

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

PLANNING COMMISSION MINUTES OF SEPTEMBER 22, 2009

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**Meeting** brought to order at 7:30 p.m., on Tuesday September 22, 2009 by Chairman Richard Celmer.

**Attendance:**

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

**Minutes** of the August 25, 2009 meeting were approved as presented.

- **Lehigh County Authority** – ACT 537 Plan Update, Project # NWT-05-043.  
Lehigh County Authority was unable to attend the meeting. There was no discussion on the ACT 537 PLAN Update. They have asked to be placed on the October Planning Commission Agenda.
- **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 10/21/09. Further discussion from August Planning Commission meeting. Engineer Bud Newton and Attorney Erich Schock were present for questions on the plan. Also present were Mark Stabolepszy and Cindy McCormick from Spotts, Stevens and McCoy, Township Traffic Consultants to answer any questions on the Traffic Review.
  - a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated August 19, 2009.
  - b. Zoning Officer's review is contained in his letter dated August 20, 2009.
  - c. Sewage Enforcement Officer's review is contained in his letter dated August 20, 2009.
  - d. Traffic Engineer's review is contained in his letters dated August 18, 2009, August 21, 2009, August 24, 2009 and September 16, 2009.
  - e. Mr. Newton stated the AM/PM traffic counts are complete. A report must be finalized and given to the Township Traffic Engineer for review.
  - f. Mr. Newton also stated the cost estimate for the off-site traffic improvements will be submitted shortly.
  - g. The developer is not proposing sewage holding tanks.
  - h. The off-site sewage treatment will be via LCA sewer lines and LCA will have to present to the Township a plan(s) regarding a pump station at Gristmill Road and Country Lane to convey sewage to the Kidspace wastewater treatment facility.
  - i. The Stormwater Detention Basin is proposed to be screened as required in the Township Zoning Ordinance.
  - j. The water tower's actual size will not be known until the fire system for the store is designed.
  - k. The developer is proposing a green wall along Levan's Way, if that is not acceptable to the Township the developer has suggested a mechanical stabilized embankment or a modular block wall.
  - l. The Planning Commission discussed all the alternatives and the members have no preference on the type of retaining walls presented.
  - m. Planning Commission Chairman Rich Celmer suggested the wall alternatives be discussed with the Board of Supervisors.
  - n. Planning Commission member Leonard Nuss requested the slope grading be shown for the 4 residual lots on the plan.
  - o. Mr. Newton inquired if the developer should cut the bank back on the Orefield Cold Storage side of the property.
  - p. Township Engineer Steve Gitch stated the bank should be cut back and stabilized at the time of development.
  - q. Planning Commission member Joanne Guth inquired about the screening in the back of the store. There are no evergreens listed on the Landscape Plan, which means there will be no screening for 6 months of the year.
  - r. Mr. Newton will have the landscape architect review this.

Planning Commission has recommended the following conditions and suggestions:

1. Developer shall address to the satisfaction of the General Planning Engineer the comments and recommendations set forth in his letter dated August 19, 2009.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated August 20, 2009.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated August 20, 2009.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letters dated August 18, 2009, August 21, 2009, August 24, 2009 and September 16, 2009.
5. Township Engineer Steve Gitch suggested removing the note from the plan regarding holding tanks.
6. A note shall be added to the plan regarding the footprint of the water tower; the size of the footprint will not increase and the height shall be no higher than 35 ft.

**Additional Comments from the Planning Commission and the Floor:**

**Nancy Braymar, 3532 Apple Road, Orefield**, presented the Planning Commission members with information, compiled by North Whitehall for Sustainable Development, on the traffic and population increases in the proposed area. She also had several questions regarding the proposed land development. Mrs. Braymar inquired as to when the updated Traffic Study would be available at the Township. She also questioned if Wal-mart has their HOP from PennDot yet. Mrs. Braymar is also concerned with the 3:1 slopes on the detention basin, is this safe? She stated in the recent past the Board of Supervisors had a fence placed along a slope on the New Old Packhouse Road. Mrs. Braymar stated according to PennDot's review, this land development received a "D" rating and according to the Township Ordinance the land development should be a "C" or better. Mrs. Braymar requested the Planning Commission review the information compiled and take into consideration the increased traffic Route 309 will receive due to this development. The traffic will not only be coming from the north, but from the east and the west, using many of the Township's crossroads. In her opinion, the crossroads and Route 309 are already at their capacity.

Mr. Newton stated the updated Traffic Study should be submitted to the Township by Friday. As to the HOP with PennDot, the Township must sign the application for the HOP to be processed. Mr. Newton also stated the slope on the detention basin is 3:1, whereas the slope Mrs. Braymar as referring to along New Old Packhouse Road is 1:1. The detention basin will also be fenced and landscaped in accordance with Township Ordinances.

**Mark Hills, 5149 River Drive, Laurys Station**, stated that if he owned a Wal-mart, with the increase in population in this area, he would want to build a Wal-mart here also. He also stated the west side of MacArthur Road has always been the weak side of the road for businesses, so the reason K-mart seems to have less customers is due to being on the west side of MacArthur Road and Wal-mart is on the east.

**Brian Neas, 4410 Route 309, Schnecksville**, inquired as to who owes the Kidspace plant?

Mr. Newton stated Kidspace has owed the plant in the past, but LCA is in the process of acquiring it. Mr. Newton is not sure if the transfer has taken place at this time.

**Ernie Atiyeh, representing the North Whitehall Neighborhood Crime Watch**, requested if and when Wal-mart becomes a reality, would the Township encourage Wal-mart to hire North Whitehall residents?

**Charles Knauss, 3525 Apple Road, Orefield**, questioned the ACT 537 Plan, does Wal-mart have a definite plan?

Mr. Newton stated yes, Wal-mart has a definite plan.

**Jim Wilson, Allied Utilities, 4124 Schneck Road, Schnecksville**, inquired as to the difference in this ACT 537 and the plan presented back in February of 2007. He also inquired as to the projected sewage flows for Wal-mart. Mr. Wilson also questioned if there will be a bond issued.

**Township Engineer Steve Gitch** stated this ACT 537 Plan has been scaled back.

Mr. Newton stated the projected sewage flows are 5400 gallons per day for Wal-mart.

**Planning Commission Chairman Rich Celmer** stated the Township has no answer on a bond issue at this time.

There were various discussions from the floor on the LCA plan and hook-up options.

**Betty Lees, 4418 Route 309, Schnecksville**, questioned if there is anything planned to improve the section of Route 309 where they stopped paving? Will it be maintained any better once Wal-mart is in?

**Planning Commission Chairman Rich Celmer** stated this would have to be addressed by PennDot.

**John Getty, 3331 Woodlea Road, Orefield**, stated the merge point on Route 309, going south, at the entrance to Orefield Cold Storage is becoming a drag race.

**Planning Commission Chairman Rich Celmer** stated this would have to be addressed by PennDot, but please copy the Board of Supervisors in your correspondence.

**Planning Commission Vice Chairman Brian Horwith** questioned if the SALDO allows the Planning Commission to approve a plan if the sewage is not determined?

**Planning Commission member Joanne Guth** stated she recently had a conversation with the Township SEO and he stated the plan could not receive preliminary approval without a planning module.

Mr. Newton stated the developer is looking at public sewer; the other projects were on-lot.

**Planning Commission member John Barto III** agrees with Brain Horwith regarding whether SALDO allows the Planning Commission to approve a plan if sewage has not been determined.

**Township Engineer Steve Gitch** stated Wal-mart did their job, they developed a plan for sewage and received a "Will Serve Letter" from LCA; now the rest is up to LCA regarding the plant. A plan can be approved with conditions.

**Planning Commission member Leonard Nuss** inquired if having a "Will Serve Letter" grants the Commission the right to approve the plan?

**Township Solicitor Lisa Young** stated the developer proposed the method of treatment and LCA gave the letter of commitment; the plan can be approved with conditions. If anything would change regarding the sewage treatment method stated on the plan; the developer would have to come back to this Planning Commission and the Board of Supervisors for approvals.

