

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, APRIL 5, 2021
REGULAR MEETING MINUTES**

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

Others Present: Cheryleen Strothers (Township Engineer), Mark Cappuccio (Township Solicitor), Emily Fucci (Zoning Officer) and 7 members of the public.

1. The meeting was called to order at approximately 6:38PM
2. All stood for Pledge of Allegiance
3. Review and Approve Minutes of the March 1, 2021 Planning Commission Meeting.

A. Gadek complimented Fucci on the March minutes.

1. **Motion** by Bannon to approve the March 1, 2021 minutes as presented.
Seconded by Johnson. **Carried unanimously.**

4. Geryville Materials, Inc. – Final Land Development plan submitted July 1, 2015. Expires April 31, 2021. Action Due April 5, 2021. Equitable owner: Geryville Materials. Property consists of 628.482 acres located along King's Highway, West Mill and Buhman Roads in the Agricultural Conservation Zoning District (formerly Agricultural-Rural Zoning District).

A. Gadek announced the Planning Commission (PC)'s receipt of the March 23, 2021 letter from Steve Harris for an extension of time until August 31, 2021.

1. **Motion** by Harbove to accept the developer's extension of time until August 31, 2021. **Seconded** by Bannon. **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 asked for comments from the developer before Strothers began her review of the March 29, 2021 Cowan Associates, Inc letter. No comments were received from the developer. Strothers read the March 19, 2021 Cowan Associates, Inc review letter aloud. Discussion generated on the following:

1. Strothers advised that the right-of-way shown on the Plan utilizes the deeded right-of-way, as discussed at the March PC meeting. Gadek stated that if the engineer is satisfied with what is shown on the Plan, the PC will find it acceptable.

a. **Motion** by Bannon grant a waiver for letter item B.1, Subdivision and Land Development Ordinance (SALDO) Sections 402.B.2.h, 402.B.4.a, 403.B.11 and 403.B.13 regarding showing bearings and distances for existing right-of-ways on or adjacent to the site, with the understanding that this item was discussed in depth at previous meetings and the deeded right-of-ways shown on the Plan are satisfactory to the engineer, and that full compliance is not being asked for because it would be burdensome to the applicant due to the large size of the agricultural parcel. **Seconded** by Johnson. **Carried unanimously.**

2. Koplín asked the applicant to clarify what amount of acreage was used to calculate the site capacity, since part of the farm is located in Milford Township, Bucks County. Musselman will revise the Plan to reflect the acreage located in Lower Milford Township accurately.

3. Musselman confirmed that he has followed up with Milford Township and the Lehigh County Conservation District (LCCD) for responses on their Plan review. Musselman will continue to contact both entities until a response is generated.

B. Strothers read the March 29, 2021 letter from John Kortvely, Township SEO, aloud. Koplín asked for clarity on what Township Officials will need to sign the sewer planning module. Strothers responded that it will need to be signed by the Zoning Officer, an authorized signer for the PC and either the Board of Supervisors Chair or the Township Secretary. Fucci confirmed that the planning module will be before the Board of Supervisors at their April meeting for approval and signature.

E. Discussion took place on whether the Plan was ready for approval. Cappuccio stated that an extension will be required until the outstanding items are satisfied. The applicants were advised that the four remaining items will need to be addressed before approval is granted; a response is received from Milford Township, a response is received from the LCCD, DEP accepts the sewage facility planning module and a revision of the requested waivers are made to the Plan. Fucci provided the applicants with an extension of time request form.

1. **Motion** by Bannon to accept the applicant's extension of time until June 15, 2021. **Seconded** by Koplín. **Carried unanimously.**

5. 6421 Dekrane Drive Land Development Plan – Preliminary Plan submitted November 9, 2020. Expires March 7, 2021. Extension of time granted without limitation. 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 asked for comments from the developer before Strothers began her review of the March 29, 2021 Cowan Associates, Inc letter. No comments received from the

developer. Strothers read the March 29, 2021 Cowan Associates, Inc review letter aloud. Discussion generated on the following:

1. In response to Zoning Ordinance Comment A.2 regarding architectural design, Sal Rizzuto provided the PC with updated sketches of the warehouse design to show his ability to comply, although official verification of compliance will still be addressed during the review of building permits.

2. Cappuccio informed the PC that an appeal has been received on the Board of Supervisor's decision granting conditional use approval. The Township is preparing the return of record and an argument will be scheduled by the Court. Gadek questioned why this particular use was before the Supervisors and not the Zoning Hearing Board. Cappuccio provided a brief background on inclusion of a Conditional Use during the 2009 Zoning Ordinance update.

