



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

February 20, 2019

1. **CALL TO ORDER:** 7:00 p.m.

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Glenn Block, Vice President
Commissioner David L. Bond, Assist. Secretary
Commissioner Matthew J. Mulqueen
Commissioner Mark Pinsley
Joseph A. Zator, Twp. Solicitor, Zator Law Offices
Ralph Russek, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Glen Dorney, Chief, SWT Police Department
Steve Carr, Dir., Finance Department - Absent
George Kinney, Dir., Community Dev. Dept.
Tracy Fehnel, Executive Assistant - Absent

2. **PLEDGE OF ALLEGIANCE**

3. **NOTIFICATION:** All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded. The electronic record is kept until the minutes of the meeting are approved and destroyed if a request is not made to retain the electronic version at that time.

For the record, President Morgan advised that the Board met in Executive Session before this meeting to discuss legal matters.

President Morgan wanted to take the time to introduce our newest member to the SWT family—Herb Bender. Randy Cope, Director of Township Operations, explained that Herb is our new Group Services Leader in our PWs Department. Herb worked for the City of Allentown, where he was the Chief Maintenance Supervisor. Here at SWT, he oversees the parks employees, mechanics in the garage, as well as streets employees. Herb comes to us with a vast knowledge of street paving, snow plowing, winter storm maintenance, leaf collection, etc. Additionally, he brings a tremendous work ethic. Randy said he is one of the hardest workers he's ever met. We are very thankful to have him and his dedication as part of our team.

Herb Bender thanked the Board for bringing him on board—giving him the opportunity. He said that he looks forward to working with Jerry and Jeff, who are making the transition

pretty easy for him—he said that we have a great group of guys down there. He said it is a real pleasure to be here and he looks forward to leading us in the right direction.

President Morgan said that it is great to have him and thanked him for introducing himself to the board this evening.

4. MINUTES:

a. February 6, 2019 – Board of Commissioners' Meeting Minutes

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Bond, to approve the February 6, 2019, BOC Meeting Minutes. All in favor; none opposed—Vote 4-0. President Morgan abstained—she was not at the February 6th meeting.

5. ORDINANCES:

a. Advertised for Possible Adoption - An Ordinance Reenacting, Amending, And Restating Chapter 144 Article III (Fire Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting The 2015 Edition Of The International Fire Code With Local Amendments; Providing That State Law Controls Where Requirements Are In Excess Of This Ordinance; And Providing For A Repealer, Continuation And Saving Clause, Severability Clause And Effective Date

Solicitor Zator said that all legal advertising requirements have been completed per the requirements of the law. This ordinance will replace the 2009 version of the Fire Code with the 2015 Fire Code, and also incorporates the local SWT amendments being carried forward. This will now keep us in sync with the State code as we typically have done in the past.

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Mulqueen, to adopt the above-mentioned Ordinance regarding the Fire Code as presented. All in favor; none opposed.

A Roll-Call Vote was taken as follows:

- Commissioner Pinsley - Aye
- Commissioner Bond - Aye
- Commissioner Mulqueen - Aye
- Commissioner Block - Aye
- Commissioner Morgan - Aye

MOTION passed unanimously.

b. Advertised for Possible Adoption - An Ordinance Reenacting, Amending, And Restating Chapter 144 Article VIII (Property Maintenance Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions

Of The 2015 Edition Of The International Property Maintenance Code With Local Amendments; Providing For The South Whitehall Township Building Code Appeals Board To Serve As The Board Of Appeals; Providing That State Law Controls Where Requirements Are In Excess Of This Ordinance; And Providing For A Repealer, Continuation And Saving Clause, Severability, And Effective Date

Solicitor Zator said his comments will be almost identical to the above ordinance. Again, all advertising requirements have been met. As with prior ordinance, this ordinance will replace the 2009 version of the Property Maintenance Code with the 2015 version of the Property Maintenance Code, and also incorporates the local SWT amendments being carried forward. As with the above ordinance, this will also now keep us in sync with the State code as we typically have done in the past.

A MOTION was made by Commissioner Block, which was seconded by Commissioner Bond, to adopt the above-mentioned Ordinance as presented. All in favor; none opposed.

A Roll-Call Vote was taken as follows:

Commissioner Pinsley - Aye
Commissioner Bond - Aye
Commissioner Mulqueen - Aye
Commissioner Block - Aye
Commissioner Morgan - Aye

MOTION passed unanimously.

7. RESOLUTIONS:

a. A Resolution Granting Preliminary Approval to a Major Plan Entitled "Crackersport Road DC"

George Kinney, Director of Community Development, explained this is a request for multiple industrial buildings, totaling approximately 898,000 square feet. The use does require a conditional use, which was both recommended and approved to you by the Planning Commission and by this body a couple of months ago. This is simply a preliminary plan—it is NOT a preliminary-final combined. The final will come back to you at a future date. This was heard by the Planning Commission and recommended to you with a 4-2 vote, subject to the conditions as noted in the packet.

At this time, the Applicant's Attorney, Blake Marles, presented to the Board. Attorney Marles explained he is not presenting anything new that they have not already seen. It is an 86-acre compilation of land on Crackersport and Eck. Three buildings proposed. During conditional use process, Applicant made proposal to do a significant amount of roadwork and storm sewer work on site that would not otherwise be required, but they felt it was in the best interest to the Township and our client to do so. Also doing some intersection work at Ridgeview & 309. As George Kinney previously indicated, this is just a preliminary plan approval. Attorney Marles said we will be back before the Board with not a whole lot

more detail, because it is a well-designed plan. The two smaller warehouses at the top have an impact on residential development to the west, therefore, the buildings were realigned from what had previously been approved there by another applicant. There will now be much less impact on the residential property by the trucking activity. The bend is being taken out of Eck Road, so we are realigning the entire area to make it easier traffic flow for everyone. Attorney Marles explained both engineers are in attendance to answer any additional questions.

Mr. Jim Murray, Black Creek Group, the engineer for this project, went over the accommodations that they will be doing in the Eck Road area, associated with the straightening of Eck Road. Also trailer parking was pulled away from houses in order to have a larger buffer and to leave as much of the natural landscaping/trees as possible. Now instead of 50-75 feet off the property line, now it is in excess of 150 feet off the property line. —we tried to make this the maximum distance that we could, and relocated all the activity away from the property line. Will continue to work with Staff.

Commissioner Mulqueen asked if someone could expound on the two NO votes that were given by the Planning Commission. Chairman Tope said he could answer for one of the members of the PC, who is not here this evening. The member who voted NO was concerned about possible additional work required in the future for the intersection of Ridgeview and 309. His philosophy was since we cannot make them pick up some unidentified future costs, he said “I don’t like it”. Mr. Tope said he cannot address the thoughts of the other member.

In response to this, Solicitor Zator said from a legal perspective this is not something we can consider because according to PA Act 209, Article 5-A of the MPC is very clear that off-site improvements are not something that can be required of the developer in this context. Whoever the member was that Alan Tope was referring to, Solicitor Zator said would not have the authority to vote NO based on that consideration.

Commissioner Mulqueen asked what the other dissenting vote was—he asked Diane Kelly if that was her. Diane Kelly indicated, yes, it was, and that she agreed with the similar concerns of Mr. Bielecki, but went on to say that there was also discussion that evening with regard to the trucks coming out and heading down Crackersport, towards where the truck stop is. The discussion was that they would ask the trucks to go the other way and maybe put a higher curbing in, but that is where a lot of the services were, and how are we going to have trucks navigating down those windy roads—it’s not built for that. Also, it was thought that we should find out if Upper Macungie Township had concerns from that as well. Off the top of her head, she believed those were the items of concern.

