

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, DECEMBER 5, 2022
REGULAR MEETING MINUTES**

Members Present: Gail Linde, Kara Stever, Lois Gadek, Ellen Koplin, Cathleen Bannon, John Harbove and John Bannon.

Others Present: Mark Cappuccio (Township Solicitor), Cheryleen Strothers (Township Engineer), Emily Fucci (Zoning Officer/Planning Administrator) and four members of the public.

1. The meeting was called to order at approximately 6:35PM
2. All stood for Pledge of Allegiance
3. Gadek commented on the successful Veteran's Day event held on November 11, 2022 that honored Ted Benson.
4. Review and Approve Minutes of the September 12, 2022 Planning Commission Meeting.

A. **Motion** by J. Bannon to approve the September 12, 2022 meeting minutes as presented. **Seconded** by Stever. **Carried unanimously.**

5. 1200 Beverly Hills Road Preliminary Plan. Submitted October 27, 2021. Expires December 31, 2022. Action Due: December 5, 2022. Owner: Julie Postevin and Maryann Godshall. Developer: Mar Mar Builders. Property consisting of 64.06 acres located at 1200 Beverly Hills Road in the Rural Residential-2 (RR-2) zoning district. Proposed 19 residential lots and 3 open space lots.

A. Gadek announced receipt of the December 5, 2022 letter from Edward Murphy of Wisler & Pearlstine on behalf of Mar Mar Builders for an extension of time until February 28, 2023.

1. **Motion** by C. Bannon to accept the developer's extension of time until February 28, 2023. **Seconded** by Harbove. **Carried unanimously.**

6. Limeport Commons Preliminary Land Development Plan. Submitted August 13, 2021. Expires December 5, 2022. Action Due: December 5, 2022. Owner: SJC Hoffman Lane Holdings, LLC. Developer: SJC Development Group, Inc. Property consisting of 17.3954 acres located along Hoffman Lane and Limeport Pike in the Village Center zoning district. Proposed 24 residential units with private road access.

A. Gadek announced the PC's receipt of the November 2, 2022 submission from Arthur A. Swallow Associates containing additional plan materials and a letter from Vertek dated October 28, 2022.

B. Gadek announced receipt of the November 29, 2022 review letter from the Lehigh Valley Planning Commission, which states that the plans have been deemed consistent with Act 167.

C. Gadek announced receipt of the November 22, 2022 Cowan Associates, Inc review letter. Strothers read the review letter aloud. Discussion was generated on the following:

1. Strothers stated the Plans had been largely “cleaned up” and requires only minor clerical revisions.
2. Discussion was held on the status of the Homeowner’s Association agreement, which requires review by the Township Solicitor. Cappuccio stated he had reviewed drafts and an acceptable agreement was in the works.
3. Strothers stated the plans still require outside agency approval from the Lehigh County Conservation District and PennDOT. Cappuccio clarified the plans cannot be recorded without their approval.

D. Gadek called for a five minutes recess.

E. Cappuccio informed the applicant that a waiver had not been received to request a waiver from Subdivision and Land Development Ordinance (SALDO) Section 304.B.6, which requires that preliminary plan approval be granted prior to final plan approval.

1. Swallow submitted a waiver request for SALDO Section 304.B.6.
 - a. **Motion** by Koplin to accept the December 5, 2022 waiver request from SALDO Section 304.B.6, requiring preliminary plan approval prior to final plan approval, as the Plans have been reviewed against standards for both preliminary and final. **Seconded** by J. Bannon. **Carried unanimously.**

F. **Motion** by Harbove to grant conditional preliminary/final plan approval of the Limeport Commons Land Development Plan with the following conditions:

- Submission of the Homeowner’s Association revised Declaration of Covenants as an alternative to easements, with said Declaration to be acceptable by the Township Solicitor (SALDO Section 403.B.6, 507.A. and D).
- Submission of an Operations and Maintenance Agreement made to the satisfaction of the Township Engineer and Township Solicitor, and compliance with all stormwater management comments as set forth in the November 22, 2022 Cowan Associates, Inc review letter.
- Erosion and Sedimentation Control approval from the Lehigh County Conservation District and approval of the NPDES permit from PaDEP.
- The PennDOT Highway Occupancy Permit for the Limeport Pike/Hoffman Lane intersection and the proposed emergency access are approved and issued.

