

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

PLANNING COMMISSION MINUTES OF, APRIL 22, 2014

Meeting brought to order, followed by the Pledge of Allegiance to the flag at 7:30 p.m., on Tuesday, April 22, 2014 by Chairman Brian Horwith

Attendance:

Chairman Brian Horwith
Vice Chairman Bruce Stettler
Secretary Leonard Nuss
Attorney Lisa Young
Supervisor Richard Celmer

Joanne Guth
Robert Korp
Richard Semmel
Planning Administrator Jane Kelly

Minutes of the, February 25, 2014 meeting were approved as presented.

1. **Gross Minor Subdivision** – Sketch – Project # NWT-14-011, AR Zone, 3 Lot Minor Subdivision, 5125 Pine Street, 5560 9177 0373. Plan was presented by Mike Gula; Lehigh Engineering and property owner John Gross and his daughter Julie Gross.

- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated April 16, 2014.
- b. Zoning Officer's review is contained in his letter dated April 11, 2014.
- c. Sewage Enforcement Officer's review is contained in his letter dated April 7, 2014.
- d. The property is located to the west of Bellview Place.
- e. Mr. Gross has proposed to subdivide a lot off the main parcel for his daughter and to subdivide the farmhouse, which is currently rented out, in order to recoup some of his investment.
- f. The access to lot 3 has been proposed to be from Greentrail Drive.
- g. There are no intentions of extending Greentrail Drive or subdividing the remaining tract on lot 2.
- h. Lot 2 is proposed to remain in ACT 319. The applicant has no plans to develop Lot 2 further; however the township needs to be aware of the potential for the addition of a home or further subdivision in the future.
- i. A survey is proposed to be completed and all existing buildings will be shown on lot 1.
- j. The Planning Commission members suggested increasing the size of lot 1. The proposed size is not compliant with the number of outbuildings. A larger size will allow for the existing structures, otherwise if any were to be damaged or destroyed, they could not be rebuilt under the current code.
- k. **Planning Commission member Richard Semmel** questioned the location of existing septic system and well on lot 1? Project Engineer Mike Gula stated the survey will locate both of these items.
- l. **Planning Commission member Leonard Nuss** suggested lengthen Greentrail Drive, maybe adding a snowplow easement.
- m. **Planning Commission Vice Chairman Bruce Stettler** questioned water hook-up. Both the PC and Applicant commented an expectation of being required to hook-up with NBMA.
- n. **Township Solicitor Lisa Young** suggested zoning relief might be needed for frontage, due to Greentrail Drive.
- o. **Supervisor Richard Celmer** questioned the liability of the pond. He suggested removing the pond if it is no longer being used.
- p. The Planning Commission members suggested the roadway frontage be extended to the full frontage of the property of the proposed lot 2.

2. **Tex Smokin' Bar-B-Q Special Exception-** Project #NWT-14-012, 3524 Route 309, PC Zone, 5468 6565 7629, Requesting to allow a Mobile Food Vendor. The applicant was not present to present the plan.

- **Supervisor Richard Celmer** stated the application states the vendor is only open weekends, and there are no facilities on the property, but Supervisor Celmer states there is a job-johnnie on the property. Is this all sanitary? Supervisor Celmer also stated the wood burning can create smoke. There are issues with this site and are the issues being shared with the property owner, the funeral home?
- **Planning Commission member Joanne Guth** questioned the smoker that was moved back, how far back was it moved? Joanne is in favor of food vendors as long as they are not hurting their neighbor as this particular vendor appears to be doing with the smoke. Joanne is also questioning the taxes, is the vendor paying taxes as other businesses do?
- **Planning Commission Vice Chairman Bruce Stettler** has two issues, are food vendors allowed anywhere in North Whitehall Township and the smoke, how do you handle the smoke, there is too much smoke.

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- **Planning Commission Chairman Brian Horwith** stated Tex's Smokin' Bar-B-Q is appealing the nuisance violation for excess smoke and mobile food vendor and questioned why they are appealing an apparent fact. Also, the parcel in question is subject to limitations imposed by a prior zoning variance. Does this use contradict what has been approved for the funeral home operations?
- **Planning Commission member Leonard Nuss** stated the lot that is being used for the Tex Smokin' Bar-B-Q stand was approved for extra parking for the funeral home, not for a food vendor. Leonard also stated the smoke is a nuisance to neighbors, the businesses and a hazard to the traffic along Route 309. Leonard also commented on the handicap ramp, why was the smoker parked on the ramp and now the ramp is stained.
- **Planning Commission member Robert Korp** suggested a parking demonstration is completed showing the required spaces needed for the funeral home. Robert also commented on the odor coming from the smoker at 7am on a Friday morning.
- **Township Manager Jeff Bartlett** stated the Township has no Zoning Ordinance to allow for mobile food vendors. Previously the Applicant continuously secured temporary 30 day permits. Jeff also stated that in 2009 there was a Zoning Variance for the funeral home property. The following conditions were attached to the approval, 45 parking spaces, flashing lights for the pedestrians to cross Shankweiler Road, (which have not been installed), right in and right out and no parking on the east side of Route 309. Tex Smokin' Bar-B-Q moved to this location in July 2012. Jeff also stated the smaller smoker that was in the sight triangle along Route 309 was removed. Three previous violation letters were sent to this property regarding this issue before the cease and desist order.

Comments from the floor:

- **Paul Mantz, 1602 Clearview Road, Coplay**, questioned a vendor's license and the Township's burning ordinance? **Township Manager Jeff Bartlett** stated the Township does not have a mobile food vendor license and a solicitor/peddler's permit is only for 30 days. Jeff stated the Township burning ordinance is for your own property and not for food service.
- **Mark Hills, 5149 River Drive, Laurys Station**, questioned how other food vendors are handled such as the one along Mauch Chunk Road? Mr. Hills also questioned if Tex can smoke offsite and he also agrees the intersection at Route 309 and Shankweiler Road has been fogged out often. **Township Solicitor Lisa Young**, responding to the Mauch Chunk Road site, stated if they are smoking their own products bought at the farm stand, this might be a different issue.

Bruce Stettler motioned to send an unfavorable recommendation to the Zoning Hearing Board, the motion was seconded by Robert Korp, all others agreed.

3. Comprehensive Plan & District Review

- PC members collectively commented that the commission previously did an extensive review of zoning districts, and offered recommendations, but nothing has happened to move on the recommendations
 - Township Manager Jeff Bartlett suggested a joint meeting between the Board of Supervisors and the Planning Commission to discuss the changes to the Comprehensive Plan and the Zoning Districts.
 - The PC needs to review the prior year's minutes and compile a comprehensive recap of the recommendations
 - The compiled list will be reviewed and the suggested changes noted for the joint meeting.
 - Township manager Jeff Bartlett will have the Township Engineer Steve Gitch compare the Comprehensive Plan Map and the current Zoning Map.
 - **Any other items that may be discussed at the discretion of the Planning Commission**
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Bruce Stettler motioned to adjourn, Leonard Nuss seconded, all others agreed

Meeting Adjourned: 9:25pm.
Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township