

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

FEBRUARY 20, 2020

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in the Springhouse Middle School located at 1200 Springhouse Road, Allentown, Lehigh County, Pennsylvania.

Members in attendance:

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

Staff members in attendance:

Gregg Adams, Planner
Anthony Tallarida, Assistant Township Engineer
Jennifer Alderfer, Assistant Township Solicitor

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

Chairman MacNair called the meeting to order at 7:45 p.m. He announced that all meetings are electronically monitored. He then led the assembled in the Pledge of Allegiance.

AGENDA ITEM #2 – APPROVAL OF MINUTES

Chairman MacNair announced that the minutes of the December 19, 2019 meeting were distributed prior to this evening's meeting for review and comment. Chairman MacNair asked the members if they had any changes to the minutes. Hearing none, Chairman MacNair called for a motion to approve the minutes as submitted. Mr. Hite made a motion to that effect. Mr. Tope seconded the motion and it passed unanimously.

AGENDA ITEM #3 – SUBDIVISION REVIEW

**A. HOTEL HAMILTON 2015
MAJOR PLAN 2015-107
REQUEST FOR FINAL PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to develop the properties located at 3051 Hamilton

Boulevard, 3125 Hamilton Boulevard, 3127 Hamilton Boulevard and 3141 Hamilton Boulevard. The following individuals indicated interest:

George Smith	846 Club Drive
Lee Solt	3731 Manchester Road

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

1. That subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of necessary insurance coverage be provided prior to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of the Township Engineer, as contained in his review dated February 14, 2020.
3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated January 31, 2020.
4. That the applicant address to the satisfaction of the Community Development Department, the comments of the Department, as contained in its review dated February 14, 2020.
5. That the applicant address to the satisfaction of the Zoning Officer, the comments of the Miss Laura Harrier, as contained in her review dated February 13, 2020.
6. That the applicant address to the satisfaction of the Public Works Department, the comments of the Public Works Department, as contained in Jerry Charvala's review dated January 24, 2020.
7. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection and/or the Lehigh County Conservation District approving the NPDES Permit application pursuant to Section 11.37(e) of the Subdivision and Land Development Ordinance.
8. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
9. That the applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the rights-of-way of South Cedar Crest Boulevard and Hamilton Boulevard.
10. That the applicant complies with the October 13, 2015 recommendation of the Parks and Recreation Board.
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.
12. That the applicant shall dedicate to the Township a street tree easement of sufficient size in an area acceptable to the Township for maintaining the street trees on private property along the frontage of Cedar Crest Boulevard. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been

approved by the Township Engineer, a copy of the current deed for the property showing current ownership and recites the deed book volume and page reference.

13. That the applicant shall dedicate to the Township a utility easement of sufficient size in an area acceptable to the Township for accessing the stormwater conveyance system. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and recites the deed book volume and page reference.
14. That the applicant shall dedicate to the Township a utility easement of sufficient size in an area acceptable to the Township for accessing the sanitary sewer line. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and recites the deed book volume and page reference.
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 line. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and recites the deed book volume and page reference.
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17. That the applicant shall dedicate to the Township a sidewalk easement along the frontage of Hamilton Boulevard. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Easement in a form acceptable to the Township Solicitor, and an Opinion of Record Title prepared by applicant's counsel indicating that the easement is free and clear of liens and encumbrances that would affect the Township's use of said property. The applicant shall furnish to the Township Solicitor a description for the easement that has been approved by the Township Engineer, a copy of the current deed for the property showing current ownership and cites the deed book volume and page reference.
18. That the applicant shall extinguish the existing utility easement(s) no longer required as shown on the plan.
19. That the Applicant shall agree, upon satisfactory completion of all storm sewer, water, and sanitary sewer facilities shown on the plan as intended for dedication to the Township, to

execute formal Bills of Sale for said facilities, so as to convey said facilities to the Township for nominal consideration.

20. That the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 11.39(a)(1)(A) of the Subdivision and Land Development Ordinance.
21. That a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor be executed for the maintenance of the on-site stormwater management facilities.
22. That the applicant shall provide both a Historic Resource Owner's Consent Statement and a Historic Resource Preservation Easement in form acceptable to the Township Solicitor and shall comply with the requirements of Sections 12.33(d) and (e) of the Zoning Ordinance which are required prior to plan recording.
23. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
24. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Engineer Harold "Bud" Newton and Attorney William Malkames, Senior, accompanied Mr. Atul Patel to present the plans and answer questions. Engineer Newton started with a review of the cooperation of the Township staff on the project, then noted that he had met with LCCD and PennDOT to discuss the project. He stated that stormwater management was the largest issue in the project and that the plan proposes a resolution that should be acceptable to the Township until such time that PennDOT can commit to a permanent solution by the construction of a culvert under Cedar Crest Boulevard. He noted that the funds for the culvert are currently on the Transportation Improvements Plan for 2040.

Mr. Tope inquired as to whether the proposed system will be able to handle the water that is currently piped under Cedar Crest Boulevard as well as the water that sheet-flows over Cedar Crest Boulevard during heavy rain events.

Engineer Newton stated that the proposed system is designed to handle 788 cubic feet per second in a 100-year flood. He noted that there are currently constrictions in the system downstream that will be removed during construction. He stated that the collector for the sheet-flow across Cedar Crest Boulevard is now proposed to be completely on private property and out of the right of way of Cedar Crest Boulevard.

Mr. Wilson stated that he was pleased that the property is being redeveloped and inquired as to whether the applicant is considering up-sizing the existing pipes under Cedar Crest Boulevard.

Engineer Newton stated that up-sizing the existing pipes would require a substantial cost, between \$500,000 and \$1,000,000.

Mr. Wilson stated his concern with the proposed grate over the collection system and its close proximity to the sidewalk.

Engineer Newton stated that landscaping and a decorative fence will be placed between the sidewalk and the grate.

Mr. Wilson inquired as to the driveway onto Cedar Crest Boulevard, noting that, as currently designed, tractor trailers would have to mount the curb on the island to make the turn, or the trailer would mount the curb and drive over the sidewalk on the southern side of the driveway. He inquired as to whether the driveway could be widened or the radius could be changed to prevent that situation.

Engineer Newton stated that he will review the matter with Township staff and with PennDOT. He stated that PennDOT is concerned with left-hand turns onto southbound Cedar Crest Boulevard and the driveway is designed to discourage such movements. He stated that little large truck traffic is anticipated into the site.

Mr. Tallarida reported that PennDOT has not approved the driveway design yet and that there may be some changes to the driveway turning movements.

Mr. Wilson noted his understanding with regard to the concerns for widening the driveway versus increasing the possibility of illegal left turns exiting. He inquired as to whether the applicant had any tenants under contract.

Mr. Patel stated that he doesn't want to sign contracts until the plan is approved but noted that he had some tenants interested.

Mr. Wilson inquired as to the LVPC review noting inconsistency with the Act 537 Plan.

Engineer Newton stated that the LVPC comment regarding the existing stand of trees had been missed, but it has been addressed since.

Mr. Wilson inquired as to whether the spray irrigation loading ratios are acceptable.

Engineer Newton stated that an application has been submitted to the LCCD, including designs and calculations. He stated that the plan proposes spraying one-half an inch per day on the disturbed areas and higher in the undisturbed areas. He stated his belief that the proposal will satisfy the LCCD's criteria.

Mr. Wilson inquired as to the issues with the proposed spray irrigation system during the winter months.

Engineer Newton stated that he has been working with PA DEP to address the issues and stated that PA DEP is allowing the system to be shut down between November and April.

Mr. Wilson inquired as to possible wetlands shown on the plan.

Engineer Newton stated that an early investigation suggested that the existing channel was a Waters of the United States, but a further investigation showed otherwise.

Mr. MacNair inquired as to the re-use of the King George Inn.

Engineer Newton stated that the re-use of the Inn would be challenging but that an office or studio is currently contemplated. He stated that the issue will be addressed if and when a potential user comes forward.

Mr. MacNair inquired as to why the sinkhole issue noted in the January 31, 2020 review had not been addressed.

Engineer Newton stated that he would check on it.

Mr. MacNair also noted that the Lighting Plan requires a professional's seal.

Mrs. Kelly noted that vehicles have been known to turn right onto Hamilton Boulevard when exiting the properties in the past. She inquired as to whether the plan proposes signage to prevent right-hand turns onto Hamilton Boulevard.

Engineer Newton stated that the plan will meet all PennDOT requirements with regard to signage and the applicant plans to supplement the required signage as needed. He stated that the entrances and exits are designed to discourage right-hand turns onto Hamilton Boulevard.

Mr. Tope inquired whether it was possible to require large trucks entering the site to enter only via Hamilton Boulevard.

Engineer Newton stated that the plan intends that large trucks enter from Cedar Crest Boulevard and exit via Hamilton Boulevard. He stated that he would review the intended flow and see if it can be safely run in reverse.

Chairman MacNair requested a motion regarding the applicant's request to waive SALDO Section 11.15(b)(18).

Mr. Hite made a motion to support the applicant's request to waive Section 11.15(b)(18) of the Subdivision and Land Development Regulations requiring the showing of streets, easements, and rights-of-way within 400 feet of the tract.

Mr. Dunbar seconded and the motion passed unanimously.

Mr. George Smith of 846 Club Drive thanked the applicant for saving the King George Inn. He noted that the Inn sits at the lowest point in the area and inquired as to whether the applicant considered raising the building.

Engineer Newton stated that raising a building is a risky procedure and the applicant did not want to risk damaging such a historically-significant building.

Mr. Smith inquired what the Township will do to ensure that any artifacts uncovered during construction will be properly preserved.

Mr. Wilson stated that PA DEP regulates the preservation of historical artifacts uncovered on construction sites.

Mr. Dunbar opined that the local historical society may wish to become involved.

Mr. Lee Solt of 3731 Manchester Road pointed out that the former Burger King had been constructed fairly recently, in historical terms.

Mr. MacNair inquired as to the applicant's timeline leading up to the April 15th BOC meeting.

Engineer Newton stated the PA DEP and PennDOT will likely not be finished with their reviews by then.

Mrs. Kelly inquired as to the boat and carrier that had been parked on the site recently.

Mr. Patel stated that the boat was not his property and the police had been called to facilitate its removal.

Mrs. Kelly made a motion to recommend final plan approval to the Board of Commissioners subject to the applicant complying with the following conditions:

1. That subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of necessary insurance coverage be provided prior to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of the Township Engineer, as contained in his review dated February 14, 2020.
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8. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
9. That the applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the rights-of-way of South Cedar Crest Boulevard and Hamilton Boulevard.
10. That the applicant complies with the October 13, 2015 recommendation of the Parks and Recreation Board.

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.
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22. That the applicant shall provide both a Historic Resource Owner's Consent Statement and a Historic Resource Preservation Easement in form acceptable to the Township Solicitor and shall comply with the requirements of Sections 12.33(d) and (e) of the Zoning Ordinance which are required prior to plan recording.
23. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
24. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Mr. Tope seconded and the motion passed unanimously.

AGENDA ITEM #4 – ZONING ORDINANCE AMENDMENT

A. POSOCCO RESIDENTIAL BUILDING HEIGHT LIMITATION ZONING ORDINANCE AMENDMENT REQUEST 2020-501 REQUEST FOR ZONING ORDINANCE AMENDMENT REVIEW

Mr. Adams reviewed the history of the amendment, noting that an earlier Zoning Amendment raised the maximum height of a residential building from thirty-five to forty feet in the more rural residential zoning districts and that the Public Safety Commission reported no concerns with the amendment.

Mr. Dunbar made a motion to recommend adoption of the amendment as submitted.

Mr. Tope seconded and the motion passed unanimously.

AGENDA ITEM #5 – TRANSPORTATION INFRASTRUCTURE UPDATE

Mr. Tallarida reported that he and George Kinney attended a pre-application for the PA Route 309 Betterment Project at the LCCD and learned that PENNDOT is trying to get final design approval by the end of summer.

Mr. Kinney added that, as he understands it, there is still money available for engineering, right-of-way acquisition and utilities, but the construction funding has been pushed back to 2026. He opined that, once the engineering phase is complete, the construction funding may be brought forward.

Mr. Hite added that it is his understanding that the Commonwealth wishes to continue to advance the plans that are currently in the engineering phase to the point of construction.

AGENDA ITEM #6 – COMPREHENSIVE PLAN UPDATE

Mr. Kinney stated that a joint Planning Commission/Board of Commissioners meeting is scheduled for Wednesday March 11, 2020. He stated that staff plans to repeat the same presentation and exercise that they have been giving to the public over the last few months. He also reported that staff has been working to schedule meetings with stakeholders from the community. He stated that he plans to close the public outreach portion on March 11th, process the comments and start Phase 3.

Mr. Hite suggested adding LCCC to the list of schools to be contacted.

Mr. Kinney and Mr. Adams described the work to be done in Phase 3.

AGENDA ITEM #7 – COURTESY OF THE FLOOR

None.

AGENDA ITEM #8 – ADJOURNMENT

Chairman MacNair requested a motion to adjourn at 8:48 p.m. Mrs. Kelly made the motion, Mr. Hite seconded the motion and it passed unanimously.

ADOPTED THIS DATE: April 16, 2020

ATTEST:

Secretary

Chairman