

**NORTH WHITEHALL TOWNSHIP PLANNING COMMISSION
3256 LEVANS ROAD, COPLAY, PA 18037**

PLANNING COMMISSION MINUTES OF APRIL 23, 2024

Meeting brought to order, followed by the Pledge of Allegiance to the flag and a moment of silence at 7:00 p.m., on Tuesday, April 23, 2024 by Chairman Brian Horwith

Attendance:

Supervisor Al Geosits	Vice Chairman Robert Korp
Township Manager Randy Cope	Secretary Richard Semmel
Township Director of Operations Jeff Mouer	John Barto
Township Zoning Officer Aubrie Miller	Jeff Johnson
Township Engineer Steve Gitch	Richard Fuller
Township Solicitor Tom Dinkelacker	Kathy Crawford
Township Planning Administrator Jane Kelly	Alternate Sean Ziller
Chairman Brian Horwith	

Minutes of the March 26, 2023 meetings were approved. Motion made by Jeff Johnson, seconded by Richard Semmel, all others agreed.

1. **Ridings at Parkland Phase 2-** Major Subdivision, NWT-19-025, Preliminary/Final, Parcel 5469 3882 4215, 5147 Spruce Street, SR Zone, 23,900 Acres, **Waiver requests from SALDO 375-32.A.1, 375.57.E.3, 375.57.J.2.D, Appendix C, Appendix F.04.F and Appendix F.05.H & I.** The plan was presented by Developer Phil Malisch and Engineer Dave Wilson.
 - a. **Planning Commission member Jeff Johnson** abstained from discussion and voting on the plan due to personal conflict.
 - b. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated April 17, 2024.
 - c. Zoning Officer's review is contained in a letter dated April 11, 2024.
 - d. Basin #3, discussed previously as being non-compliant, will now comply with the Ordinance.
 - e. It is proposed to have a recreational pathway along Spruce Street. This will be a community trail and maintained by the HOA.
 - f. The developer has taken the fire chief's suggestion and proposes to properly loop water mains and hydrants into the water distribution system of both Ridings 1 and Ridings 2.
 - g. **Planning Commission Vice Chairman Bob Korp** stated the plan is a pedestrian friendly development and questioned if the underground basin requires maintenance and who will maintain it?; he also suggested light shields on the streetlights. **Developer Phil Malisch** replied the HOA will take care of the maintenance on the basin. (see motion for inclusion of light shields)
 - h. **Planning Commission Chairman Brian Horwith** questioned the underground basin and if there had been any issues with a similar basin in Phase 1. Also, will Phase 1 and Phase 2 be a joint HOA and what will the HOA fees be? Phil stated there have not been any issues in Phase 1 with the underground basin and the HOA issues/fees have not been ironed out yet. Chairman Horwith also suggested the township consider outlining rules and requirements for HOAs in an effort to ensure their sustainability – both financial and operating – mindful that the township does not end with future unintended obligations.
 - i. **Planning Commission member Kathy Crawford** questioned snow removal on the Spruce Street pathway, who will be responsible for that? Phil stated the HOA.
 - j. **Planning Commission Chairman Brian Horwith** questioned the cluster mailboxes, was this still the direction they are headed? Phill stated they are in discussions with the Post Office regarding the mailboxes. Brian also stated the cluster mailbox on Bellflower for Phase 1 was a bit unsightly, as the back of the mailboxes looks unfinished.

Comments from the residents:

Jim Wilson, Allied Utilities, stated Allied and Tuskes are in agreement for septic service and the agreements are to be executed.

The Planning Commission took a motion on all 6 waivers together. Bob Korp motioned to accept the waivers, John Barto seconded the motion, all others agreed, motion carried.

1. SALDO 375-32.A.1 – requiring the filing of a preliminary and final plan to authorize review of a preliminary / final plan.
2. SALDO 375-32.57.E.3 – to authorize a horizontal curve on Timber Loop Road which is less than the minimum radius of 200 ft (192 ft proposed) to provide a longer tangent at intersection of Timber Loop and Road A to provide a greater sight distance.
3. SALDO 375-32.57.J.2.D – requiring a 4:1 maximum slope to authorize a 3:1 slope in connection with site grading.
4. SALDO Appendix C, relating to typical roadway sections, to authorize a 30' wide cartway, with curbing and sidewalk on both.
5. SALDO Appendix F.04.F – requiring a 5:1 maximum inside and outside slope for detention basin banks to authorize a 3:1 bank for basin 3, subject to the condition that fencing be installed around the basin.
6. SALDO Appendix F.05.H & I regarding backfill requirements subject to the following conditions:
 - a. use of compacted 2A aggregate bedding to 6" and backfill to 12" over pipe with ordinary backfill to subgrade.
 - b. no paving until at least 60 days following pipe installation as described in 6.a, above.
 - c. no wearing course until at least 12 months following base course installation.
 - d. compaction testing as required by Township Engineer.

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Solicitor offered the conditions listed below for the Planning Commission's motion on action on the plan:

1. Compliance with the following April 17, 2024, review letter by Keystone Consulting Engineers: II 1-3, 7, 9, 10, and 15-17.
2. Compliance with all requirements of the LCA relating to the provision of municipal water service to the project.
3. Compliance with all requirements of Allied relating to the provision of municipal sanitary sewer service to the project.
4. Execution and recording of a land development improvements agreement to be secured by an irrevocable stand-by LOC, both to the satisfaction of the Township Solicitor and Engineer.
5. Execution and recording of a stormwater construction, operation and maintenance agreement to the satisfaction of the Township Solicitor and Engineer.
6. Identification of easements and preparation of easement agreements to be granted to the Township, if any, prior to the sale of lots to third parties.
7. Township review and approval of association declaration or governing documents, or amendments to existing documents.
8. Installation of advisory signage for underground stormwater basin facilities.
9. Addition of note to record plan identifying each waiver granted by the BOS and the impact thereof on the plan.
10. Premises lighting to include shields on house side of installations.
11. Payment of recreation and traffic fees prior to plan recording.
12. Payment of review fees prior to plan recording.

Bob Korp motioned to send a favorable recommendation to the Board of Supervisors, **Richard Fuller** second the motion, vote taken, all others agreed, motion carried.

2. **4315 Independence Drive**- Special Exception, NWT-240-24-004, 5469 4290 4773, 4315 Independence Dr, LI/B Zone, 2.877 Acres, Request for third principal use for printing business at property. The plan was presented by Attorney Matt Tranter, Applicant Chris Birgl and Business owner Michael Cimerole.
 - a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated April 17, 2024.
 - b. Zoning Officer's review is contained in his letter dated April 3, 2024.
 - c. The 3rd business proposed to be at this location is a printing and book binding business.
 - d. **Planning Commission member Sean Ziller** questioned if there will be a waste discharged from the printing? **Business owner Michael Cimerole** stated no, printing is mostly done digitally now.
 - e. **Planning Commission member Kathy Crawford** questioned if there will be noise created by the digital printing, what will the hours be, how many employees and do they have enough parking? Michael stated there will not be any noise, the hours will be 9am to 5pm, and they have 4 employees. **Applicant Chris Birgl** stated there are 25 parking spaces.
 - f. **Planning Commission member John Barto** asked what items would they be printing? Michael stated everything and anything, possible even car wraps.
 - g. **Planning Commission Secretary Richard Semmel** stated car wrap business gets very busy, do you have the room for that?
 - h. **Planning Commission Chairman Brian Horwith** questioned if any additional signs would be added, and would there be any construction of the building for this new use? Michael stated the only sign would be a decal on the window and Chris stated the building is already sectioned off for this business, no additional construction would be needed at this time.

Bob Korp motioned based on the limited information provided the Planning Commission has no recommended conditions and takes no exception to the application, **Kathy Crawford**, second the motion, vote is taken, **Richard Semmel** voted against the motion, all others agreed with the motion, 8-1, motion carried.

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3. **Rustic Barn-** Special Exception, NWT-240-24-005, 5570 5679 0871, 1990 Neffs Laurys Rd, AR Zone, 25.0112 Acres, Request use of a craft beverage production facility and tasting room. The plan was presented by property owner Heather Skorinko, Lehigh Engineering Engineers Lew Rauch and Phil Albright.
- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated April 17, 2024.
 - b. Zoning Officer's review is contained in a letter dated April 15, 2024.
 - c. This will be the 1st craft beverage production facility and tasting room in North Whitehall Township.
 - d. New soil testing is needed.
 - e. The lighting will not be too bright, it is for people to see during the evening hours.
 - f. There is a possibility of food trucks in the future.
 - g. **Planning Commission member Kathy Crawford** questioned what would be done with the leftover grains? Property owner Heather Skorinko stated they would be used to feed their livestock. Kathy also questioned the parking spaces and where would the food trucks park? Heather responded the plans have 14 parking spaces' there is plenty of room to expand for more parking spaces and the food trucks could park in the grassy area.
 - h. **Planning Commission member John Barto** questioned if Neffs Laurys Rd could handle this kind of business and what would the days and hours be? Heather stated they would be open Wednesday through Sunday 4pm through 11pm.
 - i. **Planning Commission member Jeff Johnson** stated he was happy to see a farm taking it one step further for sustaining operations.
 - j. **Planning Commission Secretary Richard Semmel** stated Kudos for keeping farmland in North Whitehall Township.
 - k. **Township Manager Randy Cope** questioned if this facility will be rented out for weddings and events? Will there be outdoor seating? Heather said no at this time to renting out for events and weddings but yes to outdoor seating.
 - l. **Fire Chief Jim Steward** questioned where this was located? Heather said Oakland and Neffs Laurys Rd. Chief Steward stated that is a busy road and a busy intersection.

Comments from the residents:

Kerry Kedl, Laurys Station, suggested maybe a stop sign at the intersection might help. The Planning Commission stated Neffs Laurys was a State Road, where PennDOT controls signage.

Linda Allen, Donna Dr, Coplay, questioned what is craft beverage? Heather stated specialty whiskey, vodka, brandy and rum.

Bob Korp motioned based on the limited information provided the Planning Commission has no recommended conditions and takes no exception to the application, **Jeff Johnson, second the motion, vote is taken, all agreed, motion carried.**

4. **Rising Sun Subdivision-** Conditional Use, NWT-240-24-003, Parcel 1321, 1322, 1323 Rising Sun Rd, AR/AR-L zone, PIN 5581 0470 1843, 5581 0292 5927, 5581 0520 5581, 101.6 Acres, 110 proposed lots. The plan was presented by developers Jacob Kim and Steve Munz, Engineer Joon Pak CEC, Traffic Engineer Ben Guthrie and Attorney Kim Freimuth.
- 1. **Township Supervisor Al Geosits** recused himself from discussion and voting on the plan due to being on the Board of Supervisors.
 - 2. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated March 21, 2024.
 - 3. Zoning Officer's review is contained in his letter dated March 18, 2024.
 - 4. The project is proposed to have central sewer service and the developer is in conversation with LCA. It is noted that LCA's current available capacity will need to be more than doubled to meet the requirements of the Rising Sun Subdivision.
 - 5. This proposal created 2 new intersections, where internal streets will cross Rising Sun Road.
 - 6. **Planning Commission chairman Brian Horwith** commented that the Conditional Use should be contingent on having all driveways access from internal development streets and no driveways access Rising Sun Road
 - 7. **Planning Commission Chairman Brian Horwith** commented that the preliminary plan does not appear to meet the spirit of the Conditions for Approval described in 440-97; in addition, while 40% open space, as required, is shown, the cliff sloping to the Lehigh River, which is totally undevelopable, is a gratuitous inclusion, absent which, there is not 40% of preserved open space
 - 8. **Planning Commission Secretary Richard Semmel** stated per our Ordinance he doesn't see a reason for a cluster development.
 - 9. **Planning Commission member Jeff Johnson** stated if you go with the by right development you are left with steep slopes and no area for open space. Jeff also questioned if the developer met with DEP?
 - 10. **Planning Commission member John Barto** questioned open space and does it need to be usable? Attorney Freimuth stated it could be passive or active.
 - 11. **Township Solicitor Tom Dinkelacker** stated open space can be wooded areas, streams, environmental and recreational.
 - 12. **Planning Commission member Kathy Crawford** questioned the water company and if they have a "will serve letter"?
 - 13. **Planning Commission member Sean Ziller** questioned where this development is located and if Route 145 is closed how would the residents be rerouted?

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- 14. **Planning Commission Vice Chairman Bob Korp** suggested a few conditions should be added to the motion- traffic calming measures on Rising Sun Road, reverse frontage lights be provided to avoid driveways on Rising Sun Road, public access be provided to the majority open space area to include a walking trail, and proportional participation in safety measures of Rising Sun Rd and 145.
- 15. **Planning Commission member Jeff Johnson** questioned how close did PennDot come to needing a light at Rising Sun Rd and Rt 145, Traffic Engineer Ben Guthrie stated it was not close at all.
- 16. There was a lengthy discussion on Route 145 and Rising Sun Rd intersection and traffic.
- 17. **Planning Commission Chairman Brian Horwith** questioned who owned the open space and insured it? Attorney Freimuth sated the HOA.
- 18. **Township Manager Randy Cope** stated the staff will meet with the developer and come up with conditions for the conditional use.
- 19. **Planning Commission Secretary Richard Semmel** questioned what square footage the homes will be, larger lot and larger lots, would be less traffic. The developer stated 2900 to 3400 sqft homes.

Comments from the residents:

Kerry Kedl, Laurys Station, was upset that the Township website was down and wanted to know if this plan was going to the Board of Supervisors next. He was also concerned with traffic, will there be crash data collected and available. He was also concerned with water management.

Ed Keck, Laurys Station, he has concerns with LCA, many issues with sewage backing up in the past.

Don Steele, Laurys Station, traffic concerns and want ed to know if the home sizes would be deed restricted.

Fred Kleinhenz, Laurys Station, he was concerned with expansion of LCA sewage plant there would be more odor. He also had questions regarding stormwater management.

Richard Semmel motioned to send no opinion on the application, with the following conditions to the Board of Supervisors, Bob Korp second the motion, vote was taken, 4 to 4, vote did not carry.

YES	NO
Brian Horwith	John Barto
Robert Korp	Jeff Johnson
Richard Semmel	Richard Fuller
Sean Ziller	Kathy Crawford

Conditions are list below:

- 1. Traffic calming measures on Rising Sun Road
- 2. Reverse frontage lots to avoid driveways on Rising Sun Road
- 3. Public access to be provided to the majority open space area to include a walking trail and sidewalks.
- 4. Proportional participation in safety improvements of Rising Sun Road and Route 145.

Bob Korp motioned based on limited information a favorable recommendation on the Cluster Development vs the By Right Development, with the following conditions will be sent to the Board of Supervisors, John Barto second the motion, vote was taken, 6 to 2, Richard Semmel and Brian Horwith voted no, motion carried.

Conditions are list below:

- 1. Traffic calming measures on Rising Sun Road
- 2. Reverse frontage lots to avoid driveways on Rising Sun Road
- 3. Public access to be provided to the majority open space area to include a walking trail and sidewalks.
- 4. Proportional participation in safety improvements of Rising Sun Road and Route 145.

Planning Commission Chairman Brian Horwith adjourned the meeting at 9:50pm.

Meeting Adjourned: 9:50pm.
Jane K. Kelly
Planning/Recording Secretary
North Whitehall Township