3. The turning radius shown on the Plans at the driveway intersection with Dekrane Drive was noted as acceptable. Koplin brought to the PC's attention that since the roadway is already dedicated, the Township would be required to fix any damage to the street curbing created by the warehouse traffic. Koplin wants to see the developer make an agreement that should any damage be made to the Township property in the right-of-way, the property owner is responsible to fix it. Rizzuto is open to an agreement.

a. Tim Cogle, 6443 Dekrane Drive, questioned why the applicant utilized a 33-foot trailer for the turning radius and not a larger truck. Art Swallow, Plan engineer, stated that a 33-foot trailer was utilized because larger trailer lengths will not be located on the property. Swallow further clarified that it is the developer's responsibility to show the turning radius and that is has been determined as sufficient.

b. Gadek clarified for the audience that the PC always relies on the advisement and opinion from qualified professionals when making decisions.

4. Strothers explained a previously issued NPDES permit for the property expired without termination and may create difficulty for the applicant. Swallow stated that they received a recommendation from the State that the project is part of the common plan and will not need a NPDES permit.

B. Discussion was held on moving forward with a conditional approval of the application. Cogle questioned how the PC can move forward with an approval and stated that the Board of Supervisors had requested a truck study be performed during the conditional use hearings. Fucci and Cappuccio reviewed the transcripts from all three Conditional Use hearings and noted for the record that the Board of Supervisors did not impose a condition for a truck study.

1. **Motion** by Bannon to grant a waiver for letter item B.4, SALDO Section 502.H.2 requiring a twenty (20) foot radius provided at the driveway intersection, based on the assurance from the Township engineer that the shown turning radius is adequate and the understanding of the applicant's agreement to add a note on the plan regarding the repair of any damage created in the right-of-way by vehicles or trucks. **Seconded** by Johnson. **Carried unanimously.**

2. **Motion** by Koplin to grant conditional approval to the 6421 Dekrane Drive LDP with the following conditions:

- A letter of adequacy is received from the Lehigh County Conservation District.
- The Plan is amended to reflect the comments in the March 29, 2021 Cowan Associates, Inc letter, as applicable.
- A note be added to the plan with language deemed satisfactory to the Township Engineer and Township Solicitor that any damage caused by vehicles or trucks within the Township right-of-way be repaired by the current or future owner(s) at his or her expense.
- A side agreement be prepared that will be recorded against the property with language deemed satisfactory by the Township Engineer and Township Solicitor that any damage caused by vehicles or trucks within the Township right-of-way be repaired by the current or future owner(s) at his or her expense.
- The Appeal by two Township residents to the Conditional Use approval by the Board of Supervisors be upheld in favor of the applicant/owner.

Seconded by Harbove. **Carried unanimously.**

6. Zapach Subdivision - Final Plan. Submitted February 26, 2021. Expires May 30, 2021. Action Due: May 3, 2021. Owner: Lois and Theodore Zapach. Developer/Equitable Owner: SJC Development Group, Inc. The property consists of 32.13 acres and is located in the Village Center (VC) district along Hoffman Lane and Limeport Pike. Proposed two (2) lot subdivision, creating a 17.39-acre lot (lot 1) and a 14.73-acre lot (lot 2).

A. Gadek questioned why the PC was looking at the application while zoning violations on the lot were still outstanding. Cappuccio provided an overview of the Township's enforcement of the zoning violations on the property. Following the Zapach's appeal to the Zoning Hearing Board and their denial to continue the operation of the uses on the property, the Zapachs have failed to comply and remove the violations. The Township has filed a civil complaint to the District Magistrate. Cappuccio advised that the PC can review the Plan, but that he would recommend denial at this time.

1. Rizzuto stated that the income from the illegal uses are the Zapachs' main source of income and he has had difficulty getting them to remove the uses.

B. Strothers read aloud the March 15, 2021 Cowan Associates, Inc Review letter. Minimal discussion was generated.

C. Gadek asked for the applicant to state what the future expected uses on lot 1 will be. Rizzuto responded that the intended future use remains as what was shown in the Limeport Commons Sketch Plan, proposing 22 twin units and 2 single family dwellings.

6. LVPC Correspondence – 202 East Main Street, Lot Consolidation, 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 Johnson. **Seconded** by Bannon. **Carried unanimously**. Meeting adjourned at 9:01PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary

APPROVED