

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, JULY 15, 2024
WORKSHOP MEETING MINUTES**

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

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

1. The meeting was called to order at approximately 6:35PM by Gadek.
2. All stood for Pledge of Allegiance
3. 6341 Hoffman Lane Land Development Plan. Submitted October 19, 2022. Expires August 5, 2024. Action Due: August 5, 2024. 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 introduced the July 8, 2024 letter from Arthur A. Swallow Associates, LLC titled "*Explanation of SALDO Waiver Requests for SJC Development Group, Inc in Response to Township SALDO Review dated June 12, 2024 for 6341 Hoffman Lane*" and the July 11, 2024 Cowan Associates, Inc responding review letter. Cappuccio provided background on the PC's ability to issue waivers for items in the Subdivision and Land Development Ordinance (SALDO).

B. Gadek read the July 11, 2024 Cowan Associates, Inc review letter aloud:

1. Discussion was held on the SALDO waiver request for section 301.B.2, requiring an Existing Resource and Site Analysis Plan (ERSAP) be submitted. Stever questioned if all existing easements were shown on the plans. Koplin asked if the location of the sewer easement was found. Cappuccio recommended that the ERSAP requirements can be waived, excluding 400.B.18 requiring "all recorded easements and deed restrictions" be shown on the plan.

a. **Motion** by J. Bannon to waive SALDO Section 301.B.2 requiring an Existing Resource Site Analysis Plan, as detailed under section 400.B based on the opinion of the Cowan Associates that they do not anticipate impact on the Township's natural or cultural resources, excluding from the waiver section 400.B.18 and requiring the plans show all recorded easements and deed restrictions based on the concerns of the PC members that all easements are shown and the Solicitor's advisement that the waiver could be made with the exclusion of 400.B.18. **Seconded by Stever and unanimously approved.**

2. Koplin suggested that if the carbonate geology protection assessment be waived, a note be included on the plan stating that a carbonate geology assessment may be required in the future should reconstruction and/or additional construction on the site take place. Cappuccio suggested that a note be added to the plan stating that future disturbance requires a carbonate geology report unless a waiver is granted at that time.

a. **Motion** by Stever to waive SALDO sections 402.B.8f, 406, 404.A.2 and 519 requiring a carbonate geology protection assessment based on the opinion of Cowan Associates that they do not anticipate the lack of an assessment impacting the Township or adjacent properties, with the condition that a note be added to the plan stating future construction, reconstruction and excavation require an assessment unless waived by the SALDO at that time. **No second received. Motion withdrawn by Stever.**

b. **Motion** by Harbove to waive SALDO sections 402.B.8f, 406, 404.A.2 and 519 requiring a carbonate geology assessment based on the opinion of Cowan Associates that they do not anticipate an impact on the Township or adjacent properties by the lack of a carbonate geology protection assessment at this time, requiring that a note be included on the plan declaring that no additional substantial improvements or excavation are covered by the waiver. **Seconded by Stever and unanimously approved.**

3. Gadek asked for the opinion of Lowell Linde, audience member and Chair of the Township Historic Commission, on the potential impact of waiving the Historic Resource Impact Study. L. Linde confirmed that the Historic Commission reviewed the historic structures located near the property and found no resources at risk of impact. L. Linde was comfortable with a waiver of the Historic Resource Impact Study.

a. **Motion** by C. Bannon to waive SALDO section 402.B.8g, 507 and 404.A.3 requiring a Historic Resource Impact Study, based upon the opinion of Cowan Associates and the Historic Commission that they do not anticipate impact to the Township's historic resources. **Seconded by J. Bannon and unanimously approved.**

4. Cappuccio stated that he found requesting an opinion of title unnecessary for the project and recommended a waiver of the requirement.

a. **Motion** by J. Bannon to waive SALDO Section 402.B.m requiring submission of an opinion of title, based on the advice of the Township Solicitor that an opinion of title is not necessary. **Seconded by Harbove and unanimously approved.**

5. **Motion** by Stever to waive SALDO sections 402.B.8h, Section 408 and Section 404.A.4 requiring an Environmental Impact Assessment, based on the opinion of

the Cowan Associates that no impact is anticipated to the Township's natural resources. **Seconded by J. Bannon and unanimously approved.**

6. Discussion was held on the number of access points to the property and the feasibility of relocating the driveways to be a minimum of two hundred (200) feet apart. Tim Cogle, neighboring property owner, stated that he believed separating the driveways apart would negatively impact the flow of traffic on Hoffman Lane and Dekrane Drive.

a. **Motion** by J. Bannon to waive SALDO Section 502.H.5 requiring driveways intersecting any street be a minimum of two hundred (200) feet apart based upon the opinion of the Cowan Associates that they do not anticipate a negative impact on the Township or adjacent properties by leaving the driveways at the current distance, and the observations of local residents that separating the driveways could negatively impact traffic on Hoffman Lane and Dekrane Drive. **Seconded by Harbove and unanimously approved.**

7. Discussion was held on the need to place curbing in the parking areas. Stever questioned how the designated parking areas will be adhered to without barriers. Gadek announced that a decision on the waiver request for SALDO section 505.A will be deferred until the Township Engineer can be present for the discussion.

8. Discussion was held on the lack of trails in the area. Koplin informed the PC that the Board of Supervisors is discussing the creation of trails in Limeport, but the proposed locations are on the opposite side of Hoffman Lane.

a. **Motion** by J. Bannon to waive SALDO section 509 requiring trails based upon the lack of existing trails located in proximity to the property. **Seconded by C. Bannon and unanimously approved.**

9. Discussion was held on deferring waivers for SALDO sections 402.B and 403.B requiring plan content until the Township engineer and applicant's engineer can be present. Koplin stated that she thought existing features within 100 feet of the site should be shown on the plan. Cappuccio confirmed that action can be taken on a portion of the waiver.

a. **Motion** by Stever to deny the waiver for SALDO section 402.B.2.L and require that all features within 100 feet of the site are shown on the plan. **Seconded by C. Bannon and unanimously approved.** Gadek noted that Rizzuto agreed to the denial of the waiver.

10. Discussion was held on deferring the waiver for SALDO sections 402.B.8a, 403.B, 403.B.18a, 516B and 701.A.g requiring an erosion and sedimentation control plan. Koplin stated that the waiver was unnecessary, as an erosion and sedimentation control plan will be needed regardless due to the square footage of disturbance. J. Bannon agreed that he would like to see an erosion and

sedimentation control plan. Gadek noted that Cowan Associates recommended that a waiver of this section would not be prudent due to the site's location in proximity to a waterway and its location within the Township MS4 area.

a. **Motion** by Harbove to deny the waiver for SALDO sections 402.B.8a, 403.B, 403.B.18a, 516B and 701.A.g requiring submission of an erosion and sedimentation control plan, based upon the recommendation from Cowan Associates that a waiver is not prudent and fact that an erosion and sedimentation control plan will still be otherwise required. **Seconded by J. Bannon and unanimously approved.**

11. Discussion was held on the waiver request for SALDO section 402.B.8.c, 403.B.18c, 518.B, and 701.A.8 requiring a landscape plan. Koplín requested the applicant submit additional information on the existing landscaping for review on its adequacy. Gadek announced that a decision on the waiver request for SALDO section 402.b.8.c, 403.B.18c, 518.B and 701.A.8 will be deferred until additional information can be submitted and reviewed.

12. Discussion was held on waiver request for SALDO section 402.B.8i, 409 and 404.A.5 requiring a traffic impact study. Rizzuto did not think the uses generated traffic necessary for a study. Cappuccio suggested that Mike Smith be provided with additional information to verify if a study is needed. J. Bannon commented that he sees a lot of vehicles and traffic coming from the automotive garage. Cogle thought most traffic came from Black Glass. Gadek announced that a decision on the waiver request for SALDO section 402.B.8i, 409 and 404.A.5 will be deferred until additional information can be submitted and reviewed.

13. Discussion was held on waiver request for SALDO sections 403.B.5, 701.A.10, 513.A, 513.E and 703.A.10 requiring monumentation be shown on the plan. Koplín requested they look to see if monumentation was done during the prior land development. J. Bannon commented that he thought they should voluntarily show the monumentation. Harbove stated that he thought it should be shown on the plans if found. Gadek announced that a decision on the waiver request for SALDO section 403.B.5, 701.A.10, 513.A, 513.E and 703.A.10 will be deferred until additional information can be submitted and reviewed.

14. Discussion was held on waiver request for SALDO section 508.A and 701.A.3 requiring sidewalks along the Hoffman Lane road frontage. Linde thought that sidewalks may assist in deterring parking along Hoffman Lane. Stever inquired how the additional impervious surface of the sidewalks may affect the plan. Harbove thought the question should be deferred to the engineers. Gadek announced that a decision on the waiver request for SALDO section 508.A and 701.A.3 will be deferred until additional information can be submitted and reviewed.

15. Discussion was held on waiver request for SALDO Section 518.C and 701.A.8 requiring street trees. Gadek announced that a decision on the waiver request for SALDO section 518.B and 701.A.8 will be deferred until additional information can be submitted and reviewed on the existing street trees.

16. Discussion was held on the waiver request for SALDO section 701.A and 703 subjecting the land development to the establishment of an Improvements and Financial Security Agreement. Koplín stated that due to the number of changes being required to the site, financial security will be needed. Cappuccio would like to see what additional improvements may be required to the site prior to action being taken on the waiver. Gadek announced that a decision on the waiver request for SALDO section 701.A and 703 will be deferred until additional information can be submitted and reviewed, as advised by the Township Solicitor.

4. Public Comment

A. None received

5. Adjourn Meeting

A. **Motion** by Stever to adjourn the meeting. **Seconded by Linde and unanimously approved.** Meeting adjourned at approximately 8:57PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary