

LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, MAY 5, 2025
REGULAR MEETING MINUTES

Members Present: Kara Stever, Ellen Koplin, Cathleen Bannon and John Bannon.

Others Present: Mark Cappuccio (Solicitor), Michael Smith (Engineer), Emily Fucci (Zoning Officer/Planning Administrator), and 4 members of the public.

1. The meeting was called to order at approximately 6:36PM by C. Bannon.
2. All stood for Pledge of Allegiance.
3. Review and Approve Minutes of the March 3, 2025 Regular Planning Commission Meeting.

A. **Motion** by J. Bannon to approve the minutes of March 3, 2025 as presented.

Seconded by Stever and **unanimously approved**.

4. 1200 Beverly Hills Road Preliminary Plan. Submitted October 27, 2021. Expires March 4, 2025. Action Due: March 3, 2025. Owner: 1200 Beverly Hills, LLC. 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 4 open space lots.

A. Cappuccio provided an update on the plans for 1200 Beverly Hills Road, which included the applicant's research into dedicating ownership of the proposed emergency access lane so that a thru-road will never be permitted. Cappuccio stated that the applicant will present revised plans in June. J. Bannon asked if the Fire Company was conferred with. Ed Miller, Deputy Fire Chief, was present and commented that they were interested in guaranteeing emergency access.

B. Fucci noted that a letter from John Kortvely dated April 17, 2025 was received and the Sewage Facilities Planning Module required approval.

1. **Motion** by Koplin to approve the 1200 Beverly Hills Road sewage facilities planning module and request the developer that the comment included under C.2 on the April 17, 2025 review letter was added to the plans. **Seconded** by J. Bannon and **unanimously approved**.

5. 6341 Hoffman Lane Land Development Plan. Submitted October 19, 2022. Expires May 5, 2025. Action Due: May 5, 2025. 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. Sal Rizzuto, applicant, and Matthew Deschler, counsel, were present for the meeting. Smith read the April 28, 2025 Cowan Associates, Inc review letter ("letter") aloud and conversation was generated on the following:

1. Smith noted letter comment 1 and stated that the revision dates on the plan sheets were inconsistent. Deschler stated they will comply and fix the revision dates.

2. Smith referenced letter comment 2 that stormwater management plans are required under Ordinance No. 131 and have not been submitted. Koplin questioned if the property is in the Act 167 area for the Saucon Watershed. Smith confirmed it was in the Act 167 area, as well as the Township's MS4 area, and noted the plans need to be submitted to the Lehigh Valley Planning Commission (LVPC) for Act 167 review. C. Bannon asked why stormwater plans were not submitted. Deschler responded that Mike Houston, Plan preparer, looked at multiple stormwater systems and thought there was nothing else feasible for drainage on the lot. Deschler stated 70 to 80 percent of water drains to the basin on 6421 Dekrane Drive. Deschler referenced a stormwater report prepared by an engineering firm. Smith confirmed the report was not submitted to the Township.

a. Cappuccio asked what the potential timing could be for the Act 167 review to be performed by the LVPC. Smith was not sure of the timing.

3. Smith noted that letter comment 7 regarding monumentation was satisfied in December 2024.

4. Deschler stated that letter comment 8 regarding an improvements and financial security agreement would be complied with after the plan received approval.

5. Smith noted that letter comment 3 regarding LVPC use approval, comment 4 regarding a letter of adequacy from the Lehigh County Conservation District (LCCD), and comment 5 regarding submission of a lighting plan had been satisfied.

a. J. Bannon asked if any remediation was done to the lighting on the site. Smith noted that the lighting plan submitted was adequate, as stated in letter comment 5. Rizzuto responded to J. Bannon that no action was taken on the lighting and will not be until the plans are approved. Smith stated that all fixtures will be inspected to verify compliance in the future.