- Compliance with all comments and conditions as set forth in the November 22, 2022 Cowan Associates, Inc review letter is met.
- Prior to recording of the preliminary/final plans, the applicant shall submit and execute a Land Development Agreement, Financial Security Agreement and additional agreements as necessary to the satisfaction of the Township Solicitor, including the submission of an opinion of cost which shall include funds for the preparation of an as-built plan.
- Submission of as-built plans following completion of construction.
- The approval is subject to compliance with all regulations, rules, resolutions and ordinances of the Township, except where a waiver has been provided
- All outstanding administrative, legal and engineering fees associated with the Plan review or planning services are paid in full by the applicant prior to the release of recorded, sealed plans.
- A Fee in lieu of is paid to the Township.
- Compliance with all rules, regulations and requirements of all Government regulatory agencies for development and/or bodies having jurisdiction with respect to the application, where the applicant shall assume all costs, expenses and responsibilities without liability to the Township.

Seconded by C. Bannon.

Discussion raised by Stever regarding the submission of a fee in lieu of and determination of the amount of the fee accepted. Discussion held on the language in SALDO section 520.E.1 regarding payment equal to the fair market value of the property. Cappuccio asked if Rizzuto is agreeable to the submission of \$24,000 comparable to the fair market value. Rizzuto stated that was acceptable.

Amendment made to the motion to include that all parties have agreed to the submission of \$24,000 for the fee in lieu of (\$1,000 per dwelling). **Carried unanimously.**

7. 6341 Hoffman Lane Land Development Plan. Submitted October 19, 2022. Expires March 5, 2023. Action Due: February 6, 2023. Owner: S.J.C. Development Group, LLC. Property consisting of 1.5 acres located at 6341 Hoffman Lane in the Village Center zoning district. Plans presented for review of modifications present on the property that were completed without prior approval and differ from approved Village Center Subdivision Plan of June 17, 2005.

A. Gadek announced the PC has received a submission of plans and application dated October 19, 2022 in addition to a Cowan Associates, Inc review letter dated November 29, 2022.

B. Cappuccio provided the PC with an overview on the background of the property, as the submission had been made to the PC as a result of litigation.

C. Strothers read the November 29, 2022 review letter aloud. Discussion was generated on the following:

1. Discussion was held on the impervious surface coverage of the property and the potential that a variance may be required. Fucci reminded Cappuccio and the PC that an application was previously made to the Zoning Hearing Board and has been continued, with future review pending direction from the PC review.
2. Discussion was held on the location of the noted parking along Hoffman Lane and its infringement of the roadway.
3. Koplin mentioned the pipe that drains and discharges water onto Hoffman Lane as an immediate safety concern. Strothers confirmed the pipe is proposed to be removed and routed to the stormwater basin on 6421 Dekrane Drive.
4. Koplin questioned the waste draining from the present business, Black Glass Tinting, in the MS4 area. Strothers voiced that rerouting the trench drain and installing a filter system for Black Glass tint is critical. Rizzuto stated that both items can be addressed immediately.

D. Consensus received from the PC that Rizzuto will be remove and reroute the pipe that discharges onto Hoffman Lane and install a filter system for Black Glass Tinting as emergency repairs and that any additional improvements to the drainage or impervious will not be made until further review.

8. Public Comment

A. Strothers announced that she will be officially retiring at the end of the current year but will continue to assist in the transition of work with open projects. The PC wished Strothers well in her retirement.

B. Gadek wished Koplin a Happy Birthday.

9. Adjourn Meeting

A. **Motion** by C. Bannon adjourn the meeting. **Seconded** by J. Bannon. **Carried unanimously.** Meeting adjourned at 8:37PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary