

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

PLANNING COMMISSION MINUTES OF SEPTEMBER 27, 2011

Meeting brought to order at 7:30 p.m., on Tuesday, September 27, 2011 by Chairman Richard Celmer.

Attendance:

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

Minutes of the August 23, 2011 meeting were approved as presented.

Scenic Vistas-Revised Final- NWT-10-017-Major Subdivision, 15 lots, 1214 Clearview Road, 18.285 acres, AR zone, Parcel ID 5580 5712 7438, 90-Day Deadline starts 9/27/11, 90-Day Deadline 12/25/11. Tony Ganguzza, TMG Consulting Engineers, presented the plan.

- a. Keystone Engineers have reviewed the plan and offered their comments and recommendations in a letter dated September 21, 2011.
- b. Zoning Officer's review is contained in his letter dated September 22, 2011.
- c. Sewage Enforcement Officer's review is contained in his letter dated September 22, 2011.
- d. Traffic Engineer's review is contained in his letter dated September 19, 2011.
- e. The revised plan was submitted showing two additional lots subdivided from lot 1.
- f. The proposed lot 1 was previously submitted at 5.126 acres; it is now proposed to be 1.588 acres with lot 14 being .923 acres and lot 15 now 1.187 acres.
- g. Lot 6 has also changed, originally proposed at .920 acres and is now proposed to be 2.4 acres.
- h. Lot 6 will include a rain garden to be maintained by the lot owner.
- i. The original approval from LCCD was received on 6/6/11, but the developer is now going back for revision approval.
- j. Soil testing was approved for proposed lots 14 and 15.
- k. **Planning Commission member Jeff Johnson** commented on the rain garden, who is responsible for maintenance of the rain garden? Tony Ganguzza stated the homeowners on proposed lots 6 and 15 would be responsible for maintaining the rain gardens.
- l. **Planning Commission member Jeff Johnson** suggested putting a note on the plan regarding the maintenance and the responsibility of the rain gardens.
- m. **Planning Commission member Leonard Nuss** stated the problems will occur once a home is sold and the owners are not informed of their responsibilities with the rain gardens. Leonard also questioned if the piping is inspected when the rain garden is installed.
- n. **Are the utilities going in correctly, such as rain gardens, infiltration pits and the piping systems, can they be checked during the permit process? This suggestion was made to be sent to the Board of Supervisors as a request to insure mandatory inspections of utilities.**
- o. **Supervisor Jerry Joseph** questioned the septic areas, on the proposed lots 14 and 15, what now makes their septic systems viable? Tony Ganguzza stated these proposed lots are using a drip system, which is an alternate septic design, compared to the sand mound designs on the other proposed lots.
- p. **Supervisor Joseph** questioned if the rain gardens would have a fence around them? Mr. Ganguzza stated lot 6 would be required due to the steep slopes, but lot 15 would not because it would be very shallow. The detention basin will have a fence around it.
- q. Many of the Planning Commission members were concerned with the homeowners maintaining the rain gardens.
- r. **Attorney Lisa Young** stated the Township has the ability to go on the property to clean up the basins and bill the homeowner. If they do not pay maintenance costs the Township will lien the property.
- s. **Planning Commission Vice Chairman Brian Horwith** questioned what changed to get the plan resubmitted. Tony Ganguzza stated new septic testing was completed and approved, allowing two additional lots.
- t. **Planning Commission Chairman Rich Celmer** commented on the proposed lots 14 and 15 along Egypt Road; the location of the driveways are very steep and in fact the entire site is very steep with a lot of earth moving and concern about soil erosion.

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Comments from the Floor:

Brad Petrohoy, 4726 Shankweiler Road, Orefield, questioned if some of the detention ponds could be made smaller with rain gardens? Mr. Petrohoy also questioned what size pipe is being used and is it being installed below the frostline? He would also like to know who is going to educate the homeowners on the rain gardens, maybe an article can be put on the Township website or in the Township newsletter.

Mark Hills, 5149 River Drive, Laurys Station, suggested at the closing of sale a homeowner receives a brochure on rain garden maintenance.

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 September 21, 2011.
2. Developer shall address the Zoning Officer's comments as set forth in his review letter dated September 22, 2011.
3. Developer shall address the Sewage Enforcement Officer's comments as set forth in his review letter dated September 22, 2011.
4. Developer shall address the Traffic Engineer's comments as set forth in his review letter dated September 19, 2011.
5. All drafting errors noted on the Utility and Stormwater Profile Plans shall be corrected.
6. The top grate elevation of the inlet I-35 shall be set at 6" lower to capture the roadside swale stormwater flow along the western side of Egypt Road as noted in final plan review comment #5 in Keystone Consulting Engineers letter.
7. A note shall be added to the plan regarding rain gardens and stormwater infiltration pits and the entity responsible for them.
8. Grading plans shall be submitted with individual lot permits regarding the steep slopes on the proposed lots.
9. A note shall be added to the plan regarding sight distance. The Township should require an appropriate restriction to ensure that houses are not occupied before the Township verifies that the required sight distance has been obtained for the applicable driveway or street. Verification should take into account the establishment of vegetation on the cutback slopes.
10. The Sewage-Planning Module shall be submitted to the Township for review.

Brian Horwith motioned to send a favorable recommendable, Jeff Johnson seconded, John Barto III abstained because he was not present for the entire presentation, all other agreed.

Community Fire Company #1 of North Whitehall Township – Request for Amendment of North Whitehall Township Zoning Ordinance of 2002 108E, Request for Amendment of Zoning Ordinance Section 202 and 306B.

Atty Lisa Young stated there is a pending action filed by the Schnecksville Fire Co. with the Zoning Hearing Board; no action has been taken. The Board of Supervisors has tabled their discussion on this item pending the outcome of the Zoning Hearing Board.

Planning Commission Chairman Rich Celmer asked the Planning Commission members their opinion on the matter; did they want to hear a presentation from the parties involved while still unresolved with the Zoning Hearing Board?

Supervisor Jerry Joseph stated the Board of Supervisors tabled their discussion until the Zoning Hearing Board rendered a decision to avoid influencing any decision of the Zoning Hearing Board.

Planning Commission Chairman Rich Celmer stated a recommendation would not be made to influence the Zoning Hearing Board.

Planning Commission Vice Chairman Brian Horwith questioned whether anyone asked for the Planning Commission's input. What might a Zoning Hearing Board member hear tonight that they should not?

Planning Commission member John Barto III stated the Planning Commission agenda is always open to "any other items that may be discussed at the discretion of the Planning Commission".

Planning Commission member Leonard Nuss stated that no matter what we do nothing will be done until after the Zoning Hearing Board makes their decision.

Planning Commission member Brian Horwith stated the Planning Commission makes recommendations all the time that are not followed.

Planning Commission member Joanne Guth questioned why the Zoning Hearing Board has held off from making a decision?

John Barto III motioned to hear what that Schnecksville Fire Co. has to say, Joanne Guth seconded, a vote was taken, Jeff Johnson and Supervisor Jerry Joseph were against the motion, Bill George, Brian Horwith, Rich Celmer, John Barto III, Joanne Guth, for the motion, Leonard Nuss abstained. 5-yes, 2-no, 1-abstained, motion carried.

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Atty Steve Strack; Steckel & Stopp and Ricky Harring made the presentation on the Schnecksville Fire Co. request for Amendment for Zoning Ordinance Section 202 and 306B.

The Schnecksville Fire Co. currently has a notice of violation for operating a racetrack. The racetrack has been in operation since 2007 and is used for quarter midget racing. This has been a permit by right and publicly owned recreation.

In 2010, the Fire Company was before the Township for a Lot Line Adjustment and the racetrack was shown in the summary of accessory of uses, no questions were raised at that time.

The new proposed Ordinance would not only benefit the Schnecksville Fire Co, but all Township Fire Companies. The Township Ambulance Corp. could also be added to the Ordinance.

Planning Commission member Jeff Johnson stated someone that is currently in the audience, Samantha Neas, questioned the racetrack during the lot line adjustment.

Samantha Neas, 4410 Route 309, Schnecksville, stated she did question the racetrack at the lot line adjustment hearing, but she never put in an official complaint form because of her husband's employment with the Township.

Planning Commission member John Barto III questioned the status of the racetrack season? Atty Strack stated the current racetrack season has been completed. Mr. Barto also stated that people have approached him asking that the racetrack not be closed; this is something for the kids of the community.

Planning Commission Vice-Chairman Brian Horwith stated the Planning Commission should be aware of what is going on in the community.

Planning Commission member Joanne Guth questioned what is the problem with the racetrack; is it the noise, the fumes and/or the dust?

Supervisor Jerry Joseph stated he doesn't care if this is a racetrack, as long as it is legal; currently they are not allowed by the Ordinance.

Mark Hills, 5149 River Drive, Laurys Station, questioned why Mr. Johnson can speak at the meeting when he is the primary person who started these proceedings.

Mike Garriss, 5061 Shankweiler Road, Orefield, questioned the Proposed Revised Ordinance, will it changed the Tax status for the Fire Companies?

Charles Horwith, 2560 Neffs Laurys Road, Schnecksville, suggested including all non-profits if you are changing the Ordinances, such as youth associations, churches, and playground association.

Ron Roth, 5353 Route 309, Schnecksville, stated a midget racecar makes less noise than a lawn mower.

Brian Horwith motioned to table the discussion on the proposed amendment to the Ordinance, John Barto III seconded, Leonard Nuss opposed, all others agreed.

➤ **Any other items that may be discussed at the discretion of the Planning Commission**

Supervisor Jerry Joseph questioned if the Planning Commission feels it is their duty to point out something on a plan that is illegal.

Planning Commission member John Barto III stated if we are aware it is illegal, yes, we should point it out.

Planning Commission Vice-Chairman Brian Horwith stated we as a board rely on our outside agencies for comment.

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

Meeting Adjourned: 10:15
Jane K. Kelly
Recording Secretary
Planning Administrator
North Whitehall Township