHE, ET AL.
- UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE AND ARE BASED ON FIELD LOCATION OF OBVIOUS ABOVE-GROUND EVIDENCE, UNDERGROUND LINES WHOSE PRESENCE IS NOT INDICATED ON THE SURFACE BY MARKINGS OR STRUCTURES MAY NOT HAVE BEEN SHOWN. THIS PLAN DOES NOT GUARANTEE THAT ADDITIONAL UTILITIES DO NOT EXIST.
- THE EXISTENCE AND LOCATIONS OF UNDERGROUND UTILITIES ON THE SITE SHALL BE VERIFIED BY THE CONTRACTOR IN ACCORDANCE WITH PA ACT 187 AND 121 PRIOR TO COMMENCING ANY EXCAVATION WORK.
- PROPERTY OWNER NAME, DEED AND TAX PARCEL IDENTIFIER INFORMATION AS SHOWN IS BASED UPON LEHIGH COUNTY TAX MAP RECORDS AS OF FEBRUARY 12, 2021 AND IS SUBJECT TO THE ACCURACIES OR INACCURACIES THEREOF.
- LINE AS SHOWN WITH BEARINGS AND DISTANCES OR CURVE INFORMATION INDICATE LINES MEASURED BY THIS SURVEY. LINES WITHOUT ANY GEOMETRIC ANNOTATION MAY HAVE BEEN PLOTTED USING RECORD INFORMATION AND ARE INTENDED FOR GENERAL SITE ORIENTATION ONLY.
- ELEVATIONS AND CONTOURS AS SHOWN HEREON ARE BASED UPON GPS OBSERVATIONS USING A TRIMBLE R-8 GPS WITH KEYNET AND ARE ACCURATE WITHIN 0.15' OF USGS NORTH AMERICAN VERTICAL DATUM OF 1988.
- THIS SURVEY AND PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS THEREFORE SUBJECT TO ANY EASEMENTS OR OTHER PERTINENT FACTS WHICH SUCH MIGHT DISCLOSE.

**STORMWATER EASEMENT NOTES**

- A STORMWATER MANAGEMENT ACCESS BLANKET EASEMENT HAS BEEN PROVIDED FOR ACCESS TO POST CONSTRUCTION STORMWATER MANAGEMENT BMPs FOR OPERATION AND MAINTENANCE PROCEDURES.
- ALL DRAINAGE EASEMENTS REQUIRED BY ORDINANCE OR SHOWN ON THE RECORD PLAN SHALL BE CONVEYED BY THE RESPECTIVE PROPERTY OWNER TO THE BENEFIT OF SOUTH WHITEHALL TOWNSHIP AND ITS SUCCESSORS AND ASSIGNS. IT SHALL BE THE PERPETUAL RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN THE EASEMENT AREAS ON THE LOT AND KEEP THEM CLEAR OF ANY AND ALL OBSTRUCTIONS TO PROPER DRAINAGE. PROPERTY OWNER SHALL CONVEY RIGHTS OF ACCESS IN, UNDER AND ACROSS THE EASEMENT AREAS TO SOUTH WHITEHALL TOWNSHIP FOR PURPOSES OF ACCESSING AND MAINTAINING ANY AND ALL PUBLIC DRAINAGE IMPROVEMENTS, INCLUDING PIPES AND APPURTENANCES, IN SAID AREAS.
- IN THE EVENT THAT THE PROPERTY OWNER FAILS TO PROPERLY MAINTAIN DRAINAGE STRUCTURES, SMILES AND APPURTENANCES, AFTER NOTIFICATION TO THE PROPERTY OWNER BY THE TOWNSHIP, THE TOWNSHIP IS AUTHORIZED TO ENTER UPON THE PROPERTY TO PERFORM SUCH MAINTENANCE AND THEREAFTER RECOVER THE COST OF PERFORMING SUCH SERVICE FROM THE PROPERTY OWNER. IN ORDER TO ENFORCE THE RECOVERY OF SUCH COST OF SERVICE, THE TOWNSHIP SHALL HAVE THE RIGHT TO FILE A LITIGATION AGAINST SUCH PROPERTY OWNER AND THEREAFTER TO EXERCISE ITS REMEDIES IN ACCORDANCE WITH THE TOWNSHIP'S CODE.
- IN PRESENTATION OF PROPER CREDENTIALS, DULY AUTHORIZED REPRESENTATIVES OF THE TOWNSHIP OR DEP MAY ENTER AT REASONABLE TIMES UPON ANY PORTION OF THE PROPERTY TO INSPECT AND MAINTAIN THE POST-CONSTRUCTION STORMWATER BMPs IN ACCORDANCE WITH THE RECORDED POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN.
- IT SHALL BE UNLAWFUL TO ALTER OR REMOVE ANY PERMANENT STORMWATER BMP REQUIRED BY AN APPROVED BMP O&M PLAN OR TO ALLOW THE PROPERTY TO REMAIN IN A CONDITION WHICH DOES NOT CONFORM TO AN APPROVED BMP O&M PLAN UNLESS AN EXEMPTION IS GRANTED IN WRITING BY SOUTH WHITEHALL TOWNSHIP.
- THE DEVELOPER, ITS SUCCESSORS OR ASSIGNS, HEREBY RESERVES THE RIGHT TO ENTER UPON EACH AND EVERY LOT AND AREA OF THE SUBDIVISION/DEVELOPMENT DEPICTED HEREON, UNTIL EXPIRATION OF THE STATUTORY MAINTENANCE PERIOD FOLLOWING DEDICATION OF PUBLIC IMPROVEMENTS AS SET FORTH IN SECTION 509 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 33 P.S. 10509, FOR THE PURPOSE OF COMPLETING ANY LANDSCAPING AS REQUIRED BY THE MUNICIPALITY AND FURTHER, TO MAKE SUCH MODIFICATIONS IN GRADING AND/OR DRAINAGE IMPROVEMENTS ON ANY LOT AS MAY BE NECESSARY IN THE DISCRETION OF THE DEVELOPER, ITS SUCCESSORS OR ASSIGNS, AND/OR THE MUNICIPAL ENGINEER FOR SATISFACTORY STORM WATER MANAGEMENT.

**WATERLINE NOTE**

THE WATER MAIN EXTENSION IS TO BE CONSTRUCTED BY THE DEVELOPER TO THE STANDARDS OF SOUTH WHITEHALL TOWNSHIP. UPON INSTALLATION AND DEDICATION TO SOUTH WHITEHALL TOWNSHIP, THE WATER MAIN SHALL BE OWNED AND MAINTAINED BY SOUTH WHITEHALL TOWNSHIP. THE PROPOSED FIRE HYDRANT SHALL BE OWNED AND MAINTAINED PRIVATELY BY THE DEVELOPER.

**OWNER'S STATEMENT:**  
THE UNDERSIGNED IS THE OWNER, EQUITABLE OWNER, OR HAS AN OPTION OR CONDITIONAL CONTRACT OF SALE ON THE LAND PROPOSED TO BE SUBDIVIDED OR DEVELOPED AND HAS NO LITIGATION OR LIENS EXIST OR ARE PENDING ON THE SITE.

**OWNER'S CERTIFICATION:**  
I BEING DULY SWORN ACCORDING TO LAW DEPOSE AND SAY THAT I AM THE SOLE OWNER OF THIS PROPERTY, IN PEACEFUL POSSESSION OF THE SAME, AND THAT THERE ARE NO SUITS PENDING AFFECTING THE TITLE THEREOF. I DO FURTHER DEPOSE AND SAY THAT I HAVE COMPLIED WITH ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20\_\_\_\_ BY WHICH THE TOWNSHIP BOARD OF COMMISSIONERS CONDITIONALLY WAIVED THE REQUIREMENTS OF THE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR THE PROJECT REFLECTED ON THIS PLAN. I AGREE THAT I SHALL EXONERATE, INDEMNIFY, PROTECT, DEFEND AND SAVE HARMLESS THE TOWNSHIP FROM ANY AND ALL CLAIMS, LAWSUITS, DAMAGES AND LIABILITIES OF EVERY KIND, CHARACTER AND MANNER WHATSOEVER PERTAINING TO, RELATING TO, RESULTING FROM, CAUSED BY OR ARISING OUT OF THE TOWNSHIP'S APPROVAL OF THE WATNER REQUEST AS EVIDENCED BY RESOLUTION 20\_\_\_\_, ALL AS MORE FULLY OUTLINED IN RESOLUTION 20\_\_\_\_.

**ADJACENT OWNER'S STATEMENT:**  
THE UNDERSIGNED ACKNOWLEDGES ALL IMPROVEMENTS PROPOSED ON AND AROUND THE PROPERTY AT 2436 HUCKLEBERRY ROAD ARE LIMITED TO ADJUSTMENT OF DRIVEWAY AND GRADING TIE IN, HAVE BEEN AGREED UPON.

**APPROVED BY THE LEHIGH VALLEY PLANNING COMMISSION:**  
COUNTY PLANNING COMMISSION STAFF PERSON \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY THE SOUTH WHITEHALL TOWNSHIP PLANNING COMMISSION:  
APPROVED \_\_\_\_\_ BY THE SOUTH WHITEHALL TOWNSHIP PLANNING COMMISSION.  
MONTH \_\_\_\_\_ DAY \_\_\_\_\_ YEAR \_\_\_\_\_  
CHAIRMAN \_\_\_\_\_  
SECRETARY \_\_\_\_\_

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL:**  
APPROVED \_\_\_\_\_ BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL.  
MONTH \_\_\_\_\_ DAY \_\_\_\_\_ YEAR \_\_\_\_\_  
PRESIDENT \_\_\_\_\_ SECRETARY \_\_\_\_\_

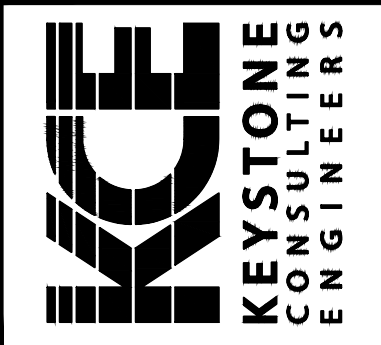
**TOWNSHIP WAIVER ACKNOWLEDGEMENT:**  
BASED UPON AND EXPRESSLY IN RELIANCE ON THE FOREGOING CERTIFICATIONS OF THE OWNER AND DESIGN PROFESSIONAL, THE WITHIN PLAN IS ACCEPTED BY SOUTH WHITEHALL TOWNSHIP AS THE PLAN SATISFYING ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20\_\_\_\_.

**PROFESSIONAL ENGINEER'S CERTIFICATION**  
I, ALAN R. FORNWALT, P.E., A REGISTERED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THE ACCOMPANYING APPLICATION, PLANS AND SUPPORTING DOCUMENTATION ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

ALAN R. FORNWALT P.E. PE 070819  
KEYSTONE CONSULTING ENGINEERS, INC.  
5012 MEDICAL CENTER CIRCLE, ALLENTOWN, PA 18106

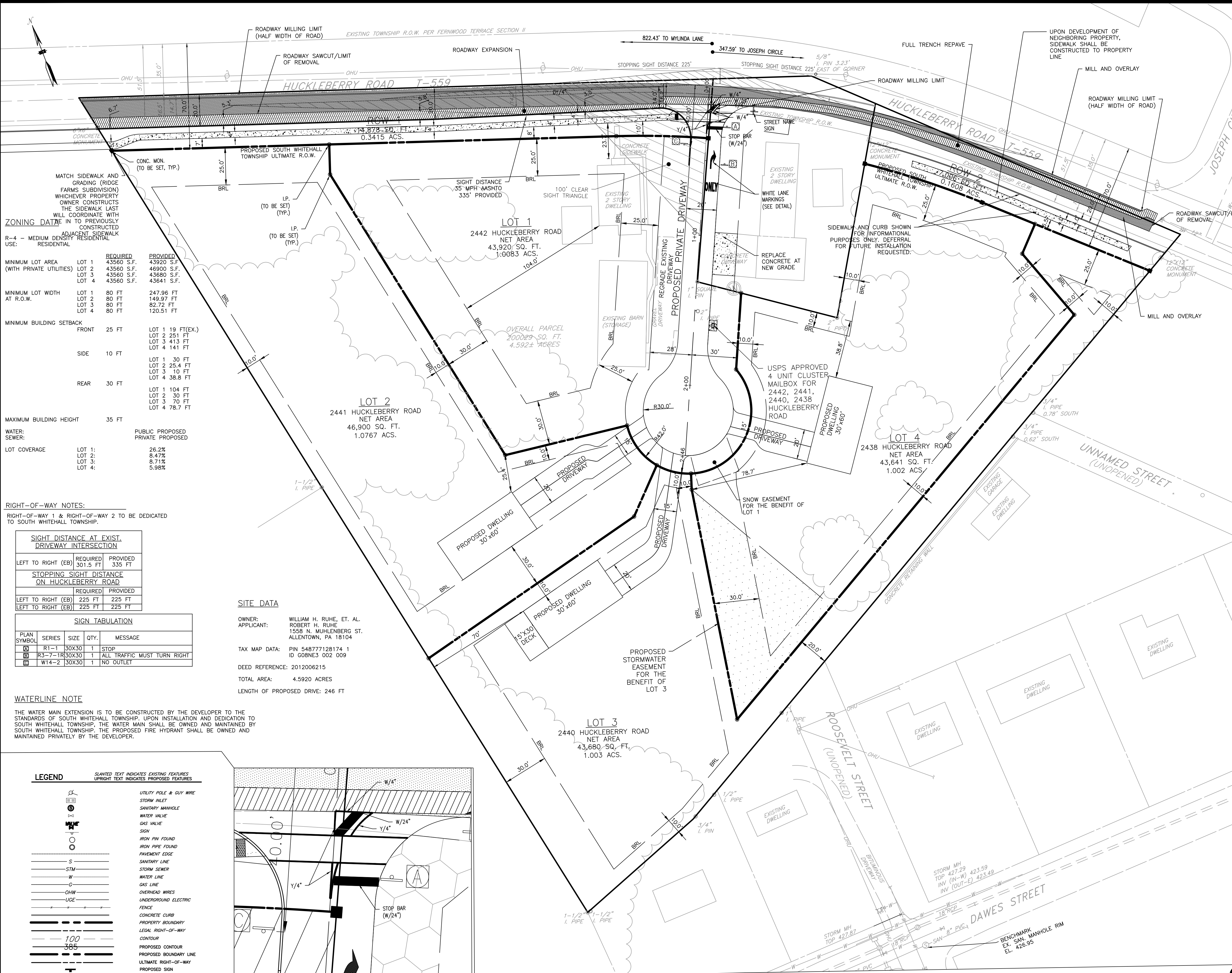
**LEHIGH COUNTY RECORDER OF DEEDS:**  
LEHIGH COUNTY OFFICIAL \_\_\_\_\_ DATE \_\_\_\_\_

**KEYSTONE CONSULTING ENGINEERS, INC.**  
Engineering firm of choice since 1972  
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East Office: Bethlehem, West Office: Allentown, North Office: Kresgeville  
www.KCEINC.com



<b>EASEMENT PLAN</b>	
<b>RUHE MINOR SUBDIVISION PLAN PRELIMINARY/FINAL PLAN</b>	
2442 HUCKLEBERRY ROAD	
SOUTH WHITEHALL TOWNSHIP LEHIGH COUNTY, PENNSYLVANIA	
DESIGNED BY:	KCE
DRAWN BY:	MSN
CHECKED BY:	MFC/ARF
DATE:	MARCH 5, 2021
SCALE:	1" = 30'
JOB NUMBER:	CW-20-128
SHEET:	5 OF 23





**ZONING DATA**

R-4 - MEDIUM DENSITY RESIDENTIAL

	REQUIRED	PROVIDED
MINIMUM LOT AREA (WITH PRIVATE UTILITIES)	LOT 1 43560 S.F. LOT 2 43560 S.F. LOT 3 43560 S.F. LOT 4 43560 S.F.	LOT 1 43920 S.F. LOT 2 46900 S.F. LOT 3 43680 S.F. LOT 4 43641 S.F.
MINIMUM LOT WIDTH AT R.O.W.	LOT 1 80 FT LOT 2 80 FT LOT 3 80 FT LOT 4 80 FT	LOT 1 247.96 FT LOT 2 149.97 FT LOT 3 82.72 FT LOT 4 120.51 FT
MINIMUM BUILDING SETBACK	FRONT 25 FT SIDE 10 FT REAR 30 FT	LOT 1 19 FT (EX.) LOT 2 251 FT LOT 3 413 FT LOT 4 141 FT  LOT 1 30 FT LOT 2 25.4 FT LOT 3 10 FT LOT 4 38.8 FT  LOT 1 104 FT LOT 2 30 FT LOT 3 70 FT LOT 4 78.7 FT
MAXIMUM BUILDING HEIGHT	35 FT	
WATER: PUBLIC PROPOSED		
SEWER: PRIVATE PROPOSED		
LOT COVERAGE	LOT 1: 26.2% LOT 2: 8.47% LOT 3: 8.71% LOT 4: 5.98%	

**RIGHT-OF-WAY NOTES:**  
RIGHT-OF-WAY 1 & RIGHT-OF-WAY 2 TO BE DEDICATED TO SOUTH WHITEHALL TOWNSHIP.

**SIGHT DISTANCE AT EXIST. DRIVEWAY INTERSECTION**

LEFT TO RIGHT (EB)	REQUIRED	PROVIDED
	301.5 FT	335 FT

**STOPPING SIGHT DISTANCE ON HUCKLEBERRY ROAD**

LEFT TO RIGHT (EB)	REQUIRED	PROVIDED
	225 FT	225 FT
LEFT TO RIGHT (WB)	REQUIRED	PROVIDED
	225 FT	225 FT

**SIGN TABULATION**

PLAN SYMBOL	SERIES	SIZE	QTY.	MESSAGE
(S)	R1-1	30X30	1	STOP
(R)	R3-7-1R	30X30	1	ALL TRAFFIC MUST TURN RIGHT
(O)	W14-2	30X30	1	NO OUTLET

**WATERLINE NOTE**  
THE WATER MAIN EXTENSION IS TO BE CONSTRUCTED BY THE DEVELOPER TO THE STANDARDS OF SOUTH WHITEHALL TOWNSHIP. UPON INSTALLATION AND DEDICATION TO SOUTH WHITEHALL TOWNSHIP, THE WATER MAIN SHALL BE OWNED AND MAINTAINED BY SOUTH WHITEHALL TOWNSHIP. THE PROPOSED FIRE HYDRANT SHALL BE OWNED AND MAINTAINED PRIVATELY BY THE DEVELOPER.

**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

(Symbol)	UTILITY POLE & GUY WIRE
(Symbol)	STORM INLET
(Symbol)	SANITARY MANHOLE
(Symbol)	WATER VALVE
(Symbol)	GAS VALVE
(Symbol)	SIGN
(Symbol)	IRON PIN FOUND
(Symbol)	IRON PIPE FOUND
(Symbol)	PAVEMENT EDGE
(Symbol)	SANITARY LINE
(Symbol)	STORM SEWER
(Symbol)	WATER LINE
(Symbol)	GAS LINE
(Symbol)	OVERHEAD WIRES
(Symbol)	UNDERGROUND ELECTRIC
(Symbol)	FENCE
(Symbol)	CONCRETE CURB
(Symbol)	PROPERTY BOUNDARY
(Symbol)	LEGAL RIGHT-OF-WAY
(Symbol)	CONTOUR
(Symbol)	PROPOSED CONTOUR
(Symbol)	PROPOSED BOUNDARY LINE
(Symbol)	ULTIMATE RIGHT-OF-WAY
(Symbol)	PROPOSED SIGN
(Symbol)	PROPOSED HYDRANT
(Symbol)	PROPOSED WATER VALVE
(Symbol)	PROPOSED WATER LINE
(Symbol)	PROPOSED SANITARY MANHOLE
(Symbol)	PROPOSED SANITARY LINE
(Symbol)	PROPOSED STORMWATER LINE

**SITE DATA**

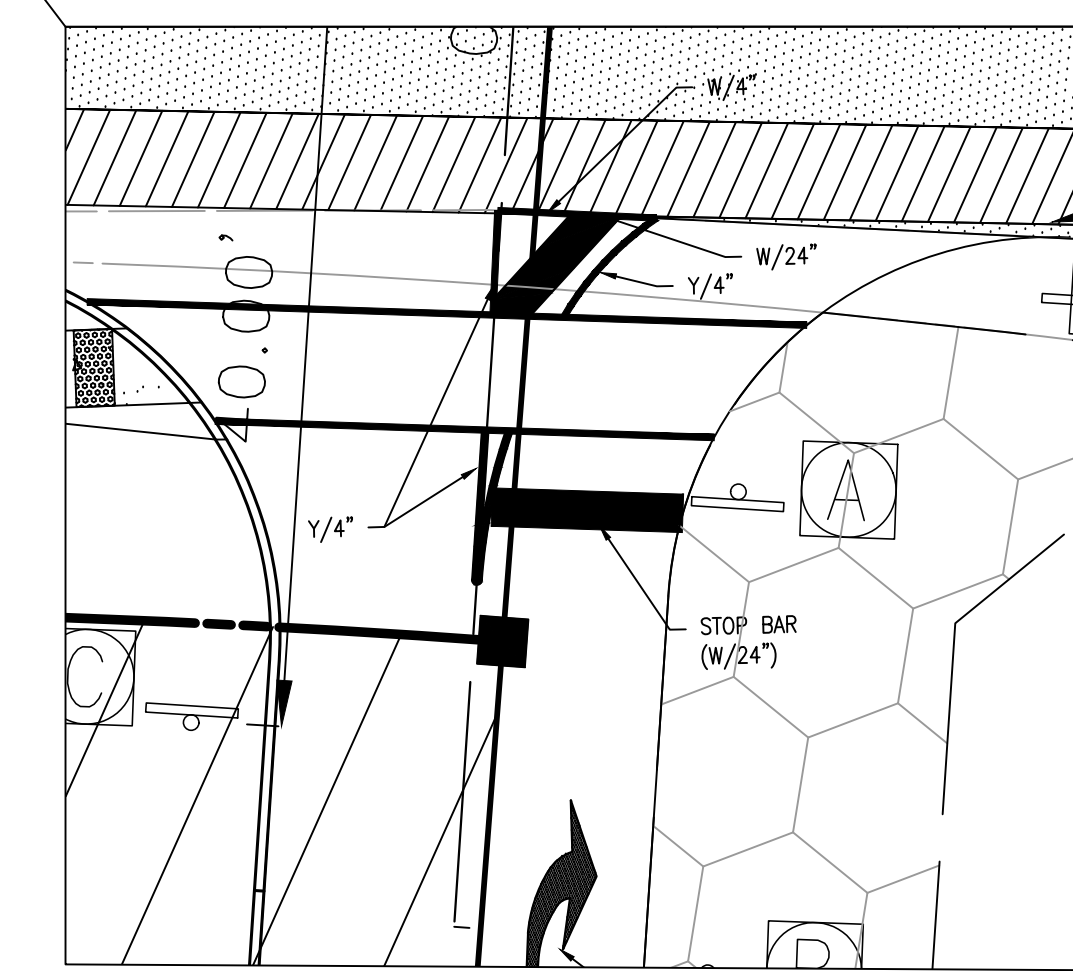
OWNER: WILLIAM H. RUHE, ET. AL.  
APPLICANT: ROBERT H. RUHE  
1558 N. MUEHLENBERG ST.  
ALLENTOWN, PA 18104

TAX MAP DATA: PIN 54877128174 1  
ID G08NE3 002 009

DEED REFERENCE: 2012006215

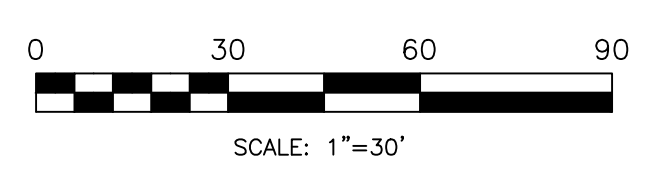
TOTAL AREA: 4.5920 ACRES

LENGTH OF PROPOSED DRIVE: 246 FT



**PAVEMENT MARKING ENLARGEMENT**  
1"=10'

**UTILITY NOTES:**  
THE APPLICANT IS RESPONSIBLE FOR JOINING THE PA ONE CALL SYSTEM AND IS RESPONSIBLE FOR THE MARKING OF ALL UNDERGROUND UTILITIES PRIOR TO THE UTILITIES BEING FORMALLY ACCEPTED BY AND DEDICATED TO THE TOWNSHIP.



**OWNER'S STATEMENT:**  
THE UNDERSIGNED IS THE OWNER, EQUITABLE OWNER, OR HAS AN OPTION OR CONDITIONAL CONTRACT OF SALE ON THE LAND PROPOSED TO BE SUBDIVIDED OR DEVELOPED AND HAS NO LITIGATION OR LIENS EXIST OR ARE PENDING ON THE SITE.

OWNER: WILLIAM H. RUHE

**OWNER'S CERTIFICATION:**  
I BEING DULY SWORN ACCORDING TO LAW DEPOSE AND SAY THAT I AM THE SOLE OWNER OF THIS PROPERTY, IN PEACEFUL POSSESSION OF THE SAME, AND THAT THERE ARE NO SUITS PENDING AFFECTING THE TITLE THEREOF. I DO FURTHER DEPOSE AND SAY THAT I HAVE COMPLIED WITH ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20... BY WHICH THE TOWNSHIP BOARD OF COMMISSIONERS CONDITIONALLY WAIVED THE REQUIREMENTS OF THE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR THE PROJECT REFLECTED ON THIS PLAN. I AGREE THAT I SHALL EXONERATE, INDEMNIFY, PROTECT, DEFEND AND SAVE HARMLESS THE TOWNSHIP FROM ANY AND ALL CLAIMS, LAWSUITS, DAMAGES AND LIABILITIES OF EVERY KIND, CHARACTER AND MANNER WHATSOEVER PERTAINING TO, RELATING TO, RESULTING FROM, CAUSED BY OR ARISING OUT OF THE TOWNSHIP'S APPROVAL OF THE WAIVER REQUEST AS EVIDENCED BY RESOLUTION 20... ALL AS MORE FULLY OUTLINED IN RESOLUTION 20... OWNER:

**ADJACENT OWNER'S STATEMENT:**  
THE UNDERSIGNED ACKNOWLEDGES ALL IMPROVEMENTS PROPOSED ON AND AROUND THE PROPERTY AT 2436 HUCKLEBERRY ROAD ARE LIMITED TO ADJUSTMENT OF DRIVEWAY AND GRADING-TIE IN, HAVE BEEN AGREED UPON.

JOHN P. LUTZ  
ADJACENT PROPERTY OWNER

**REVIEWED BY THE LEHIGH VALLEY PLANNING COMMISSION:**

COUNTY PLANNING COMMISSION STAFF PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_  
APPROVED BY THE SOUTH WHITEHALL TOWNSHIP PLANNING COMMISSION:  
APPROVED: \_\_\_\_\_ BY THE SOUTH WHITEHALL MONTH DAY YEAR  
TOWNSHIP PLANNING COMMISSION.  
CHAIRMAN: \_\_\_\_\_  
SECRETARY: \_\_\_\_\_  
APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL:  
APPROVED: \_\_\_\_\_ BY THE BOARD OF MONTH DAY YEAR  
COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL.  
PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

**TOWNSHIP ENGINEER**

**TOWNSHIP WAIVER ACKNOWLEDGEMENT:**  
BASED UPON AND EXPRESSLY IN RELIANCE ON THE FOREGOING CERTIFICATIONS OF THE OWNER AND DESIGN PROFESSIONAL ENGINEER, THE WITHIN PLAN IS ACCEPTED BY SOUTH WHITEHALL TOWNSHIP AS THE PLAN SATISFYING ALL REQUIREMENTS, PROVISIONS AND CONDITIONS OF RESOLUTION 20...  
PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

**PROFESSIONAL ENGINEER'S CERTIFICATION**  
I, ALAN R. FORNWALT, P.E., A REGISTERED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF PENNSYLVANIA, DO HEREBY CERTIFY THAT THE ACCOMPANYING APPLICATION, PLANS AND SUPPORTING DOCUMENTATION ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

ALAN R. FORNWALT P.E. PE 070819  
KEYSTONE CONSULTING ENGINEERS, INC.  
5012 MEDICAL CENTER CIRCLE, ALLENTOWN, PA 18106

**LEHIGH COUNTY RECORDER OF DEEDS:**

LEHIGH COUNTY OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

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www.KCEINC.com

**RECORD PLAN**

**RUHE MINOR SUBDIVISION PRELIMINARY/FINAL PLAN**  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

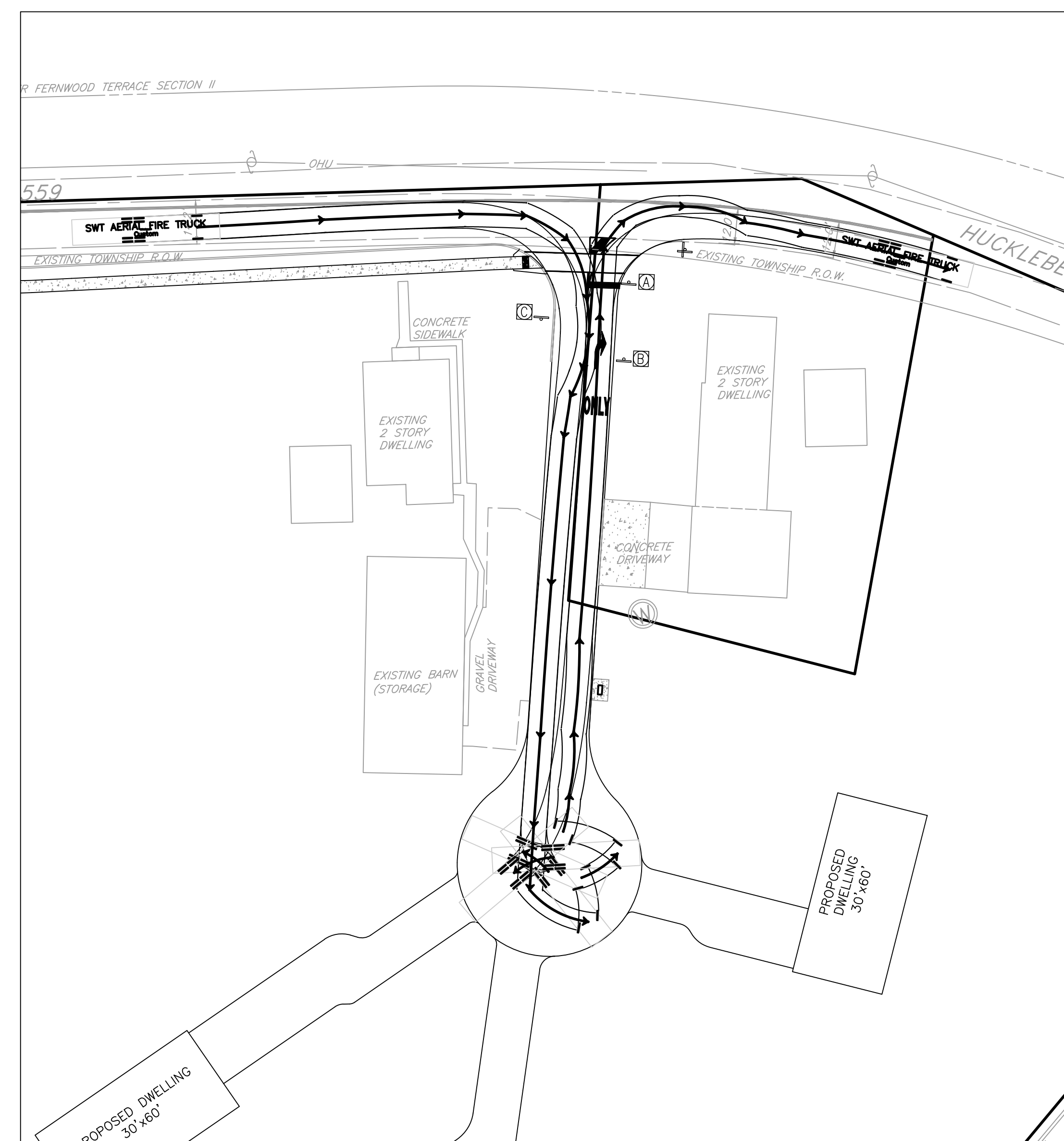
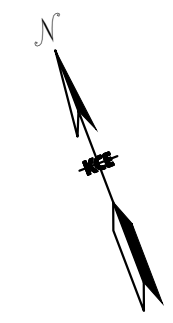
DESIGNED BY:	DATE	BY	DATE
KCE	06/16/2021	MSN	12/16/2021
MFC/ARF	09/20/2023	IMK	11/17/2023

DESIGNED BY: MFC/ARF  
CHECKED BY: MFC/ARF  
DATE: MARCH 5, 2021  
SCALE: 1"=30'  
JOB NUMBER: CW-20-128  
SHEET: 6 OF 23



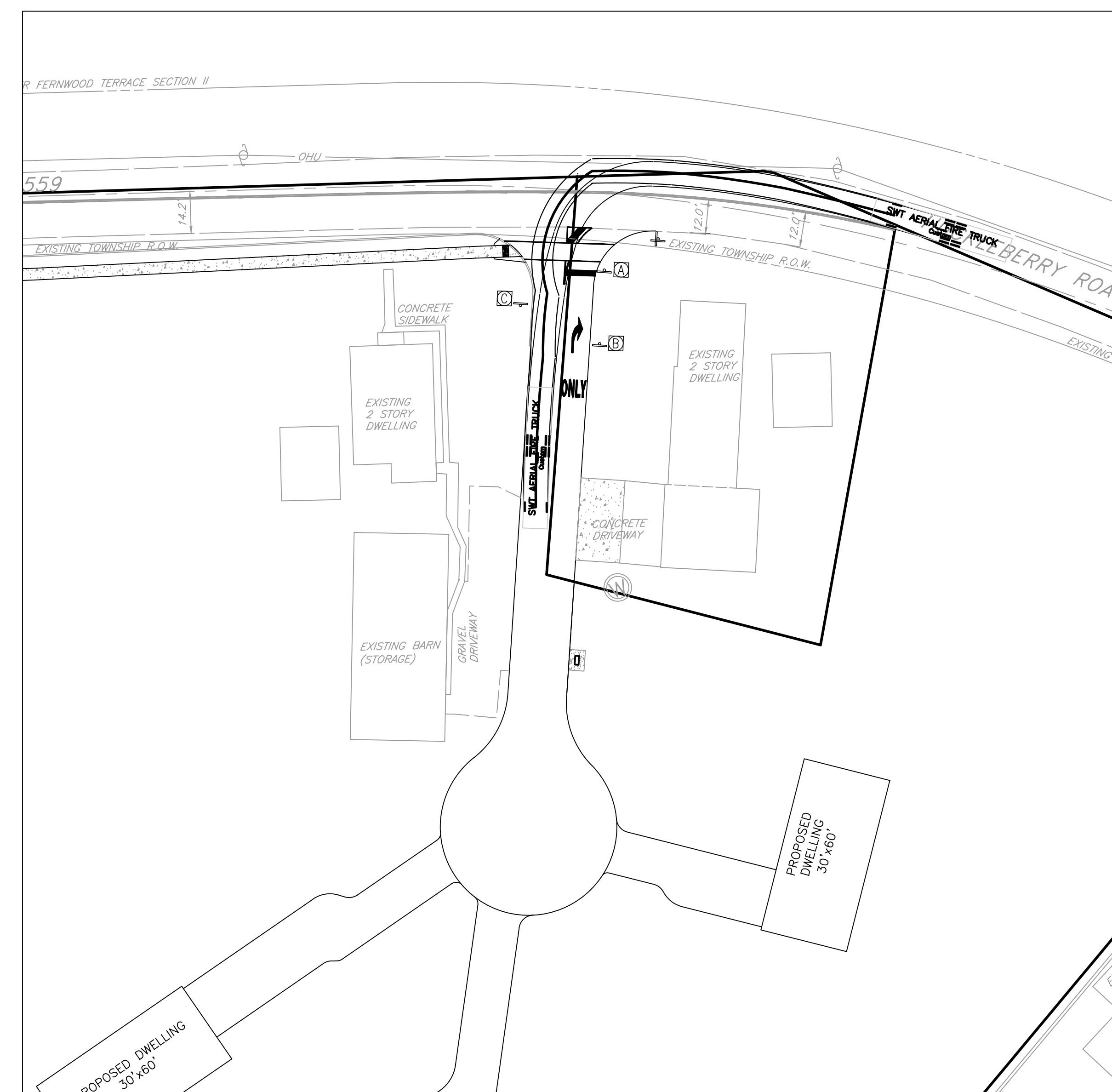
DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.  
PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021





SWT FIRE TRUCK RIGHT IN-RIGHT OUT TURNING TEMPLATE

1"=30'



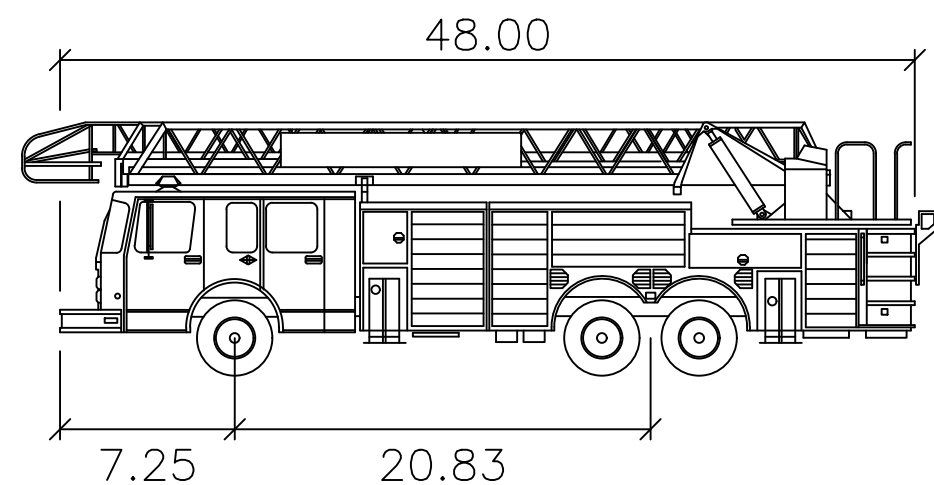
SWT FIRE TRUCK WESTBOUND LEFT TURN TURNING TEMPLATE

1"=30'

**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

	UTILITY POLE & GUY WIRE
	STORM INLET
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
	SIGN
	IRON PIN FOUND
	IRON PIPE FOUND
	PAVEMENT EDGE
	SANITARY LINE
	STORM SEWER
	WATER LINE
	GAS LINE
	OVERHEAD WIRES
	UNDERGROUND ELECTRIC FENCE
	CONCRETE CURB
	PROPERTY BOUNDARY
	LEGAL RIGHT-OF-WAY
	CONTOUR
	PROPOSED CONTOUR
	PROPOSED BOUNDARY LINE
	ULTIMATE RIGHT-OF-WAY
	PROPOSED SIGN
	PROPOSED HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER LINE
	PROPOSED SANITARY MANHOLE
	PROPOSED SANITARY LINE
	PROPOSED STORMWATER LINE



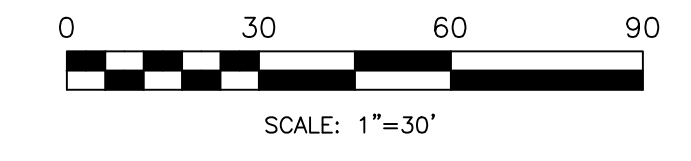
SWT Aerial Fire Truck

	feet
Width	: 8.33
Track	: 8.33
Lock to Lock Time	: 6.0
Steering Angle	: 44.0



DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.

PENNSYLVANIA ONE CALL SYSTEM NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021



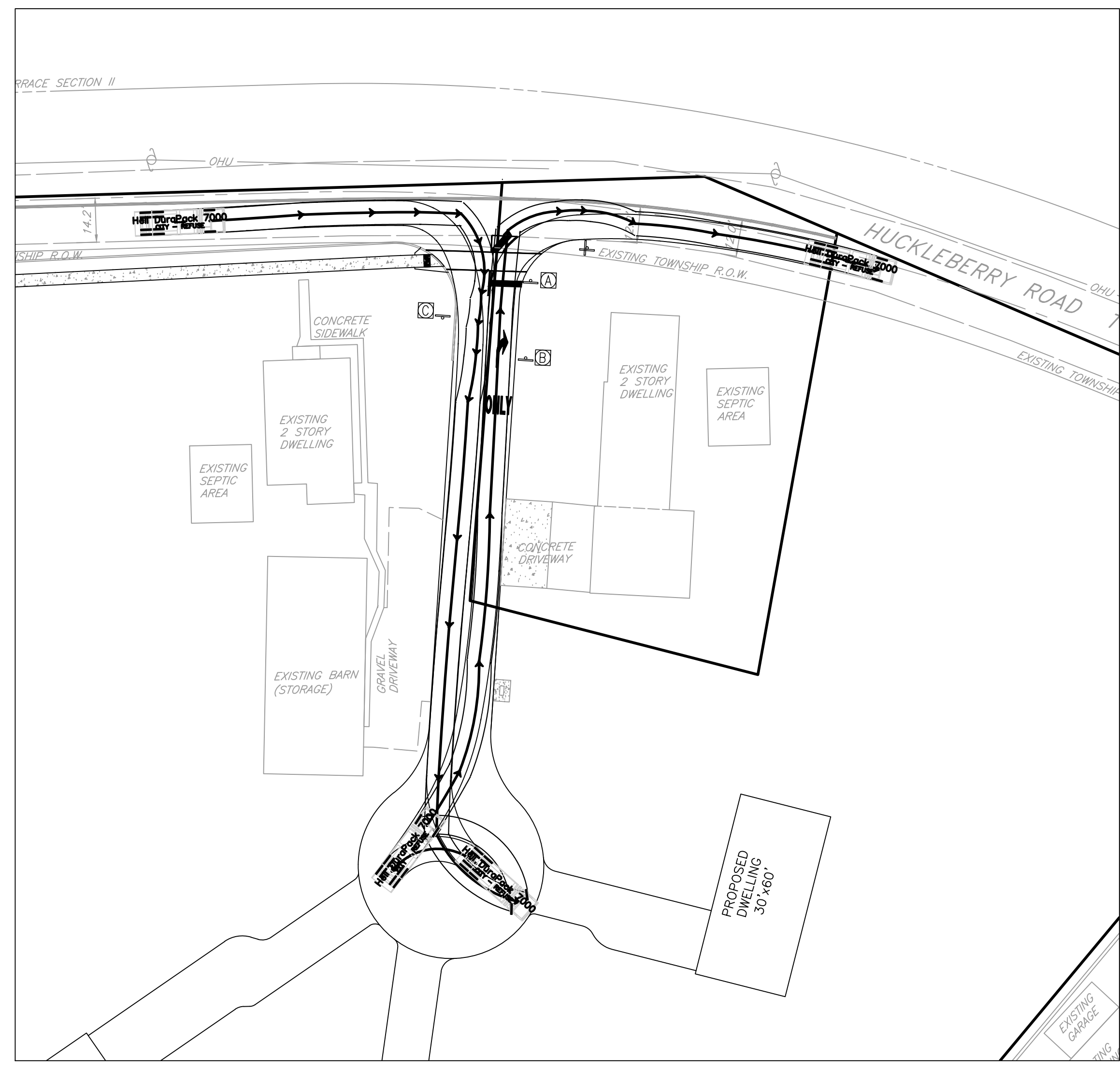
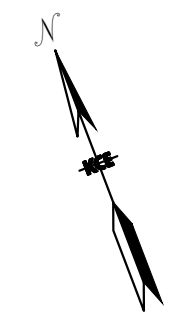
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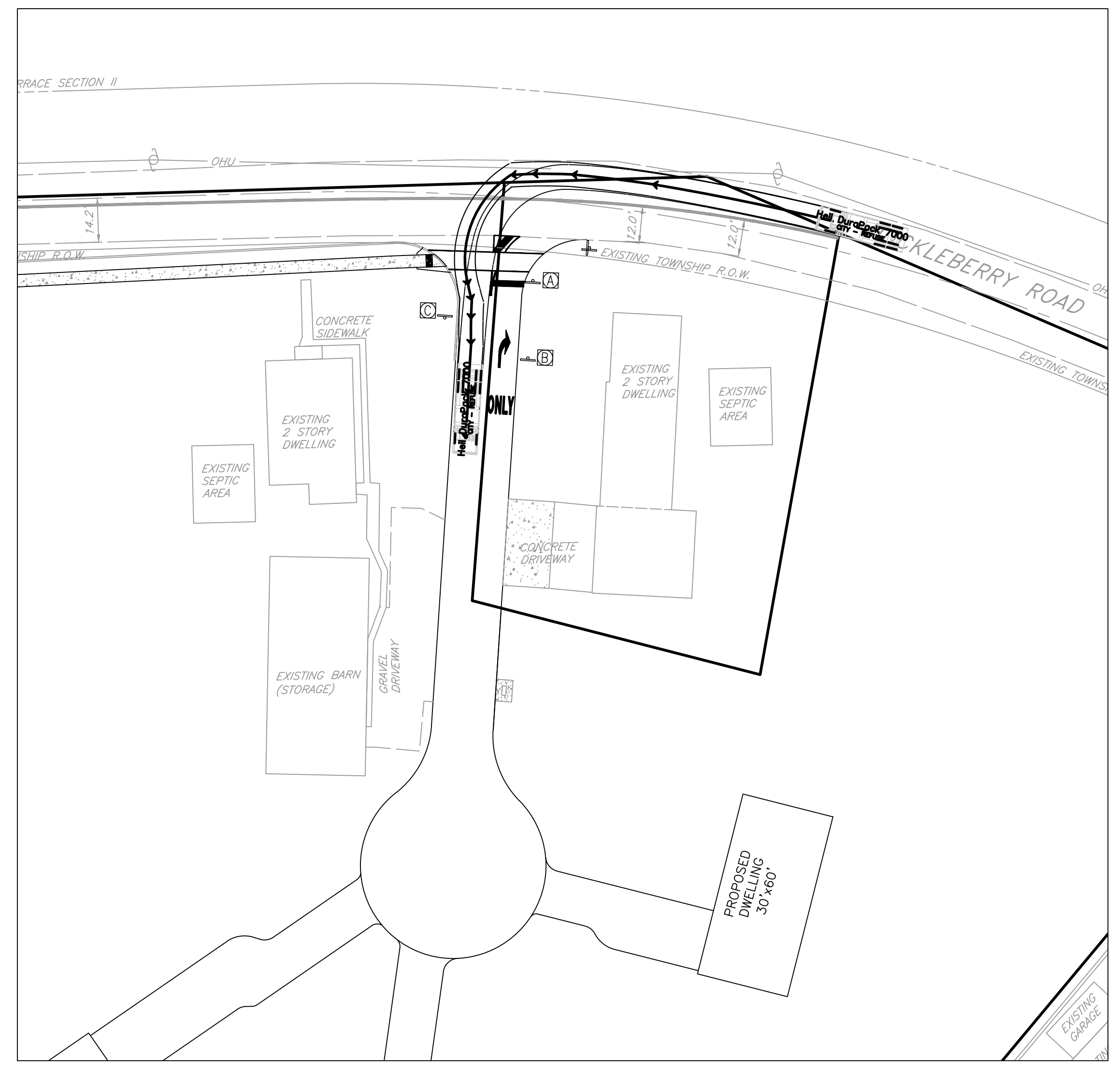


**FIRE TRUCK TURN PLAN**  
**RUHE MINOR SUBDIVISION**  
**PRELIMINARY/FINAL PLAN**  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

DESIGNED BY:	DATE	REVISIONS
KCE	06/16/2021	BY DATE
MSN	12/16/2021	MSN
MFC/ARF	09/20/2023	MSN
MARCH 5, 2021	11/17/2023	IMK
1" = 30'		IMK
JOB NUMBER:		
CW-20-128		
SHEET:		
7 OF 23		



GARBAGE TRUCK RIGHT IN-RIGHT OUT TURNING TEMPLATE  
1"=30'

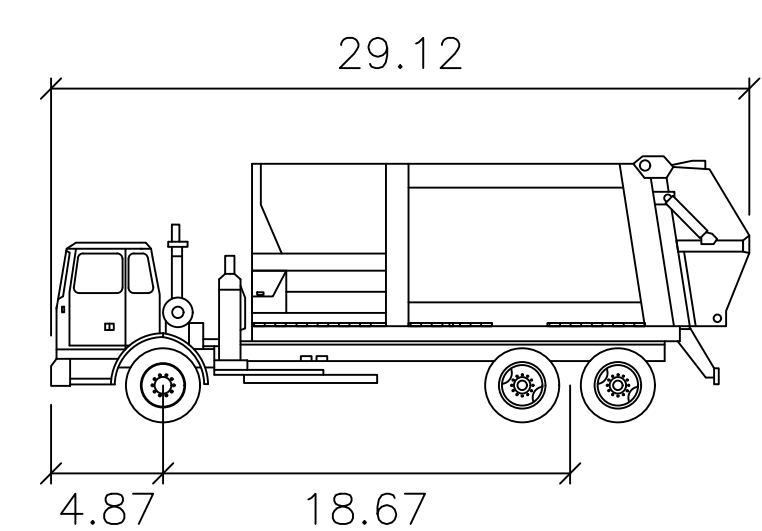


GARBAGE TRUCK WESTBOUND LEFT TURN TURNING TEMPLATE  
1"=30'

**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

	UTILITY POLE & GUY WIRE
	STORM INLET
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
	SIGN
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	IRON PIPE FOUND
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	CONTOUR
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	PROPOSED BOUNDARY LINE
	ULTIMATE RIGHT-OF-WAY
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	PROPOSED SANITARY LINE
	PROPOSED STORMWATER LINE

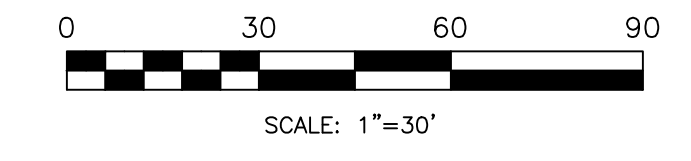


Heil DuraPack 7000  
feet

Width : 8.00  
Track : 8.00  
Lock to Lock Time : 6.0  
Steering Angle : 45.0

**811** DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.

PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021



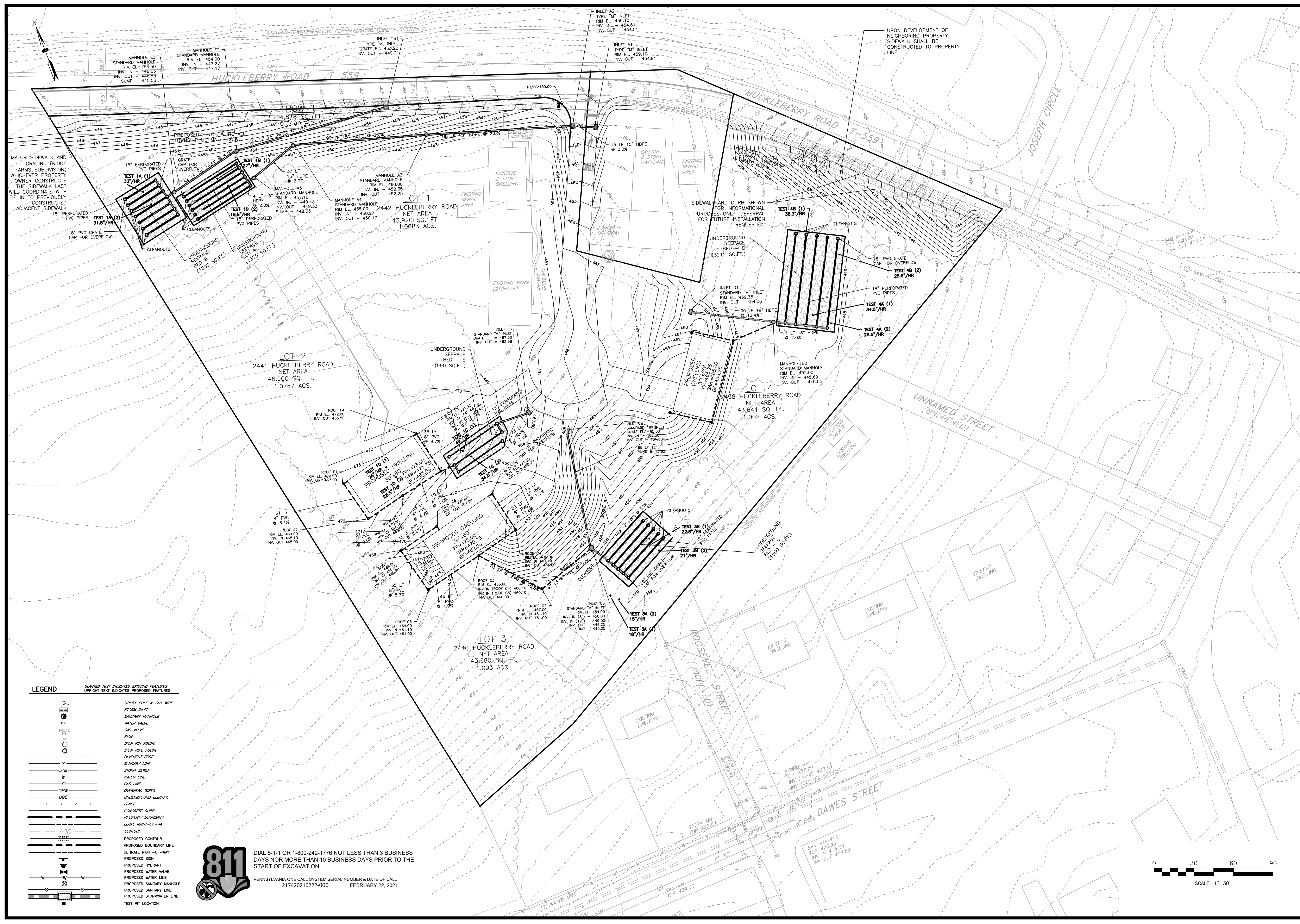
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**GARBAGE TRUCK TURN PLAN**  
**RUHE MINOR SUBDIVISION**  
**PRELIMINARY/FINAL PLAN**  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

DESIGNED BY:	DATE	REVISIONS
KCE	06/16/2021	BY DATE
MSN	12/16/2021	MSN
MFC/ARF	09/20/2023	IMK
CHECKED BY:	11/17/2023	IMK
DATE		
SCALE:		
JOB NUMBER:		
SHEET:		





MATCH SIDEWALK AND GRADING (RIDGE FARMS SUBDIVISION) WHICHEVER PROPERTY OWNER CONSTRUCTS THE SIDEWALK LAST WILL COORDINATE WITH THE SIDEWALK CONSTRUCTED ADJACENT SIDEWALK

UPON DEVELOPMENT OF NEIGHBORING PROPERTY, SIDEWALK SHALL BE CONSTRUCTED TO PROPERTY LINE

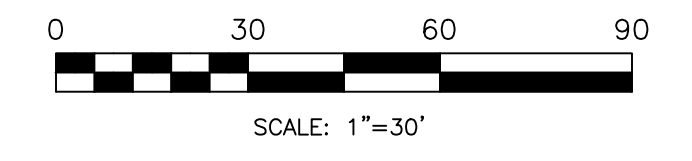
**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

	UTILITY POLE & GUY WIRE
	STORM INLET
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
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	IRON PIPE FOUND
	PAVEMENT EDGE
	SANITARY LINE
	STORM SEWER
	WATER LINE
	GAS LINE
	OVERHEAD WIRES
	UNDERGROUND ELECTRIC
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	CONCRETE CURB
	PROPERTY BOUNDARY
	LEGAL RIGHT-OF-WAY
	CONTOUR
	PROPOSED CONTOUR
	PROPOSED BOUNDARY LINE
	ULTIMATE RIGHT-OF-WAY
	PROPOSED SIGN
	PROPOSED HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER LINE
	PROPOSED SANITARY MANHOLE
	PROPOSED SANITARY LINE
	PROPOSED STORMWATER LINE
	TEST PIT LOCATION

**811** DIAL 8-1-1 OR 1-800-242-1776 NOT LESS THAN 3 BUSINESS DAYS NOR MORE THAN 10 BUSINESS DAYS PRIOR TO THE START OF EXCAVATION.

PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021



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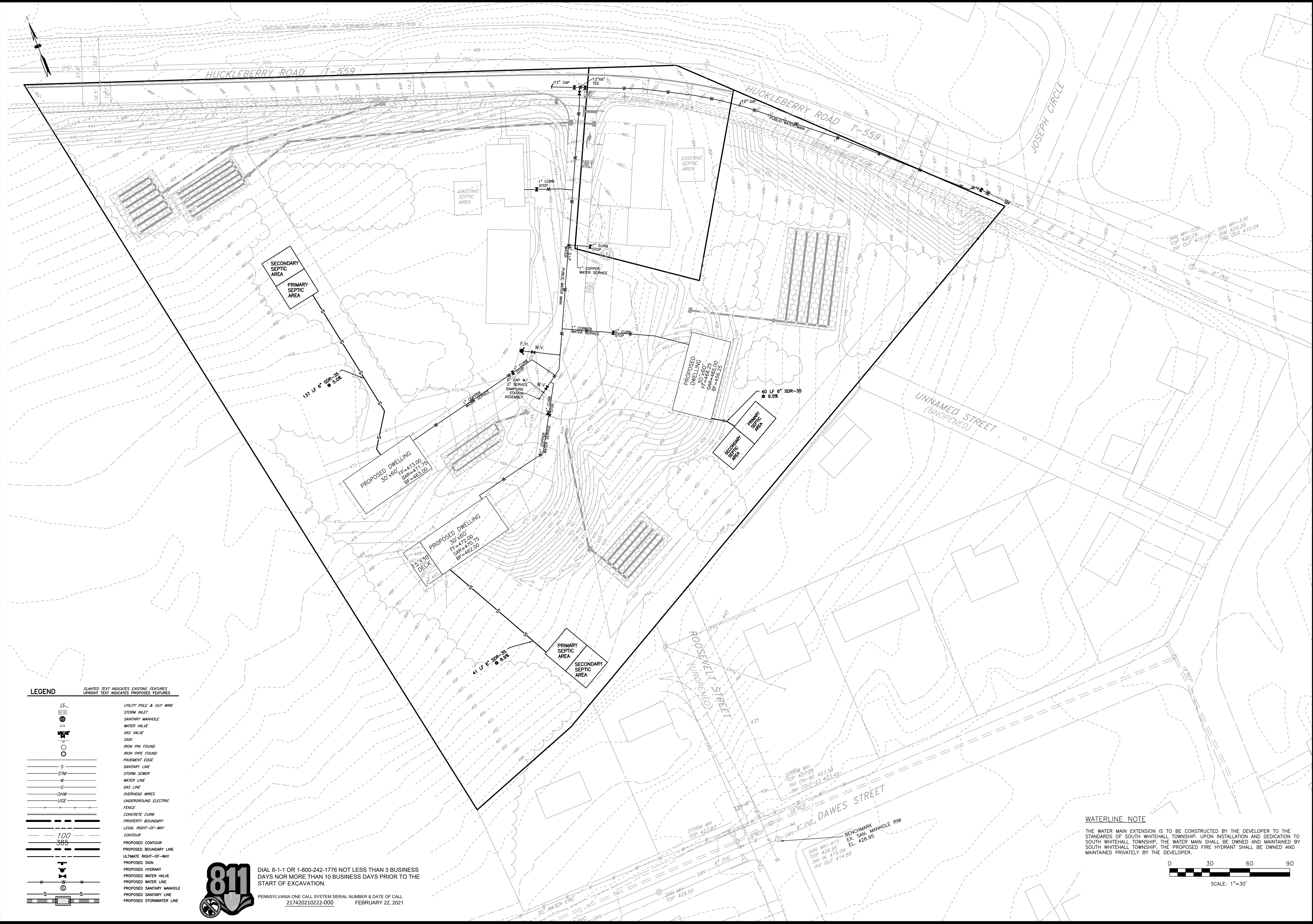
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East Office: Bethlehem, West Office: Allentown, North Office: Kresgeville  
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**GRADING & DRAINAGE PLAN**  
**RUHE MINOR SUBDIVISION**  
**PRELIMINARY/FINAL PLAN**  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

DESIGNED BY:		REVISIONS	
KCE	MSN	BY	DATE
DRAWN BY:	MFC/ARF	MSN	06/16/2021
CHECKED BY:	March 05, 2021	MSN	12/16/2021
DATE:	1" = 30'	IMK	09/20/2023
SCALE:	CW-20-128	IMK	11/17/2023
JOB NUMBER:	9 OF 23		
SHEET:			





**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

	UTILITY POLE & GUY WIRE
	STORM INLET
	SANITARY MANHOLE
	WATER VALVE
	GAS VALVE
	SIGN
	IRON PIN FOUND
	IRON PIPE FOUND
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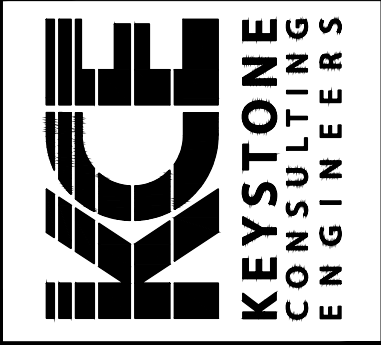
PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021

**WATERLINE NOTE**

THE WATER MAIN EXTENSION IS TO BE CONSTRUCTED BY THE DEVELOPER TO THE STANDARDS OF SOUTH WHITEHALL TOWNSHIP. UPON INSTALLATION AND DEDICATION TO SOUTH WHITEHALL TOWNSHIP, THE WATER MAIN SHALL BE OWNED AND MAINTAINED BY SOUTH WHITEHALL TOWNSHIP. THE PROPOSED FIRE HYDRANT SHALL BE OWNED AND MAINTAINED PRIVATELY BY THE DEVELOPER.

SCALE: 1"=30'

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<b>UTILITY PLAN</b>	
<b>RUHE MINOR SUBDIVISION</b>	
<b>PRELIMINARY/FINAL PLAN</b>	
2442 HUCKLEBERRY ROAD	
SOUTH WHITEHALL TOWNSHIP	
LEHIGH COUNTY, PENNSYLVANIA	
<b>DESIGNED BY:</b> KCE	<b>REVISIONS</b>
<b>DRAWN BY:</b> MSN	BY DATE
<b>CHECKED BY:</b> MFC/ARF	MSN 06/16/2021
<b>DATE:</b> March 05, 2021	MSN 12/16/2021
<b>SCALE:</b> 1" = 30'	IMK 09/20/2023
<b>JOB NUMBER:</b> CW-20-128	IMK 11/17/2023
<b>SHEET:</b> 10 OF 23	





**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

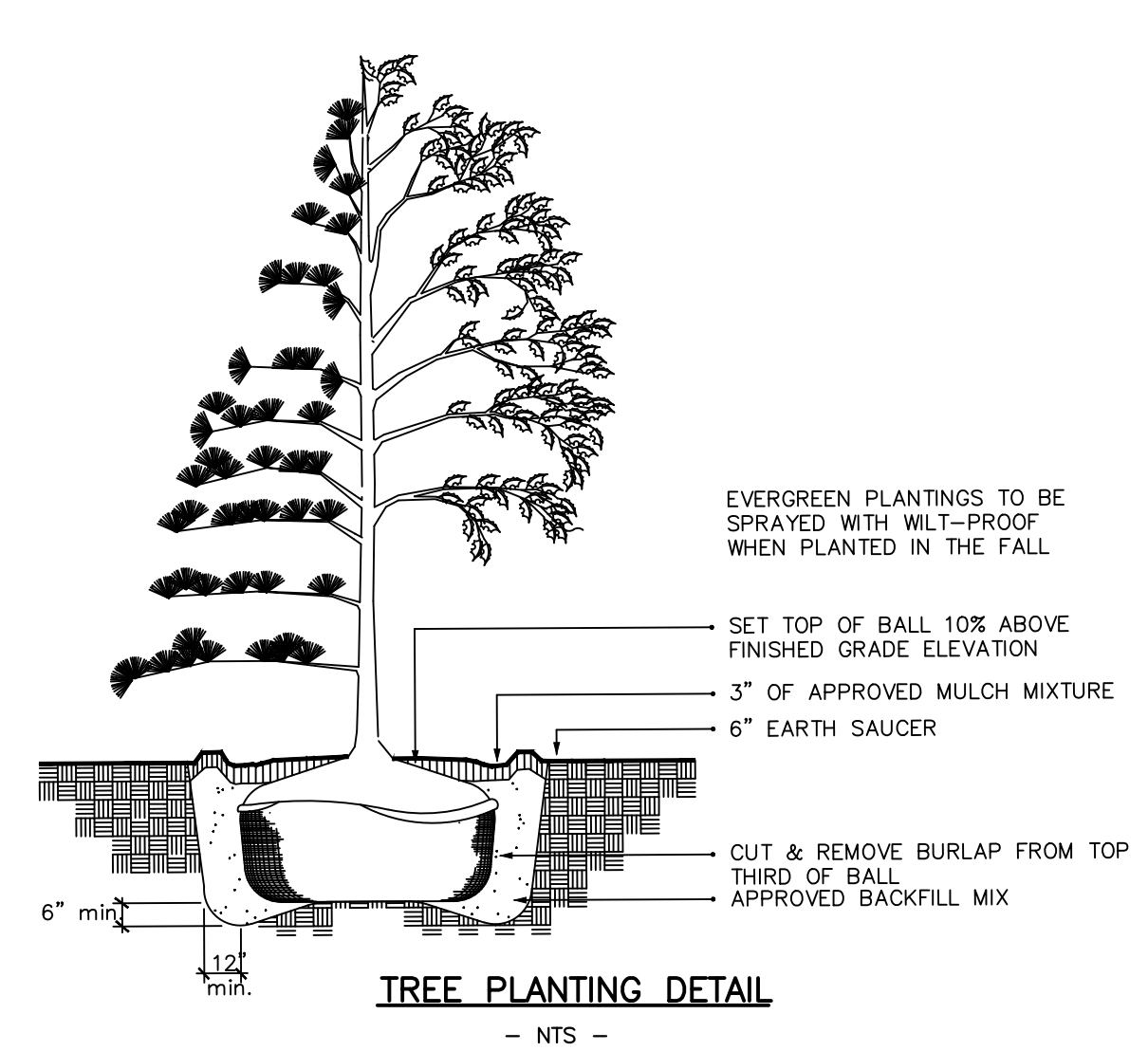
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**LANDSCAPE PLAN LEGEND**

- DECIDUOUS TREE

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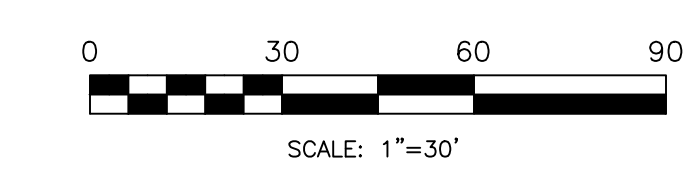
PENNSYLVANIA ONE CALL SYSTEM SERIAL NUMBER & DATE OF CALL  
217420210222-000 FEBRUARY 22, 2021



**PLANT SCHEDULE**

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	FAMILY	SIZE	CONDITION	COMMENTS
STREET TREES							
QA	8	QUERCUS ALBA	WHITE OAK	FAGACEAE	2" - 2 1/2" CAL.	B&B	
PA	5	PLATANUS x ACERIFOLIA 'BLOODGOOD'	LONDON PLANETREE	PLATANACEAE	2" - 2 1/2" CAL.	B&B	
ZS	6	ZELKOVA SERRATA 'GREEN VASE'	JAPANESE ZELKOVA	ULMACEAE	2" - 2 1/2" CAL.	B&B	

NOTES:  
 1. PLANTS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION.  
 2. WHERE DISCREPANCIES OCCUR BETWEEN THE PLAN AND THE PLANT SCHEDULE, THE PLAN SHALL PREVAIL.  
 3. INSTALLATION OF SHADE TREES SHALL BE DEFERRED UNTIL AFTER THE INSTALLATION OF PROPOSED SIDEWALKS.



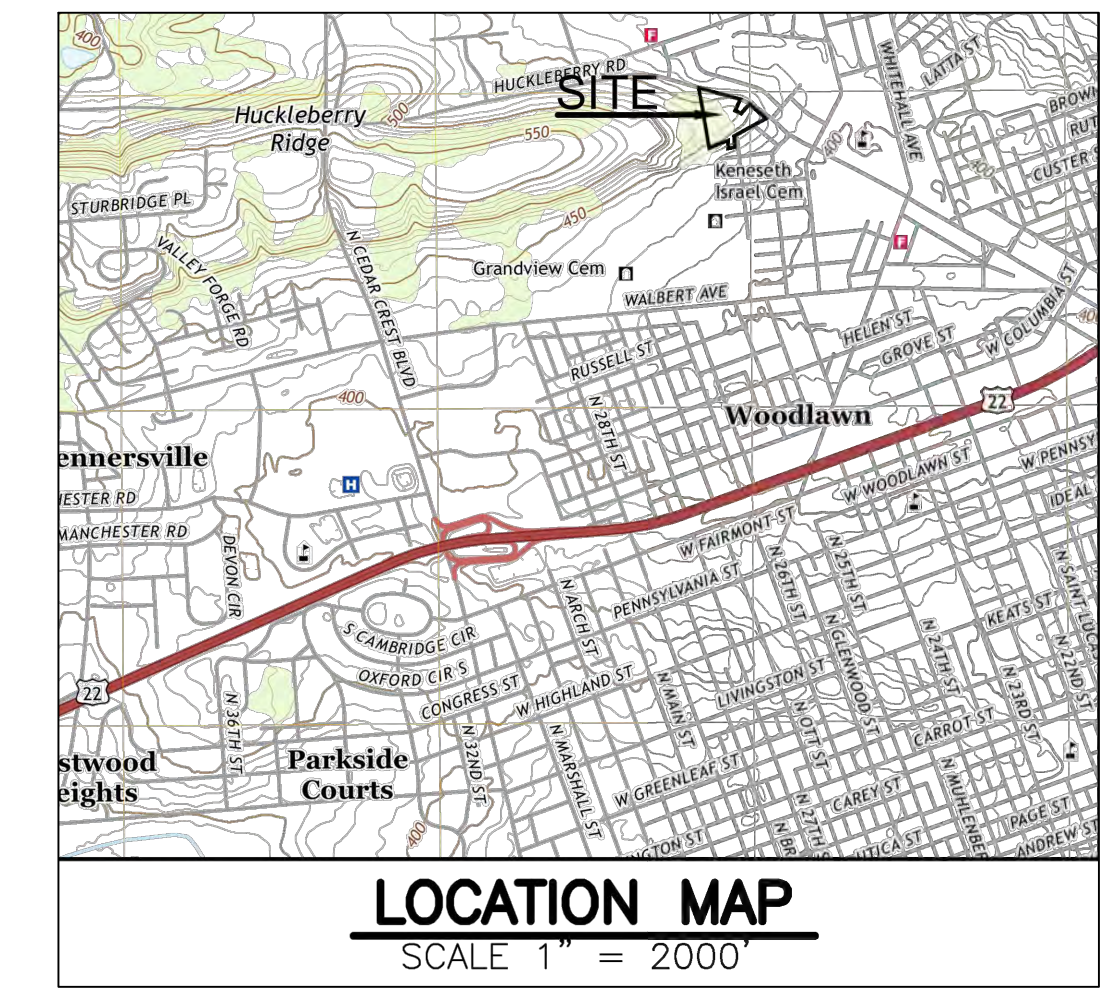
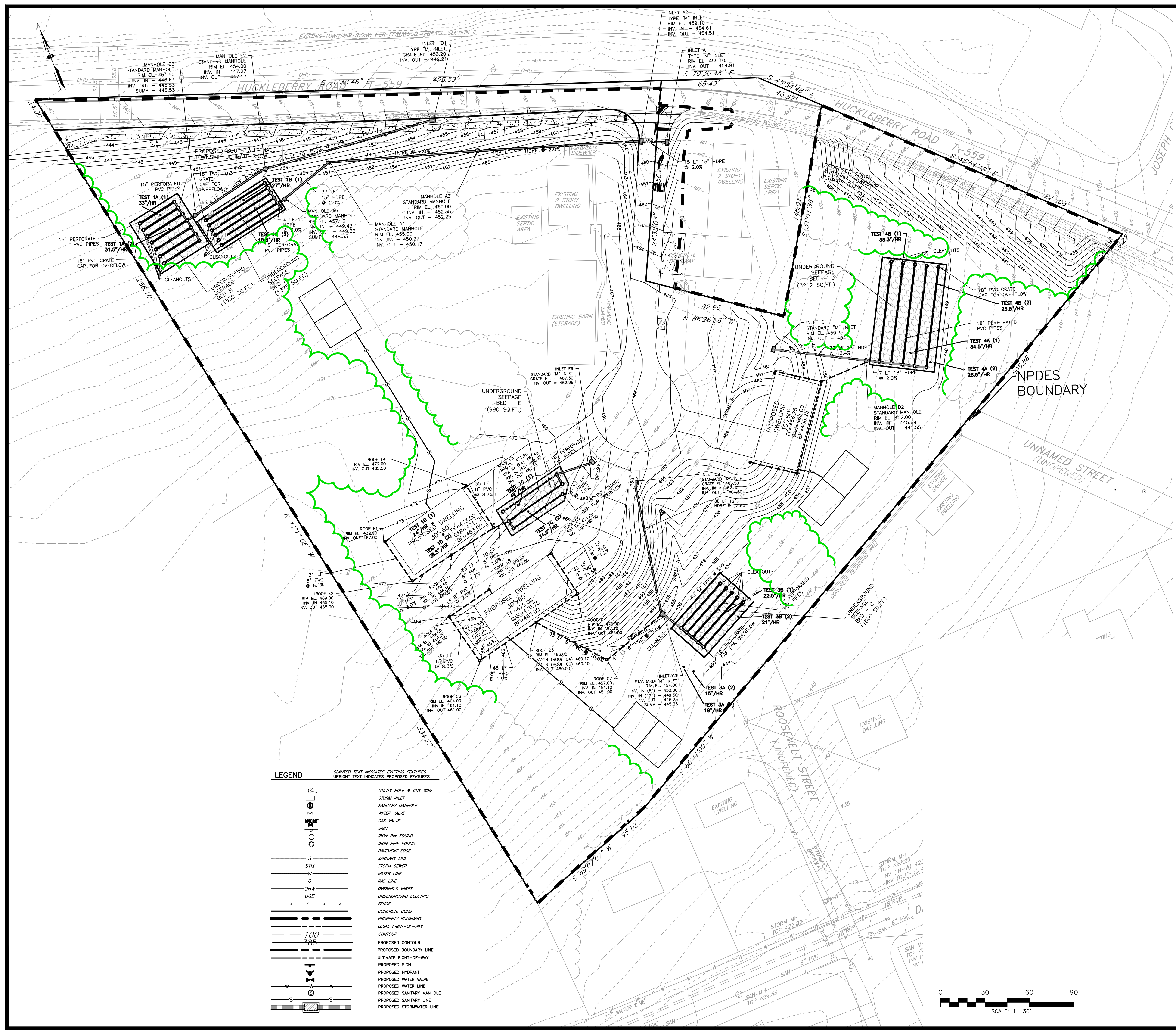
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**LANDSCAPE PLAN**  
**RUHE MINOR SUBDIVISION**  
**PRELIMINARY/FINAL PLAN**  
 2442 HUCKLEBERRY ROAD  
 SOUTH WHITEHALL TOWNSHIP  
 LEHIGH COUNTY, PENNSYLVANIA

REVISIONS	DATE	BY
06/16/2021	MSN	MSN
12/16/2021	MFC/ARF	MSN
09/20/2023	IMK	IMK
11/17/2023	IMK	IMK

DESIGNED BY: KCE  
 DRAWN BY: MSN  
 CHECKED BY: MFC/ARF  
 DATE: March 05, 2021  
 SCALE: 1" = 30'  
 JOB NUMBER: CW-20-128  
 SHEET: 11 OF 23





**LEGEND**

SLANTED TEXT INDICATES EXISTING FEATURES  
UPRIGHT TEXT INDICATES PROPOSED FEATURES

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SOCK NO.	Dia. In.	LOCATION	SLOPE-PERCENT	SLOPE LENGTH ABOVE BARRIER (FT)
CFS 1	24"	Lot 4	7.2%	313'
CFS 2	32"	Lot 4	50%	178'
CFS 3	12"	Lot 4	7.6%	224'
CFS 4	12"	Lot 4	9.2%	209'
CFS 5	8"	Lot 4	9.6%	187'
CFS 6	24"	Lot 3	7.2%	340'
CFS 7	8"	Lot 3	8.6%	134'
CFS 8	18"	Lot 2	50%	10'
CFS 9	5"	Lot 2	2.4%	109'
CFS 10	5"	Lot 2	7.4%	102'
CFS 11	8"	Lutz Property	5.3%	170'
CFS 12	5"	ROW 1	8.3%	84'
CFS 13	5"	ROW 1	12.7%	55'
CFS 14	18"	Lot 2	10.4%	198'

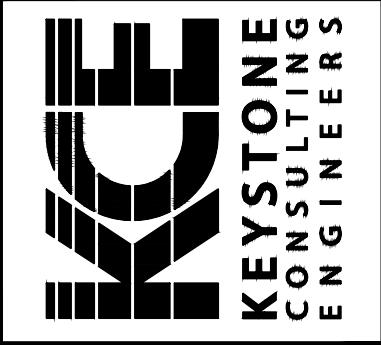


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**EROSION AND SEDIMENTATION PLAN**

**RUHE MINOR SUBDIVISION**  
**PRELIMINARY/FINAL PLAN**  
2442 HUCKLEBERRY ROAD  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

DESIGNED BY:	REVISIONS
MSN	BY DATE
MFC/ARF	EAH 06/16/2021
March 05, 2021	EAH 12/16/2021
1" = 30'	IMK 09/20/2023
CW-20-128	IMK 11/17/2023
18 OF 23	







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  
Ruhe Major Subdivision #2013-201  
Preliminary/Final Plan Review

DATE: December 14, 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. Christopher A. Taylor, PG  
Senior Geologist  
Hanover Engineering Associates, Inc.

Mr. Alan R. Fornwalt, P.E., MBA&E  
Keystone Consulting Engineers, Inc.

Mr. Robert H. Ruhe via Sandra Ruhe

(all via e-mail)

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

REPORT:

South Whitehall Township Ordinances:

Zoning Ordinance (ZO)

Subdivision and Land Development Regulations (SALDR)

Stormwater Management Plan (SMP)

See attached list for documents reviewed.

Proposal:

R-4 – Medium Density Residential;

4.5± acre tract to be subdivided into 4 lots;

Existing dwelling and barn to remain on Lot 1;

Proposed cul-de-sac to replace the existing shared driveway;

0.35± acre lot (Lutz property) to remain with access to proposed cul-de-sac;

Five stormwater management seepage beds proposed;

Public Water;

On-lot Sewer.

Waivers / Variances Granted:

None to date.

Recommendation:

Engineering approval is not recommended at this time.

mjg/laf

Enclosures

## THE PIDCOCK COMPANY

South Whitehall Township  
Ruhe Major Subdivision #2013-201  
Preliminary/Final Plan Review

December 14, 2023

## REVIEW COMMENTS

**A. Planning**

1. In a previously submitted letter revised September 21, 2023, and as noted on the plan the Applicant has requested waivers/deferrals from the requirements of the following sections of the SALDR:

Private Street

- a. SALDR §11-32(b)(1) – Waiver from the requirement of providing curb along all public and private streets. The Applicant requests a waiver from providing curb along the shared private driveway. Curb is proposed along the western radius of the shared private driveway and along the western frontage of the property along Huckleberry Road;
- b. SALDR §11-32(c)(1)(A) – Waiver from the requirement of providing sidewalks within a subdivision. Installation of sidewalk along the proposed private cul-de-sac is requested due to low traffic volumes;
- c. SALDR §11-32(a)(2)(C) – Waiver from the requirement of a cul-de-sac having a right-of-way (ROW) radius of 52 feet (42-foot radius access easement proposed) and a 40-foot roadway radius (30-foot roadway radius proposed);
- d. SALDR §11-33(c)(1) – Waiver from the requirement of the private street ROW being 36 feet. A waiver should also be requested from a 60-foot ROW width required by this section, as a variable width Access Easement with maximum 58-foot width is proposed;
- e. SALDR §11-33(d)(1)(A) – Waiver from the requirement that grading of the ROW outside of the cartway be a maximum slope of 3/8" vertical per 1 foot horizontal. A proposed grade of 1 foot vertical to 3 feet horizontal (33%) is proposed due to the existing structure;
- f. SALDR §11-32(a)(3)(E)(ii) – Waiver from the requirement of centerlines of intersecting streets being a minimum offset of 400 feet. The private street is proposed in the same location as the existing shared private driveway, which is 350± feet from Joseph Circle;



### Huckleberry Road

- g. SALDR §11-33(b)(1) – Waiver from the requirement to widen Huckleberry Road to 40 feet (across the frontage of Lots 3 and 4). No widening, curb, or sidewalk is proposed along eastern frontage;
- h. SALDR §11-33(b)(1) – Waiver from the requirement to widen Huckleberry Road to 40 feet (across the frontage of Lots 1 and 2). A 20-foot half-width is currently proposed with a 4-foot taper to the private street;
- i. SALDR §11-32(b)(1) – Waiver from the requirement of providing 5 foot sidewalks one foot inside the right-of-way (frontage of Lots 1 and 2). The proposed sidewalk is 4 feet wide and located 7 to 8 feet inside the ROW line. We note the correct reference section should be SALDR §11-32(c)(1)(a) and should be corrected on the Plans;
- j. SALDR §11-33(d)(1)(A) – Waiver from the requirement that grading of the ROW outside of cartway be a maximum slope of 3/8” vertical per 1 foot horizontal. A proposed grade of 1 foot vertical to 4 feet horizontal (25%) is proposed due to the existing structure;
- k. SALDR §11-32(b)(1) – Deferral from the requirement of providing sidewalk along the frontage of Lots 3 and 4. A deferral is requested due to inability to connect to a sidewalk or other sidewalk facilities. We note the correct reference section should be SALDR §11-32(c)(1)(a) and should be corrected on the Plans; and
  - 1. SALDR §11-32(b)(1) – Deferral from the requirement of providing curb along all public and private streets. The Applicant requests a deferral from providing curb along the frontage of Lots 3 and 4.

In the event waivers/deferrals are granted, revise the Plan Notes to identify the dates of approval.

- 2. As this Plan relies on the modification of an existing driveway on the adjacent Lutz property and to create a private street for this development, the inclusion of the Lutz property as part of this Application should be determined by the Township and the Township Solicitor. The Township Solicitor may wish to comment on the Access Easement and Maintenance Declaration, Cross-access Easement Agreement, and Temporary Construction Easement. Any comments should be addressed to their satisfaction. Finally, any required frontage improvements (Huckleberry Road) along the Lutz property should be identified on the Plan.

### **B. General**

- 1. The majority of the infrastructure improvements to serve the four lots are proposed to be privately owned and maintained. This includes a 200±-foot cul-de-sac and considerable private stormwater seepage bed (infiltration trench) areas including discharge systems. The Design Engineer indicates that all operations and maintenance of proposed structures, stormwater management, piping, and BMP facilities are to be owned and maintained by the lot on which they are located except for Seepage Bed C located on Lot 4 which is to be owned and maintained by Lot 3.

Accordingly, the Ownership and Maintenance responsibilities should be clearly identified on the Plans;

2. Address Sewage Planning Act 537 Planning. The design of the on-lot sewage disposal systems is subject to review by the Township Sewage Enforcement Officer (SEO), SALDR §11.36(a)(2). The Design Engineer indicates that the on-lot sewer system design will be submitted for approval;
3. The plans have been revised to show milling of the half width of Huckleberry Road along the property frontage. Provide a detail showing the milling and overlay pavement thicknesses. We defer to the Department of Public Works (DPW) as it relates to whether any additional pavement reconstruction is necessary on Huckleberry Road. Any comments should be addressed to the satisfaction of the DPW;
4. Grading is shown on the adjacent property to the west. In addition to the “Match Sidewalk and Grading” Note (Sheet 9) obtain and show necessary construction easements. We note that the design will lower the edge of the road approximately 2.5 feet and should be designed in a manner that will not rely on construction of the adjoining development;
5. The deferred sidewalk requested along the Lot 3 and 4 frontage should be shown across the entirety of the lots or the waiver/deferral letter should be updated. The Design Engineer indicates that the plan will be updated once the Township decides on waivers/deferrals with the Applicant;
6. We note the following survey related comments:
  - a. Check the scale of the Existing Features (Expanded View, 60 Scale) Plan (Sheet 3). The plan does not appear to be drawn to scale;
  - b. Check the scale of Stormwater Easement – Exhibit ‘D’ as the graphic and written scales are not consistent;
  - c. Sign and seal each legal description;
  - d. Update the bearings and distances to be consistent between the Legal Descriptions and associated Exhibits (e.g., Ruhe Access Easement, Lutz Property Access Easement, etc.);
  - e. Check the reference to 95.98’ contained in the third paragraph of the Lutz Property Access Easement Description; and
  - f. Provide legal descriptions for proposed Huckleberry Road right-of-way areas to be dedicated to the Township (e.g., ROW1, ROW2).

### **C. Stormwater Management**

1. A revised stormwater management report was not submitted with this submission. Therefore the following comments from the previous review memo (listed below) are still applicable:
  - a. The Design Engineer indicates that Inlet B-1 has been sumped. Provide substantiating calculations documenting that all intended runoff will be

conveyed to Inlet B-1 and will not bypass this storm sewerage system. We previously noted the proposed channel provides limited depth to convey the calculated flow to Inlet B-1 and will not convey the intended flow to Underground Seepage Bed B. Additionally, as previously noted the Township has concerns with roadway or curb maintenance in this location. Another location for this Inlet should be considered. Any comments from the DPW should be addressed to their satisfaction;

- b. Inverts, slopes, pipe sizes, and pipe lengths matching between the plan view, profiles, details, and report should be confirmed;
- c. Verify the Underground Seepage Bed C calculations in the Report as there are two separate calculations provided; and
- d. An Operations and Maintenance Agreement should be executed for the proposed stormwater BMPs, SMP §296-32.

#### **D. Policy and Information**

1. The Applicant should coordinate with the Township regarding any required open space or fees necessary SALDR §11.34(e)(4)(G)(iii);
2. We defer to the Solicitor regarding authorized parties and declarations between property ownership and agreements;
3. We recommend the following Street Addresses:

<u>Lot Number</u>	<u>Address</u>
Lot 1	2442 Huckleberry Road (existing address)
Lot 2	2448 Huckleberry Road
Lot 3	2440 Huckleberry Road
Lot 4	2432 Huckleberry Road

4. Once obtained, copies of all required permits, reviews, and approvals should be provided to the Township and our office. Expand General Note 3 (Sheet 1) to reflect the status of each permit/review/approval (e.g., received \_\_\_\_\_date, pending, under review, etc.);
5. We have not reviewed and defer to the Township Fire Marshal and emergency response personnel regarding the acceptability of emergency access and fire protection requirements;
6. Any concerns of the Landscape and Shade Tree Commission should be addressed;
7. Provide copies of any proposed deed restrictions and protective and restrictive covenants (e.g., the Stormwater Easement on Lot 4 for the benefit of Lot 3, etc.), SALDR §11.15(b)(28);

8. We defer to the Township Geotechnical Consultant to review all geotechnical aspects of the design;
9. Matters pertaining to the design of the water distribution and on-lot sewerage systems should be directed to the DPW and the SEO. We have not reviewed these designs;
10. As required in SMP §13.19(d), §13.30, §13.31, §13.32, and §13.33, applicable BMP Operations and Maintenance Plans, notes, agreements, and easements should be provided; and
11. All required agreements shall be provided, and all Statements and Certifications shall be signed and sealed/notarized as applicable, SALDR §11.16(b)(2) and §11.16(b)(3). We note the following as it relates to the Certifications/Acknowledgements:
  - a. Remove the Township Waiver Acknowledgement as it is not necessary;
  - b. Revise the Owner's Certifications to be in accordance with the Applicant's Statement per SALDO §312-14(b)(2). Also, provide an Applicant's Statement for the Lutz's to execute;
  - c. Confirm the necessity for the Adjacent Owner's Statement with the Township Solicitor; and
  - d. Remove the Board of Commissioners' and Planning Commission and signature blocks from PCSM Plans (as applicable). Also, the PCSM Plan should include a statement signed by the landowner acknowledging that stormwater BMPs are fixtures that cannot be altered or removed without approval by the municipality, SMP §13.19(d).

The comments noted above are the result of our engineering review covering the scope provided in the opening report. We have not reviewed items associated with legal, water/sanitary sewer systems, geotechnical, lighting, environmental, building code, public safety, and other non-engineering issues, which should be reviewed by the appropriate Township Staff and Consultants.



South Whitehall Township  
Ruhe Major Subdivision #2013-201  
Preliminary/Final Plan Review

List of Plans and Supplemental Information  
Prepared by Keystone Consulting Engineers, Inc. and  
dated or revised November 17, 2023, except as noted

1. Title Sheet, Sheet 1 of 23;
2. Existing Features and Demolition Plan, Sheet 2 of 23 (cursory review only);
3. Existing Features (Expanded View, 60 Scale), Sheet 3 of 23 (cursory review only);
4. Subdivision Plan, Sheet 4 of 23;
5. Easement Plan, Sheet 5 of 23;
6. Record Plan, Sheet 6 of 23;
7. Fire Truck Turn Plan, Sheet 7 of 23;
8. Garbage Truck Turn Plan, Sheet 8 of 23;
9. Grading & Drainage Plan, Sheet 9 of 23;
10. Utility Plan, Sheet 10 of 23;
11. Landscape Plan, Sheet 11 of 23 (cursory review only);
12. Shared Private Driveway & Driveway Profiles, Sheet 12 of 23;
13. Stormwater Plan and Profile, Sheet 13 of 23;
14. Water System Plan and Profile, Sheet 14 of 23 (cursory review only);
15. Construction Details, Sheet 15 of 23;
16. Utility Details, Sheet 16 of 23;
17. Stormwater Details, Sheet 17 of 23;
18. Erosion and Sedimentation Plan, Sheet 18 of 23 (cursory review only);
19. Erosion and Sedimentation Details, Sheet 19 of 23 (cursory review only);
20. Erosion and Sedimentation Details 2, Sheet 20 of 23 (cursory review only);
21. Post Construction Stormwater Management Plan, Sheet 21 of 23;
22. Post Construction Stormwater Management Details, Sheet 22 of 23;
23. Post Construction Stormwater Management Details 2, Sheet 23 of 23;
24. Comment response letters (Municipal Engineer, Community Development, Spotts, Stevens, and McCoy, Hanover Engineering, Public Works, Landscape and Shade Tree Commission);

25. Legal Description – Stormwater Easement, last revised November 8, 2023;
26. Legal Description – Water Line Easement, last revised November 8, 2023;
27. Draft Cross-Access Easement Agreement;
28. Draft Access Easement and Maintenance Declaration; and
29. Draft Temporary Construction Easement.

The following information was submitted in support of the Application.

1. LVPC review letter dated October 19, 2023.



December 14, 2023

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

Re: Robert Ruhe  
Land Development #2013-201  
Review of Preliminary/Final Plan  
SSM File 103400.0036

Dear Mr. Adams:

This correspondence is provided as a review of the Preliminary/Final Land Development Plan submitted for the above referenced project revised on 11/17/2023. We have the following comments regarding the water and sanitary sewer utilities:

General Comments:

1. **Title Sheet: Sheet 1 of 23 General Notes:**

- A. Note #4 states on lot sewage disposal systems to be removed/abandoned. Clearly Label new Septic areas for existing and proposed buildings and confirm that the areas are suitable for on-lot septic.
- B. Note # 15 statement does not reflect the South Whitehall Township Standard Construction Documents. Please update to new standards adopted June, 2023.  
**Must verify the following:**
- C. Adequate water supply for all dwellings and fire hydrant flow located above 450' elevation.
- D. Must verify adequate chlorine residual at end of 6" waterline. [DEP 109.301 standard - As a minimum, a detectable residual disinfectant concentration of 0.20 mg/L measured as total **chlorine**]
- E. Subsurface Utility Engineering (SUE) is required at the connection point station 3+43 [Existing 12" gate valve] to confirm if valve is rodded to water main.

Water Comments:

1. **Utility Plan: Sheet 10 of 23:**

- A. Install 2" waterline blow-off at Station 0+10 [SWT Standard SWT-W-4]
  - B. Relocate private fire hydrant valve to street public water main area. [Must use a 6" hydrant tee and valve]
  - C. Curb Valves should be located 2'6" off of Cartway.
- Water Line Easement Legal Description and Exhibit: Revised 11-08-2023**
- D. Exhibit page 2: Sample Station Assembly is shown in wrong locate. [Show in correct location in waterline easement area.]

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

Sincerely,

Spotts, Stevens and McCoy

Jason M. Newhard, CCM, LO  
Manager, Construction Management  
Environmental Engineering  
[jason.newhard@ssmgroup.com](mailto:jason.newhard@ssmgroup.com)



# HanoverEngineering

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

December 4, 2023

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

RE: Geotechnical Review of Provided Documents  
 Ruhe Subdivision  
 Major Subdivision #2013-201  
 South Whitehall Township, Lehigh County,  
 Pennsylvania  
 Hanover Project SWT20-11(003)

Dear Mr. Adams:

Hanover Engineering (Hanover) has reviewed the information received at our office on November 21, 2023 via electronic submission. Reviewed documents pertaining to the geotechnical aspects of the proposed project at the above-referenced site consisted of the following:

1. Response letter referenced as "Ruhe Subdivision (Minor Subdivision)", prepared by Keystone Consulting Engineers, Inc. (KCE), dated November 17, 2023.
2. Engineering plan set entitled "Ruhe Minor Subdivision Preliminary/Final Plan", Sheets 1 of 23 through 23 of 23 inclusive, prepared by KCE, dated March 5, 2021, last revised November 17, 2023.

Based on our review, it is our understanding that the subject property currently exists as a 4.59-acre single tax parcel containing existing improvements, including a single-family residence, barn, gravel driveway, and concrete sidewalk. The residence is currently served by an individual well and onlot sewage disposal system. We further understand that the property is now proposed to be subdivided into a total of four (4) lots. Lots 2, 3, and 4 are proposed to serve new single family residential structures. Lot 1 is proposed to contain the existing residence and barn. All lots are proposed to be served by a paved private driveway, public water, and individual onlot sewer (septic systems).

We offer the following review of remaining outstanding comments issued in our letters of April 1, 2020, April 7, 2021, July 27, 2021, January 14, 2022, and October 5, 2023 repeated below in italics, and any new comments generated by this submission:

*A. Subdivision and Land Development Ordinance*

No outstanding comments in this section.

*B. Stormwater Management Ordinance:*

1. *Section 296-12.H: For each proposed regulated activity in the watershed where an applicant intends to use infiltration BMP's, the applicant shall conduct a preliminary site investigation.*

*Prior Comment b: The report indicates that the single standpipe permeameter test was utilized. The Ordinance stipulates the use of percolation tests. The consultant shall acknowledge this and provide a justification for the test method used.*



*This comment has not been addressed.*

*This comment has not been addressed. The testing method now reported is Double-Ring Infiltrometer. The requested justification has not been provided.*

This portion of the comment has been adequately addressed.

*Prior Comment 5: Section 296-12.J.(2): For infiltration areas that appear feasible based on the preliminary site investigation, the additional site investigation and testing as outlined in Appendix G shall be completed.*

*Additional testing shall be conducted at the exact location and depth of each proposed infiltration facility in order to satisfy the requirements of this section. The number and type of tests shall be in accordance with the density table in Appendix G. This office shall be notified of the soil testing in order to observe the testing per Paragraph H. All items listed under Required Data and Site Information shall be provided in the report of this investigation.*

*This comment has not been addressed.*

*This comment has been partially addressed. New testing has been conducted and reported. The consultant shall provide his opinion of the adequacy of the density and depths of the testing provided to adequately characterize the subsurface conditions at each facility location and to satisfy the requirements of this section.*

*This comment is not fully addressed. The consultant shall provide an evaluation of the test density provided versus the requirements of the density table in Appendix G. It is noted that this office was not notified of the test schedule.*

This portion of the comment has been adequately addressed.

#### C. General

*Prior Comment 5: It has been documented that the adjoining property to the southwest is owned by the City of Allentown and contains a "quarry/reservoir". It appears that this property may be used for public water supply. The City of Allentown shall be made aware of this project and given an opportunity to provide comments relative to the potential impact of the project on their operations at this property.*

*This comment has not been addressed.*

*This comment has not been addressed. The response letter states that the City of Allentown will be sent a plan shortly to inform them of the proposed development. The response from the City of Allentown shall be documented.*

*This comment has not been addressed.*

This comment has been adequately addressed.

#### D. New Comments (April 7, 2021)

*Prior Comment 4: This comment has not been adequately addressed. The response letter states that each underground seepage bed will be underlain by eighteen inches (18") of engineered soil with an assumed infiltration rate. The proposed engineered soil thickness is not provided on the detail and the installation is not addressed in the construction sequence or in the table on Plan Sheet 20. The proposed permeability rates*

*cited in the detail do not match the rate assumed in the response letter. The detail notes do not reference the post construction infiltration testing specified in the stormwater report and referenced in the response letter.*

*This comment has not been adequately addressed. The consultant shall clarify how the infiltration bed bottom elevation correlates with the top and bottom elevations of the engineered fill. The cross-section detail shows "bottom of bed" as being the bottom of the engineered fill layer, but this doesn't agree with the pipe invert elevations. Provide a thickness dimension on the cross-section detail for all layers and provide elevations for the bottom and top of the engineered fill.*

This comment has been adequately addressed.

E. *New Comments (July 27, 2021)*

No outstanding comments from this section.

F. *New Comments (January 14, 2022)*

1. *For Seepage Bed C, the report states that the distribution pipe will be twelve inches (12") in diameter while the data table states fifteen inches (15").*

This comment has been adequately addressed.

2. *For Seepage Bed D, the report states that the distribution pipe will be fifteen inches (15") in diameter while the data table states twelve inches (12").*

This comment has been adequately addressed.

3. *For Seepage Bed E, the depth of the seepage bed is omitted.*

This comment has been adequately addressed.

4. *The consultant shall confirm the appropriateness of the proposed loading ratios.*

This comment has been adequately addressed.

5. *On the plan view, the test labeled as 1D (2) in Seepage Bed E should be 1C (2).*

This comment has been adequately addressed.

6. The following issues regarding sewage disposal shall be addressed:

- a. *Soil testing shall be conducted at the locations of the proposed sewage absorption areas. The testing shall be in accordance with Title 25 Chapter 73 of the Pennsylvania Code. The consultant shall coordinate with this office for witnessing of all testing work in our capacity as the Alternate Sewage Enforcement Officers for South Whitehall Township. All soil test results shall be submitted to this office on standard 290A reporting forms.*

This comment has been acknowledged and will be considered adequately addressed when the soil testing is conducted with our office scheduled to witness.

The consultant states in his response letter that "Testing will be conducted in the upcoming month or so and the Township will be contacted to witness the testing".

Mr. Gregg Adams  
Planner

4

December 4, 2023

- b. *All soil testing shall be clearly depicted and labeled on the engineering plans. The locations of the proposed primary and alternate absorption areas shall be shown on the plans correct as to system type, size, orientation, and required grading according to the soil test results.*

This comment has been acknowledged and will be considered adequately addressed when the requested plan information is provided following soil testing.

The consultant states in his response letter that “Testing will be conducted and added to the plan”.

- c. *A Sewage Facilities Planning Module shall be submitted for review by this office and the Department of Environmental Protection.*

This comment has been acknowledged and will be considered adequately addressed upon review and acceptance of the Planning Module document by this office and the Department of Environmental Protection.

The consultant states in his response letter that “Planning Module is being prepared”.

G. *New Comments (October 5, 2023)*

1. *The specifications contained in the Erosion & Sediment Control Narrative, Sequence of BMP Construction, Item 6E, and in plan notes on Sheet 17 appear to indicate the placement of geotextile on the bottom of each infiltration bed subgrade, below the engineered fill. This should be indicated clearly on the infiltration bed cross sections by revising the label to read “Wrap all sides and bottom of basin” or by other notes/ labeling.*

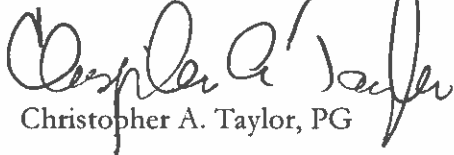
This comment has been adequately addressed.

This submission has not generated any new comments.

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:cat/sas

S:\Projects\Municipal\WhitehallTownship\Swt20-11[003]-RuheMinorSubdivision\_2013-201\Docs\SWT Geotech, Ruhe Subdivision #2013-201 geotech review cmt memo 6.doc

cc: Mr. Dave Manhardt, Director of Community Development (via email)  
Mr. Herb Bender, Public Works Department Superintendent (via email)  
Mr. Anthony Tallarida, PE, The Pidcock Company (via email)  
Mr. Mark Gnall, PE, The Pidcock Company (via email)  
Mr. Robert H Ruhe  
Mr. Alan R. Fornwalt, PE, Keystone Consulting Engineers, Inc.



[cmclean@zatorlaw.com](mailto:cmclean@zatorlaw.com)

February 18, 2014

**AMERICAN HERITAGE BUILDING**  
 4400 Walbert Avenue at Ridgeview Drive  
 Allentown, Pennsylvania 18104  
 P:610.432.1900 F:610.432.1707  
[www.zatorlaw.com](http://www.zatorlaw.com)

**ATTORNEYS AND  
 COUNSELORS AT LAW**

Joseph A. Zator II  
 Andrew D. Hoffman  
 Christopher M. McLean  
 Jennifer R. Alderfer  
 Sarah M. Jolly  
 Trisha M. Majumdar  
 Michael J. Shafer

**TRANSMITTED VIA EMAIL ONLY**

[harbisong@southwhitehall.com](mailto:harbisong@southwhitehall.com)

Gerald Haribson, AICP  
 Manager of Community Development  
 South Whitehall Township  
 4444 Walbert Avenue  
 Allentown, PA 18104-1699

**RE: South Whitehall File #2013-201  
 Ruhe Subdivision – Revised Plan Submission  
 Solicitor’s Commentary**

Dear Jerry:

I have reviewed the above-referenced subdivision plan in order to provide you with commentary relative to two legal aspects of the proposal, as identified in the Pidcock’s February 11, 2014 review letter. My comments are as follows.

- 1. Work Involving Lutzs’ Property** – There are two aspects involved with the Lutzs’ property. First, the plan shows connection to public water and public sewer services. Second, the proposed cul-de-sac is located, in part, on the Lutz property.

As the Pidcock notes, the proposed cul-de-sac must be designed to Township road standards, whether public or private. As a result, work will clearly be needed on the Lutzs’ property. The applicant should provide evidence of its rights to enter the Lutzs’ property to perform work for both the utility instillation and the cul-de-sac. While the plan contains the label of “access easement” for the proposed cul-de-sac, without further detail, this label is insufficient. My recommendation is that a cross easement be provided in recordable form for my office to review. After the easement is approved, it should be recorded immediately after the plan itself and proof of the recording should be provided to the Township. To ensure compliance with this requirement, I would suggest a condition be added to the resolution of approval (when the plan is ultimately presented to the Board) noting that no building permit may be pulled for any lot until the easement is recorded and proof thereof is provided to the Township.

Though purely a private issue, the easement document should include maintenance obligations, snowplowing obligations, etc., for the cul-de-sac to avoid future conflicts in



addition to simply outlining the easement rights provided.

Given the work that will be undertaken on the Lutzs' property, it is my recommendation that Mr. & Mrs. Lutzs' sign the plan itself, as well as the acceptance of conditions form to the resolution. By doing so, they will have affirmatively acknowledged all of the aspects of the plan involving their property.

- 2. **Utility Installation – Roosevelt Street** – The applicant is proposing to extend the water and sanitary sewer lines through the unopened portion of Roosevelt Street which is bounded by the lands n/f Steven A. & L. Thompson Streck and Leroy A. and Sally A. Martin. As it appears that Roosevelt Street was originally laid out in 1925, the applicant must provide evidence of its authority to install the utilities within the unopened portion of Roosevelt Street and dedicate the necessary utility easements to the Township and/or Authority, as applicable. If acceptable evidence of the applicant's rights cannot be provided, alternate arrangements will be required for these utilities.

Should you have any questions prior to Thursday's Planning Commission meeting, please feel free to contact me. Thank you.

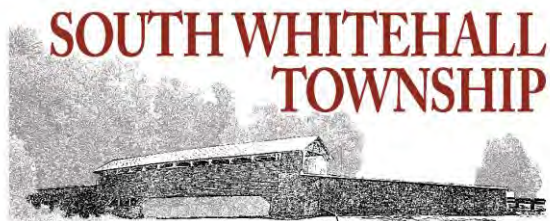
Very truly yours,

  
Christopher M. McLean

CMM:rmc

- cc: Jon Hammer (via email [hammerj@southwhitehall.com](mailto:hammerj@southwhitehall.com))
- Howard Kutzler AICP (via email [kutzlerh@southwhitehall.com](mailto:kutzlerh@southwhitehall.com))
- J. Scott Pidcock, P.E., R.A. (via email [spidcock@pidcockcompany.com](mailto:spidcock@pidcockcompany.com))
- John R. Russek, Jr. P.E. (via email [rrussek@pidcockcompany.com](mailto:rrussek@pidcockcompany.com))
- Robert Ibach, Jr. (via email [ibachr@southwhitehall.com](mailto:ibachr@southwhitehall.com))
- Gregg Adams (via email [adamsg@southwhitehall.com](mailto:adamsg@southwhitehall.com))
- Tony Ganguzza, P.E. (via email [ganguzzat@southwhitehall.com](mailto:ganguzzat@southwhitehall.com))
- Joseph A. Gruver, PLS (via email [joe.gruver@bencivil.com](mailto:joe.gruver@bencivil.com))
- Robert H. Ruhe (via First Class Mail) - 1558 North Muhlenberg St.  
Allentown, PA 18104





## INTEROFFICE MEMORANDUM

---

**TO: DAVE MANHARDT, DIRECTOR OF COMMUNITY DEVELOPMENT**

**FROM: HERB BENDER, PUBLIC WORKS MANAGER**

**DATE: NOVEMBER 29, 2023**

**SUBJECT: Ruhe Subdivision Minor plan 2013-201**

---

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

1. Please confirm the flow at the hydrant meets standards
2. All standards need to be SWT
3. All storm need to be private
4. A will serve letter is required to calculate tapping and Allocation fees

# SOUTH WHITEHALL TOWNSHIP

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

December 14, 2023

Mr. Robert H. Ruhe  
1558 North Muhlenberg Street  
Allentown, PA 18104

**RE: ROBERT RUHE  
MINOR SUBDIVISION #2013-201  
REQUEST FOR MAJOR PLAN REVIEW**

Dear Mr. Ruhe:

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

**Zoning**

The October 26, 2023 Zoning Officer’s review is as follows:

- This project is being reviewed under the June 1, 2013 Zoning Ordinance.
- There are no comments on this plan.

**Fire Marshal/Public Safety Commission**

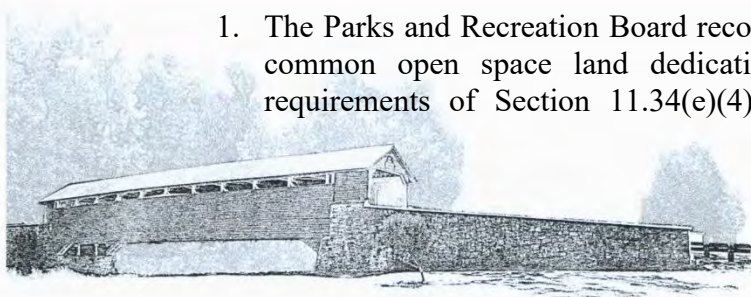
1. The November 27, 2023 Fire Marshal’s review had no comments.
2. The Public Safety Commission reviewed the plan at their October 2, 2023 meeting. They made no recommendations to the plan.

**Landscape and Shade Tree Commission**

1. The comments of the October 12, 2023 Landscape and Shade Tree Commission review have been addressed.

**Open Space and Recreation**

1. The Parks and Recreation Board recommended that the developer pay fees in lieu of common open space land dedication to meet the open space and recreation requirements of Section 11.34(e)(4) of the Subdivision and Land Development





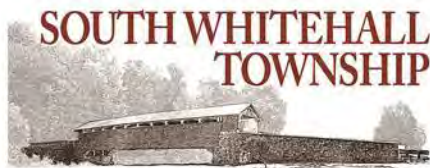
Ordinance. For residential developments, the amount of fees to be paid in lieu of common open space land dedication in residential subdivision or land development shall be \$2,500.00 per dwelling unit, based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the plan is approved. As the maximum number of new dwelling units that would be permitted is 3, the fee to be charged is \$7,500.00 (3 x \$2,500.00).

### **Water & Sewer**

1. The applicant is to request allocations for water and sewer from the South Whitehall Township Board of Commissioners. Please be aware that the Board of Commissioners now charges both allocation fees and tapping (connection) fees. The applicant must address all water and sewer service issues, and obtain all approvals deemed necessary by the South Whitehall Township Board of Commissioners. You are advised to contact the Township Water and Sewer Manager, as soon as practicable, to learn of, or confirm any or all of:
  - a. The amount of any water *allocation fees*. The application is available on the Township website. The fee for the allocation(s) will be due with the submission of the application;
  - b. The amount of any water *connection fees*. The fees are due at or before the building permit is to be issued. Application is also available on the Township website;
2. The applicant is to contact the PA Department of Environmental Protection to determine what Sewage Facility Planning requirements are to be met for this development.
3. All fire flows for minor subdivisions shall be determined by the Board of Commissioners based on a recommendation by the Public Safety Commission, in accordance with Section 11.35(b) of the Subdivision and Land Development Ordinance.

### **Legal and Policy**

1. Township policy with regard to the deferral of sidewalk and curbing has changed and deferrals shall no longer be granted. The applicant should be prepared to discuss compliance with SALDO Section 11.32(c)(2)(A).



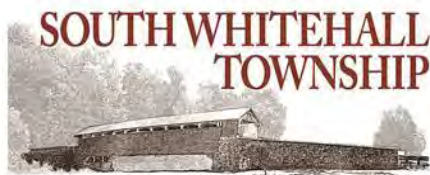
2. The Township Solicitor and Township Engineer may want to comment upon the legal requirements of the MS4 program with regard to any private stormwater management facilities.
3. Signature Blocks and Certifications to appear on each plan sheet to be recorded.

### **Plan Recording Requirements**

1. Signature Blocks and Certifications to appear on each plan sheet to be recorded.
2. The size of the plan sheet shall be noted on the upper left-hand corner of every plan sheet to be recorded.
3. Wherever a Parcel ID is shown on a plan sheet to be recorded, it shall include the appropriate parnum suffix, such as 547677593477-1 or 547687003997-59.
4. Wherever an Owner's signature is required, the Signature shall be accompanied by a Printed Name and Title (Owner or Title within the owning organization), and an area for a Notary stamp. If there are multiple owners, there shall be signature blocks and areas for Notary stamps for each and every owner's name. The name of the owner (individual and/or organization) in the signature block shall match the name listed elsewhere on the plan.
5. On the cover sheet or (if no cover sheet is present) the site plan sheet, include a table listing all of the properties involved in the project, including PIN and Parnum. This information may be included with an existing table or a new table may be created.
6. The review date of the Planning Commission and the review date and Resolution number of the Board of Commissioners shall be placed into the appropriate Board endorsement notes on the appropriate plan sheet to be recorded. Dates and Resolution number may be obtained from South Whitehall Township.

### **Waiver and Deferral Commentary**

1. Waiver of SALDO Section 11.32(b)(1) Curbing along Cul-de-sac - Staff defers to the Public Safety Commission with regard to the cul-de-sac standards waiver request.
2. Waiver of SALDO Section 11.32(c)(1)(A) Sidewalk along Cul-de-sac - Staff defers to the Public Safety Commission with regard to the cul-de-sac standards waiver request.
3. Waiver of SALDO Section 11.32(a)(2)(C) Cul-de-sac dimensions - Staff defers to the Public Safety Commission with regard to the cul-de-sac standards waiver request.

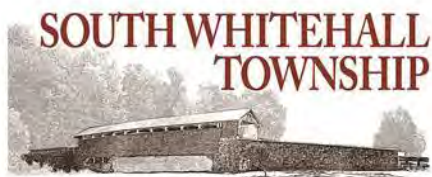


4. Waiver of SALDO Section 11.33(c)(1) Private Street Width for Cul-de-sac - Staff defers to the Public Safety Commission with regard to the cul-de-sac standards waiver request.
5. Waiver of SALDO Section 11.33(d)(1)(A) Shoulder Grading along Cul-de-sac - Staff defers to the Public Safety Commission with regard to the cul-de-sac standards waiver request.
6. Waiver of SALDO Section 11.32(a)(3)(E)(ii) Offset of Intersecting Streets - Staff defers to the Township Engineer and Public Safety Commission with regard to the offset of street intersections standards waiver request.
7. Waiver of Section 11.33(b)(1) Cartway Width Requirements Huckleberry Road Lots 3 and 4 - As the frontage is east of the driveway, staff has no objections to a deferral of the improvements, in part or in total, if supported by the Township Engineer.
8. Waiver of Section 11.33(b)(1) Cartway Width Requirements Huckleberry Road Lots 1 and 2 – With the road widening of Huckleberry Road being proposed by the Ridge Farm subdivision on the adjoining tract to the west, staff opines that it would be reasonable to require the right-of-way improvements along the frontage of the subject tract.
9. Waiver of SALDO Section 11.32(b)(1) Sidewalks along Huckleberry Road Lots 1 and 2 - With the road widening of Huckleberry Road being proposed by the Ridge Farm subdivision on the adjoining tract to the west, staff opines that it would be reasonable to require the right-of-way improvements along the frontage of the subject tract. Staff may consider a deferral of the location only to address geometry along the right-of-way if a deviation from the Township standards for the sidewalk is preferred by Planning Commission.
10. Waiver from SALDO Section 11.33(d)(1)(A) Shoulder Grading of Huckleberry Road – Staff defers to the Township Engineer.
11. Deferral of SALDO Section 11.32(b)(1) Sidewalks along Huckleberry Road Lots 3 and 4 - As the frontage is east of the driveway, staff has no objections to a deferral of the improvements, in part or in total, if supported by the Township Engineer.
12. Deferral of SALDO Section 11.32(b)(1) Curbs along Huckleberry Road Lots 3 and 4 – Staff defers to the Township Engineer.

### **Official Map & Comprehensive Plan**

1. The Official Map shows the subject parcel underlain with karst geology.





2. The Comprehensive Plan envisions the tract within a Neighborhood Residential Land Use Type. The goal of Neighborhood Residential is to:
- Encourage housing types to address the needs of all income levels
  - Support opportunities for local-serving small business development where appropriate
  - Evaluate pedestrian safety and connectivity
  - Encourage walkability within neighborhoods and to other land use types
  - Consider traffic calming and congestion relief where possible
  - And utilize streetscaping, facades, and beautification techniques to create sense of place and preserve community character.
  - Neighborhood Residential Land Use supports Open Space, Agriculture, Conservation Subdivision, Small Lot Residential, Multi-Family Residential, Neighborhood Center and Mixed-Residential place types.

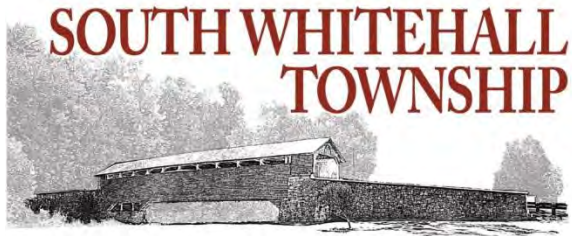
Your plan is scheduled to be reviewed by the Planning Commission on Thursday, December 21, 2023 at 7:30 p.m. in the Public Meeting Room of the Township Municipal Building located at 4444 Walbert Avenue, Allentown. The meeting will be also be livestreamed via GoToMeeting. To access the meeting though your computer, go to <https://global.gotomeeting.com/join/757430189>. To access the meeting through your phone, dial 1-224-501-3412 and, when prompted, enter 757 430 189 to join the meeting.

If you have any questions, please call.

Sincerely,

**Gregg R. Adams**  
**Planner, Community Development Department**

cc: T. Petrucci      H. Bender      D. Manhardt      L. Harrier      S. Pidcock      A. Tallarida  
 J. Zator, Esq.      J. Alderfer, Esq.      A. Fornwalt, KCE      Sub. File #2013-201



## MEMORANDUM

---

**TO:** Planning Commission  
**FROM:** Laura Harrier, Zoning Officer  
**DATE:** October 26, 2023  
**SUBJECT:** Ruhe Subdivision  
Major Subdivision #2013-201  
Plan Dated September 20, 2023  
**COPIES:** D. Manhardt, G. Adams, J. Alderfer, S. Pidcock, Applicant

---

This project is being reviewed under the June 1, 2013 Zoning Ordinance.

There are no comments on this plan.

Laura Harrier, Zoning Officer  
Community Development

**Gregg R. Adams**

---

**From:** John G. Frantz  
**Sent:** Monday, November 27, 2023 7:04 AM  
**To:** Gregg R. Adams  
**Subject:** Rhue Subdivision - 2013-201

Gregg,

I have no comments to the plan.

**John G. Frantz, CFEI, BCO**

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



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**Gregg R. Adams**

---

**From:** John G. Frantz  
**Sent:** Tuesday, October 3, 2023 11:03 AM  
**To:** Gregg R. Adams  
**Subject:** Ruhe Subdivision 2013-201

Gregg,

The PSC had no recommendations to the plan.

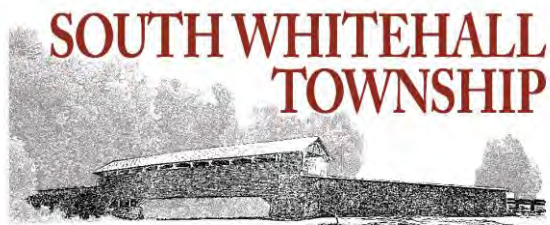
**John G. Frantz, CFEI, BCO**

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

**TO:** Planning Commission  
**FROM:** Gregg Adams, Planner  
**DATE:** October 12, 2023  
**SUBJECT:** Landscaping Plan Review  
 Robert Ruhe  
 Minor Plan 2013-201  
 Plan dated September 20, 2023  
  
**COPIES:** Landscape and Shade Tree Commission, D. Manhardt, J. Alderfer,  
 S. Pidcock, Applicant

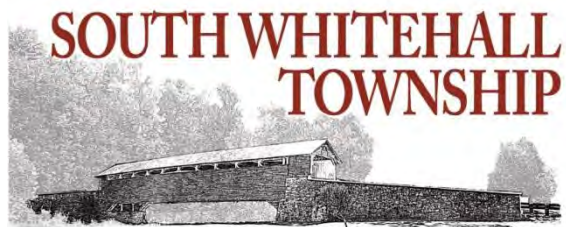
At their September 25, 2023 meeting, the Landscape and Shade Tree Commission reviewed the above-mentioned plan and recommended the following:

The Commission recommended that the applicant verify the current Township Clear Sight Triangle requirements and that the Red Maples be replaced with a species resistant to Verticillium Wilt.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregg Adams", written over a horizontal line.

**Gregg Adams, Planner**  
**Community Development Department**



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Gregg Adams, Planner  
**DATE:** May 12, 2020  
**SUBJECT:** Subdivision Plan Review  
 Ruhe Subdivision  
 Minor Plan 2013-201  
 Plan Dated March 21, 2015 (last revised March 19, 2020)

**COPIES:** Parks and Recreation Board, R. Bickel, R. Cope, M. Kukitz, G. Kinney,  
 J. Alderfer, S. Pidcock, Applicant

At their May 11, 2020 meeting, the Parks and Recreation Board recommended that the developer pay fees in lieu of common open space land dedication to meet the open space and recreation requirements of Section 11.34(e)(4)(G) of the Subdivision and Land Development Ordinance (effective date December 15, 2010). For residential developments, the amount of fees to be paid in lieu of common open space land dedication shall be \$2,500.00 per dwelling unit, based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the plan is approved. As the maximum number of new dwelling units that would be permitted is 3, the fee to be charged is \$7,500.00 (3 x \$2,500.00).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregg Adams", with a long horizontal flourish extending to the right.

Gregg Adams, Planner  
 Community Development Department



# Lehigh Valley Planning Commission

STEVEN GLICKMAN  
Chair

CHRISTOPHER AMATO  
Vice Chair

KEVIN SCHMIDT  
Treasurer

BECKY A. BRADLEY, AICP  
Executive Director

October 19, 2023

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

**Re: 2442 Huckleberry Road – Land Development  
South Whitehall Township  
Lehigh County**

Dear Mr. Adams:

The subject application proposes a subdivision of a parcel to create four lots, one lot will have an existing single-family home, the remaining three lots will have three single-family homes with on-lot sewage and public water at 2442 Huckleberry Road (PIN 548777128174).

**Natural Resource Conservation Priority Area**

Medium Conservation Priority areas should also be used to prioritize conservation efforts. This parcel has natural resource conservation priority areas of medium priority which are woodlands. These are also part of a Natural Heritage Inventory Supporting Landscape. The LVPC recommend that these existing woodlands be preserved in the development process supporting ‘preserving natural resources in the land development process” (of Policy 3.1).

**Flag lots**

The LVPC discourages flag lots because they can create issues related to access to properties via shared driveways, difficulties with driveway maintenance (particularly in the winter), and potential delays in emergency response times due to difficulties faced by emergency vehicles in finding or accessing a property.

**Garbage Truck Turn Plan**

The LVPC commends the inclusion of a garbage truck turn plan; however, from the plans that the cul-de-sac is proposed appears as a private driveway. If the cul-de-sac is a private driveway, the garbage receptacles will have to be brought down to the end of the private driveway on Huckleberry Road for each property as garbage trucks will not be allowed to drive down the proposed road for liability.



### Stormwater Review

The project site is located within the Jordan Creek watershed. This watershed has a fully implemented Act 167 Stormwater Management Ordinance. Comments relative to our review of the project's stormwater management plan are included as attachment 1.

The LVPC encourages the developer to consider opportunities for incorporating sustainable energy systems that reduce overhead operational costs and 'minimize environmental impacts of development' (Policy 3.1), such as geothermal energy systems, solar panels and greywater reuse for irrigation and plumbing. Incorporating sustainable practices to help to 'reduce climate change impacts' (Policy 3.4)."

Municipalities, when considering subdivision/land developments, should reasonably attempt to be consistent with *FutureLV: The Regional Plan*, as required by the Pennsylvania Municipalities Planning Code (MPC) [Article 1§105, Article III§303, §304 & §306(a), Article VI§603(j)].

The LVPC review does not include an in-depth examination of plans relative to subdivision design standards or ordinance requirements since these items are covered in the municipal review.

Sincerely,



Bambi Griffin Rivera  
Senior Community and Regional Planner



Evan Gardi  
Transportation Planner

cc: Robert H. Ruhe, Applicant;  
Tony Tallarida, Township/Borough Engineer;  
Alan Fornwalt, P.E. – Keystone Consulting Engineers, Project Engineer/Surveyor;  
David Manhardt, Director of Community Development;  
Denjam Khadka, LVPC Senior Civil/Environmental Engineer;  
Steve Neratko, LVPC Chief Community and Regional Planner;  
Geoffrey A. Reese, PE, LVPC Master Planner and Engineer

## ATTACHMENT 1

## Act 167 Drainage Plan Review

October 19, 2023

Re: 2442 Huckleberry Road  
Plans Revised September 20, 2023  
South Whitehall Township  
Lehigh County

The proposed storm drainage concept presented in the plans revised September 20, 2023 and storm drainage calculations revised September 21, 2023 has been reviewed for consistency with the *Jordan Creek Watershed Act 167 Storm Water Management Ordinance*, May 1992. A checklist of the Act 167 review items is attached for your information. As indicated on the checklist, each item of the Drainage Plan has been reviewed for consistency with the Act 167 Ordinance. A brief narrative of the review findings is as follows:

The proposed development is located within drainage districts 134 and 129 of the Jordan Creek Watershed as delineated in the Act 167 Plan. As such, the runoff criteria for district 134 are a 30% Release Rate for the 2-year storm and a 100% Release Rate for the 10-, 25- and 100-year return period storms. The runoff control criterion for district 129 is Provisional No Detention for the 2-, 10-, 25- and 100-year return period storms, meaning that post-development impervious cover may be discharged without detention controls provided that capacity is available to convey increased peak flows. Based on review of the plans and calculations, the following deficiencies are noted. The woods cover acreage within pre-development area 1 and impervious acreage within the post-development drainage area to underground seepage bed E appear underestimated. Storage capacities for seepage beds A through D are overestimated. The post-development drainage area boundaries are not consistent with topographic contours for seepage bed A above the 465-foot contour, the western boundary for seepage bed B across the sidewalk and seepage bed C up the slope of the driveway. The infiltration rates used for the seepage beds should be clarified as the testing completed in 2021 varies significantly from the 2014 testing. Therefore, the Drainage Plan has been found to be inconsistent with the Act 167 requirements.

Note that only those details of the Drainage Plan included on the checklist have been covered by this review. Therefore, notable portions of the Drainage Plan not reviewed include any aspect of the post-construction storm water management plan concerning water quality, the details and design of any proposed water quality BMPs, the Erosion and Sedimentation Control Plan and the details of the runoff collection system (piping). These items are reviewed by the municipal engineer and/or others, as applicable.

Once the outlined issues have been addressed, the revised plans, completed application form and appropriate review fee will need to be resubmitted to our office. Please call if you have any questions regarding these comments.



2442 Huckleberry Road  
South Whitehall Township  
October 19, 2023  
Page 2

Sincerely yours,



Geoffrey A. Reese, PE  
Master Planner and Engineer



Denjam Khadka  
Senior Civil/Environmental Engineer

Attachment

LVPC ACT 167 REVIEW CHECKLIST

Development Name: 2442 Huckleberry Road  
 Municipality: South Whitehall Township  
 Date: October 19, 2023

Watershed: Jordan Creek  
 Reviewer: Denjam Khadka  
 Checked by: Geoffrey A. Reese, PE

Ordinance Reference	Item	Consistency w/Ordinance		Comment
		Yes	No N/A	

301.A-G. General storm water management requirements ..... X / /  
 H. Consideration of volume controls ..... X / /

302.A,B. Applicable Storm Water Management Provisions

Subarea(s)	129	134
Criteria	PND	30%/100% RR

Criteria Key: RR = release rate; PND = provisional no detention

303.A. Design consistency with applicable provisions from 302.A. and B..... / X /  
 B. Mapping of Storm Water Management District Boundaries..... X / /  
 C. Downstream capacity analysis ..... / / X  
 D. Multiple discharge points within a single subarea ..... / X /  
 E,F. Multiple discharge points within multiple subareas ..... / / X  
 G. Documentation of "no harm" downstream ..... / / X  
 H. Regional or subregional detention analysis ..... / / X  
 I. Capacity improvements analysis ..... / / X

304.A. Computation method (rational or soil-cover-complex) ..... X / /  
 B. Verification of detention design by routing ..... / X /  
 Check rational method detention volume vs. TR55 .....  
 C. Minimum detention pond freeboard specifications ..... / / X  
 D. Soil-cover-complex method design rainfall ..... X / /  
 E. Rainfall intensities for rational method ..... / / X  
 F. Curve Numbers for soil-cover-complex method ..... X / /  
 G. Runoff coefficients for the rational method ..... / / X  
 H. Manning equation to calculate watercourse capacity ..... / / X

403. Drainage Plan Contents ..... / X /

See Attachment 1 for details.

See Attachment 1 for details.

Soil-cover-complex method used.

See Attachment 1 for details.

See Attachment 1 for details.

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

**REGULAR SESSION**

**MINUTES**

**JULY 15, 2021**

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

William H. MacNair, Chairman  
 Brian Hite, Vice-Chairman  
 Diane E. Kelly  
 Matthew Mulqueen

Staff members in attendance:

Gregg Adams, Planner  
 David Manhardt, Director of Community Development  
 Anthony Tallarida, Assistant Township Engineer  
 Jennifer Alderfer, Assistant Township Solicitor

**B.       ROBERT RUHE**  
**MINOR PLAN 2013-201**  
**REQUEST FOR PRELIMINARY PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to further develop the property located at 2442 Huckleberry Road. The following individuals indicated interest:

Scott Alden                   2425 Dawes Street

At the request of Chairman MacNair, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies' comments, contingent upon the applicant submitting a Waiver from the Time Limitation to Review the Plan.

Engineer Alan Fornwalt accompanied Mr. Robert Ruhe to present the plan and answer questions. He stated that the plan had been tabled in April. He noted that the revised plan included frontage improvements requested at the April meeting, as well as refinements in the stormwater management system. He stated that he had looked at the possibility of dedicating underground utilities to the Township. He stated that he looked at the road frontages separately, noting that the plan proposes a half-width of

eighteen feet from the western property line to most of the way to the driveway, tapering to the existing width at the driveway. He noted the proposed sidewalk, curbing and street trees. He stated that, with regard to the eastern frontage, the plan proposes some grading to allow room for a sidewalk and some road widening, but he noted that there is nothing for the sidewalk to connect to. He stated that the site topography makes it difficult to capture stormwater. He noted that the inlet between the sidewalk and curb along the western frontage is designed to capture the water coming off the property and transport it to an infiltration bed. He noted that the plan proposes access to public water and sewer along the south side of Roosevelt Street. He stated that they met with representatives of the Public Works Department and they are okay with the design of the sewer connection and the dedication of the connection to the Township. He stated that they are concerned with the water connection, noting that a private connection would be fine as shown but a public connection would have to be looped out to the main at Huckleberry Road.

Mr. Mulqueen inquired as to whether the applicant preferred the connection to be public or private.

Engineer Fornwalt stated that the applicant would prefer the connection to be public.

Solicitor Alderfer stated that there are issues to work out with the Roosevelt Street property owners and that more conversations are required, including discussions of easements and possible litigation.

Engineer Fornwalt stated that the aforementioned conversations are ongoing. He pointed out that the crosswalk across the driveway ends at the steep bank on the Lutz property. He stated that the signature block on the plan for the Lutz's is only for the proposed driveway improvements and the slight amount of grading required for those improvements. He stated that he can address the sequencing question.

Mr. Mulqueen inquired as to whether the driveway constitutes a cul-de-sac and whether it is proposed to be public or private.

Engineer Fornwalt stated that the driveway is a cul-de-sac and will be private. He stated that curbs are to be provided along the western side for stormwater management. He noted that, given the existing buildings, there is no room for sidewalks, that it is to be a private street with low vehicle speeds, and that pedestrian traffic should be safe walking on the driveway itself.

Mr. Mulqueen inquired as to whether the cul-de-sac bulb is sufficient for a vehicle, such as a garbage truck, fire truck or delivery van, to turn around.

Engineer Fornwalt stated that he was provided a turning template by the Township and the turning moves worked in the present design. He stated that he needs to revise the design for new equipment turning templates recently provided.

Mr. Mulqueen inquired as to trash pick-up.

Mr. Ruhe stated that he prefers pick-up on Huckleberry Road.

Mr. Hite stated that four homes could generate over twenty trash containers to be placed on Huckleberry Road. He noted that it takes time to actually pick up the trash, which could become a traffic issue. He stated that the plan should take the worst-case scenario into account.

Engineer Fornwalt stated that he will show the turn-around.

Mrs. Kelly stated that the hauler wants a three-foot separation of the cans. She inquired as to whether the cul-de-sac is a private driveway or private street.

Engineer Fornwalt stated that it is a private street.

Chairman MacNair inquired as to whether the design meets Township standards.

Engineer Fornwalt stated that he will show that the design meets the turning templates.

Mr. Adams stated that the design as proposed does not meet Township private street standards but the applicant is requesting waivers.

Mr. Scott Alden of 2425 Dawes Street inquired as to the proposed Roosevelt Street utility connections.

Engineer Fornwalt stated that there are existing utilities along Roosevelt street, including water, sewer, electric and cable. He stated that the water and sewer are along the west side of Roosevelt Street. He stated that there have been discussions with Public Works Department regarding the looping of the water line to the main in Huckleberry Road.

Mr. Alden noted that there are no drains proposed in case of water main leak.

Engineer Fornwalt stated that the proposed main would be a new pipe and that there are storm drains on Dawes at Roosevelt Street.

Mr. Manhardt inquired as to whether the connection would be maintained by the Township.

Engineer Fornwalt stated that the Public Works Department is fine with maintaining the connection so long as it is looped to connect to the main in Huckleberry Road.

PWD Manager Herb Bender stated that a public connection would have to be looped and that he is intending to protect the Township now and in the distant future.

Mr. Hite stated his concern that future owners may build on the easements and cause repair difficulties.

Solicitor Alderfer noted that the legal complexities with the Roosevelt Street connections and the loop to the main in Huckleberry road would remain.

Manager Bender stated that the Roosevelt Street connection would be required, as PA DEP is looking to remove dead-ends in municipal water systems.

Engineer Fornwalt showed the path of the proposed loop.



Mr. Tallarida stated his preference for some improvements or right-of-way along the Lutz frontage.

Engineer Fornwalt stated that Mr. Ruhe is dedicating right-of-way and proposing road widening, curbing, sidewalks and street trees along the western frontage.

Mr. Tallarida noted that the improvements proposed along the western frontage are close to the Township standards.

Mr. Adams stated that the Planning Commission typically requires that the improvements be shown on the plan and then they consider deferral requests.

Engineer Fornwalt stated that he could show conceptual improvements on the plan.

Mr. Tallarida requested that the applicant show potential stormwater improvements and any easements they require.

Engineer Fornwalt stated that he could comply.

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

Mrs. Kelly seconded and the motion passed unanimously, 4-0.

**ADOPTED THIS DATE: SEPTEMBER 16, 2021**



that Lot 2 will be the owner of the cul-de-sac and there will be access easements and maintenance agreements in place with the other lots. He noted that the lots were previously proposed to be on-lot septic but are now proposed to be on public water and sewer. He noted that the public water and sewer will preserve many of the trees that would have to be removed to accommodate on-lot septic systems. He noted that additional testing would have to be done to simplify the stormwater management designs. He stated that he wanted to review the waiver and deferral requests.

Mr. Wilson inquired as to whether the owner of the Lutz property would need to approve the plan, as the driveway would be coordinated with that property.

Engineer Fornwalt noted that the driveway is proposed to be split between the two properties and believes that the owner of the Lutz property has signed an agreement approving the plan.

Mr. Hite inquired as to the potential widening of Huckleberry Road. He noted that the Ridge Farm project will result in Huckleberry Road being widened and improved to Township standards to the western property line.

Engineer Fornwalt stated that the Ruhes do not own the Lutz property, which would create a gap in the right-of-way improvements. He stated that Huckleberry Road is currently at a 16.5 foot half-width. He noted that SALDO requires a 20-foot half-width with grading, curbing, sidewalks and street trees. He noted that the full improvements won't fit in front of the Lutz property. He stated that the applicant is open to some improvements, especially to the west of the driveway.

Mr. Hite opined that improvements west of the driveway would be acceptable. He inquired as to whether there are sidewalks proposed along the cul-de-sac.

Engineer Fornwalt stated that there were no sidewalks proposed along the cul-de-sac. He noted that there are space restraints due to the location of the existing buildings and parking areas. He inquired as to relief from the right-of-way standards along Huckleberry Road.

Mr. Adams suggested that the applicant's team work with the Township Engineer to develop a design and submit it for review.

Engineer Fornwalt stated that he's received good feedback so far and inquired as to whether the improvements to the east of the Lutz property could be waived.

Chairman MacNair suggested a deferral for the improvements not constructed. He stated that the applicant should show the improvements on the plan and then the Planning Commission will decide on what will be deferred.

Engineer Fornwalt inquired as to the Planning Commission's direction with regard to the waiver request for Section 11.14 regarding the requirement for a preliminary plan submission.

The consensus of the Planning Commission was that the request was reasonable.

Engineer Fornwalt stated that, with regard to the request to waive SALDO Section 11.32(a)(2)(C) regarding right-of-way and curb radii, he would put together a turning template graphic for the cul-de-sac.

Mr. Robert Ruhe pointed out that trash collection would be at the curb on Huckleberry.

Engineer Fornwalt stated that, with regard to the request to waive SALDO Section 11.32(a)(3)(E)(ii), he noted that the proposed driveway is at the location of the existing driveway and is proposed to be right-in/right-out only. He stated that he will work on the design and return to the Planning Commission for further review.

Mr. Hite inquired as to the extent of items covered by the cross-easements.

Engineer Fornwalt stated that the Ruhes' attorney will work with the Township Solicitor's office to bind all 4 properties with all applicable issues.

Mr. Lee Solt of 3731 Manchester Road inquired as to whether the Township had any plans to widen Huckleberry Road to Township standards to Whitehall Avenue.

Mr. Wilson stated that that the Township can only require improvements along the frontage of the property in question.

Mr. John Lutz of 2436 Huckleberry Road inquired as to whether the hump in Huckleberry Road along the frontage of the property will be removed.

Engineer Fornwalt stated that the applicant has no plans to re-profile Huckleberry Road, but that he can look at the issue.

Mr. Hite suggested that the issues be examined as the project moves forward.

Mr. Scott Aldun of 2425 Dawes Street stated that he resides next to the unopened portion of Roosevelt Avenue and inquired as to who would be responsible for damages if the water main breaks and his house is flooded.

Engineer Fornwalt reviewed the proposed utility design and noted that the proposed work to the Ruhe property is proposed to be owned and maintained by the Township within an easement provided by the applicant.

Solicitor Alderfer inquired as to whether the applicant has the authority to place the lines where proposed.

Mr. Aldun stated that he is evaluating his options with regard to granting the easement to the applicant.

Mr. Wilson inquired as to whether public water will be provided by South Whitehall or by LCA.

Mr. Hite suggested that the water in the area is mostly South Whitehall.

Engineer Fornwalt stated that he would grant the waiver to the time limitation to review the plan.

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

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

**ADOPTED THIS DATE: June 17, 2021**

**ATTEST:**

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

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



The Regular Session of the South Whitehall Township Planning Commission was held on the above date in a virtual meeting held on GoToMeeting.com.

Members in attendance:

William H. MacNair, Chairman  
Brian Hite, Vice-Chairman  
Alan Tope, Secretary  
David Dunbar  
Diane E. Kelly  
Matthew Mulqueen  
David Wilson

Staff members in attendance:

Gregg Adams, Planner  
Dave Manhardt, Long Range Planner  
Anthony Tallarida, Assistant Township Engineer  
Jennifer Alderfer, Assistant Township Solicitor  
David Tettermer, Alternate Township Engineer (for 2020-105)

**A.       RUHE SUBDIVISION**  
**MINOR PLAN 2013-201**  
**WAIVER FROM TIME LIMITATION TO REVIEW THE PLAN**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 2442 Huckleberry Road. There was no response.

At the request of Chairman MacNair, Mr. Adams read the Community Development Department's memorandum.

Engineer Alan Fornwalt of Keystone Consulting Engineers accompanied Robert Ruhe to review the status of the project. Mr. Ruhe stated that the latest Waiver from the Time Limitation to Review the Plan will expire in January. He stated that he has hired Keystone Consulting Engineers to complete the plan and is planning on submitting a revised plan for the February 2021 Planning Commission meeting.

The consensus of the Planning Commission was to accept the latest Waiver and that no further action was warranted at this time.



Mr. MacNair stated his concern with the future disposition of the driveway and suggested that it should be designed to meet Township standards should the Township have to take it over.

Engineer Telatovich stated that the applicant needs to know what standard the Township will accept in order to move the plan forward.

Chairman Tope inquired as to the next hurdle the plan faces should the driveway issue be favorably resolved.

Engineer Telatovich replied that the utilities would be the next hurdle. He inquired as to other reduced size cul-de-sacs in the Township.

Mr. Adams stated that he was unsure of any existing cul-de-sacs of reduced size, but mentioned the private roads in the Hills at Winchester plan that are proposed with 28-foot cartways and 40-foot rights-of-way, some with cul-de-sacs. Mr. Harmon stated that 20-foot cartways are at the low end of acceptability for public streets and mentioned his concern with stormwater containment.

Engineer Telatovich mentioned the proposed rolled macadam curbs.

Mr. Harmon stated that such curbs would work to contain stormwater.

Chairman Tope inquired as to where the stormwater would go.

Engineer Telatovich stated that the stormwater would flow to Huckleberry Road and then to the south.

Mr. MacNair inquired as to whether the development would generate more stormwater.

Engineer Telatovich stated that the State required significantly reduced discharge rates.

Chairman Tope inquired as to who would maintain the driveway.

Engineer Telatovich stated that the Ruhes would be responsible.

Chairman Tope inquired as to the Township standards.

Mr. Adams stated that a Local Street requires a 36-foot cartway and 60-foot right-of-way.

Chairman Tope inquired as to the proposed length of the shared driveway.

Surveyor Gruver stated 220 feet.

Mr. MacNair stated his concerns for the private driveway and the potential to become a public street in the future.

Mr. Harmon stated that it should be posted "No Parking" along both sides of the driveway.

Mr. MacNair stated that the length of the proposed driveway would not qualify for Liquid Fuels tax reimbursement.

Mr. Adams inquired as to the impact if the SWT Authority required the utilities be placed within a public street.

Engineer Telatovich stated that such a requirement would change the concept of the entire plan and would be a challenge to overcome.

Solicitor McLean inquired as to how the proposed infrastructure will be maintained in the future.

Engineer Telatovich stated that the property owners would be responsible and all required legal agreements will have to be executed.

Solicitor McLean stated that the applicant should be prepared to show the Board of Commissioners a plan to pay for the future maintenance of the infrastructure.

Mr. Dunbar inquired as to whether a 36-foot cartway is achievable.

Engineer Telatovich stated that the proposed 20-foot cartway is as wide as can be designed.

Mr. MacNair suggested that the driveway be moved west.

Surveyor Gruver stated that such a move would complicate the plan. He stated that the proposed plan is the best of all options.

Mr. Bielecki opined that if the applicant cannot achieve the Township standards and the Public Safety Commission considers the driveway adequate, the Planning Commission should recommend approval for the driveway.

Mrs. Leslie Strack of 2417 Euclid Street inquired as to whether Euclid Street would be used during construction.

Engineer Telatovich stated that there is no intention to do so and that all proposed improvements could be accessed via Huckleberry Road.

Solicitor McLean opined that an official recommendation would not be appropriate and that an informal poll of the Planning Commission members may be the best option.

Mr. Bielecki stated that he is in general agreement with the plan for the driveway layout as presented and, if no other Planning Commission member objects, then the matter should be closed.

There was no further comment.

**REGULAR SESSION****MINUTES****NOVEMBER 19, 2015**

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

Alan Tope, Chairman  
 William H. MacNair, Vice-Chairman  
 Brian Hite, Secretary  
 Robert H. Bielecki  
 David Dunbar  
 Vincent Quinn

Staff members in attendance:

Gregg Adams, Planner  
 Brian Harman, Assistant Township Engineer  
 Chris McLean, Assistant Township Solicitor

**A.        ROBERT RUHE**  
**MINOR SUBDIVISION #2013-201**  
**REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW**

Chairman Tope polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 2442 Huckleberry Road. The following individuals indicated interest:

Steve and Leslie Strack                      2417 Euclid Street

At the request of Chairman Tope, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the developer time to address the reviewing agencies' comments.

Engineer Bernie Teletovich and Surveyor Joe Gruber accompanied Robert, William and Sandy Ruhe to present the plan and answer questions. Engineer Teletovich stated that the applicant needs a number of questions answered before he would be able to move forward with the final design of the project. He noted that the Township Engineer's list of anticipated waiver requests would be acceptable. He stated that the plan proposes expanding the existing driveway width to twenty feet, with the first forty feet of the driveway to be asphalt and the remainder to be gravel. He opined that emergency equipment could back into the driveway or use the interior driveways to turn around.

Chairman Tope inquired as to the distance from Huckleberry Road to the center of the proposed bulb.

Engineer Teletovich stated that it was approximately 240 feet.

Mr. Bielecki suggested that the 9% grade should be cut down and paved.



Engineer Teletovich stated that the existing grade is to remain so as not to disturb the existing structures nearby. He noted that the driveway is to be maintained as a "Right-Out" only driveway.

Surveyor Gruver stated that Mr. Lutz maintains an existing concrete driveway which would have to be removed to cut down the grade.

Mr. Dunbar noted a concern for emergency services vehicles bottoming out when transitioning from Huckleberry Road to the driveway.

Mr. Gruver stated that the driveway is to be designed at a 1 or 2% slope, and then rounded to a vertical curve to deal with the transition issue. He stated that the last fifty feet of the driveway is to be at 0% grade, but will incorporate a 2-3% cross slope for drainage. He stated that he will review and modify the driveway as appropriate.

Engineer Teletovich pointed out that the driveway is intended to be a private driveway that will provide access for the residents and emergency vehicles only.

Mr. MacNair and Chairman Tope opined that if emergency vehicles are to access the driveway, it should be constructed to Township standards.

Mr. Bielecki inquired as to the reason for paving only the first forty feet of the driveway.

Surveyor Gruver stated that the forty feet would avoid washout conditions.

Mr. Adams noted that the Zoning Ordinance specified fifty feet.

Chairman Tope opined that the driveway should be paved along its entire length.

Engineer Teletovich inquired as to whether the twenty-foot width was acceptable. He inquired as to curbing and sidewalk.

Mr. MacNair opined that curbing should be required only if needed for stormwater management.

Mr. Harmon stated that the twenty-foot driveway does not require standard curbing. He stated that rolled asphalt curbing would be acceptable only if necessary. He noted that curbing is not generally required if there are no stormwater issues.

Engineer Teletovich inquired as to whether the forty-foot radius on the bulb was acceptable. He noted that no Township plowing or garbage collection was anticipated. He stated that he would get input from the Township Engineer and will return with a revised plan.

Mr. Bielecki made a motion to take the plan under advisement.

Mr. Quinn seconded and the motion passed unanimously.



Mr. MacNair inquired as to whether the applicant has been to the South Whitehall Township Authority.

Engineer Gruver stated that he wanted Planning Commission comments to determine options.

Mr. Russek suggested that the applicant approach the Board of Authority. He stated that the Township Engineer would review interim stormwater plans if submitted.

Leroy Martin of 2435 Dawes Street inquired as to where the utility connections would be located.

Engineer Gruver stated that they would be emplaced in the grassy area of unopened Roosevelt Street.

Mr. Hite made a motion to take the plan under advisement.

Mr. Werley seconded and the motion passed unanimously.

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

Alan Tope, Chairman  
 Steven Seyer, Vice-Chairman  
 William H. MacNair, Secretary  
 David Dunbar  
 Brian Hite  
 Donald Werley

Staff members in attendance:

Gregg Adams, Planner  
 J. Ralph Russek, Assistant Township Engineer  
 Chris McLean, Assistant Township Solicitor

**B.       RUHE SUBDIVISION**  
**MINOR SUBDIVISION #2013-201**  
**REQUEST FOR PRELIMINARY/FINAL REVIEW**

Chairman Tope polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 2442 Huckleberry Road. The following individuals indicated interest:

Scott Alden	2425 Dawes Street
Stephen and Leslie Strack	2417 Euclid Street

At the request of Chairman Tope, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies' comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Engineer Bernard Telatovich accompanied Robert and Cindy Ruhe to present the plan and answer questions.

Mr. Robert Ruhe explained that the intent of the subdivision is to provide the four Ruhe children with retirement homes, all served by the existing driveway.

Engineer Telatovich stated that the plan would create a substandard lot. He noted that there are issues with septic fields but could locate them on adjoining lots with easements. He noted that public water and sewer are nearby under Roosevelt Street and near the northwest corner of the original lot.

Chairman Tope pointed out that the Allentown Reservoir is nearby. He inquired as to whether that creates any issues.

Engineer Telatovich stated that he was unaware of any issues but will check.

Mr. Werley inquired as to whether the two existing dwellings use the same driveway.

Engineer Telatovich stated that the plan shows the existing driveway in use by both dwellings. He stated that some of the proposed lots might be able to use Roosevelt Street but was not sure. He stated that proposed Lot 5 could access Huckleberry Road, as there are good sight lines in the area where the driveway could be located.

Mr. MacNair inquired as to whether the existing shared driveway is legally documented.

Engineer Telatovich stated that there may be a legal agreement in place, but was confident that one could be negotiated should one not exist.

Mr. Ruhe stated that he has been in negotiations with the neighbors and they are amenable to a shared driveway.

Mr. Hite stated that the shared driveway should be shown on the plan.

Mr. Dunbar stated that building envelopes should be shown on the plan to ensure that acceptable houses could be built on the lots. He stated that lot lines shall be perpendicular at their intersection with street rights-of-way.

Engineer Telatovich stated that the lot lines can be turned to be perpendicular.

Mr. Russek pointed out that the Planning Commission could recommend a waiver from that requirement.

Mr. MacNair inquired as to the distance from the lot to Roosevelt Street.

A resident stated that Roosevelt Street is unimproved in the area and approximately 300 feet from the Ruhe property.

Engineer Telatovich inquired as to required right-of-way improvements.

Mr. Dunbar noted that there are a number of trees along Huckleberry Road.

Chairman Tope stated that the sentiment of the Planning Commission has been to require that the right-of-way improvements be shown on the plan, regardless of deferrals or waivers.

Engineer Telatovich stated that he would show the improvements on the plan.

Mr. Stephen Strack of 2417 Euclid Street stated that the north wall of his house is twenty feet from the Ruhe property line and that he would support the shared driveway and oppose a separate driveway to the southern lot, as it would be located along the property line and very near his house.

Engineer Telatovich stated that there are no plans to develop the area along the southern property line and that the flag-lot design was done to meet acreage and frontage requirements. He stated that a deed restriction could be placed on that portion of the lot to prevent such development.

Mr. Strack inquired as to the possible use of the unopened streets in the area.



Engineer Telatovich stated that he had not researched the issue but will be doing so.

Mr. Strack inquired as to the availability of public water in the area.

Engineer Telatovich stated that he must research the issue but believes that a line could be brought up unopened Roosevelt Street.

Mr. MacNair inquired as to whether Mr. Strack had any concerns with bringing a water or sewer line up Roosevelt Street.

Mr. Strack stated that he was not knowledgeable of all the potential issues but that he did not want to have to pay for such an improvement.

Mr. Werley inquired as to whether Mr. Strack's property was on a well.

Mr. Strack stated that it had been on a well until 1972, when public water and sewer were constructed.

Mr. MacNair inquired as to whether Mr. Strack would have an issue with public water and sewer if there were no cost to him.

Mr. Strack stated that he would have to know the impact the construction would have on his property.

Mr. Scott Alden of 2425 Dawes Street inquired as to who would be responsible to mitigate any construction disturbances should water or sewer lines be run up unopened Roosevelt Street.

Engineer Telatovich stated that the applicant would be responsible.

Mr. Russek pointed out that a shared driveway is essentially a cul-de-sac and the Township Engineer would look to have it improved as much as possible to Township standards. He stated that he would be in favor of a single connection and the existing driveway would be grandfathered. He stated that the applicant may have to widen and install curbing along Huckleberry Road in the area of the connection. He noted that such improvements may trigger stormwater mitigation and there would have to be agreements for shared access. He recommended outlining the stormwater management on the plan. He recommended that the applicant's engineer send sketches to the Township Engineer's office for interim comments.

Engineer Telatovich stated that he was prepared to do just that.

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

Mr. Seyer seconded and the motion passed unanimously.

## **Waiver/Deferral Request Letter**

March 5, 2021

Last Revised: September 21, 2023

South Whitehall Township  
Board of Commissioners  
444 Walbert Avenue  
Allentown, PA 18104-1699

Re: **Ruhe Minor Subdivision**  
**2442 Huckleberry Road**  
Preliminary/Final Land Development (4 Lots)

Members:

The following waivers and deferrals are hereby requested from South Whitehall Township's Subdivision and Land Development Ordinance for the Ruhe Minor Subdivision:

### **WAIVERS**

#### **PRIVATE STREET (Ordinance Requirement):**

1. §11-32(b)(1): CURBS ARE REQUIRED ON ALL PUBLIC AND PRIVATE STREETS.

A waiver from this requirement is requested for installation of curb along the shared private driveway. Curbing is provided along the western radius of the entrance driveway and along the proposed widening of Huckleberry Road on the western frontage of the property.

2. §11-32(c)(1)(A): SIDEWALKS SHALL BE REQUIRED WITHIN ALL SUBDIVISIONS.

A waiver from this requirement is requested due to the low traffic volume on the shared private driveway and limited connectivity with existing structures.

3. §11-32(a)(2)(C): CUL-DE-SAC SHALL HAVE A RIGHT-OF-WAY OF 52-FOOT RADIUS AND A CURB RADIUS OF 40 FEET.

A waiver of this requirement is requested as the proposed shared driveway cul-de-sac provides a 30-foot edge of pave radius and a 42-foot right-of-way/access easement radius. This is a cul-de-sac on a shared private driveway and not a local road, we therefore request a smaller radius for the proposed cul-de-sac.

4. §11-33(c)(1):: PRIVATE STREET WIDTH.

A waiver from this requirement is requested as dimensional requirements between the existing residential structures prohibits a private street width of 36 feet. A 20-foot cartway is proposed for this shared private driveway.

5. §11-33(d)(1)(A):: GRADING BETWEEN THE CURB AND RIGHT-OF-WAY LINE TO BE NO GREATER THAN 3/8" VERTICAL PER FOOT HORIZONTAL.

A waiver from this requirement is requested for grading within the easement for the private driveway to be a maximum of 1 foot vertical to 3 feet horizontal. The existing structures do not permit grading to current ordinance.

6. §11-32(a)(3)(E)(ii):: CENTERLINES OF INTERSECTING STREETS. TWO STREETS INTERSECTING A THIRD STREET FROM OPPOSITE SIDES SHALL EITHER INTERSECT WITH A COMMON CENTERLINE, OR THEIR CENTERLINES SHALL BE OFFSET (SEE DIAGRAM) A MINIMUM DISTANCE OF FOUR HUNDRED (400) FEET, IF THE INTERSECTING STREET IS A COLLECTOR STREET.

A waiver of this requirement is requested as the proposed private driveway is to remain at its current location which is 347.59 feet from Joseph Circle.

**HUCKLEBERRY ROAD:**

7. §11-33(b)(1):: CARTWAY WIDTH REQUIREMENTS. (*Across Frontage of Lot 3 & 4*)

A waiver from this requirement is requested for width of cartway along Huckleberry Road. The ordinance requires a 40-foot cartway for collector streets. The eastern frontage (Lot 3 and 4) of the property is not contiguous with any roadway widening to the west as there is an outparcel of limited size immediately to the west of lot 4. There is no proposed widening to the existing 24-foot cartway due to safety concerns of a very limited widened roadway with severe grading restrictions at the two adjoining parcels.

8. §11-33(b)(1):: CARTWAY WIDTH REQUIREMENTS. (*Across Frontage of Lots 1 and 2*)

A waiver from this requirement is requested for width of cartway along Huckleberry Road. The ordinance requires a 40-foot cartway for collector streets. The western frontage (Lots 1 and 2) of the property requires a taper from 20 feet to 16 feet roadway half-width with taper length as coordinated with the Township Engineer due to the existing structure and lot grading of the out-parcel just to the east of the private roadway.

9. §11-32(b)(1): SIDEWALKS SHALL BE REQUIRED WITH A WIDTH OF 5 FEET ALONG COLLECTOR STREETS AT A LOCATION 1 FOOT INSIDE OF THE RIGHT-OF-WAY LINE. (*Frontage of Lots 1 and 2*)

A waiver from the sidewalk width and location is requested. The proposed sidewalk shall be 4 feet wide and located 7 to 8 feet inside the right-of-way line. This is required in order to provide a pedestrian facility due to the existing structures and area topography.

10. §11-33(d)(1)(A): GRADING BETWEEN THE CURB AND RIGHT-OF-WAY LINE TO BE NO GREATER THAN 3/8" VERTICAL PER FOOT HORIZONTAL. (*All Lots*)

A waiver from this requirement is requested for grading within the right-of-way for the Huckleberry Road to be a maximum of 1 foot vertical to 4 feet horizontal due to the existing structures and area topography.

#### **DEFERRALS**

11. §11-32(b)(1): SIDEWALKS SHALL BE REQUIRED WITH A WIDTH OF 5 FEET ALONG COLLECTOR STREETS AT A LOCATION 1 FOOT INSIDE OF THE RIGHT-OF-WAY LINE. (*Frontage of Lots 3 & 4*)

A deferral from this requirement is requested due to inability to connect a sidewalk to other sidewalk facilities.

12. §11-32(b)(1): CURBS ARE REQUIRED ON ALL PUBLIC AND PRIVATE STREETS. (*Across Frontage of Lots 3 & 4*)

A deferral from this requirement is requested for installation of curbs along Huckleberry Road for the eastern frontage (Lot 3 & 4). Since huckleberry road cannot be reasonably widened in this area, a waiver is requested for curb until such time as the roadway would be widened.

Sincerely,

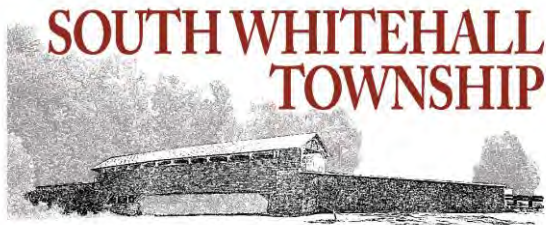
KEYSTONE CONSULTING ENGINEERS, INC.



Alan R. Fornwalt, P.E.







## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	Gregg R. Adams, Planner
<b>DATE:</b>	December 15, 2023
<b>SUBJECT:</b>	An Ordinance Amending Zoning Ordinance Section 350-42(e) Fences and Retaining Walls to Require a Zoning Permit for All Fences and Retaining Walls
<b>COPY TO:</b>	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

Staff has been aware of an issue within the Zoning Ordinance with regard to fences and retaining walls. The current Section stipulates that fences four feet in height and under do not require a permit. However, staff has noticed a number of small fences that have appeared within clear-sight triangles of intersections, on Township easements and within Township rights-of-way. Additionally, any fence requiring holes be dug also requires a PA One Call. Staff requests that the requirement for fences to secure a permit be extended to all fences so that such issues may be caught before the fence is installed.

The original proposed Ordinance amendment was included in the Zoning Ordinance Service Pack 2C, which was reviewed by the Planning Commission at their July 21, September 15, October 20, and December 15, 2022 meetings. The proposed Ordinance amendment, as part of the Zoning Ordinance Service Pack 2C, was recommended for approval by the Planning Commission at their December 15, 2022 meeting.

Since that meeting, staff has recommended a number of further changes to the language to:

- clarify the need for building permits in certain situations
- to add clear sight requirements to proposed fence locations
- to remove exemptions to the requirement for a Zoning permit
- to add the requirement for a PA One Call and clear marking of the fence location prior to installation

- **Action Requested:**

Review and possible recommendation for the language of the proposed amendment.

- **Attachments:**

Proposed Language of the Amendment

## **Amend Section 350-42(e) FENCES AND RETAINING WALLS to Require Permits for All Fences:**

### The existing Section 350-42(e):

(1) Permit Required. Any Fence or wall four (4) feet or taller, except Fences for agricultural purposes, shall be subject to the Zoning Officer's issuance of a zoning permit therefor, or his approved notation therefor, upon a previously issued and still valid zoning permit for the premises. All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

(2) Setbacks. Fences may be placed up to the property line.

(3) Maximum Height.

(A) Fences more than thirty percent (30%) solid shall not be taller than six (6) feet. Open wire mesh Fences and Fences less than thirty percent (30%) solid shall not be taller than ten (10) feet.

(B) Retaining walls may not be taller than six (6) feet above the uphill (retained side) of the adjacent ground.

(4) Prohibited Fences. The following Fences and fencing materials are prohibited:

(A) Barbed wire except that surmounting a "man-proof" Fence and at least six (6) feet above ground level except in rural, residential and agricultural districts or where land is being used for agricultural, horticultural, or nursery uses, including raising and keeping of farm Animals.

(B) Fabric.

(C) Electrically charged Fences except as permitted in subsection (A) above.

(D) Broken glass surmounting a wall.

(E) Junk including but not limited to discarded vehicles (such as automobiles, trucks, busses, trailers, etc.), appliances (such as refrigerators, washers, dryers, etc.), assembled or partially assembled materials (such as tanks, construction materials, bales, barrels, etc.), and/or raw materials (such as stone, cement, sand, mineral ore, coal, wood, dirt, etc., except those used for the construction of a permanent dyke, dam or berm).

(F) No Fence shall be erected within any South Whitehall Township utility or drainage Easement, unless approved by the Board of Commissioners.

(5) Exempt Fences and Walls. Temporary Fences and walls such as snow Fences, Fences or barriers around construction sites and construction shoring which are not to stand more than one (1) year are exempt from the permit and height requirements of subsections (1), (2) and (3) above.

→Staff recommends that Section 350-42(e) be amended as follows:

(1) Permits Required. ~~Any Fence or wall four (4) feet or taller, except Fences for agricultural purposes, shall be subject to the Zoning Officer's issuance of a zoning permit therefor, or his approved notation therefor, upon a previously issued and still valid zoning permit for the premises.~~ **Any fence or wall shall require an approved Zoning Permit. All fences greater than six (6) feet and walls greater than four (4) feet in height above grade shall also require an approved Building Permit.** All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

(2) Setbacks. Fences may be placed up to the property line.

(3) Maximum Height.

(A) Fences more than thirty percent (30%) solid shall not be taller than six (6) feet. Open wire mesh Fences and Fences less than thirty percent (30%) solid shall not be taller than ten (10) feet.

(B) Retaining walls may not be taller than six (6) feet above the uphill (retained side) of the adjacent ground.

(4) Prohibited Fences **and Fencing Materials**. The following Fences and fencing materials are prohibited:

(A) Barbed wire except that surmounting a “man-proof” Fence and at least six (6) feet above ground level except in rural, residential and agricultural districts or where land is being used for agricultural, horticultural, or nursery uses, including raising and keeping of farm Animals.

(B) Fabric.

(C) Electrically charged Fences except as permitted in subsection (A) above.

(D) Broken glass surmounting a wall.

(E) Junk including but not limited to discarded vehicles (such as automobiles, trucks, busses, trailers, etc.), appliances (such as refrigerators, washers, dryers, etc.), assembled or partially assembled materials (such as tanks, construction materials, bales, barrels, etc.), and/or raw materials (such as stone, cement, sand, mineral ore, coal, wood, dirt, etc., except those used for the construction of a permanent dyke, dam or berm).

**(F5) Prohibited Locations.** No Fence shall be erected:

(A) within any South Whitehall Township utility or drainage Easement; ~~unless approved by the Board of Commissioners,~~

(B) **within the Clear Sight Triangle of the intersection of two or more public streets**

(C) **so that it interferes with the clear sight of a vehicle exiting a driveway onto public street.**

~~(5) Exempt Fences and Walls. Temporary Fences and walls such as snow Fences, Fences or barriers around construction sites and construction shoring which are not to stand more than one (1) year are exempt from the permit and height requirements of subsections (1), (2) and (3) above.~~

*(6) Issuance of Permit. Prior to issuance of a zoning permit for a fence or retaining wall:*

*(A) The location of the fence shall be clearly marked for site inspection.*

*(B) A PA One-Call number for the fence or retaining wall shall be received by the Zoning Officer.*

The proposed Section 350-42(e):

**(e) Fences and Retaining Walls.**

(1) Permits Required. Any fence or wall shall require an approved Zoning Permit. All fences greater than six (6) feet and walls greater than four (4) feet in height above grade shall also require an approved Building Permit. All such permitted fences shall be installed such that the side closest to an adjoining property be finished.

(2) Setbacks. Fences may be placed up to the property line.

(3) Maximum Height.

(A) Fences more than thirty percent (30%) solid shall not be taller than six (6) feet. Open wire mesh Fences and Fences less than thirty percent (30%) solid shall not be taller than ten (10) feet.

(B) Retaining walls may not be taller than six (6) feet above the uphill (retained side) of the adjacent ground.

(4) Prohibited Fences and Fencing Materials. The following Fences and fencing materials are prohibited:

(A) Barbed wire except that surmounting a “man-proof” Fence and at least six (6) feet above ground level except in rural, residential and agricultural districts or where land is being used for agricultural, horticultural, or nursery uses, including raising and keeping of farm Animals.

(B) Fabric.

(C) Electrically charged Fences except as permitted in subsection (A) above.

(D) Broken glass surmounting a wall.

(E) Junk including but not limited to discarded vehicles (such as automobiles, trucks, busses, trailers, etc.), appliances (such as refrigerators, washers, dryers, etc.), assembled or partially assembled materials (such as tanks, construction materials, bales, barrels, etc.), and/or raw materials (such as stone, cement, sand, mineral ore, coal, wood, dirt, etc., except those used for the construction of a permanent dyke, dam or berm).

(5) Prohibited Locations. No Fence shall be erected:

(A) within any South Whitehall Township utility or drainage Easement

(B) within the Clear Sight Triangle of the intersection of two or more public streets

(C) so that it interferes with the clear sight of a vehicle exiting a driveway onto public street.

(6) Issuance of Permit. Prior to issuance of a zoning permit for a fence or retaining wall:

(A) The location of the fence shall be clearly marked for site inspection.

(B) A PA One-Call number for the fence or retaining wall shall be received by the Zoning Officer.

