

**LOWER MILFORD TOWNSHIP PLANNING COMMISSION
LEHIGH COUNTY, PENNSYLVANIA
MONDAY, OCTOBER 7, 2024
REGULAR MEETING MINUTES**

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

Others Present: Mark Cappuccio (Solicitor), Emily Fucci (Zoning Officer/Planning Administrator), Michael Smith (Township Engineer) and 6 members of the public.

1. The meeting was called to order at approximately 6:43PM by Gadek.
2. All stood for Pledge of Allegiance.
3. Review and Approve Minutes of the August 5, 2024 Regular Planning Commission (PC) Meeting.
 - A. **Motion** by Harbove to approve the minutes as presented. **Seconded** by Linde and **unanimously approved.**
4. Review and Approve Minutes of the September 9, 2024 Regular Planning Commission (PC) Meeting.
 - A. **Motion** by Stever to approve the minutes as presented. **Seconded** by Linde and **unanimously approved.**

** The PC adjourned for an executive session at 6:46PM. Gadek called the meeting back to order at 7:09PM and announced that no votes were taken or decisions made. **

5. 6341 Hoffman Lane Land Development Plan. Submitted October 19, 2022. Expires October 7, 2024. Action Due: October 7, 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 acknowledged receipt of the September 13, 2024 letter from Cappuccio to Matt Deschler, applicant's attorney, the September 25, 2024 review letter from Cowan Associates, Inc, the developer's plan submission dated September 5, 2024 and the October 10, 2024 letter from Cowan Associates, Inc regarding the traffic count.

B. Smith read the September 25, 2024 review letter aloud and discussion was generated.

1. Stever questioned why items that were denied waivers on July 15, 2024 were still not included on the plans.
2. Discussion was held on the connection of building 3 to the Limeport WWTP. Smith confirmed that the applicant has proposed an additional grinder pump for building 3. Koplin questioned why an additional grinder pump was needed if the use was to remain as storage. Smith confirmed that the grinder pumps cannot "piggyback" on one another. Discussion was held on what use codes are appropriate for the use of building 3.

3. Smith confirmed that earth disturbance over 5,000 square feet needs to go to the Lehigh County Conservation District (LCCD) for review. Mike Houston, plan preparer, confirmed they will comply with the requirement.

4. Smith commented that street trees need a four-foot clearance from the curb and are not proposed in an appropriate location. Koplin agreed that she does not want to see street trees as proposed and would prefer additional trees be planted along the buffer. Gadek asked where documentation of the current buffer is, noting it had been requested multiple times. Koplin noted that a lighting plan is needed to go with the landscaping plan. Smith reminded the PC that a waiver request for a landscape plan was deferred on July 15, 2024 and August 4, 2024 and no action was taken.

a. **Motion** by Harbove to deny the waiver request for Subdivision and Land Development Ordinance (SALDO) Sections 402.B.8c, 403.B.18c, 518.B and 701.A.8 requiring submission of a landscape plan, based on the lack of information provided with the waiver request. **Seconded** by Koplin and **unanimously approved**.

6. Stever reiterated that street trees are not necessary for the property, and she would instead like to see additional buffer trees planted. Koplin agreed. Koplin questioned Rizzuto on why the existing buffer trees were trimmed. Rizzuto replied it was for easier mowing. Smith stated it would not be unusual to request a specific number of trees to be planted. Smith reminded the PC that a waiver request for the planting of street trees was deferred on July 15, 2024 and August 4, 2024 and no action was taken.

a. **Motion** by Stever to approve the waiver request for SALDO Section 518.C.1 requiring street trees, based on the condition that an equivalent number of evergreen trees, sized at five to six feet in height, will be used for screening at the residential buffer, with the location and species of the evergreen trees selected to the satisfaction of the Township Engineer. **Seconded** by Koplin and **unanimously approved**.

b. **Motion** by Stever to deny the waiver request for SALDO Section 701.A.8. requiring screening from adjoining properties. **Seconded** by Harbove and **unanimously approved**.

7. Houston stated they will comply with the requirement made on July 15, 2024 to include a note on the plan regarding the waiver for the Carbonate Geology Protection Assessment report.

8. Smith referenced the October 7, 2024 Cowan Associates, Inc review letter that states a traffic impact study is not required. Smith reached that determination based off of the traffic counts provided by the applicant for Hoffman Lane. Koplin commented that if the uses on the property change, the traffic count will be impacted. Cappuccio requested that if the waiver is granted, it is done with a condition that a change in use may require a future analysis. Rizzuto questioned if

taking the partition walls out of the 5 bay garage would resolve the need for a traffic impact study. Rizzuto stated that he is considering making one storage unit in the building to be shared by familiar tenants. Smith replied that not enough information is available to discuss the proposal at this time.

a. **Motion** by Harbove to grant the waiver request for SALDO Sections 402.B.8.i, 409, and 404.A.5 requiring a traffic impact study, with the condition that the waiver is granted based upon the maintenance of the current, approved uses and requiring an evaluation if new uses are placed on the property , and based upon the determination made by Cowan Associates, Inc that a traffic study is not warranted at this time. **Seconded** by Stever and **unanimously approved**.

9. Houston stated they will comply with adding the list of variances, conditional use approvals and/or special exceptions on the plans and that they will comply with the installation of monumentation in the right-of-way.

10. Houston stated they will comply with showing the utility easements on the plan but need information from the Township on where the sanitary sewer easement is located. Smith will provide information on the easement.

11. Smith confirmed that his comments in the September 25, 2024 letter regarding showing street improvements and sidewalks have been satisfied and are shown on the plans.

12. Koplin questioned why there are no gutters for the rear roof for run off. Smith stated that a grease/sediment trap is required, and a stormwater management design plan is needed. Rizzuto asked if putting gutters back on the building would satisfy the need for a grease trap. Smith was unable to determine without more information. Gadek confirmed that either way, appropriate stormwater management facilities will need to be addressed.

13. Cappuccio confirmed that the improvements and financial security agreement can be completed as a condition following approval.

14. Houston confirmed they will comply with showing a statement of intended uses on the plan and will comply with correcting the zoning data table on the plan.

15. Discussion was held on the need to meet the comments in the September 25, 2025 letter under “B. Flood Plain Comments”. Smith provided his professional opinion that the improvements to the site did not affect flood elevations on adjacent or downstream property or change the soil quality in Zone A, and no action is needed. Gadek noted this was Smith’s professional opinion from visiting the site and not a formal study.

16. Houston confirmed they will comply with all eleven comments listed in the September 25, 2024 letter under section “C. Miscellaneous”.

17. Koplin requested they update the note on the plan to state that they have put all found easements on the plan. Gadek questioned if a title search was done and

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Housten replied that title searches sometimes miss items. Rizzuto asked Deschler to pull a title search.

18. Discussion was held on redesigning the sewer lines on the property. Smith requested that the grinder pump installed for building 3 without Township approval be removed and a new grinder pump be installed to Township standards that will connect building 3 directly to the sewer pressure main on Hoffman Lane.

19. Housten confirmed they intend to comply with the plan revisions listed in the September 25, 2024 letter under section "A. SALDO Comment 3".

C. Tim Cogle informed the PC that the Board of Supervisors met in a brief executive session and are open to granting an extension of time to make a decision to allow for the applicant to complete the items discussed. Cogle stated the Board was open to an extension based upon the number of will comply items. Cogle suggested thirty (30) days and discussion followed on the appropriate amount of time needed. Cappuccio polled the Board of Supervisors members individually and confirmed they were agreeable to a sixty (60) day extension. Deschler confirmed the applicant was agreeable to a sixty (60) day extension and will prepare a draft filing for the Court.

1. **Motion** by Harbove to grant an extension of time until December 2, 2024 and request the Court for an extension, based upon the review held on October 7, 2024 that confirmed the majority of outstanding items are "will comply" and based on the possibility that a conditional approval may be granted at a future meeting. **Seconded** by Linde and **unanimously approved**.

2. Gadek confirmed the PC will expect to see a progress report and a list of all outstanding items to be addressed in November, and will expect to take action on the plan on December 2, 2024.

6. Conditional Use Application CU-2-24, Application of Hawk Rise Trust Farm of 4525 Scout Road for Conditional Use Approval of a Customary Accessory Use to Any Permitted Principal Use, specifically a Wedding Venue

A. Gadek announced receipt of the application for CU-2-24 and confirmed that it will be heard on November 7, 2024 in front of the Board of Supervisors. Gadek stated she liked the idea of using the agricultural property as a wedding venue to supplement income, but had a number of concerns on how it will practically operate. Koplin commented that the property is preserved, and she understands Lehigh County had told the applicants it would not be a permitted use because of the proposed parking in the fields. Harbove commented that he thought it would be difficult to stage everything needed for the wedding in only the yard. Stever commented on her concerns with using the narrow, dirt road for wedding traffic. Fucci will put together a letter providing an overview of the PC's concerns, noting that they have not made a formal recommendation.

7. Public Comment

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A. Cougle thanked the PC for sitting through yet another long meeting for 6341 Hoffman Lane and commented on his hope that the plans may be finalized with the extra extension, rather than held up in court.

8. Adjourn Meeting

A. **Motion** by Harbove to adjourn the meeting. **Seconded** by Stever and **unanimously approved**. Meeting adjourned at approximately 10:22PM.

Respectfully Submitted,



Emily A. Fucci
Lower Milford Township
Planning Commission Secretary

APPROVED