Mr. Schock stated Wal-mart would never get built without a LCA plant. He also stated the developer has done everything SALDO requires; without the public sewer the developer cannot proceed.

**Township Engineer Steve Gitch** stated the plan cannot be recorded without sanitary sewer approval and permits cannot be issued to a non-recorded plan.

**Township Solicitor Lisa Young** stated the developer has filed an application for a Zoning Appeal to the Zoning Officer's letter of 8/20/09. The Zoning Hearing is scheduled for October 6, 2009.

**Planning Commission member Joanne Guth** inquired if the Commission was going to address Mrs. Braymar's comments.

**Mark Stabolepszy, SSM**, stated the Traffic review is done for capacity not for maintance of the roads. The studies have been compiled and are still being reviewed.

**Planning Commission member John Barto III** asked if when Traffic Studies are compiled are gas prices, unemployment and weather taken into consideration?

**Mark Stabolepszy, SSM**, stated gas prices and unemployment are not taken into consideration, but weather is taken into consideration, counts are not compiled during periods of inclement weather that would affect traffic numbers.

**Planning Commission member Joanne Guth** questioned if there was road construction along Route 309 when these traffic counts were taken.

Mr. Newton stated there was no construction work at the time the counts were compiled.

**John Getty, 3331 Woodlea Road, Orefield**, questioned if South Whitehall Township was contacted regarding the traffic?

**Planning Commission member Joanne Guth** stated she contacted South Whitehall Township and they felt they would not be affected by the Wal-mart.

**Planning Commission member Joanne Guth**, stated according to the SALDO, the Commission cannot approve the plan if traffic issues cannot be addressed.

**Township Solicitor Lisa Young** stated that is too general a statement that cannot hold up in court.

**Nancy Braymar, 3532 Apple Road, Orefield**, stated Kernsville Road is not 5 miles away and it could be on the study if the Township requested.

**Township Solicitor Lisa Young** stated the Traffic Study for Kernsville Road/Route 309 could be requested, but no improvements could be required.

There were various discussions from the floor on Route 309 and it's capacity.

**Betty Lees, 4418 Route 309, Schnecksville**, stated most of the growth in the Township is on the east side of the Township; having a Wal-mart on Route 309 will bring people from that side of the Township rather than having those people visiting the MacArthur Road Wal-mart.

**Charles Knauss, 3525 Apple Road, Orefield**, stated this has been talked about at previous meetings, but new stores attract people, how many cars per day are projected to be on Route 309 for the Wal-mart? Did the developer state that there would be a 20% increase in traffic? Can the roads handle that? How many customers does Wal-mart need per day to make it profitable? Can that information be compiled from an existing store?

Mr. Newton stated he has no idea how many customers are needed per day to make the store profitable, and he is not sure that that information can be obtained from an existing store.

**Planning Commission member Joanne Guth**, questioned if requesting the developer to signalize Education Drive/Route 309 could hold off approving the proposed project.

**Mark Stabolepszy, SSM**, stated the project approval could not be held up for signalization at Education Drive/Route 309.

Mr. Newton stated the developer is responsible for improvements at the site, but beyond that are up for discussion with the Board of Supervisors.

**Mark Hills, 5149 River Drive, Laurys Station**, stated peak traffic counts are AM/PM, while people are headed to work and school, not going shopping.

**Nancy Braymar, 3532 Apple Road, Orefield**, encouraged the Planning Commission members to please consider the east and west traffic; please consider the people who live in the Township when making your decision.

**Mark Hills, 5149 River Drive, Laurys Station**, questioned how much tax money the Township and the School District will receive from Wal-mart.

**Planning Commission Vice Chairman Brian Horwith** stated for the next meeting Wal-mart representatives attend, consider SALDO Section10.03E.

**John Barto III moved to table the Preliminary Plan due to the many open issues, seconded by Joanne Guth, all others agreed.**

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John Barto III motioned to adjourn, Jeff Johnson seconded, all others agreed

Meeting Adjourned: 9:50 pm.

Jane K. Kelly  
Recording Secretary  
Planning Administrator  
North Whitehall Township