

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, MARCH 1, 2021
REGULAR MEETING MINUTES**

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

Others Present: Cheryleen Strothers (Township Engineer), Mark Cappuccio (Township Solicitor), Emily Fucci (Zoning Officer) and 6 members of the public.

1. The meeting was called to order at approximately 6:40PM
2. All stood for Pledge of Allegiance
3. Review and Approve Minutes of the January 14, 2021 Planning Commission Meeting.

Motion by Bannon to approve the January 14, 2021 minutes. **Seconded** by Linde.
Carried unanimously.

4. Gehman Subdivision (SD) – Preliminary/Final Plan submitted December 14, 2010. Expires April 11, 2021. Action Due: April 5, 2021. Owner: Gehman Family Corporation. Property consisting of 133.793 acres, located at 2072 Cassel Road in the Agricultural Conservation (AC) District. Proposed two (2) lot subdivision, creating a 132.667-acre lot (lot 1) and a 1.00-acre lot (lot 2).

A. Gadek noted for the record that the following items were received by the Planning Commission (PC):

- January 25, 2021 Second Review Letter from Cowan Associates, Inc
- January 29, 2021 Request for Waivers
- February 5, 2021 Letter from Musselman Associates

B. Jay Musselman introduced himself as the Plan engineer. Koplin requested that Musselman list what amount of acreage is located in Lower Milford Township on the Plan, as part of the property is located in Milford Township.

C. Strothers read the January 25, 2021 letter aloud. Discussion was generated on the following:

1. Zoning Ordinance Comment A2, stating that the plans must be revised to show the Ultimate Right-of-way for lot one is a zoning issue and a waiver, which has been requested by the applicant, cannot be granted by the PC. Fucci reminded the PC that the applicants were advised at the January 11, 2021 meeting that an estimated right-of-way for lot one would be sufficient. Koplin asked Musselman if they would be willing to withdraw their waiver request, pending their use of an estimated right-of-way. Strothers requested a note be added to the plan that the ultimate right-of-way is based on the deeded line rather than a physical survey.

Musselman agreed to withdraw the waiver request for item A2 of the January 25, 2021 Cowan Letter regarding to the Zoning Ordinance comment.

2. Musselman clarified that the submission of an Opinion of Title was in progress. The applicants had previously requested this as a waiver, but will now comply.

4. Musselman submitted documents showing the notice mailings that were sent to the surrounding property owners.

5. Musselman stated that he contacted Milford Township but has not received a response from them yet. Musselman will follow up with Milford Township.

D. The February 5, 2021 Musselman Associates Waiver Request letter was reviewed, and the following waivers granted and discussed:

1. **Motion** by Koplin to grant a waiver for letter item B.1.a, Subdivision and Land Development Ordinance (SALDO) Section 304.B.6, requiring Preliminary Plan approval before submission of a Final Plan and accept the Plan with anticipated corrections as the Preliminary/Final. **Seconded** by Bannon. **Carried unanimously.**

2. **Motion** by Koplin to grant a waiver for letter item B.1.b, SALDO Sections 300.B, 303.B.1, 400 and 402.B.2.m, requiring submission of an ERSAP for lot one due to the size and active agricultural uses present on lot one. **Seconded** by Bannon. **Carried unanimously.**

a. An ERSAP for lot two has already been shown on the Plan.

3. **Motion** by Koplin to grant a waiver for letter item B.1.c, SALDO Section 518.C, requiring installation of street trees due to the active agricultural uses on lot one, the adverse effects street trees may have on the agricultural uses on lot one and presence of street trees already in place on lot two. **Seconded** by Bannon. **Carried unanimously.**

4. **Motion** by Koplin to grant a waiver for letter item B.1.d, SALDO Sections 402.B.8.c, 403.B.8.c and 518, requiring a landscape plan because no street trees are being planted. **Seconded** by Bannon. **Carried unanimously.**

5. **Motion** by Koplin to grant a waiver for letter item B.1.e, SALDO Sections 503.B.1, 503.A.5, 503.A.10, 503.B.3, 701.A.2 and 701.A.11, requiring roadway cartway and drainage improvements because of the large frontage on lot one and that lot two is only two hundred feet wide, making the improvements isolated. **Seconded** by Bannon. **Carried unanimously.**

6. **Motion** by Koplin to grant a waiver for letter item for B.1.f, SALDO Section 505, requiring installation of curbing. **Seconded** by Bannon. **Carried unanimously.**

7. **Motion** by Koplin to grant a waiver for letter item Section B.1.g, SALDO Section 508, requiring installation of sidewalks due to the lack of existing sidewalks in the area. **Seconded** by Bannon. **Carried unanimously.**

8. **Motion** by Koplin to grant a waiver for letter item B.1.h, SALDO Section 509, requiring installation of a trail due to the lack of existing trails in the area. **Seconded** by Linde. **Carried unanimously.**

9. **Motion** by Koplin to grant a waiver for letter item Section B.1.i, SALDO Section 520, requiring dedication of recreational land or fee in lieu of because only one lot is being subdivided and the rest is remaining in active agriculture, which would create an expense to the landowner where the Township does not accept for a single lot. **Seconded** by Linde. **Carried unanimously.**

E. The January 25, 2021 Cowan Associates letter was referenced, and the following waivers granted and discussed:

1. **Motion** by Koplin to grant a waiver for letter item 3.a, SALDO Section 402.B.2.b, requiring the applicant's telephone number be provided on the plan due to privacy concerns from the applicant. **Seconded** by Linde. **Carried unanimously.**

2. The waiver request for letter item 3.b, SALDO Section 402.B.4.n, requiring Pennsylvania One-Call number be placed on the plan was not granted due to the excavation being proposed on lot two. The applicant will comply.

3. **Motion** by Koplin to grant a waiver for letter item 3c, SALDO Section 402.B.2.t, requiring existing structures being shown and dimensioned to the property lines because of the cost of the survey to the applicant and the centrally located structures on lot one. **Seconded** by Linde. **Carried unanimously.**

4. The waiver request for letter item 3.d, SALDO Section 403.B.1, requiring information included in Section 402.B.8 was already done by the applicant and is not applicable.

5. The waiver request for letter item 8.a, SALDO Section 402.B.2.h, 402.B.4.a, 403.B.11 and 403.B.13, requiring showing bearings and distances for existing right-of-ways on or adjacent to the site is no longer applicable. The applicant agreed to show the metes and bounds.

6. **Motion** by Koplin to grant a waiver for letter item for 8.b, SALDO Section 402.B.2.j and 402.B.4.f showing building setbacks lines because of the large size of lot one with no building proposed. **Seconded** by Bannon. **Carried unanimously.**

7. The waiver request for letter item 8.c, SALDO Sections 402.B.2.k, showing names and tax parcel numbers for all current owners adjacent to the property was not granted and the applicants will comply.

8. **Motion** by Koplin to grant a waiver for letter item for 8.d, SALDO Section 402.B.2.l and 402.B.4.k, to show existing features on the site and within 100' of the property for lot one due to the lack of construction on the lot. **Seconded** by Bannon. **Carried unanimously.**

a. Existing features within 100' feet of lot two is already shown on the Plan.

9. The waiver request for item letter 8.e, SALDO Section 402.B.2.p, requiring to show deep test probes and percolation test holes for the proposed on-lot sewage disposal systems, was not granted because it is needed for the DEP Planning Module.

10. **Motion** by Koplin to grant a waiver for letter item 10, SALDO Section 403.B.5, to show existing and proposed monumentation for lot one due to the size of lot one and a full survey being cost prohibitive. **Seconded** by Linde. **Carried unanimously.**

a. Existing and proposed monumentation for lot two is already shown on the Plan.

G. Koplin asked if the Sewage Facilities Planning Module had been submitted to John Kortvely, Township Sewage Enforcement Officer. Strothers confirmed that Kortvely will be handling the Planning Module once it is submitted.

H. Gadek added the January 12, 2021 LVPC review letter to the record and read it aloud.

I. Musselman expressed his appreciation for the PC's cooperation in granting the requested waivers. Gadek expressed the PC's support of the Township's local agricultural community and their intent to help families, such as the Gehmans, keep farming for years ahead.

J. Musselman questioned the timeline to submit the plans for review at the April meeting, where the sewer module will need to be presented.

1. **Motion** by Koplin to grant a waiver for a SALDO Section III.303.B.5 and 304.C.3 requiring submissions be made 28 days prior to the Planning Commission meeting for a subdivision to be reviewed and allow for a submission to be made 14 days prior to the next Planning Commission meeting, to allow the Gehman plan to be reviewed in April. **Seconded** by Bannon. **Carried unanimously.**

5. 6421 Dekrane Drive Land Development Plan – Preliminary Plan submitted November 9, 2020. Expires March 7, 2021. Action Due: March 1, 2020. Equitable Owner: SJC Development Group, Inc. Property consists of 3.2761 acres, located at 6421 Dekrane Drive in the Village Center (VC) Zoning District. Proposed warehouse use with 12,000 square feet of new building area.

A. Gadek noted for the record that the following items were received by the PC:

- January 29, 2021 letter from Arthur A. Swallow Associates for the Sewage Planning Application Mailer
- February 1, 2021 cover letter from Arthur A. Swallow Associates summarizing the submissions
- January 29, 2021 Valley Environmental Services, Inc Carbonate Features Analysis letter
- January 29, 2021 Request for Relief and Waivers from SALDO
- Project Narrative (undated)
- February 17, 2021 Public Sewer System Available Capacity Determination
- February 17, 2021 Cowan Associates, Inc Second Review Letter

B. Cappuccio provided an overview on the applicant's conditional use application, CU-1-20, which was approved at the January 21, 2021 Board of Supervisors meeting. Cappuccio will provide the PC with a copy of the decision.

