

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION  
LEHIGH COUNTY, PENNSYLVANIA  
MONDAY, JANUARY 10, 2022  
REGULAR MEETING MINUTES**

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

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

1. The meeting was called to order at approximately 6:39PM
2. All stood for Pledge of Allegiance
3. Organize Commission
  - A. Cappuccio called for a motion to appoint a temporary Chair. **Motion** by Koplin to nominate Gadek as temporary Chair. **Seconded** by Harbove. **Carried unanimously.**
  - B. Gadek requested nominations for the 2022 Planning Commission Vice-chair. **Motion** by Koplin to nominate C. Bannon as Vice-chair. **Seconded** by Stever. **Carried unanimously.**
  - C. Gadek requested nominations for the 2022 Planning Commission Secretary. **Motion** by C. Bannon to nominate Fucci as Secretary. **Seconded** by Harbove. **Carried unanimously.**
  - D. Cappuccio requested nominations to appoint the 2022 Planning Commission Chair. **Motion** by Koplin to nominate Gadek as Chair. **Seconded** by C. Bannon. **Carried unanimously.**
  - E. Fucci requested that any members interested in being the representative on the Southwest Lehigh Comprehensive Plan Committee notify her.
4. Set Regular Meeting Dates and Times for 2022
  - A. **Motion** by Harbove to set the regular PC meetings for first Monday of every month, with the meeting being moved to the second Monday of the month in the event of a holiday, beginning at 6:30PM, and the Workshop meetings for the Third Monday of every month at 6:30PM, held as needed. **Seconded** by J. Bannon. **Carried unanimously.**
5. Review and Approve Minutes of the December 6, 2021 Planning Commission Meeting.
  - A. **Motion** by Stever to approve the December 6, 2021 meeting minutes as presented. **Seconded** by Harbove. **Carried unanimously.**
6. Geryville Materials, Inc. – Final Land Development plan submitted July 1, 2015. Expires January 31, 2022. Action Due January 10, 2022. 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 receipt of the December 2, 2021 letter from Steve Harris for an extension of time until April 30, 2022.

1. **Motion** by C. Bannon to accept the developer's extension of time until April 30, 2022. **Seconded** by Bannon. **Carried unanimously.**

7. Spurlock Subdivision 1B— Preliminary Plan. Submitted April 7, 2021. Expires January 28, 2022. Action Due: January 10, 2022. 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 announced a third submission and review had been received for the Spurlock 1B Subdivision. Strothers read the January 5, 2022 review letter from Cowan Associates, Inc aloud. Discussion was generated on the following:

1. Strothers clarified that the lot line for the new parcel was adjusted, and the existing barn is now included on the new lot.

2. A waiver of the Lower Milford Township Subdivision and Land Development Ordinance (SALDO) Section 502.f.1i was requested by the applicant for the Township's requirement that all driveways have a leveling area with a slope not to exceed 4%. Koplin questioned that is waived, what the slope would be. Strothers replied it would be 7%, but that PennDOT requires no more than 8%. Strothers stated that since the driveway is located on a PennDOT roadway, with the driveway permit under their jurisdiction, and the slope was into the property (versus approaching the roadway), she found no problem with issuing the waiver.

b. J. Bannon expressed that the slope looks like it will not create unsafe passage or create a drainage issue.

c. Koplin requested if a note can be added to the plan that the Township is not held responsible for any negative repercussions. Cappuccio advised this could be included.

d. **Motion** by Harbove to waive SALDO Section 502.F.1i, requiring that all driveways have a leveling area extending 20' from the future right-of-way line with a slope not exceeding 4%, based upon the Engineer's opinion that the waiver is acceptable and the condition that a note is included on the plan stating that the Township is not held responsible for any future negative repercussions. **Seconded** by C. Bannon. **Carried unanimously.**

3. Brief discussion was held on the waiver to consider the Plan as Preliminary/Final and if the current Plan was submitted as Preliminary.

4. Koplin asked when the Operation and Maintenance Agreement will be executed. Chris Williams, Plan engineer, stated they can execute prior to recording plans. Cappuccio will draft an agreement.

5. Koplin questioned the status of the PennDOT Highway Occupancy Permit. Williams responded they were still in the process of getting the permit.

B. Gadek announced receipt of the December 6, 2021 Cowan Associates, Inc Carbonate Geology review letter. Strothers stated all comments have been resolved with the exception of adding one note to the Plan, which was covered in the January 5, 2022 review letter.

C. Gadek returned the conversation to the waiver request for Section 304.B.6, considering the plans as Preliminary/Final. **Motion** by C. Bannon to grant the waiver request for SALDO Section 304.B.6, allowing the plans to be reviewed as preliminary and final concurrently. **Seconded** by Harbove. **Carried unanimously.**

D. Williams requested the PC grant the Plan conditional approval. Koplin stated she was against the conditional approval because that the Sewage Planning Module had not yet been approved by the Board of Supervisors and submitted to DEP. Cappuccio clarified to Williams that in Lower Milford, the PC is the approving body and not the Board of Supervisors. Williams offered to do an extension of time if not approval given. Williams would like to address all technical comments on the plans and return in March for an approval.

E. Gadek announced receipt of the January 10, 2022 extension of time letter from John Spurlock, granting an extension of time without limitation.

1. **Motion** by Koplin to accept the developer's extension of time with limitation. **Seconded** by J. Bannon. **Carried unanimously.**

*\*It is noted that all members of the public left the meeting after the review of the Spurlock 1B Subdivision was completed. \**

8. 1200 Beverly Hills Road Preliminary Plan. Submitted October 27, 2021. Expires January 30, 2022. Action Due: January 10, 2022. Owner: Julie Tostevin and Maryann Godshall. Developer: Mar Mar Builders. Property consisting of 64.06 acres located at 1200 Beverly Hills Road in the Rural Residential-2 (RR-2) zoning district. Proposed 19 residential lots and 3 open space lots.

A. Gadek announced receipt of the January 10, 2022 letter from Edward F. Murphy, on behalf of Mar Mar Builders, for an extension of time until June 1, 2022.

1. **Motion** by Harbove to accept the developer's extension of time until June 1, 2022. **Seconded** by Stever. **Carried unanimously.**

9. Response to Proposed Update to Upper Saucon Township Comprehensive Plan

A. Koplin and Gadek distributed copies of draft response letters they had created. Discussion was held amongst the PC on their distaste for Upper Saucon's Comprehensive

Plan update. Bannon questioned what the PC could do to make an impact besides comment. J. Bannon questioned if there was any recourse for the impact Upper Saucon's development creates on residents of Lower Milford through the school tax.

B. J. Bannon suggested that both Koplin and Gadek's letters be combined and sent to Upper Saucon. Once combined by Gadek into one letter, Fucci will distribute on behalf of the PC.

10. Discussion of Potential Zoning Ordinance Amendment

A. Fucci advised that a discussion on amending the Zoning Ordinance will be held at the February meeting. The amendment would be on a variety of topics, including solar uses. J. Bannon distributed an informational sheet overviewing solar for the PC to review prior to the February meeting.

11. Public Comments

A. None received.

12. Adjourn Meeting

A. **Motion** by C. Bannon to adjourn the meeting. **Seconded** by Stever. **Carried unanimously**. Meeting adjourned at 8:22PM.

Respectfully Submitted,



Emily A. Fucci  
Lower Milford Township  
Planning Commission Secretary