6. Deschler stated they will comply with letter comment 9 regarding notes on the plans regarding use approvals, comment 10 regarding the sanitary trench pavement restoration detail and comment 11 regarding adding a note for the use designation of building 3.

a. Koplin asked if storage was still the intended use of building 3. Deschler responded that if the property owner wishes to change the use in the future, they will comply with zoning.

7. Deschler stated they will comply with comment 12 regarding payment of sewer connection fees for building 3. Koplin asked if the sewer will be used in the way presented on the plans. Smith responded they are adding individual bathrooms with piping in each garage bay that will tie into the Township system. Smith

confirmed that a new EDU will be added to the property. Rizzuto questioned the need for an additional EDU and Smith responded with information on the Township's EDU requirements.

8. Deschler stated they will comply with letter comment 13 regarding payment of all fees in full prior to final approval and comment 14 regarding establishment of an improvements and financial security agreement.

B. Cappuccio noted that the outstanding item left relates to letter comment 2 for stormwater plans. Deschler asked why the Act 167 reference was not brought up prior. Koplin responded that it did not matter, as the issue is relevant. Smith added that if the stormwater plans had been submitted, the requirement would have been noted. Stever agreed that Smith made a good point.

1. Deschler agreed to submit what Houston thought would be sufficient for stormwater plans, but stated that the terrain was not significantly altered on the site. Deschler stated that he did not think the plans constituted as land development

2. Discussion was held on the number of alterations made to the site, including grading, addition of a retaining wall and paving. J. Bannon noted new gutters were added to the site. Koplin noted the removal of grassy areas. Smith stated that if elevations were compared, differences would be noted

a. Rizzuto argued that the flow of water was not impacted on the site and was improved by the work he did. Rizzuto further argued that the existing grade on the site is the same as it had always been. Koplin commented that fill was brought in to the site. Rizzuto denied bringing in fill.

b. Koplin referenced a pipe that was originally added that dispensed water directly on to Hoffman Lane.

c. J. Bannon stated they can have their engineer present a professional opinion and prove they did not change the elevation, as the burden of proof to do so is on them.

d. Deschler stated they cannot commit to revising plans, but will have Houston submit what he thinks is sufficient and come in front of the PC to explain.

e. Smith asked for clarification if Deschler was stating they believe they do not need stormwater management plans. Deschler confirmed they believe they do not need stormwater management plans, and stated they will prove it with Houston's submission.

f. Rizzuto stated it was not his fault if the prior property owner made modifications to the grading. Koplin responded that was irrelevant as he is now the property owner.

C. Cappuccio reminded the PC that today was the deadline by the Court for action. Cappuccio noted that the plans have moved a long way since the last review, but that the stormwater plans were still outstanding.

1. Deschler stated they cannot resolve the stormwater issue without Houston. Fucci asked why Houston was not available, despite knowing about the court ordered action date since December of 2024. Deschler responded that Houston had other commitments.

**a brief recess was taken from 7:52PM until 8:06PM. **

D. Deschler informed the PC that they would like to request an extension to address the stormwater plan comments and make a submission to support their claims. Stever asked if they are willing to create the stormwater plans and comply, or if they will not. Deschler stated they will ask for waivers if not applicable. J. Bannon asked if they will make their best effort to comply, and Deschler responded they will.

1. Cappuccio noted that the Board of Supervisors was agreeable to an extension of time until September 8, 2025 with the requirement that an update is provided at the end of each month via email to Fucci, who will share with the PC and Board of Supervisors.

E. **Motion** by Koplin to grant an extension of time until September 8, 2025 and starting in May, require a monthly update on the status of the review of the stormwater plans and overall Land Development Plan in anticipation of conditional approval. **Seconded** by Stever and **unanimously approved**.

6. Public Comment

A. None received.

7. Adjourn Meeting

A. **Motion** by J. Bannon to adjourn the meeting. **Seconded** by Stever and **unanimously approved**. Meeting adjourned at approximately 8:19PM.

Respectfully Submitted,


Emily A. Fucci
Lower Milford Township
Planning Commission Secretary