

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, SEPTEMBER 13, 2021
REGULAR MEETING MINUTES**

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

Others Present: Emily Fucci (Zoning Officer/Planning Administrator), Cheryleen Strothers (Township Engineer), Zac Sivertsen (Township Solicitor) and 11 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 July 12, 2021 Planning Commission Meeting.
 - A. **Motion** by Bannon to approve the July 12, 2021 meeting minutes as submitted.
Seconded by Harbove. **Carried unanimously.**
4. Review and Approve Minutes of the August 2, 2021 Planning Commission Meeting.
 - A. **Motion** by Bannon to approve the August 2, 2021 meeting minutes as submitted.
Seconded by Harbove. **Carried unanimously.**
5. Limeport Commons Preliminary Land Development Plan. Submitted August 13, 2021. Expires December 12, 2021. Action Due December 6, 2021. Owner: Theodore and Lois Zapach. Developer: SJC Development Group, Inc. Property consisting of 17.3954 acres located along Hoffman Lane and Limeport Pike in the Village Center zoning district. Proposed 24 residential units with private road access.
 - A. Gadek announced the Planning Commission (PC) received the following items for review:
 - August 13, 2021 packet from Arthur A. Swallow Associates, Inc containing the preliminary plan application, various reports and maps.
 - September 8, 2021 review letter from Cowan Associates, Inc
 - September 10, 2021 review letter from the Lehigh Valley Planning Commission (LVPC)
 - B. Gadek requested that the applicant raise issues where clarification is needed as Strothers reads through the September 8, 2021 Cowan Associates, Inc review letter. Strothers led the PC and applicant through the letter and discussion was generated on the following:
 1. Strothers raised the issue that although private lanes are allowed, the proposed private lane does not meet the definition of a private lane in the Township

Ordinance and it is unclear if a right-of-way will be required. Mike Houston, Plan Engineer, stated that typically the maintenance of the lane and right-of-way was left to the homeowner's associations (HOA). Houston stated that maintenance will be in the HOA agreement and the Township will receive full disclosure. Sivertsen suggested that clarified maintenance of a right-of-way can be a condition of approval. Strothers stated that clarification of maintenance along the street line needs to be established.

2. Strothers referenced the rectangles located on the plans that surround each proposed home and requested an explanation from Houston. Houston replied that they designate areas surrounding each home where minor improvements are allowed, outside of the common HOA area. J. Bannon questioned how they would define improvements as minor and their potential impact on overall impervious coverage in the future. Houston suggested they could allot a percentage of the leftover impervious to each home and note on the plan.

3. Strothers noted that the private access drive is not located with a two hundred (200) foot separation from another access point (the Yandle driveway). This is not allowed except as approved by conditional use. Houston stated the rationale for the location was to keep the access drive as far off of Limeport Pike and traffic entering Hoffman Lane as possible.

4. Houston clarified that there is not a trail being proposed as part of the development.

5. Strothers informed the PC that she had contacted the PA State Historical Preservation Office on their suggested Phase 1 Archeological Study. The State Office can only recommend, and it is unable to be made a requirement. Houston stated that their application for a National Pollutant Discharge Elimination System (NPDES) permit can potentially trigger the study.

6. Koplin requested that the snow storage area is not located in the middle of the cul-de-sac.

7. Strothers advised that the Water Resources Impact Study and the Carbonate Geology Protection Assessment were still under review by Val Britton and a report will be forthcoming.

8. Gadek raised concern with access from Limeport Pike and suggested that it may be beneficial to discuss adding deceleration lanes. Gadek noted that traffic on Limeport Pike was already an issue of concern, as they had already used it as rationale for moving the access driveway as far from Limeport Pike as possible.

C. Gadek read the September 10, 2021, review letter from the LVPC aloud. Discussion was generated on the following:

1. Strothers highlighted the letter's Attachment 1, Act 167 Drainage Plan Review, dated September 9, 2021. Strothers clarified for the PC that the issues raised by the LVPC review of Act 167 are required to be resolved. Houston seconded Strothers by stating that the all issues raised will be addressed.

2. Gadek expressed her surprise at the LVPC's comments on the proposed development, finding them to be contrary to previous conversations and reviews issued by the LVPC during her work with them on the adoption of the 2009 Zoning Ordinance. Gadek found their comments criticizing density, the designation of the lot for farmland preservation and the wrongfully claimed lack of public sewer to be concerning.

3. Koplin distributed to the PC a packet to address the LVPC's comments. The packet contained a memorandum dated September 13, 2021 to the PC from Koplin, a July 27, 2007 LVPC review letter of the Township Draft Sewage Facilities Plan Update, a June 25, 2009 LVPC review letter of the 2009 Draft Zoning Ordinance, a July 10, 2009 rebuttal letter from the Township regarding the LVPC review of the 2009 Draft Zoning Ordinance and a July 31, 2009 response from the LVPC with revised comments on the 2009 Draft Zoning Ordinance.

a. Koplin read portions of the July 31, 2009 letter aloud, which documented that at the time of adoption, the LVPC was satisfied with the Township's designated Village Center Zoning District and allowed density.

b. Koplin read portions of the July 27, 2007 letter aloud, where the LVPC commented that the Township's service area for the Limeport Wastewater Treatment Plant was acceptable. The service area had included the tract of land now subject to Limeport Commons.

4. Discussion was held amongst the PC on the LVPC's apparently inconsistent review of Limeport Commons. Bannon agreed with Koplin's analysis of the LVPC's comments and requested that Koplin draft a letter with responding comments to return to the LVPC. The PC agreed that a response should be made to the LVPC to add clarify and correction to their comments. Koplin agreed to a draft response and distribute to the PC for review prior to submission.

D. Residents Jeremy and Heather Yandle of 6288 Hoffman Lane, Donna and Steve Sadrovitz of 1521 Limeport Pike, Barry Skoras of 6267 Hoffman Lane, and Christopher Trinkle and Abby Aird of 6215 Hoffman Lane provided an extensive presentation on various points of concern with the development including increased traffic, the location of the access drive, the density of the proposed development, hydrogeological impacts, the proposed homeowners' association and the impacts of the proposed development on the character of Limeport Village.

It is noted that 10 members of the public left the meeting after the review of Limeport Commons was completed

6. Review and Recommendation of Conditional Use Application CU-2-21 requesting vehicle repair or automotive services, specifically an automotive window tinting facility, at 6341 Hoffman Lane

A. Gadek announced that the review of conditional use application CU-2-21 would be deferred to the October 4, 2021 meeting.

7. LVPC Correspondence – Seven Generations Charter School Building Addition – Land Use of Regional Significance – Emmaus Borough, Lehigh County

A. Gadek announced receipt of the August 2, 2021 letter. No comments received from the PC at this time.

8. LVPC Correspondence - Good Shepherd Rehabilitation Hospital – Land Use of Regional Significance – Upper Saucon Township, Lehigh County

A. Gadek announced receipt of the August 12, 2021 letter. No comments received from the PC at this time.

9. LVPC Correspondence – Rice, James – Subdivision – Emmaus Borough, Lehigh County

A. Gadek announced receipt of the August 12, 2021 letter. No comments received from the PC at this time.

10. Act 65 of 2021 Fact Sheet

A. Gadek announced receipt of the Act 65 of 2021 fact sheet and advised the PC members to read through.

11. Public Comments

A. None received.

12. Adjourn Meeting

A. **Motion** by Bannon to adjourn the meeting. **Seconded** by J. Bannon. **Carried unanimously.** Meeting adjourned at 9:17PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary