

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

PUBLIC MEETING

MINUTES

July 1, 2015

A public meeting of the South Whitehall Township Board of Commissioners was held at 7:00 p.m. on July 1, 2015 in the township municipal building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Commissioners attending:

Christina Morgan, President
Glenn Block, Vice President
Thomas Johns

Staff attending:

Howard Kutzler, Township Manager
Gerald Harbison, Community Development Manager
Gregg Adams, Planner
Keith Zehner, Zoning Officer
Chief Tom Toth, Police Department
Deputy Chief Christman, Police Department
Joe Zator, Township Solicitor
Ralph Russek, Jr., Township Engineer

AGENDA ITEM #1-CALL TO ORDER

President Morgan called the meeting to order at 7:07 p.m.

AGENDA ITEM #2-PLEDGE OF ALLEGIANCE

At the President's request, all rose to recite the Pledge of Allegiance to the flag.

AGENDA ITEM #3-NOTIFICATIONS

President Morgan informed all present that all public sessions of the South Whitehall Township Board of Commissioners (BOC) are electronically recorded and that the recording will be destroyed when the minutes of the meeting are approved. The BOC met in Executive Session prior to tonight's meeting to discuss personnel matters.

AGENDA ITEM #4-MINUTES

The Board was provided with draft minutes of the June 17, 2015 public meeting. Commissioner Johns moved to approve the minutes. Commissioner seconded the motion and it passed unanimously.

AGENDA ITEM #5-PRESENTATIONS/DISCUSSIONS - None

AGENDA ITEM #6-PUBLIC HEARINGS

- a. **Advertised for Possible Adoption-An Ordinance Amending the South Whitehall Township Zoning Ordinance to Provide for Correction of Various Cross-Referencing Errors and to Remove Extraneous Text; To Clarify the Inapplicability of Various Sections to Private Roads in an AAND-O; to Correct an Erroneous Abbreviation; To Provide for References to FEMA's Flood Insurance Rate Maps In Regulations Concerning, and the Definition of, Flood Plains; To Clarify the Exception From the Limit of One Principal Use on a Lot; To Clarify Provisions For Temporary Tents For Special Events on a Residential Lot; To Provide for Additional Special Exception Uses in the IC-1 Zoning District; To Update The Off-Street Parking Requirements for an Emergency Response Service Facility, Auditoriums, Theaters, Funeral Parlors, Places of Public Assembly, Clubhouses and Lodges, Retirement Facilities, and Restaurants of all Varieties; To Clarify Fence Height and Setbacks Applicable to Outdoor Storage Facilities; To Clarify The Requirements for An Accessory Dwelling Unit; To Provide for Ancillary Dwelling Units as a Special Exception for Caretakers, Necessary Full-Time Employees and Their Families For Certain Uses; To Clarify That Finished Sides of Fences Must Face Adjoining Properties; To Provide for the Ability of the Zoning Officer to Extend the Permit for a Personal Storage Unit In Certain Instances and to Provide for the Definition of a Personal Storage Unit; to Amend the Definitions of an Emergency Response Service Facility, Retail Sales and Service, Personal Service Business, Public Building, Public Use, Commercial Use, Restaurant, Restaurant-Fast Food and Shopping Center; To Clarify the Districts in Which Retail Sales Are Permitted; To Provide for Personal Service Businesses in the TND-Commercial Retrofit Overlay District; To Clarify Municipal Uses Within the Zoning District; To Clarify Municipal Uses Within The Zoning District Permitted Use Charts; To Provide for Setbacks On, and a Definition For, Dual-Frontage Lots; To Provide a New Definition for Restaurant-Sit Down; To Clarify the Districts in Which Restaurants of All Varieties Are Permitted; To Update Regulations and Definitions, And To Provide New Definitions, Concerning Keeping of Pets; To Clarify Provisions for Buffer Strips; To Update The Regulations for Location and Width of all Driveways; To Provide a New Definition and Off-Street Parking Regulations for An Office Park; and to Provide for a Severability Clause, Retention of Rights to Enforce Clause, A Realer Clause, and An Effective Date.**

Attorney Zator noted that referrals to both the Lehigh Valley and Township Planning Commissions were completed. The advertising requirements were completed and copies of text were recorded as required by law. Mr. Harbison noted that the proposed Ordinance, "Service Pack 1B", contains 35 items. Seven changes were grammatical corrections or incorrect references in the Zoning Ordinance. Two issues address conflicts with other land development ordinances. Three issues, which were at the direction of BOC, cover buffering, fencing, and portable storage units. Several items dealt with economic incentives such as overlay zones and road widths. Two items pertain to the flood plain ordinance updates and reference to the map in the zoning ordinance. One issue, pertaining to special exception uses at motor vehicle repair shops, fuel pumps, convenience stores, was completely missed. The remaining issues clarify obsolete language. Mr. Adams and Mr. Zehner, the architects of Service Pak 1B, were available for questions. There were no questions or comments from the public or BOC.

AGENDA ITEM #7-ORDINANCES

- a. **Advertised for Possible Adoption-An Ordinance Amending the South Whitehall Township Zoning Ordinance to Provide for Correction of Various Cross-Referencing Errors and to Remove Extraneous Text; To Clarify the Inapplicability of Various Sections to Private Roads in an AAND-O; to Correct an Erroneous Abbreviation; To Provide for References to FEMA's Flood Insurance Rate Maps In Regulations Concerning, and the Definition of, Flood Plains; To Clarify the Exception From the Limit of One Principal Use on a Lot; To Clarify Provisions For Temporary Tents For Special Events on a Residential Lot; To Provide for Additional Special Exception Uses in the IC-1 Zoning District; To Update The Off-Street Parking Requirements for an Emergency Response Service Facility, Auditoriums, Theaters, Funeral Parlors, Places of Public Assembly, Clubhouses and Lodges, Retirement Facilities, and Restaurants of all Varieties; To Clarify Fence Height and Setbacks Applicable to Outdoor Storage Facilities; To Clarify The Requirements for An Accessory Dwelling Unit; To Provide for Ancillary Dwelling Units as a Special Exception for Caretakers, Necessary Full-Time Employees and Their Families For Certain Uses; To Clarify That Finished Sides of Fences Must Face Adjoining Properties; To Provide for the Ability of the Zoning Officer to Extend the Permit for a Personal Storage Unit In Certain Instances and to Provide for the Definition of a Personal Storage Unit; to Amend the Definitions of an Emergency Response Service Facility, Retail Sales and Service, Personal Service Business, Public Building, Public Use, Commercial Use, Restaurant, Restaurant-Fast Food and Shopping Center; To Clarify the Districts in Which Retail Sales Are Permitted; To Provide for Personal Service Businesses in the TND-Commercial Retrofit Overlay District; To Clarify Municipal Uses Within the Zoning District; To Clarify Municipal Uses Within The Zoning District Permitted Use Charts; To Provide for Setbacks On, and a Definition For, Dual-Frontage Lots; To Provide a New Definition for Restaurant-Sit Down; To Clarify the Districts in Which Restaurants of All Varieties Are Permitted; To Update Regulations and Definitions, And To Provide New Definitions, Concerning Keeping of Pets; To Clarify Provisions for Buffer Strips; To Update The Regulations for Location and Width of all Driveways; To Provide a New Definition and Off-Street Parking**

Regulations for An Office Park; and to Provide for a Severability Clause, Retention of Rights to Enforce Clause, A Realer Clause, and An Effective Date.

Commissioner Block moved to approve the ordinance. Commissioner Morgan seconded the motion. A roll call vote was called and the following vote was recorded:

Commissioner Johns Aye
Commissioner Block Aye
Commissioner Morgan Aye

Commissioner Morgan thanked staff for their hard work on this ordinance.

AGENDA ITEM #8-RESOLUTIONS

- a. **Civil Service Commission Resolution: A Resolution Ratifying and Confirming the Procedures Utilized in Connection with the Recent Examinations for Entry Level Positions of Patrol Officer; Determining the Scores of Those Applicants who Did Pass the Examinations and Those Applicants Entitled to Veterans Preference; Establishing an Eligibility List for the Entry Level Position of Patrol Officer; Certifying to the Board of Commissioners the Names of Persons Who May be Appointed to the Entry Level Positions of Patrol Officer, Conditioned Upon Talking and Passing Physical and Psychological Medical Examinations; Providing for Certain Notices to be Sent to Applicants; and Directing that the Eligibility List be Posted in the Police Department**

The Township Civil Service Commission adopted this Resolution 2015-32 on June 30, 2015 to certify to the BOC the eligible 17 individuals for the entry level position of patrol officer. Both Colin Beaumont and Tyler Doherty are entitled to Veterans Preference and so the BOC is required to select them for appointment to these positions. *Please see attachment to minutes, "SWT PD – Press Release – Wednesday, July 8, 2015".*

- b. **A Resolution Conditionally Appointing Colin Beaumont and Tyler Doherty to the Entry Level Position of Patrol Officer**

Commissioner Morgan moved to approve the Resolution. Commissioner Block seconded the motion and it passed unanimously. Chief Toth will report back to the BOC on the results of physical and psychological medical examinations and these two candidates.

AGENDA ITEM #9-MOTIONS

- a. **Motion Extending a Conditional Offer of Employment to Colin Beaumont for the Position of Entry Level Patrol Officer with the Requirement of Medical, Psychological and MPOETC (Municipal Police Officers Education and Training Commission) Pre-Entrance Examinations as Outlined in the South Whitehall Township Civil Service Regulations Article IV.**

Commissioner Johns moved to approve the motion. Commissioner Block seconded the motion and it passed unanimously.

b. Motion Extending a Conditional Offer of Employment to Tyler Doherty for the Position of Entry Level Patrol Officer with the Requirement of Medical, Psychological and MPOETC (Municipal Police Officers Education and Training Commission) Pre-Entrance Examinations as Outlined in the South Whitehall Township Civil Service Regulations Article IV.

Commissioner Morgan moved to approve the motion. Commissioner Block seconded the motion and it passed unanimously.

AGENDA ITEM #10-CORRESPONDENCE & INFORMATION ITEMS

The Bears Movie has been rescheduled to July 18th at Fernwood Park. Because the venue has outgrown the event, the annual tree lighting ceremony will be moved to CBP with the bridge, house and a tree decorated. The Aardvarks concert brought more than 500 people to CBP.

AGENDA ITEM #11-DIRECTION/DISCUSSION ITEMS

Mr. Harbison introduced Zoning Ordinance "Service Pack 11" which was reviewed by the Township Planning Commission on June 18, 2015. The next step for approval will involve submission to the LVPC and the advertising for possible adoption. The following amendments were discussed:

Amendment 1 will include the definition of Coordinated Development.

Amendment 2 will adjust the locations and widths of all driveways to permit driveway standards approved by Penn DOT for driveways entering onto Penn DOT roads.

Amendment 3 will reduce the current ultimate right of way width for Hamilton Boulevard in its one-way portions from 100 feet to 80 feet.

Amendment 4 will adjust the special measurements to remove the "Distance Between Two Buildings". The UCC Building Codes deal with separation issues and there have been many cases presented to the ZHB. Mr. Kutzler noted that this is a good suggestion by the CD department. Presently, building codes are stricter and firefighting capabilities are improved so the minimum distance between buildings and separation requirements are outdated.

Amendment 5 will include Stormwater Management Facilities as a Primary Use.

Amendment 6 regulates garage/yard sales. Commissioner Block believes eight sales per year is high and he suggested one per quarter. To follow Commissioner Block's lead, but be able to compensate for bad weather and holding a sale the following weekend, Keith Zehner suggested

a maximum of two garage sale events in semi-annual periods, rather than one or two per quarter. Mr. Kutzler reported that the Township has received many complaints including traffic concerns about excessive yard sales. There was a discussion about the difference between estate and yard sales. Commissioner Block recommended that the Township allow four per year with no time constraint.

Amendment 7 proposes to regulate signage for garage sales like other temporary events.

Amendment 8 covers non-conforming lots to increase the maximum deficiency in lot width or area for Zoning Officer approval from 25% to 40%. When reviewing projects in the older Township neighborhoods, staff recommends relaxing the deficiency levels for permits to avoid the project going to the ZHB. Mr. Zehner spoke in favor of lowering this threshold to 70% for accessory use storage sheds.

Amendment 9 contains provisions for historic resources, such as the King George Inn, to clarify the governing body, owner's consent, legal protections, security, restoration methods, and parking setbacks.

Amendment 10 provisions for off-street parking to address truck parking was removed from Service Pack 1A and reworked so that the number of standard parking spaces that will trigger a large or oversized space was increased from 12 to 50 for certain uses.

Amendment 11 will update the regulation of off-street loading and unloading zones with standards more suitable to a specific use.

Commissioner Morgan would like to table a vote on the "Service Pack 11" until a future meeting because of the two commissioners missing tonight's meeting.

AGENDA ITEM #12-OLD BUSINESS – None

AGENDA ITEM #13-PAYMENT OF INVOICES

Invoices have been reviewed by the Township Manager and the Finance Manager who authorized that checks be issued to pay bills as tabulated. Commissioner Block moved to approve the payment of invoices. Commissioner Johns seconded the motion and it passed unanimously.

AGENDA ITEM #14-COURTESY OF THE FLOOR

Sam Lipot, 4270 Briarcliff Road, has lived in the Township for 45 years and he thanked the BOC and Township staff for all their hard work.

Leroy Schmidt continues to spend time at Wehr's Dam watching the birds and speaking with local fishermen. The Greenawalds Fire Truck was at the park shooting water cannons to cool

the kids. He changed the logo on his hat to read "I helped to save Wehr's Dam". There was a discussion about the lease law since Mr. Schmidt witnessed two dogs running in CBP without a lease. He shared a poem with the BOC about the dam.

Commissioner Morgan noted that "Tri for Inclusion" was held on June 27th at Parkland High School and it was an amazing event. She thanked staff and volunteers for attending.

AGENDA ITEM #15-EXECUTIVE SESSION -None

AGENDA ITEM #16-ADJOURNMENT

At 8:08 p.m. Commissioner Block moved to adjourn. Commissioner Morgan seconded the motion and it passed unanimously.

APPROVED: August 5, 2015

A motion was made by Commissioner Glenn Block, and seconded by Commissioner Johns, to approve the July 1, 2015 BOC Meeting Minutes. The vote was a 3 to 0 vote. Commissioner Daubert was absent and Commissioner David Bond abstained because he was not at the July 1st meeting.