Commission Mulqueen clarified—your concern is that even if they direct the traffic to come out the way they are supposed to go, they would in fact go the wrong way? She said that I would call it the wrong way. There are two ways to go and the truck services are down that way, the truck stop, and the alternate route. Commissioner Mulqueen thanked her for explaining that.

Township Engineer, Ralph Russek said that per their report in the packet, they are recommending engineering approval of the Crackersport Road DC Preliminary Plans. George Kinney, Director of Community Development, had nothing else to add to what has been said this evening unless there were any other specific questions they would like him to answer.

Commissioner Mulqueen said revisiting the issue of trucks going out Crackersport to Macungie, they are not going to be permitted currently under the design to turn that way—correct? Answer: The signage and design is intended to address that. Commissioner Mulqueen said this could be an enforcement issue.

Attorney Marles had one more point on Crackersport Road regarding the right-turn problem—one of the reasons why these sites are desirable is that Crackersport Road, going in the other direction, is a designated truck route. Not everybody uses the truck GPS, but those who do use it will be directed to the correct route, which should improve over time.

Brian Hite approached the Board and said that his concern is the right-of-way dedication immediately in front of his property. Currently he said that he has 3-5 feet of right-of-way, and he does not know how much he is going to have if the existing curb is being all dedicated as Township right-of-way. He understands there are utilities in the ground. His concern is control of what is allowed to occur in that wide right-of-way. He asked—could someone park in my driveway, as long as they don't block my access? He said that his solution is a lot-line adjustment with an easement for the Township. It would give him private property rights of that area—this is all contingent upon the developer and the Township agreeing. He said that he is going to be responsible for maintaining it, but have no control over it.

Attorney Marles said this is really an issue between Mr. Hite and the Township. The developer is already putting trees on that side of the road—moving the road. He went on to say that whether the land is dedicated as Township right-of-way or Mr. Hite's right-of-way, this is irrelevant to us (the developer). If the Township and Mr. Hite come to agree that a portion of it goes to him (Mr. Hite), we can reflect that on the final plan. But, we can't now because the Township and Mr. Hite have not come to terms on that.

President Morgan said to Mr. Hite that we would have to sit down and talk about this as a group—and Staff. We cannot make a decision tonight.

For the record, it has been entered into the record that Brian Hite is a member of the Planning Commission, and he has recused himself from this matter.

President Morgan thanked Mr. Hite for bringing this to their attention. Staff will look into this matter, and determine what the best course of action would be. Township Manager Renee Bickel agreed.

Mike Wolck addressed the Board next with regard to the traffic in this area, and as it relates to the Comp Plan, and how traffic concerns are addressed. Commissioner Bond explained that most of his (Mr. Wolck's) concerns regarding the traffic in this area fall under PennDOT jurisdiction, which the Board has no control whatsoever over. He

understands his frustrations and concerns, but he would suggest that he discuss this with his state representatives.

Commissioner Mulqueen explained to Mr. Wolck that he believes the next Comprehensive Plan integrates what he was talking about. George Kinney, Director of Community Development explained that the Comprehensive Plan is a policy document, which does not get into the detail, but certainly there is a transportation element which is part of that.

Ralph Russek, Township Engineer, wanted to add one last comment with regard to Traffic Studies—we can only see the projects as they come in. The Traffic Studies are regional. They go through a scoping process. We decide, and sometimes they do disagree with us, and they must take into account projects that are proposed. They have to factor all that in. Additionally, there are multipliers for regional traffic—layer upon layer upon layer with the traffic studies. These studies are in no way piecemeal. They take into consideration all projects currently going on.

There were no other questions/comments by the Board or the Public.

President Morgan asked if there was a MOTION to move forward to grant preliminary to a Major Plan Entitled "Crackersport Road DC". MOTION by Commissioner Mulqueen, which was seconded by Commissioner Pinsley. All in favor; none opposed.

b. A Resolution Extending the Conditional Preliminary Approval Granted to a Major Subdivision Entitled "Hotel Hamilton"

George Kinney, Director of Community Development, said that we are again looking at a preliminary plan, but this one has been approved. It has gone through two extension requests—this being the third. At the last BOC Meeting the decision was made to postpone this decision until today's meeting pending receipt of additional information. That information was to include a structural walk through by the Township team, and we engaged Lock Ridge Engineering for that inspection, results which are in the packet. In summary, the Hotel Hamilton is in decent shape, nothing structurally wrong with it. The other requirement of the Applicant was to provide Board with a timeline over the next year. George said that he will allow the Applicant to go over the improvements they anticipate making over the next year if an extension is granted.

Bud Newton, Engineer, indicated they met with SWT Staff who gave him a list of things they were looking for. He said that most of the delay has been due to trying to get cooperation from downstream property owners for drainage to tie into their system. There has since been activity as to how can we proceed if we do not get their cooperation. There is a plan being reviewed right now by your engineer's office and LVPC of how that will be done. One of the critical components to make that work was trying to get things done with the offices across Cedar Crest Boulevard. Since our last meeting we did get a commitment from PennDOT that they would be replacing those culverts. They put it on their Transportation Improvement Program. They have to go through their normal process, which could be a two-three year process until they replace their system across Cedar Crest, but we will be able to put the system in downstream and have something in place, so that when they come to do it, they can then do it. He said that he feels we finally

got a commitment to fix a situation that has been a problem for over 40-some years. In the meantime, we will be doing this culvert on site.

Mr. Newton said the Board had asked what the Project was going to look like when it was completed. Mr. Patel had his architect prepare a rendering of the site. Mr. Patel has also agreed to take under consideration some of the recommendations of PennPraxis. We do need to maintain the ability to make some future additions to the building, which will go on the right rear of the building. Again, we were out with the structural engineer, and Mr. Patel has done quite a bit of improvements to the site.

Mr. Patel has taken down the Burger King and he has made commitments to improve the maintenance on his site. He still has problems from time to time with trucks and unauthorized parking on his site, which becomes a policing problem.

Mr. Newton said the information of what Mr. Patel has spent on the property has been provided in the packet, as well as the requested timeline as to how we will proceed with the project. He feels construction could be started sometime next year.

President Morgan thought the renderings were great; however, expressed concern over the small buffer between the road and the King George.

Mr. Newton said that there is also a well that serviced that building that is out underneath the shoulder of the roadway.

Question: What type of hotel was he looking to have? Mr. Newton said an extended-stay hotel, but a brand has not been decided on yet.

Question: What is the total timeframe on this project, once you get your approvals? Until all the permits are in place, we are looking at the end of the year, so construction could begin next year.

Mr. Newton said that he believes they have been able to satisfy all the requests, and items being looked for by Staff/Board.

There was concern by someone in the audience that other things should have been included in the timeline. He went on to say that given the delayed progress of this project so far, a one-year extension is not the way to go. He feels the extension should be conditional at best so that it is revisited. He felt the final plan should be filed in six months and if it is not, then the conditional time should have some teeth. The Board should be able to decide in six months if the progress made so far is sufficient.

The Board thanked him for his comments.

Commissioner Pinsley said he agreed with some of these comments. He would actually like to see an update quarterly, rather than six months, although six months seems reasonable. He feels that we should grant the extension for another six months, see where they are, and then grant another six months accordingly.

President Morgan said if everyone is amenable, we could stick to the one-year extension, but have a six-month review with specific expectations that have to be met in that six months—you would have to come up with what those expectations would be.

Commissioner Block feels the developer has really gone out of his way to meet the conditions that we have asked them to meet thus far. I do feel the developer has tried his best over the period even though it has been delayed. They have been all along trying to get this water problem worked out and it was a very difficult situation. They have done the best they could, and have invested a lot of money into this project. He feels if we give them a year, with a six-month look into this, he would be ok with that. Commissioner Mulqueen was also ok with a year, and then coming back to the board in six months with a progress update. But if you come back in six months and have not done your homework, that would not bode well for an extension.

President Morgan still felt it would be a good idea for George Kinney, and his team, and Ralph Russek, to meet with Mr. Newton and his team on what reasonable expectations are to be done by that six month review. Both sides need to be on the same page, and know what those expectations are, so that we see good progress.

After the public was heard and questions answered, President Morgan said that she felt the Board was ready to make a decision and vote on this item.

Commissioner Block made a MOTION to approve the Resolution Extending the Conditional Preliminary Approval Granted to a Major Subdivision Entitled "Hotel Hamilton", with the provision of a six-month update. The motion was seconded by Commissioner Mulqueen. The vote was a 4-1 vote. Commissioner Pinsley was opposed. Motion carries.

Mr. Newton and Attorney Malkames thanked the Board for their time.

8. **MOTIONS:**

a. **Motion to Proceed with the Purchase of Inflatable Movie Screen, Projection and Speaker System**

Randy Cope, Director of Township Operations, explained that this is in the 2019 Parks & Recreations Capital Budget, for a total of \$20,000. Regarding the Movies in the Park events, each summer we spend approximately \$4,500 on renting this equipment. Therefore, we thought it might be wise to purchase a system of our own. Received three quotes. We are recommending the purchase of a 23-foot movie screen from Epic Outdoor, the second lowest quote. They have the best warranty and the equipment is a better quality than the lowest quote. Also, excellent customer service. Additionally, we are looking to purchase a 5x8 enclosed trailer from TP Trailers totaling \$2,390. The trailer will store and transport the equipment, and will be purchased through COSTARS. We are requesting to proceed with the above-discussed purchase in the amount of \$14,789, which is \$5,000 under budget for this project.

No questions by the Board or Public.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, to move forward with the above-discussed purchase of movie screen and system purchase, with 5x8 enclosed trailer. All in favor; none opposed.

- b. **Motion Requiring that all members who serve on South Whitehall Township Boards and Commissions, which are recommending bodies, shall be required to cite the governing ordinance provision(s) such member is relying on in all instances where member's vote/recommendation is inconsistent/contrary to the recommendations of Township Staff and/or Professional Consultant.**

MOTION TABLED.

9. **CORRESPONDENCE AND INFORMATION ITEMS:** Self-Explanatory

- a. **Public Notice – Planning Commission Meeting, Thursday, February 21, 2019, 7:00 p.m.**
- b. **Public Notice – Zoning Hearing Board Hearing, Wednesday, February 27, 2019, 7:30 p.m.**
- c. **Public Notice – Joint Board of Commissioners and Planning Commission Meeting, Wednesday, March 13, 2019, 6:00 p.m.**

10. **DIRECTION/DISCUSSION ITEMS:** None.

11. **OLD BUSINESS:** None.

12. **COURTESY OF THE FLOOR:**

Mike Wolck – SWT Resident. Mr. Wolck spoke on the Campus Renovation Project, as well as summaries of projects presented, which he felt did not provide all pertinent information.

13. **PAYMENT OF INVOICES:** Invoices and Purchasing Requisitions have been reviewed by the Township Manager and the Director of Finance, who authorize that checks be issued to pay bills as tabulated.

A MOTION was made by Commissioner Block, which was seconded by Commissioner Mulqueen, to approve payment of invoices. All in favor; none opposed.

14. **EXECUTIVE SESSION:** Executive session to be held following the immediate adjournment of this evening's meeting.

15. **ADJOURNMENT:** At 8:49 p.m., a MOTION was made by Commissioner Block, which was seconded by Commissioner Bond, to adjourn. All in favor; none opposed.

16. **APPROVED:** On **March 6, 2019**, a MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, to approve the February 20, 2019, BOC Meeting Minutes. All in favor; none opposed. The vote was a 5-0 vote.
