

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, MAY 3, 2021
REGULAR MEETING MINUTES**

Members Present: Gail Linde, 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 5 members of the public.

1. The meeting was called to order at approximately 6:36PM
2. All stood for Pledge of Allegiance
3. Review and Approve Minutes of the April 5, 2021 Planning Commission Meeting.

A. Gadek complimented Fucci on the April minutes and mentioned that she had found a few minor typos that needed correction.

1. **Motion** by Harbove to approve the April 5, 2021 minutes with the minor correction of the typographical errors submitted by Gadek. **Seconded** by Bannon. **Carried unanimously.**

4. 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 announced the April 30, 2021 letter from Emily Fucci to Theodore and Lois Zapach and read the letter aloud. The letter provided an update on the efforts taken by the Zapachs' to reach zoning compliance. The letter documented that all tenants have been asked to vacate the property. Fucci and Strothers provided a detailed update based upon a site inspection that had been conducted earlier in the day. Not all tenants have been removed from the property, but visible progress is being made.

B. Members of the PC asked Sal Rizzuto, developer, questions on the landscape service business. The business is currently one of the illegal uses on the lot, but is requesting conditional use approval to remain on the property.

1. Gadek asked if the business burns any yard waste on the property and if fertilizers are used, concerned about the storage of chemicals on the property. Rizzuto stated that the applicant does not have the license required to apply fertilizer and does not utilize it in the business.

2. Harbove questioned if the business was located within the floodplain. Koplin suggested the PC look at the SD plan, which shows the floodplain boundary. The

building utilized by the business appeared to be outside of the floodplain. Koplin thought that some of the vehicle and material storage may be within the floodplain still. Koplin suggested the Township's floodplain ordinance be reviewed, as it itemizes what is allowed to be within the floodplain.

3. Cappuccio advised the applicants that they will need to be prepared to address questions at the conditional use hearing about the floodplain and for a possible condition that the applicant does not keep chemicals onsite.

C. Art Swallow, Plan Engineer, asked if the PC would be willing to grant an approval with the condition that the non-compliant uses are completely removed prior to the Plan moving before the Board of Supervisors (BOS).

1. Gadek thought it sounded like substantial items were still left open. Strothers referenced the March 15, 2021 review letter, which listed minor Plan modifications.

D. Koplin expressed concerns that the monthly sewer fees would not be paid when the property is connected, as agreed upon during the Preliminary Plan approval. Cappuccio stated that it could be arranged that the property is hooked up, but the connection is not turned on until a later date.

E. Cappuccio advised that a conditional approval not be given because of the zoning violations still present on the property. Gadek agreed with Cappuccio that a clean motion would be better.

F. Strothers clarified the PC's previously discussed intent to defer the installation of sidewalks and streetscape for lot 1 until a deemed suitable to the Township, in anticipation of future development.

G. Rizzuto completed an extension of time request form and submitted it to Fucci. Fucci read the extension letter aloud, which granted an extension without expiration of time.

1. **Motion** by Stever to accept the developer's extension of time without limitation. **Seconded** by Harbove. Carried unanimously.

H. Gadek requested Cappuccio, Strothers and Fucci to prepare a rough draft of the motion for the next meeting to help facilitate a clean approval of the Plan.

5. Spurlock Subdivision – Preliminary Plan. Submitted April 7, 2021. Expires August 1, 2021. **Action Due: July 12, 2021.** Owner/Developer: John W. and Lisa L. Spurlock. The property consists of 19.0180 acres and is located in the Rural Residential-2 (RR-2) district at 2797 Church View Road. Proposed two (2) lot subdivision, creating a 14.8336-acre lot (lot 1A) and a 4.1844-acre lot (lot 1B).

A. Gadek introduced the application and noted that several items from Barry Isett were received, including a carbonate geology report. Gadek requested the developer provide the PC with an overview of the application and concept.

1. John Spurlock, record owner, introduced the Plan. Spurlock intends to subdivide a lot off of his existing property allowing for his son, daughter-in-law and three grandchildren to build a home on the property and live adjacent to him and his wife. An old farmhouse currently exists on the lot, and a second home cannot be built on the lot without a subdivision. No demolition of the farmhouse is planned.

a. Koplin asked if the property was located on the Township Historic Registry list. Fucci pulled the list and was unable to locate the property on the list.

C. Strothers read aloud her April 28, 2021 Cowan Associates, Inc review letter. Discussion was generated on the following:

1. The original site capacity included on the Plan did not meet Township criteria to support a second residential lot. Christopher Williams, Plan engineer, revised the site capacity after receiving the Cowan review letter. Williams stated the updated site capacity now meets Township requirements and allows for the second home. Koplin would like to see the site capacity not only for the individual lots, but for the full lot included on the plan. Williams stated the revised site capacities will be clear on the next submission.

2. Williams stated that items two through eight, listed under *A. Zoning Ordinance Comments* are “will comply”.

3. Notification to property owners were not sent prior to the PC meeting. Strothers advised this be completed as soon as possible.

4. Williams stated they are in contact with the Township Sewage Enforcement Officer (SEO) and working on the sewage facilities planning module.

D. Gadek noted an April 30, 2021 letter from the Lehigh County Conservation District was received. The letter states the Plan is inadequate and discusses areas for improvement.

E. Strothers read the April 29, 2021 LVPC letter aloud. The letter states that the subdivision is generally consistent with the regional plan and no conflict was found.

E. Williams distributed a revised waiver request letter from Barry Isett dated May 3, 2021. Discussion was generated on the following:

1. Koplin did not find it appropriate to grant the waiver request for Subdivision and Land Development Ordinance (SALDO) Section 304.B.6, allowing preliminary/final plan submission, until the PC has reviewed the site capacity for the full lot. The waiver was not granted.

2. **Motion** by Bannon to grant a waiver for request letter item 2, SALDO Section 518.C.1 for the installation of street trees, because no additional improvements are

proposed for Lot 1A, Lot 1B proposes one single-family dwelling and street trees are not provided for on adjacent properties. **Seconded** by Harbove. **Carried unanimously.**

a. Gadek noted the adjacent home built by Spurlock was done with tasteful landscaping.

3. Request letter item 3, SALDO Section 503.B.1 for road widening and dedication of right-of-way, is not under Township jurisdiction as Churchview Road is a State road. The waiver was not granted.

4. **Motion** by Harbove to grant a waiver for request letter item 4, SALDO Section 505 and 508 for the installation of a curb and sidewalk, because no infrastructure currently exists in the area. **Seconded** by Bannon. **Carried unanimously.**

5. **Motion** by Bannon to grant a waiver for request letter item 5, SALDO Section 509 for the creation of a public recreational trail, because no infrastructure currently exists in the area. **Seconded** by Linde. **Carried unanimously.**

6. **Motion** by Harbove to grant a waiver for request letter item 6, SALDO Section 402.B.8m for the submission of an opinion-of-title, because no right-of-way is being taken by the Township. **Seconded** by Bannon. **Carried unanimously.**

F. Williams will continue working with the Township SEO on the planning module and will resubmit the Plan for a future meeting.

6. Review and Recommendation to the Board of Supervisors for Conditional Use Application CU-2-21, requesting conditional use approval for a landscape service yard and a multi-use development at 6348 Hoffman Lane

A. Fucci requested the PC reiterate their concerns on the conditional use application, which were stated in depth during the review of the Zapach Subdivision.

1. Fucci will compose a letter to the Board of Supervisors that does not contain an official recommendation, but expresses the PC's concerns with the location of the business being potentially in or near the floodplain boundary and the use and storage of chemicals on the property.

7. LVPC Correspondence – Mertztown Residential Subdivision Land Use of Regional Significance, Lower Macungie Township

A. Gadek read the April 14, 2021 letter aloud. Gadek added emphasis to contents of the second paragraph, expressing that she is upset with the plan as presented because it is eliminating open space. Gadek does not agree with the LVPC's reasoning included in the letter. Gadek further suggested that the plan pushes the SWL Plan to its limits. Bannon and Harbove agreed. Koplín thought it was unacceptable of the LVPC to make the comments contained in the letter.

B. Fucci stated that the plan was discussed during the SWL meetings and that she believed there were special circumstances surrounding the Plan and why it was unable to comply with the SWL plan.

C. Gadek requested that it be mentioned to Lower Macungie that the PC had a conversation on the project and some members questioned why the SWL plan was not being followed more closely and that there was a concern with the nature of the plan's philosophy.

8. LVPC Correspondence – 3510 Macungie Road Sketch Plan, Lower Macungie Township

A. Gadek read the April 15, 2021 letter aloud, which stated that no conflict with the SWL Regional Plan was noted.

9. LVPC Correspondence – Reith Property Land Development, Upper Milford Township

A. Gadek read the April 15, 2021 letter aloud, which stated that no conflict with the SWL Regional Plan was noted.

10. LVPC Correspondence – Dries, Dale and Lucy Subdivision, Upper Milford Township

A. Gadek read the April 15, 2021 letter aloud, which stated that no conflict with the SWL Regional Plan was noted.

11. LVPC Correspondence – Lutheran Church of the Holy Spirit Expansion Land Development, Upper Milford Township

A. Gadek read the April 15, 2021 letter aloud, which stated that no conflict with the SWL Regional Plan was noted.

12. Montgomery County Comprehensive Plan Update Public Forum

A. Gadek announced the scheduled forum for any interest PC members to attend.

13. Public Comment

A. None received.

14. **Motion** to adjourn meeting by Koplín. **Seconded** by Bannon. **Carried unanimously.** Meeting adjourned at 9:15PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary