

Meeting brought to order at 7:30 p.m., on Tuesday April 22, 2008 by Chairman Richard Celmer.

Attendance:

Chairman Richard Celmer
Vice Chairman Brian Horwith
Secretary Bruce Stettler
Attorney Lisa Young
Township Engineer Steve Gitch
Supervisor Ronald Heintzelman

John Barto III
William George
Leonard Nuss
Joanne Guth
Jeff Johnson
Planning Administrator Jane Kelly

Minutes of the March 25, 2008 meeting were approved as presented.

Apple Blossom Circle Subdivision – Preliminary & Lot Line Adjustment – Project # NWT 07-018 – Waiver request from SALDO 10.07 and SALDO Appendix C-2, Major Subdivision, 2809 Apple Valley Estates Drive, 1/8 mile south of Old Mile Hill & Apple Valley Estates Drive, 20.5852 acres, AR zone, 6 Lots and a Boundary Line Adjustment, Parcel ID# 5467 4811 8887 & 5467 3898 8960. 90-Day clock starts 3/25/08, 90-Day deadline ends 6/22/08. Plan presented by Bob Hoppes, engineer and William Sell, developer.

- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated April 16, 2008.
- b. Zoning Officer's review is contained in his letter dated April 17, 2008.
- c. Sewage Enforcement Officer's review is contained in his letter dated April 16, 2008.
- d. Traffic Engineer's review is contained in his letter dated March 31, 2008.
- e. The current submission lists 7 pages, but only 3 pages were submitted. Developer's engineer wanted to address the waivers listed before submitting all 7 pages.
- f. Planning Commission member Jeff Johnson questioned the stormwater pipe, is this proposed to be plastic or concrete?
- g. Planning Commission member Leonard Nuss suggested the stormwater pipe be continued all the way, the slopes are too steep for retention area.
- h. Leonard Nuss also suggested South Whitehall Township be consulted regarding the stormwater discharge due to the Lot Consolidation in South Whitehall and the steep slopes.
- i. Developer's engineer has proposed the plans will be submitted to South Whitehall Township.
- j. Planning Commission member Brian Horwith questioned Lot 31 and 32, once consolidated will this be a North Whitehall or South Whitehall property? Developer's engineer states the house will be in North Whitehall and the septic in South Whitehall. The address will be a North Whitehall address.
- k. The developer's engineer will contact LCA regarding water hook-up, but the distance may be too far.
- l. When plans are submitted showing compliance to Zoning Ordinance 505, Steep Slopes, the Zoning Officer will review and issue a response.
- m. The waiver request for relief of SALDO 10.07 (curbing) is proposed for aesthetics.
- n. Developer wanted a natural look with the curbing utilizing Belgian Block Granite Stone curb.
- o. The proposed curbing is currently used in Trexler Park.
- p. Developer states curbing is proposed to be used on both sides of the roadway including the cul-de-sac.
- q. The developer is proposing the use of large stones spaced 5 feet apart rather than guardrail on the down slope.
- r. The Planning Commission expressed concerns with the Township liability if the stones would be in the Township's right-of-way.
- s. Jeff Johnson stated guardrail is designed for impact; large stones would create a hazard.
- t. Developer's engineer suggested wooden guardrail if the large stones were not allowed.
- u. Leonard Nuss stated he didn't believe that wooden guardrails are PennDot approved.
- v. Brian Horwith stated the use of guardrail is a safety matter. He suggested maybe painting the guardrail for aesthetics. Some Planning Commission members believe painting the guardrail would require future maintenance.
- w. Township Engineer Steve Gitch stated the waiver request for the downslope 3:1 reduce to 2:1 with riprap used on the down slope is not a good idea due to amount of earthmoving and steepness of the proposed finished grade.

Planning Commission has recommended the following conditions:

1. Developer shall address to the satisfaction of the General Planning Engineer the comments and recommendations set forth in his letter dated April 16, 2008
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated April 17, 2008.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated April 16, 2008 and as noted in item 5 below.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated March 31, 2008.
5. All percs and probes shall be added to the plan for all the proposed lots.
6. Planning module shall be submitted to the Township.
7. A flat area shall be behind the guardrail within the roadway ROW.
8. Access to Lot 37 and the combined Lots 31 and 32 shall be from Apple Blossom Circle.

Leonard Nuss motioned to table the Preliminary Plan, but recommend the following waivers, SALDO 10.07, curbing be installed with the Board of Supervisors deciding the type of curbing to be used, SALDO Appendix C-2, waiver from cartway width of 36' to 32', waiver relief from the sidewalks, seconded by Brian Horwith, all others agreed. The additional waiver requests for guard rail to be replaced with large stones spaced at 5 feet and the south side 3:1 slope to be reduced to 2:1 are not recommended.

Prior to the presentation of the following plan, Township Attorney Lisa Young presented NWSD's attorney with a refund check in the amount of \$1139.00. The copies NWSD and their attorneys requested from the Township were produced at a lower cost than the Township fee schedule normally charged.

North Whitehall Commercial Center Subdivision (Wal-Mart)– Preliminary – Project # NWT 07-020 – Commercial Subdivision, 3872 Route 309, south side of Route 309, opposite Levans Road, 40.61 acres, PC zone, 5 lots, Parcel ID# 5468 4911 9262. 90-Day clock starts 3/25/08, 90-Day deadline ends 6/22/08. Bud Newton, Newton Engineering Group and Erich Schock, Fitzpatrick Lentz & Bubba presented the plan.

- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated March 19, 2008.
- b. Zoning Officer's review is contained in his letter dated March 18, 2008.
- c. Sewage Enforcement Officer's review is contained in his letter dated March 14, 2008.
- d. Traffic Engineer's review is contained in his letter dated March 20, 2008.
- e. The subdivision is proposed to have 5 lots.
- f. The main access is proposed to be opposite Levans Road.
- g. The proposed roads, Levans Way and Sam's Way are proposed to be private roads, but to Township standards.
- h. Some of the concrete monuments and iron pins are in place; others will be placed once the Route 309 project is complete.
- i. Storm drainage pipes are proposed to be extended to a detention area subjected to Land Development approval.
- j. Old orchard trees are proposed to be removed in the area of Land Development.
- k. On the south side of the proposed detention pond, the existing trees are proposed to remain to keep the nature look of the property.
- l. The sewage lines are proposed to go down to Country Lane and Grist Mill Road to a holding tank and pump station and from there to LCA's new plant at Kidspace.
- m. Sewage holding facilities is not proposed on this site.
- n. It is proposed that LCA own the sewage pumping station and collection/conveyance lines proposed to be on land owned by Western Lehigh Valley Corp.
- o. Planning Commission member Brian Horwith suggested the trucks for adjacent property, Orefield Cold Storage, use the main access to this property from Route 309 to Levans Way left on Sam's Way and enter Orefield Cold Storage thru a side entrance between the 4 out parcels. The grade change would be difficult to meet.
- p. A new traffic study is not needed for the Subdivision; it is needed for the Land Development associated with all proposed lots.

Comments from the Floor:

Attorney David Najarian, representing NWSD, asked the Planning Commission if the reports their client submitted to the Township had been distributed to the Planning Commission and if the members reviewed these reports. He also questioned if the Township consultants will review these reports and respond? Attorney Najarian inquired to the status of Grist Mill Road, when was this vacated and recorded?

Planning Commission Chairman, Rich Celmer, stated the reports were distributed and reviewed by the Planning Commission members. The North Whitehall Township Board of Supervisors must decide if the Township consultants will review and respond to these reports. Rich Celmer also stated a portion of Grist Mill Road has been vacated through the previous development plan WLVC.

North Whitehall Township Attorney Lisa Young stated a portion of Grist Mill Road has been vacated and recorded in 2002.

Ed Koehler; Remington, Vernick & Beach Engineers, representing NWSD, reviewed the Wal-Mart plans and offered the following comments:

Benchmark is not shown on the plan

Deed Book not listed for the portion of Grist Mill Road vacated.

In his opinion, the above comments would be reasons to deny approval of the plan.

Louella Peters, 4109 Oakwood Circle, Schnecksville, has traffic concerns. She also believes the plans she is reviewing tonight are different than the plans she reviewed at the LCCC open house hosted by Wal-Mart. She is questioning the Planning Commission members; do you want Route 309 to be another Route 145? Mrs. Peters stated North Whitehall Township is a quiet and safe neighborhood, she would like it stay that way, please think about it.

Barbara Deane, 4638 Cortland Drive, questioned if the pumping station has been approved? Will the trucks be hauling thru her subdivision? She is concerned with the looks and smell from a pumping station.

Richard Celmer stated the pumping station is normally below ground-not above ground.

Brian Neas, 4410 Route 309, Schnecksville, questioned if the address for this parcel will change, how many addresses would this parcel have?

Attorney Young stated the parcel, once subdivided would have 5 different addresses, the current address might be used for one of the parcels.

Betty Lees, 4418 Route 309, Schnecksville, concerned about her back alley, they already get plenty of traffic with people trying to use the alley as a shortcut, and will they get more?

Samantha Neas, 4410 Route 309, Schnecksville, stated cars fly up this alley, they need a "No Outlet" sign or a "Private Road" sign such as the one on Valley Green Road.

Kathy Bryan, 4126 Woodlea Road, Orefield, is there anyone else tying into the wastewater treatment plant?

Richard Celmer stated the wastewater treatment plant would be at Kidspace.

Trisha Burkhardt, Shankweiler Road, Orefield, has traffic concerns. How can Country Road handle the truck traffic?

Richard Celmer stated Old Packhouse Road would be reconstructed to Township standards and Country Road is on the Township road system.

Planning Commission member, Jeff Johnson, questioned how many gallons per day would the holding tank hold?

Bud Newton stated the tank should hold between 6000 and 8000 gallons per day.

Charles Knauss, 3525 Apple Road, Orefield, What are the chances of something getting into the Jordan Creek?

Richard Celmer stated discharge from the wastewater treatment plant would be monitored. Bud Newton stated proposed improvements would be handled thru ACT 537. Shouldn't a traffic study be done on a whole by Wal-Mart?

Ron Roth, 5353 Route 309, Schnecksville, What is the zoning on this proposed parcel? What is Wal-Mart?

Richard Celmer stated the proposed parcel is zoned PC and Wal-Mart is commercial. Mr. Roth stated the parcels should be given restrictions and if all the requirements are met Wal-Mart needs to be approved. If they meet all requirements and are denied, they (Wal-Mart) will sue the Township and the cost of litigation will go to the Township residents thru their taxes, and he is not paying for that. Let the people opposing Wal-Mart pay for the litigation.

Planning Commission member, Brian Horwith, Sam's Way, what would the distance be to the intersection to Route 309? Bud Newton stated, it would meet the requirements together with a left turn lane to the 4 additional parcels.

Possible bike paths are also proposed.

Nancy Braymar, 3532 Apple Road, Orefield, what will be installed at Sam's Way and Levans Way intersection? Bud Newton stated a 3-way stop sign.

John Getty, 3331 Woodlea Road, Orefield, How many Planning Commission members have read the NWSD reviews?

Joan Casari, 4209 Iroquois Street, Schnecksville, stated many Wal-Mart super centers are not opening due to loss of income. Why is there no traffic study on Route 309?

Richard Celmer stated the traffic study approvals need to come from PennDot with Township concurrence. The Township does not have total control on intersections with a state road. The developer will provide a current traffic study with the Land Development of this property.

Laura Warmkessel, 2077 Juniper, Coplay, Is Wal-Mart a co-applicant in the construction of new Old Packhouse Road?

Planning Commission member John Barto III stated the plan before us tonight is a Subdivision not the Wal-Mart Land Development.

Planning Commission has recommended the following conditions:

1. Developer shall address to the satisfaction of the General Planning Engineer the comments and recommendations set forth in his letter dated March 19, 2008.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated March 18, 2008.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated March 14, 2008.
4. Developer shall address the Traffic Engineer's comments as set forth in her review letter dated March 20, 2008.
5. A copy of the agreement and commitment with LCA for water and sewage service shall be provided.
6. The location of the benchmark shall be shown on the plan.
7. Ownership of the vacated Grist Mill Road shall be noted on the plan.

John Barto III moved to approve the Preliminary Plan subject to conditions noted above, seconded by Jeff Johnson, all others agreed.

North Whitehall Commercial Center, Lot 5, Wal-Mart Store – Preliminary – Project # NWT 07-021 – Land Development, 3872 Route 309, south side of Route 309, opposite Levans Road, 32.67 acres, PC zone, Parcel ID# 5468 4911 9262. 90-Day clock starts 3/25/08, 90-Day deadline ends 6/22/08.

- Per letter from Fitzpatrick Lentz and Bubba, representing Wal-Mart, dated April 17, 2008, Wal-Mart, at this time the Land Development will not be appearing before the April Planning Commission meeting and have requested the Planning Commission table the Land Development Plan.

Brian Horwith motioned to table the Land Development Plan as requested, seconded by John Barto III, all others agreed.

John Barto III motioned to adjourn the Planning Commission meeting, seconded by Jeff Johnson, all others agreed.

Meeting Adjourned: 10:15 p.m.

Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township