

PLANNING COMMISSION MINUTES OF MAY 26, 2009

Meeting brought to order at 7:30 p.m., on Tuesday May 26, 2009 by Chairman Richard Celmer.

Attendance:

Chairman Richard Celmer	William George
Vice Chairman Brian Horwith	Leonard Nuss
Secretary Bruce Stettler	Joanne Guth
Attorney Lisa Young	Jeff Johnson
Township Engineer Steve Gitch	Planning Administrator Jane Kelly
Supervisor Ronald Heintzelman	

Minutes of the April 28, 2009 meeting were approved as presented.

1. **Trexler Nature Preserve**- Final- Project # NWT-09-006 - Land Development, Trexler Environmental Center Building, 5150 Game Preserve Road, 538.5 acres, CR zone, Parcel ID# 5458 8959 5575, Waiver requests from sections 5.03.C.2, and 5.03.Q.7 of SALDO. 90-Day Deadline starts 5/26/09, 90-Day Deadline ends 8/23/09. Glenn Solt; County of Lehigh and Edward Koehler; Remington and Vernick Engineers presented the plan.
 - a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated May 20, 2009.
 - b. Zoning Officer's review is contained in his letter dated May 21, 2009.
 - c. Sewage Enforcement Officer's review is contained in his letter dated May 19, 2009.
 - d. Traffic Engineer's review is contained in his letter dated May 19, 2009.
 - e. A turn around was added to the driveway.
 - f. Three parking spaces were added to the plan for employees.
 - g. A vehicle turnout was added to the plan.
 - h. Planning Commission member Jeff Johnson is still not satisfied with the driveway width; emergency vehicles will not be able to negotiate the driveway along with hoses in the road.
 - i. Jeff Johnson also requested at the last Planning Commission meeting and the minutes reflected the request that a KnoxBox be installed at the gate and on the proposed building. The plans do not reflect this request.
 - j. Planning Commission member Leonard Nuss agreed with Jeff Johnson regarding the driveway width.
 - k. Various discussions were held on the International Fire Code versus the Township Zoning Ordinance regarding the driveway width (20ft vs. 12ft).
 - l. Planning Commission Vice Chairman Brian Horwith asked for clarification on the International Fire Code versus the Township Zoning Ordinance regarding the driveway width.
 - m. Planning Commission member Bruce Stettler questioned the future use of the proposed building.
 - n. Glenn Solt stated the use of the proposed building would be the same, as it is proposed not, an Environmental Green Center.
 - o. Planning Commission Chairman Richard Celmer stated many typographical errors need to be corrected on the plan.

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 May 20, 2009.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated May 21, 2009.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated May 19, 2009.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated May 19, 2009.
5. KnoxBoxes shall be installed on the gate and the proposed building and shall be shown on the plan.
6. The typographical errors in the notes on the plan shall be corrected.

Comments from the Floor:

Don Jacobs, Local Fire Marshall, questioned if a commercial building permit application has been submitted, if so then commercial rules should apply to this application. He is all for preservation of the Habitat but he is also for the preservation of human life and a wider driveway would accommodate the emergency vehicles in negotiating the driveway.

Bruce Stettler motioned to deny the final Plan subject to conditions noted above including a note added to the plan regarding any expansion or change of use to the Environmental Building would bring the plan back to the Planning Commission and the Board of Supervisors for approval, also the driveway shall be increased to a 20 ft width for safety reasons, the motion was seconded by Leonard Nuss, Joanne Guth opposed, all others agreed, motion carried.

PLANNING COMMISSION MINUTES OF MAY 26, 2009

2. **AT&T – Proposed Co-location** – Special Exception, Project # NWT -09-010, Wireless Communications Facility, AR zone, 5479 1523 6193. The plan was presented by Pete Sikora and Ahmet Colakoglu; Velocitel and Catherine E.N. Durso; Fritzpatrick, Lentz & Bubba.
- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated May 20, 2009.
 - b. Zoning Officer's review is contained in his letter dated May 21, 2009.
 - c. Sewage Enforcement Officer's review is contained in his letter dated May 19, 2009.
 - d. Traffic Engineer's review is contained in his letter dated May 13, 2009.
 - e. The proposed AT&T co-location is a non-conforming use to an existing facility.
 - f. The Township Traffic Engineer suggested removal of several trees to correct the severe sight distance problem at the entrance to the driveway.
 - g. The applicant does not own the land the cell tower is on, therefore, any proposed improvements to the property cannot be done without the property owners permission.
 - h. Planning Commission member William George stated as the property owner of the surrounding land he has never known of any problem entering or exiting the driveway.
 - i. Planning Commission Chairman Richard Celmer questioned the purpose of the shelter on the property, will any generators will stored in the shelter. Mr. Celmer was concerned with soil contamination with the possibility of batteries and generators leaking into the soil.
 - j. Project Attorney Catherine E.N. Durso stated the shelter was for computer equipment; no generators will be used or stored on the property. The batteries will be in a self-contained area and the floor of the shelter shall be concrete. There shall be no soil containment.
 - k. Planning Commission Vice Chairman Brian Horwith questioned what happens if the wireless company decides in the future to add more antennas, would there be another special exception?
 - l. Project Attorney Catherine E.N. Durso stated yes another special exception would be necessary.

Jeff Johnson motioned to send a favorable recommendation to the Zoning Hearing Board, seconded by Leonard Nuss, Brian Horwith opposed, and William George abstained, all others agreed.

3. **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. Current 90-day deadline 6/17/09. Erick Schock; Fritzpatrick, Lentz & Bubba and Bud Newton; Newton Engineering presented the plan.
- a. Brief reviews of all areas requested by the Planning Commission were presented by Attorney Schock and Mr. Newton.
 - b. **Stormwater Management** – Comments have been addressed in recent plan submissions. New plans shall be submitted once all questions are answered.
 - c. **Sewage** – A Will Serve Letter has been received from LCA. Wal-mart is currently trying to make their plan consistent with the Act 537 Plan.
 - d. **Water Service** – A Will Service Letter has been received from LCA. Current flow test results will be submitted to the Township.
 - e. **Site Contamination/Remediation** – Mix or Bury, Wal-mart has plans to do both, burying will be under the paved areas. The dust will be monitored during construction.
 - f. **Fire Protection** – Current flow test results will be submitted to the Township.
 - g. **Site Utilization** – Landscaping will be inspected after 1 year; anything Wal-Mart is not happy with will be replaced. No mention was made of Township involvement. The lighting plan is complete.
 - h. **Site Reclamation/Restoration** – What happens if Wal-marts leaves North Whitehall Township and the building is empty? Is it possible to recycle the building to another retailer?
 - i. **Long Term Tax Implication**
 - j. **Traffic** – Changes have been made per the Township Traffic Engineer, Zoning Officer and PennDot. A current Traffic Study has been submitted to the Township and will be on the Planning Commission agenda for the June 2009 meeting.

PLANNING COMMISSION MINUTES OF MAY 26, 2009

Comments from the Floor:

Don Jacobs, 4780 York Dr, Orefield, stated he has seen a few Wal-Marts in other states and they are not a distraction to the community. The community and Wal-Mart worked together to create an attractive facade for the community.

Nancy Braymar, 3532 Apple Rd, Orefield, She also agrees, make the facade attractive to the community, as DelPrete's facade is.

Charles Knauss, 3525 Apple Rd, Orefield, would the front of the store be facing south? Mr. Knauss also questioned why Wal-Mart has many stores empty in the United States.

Bud Newton; Newton Engineering responded the store would be below grade and the drivers along Route 309 would not see much of the store. He was not aware of many empty stores in the United States. Either Mr. Newton or Attorney Erick Schock will ask their contacts at Wal-Mart what happens in case of store relocation.

Planning Commission member Joanne Guth states she also prefers the facade of DelPrete's and would appreciate a facade similar for the Wal-Mart to be less of a distraction to the community.

Betty Lees, 4418 Route 309, Schnecksville, requested the tan and beige tones on the facade of Wal-Mart or facade similar to DelPrete's. Is this a condition that can be requested?

Planning Commission Chairman Richard Celmer stated that request could be made.

Bud Newton; Newton Engineering stated an attempt would be made to have the architect at the June Planning Commission meeting or at least the current drawings.

Planning Commission member Joanne Guth requested the signage also have some appeal.

Planning Commission Vice Chairman Brian Horwith stated that while Wal-Mart has their own Loss Prevention Department, it is not a Police Department, does the applicant employ any law enforcement people anywhere in the United States?

Samantha Neas, 4410 Route 309, Schnecksville, stated you build it they will come, the traffic, the crime, the police and the increased taxes. We cannot afford this in North Whitehall Township.

Chuck Braymar, 3532 Apple Rd, Orefield, questioned if Wal-mart submitted their Traffic Study and if the public could review it? Yes the Traffic Study has been submitted and is available for public viewing from 7:30am to 4pm Monday thru Friday.

Planning Commission Chairman Richard Celmer requested the Planning Commission review several guidebooks available thru the Lehigh Valley Planning Commission. Once the Planning Commission reviews these guidebooks, recommendations can be made to the Board of Supervisors for SALDO or Zoning changes or additions. Planning Administrator Jane Kelly will distribute copies of the four publications available; Steep Slopes, Woodlands, Floodplains, and Riparian and Wetland Buffers.

Several conversations were held regarding driveway widths and the need for a revised Ordinance regarding driveways.

Brian Horwith motioned to recommend to the Board of Supervisors to authorize Township Attorney Lisa Young to draft a Driveway Ordinance, seconded by Leonard Nuss, all others agreed.

Supervisor Ronald Heintzelman motioned to adjourn, Joanne Guth seconded, all others agreed

Meeting Adjourned: 10:15pm

Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township