C. Strothers read the February 17, 2021 review letter aloud. Discussion was generated on the following:

1. Sal Rizzuto, applicant, distributed photos of the proposed building design to address review letter comment A.2. The building will be of compliant height but will not meet the Zoning Ordinance requirements for a roof line of clear differentiation of rooflines over sixty feet in length. Rizzuto stated he can redesign the building roofline to be compliant.
2. Koplin didn't believe there was anything to gain by requiring a small amount of sidewalk to be installed along Hoffman Lane at the present moment. Koplin believed the sidewalks would be more beneficial if installed when future proposed development along Hoffman Lane begins. Art Swallow, Plan engineer, suggested they are agreeable to installing sidewalks when the Township finds them necessary. Gadek questioned if there is a way to have this agreement in place, while guaranteeing no litigation expenses are generated in the future. Koplin suggested a note be placed on the plan so it comes up in a title search. Cappuccio will advise Swallow in determining suitable language to be placed on the Plan.
3. Bannon and Linde agreed that the requirements for the streetscape should be similar to the sidewalks, being put in place when deemed necessary by the Township. Cappuccio stated that a note similar to that of the sidewalks can be added to the Plans.
4. Tim Cogle, 6443 Dekrane Drive, neighbor to the rear of the subject property does not find the existing buffer to be adequate. Cogle stated that the summer buffer consists only of weedy undergrowth and that there is no buffer between the properties in the winter months. Cogle showed the PC pictures of the buffer

between the two properties. The trees previously planted have a stunted growth and Cougle approximated them to be only six to seven feet tall. Koplin requested paperwork from the original planting be pulled out. Rizzuto suggested different varieties of trees that could be planted. Bannon suggested a privacy fence may be beneficial. Additional research into the correcting the buffer will be done.

5. Koplin and Bannon agreed that an Environmental Impact Assessment report is not necessary for the lot, because it was already created under a previous subdivision for non-residential use.

a. **Motion** by Bannon to grant the waiver request for letter item B.2, SALDO Section 402.B.8h, for the submission of an Environmental Impact Assessment because the lot was legally created, reviewed and designated under a previous subdivision for a non-residential use, and as stated in the February 17, 2021 Cowan Associates review letter, "It appears the project will not have an adverse impact on the environment in the area if proper construction techniques are used and the Physical Performance Requirements indicated in Section 1306 of the Zoning Ordinance are met". **Seconded** by Koplin. **Carried unanimously.**

6. Stever asked if there were concerns for the increase of impervious surfaces on the lot. Strothers clarified that the previous subdivision anticipated an increase in impervious and the existing basin had been constructed to handle the increase.

7. Strothers confirmed that there is no fee simple dedication proposed, only an easement for the sewer.

a. **Motion** by Koplin to grant the waiver request for letter item B.3, SALDO Section 402.B.8m, requiring an opinion of title be submitted because no fee simple dedication is proposed. **Seconded** by Bannon. **Carried unanimously.**

8. Strothers stated that the Plans already show some adjacent existing features, and she has no objection to the applicant's waiver request to show additional features.

a. **Motion** by Bannon to grant the waiver request for letter item B.4, SALDO Section 402.B.21, requiring the mapping of existing features within 100' of the site because existing features of impact are already shown. **Seconded** by Linde. **Carried unanimously.**

9. Strothers clarified that the earth disturbance will be over 5,000 square feet and the Lehigh County Conservation District will need to review the Plans at the time of the building permit.

a. **Motion** by Bannon to deny the waiver request for letter item B.7, SALDO Sections 403.B.18e and 516.E.4, because the Plans will need to

be submitted to the Lehigh County Conservation District for review either way. **Seconded** by Linde. **Carried unanimously.**

10. Strothers discussed the waiver requested for showing a twenty foot turning radius at the driveway entrance. The plan does show a turning template but does not included a right turn out template. This needs to be shown before a waiver is granted.

a. **Motion** by Bannon to deny the waiver request for letter item B.8, SALDO Section 502.H.2, requiring a driveway entrance radius of 20 feet and make it a requirement that a 20-foot radius be provided at the driveway intersection. **Seconded** by Koplin. **Carried unanimously.**

11. Strothers believes the requested waiver for the installation of trails is appropriate.

a. **Motion** by Koplin to grant the waiver request for letter item B.10, SALDO Section 509, requiring installation of a trail due to the lack of existing trails in the area. **Seconded** by Bannon. **Carried unanimously.**

12. Strothers explained that ADA requirements must be shown on the plan and the PC is unable to waive because they are Federal requirements.

D. Cappuccio reminded the PC that action on the Plan was due. Fucci provided the applicant with a form to request an extension of time.

1. Gadek announced the PC received from the applicant a request for an extension of time without limitation.

a. **Motion** by Linde to accept the extension of time without limitation for the 6421 Dekrane Drive LDP. **Seconded** by Koplin. **Carried unanimously.**

6. LVPC Correspondance – 722 East Main Street Minor Subdivision, Macungie Borough

A. Gadek read the letter aloud and that no conflict with the SWL Regional Plan was noted.

8. Public Comment

A. None received.

9. **Motion** to adjourn meeting by Koplin. **Seconded** by Bannon. **Carried unanimously.** Meeting adjourned at 9:20PM.

Respectfully Submitted,

Emily A. Fucci

Emily A. Fucci
Lower Milford Township
Planning Commission Secretary

APPROVED