

LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, SEPTEMBER 8, 2025
REGULAR MEETING MINUTES

Members Present: Kara Stever, Ellen Koplin, Cathleen Bannon, John Harbove, John Bannon, Mark Somers and Francine Kidd.

Others Present: Mark Cappuccio (Solicitor), Michael Smith (Engineer), Emily Fucci (Zoning Officer/Planning Administrator), and 3 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 June 2, 2025 Regular Planning Commission Meeting.

A. **Motion** by Harbove to approve the minutes of June 2, 2025 as presented. **Seconded** by Stever and **unanimously approved**.

4. 6341 Hoffman Lane Land Development Plan. Submitted October 19, 2022. Expires September 8, 2025. Action Due: September 8, 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. Matthew Deschler, counsel, and Mike Houston, plan preparer, were present for the meeting. Smith read the August 25, 2025 Cowan Associates, Inc review letter ("letter") aloud and conversation was generated on the following:

1. Smith noted that letter comment one, regarding modifying revision dates on the plans, was still outstanding. Houston replied that the dates will be revised once the plans are approved. Cappuccio noted that the approval date is this evening, and it should have been completed. Houston stated they will comply if approved.
2. Smith noted letter comment two, which states that the plans still do not comply with the Township's Stormwater Ordinance. Smith asked if stormwater plans were submitted to the Lehigh Valley Planning Commission (LVPC) and Lehigh County Conservation District (LCCD). Houston replied that the LVPC and LCCD both stated they do not need to review the plans. Smith replied that the Township Ordinance requires their review. C. Bannon questioned if LCCD has the authority not to review the plans if the Township requires it and has an agreement. Harbove asked if the LCCD and LVPC statements regarding the review are in writing. Cappuccio stated that the stormwater plans cannot be made a condition of approval, as they could affect the layout of the plans. C. Bannon agreed. Smith asked why the plans were not submitted to the Township, and Houston replied he didn't know they were needed. Smith referenced his April 28, 2025 letter, which states that plans are needed. Deschler commented that they had no information on what the defects in the plans were, and Smith replied they had over 4 months of

time to call and ask questions. C. Bannon agreed it's too late to ask questions now. Smith reiterated that the Township has an agreement with the LCCD and they cannot skip reviewing the plans. Smith referenced other lots within the Village Center subdivision undergoing wetland studies with the LCCD, stating that the LCCD will need to review the same information for this lot. Cappuccio asked for proof that the LCCD said they do not need to review. Houston confirmed he does not have statements saying the LVPC and LCCD do not need to review the plans. J. Bannon stated that evidence is needed and the Ordinance cannot be ignored. Cappuccio stated that the reviews should have been submitted or letters should have been received, again reminding the applicants that this was the final action deadline. Smith noted even a pending review would have been better than nothing.

3. Smith recommended letter comment 8 could be made a condition of approval.

4. C. Bannon asked why compliance with letter comment 9 was not met, as it simply requested a note be added to the plan. Houston replied he had no reason and they will comply. Cappuccio asked if this should be a condition, and Smith noted this request was originally made back in November 2024, with three submissions between then and present that did not show the note.

5. C. Bannon referenced the condition of the PC's extension of time in May of 2025 which required monthly updates on plan progress. Smith confirmed that only one update was received after being requested by Fucci, and the applicants failed to provide any additional updates.

6. Smith noted letter comment 10 regarding submission of details for the sanitary sewer. J. Bannon asked how the plans could even be approved without seeing the revised plans. Houston noted comment 10 was a will comply. Koplin asked for clarification on how the gravity lines for the sewer will be updated and noted that submission of the requested sanitary items is very important.

7. Koplin asked if the retaining wall located on the property needed inspection, and Smith confirmed that it was less than 4 feet and did not need inspection.

8. Smith referenced letter comment 11 and noted that no architectural plans were received. Houston replied that the architectural plans are not handled by his company. C. Bannon stated it seems like no one has an answer to what is going on, and the lack of effort is wasting everyone's time. Deschler argued that the property should not be going through land development and that the property owner was not responsible for changes made previously. Smith reminded everyone that the applicant did make a number of modifications to the property and that an order to vacate was issued three years ago for work done by the applicant directly. Smith asked Deschler to commit the use in building three as storage. Deschler replied that it was. Discussion was held on the occupancy designation for the building and the need for it to be committed as storage, the

only approved use. Koplin commented that a different use requires different inspections and criteria for a certificate of occupancy. Cappuccio asked if the architectural plans could impact the land development plans, and Smith replied yes.

9. Houston stated that letter comments 12 and 13 are will comply.

10. Smith noted that the PCSM plans previously submitted were missing calculations. Smith reiterated that the water from the stormwater basin on Village Center lot 8, where the subject property will drain, goes to EV wetlands and routing calculations will be needed. Houston stated that the company used to create the report, Terraform Engineering, said they were in the report. Smith responded they will have clarity when the plans go to LCCD. C. Bannon suggested the person responsible for the report should have been present.

12. Houston acknowledged that the lack of responses fall on him and there are no excuses, but that his company is overworked. C. Bannon asked what he expected this evening, and Houston responded he thought more of the items were going to be acceptable as conditions. C. Bannon asked that they promise to submit the final plan revisions by the end of the week, and Houston responded they would.

13. C. Bannon stated there was no way the plans were able to be approved at this time, and discussion was held on how the plans can be handled with the court deadline. Koplin stated they should have a project manager. J. Bannon asked how they can approve the plans with pages missing. Harbove agreed and stated he had discomfort with the current state of the plans and could not set precedence by approving them. Stever stated she is in alignment with J. Bannon and Harbove. Smith noted the property owner was not present.

** a brief recess was taken from approximately 7:45PM to 8:09PM **

B. Cappuccio confirmed he had spoken with the Board of Supervisors and they have agreed to grant a 60 day extension of time, and requested that Deschler send a letter to the judge. Houston stated he will submit new plans by the end of the week.

C. J. Bannon stated he does not want to grant an extension and condone the applicant's behavior. Stever asked if the 60-day extension was dependent on the PC. C. Bannon stated that if the plans are not done after the new extension, no additional time will be agreed to by the PC. Harbove agreed.

1. Motion by Harbove to reluctantly grant a 60-day extension of time until November 7, 2025 with the understanding that no additional extensions will be granted if the applicant fails to comply again. Seconded by Kidd. 4 ayes and 3 nays.

3. Koplin commented that it would have been in the best interest of the property owner to have attended the meeting. Harbove commented that he only made the motion to avoid difficulties for the Township with the pending litigation.

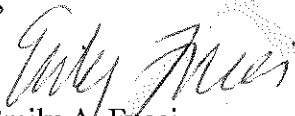
5. Public Comment

A. C. Bannon announced that agenda items 5 through 10 will be tabled until the next meeting.

6. Adjourn Meeting

A. **Motion** by Stever to adjourn the meeting. **Seconded** by Harbove and **unanimously approved**. Meeting adjourned at approximately 8:49PM.

Respectfully Submitted,


Emily A. Fricci
Lower Milford Township
Planning Commission Secretary